

Erection of 130 affordable dwellings with associated infrastructure, public open space and landscaping, installation of four allotments and demolition of existing dwelling

Report Item No  
A1

Land To The Rear Of Jackson Street And Wentworth Road  
Coalville Leicestershire

Application Reference  
19/00675/FULM

Grid Reference (E) 441953  
Grid Reference (N) 313929

Date Registered:  
30 April 2019

Consultation Expiry:  
31 December 2019

8 Week Date:  
30 July 2019

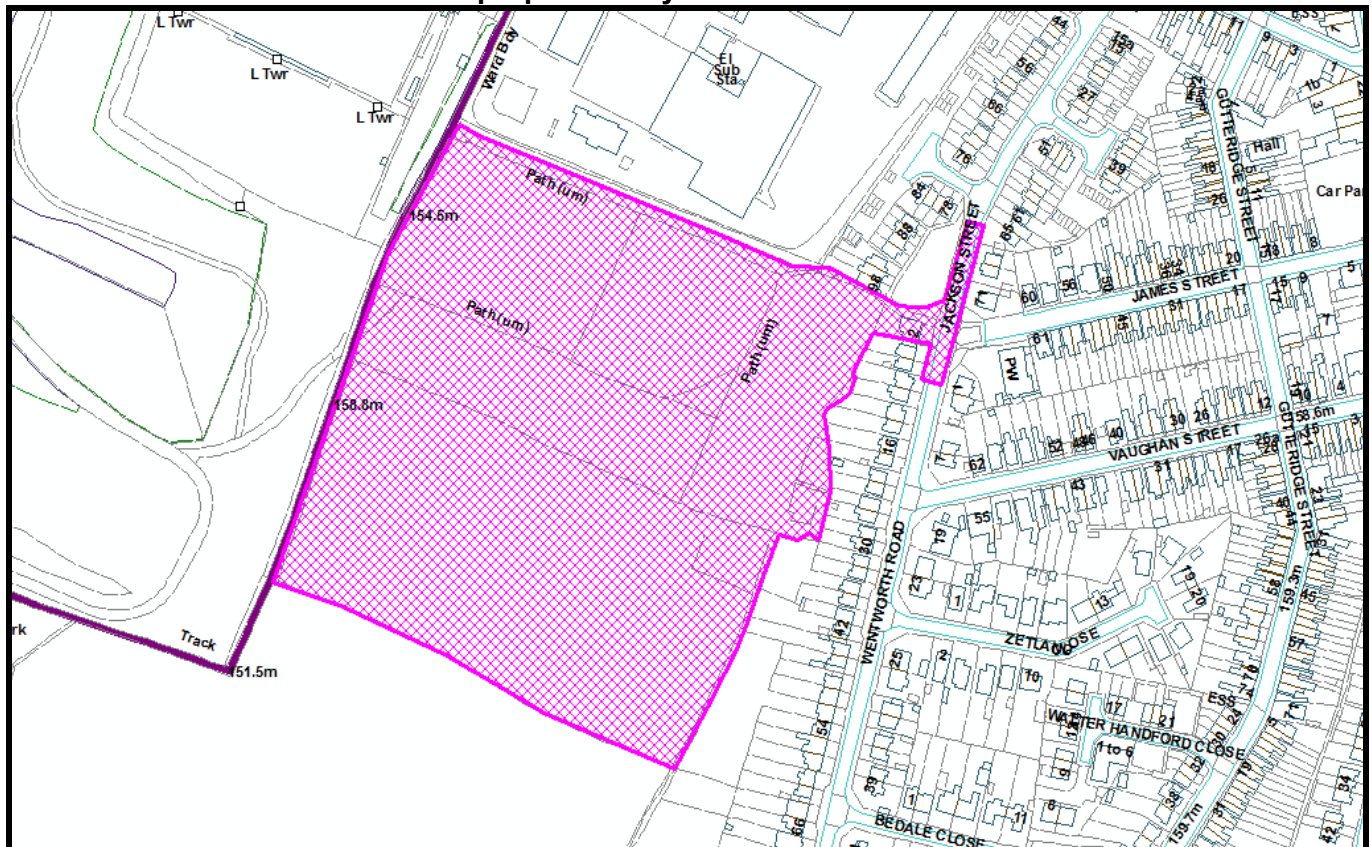
Extension of Time:  
28 February 2020

Applicant:  
Mr Deakin

Case Officer:  
James Knightley

Recommendation:  
PERMIT subject to S106 Agreement

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



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

### **Call In**

The application is referred to the Planning Committee for determination at the request of Councillor Geary.

### **Proposal**

This is a full application for the erection of 130 affordable dwellings and associated development, and including the demolition of an existing dwelling in order to provide site access.

### **Consultations**

Whilst all technical matters raised by statutory consultees have been resolved, Leicestershire County Council has advised that, in the absence of the provision of developer contributions as set out in more detail within this report, it would object to the scheme; more detailed discussion on this issue is set out within the main report below.

### **Planning Policy**

The application site lies within Limits to Development as defined in the adopted North West Leicestershire Local Plan and is also identified as a site with planning permission for housing under Policy H1.

### **Conclusion**

The principle of development is considered acceptable, given its identification for residential development in the adopted Local Plan and, subject to the imposition conditions, has the potential to provide for an acceptable form of design. Whilst the proposed scheme would not provide for all requested developer contributions, it is considered to make adequate provision overall for the infrastructure necessary to support the development. No objections on technical grounds are raised by other statutory consultees and, on balance, the scheme is considered acceptable.

## **RECOMMENDATION:-**

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

## MAIN REPORT

### 1. Proposals and Background

This is a full application for the erection of 130 affordable dwellings on a site of 5.82 hectares to the rear of existing dwellings on Jackson Street and Wentworth Road, Coalville. The site is vacant / "scrub" used for informal recreation routes; part of the site was previously used as allotments, but these have now been removed. The site is also adjacent to land in agricultural use, the Coalville Business Park, Snibston Country Park and the Owen Street sports ground.

The site previously had the benefit of outline planning permission for up to 130 dwellings issued in October 2015 (ref. 12/00688/OUTM); whilst a reserved matters application was subsequently submitted within the one year period for submission of reserved matters specified in the outline permission (15/01111/REMM), this was withdrawn in July 2017. The outline planning permission has in effect now expired, therefore.

Vehicular access is proposed by way of demolition of the existing dwelling to 2 Wentworth Road, and including alterations to the existing priority arrangements; demolition of that dwelling has previously been the subject of a prior notification submission to which no objections were raised by the Local Planning Authority (ref. 19/00968/DEM).

### 2. Publicity

122 Neighbours have been notified.  
Site Notice displayed 30 May 2019.  
Press Notice published Leicester Mercury 22 May 2019

### 3. Summary of Consultations and Representations Received

**Leicestershire County Council Archaeologist** has no objections

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

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

**Leicestershire County Council Library Services** requests a financial contribution in respect of libraries of £3,710

**Leicestershire County Council Local Education Authority** requests a financial contribution in respect of the primary school sector of £507,801.60, a financial contribution in respect of the secondary school sector of £346,258.12, a financial contribution in respect of the post 16 sector of £74,022.41, and a financial contribution in respect of the special school sector of £65,480.18

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

**Leicestershire County Council Waste Management** requests a financial contribution in respect of civic amenity of £8,499

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

**Leicestershire Police** makes a number of recommendations in respect of reducing the opportunities for crime

**National Forest Company** has no objections overall, but suggests some alterations to the scheme, including in respect of proposed landscaping and children's play

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

**North West Leicestershire District Council Leisure Services** requests a contribution in respect of sports pitches of £60,770, a contribution in respect of allotments of £30,336 and a contribution in respect of children's play of £135,217.98

**North West Leicestershire District Council Strategic Housing team** has no objections

**North West Leicestershire District Council Waste Services Team** – no comments received

**Severn Trent Water** – no comments received

**University Hospitals of Leicester NHS Trust** requests a financial contribution in respect of healthcare of £49,159

### **Third Party Representations**

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

#### *Transportation / Highways*

- Increased traffic / congestion and associated pollution
- Adverse impact in terms of highway safety
- Transport Assessment not robust
- Alternative access should be considered
- Loss of on-street parking space
- Yellow lines should be provided to Jackson Street / Wentworth Road
- Increased traffic will cause issues for HGVs accessing Coalville Business Park
- Applicants control insufficient land to form the proposed access
- Rights of Way should be protected

#### *Landscaping and Open Space*

- Hedgerows and trees were previously removed from the site
- Loss of habitat and biodiversity
- Loss of green space
- Loss of allotments
- Insufficient green space proposed as part of proposals
- Proposed open space needs to be maintained

*Amenity Issues*

- Overlooking
- Noise
- Antisocial behaviour
- Footpath will become a motorcycle track
- Future residents could complain about noise from Coalville Business Park
- Properties closest to existing dwellings should be single storey
- Additional landscaping should be provided at site boundary

*Other*

- Housing should be provided on brownfield sites
- Insufficient time provided for comment
- Insufficient infrastructure (including in respect of healthcare, education and childcare)
- Adverse impact on security of existing properties
- Flood risk
- Existing watercourse needs to be cleared
- Occupiers of affordable housing will not contribute to regeneration of the town centre
- Loss of view
- Loss of property value
- Disruption during building works
- Safety issues associated with building sites

#### **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)

Paragraph 34 (Plan-making)

Paragraphs 47, 54, 55, 56 and 57 (Decision-making)

Paragraphs 59, 62, 64, 73 and 76 (Delivering a sufficient supply of homes)

Paragraphs 91, 92, 94, 96, 97 and 98 (Promoting healthy and safe communities)

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

Paragraphs 122 and 123 (Making effective use of land)

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

Paragraphs 155, 158, 162, 163 and 165 (Meeting the challenge of climate change, flooding and coastal change)

Paragraphs 170, 175, 178, 180 and 181 (Conserving and enhancing the natural environment)

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

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

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

The application site lies within Limits to Development as defined in the adopted Local Plan and is also identified as a site with planning permission for housing under Policy H1 (site H1e). The following adopted Local Plan policies are considered relevant to the determination of this application:

Policy S1 - Future housing and economic development needs  
Policy S2 - Settlement Hierarchy  
Policy D1 - Design of new development  
Policy D2 - Amenity  
Policy H1e - Housing provision: planning permissions  
Policy H4 - Affordable Housing  
Policy H6 - House types and mix  
Policy IF1 - Development and Infrastructure  
Policy IF3 - Open Space, Sport and Recreation Facilities  
Policy IF4 - Transport Infrastructure and new development  
Policy IF7 - Parking provision and new development  
Policy En1 - Nature Conservation  
Policy En3 - The National Forest  
Policy En6 - Land and Air Quality  
Policy He1 - Conservation and enhancement of North West Leicestershire's historic environment  
Policy Cc2 - Flood Risk  
Policy Cc3 - Sustainable Drainage Systems

### **Other Policies**

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

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

Leicestershire Highway Design Guide (Leicestershire County Council)

Planning Obligations Policy (Leicestershire County Council)

## **5. Assessment**

### **Principle of Development**

Insofar as the principle of development is concerned, and in accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the development plan which, in this instance, includes the adopted North West Leicestershire Local Plan.

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".

As set out above, the site previously had the benefit of outline planning permission issued in October 2015 (ref. 12/00688/OUTM) but this has now expired. However, the site is also the subject of Local Plan Policy H1 which provides that "The following sites have the benefit of planning permission for housing development. In the event that planning permission lapses on these sites it will be renewed subject to the policies of this Local Plan and any other material considerations including any evidence in respect of deliverability of any particular site..." The site (H1e) is identified as having a capacity of 129 dwellings (i.e. a net capacity having regard to the demolished property to 2 Wentworth Road).

As such, the development of the site for housing is considered acceptable in principle insofar as it is specifically identified in the Local Plan for this purpose. Nevertheless, any renewal is, under the policy, subject to the policies of the Local Plan as a whole (including, for example, those in respect of infrastructure provision), together with any other material considerations (and including any evidence in respect of deliverability).

Assessment of other matters considered material to the determination of the application are set out in more detail below.

### **Means of Access and Transportation**

The proposed scheme includes vehicular access via a new priority junction to Jackson Street / Wentworth Road, and formed following the demolition of 2 Wentworth Road. Other access into the site would be provided via pedestrian links from footpath / bridleway N94, which runs along the western boundary of the site, and which incorporates a section of National Cycle Route 52.

The application is accompanied by a Transport Assessment which assesses the sustainability of the site in terms of its accessibility to services, and how well it is served by public transport and other means of sustainable travel. It is agreed that the eastern part of the site in particular is well related to the town centre (and its associated facilities and public transport services), and is also well-connected in terms of pedestrian and cycle routes.

For its part, the County Highway Authority had raised concerns about the submitted layout (including the need to alter the location / extent of bends and proposed speed control measures), and had also requested a significant amount of additional supporting technical information. That further supporting information has now been submitted (including, in particular, modelling data relating to the impacts on the Belvoir Road / Marlborough Square mini-roundabout, together with data in respect of the impacts on nearby pedestrian crossings). The County Highway Authority has now had an opportunity to assess this information, and its advice is as set out in more detail below.

The County Highway Authority notes that the applicant's TRICS assessment has been based on privately owned houses; given the proposed affordable tenure of the scheme, the County Highway Authority considers that the scheme would be likely to give rise to a higher level of pedestrian trips than as suggested in the submitted details. As such, the County Highway Authority requires the implementation of a scheme of pedestrian improvements, and recommends the attachment of a condition in this regard.

In terms of the scheme's impacts on the wider network (and including existing junctions in the vicinity of the site), the County Highway Authority advises as follows:

Belvoir Road / Ashby Road / High Street signalised junction (Memorial Square):

Following the re-running of modelling to accurately reflect the length of pedestrian crossing phases at the junction, this identifies that in the future assessment year of 2026, the junction would have a further reduced Practical Reserve Capacity (PRC) than as outlined in the submitted Transport Assessment; the County Highway Authority requires contributions towards the installation and / or validation of Microprocessor Optimised Vehicle Actuation (MOVA) (a traffic signal optimisation system) at the junction.

Belvoir Road / Jackson Street priority junction:

The junction would be expected to continue to operate within capacity, and specific mitigation is not considered necessary.

Belvoir Road / Vaughan Street priority junction:

The junction would be expected to continue to operate within capacity, and specific mitigation is not considered necessary.

Belvoir Road / Marlborough Square mini-roundabout:

The inclusion of the impacts of pedestrian movements (see above) in respect of this junction reduces the assessed capacity of the Belvoir Road south (northbound approach) arm. Whilst the maximum Ratio of Flow to Capacity (RFC) would, with the development, increase to 0.82 in the 2026 scenario, a value of 0.85 is typically seen as the practical capacity, and the County Highway Authority therefore advises that the junction would be expected to continue to operate within capacity, and that specific mitigation would not be necessary.

In terms of the wider network, the County Highway Authority advises that, in order to mitigate for the development's impacts along the A511 corridor, a contribution towards the Coalville Transportation Infrastructure strategy would be required, and considers that a contribution of £624,000 (equivalent to £4,800 per unit) would be an appropriate figure, commensurate with contributions secured elsewhere towards the mitigation required along the corridor to accommodate the wider growth. In January 2013, the District Council's Cabinet considered a report in respect of Delivering Growth and Prosperity in Coalville, and which set out proposals to prioritise highways infrastructure contributions in Coalville above affordable housing contributions given the need for significant transportation infrastructure to be provided so as to enable otherwise stalled development to be delivered (and which subsequently resulted in the adoption of the District Council's *Priorities for Developer Financial Contributions for infrastructure provision relating to Major Residential Development Proposals in and around Coalville* policy); the sum suggested by the County Highway Authority would fall within the range of potential contributions set out in that report (i.e. between £4,419 and £4,884 per dwelling).

The applicant has agreed to make this contribution; as set out in more detail under Viability and Developer Contributions below, whilst the applicant had previously advised that this was the only financial contribution it proposed to make (albeit it had also indicated that it would be content for the Local Planning Authority to direct this contribution (or part of it) towards other infrastructure), it confirms that this figure is now intended to specifically relate to this element of infrastructure.



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

- Submission / approval of a construction traffic routeing agreement
- Travel Packs (one per dwelling) to inform new residents from first occupation what sustainable travel choices are available in the surrounding area (these can be provided by the County Council if required at a cost of £52.85 per pack);
- Two six-month bus passes per dwelling to encourage new residents to use bus services as an alternative to the private car to establish changes in travel behaviour (these can be provided by the County Council if required at an average cost of £360 per pass (approx.));
- Raised kerb provision at the two nearest bus stops on Highfield Street (£3,500 per stop) to support modern bus fleets with low floor capabilities
- Provision of information display cases at the two nearest bus stops on Highfield Street (£120 each);
- Provision of a flag and pole at each of the two nearest bus stops on Highfield Street (£170 each);
- STARS (Sustainable Travel Accreditation and Recognition Scheme) monitoring fee (£6,000);
- Contribution towards the provision of a Traffic Regulation Order (TRO) in order to facilitate the provision of waiting restrictions in the vicinity of the site access (£7,500); and
- Contributions towards the installation and / or validation of Microprocessor Optimised Vehicle Actuation (MOVA) at the Memorial Square junction (£10,000) (or £2,000 contribution towards validation if MOVA already installed prior to first occupation).

The County Highway Authority has also requested the imposition of a number of conditions (and including in respect of the implementation of a number of pedestrian improvement works as proposed by the applicant's transportation consultants; the works proposed include the provision of dropped kerbs and tactile paving on Jackson Street at its junctions with Owen Street, the entrance to the Coalville Business Park, and the cul-de-sac section of Jackson Street). Subject to the imposition of the recommended conditions, and subject to the above Section 106 obligations being secured, the County Highway Authority raises no objections to the application.

The applicant now confirms its agreement to the above contributions, albeit subject to a maximum bus pass contribution of £46,800 (which would represent 50% of the maximum total that would be payable in the event that each of the 130 dwellings were to be provided with two passes). Whilst this would not comply fully with the County Council's requirement in this regard, it is understood that, in practice, the take-up rate of bus passes tends to be some way below the 50% figure, so the maximum total payable would in any event be likely to be below the £46,800 agreed by the applicant. On this basis, it is considered that, when having regard to the wider viability issues, this limitation would be acceptable in this instance.

As set out above, footpath / bridleway N94, which runs along the western boundary of the site, and to which pedestrian connections are proposed to be made. In terms of the amenity impacts on the right of way, it is considered that the development of the site in itself would, inevitably, have some adverse implications on the currently undeveloped character of this part of the route. However it is accepted that some impacts will often be unavoidable when developing a greenfield site, and it is also considered that, notwithstanding the presence of this new built development, the right of way would continue to provide a pleasant non-vehicular route.

### **Flood Risk and Drainage**

The application is accompanied by a Flood Risk Assessment (FRA), updated during the course of the application. This confirms that the site lies within Flood Zone 1, and the site is therefore considered suitable for development in principle (and in flood risk sequential terms, would meet the requirements of the NPPF). It is also noted that, as (in effect) an allocated site, application of the sequential test should not be necessary (NPPF Paragraph 162).

In terms of other sources of flooding, the FRA confirms that the site is not at risk of flooding in terms of overland flow, is subject to a very low risk of flooding from surface water, at low risk of flooding from groundwater, at no quantifiable risk of flooding from manmade lakes within the topographical catchment of the site, and at negligible risk of flooding from the existing sewerage network or from its own private drainage connections.

In terms of the proposed means of drainage, the application documents indicate that the proposed development's surface water drainage would be provided in new below-ground gravity sewers constructed within the proposed development internal roads with surplus flows being attenuated using cellular tanks below the shared driveways and oversized piped to a detention basin, and that the proposed surface water runoff rate would be restricted to the existing QBar (i.e. the mean annual maximum flow) greenfield runoff rate. Surface water would then be discharged (via the existing sewer network) into the watercourse.

In terms of the appearance of the proposed SuDS features, the submitted details indicate that the proposed balancing facilities would have internal gradients of no steeper than 1:3 (and, as such, would have the potential to comply with the District Council's Good Design for North West Leicestershire SPD which seeks to avoid steeply-sided basins that require fencing, thus preventing them from becoming a useable part of the public open space network); the applicant has confirmed that no safety fencing would be required. Insofar as other details of the proposed SuDS features are concerned, the submitted details appear to indicate what are considered somewhat harshly designed headwalls, grills and railings; the District Council's Good Design for North West Leicestershire SPD requires that careful attention be afforded to the "softer" design of such features. Amended designs of these features have been requested, but the applicant advises that, as the headwalls are proposed to be adopted, the developer is unable to change them; whether or not the adopting body has a preference for equipment of a more "utilitarian" design in this instance is not however considered directly relevant to the planning issues. For its part, the Lead Local Flood Authority raises no objections to the proposals.

Insofar as foul drainage is concerned, it is proposed that foul drainage would be conveyed via new gravity sewers connecting into the existing Severn Trent Water foul sewer running parallel to Jackson Street; no comments have been received in respect of the proposals from Severn Trent Water.

Subject to the resolution of the SuDS design issues set out above (including the appearance of the headwalls), therefore, the scheme is considered acceptable in terms of flood risk and drainage issues.

## Ecology

The application is accompanied by an Ecological Appraisal Report, updated during the course of the application. This identifies that the closest statutorily designated sites of nature conservation interest to the application site are approximately 90m and 750m from the site (being the Snibston Grange Nature Reserve and the Nature Alive Local Nature Reserves / candidate Local Wildlife Sites respectively); no other statutory sites are located within 1km of the site. Insofar as non-statutory designations are concerned, the appraisal identifies two Local Wildlife Sites within 1km of the site (the Coalville Scrubby Grassland and Snibston Discovery Park candidate Local Wildlife Sites, located 250m and 380m respectively from the site).

The site itself contains a range of habitats, identified within the Ecological Appraisal Report as including: species-poor semi-improved grassland; broadleaved treelines / out-grown hedgerows; woodland, trees and scrub; and bare ground. It also includes the existing dwelling / garden to Wentworth Road, proposed to be demolished in order to provide the site access. The site is identified within the Appraisal as being of mostly low ecological importance, with features of ecological value (trees and linear treelines) being retained as part of the proposals where possible. It also suggests that loss of semi-improved grassland could be mitigated for as part of the proposed landscaping via the creation of areas of more species-diverse native grassland within public open space along the eastern boundary.

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

### Badgers:

The Appraisal confirms that no evidence of the presence of badgers was observed during the survey; whilst the Appraisal indicates that the semi-improved grassland field provides commuting and potential foraging resource for badgers, due to the extent of alternative and suitable linking habitats adjacent to the site, along the boundary treelines linking to Snibston Grange Nature Reserve, the Appraisal indicates that the site is likely to be part of a much larger badger territory and the proposals would not restrict the movement or significantly affect the availability of foraging resources locally. Given the presence of badger activity within the immediate area, however, the Appraisal recommends that an update survey be undertaken prior to the commencement of development.

### Bats:

The Appraisal identifies seven trees within the application considered to offer low potential to support roosting bats, six of which are indicated within the Appraisal as being retained. No evidence of bats within the existing dwelling proposed to be demolished (nor its associated garden shed) was found.

In terms of foraging and commuting habitat, the Appraisal indicates that the majority of the site comprises poor semi-improved grassland of limited value (albeit field margins could provide limited foraging opportunities), and that proposed landscaping would provide mitigation in this respect. Recommendations are also made in respect of external lighting.

### Great Crested Newts:

The Appraisal identifies that there is no suitable breeding habitat for Great Crested Newts within the site, and that on-site terrestrial habitats are sub-optimal and only likely to provide limited

foraging / resting place habitat. It indicates that a total of 14 waterbodies are present within 500m of the site, seven of which are unsuitable for use by Great Crested Newts, and that the remaining ones are surrounded by suitable supporting terrestrial habitat. Given the above and the sub-optimal nature of on-site habitats, the Appraisal states that the likelihood of Great Crested Newts using the site is negligible.

**Reptiles:**

The Appraisal identifies that there is limited suitable habitat to support a viable reptile population the site.

**Breeding Birds:**

Due to the limited diversity of grassland within the site, the Appraisal indicates that its loss would not have a significant impact upon local bird populations, and that proposed landscaping etc. would provide suitable nesting and foraging opportunities for a range of locally common bird species and species post-development.

**Biodiversity Enhancement**

The Appraisal suggests that the development of the site would result in a gain in value for wildlife by incorporating biodiversity in and around the development via the use of ecological enhancement measures. The measures recommended in the Appraisal include landscaping using native and ecologically valuable species, avoidance of non-native species, and inclusion of small gaps within garden fences to permit access for wildlife.

The submissions have been considered by Leicestershire County Council's Ecologist; the County Ecologist had raised objection in view of the age of the originally submitted bat survey but, following a recent re-survey, raises no objections subject to conditions. The scheme is therefore considered acceptable in terms of ecological issues, and would meet the requirements of Local Plan Policy En1.

**Historic Environment**

The site does not contain, nor is in close proximity of, any listed buildings or Conservation Areas. In terms of non-designated heritage assets, the application is accompanied by a Heritage Statement, and which draws on previously undertaken investigation work which concluded that the site had a low potential for significant archaeology, including a very limited potential for archaeological activity. This submitted Heritage Statement provides that the assessment does not identify any overriding heritage constraints that would prevent development or which would form a material consideration in detailing its design.

The previously approved outline planning permission was granted subject to a condition in respect of an archaeological Written Scheme of Investigation. However, the Heritage Statement refers to subsequent advice from the County Archaeologist indicating that no further archaeological investigations would be likely to be required; for his part the County Archaeologist confirms that, following a largely negative archaeological evaluation of the above site undertaken in 2015, the County Council has now reassessed the site's archaeological potential and considers that it is unlikely that the proposed development would impact upon significant archaeological remains. As such, the County Council has no further comments to make on the current scheme. The proposals would therefore be considered to provide for appropriate assessment of any matters of archaeological interest, and the requirements of Local Plan Policy He1 would be complied with.

### **Ground Conditions**

A geo-environmental site assessment and a coal mining risk assessment have been submitted with the application which provide an assessment of the site's ground conditions, and indicate that there are no impediments to the site's development in terms of contamination or general ground conditions. The District Council's Environmental Protection team raises no objections in terms of these issues.

### **Layout, Landscaping and Design**

Local Plan Policy D1 provides that the Council will support proposed developments that are well designed and as a minimum offer a good standard of design and that new residential development will, amongst others, need to perform positively against Building for Life 12. The District Council's Good Design for North West Leicestershire SPD detailed criteria that new residential developments are expected to comply with. The application is supported by a Design and Access Statement and a Building for Life 12 assessment setting out the applicant's proposals, and explaining the approach taken in terms of design; the applicant's Building for Life 12 assessment concludes that a "green" would be achieved under 11 of the 12 criteria (with an "amber" achieved under Public Transport).

The proposed development would provide for a total of 130 dwellings, equating to a gross site density of 22.3 dwellings per hectare. Paragraph 122 of the NPPF requires development to make efficient use of land; the density of the proposed development would, when having regard to the location of the development and the implications of meeting the District Council's design policies, be considered reasonable in this location.

The proposals have been the subject of extensive discussions with the District Council's Urban Designer both prior to and since the application's submission; the scheme has been assessed by the Urban Designer against the requirements of Local Plan Policy D1 and the District Council's Good Design for North West Leicestershire SPD, and a significant number of issues have been raised regarding the design quality of the scheme. Some of these have now been resolved to an acceptable degree; concerns remain in respect of a number of areas, however, and including the following:

#### **Connections:**

As set out under Means of Access and Transportation above, the scheme would provide for pedestrian connections to the public right of way to the western side of the site; a connection is also shown to the southern boundary (to a site with outline planning permission for residential development). Whilst the adjacent site only has the benefit of outline planning permission at this time, it would appear likely that a connection would more logically be provided more centrally along this boundary, but it is considered that this matter could be addressed by condition. Similarly, additional connections (to coincide with desire lines) would also be needed to the western right of way boundary.

#### **Character (including Elevations and Landscaping):**

Insofar as the means by which character is proposed to be introduced to the scheme, the elevations of the proposed dwellings are intended to be traditional in their nature, but are considered to be somewhat utilitarian in their execution in the sense that, whilst they seek to take a traditional form architecturally, they do not include the level of detailing and quality of

materials / finishes that, traditionally, such dwellings would have incorporated. As an alternative way of introducing character, therefore, the applicant has sought to adopt a landscape-led scheme instead (in effect, by seeking to use landscaping as an alternative means of delivering a scheme which will be "memorable"). Whilst this approach has been taken (and whilst it is proposed to secure the maintenance of the frontage hedges and trees by a management company (i.e. to ensure retention and consistency of maintenance / trimming etc.)), the extent of land dedicated to landscaping is considered to be somewhat limited and, as a result, the ability to achieve robust hedges and trees to help achieve a strong landscape character is considered to be compromised to a significant degree. In the absence of any proposals to provide additional space for landscaping to the dwelling frontages, it is considered that enhanced elevational treatment to dwellings not benefitting from adequate landscaping would be required.

#### Materials:

A range of brick types have been proposed which, whilst not of particularly high quality would, it is considered, be acceptable. At the time of preparing this report, an appropriate option in respect of roof tiles (and including tiles incorporating a thin leading edge) was awaited; this could be addressed by way of condition, however.

#### Levels / Retaining Features:

The site is fairly steeply sloping in some areas, and the way in which these level changes are addressed are considered important in terms of delivering the quality of design required under the District Council's policies. Some illustrative street scene section plans have been provided, but full levels details in respect of the most recent layout are not available at this time. In principle, it would appear that there would be no reason why an appropriate design solution could not be secured by way of condition (and, in particular, demonstrating where on site the significant levels changes would occur (e.g. between back gardens), and with particular attention being necessary to show how property threshold details would be dealt with (i.e. so as to not use, for example, slab on edge retaining structures to enable level access to front doors). One particular concern raised by the District Council's Urban Designer is in respect of a proposed series of terraced features designed to accommodate levels changes within the public open space in that there is concern that anti-fall barriers would be required, significantly reducing their usefulness as part of the public open space (as well as potentially having a somewhat odd appearance). The applicant has confirmed that the gabion baskets proposed to be used would be 0.5m high and, as a result, barriers would not be required (albeit the submitted sections would nevertheless appear to indicate that the height of the "steps" may be in excess of 0.5m).

#### Boundary Treatment:

The general distribution of boundary treatment types is considered generally acceptable; whilst the proposed use of timber close boarded fencing onto public or semi-public realm (including courtyards) is not permitted under the District Council's SPD, the breach of this principle to the rear of Plots 63 to 68 and to the parking courtyard for proposed flats (Plots 123 to 130) could, it is considered, be addressed by way of condition. The proposed close boarded fencing to the courtyard serving Plots 123 to 130 would also be immediately adjacent to public open space and, again, would not comply with the adopted SPD. Similarly, close boarded fencing is shown at either end of a safeguarded drainage easement (see Neighbours' and Future Occupiers' Amenities below); again, this would need to be the subject of condition to remedy this breach of the policy. Further details would also be required in respect of how level changes are resolved where walls step up / down, given the levels issues outlined above. Clarification is also awaited in terms of proposed means of enclosure to the parking courtyard serving two blocks of flats to the southern area of the site (Plots 123 to 126 and 127 to 130) in respect of the type of wall / fence proposed, and whether it is also a retaining structure given the likely levels changes in

this area.

**Block Structure:**

Rather than providing fully formed blocks, much of the development would be in the form of back garden-to-back garden type development, but with the sides of gardens abutting each end of the blocks; whilst this would not meet the approach promoted in the District Council's SPD, it is accepted that the approach taken is to a degree a factor of the need to address levels changes. The scheme also includes a broken perimeter block in the northern part of the site, with Plots 57 to 62 in effect in a courtyard within the block. This has resulted in the provision of parking spaces to the plots either side of the "punch through" access, contrary to the requirements of the SPD (section 5.1.5); the applicant is not agreeable to amending the scheme in this regard, however.

**SuDS:**

See Flood Risk and Drainage above.

**Others:**

Clarity has been sought over the siting of some bin collection points; again this issue could be dealt with by way of condition.

On the basis of the above, therefore, the applicant's conclusions that the scheme would secure 11 "greens" and 1 "amber" would not be concurred with and, in particular, the scheme as currently submitted would not be considered to achieve "greens" in respect of the categories of Connections, Public Transport, Character, Creating Well Defined Streets and Spaces, Car Parking, Public and Private Spaces and External Storage and Amenity Space. However, subject to the imposition of conditions, the majority of these would appear to have the potential to do so. Whilst there would be a number of remaining concerns which would not be able to be addressed by way of condition, and whilst these would clearly have an adverse impact upon the design quality of the scheme, the view is taken that, overall, the development would not be so weak in design terms as to warrant a refusal on this issue.

In terms of trees and landscaping, the application is accompanied by a Tree Survey, Arboricultural Impact Assessment, Method Statement and Tree Protection Plan identifying and categorising the existing trees on the site; a significant number of trees have previously been removed from the south eastern part of the site, and this included a range of trees identified in the Tree Survey as falling within Retention Categories B (moderate quality) or C (low quality).

In terms of other trees within the site and the impacts of the proposed development on them, the Tree Survey identifies a number of trees would need to be removed in order to accommodate the proposed scheme, and which include a central hawthorn hedge. This hedge is somewhat "gappy" in appearance, and is considered to make only a limited contribution to the site's amenity value (and is identified in the Tree Survey as falling within Retention Category C); from a design point of view, it is not considered that it would represent a particularly valuable opportunity for introducing character into the scheme. Whilst there would be a fairly substantial loss of trees in terms of quantity, it is accepted that, in terms of the *quality* of trees lost to the proposed development, this would be limited, and the scheme is, overall, considered acceptable in this regard.

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

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

In terms of future residents' amenities, the application is accompanied by a Noise Impact Assessment which identifies that the key noise sources affecting the site would be the football ground / training pitch to the north west (i.e. Coalville Town FC) and the commercial units to the north.

Insofar as the football ground is concerned, the Assessment indicates that activities associated with the football fields would result in a "moderate" effect at the proposed receptors but that, given that the predicted noise levels fall below noise criteria set out in BS8233:2014 ("Guidance on Sound Insulation and Noise Reduction for Buildings"), no mitigation measures are considered to be required.

In terms of noise associated with the adjacent business park to the north (and including the effects of vehicular movements associated with the use), the Assessment identifies a potential impact on proposed dwellings' garden areas in the northern part of the site and, in terms of mitigation required to address the impact, makes recommendations in respect of the use of 1.8m high acoustic barriers to the affected gardens. No objections on noise grounds are raised by the District Council's Environmental Protection team.

Insofar as the amenity impacts on neighbouring occupiers arising from the proposed development are concerned, it is noted that there are existing dwellings adjacent to the eastern parts of the site (Wentworth Road and Jackson Street). Insofar as these dwellings are concerned, it is noted that these are, for the most part, backing onto the development but, having regard to various constraints (including an existing drainage easement and watercourse) and the proposed siting of public open space and SuDS features, the proposed dwellings would not be located immediately adjacent to existing properties. Whilst the site is, for the most part, elevated in relation to existing properties on Wentworth Road, the eastern section is lower (i.e. where the watercourse passes through), and (whilst updated levels of the latest layout are awaited) the closest dwellings would appear likely to be erected at a similar finished floor level (FFL) as existing properties (albeit existing gardens would be lower, due to the site levels). In terms of separation distances, however, the usual minimum requirements would be comfortably met and, notwithstanding the impacts of elevated FFLs of the proposed closest dwellings (which would be single storey), and whilst they could present a slightly dominant appearance to the east given the levels issues, any material harm in terms of neighbours' amenities in respect of overlooking, overshadowing or overdominance of existing properties would be considered unlikely. It is considered that the treatment of the proposed drainage easement would need to be carefully considered in terms of its landscaping; whilst the range of planting options available is likely to be limited to some extent within the easement, an appropriate treatment of the side elevations of the proposed dwellings would need to be secured in order to soften the appearance of the development.

In terms of potential disturbance from vehicular movements to and from the site, it is noted that no. 4 Wentworth Road would, following the development, have a vehicular access road adjacent to its side elevation. Whilst there would be likely to be some impacts from this element of the proposals (and including in respect of side windows and the rear garden), there is no reason to suggest that this relationship would be any different to the impacts on any other dwelling on the corner of two roads, and undue harm to amenity of occupiers of that property would appear



unlikely, particularly if a more robust means of boundary treatment were to be installed to the side boundary of the dwelling's garden (and which would also normally be required from a design point of view). Insofar as 98 Jackson Street is concerned, this dwelling's garden currently abuts the pedestrian link accessing the site (and it has side windows) and, again, some impact from vehicular movements would seem likely. However, this dwelling would appear to be less affected than 4 Wentworth Road given their respective relationships to the proposed access, and the impacts would, it is considered, be very limited. Also, given the proposed alignment of the pedestrian route, this would take the walked route slightly further away from the side boundary of this dwelling's garden than at present.

Having regard to the relative siting of Plots 57 to 62 with Plots 63 to 68 (see Layout, Landscaping and Design above), the separation distances between the front windows of Plots 57 to 62 would appear fairly close to the backs of the rear gardens of Plots 63 to 68 (8.5m approx.). However, the relationship would not be considered to be so close as to be unacceptable in amenity terms.

As such, the scheme is considered acceptable in residential amenity terms, and would meet the requirements of Local Plan Policy D2.

### Housing Mix and Affordable Housing

In terms of housing mix issues, Local Plan Policy H6 requires a mix of housing types, size and tenure to meet the identified needs of the community, and refers to the need to have regard to the most up-to-date Housing and Economic Development Needs Assessment (HEDNA), and sets out the range of dwelling size (in terms of numbers of bedrooms) identified as appropriate in the HEDNA as follows:

<i>Tenure</i>	<i>No. of Bedrooms (% of each tenure type)</i>			
	<i>1</i>	<i>2</i>	<i>3</i>	<i>4+</i>
Market	0-10	30-40	45-55	10-20
Affordable	30-35	35-40	25-30	5-10

In this instance, the whole of the development is proposed to be for affordable dwellings. However, the applicant has indicated that it would not be able to enter into a Section 106 obligation to secure a contribution in excess of the policy-compliant 20% (and, as such, direct comparison against (specifically) either the market or affordable HEDNA mix is difficult). Nevertheless, the submitted scheme proposes the following (%):

<i>No. of Bedrooms</i>			
<i>1</i>	<i>2</i>	<i>3</i>	<i>4+</i>
10.8	44.6	41.5	3.1

In terms of the requirement for affordable housing generally, as a greenfield site within the Coalville area, Local Plan Policy H4 requires a contribution of 20% of the development as affordable and, subject to the applicant entering into a Section 106 agreement to secure this (at a minimum 20% level), the scheme would meet (and potentially exceed) the requirement. However, this also needs to be considered in the context of Policy H6 which seeks to secure a mix of housing types, sizes and tenures in new developments, and the general intentions of the NPPF for development to contribute towards creating mixed and balanced communities. Whilst it is acknowledged that, in planning control terms, there is normally no reason why a housing

development cannot be provided as affordable in its entirety, in this instance, the proposals could result in all of the dwellings (130 in total) being of the affordable tenure. Having regard to the scale of the development, this would, to a degree, be considered to conflict with the approach of providing mixed and balanced communities, but would also need to be weighed against the benefits (if the applicant were agreeable to enter into an obligation securing such) of providing additional affordable housing over and above the usual 20% requirement. Also relevant is the impact on affordable housing over recent years of the implementation of the District Council's *Priorities for Developer Financial Contributions for infrastructure provision relating to Major Residential Development Proposals in and around Coalville* policy which has (given its prioritisation of transportation contributions over affordable housing where viability is an issue) resulted in reduced affordable housing contributions in this part of the District.

For its part, the District Council's Strategic Housing team takes the view that provision of a mixed community is difficult to attain on wholly affordable schemes. As such, it considers that the provision of a variety of property types (within the affordable tenure) is critical in delivering sustainable communities. The property mix proposed provides a mix of 1 bed apartments, 1 and 2 bed bungalows, and 2, 3 and 4 bed houses, with the majority of the properties (86%) provided as family homes. The concentration of such a high level of family homes is, Strategic Housing considers, a concern but it advises that the proposed mix is supported by identified need levels in Coalville. The Strategic Housing team also acknowledges that the provision of 100% affordable housing would help to mitigate the impact of the transportation infrastructure policy referred to above, and which has resulted in reduced levels of affordable housing provided on larger sites in Coalville.

In terms of tenure mix (i.e. different types of affordable tenure), the Strategic Housing team notes that the applicant proposes a tenure split based on 80 Affordable Rented properties (61.5%) and 50 as shared ownership properties (38.5%). Whilst the HEDNA provides an indication of the tenure split to best meet affordable housing needs in the District as 81% Affordable Rented and 19% Shared Ownership, the proposed mix would nevertheless be considered acceptable to the Strategic Housing team as (given the intention for all units to be affordable) the scheme would provide additional rented units over and above those that would normally be delivered as part of a (viable) market led scheme, and given the approach taken on other Coalville sites over the last five years.

Insofar as the mix of dwelling size is concerned (and when compared to the HEDNA mix set out above (albeit it is acknowledged that Policy H6 indicates that the HEDNA mix is one of a number of criteria to be considered when applying the policy)), the Strategic Housing team considers that the proposal is heavily weighted towards 2 and 3 bed properties, which, with the exception of 10 bungalows and 8 apartments, would be provided as family homes, and that the proposed property mix could be amended to align better with the Local Plan Policy requirements and better meet locally identified need. However, the Strategic Housing team nevertheless acknowledges that the property mix proposed would meet an identified need in this area and, as such, is supportive of the proposal.

Policy H6 also requires a proportion of dwellings suitable for occupation by the elderly (including bungalows) and a proportion of dwellings which are suitable for occupation or easily adaptable for people with disabilities; Policy H4 provides that the Council will encourage the provision of affordable homes to meet the needs of elderly people. In terms of these requirements, it is noted that a total of 10 bungalows (6 x 1 bed and 4 x 2 bed) are proposed; subject to the bungalows being restricted to either elderly applicants or (if under 60 years of age) to those households with a need for such properties, and subject to the relevant properties including showers (some as level access showers) as opposed to baths, the Strategic Housing team

would consider that element of the policies to be met. However, the site is relatively steep in places, and the Strategic Housing team notes that six of the bungalows would be located towards the middle of the site, and suggests that they all be provided at the lower part of the site. (Locating units for the elderly in this lower part of the site would also, it is considered, make them better related to the town centre so as to enable occupiers to walk to nearby shops and other facilities). Insofar as provision of adaptable properties is concerned, the proposals do not include any such units.

In terms of affordable housing overall, the District Council's Strategic Housing team advises that, whilst it considers that the site could provide a different mix of property types that would more closely align to identified needs (and including specialist properties suited to the needs of elderly and disabled applicants), the proposed mix does nevertheless meet a local need, evidenced from the Council's Housing Register. It also notes that the proposals (subject to suitable Section 106 mechanisms to secure it) would provide for affordable housing above the 20% policy requirement for greenfield sites in Coalville and takes the view that, in purely housing needs terms, the property and tenure mix proposed would be acceptable given that it would meet evidenced needs. Notwithstanding this position, however, given the limited extent to which the proposed property mix would align with priority needs, the Strategic Housing Team does not consider that the additional benefit arising from any potential provision over and above 20% would be significant. As such, it does not recommend that significant weight be attached to this benefit in the overall planning balance (and including, for example, in respect of the extent to which it would outweigh other issues such as any reduced Section 106 contributions secured in respect of other matters).

There are a number of issues to be taken into account in terms of housing mix and affordable housing, and including the requirement of Local Plan Policy H6 which seeks to secure a mix of housing types, sizes and tenures in new developments, and the general intentions of the NPPF for development to contribute towards creating mixed and balanced communities. In this sense, a 100% affordable scheme of this scale would not necessarily be balanced per se, albeit an "over-provision" of affordable units would assist in helping to off-set previous shortfalls in affordable provision as a means of addressing viability issues. In this sense there are matters weighing both in favour and against this element of the proposals and the extent to which they would assist in terms of achieving sustainable development. The advice of the Strategic Housing Team in terms of the extent to which weight ought to be attached to the benefit of providing more than the policy-compliant 20% is also of note in that, given the limited extent to which the proposed property mix would align with priority needs, it is considered that the weight attached ought to be limited to some extent. Further assessment of the overall planning balance is provided below.

### **Viability and Developer Contributions**

Local Plan Policy IF1 provides that development will be supported by, and make contributions to, as appropriate, the provision of new physical, social and green infrastructure in order to mitigate its impact upon the environment and communities. The policy lists examples of the type of infrastructure required to support new development, including affordable housing, community infrastructure (such as education, health, cultural facilities and other public services), transport and green infrastructure. It also provides that, in negotiating the provision of infrastructure, the Council will have due regard to viability issues.

Paragraph 56 of the NPPF sets out the Government's policy in respect of planning obligations and, in particular, provides that planning obligations should be:

- necessary to make the proposed development acceptable in planning terms;

- directly related to the proposed development; and
- fairly and reasonably related in scale and kind to the proposed development.

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

The applicant advises that, when taking into account the provision of the various contributions set out below, the development would not be viable, and a viability assessment has been submitted to demonstrate this. Paragraph 57 of the NPPF provides that, where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable, and that it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The MHCLG's Planning Practice Guidance provides (Paragraph ref. ID 10-007-20190509) provides that "Such circumstances could include, for example where development is proposed on unallocated sites of a wholly different type to those used in viability assessment that informed the plan; where further information on infrastructure or site costs is required; where particular types of development are proposed which may significantly vary from standard models of development for sale (for example build to rent or housing for older people); or where a recession or similar significant economic changes have occurred since the plan was brought into force".

In support of the case for considering a viability assessment in respect of this application, the applicant's (former) agent comments that the site was included as an allocation on the basis it already had planning permission (and was, therefore, not a "fresh" site); the previous planning permission had reduced developer contributions within its Section 106 agreement on the basis that the scheme with compliant provision was unviable.

[By way of comparison, the agreement entered into in respect of planning permission ref. 12/00688/OUTM included the following (index linked where applicable):

- Affordable housing (7%)
- Public Open Space / children's play / National Forest planting (including community orchard)
- Allotments (30 new allotments and 6 retained allotments)
- Library contributions (£7,290)
- Civic Amenity contributions (£9,618)
- Healthcare contributions (£17,454.53)
- Bus passes (total £700 per dwelling)
- Travel packs
- Travel Plan coordinator
- Transport, Microprocessor Optimised Vehicle Actuation (MOVA) and MOVA monitoring contributions (total £79,500)
- Transportation infrastructure contribution (£550,000)
- Police contribution (£65,077)
- Youth and adult recreation contribution (£117,000)]

Whilst the agent acknowledges that a generic area-wide viability assessment was undertaken as part of the plan making process, he argues that it had already been accepted that a policy-compliant level of contributions would make the scheme unviable. It is accepted that, in this case (and when having regard to the level of detail available at the time of the preparation of the viability appraisal of the Local Plan), it would be reasonable to consider the applicant's viability assessment. This assessment has been reviewed by the District Valuer on the Local Planning

Authority's behalf, and its conclusions are accepted. In summary, the District Valuer accepts that, not only would a policy-compliant scheme not be viable, but also that a fully market housing scheme (i.e. with no affordable dwellings) would not be able to support any developer contributions. On this basis, it is considered that regard would need to be had to a number of issues, including the relevant planning policies relating to the development of the site (including in respect of its allocation and policies in respect of infrastructure), the need to deliver a sufficient supply of homes, and what impacts the non-provision (or partial provision) of developer contributions to local services would have on the scheme's overall contribution to sustainable development.

In terms of the approach to development (and as set out above), it is noted that the site is identified as a housing site in the adopted Local Plan. However, regard needs to be had to other policies within the Plan, and including, for example, those in respect of infrastructure provision.

#### *Affordable Housing*

As set out under Housing Mix and Affordable Housing above, as a greenfield site within the Coalville urban area, an affordable housing contribution of 20% would be required under Local Plan Policy H4. In this case (and putting the mechanism by which this would be secured to one side) it is proposed to provide all of the units as affordable, and any reductions in contributions are proposed to be made in respect of other matters.

Under the District Council's *Priorities for Developer Financial Contributions for infrastructure provision relating to Major Residential Development Proposals in and around Coalville* policy, the process is that, where a contribution towards transportation infrastructure is required (and where that contribution results in viability issues), the level of affordable housing can be reduced to the point at which the scheme becomes viable again. In this case, the viability assessment indicates that even a 100% market housing scheme would be unable to support developer contributions, and the applicant advises that the intention to provide 100% affordable units is achievable due to the associated funding mechanisms. As such, it is considered that, in this instance, it is not necessarily as straightforward as a direct trade-off of affordable housing against other contributions. On the other hand, the approach proposed to be taken here would, in a sense, be contrary to the general approach set out within the adopted policy. Consideration of the weight to be attached to the benefits of an "over-provision" of affordable units is set out under Housing Mix and Affordable Housing above.

#### *Transportation and Accessibility Contributions*

These are as set out under Means of Access, Highways and Transportation Issues above. In addition to Local Plan Policy IF1, relevant policy also includes Policy IF4; this provides (amongst others) that commensurate network contributions will be sought towards new development which has a demonstrable impact upon the highway network (and including in respect of Junction 13 of the A42 and Junction 22 of the M1 (and the A511 corridor in between)). As set out in the relevant section above, the applicant has agreed to make a number of contributions sought by the County Highway Authority (and including the £624,000 contribution towards transportation infrastructure, albeit subject to a maximum ceiling on bus pass contributions as set out in that section).

### *Education*

In respect of the proposed education contributions, Leicestershire County Council comments as follows:

#### Primary School Requirements:

The site falls within the catchment area of Coalville Belvoirdale Primary School. The school has a net capacity of 351 and 385 pupils are projected on the roll should this development proceed.

Given existing capacity at three other primary schools within a two mile walking distance of the development (namely Hugglescote, Broom Leys and All Saint's C of E Primary Schools), the deficit could not be accommodated elsewhere, and a request for an education contribution in respect of the additional deficit places created by the development within the primary school sector is made (£507,801.60), to be used for improving, remodelling or enhancing existing facilities at Belvoirdale Primary School (or any other school within the locality of the development).

Leicestershire County Council also advises that, in the absence of funding to provide the additional places, Belvoirdale Primary School could not be expanded to accommodate the additional pupils from the development. When considering the option of pupils being allocated places at other primary schools that are within two miles of their home address, for pupils living on this development, that would mean travelling to either Hugglescote, Broom Leys or All Saints Primary Schools. In terms of these, the County Council advises that Hugglescote has recently been expanded but, given the large volume of housing already in its catchment area, the school is forecast to have a deficit of 234 places; whilst Broom Leys and All Saints have some places available, these spaces will be needed to address the deficit at Hugglescote. When including pupils from the proposed development, the overall deficit in the area is forecast to be 155 places, and the number of primary age pupils attending or forecast to attend the catchment primary schools or any school within two miles of the development would, the County Council confirms, significantly exceed the available places. The County Council also draws attention to recent research into the yield from 100% affordable housing in Leicestershire which has found that the yield for primary age pupils was between 44 to 52 per 100 homes; this, the County Council advises, is significantly higher than the 30 per 100 homes that the Section 106 calculation is based upon and, therefore, the impact identified is likely to be a conservative one.

#### Secondary School Requirements:

The site falls within the catchment area of Newbridge High School. The school has a net capacity of 590 and 1,118 pupils are projected on roll should this development proceed. A total of 121 pupil places are included in the forecast for this school from Section 106 agreements for other developments in this area and are therefore discounted. This, the Local Education Authority advises, reduces the total deficit for this school to 407 pupil places (of which 387 are existing and 20 would be created by this development). There is one other high school within a three mile walking distance (Castle Rock School); when taking into account other Section 106 funded places, this has a surplus of places, reducing the overall deficit within the three mile walking distance. A request for an education contribution in respect of the additional deficit places created by the development within the secondary school sector is therefore made (£346,258.12), to be used for improving, remodelling or enhancing existing facilities at Newbridge High School (or any other school within the locality of the development).

**Post 16 Sector Requirements:**

The site falls within the catchment area of Castle Rock School. The school has a net capacity of 286 and 331 pupils are projected on roll should this development proceed. In order to provide the additional Post 16 school places anticipated by the proposed development, the Local Education Authority requests a contribution for the Post 16 school sector (£74,022.41), to be used for improving, remodelling or enhancing existing facilities at Castle Rock School (or any other school within the locality of the development).

**Special School Requirements:**

The Local Education Authority advises that all special schools in Leicestershire are full, and have a deficit of available spaces (and are forecast to remain so). The closest special school to this development is the Forest Way School in Coalville; the school currently has capacity for 232 pupils and 245 pupils are projected on roll should this development proceed; there is no other special school in the locality of the development and a request for an education contribution in respect of the additional deficit places created by the development within the special school sector (primary and secondary) is made (£65,480.18), and would be pooled, if appropriate, and used to provide additional capacity at the Forest Way School.

As set out above, whilst previously agreeing the County Council's suggested sum in respect of transportation infrastructure, the applicant had indicated that this could be redirected to other infrastructure if preferred; it is now understood that this is no longer the applicant's position and that, insofar as education is concerned, a contribution of £900,000 is proposed (whereas the full amount sought by the Local Education Authority totals £993,562.31). Leicestershire County Council advises that, whilst the figure falls short of the total contribution sought, this figure has been negotiated between the applicant and the County Council, and would be acceptable to the County Council.

***Library Services***

Leicestershire County Council advises that an additional 369 people would be anticipated to be added to the catchment population of Coalville Library by the proposed development and, in order to meet the requirements for providing a minimum of 1,157 stock items per 1,000 population, additional items would be required, and a contribution of £3,710 towards library services is requested by the County Council. The applicant is agreeable to making this contribution.

***Civic Amenity***

Leicestershire County Council advises that an additional 35 tonnes of municipal waste are anticipated to be generated annually by the proposed development, and a contribution of £8,499 towards additional facilities at the Coalville Civic Amenity site is therefore requested by the County Council. The applicant is agreeable to making this contribution.

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

Policy IF3 of the adopted Local Plan requires that developments of 50 or more dwellings provide for the provision of open space, sport and recreation facilities. Policy IF3 also presumes against loss of open space, and it is noted that the site was formerly occupied by allotments. Insofar as the loss of open space is concerned, however, it is considered that, given the site's identification under Policy H1, it would not be reasonable to revisit this matter at this time.

In terms of the separate elements of the open space, it is considered as follows:

**Children's Play:**

The applicant intends to provide on-site children's play equipment. Whilst precise details have not been provided at this stage, the site layout indicates a range of equipment located to the northern and southern boundaries of the site.

In terms of the proposals in respect of children's play, the District Council's Leisure Services team comments that, if the intention was to offer the children's play facilities to the District Council for adoption, an off-site contribution may be considered instead (and equating to a total of £135,217.98, including maintenance).

In this case, the applicant does not wish to pursue this off-site option, but it is considered that the provision of on-site provision in areas of the site benefitting from would nevertheless be appropriate. It is the applicant's intention to convey all of the public open space (including children's play) to a management company for future maintenance rather than the District Council.

**Other Public Open Space (including Allotments):**

As set out above, the site was formerly occupied by allotments; under the previous scheme, it was proposed to retain six of the then existing plots on the site, and provide a further 30 new plots to replace some of those lost to the development. Since that time, all allotment use on the site has been discontinued; whilst a number of the allotments on the site were already unused at that time, those that remained were subsequently removed (principally, it is understood, in view of the intention to redevelop the site).

In terms of the current scheme, it is noted that the explanatory paragraphs to Local Plan Policy IF3 clarify that open space can be provided for in a range of formats, and including allotments, and refers to the National Society of Allotment and Leisure Gardeners' national allotment standard of 20 standard plots of 250sqm per 1,000 households. As originally submitted, the current application proposed the provision of four allotments (total area 490sqm approx.).

In terms of allotment issues, the District Council's Leisure Services team has advised that, since the closure of the allotments formerly on this site there are currently no District Council managed sites within the Coalville area. It has also commented that any possible income from a small allotment site as had been proposed would not financially support the management required to facilitate the leasing of the plots and, as such, has suggested that provision of an off-site contribution towards the setting up of allotments in a more appropriate location in the town be considered instead (and equating to a total of £13,264.37 including maintenance). However, the Leisure Services team has also advised that, in order to provide a minimum of 8 plots (i.e. the threshold necessary to provide a viable facility), a total contribution of £30,336 would be required (plus maintenance). Leisure Services advises that the nearest suitable location for such a facility would be at the Scotlands Playing Fields.

The applicant had initially indicated that the above contribution would be made, but it is now understood that, for the viability reasons outlined, specific payment of this contribution is no longer proposed. Whilst it is acknowledged that such a contribution may be required under Policy IF3, it is also accepted that similar contributions have not been secured on other sites of this scale within the town (and including those where viability has been an issue). Whilst it is considered that the history of the site (and the relatively recent loss of allotments from it) would provide some justification for it making an appropriate contribution towards replacement



facilities, it is nevertheless accepted that, given the viability issues raised, this issue would not in itself justify a refusal of permission, particularly given that the allotments are no longer present in any event.

The District Council's Leisure Services team has also requested a contribution in respect of sports pitches, and has provided detailed evidence in respect of existing and anticipated capacity in the area in the event that the development were to proceed. The submitted assessment identifies that the proposed development would generate requirements for additional sports pitch and associated changing room facilities, and a total contribution of £60,770 (for use at Scotlands Playing Fields) is requested. The applicant is agreeable to making this contribution.

#### National Forest Planting:

Under the relevant National Forest planting standards, 20% of the site is required to be provided as woodland planting and landscaping; this requirement is met by the proposals. For its part, the National Forest Company raises no objections subject to the implementation of a suitable management regime for open space and other landscaping (and including maintenance of frontage hedgerow and tree planting being maintained by a management company, rather than by individual residents).

Overall in terms of public open space and other green infrastructure, therefore, whilst the scheme would not deliver all of the required elements of public open space necessary to meet the provisions of Local Plan Policy IF3, the view is taken that, overall (and when taking into account the viability constraints), the adverse impacts in this regard would not be unacceptable.

#### *Healthcare*

Whilst the previous scheme on the site generated a need for healthcare provision at that time in respect of expansion of GP surgeries required to accommodate the development, no contribution has been sought by the West Leicestershire Clinical Commissioning Group (CCG) in respect of the current application.

It is noted that the University Hospitals of Leicester NHS Trust has requested a financial contribution in respect of healthcare of £49,159 in order to bridge a gap in the funding created by each potential patient from the development in respect of Accident and Emergency (A&E) and planned care within the Leicester, Leicestershire and Rutland area.

Whilst such a request has been made the evidence to justify the contribution is not robust particularly given that the estimate of the population of the District is in excess of the actual figure, and the calculations do not break down the number of residents of Coalville who previously attended A&E departments or received planned care within the administrative area of the Trust. Paragraph 56 of the NPPF outlines the tests which should be met in order for a planning obligation to be sought and, at this time, it is considered that the request of the Trust does not meet all of the criteria identified. It is also the case that NHS revenue shortfalls are a matter to be dealt with through national NHS funding arrangements and through commissioning of services. On this basis, it is not considered that it would be appropriate to require this contribution from the applicant.

Insofar as the various developer contributions are concerned, the view is taken that, save where indicated otherwise above, the proposed obligations would comply with the relevant policy and

legislative tests as set out in the NPPF and the CIL Regulations.

In the event that permission were to be granted, given the viability arguments put forward for reducing contributions, it would be considered appropriate to include a mechanism within the Section 106 agreement ensuring periodic review of the scheme's viability (and thus potentially enabling increased contributions to be made in the event that the viability of the scheme were to improve prior to the scheme's completion).

### **Overall Conclusions and Contribution to Sustainable Development**

The application site is identified as a housing site in the adopted North West Leicestershire Local Plan, and its use in principle for this purpose is supported. However, this needs to be considered in the context of the other impacts of the proposals and including the ability of the scheme to deliver the infrastructure needed to support it. As set out above, the majority of the contributions to infrastructure sought are now agreed by the applicant and, whilst some areas of non-provision would remain, the overall contributions would, it is considered, be reasonable, particularly when considered in the context of the demonstrable viability issues with the scheme.

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:**

This objective seeks to ensure that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity, and that the provision of infrastructure is identified and coordinated. It is accepted that, as per most forms of development, the scheme would have some economic benefits. The applicant has now confirmed that the contributions as set out in the relevant sections above would be made; whilst not all policy-compliant requirements would be met, it is considered that, overall (and when taking into account the identified viability issues), an appropriate range of contributions would be secured in connection with the scheme.

#### **Social Objective:**

The economic benefits associated with the proposed development would, by virtue of the social effects of the jobs created on those employed in association with the construction of the development, also be expected to provide some social benefits. The NPPF identifies in particular in respect of the social objective the need to ensure that the sufficient number and range of homes can be provided to meet the needs of present and future generations, and by the fostering of a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.

Subject to the extent of the contribution being secured in a Section 106 obligation, the scheme has the potential to provide a policy-compliant level of (or, potentially, additional) affordable housing in an area where, given viability constraints and the identified need to deliver transportation infrastructure along the A511 corridor, reduced affordable housing contributions have been delivered (albeit regard to the views of the District Council's Strategic Housing team needs to be had in terms of the weight to be attributed to this issue in the overall planning balance, together with the applicant's position that no more than 20% would be proposed to be secured by way of a Section 106 obligation).

Regardless of the tenure issue, the NPPF sets out the need for the planning system to deliver a sufficient supply of homes (with a minimum of 5 years supply plus buffer required), and this is an issue of importance in that refusal of the scheme on a site effectively identified for residential use within the adopted Local Plan would mean that it did not contribute to housing land supply. At the present moment in time, however, the District Council is able to demonstrate a supply of 10.2 years. Furthermore, the site has not been included in the most recent trajectory and 5 year supply calculations (April 2019), given the expiration of the previous outline permission on the site. As such, no provision has currently been made for any part of the site being delivered at all within or beyond the next 5 years, and in the event that the scheme were not approved, this would have no direct impact on the currently calculated figure for housing land supply.

In terms of the social objective's stated aim of fostering a well-designed and safe environment, it is considered that, whilst the scheme would not be considered to represent a particularly high quality form of development in terms of design, the proposals could be made acceptable by way of attaching appropriate conditions in this regard.

As per the economic objective above, the scheme would not provide for all of the identified necessary infrastructure to support the development but, on balance, would be considered to perform reasonably well in terms of the need to provide accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.

**Environmental Objective:**

The site is close to the town centre, and its eastern section would in particular be considered to be well served in terms of public transport and other facilities, providing the potential to contribute positively towards the movement towards a low carbon economy; the scheme would also not be considered to have any unacceptable impacts in terms of the natural and historic environment. As per the social objective above, whilst a number of elements of the scheme's design would not be considered to be satisfactorily resolved insofar as the proposals' contribution to protecting and enhancing the built environment is concerned, it is considered that a number of these have the potential to be addressed by way of condition.

Having regard to the three objectives of sustainable development, therefore, and having regard to the conclusions in respect of various technical issues above, it is considered that, whilst the scheme would not provide for the full extent of infrastructure necessary to support the development, and whilst there remain a number of issues to be addressed in respect of design (by way of condition), it is considered that, overall, the scheme would represent sustainable development, and approval is recommended.

**RECOMMENDATION- PERMIT, subject to Section 106 Obligations, and subject to the following condition(s):**

- 1 Time limits (and including in respect of the requirements of the District Council's *Priorities for Developer Financial Contributions for infrastructure provision relating to Major Residential Development Proposals in and around Coalville* policy)
- 2 Approved plans
- 3 Landscaping (including future maintenance and management)
- 4 Hard surfacing
- 5 Materials
- 6 Boundary treatment
- 7 Tree / hedgerow protection
- 8 Levels
- 9 Pedestrian and cycle connections (including any works to public rights of way and other routes)
- 10 Car parking
- 11 External lighting
- 12 Windows, doors, rainwater goods, utility boxes, chimneys, eaves and verges
- 13 Enhancement of elevations to plots with limited frontage landscaping
- 14 Windows to car parking areas
- 15 Bin / recycling storage and collection points
- 16 Street name plates
- 17 Retaining walls / structures
- 18 Substations / pumping stations etc.
- 19 Ecology
- 20 Flood risk / drainage (including foul and surface water, design and long-term maintenance of SuDS, and management of surface water during construction)

- 21 Construction environmental and traffic management plan(s)
- 22 Noise mitigation to proposed dwellings
- 23 Contaminated land (if required by the District Council's Environmental Protection team)
- 23 Access / Highways / Transportation