

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 Highfield Street,
Hugglescote, Coalville, Leicestershire

Report Item No
A5

Application Reference
23/01482/VCIM

Grid Reference (E) 441903
Grid Reference (N) 313425

Date Registered:
7 November 2023
Consultation Expiry:
6 December 2023
13 Week Date:
6 February 2024

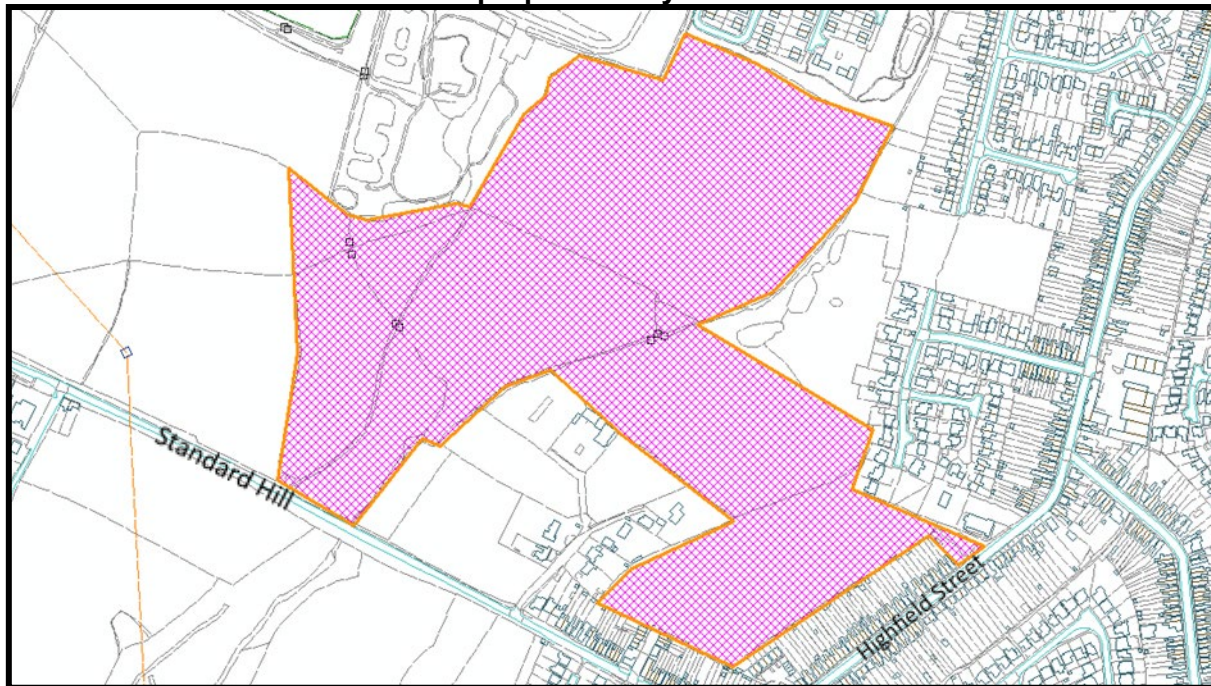
Applicant:
Mr Chima

Extension of Time:
To be agreed if required

Case Officer:
James Knightley

Recommendation: Permit, subject to conditions

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 Eynon (neighbouring ward member) on the grounds that it impacts on environmental and heritage amenity enjoyed by residents in her ward.

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

- 1 Compliance with outline planning permission
- 2 Approved plans
- 3 Scheme of landscaping (including future maintenance and management of proposed and existing landscaping) (submitted and agreed prior to occupation, or in accordance with details agreed under previous approvals)
- 4 Hard surfacing (including treatment of parking / driveway areas and delineation of parking) (submitted to and agreed prior to occupation, or in accordance with details agreed under previous approvals)
- 5 Materials (submitted and agreed prior to construction above damp proof course, or in accordance with details agreed under previous approvals)
- 6 Boundary treatment (submitted and agreed prior to occupation, or in accordance with details agreed under previous approvals)
- 7 Tree / hedgerow protection (including proposed TPO buffer zone) in place at all times in accordance with submitted tree protection details
- 8 Levels (submitted and agreed prior to commencement on the relevant phase, or in accordance with details agreed under previous approvals)
- 9 Provision of pedestrian and cycle routes / connections (submitted and agreed prior to occupation, or in accordance with details agreed under previous approvals)
- 10 Car parking / turning (provided prior to occupation of the relevant plot)
- 11 External lighting (submitted and agreed prior to installation, or in accordance with details agreed under previous approvals)
- 12 Windows, doors, eaves and verges (submitted and agreed prior to installation, or in accordance with details agreed under previous approvals)
- 13 Rainwater goods finished in black
- 14 Utility boxes finished in brown (or an alternative colour submitted and agreed prior to installation)
- 15 Chimneys (installed as per approved plans)
- 16 Windows to car parking areas installed prior to occupation of the relevant plot
- 17 Bin / recycling storage and collection points (submitted and agreed prior to occupation, or in accordance with details agreed under previous approvals)

PLANNING APPLICATIONS- SECTION A

- 18 Street name plates (submitted and agreed prior to installation, or in accordance with details agreed under previous approvals)
- 19 Retaining walls / structures (submitted and agreed prior to installation, or in accordance with details agreed under previous approvals)
- 20 Provision of signage in respect of unadopted roads / drives intended for public use (submitted and agreed prior to occupation of the relevant plots, or in accordance with details agreed under previous approvals)
- 21 Provision of pedestrian visibility splays to individual dwelling accesses prior to occupation of the relevant plots
- 22 Provision of measures to prevent drainage of surface water into the public highway prior to occupation of the relevant plots
- 23 Strategy for provision of rear vehicular access to existing properties on Highfield Street (submitted and agreed prior to occupation of the plots closest to this boundary, or in accordance with details agreed under previous approvals)
- 24 Details of substations/pumping stations etc. (submitted and agreed prior to installation, or in accordance with details agreed under previous approvals)
- 25 Details of works to watercourse (including culverting / headwalls etc.) (submitted and agreed prior to installation, or in accordance with details agreed under previous approvals)
- 26 Precise configuration of Plots 286 and 287 (submitted and agreed prior to commencement on the relevant plots, or in accordance with details agreed under previous approvals)
- 27 Compliance with Construction Environmental Management Plan (submitted and agreed prior to commencement on the relevant phase, or in accordance with details agreed under previous approvals)
- 28 Details of pedestrian link between the two principal areas of residential development within the site (submitted and agreed prior to installation, or in accordance with details agreed under previous approvals)
- 29 Details of measures to discourage on-street car parking adjacent to pedestrian link (submitted and agreed prior to occupation of adjacent plots, or in accordance with details agreed under previous approvals)
- 30 Additional landscaping adjacent to plots. 319 to 326 (submitted and agreed prior to occupation of those plots, or in accordance with details agreed under previous approvals)
- 31 Additional tree planting to off-set additional tree removal from central part of site (submitted and agreed prior to occupation of adjacent plots) (and including any associated changes to the principal landscaping scheme (under item 3 above) in this area of the site)

MAIN REPORT

1. Proposals and Background

In March 2022 reserved matters approval was issued for the erection of 400 dwellings on a site of approximately 19.7 hectares (ref. 18/00707/REMM). In February 2023, an application under Section 73 of the Town and Country Planning Act 1990 to vary conditions attached to the original reserved matters approval was granted, and which approved an amended internal site layout (ref. 22/01315/VCUM). A subsequent Section 73 application (submitted pursuant to approval ref. 22/01315/VCUM) to allow for amended house types, amended highways surfacing / treatment, alterations to the site layout and removal of additional trees was approved in September 2023 (ref. 23/00459/VCUM).

This is a further Section 73 application (submitted pursuant to approval ref. 23/00459/VCUM) and seeking approval for further amendments to retained trees.



The above image shows the site in relation to its surroundings

Relevant Planning History

Application Ref.	Description	Decision / Date
12/00007/OUTM	Erection of up to 400 dwellings with associated road and service infrastructure, drainage ponds, landscaping and open spaces (outline - all matters other than part access reserved)	Approved 17/04/15
16/00406/REMM	Erection of 79 dwellings and associated roads, infrastructure, drainage ponds, landscaping and open spaces (reserved matters of part access, appearance, landscaping, layout and scale to outline planning permission 12/00007/OUTM)	Approved 18/07/22
16/01198/REMM	Formation of site accesses to Standard Hill and Highfield Street (reserved matters to outline planning permission ref 12/00007/OUTM)	Approved 08/12/16
16/01200/VCUM	Erection of up to 400 dwellings with associated roads and service infrastructure, drainage ponds, landscaping and open spaces (outline- all matters other than part access reserved) approved under planning permission 12/00007/OUTM without complying with condition numbers 4, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20 , 21, 22, 23, 25, 26 and 28, so as to allow for development to commence on the provision of the site accesses	Approved 15/03/17
18/00707/REMM	Erection of 400 dwellings (Reserved Matters to Outline Planning Permission 16/01200/VCUM)	Approved 08/03/22
22/01140/VCIM	Erection of up to 400 dwellings with associated roads and service infrastructure, drainage ponds, landscaping and open spaces (outline- all matters other than part access reserved) approved under planning permission 16/01200/VCUM without complying with Condition numbers 4, 7, 9, 10, 15, 17, 27 and 28, so as to allow for a maximum of 150 dwellings to be accessed via Highfield Street, an amended access design to Highfield Street, amendments to proposed culverts, non-compliance with the Code for Sustainable Homes, and removal of the requirement to submit a Design Code	Approved 27/01/23
22/01141/VCIM	Formation of site accesses approved under reserved matters approval ref. 16/01198/REMM (as amended) (outline planning permission ref. 16/01200/VCUM) without complying with Conditions 2 and 3 so as to allow for the implementation of updated landscaping plans	Approved 19/10/22
22/01315/VCUM	Erection of 400 dwellings approved under reserved matters approval ref. 18/00707/REMM (outline planning permission ref. 22/01140/VCIM) without complying with Condition 2 so as to enable implementation of an alternative internal layout (including severing of connecting vehicular through route)	Approved 08/02/23
23/00459/VCUM	Erection of 400 dwellings approved under approval ref. 22/01315/VCUM (outline planning permission ref. 22/01140/VCIM) without complying with Conditions 2 and 8 so as to allow for amended house types, amended highways surfacing / treatment, alterations to layout and removal of additional trees	Approved 08/09/23

2. Publicity

Site Notice displayed 17 November 2023

Press Notice published Leicester Mercury 15 November 2023

3. Summary of Consultations and Representations Received

North West Leicestershire District Council Tree Officer has no objections

Third Party Representations

Councillor Eynon (neighbouring ward member) objects on the following grounds:

- Previously agreed that these trees should be protected
- Site is within the National Forest and close to the Snibston Colliery Park Arboretum
- Trees may mark a large mineshaft on this land with a history of subsidence
- Queries the developers' contention that the loss of the trees is "unavoidable" and why this was not previously known
- Queries what alternatives have been considered and their cost

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

Subject	Reason for Objection
Environmental Issues	Loss of green space
	Site is in the National Forest
	Impact on wildlife
	Adverse impact on measures to prevent climate change
	Increased flooding
	Increased pollution
Other Issues	Traffic impacts / speeding traffic
	Insufficient infrastructure for development (including in respect of traffic / transport, car parking, healthcare)
	Site unsuitable for development due to subsidence

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 and 56 (Decision-making)

Paragraphs 131, 135, 136 and 139 (Achieving well-designed places)

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

Other Policies

Good Design for North West Leicestershire SPD

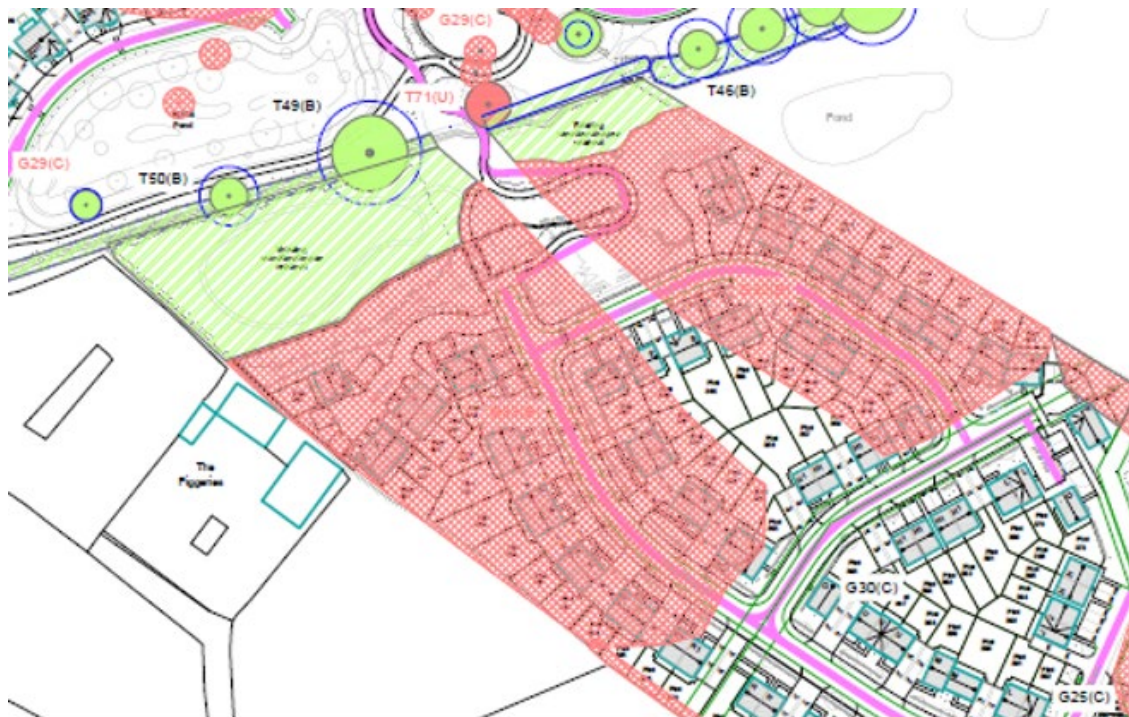
5. Assessment

Key Considerations

The proposed amendments would not result in any significant changes to the site layout, and does not include any changes to proposed house types or numbers of dwellings, and the key issue to be considered in the determination of this application relate to the changes to tree retention / planting vis-à-vis the existing approved development.

The previously approved arboricultural assessment included the tree retention plan as shown below (and with areas hatched in red being those from which trees would be removed):

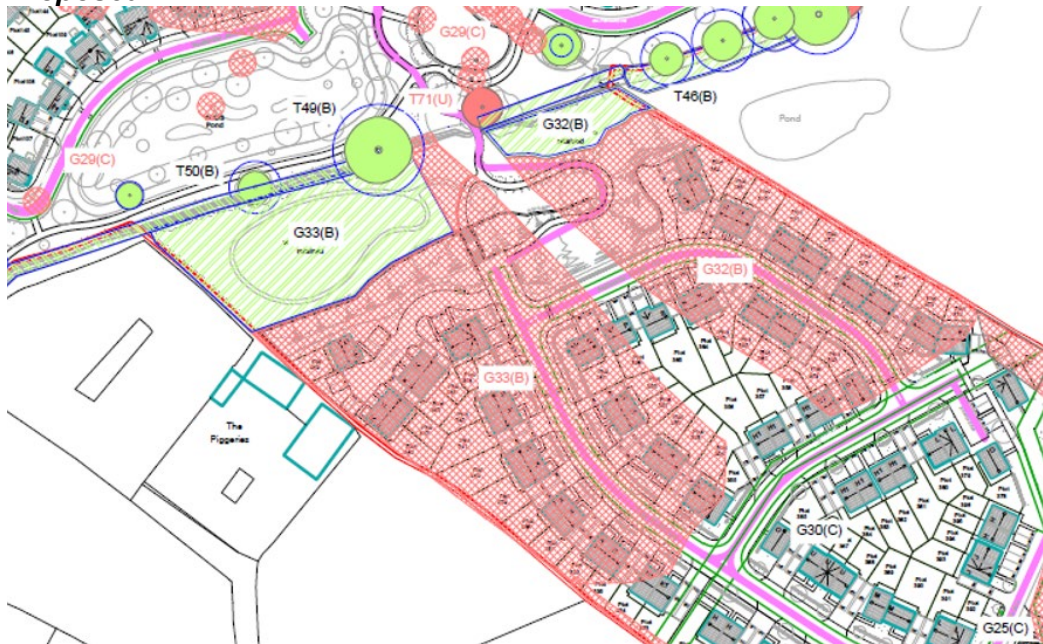
Approved:



The application is accompanied by a revised arboricultural assessment; this is essentially as per the previously agreed assessment save for the inclusion of additional trees proposed to be removed within the central part of the site. The applicant advises that additional trees are required to be removed to facilitate the installation of underground storm and foul drainage.

The revised arboricultural assessment's proposed tree retention plan is as shown below:

Proposed:



In effect, the additional trees proposed to be felled are as shown below:



The affected trees are highlighted on the site photo below



It is noted that the additional trees proposed to be removed relate to the north eastern section of a larger area (Group G33) that the assessment describes as a “dense woodland group” in “fair” condition of Ash, Elder, Oak, Hawthorn and Goat Willow, and falling within retention category B(ii) (moderate quality of mainly landscape value (i.e. as opposed to mainly arboricultural, cultural or conservation value)). It is noted that the trees are of “early mature” age (and not, therefore, ancient or veteran in status).

Further to concerns raised, the agents advise that the developers and their civil engineers have investigated whether there would be an alternative route for the foul and storm water drainage between the southern part of the wider site and the SuDs pond to the north but, unfortunately, all options would result in the removal of trees. They also confirm that they are unaware of any historic value attached to the trees because of a mineshaft. The site does not fall within a Coal Authority Development Referral Area.

In terms of the trees’ arboricultural value, as set out above, the trees in question form part of a group within retention category B. The District Council’s Tree Officer raises no objections to the application; he accepts that the revision to allow the removal of “an additional small area of trees at the northern end of G33” is unavoidable due to the requirements to install site drainage and confirms that he is satisfied that the extra tree removals would not result in a significant loss to the local tree cover.

To compensate for the additional loss of trees, the applicants have proposed the provision of additional tree planting (i.e. over and above that already required by the existing approved landscaping scheme); based on the draft details provided, an additional 16 trees would be provided, as shown indicatively (red dots) below.

Proposed Replacement Planting



The District Council’s Tree Officer considers that the quantity and positions for the replacement trees indicated would be reasonable but notes that confirmation of the detailed size / species of trees to be planted would be required before agreeing to the replacement planting scheme to ensure that the replacement planting would provide an appropriate replacement for the area of trees to be removed. Further to a separate query raised by the tree officer regarding the planting of two oak trees forming part of the currently approved landscaping (given their proximity to the proposed drainage and future compatibility etc.), the agents confirm that they would seek to amend the currently approved scheme to ensure these trees are planted outside of the easement.

Subject to the detailed replacement planting being secured by way of an appropriate condition, therefore, it is considered that the trees’ removal would be acceptable. Provision of the additional tree planting would, it is considered, also serve to retain the landscape-led approach

to providing character within the scheme, and in accordance with Local Plan Policy D1 and the District Council's Good Design for North West Leicestershire SPD.

Other Issues

Whilst several objections are raised on a range of other matters (and including some relating to infrastructure and the impacts of the development on the wider area, it is not considered that these are directly relevant to this application. Having regard to the location of the area of the proposed additional removals within the central part of the site, it is not considered that the amendments would result in any material amenity impacts outside of the site and including in respect of the nearest residential properties. The closest dwellings to the application site are in excess of 100m away, and with the relative site levels and retained woodland in between further limiting any potential impacts from that direction; the nearest dwellings within the adjacent ward are beyond these intervening dwellings (to the southern side of Standard Hill), and at a distance of approximately 300m from the area in question.

Conclusions

As set out above, subject to the provision of an appropriate scheme of replacement planting, the proposed removal of the additional area of trees would not be considered to have any materially adverse impacts on the quality of the scheme, and approval is therefore recommended.