



PLANS COMMITTEE

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To: Councillors S. Forrest (Chair), Lennie (Vice-Chair), Charles, Fryer, Lawrence, Lowe, Monk, Northage, O'Neill, Palmer, Snartt, N. Taylor and Worrall
(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, 28th September 2023 at 5.00 pm for the following business.

Chief Executive

Southfields
Loughborough

27th September 2023

EXTRAS REPORT

2. MINUTES OF PREVIOUS MEETING

3 – 7

The minutes of the meeting held on 21st September 2023.

3. QUESTIONS UNDER COMMITTEE PROCEDURE 12.8

8 - 10

To deal with the following question on notice, submitted under Question on Notice Procedure 12.8.

Estate Plan for the Garendon Park SUE and associated matters

Question submitted by Max Hunt.

5. PLANNING APPLICATIONS

11 - 24

PLANS COMMITTEE 21ST SEPTEMBER 2023

PRESENT: The Chair (Councillor S. Forrest)
The Vice Chair (Councillor Lennie)
Councillors Charles, Fryer, Lawrence, Lowe,
Monk, Northage, O'Neill, Palmer, Snartt, N. Taylor
and Worrall

Head of Planning and Growth
Principal Solicitor - Planning, Property and
Contracts
Principal Planning Officer (JW)
Principal Planning Officer (LW)
Senior Planning Officer (HW)
Democratic Services Officer (RD)

APOLOGIES: None

The Chair stated that the meeting would be recorded and the sound recording subsequently made available via the Council's website. She also advised that, under the Openness of Local Government Bodies Regulations 2014, other people may film, record, tweet or blog from this meeting, and the use of any such images or sound recordings was not under the Council's control.

27. MINUTES OF PREVIOUS MEETING

There had been a request to clarify minute number 25a of the Plans Committee held on 17th August 2023 in respect of application P/21/2639/2 – Land off Barkby Road, Syston.

Officers had verbally stated during that meeting that their recommendation had changed since the report and extras report had been published, however after discussion the Committee had decided to accept the original recommendation in the report.

The minutes stated the final decision and the agent had requested that the change in Officer recommendation be clarified.

It was therefore proposed that minute 25a be amended to the following:

“The Principal Planning Officer introduced the report and advised that late comments had been received since the publishing of the ‘extras’ report reporting the revised position of the Local Highways Authority. This reported that the amended plans in relation to the access to the site were now acceptable and that the LHA no longer objected to the application, subject to a series of conditions and developer contributions. Officers therefore no longer proposed Recommendations A and B as set out in the report of the Head of Planning and Growth and recommended approval

of planning permission subject to Section 106 and conditions to be delegated to the Head of Planning and Growth.

RESOLVED that in respect of application P/21/2639/2 (Land off Barkby Road, Syston) that the Council's position at the forthcoming appeal Public Inquiry would be to resist development as per the original Officer Recommendations A and B set out in the report of the Head of Planning and Growth, with the exception of reason for refusal 4, which would be deleted from Recommendation A."

The minutes of the meeting held on 17th August 2023 with the amendment were confirmed as a correct record and signed.

28. QUESTIONS UNDER COMMITTEE PROCEDURE 12.8

No questions were submitted.

29. DISCLOSURES OF PECUNIARY INTERESTS, AND OTHER REGISTRABLE AND NON-REGISTRABLE INTERESTS

The following disclosures were made:

- (i) by Councillor Fryer, in respect of planning application P/21/2676/2 (26E High Street, Quorn) as County Councillor for Quorn and was also a close friend of a resident living in an adjacent road to the location of the application. She confirmed that no discussions had taken place and that she came to the meeting with an open mind.
- (ii) by Councillor S. Forrest (Chair), in respect of planning application P/22/0126/2 (Rear of 149 Ashby Road, Shepshed) who, as Ward Councillor, had called-in the application and was speaking. She sat in the public gallery for the duration of the item.

30. AGENDA VARIANCE

RESOLVED that Item 5c (P/22/2229/2 – Land East of Iveshead Road, Shepshed) be considered later in the meeting and the order of applications to be considered be changed.

Reason

Councillor Robin Popley who had called the application in and would be speaking would be unable to arrive for the start of the meeting due to another commitment and travel time. The Committee considered it acceptable to delay the consideration of the item until his arrival.

Agenda items were subsequently considered in the following order:

- 5a – P/22/0126/2 – Rear of 149 Ashby Road, Loughborough;
- 5b – P/23/0191/2 – 97 Gynsill Lane, Anstey;
- 5d – P/21/2676/2 – 26E High Street, Quorn;

5c – P/22/2229/2 – Land East of Iveshead Road, Shepshed;
5e – P/22/1728/2 – Land South of Wymeswold Industrial Estate, Wymeswold Lane, Wymeswold.

31. PLANNING APPLICATIONS

Reports of the Head of Planning and Growth, setting out planning applications for P/22/0126/2, P/23/0191/2, P/21/2676/2, P/22/2229/2 and P/22/1728/2 were submitted (item 5 on the agenda filed with these minutes). An additional report in respect of applications P/22/0126/2, P/21/2676/2 and P/22/2229/2 was also submitted (also filed with these minutes).

In accordance with the procedure for public speaking at meetings, the following objectors and applicants or their representatives attended the meeting and expressed their views:

- (i) Mr Alan Roberts (Objector) in respect of application P/22/0126/2;
- (ii) Mr Chris Garnett (Objector) in respect of application P/23/0191/2;
- (iii) Mr Jonathan Weekes (Agent) in respect of application P/23/0191/2;
- (iv) Dr Patrick Sims (Objector) in respect of application P/21/2676/2;
- (v) Ms Jacqueline Jackson (Agent) in respect of application P/21/2676/2;
- (vi) Mr Tom Armfield (Agent) in respect of application P/22/2229/2;
- (vii) Mr James Clark (Agent) in respect of application P/22/1728/2.

In accordance with the procedure for Borough Councillors speaking at Plans Committee meetings, the following Councillors attended the meeting and expressed their views:

- (i) Councillor Sandra Forrest (on behalf of call-in) in respect of application P/22/0126/2;
- (ii) Councillor Deborah Taylor (on behalf of call-in) in respect of application P/23/0191/2;
- (iii) Councillor Lee Westley and Councillor Sarah Fox (on behalf of call-in) in respect of application P/21/2676/2;
- (iv) Councillor Robin Popley and Councillor Myriam Roberts (on behalf of call-in) in respect of application P/22/2229/2 .

There had been a mis-communication in terms of Ward Councillors speaking in respect of application P/21/2676/2 and the Chair and members of the Committee were in agreement for Councillor Fox to speak alongside Councillor Westley. Subsequently, Councillor Fox did not speak due to the shared allocated time with Councillor Westley coming to an end.

a) P/22/0126/2 – REAR OF 149 ASHBY ROAD, LOUGHBOROUGH

RESOLVED that in respect of application P/22/0126/2 (Rear of 149 Ashby Road, Loughborough) planning permission be granted subject to completion of a Section 106 agreement and planning conditions for the reasons set out in the report of the Head of Planning and Growth.

b) P/23/0191/2 – 97 GYNSILL LANE, ANSTEY

This item had previously been considered and deferred at the Plans Committee meeting held on 17th August 2023. Councillor Nat Taylor was absent from the meeting on 17th August 2023 and therefore was unable to participate in the discussion or vote for this item at this meeting held on 21st September 2023. He sat in the public gallery for the duration of the item.

RESOLVED that in respect of application P/23/0191/2 (97 Gynsill Lane, Anstey) planning permission be granted subject to completion of a Section 106 agreement and planning conditions for the reasons set out in the report for 17th August 2023 and the associated 'Extras' report (Appendices A and B respectively set out in the agenda report pack for 21st September 2023).

The meeting was adjourned at the close of this item at 6.55pm for 10 minutes.

c) P/22/2229/2 – LAND EAST OF IVESHEAD ROAD, SHEPSHED

RESOLVED that in respect of application P/22/2229/2 (Land East of Iveshead Road, Shepshead) planning permission be granted subject to completion of a Section 106 agreement and planning conditions for the reasons set out in the report of the Head of Planning and Growth.

d) P/21/2676/2 – 26E HIGH STREET, QUORN

A typing error had been identified under the updates section of the Extras Report on page 3 for item 5d. There was a digit missing in the planning application number given with reference to access to the Planning Portal. The planning application number should have stated P/21/2676/2.

During the presentation of this item, the Principal Planning Officer gave a verbal update regarding two letters that had been received since the Extras Report had been published. The letters were in relation to the level of privacy for Quorn Court residents and the alleged inaccuracy in the applicant's statement regarding the number of households accessing Quorn Court and one of which contained objections that had already been lodged. Both letters stated that 16 dwellings, not 19 as stated in the applicant's letter reported in the Extras Report, used the existing driveway.

RESOLVED that in respect of application P/21/2676/2 (26E High Street, Quorn) planning permission be refused for the reasons set out in the report of the Head of Planning and Growth.

e) P/22/1728/2 – LAND SOUTH OF WYMESWOLD INDUSTRIAL ESTATE, WYMESWOLD LANE, WYMESWOLD

RESOLVED that in respect of application P/22/1728/2 (Land South of Wymeswold Industrial Estate, Wymeswold Lane, Wymeswold) planning permission be granted subject to completion of a Section 106 agreement and planning conditions for the reasons set out in the report of the Head of Planning and Growth.

32. LIST OF APPLICATIONS DETERMINED UNDER DELEGATED POWERS

A list of applications determined under powers delegated to officers for the period from 8th August 2023 to 11th September 2023 was submitted (item 6 on the agenda filed with these minutes).

NOTES:

1. No reference may be made to these minutes at the next ordinary Council meeting unless notice to that effect is given to the Democratic Services Manager by five members of the Council by noon on the fifth working day following publication of these minutes.
2. These minutes are subject to confirmation as a correct record at the next meeting of the Plans Committee.

PLANS COMMITTEE – 28TH SEPTEMBER 2023

ITEM 3 - QUESTIONS UNDER COMMITTEE PROCEDURE 12.8

Max Hunt - Estate Plan for the Garendon Park SUE and associated matters

“I would be grateful if you would put these questions to the next cabinet meeting from me as a registered elector. I am asking very much on behalf of residents.

1. The Estate Plan for the Garendon Park SUE was supposed to be agreed before the first house was occupied; how many houses have been occupied and when will the Plan be agreed and published?
2. Which other trigger points have been missed if any and which are due soon?
3. Many other features of this development are required to be completed (or triggered) according to the number of houses occupied. One of these is the public access to the Garendon Listed Park and Gardens, I am aware that one footpath has opened (alongside an old sign prohibiting access!) but when will access be opened more widely and will there be safeguards for the monuments?
4. Who will be constructing the cycleway referred in the S106 Agreement Schedule 4 Sections 5 and when is this likely to join up with the main estate road?”

The Chair, or her nominee, will respond:

1. The first dwellings at Garendon Park were occupied in January 2023 and there are currently 13 dwellings occupied.

An Estate Management Plan has been submitted, updated and amended, with the latest version having been received on 5th September and is being reviewed.

Due to the importance of this document which will guide the management of public spaces within the site for years to come, officers have instructed external advice which has informed various updates and amendments to the document.

Officers appreciate that the trigger point for resolution of this has passed and are currently reviewing the latest submission with a view to resolving outstanding issues as soon as possible.

The document will be made available under the outline permission referenced P/14/1833/2 when agreed.

2. The Section 106 sets out the full detail of all obligations and their associated trigger points.

Upcoming Section 106 obligations include repairs to heritage assets which are required to be agreed and completed by the 40th occupation. These include the obelisk, wrought iron gates and screen, entrance to archway and hall, cowhouse buildings.

Further works to the temple of Venus, triumphal arch, gateway and railings to the hall, barn, dovecote and Stonebow bridge are required to be agreed and provided by the 100th occupation.

The appointment of a Community Development Worker is due by the 100th occupation.

The payment of a Transition Primary School Contribution is required by the 100th occupation.

A healthcare needs review is to be undertaken by the 250th occupation.

Delivery of the first form of the primary school north is due by the September prior to the 300th occupation and work is underway for this to be provided by Leicestershire County Council.

3. A phased approach to making routes available has been agreed with the first having been made available in June 2023.

An issue has arisen with one section of a route in the first phase and alternatives are being reviewed before this is agreed and made available.

Further routes are to be provided by June 2024 and January 2025.

The timescales for delivery of routes takes into account the time to undertake any required repairs to the heritage assets, allow landscaping to be established, respect existing agricultural tenancies and make new routes available.

4. This relates to the Clowbridge Drive Cycleway which provides for improvement of the existing railway line to create a connection into the registered park and garden.

The Section 106 includes an option for the route to be provided by the developers or for them to pay contributions to Charnwood and for the Council to deliver, with notification of the developer's intention required by the 750th occupation.

The approved public access plan agreed that this route would be provided by June 2023, in advance of the Section 106 trigger point, however, no formal submissions have been made by the landowner as to how the Section 106 requirements are to be achieved.

While the relevant trigger point has not been reached, officers are liaising with the developers to progress this matter.

Plans Committee Extras Report 28 September 2023

Item No. 5a

Pages 5-62

Planning Application Number P/22/2096/2

Site Address: Land off Moor Lane, Loughborough

Updates

No updates.

Recommendation

No change to the recommendation.

Item No. 5b

Pages 63-94

Planning Application Number: P/22/1852/2

Site Address: Land Adjacent to Heatherfield Cottage, Benscliffe Road, Newtown Linford

Updates

Item 1

Substantive Response received on 22nd September 2023 from the **Local Highway Authority**. Whilst reported in summary here, Members are strongly advised to inspect the complete document which is available under reference P/22/1852/2 on the Council's Planning Portal at: [Documents for reference PLN625315: Public Access \(charnwood.gov.uk\)](https://documents.charnwood.gov.uk/PLN625315:PublicAccess)

Background

During the processing of the planning application the applicant had changed its proposal around the site access's position. In the original application it had been proposed that the access position be moved. In a later revision the applicant proposed to retain the existing access position.

This change in access location, and other matters of design review necessitated the submission of a suite of revised drawings for inclusion in the updated list of decision documents. All consultees were re-consulted after the full revised suite of drawings had been submitted. The other consultation responses had been received before the Committee Report had been concluded, and so those responses are considered in that report. The LHA response arrived a little later, and its content is described herein.

Issue 1: Planning Conditions Recommended

The LHA note from the submitted 'Proposed Site Block Plan' (drawing no. 8408-03-003 Rev F) that the Applicant now proposes to retain the existing access on Benscliffe Road. Given that the proposal is for a replacement dwelling with no intensification of use of the existing access, the LHA is satisfied with the existing access arrangements. Similarly, the LHA is satisfied with the internal layout and parking provision illustrated on the most recent site layout.

The LHA has recommended three additional planning conditions:

1. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Proposed Site Block Plan drawing number 8408-03-003 Rev F have been implemented in full.

REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2023).

2. The development hereby permitted shall not be occupied until such time as the existing gates to the vehicular access have been permanently removed. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 5.0 metres of the highway boundary unless hung to open away from the highway.

REASON: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with the National Planning Policy Framework (2023).

3. The development hereby permitted shall not be occupied until such time as the parking have been implemented in accordance with Proposed Site Block Plan drawing number 8408-03-003 Rev F. Thereafter the onsite parking provision shall be kept available for such use in perpetuity.

REASON: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2023).

Officer Response

Issue 1: The comments of the Local Highway Authority

The comments of the LHA are welcomed, and accepted as being proportionate, relevant and necessary.

Recommendation

Recommendation B changed to add the three additional recommended planning conditions. Recommendation B now to read:

That subject to the completion of an agreement under S106 in recommendation A above, to grant conditionally subject to the imposition of the following draft conditions and reasons and that the Head of Planning and Growth, in consultation with the Chair of the Plans Committee for amendments to the conditions and reasons, be given delegated authority to determine the final detail of planning conditions.

1. The development, hereby permitted, shall be begun not later than 3 years from the date of this permission.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Location Plan 8408-03-001 rev D received 8/9/23

- Site Plan 8408-03-004 rev E received 8/9/23
- Proposed Site Block Plan 8408-03-003F received 8/9/23
- Ground Floor Plan 8408-03-005 rev E received 21/3/23
- First Floor Plan 8408-03-006 rev E received 21/3/23
- Second Floor Plan 8408-03-007 rev D received 21/3/23
- Elevations Sheet 1 8408-03-008 rev D received 21/3/23
- Elevations Sheet 2 8408-03-009 rev D received 21/3/23
- Cross Sections 8408-03-010 rev D received 21/3/23
- Access Details 8408-03-011 rev A received 21/3/23
- Landscape Strategy Drawing 1252-003 rev B received 12/9/23
- Archaeological Report ABRS Report No 2022-HNLL_v1 received 17/10/22
- Ecological Appraisal August 2022 received 17/10/22
- Tree Survey Report ref: 220101_TCS received 17/10/22

REASON: To define the terms of the planning permission.

3. Only those materials specified in the approved plans and documents shall be used in carrying out the development hereby permitted.

REASON: To ensure the satisfactory appearance of the completed development in accordance with Policy CS2 of the Core Strategy 2015, emerging policy DS5 of the Charnwood Local Plan and the Council's Design Supplementary Planning Document 2020.

4. All existing trees on the site as identified in the approved Tree Survey Report (ref: 220101_TCS) shall be retained unless otherwise agreed in writing by the local planning authority.

REASON: To ensure that the retention and protection of existing trees in the Charnwood Forest in the interests of biodiversity and visual impact of the proposed development in accordance with Policies CS2, CS11 and CS13 of the Core

Strategy and emerging Policies EV1, EV4, EV6 and EV7 of the Charnwood Local Plan, and CT/14 of the Charnwood Local Plan 2004.

5. No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (a tree protection plan) and the appropriate working methods (an arboricultural method statement) have been submitted to and approved in writing by the local planning authority. The submitted details shall be in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced). The scheme and appropriate working methods shall be in accordance with the approved Landscape Strategy Plan (1252-003 Rev B) for the protection of the retained trees and shall be carried out as approved for the duration of construction works.

REASON: To ensure that the retention and protection of existing trees during construction in the interests of biodiversity and visual impact of the proposed development in accordance with Policies CS2, CS11 and CS13 of the Core Strategy, emerging Policies EV1, EV4, EV6 and EV7 of the Charnwood Local Plan, and CT/14 of the Charnwood Local Plan 2004.

6. The buildings and structures on the site at the date of this permission and as identified on drawing 8408-03-002 Rev E (received 8/9/23) shall be demolished and the debris and materials removed from the site prior to the first occupation of the development hereby approved or completion of the development hereby approved, whichever is the sooner.

REASON: To ensure that the visual impact of the proposed development is mitigated in accordance with Policy CS11 of the Core Strategy and emerging Policy EV1 of the Local Plan, and CT/14 of the Charnwood Local Plan 2004.

7. A scheme for hard and soft landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority which shall include:
 - (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e. depth of topsoil, mulch etc),
 - (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
 - (c) details of the hard landscaping including hard surface areas, pavements, boundary treatments, pedestrian areas and steps.

The Scheme shall be in accordance with the recommendations of Section 4 of the Ecological Appraisal (Heatherfield, August 2022). Such details shall be provided prior to the development progressing above slab level or such alternative time frame as agreed in writing by the developer and the Local Planning Authority. The approved scheme shall be implemented by the end of the first planting season following occupation or completion of the development (whichever is sooner) and shall thereafter be retained and maintained in perpetuity.

REASON: To ensure that the visual impact of the proposed development is mitigated, biodiversity enhanced and tree planting secured in the Charnwood Forest in accordance with Policies CS11, CS12 and CS13 of the Core Strategy and emerging Policies EV1, EV4, EV6 and EV7 of the emerging Local Plan, and CT/14 of the Charnwood Local Plan 2004.

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building, and shall be maintained for a period of 5 years from the completion of the development. Any trees and/or shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON: To ensure that the agreed landscaping scheme is maintained over a reasonable period that will permit its establishment in the interests of visual impact, biodiversity enhancement and tree retention in the Charnwood Forest in accordance with Policies CS11, CS12 and CS13 of the Core Strategy and emerging Policies EV1, EV4, EV6 and EV7 of the emerging Local Plan.

9. A bat mitigation strategy shall be submitted to and approved in writing by the local planning authority prior to the commencement of development, including demolition or tree felling. Thereafter, the mitigation works shall be carried out in accordance with the approved details.

REASON: To ensure that the mitigation measures are designed and implemented to ensure no harm to protected species or their habitats, in accordance with Policy CS13 of the Core Strategy, emerging Policy EV6 of the Local Plan and NPPF paragraphs 174 and 179.

10. No work shall commence to clear the site in preparation for the development hereby permitted until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall be in accordance with the recommendations of Section 4 of the Ecological Appraisal (Heatherfield, August 2022) and include the following:

- a) risk assessment of potentially damaging construction activities;
- b) identification of biodiversity protection zones;
- c) practical measures to avoid or reduce impacts during construction;
- d) the location and timing of sensitive works to avoid harm to biodiversity;
- e) the requirements for when an ecological clerk of works (ECoW) or similarly competent person is needed to oversee works;
- f) the use of protective fences, exclusion barriers and warning signs.
- g) details of the glazing products to be used and its performance in respect of preventing or limiting the illumination of external spaces

The approved CEMP should be implemented throughout the construction process of the development hereby permitted.

REASON: To ensure that the mitigation measures are implemented, in accordance with Policy CS13 of the Core Strategy, emerging Policy EV6 of the Local Plan and NPPF paragraphs 174 and 179.

11. Prior to the commencement of development an Ecological Management Plan shall be submitted to and approved by the local planning authority which explains how the 'area for biodiversity measures' (identified Site Plan 8408- 03-004 rev E received 8/9/23) will be managed, implemented and maintained in the long term as suitable habitat for reptiles. The plan should be capable of being understood and implemented by the residents of the new dwelling and should also explain how the land will be accessed and managed should the land fall into different ownership. Thereafter the Ecological Management Plan shall be carried out in accordance with the approved details for the lifetime of the development, unless otherwise agreed in writing by the local planning authority

REASON: To ensure that the mitigation measures are implemented, in accordance with Policy CS13 of the Core Strategy, emerging Policy EV6 of the Local Plan and NPPF paragraphs 174 and 179.

12. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Proposed Site Block Plan drawing number 8408-03-003 Rev F have been implemented in full.

REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2023).

13. The development hereby permitted shall not be occupied until such time as the existing gates to the vehicular access have been permanently removed. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 5.0 metres of the highway boundary unless hung to open away from the highway.

REASON: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with the National Planning Policy Framework (2023).

14. The development hereby permitted shall not be occupied until such time as the parking have been implemented in accordance with Proposed Site Block Plan drawing number 8408-03-003 Rev F. Thereafter the onsite parking provision shall be kept available for such use in perpetuity.

REASON: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2023).

Informatives:

All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and are further protected under Regulation 39(1) of the Conservation (Natural Habitats etc) Regulations 1994. Should any bats or evidence of bats be found prior to or during development, work must stop immediately, and Natural England contacted on 0300 060 3900 for further advice. This is a legal requirement under the Wildlife and Countryside Act 1981 (as amended) and applies to whoever carries out the work. All contractors on site should be made aware of this requirement and given information to contact Natural England or the Bat Conservation Trust national helpline on 0845 1300 228.

Item No. 5c

Planning Application Number: P/23/0668/2

Pages 95-149

Site Address: Land at Watermead Business Park, Thurmaston

Updates

Item 1

Applicant makes the following requests:

- (i) to clarify the onsite BNG, making it clear that further information was submitted by the applicant following initial responses and that the Council Ecologist considers the proposal to be acceptable in the circumstances.
- (ii) the extant permission could be built (as referred to elsewhere in the report) so deleting the reference to “a lack of prospect” in para 9.12.3.
- (iii) In Recommendation A that bus passes are limited to one third of expected employees (as noted in Para 9.5.9 of the report).

Item 2

A petition received 26.9.2023 containing 2217 signatories with names and postcodes provided, ‘say no to Warehouses around Watermead Country Park’ opposing the development on the following grounds:

- The building work will cause much disruption to surrounding land and lakes, heavy construction traffic ensuing noise and dust;
- The tranquil nature of the Park will be transformed; and
- The Country Park is a haven for wildlife in the urban area. It is home to hundreds of species and rare Cetti’s Warbler. Leicestershire has amongst the poorest sites for conservation values and it is madness for development to take place around Watermead.

Officer Response

Item 1: The requests of the applicant

- (i) The Council's Senior Ecologist's response to the revised BNG is reported at para. 7.1, page 11 and further referred to at para. 9.9.6. This is correct and relates to the most recent (final) submission. Assessment of it as a material consideration, taking into account other factors including the extant permission on the site, is addressed in subsequent paragraphs 9.5.7 – 9.9.11 and is concluded upon in the 'planning balance' at para 10.8. No further update is intended.
- (ii) In para 9.12.3 amend the wording "a lack of prospect" to "has not progressed since the granting of the permission".
- (iii) The reference to "all employees" regarding bus pass provision is intended and follows the advice of the Local Highways Authority reported at para. 7.1, page 10. No amendment is proposed.

Item 2: Petition

The application is accompanied by reports addressing wildlife implications both within the site itself and in the Park, separated by the canal. These include mitigation for species within the site, but 'off site' implications were found to be largely avoidable and limited to light spillage, which can be controlled by the design of the scheme and associated lighting at 'reserved matters' stage (recommended conditions 4, 17 and 19 refer). No amendment is proposed.

The potential for dust and other forms of pollution during construction is recognised and conditions therefore require a Construction Environment Management Plan be submitted for approval for the entire development (condition 4 refers). No amendment is proposed. The impact on the Country Park, including tranquillity is addressed at section 9.10 of the report and within the 'planning balance' and conclusion at 10.5 No amendment is proposed.

Recommendation

No change to recommendation.

Item No.5d

Planning Application Number: P/19/1410/2

Pages 150-177

Site Address: Barkby Firs Ambulance Station, Melton Road, Syston

Updates

Submission from the applicant reporting inaccuracies in the report and contesting aspects of the content, as follows:

Whilst reported in summary here, Members are strongly advised to inspect the complete document which is available under reference P/19/1410/2 on the Council's Planning

Portal at:

https://pap.charnwood.gov.uk/PublicAccess_LIVE/SearchResult/RunThirdPartySearch?FileSystemId=DM&FOLDER1_REF=PLN573156

Committee Report Paragraph Number and issue raised	Officer Response
2.1 Demolition of the ambulance station	For the avoidance of doubt, the ambulance station has been demolished.
3.3 Quantum of Green Space should refer to 3,466 sqm. comprising: <ul style="list-style-type: none"> - Bio-diversity & green space to the south west 1848sqm - Bio-diversity & green space / maintenance strip to the south 750sqm - Bio-diversity & green space to the south east 868sqm 	Agreed, the amount of Green Space in the revised scheme is 3,466 sqm.
3.4 Specification of application documents is incomplete	The following documents should be added: <ul style="list-style-type: none"> • Drainage strategy • Reptile strategy
<p>Section 6 The application includes no Affordable Housing and a viability assessment has been submitted in support of the application.</p> <p>Leicestershire County Council Education, Libraries and Waste Management – The contribution summary is incorrect as it indicates contributions are not being sought due to viability reasons, rather than “the nature of this development, and the available capacity”</p> <p>Open space – calculations are based on 28 dwellings not 26 dwellings.</p> <p>Summary within report indicates a BNG deficit, but the Senior Ecologist was of the opinion that the development would deliver a net gain in the region of 10%.</p>	<p>For clarification, the comments referred to the original scheme which included an affordable element which are now withdrawn in the revised scheme on viability grounds.</p> <p>The response from Leicestershire County Council developer contribution team stated “<i>due to the nature of this development, and the available capacity at the schools, civic amenity sites and libraries nearest to the development, no S106 contributions are being sought for this development in respect of those departments</i>”.</p> <p>Open space response – for clarification response based on original scheme of 28 dwellings, now revised to 26.</p> <p>Biodiversity – reference to BNG deficit refers to original consultee response. The most recent comments criticise the survey work carried out and conclude that there is <i>potential</i> for a loss, until details are established including any off</p>

	site provision (if necessary). Please see also comments on condition 14 below.
8.1.4 It should be made clear to members that the tilted balance under NPPF para 11(d)(ii) is engaged because policies are out of date.	The Council considers the most important policies to be both 'in date' and supportive of housing delivery in this location, and as such Para 11 (c) applies rather than 11d.
8.4.3 Plot 4 – the separation distance is 13.2m so exceeds the recommended 12.5m. Plot 5 – the statement regarding plot 5 is misleading, as there are no habitable room windows to the first floor, accordingly the 21m distance does not apply, in this case.	Plot 4 – it is agreed that the separation distance is 13.2m which exceeds the recommended 12.5m. Plot 5 - para 8.4.3 notes that there are no habitable room windows to the first floor, as set out in and as such accords with the standards. N.B: the recommended distances are supplementary guidance not local plan policy.
8.6.3, 8.6.5, 8.6.6 Summary within report indicates a BNG deficit, but the Senior Ecologist was of the opinion that the development would deliver a net gain in the region of 10%. The paragraphs lead to the conclusion that BNG weighs negatively in the Planning Balance and should be corrected.	Please see comments in regard to section 6 above. <i>("The most recent comments criticise the survey work carried out and conclude that there is potential for a loss, until details are established including any off site provision (if necessary). Please see also comments on condition 14 below")</i>
	The condition is intended to manage the details submitted with a view to ensuring no BNG net loss. The scheme would comply with Core Strategy Policy CS13 and emerging Local Plan Policy EV6, which would be considered neutral in the planning balance, but cannot be established (measured) until details are worked up.
8.9.3 No bus stop improvements have been sought by the Local Highway Authority.	Delete reference to bus stop improvements – this was made in error in lieu of buss pass contributions.
8.12.2 and 8.12.3 This paragraph does not accurately depict the most recent correspondence from the statutory consultees and needs to be	The response from LCC developer contributions team stated <i>"due to the nature of this development, and the available capacity at the schools, civic amenity sites and libraries nearest to the development, no S106 contributions are</i>

<p>corrected – they were not withdrawn for viability reasons.</p> <p>It would also be useful to highlight to members that this is a previously developed, brownfield site. The redevelopment of which should be given significant positive weight in the planning balance.</p>	<p><i>being sought for this development in respect of those departments”.</i></p> <p>However, apart from open space and GP requests all other requests have now been withdrawn from statutory consultees as set out in para 8.12.3.</p> <p>To clarify although most of the infrastructure requests have been withdrawn, their lack of provision does weigh against the scheme in the planning balance as they would normally be required.</p> <p>It is accepted that the site is previously developed, brownfield site which is a material consideration weighing in favour of the application. The following should be read in association with para 8.12.4:</p> <p><i>Also material is that is a previously developed, brownfield site. The redevelopment of which should be given significant positive weight in the planning balance. It is not unusual for brownfield sites to have abnormal cost and as such for viability matters to arise. The Development Plan policies allow for such a situation.</i></p>
<p>9.1 <i>The paragraph should identify the full benefits of the development, including economic benefits, redevelopment of previously developed land (brownfield site), highly sustainable location.</i></p>	<p>This is accepted, the following should be read in conjunction with para 9.1: <i>bringing a brownfield site in a sustainable location into use, and the economic benefits are material considerations that weigh in favour of the application.</i></p>
<p>Conditions – various comments on the content of conditions</p>	
<p>2- plans specifications</p>	<p>Amended list as follows (Additions are underlined, those deleted struckthrough).</p> <p>Proposed site layout Plan (04)03 - 01 Rev. M (1) Proposed Site Plan Access Series - (04)03-04 Site Access Plan – REV L Proposed Green Spaces (04)04 - 03 Rev. B</p>

	<p>Proposed Landscaping Plan (04)04 -01 Rev. L (04)03-04 Proposed Site Plan - Access - REV L Proposed Site Elevation Series Site Elevations C-D Rev. G (04)08-02 Proposed Site Elevations Series Site Elevations E-F (04)08-03 Rev. J Proposed Site Elevations Series Site Elevations A-B (04)08-01 Rev. F Proposed Site Section A-B - (04)06 -01 Rev. H Site Sections A-C (04)02 – 01 Rev.A Site Sections D-G (04)02-02 Rev. A Proposed Material Plan (04)03-03 Rev. K (04) 04-01 Rev. L04 Proposed Landscaping Plan Proposed Green Spaces (04)04 - 03 Rev. B Proposed Site Details A-D - (04) 06 -02 Rev. G <u>(04)06-02 – Part Site Sections A-D – REV G</u> (04)08-03 Proposed site elevations E-F- Rev G <u>Proposed Site Details - (04)05 -01 Rev. C (1)</u> Proposed House Type A (Plot 01) (04)07 – 21 House Type Cv.1 (PLots 02 03) (04)07-24 House Type Bv.1 (Plot 4) (04)07-22 House Type Cv.2 (Plots 05) (04)07-25 House Type Gv.2 (Plots 06, 07) (1) (04)07-32 House Type J (Plots 08, 09) (04)07-35 House Type Bv.2 (Plot 10) (04)07-23 House Type Dv. 1 (Plot 11, 15) (04)07-26 House Type Dv. 2 (Plots 12, 13, 14) (04)07-2 (04)07-27 – House Type Dv.2 House Type Fv.2 (Plot 16, 20) (04)07-30 House Type Fv. 1 (Plots 17) (04)07-29 House Type E (Plots 18, 19) (04)07-28 House Type Gv.3 (Plots 21, 26) (04)07-33 House Type Gv. 1 (Plots 22, 24, 25) (04)07-31 House Type H (Plot 23) (04)07-34 Garage (Plots 04, 10) (04)07-36</p>
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	Proposed Tree Root Protection Plan - (04) 04 -02 Rev. K <u>17-14672-100-P7 – Drainage layout sheet 01</u> <u>17-14672-101-P7 Drainage layout sheet 02</u>	
3	No dwelling shall be occupied until the access arrangements shown on drawing (04)03-04 Proposed Site Plan - Access - REV K L, have been implemented in full. Visibility splays shall thereafter be permanently maintained, and shall remain free of any structure, erection or vegetation exceeding 0.6 metres in height.	
9	Delete as infiltration testing carried out.	
14	<p>There is no policy requirement for biodiversity <u>net gain</u> and hence condition 14 should remove this. It is the case the local plan policy CS13 requires no net loss.</p> <p>The Committee Report, clearly accepts that there is <i>potential</i> for the proposal to deliver a net biodiversity loss, and this has been included as a 'deficit' within the planning balance. Despite, this potential net loss the officer concludes that the benefits of the schemes outweigh the identified harm (including the potential biodiversity loss) and the development is acceptable.</p> <p>On this basis, it is considered a condition which requires a biodiversity 'net gain' is unnecessary to make the development acceptable, and would fail the test for planning conditions set out within the Framework.</p>	Officers are taking legal advice over whether or not this duty applies to cases determined but where biodiversity plans are not approved and the scheme not be commenced.
18	Delete (o4) from drawing number	

Recommendation

Add to Recommendation B to read:

The Head of Planning and Growth to agree to the final wording of the condition 14 following legal advice on implementation of the BNG duties of the Environment Act 2021.

Item No. 5e

Planning Application Number: P/22/1990/2

Pages 178-195

Site Address: Land to the rear of 49 and 51 Radmoor Road, Loughborough

Updates

No updates.

Recommendation

No change to recommendation.