

Construction of 28 1-bedroom residential apartments with associated communal areas, parking and bin storage.
 Construction of leisure building to include a bowling alley, restaurant with second floor terrace area, mini golf and gaming areas. Part-demolition of 75-81 Belvoir Road and change of use for retail including associated external alterations and parking, demolition of 83 Belvoir Road, alterations to Emporium nightclub including part demolition to the rear, together with new access onto Belvoir Road and creation of associated public amenity areas
 Land Off Belvoir Road Coalville Leicestershire LE67 3PD

Report Item No
 A1

Application Reference
 22/00819/FULM

Grid Reference (E) 442383
 Grid Reference (N) 314110

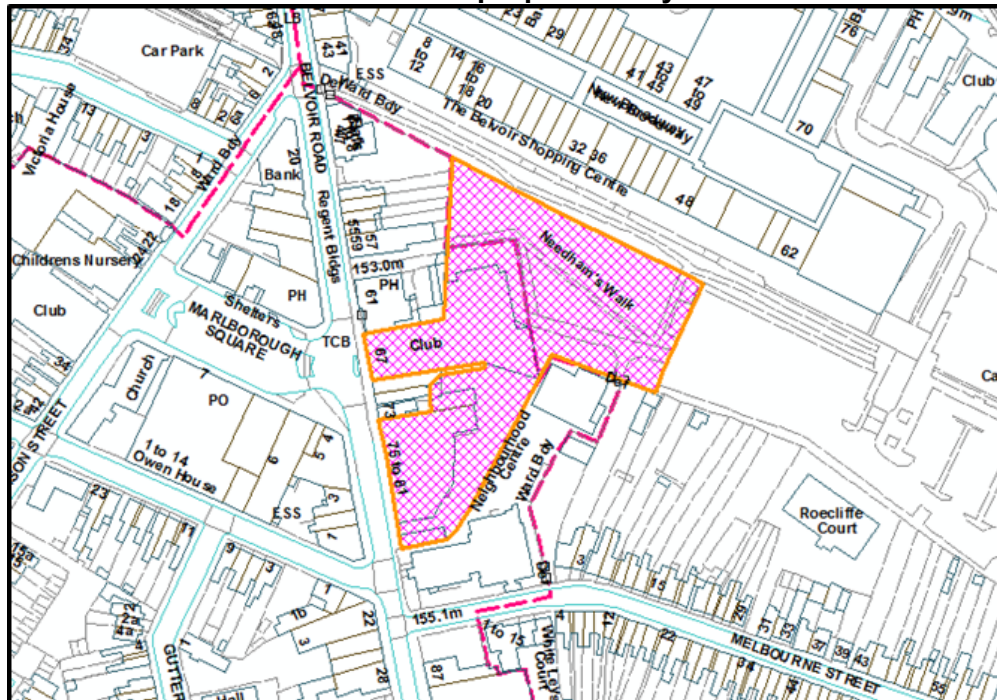
Date Registered:
 8 June 2022
 Consultation Expiry:
 30 October 2023
 Determination Date:
 14 July 2023
 Extension of Time:
 17 November 2023

Applicant:
 Gylo Property Unit Trust Ltd And Holland Park Leisure

Case Officer:
 Chris Unwin-Williams

Recommendation: Permit, subject to conditions and S106 agreement

Site Location - Plan for indicative purposes only



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Reason the case is called to the Planning Committee:

This application is brought to the Planning Committee at the request of Councillor Geary due to the proposal being in the public interest and objections having been received during the course of the application.

RECOMMENDATION - PERMIT, subject to the following condition(s) and completion of a Section 106 agreement:

- 1 Standard time limit – 3 years for commencement of development.
- 2 Plans list.
- 3 Scheme of all external materials to be used in the construction of residential and leisure buildings to be submitted (no development built above damp-proof course level).
- 4 Revised elevations and additional large-scale drawings of the retail building to include all facing materials including details of colour and finish, details of brick bond, large scale drawings of all windows and doors including glazing bar details, large scale drawings to demonstrate precise details of the shopfront large scale drawings and sections of the proposed recessed panels and false windows and any other external materials including details of rainwater goods shall be submitted (prior to commencement of retail building excluding any demolition).
- 5 Access arrangements shall be implemented in full, vehicular visibility splays of 2.4m x 43.0 shall be provided at the site access, parking and turning facilities shall be implemented in accordance with the proposed site plan and cycle parking shall be provided in line with details submitted (prior to occupation).
- 6 Amended travel plan shall be submitted for agreement which sets out actions and measures with quantifiable outputs and outcome targets (prior to occupation).
- 7 A parking management plan shall be submitted (prior to occupation).
- 8 Development shall accord with the submitted proposed town centre redevelopment service strategy dated 24th May 2023 (compliance).
- 9 Submission of construction traffic management plan prior to commencement of development.
- 10 No gates, barriers, bollards, chains, or other such obstructions shall be erected to the vehicular access (compliance and permitted development right removal).
- 11 Submission of an acoustic survey and if necessary, submission of details of an insulation scheme prior to commencement of development.
- 12 Submission of a risk-based land contamination assessment including, if any unacceptable risks are identified, the submission of a remedial scheme and verification plan prior to commencement of development (excluding demolition).
- 13 Submission of statement from developer or approved agent confirming no previously identified contamination was discovered or, submission of a verification investigation in line with an agreed verification plan for all works outlined in the Remedial Scheme and a report showing the findings of the Verification Investigation (prior to occupation and following completion of groundworks of the completed development or part to be occupied).
- 14 Full details of proposed levels, including finished ground and floor levels which should relate to an existing datum point off the site and/or topographical survey of existing site levels have first been submitted to and approved in writing by the Local Planning Authority (damp proof course).

PLANNING APPLICATIONS- SECTION A

- 15 Submission of biodiversity improvement measures (which shall secure biodiversity net gain relative to a baseline habitat survey/completed Defra metric) together with a means to secure its implementation over the long term (prior to commencement).
- 16 Submission of external lighting scheme (if applicable) to be submitted for review (compliance).
- 17 Submission of an updated Arboricultural Impact Assessment including detailed specification and Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) prior to commencement.
- 18 Installation of integrated bat boxes and bird boxes in line with the enhancement recommendations within the submitted Preliminary Ecological Appraisal (prior to occupation).
- 19 Submission of a soft landscaping scheme including a timetable for implementation which should include the planting of a wide range of native species, prior to commencement of development. Any tree or shrub which may die, be removed, or become seriously damaged shall be replaced (no development built above damp-proof course level and compliance).
- 20 Submission of a hard landscaping scheme for the site including a timetable for implementation (no development built above damp-proof course level).
- 21 Submission of a boundary treatment scheme for the site including a timetable for implementation (no development built above damp-proof course level).
- 22 Submission of updated bin storage scheme including amended plans of bin storage points for the storage and collection of refuse and recycling bins, and a timetable for implementation (no development built above damp-proof course level).
- 23 The retail and leisure buildings shall be used only for the purposes specified in the application and for no other purposes whatsoever (compliance).
- 24 Precise details of opening hours of the leisure and retail buildings shall be provided prior to occupation.
- 25 Submission of a surface water drainage scheme (prior to commencement)
- 26 Submission of surface water management scheme (prior to commencement)
- 27 Details of long-term maintenance of surface water drainage system (prior to occupation)
- 28 Infiltration testing to be carried out (or suitable evidence to preclude testing) to confirm the suitability of the site for the use of infiltration as a drainage element (prior to commencement)

MAIN REPORT

1. Proposals and Background

The application seeks full planning permission for the construction of 28 1-bedroom residential apartments with associated communal areas, parking and bin storage, the construction of a leisure building to include a bowling alley, restaurant with second floor terrace area, mini golf and gaming areas, the part-demolition of 75-81 Belvoir Road and change of use for retail including associated external alterations and parking, the demolition of 83 Belvoir Road, alterations to the Emporium nightclub including part demolition to the rear, together with a new access onto Belvoir Road and the creation of associated public amenity areas.

The application site relates to a parcel of predominantly brownfield land located to the rear of the Emporium nightclub and nos. 75-83 Belvoir Road and to the west of Coalville car park.

Additional information has been provided throughout the course of the application including updated plans to address comments received by the District Council's urban designer and conservation officer, updated plans and supporting information in response to concerns raised by LCC Highways and additional supporting information to address comments and concerns raised by LCC Ecology, Waste Services, and the Lead Local Flood Authority.

The application site is located within limits to development.

Precise measurements of the proposal are available to view on the submitted plans.

Site Location Plan (north indicated by arrow):



Relevant Planning History

- 09/00359/FULM - Extension of the Belvoir Shopping Centre to provide new retail floorspace (A1 and A3), hotel, cinema, car park and associated highways works, public spaces, and refurbishment works (including demolition works) to existing centre (Permitted 2.3.10)
- 16/00581/FUL - External alterations to front elevation of the Emporium (Permitted 18.5.16)
- 17/00718/VCI - Variation of Condition 2 of planning permission 16/00581/FUL to allow for amendments to the front elevation of the Emporium (Permitted 7.6.17)
- 19/00857/LDO - 10 - 52 High Street (evens only), 74 High Street (even only), 2a - 32 Hotel Street (evens only), 1 - 13 Belvoir Road (odds), 37 - 43 Belvoir Road (odds), 49 - 59 Belvoir Road (odds), 69 - 81 Belvoir Road (odds), 2 Belvoir Road - 18 Belvoir Road (evens), 22A Belvoir Road - Regent Buildings (evens), 1 - 9 Ashby Road (odds), 2 - 24 Jackson Street (evens), 1 Margaret Street (odd), 7 - 10 Marlborough Square (evens), 2 - 3a Marlborough Square (odds) (Permitted 17.4.19)
- 19/02061/LDO - 10 to 52 High Street (evens only), 74 High Street (even only), 2a to 32 Hotel Street (evens only), 1 to 13 Belvoir Road (odds), 37 to 43 Belvoir Road (odds), 49 to 59 Belvoir Road (odds), 69 to 83 Belvoir Road (odds), 2 Belvoir Road to 18 Belvoir Road (evens), 22A Belvoir Road to Regent Buildings (evens), Lombard House to Stafford House, Belvoir Road , Exchange Buildings to 28 Belvoir Road (evens), 1a Owen Street (odd), 1 to 9 Ashby Road (odds), 2 to 16 Jackson Street (evens), 1 Margaret Street (odd), 7 to 10 Marlborough Square , 2 to 3a Marlborough Square (Permitted 12.2.20).

2. Publicity

102 Neighbours have been notified.
Site Notice displayed 24 June 2022.
Press Notice published Leicester Mercury 29 June 2022.

3. Summary of Consultations and Representations Received

LCC Highways – No objections subject to the imposition of conditions and planning obligations.

LCC Ecology – No objections subject to the imposition of conditions.

Conservation Officer – Identifies less than substantial harm to the Coalville Conservation Area in relation to the frontage gap, areas of space left over after planning as well as from the replacement shop front.

Historic England – No comment.

Urban Designer – No objections but notes general comments in relation to the location of the bin store and cycle parking and the overall boundary treatment proposals. Comments also included notes that further information is required on the retail elevations and general comments were noted in respect of the proposed residential block.

LCC LLFA – requests confirmation that no objections have been received from Severn Trent but advise of suitably worded conditions should officers be minded to support the proposals.

LCC Archaeology – No objections.

LCC Development Contributions – requests s106 contributions in respect of waste and libraries.

NHS Leicester – requests s106 contribution in order to manage the estates provision effectively.

National Forest Company - No objection and there is no requirement for National Forest planting. The NFC considers that the landscaping area should accommodate native trees, and we recommend that planting details are agreed as part of the planning application to ensure tree planting can be achieved. The use of materials can contribute to National Forest character and identity. While the Design and Access Statement concludes that brick is most appropriate for the residential building, the document includes images of timber slats and timber cladding on other bowling alleys. The use of sustainably sourced timber (as opposed to timber effect) is encouraged by the NFC where appropriate and possible to contribute to National Forest character and identity. A further aspect of National Forest identity is sustainable design, and it's not apparent from the documents available that sustainable construction and design has been considered.

NWLDC Tree Officer – No objections subject to conditioning of an appropriate landscaping scheme, the submission of a detailed arboricultural method statement and updated tree protection plan.

NWLDC Environmental Protection - No objection subject to conditions.

NWLDC Environmental Protection (Contaminated Land) - No objection subject to conditions

NWLDC Housing – In order to meet the requirements for affordable housing under the NPPF and Council policy H4, 6 no. units would need to be provided with affordable rental properties within a fully build to rent scheme.

NWLDC Waste Services – No objections subject to the securing of indemnification against any damage to the road because of waste collection vehicles and conditioning of further details of bin storage facilities and ensuring the proposed access road would be constructed to an adoptable standard. This has now been confirmed and as such, no objections have been raised.

Police Architectural Liaison Officer – No objections but notes general observations regarding the proposed development.

Third Party Letters of Representation

Neighbouring properties were consulted during the lifetime of the application by way of neighbour letters, a site notice and advertisement in a local newspaper 6 no. representations were received including 2 no. objections, 3 no. witness statements in respect of the status of the greenfield area as well as 1 no. comment in support. The objections and witness statements received raised the following points:

- Concerns that there do not appear to be plans to merge the development and the MCR car park
- Concerns that the developer has not consulted with MCR
- The lawned areas have been in use by the public for many years (noted in 4 no. separate statements).
- Concerns regarding misleading information or statements within the applicant's submission
- Concerns that statutory notices were removed after they were posted.
- Concerns the proposals would have an unacceptable impact on local wildlife.

In addition, the 1 no. comment in support of the scheme noted the following points:

- Supports the proposal and the development would bring more facilities and services to the centre of Coalville.

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 (2023)

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. The following sections of the NPPF are considered relevant to the determination of this application:

Paragraphs 8 and 10 (Achieving sustainable development);

Paragraphs 11 and 12 (Presumption in favour of sustainable development);

Paragraph 34 (Development contributions);

Paragraphs 38, 39, 40, 41, 42, 44 and 47 (Decision-making);

Paragraphs 55, 56, 57 and 58 (Planning conditions and obligations);

Paragraphs 60, 61, 62, 63, 65, 69, 74, 75, and 77 (Delivering a sufficient supply of homes);

Paragraphs 81 and 83 (Building a strong, competitive economy);

Paragraphs 86 (Ensuring the vitality of town centres);

Paragraphs 92, 93, 94, 97, 98 and 99 (Promoting healthy and safe communities);

Paragraphs 107, 108, 110, 111, 112 and 113 (Promoting sustainable transport);

Paragraphs 119, 120, 124 and 125 (Making effective use of land);

Paragraphs 126, 128, 130, 131 and 134 (Achieving well-designed places);

Paragraphs 152, 153, 154, 159, 167 and 169 (Meeting the challenge of climate change, flooding and coastal change);

Paragraphs 174, 180, 183, 184, 185 and 187 (Conserving and enhancing the natural environment); and

Paragraphs 197, 199, 200, 202, 205 and 206 (Conserving and enhancing the historic environment).

Adopted North West Leicestershire Local Plan (2021)

The following policies of the adopted local plan are consistent with the policies of the NPPF and should be afforded full weight in 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 H4 - Affordable Housing;
Policy H6 - House Types and Mix;
Policy IF1 - Development and Infrastructure;
Policy IF3 - Open Space, Sports 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 - Water - Flood Risk; and
Policy Cc3 - Water - Sustainable Drainage Systems.

Other Policies/Guidance

National Planning Practice Guidance.
Good Design for North West Leicestershire Supplementary Planning Document - April 2017.
Affordable Housing Supplementary Planning Document - September 2022.
Leicestershire Highways Design Guide (Leicestershire County Council).
Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System).

Principle of Development and Sustainability

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 comprises the North West Leicestershire Local Plan 2021.

The site is located within the defined Limits to Development, within the town centre boundaries where the principle of residential development, as well as retail, leisure and service development is acceptable subject to compliance with relevant policies of the adopted Local Plan and other material considerations.

Within the NPPF (2023) there is a presumption in favour of sustainable development and proposals which accord with the development plan should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies as a whole or if specific policies in the NPPF indicate development should be restricted.

The sustainability credentials of the scheme would need to be assessed against the NPPF and in this respect Policy S2 of the adopted Local Plan defines Coalville as a 'Principal Town' which is the primary settlement in the District and where the largest amount of new development will take place.

On the basis of the above the application site would be considered a sustainable location for

new development due to it benefitting from a range of services and being readily accessible via public transport, as such future residents and users of the proposed services and facilities would not be heavily reliant on the private car to access the most basic of services.

From an environmentally sustainable perspective the majority of the site (80%) would be provided on land which was previously developed (brownfield land) which is the most appropriate type of land for new development in the context of Paragraphs 119 and 120 of the NPPF.

Whilst comments and witness statements have been received in respect of the partial siting of the residential building on an existing area of greenery, it is noted that this open space has no formal designation, with Policy IF3 of the Local Plan aimed principally at securing open space, sport, and recreational facilities in association with new housing development. Additionally, it is noted that whilst the development would result in a partial loss in existing grassed areas, these would largely be retained through the provision of landscaped areas to the east of the residential building which would also be enhanced as part of the scheme.

Additionally, from a social perspective, Policy IF2 notes that “new development will be required to provide or contribute to community facilities and other local services to enhance communities and the residential environment, as part of the development, or if appropriate off-site, where no facilities exist or where existing facilities are deficient.” Paragraph 92 of the NPPF states that “planning policies and decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible and enable and support healthy lifestyles.” Paragraph 93 goes onto state that “To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.” The proposals would meet the requirements of policy IF2 through the provision of community facilities in the form of a mixed-use leisure building.

Paragraph 92 of the NPPF provides that planning policies and decisions should aim to achieve healthy, inclusive and safe places which, amongst others, promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other and enable and support healthy lifestyles, especially where this would address identified local health and well-being needs; Paragraph 93 states that planning policies and decisions should plan positively for the provision and use of community facilities such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.

In this case, at the heart of the development would be a proposed leisure building which would include a bowling alley, restaurant, mini golf, and gaming areas, whilst the proposed landscaping scheme would enhance the existing open space provision within Coalville, whilst linking the development to the nearby footpath and cycle path to the north of the site to promote opportunities for sustainable forms of travel. Both the leisure building and proposed open space provision would provide opportunities for social interaction and meetings between people who might not otherwise come into contact with each other and would account for a significant contribution towards the provision of community facilities within Coalville centre. On this basis, the development would accord with the aims and objectives of paragraphs 92 and 93 of the NPPF.

Overall, the proposal would not result in sufficient harm to the built environment, as assessed in more detail below, and would also have positive economic and social sustainability benefits.

As a result, the proposal would be considered sustainable in accordance with Policy S2 of the adopted Local Plan and the core objectives of the NPPF.

The principle of the development is therefore considered to be acceptable, subject to all other material planning matters being addressed.

Affordable housing and housing mix

With regards to housing mix, Policy H6 of the adopted Local Plan outlines that a mix of housing types, sizes and tenures is expected on residential developments proposing 10 dwellings or more. When determining an appropriate housing mix, the information contained within the Housing and Economic Development Needs Assessment (HEDNA) is one of the factors to consider alongside other criteria as outlined in Part (2) of Policy H6. Whilst Policy H6 relates to open market schemes only, build to rent came in after the adoption of the current local plan and as such, consideration needs to be had to the overall housing mix.

It is the case that the HEDNA mix is one of several factors to have regard to when assessing a housing development of 10 or more dwellings with regard also being given to the "mix of house types and sizes already built and/or approved when compared to the available evidence" (criterion (b) of Part (2) of Policy H6) as well as the "needs and demands of all sectors of the community" (criterion (e)).

In this case, the development would comprise wholly 28 no. studio flats and would therefore, not provide a range of apartment sizes as per Policy H6. However, as part of the overall consideration of the proposals against Policy H6, the character and context of the individual site, development viability and deliverability and the needs and demands of all sectors of the community should be considered.

As outlined in the overall assessment, the site is a constrained site, with limited options for a residential block. In this case, increasing the size of the proposed flats would result in an overall increase in footprint, consequently resulting in an unacceptable loss and/or lack of greenspace and open space provision within the site. Further, limiting the footprint of the residential block to its current extent whilst increasing the internal size of proposed flats would impact upon the overall viability of the scheme.

Further, in terms of needs and demands of the community, in their consultation response, the Council's Housing Team has indicated that within the HEDNA there is a shortage of affordable rental 1 bed properties for households under the age of 65 across the housing stock in North West Leicestershire which this scheme could help to alleviate in small part.

In terms of affordable housing, it is noted that paragraph 65 of the NPPF states that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development provides solely for Build to Rent homes. As such, in this instance, there is no policy basis for affordable rental properties, although it is noted the Planning Practice Guidance

references that 20% is generally a suitable benchmark for the level of affordable private rent homes to be provided (and maintained in perpetuity) in any build to rent scheme.

In this case, whilst there is no defined policy basis for securing affordable rental units as part of the build to rent scheme, the applicant is willing to commit to the provision of 3 no. affordable rental units to contribute to the specific need for 1-bed affordable rental units identified within the HEDNA which was noted within the consultation response from the Council's Housing Team.

As such, whilst it is noted that the scheme would comprise wholly of rented studio apartments, including some affordable rented provision, given the specific constraints of the site and that the proposals would contribute to providing a greater variety of tenure options in the centre of Coalville, along with contributing to the alleviation of the shortage of affordable rental 1 bed properties for households under the age of 65, the proposals are considered to comply with the requirements of Policy H6 and H4, the affordable housing SPD as well as relevant paragraphs of the NPPF.

Therefore, the mix of housing types and tenures is appropriate in this instance, would support identified local requirements and consequently would be compliant with Building for a Healthy Life (BfHL) criteria relating to 'Homes for Everyone'.

Design and Layout

Policy D1 of the Local Plan (2021) requires that all developments be based upon a robust opportunities and constraints assessment and be informed by a comprehensive site and contextual appraisal. It also requires that new residential developments must perform positively against Building for Life 12 and that developments will be assessed against the Council's adopted Good Design SPD.

The recently updated NPPF includes several new measures to improve design quality. This includes a test at paragraph 134 which directs that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

In particular, the Good Design for North West Leicestershire SPD requires development to contribute towards creating or reinforcing local distinctiveness and identity, and indicates that developments located within the National Forest will be strongly encouraged to reflect the principles and ethos of the Forest through:

- Green infrastructure;
- Building performance (i.e., more environmentally responsible buildings); and
- The selection and use of materials such as timber (including in construction, in both a structural and non-structural manner).

In addition, Local Plan Policy En3 requires that new development enhances the character of the National Forest through incorporating a National Forest or locally inspired character.

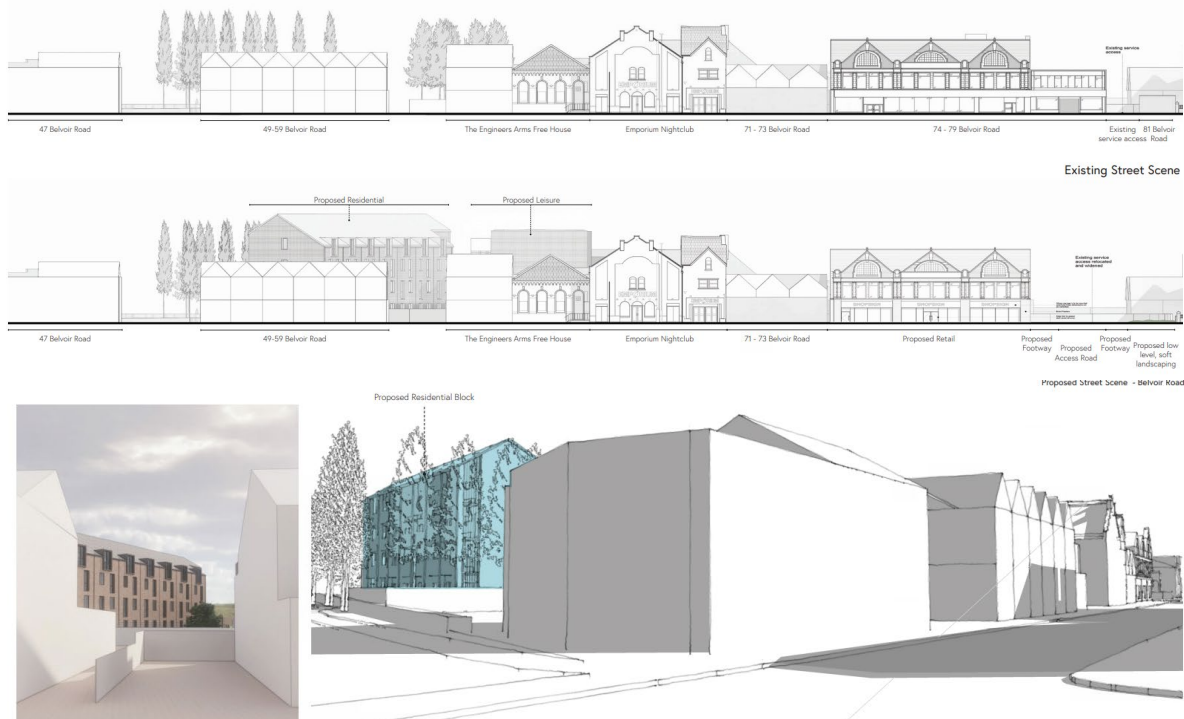
The application is supported by a Design and Access Statement explaining the applicant's rationale for the scheme as proposed and setting out the principal design considerations.

The existing site comprises of largely brownfield land, with a small area of greenspace to the north of the site, equating to approximately 20% of the site area. To accommodate the proposals within the site, partial demolition of Nos. 75-77 Belvoir Road (including a two-storey

side extension and various rear elements), the demolition of no. 81 Belvoir Road (an existing barbers) and demolition to the rear of Emporium nightclub is required. It is not considered that the proposed buildings and sections of buildings to be demolished are of sufficient architectural merit or positively contribute to the character of the streetscene or conservation area to warrant their retention. As such, no objections are raised to the proposed demolition included as part of the proposals.

Residential Block

The proposed residential block would be located to the northwest of the site and would comprise of a 4-no. storey building, with its principal elevation directly addressing the public footpath adjacent to the Belvoir Shopping Centre, with a communal amenity space located to the rear of the residential block. In terms of the principle of a building of this scale, indicative street views and models were provided throughout the course of design discussions to establish the acceptability of the development at the scale proposed as demonstrated below. Given the information submitted, and that any views of the development would be seen in the context of surrounding built development along Belvoir Road and the Retail and Leisure Quarter, it is considered that the proposals would not appear overbearing within the surrounding area.



In terms of the overall design of the residential block, the proposals have been the subject of design discussions throughout both pre-application and during the formal submission stages with several amendments being made throughout the application process to address officer concerns.

During the course of the application, the Council’s Urban Designer was consulted who, in consultation with officers, raised concerns and provided suggestions to advise ongoing design discussions including among other things, the overall orientation of the building, the proposed walkway arrangement, window detailing, brick detailing and the siting of the bin and cycle store and ramped access to the residential building.

Revisions were received throughout the course of the application to address concerns raised in consultation with the Urban Designer including amendments to window design and height (including the replacement of high level windows to the north elevation and the inclusion of additional windows to the eastern elevation) to both maximise natural light and increase natural surveillance, the inclusion of planters on the proposed walkways to the north to provide a sense of separation and ownership between the apartments as well as the inclusion of brick detailing to the western elevation, the removal of screening fins on the rear gantry and its replacement with an open balustrade.

Comments were also raised by the Urban Designer in respect of the ramped access such that the layout would reduce the connectivity to the walkway to the north and would create an awkward space between the car park and link, including suggestions to flip the staircase. However, it is noted that the proposed positioning of the ramped access was required for accessibility purposes and as such, no further objections are raised in respect of this matter.

Additionally, the bin and cycle store were relocated to be sited adjacent to the boundary with the leisure building to allow for better connectivity and visibility with the adjacent open space. Whilst it was requested that the cycle store be integrated into the footprint of the residential building, the agent confirmed this would be unviable. Additionally, the boundary to the communal garden was updated on plan so this would appear at an angle to remove unusable space between the communal garden and bin/cycle store whilst increasing natural visibility.

Nevertheless, Officers consider the revised siting of the bin store an improvement in terms of design relative to its previous siting on the boundary of the adjacent open space and it is noted that the residential bin store in its current proposed location ensures that a refuse collection vehicle can reverse into the layby.

It is considered that the revisions represent an improvement in the overall design of the residential block and associated amenities such as the bin and cycle store. In terms of materials, it is noted that this would be finished in a brick façade, which is considered reflective of the local character as well as referencing historic brick collieries and the former Wesleyan Methodist Church. It is considered further specific details in relation to materials and overall detailing could be dealt with by way of condition.

Leisure building

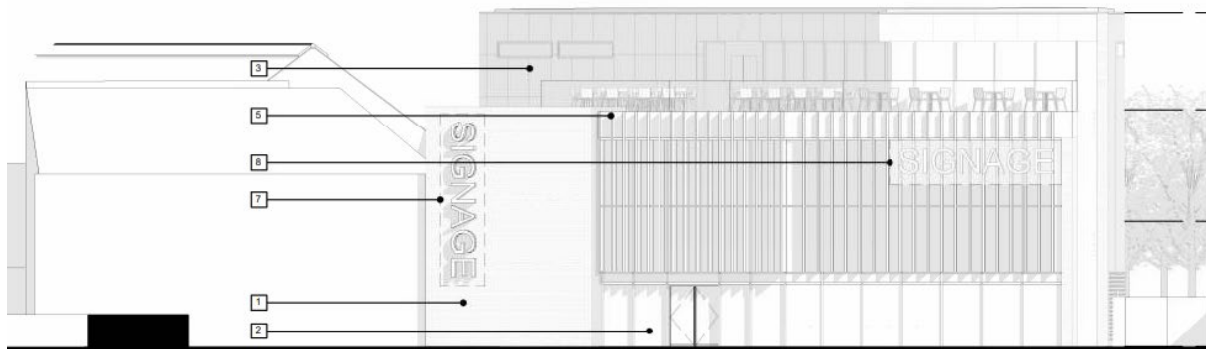
The proposed leisure block would be located to the north of the site and would be bound to the south by an existing nightclub (Emporium) and to the north by the proposed communal garden for the residential block. The proposed building would comprise of a 3-no. storey building and as outlined in the previous section, indicative street views and models were provided throughout the course of design discussions to establish the acceptability of the development at the scale proposed. Given the information submitted and that any views of the development would be seen in the context of surrounding built development along Belvoir Road and the Retail and Leisure Quarter, it is considered that the proposals would not appear overbearing within the surrounding area.

In terms of the overall design of the leisure building, the proposals have been the subject of design discussions throughout both pre-application and during the formal submission stages with several amendments being made throughout the application process to address concerns.

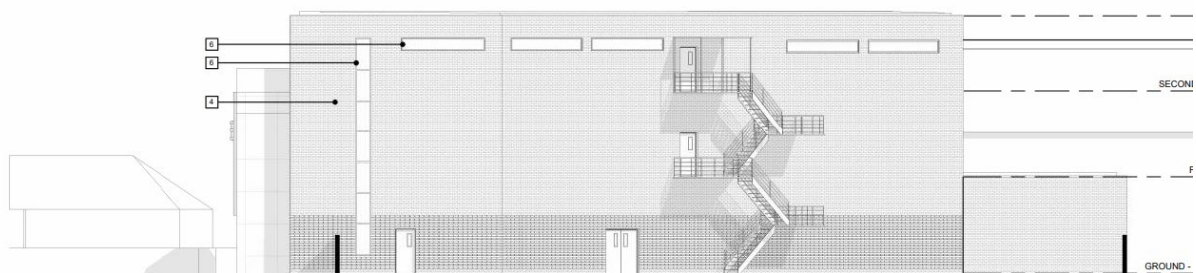
During the course of the application, the Urban Designer was consulted who raised concerns and suggestions to advise ongoing design discussions including among other things, the quality

of materials and fixings, queries regarding the brise soleil as well as the need for a greater amount of glazing to the north elevation to soften the overall appearance of this elevation. Additionally, comments were raised regarding the siting of the entrance and that this should correspond to the wider point of the pavement.

It is noted that revisions and additional information were received to address all points above other than the re-siting of the proposed entrance. Whilst it would be preferential for the entrance to be re-sited, it is considered that in the context of the overall design, the proposals are considered acceptable and that the revisions represent an improvement in the overall design of the Leisure Building. In terms of materials, it is noted that the leisure building would be finished in a white render, metal cladding and brick finish, with an aluminium framed curtain wall and timber fins. These materials are considered acceptable when considered in the context of surrounding development and would correspond to the District's National Forest identity. It is considered further specific details in relation to materials and overall detailing could be dealt with by way of condition.



1 Proposed East Elevation
1 : 100



2 Proposed North Elevation
1 : 100

Retail proposals

The retail element of the proposals would be sited to the southeast of the site and would utilise the existing buildings of Nos. 75-81 Belvoir Road.

In terms of the overall design of the retail units, the proposals have been the subject of design discussions throughout both pre-application and during the formal submission stages with

several amendments being made throughout the application process to address concerns.

During the course of the application, the Urban Designer was consulted who, in consultation with officers, raised concerns and suggestions to advise ongoing design discussions including among other things, favouring a traditional shopfront design approach, whilst the applicant sought to create a combined approach, linking traditional design with a modern aesthetic. Following discussions regarding the overall design approach and the overall variety of shopfront designs in the immediate vicinity, as well as having consideration to the current appearance of the existing shopfront, an overall combined approach was subsequently agreed to by both parties.

Revisions were also received throughout the lifetime of the application which included the grounding of the pilasters, and the inclusion of recessed panels to the gable end in order to animate the gable end.

The application does not include large scale drawings or a material specification for window frames, pilasters etc. for the shopfront. However, given that these details would be subject to a tenant being secured, it is considered reasonable for such details to be dealt with via condition. Additionally, further details of the exact appearance and finish of the recessed panels would be secured by condition.

Whilst at this stage, limited information has been provided in respect of the final plans for the overall design and rear elevation of the retail unit, it is noted that the applicant is agreeable to further exact details of this elevation being secured via condition once a tenant is secured for the retail building. Officers are agreeable to this approach given that a tenant is yet to be secured and further details would be secured by way of condition should the application be permitted.



Landscaping and public realm

Section 8 of the National Planning Policy Framework (NPPF) states that:

“Access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities and can deliver wider benefits for nature and support efforts to address climate change.”

The development would result in the partial loss of an existing open space provision on the site due to the siting of the residential building to the northwest of the site and some of the existing greenspace forming the area designated as the communal amenity areas for the residential block. Nevertheless, it is noted that open space to the northwest of the site would be retained for public use and enhanced via the landscaping scheme, ensuring the maintenance and enhancements of links to the nearby public footpath to the north, encouraging use of sustainable modes of transport. Notwithstanding the above, additional areas of landscaping would be formed as part of the proposals including a pocket of landscaping to the southwest of the site, adjacent to the proposed access point. As such, on balance, it is considered that the development’s overall impact on the existing open space would not be overly harmful to warrant the refusal of the application on these grounds.

In terms of the overall strategy for the public realm, it is noted that, under section 4.0 of the design and access statement, this has been inspired by the National Forest identity of the district. The section goes on further to clarify that:

“In order to provide a cohesive concept and approach, it is proposed to celebrate this and incorporate the adjacent Poplar trees into the public realm approach.

This will be through:

- *Creating street furniture in natural materials such as timber and locally sourced stone.*
- *Providing more green space, tree, and low-level planting*
- *Bringing decorative natural elements into the public realm such as burnt or stencilled leaf patterns and pressed timber concrete*

It is proposed that the planters within the adjacent pocket park will be gabion wall planters with integrated seating. Incidental planting will create an organic amenity space.”

The Local Planning Authority would support this approach and further details could be secured

by way of condition to secure precise details of soft and hard landscaping.



Heritage and Archaeology impacts

The application site is located within the Coalville Conservation Area. As such the proposed development must be considered in accordance with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that when considering a planning application for development located within a Conservation Area that special attention be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

It is a statutory requirement that any new development should at least preserve the character of the Conservation Area and significant weight be given to preserving the setting of listed buildings and historic grounds. Paragraph 197 of the NPPF states that planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and further indicates (at paragraph 199) that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

The Conservation Officer has been consulted through the lifetime of the application and identified less than substantial harm to the Coalville Conservation Area, which focused on the proposed shopfront detailing as well as requesting further details on elevation detailing such as the proposed recessed panels and how the proposals would interact with landscaping design in the wider site.

Whilst these comments are noted, it is considered that these matters could be appropriately addressed via conditions, and it also noted that the applicant is amenable to such an approach should the application be permitted.

The County Archaeologist was also consulted throughout the course of the application process and confirmed that no further archaeological measures would be required.

In this case, as outlined above, the proposal would result in very limited less than substantial harm to the identified heritage assets and (and when having regard to the requirements of Paragraph 202 of the NPPF), it is considered that this would be outweighed by the public benefits of securing an updated retail use for the Nos. 75-81 and adapting a disused building, securing social and economic benefits in the form of securing a new leisure building within the heart of Coalville and securing social and economic benefits through the provision of 28 no. new apartments, contributing to the local area's overall housing options.

Design and Heritage conclusions

The above assessment has determined that the proposals would be acceptable in terms of design, layout, scale, and overall appearance subject to conditions. Additionally, whilst the development would lead to very limited less than substantial harm to the Coalville Conservation Area, this is outweighed by the public benefits resulting from the scheme.

It is therefore considered that the application would preserve the character and appearance of the conservation area and comply with Local Plan Policies D1 and He1 as well as paragraphs

194, 196 and 202 of the NPPF.

Impact upon residential amenity

Policies D2 of the Local Plan (2021) requires that proposals for development should be designed to minimise their impact on the amenity and quiet enjoyment of both existing and future residents within the development and close to it.

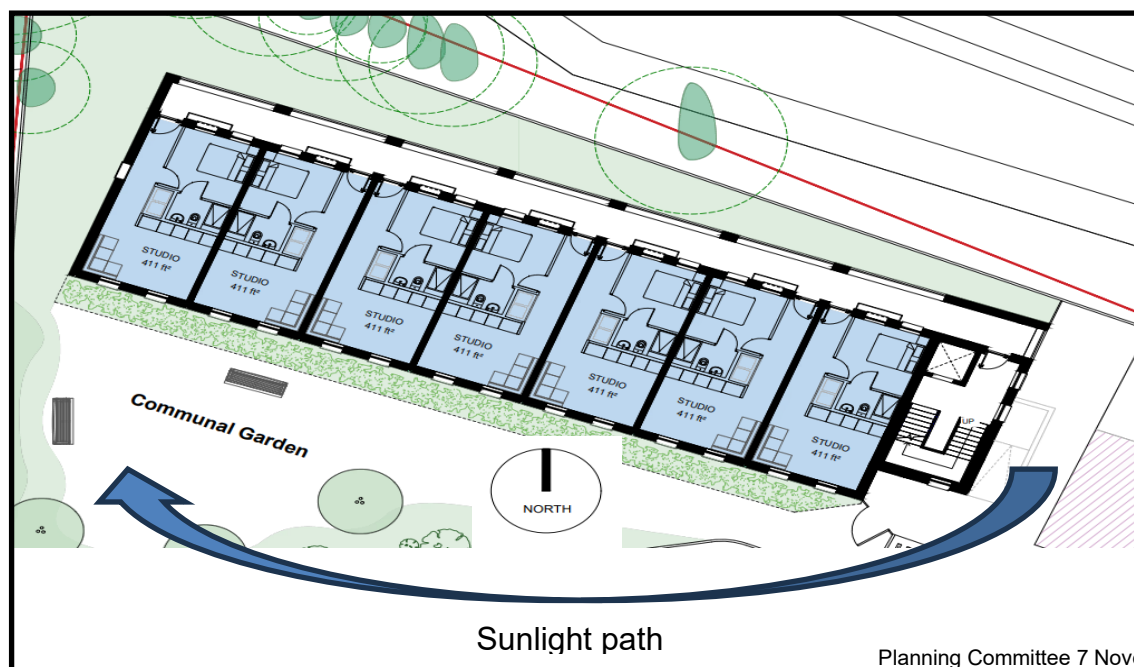
Residential Building

The first part of the proposal assessed below relates to the proposed residential building which would contain 28 no. 1-bed flats which would be built as a build-to-rent scheme.

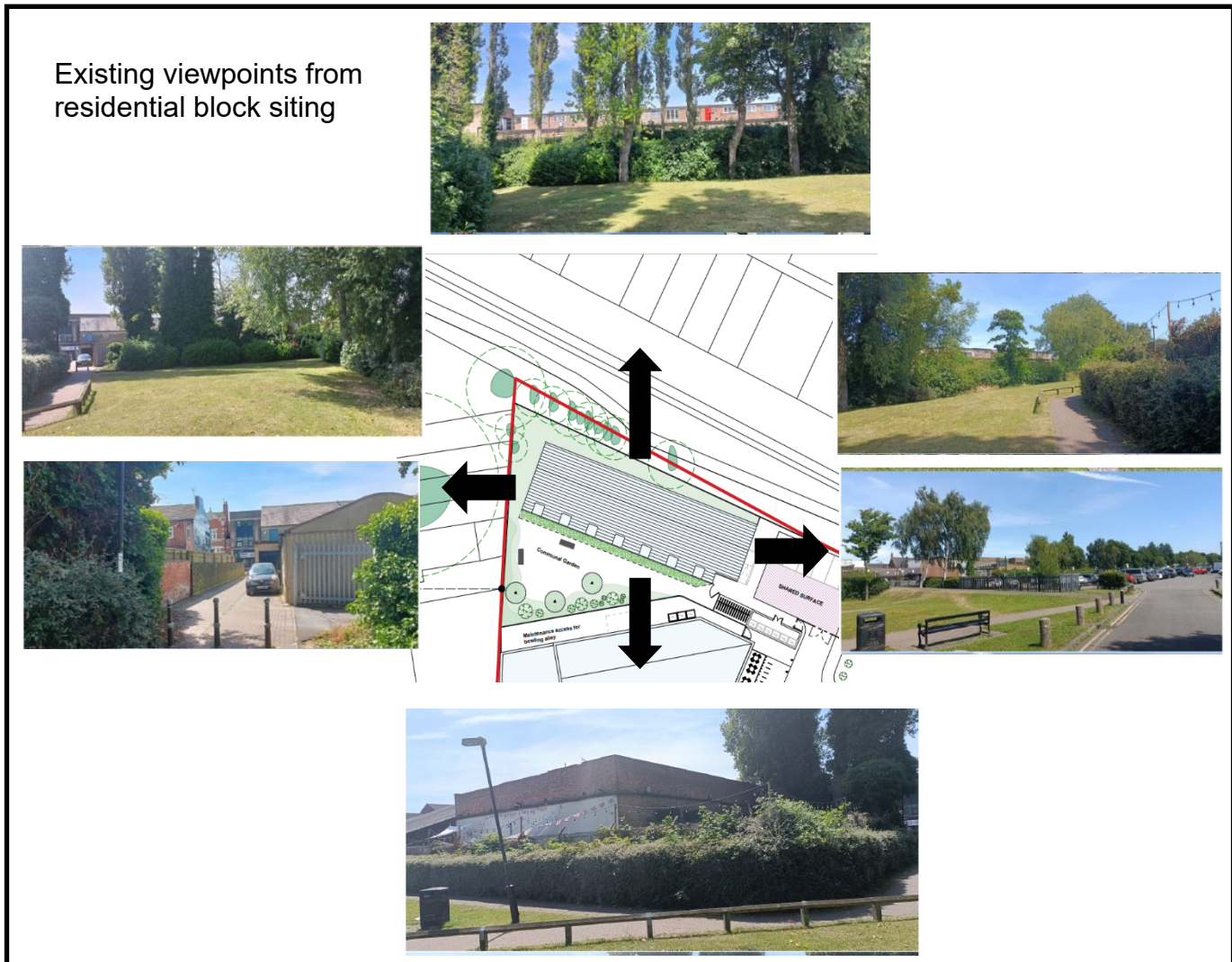
In terms of the amenities of future occupiers of the flats, it is noted that the Council's Good Design SPD notes that "Where market sale apartments are proposed, individual units above ground floor will be expected to be afforded private balconies to offer residents some semi-private amenity space." In this instance, it is noted that all 28 units would be build-to-rent and therefore, the above advice would not be applicable to the current scheme. Nevertheless, it is also noted that the SPD states that "the rear private garden spaces must be at least equal to the footprint of the property."

As part of the proposals, whilst each of the units would not benefit from individual private gardens, a communal garden would be proposed as part of the scheme. Whilst it is noted that the proposals would fall marginally short of this advice set out within the Good Design SPD, given the siting of the proposals within the centre of Coalville and the siting of the proposals directly adjacent to additional greenspaces, overall, the provision of amenity space would be acceptable, and it is not considered that the Local Authority could refuse the application on these grounds.

In terms of access to natural light, it is noted all habitable rooms would be served by windows, with the principal elevation of the residential building facing south to maximise levels of natural light to the main living spaces for the flats. Notwithstanding the above, each of the master bedrooms would be served by 2 no. windows to both maximise natural light and surveillance. The sunlight path for residential block is outlined below for reference.



In terms of the potential for overlooking to the surrounding properties, the views afforded from the principal elevation and from the main living spaces would be onto the communal garden as well as onto the northern elevation of the leisure building. As such, there would be no unacceptable overlooking resulting from this elevation of the residential block. Existing viewpoints are demonstrated within the figure below.



Whilst it is not considered this would result in the most attractive outlook for occupants of the flats, it is noted that this arrangement has been sought to maximise the levels of natural light afforded to the occupants of the flats. Given the above and that the view of the northern elevation of the leisure building would be softened through the presence of the communal garden and associated landscaping, this orientation of the building is considered acceptable.

As outlined above, to the northern elevation, each of the apartments would benefit from 2 no.

windows as well as an entrance walkway which would face onto the adjacent footpath to the north as well as towards the rear of shops at the Belvoir Centre. Given the separation distances involved (at least 20m distance) and the predominantly service and retail use of the units the residential building would overlook, along with consideration to the natural screening provided by trees to be retained, it is not considered the proposals would result in unacceptable overlooking impacts from windows to the proposed northern elevation.

Whilst there would be windows which would face onto the adjacent public open space from the eastern elevation, it is noted that these windows would serve a non-habitable room in the form of the stairwell. As such, it is not considered the eastern windows would result in unacceptable overlooking impacts. Finally, it is noted that whilst there would be windows to the western elevation of the residential block which would serve habitable rooms, given the residential block would be sited at an angle to properties and business fronting onto Belvoir Road along with consideration to the distances involved to habitable windows, it is not considered the proposals would result in unduly harmful levels of overlooking to warrant the refusal of the application on these grounds nor warrant the conditioning of side facing windows to ensure these would be obscure glazed and non-opening.

In terms of any overbearing and/or overshadowing impacts resulting from the proposals, whilst the proposed residential building would comprise of a 4-no. storey building, it is acknowledged that surrounding built development is largely characterised by two storey and two and a half storey buildings. The residential building would be sited to the northwest of the site, bounded by a footpath to the north, the proposed open space and car park to the east, the leisure building and communal garden to the south and large rear gardens to the west. Therefore, it is considered the proposals would result in some overshadowing to adjacent gardens during the morning, but this would not be to harmful levels with any overshadowing largely being confined to the adjacent footpath throughout the day and car parking area in the evening.

Given the above and that any views of the development would be seen in the context of surrounding built development along Belvoir Road and the Retail and Leisure Quarter, it is not considered the residential building would result in unacceptable levels of overshadowing and would not appear overbearing within the surrounding context.

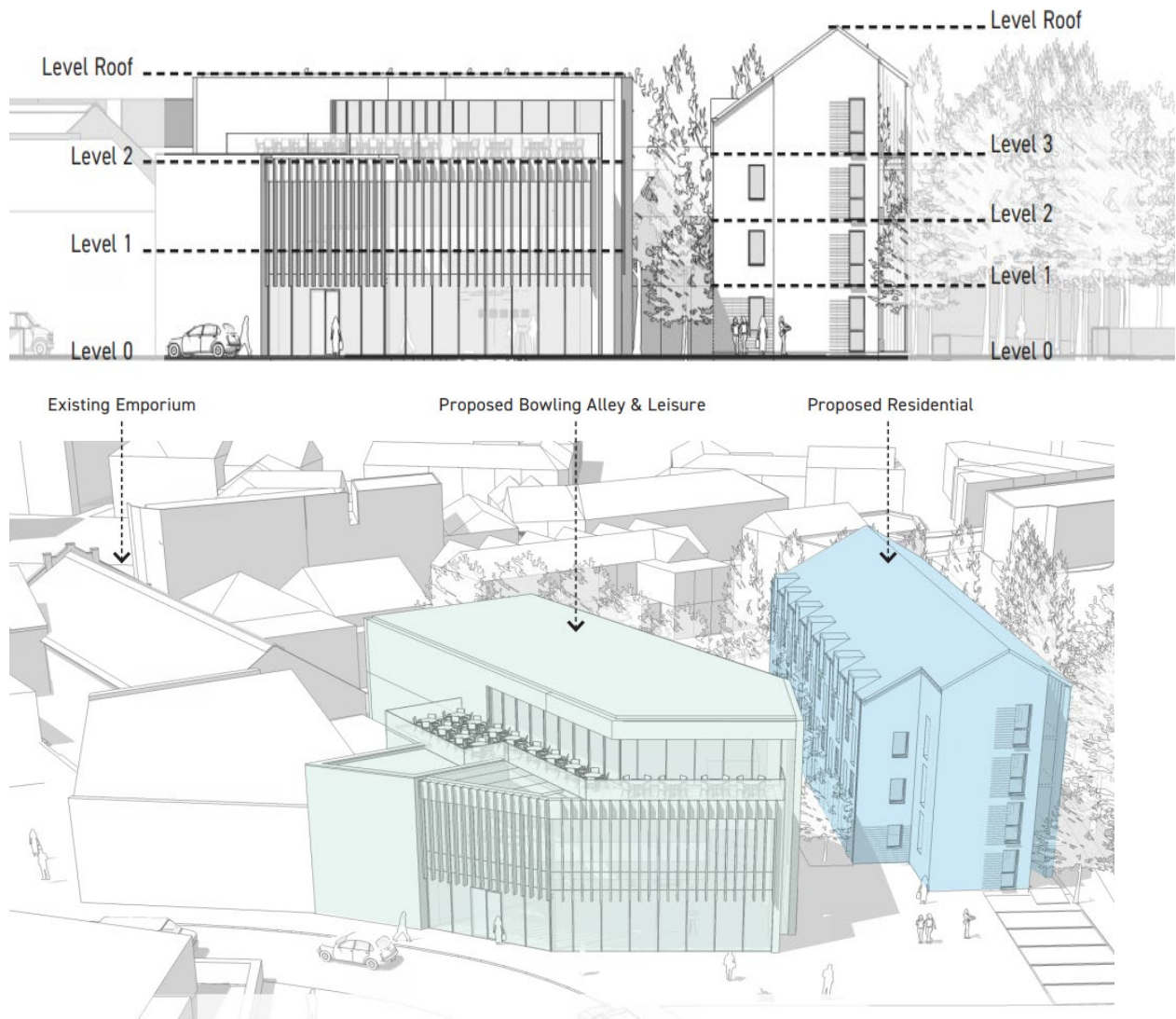
Leisure Building

The second part of the proposals would involve the erection of a leisure building to contain a bowling alley, restaurant with second floor terrace area, mini golf and gaming areas which would be sited to the northeast of the existing Emporium nightclub. The proposed building would be a maximum of 3 no. storeys high with a single storey element to the rear to allow sufficient space for the proposed bowling alley.

In terms of the impact to the surrounding residents, it is noted that the leisure building would be sited to the south of the proposed residential building and, at its closest, would have a separation distance of approximately 5.5m. As such, it is considered the leisure building would result in some overshadowing to the adjacent habitable windows at certain times of the day. However, given that the leisure building is located at an angle relative to the adjacent residential building, it is not considered the levels of overshadowing would be to unacceptable levels to warrant the refusal of the application on these grounds.

To the south of the leisure building would be the Emporium club whilst to the west would be the rear of the Engineers Arms. It is not considered the leisure building would result in unacceptable overshadowing impacts to either of these buildings and it is noted that the impact on the

Engineers arms would be limited by the reduction from 3 storeys to 1 storey in height directly adjacent to this property.



In terms of overlooking, this would be primarily from windows to the eastern elevation from the main public areas within the leisure building. The main surrounding property to be impacted upon would be the nearby furniture warehouse. Whilst it is considered there would be some overlooking because of the proposals, given the distances involved and the retail use of the adjacent property, it is not considered the proposals would result in unacceptable overlooking impacts to warrant the refusal of the application on these grounds. Additionally, whilst there would be windows to the northern elevation, these would either be limited to the stairwell or would be high level windows serving the restaurant area. As such, no unacceptable overlooking would arise from these windows.

With regards to noise and smell impacts to residential amenities it is considered that the application site is set within a highly central area, largely surrounded by other commercial premises. However, to ensure acceptable impacts on adjacent occupiers, and noting the request for the imposition of a condition by the Environmental Protection Team for an acoustic survey, and potential subsequent insulation scheme for the residential block, including details of ventilation arrangements, further details and potential mitigation measures shall be secured by

way of conditions.

Retail proposals

The final part of the proposals would be the retail element of the proposals, it is noted this would utilise an existing building with 2 no. floors proposed of retail space and 1 no. floor of office space. As this part of the proposals would not result in an extended footprint of built development and would utilise an existing building, with works largely limited to demolition and internal works, it is not considered the retail building would result in any unacceptable overbearing or overshadowing impacts.

Likewise, in relation to overlooking impacts, whilst the proposals would include additional windows to the rear, given these would overlook an adjacent car park and access road and having consideration to the siting and number of existing windows and the proposed retail and office use, it is not considered the proposals would result in unduly harmful overlooking impacts to warrant the refusal of the application on these grounds.



Amenity conclusions

The above assessment identifies that the development would be acceptable, both in relation to the amenities of existing surrounding occupiers as well as in relation to the amenities of future occupiers of the proposed build-to-rent flats.

On this basis it is considered that, subject to the imposition of conditions, the amenities of existing and future occupants would be safeguarded and consequently the proposal would be compliant with Policy D2 of the adopted Local Plan and Paragraph 187 of the NPPF.

Highway Considerations

Policy IF4 of the Local Plan (2021) requires that development takes account of the impact upon the highway network and the environment, including climate change, and incorporates safe and

accessible connections to the transport network to enable travel choice, including by non-car modes, for residents, businesses, and employees. Policy IF7 of the Local Plan (2021) requires that development incorporate adequate parking provision for vehicles and cycles to avoid highway safety problems and to minimise the impact upon the local environment.

LCC Highways were consulted throughout the course of the application and requested various updates to information and plans in order to inform a final substantive response.

The site proposes to reconfigure an existing access on the eastern side of Belvoir Road. The existing access is demonstrated in the photos below. As well as accessing the proposed development, the proposed access would also provide additional access to the 'Town Centre car park'. Belvoir Road is an adopted C-classified highway with a 30mph speed limit in the vicinity of the proposed access.

The proposed internal reconfiguration of the site means that the access proposals would provide additional new vehicular access to the existing 'Town Centre car park'. The 'Town Centre car park' is a combination of three separate car parks: Bridge Road, Needham's Walk and Market Hall.

The submitted 'Proposed Site Plan' drawing (reference 21142-0300 Rev. P-04) shows the access to be upgraded to a two-way single carriageway road with a carriageway width of approximately 6.5m. The proposed access road, which will have an s-shaped alignment, will provide a link between Belvoir Road at its southwestern end and the existing Town Centre car park at its north-eastern end.





A) Access arrangements

In relation to the access arrangements, LCC Highways commented as follows:

- *The footway provisions shown are considered reasonable and cater for pedestrians travelling from both the north and south of the access. The LHA accepts that there is physically no room to provide a footway on the south/east side of the access road, however the drawing shows multiple crossing points to the footway on the north/west side.*
- *The submitted drawing shows adequate dimension detail for this stage of the planning application and generally complies with Leicestershire Highway Design Guide (LHDG) Part 3.*
- *Swept-path analysis has been demonstrated satisfactorily on Drawing 19048 - TR004. The LHA recommended that a delivery and servicing plan be provided along with swept-path analysis, and this has been provided in Appendix 4 of TN 5.0. A condition has been advised in the relevant section below.*
- *The LHA is satisfied with the visibility splays provided which have been demonstrated correctly using speed survey information collected at the location.*
- *The Applicant was required to consider the interaction between adjacent junctions and the consequent effect on user delay and road safety given the proposed new access would be near the junction of Belvoir Road and Owen Street on the opposite side and the committed Marlborough Square development. No issues were raised in a Stage 1 Road Safety Audit (RSA1) regarding this.*
- *The LHA is satisfied that the consultant has responded to the issue raised within the RSA1 report and that there is no requirement for a further safety audit report at this stage.*

Additionally, it was noted that the following matters would need further consideration at the S278 detailed design and technical approval process stage:

- The new access would potentially require street lighting provision and consultation with LCC Street Lighting team would be required regarding this;
- The proposed new access would impact upon existing statutory utilities equipment and liaison with statutory utilities will need to be undertaken to confirm details of diversion/protection works required; and

- The designer should provide details of where they intend to drain the new proposed development in addition, the developer will be required to survey the existing drainage, and a detailed drainage design and drainage assessment will be required for approval as part of the S278 agreement. The developer will be required to survey the existing drainage, including CCTV, to identify suitable drainage to connect into.

Overall, it was noted that “the LHA notes and agrees that the proposed site access junction is predicted to operate well within capacity.”

B) Needham’s Walk

It is noted that as part of the proposals, Needham’s walk (existing photo shown below) would be permanently closed due to the siting of the proposed residential block and associated communal amenity space.

Therefore, the LHA directs the applicant to Section 31 of the Highways Act 1980 which states that:

‘Where a way over any land, other than a way of such a character that use of it by the public could not give rise at common law to any presumption of dedication, has been actually enjoyed by the public as of right and without interruption for a full period of 20 years, the way is to be deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it.’

The route seems to have been in existence for over 20 years and appears likely to have been in constant use by the public to pass and repass between Belvoir Road and the path it connects to. Therefore, if the Applicant does not hold any evidence that there was no intention to dedicate the route, it is strongly advised that a stopping up order via the S247 process to extinguish highway rights is pursued by the Applicant in connection with the development.



C) Highway Safety

LCC Highways provided the following information:

- *No Personal Injury Collisions (PICs) directly attributable to the site have taken place within the most recent five-year period for which data is available.*
- *Four PICs have been recorded along High Street (where the Town Centre car park connects to the highway) but there are no patterns / trends that can be determined.*
- *Four PICs have been recorded on Belvoir Road within the vicinity of the proposed access during the same period. Again, there are no patterns / trends that can be determined.*

Based on the above, the LHA therefore considers that the proposed development would not exacerbate any known highway safety concerns.

D) Trip Generation

The results from the completed trip generation exercise are included below for reference:

Use/Trips	AM	PM	Sat
Residential	+22	+21	-
Leisure	+8	+33	+19
Restaurant	+0	+6	+23
Retail	+0	+0	+0
Total	+30	+60	+42

It can also be noted that the proposed development trips would have three points of access with the wider highway network; the proposed site access with Belvoir Street and the two existing town centre car park access points, which may dilute the impact of the development traffic across the network.

E) Off-site implications

In relation to off-site implications, LCC Highways commented as follows:

“The LHA considered that the opening of an access to the town centre car park at this location could significantly alter traffic patterns in the town centre and therefore this needed to be established robustly and in detail.

The Applicant has applied a bespoke assessment methodology for calculating the impact upon the highway network based on a number of assumptions with regard to existing traffic flows at nearby junctions and parking accumulation surveys. However, when the LHA raised concerns and queries, disappointingly, the Applicant was reluctant to modify the application of its assumptions.

Therefore, in considering the Applicant’s methodology further, the LHA undertook its own assessment. Whilst the results of this did not fully match the findings by the applicant, the LHA does not consider on balance that the proposed development traffic, together with re-routing resulting from the new access to the car park, would be likely result in a significant change in flows at any off-site junctions within the town centre.”

Accordingly, the LHA does not consider that the operational capacity assessment of the impact on any off-site junctions is required in support of the development proposals and therefore, no further consideration was required.

F) Internal layout

In terms of the internal layout (outlined in the figure below), LCC Highways provided the following comments:

“A total of 15 car parking spaces are proposed for the site. This includes a total of 9 spaces for public use (including three disabled bays) and 6 spaces for the 28 residential apartments.

Parking spaces should measure a minimum of 2.4 x 5.5 metres with an additional 0.5m strip where bound by a wall/ hedge/ fence etc.

LCC Highways noted that “the proposed development could require the total provision of an additional 239 parking spaces, broken down by use as follows:

Use	Numbers proposed
Residential	22
Retail	61 – 87
Bowling	36
Restaurant	95

Such parking demand would result in a worst-case scenario parking accumulation of 463 parking spaces, an occupancy level of 83%. The LHA considers that this is acceptable and that a level of parking beyond that proposed is not required in this instance.”



Highway conclusions

Based on the above, LCC Highways concluded that “the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, and the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 111 of the National Planning Policy Framework (2021), subject to the conditions and/or planning obligations proposed.

Overall, the application is considered to be in accordance with the guidance set out within the Leicestershire Highway Design Guide and the application is considered to be acceptable with regards to Local Plan Policy IF7 and the relevant paragraphs of the NPPF.

Ecology

Policy EN1 of the Local Plan supports proposals that conserve, restore or enhance the biodiversity of the district.

LCC Ecology were consulted during the application process and requested further information in the form of an additional bat survey. Following re-consultation, the following comments were provided:

“The ‘Presence/Likely Absence Survey for Bats’ report dated August 2023, completed by Wharton Natural Infrastructure Consultants Ltd is sufficient. The assessment did not identify the presence of an active bat roost associated with the structures to be demolished or part demolished. However, to mitigate the loss of roosting features on site and in line with NPPF policy, recommendations for biodiversity enhancement have been made in Section 5 of the report. These include the provision of bat boxes upon the proposed structures which can form a standard planning condition for any approved scheme. The makes, models and locations should be illustrated on a relevant drawing/plan to discharge the condition.

Due to the site’s location and urban related habitat types, it was determined to be of little ecological value. However, there is the potential for breeding birds to occur within the structures and vegetated habitats on site. Therefore, a recommendation was made regarding the removal of such habitats outside of the breeding bird season (March – August inclusive). A technical advice note on nesting birds should be attached to any approved scheme to inform this. The PEA report also made a number of recommendations for ecological enhancement opportunities which could be incorporated into the proposed development.”

These recommendations include:

- *“integrated bat boxes into the brickwork of any new proposed buildings on site in addition to any mitigation measures that may be necessary following further bat surveys.*
- *The provision of specific bird boxes including general nesting boxes and sparrow terrace nest boxes*
- *A landscaping design for the proposed development should include the planting of a wide range of native species, including nectar and pollen-rich species”*

Subject to the conditioning of the above recommendations and enhancements, it is noted that

LCC Ecology have no objections to the proposals.

Whilst the mandatory requirement for 10 percent BNG has not yet been enacted through the Environment Bill (expected January 2024), paragraph 174(d) of the NPPF sets out a requirement to minimise impacts on and provide net gains for biodiversity. As noted above, the site is primarily brownfield land consisting of existing hardstanding and built development. However, approximately 20% of the site would be greenfield land, part of which would be lost because of the proposed residential development.

In this case, whilst no metric calculations have been provided with the application submission, it is noted that the developer is amenable to a condition to secure net gain, through a combination of onsite and offsite units which would include signing up to a Section 106 Agreement to secure its implementation over the long term. This is in line with government guidance on biodiversity net gain which notes the need to secure offsite biodiversity net gain for at least 30 years via a legal agreement.

Subject to the securing of the above conditions and Section 106 Agreement, the proposals would secure enhancements to local biodiversity, and would therefore accord with Policy En1 of the Local Plan and relevant paragraphs of the NPPF.

Trees

Policy En1 of the Local Plan supports proposals that conserve, restore or enhance the biodiversity of the district.

The Council's Tree Officer was consulted throughout the application due to the proposals including works to trees within a Conservation Area and the following comments were received:

"The submitted Arboricultural Impact Assessment (AIA - Ref 220426 1464 AIA V1 DRAFT) appears to provide a thorough description of the site's existing tree cover and so is acceptable for the purposes of considering the arboricultural implications to the proposal. This tree cover is mainly situated in the northern part of the site and is of mixed broadleaf species, with the most obvious being a linear group of Lombardy poplar on the northern boundary.

The AIA identifies a total of 21 trees which will require removal to facilitate the development. Of these, 12 are considered to be of moderate quality (category B) and 11 low quality (category C). From reviewing the proposed layout, I agree that the development will not be possible with the retention of these trees. Their removal will obviously result in a loss of the tree cover to the northern aspect of the site, although I do note that the other adjacent trees which are to be retained will maintain some of the existing screen and there will be the opportunity for replacement tree planting as part of a landscaping condition. With these points considered, the loss of arboricultural amenity will therefore need to be balanced against the overall benefits of the development.

The report also highlights that the proposed layout includes new hard surfacing within the root protection area (RPA) for several of the retained trees. Mitigation is recommended by constructing this new surfacing using a 'no-dig' specification. This is acceptable in principle, although a detailed specification and Arboricultural Method Statement (AMS) will be required for its installation. In this instance, it will be acceptable for the submission of an AMA to be made a condition of consent.

A Tree Protection Plan (TPP) is also included within the AIA. This is also acceptable in principle, although I would question the position for the protective fencing to trees T17-T29, which uses the proposed new surfacing as protection for the outer part of the RPA. I would question whether the specified 'no-dig' surfacing will be sufficient for the likely ground loading from construction plant/traffic and so would prefer to see the fencing positioned at the outer edge of the RPA, with the 'no-dig' surfacing then installed once the main building works are complete. The AIA does state that the included TPP is indicative only, and that a final plan and AMS is required. The above amendments could therefore be made when the TPP is updated to its final version. It would again be acceptable for this to be made a condition of consent."

Subject to the conditioning of an appropriate landscaping scheme, the submission of a detailed arboricultural method statement and updated tree protection plan, it is noted that no objections are raised by the Tree Officer.

As such, subject to the imposition of conditions, the Local Planning Authority is satisfied that the proposal would accord with Policy En1 of the Local Plan and relevant paragraphs of the NPPF.

Flood Risk and Surface Water Drainage

The site is located within Flood Zone 1 and the development would be situated within an area that is at low risk of fluvial flooding and a low to medium risk of surface water flooding.

During the application, the Lead Local Flood Authority was consulted and provided the following comments:

"Leicestershire County Council as Lead Local Flood Authority (LLFA) notes that the 0.76 hectare brownfield site is located within Flood Zone 1 being at low risk of fluvial flooding and a low to medium risk of surface water flooding. The proposals seek to discharge at 40 l/s via pervious paving and an underground tank to a Severn Trent Water (STW) sewer."

The applicant justification for the site's discharge rate is based upon a betterment requirement from STW. However, in line with Department for Environment, Food and Rural Affairs 'Sustainable Drainage Systems, Non-statutory technical standards for sustainable drainage systems' March 2015:

For developments which were previously developed, the peak runoff rate from the development to any drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event must be as close as reasonably practicable to the greenfield runoff rate from the development for the same rainfall event, but should never exceed the rate of discharge from the development prior to redevelopment for that event.

Therefore, the applicant should reduce the sites proposed discharge rate to abide by this standard.

The site's surface water drainage strategy is not shown to any level of detail. The applicant should show all proposed sewers, chambers and attenuation to demonstrate the sites strategy. Of critical detail is the location of the proposed sewer connection.

In order to provide a substantive response, the following information is required:

- *Review of the proposed discharge rate in line with guidance*
- *Consideration of source control SuDS such as permeable paving.*

- *Evidence that all parts of the site can be positively drained with a detailed surface water drainage strategy plan drawing.*
- *Accompanying network calculations for critical return periods with appropriate allowances for climate change.*
- *Developer Enquiry response from STW accepting the connection to their sewer asset in principle.*
- *Overland flow routing plan for any flooding in the peak design and exceedance events.”*

It is noted that in response to these comments, an updated flood risk assessment and surface water strategy was submitted by the applicant for review by the Local Flood Authority who provided the following further comments:

“Subsequent to the previous LLFA response the applicant has provided a revised drainage strategy which now seek to discharge at 3.41 l/s entirely via pervious paving to a Severn Trent Water (STW) combined sewer. Sewer records show an adopted surface water sewer which is the preferred point of connection and must be fully discounted before a connection to the combined sewer is supported.

No evidence of support in principle from STW has been submitted. It is however noted that the proposals currently drainage to existing STW assets off-site at a much greater flow rate; as such the risks are low associated with these missing details, however in line with NPPF the applicant has not adequately demonstrated the site can be drained.”

As such, the LLFA requested that evidence is submitted to confirm the Severn Trent Water support the proposals. Whilst this request is noted, given that Severn Trent Water has a duty to provide capacity including for new development, it is not considered reasonable to delay the application on this basis given the low risks associated with the site as identified above.

Therefore, on this basis, the LLFA have advised of conditions to attach to the application should officers be minded to approve the application without comments from Severn Trent Water. As such, these conditions would be applied should the application be permitted, and an update will be provided to members to confirm if the applicant is agreeable to the proposed pre-commencement conditions.

Therefore, subject to confirmation of agreement to the suggested pre-commencement conditions, it is considered that the proposal would comply with Policies Cc2 and Cc3 of the Local Plan, and the guidance set out within the NPPF.

Land Contamination

The Council's Land Contamination Officer has advised that due to the historic use of the site and use of the neighbouring sites, that it would be necessary for a Land Contamination Assessment to be undertaken as well as a verification investigation and remedial scheme, if required, and these should be conditioned on any permission to be granted. It is noted that the applicant is amenable to the suggested conditions and as such, these shall be conditioned should the application be permitted.

Subject to the imposition of such conditions, the development would accord with Policy En6 of the adopted Local Plan as well as Paragraphs 174, 183 and 184 of the NPPF.

Waste Services

Throughout the course of the application, the Council's Waste Services team were consulted and originally requested further information in relation to the access road and whether this would be fully adopted. Additionally, updated plans were requested in relation to bin store dimensions, and submitted swept path analysis plans to ensure this would be updated to accommodate the correct vehicle.

It is noted that throughout the application, an updated swept path analysis was received and reviewed by the Waste Services team who confirmed this to be acceptable. In terms of the adoptable standard of the access road, it was confirmed in consultation with LCC Highways that the access road would only be adopted as far as the eastern edge of the tactile paving on the proposed access road with the remainder of the access road being private. Therefore, for waste vehicles to traverse the proposed access road, confirmation was requested that the road would be constructed to an adoptable standard which was later confirmed by the applicant.

Based on the above, the Waste Services team confirmed that they would have no objections to the proposals subject to an indemnification from the developer being agreed against any damage to the road as a result of waste collection vehicles gaining access and egress to empty waste and recycling receptacles and it is understood that the applicant is agreeable to this approach. Further, further details in relation to waste bin dimensions could be secured via condition with additional guidance being included as a note to the applicant.

Given the receipt of confirmation of agreement to the above by the applicant, no objections are raised by Waste services.

Developer Contributions

Paragraphs 56 and 57 of the NPPF set out the Government's policy in respect of planning obligations and state that they can only be used here they are:

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

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

Requests have been made by Leicestershire County Council for Section 106 contributions towards travel packs and a travel plan monitoring fee, contributions towards bus passes (one per employee and two per residential apartment), contributions towards improvements to the A511, contributions towards waste and library services as well as contributions towards the local surgery. These have been forwarded and reviewed by the applicant who has confirmed agreement to the requested contributions. Notwithstanding the above, the developer has also agreed to secure the implementation of a net gain strategy through a Section 106 agreement.

These requests have been assessed against the equivalent legislative tests contained within the Community Infrastructure Levy (CIL) Regulations (CIL Regulations) as well as Policy IF1 of the adopted Local Plan and Paragraphs 34, 55 and 57 of the NPPF. Further, as outlined above, the applicant is agreeable to all requested contributions.

Conclusion

The site is located within the defined Limits to Development, within the town centre boundaries where the principle of residential development, as well as retail, leisure and service development is acceptable subject to compliance with relevant policies of the adopted Local Plan and other material considerations.

It is also considered that the development would not impact adversely on the character and appearance of the streetscape and wider area, the historic environment and archaeology, residential amenity, highway safety, ecology, existing landscaping, land contamination, and subject to confirmation from the Lead Local Flood Authority, nor would the proposal exacerbate any localised flooding issue.

There are no other material planning considerations that indicate that planning permission should not be granted and accordingly the proposal, subject to conditions and the completion of a Section 106 agreement, is considered acceptable for the purposes of the aforementioned policies.

It is therefore recommended that the application be permitted.