

Erection of up to 24 dwellings (Outline-all matters reserved)

Report Item No
A1

Land At Kane Close Coalville Leicestershire LE67 3RF

Application Reference
10/00775/OUTM

Applicant:
East Midlands Housing Group

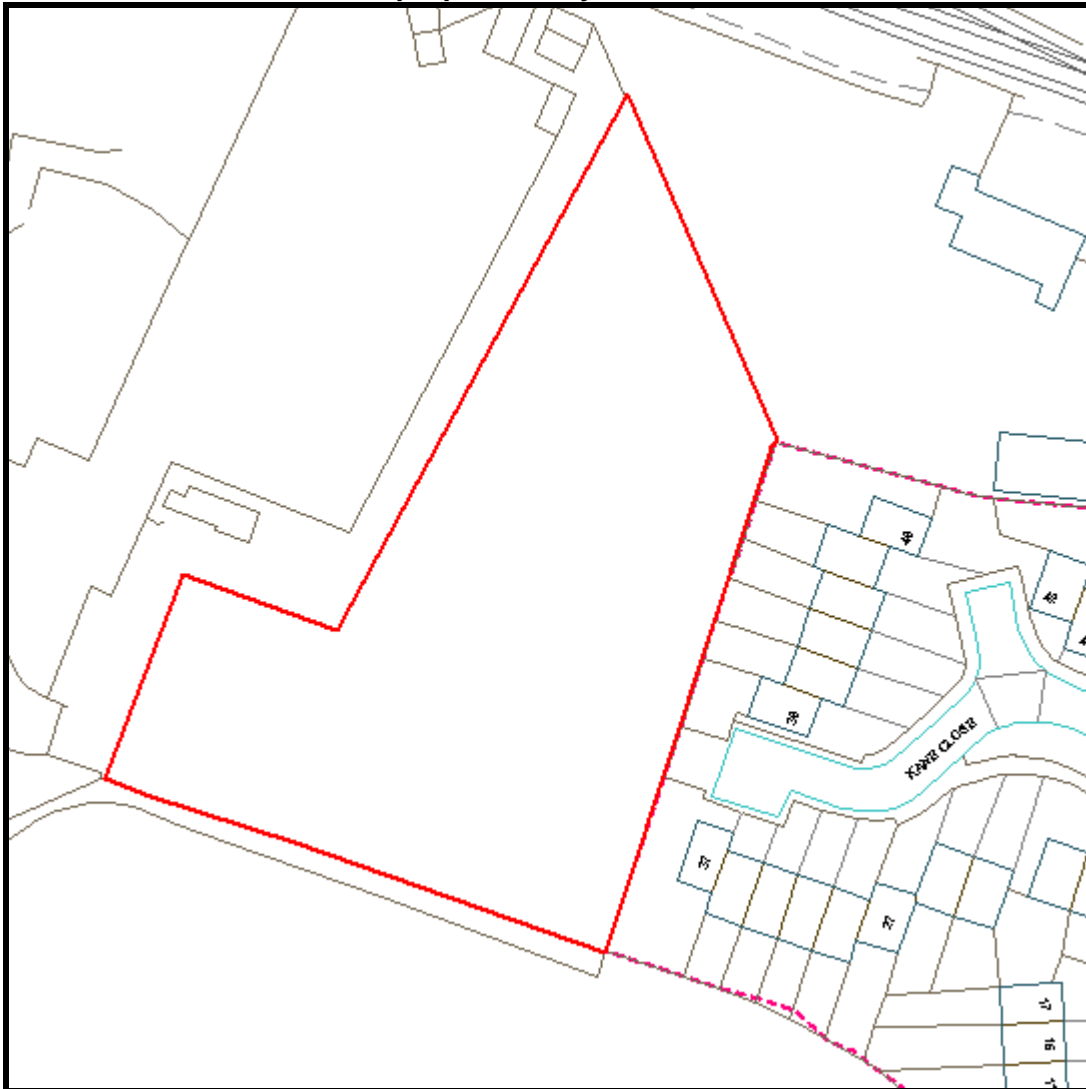
Date Registered
22 September 2010

Case Officer:
James Knightley

Target Decision Date
22 December 2010

Recommendation:
PERMIT subject to a Section 106 Agreement

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Recommendation

Proposal

This application seeks outline planning permission for residential development of up to 24 dwellings and associated works. The application is submitted on behalf of a Registered Provider, and all of the proposed dwellings would be provided as affordable housing.

Consultations

Members will see from the main report below that objections have been received in respect of the proposals (including from the County Archaeologist); it is also noted that a number of developer contribution requests have been received.

Planning Policy

The application site lies within Limits to Development as defined in the adopted North West Leicestershire Local Plan, and also falls within a larger area subject to Policy L8, which relates to appropriate uses on the site of the former Snibston Colliery.

Conclusion

The report below indicates that, whilst the proposals would be contrary to the provisions of Policy L8 of the adopted North West Leicestershire Local Plan, and whilst the development would have an adverse impact on the setting of the adjacent scheduled monument, having regard to the site's general suitability for housing (including its proximity to Coalville town centre) and the use of capital receipts to fund restoration works to the monument together with proposals for enhanced public access to and interpretation of the monument, these adverse impacts would be satisfactorily off-set. It is also considered that, whilst having regard to the viability of the scheme, the provision of a full range of developer contributions would not be achievable, the scheme would remain sustainable development overall, particularly when taking into account the social dimension benefits as a result of the proposed dwellings' affordable tenure.

RECOMMENDATION:-

PERMIT, SUBJECT TO SECTION 106 OBLIGATIONS, AND SUBJECT TO THE IMPOSITION OF CONDITIONS

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

MAIN REPORT

1. Proposals and Background

This is an outline application with all matters reserved submitted by a Registered Provider which, following amendment, is for the erection of up to 24 dwellings (having previously been considered by the Planning Committee on the basis of 21 following an earlier reduction in 2011) on a site of 0.57 hectares associated historically with the Snibston Colliery site (now occupied by the Snibston Discovery Park). The site is understood to have been used in the past as a storage area for colliery equipment.

Whilst all matters are reserved for subsequent approval, the application is accompanied by an illustrative layout showing 21 dwellings, including a public open space located towards the northern corner of the site, comprising:

- 3 no. one bed flats
- 2 no. two bed flats
- 8 no. two bed houses
- 7 no. three bed houses
- 1 no. four bed house

Whilst the illustrative layout indicates a scheme of 21 units, following further amendment in December 2014, the application now seeks permission for a maximum of 24 dwellings.

The submitted scheme as shown on the illustrative layout indicates that the site would be intended to be accessed via an existing residential estate (Kane Close).

The application was considered at the Planning Committee meeting of 6 September 2011 when it was resolved to permit the application subject to Section 106 obligations and subject to conditions. The Section 106 agreement has not to date been entered into, and the planning permission has therefore not been issued. However, the developers now wish to progress the scheme once more, and for the Section 106 agreement to be completed, such that planning permission can be granted.

Given the period that has elapsed since the original resolutions to permit and the changes that have taken place in respect of planning policy and other matters during that time, it is considered that the matter needs to be reconsidered in that context. Updated supporting information, required given the length of time that has passed since the previous resolution, has been submitted, including updated information in respect of trees, ecology, planning policy and heritage issues.

The application was originally referred to the Planning Committee for a decision at the request of Councillors Legrys and Clayfield.

2. Publicity

15 Neighbours have been notified (Date of last notification 16 December 2014)

Press Notice published 19 November 2014

Site Notice published 08 November 2014

3. Consultations

LCC ecology
County Archaeologist
English Heritage- major dev in CA
NWLDC Tree Officer
Head Of Street Management North West Leicestershire District
County Highway Authority
Severn Trent Water Limited
Head of Environmental Protection
NWLDC Urban Designer
LCC Development Contributions
NHS Leicester, Leicestershire And Rutland Facilities Management
Development Plans
Head Of Leisure And Culture
Manager Of Housing North West Leicestershire District Council
Police Architectural Liaison Officer
NWLDC Conservation Officer
Head Of Leisure And Culture
NWLDC Tree Officer

4. Summary of Representations Received

English Heritage originally supported the proposals (and notwithstanding the harm to the significance of the scheduled monument) in terms of their enabling development aspects on the basis that it was confirmed by Leicestershire County Council that the anticipated capital receipts would be used to facilitate acceptance of a larger sum from the Heritage Lottery Fund. Further to the recent submissions, English Heritage notes the proposals to offset the harm by way of the proposed enabling development and other public benefits.

Leicestershire Police Architectural Liaison Officer originally raised a number of issues relating to designing out crime in terms of site layout and, in particular, the siting of the public open space and the permeability of the scheme; no further comments have been received in response to the 2014 resubmission.

Leicestershire County Council Archaeologist originally considered that the applicants should be required to submit a thorough assessment of the proposed development on the historic environment; no further comments have been received in response to the 2014 resubmission.

Leicestershire County Council Ecologist has no objections subject to conditions

Leicestershire County Council Education Authority requests a developer contribution of £47,549.11 in respect of additional provision in the primary school sector

Leicestershire County Council Landscape Management Officer has no comments in respect of developer contributions

Leicestershire County Council Library Services Development Manager requests a developer contribution of £1,130

Leicestershire County Council Highway Transportation & Waste Management Authority

requests a civic amenity developer contribution of £1,492

Leicestershire County Council Highway Authority has no objections subject to conditions

NHS England (Leicestershire and Lincolnshire Area) [in its former state as NHS Leicestershire County and Rutland Community Health Services] originally requested a healthcare contribution of between £583 and £1,750 per dwelling; no further comments have been received in response to the 2014 resubmission.

North West Leicestershire District Council Affordable Housing Enabler supports the proposals

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

North West Leicestershire District Council Leisure and Cultural Services originally requested a developer contribution of £1,100 per dwelling in respect of leisure facilities; no further comments have been received in response to the 2014 resubmission.

Severn Trent Water has no objections subject to conditions

Third Party representations

One representation was originally received, objecting on the grounds that insufficient detail of the proposed dwellings was included within the application. No representations have been received further to the recent resubmissions (and re-notifications).

5. Relevant Planning Policy

National Policies

National Planning Policy Framework

The Department of Communities and Local Government published the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF brings together Planning Policy Statements, Planning Policy Guidance Notes and some Circulars into a single consolidated document. The NPPF contains a number of references to the presumption in favour of sustainable development.

The NPPF (Paragraph 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with the Framework. The closer the policies in the development plan to the policies in the Framework, the greater weight they may be given.

Save where stated otherwise, the policies of the North West Leicestershire Local Plan as set out in more detail in the relevant section below are consistent with the policies in the NPPF and, save where indicated otherwise within the assessment below, should be afforded weight in the determination of this application.

The following sections of the NPPF are considered relevant to the determination of this application:

Paragraph 14 sets out the presumption in favour of sustainable development and, in respect of decision making, provides that, unless material considerations indicate otherwise, states that

"this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted."

"32 All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."

"34 Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas."

"47 To boost significantly the supply of housing, local planning authorities should:
...- identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land..."

"49 Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."

"57 It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes."

"61 Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment."

"131 In determining planning applications, local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness."

"132 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 more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting...."

"133 Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use."

"134 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use."

"140 Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies."

"203 Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition."

"204 Planning obligations should only be sought where they meet all of the following tests:

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

North West Leicestershire Local Plan

The site lies within Limits to Development as defined within the North West Leicestershire Local Plan. It also forms part of a larger area subject to Policy L8.

Policy S2 of the Local Plan provides that development will be permitted on allocated sites and other land within the Limits to Development, identified on the Proposals Map, where it complies with the policies of the Local Plan.

Policy L8 provides that only development directly related to the purposes of an industrial heritage museum and its associated leisure activities will be permitted on the site of the former Snibston Colliery (and provided it does not have an adverse impact on the Local Nature

Reserve within the museum complex).

Policy H4/1 sets out a sequential approach to the release of land for residential development, and seeks to direct new housing towards previously developed land in accessible locations, well served by, amongst others, public transport and services.

Policy H6 seeks to permit housing development which is of a type and design to achieve as high a net density as possible, taking into account housing mix, accessibility to centres, design etc. Within Coalville and Ashby-de-la-Zouch town centres, local centres and other locations well served by public transport and accessible to services a minimum of 40 dwellings per ha will be sought and a minimum of 30 dwellings per ha elsewhere (in respect of sites of 0.3 ha or above).

Policy H7 seeks good quality design in all new housing development.

Policy H8 provides that, where there is a demonstrable need for affordable housing, the District Council will seek the provision of an element of affordable housing as part of any development proposal.

Policy E3 seeks to prevent development which would be significantly detrimental to the amenities enjoyed by the occupiers of nearby dwellings, and presumes against residential development where the amenities of future occupiers would be adversely affected by the effects of existing nearby uses.

Policy E4 requires new development to respect the character of its surroundings.

Policy E6 seeks to prevent development where it would prejudice the comprehensive development and proper planning of a larger area of land of which the site concerned forms part.

Policy E7 seeks to provide appropriate landscaping in association with new development including, where appropriate, retention of existing features such as trees or hedgerows

Policy E8 requires that, where appropriate, development incorporates crime prevention measures.

Policy T3 requires development to make adequate provision for vehicular access and circulation and servicing arrangements.

Policy T8 requires that parking provision in new developments be kept to the necessary minimum, having regard to a number of criteria.

Policy L21 sets out the circumstances in which schemes for residential development will be required to incorporate children's play areas.

Other Policies

North West Leicestershire District Council Affordable Housing SPD

Key Principle AH2 provides that affordable housing will be sought on all sites of 15 or more dwellings in the Greater Coalville Area.

Key Principle AH3 requires a minimum of 20% of residential units to be available as affordable

housing within the Greater Coalville Area.

North West Leicestershire District Council Play Area Design Guidance Note SPG

The District Council's Play Area Design Guidance Note SPG sets out the relevant requirements in respect of children's play provision required in association with residential development.

Submission Core Strategy

At a meeting of the Full Council on 29 October 2013, the District Council resolved to withdraw the Submission Core Strategy.

6. Assessment

Principle of Development

In terms of the principle of residential development, the site is located within Limits to Development, is previously-developed, and is, it is considered, well related to the town centre. The site is accepted to be previously-developed as, it is understood, the site was previously used in association with the former mineral operations of the colliery, but that no restoration conditions exist (given the time at which the operations were undertaken). The site (which appears to have been used for other forms of storage since the colliery's closure) has not naturally regenerated since its cessation of use to the extent at which it could be considered to be greenfield by virtue of such regeneration.

Policy H4/1 of the Local Plan relating to the release of land for housing states that a sequential approach should be adopted. Whilst a sequential approach is outdated in the context of the NPPF, the sustainability credentials of the scheme would still need to be assessed against the NPPF.

The concept of new development being directed to locations that minimise reliance on the private motorcar is contained within the NPPF. The settlement of Coalville benefits from a range of local services and is readily accessible via public transport; as referred to above, the site is considered to be well-related to the town centre (being located approximately 350m from the closest part of the Core Town Centre Shopping Area as defined in the adopted Local Plan). The proposal for the erection of new residential dwellings is, therefore, considered to score well against the sustainability advice (in terms of need to travel) in the NPPF.

Housing Land Supply

The NPPF requires that the Council should be able to identify a five year supply of housing land with an additional buffer of 5% or 20% depending on its previous record of housing delivery.

In terms of the minimum amount of housing required to be provided within the District as a whole, a Strategic Housing Market Assessment (SHMA) undertaken on behalf of all of the Leicestershire local planning authorities has provided the District Council with an up-to-date objectively assessed annual housing requirement, equating to 350 dwellings per annum. The approach used in the SHMA to establishing this Objectively Assessed Need (OAN) was supported by the Inspector who determined the appeal in respect of a site at Lower Packington Road, Ashby de la Zouch, issued in October 2014, and, based on the findings of the Inspector regarding the appropriate method of calculating supply, the District Council's latest housing supply trajectory indicates that, using the approach of the above annualised requirement with a 20% buffer, the District is currently able to demonstrate a supply of 6.18 years.

Contribution to Sustainable Development

Having regard to the three dimensions of sustainable development, it is accepted that the development has the potential to make a positive contribution to the economic dimension by virtue of the growth associated with the proposed development. Similarly, the proposed provision of an additional 24 affordable dwellings (and, in particular, having regard to recent under-provision of affordable housing necessary to meet the District's needs) would assist the scheme's sustainable development credentials in respect of the social dimension, although this would need to be weighed against the non-provision of other infrastructure contributions as set out in more detail below. Insofar as the environmental role is concerned, however (and in addition to the accessibility of the site as already discussed), particular regard should be had to the impacts on the setting of the nearby scheduled monument, as set out in more detail below.

Other North West Leicestershire Local Plan Policies

As stated above, the site (along with the remainder of the Snibston Discovery Park complex) is subject to Local Plan Policy L8 which presumes against development unless directly related to the industrial heritage museum and its associated leisure activities. The proposal would clearly conflict with the provisions of this policy.

Whilst the site is protected under Policy L8, it is noted that the site has, it is understood, now been sold to the applicants by Leicestershire County Council (and, therefore, the County Council presumably did not consider it necessary as part of its future plans for the Discovery Park). It is also noted that the site has not come forward for such use within the Plan period (1991-2006). Having regard to these issues, to the provision of additional affordable housing over and above the normal contribution required in association with residential development, and to the general suitability of the site for housing in other respects, it is not considered that the policy conflict, on balance, should prevent the site being released for residential development at this time.

Heritage Issues

The site forms part of the wider complex of the former Snibston Colliery, now used as the Snibston Discovery Park. Part of the former colliery (and including the former pit headstocks) is designated as a scheduled monument (monument no. 31764; list no. 1018472); the application site itself does not fall within the designated area as defined on the relevant English Heritage plan. Snibston Colliery is considered by English Heritage to be one of the best surviving examples of a mining complex dating from the British coal industry's period of peak production, and to be one of four sites in England which best represent the coal mining industry since the 1890s. Rare structures such as a double-decker cage, tandem winding gear and creeper system are preserved in situ. In situ survivals of machinery include two electrical winding engines, a fan and locomotive engines. The tandem headgear is understood to be extremely rare, and is thought to be one of only two surviving in the country.

Whilst the County Council was (corporately) supportive of the proposals, objections were raised by its archaeologist at the time the application was originally considered, and who requested an assessment of the direct and indirect implications of the proposals upon the historic environment. Similar concerns were originally raised by English Heritage. In particular, the form of development shown on the illustrative layout submitted when the application was first made (albeit amended prior to consideration by the Planning Committee) showed a more extensive form of development in the northern part of the site which is the area closest to the scheduled

monument.

In response to these concerns, the amendments to the illustrative layout referred to above were provided, and a heritage statement was produced. No further comments were received from the County Archaeologist at that time (nor since the 2014 reconsultation), although English Heritage provided additional responses confirming and updating its views.

At the time the application was previously considered, English Heritage expressed concerns regarding the potential impacts upon the scheduled monument. In particular, it is noted that, historically, the application is understood to have been a storage yard and, as such, it has always been a relatively "open" area in the context of the monument's setting.

In terms of the approach to determining applications affecting a designated heritage asset (which would include a scheduled monument), consideration needs to be given to whether any harm would result to the significance of the asset and, if so, whether that harm would be substantial or less than substantial. In this case, having regard to the historic setting of the monument, it is considered that any development which would remove the historically open aspect of this part of the former colliery would be likely, to some degree, to harm its significance. English Heritage is also of the view that harm would result, "accruing from the containment of the site by residential development restricting the landscape presence of the monument as new works hem in the principal assets".

In terms of the extent of this harm, Paragraph 132 of the NPPF provides that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Having regard to the likely impacts of the proposed development which, whilst developing the setting, would not directly affect the heritage asset itself, it is considered that, on balance, the harm is likely to be less than substantial. As such, the approach to development as set out in NPPF Paragraph 134 would apply (i.e. the harm should be weighed against the public benefits of the proposal).

In terms of potential public benefits, these would, for example, include the benefits of the scheme as already described above in the context of assessing the various dimensions of sustainable development. In addition, however, at the time the application was previously considered, the applicants attempted to address the concerns of the County Archaeologist and English Heritage by promoting the scheme as a form of enabling development. As set out under Relevant Planning Policy above, Paragraph 140 of the NPPF provides that "Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies."

At the time that the application was previously reported to the Planning Committee, members were advised that Leicestershire County Council had produced a Conservation Management Plan for the future maintenance and management of the monument and, at that time, the County Council advised that the receipts from the sale of the land would be part of a contribution the County Council would make as match-funding which, together with Heritage Lottery funding, would be used to restore the scheduled monument / historic colliery complex and to provide facilities associated with the interpretation of the coalmining history of the site. The County Council had advised that, by delivering the programme, not only would the scheduled monument be removed from the Heritage at Risk register, but it would also be made accessible for the public, reduce significantly the building maintenance costs for the foreseeable future, and would provide apprenticeships and skills development opportunities linked with Stephenson College and local providers.

The County Council previously advised that the restoration programme would be delivered over 4 years (approx) from start and that the programme was dependent on external funding and the anticipated capital receipt for the application site (£300,000) would form the main contribution to the match-funding. At that time, English Heritage was of the view that the proposals represented an overwhelming case in support of enabling development, and had removed its earlier objections to the proposals on that basis.

Further to the recent update to the application, the applicants have been asked to confirm the current position in respect of the proposed enabling development. The applicants advise that:

- Leicestershire County Council's Strategic Property Services division has confirmed that the capital receipt from the sale of the development site formed part of the £1.86m funding package used for the maintenance of the scheduled monument
- After the completion of the various phases of works, the buildings and headstocks that fall within the scope of the works have been stabilised to prevent any further deterioration of the building fabric through movement, rust heave or failure of structural components
- The works have addressed the principal works of an earlier Conservation Management Plan dating from May 2009
- The buildings falling within the scope of works have been made wind and weather tight and the headstocks and ancillary metalwork have had rust and scale removed, failed or heavily corroded elements of structure replaced where necessary and a new paint system applied to give an expected 25 years protection to the steelwork
- The works have removed the backlog of maintenance tasks and will enable future maintenance to be of a more routine and planned manner
- A long-term maintenance schedule has been prepared and annual inspections of the site have been allowed for to enable maintenance requirements to be determined and repairs prioritised where necessary to prevent deterioration of the fabric through long term lack of action in addressing problems - monies have been allocated by Leicestershire County Council to deal with the arising maintenance items from the annual inspections as well as the cyclical maintenance set out within the schedule

As such, the applicants confirm that the capital receipts from the proposed development formed part of the funding of maintenance works which have, they advise, safeguarded the future of the monument, and arrested its decay. They also advise that the works undertaken "will allow the site to continue to be opened to the general public as a mining heritage attraction, ensuring that interest in the site continues into the future. The scope of the site tours can now be increased to include areas previously out of bounds due to safety concerns, increasing visitor interest in the site and its viability as a visitor attraction."

In terms of the current position as compared to the time at which the application was originally considered by the Planning Committee, the benefit associated with the proposed enabling development has, in effect, been secured already and, in this sense, the fact that the proposed restoration works have been undertaken in advance of the issuing of any planning permission means that the benefit has been secured regardless of the outcome of the application. As such, it is not considered that it would be appropriate to attach as much weight to the benefit as a material consideration (i.e. the mitigation originally proposed to off-set the harm to the significance of the monument will have happened whether planning permission is granted or not). However, it is nevertheless accepted that the works have been undertaken by Leicestershire County Council on the assumption that the capital receipts from the sale of the site would be used to fund the works in part. English Heritage appears to be generally content with the position in this regard and, notwithstanding that, in officers' view, the weight to be

attached to the enabling development case must inevitably be reduced to reflect the fact that there is no longer a "do nothing" fall back position whereby refusal of planning permission would result in the continued decay of the monument, it is considered that, on balance, the overall approach to this issue remains reasonable.

In addition to the securing of the monument repair works, English Heritage also draws attention to the other benefits (not yet secured) identified in the applicants' updated supporting information and, in particular, the comments that the works undertaken would allow the site to continue to be opened to the general public as a mining heritage attraction, and would enable public access to areas previously unavailable due to safety concerns. English Heritage advises that the Local Planning Authority should "explore the status and documentation (through a forward management plan) of public appreciation, access and understanding of the monument since this is also set out as a public good that will be safeguarded through the revenues of this development". A forward management plan had not been provided but it is considered that this element of the public benefit could be secured by way of a Section 106 agreement (to which Leicestershire County Council would need to be a party) ensuring that the public appreciation and access benefits suggested by the applicants would occur.

On balance, therefore, notwithstanding the potential adverse impacts on the setting of the scheduled monument, it is accepted that the overall benefits of the scheme (and including the proposed use of the capital receipts to fund the restoration works already undertaken to the monument, together with the proposed measures designed to enhance public appreciation of it) would outweigh the harm to heritage likely to result. As such, it is considered that the proposals satisfy the requirements of the NPPF.

Means of Access and Traffic Issues

All matters (including access) are reserved for subsequent approval. However, as set out above, the illustrative layout indicates that the site would be accessed via Kane Close. Whilst the County Highway Authority has advised that the roads as shown on the illustrative layout would not comply with the relevant County Council standards for adoption, no objections are raised subject to conditions, and subject to Section 106 obligations in respect of the following:

- One Travel Pack per dwelling to inform new residents from first occupation what sustainable travel choices are available in the surrounding area (which can be provided through Leicestershire County Council at a cost of £52.85 per pack per dwelling if required)
- Two six-month bus passes per dwelling to encourage new residents to use bus services as an alternative to the private car to establish changes in travel behaviour from first occupation (which can be provided through Leicestershire County Council at a cost of £350.00 per pass if required)

The scheme is considered acceptable insofar as those highways issues relevant to this outline application are concerned (e.g. impacts on the wider highway network etc), and subject to the mitigation measures identified by the County Highway Authority (although attention is drawn to the issue of developer contributions as considered under Developer Contributions and Development Viability below).

Neighbours' and Future Occupiers' Amenities

The density of the proposed development would equate to approximately 42 dwellings per hectare which, it is considered, would not be inappropriate in this area, having regard to its proximity to the town centre and surrounding forms of development. In principle, and whilst the

submitted illustrative layout relates to 21 dwellings, there nevertheless appears to be no particular reason why 24 dwellings could not, if designed in an appropriate manner, be accommodated on the site without causing unacceptable harm to adjacent residents' amenities, and whilst providing adequate amenity and parking areas for new occupiers.

In terms of future occupiers' amenities, it is noted that the site is adjacent to the existing play area forming part of the Discovery Park. In order to demonstrate that the use of the site for residential development would not result in unacceptable levels of amenity to future occupiers, supporting information in respect of noise has been provided. On the basis of this information, and on the basis of the recommendations contained within the submissions (i.e. provision of acoustic fencing, ventilation and glazing), the District Council's Environmental Protection team has no objections, and the scheme is therefore acceptable subject to the imposition of relevant conditions.

Design

The previously proposed scheme (i.e. the illustrative plan indicating 21 units) was assessed by the District Council's Urban Designer, and rated in accordance with CABE's Building for Life criteria. On the basis of the former 20 Building for Life criteria, the scheme scored as follows (out of 5) in the respective sub-categories: Environment and Community - 5, Character - 3.5, Streets, Parking and Pedestrianisation - 3.5, Design and Construction - 0. As such a total of 12 out of 20 would have been achieved, which would have been below the minimum of 14 out of 20 required to be considered of a "Good" standard under the former Building for Life assessment system. Given the outline nature of the application, however, the District Council's Urban Designer accepted that it was not expected that the application would secure 14 out of 20, and advised that the question was whether the illustrative proposals could offer the District Council confidence that the required standard could be achieved. Whilst the submitted illustrative proposals were considered to exhibit some areas of weakness and would need to be addressed prior to submitting a reserved matters application, the District Council's Urban Designer considered that, if the applicant responded positively to the advice afforded within the Building for Life assessment, a good scheme could nevertheless be secured.

Therefore, whilst the scheme is not sufficiently advanced to be assessed fully against Building for Life, it is considered that it has been demonstrated that, in principle, an appropriate scheme could be secured at the reserved matters stage(s), and would comply with the relevant National and Development Plan policies.

Developer Contributions and Development Viability

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

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

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

The proposed infrastructure and other developer contributions / Section 106 obligations are as set out in the preceding sections of this report (including in respect of accessibility / transportation) and as listed below.

Notwithstanding the various contributions sought by consultees, having regard to (i) the fact that all of the proposed dwellings would be affordable; (ii) the viability of the scheme; and (iii) the previously-proposed contribution to the scheduled monument has now, in effect, been made, the applicants do not propose to make any developer contributions. Insofar as the issue of viability and planning obligations is concerned, the DCLG's Planning Practice Guidance provides in Paragraph ID ref. 10-019-20140306 that "Where an applicant is able to demonstrate to the satisfaction of the local planning authority that the planning obligation would cause the development to be unviable, the local planning authority should be flexible in seeking planning obligations". It also states, however, that "the National Planning Policy Framework is clear that where safeguards are necessary to make a particular development acceptable in planning terms, and these safeguards cannot be secured, planning permission should not be granted for unacceptable development". A viability assessment based on the previously-proposed contributions (i.e. from 2011) and based upon a scheme of 21 dwellings (as opposed to the currently proposed 24) has been submitted by the applicants and has been assessed on the Local Planning Authority's behalf by the District Valuer. To date, no assessment considering the viability of the 24 unit scheme and in the context of the most recent contribution requirements has been undertaken but, on the basis of the findings of the District Valuer in respect of the viability assessment already carried out (i.e. that no contributions could be afforded by the development), it would appear likely that an assessment based on the revised number of dwellings and contribution requests would result in similar conclusions, and it is on the basis of this assumption that the assessment below is made. Should members be minded to agree to the approach suggested, it is recommended that, prior to the Local Planning Authority entering into any Section 106 agreement, confirmation from the District Valuer be secured to the effect that it remains satisfied that, on the basis of the actual scheme and the current policy compliant contributions requested, the development would remain unviable.

Having regard to the above viability issues, the conclusions as set out below are reached in terms of the relevant contributions. [NB The contribution requests listed below are as per those received in respect of the previously proposed 21 unit scheme; any amendments to these requests received in the light of the December 2014 amendment to 24 units will be reported on the Update Sheet.]

Education

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

Primary School Requirements:

The site falls within the catchment area of Coalville All Saints Church of England Primary School. The school has a net capacity of 210 and 351 pupils are projected on the roll should this development proceed, representing a deficit of 141 places. There are currently 66 pupil places included in the forecast figures for this school funded by Section 106 agreements from other developments in the area to be discounted, which reduces the deficit to 75 pupil places (of which 71 are existing and 4 would be created by this development).

There are three other primary schools within a two mile walking distance of the development, namely Belvoirdale Community Primary School (with a surplus of 16 places), Hugglescote Community Primary School (with a deficit of 37 places) and Broom Leys School (with a surplus of 40 places). When taking these into account, there would be an overall deficit in the primary sector of 56 pupil places and the Local Education Authority considers that a claim for an education contribution of 4 pupil places in the primary sector is justified, equating to £47,549.11.

High School Requirements:

The site falls within the catchment area of Newbridge High School. The school has a net capacity of 590 and 624 pupils are projected on roll should this development proceed, representing a deficit of 34 pupil places. There are currently 6 pupil places included in the forecast figures for this school funded by Section 106 agreements from other developments in the area to be discounted, which reduces the deficit to 28 pupil places (of which 26 are existing and 2 would be created by this development).

There is one other high school within a three mile walking distance of the development, namely Castle Rock High School (with a surplus of 40 places). When taking this into account, there would be an overall surplus in the high school sector of 12 pupil places and an education contribution is not therefore requested by the Local Education Authority in respect of this sector.

Upper School Requirements:

The site falls within the catchment area of Coalville King Edward VII Science and Sport College. The school has a net capacity of 1,193 and 1,074 pupils are projected on roll should this development proceed, representing a surplus of 119 pupil places. In addition, there is one other school within a 3 mile walking distance of the development (Stephenson College Studio School) which has a projected surplus of 210 pupil places. There is, therefore, an overall surplus of pupil places in this sector and an education contribution is not therefore requested by the Local Education Authority.

Library Services

Leicestershire County Council advises that an additional 30 users of Coalville Library are anticipated to be generated by the proposed development, requiring an additional 72 items of lending stock (plus reference, audio visual and homework support material), and a contribution of £1,130 is therefore sought by the County Council.

Civic Amenity

Leicestershire County Council advises that an additional 5 tonnes of waste per annum are anticipated to be generated and disposed of at Coalville Civic Amenity Site as a result of the proposed development, requiring improvements at the site so as to provide the increased capacity, and a contribution of £1,373 is therefore sought by the County Council.

Highways and Transportation

As set out under Means of Access and Traffic Issues above.

Children's Play and Public Open Space

Under the provisions of the District Council's Play Area Design Guidance Note SPG, children's play areas are required at a rate of 20sqm per dwelling, and all proposed dwellings should be within 400m walking distance of a facility.

Whilst it was originally proposed for the application to provide for an on-site children's play area, this element of the proposals is no longer included. The adopted SPG provides that, in certain circumstances, it may be appropriate to make a financial contribution towards the upgrading of an existing play area within 400m walking distance. However, there does not appear to be any such facility that would fulfil this requirement, and no contribution is proposed.

In addition to the above, a contribution of £26,400 has been requested by the District Council's Leisure and Cultural Services team towards improvements at Hermitage Leisure Centre. However, detailed calculations as to how the figure sought has been calculated has not been provided and, whilst the applicants do not in any event intend to make the contribution, it is not clear as to whether the request would in any event satisfy the tests in the CIL Regulations and NPPF.

National Forest Planting

When the application was previously considered, it was proposed to provide for on-site National Forest planting or the payment of a commuted sum of £5,700 in accordance with the relevant National Forest policy documents (although the relevant figure, based on the most recent National Forest standards, would now be £11,400 based on £20,000 per hectare of site area); again, having regard to the viability issues, however, it is no longer proposed to make this contribution.

Contributions to Repair and Enhanced Access of the Scheduled Monument

As set out under Heritage Issues above.

Healthcare

When the application was previously considered, it was proposed to make a contribution of between £583 and £1,750 per dwelling to the then Leicestershire County and Rutland Community Health Services in respect of healthcare. As per other contributions it is no longer proposed to make this contribution; again, however, detailed calculations as to how the figure sought has been calculated has not been provided and, whilst the applicants do not in any event intend to make the contribution, it is not clear as to whether the request would in any event satisfy the tests in the CIL Regulations and NPPF.

Developer Contribution Impacts on Sustainable Development

Having regard to the proposed non-provision of the range of contributions set out above, consideration needs to be given to the impacts of such non-provision, and the overall approach to such as set out in the NPPF.

Firstly, it is accepted that, in terms of the social dimension to sustainable development, the provision of a 100% affordable housing scheme would be of a clear benefit. Whilst the provision of such a scheme would not assist in terms of creating mixed and balanced communities (i.e. by way of the concentration of affordable tenure types separate from market housing), the overall contribution to sustainable development resulting from a fully affordable scheme is nevertheless considered positive. A significant housing need already exists within the District, and the recent Strategic Housing Market Assessment (SHMA) has indicated that the level of affordable housing provision within the District required to meet the identified need is 209 new affordable dwellings per annum between 2011 and 2036. In the years 2011/12, 2012/13 and 2013/14, the numbers of affordable houses built in the District were 57, 82 and 83 respectively and, therefore, even at current levels of provision, and notwithstanding a recent increase, the housing needs of many people within the District are not being met. A lack of affordable housing in the District would be likely to impact upon some of the most vulnerable people within the District and has the potential to increase the number of homelessness cases. As such, and particularly when considering the impacts arising from the recent prioritisation of contributions on larger sites towards transportation infrastructure over affordable housing, the provision of an additional 24

affordable units is considered to be a significant benefit. However, this has had the effect of reducing the viability of the scheme and needs to be balanced against the Government's support for Local Planning Authorities taking a flexible approach to developer contributions and viability (and as indicated in Paragraph ID ref. 10-019-20140306 of the DCLG's Planning Practice Guidance).

In terms of the adverse impacts on the sustainability of the development overall, these would accrue in terms of both the social and environmental dimensions as a result of the non-provision of contributions. In particular, it is noted that Leicestershire County Council requires contributions in respect of education, library services, civic amenity and transportation, and the non-provision of these contributions would impact upon the first three services listed above unless the County Council were to make good the shortfall itself. In terms of transportation, the measures sought are intended to reduce reliance on the private car, and some impacts in terms of congestion etc could result. Insofar as the financial contributions sought by Leicestershire County Council are concerned, however, it is noted that the land was within the ownership of the County Council. Assessment of the viability or otherwise of making contributions will in part be dependent on land value and, as such, the value of the land would have reflected the need for developer contributions and it would thus have been open to the County Council to either reduce the amount sought for the land (thus enhancing its viability) or, alternatively, to have used part of the capital receipts from the sale of the land towards providing the improvements to local services necessary to accommodate the proposed development.

In terms of the non-provision of children's play contributions, there would, it is considered, be an adverse impact on the social dimension, and children resident on the new development would not be within walking distance of a play facility, and with the resulting implications of that in terms of amenity and child development. Insofar as National Forest contributions are concerned, there would be an environmental impact on the wider National Forest in terms of the Forest's development and the provision of enhanced green infrastructure within the Forest but, having regard to the relatively small contribution involved, an unacceptable impact would not be considered to result when balanced against the other benefits of the scheme.

Overall, the impacts in terms of sustainable development are considered to be finely balanced, and the non-provision of various contributions would, it is considered, count against the overall sustainability credentials of the scheme. However, the view is taken that, in this instance, the social dimension benefits arising from the additional affordable housing provided in the Coalville area (wherein reduced contributions have needed to have been sought elsewhere due to the particular need to deliver additional transportation infrastructure) would be sufficient to outweigh the other social and environmental dimension impacts. Furthermore, insofar as some of the Leicestershire County Council service contributions are concerned, as landowner, the County Council would appear to have been in a position to ensure with the applicant that sufficient income generated by the land sale exists to accommodate the proposed development in infrastructure terms, should they choose to proceed with the development.

As per schemes elsewhere in the District whereby the full range of developer contributions have been demonstrated as unviable, it is considered that, should the Committee be minded to permit the application without the required range of CIL compliant measures, the development should be subject to a regular review mechanism (within the Section 106 agreement) during the build period. This would ensure that, should the viability of the scheme improve prior to completion such that some additional contributions can in fact be delivered (whilst remaining viable), the appropriate level of contributions are made accordingly (and that officers be provided with delegated authority to determine the appropriate distribution of any additional financial contributions secured in this way).

Other Matters

There are a number of trees within and adjacent to the site (primarily to the site periphery), and the application is supported by an arboricultural survey. The vast majority of the trees surveyed are of categories C (low value) and R (dead, dying or diseased). Of the two Category B trees, by virtue of their location (outside the far southern corner of the site and outside the proposed development area as indicated on the illustrative layout), neither would appear likely to be affected by the site's development (once the layout is determined at the reserved matters stage). Six existing trees at the likely point of vehicular access would be likely to need to be removed assuming this point of access is utilised at the reserved matters stage, but these are all of categories C and R, and their loss would not therefore be considered unacceptable. The District Council's Tree Officer has no objections to the proposals and, furthermore, advises that, at this stage, some remedial tree surgery would be appropriate.

Supporting ecological reports have been submitted in support of the application. Whilst the originally submitted report is now of some age, an updated survey has recently been provided. The County Council's Ecologist has no objections to the proposals, subject to the imposition of conditions relating to badgers, nesting birds, translocation of rare mosses, and removal of invasive species.

In terms of drainage, Severn Trent Water has no objections to the development, and the development of the site is considered acceptable in this regard.

Conclusions

Overall, it is concluded that, whilst there have been a number of changes to material planning circumstances such as in respect of the planning policy context (including the introduction of the NPPF and the revocation of the former East Midlands Regional Plan) and the implementation of the restoration works to the adjacent monument, none of the changes are such that a different decision would be appropriate and approval is again recommended.

For the viability reasons set out above, it is anticipated that the scheme would be unable to support developer contributions other than those as set out above and, subject to the District Valuer being satisfied that this remains the position in the context of the current contribution requests, it is recommended that Section 106 obligations are limited to:

- (i) Provision of all dwellings as affordable housing in accordance with details to be agreed by the District Council; and
- (ii) Submission and approval by the District Council (and subsequent ongoing implementation) of a forward management plan including measures designed to enhance public access to and appreciation of the adjacent scheduled monument.

Should it be agreed that the above approach would be acceptable, it is considered that the development should be subject to a regular review mechanism during the build period whereby, should the viability of the scheme improve prior to completion such that some additional contributions can be delivered whilst the scheme remains viable, the appropriate levels of contributions are made accordingly.

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

- 1 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall begin before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 Approval of the details of the layout, scale, appearance, access and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason - This permission is in outline only.

- 3 This planning permission shall relate to the following plan(s), unless otherwise required by a condition of this permission:
 - Site location plan (6820 021) deposited with the Local Planning Authority on 22 September 2010

Reason - To determine the scope of this permission.

- 4 No work shall commence on site until such time as a scheme of drainage (including a timetable for its provision) has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and timetable.

Reason - To ensure the development is provided with a satisfactory means of drainage, to reduce the risk of creating or exacerbating a flooding problem, and to minimise the risk of pollution.

- 5 No development shall commence on the site until such time as a Risk Based Land Contamination Assessment has been submitted to and agreed in writing by the Local Planning Authority. The Risk Based Land Contamination Assessment shall identify all previous uses, potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors, and potentially unacceptable risks arising from contamination at the site and shall be carried out in accordance with:
 - BS10175:2011+A1:2013 Investigation of Potentially Contaminated Sites Code of Practice;
 - BS8576:2013 Guidance on Investigations for Ground Gas - Permanent Gases and Volatile Organic Compounds (VOCs)
 - BS8485:2007 Code of Practice for the Characterisation and Remediation from Ground Gas in Affected Developments; and,
 - CLR 11 Model Procedures for the Management of Land Contamination, published by the Environment Agency 2004.

Reason - To ensure that the land is fit for purpose, to ensure protection of controlled waters and to accord with the aims and objectives in respect of pollution as set out in the National

Planning Policy Framework.

- 6 If, pursuant to Condition 5 above, any unacceptable risks are identified in the Risk Based Land Contamination Assessment, a Remedial Scheme and a Verification Plan shall be submitted to and agreed in writing by the Local Planning Authority. The Remedial Scheme shall be prepared in accordance with the requirements of CLR 11 Model Procedures for the Management of Land Contamination, published by the Environment Agency 2004, and the Verification Plan shall be prepared in accordance with the requirements of Evidence Report on the Verification of Remediation of Land Contamination Report: SC030114/R1, published by the Environment Agency 2010, and CLR 11 Model Procedures for the Management of Land Contamination, published by the Environment Agency 2004. If, during the course of development, previously unidentified contamination is discovered, development shall cease on the affected part of the site and it shall be reported in writing to the Local Planning Authority within 10 working days. No work shall recommence on that part of the site until such time as a Risk Based Land Contamination Assessment for the discovered contamination (to include any required amendments to the Remedial Scheme and Verification Plan) has been submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall be undertaken in accordance with the agreed details and thereafter be so maintained.

Reason - To ensure that the land is fit for purpose, to ensure protection of controlled waters and to accord with the aims and objectives in respect of pollution as set out in the National Planning Policy Framework.

- 7 None of the development hereby permitted shall be brought into use until such time as a Verification Investigation for the relevant part of the site has been undertaken in line with the agreed Verification Plan for any works outlined in the Remedial Scheme relevant to either the whole development or that part of the development. No part of the development (or, in the case of phased development, no part of the relevant phase) shall be brought into use until such time as a report showing the findings of the Verification Investigation has been submitted to and agreed in writing by the Local Planning Authority. The Verification Investigation Report shall:
- Contain a full description of the works undertaken in accordance with the agreed Remedial Scheme and Verification Plan;
 - Contain results of any additional monitoring or testing carried out between the submission of the Remedial Scheme and the completion of remediation works;
 - Contain Movement Permits for all materials taken to and from the site and/or a copy of the completed site waste management plan if one was required;
 - Contain Test Certificates of imported material to show that it is suitable for its proposed use;
 - Demonstrate the effectiveness of the approved Remedial Scheme; and
 - Include a statement signed by the developer, or the approved agent, confirming that all the works specified in the Remedial Scheme have been completed.

Reason - To ensure that the land is fit for purpose, to ensure protection of controlled waters and to accord with the aims and objectives in respect of pollution as set out in the National Planning Policy Framework.

- 8 No work shall commence on site until such time as precise details of the measures proposed under Section 6.0 of the Extended Phase One Habitat Survey, Reptile Survey & Lower Plants Survey dated August 2014 prepared by WYG (including a timetable for implementation of such measures), have been submitted to and agreed in writing by the

Local Planning Authority. The development shall be carried out in accordance with the agreed measures and timetable.

Reason - In the interests of nature conservation.

- 9 No work shall commence on site until such time as full details of all measures proposed to be incorporated within the development designed to reduce exposure of occupiers of the proposed dwellings to noise have been submitted to and agreed in writing by the Local Planning Authority. No individual dwelling shall be occupied until such time as the agreed measures relating to the relevant dwelling have been provided in full and, once provided, the agreed measures shall thereafter be so maintained.

Reason - In the interests of the amenities of occupiers of the proposed dwellings.

- 10 No construction works shall take place at any time unless vehicle wheel cleansing facilities are provided within the site and are available for use by all vehicles exiting the site before entering the highway.

Reason - To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway, becoming a hazard for road users.

- 11 No work shall commence on site until such time as a scheme for the provision of vehicle parking facilities for construction vehicles (including at the various stages of development, as appropriate) has been submitted to and agreed in writing by the Local Planning Authority. The agreed facilities for the relevant phase of construction shall be provided in full and be available for use by construction vehicles unless any alteration is first agreed in writing by the Local Planning Authority.

Reason - To ensure that adequate off-street parking provision is made to reduce the possibilities of development of the site leading to on-street parking problems in the area during construction.

Notes to applicant

- 1 Planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).
- 2 The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Such hazards may currently exist, be caused as a result of the proposed development, or occur at some time in the future. These hazards include:
- Collapse of shallow coal mine workings.
 - Collapse of, or risk of entry into, mine entries (shafts and adits).
 - Gas emissions from coal mines including methane and carbon dioxide.

- Spontaneous combustion or ignition of coal which may lead to underground heatings and production of carbon monoxide.
- Transmission of gases into adjacent properties from underground sources through ground fractures.
- Coal mining subsidence.
- Water emissions from coal mine workings.

Applicants must take account of these hazards which could affect stability, health & safety, or cause adverse environmental impacts during the carrying out their proposals and must seek specialist advice where required. Additional hazards or stability issues may arise from development on or adjacent to restored opencast sites or quarries and former colliery spoil tips.

Potential hazards or impacts may not necessarily be confined to the development site, and Applicants must take advice and introduce appropriate measures to address risks both within and beyond the development site. As an example the stabilisation of shallow coal workings by grouting may affect, block or divert underground pathways for water or gas.

In coal mining areas there is the potential for existing property and new development to be affected by mine gases, and this must be considered by each developer. Gas prevention measures must be adopted during construction where there is such a risk. The investigation of sites through drilling alone has the potential to displace underground gases or in certain situations may create carbon monoxide where air flush drilling is adopted.

Any intrusive activities which intersect, disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes.

Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. In the interests of public safety the Coal Authority is concerned that risks specific to the nature of coal and coal mine workings are identified and mitigated.

The above advice applies to the site of your proposal and the surrounding vicinity. You must obtain property specific summary information on any past, current and proposed surface and underground coal mining activity, and other ground stability information in order to make an assessment of the risks. This can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

- 3 This decision is in accordance with the resolution of the Planning Committee of 6 January 2015, and is subject to a Section 106 Obligation.
- 4 The applicants are advised that the scheme proposed at the reserved matters stage should have regard to the setting of the adjacent scheduled monument.
- 5 Your attention is drawn to the attached report of Leicestershire County Council's Director of Environment and Transport.
- 6 Your attention is drawn to the attached report of the District Council's Tree Officer.