

## For Plans Committee – 18<sup>th</sup> August 2022

### Additional items received since the report was drafted.

**Pages 7-50**

**Site Address: Land at Loughborough Road,  
Burton on the Wolds**

**Item No. 1**

**P.A. No. P/21/1105/2**

#### **Issue 1**

An access plan has been submitted on the 11<sup>th</sup> August 2022 which shows the proposed access as accepted by the Local Highways Authority, but with the indicative layout removed.

The access plan (PRJ01-TTE-00-ZZ-DR-0007-P01) to be approved was requested by Officers for the avoidance of doubt, as the outline consent includes approval for the access only with all other matters reserved and therefore the indicative layout was not a plan for approval.

#### **Officer Response**

The plan removes the indicative layout only, the access remains as approved by the Highway Authority, therefore no further consultation is required. Condition 3 is updated to reflect the addition of this plan.

#### **Issue 2**

Two further neighbour responses have been received since the publication of the agenda. They make the following comments (full comments are available for viewing on the Council's Planning Explorer website):

- a) Concerns with biodiversity impacts of the development with regards to impacts upon bats and other wildlife, previous ecology issues with other applications on site, impacts of lighting on wildlife and the approach of no-net-loss for biodiversity being downplayed.
- b)
- c) The report does not reference the northern part of the site as being designated as a local green space within Policy WV6 of the Wolds villages Neighbourhood Plan (site O). This designation requires through NPPF paragraph 103 that 'policies for managing development within a Local Green Space should be consistent with those for Green Belts'.
- d) No mention in report of recent planning decisions which substantial increase the size of the village – 60 dwellings on the Poultry Farm, 70 on Melton Road, 91 flats on the Eaton site (prior approval). Cumulative impact should be considered.
- e) The view from footpath 92A has not been assessed at all in the report
- f) Additional planting would alter current clean edge of the registered park and gardens of Prestwold Hall, resulting in a loss of significance, it is vital that the separation of the built form and associated noise is maintained.

- g) Page 21 of the officer report discussion on tranquillity is misleading, many people treasure the footpath and use it daily ought to be given greater weight in the decision making process.
- h) Number of errors in description of Burton on the Wolds – no gym in village, no separate shop and garage, no other employment uses, no recognised industrial area on southern edge of village, village is approx. 4.5 miles from the Market Square, not a public bridleway running along the south and eastern boundary of the site.
- i) Highway Safety concerns with existing footpath into village which is narrow. Still uncertainty as to whether or not the proposal would pass road safety audits.
- j) Development in inappropriate location due to harm to heritage assets, failure to protect and enhance unique landscape character, adverse biodiversity impacts, outside limits of development, loss of tranquillity and openness, saturation of the sustainability of the village due to other development, site entrance does not comply with LCC Highways policies for access, village has limited facilities, comparison to previous application determined in June 2015.
- k) Application contrary to policies CS1,CS2,CS11,CS13,CS14,CS17,ST/2,CT/1, and CT/2
- l) Draft Charnwood Local Plan 2021-2037 does not include any allocations within the Wolds Ward and therefore no locally identified need.
- m) Condition 8 appears to have no relevance to the application and Condition 9 should be resolved prior to any decision

### **Officer response**

- a) With regards to the ecology issues raised this has been reviewed by the Councils Ecologist who has confirmed that this application is significantly different to the previous applications and cannot be compared, this application contains a much more substantial area of open space. It is confirmed by the officer that there is plenty of scope to both screen the woodland to the west of the site and to retain a dark corridor along its existing edge. It is acknowledged that there would be some harm and an increased light spill onto the southern hedgerow associated with the access, however this could to some extent be mitigated by the design of the lighting scheme and any adverse impact would be adequately compensated by improved commuting and foraging opportunities along the east-west corridor across the north of the site.
- b) The northern edge of the site includes a small element of the Local Green Space O – Church Leys, Burton on the Wolds. Policy WV6 of the Neighbourhood Plan is therefore relevant which provides a list of the sites designated and states ‘Development on the Local Green Spaces will not be supported other than in very special circumstances. Paragraph 103 of the NPPF states ‘policies for managing development within a Local Green

Space should be consistent with those for Green Belts'; the Council's development plan does not include any policies in relation to Green Belt. Paragraph 148 of the NPPF goes on to say 'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations'. Paragraph 149 of the NPPF identifies that Local Planning Authorities should regard the construction of new buildings as inappropriate in the Green Belt and lists a number of exceptions. Paragraph 150 identifies that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of included land within it and lists these uses which includes e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds).

The application is an outline application with all matters reserved, except access; however an indicative masterplan has been submitted with this application. This shows the area which is included within Site O Local Green space as being open space and not an area which would include housing or buildings. A condition is suggested which would ensure that the reserved matters application does not include any buildings on the Local Green Space designation and therefore would remain open space which is in keeping with its current state. Therefore the proposal, subject to the imposition of this condition would not be contrary to Policy WV6 of the Neighbourhood Plan and would not be harmful to the Local Green Space. Therefore the development complies with policies 147-150 of the NPPF as the Local Green Space should be consistent with Green Belts however there is no harm identified as the site would be free from buildings and retained as open space as is currently the situation.

Whilst it is acknowledged that Green Belt land is identified in footnote 7 to paragraph 11d)i of the NPPF, there is no identified conflict with the policy WV6 of the Neighbourhood Plan or paragraphs 147-150 of the NPPF. Therefore, paragraph 11d(i) does not apply in this instance as there is no 'clear reason for refusing the development proposed'.

- c) It is not necessary for the report to list all recent planning decisions within the village. When assessing the development existing development both secured and delivered have been taken into account and it is considered that there are no significant and substantial adverse impacts which would

outweigh the benefits when assessed against the Framework taken as a whole.

- d) The impact of the development on footpath 92A has been assessed in the applicants Landscape and Visual Appraisal. It identifies *'Views towards the site for users of the route are restricted within the woodland, however, once the route leads through the open fields, views are possible towards Burton on the Wolds and the site to the south (Receptor F). Once complete, the development will be visible from the footpath as it approaches from the north, but views of houses will be filtered by the retained northern boundary hedgerow and new planting around the development edge. The development would be visible as an extension to the existing village edge and would not introduce any new elements within views. Visual effects for users of the route as it passes through the open fields are assessed as Moderate/ Minor Adverse on completion. Proposed trees within the northern area of open space and hedgerows around the development edge will soften views of the new properties as it matures which will help assimilate the development into the surrounding context and visual effects are assessed as Minor Adverse at Year 15 once the new planting matures.'* This footpath joins with the Bridleway H106, which has been assessed in the report. It is acknowledged that this development will alter the views from this footpath at certain points and will be visible, however with additional planting and the maturity of this and it being viewed as an extension of the village this harm would not be considered as significant and substantial harm which would outweigh the benefits of the proposal.
- e) The impact of the development upon the heritage assets has been fully addressed in the officer report.
- f) No further comments to make on this.
- g) It acknowledged there is not a gym in Burton on the Wolds and this is an error, there is however a gym outlet (Gym Equipment 4U Ltd) and other employment uses. The employment uses referred to are located and accessed from Seymour Road, St Philips Road, Hubbard Road and Sowters Lane.
- h) The issue of sustainability is fully addressed in the Transport Sustainability heading of the committee report. Leicestershire County Council have raised no objections to this application, subject to conditions and obligations included within the recommendation.

- i) These issues are covered fully in the original report. The previous application differed to this application and comparisons between the two cannot be made without understanding the full context.
- j) The relevant policies are identified throughout the report and whether the development is compliant with or contrary to them and it is then concluded within the Planning Balance at the end. No further discussion on this is necessary.
- k) This point is addressed under the principle of development in the committee report.
- l) Condition 8 is relevant to the application to ensure that the proposed development has adequate bin and cycle storage. Condition 9 is considered relevant and necessary to make the development acceptable and meets the tests of conditions identified in paragraph 56 of the NPPF. This condition was requested by the Local Highway Authority and is not considered a matter which must be resolved prior to determination of the application.

## **Recommendation**

Amendment to Recommendation B in so far as:

*Condition 3 amended to read:*

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

Location Plan – 5655L 01A

Proposed Site Access and Traffic Management Scheme PRJ01-TTE-00-ZZ-DR-0007-P01 (received 11/08/2022)

REASON: To provide certainty and define the terms of the permission

*Insertion of new condition 23:*

The details submitted pursuant to Condition 2, in relation to layout, shall not include any buildings within the area identified as a Local Green Space (Site O – Church Leys, Burton On the Wolds – Map 8a), designed in The Wolds Villages Neighbourhood Plan (June 2021).

REASON: To ensure the development does not harm the designated Local Green Space and is in accordance with Policy WV6 of The Wolds Villages Neighbourhood Plan (June 2021) and NPPF paragraphs 147-150.

**Item No. 2**

**Enforcement Ref No.** E/21/0262

An application P/22/1516/2 for conversion of former plant nursery buildings for residential use (part retrospective) together with provision of ancillary parking and retention of bee-keeping building was submitted 15 August 2022. At present this application is invalid for a number of reasons.

Following submission of the application there have been some discussion as to whether the access road should form part of the red line for the site and after reviewing relevant appeal decisions it is considered that it should. Therefore, the plan attached to the original report is to be to this extras item include the access track and the revised plan is reference CBC1 and is attached to this extras report.

**Officer Response**

Due to the restricted time limits as to when the use would gain immunity and the timescales associated with the consideration of a planning application enforcement action should continue to be pursued without delay.

Should Plans Committee resolve to take enforcement action, the owner will have the right to appeal the enforcement notice where they can appeal on ground A if they think that planning permission should be granted for the breach of planning control alleged in the Notice. In addition to appealing both parties may consider it appropriate to write to the Inspectorate and request that the appeal be put on hold pending the outcome of the application currently before the Council.

In amending the site plan for the Enforcement Notice Members should be advised that the Notice would need to be served upon all persons who have an interest in the land i.e. all landowners and this would include the neighbour who owns the access track even though no unauthorised works have been undertaken to the track. This landowner has been made aware of this and advised that if an Enforcement Notice was served under Section 172A of the Town and Country Planning Act 1990 assurance could be given in writing that they are not at risk of being prosecuted under section 179 if the Notice is breached.

**Recommendation**

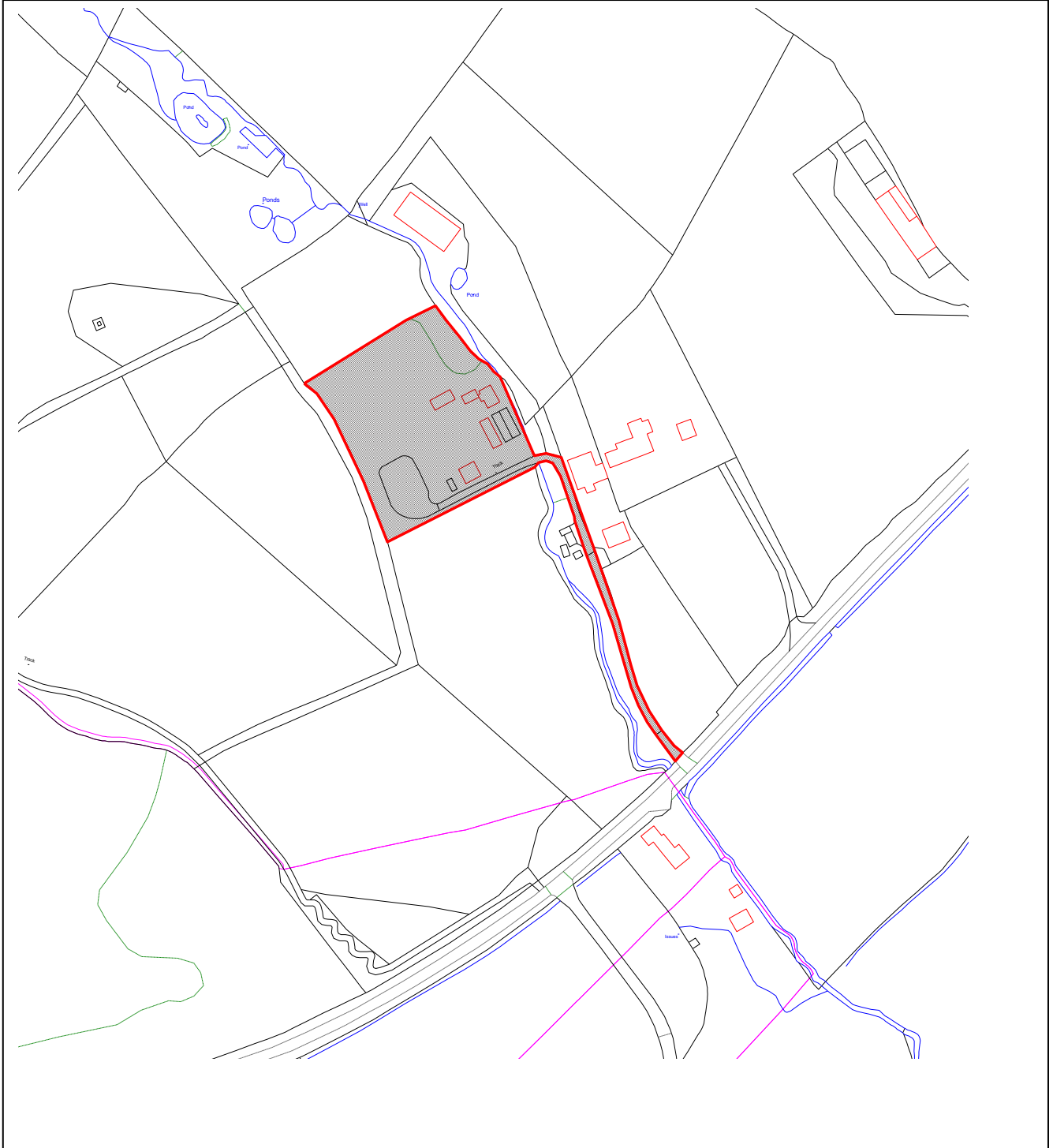
No change to original recommendation

Reference No: E/21/0262

Location: Former Ulverscroft Grange Nursery, Priory Lane, Ulverscroft,  
Leicestershire, LE67 9PB

Scale: 1:2500

CBC1



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**Pages 69-91**

**Site Address:** Land at Oakley Road & Hallamford Road, Shepshed, LE12 9AU

**Item No. 3**

**P.A. No. P/20/1952/2**

Issue 1

There is typographical error to proposal description on page 6 & 69 of Agenda reports pack and corrected to read '*Full planning application for the development of 25 dwellings (Partial redesign of layout and house types approved under reserved matters application P/17/0246/2, with addition of 4 plots (37 total))*'.

Issue 2

There is typographical error on page 79 (paragraph 5 - Design and impact on character and appearance section) and as it refers to Long Meadow Lane and corrected and replaced with Oakley Road and Tickow Lane.

Issue 3

There is typographical error on page 81 (paragraph 5 - Impact on highway safety section) as it states that '*the raised junction plateaux traffic calming feature at the junction of application site, Oakley Road, Belton Road and Ticklow Lane*' and corrected to state '*the raised junction plateaux traffic calming feature in close proximity to the junction of application site, Oakley Road, Belton Road and Ticklow Lane*'.

**Recommendation:**

No change to the recommendation for approval as set out in the agenda report.