

**For Plans Committee – 24<sup>th</sup> November 2022**

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

**Pages 52 - 74**

**Site Address: Wood Close, Wyvernho  
Drive, Quorn, LE12 8AP**

**Item No. 2:**

**Planning Application no. P/21/1093/2**

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

**Issue 1: Correspondence from the Local Highways Authority advising as follows:**

The Applicant is now seeking planning consent for the erection of two dwellings only, rather than the previously proposed three dwellings.

The LHA's previous response issued on 6th October 2021 advised approval of the development (three dwellings) subject to planning conditions. As part of this reconsultation, the Local Planning Authority (LPA) have requested the LHA provide comments in respect of the submitted Transport Technical note dated June 2021 on behalf of the residents group. The LHA advise that this document was reviewed, considered and referenced within another previous response issued by the LHA on 22nd July 2021 and the Local Highways Authority therefore has no further comments to make regarding this document. Conditions as previously recommended reaffirmed

**Site Access:** As per the LHA's previous observations and having reviewed the revised scheme. The site is located to the rear of Wood Close, Wyvernho Drive, however access to the proposed development is from Buddon Lane which is a private and unadopted road which has Public Footpath K9 run along its entire length. Buddon Lane is accessed from Chaveney Road which is an unclassified road subject to a 30mph speed limit. Two individual points of access are proposed for each dwelling which are compliant in accordance with Figure DG17 of Part 3 of the Leicestershire Highway Design Guide (LHDG) Highway Safety

**Internal Layout:** The revised site layout continues to demonstrate adequate parking and turning provision in accordance to the LHDG

The Local Highways Authority continues to raise no highway safety concerns in respect of the development site.

Conditions are reiterated (as per those in the agenda report, nos. 7 and 8).

**Officer response to issue 1:**

The report referenced the correct plans as per the recommendation included in the Local Highway's Authority most recent recommendation. Therefore, no change to the recommendation for approval as set out in the agenda report is required.

## Issue 2: Demolition of 21 Buddon Lane

A further site inspection has revealed that no.21 Buddon Lane has now been demolished. The reasons for this are unknown (i.e. there is no permission in place for its redevelopment).

### Officer response to issue 2:

No. 21 Buddon Lane is adjacent to the site and, during assessment, was considered in terms of the configuration of the street scene and how it might be impacted upon by the development. Its removal is not considered to have any impact on the design and layout considerations of the application. In amenity terms, the assessment concluded *“The distance between the side elevations of proposed Plot 1 and of No 21 Buddon Lane, would be 17 metres and this, together with intervening boundary hedging and trees, would mean that there would no significant impact on the occupiers of that property in terms of loss of light, outlook or being over-dominant”*. It is therefore considered that the development would pose no unacceptable impediment to potential future redevelopment.

**Recommendation: No change to the recommendation for approval (subject to satisfactory unilateral undertaking regarding bio diversity compensation) as set out in the agenda report**

Pages 75 - 97

**Site Address: Mr D Landers  
Rear of 39 A Leicester Road  
Shepshed  
Leicestershire  
LE12 9DF**

**Item No. 3**

**P.A. No. P/22/0891/2**

Since the publication of Plans Committee report, there has been further correspondence has been received by the agent in regards to the recommended planning conditions for the item.

### Issue 1:

The agent has made the following comments on the recommended planning conditions:

Summary of Condition	Agent's comments
Condition 3- pre-commencement to secure materials	Requested that the trigger for this be “no construction above damp proof course” rather than no materials placed on site.
Condition 10- pre-commencement condition for acoustic fencing	Requested that the trigger for this be ‘before first occupation’ rather than pre-commencement.
Condition 11- pre-commencement condition for details of finished floor levels	Agent states that this detail is included on the elevations & sections drawing so the condition isn't necessary.

Condition 13- details of boundary enclosure to be submitted and approved before the development reaches slab level.	Requested that the trigger for this be 'before first occupation' rather than before the development reaches slab level.
Condition 16- details of landscaping scheme to be submitted and approved	There is no trigger for this, requests it be pre occupation to tie in with 13.
Condition 19- pre-commencement to secure Construction Environmental Management Plan	The agent believes this to be unduly onerous particularly given the small scale of the development and the low ecological baseline. Requests the condition as per the construction measures set out in the Preliminary Ecological Appraisal).
Condition 20- Bird and bat box scheme.	The Preliminary Ecological Appraisal only recommends bird boxes for the site. There is no trigger for the submission of details, requests the condition be triggered for preoccupation.

### **Issue 2:**

The LPA has also been made aware of a typographical error on page 8 of the agenda, stating the recommendation as grant unconditionally.

### **Issue 3:**

Conditions 16-20 should read 14, 15, 16, 17, 18. Wording is missing from Condition 16's reason.

### **Officer response to issues:**

#### **Issue 1:**

The agreement of the agent is only required regarding pre-commencement conditions (condition nos. 4, 10, 11 and 19).

Condition 3- The LPA agree that this could be amended to 'before slab level' without undermining its effectiveness..

Condition 10- Construction traffic will cause noise concerns to the nearest neighbours and this is clearly stated within the condition reason. Therefore 'prior to commencement' remains the appropriate trigger point

Condition 11- The section drawing that has been submitted is not sufficient as it does not provide levels details of the whole site and is a example section only and it is not clear where on the site the section has been taken from.

Conditions 13 and 16- These are not pre-commencement conditions and do not require the agreement of the agent. These are required prior to development before slab level in order to relate to it, to ensure a satisfactory and boundary treatment scheme is developed and can be implemented prior to first occupation.

Condition 19- The condition can be simplified due to the modest scale nature of the proposal.

Condition 20- This is not a pre-commencement condition and does not require the agreement of the agent. A trigger can be added and the reason expanded.

In addition it is noted that the reason for Condition 16 is incomplete.

**Issue 2:**

This issue has been noted.

**Issue 3:**

This issue has been noted.

**Recommendation:**

**Recommendation B as set out in the agenda report is updated as set out in issue 1 and 3 below. The wording of the pre-commencement conditions as set out in the report and is proposed to be revised below and these have been agreed by the agent. The Committee agenda is updated as set out in issue 2 and 3 below.**

**Issue 1:**

Conditions 3, 19 and 20, and the reason for condition 16, are proposed to be amended with the following wording:

Condition 3: NO DEVELOPMENT ABOVE SLAB LEVEL SHALL TAKE PLACE UNLESS AND UNTIL such time as details of the type, texture and colour of the materials to be used on the external surfaces of the proposed development have been submitted to and approved in writing by the Local Planning Authority. Only materials approved in writing by the Local Planning Authority shall be used in carrying out the development.

REASON: To ensure that the appearance of the completed development is satisfactory, in accordance with Core Strategy Policy CS2 and Saved Policy EV/1.

Condition 19: No development shall take place (including demolition, ground works, vegetation clearance) 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 include as a minimum:

a) THE REMOVAL OF VEGETATION OUTSIDE OF THE BIRD NESTING SEASON (MARCH-AUGUST);

b) DETAILS OF APPROPRIATE PROTECTIVE FENCING TO PROTECT RETAINED HEDGES AND TREES.

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

REASON: To protect habitats of importance to biodiversity conservation from any loss or damage and prevent harm to wildlife in accordance with Policy CS13 of the Charnwood Local Plan 2011-2028 Core Strategy (2015).

Condition 16:

REASON: To ensure that a satisfactory landscape scheme is provided in the interest of well-planned development and visual amenity and to accord with Core Strategy Policies CS2, CS13 and Saved Policy EV/1.

Condition 20: PRIOR TO DEVELOPMENT ABOVE SLAB LEVEL, Full details of a scheme for the location of bat and bird boxes, to be integrated into the block of flats, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first use or occupation of the block of flats, the bat and bird boxes shall be installed on that building in accordance with the approved details.

REASON: TO MITIGATE THE IMPACT OF THE DEVELOPMENT UPON LOCAL POPULATIONS OF PROTECTED AND NOTABLE SPECIES AND TO ENSURE THAT THE SUBMITTED SCHEME IS COMPATIBLE WITH THE BUILDING STRUCTURE, in accordance with Policy CS13 of the Charnwood Local Plan 2011-2028 Core Strategy (2015) and the NPPF.

**Issue 2:**

Committee agenda page 8 updated to read 'Grant Conditionally subject to 106'.

**Issue 3:**

Committee agenda pages 94-96 condition nos. 16-20 re-numbered to 14-18.