



PLANS COMMITTEE

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To: Councillors Bentley (Vice-Chair), Campsall, Capleton, Charles, Forrest, Fryer (Chair), Gerrard, Grimley, Hamilton, Lowe, Ranson, Savage and Tillotson
(For attention)

All other members of the Council
(For information)

You are requested to attend the meeting of the Plans Committee to be held in the Preston Room, Woodgate Chambers, Woodgate, Loughborough on Thursday, 24th February 2022 at 5.00 pm for the following business.



Chief Executive

Southfields
Loughborough

23rd February 2022

EXTRAS REPORTS

5. PLANNING APPLICATIONS

2 - 16

The list of planning applications to be considered at the meeting is appended.

For Plans Committee – 24th February 2022

Additional items received since the report was drafted.

Pages: 8-44

Site Address: Land at Leconfield Road, Loughborough

Item No. 1

P.A. No. P/20/2199/2

Since publication of the report additional comments have been received from the local ward members, Nanpantan Ward Residents Group, and the applicant.

In summary these relate to:

- Land ownership
- Summarisation of ward member comments, including geology of the site
- Ecological assessment of the site
- NWRG objections

A response is provided below to each of the issues raised.

Officer Response

No new material considerations to that which have been considered in the committee report have been raised through these further comments. Each issue is addressed and responded to below for clarity.

Land ownership

Comments have been received from Nanpantan Ward Resident's Group (NWRG) in respect of land ownership within the site. Comments can be read in full on the online planning file. In summary, NWRG dispute the validity of the application on the basis that, in their view, part of the site is either owned by another party or that it is not known who owns every part of the site such that the correct notification process has not been undertaken and an incorrect certificate signed on the application form.

The applicants have provided a red line site boundary including the field at Leconfield up to the public highway. The applicants are required to notify all landowners of an application which affects their land and sign the appropriate certificate.

In this instance, the owners of the field are stated as being 1 Woodgate, Loughborough, and Leicestershire County Council (LCC) with notice having been served on each party on 23/12/2020. The planning statement provides further detail and states that the site is owned by the Helen Jean Cope Charity. The address of the charity is 1 Woodgate, Loughborough.

Information received from NWRG on 20/02/2022 includes correspondence with LCC that states that LCC are responsible for the public highway but do not own the land and that part of the site between the field and public highway is owned by William

Davis Limited. No detail, other than reference in the email from LCC, is provided to substantiate the statement that William Davis own part of the site.

The extent of the red line outside of the Helen Jean Cope Charity land is to facilitate an access into the site for which permission will be required from the Highway Authority as it is adopted highway land. Any owners of 'sub soil' beneath the Highway are not required to be notified.

In response to this information, a land registry search has been undertaken which shows that there are no other parcels of land between the field and the public highway that are under any other ownership than that stated on the application form. Furthermore, correspondence has been provided on behalf of the applicant setting out legal advice on the matter and the applicant's view on how this relates to the site (available in full on the online planning file). In their view, the land registry plan for the site and Highway Record Enquiry unequivocally demonstrates that the Helen Jean Cope Charity and Highway land are contiguous and that all land within the site is either owned by the Trust or is Highway land such that the correct notice has been served and certification provided.

Based on the information provided and the land registry search, officers are satisfied that all owners of land within the site have been notified of the application and that the correct certificate has been served. On that basis, the application is valid and there are no issues which render the application invalid, or which would prevent the consideration or determination of the application.

Furthermore, it is noted that there is an error in the officers' report on page 8 of the agenda under section Description of the site. The report states that *'The land is in private ownership and is subject to a leasehold agreement with Leicestershire County Council. Notice has been served on the leaseholder.'*

This is not correct. The owner of the field is the Helen Jean Cope Charity and the adjoining land within the red line is maintained by LCC and there are no leasehold agreements with Leicester County Council. Leicester County Council are responsible for the public highway and have been served notice in respect of parts of the site which extend into the public highway but otherwise have no interest in the site as a landowner.

Summarisation of ward member comments

Comments have been received from both ward members, Cllr Smidowicz and Cllr Parsons in respect of the summary of their comments provided in the report.

A copy of Cllr Parsons' and Cllr Smidowicz's comments received 21/02/22 are available in full on the online planning file. In summary, these set out issues that are considered not to have been referenced in the report.

In addition to the summarised points on page 16 and 17 of the agenda, Cllr Parsons refers to his original comments dated 2nd February 2021 and that the following points have not been reported:

- Contextual summary should refer to the Council's own decisions in granting application on Snells Nook Lane and the Enterprise Zone which are significant contributors to the issues in Nanpantan and that the Enterprise Zone application and lack of reference could be interpreted as having not appropriately managed a conflict of interest on behalf of and in the interest of the council.
- The site is of unique geological value that has been overlooked in the report.
- The barrier to accessibility presented by Forest Road has not been reported and officer's comments on page 28 do not do justice to the importance of the issue.
- Residents have been put in this position by the Council's failure to prepare a timely Local Plan and the associated lack of 5-year housing land supply.

The comments received from Cllr Parsons are noted and the report sought to provide a concise summary of the material considerations relating to determination of the application as it is not feasible to provide full comments for each consultee. The report sets out that it provides a summary of comments only and refers the reader to the Planning Explorer for full copies of the comments received, where Cllr Parsons comments are available.

On that basis, it is considered that suitable reporting of the comments has been made, with full comments having been made available via the Planning Explorer, such that Plans Committee are able to make an informed decision. A copy of the email setting out Cllr Parsons concerns in relation to the report is available below.

Comments from Cllr Smidowicz received 21/02/22 agree with the comments of Cllr Parsons and raise further issues. A copy of the comments made is provided in full on the online planning file but summarised as follows:

- query the lack of reference in the report to the geology of the site
- the report fails to accurately present the topography of the site
- No reference is made to the 700 people who signed a petition
- Even a bungalow on the site would cause overlooking
- Information showing use of the site with a path over a 10-year period has not been referenced and that there is an Act that allows use if the gate is not closed or a sign

In response to the comments made, the geological structure of the site is recognised in the site investigation surveys which are referred to in the officers' report but as there are no geological designations on this site it is not considered to be a primary issue affecting consideration of the proposals. There are no objections from consultees on this matter and no evidence that the presence of Cambrian bedrock would preclude the principle of residential development on the site, particularly considering that the surrounding houses are likely to have also been built on the same.

The investigative surveys recognise that further investigation would be required, and reference is made in those surveys to the potential impact on viability of a residential scheme if substantial earthworks were required but considering that this is an outline application where the details such as layout and scale for any potential future

development are unknown then this does not restrict the principle of residential development.

The description of the development at the beginning of the report on page 8 of the agenda sets out that there is a 5m ground level difference between the access and the highest part of the site and that the site is elevated in relation to surrounding development but as this is an outline application where details of scale, layout, floor levels and design are all unknown, it is not considered that the topography alone is a particular issue which would preclude the principle of residential development on the site and justify refusal based on the development plan. Reference is made to the topography as part of the landscape considerations as well as residential amenity such that it remains the view of officers that adequate consideration has been given to the topography of the site and the potential impact from the proposals within the report.

Photographs of the site shall be provided as part of the presentation, including photos showing the ground levels within the site and the context in relation to surrounding properties.

A summary of comments from local residents has been provided in the report, including reference to the material considerations that have been raised. It is appreciated that specific reference to the petition has not been made but the material considerations referenced in that petition have been summarised and officers have responded to the material considerations and how they relate to relevant policies such that members would not be prejudiced to the issues raised by local residents. Furthermore, reference is made in the report that comments are available in full on the Planning Explorer.

The report refers readers to the Planning Explorer for copies of full comments and Cllr Smidowicz's comments, including google photos of the site, are available. While it is recognised that there is a history of access to the site it is also noted that there is no legal recognition of this such that the site remains in private ownership with the owner controlling access to the extent that at the time of the application there is no legal right of entry for the public into the site and the application is to be determined on that basis.

Ecological assessment of the site

In addition to comments submitted on behalf of NWRG during the course of the application, further submissions have been received from Julian Jones in relation to the ecological assessment that has been undertaken.

A copy of the latest comments received 22/02/22 are provided in full in the online planning file.

The issues raised largely reiterate previous comments dated 5th January and these have been made available via Planning Explorer and considered by consultees and in the preparation of the report.

In summary, the latest comments are summarised as follows:

- The site includes an area of acid grassland habitat that has not been surveyed appropriately through the EcIA Assessment (EcIA)
- The botanical survey carried out as part of the EcIA was not done at the optimum time of year
- The Biodiversity Impact Assessment is based on inaccurate EcIA
- On site mitigation for loss of important grassland habitat may not be achieved, especially as the EcIA did not detect or provide mitigation measures for the acid grassland on the site.

In response to the issues raised by Julian Jones in their comments of 22/02/22, Charnwood's Senior Ecologist's comments are unchanged. Charnwood's Senior Ecologist is of the view that the BIA does take into account the acid grassland and that as the area of acid grassland is relatively small its value is not great. While retention and restoration of the site would be preferable from a singular ecological perspective, the loss of ecological value is not 'significant' or 'demonstrable' in terms of the NPPF to justify refusal and appropriate measures can be put in place to ensure adequate compensation of any habitat that would be lost that is based on the agreed baseline assessment of the site in the BIA (December 2021) and further details which could be secured through reserved matters, conditions and Section 106.

NWRG objections

Further submissions have been received from NWRG based on the view that the issues raised in their previous submissions have not been adequately addressed through the report. These reiterate issues raised in comments received 12/01/22, a copy of which is available on Planning Explorer and the relevant parts of which have been responded to in the report.

A copy of the latest comments is provided on the online planning file.

While officers are of the view that all relevant material considerations raised by these comments have been addressed through the report, for the sake of completeness a response to each of the issues raised in NWRG's latest comments is provided below:

1. Leconfield removed from the emerging local plan as a site for development (CS13, NPPF11)

- *The report does not mention that the evidence provided by the emerging plan supporting documents has been used to support previous planning decisions made by the Plans Committee.*
- *With this site being considered, but removed from the allocation using this evidence, this is a strong argument that this is the wrong place for development.*

Pages 9 to 14 of the agenda provide a summary of all relevant policies affecting consideration of the proposals. In addition to policies of the development, reference is also made in the report to relevant documents forming part of the evidence base for the emerging Local Plan.

Page 14 of the report recognises that the site was previously proposed to be allocated through the emerging Local Plan and was not excluded following assessment through the Strategic Housing and Employment Land Availability Assessment (SHELAA), but

it was not taken forward as an allocation in the submission version of the Local Plan following a high-level assessment of ecological constraints and that other sites would be preferable. However, the high-level assessment for the purposes of a Local Plan allocation do not take into account the detailed assessment and potential mitigation which forms part of the consideration of a planning application, doesn't take into account the current adopted policies and the current lack of 5 year housing land supply which are material considerations for the determination of this case.

2. The Council is of the view that the site assessment document for the emerging local plan has been 'thoroughly investigated and prepared' and can be used to inform current planning application decisions. This includes Leconfield. (CS2, CS13, NPPF11)

- *The report does not mention that the evidence provided by the emerging plan supporting documents has been used to support previous planning decisions made by the Plans Committee.*

As above.

There is no need to refer to evidence that has informed other applications if it is not relevant to this application. The report refers to documents from the evidence base supporting the emerging Local Plan where they are relevant to this case.

3. The Council's Landscape Officer recommends refusal on landscape grounds (CS11, NPPF174, NPPF175, SO11, SO12)

4. A landscape with a unique sense of place and distinctiveness would be lost (CS11, NPPF102, NPPF174, NPPF175, SO11)

- *The report does not include the evidence provided by the Landscape Officer and the developer's LVIA.*
- *NPPF174(a) requires 'protecting and enhancing valued landscapes' and NPPF 175 states that Councils should 'allocate land with the least environmental or amenity value'.*
- *This site has acid grassland that is a priority habitat in Leicestershire and Rutland Biodiversity Action Plan. This is protected by CS13*

The Landscape Officer does not recommend refusal.

The Landscape Officers comments are available in full via Planning Explorer and are summarised on page 15 of the report.

The section Landscape and Visual Impact on pages 21 – 23 provides an assessment of landscape impact drawing on the Landscape Officer's comments and the Landscape and Visual Impact Assessment (LVIA) submitted by the applicant. The report also draws on evidence base documents that assess the landscape character of the area, including the site, including the Landscape Sensitivity Assessment which specifically refers to this site as being of low to moderate sensitivity.

The Landscape Officer's assessment of the landscape impact from the proposals as amended in August 2021 finds that the cumulative impact would be of considerable harm. It is noted that this is not 'significant' or 'demonstrable' in the terms of the NPPF

paragraph 11 d) and that the officer's comments go on to state that with mitigation the impact could be 'less than considerable'. Considering NPPF paragraph 55 and the potential to apply conditions to mitigate harm where this could result in a development being acceptable then it is reasonable to apply appropriate conditions and expect that the resultant level of harm from a development of up to 30 dwellings would not constitute 'significant' or 'demonstrable' harm that would justify refusal in terms of the tilted balance.

5. The landscape character assessment is supported by the Council's designations (CS11, NPPF102, NPPF174, SO11)

- *It is not considered, how can a site that is unchanged in character go from an 'open space of special character' – making 'a vital contribution to the settlement – to 'a site for development'?*
- *The Council's LGS assessment published just last July says, parroting EV/18, that Leconfield makes a 'vital contribution to the character of the area.'*
- *The site meets LGS criteria and is only not allocated because of this planning application!*

As referenced on page 21 of the agenda, the site was formerly designated as an Open Space of Special Character in policy EV/18 of the Local Plan (2004). Policy EV/18 has not been saved and does not form part of the development plan and is not a material consideration. CS11 of the Core Strategy (2015) relates and provides a broader approach to landscape protection and enhancement based on the particulars of the site and mitigation. This is to be read in conjunction with other policies of the development plan, including CS1 which directs development to the larger settlements and CS25 with its presumption in favour of sustainable development.

An assessment has been made as part of the Local Green Space Assessment and Local Plan process with the outcome being not to designate as part of the emerging Local Plan. The criteria for designation is noted but this does not change the fact that there is an application on the site and the council are required to determine based on the material considerations at the time, including adopted development plan documents. The report provides further information on this issue at pages 26 to 27.

6. This already fragmented area of Charnwood Forest needs to be protected from further harm (CS13, CS23, SO12)

- *The effect on Burleigh Wood has been ignored. The comments from the Landscape Officer, LRWT and Natural England are not mentioned.*

Comments from the Landscape Officer, Leicestershire and Rutland Wildlife Trust and Natural England are summarised on pages 15 to 17. Comments are available in full on the Planning Explorer.

The impact on Burleigh Wood has been considered through the Landscape and Visual Impact Assessment on pages 21 to 23 as well as the Ecology and Biodiversity section on pages 23 to 25.

7. Leconfield is recognised nationally and locally as an ecological network (CS13, NPPF179, SO12)

- *The comments from LRWT are not included and the fact that Natural England map the site as a Woodland Priority Habitat Network is ignored.*

There are no specific local or national designations on this site, ecological or otherwise.

The comments of LRWT and Natural England have been taken into account on pages 15 to 17 and copies of their comments are available in full on Planning Explorer. It is noted that Natural England raise no objections subject to recommended conditions which have been included as part of recommendation B.

Burleigh Wood is acknowledged as being a priority habitat, but that designation does not extend to include any part of this site, though it is noted that it directly adjacent and careful consideration has been given to impact on Burleigh Wood.

8. The Council requires the restoration of this locally important habitat (CS13, NPPF102, NPPF179)

- *This site has acid grassland that is a priority habitat in Leicestershire and Rutland Biodiversity Action Plan. This is protected by CS13 and NPPF179.*
- *In the LGS assessment, the criterion 'Richness of Wildlife' was found to be 'demonstrable' (NPPF102).*
- *The comments from the Senior Ecological Officer on the potential for restoration are not mentioned.*

Charnwood's Senior Ecologist recognises that there is a relatively small area of acid grassland, as detailed under the Ecological Assessment section of this Extras report, above. The Senior Ecologist has no objections to the proposals subject to conditions and S106, which are included in recommendation A and B.

A summary of ecological issues is provided in the report on pages 23 and 24 of the agenda.

The Local Greenspace Assessment does not provide the same level of detail as the Ecological Assessment or associated Biodiversity Impact Assessment and its importance to the consideration of this application is limited.

9. Far better protection is needed for the fragile Burleigh Wood (CS12, CS13, SO12)

- *Far larger buffers proposed by LRWT and Loughborough University and Forestry Commission are not considered*

A total of a 20m buffer is proposed as part of the parameters plan. This is in accordance with the minimum buffer recommended by the Woodland Trust and is accepted by Charnwood's Senior Ecologist.

LRWT do not object to the principle of the development and commend the inclusion of a buffer, but it is acknowledged that ideally, they would recommend further planting and a buffer to maximise protection of the woodland.

Loughborough University base their comments on the Habitat Survey Report, which has been considered by Charnwood's Senior Ecologist.

Control over the layout and landscaping within the site is retained through conditions and reserved matters to ensure an appropriate scheme is achieved.

10. The previous planning application was refused on the same landscape character issues that are raised now by the Landscape Officer (CS11, CS25, NPPF8)

- *There is no consideration given that the reasons for refusing the planning application in 1988 still apply now as the character of the land is unchanged.*

The surrounding area, its landscape setting and the relevant policy has changed significantly since the determination of the application in 1988 and the application must be determined in accordance with current development plan policies and other material considerations.

11. 2019 Charnwood Forest Landscape and Character Assessments (CS11, SO11)

- *2019 Landscape Character Assessment for the Charnwood Forest Regional Park states that development in this area should be sited where visual containment can be achieved. This important evidence is not mentioned.*

The Landscape Character Assessment for Charnwood Forest is reference in page 21 and 22 of the report.

12. The Council's Landscape Sensitivity Assessment opposes development (CS11, NPPF174)

- *The Council's 'Landscape Sensitivity Assessment' for Leconfield stated that development on these slopes may be out of keeping with the existing settlement pattern. This is not mentioned in the Report*

The Landscape Sensitivity Assessment is referred to on page 21 of the report.

The assessment considers the different aspects of the site which could be affected by development and concludes that the site is of low to moderate sensitivity to development.

13. The Council's Senior Ecological Officer recommends refusal (CS13, NPPF8, NPPF11)

14. Leicestershire and Rutland Wildlife Trust recommends refusal (CS13, NPPF8)

15. Ecological nature of the site has not been established (CS13, NPPF43, NPPF182)

- *There is no mention that the BIA was not carried out according to the standards that the developer's ecologists have signed up to.*
- *There is no mention that the developer's surveys are either carried out at the wrong time of year or are incomplete.*

Charnwood's Senior Ecologist does not recommend refusal.

Leicestershire and Rutland Wildlife Trust does not recommend refusal.

Charnwood's Senior Ecologist has accepted and agreed that the biodiversity value of the existing site has been adequately assessed as part of the BIA (December 2021) and that the ecological surveys have been undertaken adequately to inform assessment of the proposals.

16. The Ecological Impact Assessment is severely deficient and cannot be accepted (CS13, NPPF43, NPPF182)

- *It is not discussed that without acceptable survey results the ecological impact is not known and so the BIA is invalid.*

As above - Charnwood's Senior Ecologist has accepted and agreed that the biodiversity value of the existing site has been adequately assessed as part of the BIA (December 2021) and that the ecological surveys have been undertaken adequately to inform assessment of the proposals.

17. Unknown ecological impacts cannot be controlled by S106 conditions (NPPF55, NPPF180)

- *No mention is given that as the BIA is not valid, the planning application must be refused.*
- *It is not discussed that the ecological damage has to be known when the outline plan is considered and cannot be controlled by S106 conditions.*

As above - Charnwood's Senior Ecologist has accepted and agreed that the biodiversity value of the existing site has been adequately assessed as part of the BIA (December 2021) and that the ecological surveys have been undertaken adequately to inform assessment of the proposals.

There is no significant or demonstrable harm on ecological interests of the site to justify refusal, as set out on pages 23 to 25 of the agenda.

NPPF paragraph 55 states that Local Planning Authorities should use conditions and planning obligations if they can make a development acceptable.

Charnwood's Senior Ecologist has agreed that the baseline evaluation of the site is acceptable such that the ecological impact of any future reserved matters proposals can reasonably be assessed in relation to their impact on habitats and provide mitigation based on a comparison to the current situation to acceptable levels.

18. Leconfield protects the environment against climate change (NPPF8, SO7)

- There is no discussion of the importance of semi-natural grasslands for protecting against climate change. It is able to sequester 0.6 tonnes of carbon per hectare per year. This is much greater than that of many tree plantations.*

The proposals are in accordance with national and local adopted policies.

Detail of house types, layout, scale and associated sustainable construction details can be assessed through reserved matters.

19. Development would cause adverse impacts to the health and wellbeing of residents (CS6, CS11, CS12, CS13, CS15, CS23, CS25, NPPF7, NPPF8, NPPF92, NPPF98, SO3)

- No reasonable solution is provided to the issue that this is the last green space and we are severely deficient in open space*
- No mention that accepting development here means CS15 will not be met in Nanpantan. C15 states that 'The open space needs of the community to be met by 2028.'*

Pages 25 to 29 of the report relate to open space and accessibility.

The site is not publicly accessible open space and is not designated as an open space, sport, or recreation site. As such, the loss to the local community is relatively limited.

In terms of CS15, the proposals would allow access to the site with potential for new open space to be made available to the local community such that it would comply with policy.

Other open spaces are available within and adjacent to Nanpantan ward.

20. Leconfield must be protected as open space for recreation and visual amenity (CS15, NPPF92, NPPF99, SO3)

- It is not discussed that, being an important visual amenity, this site is an open space under the NPPF definition.*
- C15 applies and this open space must be protected*

As above - Pages 25 to 29 of the report relate to open space.

Landscape and visual impact is assessed on pages 21 – 23 of the agenda.

21. Development would destroy the current and future green infrastructure (CS10, CS11, CS12, CS14, CS17, CS23, NPPF100, SO1, SO3, SO11, SO12)

- The report simply dismisses the green infrastructure enhancements we are proposing that are supported by the Council's Open Spaces team, Severn Trent Water, The National Forest Company and Leicestershire County Council. This important initiative in Charnwood Forest and requires the protection of the small vulnerable Woods in Nanpantan and the protection of the Leconfield habitat.*

It is recognised that NWRG have prepared a vision document for green spaces in Nanpantan Ward and while the aspirations are supported, it does not form part of the development plan and the recommendations made within it are not supported by adopted or emerging policy. Furthermore, there is no evidence of their being a tangible means to implement the vision, particularly while the site is in the ownership of the applicant who is pursuing development of the site.

Conclusion

The further comments received and considered in this report do not raise any further issues which alter the original assessment, including the planning balance and conclusion within the committee report published in the agenda.

Recommendation

No change to the officer's recommendation.

Pages 100-139

Site Address: Land off Homefield Road, Sileby

Item No. 3

P.A. No. P/21/0535/2

Issue 1

The Leicestershire County Council developer contribution request for Waste is incorrectly shown in the table of contributions on Page 114 and 128 of the agenda pack.

Issue 2

Page 124 of the agenda pack refers to a Biodiversity offsetting calculation of £166,129,932 which is incorrect.

Officer Response:

Issue 1

The proposed developer contribution was stated to be £2,342 which was a typographical error. The correct amount requested is £2,842.

Issue 2

The bio-diversity off-setting payment was stated to be £166,129,932 which was a typographical error. The correct amount is £166,129 as correctly set out in the Developer Contribution Table on Page 130 of the agenda pack.

Recommendation:

No change to the recommendation for approval as set out in the agenda report.

Recommendation A is amended to:

That authority is given to the Head of Planning and Regeneration and the Head of Strategic Support to enter into an agreement under Section 106 of the Town and Country Planning Act 1990 to secure contributions, on terms to be finalised by the parties as set out in the table on pages 130 and 131 of the agenda pack, with the civic amenity contribution revised to £2,842.

Pages 140-194

Site Address: Land at Ashby Road, Markfield

Item No. 4

P.A. No. P/21/1260/2

Issue 1

Members will recall that this application is a cross-boundary application, with the majority of the site located within Charnwood administrative area and the access from Ashby Road located within Hinckley and Bosworth administrative area. Since the determination of the application P/21/1260/2 (at Plans Committee on 1 December 2021) and since the publication of the Agenda for this Plans Committee, Hinckley and Bosworth Borough Council have determined their application 21/00787/OUT which related to the access to this development. The application 21/00787/OUT was determined at Hinckley and Bosworth Borough Council Planning Committee on the 15 February 2022 and the decision was issued on 16 February 2022. The application was refused for the following reason:

1. The development, due to its location in the open countryside, would be harmful to the character and appearance of the area and have an urbanising impact on the site. The proposal would have a significant adverse effect upon the intrinsic character and beauty of the countryside. The proposal would therefore be contrary to Policy DM4 of the Site Allocations and Development Management Development Plan Policies (2016), Policy M1 of the Markfield Neighbourhood Plan (2021) and this harm would significantly outweigh the benefits when considered against the Framework as a whole.

The refusal of the access to the site is a material consideration in the determination of the above application.

A letter from a member of the public was received on 22 February 2022 which highlighted then fact that the application 21/00787/OUT has been determined by Hinckley and Bosworth Borough Council. The letter considers that this is a new material consideration to which Charnwood Borough Council must have regard, before finally determining the application and issuing the decision. The letter considers that the Charnwood Borough Council application P/21/1260/2 should be referred back to Plans Committee for reconsideration.

Issue 2

The first sentence of condition 18 in the committee report should be shown in underlined italics, to indicate that this wording is proposed to be amended, from that approved at 1 December 2021 Plans Committee.

Officer Response:

Issue 1

The proposed outline development (access only) within Charnwood administrative area of 93 dwellings, public open space, landscaping and associated works cannot be accessed within Charnwood Borough and requires the access from Ashby Road, Markfield, within the Hinckley and Bosworth administrative area. This was set out in the original Committee Report of 1 December 2021 (see Appendix A to Item 4). That report clearly stated:

“If the application for the access to the site is not approved by Hinckley and Bosworth Borough Council, then the application that falls within Charnwood Borough Council may still be approved if committee is so minded but it will not be capable of implementation until an access is agreed and all of the reserved matters are approved”.

It is considered that Members resolved to approve the application P/21/1260/2 on 1 December 2021 in the knowledge that the application 21/00787/OUT, relating to the site access, would be determined by Hinckley and Bosworth Borough Council and could be approved or refused. Therefore, the present situation of the access to the development having been refused, was a material consideration that Members were aware of when Members resolved to approve the application. Therefore, it is not considered necessary to re-consider the planning application. The current committee report relates solely to proposed amendments to the conditions approved at Plans Committee on 1 December 2021.

Issue 2

Members note that the wording of condition 18 is proposed to be amended from the original resolution.

Recommendation:

No change to the recommendation as set out in the February committee report.

Pages 210-218

Site Address: 124 Maple Road South,
Loughborough

Item No. 6

P.A. No. P/21/0010/2

Issue 1

The submitted plan referred to in the officer report has a mislabelled floor plan - ground floor. A corrected plan has been received.

Officer Response:

The submitted plan with correct label to be referenced as amended drawing.

Recommendation:

No change to the recommendation for approval as set out in the agenda report. Condition 2 updated to reference amended plan received 23rd February 2022 as follows:

Condition 2. The development hereby permitted shall be carried out in accordance with the following plans:

Application Form - received by the Local Planning Authority on 4th January 2021.

Applications Plans Location plan and Block plan - Drawings Ref MPD-960-PL-01-C rev A received by the Local Planning Authority on 23rd February 2022.

REASON: To define the terms of the planning permission