

UPDATE SHEET

PLANNING COMMITTEE – 7th November 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 - 22/00819/FULM - Construction of 28 1-bedroom residential apartments with associated communal areas, parking and bin storage. Construction of leisure building to include a bowling alley, restaurant with second floor terrace area, mini golf and gaming areas. Part-demolition of 75-81 Belvoir Road and change of use for retail including associated external alterations and parking, demolition of 83 Belvoir Road, alterations to Emporium nightclub including part demolition to the rear, together with new access onto Belvoir Road and creation of associated public amenity areas

Land Off Belvoir Road, Coalville, Leicestershire, LE67 3PD

Further information on trees to be removed.

To implement the Proposed Development, there will be an overall loss of 12 no. category B individual trees, 5 no. category C individual trees, 3 no. category C tree groups and 2 no. category C hedgerows.

The report AIA outlines that category B means “*Trees with an estimated remaining life expectancy of at least 20 years. Trees that might be included in category A but are downgraded because of impaired condition or trees lacking the special quality necessary to merit the category A designation.*”

Category C is defined as “*Trees with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150mm. Unremarkable trees of very limited merit or such impaired condition that they do not qualify in higher categories.*”

No trees for removal would be designated as category A which are “*Trees with an estimated remaining contribution of at least 40 years. Trees that are particularly good examples of their species, especially if rare or unusual; or those that are essential components of groups or formal or semi-formal arboricultural features.*”

In terms of species, these would mainly be Lombardy poplar trees but would also include hybrid black poplar, sycamore, willow, common alder, ash and dogwood trees as well as various hedgerows.

The majority of the line of trees to the north of the site would be retained with most of the trees to be removed being confined to the northwestern boundary of the site, adjacent to Needham’s Walk as outlined below (trees outlined in red are due for removal).



As discussed within the committee report, whilst it is acknowledged that there would be some loss of arboricultural value, the trees are not TPO trees and no trees to be removed would be deemed category “A” trees as outlined above. The tree officer has also agreed with the findings of the report which note that the removal of the trees is necessary to facilitate the development.

Further, a landscaping condition would be included as part of the overall set of conditions to mitigate any resultant loss in arboricultural value and this condition shall be amended below to note that the landscaping scheme should include replacement trees.

Would there be a through-route from Bridge Street via the adjacent car parks?

In relation to the above query, the developer has provided the following response:

“The new access on Belvoir Road could in theory be used to access the car park and then cut through to High Street. This route would be approximately 100m shorter than travelling to the Memorial Square junction and would cut out the traffic lights, but on the other hand drivers would need to travel through the car park which would be tortuous and subject to delays and frustration where cars manoeuvre in and out of parking spaces. Drivers would also need to turn onto High Street from the car park access which could cause them further delay. Therefore, while it is possible to cut through, the route would be less convenient and take longer, so this is unlikely to happen to any significant extent. Furthermore, it is already possible to cut through the car park from Bridge Road to High Street which is c200m shorter in length and less tortuous compared to travelling via Memorial Square, and again we are not aware of large-scale use of this route as a cut-through.”

Importantly, notwithstanding the above comments provided by the developer, it should be noted that **“the LHA does not consider on balance that the proposed development**

traffic, together with re-routing resulting from the new access to the car park, would be likely result in a significant change in flows at any off-site junctions within the town centre.”

Clarification on parking arrangements for the scheme

It is noted that concerns have been raised regarding the proposed parking provision for the scheme by members. The developer has provided the following clarifications and justifications for the parking as proposed:

“The site is located in a highly sustainable location at the hub of the public transport network with all the town centre facilities within walking distance. The apartments are studio flats which will be at the lower end of the cost range for accommodation and are likely to appeal to the self-selecting section of the local population who chose to live in the town centre for the very reason that they can do so without the expense of owning a car. However, there is plenty of spare capacity in the town centre car parks (see Connect TN03, max occupancy 224 cars in 557 spaces), and residents would be able to buy a season ticket if parking is required.”

In this case, there are 28 apartments with 6 dedicated parking spaces. Whilst the proposed development (including residential, leisure and retail uses) could require the provision of 239 spaces, accumulation surveys were carried out in respect of the nearby Needhams Walk, Bridge Road and Market Hall car parks, which concluded a **maximum occupancy level of the car parks of 40% at peak times**. On this basis, even with the additional 239 spaces potentially required by the development, this would equate to a **worst case occupancy level of 83%**. On this basis, it is not reasonable to request any further parking provision within the site. Notwithstanding the above, as part of the s106 obligations, travel plans would be agreed as well as the securing of 6-month bus passes (including one per employee and 2 per apartment) to encourage sustainable forms of travel and reduce the reliance on private transportation.

LLFA conditions

As outlined in the published committee report, an update has now been received to confirm that the applicant is agreeable to the proposed LLFA pre-commencement conditions. Therefore, the proposal would comply with Policies Cc2 and Cc3 of the Local Plan, and the guidance set out within the NPPF.

(b) Amendments to Conditions:

The below conditions are proposed to be amended as follows (amendments marked in red):

- 1 Standard time limit – 3 years for commencement of development.
- 2 Plans list.
- 3 Scheme of all external materials to be used in the construction of residential and leisure buildings to be submitted **and agreed in writing** (no development built above damp-proof course level).
- 4 Revised elevations and additional large-scale drawings of the retail building to include all facing materials including details of colour and finish, details of brick bond, large scale drawings of all windows and doors including glazing bar details, large scale drawings to demonstrate precise details of the shopfront large scale drawings and sections of the proposed recessed panels and false windows and any other external materials including details of rainwater goods shall be submitted

- and agreed in writing (prior to commencement of retail building excluding any demolition).
- 5 Access arrangements shall be implemented in full, vehicular visibility plays of 2.4m x 43.0 shall be provided at the site access, parking and turning facilities shall be implemented in accordance with the proposed site plan and cycle parking shall be provided in line with details submitted and agreed in writing (prior to occupation).
 - 6 Amended travel plan shall be submitted for agreement which sets out actions and measures with quantifiable outputs and outcome targets (prior to occupation).
 - 7 A parking management plan shall be submitted and agreed in writing (prior to occupation).
 - 8 Development shall accord with the submitted proposed town centre redevelopment service strategy dated 24th May 2023 (compliance).
 - 9 Submission of construction traffic management plan to be agreed prior to commencement of development.
 - 10 No gates, barriers, bollards, chains or other such obstructions shall be erected to the vehicular access (compliance and permitted development right removal).
 - 11 Submission of an acoustic survey for agreement and if necessary, submission of details of an insulation scheme for agreement prior to commencement of development.
 - 12 Submission of a risk-based land contamination assessment for agreement including, if any unacceptable risks are identified, the submission of a remedial scheme and verification plan for agreement prior to commencement of development (excluding demolition).
 - 13 Submission of statement from developer or approved agent confirming no previously identified contamination was discovered or, submission of a verification investigation in line with an agreed verification plan for all works outlined in the Remedial Scheme and a report showing the findings of the Verification Investigation for agreement (prior to occupation and following completion of groundworks of the completed development or part to be occupied).
 - 14 Full details of proposed levels, including finished ground and floor levels which should relate to an existing datum point off the site and/or topographical survey of existing site levels have first been submitted to and approved in writing by the Local Planning Authority (damp proof course).
 - 15 Submission of biodiversity improvement measures (which shall secure biodiversity net gain relative to a baseline habitat survey/completed Defra metric) together with a means to secure its implementation over the long term for agreement (prior to commencement).
 - 16 Submission of external lighting scheme (if applicable) to be submitted for review and agreement (compliance).
 - 17 Submission of an updated Arboricultural Impact Assessment including detailed specification and Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) for agreement prior to commencement.
 - 18 Installation of integrated bat boxes and bird boxes in line with the enhancement recommendations within the submitted Preliminary Ecological Appraisal (prior to occupation).
 - 19 Submission and agreement of a soft landscaping scheme including a timetable for implementation which should include the planting of a wide range of native species including replacement trees, prior to commencement of development. Any tree or shrub which may die, be removed or become seriously damaged shall be replaced (no development built above damp-proof course level and compliance).
 - 20 Submission and agreement of a hard landscaping scheme for the site including a timetable for implementation (no development built above damp-proof course level).

- 21 Submission **and agreement** of a boundary treatment scheme for the site including a timetable for implementation (no development built above damp-proof course level).
- 22 Submission **and agreement** of updated bin storage scheme including amended plans of bin storage points for the storage and collection of refuse and recycling bins, and a timetable for implementation (no development built above damp-proof course level).
- 23 The retail and leisure buildings shall be used only for the purposes specified in the application and for no other purposes whatsoever (compliance).
- 24 Precise details of opening hours of the leisure and retail buildings shall be provided **for agreement** prior to occupation.
- 25 Submission of a surface water drainage scheme **for agreement** (prior to commencement)
- 26 Submission of surface water management scheme **for agreement** (prior to commencement)
- 27 Details of long-term maintenance of surface water drainage system **for agreement** (prior to occupation)
- 28 Infiltration testing to be carried out (or suitable evidence to preclude testing) to confirm the suitability of the site for the use of infiltration as a drainage element (prior to commencement)

Officer comment

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

RECOMMENDATION – NO CHANGE TO RECOMMENDATION.

A5 - Erection of 5 No Self Build Dwellings (Outline Application with all matters reserved except for access).

Land At Main Street Swannington Coalville Leicestershire LE67 8QL

Clarification on policy wording for self builds and legal agreement.

It is noted that members have queried why the shortfall increases between October 2022 and 2023 as outlined in the below paragraphs in the committee report:

“As of October 2022, there is a shortfall of four self-build permissions. One application has been granted (22/01054/FUL) and four applications have resolutions to permit, subject to the signing of a S106 agreement and so the permissions have not yet been issued. As such, there is a shortfall at present of three self-builds.

As of October 2023, this shortfall has increased by a further 20 plots. Therefore, it is acknowledged that this proposal for five dwellings (subject to a legal agreement securing it as a self-build dwelling) would make a contribution to addressing this existing and future shortfall and this is a material consideration in the determination of the application to be given significant weight.”

In response to this query, Planning Policy has provided the following advice:

The Council's register has been growing steadily since its launch in April 2016, with 129 people having registered their interest in self-build and custom housebuild homes. The last few years have seen a noticeable increase in the number of individuals requesting they be added to the register. The Act requires the register to be split into *base periods* and this is used to calculate future demand. The level of demand in the District and the corresponding date this demand needs to be met by (granting of suitable permissions) is detailed in the table below.

Table 1: North West Leicestershire Register (April 2016 – 30 October 2023)

Base Period	Number of new registrations	Date the demand is to be met
April 2016 – 30 October 2016 (7 months)	6	October 2019
31 October 2016 – 30 October 2017	10	October 2020
31 October 2017 – 30 October 2018	8	October 2021
31 October 2018 – 30 October 2019	14	October 2022
31 October 2019 – 30 October 2020	20	October 2023
31 October 2020 – 30 October 2021	14	October 2024
31 October 2021 – 30 October 2022	20	October 2025
31 October 2022 – 30 October 2023	37	October 2026

As the Local Authority has entered into a new base period, therefore the shortfall of self-build properties has increased by 20 plots as outlined within the committee report. Likewise, in October 2024, the shortfall would increase by 37 (assuming there would be no further registrations).

In terms of securing the plots of self-build, the agent will enter into a s106 agreement to construct or procure the construction of the development as Self-Build Only.

This legal agreement would secure occupation of the dwellings by the Owner the Dwelling and to ensure that these shall not be let to someone other than the Owner or their Family (or offer so to do) prior to the expiry of a period of 3 years from the date specified in the completed Occupation Notice. Additionally, it would ensure that the Dwelling shall not be sold to someone other than the Owner or their Family (or offer so to do) prior to the expiry of a period of 3 years from the date specified in the completed Occupation Notice.

In considering whether a home is a self-build or custom build home, relevant authorities must be satisfied that the initial owner of the home will have primary input into its final design and layout. With this in mind, notwithstanding the above, it is considered reasonable for an additional condition to be applied in this instance to ensure that the development would meet the requirements of the Self-Build and Custom Housebuilding Act, 2015.

Letter for members of the committee provided by the Planning Agent.

Please note that the following letter was received by the LPA which has been requested to be included in the update papers:

“Dear Members of the committee,

I would like the following statement to be read out at the committee meeting on Tuesday 7th November 2023 to clarify a few points the members may have concerns over regarding the self-build proposal of five detached dwellings.

The five self-build plots have already been allocated – subject to permissions – one to Steve Boam personally who is on the self- build register and the remaining plots to other parties who have expressed a strong interest and who are likewise on the self-build register.

The applicant and the other interested parties are very keen to get started on the development and are looking to start works onsite once full planning has been approved which as a process has already been submitted on 18/10/23 all based on a desire to progress matters expediently as opposed to doing so via a reserved matters process this all accumulating in an ambition to be living in their perspective properties within twelve months.

The applicant is looking – along with other parties to have all five plots developed at the same time and built out together.

I hope this satisfies some concerns you may have regarding our future project.

Kind Regards,

Lee Alesbrook”

Reptile survey and mitigation strategy condition.

It is noted that LCC Ecology have requested that information on the likelihood of reptiles being impacted by the proposed development is also required prior to any works starting on site, since it is illegal to kill or injure them in the form of a reptile survey and mitigation strategy.

Comments were received from the planning agent and updated supporting information was received noting that *“a reptile survey has been completed very recently with a copy attached*

and that its conclusions are that there are no reptiles present and thus no actions necessary.”

As such, LCC Ecology has been consulted to determine if the requirements of this condition have been met and if the reptile survey condition could be omitted. As such, an amendment to this condition shall be noted below to take account of this.

Additional letters of representation.

It is noted that an additional letter of representation has been received in objection to the application, raising the following concerns with Officer comments included in italics:

- **Flooding** - *In terms of flooding impacts, this is addressed within the committee report and Officers would direct members to the relevant section of the committee report.*
- **Outside limits to development** – *This has been acknowledged within the assessment and a planning balancing exercise has been undertaken in the conclusions of the report.*
- **S106 agreement does not refer to single storey properties** – *The application at this stage is outline, with only the principle and access under consideration. Details in relation to scale would be considered at a later reserved matters stage.*
- **Concerns that the development as shown is indicative only** – *See above.*
- **Insufficient neighbour consultation** – *All directly adjacent neighbours have been consulted, a site notice was posted, and an advertisement was published in a local newspaper. As such, the Local Authority has met its statutory requirements.*
- **Ecology impacts** – *This is discussed within the committee report and Officers would direct members to the relevant section of the committee report as well as further relevant updates within the update sheet.*
- **Parking, highway safety and road audit comments** – *This is addressed within the highways section of the committee report and Officers would direct members to the relevant section of the committee report. Further, no concerns were raised by LCC Highways regarding the accuracy or survey conditions for the provided road audit.*
- **How would the houses be secured as self-build?** – *Please see the relevant section of the committee report as well as additional information provided above.*
- **Overdevelopment** – *Each application is assessed on its own merits. The scheme is deemed to be acceptable as outlined in the provided committee report.*

Further consultee response – Waste Services.

Following the publication of the committee agenda, it is noted that Waste Services provided comments in relation to the positioning of the bin store. Following these comments, a revised plan was provided to indicate the positioning whereby, no objections raised in relation to the proposed bin store positioning. The full comments are included below for reference:

“I can confirm the bin collection point illustrated on the attached plan is suitably positioned for the council’s waste operatives to service.”

(b) Amendments to Conditions;

The below conditions are proposed to be amended as follows (amendments marked in red). This includes a potential reword or omission of condition 10 and an additional condition to ensure that the proposals would meet the requirements of the Self-Build and Custom Housebuilding Act, 2015:

- 1 Time Limit for Submission of Reserved Matters (Application for approval of the reserved matters to be made before the expiration of three years and the development to begin before the expiration of two years from the date of approval of the last of the reserved matters)
- 2 Reserved Matters (prior to commencement of development) approval of reserved matters shall be obtained).
- 3 Approved Plans (access only)
- 4 Levels details including details of finished ground levels across site to be submitted at Reserved Matters
- 5 Sustainable drainage solution to be installed prior to external materials to the roof are installed.
- 6 Access width shall be a minimum 4.25m, gradient shall be no more than 1:20 for a distance of at least 5m behind highway boundary and shall be surfaced in a hard bound material.
- 7 Visibility Splays to be secured prior to occupation of development with no obstructions within the splays greater than 0.6m in height (compliance).
- 8 Ecological Constraints and Opportunities Plan (to include a minimum 53% net gain in habitat units either onsite, offsite or a combination) (prior to commencement of development).
- 9 Landscape and Ecological Management Plan to be secured prior to commencement of development.
- 10 Reptile Survey and Mitigation Strategy to be submitted prior to commencement of development (The developer has now submitted this information so this may be omitted from the conditions list or reworded to a compliance condition subject to confirmation from LCC Ecology)
- 11 Intrusive investigations and remediation works in relation to past coal mining activity to be submitted prior to commencement of development.
- 12 Signed statement and declaration to be provided to confirm methods and findings of intrusive site investigations and the completion of any remedial works and or/mitigation necessary to address risks posed by past mining activities to be secured prior to occupation of the development.
- 13 BS5837:2012 Arboricultural Impact Assessment and Tree Protection Plan for the development to be provided at reserved matters stage.
- 14 Permitted development rights removal (Classes A, AA, B, C and E).
- 15 Statement to be submitted for review to outline how initial owners of each of the homes will have primary input into its final design and layout at Reserved Matters.

Officer comment

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

RECOMMENDATION – Permit, subject to conditions, discussion with LCC Ecology regarding the wording and/or need for the reptile condition and the securing of a S106 agreement.

