

Erection of leisure centre and associated development approved under planning permission ref. 19/01343/FULM without complying with Conditions nos. 2, 3, 5, 6, 8, 10, 12, 14, 18, 19, 21, 22, 25, 27 and 28 so as to allow for an amended site access, amended elevations, amended site layout, removal of additional woodland and amended opening hours  
 Land Adjacent A511, Stephenson Way Coalville LE67 3GB

Report Item No  
 A4

Application Reference  
 21/00099/VCIM

Grid Reference (E) 442963  
 Grid Reference (N) 315023

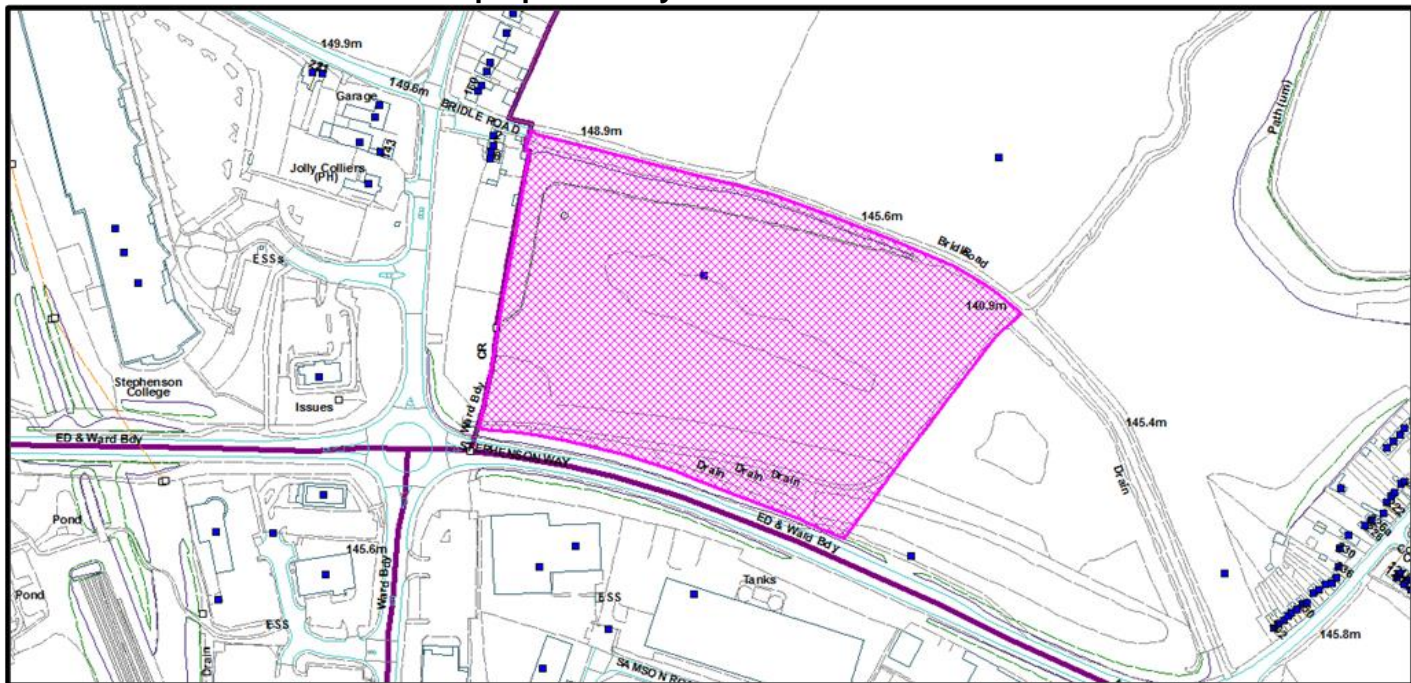
Date Registered:  
 21 January 2021  
 Consultation Expiry:  
 20 September 2021  
 8 Week Date:  
 22 April 2021  
 Extension of Time:  
 None Agreed

Applicant:  
 North West Leicestershire District Council

Case Officer:  
 James Knightley

Recommendation:  
 PERMIT subject to S106 Agreement

Site Location - Plan for indicative purposes only



Reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office ©copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence LA 100019329

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

### **Proposal**

This is an application to "vary" conditions attached to an earlier planning permission for the erection of a leisure centre and associated works submitted on behalf of the District Council.

### **Consultations**

Concerns in respect of issues in respect of light spill from the amended car parking area are raised by the County Ecologist. No objections are raised by any other statutory consultee, or by any neighbouring residents.

### **Planning Policy**

The site is located within Limits to Development, as well as within an Area of Separation as defined in the adopted North West Leicestershire Local Plan.

### **Conclusion**

The report below indicates that, whilst the amended scheme would result in a number of proposed changes to the originally approved scheme, the proposed development would continue to be considered to represent an appropriate form of development, and would still benefit from the presumption in favour of sustainable development.

### **RECOMMENDATION:-**

#### **PERMIT, 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

In March 2020, planning permission was granted for the erection of a new leisure centre on a site which formed part of a municipal golf course to the northern side of the A511 Stephenson Way (19/01343/FULM).

Amendments to the approved scheme are now proposed, and are submitted in the form of an application under Section 73 of the Town and Country Planning Act 1990.

In brief, the changes proposed are as follows:

- Amended site access arrangement
- Amended elevations
- Amended site layout / masterplan (including amended pedestrian connection to Bridle Road)
- Removal of additional woodland to facilitate excavations for flood compensation
- Amended opening hours

In order to accommodate the proposed changes, amendment of a number of conditions are sought. The conditions proposed to be amended are intended to achieve the changes listed above, as well as to ensure that approved plans referred to in conditions whose principal effects are not directly affected reflect the latest amendments and / or details already approved under discharge of condition submissions.

### 2. Publicity

12 Neighbours have been notified.  
Site Notice displayed 5 February 2021.

### 3. Summary of Consultations and Representations Received

**Leicestershire County Council Ecologist** has no objections to the application, but raises issues in respect of light spill from the amended car parking area

**Leicestershire County Council Lead Local Flood Authority** has no objections

**Leicestershire County Council Local Highway Authority** has no objections

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

**National Forest Company** comments as follows:

- The National Forest Company has no objection from an overall delivery of trees and woodland perspective
- The impact of the amendments to the car park in respect of tree retention are worthy of further consideration
- Details of the proposed drainage infrastructure should be provided to determine future suitability of woodland planting in this area, and SuDS should be considered
- A Woodland Management Plan, Construction Environmental Management Plan and

Landscape Environmental Management Plan should be secured by condition

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

**Whitwick Parish Council** has no objections

### **Third Party representations**

None

All responses from statutory consultees and third parties are available to view in full on the Council's website.

## **4. Relevant Planning Policy**

### **National Policies**

*National Planning Policy Framework 2021*

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, 55, 56 and 57 (Decision-making)

Paragraph 92 (Promoting healthy and safe communities)

Paragraphs 104, 105, 108, 110, 111 and 112 (Promoting sustainable transport)

Paragraphs 126, 130, 131, 132, 133, 134 and 135 (Achieving well-designed places)

Paragraphs 167 and 169 (Meeting the challenge of climate change, flooding and coastal change)

Paragraphs 174 and 180 (Conserving and enhancing the natural environment)

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

### **Adopted North West Leicestershire Local Plan (2021)**

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 D1 - Design of new development

Policy D2 - Amenity

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 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)

### **5. Assessment**

Having regard to the nature of the proposed changes, it is considered that the following matters represent the key issues relevant to the determination of this Section 73 application:

#### **Site Access / Access and Transportation Issues**

The existing approval authorises a left in / left out access direct onto the A511 Stephenson Way. The proposed amended plan would retain this overall arrangement, but proposes a slightly amended scheme, and seeks to regularise the access as (partly) installed (and which accords with details approved separately by Leicestershire County Council under the Section 278 process). The County Highway Authority has no objections to this change.

The revised scheme includes a revised configuration of on-site manoeuvring and car parking (including the replacement of one of the parallel "rows" of parking space with additional spaces on the western and southern edges of the parking area), but with no change to the overall quantum of parking provision; again, the County Highway Authority raises no objections in respect of this issue.

In terms of pedestrian routes, it is noted that the proposed amended scheme would amend the currently approved pedestrian link between the leisure centre building and Bridle Lane to the north western corner of the site. The key change here would be the replacement of the approved path (which would address the changes in levels by way of being somewhat sinuous in nature) with a straighter link. Whilst this amendment would enable more direct pedestrian access to Thornborough Road (and the nearest bus stops), this would however result in the introduction of steps. In effect, this would mean that users wishing to access / egress the site from the north west and who were unable to use steps would have to go via the north east access and along Bridle Road (or, alternatively, via the main entrance (i.e. via Stephenson Way / Thornborough Road)).

In view of the implications of this change to the scheme, advice has been sought from the District Council's Community Safety Officer responsible for equalities issues. In response, concerns were initially raised in that the proposed change would remove what might be a key access point to the site for those with mobility difficulties from the Whitwick direction, and as the use of bark chipping steps can also cause accessibility issues for those with visual impairments as the differentiation between steps can be more difficult. The Community Safety Officer suggested that the District Council (as applicant) revisit the Equality and Human Rights Impact Assessment for the site in order that the impacts on equalities issues could be fully understood.

This has now been undertaken, and a copy has been provided to the Local Planning Authority; this is intended to demonstrate that the proposed alterations to the scheme would be a proportionate response. The assessment identifies that the removal of the previously proposed ramped access (and which would only thereafter be a stepped route) is not a "designated" access point as of such for the leisure centre, and makes clear that the principal routes of access are fully accessible. It also indicates that the previously approved ramped route in the north western part of the site would have been unsuitable in other respects by virtue of it having

an uneven surface, being unlit, and having to cross a service road. The Community Safety Officer takes the view that the justification for the proposed changes as set out in the assessment is appropriate. On this basis it is considered that the scheme would not unacceptably prejudice users with mobility issues.

For its part, the County Highway Authority considers that the proposed amended pedestrian routes are appropriate.

In terms of other matters related to transport, the County Highway Authority draws attention to proposed works to trees in the vicinity of the highway, and advises that any works to trees on the roadside verge will require agreement by the County Council's Forestry and Highways teams.

### **Design and Visual Impact**

In terms of the proposed elevational changes to the leisure centre building, these would be limited in nature and would include an increase in the height of the roof-mounted louvre plant screen (by 1.1m approx.) and alterations to window and door openings (including a continuation of the glazing to the front of the pool section).

The proposed alterations to the appearance of the building are not considered to be significant, and are not considered to affect materially the conclusions in respect of the quality of design reached at the time the original application was determined. Whilst the alterations to the roof would result in some elements of the structure being higher than previously approved, the overall maximum height of the building would not change, nor would any materially greater impact result on the surrounding landscape, or on the Area of Separation the subject of Local Plan Policy En5.

### **Trees / Woodland**

The original application was accompanied by extensive details setting out the areas of existing landscaping proposed to be removed / retained, together with proposed new tree planting. When comparing the equivalent details now submitted, the principal area of additional tree loss is an area towards the south eastern A511 frontage (to the east of the vehicular access) which, it is understood, has arisen due to the need to provide excavations for flood compensation measures.

However, other alterations to the scheme (and, in particular the changes to parking / manoeuvring space configuration set out above) are also proposed, and which would have the effect of retaining some areas of existing tree cover towards the west of the site currently identified as to be lost to the development.

In response to the application, the District Council's tree consultant advises that he has no arboricultural objections to these amendments which, he considers, are relatively minor in the wider context of the scheme and would, overall, result in a slightly improved amount of tree cover when compared to the previously approved layout. He notes that the additional removals would be from two low quality (Category C) groups of mixed broadleaf trees, and also notes the slight reduction in removed woodland overall (reducing from 5875sqm to 5195sqm), (but which would, in any event, be adequately compensated for by the additional tree planting proposed (8075sqm)). The proposed changes are therefore considered acceptable in this regard. Whilst the comments of the National Forest Company in respect of the impacts of the car park amendments and drainage infrastructure on tree retention and suitability of proposed planting

respectively are noted, the District Council's tree consultant is nevertheless content in respect of the amended proposals and their limited impacts vis-à-vis the approved scheme.

### **Residential Amenity**

The currently approved opening hours are 06.30 to 22.30 daily, and the proposed amended scheme (supported by an updated noise assessment report) seeks approval for 06.30 to 23.00 daily. The noise report indicates that, during the night time period, plant noise and noise break-out from the site (including studio activity etc.) would not cause unacceptable disturbance to nearby residents. It is noted that no objections are raised by the District Council's Environmental Protection team, and the proposed extended hours are considered acceptable, meeting the requirements of Local Plan Policy D2.

### **Ecology**

The application is accompanied by an Ecological Statement Update to assess whether the proposed alterations to the scheme would result in any changes in the potential ecological impacts identified within the original Ecological Statement and associated ecological reports.

In terms of the principal changes vis-à-vis the approved scheme, the Ecological Statement Update indicates as follows:

Whilst the proposed changes to the car park configuration would significantly reduce the vegetated buffer between the car park and Grace Dieu Brook, it is noted that the previously recommended 5m buffer could still be implemented and maintained during the works in order to protect the riparian habitats present at the brook. Whilst the closer proximity of the car park works to the brook may increase the potential for pollutant run-off into the watercourse, the amended proposals are not, the Ecological Statement Update indicates, likely to alter the predicted direct impacts upon Grace Dieu Brook significantly.

The Ecological Statement Update notes that the proposed alteration to the route of the footpath in the north-western corner of the Site would result in a gently curving path rather than a meandering route which, Ecological Statement Update states, would reduce the area required for excavation and increase the area of woodland planting along its western edge. The revised route would, the Ecological Statement Update indicates, create a larger continuous area of woodland which would be of greater value to biodiversity given reduced disturbance of the woodland from use of the footpath.

Whilst the Ecological Statement Update acknowledges that the scheme would result in the removal of woodland from the south-eastern portion of the site, it suggests that the ground flora mix proposed to be sown would provide a sufficiently diverse species composition to offset the loss of this area of woodland and would provide a residual low impact, given that semi-mature to mature trees would not be replaced with trees of equal maturity.

In response to the application, the County Ecologist takes the view that the proposed changes to the scheme would be relatively minor, and raises no objections subject to the precautionary working recommended in respect of protection of the Grace Dieu Brook as set out in the submitted Ecological Statement Update being secured. Whilst the County Ecologist notes that the revised plans would bring the car park and construction impacts closer to the brook, but the protective stand-off is acknowledged to remain acceptable.

The issue of external lighting in this area is also raised, and the County Ecologist draws attention to concerns previously identified at the time that Condition 8 (relating to external lighting) attached to the existing planning permission was discharged. Whilst officers have sought to address this concern, the agent draws attention to the fact that, whilst the car park configuration has been amended, the proposed lighting of this area of the site would be in accordance with details approved under the associated discharge of condition application (20/01604/DIS). On this basis, it is accepted that there would be no material harm over and above details as already permitted and, notwithstanding the County Ecologist's concerns in respect of the lighting issue, officers consider the scheme would be acceptable in respect of ecological issues.

## **Other Issues**

### *Planning Obligations*

The existing planning permission is subject to a Section 106 obligation concerning a number of matters related to access and transportation (including in respect of bus passes and travel packs for employees, Travel Plan monitoring, and the Coalville Transportation Infrastructure Strategy). In order to ensure that the obligations previously secured continued to take effect, a further obligation (deed of variation or similar) is required. Accordingly, a deed of variation has been entered into during the course of the application's consideration (and hence the recommendation below does not need to be contingent on such an agreement being entered into).

### *Drainage*

In order to avoid further discharge of condition submissions, further details have been submitted in respect of surface water drainage at this application stage. In respect of these details, the Lead Local Flood Authority advises that the details are acceptable for the purposes of the previously imposed conditions, and raises no objections.

## **Conclusions**

As set out above, the amended scheme would result in a number of proposed changes to the originally approved scheme. For the reasons set out above (and as per the conclusions reached in respect of the original grant of planning permission), the proposed development would continue to be considered to represent an appropriate form of development, and would still benefit from the presumption in favour of sustainable development. Approval is therefore recommended.



**RECOMMENDATION- PERMIT, subject to the following conditions**

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

- 24 Travel Plan
- 25 Details of roof-mounted photovoltaic (PV) panels