

PLANNING COMMITTEE

Minutes of a meeting held at the Council Offices, Narborough

THURSDAY, 11 JANUARY 2024

Present:-

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

Cllr. Cheryl Cashmore	Cllr. Richard Holdridge	Cllr. Neil Wright
Cllr. Tony Deakin	Cllr. Dillan Shikotra	
Cllr. Helen Gambardella	Cllr. Bob Waterton	

Substitute:-

Cllr. Helen Gambardella (In place of Cllr. Bev Welsh)

Officers present:-

Cat Hartley	- Planning & Strategic Growth Group Manager
Kristy Ingles	- Development Services Manager
Ian Davies	- Development Services Team Leader
Stephen Dukes	- Development Services Team Leader
Linda Durham	- Solicitor
Jill Sampson	- Major Schemes Officer
Charlene Hurd	- Senior Planning Officer
Tom White	- Senior Planning Officer
Sandeep Tiensa	- Senior Democratic Services & Scrutiny Officer
Nicole Cramp	- Democratic & Scrutiny Services Officer
Isaac Thomas	- Democracy Support Officer

Apologies:-

Cllr. Bev Welsh

189. DISCLOSURES OF INTEREST

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| Cllr. Mike Shirley | - | 28/0845/OUT, Land at Strawberry Cottage, Hinckley Road, Sapcote |
| Nature of Interest | - | Other Registerable Interest |
| Extent of Interest | - | Cllr. Shirley has previously attended a presentation by the applicant but did not take part in the discussion. Cllr. Shirley has arrived at the meeting with an open mind and will take part in the discussion and vote on the item. |
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| Cllr. Bob Waterton | - | 21/1497/FUL, Abbey Farm, Lubbesthorpe Bridle Road, Lubbesthorpe |
| Nature of Interest | - | Other Registerable Interest |
| 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. |
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| Cllr. Bob Waterton | - | Tree Preservation Order – Brockenhurst Drive, Braunstone Town |
| Nature of Interest | - | Other Registerable Interest |
| 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. |

190. MINUTES

The minutes of the meeting held on 30 November 2023, as circulated, were approved and signed as a correct record.

191. APPLICATIONS FOR DETERMINATION

Considered – Report of the Major Schemes Officer.

21/1497/FUL

**Mr Martin Ward, Mather Jamie for Trustees of ERB Drummond
(Deceased)**

Restoration and Conversion of Abbey Farm site and buildings for 7 dwellings (6 net) and offices under use classes C3 and E(g)(i) and (ii) respectively, demolitions and new building works, laying out of the site including access works, surface and foul water drainage and package plant, parking areas, waste bin storage areas, pedestrian routes, screen walls and landscaping, including a new pond, tree and hedge planting and removals.

Abbey Farm, Lubbethorpe Bridle Road, Lubbethorpe

DECISION

THAT APPLICATION 21/1497/FUL BE APPROVED SUBJECT TO THE IMPOSITION OF THE FOLLOWING CONDITIONS:

1. 3 year time limit
2. Approved plans & documents
3. Demolition method & construction environmental/traffic management plan to be submitted.
4. Remediation strategy to be submitted, along with a requirement to address any unexpected contamination found during development and a requirement for the submission of a verification report, following implementation of the approved remediation strategy.
5. Scheme to be carried out in accordance with agreed archaeology programme.
6. Detailed design of the proposed offsite highway works (passing bay and strip widening) prior to commencement.
7. Scheme for the treatment of the Public Right of Way W118 to be submitted to include provision for management during construction, surfacing, width, structures, signing and landscaping, together with a timetable for its implementation.
8. Bridleway / Public Right of Way management plan to be submitted, to include details of temporary diversion, fencing, surfacing, signing and a timetable for provision.
9. Elevation plans showing the location and type of integrated bat boxes to be submitted
10. Swallow mitigation scheme to be submitted.
11. New vehicular accesses not to be first brought into use until existing vehicular accesses to the courtyard on Lubbethorpe Bridle Way that have become redundant as a result of the proposal have been closed

- permanently to all vehicular traffic and the proposed pedestrian only entrance gate at the site frontage, along with the highways and verge reinstatement works have been installed in accordance with the details shown. The new gated pedestrian access shall be retained and maintained as such, with no access for vehicular traffic in perpetuity.
12. Access arrangements including pedestrian and vehicular visibility splays as shown to be implemented in full and the parking and turning facilities including the provision of the proposed delivery bay to be implemented as shown. On-site parking, turning and delivery bay provision to be kept available for such uses in perpetuity.
 13. Statement of good practice letter, to include photographs of the integrated bat boxes in situ, signed by the consultant ecologist, to be submitted.
 14. Details and location of an historic interpretation board to be provided in accordance with agreed details.
 15. Landscape management plan to be submitted.
 16. Approved landscaping to be carried out within 12 months of completion and to be maintained & retained in perpetuity in accordance with approved details.
 17. No gates, barriers, bollards, chains or other such obstructions to be erected to the vehicular accesses.
 18. The development to be implemented in strict accordance with the approved Precautionary Method Statement (ecology).
 19. To avoid potential disturbance or harm to nesting birds and bats, works on all buildings to be retained shall only commence between the months of September - March inclusive.
 20. The commercial waste servicing arrangements for the development to be carried out strictly and only in accordance with the details contained within Technical Note JNY10507-07- Commercial Waste Collection. The commercial waste servicing arrangements for the site shall conform to the details within this document in perpetuity.
 21. No further gates, walls, fences or other means of enclosure within 15m of the Public Right of Way (W118).
 22. Drainage systems to be designed, installed, operated and maintained in accordance with manufacturer's instructions
 23. Development to be carried out in accordance with approved noise report and installed and maintained in accordance with the manufacturer's instructions, along with the submission of a verification report following completion of the noise related works.
 24. The buildings identified for offices and dwellings shall not be used for any purpose other than their approved uses; office E(g) (i & ii) and residential dwellings (C3) and for no other uses within Class E or outside of C3 unless otherwise agreed in writing by the LPA.
 25. Operational hours restrictions regarding the commercial uses 8am – 6pm Monday – Saturday. Unless otherwise agreed in writing.
 26. No further new openings, extensions, additions or out-buildings or any further fences, gates, walls, means of enclosure or free standing

structures.

27. Use of converted stables restricted as ancillary to the use of proposed commercial office use and/or dwellings and not to be sold, let or sub-let.

The following additional condition was added to the list of conditions as set out in the report:

28. Development to be carried out in accordance with submitted materials unless otherwise agreed.
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Considered – Report of the Senior Planning Officer.

22/1204/FUL

Mr Andrew Mott, Exagen SPV02 Ltd

Construction and operation of battery energy storage facility, along with associated structures, access and landscaping

Land North East Of Earl Shilton, Earl Shilton Road, Earl Shilton

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. Maggie Wright - Ward Member
- Andrew Mott - Applicant

DECISION

THAT APPLICATION 22/1204/FUL BE APPROVED SUBJECT TO THE IMPOSITION OF THE FOLLOWING CONDITIONS:

1. Statutory 3 year condition to commence work.
2. Development to be built in accordance with approved plans and documents.
3. Details of materials to be agreed.
4. Permission granted for a period of 40 years from first export of electricity and site decommissioned and restored after this period.
5. In the event of the site being no longer required for the purposes of electricity storage, or ceases to operate for a continuous period of 6 months prior to the expiry of the 40 year period, a Decommissioning Scheme shall be submitted and approved and subsequently adhered to throughout the decommissioning of the site.
6. Detailed scheme for landscaping the site to be submitted and approved (including a proposed timetable for planting) and implemented in

- accordance with the approved plan.
7. Landscaping to be implemented within first planting season following commencement of development.
 8. No development shall take place until a Landscape and Ecological Management Plan (LEMP) is submitted to and approved in writing. The LEMP shall cover a period of 40 years management.
 9. 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.
 10. No development shall take place (including ground works or vegetation clearance) until a Construction Environment Management Plan for biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing.
 11. Tree protection measures to be undertaken in accordance with plans/ measures within the Arboricultural Impact assessment.
 12. Details of land levels, terracing details, retaining features and culvert crossing details to be submitted to and agreed prior to commencement of development.
 13. Prior to commencement of development, details and maximum heights of the substation shall be submitted to and agreed in writing.
 14. Prior to first use, details of any external lighting & CCTV provision to be agreed.
 15. No development shall commence until details of a Construction Environmental Management Plan (detailing measures to control off-site environmental impacts and highway impacts from the construction phase) are submitted and agreed, and adhered to during construction.
 16. Existing redundant access on Earl Shilton Road to be closed prior to development commencing.
 17. New access to be constructed in accordance with submitted plans prior to commencement of development.
 18. Parking facilities to be provided in accordance with approved plans prior to first use.
 19. No vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 15.0 metres of the highway boundary.
 20. Surface water and foul water drainage scheme during construction phase to be submitted and agreed.
 21. Noise levels not to exceed 5dB above background noise level when measured at nearest dwelling.
 22. Revised Noise Impact Assessment to be undertaken within 3 months of site coming into operation.
 23. No demolition/development shall take place/commence until the necessary programme of archaeological work has been completed.
 24. Surface water drainage scheme to be submitted and agreed.
 25. Details of long term maintenance of surface water drainage to be submitted and agreed.

Subject to the terms in conditions 4, 5 and 8 being amended from “30 years” to “40 years.”

Considered – Report of the Development Services Manager.

23/0094/DOC

Mr Justin Langton, Countryside Partnerships

Partial discharge of condition 11 (parts i, ii and iii) (scheme to deal with risks associated with contamination of the site) attached to planning permission 15/0176/OUT

Land To South West Of Cork Lane, Glen Parva

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:

- Steve Wilson – Applicant’s landfill gas consultant

DECISION

That the application for approval of details reserved by condition 11 parts i, ii and iii of planning permission 15/0176/OUT is APPROVED.

Considered – Report of the Development Services Team Leader.

23/0622/VAR

Marks and Spencer Plc

Variation to condition 8 attached to planning permission 08/0833/1/VY to specify the net sales area to be used for the sale of food.

Fosse Park Shopping Centre, Fosse Park Avenue, Enderby

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:

- James Singer – Agent

DECISION

THAT APPLICATION 23/0622/VAR BE APPROVED SUBJECT TO THE CONDITIONS SET OUT BELOW.

1. The car parking areas shall not be used for any purpose other than for the parking of vehicles unless otherwise agreed in writing by the District Planning Authority.
 2. No outside storage of waste materials shall take place on the site at any time except within purposely designated locations which shall first have received the approval of the District Planning Authority.
 3. Any oil installations shall be adequately bunded to contain loss or spillage, and surface water draining from such areas and from areas of oil usage and vehicle parking shall be passed through a suitable oil interceptor before discharge.
 4. Only uncontaminated surface water shall be discharged into any watercourse.
 5. That shall be no overall raising of existing ground levels within the washlands area without the prior written consent of the District Planning Authority.
 6. No individual unit hereby permitted shall be less than 929 square metres gross external measurement save that within the terraces washed yellow and green on plan 1902-100 (within the Section 106 agreement between Wexford Retail LLP and Blaby District Council, dated 14th November 2014) no more than six units at any one time may be occupied in units each of less than 929 square metres gross external measurement.
 7. Save as specified in condition 8 the buildings shall not be used for the sale of food other than confectionery and such food which may be sold within ancillary snack-bars, restaurants or coffee shops to be provided.
 8. Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (or any subsequent reenactment with or without modification) no more than 20,000 sq ft (1,859 sqm) net sales space within the unit edged yellow on plan 0369-LFP173-A-415 shall be used for the sale of food; and no more than 5% of the net sales area of any other 3 retail units shall be used for the sale of ancillary food and drink for consumption off the premises. This restriction shall not apply to any instore café or restaurant.
 9. The access roads shall retain suitable provision for access to the Severn Trent Water Authority Pumping Station and allow for possible future access to the gravel deposits in the river valley.
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Considered – Report of the Senior Planning Officer.

23/0845/OUT

Mr. M. Woodward

Development of eight serviced plots to deliver self-build and custom dwellings (outline application for access only).

Land at Strawberry Cottage, Hinckley Road, Sapcote

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:

- Mr Stephen Mair – Agent

DECISION

THAT APPLICATION 23/0845/OUT BE APPROVED SUBJECT TO:

The applicant entering into an agreement pursuant to Section 106 of the Town and Country Planning Act to secure the plots for self-build or custom dwellings:

AND SUBJECT TO THE IMPOSITION OF THE FOLLOWING CONDITIONS:

1. 3-year condition for submission of reserved matters and expiry date 2-years after approval of the reserved matters.
2. Approval of details for buildings, landscaping, layout and scale.
3. In accordance with approved plans.
4. Permission for a maximum of 8 dwellings only and designed to accord with the approved Design Code.
5. Programme of Archaeological work (WSI) to be submitted.
6. No occupation of any dwelling until site investigation (archaeology) carried out.
7. 5 metre protection of the southern boundary hedgerow.
8. Requirement to submit a Construction Ecological Management Plan.
9. Biodiversity Management Plan required to be submitted and approved.
10. Foul water drainage scheme to be submitted.
11. Surface water drainage scheme to be submitted.
12. Details of surface water management on site during construction to be submitted and agreed.
13. Access arrangements to be implemented as shown on the plans before first occupation.
14. No dwelling to be first occupied until vehicular visibility splays have been provided.
15. No gates, bollards, chains etc to be constructed across the access.
16. Prior to commencement of construction a Construction Method Statement

- to be submitted, agreed and subsequently implemented.
17. Further details of the pedestrian/footpath crossing to be submitted and agreed and no dwelling to be first occupied until the crossing is installed.
 18. Ground Remediation Statement to be submitted and agreed.
 19. Any identified Ground Remediation Works to be carried out.
 20. Reporting of unexpected contamination.
 21. Development to be constructed in accordance with the Arboricultural Impact Assessment (AIA).

Subject to condition 17 being amended to read as follows:

- Further details of the pedestrian/footpath crossing to be submitted and agreed and no dwelling to be first occupied until the crossing is installed.

192. TREE PRESERVATION ORDER - BROCKENHURST DRIVE, BRAUNSTONE TOWN

Considered – Report of the Senior Planning Officer.

DECISIONS

1. That the confirmation of the Tree Preservation Order on Land off Brockenhurst Drive be approved by the Planning Committee.
2. That Authority be delegated to the Planning and Strategic Growth Group Manager to confirm the Tree Preservation Order on Land Off Brockenhurst Drive, Braunstone Town.

Reason:

Having consideration of the representations received regarding the TPO, it is considered that there are insufficient grounds not to confirm the Order. The area of trees provides important visual amenity and amenity woodland, which can be viewed and accessed from Brockenhurst Drive, Lubbesthorpe Way and Mossdale Meadows.

THE MEETING CONCLUDED AT 7.08 P.M.