

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

### Additional items received since the report was drafted

Pages 6-43

Site Address: 102 Main Street, Cossington

Item No.1

P.A. No. P/21/1446/2

#### Minerals

Since the publication of the committee report, a minerals assessment has been submitted with the application and consulted upon with Leicestershire Minerals Authority. The submitted minerals assessments concludes that the proposed development would not sterilise a potentially valuable mineral resource. The Minerals Authority has reviewed the contents of the assessment and has confirmed there are no objections to the proposal.

#### Education Provision

It has been noted that the obligations for financial contributions towards education provision set out in Recommendation A omits provision for the primary and secondary school contributions to be spent at any other school in the locality of the development or towards the construction of a new school.

#### **Officer Response:**

#### Minerals

The submitted minerals assessment and comments from the Minerals Authority are satisfactory for the purposes of ensuring the development will not result in the loss of potentially valuable mineral on compliance with policy M11 of the Minerals and Waste Local Plan (2019).

#### Education Provision

The contributions have been assessed and they are considered to comply with the CIL regulations and the additional wording suggested would allow flexibility in the provision of the necessary infrastructure to be provided to mitigate the impact of the development to comply with the provisions of policy CS24. The additional text should therefore be added to the recommendation A.

#### **Recommendation:**

No change to the officer's overall recommendation. However, the following amendment is proposed to Recommendation A;

#### Recommendation A:

Education:

- £291,860.40 to fund the provision or enhancement of facilities at Cossington

primary school or any other school in the locality of development or towards the construction of a new school to meet the needs of the development.

- £158,220.48 to fund the provision or enhancement of facilities at Humphrey Perkins Secondary School or any other school in the locality of development or towards the construction of a new school to meet the needs of the development.

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**Pages 44-102**

**Site Address: Land South of Ashby Road Central, Shepshed, LE12 9BS**

**Item No. 2**

**P.A. No.** P/21/2045/2

The first paragraph of the plans committee report refers to Burton on the Wolds as the settlement. This is a typing error, to confirm the application site is located adjacent to the settlement of Shepshed.

Following discussions with the agent and a review of conditions some changes to the following conditions are proposed:

**Condition 4**

*Notwithstanding the illustrative layout plan and the details contained in the Landscape Visual Assessment submitted on the 15th September 2021, the layout details submitted pursuant to condition 2 shall include a detailed layout plan indicating one or more vistas to the Charnwood forest; planting which meets the National Forest Planting Guideline; and a generous set back from all existing hedgerows of no less than 6 metres from the edge drip line and 20m from the willow tree on the southern boundary of the site.*

*REASON: To ensure the development integrates into the landscape, surrounding area and provides a soft screen to the urban edge, in accordance with policies CS2, CS11, CS12 and CS14 of the Development Plan.*

This condition was imposed to ensure the proposed layout to be approved at reserved matters stage of the planning process provides for one or more vistas through the development to the Charnwood Forest, in relation to visual amenity when viewing the development from Ashby Road. The suggested generous set back of 6 metres from the hedgerow and 20 metres from the willow tree found amongst the hedgerow on the southern boundary of the site was imposed to safeguard the long-term retention of the hedge and the tree.

The agents have raised concerns regarding the setback distances identified and its impact upon the developable area which were not discussed prior to the issuing of the agenda. Officers have reviewed the condition which was recommended by the Council's Landscape Officer, and it is unclear as to the justification of a 20 metre set back from the Willow Tree. Without the full knowledge which would be provided through a tree survey and details of root protection areas, etc it is difficult to ascertain an appropriate distance to set. A 20-metre set back from the willow tree could be overly restrictive on the siting of built development within the site and is unknown at this time. The condition as it is currently written is

considered overly onerous and unreasonable and would therefore not meet the tests for conditions set out in paragraph 56 of the NPPF. An amendment to condition 4 is therefore proposed which removes the 20 metre set back requirement for the Willow Tree.

It is important to ensure that there is appropriate set back of the built development on site to protect existing trees. Condition 6 within the report requires the submission of an arboricultural report and method statement. Following the amendment to condition 4 and to ensure that full details are received this condition is amended to ensure that appropriate set back distances from trees are identified to inform the layout of the development.

### **Condition 8**

*The details submitted pursuant to condition 2 above shall include the following minimum amounts and typologies of open space:*

- i. An on-site LEAP facility*
- ii. Parks and amenity green space 0.17ha minimum.*

*REASON: To ensure that the open space needs of future residents are met at a level that complies with Development Plan policy CS15.*

It has been questioned if there is a need for this condition as it has been identified as a requirement of the Section 106.

The open space team have requested that amongst other things, that an on-site children equipment/facilities (LEAP) (alternatively off-site contribution £13,333.00) and parks and amenity green space is provided on site (0.17ha minimum) and a LEAP on site or a contribution to be paid, as set out in recommendation A (S106).

Both open space typologies are included within Recommendation A, see below:

- Parks and amenity green space - 0.17ha - on site
- Natural and semi natural open space 0.24Ha on site.
- An on-site children equipment/facilities (LEAP) (alternatively off-site contribution £13,333.00).
- Provision for young people for older children (12+) off-site contribution of £47,700.00
- off-site contribution of £16,465.00 to provide new, or improve the capacity of, existing outdoor sport provision - 3G pitch(es) (in Shepshed)
- Off-site Allotments within Shepsted (*typo in original report should read as Shepshed*) £5,646.

This recommendation for open space provision remains unchanged (except for the spelling mistake correction in the last bullet). As these open space typologies referred to in condition 8 are to be secured by the Section 106 it is not necessary to duplicate this through a condition, therefore it is recommended that Condition 8 is removed from the recommended conditions in Recommendation B.

### **Condition 9**

*In accordance with the recommendations of the Noise Assessment (HSP Consulting, September 2021, P4810-R1-V3), the details submitted pursuant to condition 2 above shall include a detailed design schedule to include details of building envelope, glazing and acoustic ventilation systems to habitable rooms. The development shall be carried out in full accordance with approved details and the noise protection design shall remain in place in perpetuity.*

*REASON: To protect the amenities of the future occupiers of the development in accordance with Policy CS2 of the Core strategy and EV/1 of the Local Plan.*

For clarity additional wording has been added to the condition 'where necessary' to make it clear that only those properties which will be impacted by noise and amenity concerns outlined in the Noise Assessment, will be required to include detailed design schedules including details of building envelope, glazing and acoustic ventilation systems.

## **Conclusion**

The amendments to the conditions do not result in a change to the planning balance or conclusion of the original officer report.

## **Recommendation A:**

Correction of typographical error of last bullet of Open Space section to read 'Shepshed'.

## **Recommendation B**

Original recommendation remains, with the removal of Condition 8 and the following amendments to conditions 4, 6 and 9 which are included below:

4. Notwithstanding the illustrative layout plan and the details contained in the Landscape Visual Assessment submitted on the 15th September 2021, the layout details submitted pursuant to condition 2 shall include a detailed layout plan indicating one or more vistas to the Charnwood forest; planting which meets the National Forest Planting Guideline; and a generous set back from all existing hedgerows of no less than 6 metres on the southern boundary of the site.

REASON: To ensure the development integrates into the landscape, surrounding area and provides a soft screen to the urban edge, in accordance with policies CS2, CS11, CS12 and CS14 of the Development Plan.

6. The details submitted pursuant to condition 2 shall include an arboricultural report and an arboricultural method statement that identifies the existing trees and the hedgerow to be retained (apart from the access point) and to ensure the trees and hedgerows to be retained are protected during construction. These reports shall include details of root protection areas and appropriate set back distances for any built development on site.

The development shall be carried out in accordance with the approved arboricultural report and the arboricultural method statement.

REASON: To ensure the long-term retention and protection of the trees and hedgerow to be retained at the site in accordance with policies CS2 and CS11.

9. In accordance with the recommendations of the Noise Assessment (HSP Consulting, September 2021, P4810-R1-V3), the details submitted pursuant to condition 2 above shall include, where necessary, a detailed design schedule to include details of building envelope, glazing and acoustic ventilation systems to habitable rooms. The development shall be carried out in full accordance with approved details and the noise protection design shall remain in place in perpetuity.

REASON: To protect the amenities of the future occupiers of the development in accordance with Policy CS2 of the Core strategy and EV/1 of the Local Plan.

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