

## **PLANNING COMMITTEE**

Minutes of a meeting held at the Council Offices, Narborough

**THURSDAY, 29 JUNE 2023**

Present:-

Cllr. Lee Breckon JP (Chairman)  
Cllr. Mike Shirley (Vice-Chairman)

Cllr. Dillan Shikotra

Cllr. Bob Waterton

Cllr. Bev Welsh

**Substitutes:-**

Cllr. Janet Forey (In place of Cllr. Neil Wright)  
Cllr. Helen Gambardella (In place of Cllr. Richard Holdridge)  
Cllr. Roger Stead (In place of Cllr. Tony Deakin)  
Cllr. Matt Tomeo (In place of Cllr. Cheryl Cashmore)

**Officers present:-**

Cat Hartley	- Planning & Strategic Growth Group Manager
Linda Durham	- Solicitor
Stephen Dukes	- Development Services Team Leader
Helen Wallis	- Senior Planning Officer
Jill Sampson	- Major Schemes Officer
Sandeep Tiensa	- Senior Democratic Services & Scrutiny Officer
Nicole Cramp	- Democratic & Scrutiny Services Officer

**Apologies:-**

Cllr. Cheryl Cashmore, Cllr. Tony Deakin, Cllr. Richard Holdridge and Cllr. Neil Wright

### **46. DISCLOSURES OF INTEREST**

<b>Cllr. Matt Tomeo</b>	- Item - 22/0827/RM Tay Road, Lubbesthorpe
Nature of Interest	- Non-registerable
Extent of Interest	- Cllr. Tomeo resides at Tay Road, however the site in question does not affect him personally. Cllr. Tomeo has arrived at the meeting with an open mind and will take part in the discussion and vote on the item.

- Cllr. Matt Tomeo** - Item - 22/0827/RM Tay Road, Lubbesthorpe
- Nature of Interest - Other-registerable
- Extent of Interest - Cllr. Tomeo is the Chairman of Lubbesthorpe Parish Council. Cllr. Tomeo has arrived at the meeting with an open mind and will take part in the discussion and vote on the item.
- Cllr. Bob Waterton** - Item - 22/0827/RM Tay Road, Lubbesthorpe
- Nature of Interest - Other-registerable
- Extent of Interest - Cllr. Waterton is the Chairman of the Braunstone Town Council Planning and Environment Committee Cllr. Waterton has arrived at the meeting with an open mind and will take part in the discussion and vote on the item.
- Cllr. Bob Waterton** - Item - 22/0827/RM Tay Road, Lubbesthorpe
- Nature of Interest - Other-registerable
- Extent of Interest - Cllr. Waterton is a member of the Lubbesthorpe Impact Group. Cllr. Waterton has arrived at the meeting with an open mind and will take part in the discussion and vote on the item.

**47. MINUTES**

The minutes of the meeting held on 1 June 2023, as circulated, were approved and signed as a correct record.

**48. APPLICATIONS FOR DETERMINATION**

Considered – report of the Senior Planning Officer.

**21/1386/FUL**

**Hill Farm Solar Ltd**

**Construction of a 36.1 hectare solar park to include the installation of solar photovoltaic panels to generate electricity (up to 22MW) with associated substations, transformers, inverters, perimeter fencing,**

**access tracks, CCTV and landscaping.**

**Land at Hill Farm, Earl Shilton Road, Thurlaston, LE9 7TG.**

Public Speaking

Pursuant to Part 4, Section 7 of the Council's Constitution in relation to public rights of participation in planning applications, the Chairman allowed the following to give a 5 minute presentation:

- Tom Sylger Jones – Hut on the Hill Planning

**DECISION**

**THAT APPLICATION 21/1386/FUL BE APPROVED SUBJECT TO THE IMPOSITION OF THE FOLLOWING CONDITIONS:**

1. Statutory 3 year condition.
2. Development to be built in accordance with approved plans and documents.
3. Permission granted for a period of 40 years from first export of electricity and site decommissioned and restored after this period.
4. Decommissioning Scheme to be submitted and approved no later than 39 years from the date of the first export of electricity and implemented as approved.
5. In the event of site is no longer required for purposes of electricity generation or ceases to operate for a continuous period of 12 months prior to the expiry of the 40 year period; a Decommissioning Scheme shall be submitted and approved.
6. Programme of archaeological work to be completed to include initial trial trenching to inform a final archaeological mitigation scheme.
7. Development to be carried out in accordance with the details given on the Landscape and Ecological Management Plan (LEMP) by Amalgam Architects. Plan to be adhered to for the lifetime of the development.
8. Detailed scheme for landscaping the site to be submitted and approved and implemented in accordance with plan.
9. Landscaping to be implemented by end of first planting season following commencement of development.
10. Biodiversity Management Plan to be submitted and approved. Strategy to be based on submitted Biodiversity Net Gain metric and LEMP and adhered to for lifetime of the development.
11. Arboricultural Method statement to be submitted and approved and adhered to during construction and decommissioning periods.
12. Details of any external lighting to be submitted and approved prior to its installation.

13. Construction Environmental Management Plan to be submitted and agreed and subsequently adhered to.
14. Methodology for soil stripping, storage and replacement to be submitted and agreed.
15. Method of construction of the solar panels to be in strict accordance with the submitted details showing the “post-driven” method only and not concrete foundations method.
16. Materials and finish, including colour, of ancillary buildings equipment and all enclosures/fencing to be submitted and agreed and subsequently complied with.
17. Details of surface water drainage to be submitted and approved.
18. Details of management of surface water during construction to be submitted and approved.
19. Details of long-term maintenance of surface water drainage system to be submitted and approved.
20. Details of infiltration testing confirming suitability of site for use of infiltration drainage to be submitted and approved.
21. Scheme for treatment of Public Rights of Way T73 and V67a to be submitted and agreed.
22. No gates, barriers, bollards, chains or other such obstructions shall be erected to the vehicular access during the construction period.
23. No development to commence until the access arrangements shown on Proposed Traffic Management Signal Location and Staging drawing number 1115-005B have been implemented.
24. Construction of the development to be carried out in accordance with the details and timetable approved within the Technical Note – Traffic Management by KTC dated December 2022.
25. Highway dilapidation survey to be submitted and approved.

Condition 23 was amended to refer to drawing no.1115-005B (rather than 1115-005A).

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Considered – report of the Development Services Team Leader.

**L&Q Estates  
19/1610/OUT**

**Outline application for demolition of existing buildings and erection of up to 885 dwellings, including public open space, land reserved for a primary school, landscaping and associated infrastructure (all matters reserved except means of access)**

**Land North of Hinckley Road, Kirby Muxloe, Leicestershire**

## Public Speaking

Pursuant to Part 4, Section 7 of the Council's Constitution in relation to public rights of participation in planning applications, the Chairman allowed the following to give a 5 minute presentation:

- Cllr. Stuart Coar – (neighbouring Ward Member – Leicester Forest & Lubbethorpe) – objector
- Cllr. Malcolm Fox – Kirby Muxloe Parish Council – objector
- Richard Edwards L&Q Estates – Applicant

## **DECISION**

### **Decision A:**

The applicant entering into an agreement pursuant to Section 106 of the Town and Country Planning Act to secure the following:

- **25% provision of affordable housing**
- **A new primary school on site/ provision of land for primary school and Primary school contribution**
- **Secondary school contribution**
- **Special school contribution**
- **Early years education contribution**
- **Library facilities contribution**
- **Health care facilities contribution**
- **On site open space provision and children and young people's equipment**
- **Off-site open space contribution (sport, cemeteries, allotments)**
- **Off-site open space maintenance contribution**
- **Community facilities contribution**
- **Police contribution**
- **Desford crossroads highway improvement contribution**
- **Traffic Regulation Order contribution**
- **Travel Packs**
- **Bus Passes**
- **Travel Plan monitoring contribution**
- **Provision of public transport through an agreed public transport strategy**
- **S106 monitoring contributions – District and County Councils**

### **Decision B:**

The imposition of conditions relating to the following matters:

## **TIME LIMITS AND APPROVAL OF RESERVED MATTERS**

1. Time limits for implementation – 5 years from the date of permission or before expiration of 2 years from the date of approval of the first Reserved Matters application.
2. Submission of Reserved Matters – Appearance, landscaping, layout and scale.
3. Time limit for the submission of Reserved Matters.
4. Development to be in accordance with approved plans.
5. Maximum amount of development not to exceed 885 dwellings.

## **PHASING**

6. Details of primary infrastructure to be submitted and agreed.
7. Development to proceed in accordance with site-wide phasing and severability plan (unless otherwise agreed). Details of sub-phases to be agreed.

## **MASTERPLANNING AND DESIGN**

8. Each phase of development to adhere to overall Design Code (or any agreed revision)
9. Parcel Passports to be submitted and agreed for each phase or sub-phase in advance of Reserved Matters approvals.
10. Reserved Matters applications to include statement demonstrating compliance with Design Code and Parcel Passport.
11. Reserved Matters applications to include details of existing and proposed site levels, finished floor levels of buildings, hard surfaced areas, landscaping and green infrastructure.
12. External materials to be agreed.

## **HOUSING**

13. Each Reserved Matters application shall provide an appropriate mix of market and affordable housing, to be submitted as part of a 'Housing Mix' plan and agreed with the Council's Housing Strategy team.
14. Each phase to provide a minimum of 5% of dwellings as Accessible and Adaptable Homes, meeting the Building Regulations Standard M4(2), unless there are site specific requirements why this requirement cannot be met.

## **DRAINAGE AND INFRASTRUCTURE**

15. Surface water drainage scheme to be submitted, agreed and implemented for each phase or sub-phase.
16. Foul water drainage scheme to be submitted, agreed and implemented for each phase or sub-phase.
17. Details relating to management of surface water on site during construction

- to be submitted, agreed and implemented for each phase or sub-phase.
18. Details relating to the long-term maintenance of surface water drainage systems to be submitted, agreed and implemented for each phase or sub-phase. Page 50
  19. Infiltration testing to be carried out to confirm the suitability of the site for infiltration, and submitted and agreed.
  20. Surface water modelling to be reviewed by a competent third-party consultant and submitted and agreed for areas at high surface water flood risk.
  21. Submission of details of electricity substations to be submitted and agreed.

### **LANDSCAPE, ECOLOGY AND BIODIVERSITY**

22. Site-wide Landscape and Biodiversity Strategy (including BNG provision and management plan) to be submitted and approved.
23. Landscape and Biodiversity Delivery and Management Plan for each phase or sub-phase to be submitted, approved and implemented.
24. No trees or hedgerows to be lopped, topped, felled or removed (other than to implement primary infrastructure) unless otherwise agreed.
25. Buffer zones maintained alongside retained hedgerows.
26. Bat Mitigation Strategy to be submitted, approved and adhered to.
27. Amphibian Mitigation Strategy to be submitted, approved and adhered to.
28. Badger Mitigation Plan to be submitted, approved and adhered to, and monitoring of badgers reviewed prior to each phase of development.
29. Great Crested Newt Mitigation Plan to be submitted and approved and adhered to.
30. Resurvey of Great Crested Newts prior to each phase of development, and any recommendations adhered to.
31. Resurvey of Reptiles before development commences.
32. Ecologically sensitive lighting scheme to be agreed.

### **HERITAGE AND ARCHAEOLOGY**

33. Programme of archaeological work to be undertaken in accordance with a Written Scheme of Investigation to be submitted and approved.

### **ENVIRONMENTAL MANAGEMENT AND PROTECTION**

34. Submission and approval of a Construction and Environmental Management Plan for each phase or sub-phase.
35. Scheme to address the management and/or safe disposal of asbestos to be submitted and approved.
36. Methodology for dealing with unexpected contamination.
37. Site-wide Waste Management Strategy to be submitted and approved.
38. Waste Collection Strategy for each phase or sub-phase to be submitted, agreed and adhered to.
39. Noise mitigation measures for dwellings closest to A47 to be submitted, agreed and implemented.

40. Noise mitigation measures for dwellings closest to sports clubs to be submitted, agreed and implemented.
41. Scheme to avoid the risk of ball strikes to be submitted, approved and implemented.
42. Scheme to mitigate the impacts of existing floodlighting to be submitted, approved and implemented.

#### **HIGHWAYS AND TRANSPORT**

43. Access, footway and cycleway proposals along A47 to be implemented prior to any occupation.
44. Improved cycleway connection between A47 at Beggars Lane and V82 Public Right of Way to Lubbesthorpe to be implemented prior to any occupation.
45. Pedestrian and cycle access between the site and A47 at Beggars Lane to be open and available prior to any occupation in phase 3.
46. Existing redundant accesses on A47 to be closed.
47. A47/ Beggars Lane highway improvements to be implemented prior to any occupation.
48. A47/ Kirby Lane highway improvements to be implemented prior to 301st occupation.
49. Amended Framework Travel Plan to be submitted, approved and implemented.
50. Scheme to protect Public Rights of Way to be submitted and approved and implemented.
51. Public Transport Strategy to be submitted, approved and implemented.
52. Details to comply with design standards of Leicestershire County Council.

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The Chairman adjourned the meeting at 6.55pm for a comfort break. The meeting reconvened at 7:05pm.

Considered – report of the Major Schemes Officer.

**22/0827/RM**

**Mr Giles Nursey**

**Charterpoint (New Lubbesthorpe) Limited And Charterpoint (LE19 1) Limited And Mather Jamie. On Behalf Of Trustees ERB Drummond (Deceased)**

**Reserved matters application for the erection of Local Centre 1 to include commercial units (units 1-3 use class E(a), unit 4 use class E(a) or E(b) and unit 5 use class E(b)), medical centre (use class E(e), potential medical centre expansion or offices (use class E(e) or E(g(i))), 66 bed residential care home (use class C2) together with sub-station and cash point to unit 1 (details of access, appearance, landscaping,**

layout and scale).

## **Tay Road, Lubbesthorpe**

### Public Speaking

Pursuant to Part 4, Section 7 of the Council's Constitution in relation to public rights of participation in planning applications, the Chairman allowed the following to give a 5 minute presentation:

- Lisa Sly – Clerk to Lubbesthorpe Parish Council.

### **DECISION**

#### **THAT APPLICATION 22/0827/RM BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. Development in accordance with approved plans & documents
2. Materials as per approved plan/schedule. TBC details to be submitted & agreed
3. Landscaping to be implemented in accordance with plans
4. Landscaping for commercial/mixed use development to be maintained in accordance with management plans and retained in perpetuity
5. Landscaping for care home to be maintained in accordance with management plans and retained for 5 years.
6. Restriction of amalgamation and pd rights re change of use of commercial units/health centre.
7. Development carried out in accordance with CEMP
8. Updated CEMP to be submitted and agreed if a phased development leads to occupation of care home before mixed use site substantially completed.
9. The commercial premises shall not be open for trade or yard use carried out other than between the hours of 07:00 - 23:00 Monday to Sunday. No deliveries shall take place outside of the hours of 07:00 - 20:00 Monday to Sunday.
10. Prior to occupation/first use of the care home and each relevant commercial unit, kitchen extraction details to be submitted, agreed & development carried out in accordance with the approved details.
11. Prior to occupation/first use of the care home and each relevant commercial unit, details of external plant to be submitted, agreed & development carried out in accordance.
12. Updated noise assessment required showing details of new sub-station and any necessary mitigation and development carried out in accordance with the approved details.
13. Ground intrusive survey to be submitted in the event that unexpected

- contamination is found during development.
14. Verification report regarding land contamination to be submitted post development;
  15. No permission for adverts and public art shown indicatively on plans. Separate application/s required
  16. The ground floor windows in the mixed use building shall not be obstructed or obscured by adverts, vinyls or other means unless otherwise agreed with by the DPA.
  17. Exact location and/or glare details/mitigation for solar panels to be submitted
  18. No occupation of mixed use site until the approved parking and turning facilities have been implemented - thereafter retained in perpetuity.
  19. No occupation of care home site until the approved parking and turning facilities have been implemented – thereafter retained in perpetuity.
  20. No occupation of mixed use site until such time as secure (and under cover) rear cycle parking and secure motor cycle parking for the mixed use site has been provided – details to be agreed with the LPA in advance of installation.
  21. No occupation of care home site until such time as secure powered two wheeler (motorcycle, scooter) parking has been provided for the care home site - details to be agreed with the LPA in advance of installation.
  22. No occupation until such time as a Servicing / Parking Management Plan has been submitted to and agreed in writing by the LPA - implemented in accordance with the approved details thereafter.

The following amendments were made to the conditions as set out in the agenda:

- Conditions 13 and 14 combined into new condition 13 to just refer to unexpected contamination;
- New condition 14 inserted to refer to a verification report regarding land contamination to be submitted post development;
- Condition 18 to be split into two separate conditions (18 and 19) to refer to parking for mixed use site (in condition 18) and for care home site (in condition 19);
- Condition 19 becomes 20 and is amended to just refer to covered rear cycle parking and secure motor cycle parking for the mixed use site to be provided prior to occupation of the mixed use site;
- Condition 20 becomes 21 and is amended to just refer to secure motor cycle parking for the care home to be provided prior to its occupation;
- Condition 21 becomes condition 22

**THE MEETING CONCLUDED AT 7.50 P.M.**