

# **UPDATE SHEET**

## **PLANNING COMMITTEE – 16 August 2023**

**To be read in conjunction with the  
Report of the Head of Planning and Infrastructure to Planning  
Committee**

- (a) Additional information received after the publication of the main reports;**
- (b) Amendments to Conditions;**
- (c) Changes to Recommendations**

A1	23/00012/REMM	<p><b>Erection of 80 dwellings including temporary construction access, parking, pedestrian links and open space to parcel E (reserved matters of access, appearance, landscaping, layout and scale to outline planning permission ref. 13/00956/OUTM)</b></p> <p>Land South of Grange Road, Hugglescote</p>
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**Additional Representations**

Two further third party representations have been received, raising the following issues:

- Existing pedestrian crossing is unsafe
- Low numbers of users recorded using the crossing may be due to its unsafe nature
- Queries why the County Highway Authority no longer requires a ghost island
- Queries why the speed limit on Grange Road is not 30mph
- Additional children from the development will need to cross the road to go to school
- Greater risk to people with disability or hearing loss, and to the young and the elderly
- Crossing discourages people to walk to nearby facilities
- Users of nearby GP surgery more likely to drive due to the crossing, resulting in parking issues

**Additional Consultee Responses**

**North West Leicestershire District Council Waste Services** advises as follows:

- Routes to be used by waste vehicles will need to be built to adoptable standard and either adopted by Leicestershire County Council or subject to indemnity
- Proposed bin collection points are suitably positioned, and the developer should ensure that they are suitably sized to accommodate all waste and recycling receptacles
- Waste vehicle tracking details provided are acceptable
- Appropriate levels of off-street car parking serving the development should be provided

In response, the agent and the applicant’s highways consultants confirm that the main internal access roads would be constructed to an adoptable standard and would be put forward for adoption.

**Member Queries**

Further to issues raised at the Technical Briefing, the County Highway Authority advises as follows in respect of the speed limit on this section of Grange Road (and which was, prior to 2020, subject to the National speed limit (60mph)):

*“There...is not justification for reducing the speed limit to 30mph on Grange Road. As noted the speed limit has already in 2020 been reduced to 40mph to facilitate the ongoing development in the area and changing nature of the road. However 40mph is the most appropriate limit for this type of road as there is very little if any frontage development which would directly access Grange Road.*

*In order to reduce the speed limit, officers must be satisfied that there is a change in the environment that drivers can easily identify in order for them to understand the reasoning behind the speed limit change. Which in turn will increase compliance with the speed limit. Guidance from the Department for Transport (DfT) states that unless a speed limit is set with the support from the local community, the Police and other local services, or if it is set unrealistically low for the particular road function and condition, it may be ineffective and drivers may not comply with the speed limit.”*

Further to third party comments received in respect of the County Highway Authority's assessment of the application, the County Council confirms that its assessments take into account the impacts of the proposals in terms of vulnerable users.

In respect of other matters raised at the briefing, a cross-section drawing of the proposed construction access has been submitted, and the agent comments as follows:

- Banksmen may reasonably request traffic on the public highway to stop to allow vehicles to exit a site although, as they are not authorised by the Police, the public does not legally have to stop when requested. However, other than in exceptional circumstances, vehicles will enter and exit the site in a forward gear, thus minimising the requirements for the banksman to stop traffic.
- Whilst the previously proposed site access junction would have served Phase E1, its original primary function was as a northern terminus for the former Western Avenue, and was therefore intended and designed to accommodate significant levels of traffic. Without the Western Avenue, that demand reduces to only the 80 dwellings of Phase E1. Given that both Phases D1 and E1 can be comfortably served by the single junction (and within the thresholds set out in the Leicestershire Highway Design Guide), there is no need to go to the extent of constructing an additional access junction.
- As the land to the west of this parcel is not within their ownership, the applicant has no jurisdiction to provide a pedestrian connection to the former mineral railway line, although confirm that they are in discussions with Harworth (who retain ownership of the land) regarding it.
- The applicant would have no objection to installing a fence around the proposed LEAP

### **Other Agent Comments**

The agent also comments as follows in response to comments of the ward member and others as set out in the main report:

- Visibility spays of 2.4 x 120m can be achieved in both directions from the access, and along Grange Road around the bend, as required by the Design Manual for Roads and Bridges for a road with a speed limit of 40mph.
- The Leicestershire Highway Design Guide states that a 5.5m carriageway is suitable to serve up to 400 dwellings, but normally with no more than 150 from a single point of access; the total number of dwellings served from the junction on Grange Road would be 129. The junction would have its radii increased to 10m to enhance access and egress movements and the submitted capacity assessment demonstrates that the junction would operate at less than 10% of its overall capacity in a peak hour, with no queueing or blocking on Grange Road.
- The current site access provides a dropped kerb crossing feature allowing pedestrians to access the footway running along the northern side of Grange Road. The PV<sup>2</sup> assessment demonstrated that this was an appropriate crossing type for the anticipated levels of demand and no additional infrastructure was

- necessary. There are no dwellings fronting directly onto the southern side of Grange Road and, as such, no footway is needed.
- Acceptable visibility can be achieved to the proposed construction access in both horizontal and vertical planes, and the access has been designed in order to accommodate the largest HGVs that would access the site, with large radii and tapers.
  - In terms of concerns over damage to the existing estate road, attention is drawn to the proposed use of the temporary construction access, which would avoid the need for the existing route to be used by HGVs or plant / machinery.
  - Leicestershire County Council is content that traffic lights are not required to the temporary construction access.
  - A footpath diversion order will be applied for to divert affected rights of way (and which Leicestershire County Council have confirmed would be acceptable).
  - The Construction Traffic Management Plan provides that on-site hard standing parking will be provided, and all operatives and visitors will be informed that they are not to park on existing roads within Phase D1.
  - No construction vehicles are to be allowed to route via Hugglescote Crossroads. Other impacts on Hugglescote Crossroads were already modelled at the outline stage (and with no material impact).

In terms of the requirements for the delivery of open space and enhancements to the former mineral railway elsewhere within Phase E1, the applicant has provided confirmation from Harworth that they will deliver these works in accordance with the site-wide masterplan statement, and prior to occupation of 75% of dwellings within this phase.

**Officer Comment:**

The agent's comments regarding delivery of associated infrastructure elsewhere within the phase are noted. The officer view remains as set out in the main report and that, insofar as the enhancements to the former mineral railway are concerned, attachment of a negatively worded condition to ensure compliance with the above undertaking would be appropriate. This approach would reflect that used elsewhere within the wider South East Coalville development.

**NO CHANGE TO RECOMMENDATION**

**A2      22/00427/VCU      Variation of conditions 2 and 11 and removal of condition 12 of planning permission 20/01887/FUL to allow amendments to the approved drawings and revised bird nesting provision within the development**  
Land to the rear of No. 6 West End, Long Whatton

**Comments from local Ward Member Councillor Rushton:**

“I’m afraid as local ward member, I am unable to attend this evenings Planning Committee meeting. However, I have been contacted by a number of local residents who have raised strong concerns about this application. I would like to fully support and endorse the residents concerns reported in the third party representations section of the agenda in respect of the following ground of objection:-

- the scale and appearance of the dwelling and the new garage location,
- unacceptable impact on neighbours residential amenities, and
- loss of an original hedge.

Members of the Committee should also be aware of breaches of the previously granted planning permission. The amended proposals do not overcome the concerns of local residents and I hope you will take on board their concerns when reaching your decision on this application”.

**Officer comment**

The above comments raise no new issues to those previously reported and therefore, officers have no further comments to make.

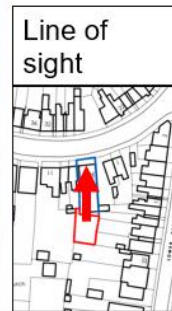
**NO CHANGE TO RECOMMENDATION**

**A3      22/01177/FUL      Change of use of garden land (class C3) to beer garden (sui generis) and associated works (including new fencing and seating)**  
Railway Tavern, 5 Tamworth Road, Ashby De La Zouch

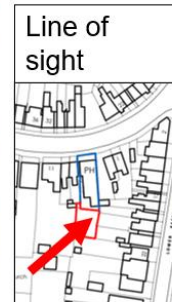
**1) Request for site photos to be provided prior to committee meeting.**

At request of members following the technical briefing, the relevant viewpoints have been included within the update sheet for review.

## Northern boundary viewpoint



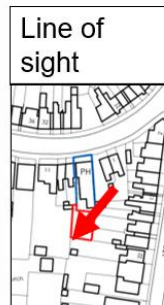
## Northeast boundary viewpoint



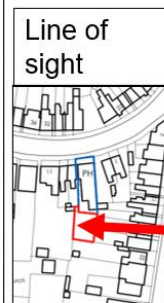
## Southeast boundary viewpoint



## Southwest boundary viewpoint



## Western boundary viewpoint



# Northwest boundary viewpoint



## 2) Updated comments from Environmental Protection in respect of revised plans to detail acoustic fencing to 1.8m in height to the western, southern and eastern boundaries.

On page 66 of the published report pack, it was noted that updated comments were sought from Environmental Protection in respect of the revised plans which demonstrate acoustic fencing at 1.8m above ground level on the eastern, southern and western boundaries (as opposed to 2.4m high on the eastern and southern boundaries only). The comments provided are included below:

*"I can confirm Environmental Protection are happy with the attached."*

## 3) Additional representations received following the publication of the report.

It should be noted that since publication of the report, 2 no. additional representations have been received from surrounding residents (received on 11.08.23) in support of the application.

## 4) Noise assessment methodology information

It is noted that members queried the methodology of the provided noise assessment.

The focus on the noise assessment was the assessment of the impact of additional patrons and noise impacts from speech within the garden based on two scenarios.

A detailed account of the exact methodology can be found in the noise assessment report provided as part of the application submission. Nevertheless, the methodology is summarised below:

*"The assessment criteria proposed is based upon guidance contained within the Institute of Environmental Management and Assessment (IEMA) "Guidelines for Environmental Noise Impact Assessment" (2014), WHO Guidelines for Community Noise, British Standard BS 8233 and the Institute of Acoustics' Pubs and Clubs guidance."*



An “**absolute noise level**” approach was adopted for the purposes of the assessment which is based on World Health Organisation (WHO) Guidelines for Community Noise, BS 82335 and ProPG6 provide guidance correlating to annoyance to external absolute daytime noise levels.

Achieving absolute noise levels, taking into account contributions from existing and new sources, **below 55 dB LAeq,T** (time average sound level per hour) during the daytime and **45 dB LAeq,T** during the nighttime would not be expected to give rise to significant adverse noise effects. On this basis, the following thresholds were used for the purposes of the assessment:

- Where noise levels are **below 50 dB LAeq,1hour** (time average sound level per hour), **a negligible impact may be expected.**
- Where noise levels are **above 50 dB LAeq,1hour, but below 55 dB LAeq,1hour, a minor impact may be expected**, and noise levels should be minimised as far as is practicable.
- Where noise levels are **above 55 dB LAeq,1hour. A significant impact may be expected**, and noise levels should be mitigated to seek to avoid a significant impact from occurring.

Two scenarios were used to assess potential impacts:

- 1) A hypothetical maximum in which the beer garden would be occupied by 20 people, with 10 people speaking at any one time; and
- 2) An “unlikely worst-case scenario” where 50 people are occupying the beer garden with 25 people speaking.

Noise sources within the model represent a mixture of seated and standing patrons, at 1.2 m and 1.5 m above local ground level and representative assessment positions including first floor windows and adjacent gardens.

The results show that the criterion of 50 dB LAeq, 1hour can be achieved in all instances, including the worst-case scenario, indicating **any noise impacts are likely to be negligible.**

Overall, any noise impacts from speech should be considered within the context of existing noise observed including local road traffic, typical garden activities from neighbouring properties and birdsong. Further, the existing pub has a garden area to the rear, with one table and two rattan-style seats.

In relation to the height of the proposed fence at 1.8m, Officers would direct members to the following conclusions within the report “*There is no acoustic requirement for the barrier to be any taller than 1.8 m.*”

No objections were raised by Environmental Protection during the application in relation to the proposed methodology, nor the use of a 1.8m high fence in place of a 2.4m fence. Additionally, whilst the height of the fence was reduced in revisions, it should be noted that the acoustic fencing was also added to an additional boundary (western boundary).

Importantly, paragraph 185 of the NPPF states that “*Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment.*” In doing so, proposals should “*mitigate and*

*reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life”*

The provided noise assessment has considered the likely effects of the proposals and confirmed these would have a negligible impact on surrounding occupants. Further, mitigation is proposed in the form of restrictions on operation hours (until 21:30), adherence to the noise management plan (in section 6 of the noise assessment) and the securing of acoustic fencing to the eastern, southern and western boundaries. As such, the proposals meet the requirements of paragraph 185 of the NPPF.

**Officer comment**

The above comments raise no new issues to those previously reported and therefore, officers have no further comments to make.

**NO CHANGE TO RECOMMENDATION**