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Meeting	PLANNING COMMITTEE
Time/Day/Date	6.00 pm on Tuesday, 3 August 2021
Location	Council Chamber, Council Offices, Coalville
Officer to contact	Democratic Services (01530 454529)

	AGENDA	
Item		Pages
1.	APOLOGIES FOR ABSENCE	
2.	DECLARATION OF INTERESTS	
	Under the Code of Conduct members are reminded that in declaring disclosable interests you should make clear the nature of that interest and whether it is pecuniary or non-pecuniary.	
3.	MINUTES	
	To confirm and sign the minutes of the meeting held on 6 July 2021.	3 - 6
4.	PLANNING ENFORCEMENT UPDATE Q1 2021/22	
	Report of the Head of Community Services	7 - 10
5.	PLANNING APPLICATIONS AND OTHER MATTERS	
	Report of the Head of Planning and Infrastructure.	11 - 14
6.	PROPOSED ALTERATIONS TO USE OF DELEGATED POWERS IN RESPECT OF RESERVED MATTERS APPLICATIONS AT SOUTH EAST COALVILLE	
	Report of the Head of Planning and Infrastructure.	31 - 34

Index of Applications to be Considered

Item	Application Number and Details	Recommendation	Page
A1	21/00613/REM: Construction of vehicular, pedestrian and cycle access (link road) (reserved matters to outline planning permission ref. 13/00956/OUTM) Land Off Grange Road Hugglescote Leicestershire LE67 2BT	Permit	15 - 22
A2	21/00614/REMM: Erection of 28 dwellings (amended house types to Plot nos. 5, 28, 30, 32, 39, 42, 44, 82, 90, 92, 99, 108, 129, 130, 131, 141, 150, 151, 152, 153, 155, 156, 157, 158, 190, 193, 194 and 198) (reserved matters to outline planning permission ref. 13/00956/OUTM) Land South Of Grange Road Hugglescote Leicestershire LE67 2BT	PERMIT subject to S106 Agreement	23 - 30

MINUTES of a meeting of the PLANNING Committee held in the Council Chamber, Council Offices, Whitwick Road, Coalville on TUESDAY, 6 July 2021

Present: Councillor N Smith (Chairman)

Councillors R Boam, A J Bridgen, D Everitt, J Hoult, J Legrys, K Merrie MBE, R L Morris, E G C Allman (Substitute for Councillor S Gillard) and S Sheahan (Substitute for Councillor D Bigby)

In Attendance: Councillors R Ashman, R Johnson, J G Simmons and R Canny

Officers: Mr C Elston, Mrs C Hammond, Ms S Grant, Mr J Knightley, Miss E Mattley, Mr A Mellor and Mrs R Wallace

7. APOLOGIES FOR ABSENCE

Apologies were received from Councillors D Bigby, S Gillard and M Wyatt.

8. DECLARATION OF INTERESTS

In accordance with the Code of Conduct, Members declared the following interests:

Councillor K Merrie declared a non-pecuniary interest in item A2, application number 20/02030/REM as an elected member of Leicestershire County Council.

Members declared that they had been lobbied without influence in respect of the following applications but had come to the meeting with an open mind.

Item A2, application number 20/02030/REM

Councillors J Legrys and S Sheahan

9. MINUTES

Consideration was given to the minutes of the meeting held on 2 June 2021.

It was moved by Councillor N Smith, seconded by Councillor J Hoult and

RESOLVED THAT:

The minutes of the meeting held on 2 June 2021 be approved and signed by the Chairman as a correct record.

10. PLANNING APPLICATIONS AND OTHER MATTERS

Consideration was given to the report of the Head of Planning and Infrastructure, as amended by the update sheet circulated at the meeting.

11. A1

21/00028/VCI: VARIATION OF CONDITIONS 2, 3, 4, 6 AND 8 OF PLANNING PERMISSION 18/00413/FUL TO ALLOW FOR THE RETENTION OF AMENDMENTS TO THE APPEARANCE AND HEIGHT OF THE DWELLING ALONG WITH PROPOSALS FOR THE INSTALLATION OF RENDER TO THE DWELLING, PROVISION OF RAISED PATIO WITH ASSOCIATED SCREENING, AMENDMENTS TO FINISHED FLOOR AND GROUND LEVELS TO SUIT SITE TOPOGRAPHY, CONSTRUCTION OF A RAISED PLATFORM WITH STEPS AND RETAINING WALL AND AMENDMENTS TO BOUNDARY FENCING

210 Battram Road Ellistown Coalville LE67 1GB

Officer's Recommendation: PERMIT

The Principal Planning Officer presented the report to members.

Ms Van Rooyen objector, addressed the committee highlighting that, should members be minded to permit the application they should be absolutely sure that they understood what was being approved, that what was before them was acceptable and that the Council would ensure full enforcement of the conditions detailed in the permission. She outlined her concerns, which were the levels of the development, the position of the boundary fence and the construction of the retaining wall adjacent to her property. She hoped that the Council would get the wording of the conditions right so there was no room for interpretation

Councillor J Simmons, ward member, addressed the committee highlighting that she felt that the application should be refused as the level the patio was to be built at would lead to the intrusion of privacy to neighbouring properties and require a significant amount of permanent screening. She sought reassurance that, should the application be permitted, all the variations and relevant conditions would be enforced and completed to the requirements stipulated within them.

In determining the application, members sought reassurance that, due to the history on the site, regular monitoring of the development and compliance of the conditions would take place. It was also noted that a condition was to be included in relation to the screen however, the applicant could seek to vary that through a Section 73 application, which would be an 8 week application and subject to consultation, but providing the situation was the same, then the authority would not look to support such an application.

The recommendation to permit the application in accordance with the officer's recommendation was moved by Councillor J Hoult and seconded by Councillor J Legrys.

The Chairman put the motion to the vote. A recorded vote being required, the voting was as detailed below.

RESOLVED THAT:

The application be permitted in accordance with the recommendation of the Head of Planning and Infrastructure.

Motion to permit the application in accordance with the recommendation of the Head of Planning and Infrastructure (Motion)	
Councillor Nigel Smith	For
Councillor Russell Boam	For
Councillor Alexander Bridgen	For
Councillor David Everitt	For
Councillor Jim Hoult	For
Councillor John Legrys	For
Councillor Keith Merrie MBE	For
Councillor Ray Morris	For
Councillor Elliott Allman	For
Councillor Sean Sheahan	For
Carried	

20/02030/REMM: ERECTION OF 164 DWELLINGS WITH ASSOCIATED CAR PARKING, SECONDARY ROADS AND INCIDENTAL LANDSCAPE PLANTING (RESERVED MATTERS TO OUTLINE PLANNING PERMISSION REF. 13/00956/OUTM)
 Grange Road Hugglescote Leicestershire LE67 2BT
Officer's Recommendation: PERMIT subject to S106 agreement

The Principal Planning Officer presented the report to members.

Ms G Doyle, agent, addressed the committee, highlighting that the site would include a wide range of house types and would include 13 affordable units in line with the S106 agreement. She noted that consideration had been given to the connectivity of the site before them to the wider South East Coalville Site and had been developed to fully accord with the outline permission along with all comments and issues raised addressed within the report.

Councillor R Johnson, ward member, addressed the committee highlighting, that he had worked with officers to address many issues including, the proposed access points along Grange Road where there was no footpath and, that the draft Hugglescote and Donington le Heath Neighbourhood plan would carry weight when considering the application before them. He expressed concerns over the lack of bungalows and starter homes on the site and that all the affordable housing were to be located on to the furthest part of the development and not integrated with the other mix of dwellings.

In determining the application, members expressed concerns around HGV traffic from developments breaching their S106 agreements, in relation to traffic routeing, by going through the surrounding villages and, the location of the social housing on the site was not acceptable as it was felt the units should be pepper potted around the site rather than clustered together.

It was noted by members that a note to applicant could be added to the conditions, highlighting the requirement to comply with the S106 agreement in terms of the traffic plan and the routes of the HGVs

The recommendation to permit the application in accordance with the officer's recommendation, subject to a note to the applicant being included in relation to compliance with the S106 traffic plan, was moved by Councillor J Hoult and seconded by Councillor R Boam.

The Chairman put the motion to the vote. A recorded vote being required, the voting was as detailed below.

RESOLVED THAT:

The application be permitted in accordance with the recommendation of the Head of Planning and Infrastructure subject to a note to the applicant being included in relation to compliance with the S106 traffic plan.

Motion to permit the application in accordance with the recommendation of the Head of Planning and Infrastructure subject to a note to the applicant being included in relation to compliance with the S106 traffic plan (Motion)	
Councillor Nigel Smith	For
Councillor Russell Boam	For
Councillor Alexander Bridgen	For
Councillor David Everitt	Against
Councillor Jim Hoult	For
Councillor John Legrys	Against
Councillor Keith Merrie MBE	For
Councillor Ray Morris	For

Councillor Elliott Allman	For
Councillor Sean Sheahan	Against
Carried	

The meeting commenced at 6.00 pm

The Chairman closed the meeting at 7.02 pm

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL
PLANNING COMMITTEE – TUESDAY, 3 AUGUST 2021



Title of Report	PLANNING ENFORCEMENT UPDATE Q1 2021/22	
Presented by	Minna Scott Public Protection Team Leader	
Background Papers	None	Public Report: No
Financial Implications	None	
Legal Implications	None	
Staffing and Corporate Implications	None	
Purpose of Report	To provide an update to Members on the work of the planning enforcement team. To provide an overview of the compliance and monitoring cases within the planning enforcement service.	
Recommendations	PLANNING COMMITTEE NOTE THE INFORMATION CONTAINED WITHIN THE REPORT.	

1.0 PLANNING ENFORCEMENT POLICY

- 1.1 In February 2019, the Council adopted the Enforcement Policy for Planning Enforcement (the Policy”) as it is considered best practice to adopt an enforcement policy specific to Planning Enforcement as detailed within paragraph 58 of the National Planning Policy Framework (June 2019). The Policy includes a risk matrix to better manage the volume of cases received and aligns resources to the most appropriate cases.
- 1.2 All complaints and enquiries received by the Planning Enforcement Service are categorised as one of the following:
1. *Urgent Cases* - where works are being carried out which will cause irreparable harm / damage.
 2. *High Priority Cases (Harm score over 5)* - where works or uses are causing a significant and continued harm to amenity, time sensitive breaches or development that compromise safety.
 3. *Standard Priority Cases (Harm score Under 5)*– new structures or changes of use having limited degree of disturbance to local residents or damage to the environment and which do fall within the foregoing priority groups.

1.3 Below is Table 1 showing the **results of the harm scoring** for 2021/2022.

	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Urgent cases/Not required	37	N/A	N/A	N/A
High priority cases (Score over 5)	36	N/A	N/A	N/A
Standard priority cases (Score under 5)	28	N/A	N/A	N/A
No update	3	N/A	N/A	N/A
Pending Consideration	13	N/A	N/A	N/A

2.0 PLANNING ENFORCEMENT STATISTICS

2.1 Table 2, below is a summary of enforcement statistics for Quarters 1 2021/22

It should be noted that some cases > 6 months and > 1 year are held in abeyance due to the necessity for scheduled monitoring; the submission of retrospective planning applications, appeals or are in the initial stages of formal action being taken by the service of an enforcement notice.

Months/Year	No. of new cases opened	No. of cases older than 1 year	No. of cases older than 6 months	No. of live cases at time of report
Quarter 1	117	105	67	289
Quarter 2	N/A	N/A	N/A	N/A
Quarter 3	N/A	N/A	N/A	N/A
Quarter 4	N/A	N/A	N/A	N/A

2.2 Table 3 shows the types of cases that are over 6 months and 1 year.

	Plannin g Dischar ge of Conditio n	Retrospecti ve application	Appea ls	Compl ex cases	Prosecutio ns	Protracte d negotiati on	Developm ent Monitoring
Case s over 6 mth	0	14	0	15	0	38	0
Case s	0	19	1	20	0	58	7

over 1 year							
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2.3 The types of breaches investigated during Quarters 1, 2, 3 and 4 is summarised in Table 4 below.

Breach type	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Breach of planning condition	17	N/A	N/A	N/A
Unauthorised works in conservation area	10	N/A	N/A	N/A
High hedges	2	N/A	N/A	N/A
Unauthorised works on a listed building	4	N/A	N/A	N/A
Not in accordance with approved plans	15	N/A	N/A	N/A
Unauthorised works on a protected tree	2	N/A	N/A	N/A
Unauthorised development – Domestic	37	N/A	N/A	N/A
Unauthorised development – Non domestic	7	N/A	N/A	N/A
Untidy land	0	N/A	N/A	N/A
Unauthorised advertisement	1	N/A	N/A	N/A
Material change of use	16	N/A	N/A	N/A
Advice	3	N/A	N/A	N/A
Breach of Section 106	0	N/A	N/A	N/A

2.4 During the period April 2021 to June 2021, there have been the following notices served:

- 1 Enforcement Notice
- 1 Planning Contravention Notice
- 1 Injunction
- 1 Temporary Stop Notice

2.5 Prosecutions

During the period April 2021 to June 2021, there have been no prosecutions taken.

2.6 Prosecution outcome

Not applicable

2.7 Appeals

During the period April 2021 to June 2021, there has been 1 enforcement appeal lodged.

2.8 Appeal decisions

Not applicable

3.0 DEVELOPMENT MONITORING

3.1 Table 5 shows the number of development monitoring cases open for each quarter.

It should be noted that development monitoring cases are opened when the development starts until it is completed and therefore the figures also show the number of sites being monitored each quarter.

	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Development Monitoring	3	N/A	N/A	N/A

4.0 PERFORMANCE STATISTICS

4.1 Table 6 shows the number of member enquiries received in each quarter.

	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Member Enquiries	23	N/A	N/A	N/A

4.2 The number of compliments and complaints is shown in Table 7.

	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Complaints	0	N/A	N/A	N/A
Compliments	0	N/A	N/A	N/A

4.3 Table 8 shows the response rate as per the timeframes set in the planning enforcement policy.

	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Acknowledged in writing within 3 working days	111 - 4 anon	N/A	N/A	N/A
Initial site visit carried out within 21 working days of receipt of the initial complaint	105	N/A	N/A	N/A

5.0 KEY CASES

5.1

- Aylesbury Gardens – appeal has been dismissed by the High Court, next steps being considered.
- The Stables, Charnells Court, Main Street, Swepstone – appeal at public inquiry was dismissed, compliance visit arranged
- Whitney Park – gypsy site, we are awaiting feedback from the Lead Local Flood Authority before considering our next steps. PCN to be issued for occupier details.
- Occupation Lane, Albert Village – this is for the provision of a double mini roundabout that hasn't been implemented, and is with LCC legal and is progressing towards agreements being put in place for works to be completed
- March House, Long Street, Belton - this is being negotiated with the owners to remedy the breach following the refusal of planning permission
- Ashby Woulds Residential Park, Overseal – pending application decision
- AJS Welding, Rempstone Road, Coleorton – planning application submitted
- Whitegate Stables, Packington – interim injunction and enforcement notice served

APPENDIX B

**Report of the Head of Planning and Infrastructure
to Planning Committee**

3 August 2021

PLANNING & DEVELOPMENT REPORT

PLANNING COMMITTEE FRONT SHEET

1. Background Papers

For the purposes of Section 100(d) of the Local Government (Access to information Act) 1985 all consultation replies listed in this report along with the application documents and any accompanying letters or reports submitted by the applicant, constitute Background Papers which are available for inspection, unless such documents contain Exempt Information as defined in the act.

2. Late Information: Updates

Any information relevant to the determination of any application presented for determination in this Report, which is not available at the time of printing, will be reported in summarised form on the 'UPDATE SHEET' which will be distributed at the meeting. Any documents distributed at the meeting will be made available for inspection. Where there are any changes to draft conditions or a s106 TCPA 1990 obligation proposed in the update sheet these will be deemed to be incorporated in the proposed recommendation.

3. Expiry of Representation Periods

In cases where recommendations are headed "Subject to no contrary representations being received by [date]" decision notices will not be issued where representations are received within the specified time period which, in the opinion of the Head of Planning and Infrastructure are material planning considerations and relate to matters not previously raised.

4. Reasons for Grant

Where the Head of Planning and Infrastructure report recommends a grant of planning permission and a resolution to grant permission is made, the summary grounds for approval and summary of policies and proposals in the development plan are approved as set out in the report. Where the Planning Committee are of a different view they may resolve to add or amend the reasons or substitute their own reasons. If such a resolution is made the Chair of the Planning Committee will invite the planning officer and legal advisor to advise on the amended proposals before the a resolution is finalised and voted on. The reasons shall be minuted, and the wording of the reasons, any relevant summary policies and proposals, any amended or additional conditions and/or the wording of such conditions, and the decision notice, is delegated to the Head of Planning and Infrastructure.

5. Granting permission contrary to Officer Recommendation

Where the Head of Planning and Infrastructure report recommends refusal, and the Planning Committee are considering granting planning permission, the summary reasons for granting planning permission, a summary of the relevant policies and proposals, and whether the permission should be subject to conditions and/or an obligation under S106 of the TCPA 1990 must also be determined; Members will consider the recommended reasons for refusal, and then the summary reasons for granting the permission. The Chair will invite a Planning Officer to advise on the reasons and the other matters. An adjournment of the meeting may be necessary for the Planning Officer and legal Advisor to consider the advice required

If The Planning Officer is unable to advise at Members at that meeting, he may recommend the item is deferred until further information or advice is available. This is likely if there are technical objections, eg. from the Highways Authority, Severn Trent, the Environment Agency, or other Statutory consultees.

If the summary grounds for approval and the relevant policies and proposals are approved by resolution of Planning Committee, the wording of the decision notice, and conditions and the Heads of Terms of any S106 obligation, is delegated to the Head of Planning and Infrastructure.

6 Refusal contrary to officer recommendation

Where members are minded to decide to refuse an application contrary to the recommendation printed in the report, or to include additional reasons for refusal where the recommendation is to refuse, the Chair will invite the Planning Officer to advise on the proposed reasons and the prospects of successfully defending the decision on Appeal, including the possibility of an award of costs. This is in accordance with the Local Planning Code of Conduct. The wording of the reasons or additional reasons for refusal, and the decision notice as the case is delegated to the Head of Planning and Infrastructure.

7 Amendments to Motion

An amendment must be relevant to the motion and may:

1. Leave out words
2. Leave out words and insert or add others
3. Insert or add words

as long as the effect is not to negate the motion

If the amendment/s makes the planning permission incapable of implementation then the effect is to negate the motion.

If the effect of any amendment is not immediately apparent the Chairman will take advice from the Legal Advisor and Head of Planning and Infrastructure/Planning and Development Team Manager present at the meeting. That advice may be sought during the course of the meeting or where the Officers require time to consult, the Chairman may adjourn the meeting for a short period.

Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of. The amendment must be put to the vote.

If an amendment is not carried, other amendments to the original motion may be moved.

If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendment, or if there are none, put it to the vote.

8 Delegation of wording of Conditions

A list of the proposed planning conditions are included in the report. The final wording of the conditions, or any new or amended conditions, is delegated to the Head of Planning and Infrastructure.

9. Decisions on Items of the Head of Planning and Infrastructure

The Chairman will call each item in the report. No vote will be taken at that stage unless a proposition is put to alter or amend the printed recommendation. Where a proposition is put and a vote taken the item will be decided in accordance with that vote. In the case of a tie where no casting vote is exercised the item will be regarded as undetermined.

**Construction of vehicular, pedestrian and cycle access (link road) (reserved matters to outline planning permission ref. 13/00956/OUTM)
Land Off Grange Road Hugglescote Leicestershire LE67 2BT**

**Report Item No
A1**

**Application Reference
21/00613/REM**

**Grid Reference (E) 442928
Grid Reference (N) 312660**

**Date Registered:
16 April 2021
Consultation Expiry:
30 June 2021
8 Week Date:
11 June 2021**

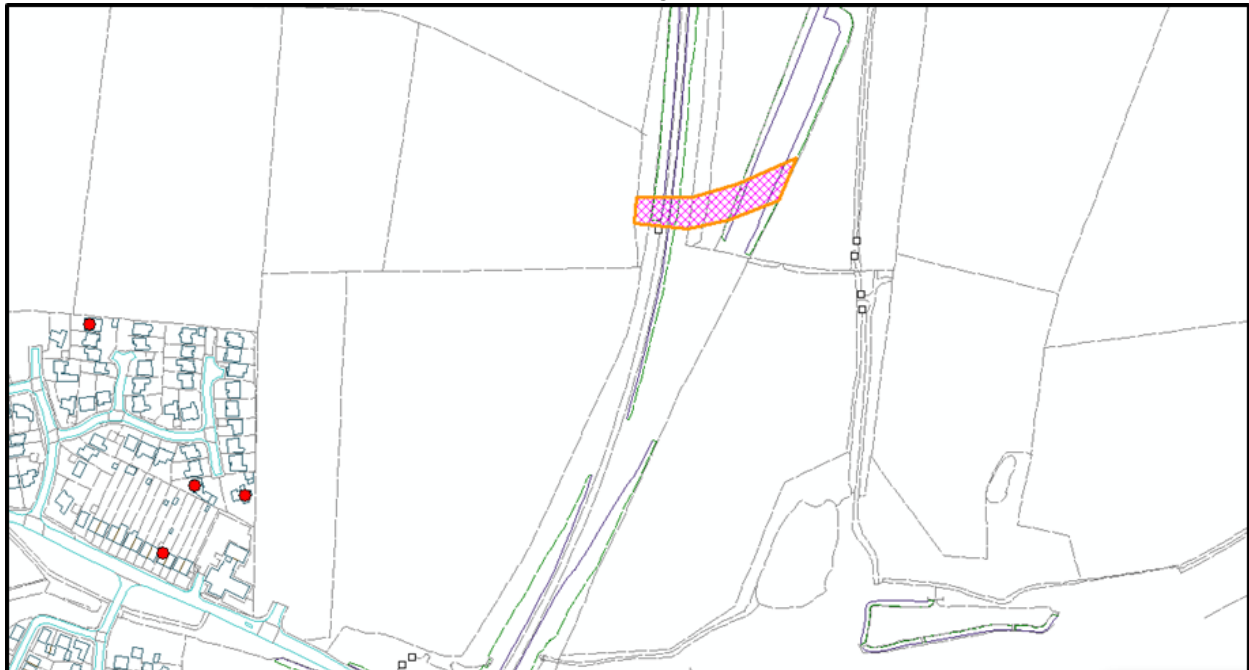
**Applicant:
Helen Bareford**

**Extension of Time:
13 August 2021**

**Case Officer:
James Knightley**

**Recommendation:
PERMIT**

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Recommendation

Call In

The application is referred to the Planning Committee for determination on the basis of the Planning Committee resolution of 2 December 2014 in respect of the outline planning permission (ref. 13/00956/OUTM).

Proposal

This is a reserved matters application for the construction of a section of link road within the South East Coalville development.

Consultations

No objections are raised by statutory consultees or by any other third party.

Planning Policy

The application site lies within Limits to Development as defined in the adopted Local Plan and is also identified as a site with planning permission for housing under Policy H1.

Conclusion

The proposed development is considered to represent an appropriate form of development in accordance with the outline planning permission, and would provide part of a suitable form of access between the relevant residential development parcels.

RECOMMENDATION:-

PERMIT, SUBJECT TO CONDITIONS

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

This is a reserved matters application for the construction of a section of a vehicular, pedestrian and cycle access to form the western part of a link between the South East Coalville consortium site (outline planning permission ref. 13/00956/OUTM) and the Lower Bardon site to the east (the site the subject of outline planning permission ref. 16/01187/VCIM). Provision of a link is a requirement of the approved masterplan and vehicular access strategy for the wider consortium site (secured under Conditions 5 and 27 respectively of outline planning permission ref. 13/00956/OUTM), as well as under the reserved matters approval for the adjacent residential parcel (Condition 27 of reserved matters approval ref. 18/00375/REMM and a subsequent variation).

The road would, in total, be approximately 170m in length; approximately 110m is proposed under this reserved matters application. The road would incorporate a 6.1m wide carriageway with 3m joint footway / cycleway to one side, and (for the majority of its length) a 1m wide footway to the other. The line of the link would cross a dismantled railway used as a recreation route, and just to the north of a "split" in the route, such that it would cross two sections of the former line, plus a small parcel of land in between.

2. Publicity

No neighbours notified.
Site notice displayed 23 April 2021

3. Summary of Consultations and Representations Received

Hugglescote and Donington le Heath Parish Council - no comments received

Leicestershire County Council Ecology has no objections subject to conditions

Leicestershire County Council Lead Local Flood Authority has no objections

Leicestershire County Council Local Highway Authority has no objections subject to conditions

Third Party Representations

None

All responses from statutory consultees and third parties are available to view in full on the Council's website.

4. Relevant Planning Policy

National Policies

National Planning Policy Framework (2021)

The following sections of the National Planning Policy Framework (NPPF) are considered relevant to the determination of this application:

Paragraphs 8, 11 and 12 (Achieving sustainable development)
Paragraphs 47, 55 and 56 (Decision-making)
Paragraphs 111 and 112 (Promoting sustainable transport)
Paragraphs 126, 130, 131 and 134 (Achieving well-designed places)
Paragraphs 159 and 167 (Meeting the challenge of climate change, flooding and coastal change)
Paragraph 180 (Conserving and enhancing the natural environment)
Paragraphs 193, 195, 197, 203, 204 and 205 (Conserving and enhancing the historic environment)

Further advice is provided within the MHCLG's Planning Practice Guidance.

Adopted North West Leicestershire Local Plan (2021)

The application site lies within Limits to Development as defined in the adopted Local Plan and is also identified as a site with planning permission for housing under Policy H1 (site H1h). The following adopted Local Plan policies are considered relevant to the determination of this application:

Policy D1 - Design of new development
Policy D2 - Amenity
Policy IF1 - Development and Infrastructure
Policy IF4 - Transport Infrastructure and new development
Policy En1 - Nature conservation
Policy He1 - Conservation and enhancement of North West Leicestershire's historic environment

Hugglescote and Donington le Heath Neighbourhood Plan - Examiner's Report

The Examiner issued his report on the submission draft Hugglescote and Donington le Heath Neighbourhood Plan on 8 July 2021. The Examiner concluded that, provided some modifications are made, the plan meets the Basic Conditions and, as such, recommended that it should proceed to referendum.

The weight to be attached by the decision maker to this submitted version should be in accordance with the approach set out in Paragraph 48 of the NPPF, having regard to the stage now reached towards adoption, the extent to which there are unresolved objections to the policies relevant to the determination of this application, and the degree to which the emerging policies are consistent with the NPPF. National Planning Practice Guidance confirms that "a local planning authority must have regard to a post-examination draft neighbourhood development plan, so far as material to the application". In view of the stage the plan has reached and the Examiner's findings, considerable weight can be attributed to its policies at this point.

The site lies within Limits to Development as defined in the Neighbourhood Plan. The Neighbourhood Plan policies listed below are considered relevant to this application.

Policy G1 - Limits to Development
Policy G2 - South East Coalville Development Scheme
Policy G3 - Design
Policy ENV 2 - Protection of Sites of Environmental Significance
Policy ENV 5 - Ridge and Furrow

Policy ENV 5 - Biodiversity and Habitat Connectivity

Other Policies

Leicestershire Highway Design Guide (Leicestershire County Council)

5. Assessment

The proposed link road would, in effect, form an eastwards extension of a route already permitted (and under construction) as part of the residential development on the adjacent phase. The link is shown on the approved masterplans for the consortium and Lower Bardon developments.

Under the provisions of the approved vehicular access strategy and masterplan statement for the consortium site, the link is required to be constructed up to the consortium site boundary prior to the occupation of 200 dwellings on Phases F1 and F2 (i.e. that part of the site located to the north of Grange Road being developed by Barratt Homes and David Wilson Homes). This requirement is reflected in the conditions attached to the reserved matters approvals issued in respect of those phases, and the details have previously been submitted and approved (for the purposes of the condition) under discharge of condition approval ref. 20/01413/DIS. Separate requirements apply to the Lower Bardon site in respect of the provision of the eastern portion of the link.

Highway Safety and Access

In response to the application, the County Highway Authority notes that the details accord with those already approved for the purposes of the reserved matters discharge of condition approval ref. 20/01413/DIS and details submitted to the County Council for the purposes of Section 38 approval, and raises no objections.

Trees and Landscaping

The two sections of dismantled railway the proposed link road would pass through are currently wooded and, in order to accommodate the proposed road, some trees would be lost to the development. The trees are in two principal groups (i.e. one on each former railway route).

The application is accompanied by an Arboricultural Assessment; this identifies that a total of 58 trees would be removed to facilitate the development; of these 57 are identified as being within Category C (low quality / value) and one unsuitable for retention regardless, due to its condition.

The application has been assessed by the District Council's Tree Officer who confirms that he has no arboricultural objections to this application. He notes that the trees proposed to be removed are identified individually as being of low arboricultural value, but that the report also recognises that their collective value is slightly higher and would be considered of moderate quality. Despite this, the District Council's Tree Officer does not consider that the tree removals proposed would be likely to result in a significant loss to the local tree cover. He also confirms that the proposed tree protection measures for retained trees would be acceptable.

Given that the route would pass through wooded areas (i.e. with the retained trees either side of the route), it is not considered that additional (new) tree planting would be required.

Ecology and Biodiversity

The County Ecologist notes that the dismantled railway lines are a Local Wildlife Site (LWS), but is content that the proposed crossing point would minimise damage to the main habitat of interest on the LWS, which is species-rich grassland within the triangle formed by the diverging railways.

The County Ecologist notes that the road would cross an area that is mainly scrub and semi-mature trees and as such, no objections are raised to its loss. Whilst, as set out under Trees and Landscaping above, no additional tree planting is required, the County Ecologist recommends that the proposed road banks be sown with wildflower seeds and maintained thereafter as wildflower grassland through an annual cut-and-collection of arisings (and which would serve to off-set the loss of any grassland within the LWS).

In terms of other issues, the County Ecologist notes that outlier badger setts potentially impacted by the development have been closed under licence from Natural England, but recommends that conditions be attached requiring pre-development checks, and the inclusion of an underpass within the scheme to reduce the risk of harm to badgers (and other species).

The County Ecologist also considers that the development has the potential to impact upon foraging bats and, as such, recommends the use of red spectrum lighting along the roadside so as to reduce the impacts in this regard.

On this basis, it is considered that the scheme would be acceptable in ecological and biodiversity terms.

Other Matters

It is noted that, in the section between the two dismantled railway lines, the proposed route would pass through the southern end of a parcel of land identified in the draft Neighbourhood Plan as incorporating a section of ridge and furrow. Whilst this is acknowledged, it is also noted that the part of the parcel of land identified in the draft Neighbourhood Plan would be minimal, and the overwhelming majority of the parcel of land would be unaffected. It is also noted that archaeological issues (including those arising from the provision of this road) have already been addressed at the outline stage, and further assessment is not considered necessary as part of this reserved matters application.

The proposed scheme is considered acceptable and, therefore, it is recommended that this reserved matters application be approved.

RECOMMENDATION- PERMIT, subject to the following condition(s):

- 1 Compliance with outline planning permission
- 2 Approved plans
- 3 Landscaping
- 4 Boundary treatment
- 5 Tree protection

- 6 Levels
- 7 Retaining walls / structures
- 8 Surface water drainage (including designs of headwalls / safety barriers etc.)
- 9 Ecological mitigation (including update surveys, underpass and lighting plus any others as identified in the submitted ecological supporting information)

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**Erection of 28 dwellings (amended house types to Plot nos. 5, 28, 30, 32, 39, 42, 44, 82, 90, 92, 99, 108, 129, 130, 131, 141, 150, 151, 152, 153, 155, 156, 157, 158, 190, 193, 194 and 198)
(reserved matters to outline planning permission ref. 13/00956/OUTM)**

**Report Item No
A2**

**Land South Of Grange Road Hugglescote Leicestershire LE67
2BT**

**Application Reference
21/00614/REMM**

**Grid Reference (E) 442928
Grid Reference (N) 312660**

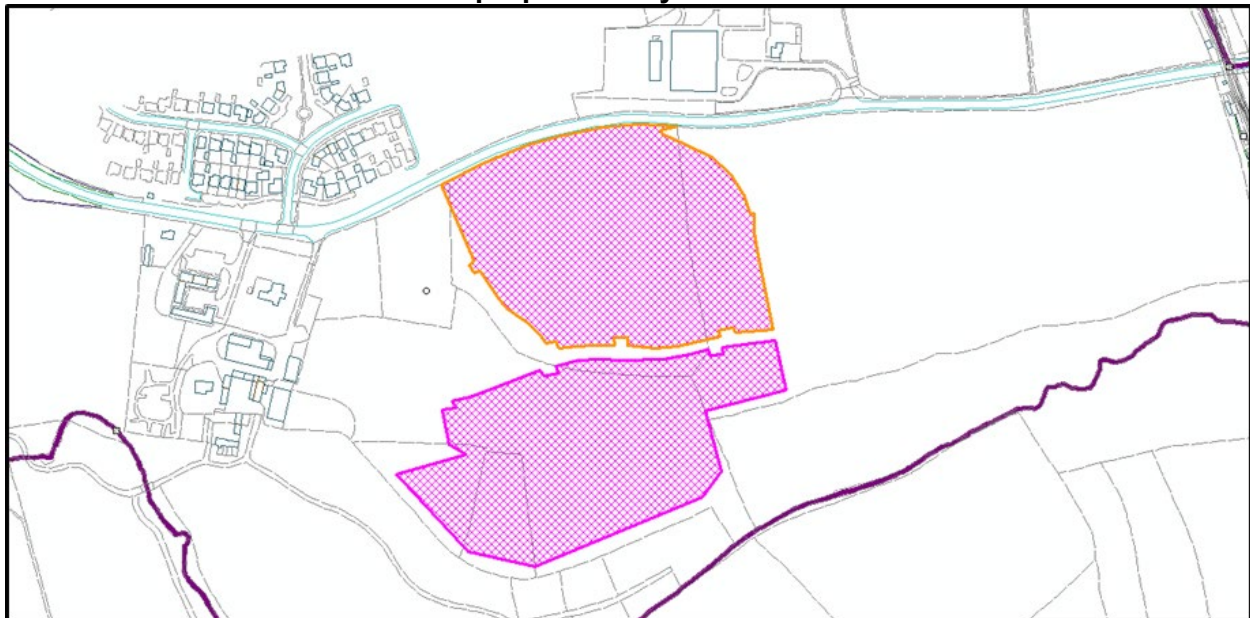
**Date Registered:
7 April 2021
Consultation Expiry:
9 July 2021
8 Week Date:
7 July 2021
Extension of Time:
31 August 2021**

**Applicant:
Redrow Homes East Midlands**

**Case Officer:
James Knightley**

**Recommendation:
PERMIT subject to S106 Agreement**

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Recommendation

Call In

The application is referred to the Planning Committee for determination on the basis of the Planning Committee resolution of 2 December 2014 in respect of the outline planning permission for the wider South East Coalville development (ref. 13/00956/OUTM).

Proposal

This is a reserved matters application for the erection of 28 dwellings and associated development, forming part of the wider South East Coalville development.

Consultations

Concerns had initially been raised by Hugglescote and Donington le Heath Parish Council in respect of the proposals, however they have subsequently confirmed they have "no comments". No other objections have been received.

Planning Policy

The application site lies within Limits to Development as defined in the adopted Local Plan and is also identified as a site with planning permission for housing under Policy H1.

Conclusion

The proposed development is considered to represent an appropriate form of development in accordance with the outline planning permission, and would provide for an acceptable standard of design to meet the Local Planning Authority's design objectives.

RECOMMENDATION:-

PERMIT, SUBJECT TO SECTION 106 OBLIGATIONS, AND SUBJECT TO CONDITIONS

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

This is a reserved matters application for the erection of 28 dwellings on two parcels of land forming part of the wider South East Coalville development (and identified as Phases A1.1 and A1.2 of the wider scheme).

The application is submitted following an earlier reserved matters approval for 203 dwellings issued on 25 November 2020, having been determined at the Planning Committee of 6 October 2020 (ref. 20/00726/REMM).

The application seeks reserved matters approval for different house types to 24 of the affected plots; the remaining four plots would be as per the existing approval, but are included within the application as their plot siting would need to be amended so as to accommodate some of the changes to house types within the 24 amended units. The overall form / layout of the development would otherwise remain as per that approved under 20/00726/REMM.

Of the 24 plots where the house type would be amended, 23 would increase in size from three to four bedrooms; the other plot would remain as a three bedroom unit.

2. Publicity

No neighbours notified
Press Notice published Leicester Mercury 28 April 2021
Site notice displayed 15 April 2021

3. Summary of Consultations and Representations Received

Hugglescote and Donington le Heath Parish Council had initially raised the following issues:

- Housing need should be considered based on the HEDNA, not 2011 census data
- More bungalows are required in the area
- Proposals increasing number of larger properties (in terms of bedroom numbers)

However, the Parish Council now confirms that it has no comments to make.

Leicestershire County Council Highway Authority has no objections subject to conditions

Third Party Representations

None

All responses from statutory consultees and third parties are available to view in full on the Council's website.

4. Relevant Planning Policy

National Policies

National Planning Policy Framework (2021)

The following sections of the National Planning Policy Framework (NPPF) are considered relevant to the determination of this application:

Paragraphs 8, 11 and 12 (Achieving sustainable development)
 Paragraphs 47, 55 and 56 (Decision-making)
 Paragraphs 108, 110 and 112 (Promoting sustainable transport)
 Paragraphs 124 and 125 (Making effective use of land)
 Paragraphs 126, 130, 131, 132, 133 and 134 (Achieving well-designed places)
 Paragraph 165 (Meeting the challenge of climate change, flooding and coastal change)

Further advice is provided within the MHCLG's Planning Practice Guidance.

Adopted North West Leicestershire Local Plan (2021)

The application site lies within Limits to Development as defined in the adopted Local Plan and is also identified as a site with planning permission for housing under Policy H1 (site H1h). The following adopted Local Plan policies are considered relevant to the determination of this application:

Policy D1 - Design of new development
 Policy D2 - Amenity
 Policy H6 - House types and mix
 Policy IF4 - Transport Infrastructure and new development
 Policy IF7 - Parking provision and new development

Hugglescote and Donington le Heath Neighbourhood Plan - Examiner's Report

The Examiner issued his report on the submission draft Hugglescote and Donington le Heath Neighbourhood Plan on 8 July 2021. The Examiner concluded that, provided some modifications are made, the plan meets the Basic Conditions and, as such, recommended that it should proceed to referendum.

The weight to be attached by the decision maker to this submitted version should be in accordance with the approach set out in Paragraph 48 of the NPPF, having regard to the stage now reached towards adoption, the extent to which there are unresolved objections to the policies relevant to the determination of this application, and the degree to which the emerging policies are consistent with the NPPF. National Planning Practice Guidance confirms that "a local planning authority must have regard to a post-examination draft neighbourhood development plan, so far as material to the application". In view of the stage the plan has reached and the Examiner's findings, considerable weight can be attributed to its policies at this point.

The site lies within Limits to Development as defined in the Neighbourhood Plan. The Neighbourhood Plan policies listed below are considered relevant to this application.

Policy G2 - South East Coalville Development Scheme

Policy G3 - Design
 Policy H1 - Housing Mix
 Policy T2 - Residential and Public Car Parking

Other Policies

Good Design for North West Leicestershire SPD
 Leicestershire Highway Design Guide

5. Assessment

Having regard to the existing outline planning permission and reserved matters approval, it is considered that the key issues in the determination of this application relate to the impacts of the changes vis-a-vis the previously approved reserved matters scheme. Of particular relevance are considered to be the effects of the changes in terms of the design quality of the development, and in terms of housing mix.

Design and Site Layout

The proposed development would not change the overall number of dwellings on the site, and the application is submitted in the form of a number of direct substitutions of house types on specific plots within the site.

The amended scheme has been assessed by the District Council's Urban Designer who notes that the house types are similar to those previously approved; no significant changes to layout are proposed, and the scheme is considered to remain acceptable from a design point of view.

Housing Mix

In terms of housing mix issues, Local Plan Policy H6 requires a mix of housing types, size and tenure to meet the identified needs of the community. No changes to the previously approved affordable housing are proposed.

Insofar as market housing is concerned, the most up-to-date Housing and Economic Development Needs Assessment (HEDNA) sets out the appropriate range of dwelling size (in terms of numbers of bedrooms) as follows:

<i>No. of Bedrooms (%)</i>			
<i>1</i>	<i>2</i>	<i>3</i>	<i>4+</i>
0-10	30-40	45-55	10-20

The previously approved scheme provided for the following (%):

<i>No. of Bedrooms</i>			
<i>1</i>	<i>2</i>	<i>3</i>	<i>4+</i>
1.1	23.0	48.7	27.3

The proposed amendments would result in the following mix (%)

<i>No. of Bedrooms</i>			
<i>1</i>	<i>2</i>	<i>3</i>	<i>4+</i>
1.1	23.0	36.4	39.6

Insofar as the market housing is concerned, it is noted that the scheme would be weighted more towards larger units than as per the previously approved scheme (in effect as a result of the replacement of 23 three bed units with four beds). Whilst this would be contrary to the general approach encouraged by Local Plan Policy H6 and Neighbourhood Plan Policy H1, it is acknowledged that Policy H6 indicates that the HEDNA mix is one of a number of criteria to be considered when applying the policy. It is also accepted that Inspectors' decisions elsewhere in respect of housing mix have indicated that reserved matters applications cannot normally be used to secure a specific mix of house types (i.e. as housing mix is not, in itself, a reserved matter). Whilst the proposed market housing mix would not now perform as well in respect of the HEDNA, it is considered that, overall, the mix of housing on the development would be reasonable.

Other Matters

The proposed amendments do not relate to any changes to the approved street network, and no objections are accordingly raised by the County Highway Authority; all amended plots would provide for the relevant minimum car parking requirements set out in the Leicestershire Highway Design Guide and the Good Design for North West Leicestershire SPD.

At the time that the original reserved matters application was determined, the applicant entered into a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 and a deed of covenant relating to the operation of private drives (so as to enable their use as routes by waste collection vehicles and third parties, as well as precluding petitions for future adoption by the County Highway Authority). Subject to detailed advice of the District Council's Head of Legal and Support Services in respect of this matter, a supplementary agreement(s) (or similar) may be required, and is reflected in the recommendation below.

Conclusions

Whilst the proposed scheme would result in an overall change in the market housing mix for the site, and whilst it is noted that the scheme would be weighted more towards larger units than as per the previously approved scheme, it is nevertheless considered that, overall, the mix of housing on the development would remain acceptable. Approval is therefore recommended.

RECOMMENDATION- PERMIT, subject to Section 106 Obligations (or any alternative form of legal agreement as considered appropriate by the District Council's Head of Legal and Support Services), and subject to the following condition(s):

- 1 Compliance with outline planning permission
- 2 Approved plans
- 3 Landscaping (including future maintenance and management)
- 4 Hard surfacing (including provision of transition strips to proposed roads)

- 5 Materials
- 6 Boundary treatment
- 7 Hedgerow protection
- 8 Levels
- 9 Pedestrian and cycle connections (including any works to public rights of way and other routes)
- 10 Car parking
- 11 External lighting
- 12 Windows, doors, rainwater goods, utility boxes, chimneys, eaves and verges
- 13 Windows to car parking areas
- 14 Bin / recycling storage and collection points
- 15 Street name plates
- 16 Retaining walls / structures
- 17 Travel plan
- 18 Provision of signage in respect of unadopted roads / drives intended for public use
- 19 Access visibility splays
- 20 Measures to prevent drainage of surface water into the public highway

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Title of Report	PROPOSED ALTERATIONS TO USE OF DELEGATED POWERS IN RESPECT OF RESERVED MATTERS APPLICATIONS AT SOUTH EAST COALVILLE	
Presented by	Chris Elston Head of Planning and Infrastructure	
Background Papers	Planning Committee on 2 December 2014 - Public Report Pack and Printed Minutes	Public Report Yes
Financial Implications	No financial implications.	
Staffing and Corporate Implications	No staffing or corporate implications.	
	Signed off by the Director: Yes	
Legal Implications	No legal implications, this proposal would bring these reserved matters application in line with the delegated arrangements as set out in the Council's Constitution.	
	Signed off by the Legal Advisor: Mr Sirovica, external solicitor at Browne Jacobson Solicitors on behalf of the Monitoring Officer	
Purpose of Report	To consider changes to the existing arrangements for determination of reserved matters applications in the South East Coalville consortium site.	
Recommendations	<p>1) TO REVOKE THE ORIGINALLY APPROVED RESOLUTION OF PLANNING COMMITTEE ON 2 DECEMBER 2014 ONLY IN RESPECT OF THE REFERRAL OF ALL RESERVED MATTERS APPLICATIONS TO THE PLANNING COMMITTEE;</p> <p>2) FOR ALL RESERVED MATTERS APPLICATION SUBMISSIONS TO BE SUBJECT TO THE DELEGATION ARRANGEMENTS AS SET OUT IN THE COUNCIL'S CONSTITUTION; AND</p> <p>3) FOR ALL SUCH EXISTING RESERVED MATTERS APPLICATIONS TO BE SUBJECT TO AN ADDITIONAL 28 DAY CALL IN PERIOD AND THEREAFTER SUBJECT TO THE DELEGATION ARRANGEMENTS AS SET OUT IN THE COUNCIL'S CONSTITUTION.</p>	

1.0 BACKGROUND

1.1 The South East Coalville development comprises a number of sites, together forming an area identified in the adopted North West Leicestershire Local Plan as a site with planning permission for 3,500 dwellings (site H1h). The planning application for the largest of these sites was considered by the District Council's Planning Committee on 2 December 2014 which resolved to grant outline planning permission subject to Section 106 obligations for mixed use development (and including up to 2,700 dwellings (planning permission ref. 13/00956/OUTM)).

1.2 In addition to recommending approval of the application (the resolution in respect of which is not impacted by the current recommendation to the Planning Committee), the officer recommendation also proposed that any subsequent reserved matters applications submitted in respect of the outline planning permission be reserved for determination by

the Planning Committee. The resolution of the Planning Committee was made in accordance with this recommendation.

- 1.3 However, the implementation of this recommendation has resulted in a number of applications being referred to the Planning Committee for a decision where, under normal circumstances, they would be determined under delegated authority in accordance with the Council's Constitution.
- 1.4 The current delegated authority arrangements set out within the Council's Constitution allow for the ward member (or adjoining ward member if the adjoining ward is materially affected by the application proposals) to request that an application be referred to Planning Committee for determination at the discretion of the Chair where that request is supported by material planning grounds, and relates to a matter of local concern.

2.0 CURRENT ISSUES WITH THE PROCESS

- 2.1 Whilst officers originally took the view that recommending such an arrangement would provide comfort to members of the Committee over future development of this Sustainable Urban Extension, the process has resulted in applications being referred to Committee that would, under normal circumstances, be dealt with under delegated powers. Officers accept that the previous recommendation has had unintended consequences and, as a result, now consider that some applications are being unnecessarily referred to members for a decision.
- 2.2 For example, a number of relatively straightforward applications have recently been submitted which have already (or will need to be) referred to Planning Committee for determination, and in respect of which there has been limited public interest from local residents. These include:
 - Reserved matters applications for pre-development infrastructure works (such as plateau formation for housing plots) (19/00747/REMM and 20/01638/REMM);
 - A revised reserved matters scheme seeking approval of amended details to an existing approved scheme (20/01436/REMM); and
 - A reserved matters application for the detailed layout of play areas and a landscaped buffer (20/02028/REMM).
- 2.3 Officers are of the view that future reserved matters applications on the wider site which may seek to reduce the number of dwellings on a site, impact on a small number of plots or have minimal changes to house types without impacting on layout and access should not need to be considered by Planning Committee.
- 2.4 It is also noted that similar arrangements do not apply in respect of other large-scale schemes elsewhere in the District (nor indeed in respect of other sites within the wider South East Coalville development). The current arrangements also only apply in respect of reserved matters applications made pursuant to outline planning permission ref. 13/00956/OUTM and, where applications are submitted as full applications rather than as reserved matters, they are not subject to the automatic Planning Committee referral and are dealt with under the normal Constitution procedures. As such, there is an element of inconsistency with the current arrangements.
- 2.5 The automatic referral of all such reserved matters applications also has implications on efficiency and performance, with not only the issues of increased officer and member time being spent dealing with applications at Planning Committee, but also the speed at which applications can be determined (and the ability for housing development to be delivered in a timely manner).
- 2.6 This matter was discussed at the Planning Cross Party Working Group in March 2021 where it was agreed that members would take the proposal back to their groups and report back to the Planning Committee for a decision to revoke the approved recommendation that all reserved matters applications pursuant to outline planning permission 13/00956/OUTM be reported to Planning Committee.

3.0 PROPOSED ALTERNATIVE PROCESS

- 3.1 Officers accept that major reserved matters applications which are controversial should normally be considered at Planning Committee and the existing constitution allows for “call-in” requests to be made by Ward Members.
- 3.2 In effect, officers consider that all applications at South East Coalville pursuant to outline approval ref. 13/00956/OUTM should be dealt with no differently than other reserved matters applications around the District. This process would mean that the Ward Member would be notified in the usual manner and given an opportunity to make a call-in request within 28 days, which will then be subsequently discussed with the Chair as set out within the Council’s Constitution.
- 3.3 This would also apply to existing, undetermined, reserved matters applications already submitted (other than those under consideration on this agenda, by the Planning Committee on 3 August 2021), the relevant Ward Member will be provided with an additional opportunity to request referral to Planning Committee, within an additional 28 day time period, which will then be subsequently discussed with the Chair as set out within the Council’s Constitution.

Policies and other considerations, as appropriate	
Council Priorities:	<ul style="list-style-type: none"> • Supporting Coalville to be a more vibrant, family-friendly town • Our communities are safe, healthy and connected • Local people live in high quality, affordable homes • Supporting businesses and helping people into local jobs • Developing a clean and green district
Policy Considerations:	None identified
Safeguarding:	None identified
Equalities/Diversity:	None identified
Customer Impact:	All customers including applicants for planning permission will be treated consistently across the district
Economic and Social Impact:	None identified
Environment and Climate Change:	None identified
Consultation/Community Engagement:	Discussed at the Planning Cross Party Working Group in March 2021
Risks:	No risks identified. Could reduce the risk of appeal against non-determination of reserved matters applications.
Officer Contact	Chris Elston Head of Planning and Infrastructure Chris.elston@nwleicestershire.gov.uk

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