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Meeting	PLANNING COMMITTEE
Time/Day/Date	6.00 pm on Tuesday, 5 March 2024
Location	Forest Room, Stenson House, London Road, Coalville, LE67 3FN
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 interests you should make clear the nature of that interest and whether it is a disclosable pecuniary interest, registerable interest or other interest.	
3.	MINUTES	
	To confirm and sign the minutes of the meeting held on 6 February 2024	3 - 12
4.	PLANNING APPLICATIONS AND OTHER MATTERS	
	Report of the Head of Planning and Infrastructure.	13 - 16

Index of Applications to be Considered

Item	Application Number and Details	Recommendation	Page
A1	23/01108/FUL: Works to an existing clubhouse to include raising the roof height to provide first floor accommodation, dormer windows and a balcony with the erection of a single storey building to provide changing room facilities, retention/extension to terrace stand and new pathway Ashby Ivanhoe Football Club, Lower Packington Road, Ashby De La Zouch	Permit, subject to conditions	17 - 46
A2	24/00022/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	Permit, subject to conditions	47 - 76

MINUTES of a meeting of the PLANNING Committee held in the Forest Room, Stenson House, London Road, Coalville, LE67 3FN on TUESDAY, 6 February 2024

Present: Councillor R Boam (Chair)

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

In Attendance: Councillors R Johnson, K Merrie MBE and A C Saffell

Officers: Mrs H Exley, Mr D Jones, Mr S James, Mr J Knightley, Mr C Unwin-Williams, Mrs R Wallace and Ms D Wood

58. APOLOGIES FOR ABSENCE

Apologies were received from Councillor R Canny.

59. DECLARATION OF INTERESTS

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

Councillor D Bigby declared a registerable interest in item A2 – application 23/01108/FUL, as he was speaking on application as adjoining Ward Member. During the consideration and voting on the application, Councillor T Eynon would join the Committee as a substitute for Councillor D Bigby.

Councillors J Simmons and N Smith declared a registerable interest in item A1 – application 23/00565/FUL, as Members of the Licensing Sub Committee that granted the premises licence. They would therefore leave the meeting during consideration and voting thereon.

Councillor N Smith declared an 'other' interest in item A2 – application 23/01108/FUL, as he was the Chair of the Planning Committee when the application was originally considered.

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 23/00565/FUL: Councillors, D Bigby, D Everitt, J Legrys, R Morris, P Moulton, J Simmons, C Sewell and M Wyatt.

Item A2 – application number 23/01108/FUL: Councillors D Everitt, J Legrys, R Morris, P Moulton, J Simmon, C Sewell and M Wyatt.

Item A3 – application number 23/01240/OUT: Councillors D Bigby, and J Legrys.

Item A4 – 23/012418/OUT: Councillors D Bigby, and J Legrys.

60. MINUTES

Consideration was given to the minutes of the meeting held on 10 January 2024.

It was moved by Councillor J Legrys, seconded by Councillor M Wyatt and

RESOLVED THAT:

The minutes of the meeting held on 10 January be approved and signed by the Chair as a correct record.

61. 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.

62. 23/00565/FUL: CHANGE OF USE OF LAND FOR PARKING OF HEAVY GOODS VEHICLE (HGV) FOR A TEMPORARY PERIOD OF 36 MONTHS INCLUDING ERECTION OF FENCING/GATES AND A MOBILE BUILDING

Former site of the Stardust Nightclub, Beveridge Lane, Bardon

Officer's recommendation: Refuse

Having declared an interest in the item, Councillors J Simmons and N Smith removed themselves from the meeting during the consideration and voting thereon.

The Senior Planning Officer presented the report.

Ms H Binns, objector, addressed the Committee. She explained she was a representative from Greene King Brewery and was speaking on behalf of the owners of the public house next to the application site. She stated that the HGV access route through the public house carpark caused danger to life to the customers and the use of the site was not appropriate for the location. Concerns of noise were shared as well as safety for any pedestrian on foot in the proximity of the site. Ms Binns urged the Committee to refuse and to consider road safety, pedestrian safety, noise, and sustainability as reasons for refusal.

Mr N Rowe, objector addressed the Committee. He explained he was a highway consultant hired by Greene King Brewery to assess the use of the application site. He commented that the HGV movements through the carpark caused pedestrian safety concerns as well as damage to the carpark and insufficient manoeuvring space. It was noted that during his time on site he witnessed 10 HGV's performing illegal right turns which lead to highway safety concerns. In his opinion, there was nothing that could be proposed by the applicant to sufficiently mitigate these concerns. He added that there was clear evidence to refuse the application on severe highway impact and safety.

Mr G Hutchinson, agent, addressed the Committee. He referred to the list of reasons for refusal but commented that there was no clear reason why the proposal was unacceptable. He explained that the business had been operating with no impact on the neighbours for four years and although it was undesirable for the neighbours, he felt it was not unacceptable in planning terms. He commented that there was no due regard given to the benefit of the site and stated that it was vital for the safety of HGV drivers to avoid parking in residential areas. He concluded that refusing the application would close the park and would show inconsistency in decision making.

Councillor K Merrie, Ward Member, addressed the Committee. He highlighted the regular complaints of residents, Greene King Brewery and the Parish Council in relation to highway safety at the access as it was clear it was not being used as intended. He also mentioned the unauthorised floodlighting and the fact it was currently operating without permission as the temporary permission had expired. It was noted that there had been

multiple problems over the last four years in relation to highway and pedestrian safety and the use was incompatible with the public house due to the carpark users of the customers. He stressed that the business had a negative impact on the area and was unsafe, plus the site was not part of the strategic highway network so not needed on this site. He reminded Members that the National Planning Policy Framework referred to pedestrian safety for access and egress, and therefore urged the Committee to refuse the application.

The Planning and Development Team Manager addressed the matters raised by the speakers and referred Members to the update sheet which explained why the reasons for refusal put forward by Greene King Brewery could not be used.

In determining the application, Members discussed their concerns of safety, location and the impact on the local community and businesses. Advice was sought on the officer's reason for refusal in the event the application was refused and was taken to appeal. The Legal advisor confirmed that there were no objections to the recommendations.

Further discussion ensued and the overall views of Members was that they were not in support of the application.

The officer's recommendation to refuse the application was moved by Councillor R Morris and seconded by Councillor J Legrys.

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

The motion was CARRIED.

RESOLVED THAT:

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

Motion to refuse in accordance with officer's recommendation (Motion)	
Councillor Russell Boam	For
Councillor Ray Morris	For
Councillor Dave Bigby	For
Councillor Morgan Burke	For
Councillor David Everitt	For
Councillor John Legrys	For
Councillor Peter Moulton	For
Councillor Carol Sewell	For
Councillor Jenny Simmons	Conflict Of Interests
Councillor Nigel Smith	Conflict Of Interests
Councillor Michael Wyatt	For
Carried	

63. 23/01108/FUL: WORKS TO AN EXISTING CLUBHOUSE TO INCLUDE RAISING THE ROOF HEIGHT TO PROVIDE FIRST FLOOR ACCOMMODATION, DORMER WINDOWS AND A BALCONY WITH THE ERECTION OF A SINGLE STOREY BUILDING TO PROVIDE CHANGING ROOM FACILITIES, RETENTION/EXTENSION TO TERRACE STAND AND NEW PATHWAY

Ashby Ivanhoe Football Club, Lower Packington Road, Ashby de la Zouch

Officer's recommendation: Permit

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

The Senior Planning Officer presented the report.

Mr C Benfield, Town Councillor, addressed the Committee. He stated that the parish had been supportive of the application as they acknowledged the need for the sporting facility and the aspirations of the club. However, they had been disappointed with the lack of communication with the parish and the community which the recently established Liaison Committee has helped with. He shared concerns with increase in traffic in relation to highway and pedestrian safety and noise levels during events.

Mr B Everitt, objector, addressed the Committee. He felt that the expansion would generate more activity and visitors to the site which would have an impact on the highway. He shared concerns that there was a lack of parking facilities already and this application would only exasperate the parking issues in the area. He was disappointed that a highway assessment had not been undertaken by the applicant and visibility splays had not been done. He concluded that he acknowledged the importance of good sporting facilities, especially for young people, but he believed more assessment was required.

Mr M Cooper, agent, addressed the Committee. He stated that the club was in desperate need of modernising with the current changing facilities not meeting current standards. He referred to the report which addressed all concerns received and Members were reminded that there were no objections from statutory consultees. He explained that the wider issues were being looked at by various groups including Leicestershire County Council and the police. He concluded that the Council had recently announced its desire to improve sporting facilities in Ashby and therefore urged Members to permit the application.

Councillor D Bigby, adjoining Ward Member, addressed the Committee. He stated that although he was in support of good sporting facilities in Ashby, his main concerns with this application were the access and highway safety. He commented that there was a strong argument that more club house space would lead to more events and activity, and it was disappointing that the club were reluctant to accept Section 106 Agreement suggestions. He suggested that if the Committee was minded to permit the application, Section 106 Agreements relating to access be added, or alternatively the application be deferred to allow officers and the applicant to come to an agreement on the matter.

The Planning and Development Team Manager addressed comments made by the speakers and confirmed the application was not to address the access concerns only the improvement of the facilities. Advice was given on the options available to move forward with the application.

In determining the application Members spoke both in support and against. A Member suggested that a deferral could be the best option and advice was sought on what could be achieved if the Committee were minded to defer. The Planning and Development Team Manager explained that work could be undertaken on a Section 106 Agreement, however the application could not be approved with a Section 106 Agreement if the applicant did not agree.

After further discussions on possible motions available to Members, Councillor R Boam moved the officer's recommendation to permit and it was seconded by Councillor M Wyatt.

Councillor J Legrys then moved an amendment to defer the application and it was seconded by Councillor P Moul.

At this point, procedural advice was sought from the Committee and provided by the Legal Advisor.

The amendment to defer the application was put to the vote. A recorded vote being required, the voting was as detailed below.

The motion was LOST.

The Chair put the substantive motion to permit in accordance with officer's recommendation to the vote. A recorded vote being required, the voting was as detailed below.

The motion was CARRIED.

RESOLVED THAT:

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

At the conclusion of the item, Councillor D Bigby returned to the Committee. Therefore, as no longer required as a substitute, Councillor T Eynon returned to the public gallery.

Motion to permit in accordance with officer's recommendation (Motion)	
Councillor Russell Boam	For
Councillor Ray Morris	For
Councillor Morgan Burke	For
Councillor David Everitt	For
Councillor Dr Terri Eynon	For
Councillor John Legrys	Against
Councillor Peter Moul	Against
Councillor Carol Sewell	Against
Councillor Jenny Simmons	For
Councillor Nigel Smith	Against
Councillor Michael Wyatt	For
Carried	
Amendment to Motion to allow Officers to provide further information (Amendment)	
Councillor Russell Boam	Against
Councillor Ray Morris	Against
Councillor Morgan Burke	Against
Councillor David Everitt	For
Councillor Dr Terri Eynon	For
Councillor John Legrys	For
Councillor Peter Moul	For
Councillor Carol Sewell	For
Councillor Jenny Simmons	Against
Councillor Nigel Smith	Against
Councillor Michael Wyatt	Against
Rejected	

64. 23/01240/OUT: ERECTION OF ONE DETACHED SELF BUILD DWELLING (OUTLINE APPLICATION - ALL MATTERS RESERVED)

Land off Townsend Lane, Donington le Heath, Leicestershire

Officer's recommendation: Permit, subject to S106 agreement

The Chair explained that although item A3 and A4 were applications for the same site, there were two separate applicants and therefore must be dealt with separately. However, the speakers had indicated that they would only like to address the Committee once.

The Senior Planning Officer presented the report.

Mr S Palmer, objector, addressed the Committee. He stated that the site was outside the limits to development and therefore in accordance with the Local Plan should not be developed. He challenged the report which stated that the area was required to take its share of new homes, however the area had already taken over fifty percent of development across the district. He felt that the Local Plan had legal standing, as well as the Neighbourhood Plan which had been voted upon by the community, and these should not be ignored. He concluded that it could be a costly precedent if the plans were ignored.

Councillor R Johnson, Ward Member, addressed the Committee. He expressed his disappointment with the officer's report as he believed there were many inaccuracies. He referred to the residents' objections and their concerns that approval of these applications would open the floodgates for more development in the area. The Committee were reminded that there had been two previous applications on this site that had been refused as they would have caused significant detriment to the character and appearance of the area, and harm the rural setting of the conservation area. Reference was made to the area as a hamlet that was not sustainable for development with no bus service or amenities. Councillor R Johnson concluded that both applications went against the national Planning Policy Framework in relation to protecting green belt and conserving and enhancing the historic environment. As well as being outside the limits to development in the Local Plan and Neighbourhood Plan.

The Planning and Development Team Manager addressed the matters raised by the speakers.

In determining the application Members discussed at length the matter of the site being outside the limits to development and the parish's Neighbourhood Plan. There was some reservation to permit due to the objections of residents and the Parish Council. The Planning and Development Team Manager explained that the Neighbourhood Plan held less weight in this instance as the Self Build Act applied. Further discussion was had on the Council's advice document on self builds in relation to edge of settlements and boundary limits.

It was acknowledged that the self-build legislation did make the decision more difficult, and some concern was shared that if the application was refused then the Planning Inspector would approve should it go to appeal.

The officer's recommendation to permit was moved by Councillor R Morris and seconded by Councillor J Simmons.

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

The motion was LOST.

The Chair then sought an alternative motion.

Councillor J Legrys moved that the meeting be adjourned for ten minutes to allow the Committee to gain advice on and discuss reasons for refusal. It was seconded by Councillor M Wyatt and agreed.

The Committee adjourned at 7.55pm and reconvened at 8.05pm.

Councillor D Bigby moved that the application be refused on the grounds that the weighting given to the Council's Local Plan and the Parish's Neighbourhood Plan which restricted development in the countryside was greater. It was seconded by Councillor J Legrys.

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

The motion was CARRIED.

RESOLVED THAT:

The application be refused on the grounds that the weighting given to the Council's Local Plan and the Parish's Neighbourhood Plan which restricted development in the countryside was greater.

Motion to permit in accordance with officer's recommendation (Motion)	
Councillor Russell Boam	For
Councillor Ray Morris	For
Councillor Dave Bigby	Against
Councillor Morgan Burke	Against
Councillor David Everitt	Against
Councillor John Legrys	Against
Councillor Peter Mout	Against
Councillor Carol Sewell	Against
Councillor Jenny Simmons	For
Councillor Nigel Smith	Against
Councillor Michael Wyatt	Against
Rejected	
Motion to refuse for reasons detailed above (Motion)	
Councillor Russell Boam	Against
Councillor Ray Morris	Abstain
Councillor Dave Bigby	For
Councillor Morgan Burke	For
Councillor David Everitt	For
Councillor John Legrys	For
Councillor Peter Mout	For
Councillor Carol Sewell	For
Councillor Jenny Simmons	Abstain
Councillor Nigel Smith	For
Councillor Michael Wyatt	For
Carried	

65. 23/01241/OUT: ERECTION OF ONE DETACHED SELF BUILD DWELLING (OUTLINE APPLICATION - ALL MATTERS RESERVED)

Land off Townsend Lane, Donington le Heath, Leicestershire

Officer's recommendation: Permit, subject to S106 agreement

The Senior Planning Officer presented the report.

Mr S Palmer, objector and Councillor R Johnson, Ward Member, declined the opportunity to address the Committee again as they had made statements under the last application and had nothing different to add.

Councillor J Legrys moved that the application be refused on the grounds that the weighting given to the Council's Local Plan and the Parish's Neighbourhood Plan which restricted development in the countryside was greater. It was seconded by Councillor M Wyatt.

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

The motion was CARRIED.

RESOLVED THAT:

The application be refused on the grounds that the weighting given to the Council's Local Plan and the Parish's Neighbourhood Plan which restricte development in the countryside was greater.

Motion to refuse for reasons detailed above (Motion)	
Councillor Russell Boam	Against
Councillor Ray Morris	Abstain
Councillor Dave Bigby	For
Councillor Morgan Burke	For
Councillor David Everitt	For
Councillor John Legrys	For
Councillor Peter Moulton	For
Councillor Carol Sewell	For
Councillor Jenny Simmons	Against
Councillor Nigel Smith	For
Councillor Michael Wyatt	For
Carried	

66. 23/01482/VCIM: ERECTION OF 400 DWELLINGS APPROVED UNDER APPROVAL REF. 23/00459/VCUM (OUTLINE PLANNING PERMISSION REF. 22/01140/VCIM) WITHOUT COMPLYING WITH CONDITION 8 SO AS TO ALLOW FOR REMOVAL OF ADDITIONAL TREES

Land north of Standard Hill and west of Highfields Street, Hugglsecote, Coalville

Officer's recommendation: Permit, subject to conditions

The Principal Planning Officer presented the report to Members.

Councillor T Eynon, Ward Member, addressed the Committee. She referred to the history of applications for the site and believed that over the years the applicant was slowly 'nibbling away' at the site which had led to the residents' lack of confidence in the developer. She explained that she had called the application in to reassure residents that the loss of the trees was unavoidable and if the application was permitted, mitigated to replenish the trees and wildlife.

The Principal Planning Officer addressed the matters raised by the speaker and confirmed the justification of the tree removal.

In determining the application, Members stressed the importance of replacing the trees 'like for like' so that there was substantial replanting. Some concern was also shared on

the removal of healthy trees, but it was clear that there was no alternative scenario where trees would not be lost. Following further discussions, it was agreed that a note to the applicant be included specifying that replanting be undertaken with mature 'like for like' trees on a ratio of four trees for every one removed. The Planning and Development Team Manager advised that officers were unable to specify everything, but they could ask for a minimum standard of good quality trees.

Councillor J Legrys moved the officer's recommendation to permit and it was seconded by Councillor R Morris.

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

The motion was CARRIED.

RESOLVED THAT:

The application be permitted in accordance with the recommendation of the Head of Planning and Infrastructure, with the inclusion of a note to the developer in relation to the standard and quality of the tree replanting.

Motion to permit in accordance with officer's recommendation (Motion)	
Councillor Russell Boam	For
Councillor Ray Morris	For
Councillor Dave Bigby	For
Councillor Morgan Burke	For
Councillor David Everitt	For
Councillor John Legrys	For
Councillor Peter Moulton	For
Councillor Carol Sewell	For
Councillor Jenny Simmons	For
Councillor Nigel Smith	For
Councillor Michael Wyatt	For
Carried	

The meeting commenced at 6.00 pm

The Chairman closed the meeting at 8.35 pm

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APPENDIX B

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

5 March 2024

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 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 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.

Works to an existing clubhouse to include raising the roof height to provide first floor accommodation, dormer windows and a balcony with the erection of a single storey building to provide changing room facilities, retention/extension to terrace stand and new pathway

Report Item No
A1

Ashby Ivanhoe Football Club, Lower Packington Road, Ashby De La Zouch, Leicestershire, LE65 1TS

Application Reference
23/01108/FUL

Grid Reference (E) 436019
Grid Reference (N) 315721

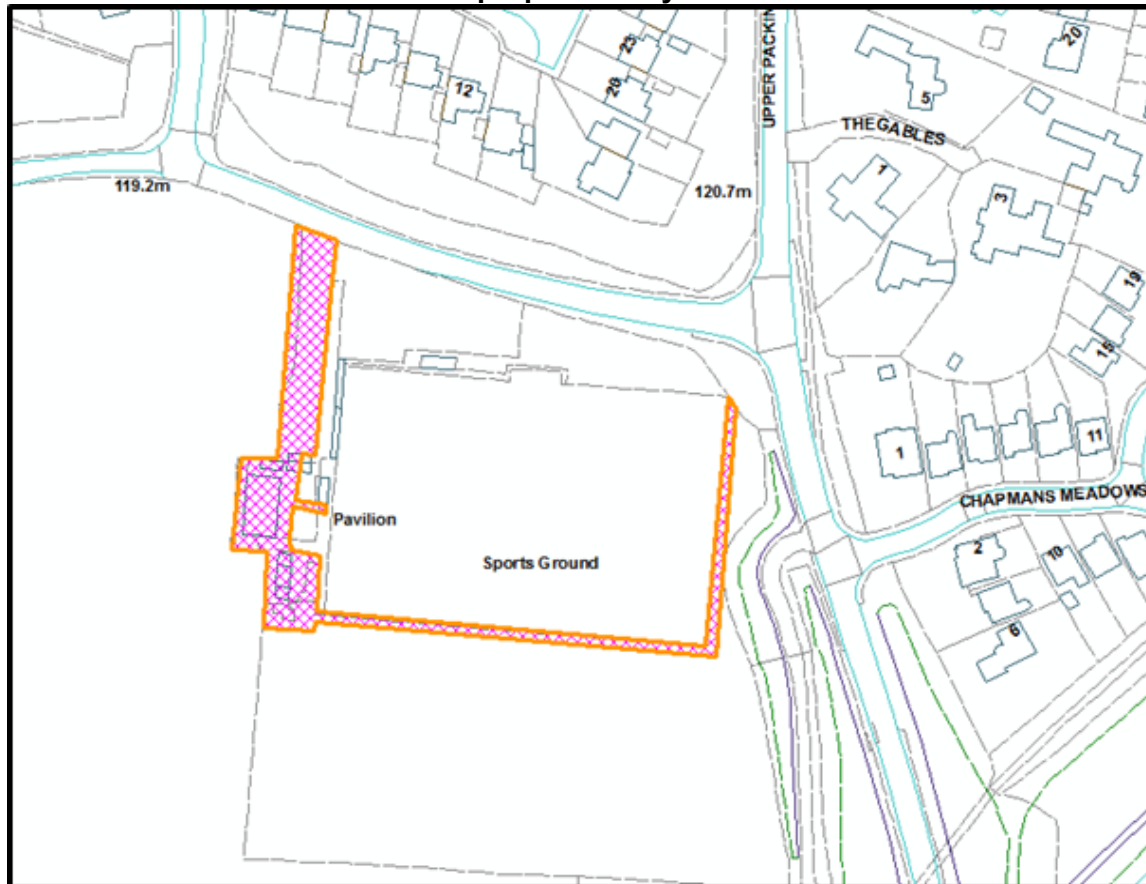
Date Registered:
22 September 2023
Consultation Expiry:
9 November 2023
8 Week Date:
17 November 2023
Extension of Time:
17 November 2023

Applicant:
Ashby Ivanhoe Football Club CIC

Case Officer:
Donnella Wood

Recommendation:

Site Location - Plan for indicative purposes only



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This case is returned to the Planning Committee following concerns raised by a member that at the 6th of February meeting, the vote on the alternative motion to defer this planning application was miscounted and wrongly announced to the Committee. Members subsequently went on to agree the original motion to approve the application.

Following an investigation into the matter and having sought legal advice, it has been determined that the best course of action is to report the application back to the 5th of March Planning Committee meeting for it to be redetermined.

Members will recall that the reasoning for the proposed deferral was for officers to discuss with the applicant whether they would agree to a S106 agreement to restrict either the commencement of works or the first use of the clubhouse facilities that are the subject of this planning application until the access and parking facilities which were approved under the earlier planning permission 22/01811/FULM had been fully implemented.

The legal advice received concluded that, as the application should be returned to the committee for a decision, officers should discuss the reasoning for the deferral with the applicant and ask them if they would formally agree to a restriction so as not to commence or occupy the facilities that are the subject of this application until the parking and access facilities as approved through the earlier permission for the site (22/01811/FULM) have been completed. The legal advice concluded that the above could be achieved via a planning condition and it didn't need to be secured through a S106 agreement, which the applicant previously advised they wouldn't agree to. The matter has now been discussed with the applicant who is agreeable to the use of a condition to control the works on site as suggested above, albeit the agreed restriction would be on occupation rather than commencement of development.

Therefore, this application is put before the Planning Committee with the same recommendation to approve as previously subject to the 11 conditions listed below in the original report and the following new condition:

12. *The clubhouse alterations hereby permitted shall not be brought into use until the parking, turning, and access drive surfacing measures authorised by planning permission reference 22/01811/FULM have been fully completed and are available for use.*

The original report that that was before members at the 6th of February meeting is as follows:

Reason the case is called to the Planning Committee:

This application is brought to Planning Committee at the request of Councillor Bigby who is the Local Member for the neighbouring ward to that which this application sits. His reasons for the call in are as follows:

- The scheme will impact on the residential amenity of the closest occupiers of his ward to the site.
- Will impact on highway safety in his ward specifically in terms of traffic and parking
- Is unacceptable development in the countryside
- Will impact on the River Mease SAC

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

1. Standard time limit
2. Plans – standard condition
3. Materials – In accordance with
4. Landscaping – details to be submitted
5. Boundary treatments – details to be submitted
6. Tree protection (Pre-commencement) - details to be submitted
7. Bat activity survey report & mitigation scheme (Pre-commencement) - details to be submitted
8. River Mease sustainable drainage system – standard River Mease soakaway condition
9. Lighting - no installation of lighting without express permission from the LPA
10. Levels – no change to site levels without express permission from the LPA
11. Use of site – in accordance with details within the application to ensure appropriate use

1. Proposals and Background

Planning permission is sought for works to an existing clubhouse to include raising the roof height to provide first floor accommodation, dormer windows and a balcony with the erection of a single storey building to provide changing room facilities, retention/extension to terrace stand and new pathway at Ashby Ivanhoe Football Club, Lower Packington Road, Ashby De La Zouch.



Aerial view of the site

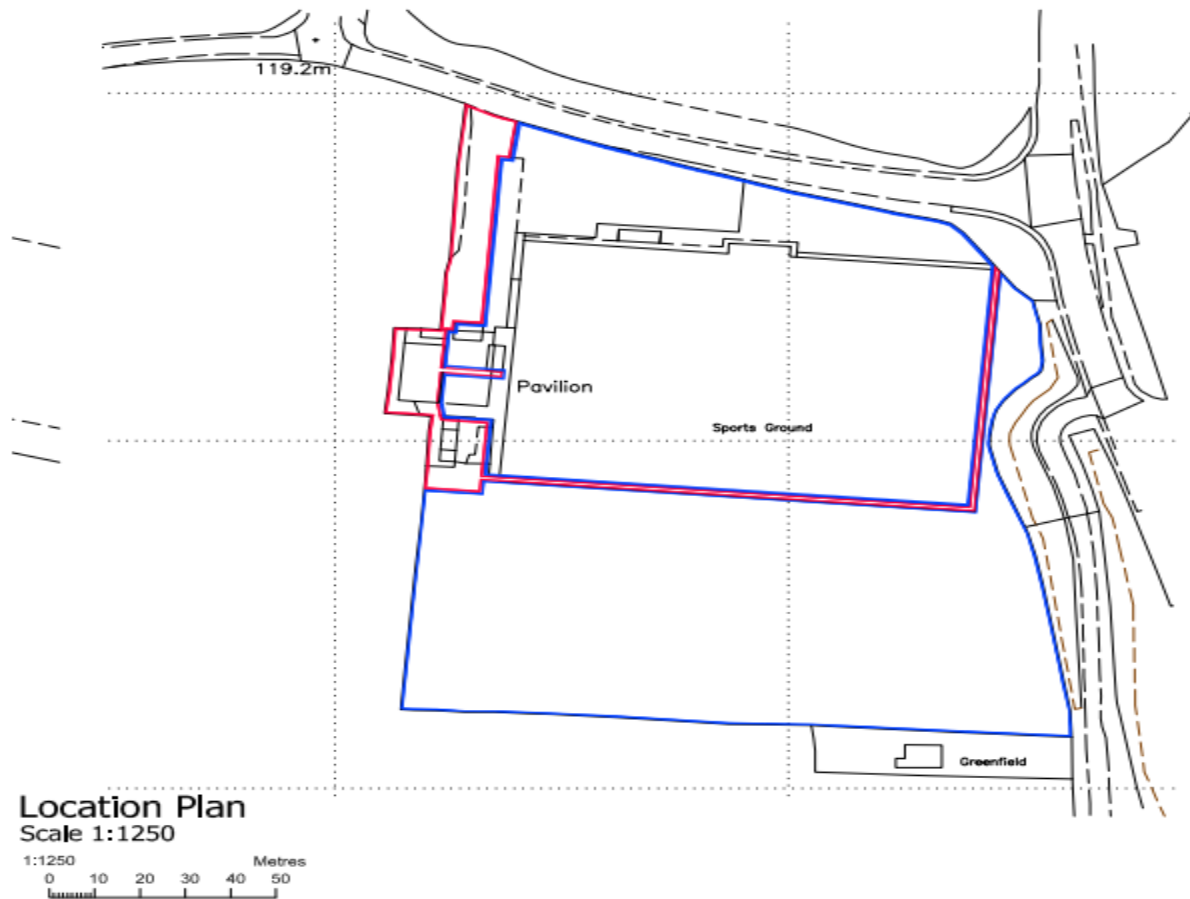
The application site is located to the southern side of Ashby on Lower Packington Road, and it is enclosed by post and rail fencing and low level hedgerow.

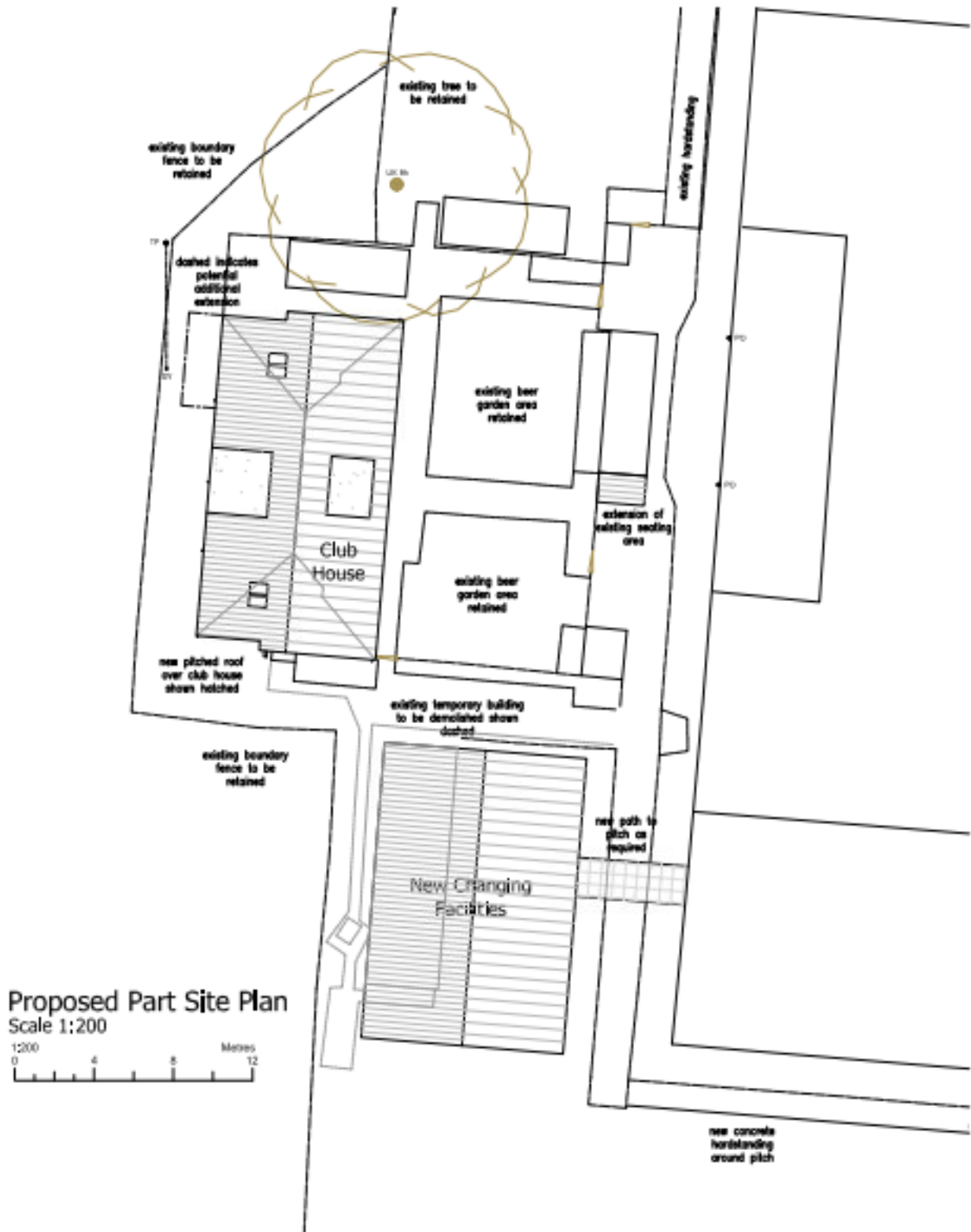
The site is located outside the Limits to Development, as defined by the adopted Local Plan and is sited close to the settlement limits of Ashby de la Zouch which is identified as a Key Service Centre. The site is located within the National Forest, and it has been identified as being within Flood Zone 1 as per the Flood Map for Planning (Rivers and Sea) published by the Environment Agency. The site additionally falls within the catchment area of the River Mease Special Area of Conservation.

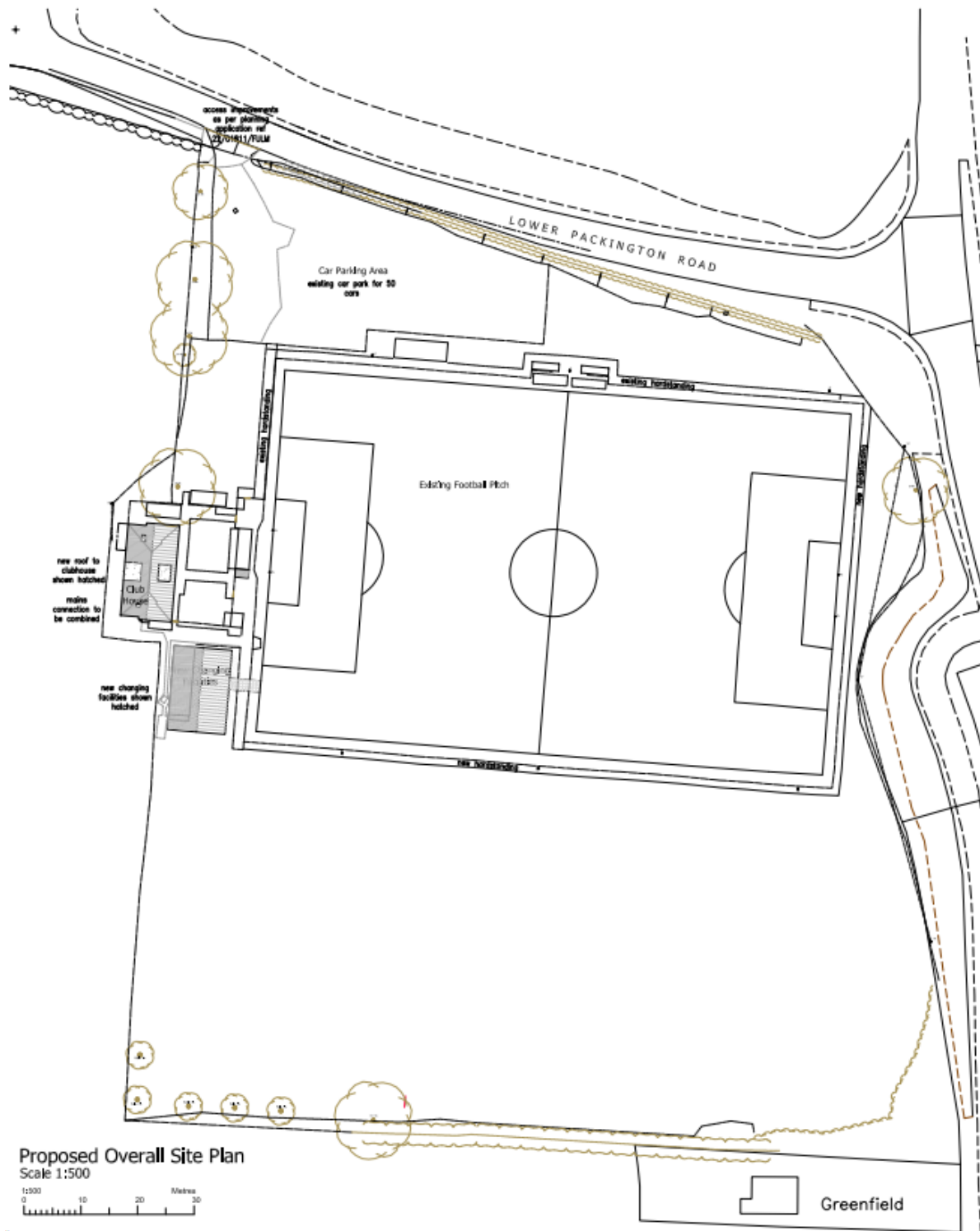


View from Lower Packington Road

The proposal would allow for new single storey changing room facilities to replace an existing portacabin, raising the roof to the existing club to provide first floor accommodation, dormer windows, rooflights and a balcony, the retention and extension of an existing terraced stand and the provision of new concrete hardstanding alongside the southern and eastern boundaries of the existing playing pitch.







Site Plan

Precise details and measurements of the proposal are available to view on the submitted plans.

Relevant Planning History

- 14/0007/REFUSE - Residential development of up to 70 dwellings (Class C3). Green infrastructure to include retained vegetation, habitat creation (including new woodland

planting), open space, amenity space and play areas, sustainable drainage systems/features, and new walking/cycling/recreational routes. Infrastructure to include highway and utilities and associated engineering works (including ground modelling) and vehicular access via the construction of a new junction off the existing Lower Packington Road (outline - all matters reserved other than part access) – Application refused and dismissed at appeal on 28.10.2014

- 13/00694/OUTM Residential of up to 70 dwellings (Class C3). Green infrastructure to include retained vegetation, habitat creation (including new woodland planting), open space, amenity space and play areas, sustainable drainage systems/features, and new walking/cycling/recreational routes. Infrastructure to include highway and utilities and associated engineering works (including ground modelling) and vehicular access via the construction of a new junction off the existing Lower Packington Road (outline - all matters reserved other than part access) – Refused on 14.01.2014
- 13/00720/FUL Installation of six no. 15.0 metre high floodlights to illuminate senior football pitch - Permitted on 05.11.2013
- 15/00665/FUL Erection of 50 no. seat grand stand - Permitted on 27.08.2015
- 22/01811/FULM Change of use of land to recreation use including the formation of sport pitches, parking area, improved access and landscaping - Permitted subject to a S106 agreement on 21.12.2023

2. Publicity

48 Neighbours have been notified.
Site Notice displayed 29 September 2023.

3. Summary of Consultations and Representations Received

Ashby de la Zouch Town Council - Raised objections on neighbour amenity, highway safety and sustainability grounds.

Leicestershire County Council Highways – No objection.

Leicestershire County Council Ecology – Advised conditions relating to bats.

NWLDC Environmental Protection - No objection.

NWLDC Tree Officer – Advised conditions relating to tree protection measures.

Natural England – Advised conditions relating to implementing a sustainable drainage system.

Third Party Representations

41 letters of representation have been received in total on this application. 25 of these letters were received in support of the proposal with 16 raising objections to the scheme.

All responses from statutory consultees and third parties are available to view in full via the Council website and only comments which raise material planning issues can be taken into account.

The comments raised are summarised as follows.

The following comments have been made in support of this scheme:

Grounds of Support	Description
Highways	Already the works the club have done has reduced parking issues for residents
	Never more than 8 -10 cars parked legally on nearby estates it is a public road with no parking restrictions as hard as the club works to stop people parking there you cannot compel them not to do so
	As the car parking situation at the club improves more will use the car park
	On-site parking is already being addressed including separate entrance and exits
Sport provision	Club improves the physical and mental health and wellbeing of children and residents
	Club provides exercise for 400 local children allowing them to express their talents in a safe environment
	Exercise/team activities results in health benefits, mental and physical as well as benefits to social skills, life skills and wellbeing
	Club is inclusive, has a development school for children who have previously struggled to get into teams
Neighbour amenity impacts	Claims of a balcony causing noise concerns are farcical, it faces few dwellings
Other Comments Received	Positive impacts to local residents including children
	The club has been there longer than anyone has lived there.
	Club needs the modernisation to bring it into the 21 st century, these measures will cement its future
	The club is an established asset to the community
	New facilities are vital, at present there are not enough toilets for the number of teams
	Benefits to the community

	Club encourages team work, discipline, fun, confidence and friendship
	Helps with mental health
	Current facilities woefully inadequate
	Substantial number of residents have a connection with the club
	Future proofs the club for years to come
	Building is decaying with rotting cabins upgrades are vital
	Economic benefits to the town
	The club is held back by the facilities
	Works will provide a basic need and benefit generations to come
	The reasons for objection are nonsense and short sighted
	Most other football clubs at this local level are situated within single road estates and are supported by their communities
	Absolutely needed for the growing town
	Ashby is underrepresented in facilities of any sort; these improvements will enhance the area
	Aesthetic upgrades to a club being used for sports since the 1950's, once complete the town will have a facility it can be proud of
	The club promotes the town, helps to generate a wider knowledge of the town and all its great facilities and raises the profile of the town to generate more income / tourist and business investment to help the development of the whole area,
	The football club has been involved with numerous charities and has hosted lots of family events ran mainly by volunteers

The following points have been raised in objection to this scheme:

Grounds of objection	Description of impact
Highways	Parking concerns
	Congestion/traffic issues

	Existing highways issues would be worsened
	Pedestrian/cyclist safety risks
	Access issues
	The LHA (so far) to acknowledge and address the growth of the club, and the intensification of use and traffic generation proposed by the cumulative impact of all current development proposed
	Repeated failures of the club, the LHA and the council to address highways issues including through lack of parking controls
	Further highways surveys should be submitted including speed and trip generation
	Road infrastructure cannot cope
	Ashby Rugby Club have recently doubled the size of their club house and improved facilities, but they have also created enough off street parking for those that attend. They have hundreds of people attending with no issues as they have made parking space for their members/visitors.
	No electric car parking chargers are being provided
	Parking stewards should be employed
Design and character	Area is countryside, development is not appropriate in this location. The creeping intensification of development involving construction of extra car and coach parking, floodlighting, grandstands, covered spectator space, dug-outs, fencing, adverts, netting and other paraphernalia has clearly made massive, harmful changes to the character of the area.
	The proposed development is excessive
	Impact of the proposal on the landscape
Neighbour amenity impacts	Noise impacts from visitors and from the balcony will expand to a greater area. Club has not submitted any noise assessments and made no effort to be considerate to residents who suffer from noise pollution

	Residents are already negatively affected by events held at the club
	Visitors to the club have no regard for residents, they block drives, they create litter and are noisy and have been threatening
	Anti-social behaviour concerns
Other material planning considerations	Impact on the River Mease
	Environmental concerns
	Issues from the club are destroying the once quiet and beautiful area
	Still no established residents' group despite S106. The club isn't interested in reaching out to residents.
Other comments received which aren't material planning considerations	Clubs aims are economic benefit to them not to the benefit of children. Aims to be a large leisure and social facility, as seen by the doubling of the entertainment floorspace, renting out the venue etc.
	Residents have had to submit anonymous objections for fear of retribution
	Other football clubs in Ashby also support children and don't need a bar open 7 days a week to do so
	Concerns over alcoholic drinks potentially being brought out of the clubhouse onto neighbouring roads
	The intention is to create an events' venue used at all times on any day of the week thus resulting in a large increase in the number of people using the premises.
	Not opposed to children having fun through support and exercise, issues are with the increased use/events held at the club
	The club should provide a copy of their development plan with a time scale for the next ten years so that everyone concerned can see what is intended instead of drip-feeding planning applications on an ad hoc basis as seems to be happening
	This is the 4th application relating to the site, it feels like a case of creeping development. The piecemeal approach to development is clearly an attempt to avoid

	proper scrutiny of legitimate planning concerns and assessment of the cumulative effect of all the currently proposed development.
	It feels more like the ongoing development of a mini stadium and entertainment centre than additional playing areas and changing facilities
	Club exploits permitted development rights
	It is wrong to describe the use as a “community services” as it is not a facility for the use of the whole community – only for members of the football club, their supporters or visiting players and supporters.
	Increase in recent membership significant, use of the site much higher than under the old club
	The club’s facilities already satisfy FA requirements, the proposed development is designed to support the clubs non-sporting commercial activities
	Huge intensification of use already to the site as the club progresses through the leagues
	Council should impose controls on maximum visitor numbers, hours of operation covering lighting, outside functions, use of high level balcony, hours of use of the clubhouse and restrictions on non-football activities across the whole of the site, restrictions on the use of the Public Address system to team and public safety announcements only and a S106 Agreement establishing a resident liaison committee
	Behaviour of the club and customers unacceptable and not in keeping with a family friendly club
	Club needs to hire security
	Club needs to draw up a code of conduct for visitors

4. Relevant Planning Policy

National Planning Policy Framework (2023)

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. The following sections of the NPPF are considered relevant to the determination of this application:

Paragraphs 8 and 11 (Achieving sustainable development)

Paragraphs 55 - 57 (Planning conditions and obligations);

Paragraphs 85, 87, 88 and 89 (Building a strong, competitive economy)

Paragraph 97 (Promoting healthy and safe communities);

Paragraphs 110 and 111 (Promoting sustainable transport);

Paragraph 128 (Requiring good design);

Paragraphs 123 and 124 (Making effective use of land)

Paragraphs 157 and 159 (Meeting the challenge of climate change)

Paragraphs 180, 185, 186, 187 and 188 (Meeting the challenge of climate change)

Adopted North West Leicestershire Local Plan (2021)

The North West Leicestershire Local Plan forms part of the development plan and the following policies of the Local Plan are relevant to the determination of the application:

S2 - Settlement Hierarchy

S3 - Countryside

D1 - Design of New Development

D2 - Amenity

IF1 - Development and Infrastructure

IF2 - Community and Cultural Facilities

IF3 - Open Space, Sports and Recreation Facilities

IF4 - Transport Infrastructure and New Development

IF7 - Parking Provision and New Development

En1 - Nature Conservation

En3 - The National Forest

Cc2 - Water - Flood Risk

Cc3 - Sustainable Drainage Systems

Ashby Neighbourhood Plan (2018)

The Ashby Neighbourhood Plan forms part of the development plan and the following policies of the Neighbourhood Plan are relevant to the determination of the application:

Policy S1 - Presumption in favour of sustainable development

Policy S3 - Development Proposals Outside of the Limits to Development

Policy S4 - Design

Policy NE4 - Biodiversity

Policy NE5 - Trees and Hedgerows

Other Policies/Guidance

Planning Practice Guidance.

Leicestershire Highways Design Guide (Leicestershire County Council).
 Good Design for North West Leicestershire SPD - April 2017.
 Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within the Planning System).
 River Mease Water Quality Management Plan - August 2011.
 The River Mease Developer Contributions Scheme (DCS1 & 2).
 National Forest Strategy 2014-2024.
 Natural England - Advice for development proposals with the potential to affect water quality.
 National Design Guide - October 2019.
 Sport England – Planning for Sport Guidance – June 2019.
 Building for a Healthy Life (BHL) - June 2020.

5. Assessment

Principle of Development

In accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the development plan which, in this instance, includes the adopted North West Leicestershire Local Plan (2021).

This proposal is for works to an existing clubhouse to include raising the roof height to provide first floor accommodation, dormer windows and a balcony with the erection of a single storey building to provide changing room facilities, retention/extension to terrace stand and new pathway.

One of the core principles of the NPPF is sustainability and applications to secure sustainable economic growth should be treated favourably.

The application site lies outside the Limits to Development and would therefore fall to be considered against Policy S3 of the Local Plan.

Policy S3(i) supports the *"Expansion of all types of business and enterprise in rural areas, both through the conversion of existing buildings and well-designed new buildings"* and *development as it relates to recreation and tourism* S3(n).

The application proposal would therefore constitute a form of development permitted in the countryside under Policy S3.

Policy S3 states that development in accordance with criteria a-s would be supported, subject to satisfying criteria i-vi as set out below:

(i) The appearance and character of the landscape, including its historic character and features such as biodiversity, views, settlement pattern, rivers, watercourses, field patterns, industrial heritage and local distinctiveness is safeguarded and enhanced.

For the reasons discussed later in this report, it is considered that the appearance and character of the landscape would be safeguarded.

(ii) It does not undermine, either individually or cumulatively with existing or proposed development, the physical and perceived separation and open undeveloped character between nearby settlements, either through contiguous extensions to existing settlements or through development on isolated sites on land divorced from settlement boundaries.

(iii) It does not create or exacerbate ribbon development.

The proposed development would utilise land within an established football club, it would not create or exacerbate ribbon development, nor undermine the physical or perceived separation between nearby settlements.

(iv) Built development is well integrated with existing development and existing buildings, including the reuse of existing buildings, where appropriate.

As the proposal would form part of an existing established football club it is considered the proposed development would be well related to existing development within the immediate vicinity.

(v) The development will not seriously undermine the vitality and viability of existing town and local centres.

Given that the proposal would result in a continued use which is typically associated with open space it is not considered the proposal would seriously undermine the vitality and viability of existing town and local centres.

(vi) The proposed development is accessible or will be made accessible, by a range of sustainable transport.

The site is served by public transport with bus stops approximately 125m from the site entrance and due to the nature of the proposal and its location close to the settlement limits of Ashby de la Zouch which is identified as a Key Service Centre and proximity of the club from neighbouring streets, it is considered visitors could walk or cycle to the site as such, more sustainable modes of transport are an option.

Given the above, the proposal is not considered to conflict with Policy S3 of the Local Plan.

Policy S3 of the adopted Ashby Neighbourhood Plan (2018) advises land outside the defined Limits to Development will be treated as countryside, where development will be carefully controlled in line with local and national strategic planning policies. In all cases, where development is considered acceptable, it will be required to respect the form, scale, character and amenity of the landscape and the surrounding area through careful siting, design and use of materials.

Given the previous assessment, the proposal is not considered to conflict with Policy S3 of the Ashby Neighbourhood Plan.

Assessment of the objections received in relation to compliance with Policy S3 of the adopted North West Leicester Local Plan and Policy S3 of the adopted Ashby Neighbourhood Plan

Objection	Response
The proposal conflicts with Policy S3 of the Local Plan and Policy S3 of the Neighbourhood Plan.	See above assessment. This concludes that the proposal would not conflict with Policies S3 of the Local and Neighbourhood Plans.

With regard to Policy S3(n) development as it relates to recreation and tourism which is supported under Policy S3 subject to the criteria as outlined above the adopted Local Plan advises on recreation that it is important that local communities have access to high quality open spaces and opportunities for sport and recreation as this makes an important contribution

to the health and well-being of communities advising open space can provide for a range of users and uses, and can comprise for example, parks and gardens, informal recreation areas, outdoor sports facilities, and equipped play areas and allotments, it is therefore important to both protect our existing open spaces and sport and recreational facilities but to also improve provision, either through new or enhanced facilities.

Specifically on recreation the Ashby Neighbourhood Plan states it is important that any open space, sport and recreational provision and associated infrastructure is designed and provided to encourage all age groups to take part in recreation and exercise.

Building for a Healthy Life (BHL) acknowledges that improving the health of local communities requires greater action, and promotes development that offers social, leisure and recreational opportunities a short walk or cycle from their homes.

Paragraph 96 of the National Planning Policy Framework (NPPF) states planning decisions should aim to achieve healthy, inclusive and safe places which enable and support healthy lifestyles and social interaction, especially where this would address identified local health and well-being needs - for example through the provision of sports facilities.

Sport England Planning for Sport Guidance (2019) provides guidance on how the planning system can help to provide opportunities for all to take part in sport and be physically active urging planning authorities to recognise and give significant weight to the benefits of sport and physical activity and to be supportive of improvements to existing provision which meets identified needs and encourages use by under-represented groups.

Policy S3(i) of the Local Plan supports the expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings and given the site is an existing established commercial football club proposing works to support the current activities within the site it is considered the proposal would comply with the aims of Policy S3(i) as well as the aims of the NPPF which indicates that applications to secure sustainable economic growth should be treated favourably.

In summary, the scheme would comply with Policies within the adopted Local Plan, the Neighbourhood Plan and given the undeniable benefits to physical and mental health, wellbeing and social interactions the establishment provides, it is considered that the improvements proposed to the football club would contribute to the local community and is essential to encouraging and maintaining healthy lifestyles in accordance with the advice contained within the NPPF, the adopted Ashby Neighbourhood Plan, Sport England Planning for Sport Guidance and BHL. Therefore, the principle of the development is considered to be acceptable, subject to all other planning matters being addressed.

Design and Impact upon Character

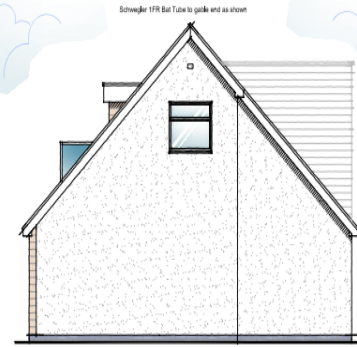
Policy D1 of the Local Plan (2021) requires that all developments be based upon a robust opportunities and constraints assessment and be informed by a comprehensive site and contextual appraisal. Policy S3 requires that where development is acceptable in principle, the appearance and character of the landscape, and local distinctiveness is safeguarded and enhanced. Policy S3 of the Ashby Neighbourhood Plan (2018) advises where development is considered acceptable, it will be required to respect the form, scale, character and amenity of the landscape and the surrounding area through careful siting, design and use of materials.

The proposal would allow for new single storey changing room facilities to replace an existing portacabin, raising the roof to the existing club to provide first floor accommodation, dormer windows, rooflights and a balcony, improvements to the existing access, the retention and extension of an existing terraced stand and the provision of new concrete hardstanding

alongside the southern and eastern boundaries of the existing playing pitch.



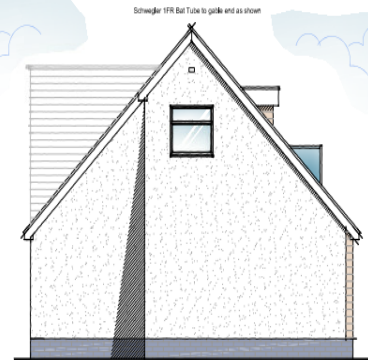
Proposed Front Elevation
Scale 1:50



Proposed Skie Elevation
Scale 1:50



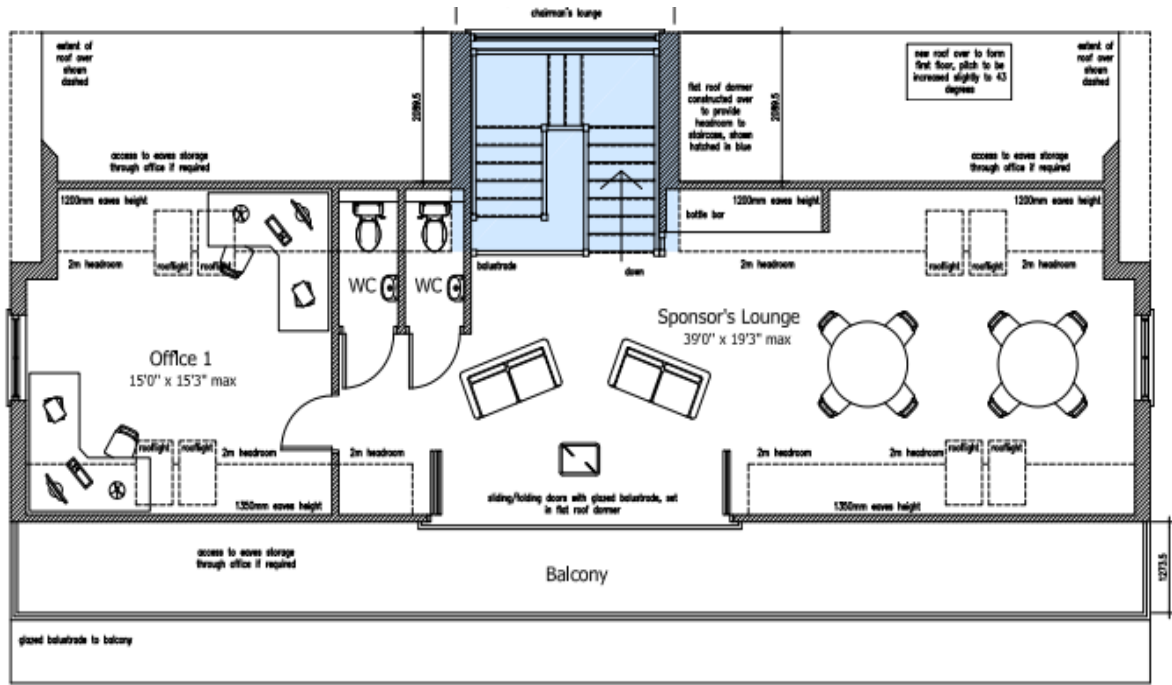
Proposed Rear Elevation
Scale 1:50



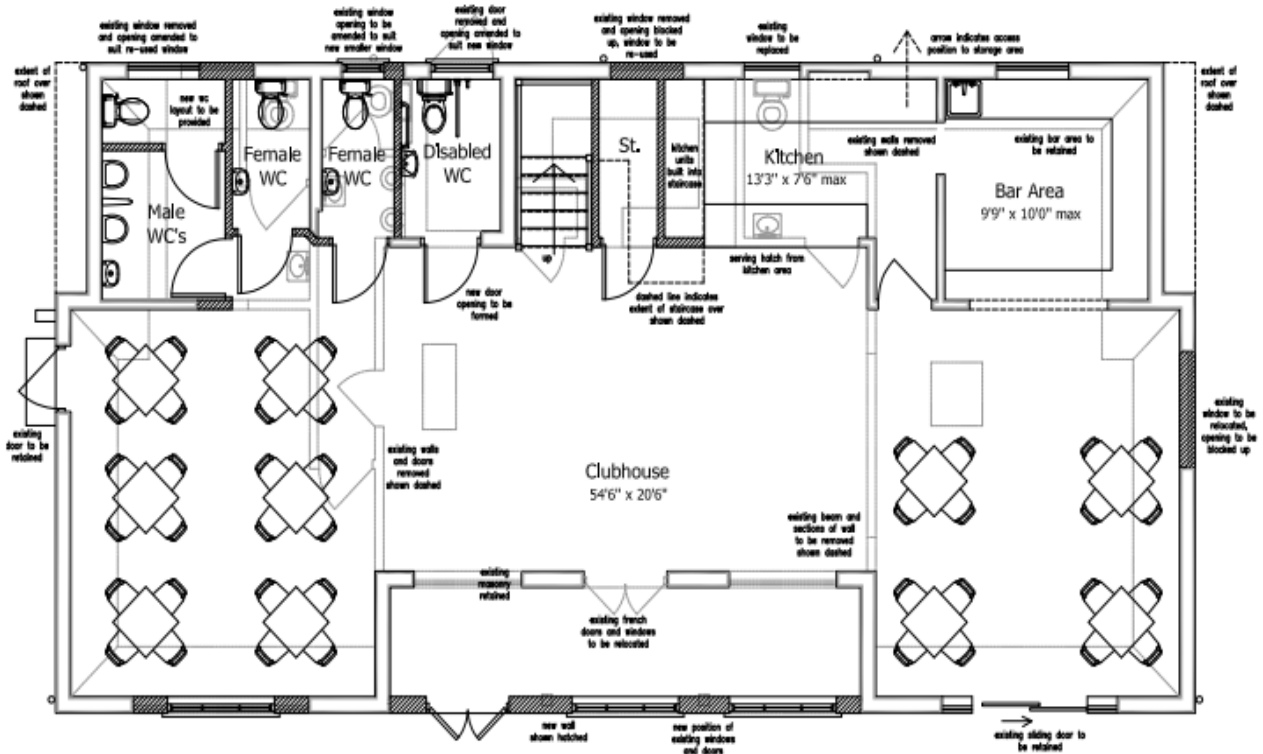
Proposed Skie Elevation
Scale 1:50



Clubhouse proposal - Elevations



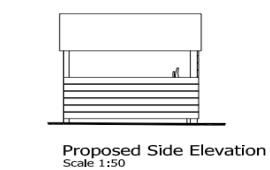
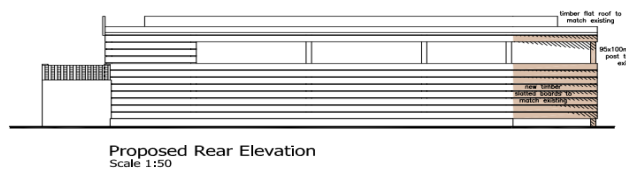
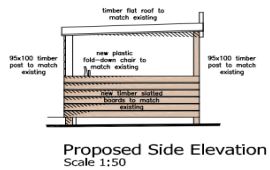
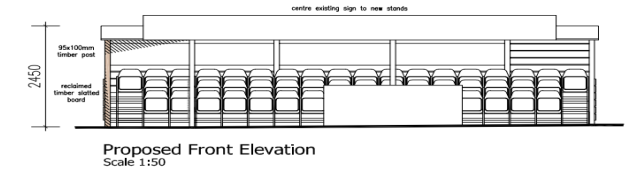
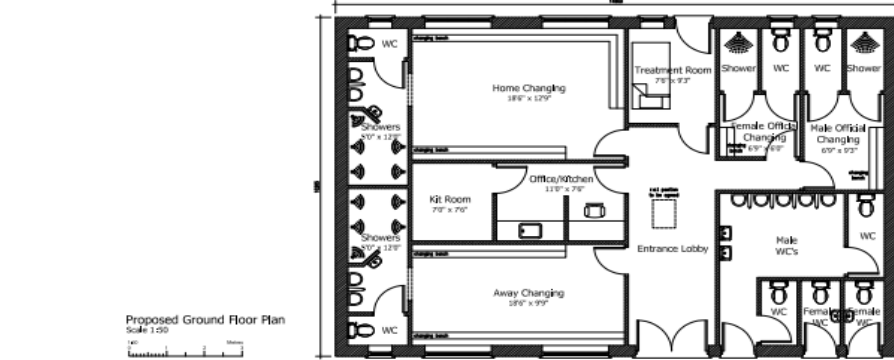
Proposed First Floor Plan
Scale 1:50

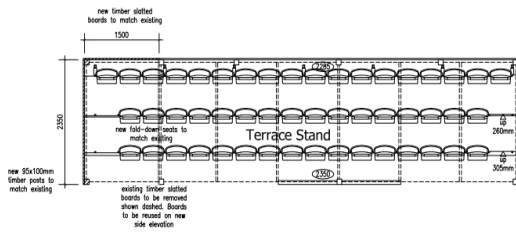


Proposed Ground Floor Plan

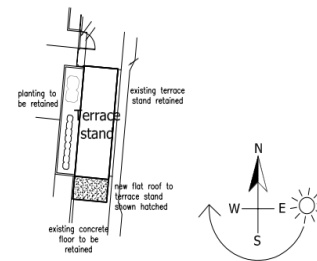
Clubhouse proposal – Floor Plans

PLANNING APPLICATIONS- SECTION A





Proposed Ground Floor Plan
Scale 1:50



Proposed Site Plan
Scale 1:200

Changing room and terrace stand



visualisations

3D

Whilst the site is within the countryside in planning policy terms, the works proposed would take place within the existing developed grounds of the football club and the visual context of the site is defined by its location close to the built up area to the edge of the defined limits to development with neighbouring properties to the north and east of the site as well as the existing club and sporting infrastructure. To the west of the site the Public Right of Way (PROW)

Footpath O17 runs adjacent to the site which features mature hedgerow providing a level of screening. To the south and east of the site additional mature hedgerow provides suitable screening. Low level hedgerow with post and rail fencing forms the northern boundary.

Having regard for the scale of the proposal which would largely result in works to existing development and replacement structures and the existing site context as described above it is not considered that the proposal would erode the character and appearance of the countryside and therefore would be compliant with Policy S3 of the adopted North West Leicester Local Plan and Policy S3 of the adopted Ashby Neighbourhood Plan. Further, given the existing screening to the site from the established planting in addition to landscaping enhancements which could be secured via a suitably worded condition it is not considered the proposal would be significantly detrimental upon users viewing the from the adjacent PROW and highway.

Given the above, on balance, subject to conditions securing suitable boundary treatments and a landscaping scheme, the proposal is not considered to result in harm to the site itself nor would it be visually harmful to the character and appearance of the surrounding area. The proposal is considered to be compliant with Policy D1 of the Local Plan, Policy S4 of the Ashby Neighbourhood Development Plan and the advice contained within the NPPF.

Assessment of the objections received in relation to Design and Impact upon Character

Objection	Response
Area is countryside, development is not appropriate in this location	See above assessment. It is not considered this would be to levels to warrant the refusal of the application particularly as landscaping and boundary treatments can be secured by condition to mitigate any impacts.
Impact of the proposal on the landscape	See above assessment. It is not considered this would be to levels to warrant the refusal of the application as the impact on the surrounding landscape can be suitably mitigated by conditions.

Impact upon residential amenity

Policy D2 of the Local Plan (2021) requires that proposals for development should be designed to minimise their impact on the amenity and quiet enjoyment of both existing and future residents within the development and close to it. Policy S4 of the Ashby Neighbourhood Plan (2018) requires that proposals should minimise the impact on general amenity and give careful consideration to noise, odour, light and loss of light to existing properties.

During the course of the application, neighbouring property occupiers have both overwhelmingly raised support and objections to the development raising a number of matters as summarised within the third party letters of representation section of this report. The representations are available to read in full via the Council website and only material planning considerations can be considered during the determination of the application. Consideration has been given to the impact of the proposal on neighbouring properties.

The surrounding area is densely packed with neighbouring properties being at varying distances from the proposal with the majority of the neighbouring occupiers living within the streets to the north and east of the site. Due to the nature of the development, it is not considered that the

proposal would result in any unacceptable amenity impacts to neighbouring dwellings when having regard to overshadowing, overbearing, or overlooking impacts.

Whilst neighbouring properties who have objected to the proposal are concerned that the works are to facilitate an increased membership to the club, it is clear from visiting the site that the existing facilities are in a poor condition which is impacting the existing users which has further been confirmed within the letters of support for the proposal. The works proposed are intended to improve the site provisions for the current members by providing a new single storey changing room facility to replace the present facilities, raising the roof of the existing clubhouse to provide additional space and the retention and extension of the existing terraced stand. It is not considered that the relatively modest amendments proposed to an existing and established football club would result in an unacceptable increase in noise and disturbance over and above that of the existing site which could warrant a refusal of planning permission and neighbouring properties are sufficiently distanced from the works to not be adversely impacted over and above the impacts from the existing development.

The Council's Environmental Protection Team were consulted on this application and confirmed they had no objections to the development.

Whilst neighbouring properties have raised concerns relating to noise impacts in particular the proposed balcony, given the distance of the proposal from neighbouring properties, the overall scale of the proposal and when having regard to the existing use of the site and following no concerns raised by the Council's Environmental Protection Team it is not considered that any specific noise mitigation conditions are required or that a refusal on these grounds could be substantiated.

Matters relating to excessive noise and disturbance are not covered by the planning system and are covered by the Environmental Protection Act. Should the occupiers of the neighbouring properties to the site believe the noise/disturbance from the football club becomes a statutory nuisance above permitted levels, they can raise their concerns with the Council's Environmental Protection Team who would investigate the matter under the relevant legislation. This planning application can only consider that which has been specifically submitted by the applicant and it cannot address the issues with the club as existing which are raised by the objectors and are listed as not being material planning considerations in the earlier neighbour objections part of this report.

Sport England Planning for Sport Guidance (2019) provides guidance on how the planning system can help to provide opportunities for all to take part in sport and be physically active urging planning authorities to recognise and give significant weight to the benefits of sport and physical activity and to be supportive of improvements to existing provision which meets identified needs and encourages use by under-represented groups. The guidance calls on planning authorities to protect and promote existing sport and physical activity provision ensuring that new development does not prejudice its use and to support the provision of new or enhanced sport and physical activity provision unless it can be clearly demonstrated that they would have unacceptable impacts on amenity which cannot be addressed through mitigation measures.

On balance it is not considered that the proposal would result in any unacceptable amenity impacts which could warrant a refusal of permission. In view of the above the proposal is considered to be acceptable in relation to Policy D2 of the Local Plan, Policy S4 of the Ashby de la Zouch Neighbourhood Development Plan, the Council's Good Design SPD and the advice contained within the NPPF.

Assessment of objections received in relation to residential amenity

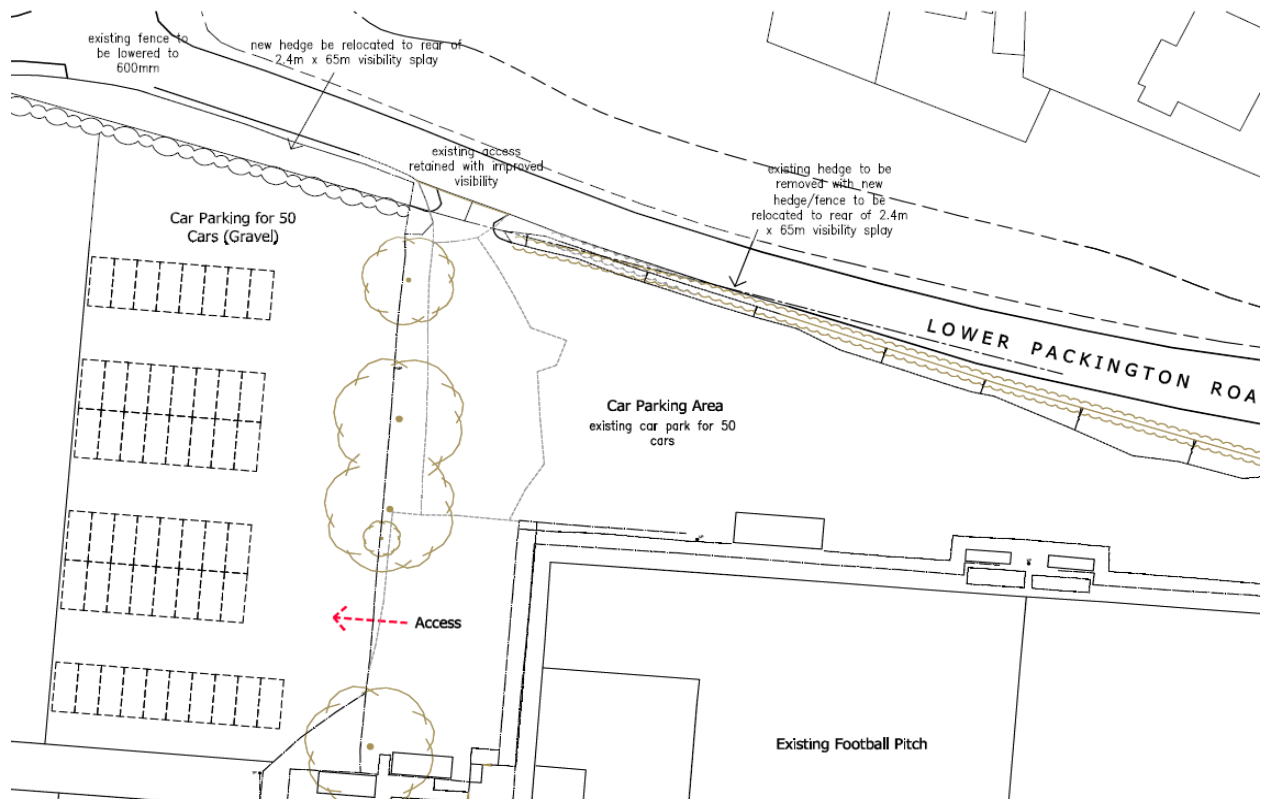
Objection	Response
Concerns regarding noise and disturbance	See above assessment. The NWLDC Environmental Protection Team were consulted on the application and concluded that they did not object to the proposal advising the proposed use would not negatively impact on its environment by way of noise, light, odour or other disturbance. As such a refusal of planning permission on such grounds could not be substantiated. Residents are advised to contact the Environmental Protection Team as outlined in the assessment above should they consider noise impacts either as existing or in the future which warrant further investigation from the Council.
Concerns regarding additional residential amenity impacts	See above assessment. It has been concluded that the relatively modest works to an existing and established football club would not result in an unacceptable increase in neighbour amenity impacts over and above that of the existing development which could warrant a refusal of planning permission on these grounds particularly given the Environmental Protection Team raised no objection to the proposal.

Highway Considerations

Policy IF4 of the Local Plan (2021) requires that development takes account of the impact upon the highway network and the environment, including climate change, and incorporates safe and accessible connections to the transport network to enable travel choice, including by non-car modes, for residents, businesses, and employees. Policy IF7 of the Local Plan (2021) requires that development incorporate adequate parking provision for vehicles and cycles to avoid highway safety problems and to minimise the impact upon the local environment. Policy S4 of the Ashby Neighbourhood Plan (2018) requires adequate off road parking to be provided to ensure highway safety and to enhance the street scene in line with Leicestershire County Council standards.

The NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Access to the site is located on Lower Packington Road, a classified C road subject to a 30 MPH speed limit. Enhancement works to the access and additional parking were permitted as part of planning application 22/01811/FULM.



Parking, access and visibility layout as approved under 22/01811/FULM

A number of third party letters of objection were received from neighbouring properties citing concerns relating to highways matters. Letters of support from neighbouring properties were also received who considered that the approved highways work would help alleviate existing highways concerns.

The County Highway Authority (LHA) were consulted on the application, and they provided a substantive response as part of planning application 22/01811/FULM resulting in amendments to the access to ensure they would be in accordance with the Leicestershire Highway Design Guide (LHDG). As the present application provides no further works to the access nor additional parking with a pedestrian pathway proposed to the southern and eastern boundaries of the existing pitch the LHA advised following confirmation the proposal would not result in a material intensification of use that the proposal is acceptable confirming in their view the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe.

Whilst several concerns have been raised by residents raised in respect of the existing and proposed development and the impact it has on highway matters, given that the LHA raised no objection to the proposal a refusal on highway safety grounds could not be substantiated.

Given the above the proposal is therefore considered to be acceptable in relation to Policies IF4 and IF7 of the Local Plan, Policy S4 of the Ashby Neighbourhood Development Plan as well as the Leicestershire Highways Design Guide.

Assessment of objections received in relation to highway safety and parking:

Objection	Response
<p>Concerns regarding the ongoing parking issues which would be worsened because of the development.</p>	<p>See above assessment. It is noted throughout the course of the application that both concerns and support was raised regarding the ongoing parking issues and the proposals to alleviate the issues with the club having already trialed additional parking to the site which supporters have advised have been a success and enhancement works to the access and additional parking were permitted as part of planning application 22/01811/FULM. This scheme cannot address the previous and existing parking issues outside of the site, the S106 agreement which has established a Community Liaison Group sits outside of this planning application with the group having been established to allow for the applicant and community to constructively work together to resolve issues. Further, the CHA was consulted on the application, and they concluded the proposal would be acceptable as such a refusal of planning permission on parking grounds could not be substantiated.</p>
<p>Concerns regarding ongoing traffic and congestion issues which would be worsened because of the development.</p>	<p>See above assessment again this scheme cannot address existing traffic issues, such matters need to be discussed and addressed at the Community Liaison Group meetings. Given the submitted information and the assessment by the CHA who concluded that they were satisfied the proposal would not result in a material intensification of use to the site it isn't considered any additional impact could warrant a refusal of planning permission.</p>
<p>Concerns regarding pedestrian safety</p>	<p>The CHA is satisfied the proposal would not result in risks to pedestrian safety and appropriate visibility splays can be achieved which were secured by way of a condition to as part of planning application 22/01811/FULM.</p>

<p>Additional highways related concerns including lack of electrical car chargers to the site, further surveys which should have been undertaken, the need to employ stewards etc.</p>	<p>See above assessment again this scheme cannot address such issues which largely relate to the existing use of the site and whilst the provision of electric car chargers would be appreciated, the applicant cannot be compelled to provide these as part of this application and such matters need to be discussed and addressed at the Community Liaison Group meetings.</p> <p>Whilst the highways concerns are noted and understood by the LPA given the lack of objection from County Highways a refusal on highway safety grounds could not be substantiated.</p>
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Ecology, Impact on Trees, and the National Forest

Policy En1 of the adopted Local Plan states that proposals for development would be supported which conserve, restore, or enhance the biodiversity in the district. This is supported by paragraph 180 of the NPPF which states that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. Policy S4 of the Adopted Ashby Neighbourhood Plan (2018) advises proposals that conserve or enhance the network of important local biodiversity features and habitats (such as hedgerows, treelines and water courses, including the River Mease) will be supported adding that proposals should promote preservation, restoration and creation of high quality habitats especially to support local wildlife sites, local priority habitats and the National Forest Project.

The County Ecologist was consulted as part of the application and raised concerns that not enough information was provided during the submission with particular regard to bats given that part of the works would result in amendments to an existing roof structure. Following the receipt of amended plans which demonstrated replacement roosting features the Ecologist was satisfied further surveys could be secured via appropriate pre-commencement planning conditions.

Regarding biodiversity net gain (BNG) the mandatory requirement for 10 percent BNG starts on the 2nd of April 2024 for a planning application of this size and type, however given the application predates the April introduction of mandatory BNG, the site is required to comply with the existing advice on biodiversity within the NPPF. The NPPF sets out a requirement to minimise impacts on and provide net gains for biodiversity and states that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity. In this case, given the limited scale of the works, the existing use of the site and the replacement roosting features proposed to the clubhouse, it is considered the requirements regarding biodiversity net gain have been satisfied.

The NWLDC Tree Officer was consulted on the application and confirmed they had no objection to the proposal advising the existing trees on site will however need to be adequately protected and as such, a suitably worded condition will be required to ensure any impacts to the trees will be mitigated.

As such, subject to conditions it is therefore considered that the proposal would contribute positively to its setting within the National Forest and meets the requirements of the Habitats

Regulations 2017 in respect of protected species and would also comply with adopted Policies En1 and En3 of the Local Plan, Policies NE4 and NE5 of the Adopted Ashby Neighbourhood Plan and Paragraph 180 of the NPPF.

Assessment of objections received in relation to environmental concerns:

Objection	Response
Concerns regarding the potential for environmental impacts	See above assessment. Pre-commencement conditions relating to ecology and trees would be secured to ensure the proposal would not result in ecological harm and appropriate mitigation/protection measures would be in place.

Flood Risk and Surface Water Drainage

The site is within Flood Zone 1 with part of the site at a low risk of surface water flooding as defined by the Environment Agency's Surface Water Flood Maps. Whilst the proposal would result in the formation of additional surfacing which could increase flood risk to the site, the surfacing would be in a permeable material and the proposal would be conditioned to include soakaways to mitigate any impact therefore it is considered that the proposed development would not result in a significant increased surface water flood risk on site or elsewhere.

As such subject to conditions, it is considered the proposal would comply with Policies Cc2 and Cc3 of the Local Plan, Policy NE4 of the Ashby Neighbourhood Development Plan and the advice contained within the NPPF.

Impact on the River Mease Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) - Habitats Regulations Assessment (HRA)

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC). Discharge from the sewage treatment works within the SAC catchment area is a major contributor to the phosphate levels in the river. Discharge into the river from non-mains drainage systems and from surface water disposal can also result in an adverse impact on the SAC, including in relation to impacts on water quality and flow levels.

The proposal could result in an impact on the SAC, which may undermine the conservation objectives as it may result in the additional discharge of foul drainage to the treatment works/ use of a non-mains drainage system and surface water drainage discharge.

Natural England recently issued updated advice regarding nutrients in the River Mease catchment, dated 16th March 2022, which supersedes their previous advice. Amongst other things, the advice outlines that development which would not give rise to additional overnight stays within the catchment does not need to be considered in terms of any nutrient input, except in exceptional circumstances. This is a result of a likelihood that those using the development live locally, within the catchment, and thus their nutrient contributions are already accounted for within the background.

The proposal, in line with Natural England's advice, would therefore not lead to additional foul drainage discharge from the site; therefore, in terms of foul drainage the proposal is not considered to result in any unacceptable impact on the integrity of the River Mease SAC.

It is considered that the scheme would lead to an increase in surface water run-off, over and above that of the existing arrangement. As such it is considered reasonable to attach a soakaway condition in this instance. Natural England further advised subject to a condition securing a soakaway they do not consider the development likely to cause a significant effect on the River Mease SAC and raised no objection to the proposal.

Therefore on this basis, subject to appropriate conditions, it is considered that the integrity of the River Mease SAC would be preserved and it can be ascertained that the proposal would, either alone or in combination with other plans or projects, have no adverse effect on the integrity of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI, and would comply with the Habitat Regulations 2017, the NPPF, Policies En2 and Cc3 of the Local Plan and Policy NE4 of the Ashby Neighbourhood Development Plan which commits the District Council to work with Natural England, the Environment Agency, Severn Trent Water, other local authorities and the development industry to improve the water quality of the River Mease and ensure it does not come under harm from development proposals setting out measures to achieve this.

Assessment of the objections received in relation to the River Mease:

Objection	Response
Proposal would result in harm to the River Mease	See above assessment. Natural England were consulted on the application, and they confirmed there were no objections based on the provided information subject to appropriate conditions.

Other Matters

Concerns were raised by residents that the club should submit a masterplan with their overall goal for the site. Whilst such plans are useful, the applicant is not required to submit such a plan, there is no planning legislation which stops them effectively submitting as many applications as they wish, and it is down to the Local Planning Authority and statutory consultees to assess the cumulative impact of the development taking into consideration previous approvals/pending applications.

Additional concerns were raised regarding the obligation in the S106 as signed under planning permission 22/01811/FULM to create a community liaison group not being established and carried out by the club. Due to various delays in completing the S106 agreement, the permission was not issued until the 21st of December 2023. It is expected now the planning permission has been issued the club will meet its obligation and residents can address their concerns with the club directly and suggest measures the club could enact to reduce impacts from the matches, training and events that occur on site such as hiring security to target anti-social behavior, measures which for example cannot be imposed by the planning system.

The first meeting of the Community Liaison Group has now been undertaken and therefore matters are being discussed at present. The details of the obligation of the club with regard to the Community Liaison Group are outlined in full within the S106 agreement which can be viewed publicly on the Council's website. Should residents consider the club is not following their obligation they can contact the Council Planning Enforcement Team who will investigate matters further.

Conclusion

In accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the development plan which, in this instance, includes the adopted North West Leicestershire Local Plan.

The principle of the development is acceptable. Subject to appropriate conditions, the proposal is not considered to have any significant detrimental design, residential amenity, flooding, ecology or highway safety impacts and would not adversely impact the River Mease SAC. There are no other relevant material planning considerations that indicate planning permission should not be granted. The proposal is deemed to comply with the relevant policies in the adopted Local Plan, the Ashby Neighbourhood Development Plan, the Council's Good Design SPD and the advice contained in the NPPF. Accordingly, the application is recommended for planning permission, subject to the imposition of planning conditions.

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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

**Report Item No
A2**

**Application Reference
24/00022/REMM**

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

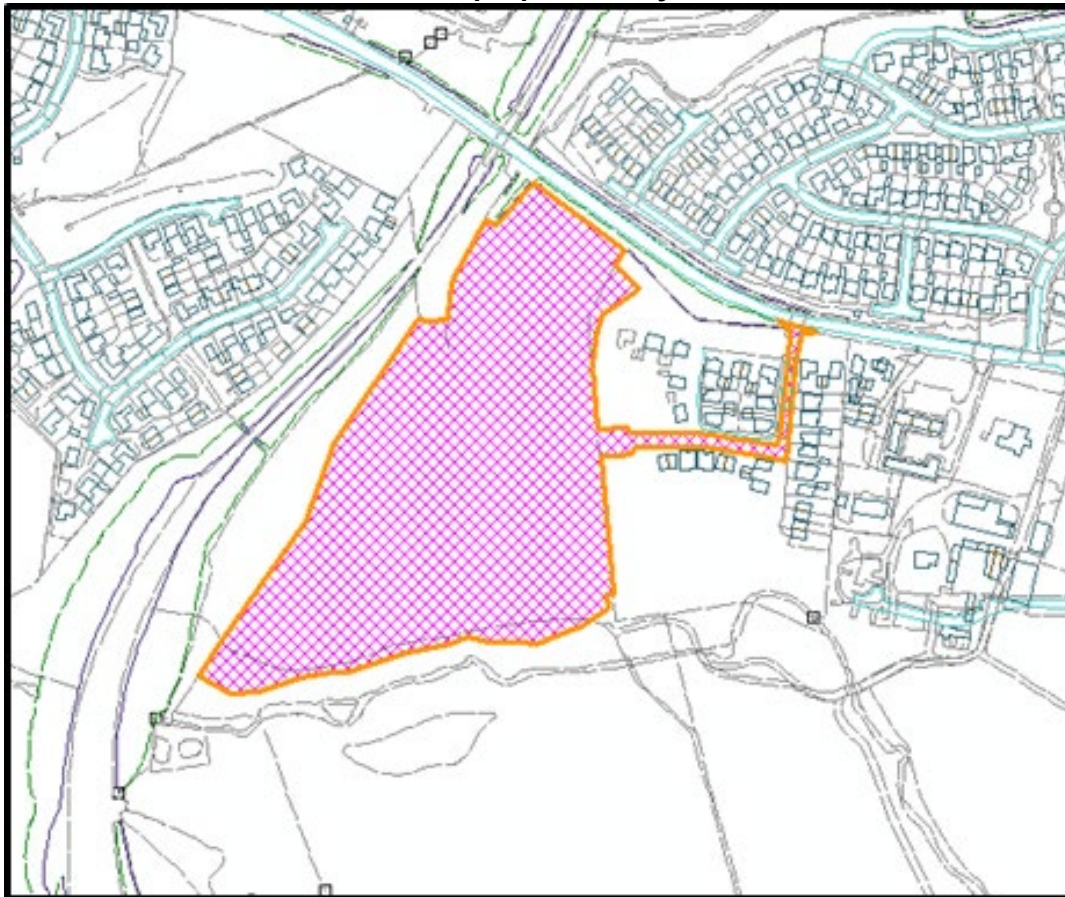
**Date Registered:
11 January 2024
Consultation Expiry:
26 February 2024
8 Week Date:
11 April 2024
Extension of Time:
None necessary**

**Applicant:
Cadeby Homes**

**Case Officer:
James Knightley**

**Recommendation:
PERMIT**

Site Location - Plan for indicative purposes only



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Reason the case is called to the Planning Committee:

The application is referred to Planning Committee for determination at the request of Councillor Johnson based on 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
- 24 Provision of pedestrian visibility splays to accesses
- 25 Works to existing feature entrance walls (submission / approval of any associated works prior to their implementation)
- 26 Pedestrian crossing and associated footway (implementation of a signalised pedestrian crossing to Grange Road, together with a footway to the southern side of Grange Road connecting it to the existing footway adjacent to Hemsley Road prior to occupation of any dwellings on Phase E1) (subject to Planning Committee being satisfied as to the appropriateness of such a condition)
- 27 Works associated with formation of the proposed footway (submission and approval of a detailed scheme of works, including any retaining structures and a detailed assessment of any arboricultural impacts / protection, prior to commencement of any works in respect of the formation of the proposed crossing or new footway to Grange Road)
- 28 Reinstatement (including stopping up and landscaping) of construction access (submission and approval of details prior to occupation of final dwelling)

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 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 Road 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

Application Ref.	Description	Decision / Date
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 26/09/16
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)	Refused 25/09/23

The site is similar to the previously submitted reserved matters scheme identified above, refused contrary to officer recommendation at the Planning Committee meeting of 12 September 2023 (and which is currently subject to an appeal against that refusal, with a hearing scheduled to take place on 5 March 2024).

The reason for refusal of that application was as follows:

Paragraph 8 of the National Planning Policy Framework (NPPF) defines sustainable development (and including its environmental dimension) and also provides that the planning system has a social objective, including in respect of ensuring that new developments have accessible services. Paragraph 112 provides that applications for development should create places that are safe, secure and attractive, and which minimise the scope for conflicts between pedestrians, cyclists and vehicles. Policy IF4 of the North West Leicestershire Local Plan requires that development incorporates safe and accessible connections to the transport network to enable travel choice. Policy T1 of the Hugglescote and Donington le Heath Neighbourhood Plan requires that transport assessments for new housing development should demonstrate that safe, convenient and attractive routes to shops, employment, schools and community facilities are provided. The site is located to the southern side of Grange Road which occupiers of the proposed development would be required to cross in order to access a range of local services. By virtue of the nature of

Grange Road and the lack of formal crossing facilities, residents would be unable to access these local services in a safe manner. Approval of the development would therefore result in harm to pedestrian safety, not constituting sustainable development, and contrary to the policies and intentions of the NPPF, Policy IF4 of the North West Leicestershire Local Plan and Policy T1 of the Hugglescote and Donington le Heath Neighbourhood Plan.

The principal changes from the previously refused scheme include the provision of a signal-controlled (puffin) pedestrian crossing to Grange Road (in lieu of a previously proposed vehicle activated speed sign), and additional pedestrian connections within the application site.

3. Publicity

41 Neighbours have been notified

Site Notice displayed 19 January 2024

Press Notice published Leicester Mercury 24 January 2024

3. Summary of Consultations and Representations Received

Hugglescote and Donington le Heath Parish Council comments as follows:

- Proposed widening of existing site access is welcomed
- Existing estate roads in the first phase will not support the additional traffic accessing the development
- Proposed puffin crossing is welcomed but would not be in the right location – Parish Council members recommend relocating closer to Hemsley Road where it would be more accessible, would require removal of fewer trees, and would provide better visibility
- Submitted Travel Plan needs updating having regard to timing of new school delivery, changes to public transport services and the walkability of some of the public rights of way

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 several 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

Third Party Representations

40 representations have been received, objecting on the following grounds:

Subject	Reason for Objection
Access Issues	Existing access to Grange Road unsuitable for additional use
	Existing access and estate road are unsafe
	Incorrect data / assumptions / findings in the submitted Transport Assessment
	Proposed pedestrian crossing in an unsafe location
	Grange Road speed limit exceeded
	Construction access location unsafe
	Construction access not truly temporary
	Damage to local roads
	Existing estate road unsuitable to serve development
	Existing estate has insufficient car parking
	Existing estate subject to on-street parking
	Extended estate road would cross a pedestrian / cycle route
	Congestion on local roads
	Insufficient car parking
Amenity Issues	Noise, dust and fumes from passing vehicles
	Noise and disruption during construction works
Flood Risk	Proposed dwellings will be at risk of flooding
	Existing flooding issues elsewhere in Hugglescote
Other	Contrary to approved masterplan and phasing details
	Existing phase (D1) should never have been permitted
	Contrary to Neighbourhood Plan
	Purchasers of existing dwellings were not made aware of proposed further development / its means of access
	New school not yet built

	Insufficient infrastructure (including in respect of healthcare, children’s play space, leisure, education, utility supply, sewage and public transport)
	Impact on wildlife / habitats
	Poor accessibility of and insufficient parking at GP surgery
	Existing development not yet complete
	Pollution / emissions
	Coalville already has a disproportionately large amount of housing and warehouse developments
	Development not sustainable
	Proposals are profit-driven
	Road name may need to be changed
	Loss of property value
	Increased crime / security risk

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 (2023)

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 112, 115 and 116 (Promoting sustainable transport)
- Paragraphs 128 and 129 (Making effective use of land)
- Paragraphs 131, 135, 136, 137 and 138 (Achieving well-designed places)
- Paragraph 175 (Meeting the challenge of climate change, flooding and coastal change)
- Paragraphs 186 and 191 (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)
Design Manual for Roads and Bridges
Manual for Streets

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.

Having regard to the similarities of the proposals to the previously refused scheme, much of the assessment below (and the relevant conclusions) remain as per those set out in respect of that application, with the principal changes relating to the changes in respect of the highways and transportation aspects of the development proposed to seek to address the previous reason for refusal.

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. Whereas it is noted that third party comments have been made to the effect that the phase would be delivered earlier than anticipated in the indicative phasing plan (and which forms part of the masterplan documents), it remains the case that this phasing is indicative only, and it would not be appropriate for the Local Planning Authority to seek to prevent development coming forward on parcels more quickly or more slowly than suggested on the phasing schedule. The key point with respect to phasing is considered to be that any associated infrastructure improvements (e.g. transportation) required to accommodate the wider development are delivered at an appropriate time. Infrastructure contributions secured under the Section 106 / 278 agreements are required to be made as and when plots are delivered on site, thus ensuring that contributions are made based on when sites within the wider scheme actually come forward.

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, if 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 128 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 previous application, the scheme had 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, and these previous amendments have been carried forward into the new application.

Whereas officers had previously sought to the potential to provide a link between the proposed Locally Equipped Area for Play (LEAP) and the former mineral line to the west, it is noted that the revised application includes a firm commitment to provide a link at the northern end of the site (and as referred to in more detail under the section relating to Pedestrian Routes / Public Rights of Way below); this would, it is considered, be a suitable solution in this regard (and subject to detailed design and timetable for implementation issues being addressed by way of condition).

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:

Tenure	No. of Bedrooms (% of each tenure type)			
	1	2	3	4+
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 (%):

Tenure	No. of Bedrooms			
	1	2	3	4+
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 market 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; as per the previous application, 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) "visitible dwellings" requirements). 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 considered in the overall planning balance. The officer view is again that, given the scheme's acceptability overall, this issue 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, subject to confirmation of detailed internal room dimensions, 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, as previously, 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 several 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 (the Grange Road / Hemsley Road junction). In response to previous application, the County Highway Authority had originally raised concerns regarding the increased use of the junction, and as a result, the applicant amended the application to include increasing its radii to 10m; this alteration to the access is again proposed under this application. This County Highway Authority confirms that this alteration has been subject to a Stage 1 Road Safety Audit (RSA) and an accompanying Designer's Response has been submitted. The County Highway Authority confirms that this element of the scheme is considered acceptable. It is also noted that, in order to accommodate the increased radii, some alterations to the existing entrance feature wall would be likely to be required, and it is recommended that a condition be attached so as to allow for this.

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, when the previous application was submitted, the County Highway Authority had initially raised concerns regarding the proposed construction access visibility to the east of the access which, it had advised, would potentially be obstructed by the existing vertical crest curve on the westbound approach. Following the submission of further information, however, the County Highway Authority took 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 again takes the same view in respect of this element of the application. As previously, all costs associated with the implementation of the TTRO would be at the applicant's expense and would need to 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 advised, had improved the swept path analysis shown. Whilst the County Highway Authority took 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 would be secured.

The County Highway Authority confirms that it remains of the view that the use of the proposed temporary construction access would be acceptable in highway safety terms.

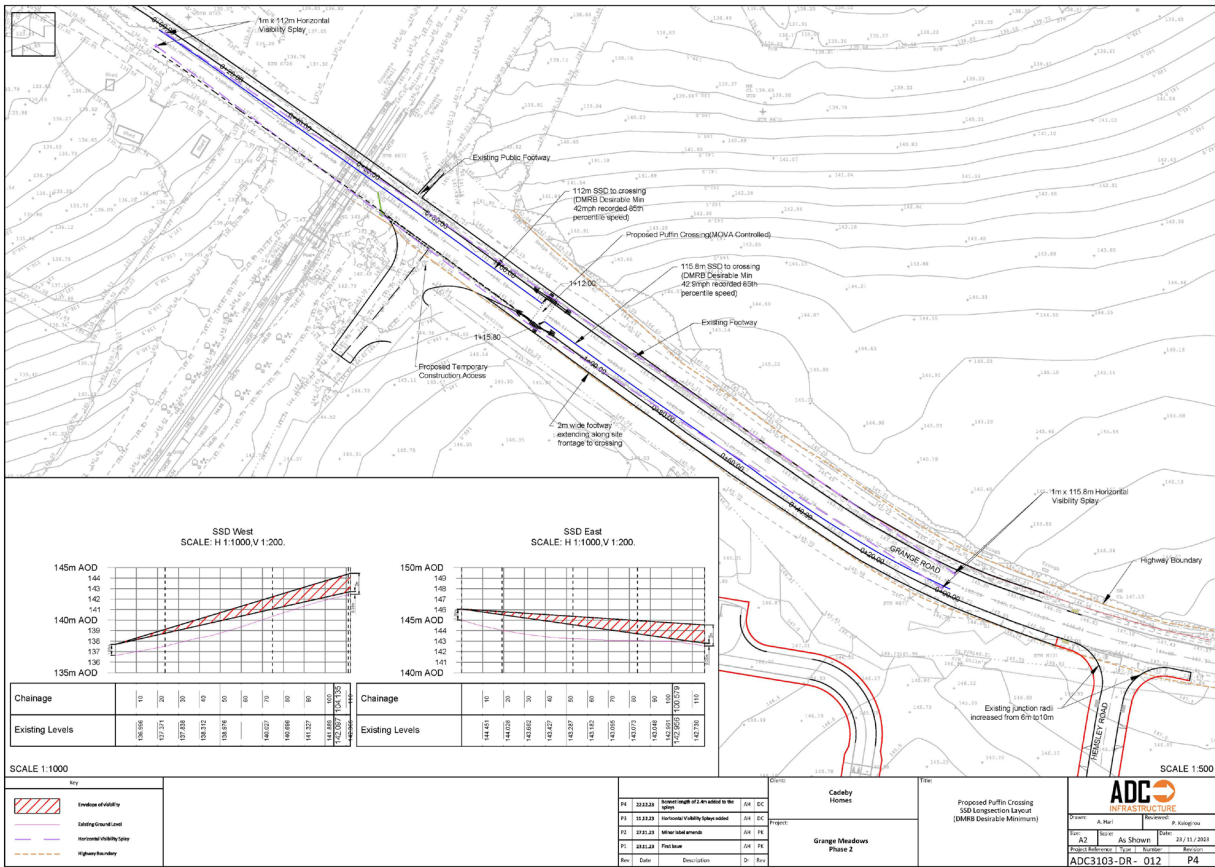
Proposed Pedestrian Crossing

At present, there is an uncontrolled crossing point to Grange Road (pedestrian dropped kerbs with tactile paving) to the western side of the Hemsley Road junction. As part of the previous scheme, the applicant had proposed the provision of a new puffin type pedestrian crossing to Grange Road but, 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 took 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 was concerned that providing a formal crossing without adequate justification could 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 that basis (and given the results of the PV² assessment), the County Highway Authority did not support the provision of a formal pedestrian crossing in that location.

Further to the previous refusal, the applicant and the County Highway Authority have been in dialogue regarding the proposed provision of a signalised crossing and including in respect of the approach taken in the preparation of the associated PV² assessment. The current application is accompanied by an updated PV² assessment, and which also now considers pedestrian numbers generated from the wider South East Coalville site (i.e. in addition to the numbers generated from the proposed development itself, with the applicant's transport statement suggesting that occupants of a total of around 250 dwellings could be expected to benefit from a crossing in this location). The result of this revised assessment provides a final enhanced score of 0.93 (and with a score of 0.9 or above providing justification for the installation of a signalised crossing).

The applicant and the County Highway Authority have also considered further the siting of the proposed puffin crossing, having regard to the need to retain adequate visibility for vehicles exiting Hemsley Road (so, for example, to avoid a situation whereby pedestrians waiting for the lights to change are not standing in a location inhibiting visibility at the junction) and in order to provide adequate stopping sight distance (SSD) for vehicles approaching the crossing.

The proposed crossing (and associated extended footway) is shown on the plan below:



Views from the proposed puffin crossing are shown below

Looking East:





Looking West:



The revised crossing proposals have been subject to an independent Stage 1 Road Safety Audit (RSA) of the proposed design has been undertaken and, following the identification of an issue relating to horizontal visibility for pedestrians crossing north to south, further amendments have been made.

The County Highway Authority confirms that the revised proposals are designed to an agreed standard and that suitable visibility splays, based on recorded 85th percentile speeds, have been demonstrated in accordance with the Design Manual for Roads and Bridges (DMRB). The County Highway Authority also confirms that it is satisfied with the Stage 1 RSA and the subsequent

Designer's response and confirms that the principle and design of the signalised crossing are considered to be acceptable.

The County Highway Authority remains however of the view that the impact of the development alone would not justify the provision of a signalised crossing and considered that it would be unreasonable for the County Highway Authority to seek to secure this at the expense of the applicant. However, on the basis that the applicant is nevertheless proposing to provide this, the County Highway Authority advises that it seeks to secure the implementation of the crossing by way of planning condition.

Insofar as the justification for a condition is concerned, Paragraph 56 of the NPPF provides that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. In this instance, when having regard to the advice of the County Highway Authority with regards to the need for the crossing when considering the impact from the development itself, it is considered a matter for debate as to whether the imposition of a condition would satisfy the tests set out above. Officers' view is that it would be reasonable to have regard to the cumulative effects of other development on highway safety in addition to the users generated by the scheme itself, albeit there would be some issues with regards to the reasonableness of the delivery of one parcel being "responsible" for delivering a highways mitigation measure which is intended to meet the needs generated by a wider range of sites. Officers would also note that the requirement for off-site highways improvements would normally be considered to more properly be a matter to be addressed at the outline application stage (albeit, in this instance, such measures were not identified as required in connection with the wider South East Coalville development at the outline stage (and, in the County Highway Authority's view, this position would appear unchanged)). In view of the advice of the County Highway Authority regarding the demonstrated need for the proposed signalised crossing, the officer view would be that, whilst provision of the facility proposed by the applicant would not be unacceptable (and there are therefore no objections in planning terms to it), it would not appear to be a facility that it would be appropriate to *require* the development to include. However, officers acknowledge that members of the Planning Committee would be entitled to reach a different view on this point, and the list of recommended conditions set out above includes a potential condition requiring the crossing's provision in the event that Committee takes the view that this would be necessary and reasonable in accordance with the tests for conditions set out in the NPPF.

At present, the footway on the southern side of Grange Road ends at a point just to the west of its junction with Hemsley Road. To enable access for pedestrians to the proposed crossing, a new section of footway (in the order of 150m in length) would be required. The area of land to the southern side of Grange Road is currently in the form of an embankment, and engineering works would therefore be required to create a 2m wide plateau to accommodate the new footway. To be able to assess fully the visual impacts of these works (and including in terms of the appearance of any retaining structures and impacts on any existing trees on the embankment), further details of the works have been requested. In response, the applicant advises that they are confident that the footway can be accommodated with minimal disruption; for its part, the County Highway Authority advises that the precise detail of the works to form the footway would be considered as part of a future detailed design process although, given the highway extents in this location, the County Highway Authority advises that it is satisfied that the works are achievable, and would be contained wholly within the highway extents. The County Highway Authority confirms that it would anticipate that some form of retaining feature would be required in connection with the embankment (and as has been provided on the northern side of Grange Road).



Insofar as the potential loss of any trees is concerned, the County Council advises that this would also be considered as part of a detailed design process; whilst the trees expected to be affected by the proposals are within the highway, they are not, the County Council advises, considered to be highway assets in this location. However, should it transpire that they are highway assets after all, suitable remuneration for the Capital Asset Value for Amenity Trees (CAVAT) value of the trees and / or replacement planting would be sought by the County Council as part of a Section 278 agreement.

Insofar as the planning issues relating to the formation of the footway are concerned, it is considered that there would be a likelihood that several trees would need to be removed in order to accommodate the works (whether directly due to their location, or because they could be affected by works further down the embankment). Whereas (in the absence of a detailed arboricultural assessment) it is acknowledged that it would appear unlikely that any trees of particular significance would be lost, a more informed view on this point cannot be reached until such time as a detailed arboricultural assessment has been undertaken and, as a result, a more detailed understanding of the amenity impacts is possible. However, whilst not ideal, on the basis that it would seem unlikely that an acceptable design solution could not be found, it is accepted that, in this instance, this could be secured by way of a condition requiring such details to be provided prior to any such works associated with this element of the scheme taking place. Such details would also, it is considered, need to include further information in respect of the design of any retaining structures; whilst their suitability from an engineering perspective would, it is considered, be suitably dealt with by way of the Section 278 process, from a planning point of view, it would also be necessary to ensure that any such structures are appropriate from a design and visual impact point of view (and including in respect of use of suitable finishes / materials).

Insofar as the convenience afforded by the proposed new crossing is concerned, it is noted that users of the crossing resident within the proposed development within Phase E1 would need to walk to the Hemsley Road junction before proceeding down Grange Road. This would clearly be a somewhat circuitous route (but, if residents were seeking to access facilities in Hugglescote to the west, would not add any distance compared to that travelled if the crossing were adjacent to Hemsley Road). Options for providing a direct pedestrian link between Phase E1 and the crossing location have been explored with the applicant, but it is understood that the site levels would not enable such a link to be implemented. In order to seek to reduce the distance between some of the properties in the northern part of Phase E1 and the Grange Road / Hemsley Road junction,

however, the applicant has introduced an additional pedestrian connection linking to the re-routed right of way within Phase D1. Following the implementation of the works to connect to and enhance the former mineral railway (and as referred to in more detail below), residents of Phase E1 would benefit from linkages to the west via the railway bridge (albeit this route would also not be direct due to the need to return to the (lower) Grange Road level via the new routes within Phases F1 and F2 (Barratt / David Wilson Homes site) to the northern side of Grange Road). Overall, however, the pedestrian accessibility of the site would be considered to be acceptable in this regard, and safe options for crossing Grange Road would be provided.

Internal Layout

Given the limited changes from the earlier scheme, the County Highway Authority again confirms that the submitted scheme would be acceptable in this regard. It is also again noted that, 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. As previously, 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 had previously acknowledged 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. The County Highway Authority also draws attention to the proposed addition of an additional connection to the former railway line now shown on the submitted scheme in the vicinity of the temporary construction access; the County Highway Authority acknowledges that this would form a welcome connection, but advises that consideration will need to be given to issues of timing of delivery (and including with respect to future proposals to re-route one of the rights of way along the former railway as part of the wider South East Coalville development).

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 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, as previously, 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. Further discussion has been held with the applicant on this point and, having regard to the effects resulting from the implementation of changes which could ensure SPD compliance (e.g. “transfer” of space from properties with larger garden areas or relocation of on-plot parking), the view is taken that retention of the scheme as submitted would be preferable overall from a design point of view.

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 had previously 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. Whereas objections have been raised including evidence of recent flooding of the Sence in the vicinity of the site during storm events, these events nevertheless appeared to affect the areas identified as being within Zones 2 and 3 of the Environment Agency flood risk areas and would seem unlikely to have impacted upon the areas within which new dwellings are proposed. Furthermore, 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 an "expression of interest" in seeking contributions towards policing has been included within the Leicestershire Police response (albeit with no further details in terms of what contributions would be sought, and what items it would contribute towards). Notwithstanding that no similar expression of interest was made in respect of the previous reserved matters application, it would nevertheless not be considered appropriate to seek Section 106 contributions of this nature at this reserved matters stage. It is noted that a request for funding was made by Leicestershire Police at the outline application stage, but it was concluded at that time that the request did not meet the requirements of Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010.

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 highway safety concerns as set out in the previous application's reason for refusal are considered to have been addressed to an acceptable degree. It is therefore recommended that reserved matters approval be granted.

SECTION B- OTHER MATTERS

LIST OF APPLICATIONS FOR PLANNING COMMITTEE 5 March 2024

Section A – Planning Applications

Item	Reference	Details	Amend	Print	Sign	Sent
A1	23/01108/FUL					
A2	24/00022/REMM					

Section B – Other Matters

Item	Reference	Details	Amend	Print	Sign	Sent
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