



**PLANS COMMITTEE**

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To: Councillors Bentley (Vice-Chair), Campsall, Capleton, Charles, Forrest, Fryer (Chair), Gerrard, A. Gray, Grimley, Hamilton, Lowe, Ranson and Savage  
(For attention)

All other members of the Council  
(For information)

You are requested to attend the meeting of the Plans Committee to be held in the Preston Room, Woodgate Chambers, Woodgate, Loughborough on Thursday, 22nd December 2022 at 5.00 pm for the following business.



Chief Executive

Southfields  
Loughborough

21<sup>st</sup> December 2022

**EXTRAS REPORT**

5. PLANNING APPLICATIONS

2 - 13

The list of planning applications to be considered at the meeting is appended.

## For Plans Committee – 22<sup>nd</sup> December 2022

**Additional items received since the reports were drafted.**

**Pages 55 - 104**

**Site Address: Land south of Melton Road,  
Barrow Upon Soar,  
Leicestershire**

**Item No. 2:**

**Planning Application no. P/21/0760/2**

Since the publication of Plans Committee report, there has been further correspondence as follows:

**Issue 1: Correspondence from the Applicant raising the following:**

The Applicant has suggested amendments to Recommendations A and B as follows:

1. Recommendation A – the S106 obligation for highways works should cover the off-site works to both public bridleway I20 and public footpath I23, rather than just works to bridleway I20. A financial contribution of £40k is suggested.
2. Recommendation B – the conditions 22 and 32 refer to the off-site works for the public footpath, and these should be covered in the S106 obligation instead.
3. Recommendation B – conditions 23 and 24 are imprecise as they do not refer to a specific public footpath.

**Officer response to issue 1:**

The Local Highways Authority have advised that they reluctantly agree that the S106 obligation can include the off-site works to both the public bridleway I20 and public footpath I23. The suggested figure of £40k is not accepted as a designed and costed scheme, in accordance with 'Development and Public Rights of Way – Guidance Notes for Designers, Developers and Planners', has not been agreed. A financial contribution will be agreed and secured in the S106 agreement and the works implemented by the County Council.

The Local Highways Authority have advised that conditions 22 and 32 can be removed if the off-site works can be secured by the S106 obligation.

The Local Highways Authority have advised that conditions 23 and 24 should be updated to refer to the public footpath I23, adjacent to the southern site boundary.

Therefore, changes to Recommendations A and B as set out in the agenda report are required.

**Recommendation: Recommendation A as set out in the agenda report is revised, the wording of the final bullet point in the Highways section of the table is revised to state the following:**

Highways	<ul style="list-style-type: none"> <li>Financial contribution (sum to be agreed prior to the S106 being finalised, for a scheme in accordance with ‘Development and Public Rights of Way – Guidance Notes for Designers, Developers and Planners’) for drainage and surfacing of public bridleway I20 from the south-eastern boundary of the site to Melton Road, and a tarmac surface to public footpath I23 between the south-east of the site and the development under construction off Fishpool Way. Footpath and bridleway improvement works to be implemented by the County Council.</li> </ul>
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Recommendation B as set out in the agenda report is proposed to be updated as follows:

- Conditions 22 and 32 to be deleted
- Conditions 23 and 24 amended as follows (additional text shown underlined)

23	<p>Prior to construction, any changes to the existing boundary treatment currently separating the application site from the <u>section of Public Right of Way I23 adjacent to the application site southern-eastern boundary</u>, must be approved by the Local Planning Authority in accordance with the principles set out in the Leicestershire County Council’s Guidance Notes for Developers.</p> <p>REASON: in the interests of protecting and enhancing Public Rights of Way and access in accordance with Paragraph 98 of the National Planning Policy Framework (2021).</p>
24	<p>No trees or shrubs should be planted within 1 metre of the edge of the Public Right of Way <u>I23 adjacent to the site south-eastern boundary</u>. Any trees or shrubs planted alongside a Public Right of Way <u>I23</u> should be of a non-invasive species.</p> <p>REASON: to prevent overgrowth in the interests of protecting and enhancing Public Rights of Way and access in accordance with Paragraph 98 of the National Planning Policy Framework (2021).</p>

**Item No. 3**

Planning Reference Ref No. P/21/0869/2

**Issue1:**

**(a) Following an email received from the Obligations Team at the County Council the Education Obligation contained in Recommendation A should be amended to reflect the updated consultation reflecting the amended description of the application from ‘up to 50 dwellings’ to ‘up to 40 dwellings’.**

The email from the County Council Obligations Team confirms that, due to the original consultation being over 12 months old, Leicestershire County Council have on the 15<sup>th</sup> December 2022 reviewed the infrastructure requirement.

It has also been advised that there is now no requirement for a primary education financial contribution because capacity currently exists at the catchment schools.

**(b) The applicants have advised that the development should be regarded as part of the wider growth of Anstey proposed in the emerging Local Plan, which will include provision of a new primary school(s). The s106 should be alive to this possibility and allow flexibility for the contribution (primary) to the new school if appropriate. This approach would comply with the Community Infrastructure Levy Regulations.**

**Officer response to issue 1:**

The applicant’s comments were in response to the published agenda report prior to the receipt of the update from the Obligations Team at the County Council reported above. This has had the effect of removing the request for contribution to primary school capacity because existing facilities provide sufficient for this development and as such the issue is negated.

All other contributions relating to highways, affordable housing, biodiversity, healthcare and open space contribution remain unchanged and as set out in the Plans Committee report. The amended Obligations as set out below are agreed by Officers as compliant with the Community Infrastructure Levy Regulations and the Applicant has been updated.

**Proposed Amendments to Recommendation A contained in the Plans Committee agenda report.**

Leicestershire County Council - Education	<b>Primary School Sector – £4377.70 contribution per dwelling</b> towards provision, improvement, remodelling or	Amended figure of <b>£0.00</b>
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	<p>enhancement of education facilities at The Latimer Primary School, Anstey</p> <p><b>Secondary School Sector - £17,876.60 contribution per dwelling</b> towards provision, improvement, remodelling or enhancement of education facilities at Martin High School, Anstey.</p> <p><b>Post 16 Sector</b></p> <p><b>Special Needs Sector</b></p>	<p>A total figure of is sought of <b>£119,411.68</b> for Secondary School Sector at Martin High School Anstey.</p> <p>Remains as £0.00</p> <p>Remains as £0.00</p>
Leicestershire County Council - libraries	<b>£1510.00</b> contribution towards the enhancement of Anstey Library.	<b>£1207.91</b> contribution towards the enhancement of Anstey Library.
Leicestershire County Council – waste and recycling	<b>£2584.00</b> contribution towards improvement of the HWRC at Mountsorrel HWRC site	<b>£2066.80</b> contribution towards improvement of the HWRC at Mountsorrel HWRC site

## Recommendation

**APPROVE – To change to original recommendation (Recommendation A) to permit:**

Authority is given to the Head of Planning and Growth and the Head of Governance and Human Resources to enter into an agreement under section 106 of the Town and Country Planning Act 1990 to secure improvements, on terms to be finalised by the parties, as set out in the agenda report and amended by the table above.

### Issue 2:

Cllr Deborah Taylor has requested a copy of the Appeal decision notice for planning ref: P/08/2993/2 – erection of bungalow on Land to rear of 97 Gynsill Lane, Anstey, Leicester, LE7 7AJ.

There is no record of the appeal decision on the Council system or in the archives at the Council offices. However, to confirm the application was refused due to:

***The immediate area is characterised by a linear pattern of development with detached properties set back from the road within large mature gardens. The***

***proposed dwelling, by reason of its siting within the back garden to 97 Gynsill Lane, would be an incongruous and intrusive element within the pattern of development in this part of the settlement. In addition it would result in a permanent concentration of domestic activity to the rear of the dwellings, adversely affecting the quiet secluded character of the area.***

**Officer response to issue 2:**

The application was determined in 2008, when the planning policy framework differed to the situation in 2022. The Local Plan (2004) and Core Strategy (2015) has since been adopted along with the introduction of the National Planning Policy (NPPF) in 2012 and its subsequent updates, which requires the Council from a local and national level to provide increased numbers of housing, given the national shortage. The site before Members is allocated for housing in the draft local plan for housing, and the approval of the application would contribute towards housing and affordable housing in the Borough, along with contributions towards local infrastructure.

This application has been fully considered by Planning Officers and the planning balance at page 129 fully addresses the updated situation in relation to current National and Local Planning Policy.

**Recommendation**

**APPROVE - No change to original recommendation**

**Item No. 4**

**P.A. No.** P/21/2626/2

Since the publication of Plans Committee report, there has been further correspondence received from Shepshed Town Council and a late representation received from County Councillor M. Hunt (County Councillor for Loughborough NW). There is also correspondence received from the agent in relation to planning conditions.

**Further representation**

Shepshed Town Council have confirmed that they are happy to support a contribution towards the public realm improvements at Town Centre.

**Late representation/ Issue 1**

A representation letter has been received from County Councillor that raises concerns to the proposed pedestrian link but also suggests that the proposed pedestrian route from Ashby Road East (A512) be adapted and designed for both pedestrian/ cyclists to access/ egress into the site together with any signage. Other concerns relate to the existing brick-built bus shelter on Ashby Road East (A512) in the middle of cycle/ footway with suggestion that it is replaced with a modern cantilevered Perspex structure (ideally with lighting) to improve visibility for cyclist/ pedestrians and to deter crime.

**Officer response to late representation/ issue 1:**

The agent/ applicant has confirmed that the proposed pathway from Ashby Road East (A512) would provide access arrangements for both cyclist and pedestrians together with any signage. On this basis, Condition 13 (Pedestrian/cycle link) is amended to provide details for pedestrian/ cycle link together with any form of signage. The Local Highways Authority have raised no objections, subject to an amended condition.

The Local Highways Authority have also confirmed that they are content for the existing brick-built shelter to remain as it is more weatherproof and provides better protection compared to the modern shelter. They are not aware of any reports of crime related issues surrounding the existing bus shelter. With regards to visibility, these details would form part of any future submission for Condition 13 (Pedestrian/cycle link).

**Issue 2**

The agent has confirmed that the existing building on site has caused some major issues in terms of health and safety risk, and it is the applicant's intention for the building to be demolished early in the new year to remove any risks associated on site. The agent has requested that any pre-commencement conditions are amended to exclude any demolition works and a further condition is added to require submission of a demolition method statement.

### **Officer response to issue 2:**

It is accepted that flexibility can be applied in this instance as the demolition of existing building would alleviate on-going issues at the site. An additional condition is recommended for prior submission of a demolition method statement and any pre-commencement conditions in relation to surface water drainage (Condition 20), management of surface water during construction (Condition 21) and construction/ traffic management plan and method statement (Condition 28) are proposed to be amended to exclude any demolition works.

Condition 19 (Levels) would remain for Outline permission and additional levels condition would be attached for Full permission that will also exclude any demolition works.

### **Issue 3 / Officer response to updates in relation to existing/ duplication/ new conditions:**

It is also recommended that Recommendation B (Draft conditions) on pages 178 to 191 of Plans Committee report are amended:

- The wording for Condition 8 (Acoustic fencing) is amended to include Landscape Masterplan drawing number.
- The policy reason is missing and added for Condition 12 (Travel Plan).
- Condition 16 (Pedestrian link) is to be removed as it is duplication of Condition 13 (Pedestrian link)
- Additional condition is attached for the external staircase proposed along eastern boundary with adjoining residential properties on Brendon Close to ensure that it is used for emergency purposes only, with the door to the staircase close at all times, in order to protect residential amenity.

### **RECOMMENDATION:**

**Its is recommended that Recommendation B, as set out in the agenda report, is amended as follows (detailed wording of conditions as set out above (highlighted in bold/ strikethrough):**

Condition 8 (Amended wording)  
FULL Application

**Notwithstanding the acoustic fencing details shown on approved plans** (as shown on Drawing No. G19A74-P003 Rev. H, **DR-5422-01 Rev. A** and 79-E0000 WAVE XX 00 DR R EN\_60\_60 00 -0001 A5 P00), no part of the development hereby approved shall be occupied until details as to the exact location, design and appearance of the acoustic fence or any enclosure(s) has been submitted to and approved in writing by the Local Planning Authority. Such details shall also include the maximum level of noise that the fencing shall mitigate in accordance with ALDI Shepshed Supplementary Planning Statement Acoustic Consultancy Report ADT 3424/S1 Revision A. The approved details



for the acoustic fencing or enclosure(s) shall be erected prior to the occupation of retail food store building and shall be retained as such thereafter.

REASON: In order to secure the satisfactory development of the application site and to safeguard residential amenity in accordance with policy CS2 of Core Strategy, EV/1 of Local Plan and the NPPF.

Condition 12 (Amended policy reason)

Full The development hereby permitted shall be carried out in accordance with the Interim Travel Plan 40098-002 prepared by AMA dated December 2021 which sets out actions and measures with quantifiable outputs and outcome targets has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed Travel Plan shall be implemented in accordance with the approved details.

REASON: In order to reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with **policy CS2 and CS17 of Charnwood Core Strategy (2011-2028), Saved Policies TR/4 and TR/18 of Charnwood Local Plan (2004) and the NPPF.**

Condition 13 (Amended wording)

Full & Outline

No part of the development hereby approved shall be occupied until details for a new pedestrian/ **cycle link (to include signage)** between application site to Ashby Road East (A512) as shown on Drawing no. G19A74-P003 Revision H (Proposed Site Plan) has been submitted to and approved in writing by the Local Planning Authority. This shall include details of when new pedestrian/**cycle link** shall be delivered. Thereafter works shall be completed and carried out in accordance with the approved details and maintained thereafter unless agreed in writing with the Local Planning Authority.

REASON: In order to mitigate the impact of the development, in the general interests of highway safety and in accordance with policy CS2 and CS17 of Charnwood Core Strategy (2011-2028), Saved Policies TR4 and TR/18 of Charnwood Local Plan (2004), Design SPG and the NPPF.

Condition 16 (Delete)

~~Full & Outline~~

~~No part of the development hereby approved shall be occupied until details for a new pedestrian link between application site to Ashby Road East (A512) as shown on Drawing no. G19A74-P003 Revision H (Proposed Site Plan) has been submitted to and approved in writing by the Local Planning Authority. This shall include details of when new pedestrian link shall be delivered. Thereafter works shall be completed and carried out in accordance with the approved details and maintained thereafter unless agreed in writing with the Local Planning Authority.~~

~~REASON: In order to mitigate the impact of the development, in the general interests of highway safety and in accordance with policy CS2 and CS17 of Charnwood Core~~

~~Strategy (2011-2028), Saved Policies TR4 and TR/18 of Charnwood Local Plan (2004), Design SPG and the NPPF.~~

Condition 19 (Amended wording to remove Full element)

Outline

No development shall take place (excluding demolition) until details of finished site and ground floor levels in relation to the existing site levels, adjoining land and buildings for each phase of development have been submitted to and approved in writing by the Local Planning Authority. The details shall include the proposed grading and mounding of land areas, cross sections through the site and relationship with the adjoining landform and buildings. The development shall be implemented in accordance with the approved details.

REASON: This is required as a pre-commencement condition in accordance with the SI 2018 566 The Town and Country Planning (Pre-Commencement Conditions) Regulations 2018 as the information is required prior to development commencing in order to secure the satisfactory development of the application site in accordance with policies CS2 and CS13 of Core Strategy, EV/1 of Local Plan, Design SPD and the NPPF.

Condition 20 (Amended wording)

Full & Outline

No development approved by this planning permission shall take place, **other than works of demolition**, until such time as a surface water drainage scheme has been submitted to, and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with these approved details and completed prior to first occupation of the development.

REASON: This is required as a pre-commencement condition in accordance with the SI 2018 566 The Town and Country Planning (Pre-Commencement Conditions) Regulations 2018 as the information is required prior to development commencing in order to prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site in accordance with policies CS2 and CS16 of the Charnwood Local Plan 2011-2028 Core Strategy (2015) and the National Planning Policy Framework.

Condition 21 (Amended wording)

Full & Outline

No development approved by this planning permission shall take place, **other than works of demolition**, until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by the Local Planning Authority. The construction of the development must be carried out in accordance with these approved details.

REASON: This is required as a pre-commencement condition in accordance with the SI 2018 566 The Town and Country Planning (Pre-Commencement Conditions) Regulations 2018 as the information is required prior to development commencing in order to prevent an increase in flood risk, maintain the existing surface water runoff

quality, and to prevent damage to the final surface water management systems though the entire development construction phase in accordance with policy CS16 of the Core Strategy and the NPPF.

#### Condition 28 (Amended wording)

##### Full & Outline

No development shall commence on site, **other than works of demolition**, until a construction/ traffic management plan and method statement shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall provide for details of the following:

- Routing of construction traffic
- Parking of vehicles of site operatives and visitors
- Loading and unloading of plant and materials
- Storage of oils, fuels, chemicals, plant and materials used in constructing the development
- Erection and maintenance of security hoarding,
- Wheel-wash washing facilities and road-cleaning arrangements
- Use of water suppression
- Hours of work on site, including deliveries and removal of materials
- Location of temporary buildings and associated generators, compounds, structures and enclosures,
- Routing of construction traffic
- Timetable for their provision

The construction of the development shall thereafter be carried out in accordance with the approved details and timetable and shall be adhered to throughout the construction period.

REASON: This is required as a pre-commencement condition in accordance with the SI 2018 566 The Town and Country Planning (Pre-Commencement Conditions) Regulations 2018 as the information is required prior to development commencing in order to safeguard the amenities of occupiers of premises/dwellings in the vicinity and to reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area in accordance with policy CS2, CS11 and CS13 of Charnwood Core Strategy (2011-2028), policy EV/1, TR/4 and TR/18 of Local Plan (2004) and NPPF.

#### New Condition

##### Full

**No demolition shall take place until a Demolition Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Demolition Method Statement shall be adhered to throughout the demolition period. The Demolition Method Statement shall, where applicable, provide for:**

- i. **details of temporary traffic management measures, temporary access, routes and vehicles;**
- ii. **wheel washing facilities;**

- iii. the parking of vehicles of site operatives and visitors;
- iv. the loading and unloading of plant and materials;
- v. timescale for removal of all demolition material from site;
- vi. measures to control vibration;
- vii. measures to control the emission of dust and dirt;
- viii. hours of operation;
- ix. the erection and maintenance of security hoardings;
- x. Measures to protect trees; and
- xi. communication plan for liaising with the public

**REASON:** This is required as a pre-commencement condition in accordance with the SI 2018 566 The Town and Country Planning (Pre-Commencement Conditions) Regulations 2018 as the information is required prior to development commencing in order to safeguard the amenities of occupiers of premises/dwellings in the vicinity, to ensure the long term retention and protection of the trees and hedgerow to be retained at the site, to reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area in accordance with policy CS2 and CS13 of Charnwood Core Strategy (2011-2028), policy EV/1, TR/4 and TR/18 of Local Plan (2004) and NPPF.

#### **New Condition**

##### **Full**

Notwithstanding the site levels and site sections plan details shown on approved plans (as shown on Drawing No. G19A74-P003 Rev. H and G19A74-P007 Rev. B), no development shall take place (excluding demolition) until details of finished site and ground floor levels in relation to the existing site levels, adjoining land and buildings for each phase of development have been submitted to and approved in writing by the Local Planning Authority. The details shall include the proposed grading and mounding of land areas, cross sections through the site and relationship with the adjoining landform and buildings. The development shall be implemented in accordance with the approved details.

**REASON:** This is required as a pre-commencement condition in accordance with the SI 2018 566 The Town and Country Planning (Pre-Commencement Conditions) Regulations 2018 as the information is required prior to development commencing in order to secure the satisfactory development of the application site in accordance with policies CS2 and CS13 of Core Strategy, EV/1 of Local Plan, Design SPD and the NPPF.

**New condition**

**Full**

**The external metal staircase on eastern elevation shall only be used as a means of escape from the building, with the door to the staircase being kept closed at all times, except in the case of an emergency.**

**REASON: In order to secure the satisfactory development of the application site and to safeguard residential amenity in accordance with policy CS2 of Core Strategy, EV/1 of Local Plan and the NPPF.**