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Meeting	<b>PLANNING COMMITTEE</b>
Time/Day/Date	6.00 pm on Tuesday, 12 September 2023
Location	Forest Room, Stenson House, London Road, Coalville, LE67 3FN
Officer to contact	Democratic Services (01530 454529)

	<b>AGENDA</b>	
<b>Item</b>		<b>Pages</b>
<b>1. APOLOGIES FOR ABSENCE</b>		
<b>2. DECLARATION OF INTERESTS</b>		
	Under the Code of Conduct members are reminded that in declaring interests you should make clear the nature of that interest and whether it is a disclosable pecuniary interest, registerable interest or other interest.	
<b>3. MINUTES</b>		
	To confirm and sign the minutes of the meeting held on 16 August 2023	<b>3 - 8</b>
<b>4. PLANNING APPLICATIONS AND OTHER MATTERS</b>		
	Report of the Head of Planning and Infrastructure.	<b>9 - 12</b>

## Index of Applications to be Considered

Item	Application Number and Details	Recommendation	Page
A1	<b>A1 23/00012/REMM: Erection of 80 dwellings including temporary construction access, parking, pedestrian links and open space to parcel E (reserved matters of access, appearance, landscaping, layout and scale to outline planning permission ref. 13/00956/OUTM)</b>  Land adjacent to Grange Road, Hugglescote, Coalville, Leicestershire	<b>Permit subject to conditions</b>	<b>13 - 50</b>

MINUTES of a meeting of the PLANNING Committee held in the Forest Room, Stenson House, London Road, Coalville, LE67 3FN on WEDNESDAY, 16 August 2023

Present: Councillor R Boam (Chair)

Councillors R L Morris, D Bigby, R Blunt (Substitute for Councillor N Smith), D Everitt, J Legrys, P Moulton, C A Sewell, J G Simmons and M B Wyatt (Substitute for Councillor M Burke)

In Attendance: Councillors

Officers: Mr C Elston, Mrs H Exley, Mr S James, Mr J Knightley, Mr C Unwin-Williams and Mrs R Wallace

## **16. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors R Canny, M Burke and N Smith.

## **17. DECLARATION OF INTERESTS**

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

Councillor D Bigby declared a registerable interest in item A3 – application number 22/01177/FUL as he was speaking on the application as Ward Member. During the consideration of this application Councillor T Eynon would join the committee as a substitute for Councillor D Bigby.

Cllr Wyatt declared a registerable interest in A3 - application number 22/01177/FUL as he was a landlord of a public house. He would leave the meeting during the discussion and voting thereon.

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 A1 – application number 22/01177/FUL: Councillors D Bigby, R Boam, J Legrys, R Morris, C Sewell and J Simmons.

## **18. MINUTES**

Consideration was given to the minutes of the meeting held on 20 July 2023.

It was moved by Councillor R Morris, seconded by Councillor J Simmons and

RESOLVED THAT:

The minutes of the meeting held on 20 July 2023 be approved and signed by the Chairman as a correct record.

## **19. 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.

**20. 23/00012/REMM: ERECTION OF 80 DWELLINGS INCLUDING TEMPORARY CONSTRUCTION ACCESS, PARKING, PEDESTRIAN LINKS AND OPEN SPACE TO PARCEL E (RESERVED MATTERS OF ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE TO OUTLINE PLANNING PERMISSION REF. 13/00956/OUTM)**

Land adjacent to Grange Road, Hugglescote, Coalville, Leicestershire

**Officer's recommendation:** Permit subject to conditions

The Principal Planning Officer presented the report to Members.

Ms D French, objector addressed the Committee. It was felt that the proposals would cause a significant highways impact which would increase traffic, noise, and air pollution and therefore traffic calming measures would be essential, which should be completed as soon as possible. Reference was made to the Masterplan which encouraged pedestrian routes of travel and it was felt the proposal would be dangerous for anyone travelling out of the site other than in a car. Concerns regarding amenities and infrastructure were also shared. A request was made to reposition the proposed pedestrian crossing to enhance visibility and safety for its users.

Ms E Overton, agent, addressed the Committee. It was confirmed that the applicant had worked closely with Planning Officers in developing the scheme and reminded Members that no objections had been received from the Highway Authority or Environmental Protection which confirmed there would be no adverse impact on neighbours in the adjoining development. It was also noted that the application conformed to the outline permission already granted.

Councillor R Johnson, Ward Member, addressed the Committee. He expressed concerns in relation to pedestrian access to the railway line, healthy trees already removed during nesting season, removal of the offer of a pedestrian puffin crossing on a very busy road, and the lack of completion of phase one of the development, cycle paths and footways. He also had concerns with the proposed access from a busy road on which cars often travelled above the speed limit, adding this to the inability cross the road safely, he felt it was 'an accident waiting to happen'.

The Principal Planning Officer noted the majority highway concerns raised but reminded Members that as the Highway Authority had raised no objections, it would be difficult to refuse on these grounds.

Following a question on process from a Member, the Head of Planning and Infrastructure explained that should the Committee refuse the application on highway grounds, the applicant would have a right of appeal and without sufficient evidence that the access was dangerous it would be difficult for the Council to defend the appeal.

In determining the application Members acknowledged the local highway concerns and expressed their own concerns as several of the Councillors knew the area well. Debate was had on the possible conditions that could be imposed in relation to the pedestrian crossing but following advice from officers it was clear it was not an option as the Highway Authority were unlikely to sanction this. Reference was also made to several policies from the Masterplan and other options available to access the site, officers advised Members to bear in mind the overall balance of material reasons when considering their decision.

Following a lengthy discussion on traffic concerns and options available for Members due to the professional advice already received from the Highway Authority, a Member suggested that the application be deferred so that the Highway Authority could be asked to reconsider its position on the need for a Road Safety Audit to be undertaken on the proposed access road prior to determination of the reserved matters application, and on

the suitability of a puffin crossing being installed in this location. This was moved by Councillor R Morris and seconded by Councillor R Blunt.

Prior to the vote being taken, advice was sought that should the application be deferred, would Members be restricted on what they could discuss when the application came back to the Committee. The Legal Advisor confirmed that it would be a full debate by Members.

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

RESOLVED THAT:

The application be deferred to allow a Highway Road Safety Audit to be undertaken and to reassess the need for a puffin crossing in relation to the proposed access to the site.

<b>Motion to defer the application (Motion)</b>	
Councillor Russell Boam	Against
Councillor Ray Morris	For
Councillor Dave Bigby	For
Councillor Richard Blunt	For
Councillor David Everitt	For
Councillor John Legrys	For
Councillor Peter Mout	For
Councillor Carol Sewell	For
Councillor Jenny Simmons	For
Councillor Michael Wyatt	For
<b>Carried</b>	

**21. 22/00427/VCU: VARIATION OF CONDITIONS 2 AND 11 AND REMOVAL OF CONDITION 12 OF PLANNING PERMISSION 20/01887/FUL TO ALLOW AMENDMENTS TO THE APPROVED DRAWINGS AND REVISED BIRD NESTING PROVISION WITHIN THE DEVELOPMENT**

6 West End, Long Whatton, Loughborough, Leicestershire, LE12 5DW

**Officer's recommendation:** Permit subject to conditions

The Senior Planning Officer presented the report to Members.

There were no registered speakers for the application.

In determining the application, a Member shared concerns with the increase of traffic and suitability of the access to the site, however it was acknowledged that the application was effectively a retrospective one and it was regrettable that Members weren't alerted to all the changes to the design.

The officer's recommendation was moved by Councillor R Blunt, seconded by Councillor R Morris.

The Chair 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.

<b>Motion to permit the application in accordance with the officer's recommendations (Motion)</b>	
Councillor Russell Boam	For
Councillor Ray Morris	For
Councillor Dave Bigby	For
Councillor Richard Blunt	For
Councillor David Everitt	For
Councillor John Legrys	Against
Councillor Peter Moulton	For
Councillor Carol Sewell	Abstain
Councillor Jenny Simmons	For
Councillor Michael Wyatt	For
<b>Carried</b>	

**22. 22/01177/FUL: CHANGE OF USE OF GARDEN LAND (CLASS C3) TO BEER GARDEN (SUI GENERIS) AND ASSOCIATED WORKS (INCLUDING NEW FENCING AND SEATING)**

Railway Tavern, 5 Tamworth Road, Ashby de la Zouch, Leicestershire, LE65 2PW

**Officer's recommendation:** Permit subject to conditions

Having declared an interest in the item, Councillor M Wyatt left the meeting at this point and did not return.

Having declared an interest in the item, Councillor D Bigby removed himself from the Committee to join the public gallery prior to being invited to speak as Ward Member. Councillor T Eynon joined the Committee as his substitute and had no interests to declare.

The Senior Planning Officer presented the report to Members.

Mr L Henson, objector, addressed the Committee. He informed Members that the neighbours whose gardens immediately surround the site, enjoyed the tranquil area which was a hive of activity for wildlife. Concerns were raised that this would be ruined by the proposals. It was stated that the public house stopped using the current outside space when the noise survey was being undertaken and therefore the results were not reliable. The lack of engagement between the residents and the landlord was raised and some concerns were had in relation to the intention to remove hedgerows. Further concerns were raised in relation to light pollution, lack of control over usage numbers and noise, lack of adequate fire escape and increase in vehicles to the site. Members were urged to refuse the application.

Mr K Buckby, supporter, addressed the Committee. It was confirmed that the applicant had worked closely with Planning Officers in developing the application and reminded Members that no objections had been received from the Highway Authority or Environmental Protection. It was confirmed that there was no intention for outside music, screens or serving of food and Members were reminded of the proposed acoustic fence to block noise. It was also reported that lighting level would be low and turned off when the outside space would be closed. The proposals were intended for a more comfortable experience for customers and there had been no objections from regular users of the premises. Members were urged to permit the application.

Councillor D Bigby, Ward Member, addressed the Committee. Members were reminded of Planning Policy D2 in relation to amenity impact and it was suggested that the application be rejected for this reason. Concerns were raised regarding the acoustic report, which was commissioned by the applicant and therefore he felt was likely to reflect their needs, as the results did not replicate the usual noise from a public house garden.

He was disappointed that the acoustic fence, which was originally proposed as a height of 2.4m had been reduced to 1.8m, this would mean that people could easily look over this fence into neighbours' gardens.

Officers reminded Members that there were no objections from the Environmental Protection Team due to the measures proposed by the applicant to reduce noise levels. It was also noted that there was more than one scenario tested in the acoustic survey (including hypothetical maximum and unlikely worst case scenarios) and that the noise survey submitted by the applicant confirmed there was no acoustic requirement for proposed fencing to be higher than 1.8m. Additionally, whilst amended plans had been received to reduce the height of acoustic fencing following comments from Environmental Protection, fencing was also added to an additional boundary (western boundary). Environmental Protection raised no objections to the updated boundary treatments. Advice was also given on the use of Policy D2 as a reason for refusal.

In determining the application, Members raised their own concerns regarding the inevitable noise that would be generated from the use of the garden space and the impact it would have on the neighbours. Other concerns were also raised regarding the ability to easily look over the proposed 1.8m acoustic fence. Following a full discussion, it was proposed that officer's recommendations be approved with the additional conditions that the acoustic fence be increased to a height of 2m and additional landscaping be used to assist with the noise reduction. It was moved by Councillor R Morris and seconded by Councillor T Eynon.

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

**RESOLVED THAT:**

The officer's recommendation be approved with additional conditions in relation to the height of the acoustic fence to be increased to 2m and additional landscaping to assist with noise reduction.

<b>Motion to permit the application in accordance with the officer's recommendation with additional conditions in relation to acoustic fencing and landscaping (Motion)</b>	
Councillor Russell Boam	For
Councillor Ray Morris	For
Councillor Richard Blunt	For
Councillor David Everitt	Against
Councillor Dr Terri Eynon	For
Councillor John Legrys	Against
Councillor Peter Mout	Abstain
Councillor Carol Sewell	Against
Councillor Jenny Simmons	For
<b>Carried</b>	

**Councillor M Wyatt left the meeting at 7.04pm**

The meeting commenced at 6.00 pm

The Chairman closed the meeting at 7.45 pm

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**APPENDIX B**

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

**12 September 2023**

**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, e.g. 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.

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## **CONTENTS**

### **Section A – Planning Applications**

<b>A1</b>	<b>23/00012/REMM</b>	<b>Erection of 80 dwellings including temporary construction access, parking, pedestrian links and open space to parcel E (reserved matters of access, appearance, landscaping, layout and scale to outline planning permission ref. 13/00956/OUTM) Land Adjacent To Grange Road Hugglescote</b>
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### **Section B – Other Matters**

## **SECTION A- PLANNING APPLICATIONS**

Erection of 80 dwellings including temporary construction access, parking, pedestrian links and open space to parcel E (reserved matters of access, appearance, landscaping, layout and scale to outline planning permission ref. 13/00956/OUTM)

Report Item No  
A1

Land Adjacent To Grange Road Hugglescote Coalville  
Leicestershire

Application Reference  
23/00012/REMM

Grid Reference (E) 443209  
Grid Reference (N) 312431

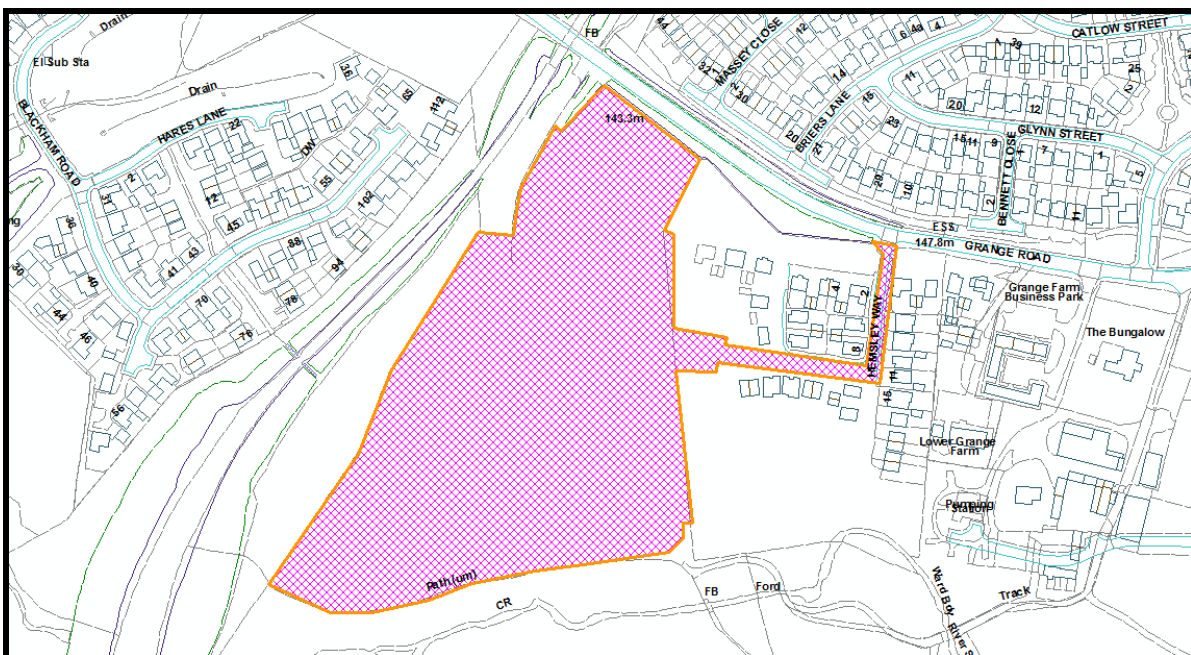
Date Registered:  
2 January 2023  
Consultation Expiry:  
2 August 2023  
13 Week Date:  
27 April 2023  
Extension of Time:  
To be agreed

Applicant:  
Cadeby Homes Ltd

Case Officer:  
James Knightley

Recommendation: Permit, subject to conditions

### Site Location - Plan for indicative purposes only



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## 1. Introduction

This is a reserved matters application for the erection of 80 dwellings on a parcel of land of approximately 4.6 hectares forming part of the wider South East Coalville development (and identified as Phase E1 of the wider South East Coalville consortium scheme). Further details of the scheme are set out in the Proposals and Background section of the report to the 16 August 2023 meeting, and as attached below.

The application was reported to the Planning Committee of 16 August 2023 with a recommendation to permit but the Committee resolved for it to be deferred in order that the County Highway Authority could be asked to reconsider its positions on the need for a Road Safety Audit (RSA) to be undertaken in respect of the proposed access road prior to determination of the reserved matters application, and on the suitability of a puffin crossing being installed in this location.

This supplementary report should be read in conjunction with the report to the Committee of 16 August 2023 and associated Update Sheet (also attached below). The content of those reports remain applicable, and including in respect of the representations received, relevant planning policies and overall assessment of the scheme.

## 2. County Highway Authority Response to Issues Raised

As reported to the meeting of 16 August 2023, the County Highway Authority had advised that:

- (i) A Stage 1 RSA would normally be required by the County Council in association with the proposed changes to the geometry of the existing estate access (i.e. the increase in the junction radii from 6m to 10m), but that it is not essential for the RSA to be submitted prior to determination of the reserved matters application.
- (ii) Having considered the submitted PV<sup>2</sup> assessment (and the ratios between numbers of pedestrian and vehicular users), the provision of a formal (pelican) crossing in this location in lieu of the existing drop kerb crossing would not be appropriate.

Further to the deferral of the application, and to the querying of the matters to which the deferral related, the County Highway Authority responds as follows:

- (i) The County Highway Authority confirms that it has agreed that an RSA can be deferred until submission of a Section 278 application. It advises that this is based on what it considers to be the relatively minimal changes proposed to the existing junction, and that there is no justification to change this position. It also advises, however, that an acceptable Stage 1 and Stage 2 RSA would be required prior to any works being undertaken at the junction.
- (ii) The County Highway Authority states that the assessment undertaken identified that a formal crossing is not required. It advises that its concern is one of road safety should the facility only be used occasionally (and hence red lights not expected by regular drivers along the route).

It also comments that, notwithstanding the fact that a reduction to 30mph would not be supported by the County Highway Authority (and as confirmed in the County Council's

comments reported on the Update Sheet to the meeting of 16 August 2023), this would not, in its view, change the fact that a formal crossing is not justified. In addition, the County Highway Authority notes that the applicant has demonstrated appropriate forward visibility based on recorded 85th percentile speeds and, therefore, the existing crossing facility is acceptable, and it would be unreasonable for the County Highway Authority to seek any amendment or relocation (albeit the County Council would consider any proposals that were put forward by the applicant in respect of any relocation of the existing facility).

### 3. Applicant Comments in Respect of Issues Raised

Insofar as the issue relating to the RSA are concerned, the applicant's agent comments that *"the RSA is only concerned with the amendment to the kerb radii at the already built Phase 1 access junction on Grange Road. The RSA is solely concerned with the increase of the radii from 6m to 10m. It is on the basis of this very minor change, within LCC's standards, that [the County Council] are prepared not to require an RSA as part of the planning submission in this case. Notwithstanding this, an RSA will be required as part of the approvals process (S278) and will be undertaken at that time. Any amendments necessary as a result of that RSA will need to be considered and implemented"*.

In terms of the crossing issue, the applicant's agent notes that the existing dropped kerb crossing is felt to be on the appropriate desire line to the west, in advance of the local centre to the east coming forward.

### 4. Other Highway Safety Measures

As set out above, the County Highway Authority maintains its position in respect of the specific matters raised by Planning Committee. However, further engagement has taken place between officers, the applicant and the County Highway Authority to establish whether any other measures could be implemented in order to address concerns raised over highway safety on this section of Grange Road. Following this, the applicant proposes the installation of a Vehicle Activated Sign, and for this be secured by way of condition.

In response to this suggestion, the County Highway Authority confirms that it would have no objection to this being secured by way of planning condition with details of the sign (including its detailed specification and location etc.) being submitted and agreed prior to installation; the County Highway Authority also advises that it would require the appropriate licence / agreement to be in place before the works could be undertaken (and which could be included as part of the Section 278 agreement for the site access). The County Council confirms that all costs associated with the sign would be entirely at the applicant's expense (including ongoing maintenance and energy costs).

### 5. Conclusions and Other Matters

Whilst the position of the County Highway Authority in respect of the RSA and formal crossing matters remains unchanged, it is noted that a Vehicle Activated Sign is now proposed by the applicant to be installed on Grange Road. The officer view is that this proposed additional safety measure is welcomed and could be secured by way of a negatively worded condition. The recommendation is therefore amended as set out below.

In addition to the highway safety issues above, the District Council's Urban Designer confirms that, as a result of earlier reconfiguration of corner units and their associated parking areas, the visibility of non-principal elevations has been reduced and, as such, his previous concerns in respect of these units have been addressed.

**RECOMMENDATION - PERMIT, subject to the conditions set out in the report to the Planning Committee of 16 August 2023 below, and subject to the following additional condition(s):**

- 24 Vehicle Activated Sign (submission / approval and implementation of a sign to Grange Road prior to occupation of any dwellings on Phase E1)

**REPORT TO PLANNING COMMITTEE 16 AUGUST 2023 (INCLUDING UPDATE SHEET)****Reason the case is called to the Planning Committee:**

The application is referred to Planning Committee for determination at the request of Councillor Johnson on the basis of highway issues (including traffic generation, vehicular access, highway safety, road width and public right of way impacts), impact on residential amenity (including noise and general disturbance), flooding, and impacts on nature and ecology.

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

- 1 Compliance with outline planning permission
- 2 Approved plans
- 3 Landscaping (compliance with submitted details, submission and approval of a timetable for implementation prior to occupation, and maintenance / replanting)
- 4 Hard surfacing (submission and approval of details prior to occupation, including provision of transition strips to proposed roads)
- 5 Materials (submission and approval of details prior to any construction above damp proof course)
- 6 Boundary treatment (submission and approval of details prior to occupation)
- 7 Tree / hedgerow protection
- 8 Levels (submission and approval of details prior to commencement)
- 9 Pedestrian and cycle connections (submission and approval of details prior to occupation, including linkages to adjacent land, right of way crossing and signing / waymarking of routes)
- 10 Scheme for the treatment of public rights of way (submission and approval of details prior to commencement) of any works affecting the line of any right of way (where not covered under the above)
- 11 Implementation of works to former mineral railway line as part of its provision as a recreational route (submission and approval of details prior to occupation, together with a timetable for implementation)
- 12 Car parking (including vehicle charging points) and turning provided prior to relevant dwelling's occupation
- 13 External lighting (submission and approval of details prior to occupation)
- 14 Windows, doors, rainwater goods, utility boxes, chimneys, eaves and verges (compliance with details and / or submission and approval of details prior to any construction above damp proof course)
- 15 Windows to car parking areas provided prior to relevant dwelling's occupation
- 16 Bin / recycling storage and collection points (submission and approval of details prior to occupation)
- 17 Street name plates (submission and approval of details prior to installation)
- 18 Retaining walls / structures (submission and approval of details prior to installation)
- 19 Provision of signage in respect of unadopted roads / drives intended for public use (submission and approval of details prior to installation, and installed prior to first occupation of any dwellings on the relevant route)
- 20 Site access provided as shown prior to occupation of any dwellings
- 21 Provision of measures to prevent drainage of surface water into the public highway prior to occupation of the relevant dwelling
- 22 Compliance with Construction Traffic Management Plan
- 23 Compliance with site-specific Travel Plan

## 1. Proposals and Background

This is a reserved matters application for the erection of 80 dwellings on a parcel of land of approximately 4.6 hectares forming part of the wider South East Coalville development (and identified as Phase E1 of the wider South East Coalville consortium scheme).



The above image shows the site in relation to its surroundings including an earlier phase of the South East Coalville consortium site (Phase D1) to the east, the Taylor Wimpey (Blackham Road) development to the west (beyond the former mineral railway line), and part of the Davidsons Lower Bardon) site to the north.



View south from north eastern part of site (with Phase D1 to left):

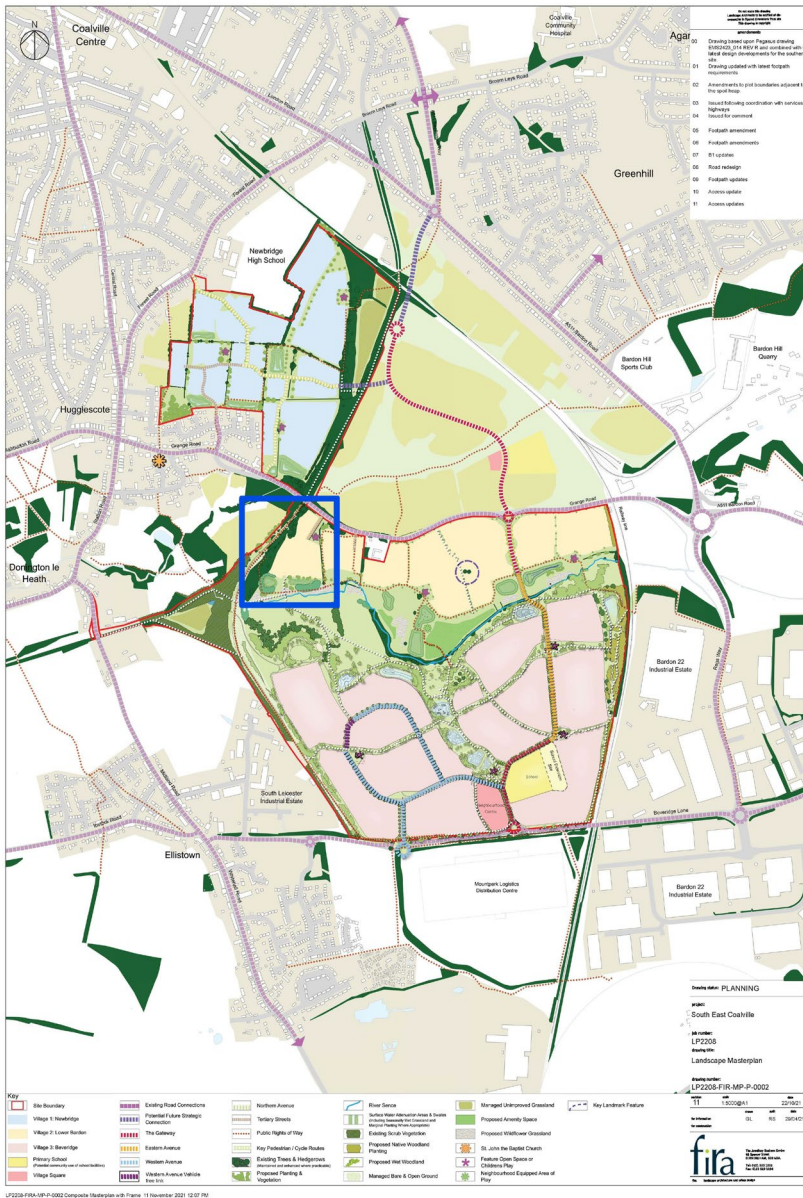


View north east (towards Phase D1) from southern part of site:





The plan extract below shows the approximate location of the parcel within the wider scheme.



The original outline planning permission (ref. 13/00956/OUTM) was determined at the Planning Committee in December 2014, and issued in September 2016 following completion of a Section 106 obligation securing contributions including in respect of affordable housing, travel plans, travel packs, bus passes, children’s play / public open space / recreation, biodiversity enhancement, education, civic amenity, libraries and healthcare. An associated Section 278 agreement between the applicants and Leicestershire County Council secured contributions towards off-site highways infrastructure.

All matters were reserved for subsequent approval, and all five reserved matters for the phases to which this application relates (i.e. access, appearance, landscaping, layout and scale) are included for consideration as part of this reserved matters submission. However, the outline planning permission was accompanied by an indicative development framework plan indicating the general location of built development, open space and highway infrastructure within the site,

and has subsequently been subject to approved discharge of condition submissions in respect of a site-wide masterplan, design code and a vehicular access strategy.

The phase the subject of this application is located to the southern side of Grange Road, adjacent to an existing parcel recently carried out by the same developer (Phase D1), and to the east of the former mineral railway (now used as a recreational route). The proposed scheme would be accessed by vehicles via Phase D1 (and using the existing access into that phase from Grange Road (Hemsley Way and Lovett Close). Land to the west and south of the current application phase is identified as public open space with pedestrian routes.

### **Relevant Planning History**

**13/00956/OUTM** Development of up to 2,700 dwellings, up to 2 Ha for a new local centre including up to 2,000sqm for A1, A2, A3, and AS uses, up to 499sqm for public house restaurant, up to 400sqm for children's day nursery and up to 500sqm for new medical centre; new primary school, on-site National Forest planting and areas of public open spaces, new bus routes and bus infrastructure and associated highways and drainage infrastructure (Outline - all matters reserved) – Approved 26 September 2016

### **3. Publicity**

20 Neighbours have been notified  
Site Notice displayed 1 February 2023  
Press Notice published Leicester Mercury 8 February 2023

### **Summary of Consultations and Representations Received**

**Hugglescote and Donington le Heath Parish Council** comments as follows:

- Proposed construction access unsafe
- Construction access for HGVs not possible via Ashburton Road / Station Road due to weight restriction, and traffic approaching via Central Road will struggle due to tight junction
- Queries data used for speed surveys
- Large vehicles will be unable to manoeuvre into or out of the construction access without swinging across the road
- Reduced visibility to construction access due to vertical alignment of road
- Insufficient radii to existing estate junction
- Dedicated right turn lane should be provided to existing estate junction
- Queries availability of nearby bus routes following recent timetable changes
- Disagree with District Council's Environmental Protection officer's comments on the application
- Existing estate residents will be subject to noise, dirt, damage and disruption
- Working hours limitation should be imposed
- Affordable properties welcomed
- Accommodation above garages may be impractical

**Environment Agency** has no objections

**Leicestershire County Council Lead Local Flood Authority** has no objections

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

**Leicestershire Police** makes a number of recommendations in respect of reducing the opportunities for crime

**National Forest Company** recommends the provision of additional shrub planting in the area adjacent to the proposed SuDS pond and the attachment of conditions in respect of the implementation of the landscaping scheme

**North West Leicestershire District Council Environmental Protection** team has no objections

**North West Leicestershire District Council Strategic Housing Team** has no objections

**North West Leicestershire District Council Waste Services Team** – no comments received

**University of Hospitals of Leicester NHS Trust** requests a financial contribution of £23,115 in respect of healthcare services

### Third Party Representations

**Councillor Johnson** queries the safety of the proposed construction access

26 further representations have been received, objecting on the following grounds:

Subject	Reason for Objection
<b>Access Issues</b>	Existing access to Grange Road unsuitable for additional use due to poor visibility, traffic speeds / conditions on Grange Road and proximity of private drives on Hemsley Road
	Existing access unsafe
	Proposals do not comply with Leicestershire Highway Design Guide
	Lack of footway to Grange Road
	Site should be accessed direct from Grange Road (as per the construction access)
	Construction access location unsafe
	Damage to existing estate road
	Congestion to existing estate road

	Traffic lights should be installed to temporary construction access
	Nearby rights of way should be improved and diverted to enable continued use in times of flooding
	Construction worker parking on existing estate road
	Traffic calming required to existing estate road
	Congestion at Hugglescote Crossroads
<b>Amenity Issues</b>	Noise, dust and fumes from passing vehicles
	Noise and disruption during construction works
<b>Flood Risk</b>	Proposed dwellings will be at risk of flooding and erosion
<b>Other</b>	Number of dwellings is lower than as set out in the approved masterplan and phasing details
	Loss of access to public open space
	Nonsensical design
	Purchasers of existing dwellings were not made aware of proposed further development
	Limited green space proposed

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, 56 and 57 (Decision-making)
- Paragraphs 108, 111 and 112 (Promoting sustainable transport)
- Paragraphs 124 and 125 (Making effective use of land)

Paragraphs 126, 130, 131, 132 and 133 (Achieving well-designed places)  
Paragraph 169 (Meeting the challenge of climate change, flooding and coastal change)  
Paragraphs 174 and 185 (Conserving and enhancing the natural environment)

Further advice is provided within the DLUHC'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 IF1 – Development and Infrastructure  
Policy IF3 – Open Space, Sport and Recreation Facilities  
Policy IF4 – Transport Infrastructure and new development  
Policy IF7 – Parking provision and new development

### **Hugglescote and Donington le Heath Neighbourhood Plan (2021)**

The site lies within Limits to Development as defined in the Neighbourhood Plan. The following adopted Neighbourhood Plan policies are considered relevant to the determination of this application:

Policy G1 – Limits to Development  
Policy G2 – South East Coalville Development Scheme  
Policy G3 – Design  
Policy H1 – Housing Mix  
Policy T1 – Transport Assessment for New Housing Development  
Policy T2 – Residential and Public Car Parking

### **Other Policies**

Good Design for North West Leicestershire SPD  
Leicestershire Highway Design Guide (Leicestershire County Council)

## **5. Assessment**

### **Principle of Development**

The principle of development on this site for residential purposes was established by the grant of the original outline planning permission in September 2016 and, as a submission for reserved matters approval, the present application essentially seeks agreement of details in respect of the access, appearance, landscaping, layout and scale. Assessment of this application should therefore relate to the implications of the particular scheme proposed under this reserved

matters application; issues relating to the principle of the development and associated matters are not relevant to this application.

### **Other Matters Relating to the Outline Planning Permission**

In addition to a range of conditions requiring submission and approval of details in respect of various matters prior to trigger points such as commencement / occupation etc., the outline planning permission also requires certain matters to be included as part of the reserved matters application(s) (either for the site as a whole or the relevant phase). These conditions include requirements in respect of: provision of a masterplan (Condition 5); a design code (Condition 8); a statement setting out how the design code has been complied with (Condition 9); details of modelling and buffer works relating to the River Sence (Conditions 11 and 16); a vehicular access strategy (Condition 27); a site-specific Travel Plan for the relevant phase (Condition 31); and details of continuous routes suitable for buses (Conditions 32 and 33). However, whilst these conditions generally require these matters to be submitted with the first reserved matters application for the relevant phase, the consortium has already sought to address the majority of these on a site-wide basis under separate (approved) discharge of condition applications, and the submission requirements under Conditions 5, 8, 11, 16, 27, 32 and 33 have, in effect, already been complied with. In terms of the remaining conditions referred to above, the following conclusions are reached:

*Condition 9:* In accordance with the condition, the application is accompanied by a statement setting out how, in the applicant's view, the scheme meets the requirements of the approved design code, and the requirements of the condition are met. Officers' assessment of the scheme's performance against the code is set out in more detail under Urban Form, Design and Site Layout below.

*Condition 31:* The application is accompanied by a Travel Plan; further assessment is set out under Highway Safety, Transportation and Access Issues below.

Also relevant in this instance is the issue of compliance with the masterplan details previously approved under Condition 5 (and as referred to above). The masterplan details approved under this condition incorporate a masterplan drawing and accompanying masterplan statement. The masterplan statement defines the wider site's phasing, and identifies the number of dwellings to be provided within each phase. In the case of the phase the subject of the current application (Phase E1), the masterplan statement indicates that 82 dwellings would be provided (whereas 80 are proposed under the reserved matters application). Further consideration to this point is set out under Urban Form, Design and Site Layout below.

## Urban Form, Design and Site Layout

The proposed site layout is shown below.



As set out above, under the provisions of the approved site-wide masterplan and phasing, 82 dwellings are proposed to this parcel. Whilst it is acknowledged that this would not fully comply with the provisions of the details previously approved under Condition 5 (as referred to above), it is accepted that the extent of the shortfall is not extensive and that, overall, the design quality would not in this instance be adversely affected. It is also noted that the individual parcel figures set out in the approved phasing details total 2,700 dwellings which, itself, is the *maximum* figure allowed for under the outline planning permission (and, as such, in the event that the overall development was not to provide for the full 2,700 maximum figure, some minor reduction in numbers of dwellings within individual phases would inevitably occur).

The proposed development would provide for a net density of approximately 28 dwellings per hectare. Paragraph 124 of the NPPF requires development to make efficient use of land; the



density of the proposed development would, when having regard to the location of the development and the implications of meeting the relevant local design policies, be considered reasonable in this location.

As per previous reserved matters submissions in respect of the wider South East Coalville site, the scheme is intended to be a landscape-led development in accordance with the principles set out in the agreed design code for the site as a whole and the landscaping proposed would accord with the street typologies approved under the code.

In addition to the requirements of the design code, it is noted that adopted local policies (including Local Plan Policy D1, Neighbourhood Plan Policy G3, and the Good Design for North West Leicestershire SPD) set out a number of design requirements (including, in the cases of the Neighbourhood Plan and the Good Design for North West Leicestershire SPD, some fairly detailed criteria), and which also need to be taken into account the determination of this application (but also when taking into account the design approach for the development as a whole already established through the approval of the site-wide design code, and when considering any varying objectives of these documents in the round).

During the course of the application, the scheme has been the subject of discussions between officers and the applicant, intended to address a number of concerns raised by officers (including the District Council's Urban Designer) in respect of the originally submitted scheme, including the scheme's relationship to open space to the west, elevational treatment / window proportions, house type disposition, block structure, car parking, legibility / the provision of a strong street type hierarchy and pedestrian connections.

Further to the most recently submitted amended layout, the District Council's Urban Designer has reiterated earlier officer comments relating to the potential to provide a link between the proposed Locally Equipped Area for Play (LEAP) and the former mineral line to the west. He also queries whether some of the house types used may be plotted in a more consistent manner within the scheme so as to ensure greater alignment of roof pitches and form, and whether an alternative corner unit can be considered so as to turn the affected corners more successfully (i.e. by using "true" corner turner units that address both streets in full). Insofar as these issues are concerned, the agents confirm that they would be agreeable to revisiting these issues with officers following a positive Planning Committee resolution. It is considered that this would be a reasonable approach, having regard to the relatively detailed nature of these design issues. Subject to the appropriate resolution of these matters prior to the issuing of any decision (and by way of attaching conditions, if required), it is considered that the scheme would achieve an acceptable level of design quality.

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; Neighbourhood Plan Policy H1 requires a mixture of housing types specifically to meet the latest assessment of identified local needs in Hugglescote and Donington le Heath. Whilst tenure is in effect addressed by the existing Section 106 obligations securing affordable housing (with a minimum 7.5% required) as part of the development, Local Plan Policy H6 refers to the need to have regard to the most up-to-date Housing and Economic Development Needs Assessment (HEDNA), and sets out the range of dwelling size (in terms of numbers of bedrooms) identified as appropriate in the HEDNA as follows:

<b>Tenure</b>	<b>No. of Bedrooms (% of each tenure type)</b>			
	<b>1</b>	<b>2</b>	<b>3</b>	<b>4+</b>
Market	0-10	30-40	45-55	10-20
Affordable	30-35	35-40	25-30	5-10

Following amendment, the submitted scheme proposes the following (%):

<b>Tenure</b>	<b>No. of Bedrooms</b>			
	<b>1</b>	<b>2</b>	<b>3</b>	<b>4+</b>
Market	-	6.8	25.7	67.6
Affordable	16.7	50.0	33.3	-

Insofar as the market housing is concerned, it is noted that the scheme would be more weighted towards larger units than as suggested in the HEDNA although 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, and 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). The outline planning permission for this site pre-dates the adoption of the Local Plan / Policy H6 and there is therefore no mechanism within the outline permission to control housing mix.

Local Plan Policy H6 also requires a proportion of dwellings suitable for occupation by the elderly (including bungalows) for developments of 50 or more dwellings; two single storey dwellings are included within the proposed development. The policy also requires a proportion of dwellings suitable for occupation or easily adapted for people with disabilities; the applicant advises that their design team has undertaken a feasibility exercise to determine whether their house types can be made adaptable in accordance with Part M4(2) of the Building Regulations (which is, in effect, an optional standard under the Regulations beyond the minimum Part M4(1) "visitable dwellings" requirements). In particular, they advise that the standards contain numerous internal and external requirements and, in order to achieve these requirements, would need to make considerable amendments to each house type tested (and which, they advise, would result in impacts on the overall layout). They advise that, whilst it may be possible to adapt some of their house types in the longer-term, this may not be particularly straightforward, and would not wish to make these changes having regard to impacts on the layout as a whole. In this regard, therefore, the proportion proposed would be none, and this conflict with this element of Policy H6 would need to be taken into account in the overall planning balance. The officer view is that, given the scheme's acceptability overall, this issue in itself would not be so unacceptable as to warrant a refusal of the application.

In terms of affordable housing generally, as set out above, the Section 106 agreement requires the provision of a minimum of 7.5% of the proposed dwellings within each phase to be affordable. However, the need to comply with the terms of the Section 106 agreement is not directly relevant to the determination of this reserved matters application (and the precise nature of the proposed affordable contribution within the phase the subject of this application would need to be agreed separately under the provisions of the Section 106 agreement prior to commencement on the phase). Nevertheless, in terms of the affordable provision indicated, it is

proposed that 6 of the proposed units (i.e. 7.5%) would be provided, thus ensuring that the development would meet the minimum requirements for the phase.

Insofar as the mix of affordable units is concerned in terms of dwelling size and tenure type, this would also need to be resolved under the provisions of the Section 106 agreement, but the Strategic Housing Team nevertheless confirms that it is content with the location, unit size (in terms of bedroom numbers) and tenure mix of the affordable properties indicated at this time. Whilst it is acknowledged (for the reasons set out above) that the details of the affordable housing contribution would be a matter for approval under the Section 106 agreement rather than the current reserved matters application, it is nevertheless noted that the proposed affordable units would be grouped together in one area (in the northern part of the site); by contrast, Local Plan Policy H4 and Neighbourhood Plan H2 seek to ensure that affordable units are “integrated” within the design and layout of a development, and the NPPF requires development to contribute towards creating mixed and balanced communities. In this case, however, it is considered that, whilst the affordable units within this phase would be in a single group, when considered in the context of the wider development of which it forms part (where the affordable units would be dispersed amongst all residential phases), and given the relatively small number of dwellings in the group (6), the grouping of affordable units in this part of the phase would not be unacceptable.

Insofar as other sustainability credentials of the development are concerned, the applicant confirms that ground source heat pumps would be installed, and that Building Regulations requirements would be exceeded in terms of wall cavities and insulation.

It is noted that Policy G3 of the Neighbourhood Plan provides, amongst others, that development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. The majority of the proposed dwellings would benefit from on-plot car parking, thus ensuring that safe, accessible and convenient charging would be possible, in accordance with the policy. The applicant also confirms that electric vehicle charging point wiring would be provided, allowing occupiers to fit a vehicle charging point post completion if required. For those plots where parking spaces would not be directly adjacent to their associated dwellings, EV charging points are proposed to be installed.

Under the provisions of the Section 106 obligation entered into at the outline stage, a significant contribution to green infrastructure (including public open space, children’s play and National Forest planting) is required to be implemented (within the site as a whole). Insofar as this part of the wider site is concerned, the submitted layout broadly corresponds with the various areas of proposed green infrastructure on the site-wide masterplan, and would be considered to provide a suitable contribution to the network of open space proposed as part of the development’s overall landscape-led approach. The phase is identified on the approved masterplan as being the location of one of the 10 proposed LEAPs. It is noted that the proposed LEAP would be sited slightly further to the west than as indicated on the masterplan, but this departure is not considered significant, nor to result in any material adverse effects. Whilst, under the provisions of the Section 106 agreement, the developers are required to agree details of the open space (including specification of LEAPs) within each phase prior to commencement within the phase in question, it is nevertheless noted that, in terms of the indicated size and location of the proposed open space, the relevant minimum area and separation distances from dwellings for LEAPs would be met, as would the expected range of equipment / activities based on the details indicated on the plans submitted at this stage. The area of open space would also be overlooked by a number of dwellings in this part of the site, thus providing a suitable degree of supervision.

Notwithstanding the above conclusions, however, it is noted that, under the provisions of the Section 106 agreement (and associated side agreements), the developer for each phase of this part of the wider development is required to agree the details of those areas of public open space etc. under that agreement prior to occupation of the relevant phase. As such, the approval of the details of these areas is essentially a matter relating to discharge of planning obligations rather than the current reserved matters application. The approved Masterplan Statement indicates that implementation of the open space works will take place prior to occupation of 75% of the dwellings within this phase. In effect, this includes the areas of landscaping and SuDS features to the edges of the site as shown on the site layout, together with other non-developed land within this phase (including land to the south as far as the watercourse, and to the west as far as the former mineral railway).

### **Highway Safety, Transportation and Access Issues**

As set out above, whilst the site is subject to an agreed vehicular access strategy, the details of the proposed means of access is a reserved matter for determination as part of this application. As also referred to, the submitted scheme shows the proposed dwellings served via Phase D1. A separate temporary construction access is proposed direct from Grange Road (the centre of which would be located approximately 20m to the east of the former railway bridge).

The existing access serving Phase D1 is shown below:



The location of the proposed construction access is shown below:





The approved site-wide masterplan and vehicular access strategy identify a priority junction access into this phase from Grange Road (approximately 80m to the east of the former railway bridge, as shown on the extract below).



As set out above, the proposed scheme would be served via the existing vehicular access to Phase D1 from Grange Road, and would not therefore reflect this element of the approved masterplan or vehicular access strategy. Whilst this departure from the masterplan and vehicular access strategy is noted, the key issue is, it is considered, whether or not this would lead to any unacceptable impacts (including in terms of, not only highway safety, but also residential amenity (and as considered in more detail under the relevant section below)).

#### *Proposed (Permanent) Site Access*

As set out above, the site is proposed to be accessed via the existing priority junction to Grange Road serving Phase D1. In response to County Highway Authority concerns regarding the increased use of the junction, the applicant now proposes to amend the access by increasing its radii to 10m. Whereas the County Highway Authority advises that it would normally require the provision of a Stage 1 Road Safety Audit (RSA) in association with such an amendment, given the existing junction geometry and the changes proposed, the County Council confirms that it is not essential for the RSA to be submitted prior to determination of the application (albeit advises the applicant that a Stage 1 RSA will be required (i.e. as part of separate consent for works within the highway)).

*Proposed Pedestrian Crossing*

As part of the proposals, the applicant has proposed the provision of a new puffin type pedestrian crossing to Grange Road. At present, there is an uncontrolled crossing point (pedestrian dropped kerbs with tactile paving) to the western side of the junction. Following the submission of a PV2 assessment (an assessment used to determine the relationship (and associated extent of conflict) between numbers of pedestrian and vehicular movements at a crossing point), the County Highway Authority takes the view that the existing dropped kerb crossing would remain the most appropriate crossing type in this instance, given the ratios between numbers of pedestrian and vehicular users. In particular, the County Highway Authority advises that providing a formal crossing without adequate justification can give rise to highway safety concerns in that, where there is insufficient demand for a formal crossing to be provided, drivers do not anticipate that they will be required to stop to allow pedestrians to cross. On this basis (and given the results of the PV2 assessment), the County Highway Authority does not support the provision of a formal pedestrian crossing in this location.

In terms of the suitability of the existing pedestrian dropped kerb, the County Highway Authority confirms that appropriate forward visibility would be available.

*Construction Access*

It is noted that, under the provisions of the existing Section 106 agreement, details of construction traffic routing are required to be agreed on a phase by phase basis with Leicestershire County Council prior to commencement on the relevant phase. Insofar as the access itself is concerned, the County Highway Authority had initially raised concerns regarding the proposed construction access visibility to the east of the access which, it advises, would potentially be obstructed by the existing vertical crest curve on the westbound approach. In support of the proposals, the applicant's transportation consultants have drawn attention to a number of factors which, in their view, would indicate that the shortfall in the vertical visibility would be limited, and would not create a road safety problem in this instance.

In response (and when taking into account the arguments put forward on behalf of the applicant), the County Highway Authority takes the view that the visibility at the temporary site access would be acceptable subject to the imposition of a Temporary Traffic Regulation Order (TTRO) to temporarily reduce the speed limit on Grange Road to 30mph. The County Highway Authority advises that all cost associated with the implementation of the TTRO would be at the applicant's expense and should be progressed as part of a future Section 184 technical approval process.

The County Highway Authority had initially also raised concerns in respect of the submitted swept path analysis relating to this access; in response, amended details have been provided including a corner taper, and which, the County Council advises, has improved the swept path analysis shown. Whilst the County Highway Authority takes the view that the manoeuvre shown would still not be "ideal", on the basis of the applicant's submitted Construction Traffic Management Plan, a banksman would be used to assist such movements. It is noted that the outline planning permission already includes conditions in respect of the management of construction vehicles but, having regard to the specific additional elements identified by the County Highway Authority, it would be considered appropriate to attach a further condition at this reserved matters stage so as to ensure that the additional measures identified by the County Council were secured.

On the basis of the above, therefore, the County Highway Authority considers that the use of the proposed temporary construction access would be acceptable in highway safety terms.

#### *Internal Layout*

The County Highway Authority confirms that the submitted scheme would be acceptable for the purposes of adoption in terms of its internal route network. It is also noted that, in order to meet the requirements of the approved design code, additional transition strips will be required (in effect, a tool to provide cues to drivers that they are entering a lower order street typology) to be implemented; it is recommended that this be addressed by way of condition. It is noted that off-street parking provision in accordance with the relevant standards in the Good Design for North West Leicestershire SPD and Leicestershire Highway Design Guide would be provided.

#### *Pedestrian Routes / Public Rights of Way*

The site is crossed by public rights of way (N50 and N52) (albeit the existing route only relates to the areas of public open space and SuDS features to the southern and south western parts of the site).

Insofar as the impacts on the existing rights of way are concerned, the County Highway Authority draws attention to the need for an application to be made for the diversion of the affected footpaths. In terms of the acceptability of the proposed works to the rights of way, the County Highway Authority notes that the proposed diversions would be suitable in terms of width, surfacing and proposed verge provision, and in accordance with the proposed wayfinding strategy relating to the wider site.

In terms of the amenity impacts on right of way, it is considered that the development of the site in itself would, inevitably, have some implications on the rural character of the affected routes (which, at present, pass through undeveloped grassland at this point). However, it is accepted that some impacts will often be unavoidable when developing a greenfield site, and it is also acknowledged that the proposals would continue to provide what would, it is considered, be a pleasant non-vehicular route for walkers etc., and passing by the proposed SuDS pond.

In addition to the items already addressed above relating to the implementation of adjacent open space works, the approved Masterplan Statement also confirms that the works within the proposed Dismantled Railway Corridor (and including the associated recreational route) would be delivered commensurate with the various adjacent residential phases. As per previous approvals relating to phases adjacent to the former railway on the northern side of Grange Road, it is considered appropriate to attach conditions in order to ensure that the part of the route between Grange Road and the River Sence is delivered / enhanced as a pedestrian and cycle route in conjunction with the development of Phase E1.

#### *Travel Plan*

As set out above, (and as per the requirements of Condition 31 of the outline planning permission) the application is accompanied by a Travel Plan relating to this phase of the wider scheme, and which sets out a range of measures designed to reduce reliance on single occupancy vehicle trips (and in accordance generally with the Framework Travel Plan for the site as a whole forming part of the outline application submissions). This site-specific Travel Plan has been assessed by the County Highway Authority and, following amendments made to the document to address issues initially raised by the County Highway Authority, no objections are raised.



Overall in respect of highway safety, transportation and access issues, the scheme is considered acceptable, and would meet the relevant policy requirements (including Local Plan Policies IF4 and IF7 and Neighbourhood Plan Policies T1 and T2).

### **Residential Amenity**

Having regard to the separation distances between proposed and existing dwellings (in excess of 20m at their closest points), there are no existing neighbours considered to be materially affected by the proposed dwellings themselves; insofar as future residents of the proposed development are concerned, the proposed layout is considered to include appropriate relationships between the new dwellings, providing for an acceptable level of amenity, and for the most part complying with the relevant Local Plan and SPD policies. Whilst some garden areas would not meet the minimum requirement of the SPD (in terms of total area), it is accepted that, in this instance, the harm that would result from this limited shortfall would not be unacceptable, nor would result in any adverse amenity impacts.

It is noted that objections have been received from occupiers of the recently undertaken development to Phase D1 with respect to amenity impacts arising from vehicles accessing Phase E1 via the earlier phase (including those associated with noise, dust and fumes). It is also noted that, given the intention of the applicant to utilise a separate construction access direct from Grange Road, these concerns are principally likely to relate to the impacts of vehicles belonging to occupiers of or visitors to the additional dwellings following their completion.

Whilst it is acknowledged that there would be some degree of disturbance from the comings and goings of vehicles along the wider development's estate roads, the existing dwellings adjacent to the route that would serve the additional properties are not sited unusually close to the road, and such an arrangement would not be an uncommon situation in terms of the numbers of dwellings involved whereby properties closer to the "entrance" to an estate are inevitably passed by vehicles accessing dwellings further beyond. It is also noted that no objections are raised by the District Council's Environmental Protection team. On balance, it is not considered that the proposals would be unacceptable in this regard, nor in respect of any other residential amenity issues.

Whilst the Parish Council has suggested the imposition of a working hours restriction, it is noted that the outline planning permission in effect already secures this. Under Condition 7 of the outline planning permission, no works can commence within a phase of development until such time as a scheme detailing all mitigation measures identified as part of the original Environmental Statement (and which include compliance with a Construction Environmental Management Plan) has been submitted and approved.

Subject to the above, therefore, the proposals are considered to meet the requirements of Local Plan Policy D2.

### **Other Matters**

Whilst objections have been raised in respect of the proposed dwellings' susceptibility to flooding, it is noted that, in accordance with the original flood risk assessment undertaken at the outline stage, the proposed dwellings would be located within Flood Zone 1 (i.e. land having a

less than 0.1% annual probability of river flooding), and would also not be within any areas identified as being at medium or high risk of surface water flooding. Flood risk and drainage issues associated with the site have already been dealt with at the outline application stage, and the site is subject to conditions attached to the outline planning permission in respect of these matters. Nevertheless, insofar as the proposed SuDS are concerned (and whilst the precise details would be a matter for discharge of conditions on the outline permission), the general form (including gradient and, as a result, likely requirement for fencing etc.) would, in principle, be capable of meeting the design requirements for such features as set out in the District Council's Good Design for North West Leicestershire SPD. No objections are raised by the Environment Agency or the Lead Local Flood Authority.

It is noted that a contribution towards healthcare has been made by the University of Hospitals of Leicester NHS Trust. Notwithstanding concerns over similar requests made elsewhere in Leicestershire (in terms of CIL compliance, having regard to the use of such requests to address NHS funding mechanism issues, rather than directly mitigating the impacts of the development), it would nevertheless not be considered appropriate to seek additional Section 106 contributions at this reserved matters stage. Under the provisions of the Section 106 obligation entered into at the outline stage, a total of £276,931.20 in contributions towards primary care is required to be made in association with the development as a whole (with pro rata payments required to be made on a phase by phase basis (50% prior to commencement of the phase, and 50% prior to occupation of 50% of the dwellings)).

### **Conclusions**

As set out above, the principle of the development has already been established by way of the outline planning permission, and assessment is therefore limited to those issues falling within the reserved matters.

The reserved matters scheme the subject of this application is considered to be acceptable, and previously raised design and highway safety concerns are considered to have been addressed to an acceptable degree. It is therefore recommended that reserved matters approval be granted.

The approved site-wide masterplan and vehicular access strategy identify a priority junction access into this phase from Grange Road (approximately 80m to the east of the former railway bridge, as shown on the extract below).



As set out above, the proposed scheme would be served via the existing vehicular access to Phase D1 from Grange Road, and would not therefore reflect this element of the approved masterplan or vehicular access strategy. Whilst this departure from the masterplan and vehicular access strategy is noted, the key issue is, it is considered, whether or not this would lead to any unacceptable impacts (including in terms of, not only highway safety, but also residential amenity (and as considered in more detail under the relevant section below)).

#### *Proposed (Permanent) Site Access*

As set out above, the site is proposed to be accessed via the existing priority junction to Grange Road serving Phase D1. In response to County Highway Authority concerns regarding the increased use of the junction, the applicant now proposes to amend the access by increasing its radii to 10m. Whereas the County Highway Authority advises that it would normally require the provision of a Stage 1 Road Safety Audit (RSA) in association with such an amendment, given the existing junction geometry and the changes proposed, the County Council confirms that it is not essential for the RSA to be submitted prior to determination of the application (albeit advises the applicant that a Stage 1 RSA will be required (i.e. as part of separate consent for works within the highway)).

*Proposed Pedestrian Crossing*

As part of the proposals, the applicant has proposed the provision of a new puffin type pedestrian crossing to Grange Road. At present, there is an uncontrolled crossing point (pedestrian dropped kerbs with tactile paving) to the western side of the junction. Following the submission of a PV2 assessment (an assessment used to determine the relationship (and associated extent of conflict) between numbers of pedestrian and vehicular movements at a crossing point), the County Highway Authority takes the view that the existing dropped kerb crossing would remain the most appropriate crossing type in this instance, given the ratios between numbers of pedestrian and vehicular users. In particular, the County Highway Authority advises that providing a formal crossing without adequate justification can give rise to highway safety concerns in that, where there is insufficient demand for a formal crossing to be provided, drivers do not anticipate that they will be required to stop to allow pedestrians to cross. On this basis (and given the results of the PV2 assessment), the County Highway Authority does not support the provision of a formal pedestrian crossing in this location.

In terms of the suitability of the existing pedestrian dropped kerb, the County Highway Authority confirms that appropriate forward visibility would be available.

*Construction Access*

It is noted that, under the provisions of the existing Section 106 agreement, details of construction traffic routing are required to be agreed on a phase by phase basis with Leicestershire County Council prior to commencement on the relevant phase. Insofar as the access itself is concerned, the County Highway Authority had initially raised concerns regarding the proposed construction access visibility to the east of the access which, it advises, would potentially be obstructed by the existing vertical crest curve on the westbound approach. In support of the proposals, the applicant's transportation consultants have drawn attention to a number of factors which, in their view, would indicate that the shortfall in the vertical visibility would be limited, and would not create a road safety problem in this instance.

In response (and when taking into account the arguments put forward on behalf of the applicant), the County Highway Authority takes the view that the visibility at the temporary site access would be acceptable subject to the imposition of a Temporary Traffic Regulation Order (TTRO) to temporarily reduce the speed limit on Grange Road to 30mph. The County Highway Authority advises that all cost associated with the implementation of the TTRO would be at the applicant's expense and should be progressed as part of a future Section 184 technical approval process.

The County Highway Authority had initially also raised concerns in respect of the submitted swept path analysis relating to this access; in response, amended details have been provided including a corner taper, and which, the County Council advises, has improved the swept path analysis shown. Whilst the County Highway Authority takes the view that the manoeuvre shown would still not be "ideal", on the basis of the applicant's submitted Construction Traffic Management Plan, a banksman would be used to assist such movements. It is noted that the outline planning permission already includes conditions in respect of the management of construction vehicles but, having regard to the specific additional elements identified by the County Highway Authority, it would be considered appropriate to attach a further condition at this reserved matters stage so as to ensure that the additional measures identified by the County Council were secured.

On the basis of the above, therefore, the County Highway Authority considers that the use of the proposed temporary construction access would be acceptable in highway safety terms.

#### *Internal Layout*

The County Highway Authority confirms that the submitted scheme would be acceptable for the purposes of adoption in terms of its internal route network. It is also noted that, in order to meet the requirements of the approved design code, additional transition strips will be required (in effect, a tool to provide cues to drivers that they are entering a lower order street typology) to be implemented; it is recommended that this be addressed by way of condition. It is noted that off-street parking provision in accordance with the relevant standards in the Good Design for North West Leicestershire SPD and Leicestershire Highway Design Guide would be provided.

#### *Pedestrian Routes / Public Rights of Way*

The site is crossed by public rights of way (N50 and N52) (albeit the existing route only relates to the areas of public open space and SuDS features to the southern and south western parts of the site).

Insofar as the impacts on the existing rights of way are concerned, the County Highway Authority draws attention to the need for an application to be made for the diversion of the affected footpaths. In terms of the acceptability of the proposed works to the rights of way, the County Highway Authority notes that the proposed diversions would be suitable in terms of width, surfacing and proposed verge provision, and in accordance with the proposed wayfinding strategy relating to the wider site.

In terms of the amenity impacts on right of way, it is considered that the development of the site in itself would, inevitably, have some implications on the rural character of the affected routes (which, at present, pass through undeveloped grassland at this point). However, it is accepted that some impacts will often be unavoidable when developing a greenfield site, and it is also acknowledged that the proposals would continue to provide what would, it is considered, be a pleasant non-vehicular route for walkers etc., and passing by the proposed SuDS pond.

In addition to the items already addressed above relating to the implementation of adjacent open space works, the approved Masterplan Statement also confirms that the works within the proposed Dismantled Railway Corridor (and including the associated recreational route) would be delivered commensurate with the various adjacent residential phases. As per previous approvals relating to phases adjacent to the former railway on the northern side of Grange Road, it is considered appropriate to attach conditions in order to ensure that the part of the route between Grange Road and the River Sence is delivered / enhanced as a pedestrian and cycle route in conjunction with the development of Phase E1.

#### *Travel Plan*

As set out above, (and as per the requirements of Condition 31 of the outline planning permission) the application is accompanied by a Travel Plan relating to this phase of the wider scheme, and which sets out a range of measures designed to reduce reliance on single occupancy vehicle trips (and in accordance generally with the Framework Travel Plan for the site as a whole forming part of the outline application submissions). This site-specific Travel Plan has been assessed by the County Highway Authority and, following amendments made to the document to address issues initially raised by the County Highway Authority, no objections are raised.

Overall in respect of highway safety, transportation and access issues, the scheme is considered acceptable, and would meet the relevant policy requirements (including Local Plan Policies IF4 and IF7 and Neighbourhood Plan Policies T1 and T2).

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**SECTION B- OTHER MATTERS**





LIST OF APPLICATIONS FOR PLANNING COMMITTEE 12 September 2023

Section A – Planning Applications

Item	Reference	Details	Amend	Print	Sign	Sent
A1	23/00012/REM M					

Section B – Other Matters

Item	Reference	Details	Amend	Print	Sign	Sent
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