



*Meeting:* **Development Control and Regulatory Board**

*Date/Time:* **Thursday, 4 April 2024 at 2.00 pm**

*Location:* **Sparkenhoe Committee Room, County Hall, Glenfield**

*Contact:* **Mr E. Walters (Tel: 0116 3052583)**

*Email:* **euan.walters@leics.gov.uk**

### **Membership**

Mr. L. Phillimore CC (Chairman)

Mr. R. G. Allen CC	Mr. D. J. Grimley CC
Mr. N. D. Bannister CC	Mr. D. Harrison CC
Mr. M. H. Charlesworth CC	Mr. P. King CC
Mr. J. G. Coxon CC	Mr. B. Lovegrove CC
Mr. D. A. Gamble CC	Mr. K. Merrie MBE CC

**Please note: this meeting will be filmed for live or subsequent broadcast via You Tube [https://www.youtube.com/playlist?list=PLrIN4\\_PKzPXjar7IOtLtNZvlwZ4xT\\_8yU](https://www.youtube.com/playlist?list=PLrIN4_PKzPXjar7IOtLtNZvlwZ4xT_8yU) – Notices will be on display at the meeting explaining the arrangements.**

### **AGENDA**

#### **Item**

1. Minutes of the meeting held on 30 November 2023. (Pages 3 - 6)
2. Question Time.
3. Questions asked by Members under Standing Order 7(3) and 7(5).
4. To advise of any other items which the Chairman has decided to take as urgent elsewhere on the agenda.
5. Declarations of interest in respect of items on the agenda.
6. Presentation of petitions under Standing Order 35.



Reports of the Chief Executive on Planning Applications - County Matter Applications.

7. 2023/0919/01 (2023/VOCM/0108/LCC) - J and F Powner Ltd. - (Pages 7 - 24)  
Variation of 2020/0861/01 (2020/VOCM/0120/LCC) Condition no. 3 to allow for 10 deliveries from local authority vehicles on a public/bank holiday - Manor Farm, Sharnford Road, Aston Flamville, LE10 3AW.

Reports of the Chief Executive on Planning Applications - County Council Applications.

8. 2023/01645/07 (2023/Reg3Mi/0122/LCC) - Hugglescote County Primary School - Provision of a single-storey, 3-classroom block including re-siting of existing timber play equipment and reading canopy - Ashburton Road, Hugglescote, LE67 2HA. (Pages 25 - 48)

Report of the Director of Law and Governance.

9. Revised Members' Planning Code of Good Practice. (Pages 49 - 68)

Reports of the Chief Executive

10. Delegated Decisions Issued from October 2023 to March 2024. (Pages 69 - 70)

Reports of the Director of Environment and Transport.

11. Delegated Tree Preservation Order Decisions Issued from July 2023 to December 2023. (Pages 71 - 78)

12. Any other items which the Chairman has decided to take as urgent.

13. Chairman's announcements.



Minutes of a meeting of the Development Control and Regulatory Board held at County Hall, Glenfield on Thursday, 30 November 2023.

PRESENT

Mr. L. Phillimore CC (in the Chair)

Mr. R. G. Allen CC	Mr. D. Harrison CC
Mr. N. D. Bannister CC	Mr. P. King CC
Mr. M. H. Charlesworth CC	Mr. B. Lovegrove CC
Mr. J. G. Coxon CC	Mr. K. Merrie MBE CC
Mr. D. A. Gamble CC	Mrs. R. Page CC

Webcast.

A webcast of the meeting can be viewed at:  
<https://www.youtube.com/watch?v=yBP1oa7gnYk>

40. Minutes of the previous meeting.

The minutes of the meeting held on 26 October 2023 were taken as read, confirmed and signed.

41. Question Time.

The Chief Executive reported that no questions had been received under Standing Order 34.

42. Questions asked by Members.

The Chief Executive reported that no questions had been received under Standing Order 7(3) and 7(5).

43. Urgent items.

There were no urgent items for consideration.

44. Declarations of interest.

The Chairman invited members who wished to do so to declare any interest in respect of items on the agenda for the meeting.

Mr. K. Merrie CC declared a non-registerable interest in agenda item 7: application from Mick George Ltd relating to Husbands Bosworth Quarry as Mr. Merrie CC was a member of Ellistown Parish Council and Mick George Ltd had operations in that area.

45. Presentation of petitions.

The Chief Executive reported that no petitions had been received under Standing Order 35.

46. 2023/0988/03 (2023/VOCM/0056/LCC) - Mick George Ltd: Variation of conditions 6 and 21 of planning permission 2021/0683/03 relating to operational hours and noise limits to allow operations and vehicle movements from 6am - Husbands Bosworth Quarry, Welford Road, Husbands Bosworth.

The Board considered a report of the Chief Executive, a copy of which, marked 'Agenda Item 7', is filed with these minutes.

In accordance with the procedures for making representations to the Board Mr. Stephen Constable-Maxwell spoke regarding the proposals. Mr Constable-Maxwell clarified that although he was a local resident and had his own view on the proposals, he had been asked to speak on behalf of the applicant on this particular occasion.

In response to a question from a member, it was clarified that there were no requirements in place at the current time for the site in relation to HGV routing, though the application which was under consideration did propose a route for vehicles exiting the site prior to 7am.

RESOLVED:

That the application be refused.

**Reasons For Refusal**

1. The proposal is for the introduction of up to ten HGV movements from the application site before 0700. It is considered that movements at this time from the site would introduce industrial operations at the site at an inappropriate time of day (night time) causing unacceptable harm to the rural environment and residential amenity. It has been found that this harm cannot be suitably mitigated. The proposal conflicts with Policy DM2 of the Leicestershire Minerals and Waste Local Plan (adopted 2019) which relates to the local environment and community protection and paragraph 174, e) of the NPPF with respect to unacceptable levels of noise pollution.
2. The proposal would have unacceptable adverse impacts upon the health and wellbeing of residents. It is considered by both relevant Environmental Health officers that the current restriction that limits HGV movements until after 07:00 is entirely appropriate, HGV movements should not be permitted prior to 07:00 as doing so will result in adverse noise impact and may cause sleep disturbance. This view is supported by the World Health Organisation's Community noise guidelines (1999) and more recently the Night Noise Guidelines (2009), which both promote that noise during nighttime hours (23:00 to 07:00) be suitably managed so as to protect the public from sleep disturbance and the health impacts associated with that disturbance. The proposed alternate route does not alleviate any of these concerns, and would push the issue to an even quieter road, where HGV movements in these early hours of the morning would be even more disturbing. Overall, the proposal conflicts with policy DM2 of the Leicestershire Minerals and

Waste Local Plan (adopted 2019). Additionally, the proposal would not support healthy lifestyles and would conflict with paragraph 92 c) of the NPPF.

3. The proposed development in addition to the existing permitted operations would result in unacceptable adverse cumulative impacts arising from the site in terms of local amenity and noise pollution within the rural environment and upon local residents. On this basis, the proposal conflicts with Policy DM11 of the Leicestershire Minerals and Waste Local Plan (adopted 2019) and paragraph 211, b) of the NPPF.
4. Further to this, there has been an insufficient demonstration of need and there is poor justification to start activity (HGV outbound movements) before the existing 7.00 am start time. The applicant has failed to provide adequate operational or economic reasons to justify the early start for HGVs that override any potential additional disturbance that such movements would cause. It has not been demonstrated that the early start would result in sufficient economic/social benefit, that outweigh the social and environmental harm and the policy conflict outlined above. Any economic benefits must be balanced against the environmental and social objectives of sustainable development. The application, if granted permission would have significant impacts upon the local environment with regards to noise pollution within the rural environment and local amenity including health and wellbeing relating to disturbance during night-time hours. The specialist advice sought from both relevant Environmental Health teams agree that the impacts would be unacceptable and cannot be suitably mitigated. On balance, the proposal is found to conflict with the principles of sustainable development and policy DM1 of the Leicestershire Minerals and Waste Local Plan (adopted 2019) and policy GD1 of the Adopted Harborough Local Plan (2019) and the principles of sustainable development as set out in Paragraph 11 of the NPPF. It is considered that there is a continued need to protect local amenity in accordance with policy DM2 of the Leicestershire Minerals and Waste Local Plan (adopted 2019), which supported the imposition of the original planning conditions under planning permission reference 2023/0988/03 (2023/VOCM/0056/LCC).

47. Delegated Decisions issued 1 July 2023 to 30 September 2023.

The Board considered a report of the Chief Executive which set out the Delegated Decisions for the period 1 July 2023 to 30 September 2023. A copy of the report, marked 'Agenda Item 8', is filed with these minutes.

RESOLVED:

That the contents of the report be noted.

48. Chairman's announcements.

The Chairman advised that the next Board meeting would take place on Thursday 11 January 2024 at 2.00pm.

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**DEVELOPMENT CONTROL AND REGULATORY BOARD**

**4<sup>TH</sup> APRIL 2024**

**REPORT OF THE CHIEF EXECUTIVE**

**COUNTY MATTER**

**PART A – SUMMARY REPORT**

<b>APP.NO. &amp; DATE:</b>	2023/VOCM/0108/LCC (2023/0919/01)
<b>PROPOSAL:</b>	Variation of 2020/0861/01 (2020/VOCM/0120/LCC) Condition 3 to allow for 10 deliveries from local authority vehicles on a public / bank holiday
<b>LOCATION:</b>	Manor Farm, Sharnford Road, Aston Flamville. LE10 3AW.
<b>APPLICANT:</b>	J and F Powner Ltd.
<b>MAIN ISSUES:</b>	Local amenity; noise, dust and air quality; highway safety; and cumulative impact.
<b>RECOMMENDATION:</b>	PERMIT subject to the conditions set out in Appendix A and the prior completion of a S106 legal agreement covering commercial vehicle routeing.

**Circulation Under the Local Issues Alert Procedure**

Mrs. M. A. Wright CC

**Officer to Contact**

Christina Emmett (Tel. 0116 305 9089)  
Email: [planningcontrol@leics.gov.uk](mailto:planningcontrol@leics.gov.uk)

## **PART B – MAIN REPORT**

### **The Site and Surroundings**

1. Manor Farm is located approximately 200 metres east of the boundary of the parish settlement of Aston Flamville – a hamlet located on the south-west boundary of the District of Blaby. The site is accessed via a track off Sharnford Road. The track includes Bridleway V34, which continues in a north-east direction after passing the site.
2. The majority of Aston Flamville lies within the designated Aston Flamville Conservation Area, although the application site does not fall within it. There are five nationally designated heritage assets within Aston Flamville, including St. Peter's Church (Grade II listed) - located approximately 500 metres from the site access - and The Manor House and Pigeoncote at Manor Farm, both Grade II listed and on Lychgate Lane off Sharnford Road.
3. The closest residential property is on the southern side of Sharnford Road and lies approximately 160 metres from the access road to the site.
4. A bridge over the M69 motorway lies approximately 960 metres west of the site and the Aston Firs Gypsy and Traveller site is approximately 2.7 kilometres northwest. The Aston Firs site is adjacent to Burbage Wood, which is a Site of Special Scientific Interest (SSSI).





## **Planning History**

5. In 2003 planning permission was granted under reference 2002/0747/01 to allow the development of a composting facility. The permission was subject to a section 106 agreement to control the routing of vehicles to and from the site. In March 2006 permission was granted to vary condition 3 of the above permission (reference 2006/0068/01) to include cardboard within the types of waste permitted to be composted at the site.
6. Permission was granted in 2008 (reference 2008/0653/01) to further increase the composting capacity of the site. The associated standard rules waste permit allows capacity up to 25,000 tonnes of compostable material onto the site and up to 12,000 tonnes of compost/final product.
7. Two variations have since been permitted, under 2010/0484/01 and 2011/0945/01, to increase the flexibility of the site by allowing deliveries of compostable materials at specific times of the day.
8. The 2008 planning permission (reference 2008/0653/01) included the relocation and extension of the site from the east to the west of Bridleway V34. The capacity of the site was increased with a view to meeting the requirements of the Compost Quality Standard (PAS100) to sell the final composted material, and in 2009 a change of use application was submitted and approved for an agricultural building to accommodate the transfer and baling of plastics and card (reference 2009/0487/01).
9. The permission granted following the 2010 planning application (2010/0484/01) varied condition 3 of permission 2008/0653/01 to change the hours of operation from 08:00-17:30 to 07:00-18:00 Monday to Friday and to open, but take no deliveries, on public and bank holidays.
10. In 2011 permission was sought for further variations to the permission for the composting facility to allow it to operate on Sundays and public bank holidays between the hours of 10:00 and 16:00, which was refused (reference 2011/0097/01). Later in 2011, a variation was sought and granted to allow up to 5 deliveries on public and bank holidays (reference 2011/0945/01).
11. By 2020 PAS100 had been achieved, meaning that the final product is not considered a waste material and is suitable for sale. An application to vary the relevant condition of permission reference 2011/0945/01 was sought and granted in 2020 (permission reference 2020/0861/01) to allow the export of the final product. It was assessed at this time that due to the existing waste management use of the site, the requirements of policies W4, W5 and W6 were met. This is the extant permission which this application seeks to vary.

## **Description of Proposal**

12. The applicant is seeking a variation to Condition 3 of planning permission reference 2020/0861/01. The condition provides that;

*“Deliveries and deposit of compostable materials and collection of exported final product shall take place only between the hours of:*

*07:00 and 18:00 Monday to Friday;  
08:00 and 15:00 on Saturdays;  
10:00 and 13:00 on Public Holidays.*

*No more than 20 movements associated with the delivery of compostable material or export of final product, shall take place between 0700-0800 hours and 1730-1800 hours on any weekday (Monday-Friday). No more than 5 deliveries of compostable materials shall be permitted on any Public/Bank holiday.*

*Reason: To safeguard the amenities of the locality and minimise any adverse impacts”.*

13. The applicant proposes to amend the condition to read as follows,

Deliveries and deposit of compostable material and collection of exported final product shall take place only between the hours of:

07:00 and 18:00 Monday to Friday

08:00 and 15:00 on Saturdays

10:00 and 13:00 on Public/bank Holidays (No other customers permitted on a bank holiday other than Local Authorities and Leicestershire County Council).

No more than 22 movements associated with the delivery of compostable material or export of final product shall take place between 0700-0800 hours and 1730-1800 hours on any weekday (Monday-Friday). No more than 10 deliveries of compostable materials shall be permitted on any Public/Bank holiday.

14. Hinckley and Bosworth Borough Council (HBBC), which is one of the local authorities delivering to Manor Farm, currently collects waste on bank and public holidays and Blaby District Council is starting to collect waste on bank and public holidays in line with HBBC, as its neighbouring local authority. The proposed changes to Condition 3 would allow for an increase in deliveries on bank and public holidays to accommodate the increase in bank holiday waste collections.
15. The applicant does not propose to increase overall vehicle movements to and from the site in connection with the operations, as set out in Condition 3 of permission reference 2020/0861/01. To ensure this happens, the applicant proposes that vehicle movements on a Saturday would be decreased while the total expected vehicle movements on a bank holiday would be increased from 5 Local Authority deliveries to approximately 10 deliveries (an additional 5 deliveries). The vehicles are already operating during these times and the variation would allow the local authorities to tip at a composting site that is local to the origin of the waste.
16. The application seeks to vary Condition 3 to allow the site to receive the waste from Blaby District Council on bank and public holidays. No shredding is to take place outside of the times already permitted.

17. No vehicles will travel to the site through Aston Flamville village unless collecting waste from properties situated on Lychgate Lane. Commercial vehicles will follow an agreed alternative route as set out in the proposed section 106 agreement.

## **Planning Policy**

### **National**

#### **National Planning Policy Framework (NPPF)**

18. The revised National Planning Policy Framework (NPPF) was published in December 2023 and sets out the Government's planning policies for England. The NPPF does not contain specific policies on waste. At the heart of the NPPF is a presumption in favour of sustainable development, namely the economic, social and environmental roles, and the need to balance economic growth with the protection and enhancement of the environment (including the minimisation of waste and pollution). Chapter 15 of the NPPF relates to 'Conserving and enhancing the natural environment'.
19. Paragraph 180 e) refers directly to noise and states that, decisions should contribute to and enhance the natural and local environment by: *"preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;"*
20. Paragraph 191 states: *"Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*
- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;*
  - b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and*
  - c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation."*

### **National Policy**

#### **National Planning Policy for Waste 2014 (NPPW)**

21. Paragraph 7 of the NPPW states the following:

*"When determining waste planning applications, waste planning authorities should:*

- *only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan. In such cases, waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy any identified need;*
- *recognise that proposals for waste management facilities such as incinerators that cut across up-to-date Local Plans reflecting the vision and aspiration of local communities can give rise to justifiable frustration, and expect applicants to demonstrate that waste disposal facilities not in line with the Local Plan, will not undermine the objectives of the Local Plan through prejudicing movement up the waste hierarchy;*
- *consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B and the locational implications of any advice on health from the relevant health bodies. Waste planning authorities should avoid carrying out their own detailed assessment of epidemiological and other health studies;*
- *ensure that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located;*
- *concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced;*
- *ensure that land raising or landfill sites are restored to beneficial after uses at the earliest opportunity and to high environmental standards through the application of appropriate conditions where necessary.”*

## The Development Plan

### Leicestershire Minerals and Waste Local Plan (Up to 2031) Adopted 2019

22. The Leicestershire Minerals and Waste Local Plan was adopted in September 2019 and the relevant policies are:
23. Policy DM1: Sustainable Development - states that a positive approach that reflects the presumption in favour of sustainable development will be taken when considering proposals for minerals and waste development. Proposals should contribute to the three dimensions (economic, environmental, and social) of sustainable development, as well as providing clear evidence of how a proposal would make a positive contribution to reducing its effects on climate change.
24. Policy DM2: Local Environment and Community Protection – concerns the potential effects from birdstrikes, dust, emissions, flooding, illumination, noise, odour, run-off, traffic, vibration, or visual intrusion to adjoining land uses.

25. Policy DM9: Transportation by Road - sets out what a proposal must demonstrate for minerals and waste development involving the transportation of material by road.
26. Policy DM10: Public Rights of Way - states that planning permission will be granted where it is demonstrated that the proposal would protect public rights of way.
27. Policy DM11: Cumulative Impact - requires for a proposal to demonstrate that cumulative impacts on the environment of an area or on the amenity of a local community, either in relation to the collective effect of different impacts of an individual proposal, or in relation to the effects of a number of developments occurring either concurrently or successively, are acceptable.

Blaby District Council Local Plan (Core Strategy) – Adopted February 2013

28. Policy CS11 – Infrastructure, Services and Facilities to support growth sets out the strategic objectives to deliver the infrastructure, services and facilities required to meet the needs of the population of the District of Blaby.
29. Policy CS18 – Countryside details when development might be considered within land that is designated countryside. The policy states that planning permission will be granted for limited small-scale employment and leisure development (including dwellings essential for these needs) subject to consideration of its impacts.
30. Policy CS19 - Biodiversity and geo-diversity sets out the strategic objectives to protect the districts natural environment, landscape and geology to improve biodiversity, wildlife habitats and corridors.
31. Policy CS21 - Climate Change lists a set of strategic objectives to tackle climate change and states that development which mitigates and adapts to climate change will be supported when it does not result in significant detriment to residential amenity, landscape and historical character or create an overbearing cumulative noise or visual impact.
32. Policy CS23 – Waste directly addresses how it will deliver its own strategic waste objectives and work with its partners, including Leicestershire County Council as the Waste Disposal Authority, to develop coordinated services and appropriate infrastructure within a hierarchical approach to waste collection, treatment, transfer and disposal.
33. Policy CS24 - Presumption in favour of sustainable development sets out goals and objectives to help achieve a positive approach that reflects the presumption in favour of sustainable development, as contained in the NPPF.

Blaby District Council Local Plan (Delivery) Development Plan Document – Adopted February 2019

34. Policy DM2 – Development in the Countryside is a strategic objective that seeks to protect important areas of the district’s natural environment, improve its biodiversity and provide an appropriate mix of employment opportunities.

## Fosse Villages Neighbourhood Plan (Referendum version) 2018-2029

35. Policy FV4: Biodiversity - New development will be expected to maintain and enhance existing ecological corridors and landscape features (such as watercourses, hedgerows and treelines) to support biodiversity.

### Consultations

36. **Blaby District Council (Planning)** – No objection, subject to all site operations according with all the details set out in submitted document titled '*V4 Amended Statement of Evidence*'.
37. **Blaby District Council (Environmental Health)** – No objection, joint response with Blaby District Council Planning received (see above).
38. **Local Highway Authority** – No objection. The LHA is satisfied that the additional trips would be unlikely to cause a severe impact on the public highway in accordance with Paragraph 111 of the National Planning Policy Framework (NPPF) and is satisfied that the use and enjoyment of the bridleway will not be significantly affected by this application.
39. Mrs Maggie Wright CC, the local member, and the Aston Flamville Parish Meeting have been notified of the application. At the time of writing, no responses had been received. Any response received in advance of the DCRB meeting will be reported in a supplementary addendum or orally.

### Publicity and Representations

40. The application has been publicised by means of site notices and press notices in accordance with the County Council's adopted Statement of Community Involvement.
41. No representations were received.

### Assessment of Proposal

42. Planning permission is sought for the variation of Condition 3 of planning permission reference 2020/0861/01 (2020/VOCM/0120/LCC) to allow for approximately 10 deliveries from local authority vehicles on a public / bank holiday. This would be an increase of 5 deliveries on a public/bank holiday.
43. This change is proposed by the applicant to accommodate operational changes in waste collections by Blaby District Council (BDC). BDC is beginning to offer collection services for residential customers on a bank/public holiday to be in line with the neighbouring HBBC. No overall additional vehicle movements are proposed to and from the site. It is proposed to accommodate these movements within existing movement limits, by decreasing vehicle movements on the Saturday and increasing vehicle movements on a public or bank holiday where required.

44. The principle of tipping at the site on a public or bank holiday has already been established during the determination of planning permission reference 2010/0484/01. The increased number of vehicles sought are due to BDC commencing collections on public / bank holidays and so the vehicles will, upon commencement by BDC, already be operating and collecting refuse in the local area, but the variation would allow for BDC to tip at a composting site local to origin on a public / bank holiday, as is the case with neighbouring HBBC. The proposal therefore accords with Policy CS11 – Infrastructure, Services and Facilities in contributing towards meeting the service needs of the population of the District of Blaby.
45. The current application does not seek to increase the volume of compostable material permitted to be received by the site over the course of the full operational week as the additional vehicle movements proposed to tip on a public / bank holiday from BDC currently tip on a Saturday. Therefore, the volume of final product produced would not increase.
46. Other composting facilities, such as Soars Lodge Farm in Broughton Astley and Cosby Spinneys Farm in Cosby, are permitted to receive deliveries on public/bank holidays. Should all Blaby collections have to travel further afield to alternative facilities once public/bank holiday collections commence, there would be a potential impact upon the wider community in the form of noise and dust as a result of traffic movements travelling through the district. The ability of the site to accept waste from Local Authorities so they do not have to find facilities further afield accords with Policy CS21 – Climate Change with a reduction in the carbon footprint of the Blaby District Council once it commences collecting on a public/bank holiday. This would also meet Policy DM1: Sustainable Development objectives as the proposal would make a positive contribution to reducing its effects on climate change in the form of the reduced travel distance of vehicles.

#### Planning Policy Assessment

47. The site is located within designated countryside (Blaby District Council Local Plan (Core Strategy) Development Plan, Policy CS18 – Countryside and Blaby District Council Local Plan (Delivery) Development Plan Document, Policy DM2 – Development in the Countryside). The site gained its original planning permission for a green waste processing and composting use in 2003 (permission reference 2002/0747/01), so the principle of the operational use within designated countryside has been established, with the current proposal seeking a variation in permitted hours for delivery and deposit of waste at the site.

#### Noise, Dust and Odour and Air Quality

48. There is the potential that noise, dust and odour from additional vehicles travelling to and from the site could have an adverse impact upon residential amenity and local air quality. However, the variation sought is for Local Authority vehicles only and it is considered that the additional impacts of a projected increase of approximately 5 deliveries on a public / bank holiday outside of the existing limits would be insignificant. The deliveries in question are not in addition to what is currently permitted. Therefore, any additional noise or other pollution on a public / bank holiday would be minimal and deemed acceptable. Shredding of received waste does not currently occur on a bank holiday and it has been clarified that



this application does not seek to change that. Further, any impacts that may arise would remain relatively local and not impact residents within the wider district area. Environmental Health raise no concerns or objections to the proposal. Overall, the proposal accords with Leicestershire Minerals and Waste Local Plan Policies DM2 and DM11.

### Ecology and Biodiversity

49. The proposal would not have any detrimental impacts upon the ecology or biodiversity of the site or wider area including the Burbage Wood and Aston Firs Site of Special Scientific Interest (SSSI). The proposal is found to accord with Blaby District Council Local Plan (Core Strategy) Development Plan Policy CS19 - Bio-diversity and geo-diversity and Fosse Villages Neighbourhood Plan (Referendum version) 2018-2029 Policy FV4: Biodiversity.

### Heritage

50. The application site does not fall within the Aston Flamville Conservation Area and the proposal would not impact nearby heritage assets or any within the wider area.

### Traffic, Access and Parking

51. There would be an increase in movements to and from the site on public or bank holidays, but this would be accommodated by a reduction in movements on other days. It has been assessed that, in accordance with Paragraph 111 of the National Planning Policy Framework (NPPF), and with Policies DM1 and DM9 of the Leicestershire Minerals and Waste Local Plan, and CS11 of Blaby District Council Local Plan (Core Strategy) Development Plan, the additional trips would be unlikely to cause a severe impact on the public highway.

### Public Rights of Way

52. Bridleway V34 runs along the access road between the highway and the site. The proposal would not alter the use or provision of the bridleway and no overall increase in vehicle movements is proposed. Therefore, the proposal accords with paragraph 104 of the NPPF and LMWLP Policy DM10.

### Sustainability

53. The above assessment sets out the economic and environmental benefits of the applicant accepting a minor increase in compostable waste deliveries on public and bank holidays. The proposal satisfies the requirement that any adverse impacts will not outweigh the benefits, as set out in LMWLP Policy DM1: Sustainable Development.

### Cumulative Impact

54. It is always appropriate to consider the cumulative impact of a number of separate effects from a single site. Adverse cumulative impacts may include increased levels of noise or impacts upon the local highway network. No other live planning applications are being considered within or surrounding the immediate vicinity of

the site which would be relevant to the consideration of the proposed development within this report with regards to local amenity

55. The proposed change of hours follows a number of permissions that have increased the capacity of waste being received by the site (in 2006 and 2008) and increased the flexibility of the site by allowing deliveries of compostable materials during extended operating hours in 2010 and in 2011 (allowing the site to operate on bank holidays). In 2020 Condition 11 was amended to allow the export of the final product.
56. The proposed development, allowing for an additional 5 deliveries on bank and public holidays requires no increase in the total number of movements allowed over the course of the week. It remains that no shredding would take place on public or bank holidays. This would ensure that any noise and dust impacts from the operations remain minimal.
57. Therefore, it is considered that the proposed development in addition to the existing permitted operations would result not result in unacceptable adverse cumulative impacts arising from the site in terms of local amenity and noise and dust pollution within the rural environment and upon local residents. Overall, the proposal is found to accord with Policy DM11 and not be in conflict with paragraph 115 of the NPPF.

#### Legal Agreement

58. Any granting of planning permission for the proposed development should be made subject to the prior completion of a legal agreement to continue to secure the routing of commercial vehicles to the site. The applicant would be required to meet all reasonable costs incurred by the County Council in the drafting and execution of this agreement.

#### Conclusion

59. In conclusion, the proposal has been assessed and it is deemed that any impacts on noise and dust; air quality; and highway safety would be insignificant. As addressed in the proposal assessment section, the increase in deliveries on public and bank holidays would not be in addition to those already permitted. Therefore, the cumulative impact that would arise from this proposal is considered acceptable, subject to the agreement of a new legal agreement to ensure that the use of roads through Aston Flamville village, by commercial vehicles accessing the site, is minimised.

#### Statement of Positive and Proactive Engagement

60. In determining this application the Waste Planning Authority has worked positively and proactively with the applicant by assessing the proposals against relevant Development Plan policies, all material considerations, consultation responses. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

#### Recommendation

61. PERMIT subject to the conditions set out in Appendix A and the prior completion of a S106 legal agreement covering commercial vehicle routing.

**Officer to Contact**

Christina Emmett (Tel: 0116 3059089)  
E-Mail [planningcontrol@leics.gov.uk](mailto:planningcontrol@leics.gov.uk)

**Conditions**

1. The development hereby permitted shall be deemed to have commenced on the date of this permission.

*Reason: To comply with the requirements of Section 91 (as amended) of the Town and Country Planning Act 1990.*

2. Unless otherwise required pursuant to conditions of this permission, the development hereby permitted shall be carried out in accordance with the submitted application, documents and recommendations of reports, and the following plans:

a) Drawing No. GPP/PW/MF/08/02 v3 titled 'Site Plan'

b) Application Form, dated 18.01.2024

c) Document titled 'V4 Amended Statement Evidence' dated 17.01.2023

*Reason: For the avoidance of doubt as to the development that is permitted.*

**Hours of Operation**

3. Deliveries and deposit of compostable material and collection of exported final product shall take place only between the hours of:

07:00 and 18:00 Monday to Friday

08:00 and 15:00 on Saturdays

10:00 and 13:00 on Public/bank Holidays (No other customers permitted on a bank holiday other than Local Authorities and Leicestershire County Council).

No more than 20 movements associated with the delivery of compostable material or export of final product shall take place between 0700-0800 hours and 1730-1800 hours on any weekday (Monday-Friday). No more than 10 deliveries of compostable materials shall be permitted on any Public/Bank holiday.

*Reason: To safeguard the amenities of the locality and minimise any adverse impacts.*

4. The shredding or handling of such material shall take place only between the hours of:

08:00 and 17:30 Monday to Friday

08:00 and 15:00 on Saturdays

*Reason: To safeguard the amenities of the locality and minimise any adverse impacts.*

**Highways**

5. Deliveries of compostable materials to the site and collection to and from the site shall be limited to a maximum number of 100 per week and subject to a maximum of 30 in any one day. A record of all vehicle movements to the site associated with this development shall be kept and made available for inspection upon request by the Waste Planning Authority.

*Reason: In the interests of highway safety and to ensure no adverse impact upon the character and appearance of the Aston Flamville Conservation Area.*

6. The improvements to Bridleway V34 which forms part of the application site shall be maintained for the life of the waste use as approved by condition 9 of planning permission 2008/0653/01.

*Reason: To ensure the safety of bridleway users.*

7. A 3m wide grass verge shall be maintained adjacent to the existing farm access track for bridleway users. This verge shall be segregated from the existing track by short wooden posts with chamfered tops set into the ground at 3m intervals.

*Reason: In the interests of highway safety.*

8. The signs as detailed in the document titled "Details to discharge the requirements of the following Conditions of Permission 2008/0653/01" (not dated) approved on 5th August 2009 shall be maintained at the beginning of the bridleway on Sharnford Road and where farm traffic joins the bridleway at the entrance to the existing farm buildings, warning drivers of the possible approach of horse riders, cyclists and pedestrians.

*Reason: In the interests of highway safety.*

9. The access to the site shall be maintained in accordance with the provisions detailed in the letter from the Highway Authority to Francine Taylor dated 9th January 2008 referred to in condition 14 of planning permission ref. 2002/0747/01.

*Reason: To ensure adequate visibility is available at the vehicular access onto Sharnford Road in the interests of highway safety.*

#### Permitted operations

10. Unless previously agreed in writing by the Waste Planning Authority, the composting facility shall accept only green waste (as defined in the Waste Strategy 2000), natural untreated wood and cardboard. No other materials shall be brought to the site for composting. Incidental arisings of non-compostable material shall be placed in a container under cover prior to their removal from site.

*Reason: For the avoidance of doubt and to ensure a safe and satisfactory form of development.*

11. The reception and storage bays shall be maintained for the duration of the waste operations hereby permitted and as per the detail in document GPP/PW/MF/08/02.

*Reason: For the avoidance of doubt and to ensure a safe and satisfactory form of development.*

### Environmental Considerations

12. The environmental complaint handling procedure as detail in the document titled “J and F Powner Ltd Complaints Procedure” (not dated) discharged on the 5th August 2009 shall be adhered to for the duration of the development hereby permitted.

*Reason: In the interests of the amenity of the area, to minimise the impact of the development on nearby occupants and to ensure the development remains compatible with other uses in the locality.*

### Drainage

13. The drainage plans as detailed Figure 9.02 in the “Details to discharge the requirements of the following Conditions of Permission 2008/0653/01” (not dated) approved on 5th August 2009, shall be adhered to for the duration of the development hereby permitted.

*Reason: To ensure that the development is provided with a satisfactory means of drainage and to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.*

### Landscaping

14. The scheme of landscape works as detailed in the document titled “Details to discharge the requirements of the following Conditions of Permission 2008/0653/01” (not dated) approved on 5th August 2009 shall be adhered to for the duration of the development hereby permitted.

*Reason: In the interests of the visual amenity of the locality and to ensure a high quality of landscaping is maintained.*

### Miscellaneous

15. Unless previously agreed in writing by the Waste Planning Authority, any compost material on the site shall be stored no higher than 4 metres from ground level.

*Reason: In the interests of safety and the visual amenity of the locality and to enhance the visual appearance of the development.*

16. No lighting installations or fencing shall be provided or erected on site unless details of any installation have first been submitted to and approved in writing by the Waste Planning Authority.

*Reason: In the interests of the visual amenity of the locality and to enhance the visual appearance of the development.*

## **DEVELOPMENT CONTROL AND REGULATORY BOARD**

The considerations set out below apply to all the preceding applications.

### **EQUALITY AND HUMAN RIGHTS IMPLICATIONS**

Unless otherwise stated in the report there are no discernible equality and human rights implications.

### **IMPLICATIONS FOR DISABLED PERSONS**

On all educational proposals the Director of Children and Family Services and the Director of Corporate Resources will be informed as follows:

#### **Note to Applicant Department**

Your attention is drawn to the provisions of the Chronically Sick and Disabled Person's Act 1970 and the Design Note 18 "Access for the Disabled People to Educational Buildings" 1984 and to the Equality Act 2010. You are advised to contact the Equalities function of the County Council's Policy and Partnerships Team if you require further advice on this aspect of the proposal.

### **COMMUNITY SAFETY IMPLICATIONS**

Section 17 of the Crime and Disorder Act 1998 places a very broad duty on all local authorities 'to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all reasonably can to prevent, crime and disorder in its area'. Unless otherwise stated in the report, there are no discernible implications for crime reduction or community safety.

### **BACKGROUND PAPERS**

Unless otherwise stated in the report the background papers used in the preparation of this report are available on the relevant planning application files.

### **SECTION 38(6) OF PLANNING AND COMPULSORY PURCHASE ACT 2004**

Members are reminded that Section 38(6) of the 2004 Act requires that:

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

Any relevant provisions of the development plan (i.e. any approved Local Plans) are identified in the individual reports.

The circumstances in which the Board is required to "have regard" to the development plan are given in the Town and Country Planning Act 1990:

Section 70(2)	:	determination of applications;
Section 77(4)	:	called-in applications (applying s. 70);
Section 79(4)	:	planning appeals (applying s. 70);
Section 81(3)	:	provisions relating to compensation directions by Secretary of State (this section is repealed by the Planning and Compensation Act 1991);
Section 91(2)	:	power to vary period in statutory condition requiring development to be begun;
Section 92(6)	:	power to vary applicable period for outline planning permission;
Section 97(2)	:	revocation or modification of planning permission;
Section 102(1)	:	discontinuance orders;
Section 172(1)	:	enforcement notices;
Section 177(2)	:	Secretary of State's power to grant planning permission on enforcement appeal;
Section 226(2)	:	compulsory acquisition of land for planning purposes;
Section 294(3)	:	special enforcement notices in relation to Crown land;
Sched. 9 para (1)	:	minerals discontinuance orders.

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**DEVELOPMENT CONTROL AND REGULATORY BOARD**

**4<sup>TH</sup> APRIL 2024**

**REPORT OF THE CHIEF EXECUTIVE**

**APPLICATION UNDER REGULATION 3 OF THE TOWN AND  
COUNTRY PLANNING GENERAL REGULATIONS**

**PART A – SUMMARY REPORT**

- APP.NO. & DATE:** 2023/Reg3Mi/0122/LCC (2023/01645/07)  
24<sup>th</sup> November 2023
- PROPOSAL:** Provision of a single storey, three classroom block including re-siting of existing timber play equipment and reading canopy.
- LOCATION:** Hugglescote County Primary School, Ashburton Road, Hugglescote, Leicestershire, LE67 2HA (North West Leicestershire District)
- APPLICANT:** Leicestershire County Council – Children and Family Services Department
- MAIN ISSUES:** Impact on highway safety and parking, improving community facilities
- RECOMMENDATION:** **PERMIT** – subject to conditions

**Circulation Under the Local Issues Alert Procedure**

Mr. Keith Merrie MBE CC

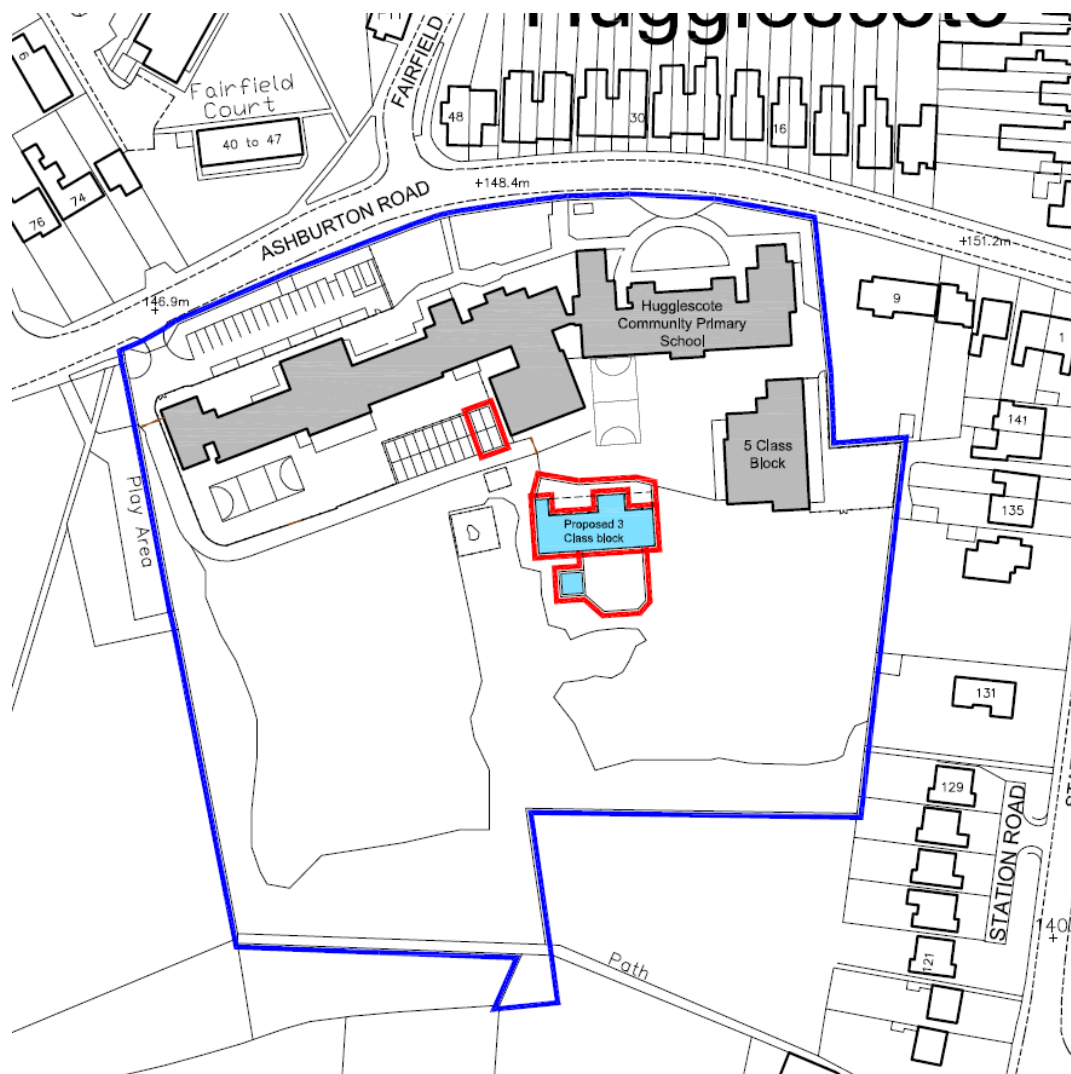
**Officer to Contact**

Rob Tollyfield (Tel. 0116 305 2733).  
Email: [planningcontrol@leics.gov.uk](mailto:planningcontrol@leics.gov.uk)

## **PART B – MAIN REPORT**

### **The Site and Surroundings**

1. Hugglescote County Primary School is located on Ashburton Road within the village of Hugglescote. The existing buildings on the school site are located in the north, with extensive playing fields to the south. To the east of the site is a new building, granted permission in 2019 to provide increased capacity (ref. 2018/REG3Mi/0200/LCC).
2. The school is on the edge of a residential area with dwellinghouses on Ashburton Road and Station Road to the north and east respectively. To the south of the school is a wooded area and to the west is Ashburton Road Recreation Ground. A public right of way (PROW ref. N74 & N76) is located along the western and southern boundaries of the site.



**Figure 1. Site Location**

### **Planning History**

3. 2018/REG3Mi/0200/LCC (2018/2016/07) – New 5 Classroom Single storey block. Re-configure class sizes internally. Refuse compound. Increased size of hard play area. Provision of additional car park spaces at rear. Approved 05/03/19.

### **Description of Proposal**

4. Hugglescote County Primary School is a two-form entry primary school and had 468 pupils on roll for 2023/2024 academic year. The existing school has a total capacity of 525 pupils, with a published admission number (PAN) of 75. Pupil forecasts, which includes the consideration of new housing development in the area, shows that by January 2025 there will be a deficit of places at the school. As such, the total capacity of the school needs to be increased by 105 pupils to 630 to accommodate anticipated pupil growth. An additional block to accommodate this surplus in expected pupil numbers, is the applicant's preferred option for the school.
5. The proposed new single storey building is rectangular in shape, with two off-shoots to the northern elevation. The building measures 12.893 metres (m) (L) by 27.8m (W), giving a total gross floor area of 252 square metres (m<sup>2</sup>). The proposed building would be single storey with a mono-pitch roof that has a height of 2.875m at the south elevation and 3.95m at the north elevation.
6. The building would be of modular construction with the external finish made up of Equitone Tectiva cladding panels in Calico and Western cedar timber feature panels to match the 2019 classroom block to the east. The roof would consist of an EDPM (a type of synthetic rubber) single ply membrane. The doors and windows would be aluminium with a Dusty Grey (RAL 7037) and Gentian Blue (RAL 5010) powder-coated finish, respectively. The canopy frame is proposed in the same Gentian blue as the doors, opaque roof panels, with contrast mixed colour panels over the doors.
7. The development would be located on an existing play area and a covered reading area. These would be relocated to the southern elevation of the new classroom. Four new car parking spaces are proposed.

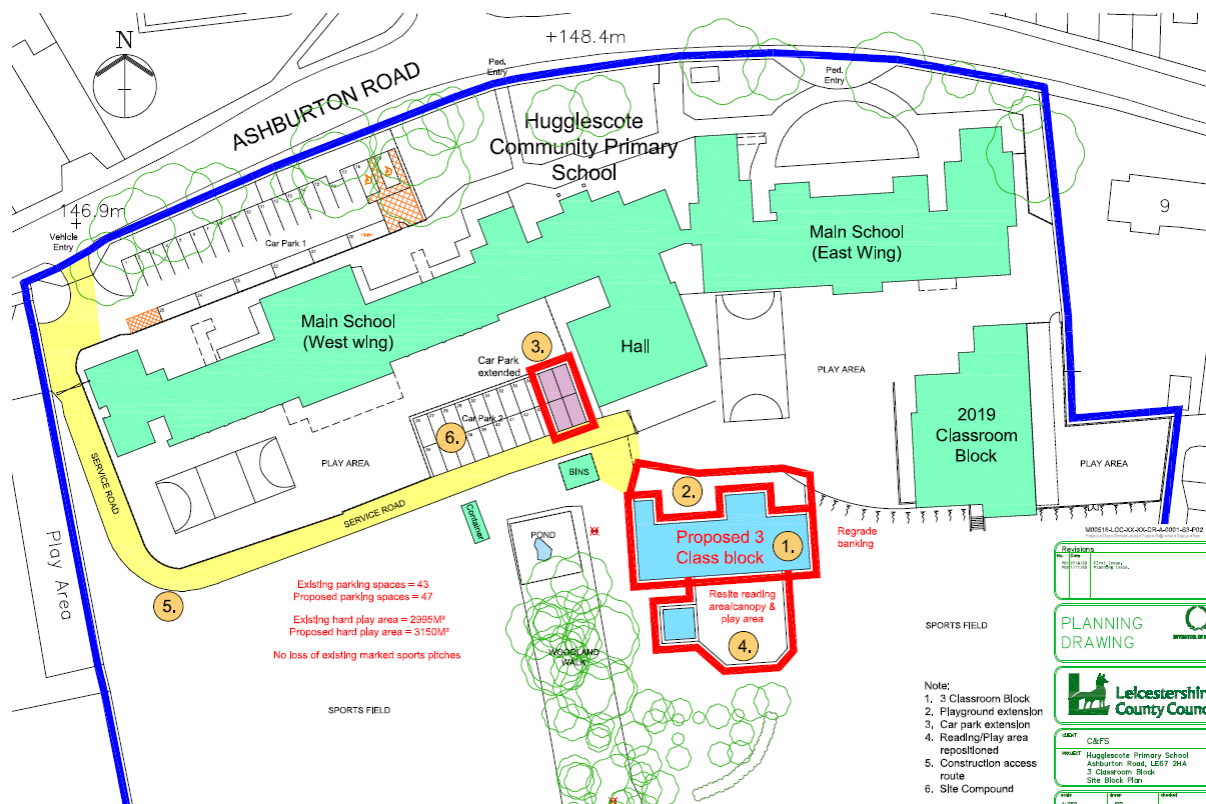


Figure 2. Proposed Site Plan

## Planning Policy

### The Development Plan

#### 8. *North West Leicestershire District Council (NWLDC) Local Plan (adopted November 2017)*

- Policy D1 Design of New Development
- Policy D2 Amenity
- Policy EN1 Nature Conservation
- Policy IF2 Community and Cultural Facilities
- Policy IF4 Transport Infrastructure and new development
- Policy IF7 Parking provision

#### 9. *Hugglescote and Donington le Heath (HDH) Neighbourhood Plan*

- Policy G1 Limits to Development
- Policy G3 Design
- Policy CF2 Schools

## National Policy

### 10. *National Planning Policy Framework (NPPF) – December 2023*

- The NPPF provides the Government’s policies for the delivery of sustainable development through the planning system. Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development.
- Paragraph 99 of the NPPF states the importance availability of sufficient choice of school places to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:
  - a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
  - b) work with school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.

## Other Policy Considerations

11. North West Leicestershire District Council is in the process of preparing a new Local Plan, which is subject to a public consultation under Regulation 18 of the Town and Country Planning (Local Development) (England) Regulations 2012. The public consultation period closed on 17<sup>th</sup> March 2024.

The following emerging polices are considered relevant to this development:

- Policy AP1 Design of New Development (Strategic Policy)
- Policy AP2 Amenity
- Policy IF2 Community Facilities (Strategic Policy)
- Policy EN1 Nature Conservation/Biodiversity Net Gain (Strategic Policy)

As the emerging Local Plan is at the Regulation 18 stage, the polices listed above are afforded limited weight in the determination of this application.

## **Consultations**

12. **North West Leicestershire District Council** – No objections.
13. **North West Leicestershire District Council (Environmental Health Officer)** – No objections.
14. **Hugglescote and Donington le Heath Parish Council** – Concerns raised that proposed new schools, that were included as part of the new housing developments currently under construction, will not be built, in contravention of relevant conditions included with the planning permissions.

Further concerns were raised about increase in traffic and the air quality issues that may arise from vehicle movements along Ashburton Road, particularly when it is being used to bypass the A511. Furthermore, parking occurs all along the highway, causing obstructions and hazards to other vehicles and pedestrians.

Query if the parking provision will be sufficient for the additional staff.

15. **Environment Agency** – No comments.
16. **Local Lead Flood Authority (Leicestershire County Council)** – No objections, standing advice recommended
17. **Highway Authority** – The Local Highway Authority (LHA) considers that the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 115 of the NPPF (December 2023), subject to conditions relating to parking provision, construction management, the school Travel Plan and proposed improvements to the traffic signals at Hugglescote crossroads.
18. **Leicestershire County Council Ecology** – No objections.
19. **Leicestershire County Council Landscape** – No objections, subject to conditions.
20. **Public Rights of Way** – No comments received.
21. **Coal Authority** – Application site is located within a Development Low Risk Area. Coal Mining Risk Assessment not required, and the Coal Authority's standing advice should be included with any permission granted.
22. **Sport England** – raise no objection to this application as it is considered to meet exception 3 of our Playing Fields Policy and to accord with Paragraph 103 of the National Planning Policy Framework.

23. **Active Travel England** – determined that Active Travel England’s standing advice should be issued and would encourage the local planning authority to consider this as part of its assessment of the application.
24. **National Grid** – No comments.

### **Publicity and Representations**

25. The application has been publicised by means of four site notices, posted on 12<sup>th</sup> December 2023, a press notice in the (Leicester Mercury and neighbour notification letters sent to the nearest occupiers in accordance with the County Council’s adopted Statement of Community Involvement.
26. Six letters of representation been received raising objections on the following grounds:
- a) Impact of the development on traffic in the surrounding area, increasing congestion and exacerbating parking issues along Ashburton Road.
  - b) The proposed development will not adequately address increasing demand for school places from the new housing developments.
  - c) The new schools proposed as part of wider housing development have not been erected.
  - d) The application misrepresents the parking situation for staff at the school.
  - e) Impact of the school expansion on existing pupils through loss of playground space and wooded area.
27. The issues raised are considered in the Assessment of Proposal section of this report.

### **Assessment of Proposal**

#### **Principle of Development**

28. The application should be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this instance, the key issues for consideration relate to the principle of development, highways considerations including highway safety and traffic generation, impact on amenity, landscape, and ecology.
29. Paragraph 99a of the NPPF states that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:
- a) great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications.

30. Policy IF2 (b) of the NWLDC Local Plan states that Community and cultural services and facilities should be retained and wherever possible improvements facilitated to the quality, accessibility, and levels of provision by allowing the expansion or enhancement of existing community and cultural facilities to assist continuing viability, particularly in areas where new development will increase the demand for facilities.
31. Policy G1: Limits to Development of the HDH Neighbourhood Plan states that development proposals within the Plan area will be supported within the Limits to Development (LtD) boundary where the proposal complies with the policies in this Plan including the need to achieve positive design and amenity standards. The application site is located within the LtD boundary and so does not conflict with this policy.
32. Policy CF2 Schools states that Proposals for the expansion of existing schools in the Plan area will be supported where it can be demonstrated that:
- a) Expansion would not exacerbate existing access related or traffic circulation problems, or that suitable mitigation measures are brought forward as part of the proposal;
  - b) there is no loss of land already used for recreation by the schools; and
  - c) the development would not result in a significant loss of amenity to residents or other adjacent users.
33. The proposal is for a single storey, three no. classroom block to facilitate an increase in pupil numbers of 105. Pupil forecasts, which includes the consideration of new housing development in the area, shows that by January 2025 there will be a deficit of places at the school. As such, the school needs to be increased to a capacity of 630 to accommodate anticipated pupil growth.
34. The proposed development is located within the existing school site and supports its existing function as a community facility. As such, the development is considered acceptable in principle, subject to compliance with other relevant policies.

### Materials and Design

35. Policy D1 Design of New Development sets out the Council's standards for design having regard to its Place Making and general sustainable development principles. Policy G3 Design of the HDH neighbourhood plan
36. The classroom block would have a flat roof central corridor with a mono-pitch roof. The proposed external finish of the building would be a combination of a blue engineering brick plinth with timber panels in Calico and Cedar wood feature panels above. The doors and windows are powder coated aluminium in Dusty Grey (RAL 7037) and Gentian Blue (RAL 5010) respectively. The roof of the



proposed building would consist of Basalt Grey power coated aluminium fascias and rainwater system and Firestone Single Layer EPDM Roof System in Grey.

37. The proposed building would be located to the rear of the main school building, set in from the boundaries of the site and would not be highly visible from public vantage points.
38. Subject to the control of the above design, materials, and finishes, it is considered that the proposed development would be in accordance with the design criteria requirements included in Policy D1 of the NWLDC Local Plan.

#### Amenity

39. Policy D2 Amenity states that proposals for development should be designed to minimise their impact on the amenity and quiet enjoyment of both existing and future residents within the development and close to it. Policy CF2 (c) of the HDH Neighbourhood Plan states that the expansion of schools will be supported where the development would not result in a significant loss of amenity to residents or other adjacent users.
40. The proposed new building would be located centrally within the wider school site and situated approximately 60m from the boundary of the nearest residential property.
41. Given the scale and siting of the proposed school building within the site, the proposed development is not considered to result in a loss of sunlight or loss of privacy for neighbouring residential occupiers.
42. Should planning permission be approved for the proposed development, the construction phase of the development could give rise to adverse impacts on the occupiers of neighbouring residential properties and users of the surrounding PRow (Public Rights of Way) network. Therefore, a Construction Environmental Management Plan (CEMP), which addresses potential environmental impacts of the construction and methods to mitigate the specific environmental disturbances such as noise, vibration, and dust, has been submitted alongside the planning application. The measures included therein are considered acceptable and a suitably worded planning condition should be imposed on any planning permission requiring the developer to adhere to the CEMP for the duration of the construction period.
43. Taking the above into account, the proposed development is considered to comply with Policy D2 Amenity of the NWLDC Local Plan, Policy CF2 (c) of the HDH Neighbourhood Plan and relevant national policy and guidance regarding issues of amenity during construction and operation. It would be appropriate to impose planning conditions to ensure that the construction and operation of the proposed development is acceptable.

### Highway Safety and Parking Provision

44. Policy IF4 Transport Infrastructure and new development seeks to ensure that development proposals take account of the impact upon the highway networks.
45. Policy IF7 Parking provision and new development states that proposals for development should incorporate adequate parking provision for vehicles and cycles to avoid highway safety problems, having regard to the County Highway Authority parking standards.
46. Policy CF2 (a) of the HDH Neighbourhood Plan states that the expansion of schools will be supported where the development would not exacerbate existing access related or traffic circulation problems, or that suitable mitigation measures are brought forward as part of the proposal.
47. Paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
48. The traffic and parking issues at the school are the main concerns that have been raised by local residents and representatives, including the potential for the proposed extension to add to the busy periods at the start and end of the school day. They have also raised more general concerns about the safety of the local highway network in the vicinity of the school.
49. The proposals include the increase of pupil places from 525 to 630 and associated additional staff, as such a transport assessment has been submitted in support of the application. A survey of the travel methods for the school's existing pupils has been undertaken and the assessment indicates 37% of pupils travel by car or other private vehicle. The report applies this same modal split to the proposed additional pupils and assumes that all the 3 additional staff would drive and additional parking places have been provided to reflect this.
50. The proposed increase in pupils and the percentage which would travel by private vehicle means that the predicted increase in car trips would be 39 at both AM and PM drop-offs, 78 additional trips in total per school day. A study of the capacity of the nearby crossroads was undertaken to assess the impact of the increase in car trips combined with the committed developments in the local area and their trip generation up to 2028.
51. The LHA has examined the data provided and concluded that the Hugglescote crossroads has sufficient capacity to accommodate the predicted increase in vehicle movements arising from the development. The LHA has suggested signal improvements that can be made to the crossroads to mitigate the impact of the development. These improvements would be secured via an appropriate planning condition.

52. An additional parking survey was provided to assess the impact on available car parking on the surrounding streets. The LHA is satisfied the survey has demonstrated that the roads within 300m walking distance of the application site have spare capacity to serve the anticipated additional demand for 39 extra vehicles during the school drop off and pick up period. The LHA therefore does not consider that the development proposal would result in severe harm to the highway network in the context of Paragraph 115 of the NPPF (December 2023).
53. An updated travel plan, setting out the ambitions to raise awareness amongst staff and pupils of alternative methods of transport has been provided. However, the travel plan lacks specific detail and it is recommended that an amended document is submitted prior to the first occupation of the new building, secured via condition.
54. Taking all the above into account, the proposals are considered acceptable in terms of highways impact and parking provision in accordance with the Leicestershire Highways Design Guide and Policies IF4 and IF7 of the North West Leicestershire Local Plan and Paragraph 115 of the NPPF.

#### Landscape, Ecology and Biodiversity

55. Policy EN1 Nature Conservation of the NWLDC Local Plan states that proposals for development will be supported which conserve, restore, or enhance the biodiversity in the district. Additionally, it details the types of protected sites which would be significantly harmed by proposals, and where planning permission will be refused.
56. Paragraph 180 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by:
- a) Protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan)  
[...]
  - d) Minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
57. Paragraph 186 of the NPPF states that, when determining planning applications, local planning authorities should apply the following principles:
- a) If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;  
[...]

- d) Development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.
58. To facilitate the development, the removal of some trees and shrubs is required. The trees and shrubs formed part of an allotment, which is no longer in use. They would be replaced by tree planting to the east of the relocated play area and along the eastern boundary.
59. An ecological assessment has been submitted with the application, which identified that the site is of moderate ecological value due to the presence of woodland, hedgerows, scrub, orchard, open water, and grassland habitats. Most of the impact associated with the proposal would result in the loss of modified grassland, considered to be low quality with little amenity value, with higher value ecological features retained.
60. Due to the removal of trees and shrubbery at the site to facilitate the development, the new landscaping scheme would incorporate biodiversity enhancement features to mitigate the impact of the new building.
61. Four bat boxes and six birdboxes are proposed to be installed within the woodland adjacent to the site. The proposed new planting and biodiversity measures are considered acceptable mitigation for what would be lost, and the landscaping scheme will be secured via condition.
62. From 12 February 2024, it is mandatory for all new development to achieve a minimum biodiversity net gain (BNG) of 10%. The application was submitted prior to 12 February 2024 and is therefore not subject to this mandatory requirement. However, the proposed implementation of biodiversity measure and the landscaping scheme will result in 'no net loss' and where possible measurable net gains to biodiversity on site, in accordance with the provisions of paragraph 186 of the NPPF.
63. As such, the landscaping proposals are in accordance with the provisions of Policy EN1 of the North West Leicestershire Local Plan and emerging new Local Plan and paragraphs 180 and 186 of the NPPF.

#### Public Rights of Way (PROW)

64. Two public footpaths (refs. N74 and N76) run along the western and southern boundaries of the site but will not be directly affected by the proposed new building. N76 sits immediately adjacent to the site entrance and may be affected by the use; however, it is not proposed to widen the access or close/divert the

footpath as part of the development. As such, PRow will not be detrimentally affected by the proposed new building.

### Flood Risk

65. Policy CC2 Flood Risk, in accordance with the NPPF, seeks to direct development to areas at the lowest risk of flooding. The application site is located within Flood Zone 1 (less than 0.1% annual probability of flooding), in accordance with this planning policy.
66. The site is larger than 1 hectare (ha) and, accordingly, a site-specific Flood Risk Assessment (FRA), has been submitted alongside the planning application. The FRA concludes that the site, and proposed development, are not subject to significant flood risk. It also concludes that the proposed development would not increase flood risk within the wider catchment area.
67. The Environment Agency and LLFA were consulted on the development, both parties have not raised any objections to the proposal, due to the site being within Flood Zone 1. As such, the proposed development is considered to comply with Policy CC2 and the NPPF with respect to flood risk.

### Sustainability

68. The NPPF defines sustainable as 'meeting the needs of the present generation without compromising the ability of future generations to meet their own needs'. It emphasises that three dimensions need to be considered in achieving sustainable development, namely economic, social, and environmental. The NWLDC Local Plan does not have any specific policies related to sustainable development however, the policies contained within the plan – and listed in paragraph 8 of this report – align with the aims and objectives of the NPPF in achieving sustainable development.
69. The proposed development contributes to sustainable development by providing employment (both during construction and for staff during operation), a community facility (for the education of pupils and community use of shared facilities) and various environmental opportunities (including the use of sustainable building materials and biodiversity and ecology mitigation and enhancements).
70. It is noted that the proposal does not currently incorporate solar photo voltaic (PV) panels as a means of renewable energy generation. However, the roof of the proposed new building has been designed in such a manner to be capable of accommodating solar PV panels once the building regulations approval process has determined the required amount of PV panels required. Notwithstanding this, the school benefits from permitted development rights and solar PV panels could

be installed under Class J (b) of Schedule 2, Part 14 of The Town and Country Planning (General Permitted Development) (England) Order 2015.

71. The proposed development is considered to contribute to sustainable development, as defined by paragraph 8 of the NPPF in accordance with the Development Plan.

### Other Issues

72. Representations have been received which raised concern over the proposed construction of a new primary school within Hugglescote.
73. Education Capital Projects were contacted to clarify this issue. A new primary school is expected to open in Coalville in time for the 2024-25 academic year, with funding secured through S106 monies from the following two applications:
- 2013/0802/07 Land to the East of Forest Road, Coalville
  - 2015/0951/07, Land South of the Green, Donington Le Heath, Coalville.

A further school is proposed to be built in Lower Bardon nearby, however, this is not expected to be delivered until 2028. The new classroom at Hugglescote County Primary School is therefore necessary to meet the forecast deficit in pupil places.

74. Furthermore, the timing of the need for additional school places and new school delivery is regularly reviewed to ensure that projects are delivered at the optimum time to meet demand.

### Conclusion

75. The proposed extension to the local primary school in this location complies with the development plan and the strategic development area of Hugglescote.
76. The proposed design and landscaping of the development would soften the appearance of the building's functional form. The landscaping on this site also offers the benefit of enhancing biodiversity, which alongside sustainable building materials would result in the school meeting environmental standards supported by local policy.
77. The proposed development includes safe access to and egress from the site for all users. It would not have an unacceptable impact on the local and wider highway network and further, would be supported by a Travel Plan to reduce impacts further and promote sustainable modes of transport. Improvement works to the nearby crossroads will be included and capable of being secured via Grampian condition. Parking proposed complies with policy requirements.

78. With the imposition of conditions to secure the proposed design and landscaping scheme and manage the impacts of the development on the local highway network, and the amenity of the area, the proposed development accords with the development plan and it is recommended that planning permission is granted subject to conditions.

### **Statement of Positive and Proactive Engagement**

79. In determining this application, the County Planning Authority has worked positively and proactively with the applicant by assessing the proposals against relevant Development Plan policies, all material considerations, consultation responses and the valid representations received. Issues of concern have been raised with the applicant and addressed through negotiation and acceptable amendments to the proposals. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

### **Recommendation**

1. PERMIT subject to the conditions set out in Appendix A.

### **Officer to Contact**

Rob Tollyfield (Tel: 0116 305 2733)

E-Mail [planningcontrol@leics.gov.uk](mailto:planningcontrol@leics.gov.uk)

## **Conditions**

1. The development hereby permitted shall be begun within 3 years from the date of this permission.

**Reason:** *To comply with the requirements of Section 91 (as amended) of the Town and Country Planning Act 1990.*

2. Unless otherwise required pursuant to conditions of this permission, the development hereby permitted shall be carried out in accordance with the submitted application documents and the following plans:
  - Drawing No. M00516-LCC-XX-XX-DR-A-0001-S3-P02 'Site Block Plan', 1/11/23
  - Drawing No. M00516-LCC-XX-XX-DR-A-0002-S3-P02 'Site Plan', 1/11/23
  - Drawing No. M00516-LCC-XX-XX-DR-A-0003-S3-P02 'Location Plan', 1/11/23
  - Drawing No. M00516-LCC-XX-XX-DR-A-0004-S3-P01 'Site Plan – Demolition & Removals', 1<sup>st</sup> November 2023
  - Drawing No. M00516-LCC-XX-00-DR-A-0010-S3-P02 'General Layout – Ground Floor Plan', 9/11/23
  - Drawing No. M00516-LCC-XX-XX-DR-A-0020-S3-P02 '3 Class Block Layout – Elevations', 9/11/23
  - Drawing No. M00516-LCC-XX-RF-DR-A-0030-S3-P02 'Roof Layout' 9/11/23
  - Drawing No. M00516HSP-XX-XX-DR-C-10101-P07 'Initial Drainage and Levels Strategy', 24<sup>th</sup> Sept 2023
  - Document Ref. M00516-HSP-XX-XX-RA-C-00001 'Flood Risk Assessment' November 2023
  - Drawing No. M00516-LCC-XX-XX-DR-LA-0001-S3-P01 'Landscape Proposals' Dec 2023
  - Drawing Titled 'Hugglescote Logistics Plan Rev. B' 20<sup>th</sup> Feb 2024
  - Document Titled 'Hugglescote CEMP Rev. D' 26<sup>th</sup> Feb 2024

**Reason:** *For the avoidance of doubt as to the development that is permitted.*

3. The development hereby permitted shall primarily be used for purposes in connection with, or ancillary to, educational and community activities, and for no other purposes than use classes F1(a), F2(b) and F2(c) of the Town and Country Planning (Use Classes) Order 1987 (as amended).

**Reason:** *For the avoidance of doubt as to the development that is permitted.*



4. The external finishes of the school building hereby permitted shall be finished in accordance with Drawing No. M00516-LCC-XX-XX-DR-A-0020-S3-P02 '3 Class Block Layout – Elevations', dated 9/11/23.

**Reason:** *In the interests of good design, visual amenity and to ensure a satisfactory form of development in accordance with Policy D1 of the North West Leicestershire District Council Local Plan (2011-2031) and requirements of the NPPF.*

5. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Site Block Plan drawing number M00516-LCC-XX-XX-DR-A-0001-S3-P01. Thereafter the onsite parking and turning provision shall be kept available for such use in perpetuity.

**Reason:** *To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally and to enable vehicles to enter and leave the site in a forward direction in the interests of highway safety and in accordance with the National Planning Policy Framework (December 2023).*

6. The agreed Construction Environmental Management Plan (CEMP) by Willmott Dixon (Rev D) dated 26<sup>th</sup> February 2024, shall be implemented in accordance with the approved details.

**Reason:** *To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area.*

7. No part of the development hereby permitted shall be first occupied until an amended School Travel Plan which sets out actions and measures with quantifiable outputs and outcome targets has been submitted to, and approved in writing by, the County Planning Authority. Thereafter, the Travel Plan shall be implemented in accordance with the approved details.

**Reason:** *To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework (December 2023).*

8. The development hereby permitted shall not be occupied until such time as MOVA signal control has been installed at the junction of Ashburton Road / Grange Road / Station Road / Central Road, known as Hugglescote Crossroads, with details first submitted to, and approved in writing by, the County Planning Authority.

**Reason:** *To mitigate the impact of the development, in line with the National Planning Policy Framework (December 2023).*

9. All site preparation and construction works, and movement of materials and machinery, in connection with the approved development, shall only take place between 0730-1800 hours Monday to Friday and 0800-1300 hours on Saturdays. No such activities shall take place at any time on Sundays, Public or Bank Holidays. There shall not be any work carried out under floodlights on the construction site.

**Reason:** *To protect the amenity of local residents in accordance with Policy D2 of the North West Leicestershire District Council Local Plan (2011-2031) and requirements of the NPPF.*

10. Notwithstanding the provisions of condition number 9 above, vehicles associated with the construction of the development hereby permitted, including deliveries and the export of materials, shall not enter or exit the site between 0800-0930 hours or 1430-1600 hours on any school day.

**Reason:** *To reduce the potential for conflict arising from deliveries to the site during school drop-off and pick-up times.*

11. No development including site works of any kind shall take place until all trees to be retained, as identified in Document Ref. TS-HugglescoteSch/01 'Tree Survey', dated October 2023, are protected in accordance with BS5837: 2010 'Trees in Relation to Design, Demolition and Construction Recommendations'. The means of protection shall be maintained in situ throughout the construction period of the development. Should any excavation works be required in the vicinity of the Root Protection Areas of the retained trees, then this work shall be hand dug.

**Reason:** *To ensure that all trees to be retained on site are protected during construction works.*

12. All habitat removal and felling operations must be undertaken outside of the bird breeding season (March to September) unless an appropriately qualified ecologist has surveyed the trees and confirmed absence of breeding birds. Confirmation of the absence of breeding birds shall be submitted to, and approved in writing by, the County Planning Authority prior to any such works commencing.

**Reason:** *In the interest of achieving 'no net loss' in on-site biodiversity, in accordance with Policy EN1 of North West Leicestershire District Council Local Plan (2011-2031) and paragraph 180 & 186 of the NPPF*

13. The approved landscaping scheme, as detailed in Drawing No. M00516-LCC-XX-XX-DR-LA-0001-S3-P01 'Landscape Proposals', dated December 2023, shall be implemented in the first available planting season following construction of the development hereby permitted. All planted material shall be suitably maintained and replaced as necessary for a period of not less than 5 years from the date of planting.

**Reason:** *To ensure the landscaping scheme is implemented in an appropriate timeframe and that the planting becomes established.*

## **Notes to the Applicant**

1. The consent of Severn Trent Water will be required for either a direct or indirect connection to the public sewerage system under the provisions of Section 106 of the Water Industries Act 1991. Current guidance notes and an application form can be found at [www.stwater.co.uk](http://www.stwater.co.uk) or by contacting Severn Trent Water New Connections Team (01332 683369).
2. Although statutory sewer records do not show any public sewers within the site there may be sewers which have recently been adopted under the Transfer of Sewer Regulations. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and it is advised that Severn Trent Water should be contacted (0247 771 6843).
3. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
4. The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:  
[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

5. The Environment Agency advises that all building work should comply with best working practices and in particular Government guidance on 'Construction, inspection, and maintenance' [www.gov.uk/guidance/pollution-prevention-for-businesses#construction-inspection-and-maintenance](http://www.gov.uk/guidance/pollution-prevention-for-businesses#construction-inspection-and-maintenance).

You are advised to contact the Environment Agency to arrange a site meeting to agree necessary measures to prevent pollution of the water environment during the construction phase of the development. The Environment Agency can carry out pollution prevention visits. Please contact [EastMidWaterQuality@environment-agency.gov.uk](mailto:EastMidWaterQuality@environment-agency.gov.uk) for further information and advice.

6. Where there are any works proposed as part of an application which are likely to affect flows in an ordinary watercourse or ditch, the applicant will require consent under Section 23 of the Land Drainage Act 1991. This is in addition to any planning permission that may be granted. Guidance on this process and a sample application form can be found via the following website:  
[www.leicestershire.gov.uk/flood-risk-management](http://www.leicestershire.gov.uk/flood-risk-management)

Applicants are advised to refer to Leicestershire County Council's culverting policy contained within the Local Flood Risk Management Strategy Appendix document, available at the above link. No development should take place within 5 metres of any watercourse or ditch without first contacting the County Council for advice. This consent does not consider local watercourse bylaws. It is the responsibility of the applicant to check if the local borough or district council has their own bylaws which the proposals will also need to consider.

7. It is the responsibility of the Local Planning Authority under the DEFRA/DCLG legislation (April 2015) to ensure that a system to facilitate the future maintenance of SuDS features can be managed and maintained in perpetuity before commencement of the works.
8. If a proposed building/wall or other construction appears to sit astride an indicated surface water flow route, the new build may deflect floodwater onto another person's property or raise flood levels by a significant amount locally. In these circumstances, the planning officer should contact the County Council to discuss whether consultation is necessary in that particular case.
9. For greenfield sites, the peak runoff rate from the development to any drain, sewer, or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event should never exceed the peak greenfield runoff rate for the same event.

The runoff volume from the development in the 1 in 100 year, 6 hour rainfall event should not exceed the greenfield runoff volume for the same event. Where an increase in discharge volume is unavoidable, the proposals should discharge at QBar or provide alternative mitigation in line with CIRIA C753.

10. Where a drainage or waste disposal system is to be constructed or altered that is not proposed to be adopted by either the WASC (Water and Sewerage Company) or the County Council as highway authority then the system should be constructed in accordance with Part H of Building Regulations 2010.
11. To prevent an increase in the discharge rate or volume due to development of external surfaces, permeable surface material should be utilised where possible, without an impermeable lining unless required to prevent mobilisation of contaminants or groundwater flooding.

## **DEVELOPMENT CONTROL AND REGULATORY BOARD**

The considerations set out below apply to all the preceding applications.

### **EQUALITY AND HUMAN RIGHTS IMPLICATIONS**

Unless otherwise stated in the report there are no discernible equality and human rights implications.

### **IMPLICATIONS FOR DISABLED PERSONS**

On all educational proposals the Director of Children and Family Services and the Director of Corporate Resources will be informed as follows:

#### **Note to Applicant Department**

Your attention is drawn to the provisions of the Chronically Sick and Disabled Person's Act 1970 and the Design Note 18 "Access for the Disabled People to Educational Buildings" 1984 and to the Equality Act 2010. You are advised to contact the Equalities function of the County Council's Policy and Partnerships Team if you require further advice on this aspect of the proposal.

### **COMMUNITY SAFETY IMPLICATIONS**

Section 17 of the Crime and Disorder Act 1998 places a broad duty on all local authorities 'to exercise its various functions with due regard to the effect of the exercise of those functions on, and the need to do all it reasonably can to prevent, crime and disorder in its area'. Unless otherwise stated in the report, there are no discernible implications for crime reduction or community safety.

### **BACKGROUND PAPERS**

Unless otherwise stated in the report the background papers used in the preparation of this report are available on the relevant planning application files.

### **SECTION 38(6) OF PLANNING AND COMPULSORY PURCHASE ACT 2004**

Members are reminded that Section 38(6) of the 2004 Act requires that:

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

Any relevant provisions of the development plan (i.e. any approved Local Plans) are identified in the individual reports.

The circumstances in which the Board is required to “have regard” to the development plan are given in the Town and Country Planning Act 1990:

- Section 70(2) : determination of applications;
- Section 77(4) : called-in applications (applying s. 70);
- Section 79(4) : planning appeals (applying s. 70);
- Section 81(3) : provisions relating to compensation directions by Secretary of State (this section is repealed by the Planning and Compensation Act 1991);
- Section 91(2) : power to vary period in statutory condition requiring development to be begun;
- Section 92(6) : power to vary applicable period for outline planning permission;
- Section 97(2) : revocation or modification of planning permission;
- Section 102(1) : discontinuance orders;
- Section 172(1) : enforcement notices;
- Section 177(2) : Secretary of State’s power to grant planning permission on enforcement appeal;
- Section 226(2) : compulsory acquisition of land for planning purposes;
- Section 294(3) : special enforcement notices in relation to Crown land;
- Sched. 9 para (1): minerals discontinuance orders.

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## **DEVELOPMENT CONTROL AND REGULATORY BOARD**

**4 APRIL 2024**

### **REPORT OF THE DIRECTOR OF LAW AND GOVERNANCE**

### **REVISED MEMBERS' PLANNING CODE OF GOOD PRACTICE**

#### **Purpose of the Report**

1. The purpose of this report is to present a revised Members' Planning Code of Good Practice (the Planning Code) for consideration prior to it being submitted to the County Council for approval. A copy of the proposed document is appended to this report.

#### **Background**

2. In 2010 the Council adopted a Planning Code. It was based on a model originally produced by the Association of Council Secretaries and Solicitors (now the LLG (Lawyers in Local Government)) which was prepared following the introduction of the new ethical framework and consultation with the Local Government Association (LGA), the Local Government Ombudsman, and firms of solicitors and Counsel acting on their behalf.
3. In 2017 the Planning Code was reviewed to take account of changes in legislation and guidance including changes introduced by the Localism Act 2011 relating to declarations of interest and changes in approach to issues such as predetermination. The updated Planning Code was considered by the Corporate Governance Committee and the Development Control and Regulatory Board in February and March 2017 respectively. It was subsequently approved by the County Council on 22 March 2017.
4. At the County Council meeting on 1 December 2021 a revised Members' Code of Conduct was approved. This was based on a new draft model Code of Conduct which had been produced by the LGA following a report by the Committee on Standards in Public Life which made various recommendations to strengthen the code. Minor revisions were made to the LGA Model Code to reflect local issues, creating a locally amended Model Code. The most significant changes to the Code related to declaring interests and the categories of interest were renamed as:
  - Registrable interests:
    - Disclosable Pecuniary Interests;
    - Other registrable interests;

- Non-registrable interests.
5. On 13 October 2022 the Development Control and Regulatory Board considered proposed amendments to The Members' Planning Code of Good Practice in line with the Members' Code of Conduct and particularly the changes with regards to registering interests. Those amendments were approved by County Council on 7 December 2022.

### **Revision of the Members' Planning Code of Good Practice**

6. In January 2024 Lawyers in Local Government (LLG) in conjunction with the Local Government Association (LGA) produced a new model Council Planning Code and Protocol. The main changes related to the use of social media by members on planning committees.
7. It is proposed to retain the existing Leicestershire County Council Members' Planning Code of Good Practice but insert the sections on social media from the model Code into the Leicestershire County Council Code (See Appendix).

### **Corporate Governance Committee**

8. The revised Planning Code will also be considered by the Corporate Governance Committee and will then require approval from County Council.

### **Recommendations**

9. The Board is recommended to agree that the County Council be recommended to adopt the revised Planning Code of Good Practice as appended to this report, subject to the Chief Executive being authorised to make any changes including those arising from its consideration by the Board.

### **Equality and Human Rights Implications**

10. There are no equality or human rights implications arising from the recommendations in this report.

### **Circulation Under the Local Issues Alert Procedure**

11. None.

### **Background Papers**

Constitution of Leicestershire County Council – Part 5A1 Members' Planning Code  
<https://democracy.leics.gov.uk/documents/s180352/Part%205A1%20Members%20Planning%20Code.pdf>

Report to the Corporate Governance Committee on 21 November 2022 - 'Revised Members' Planning Code of Good Practice',  
<https://democracy.leics.gov.uk/documents/s172057/Planning%20Code%20Good%20Practice%20report.pdf>

Report to the Development Control and Regulatory Board on 13 October 2022 - Revised Members' Planning Code of Good Practice',  
<https://democracy.leics.gov.uk/documents/s171633/Planning%20Code%20Good%20Practice%20report%20DCRB%20October%202022.pdf>

Report to County Council on 7 December 2022 - Revised Members' Planning Code of Good Practice',  
<https://democracy.leics.gov.uk/documents/s172659/Planning%20Code%20of%20Good%20Practice%20report.pdf>

## **Appendix**

Draft Revised Members' Planning Code of Good Practice 2024

### **Officers to Contact**

Lauren Haslam  
Director of Law and Governance  
Tel: 0116 305 6240 Email: [lauren.haslam@leics.gov.uk](mailto:lauren.haslam@leics.gov.uk)

Euan Walters  
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Chief Executive's Dept.  
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## **Part 5A(1)**

# **Members' Planning Code of Good Practice**

## **Part 5A(1) – Members’ Planning Code of Good Practice**

### **Contents**

1	Relationship to the Members’ Code of Conduct
2	Development Proposals and Interests under the Members’ Code of Conduct
3	Predetermination in the Planning Process
4	Contact with Applicants, Developers and Objectors
5	Lobbying
6	Site Visits
7	Pre-Meetings
8	Public Speaking at Meetings
9	Officers
10	Decision Making
11	Members Awareness

## **Part 5A (1) - Members' Planning Code of Good Practice**

### **Background**

This Planning Code of Good Practice reflects the requirements of the Localism Act 2011 and the County Council's Members' Code of Conduct which is set out in the Constitution.

This Code sets out how councillors can get involved in planning in a fair, impartial, and transparent way.

Definitions of interests referred to below are given in the Members' Code of Conduct, Part 5 of the Constitution.

### **Introduction**

**The aim of this Code of Good Practice** is to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial, or not well founded in any way.

**This Code of Good Practice applies** to Members at all times when involving themselves in the planning process. This includes both decision-making meetings of the Council when exercising the functions of the Planning Authority (usually at the Development Control and Regulatory Board for development management, referred to here as 'the Board', and at the Cabinet and County Council for development plans) and involvement on less formal occasions, such as at meetings with officers or the public and at consultative meetings. It applies to planning applications, enforcement matters, and policy issues (such as the Minerals and Waste Local Plan).

**The key purpose of Planning** is to contribute to the achievement of sustainable development, not development at any cost. Planning should ensure that the right development happens in the right place at the right time, benefitting communities and the economy. It plays a critical role in identifying what development is needed and where, what areas need to be protected or enhanced, and in assessing whether proposed development is suitable. It does this by regulating the development and use of land in the public interest.

**Your role as a Member of a Planning Authority** is to make planning decisions openly, impartially, with sound judgement and for justifiable reasons.

**If you have any doubts about the application of this Code to your own circumstances you should seek advice early from the Director of Law and Governance as the County Council's Monitoring Officer or one of their staff, and preferably well before any meeting takes place.**

## 1. Relationship to the Members' Code of Conduct

- **Do** apply the rules in the Members' Code of Conduct first. This must always be complied with.
- **Do** then apply the rules in this Planning Code of Good Practice, which seek to explain and supplement the Members' Code of Conduct for the purposes of your involvement in planning matters. If you do not abide by this Code of Good Practice, you may put:
  - the Council at risk of proceedings on the legality or maladministration of the related decision; and
  - yourself at risk of being in breach of the Members' Code of Conduct and, if the failure is also likely to be a breach of the interest provisions of the Localism Act 2011, a complaint being made to the police to consider criminal proceedings.

## 2. Development Proposals and Interests under the Members' Code of Conduct

- **Do** disclose the existence and nature of your interest at any relevant juncture, including informal meetings or discussions with officers and other Members.
- **Do** disclose your interest at the beginning of the meeting, or as soon as it becomes apparent. It is good practice to declare your interest again at the start of the relevant item, particularly because members of the public may only be attending for that issue and will not have heard the declaration at the beginning.
- **Do** consider the type of interest you may have and act accordingly.

**A. Registerable Interests** (those you have included in your register of interests in accordance with the Code of Conduct)

If the matter *directly relates* to one of your Registerable Interests you should declare the existence and the nature of the interest before the item is considered, and

- **don't** get involved in the processing of the application;
- **don't** participate, or give the appearance of trying to participate, in the making of any decision on the matter by the Planning Authority;
- **don't** try to represent local views, get another Member to do so instead;



- **do** withdraw from any meeting prior to consideration of the matter.

If the matter does not *directly relate* to one of your Registerable Interests, then

- **do** consider whether the matter may nonetheless affect your financial interest or wellbeing or that of a friend/relative/close associate;
- **do** carefully consider the extent to which you or your friend/relative/close associate, is affected and whether it might lead to, or could be perceived to lead to, bias on your part;
- **do** be aware that you may attend a Board meeting to make representations, answer questions, or give evidence on the matter provided that public speaking rights also apply;
- **do** ensure that if you decided to make representations on this basis you do not then take part in any discussion or voting on the matter and withdraw from the meeting after you have spoken.

**B. Non-Registerable Interests** (those not in your register of interests but that may arise with a particular matter)

If the matter directly relates to or affects a financial interest or the wellbeing of yourself or of a friend/relative/close associate (and is not a Registerable Interest) then

- **do** carefully consider the extent to which you or your friend/relative/close associate, is affected and whether it might lead to, or could be perceived to lead to, bias on your part;
- **do** be aware that you may attend a Board meeting to make representations, answer questions, or give evidence on the matter provided that public speaking rights also apply.
- **Do** ask yourself when considering the nature of your interest, whether Registerable or Non-Registerable -

*“Is the financial interest or wellbeing of myself or my friend relative/close associate affect to a greater extent than the financial interest or wellbeing of the majority of inhabitants of the ward affected by the decision?”*

*“Would a reasonable member of the public knowing all the facts believe that this would affect my view of the wider public interest?”*

If your answer to either of these questions is “yes” then you must disclose the interest, not take part in discussion or voting on the matter, and leave the meeting during its consideration. As explained above, you may still make representations at the Board meeting provided that public speaking rights apply.

- **Don't** in any event ever seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment because of your role as a Member. This would include discussing the matter with officers or Members when the public would not have the same opportunity to do so.
- **Do** be aware that whilst you are not prevented from seeking to explain and justify a proposal in which you have an interest to an appropriate officer, you must always declare your interest and the Code places greater limitations on you in representing that proposal than would apply to a member of the public.

### 3. Predetermination in the Planning Process

Predetermination is also referred to as ‘fettering discretion’. It is not the same as *predisposition*, as explained below.

Predetermination occurs when you are deemed to have made your mind up and will not consider any subsequent information presented. However, you can be *predisposed*, that is, have an initial view on the matter.

As an elected Member you are entitled, and are often expected, to have expressed views on planning issues (*predisposition*). Some Councillors may be elected in part because of their views on such matters. However, if you become involved in the decision making as a member of the Development Control and Regulatory Board then you must be clear that you are prepared to reconsider your position in the light of all the evidence and arguments.

As an elected Member involved in a planning matter:-

- **Don't** predetermine (fetter your discretion) by approaching the decision with a closed mind.
- **Do** keep at the front of your mind that, particularly if you are predisposed as to how you might decide a particular application, you
  - must keep an open mind at the meeting;
  - must make it clear that you are still willing to listen to all of the evidence and material considerations presented, both the officers' presentation of the facts and their advice, as well as the arguments from all sides, before deciding how to exercise your vote;

- are not required to cast aside views on planning policy you held when seeking election or otherwise acting as a Member, in giving fair consideration to points raised;
- are only entitled to take account material considerations and must disregard considerations that are irrelevant to the question and legal context at hand; and
- are to come to a decision after giving what you feel is the right weight to those material considerations.

If you have predetermined the application:

- **Don't** participate in the determination of the matter at the Board because if you did take part in the discussion or vote it would put the County Council at risk, because

**Firstly**, it would probably constitute maladministration in the opinion of the Local Government Ombudsman.

**Secondly**, the Council could be at risk of a legal challenge, including Judicial Review, on a number of possible grounds:

- that there was a danger of bias on your part; or
  - you had predetermined the issue; or
  - there was a failure to take into account all of the factors enabling the proposal to be considered on its merits.
- **Don't** speak or vote on the proposal.
  - **Do** consider whether you should also withdraw from the meeting during the Board's consideration of that application. Although you are not required to, you may prefer to leave to avoid any complaint that your presence may have influenced the decision.
  - **Do**, if you decide to stay in the meeting, explain that you do not intend to speak and vote because you have or you could reasonably be perceived as having predetermined the matter, so that this may be recorded in the minutes.

If you have not predetermined a matter but are predisposed as to how you might decide an application,

- **Do** consider yourself able, for example, to:
  - make public statements on an issue, and
  - campaign on a particular issue;

*provided* you make it clear when you do this that you do not have a closed mind and are amenable to changing your mind in the light of all the information, advice and evidence which will be presented to you at the time of making a decision.

### **County Council Proposals**

- **Do** be aware that if you have been involved in the preparation, submission or advocacy of a planning proposal on behalf of the County Council (i.e. where it is the landowner, developer or applicant) you should avoid participating in the decision-making process as you could be considered to be biased or have predetermined the matter.

### **Local Members whose electoral division is directly affected by the application**

- **Do** consider whether you should take the opportunity to exercise your separate speaking rights as a Local Member (subject to the consent of the Chairman of the Board under Meeting Procedure Rule 33(2)) where you have represented your views or those of local electors to such an extent that you have, or are likely to be seen as having, predetermined the application. Where you do:

- advise the proper officer and the Chairman that you wish to speak in this capacity before commencement of the meeting;
- after you have spoken, remove yourself from the member seating area for the duration of that item, or you may prefer to leave the room entirely as suggested above so as to avoid any complaint that your presence may have influenced the decision; and
- ensure that your actions are recorded.

### **Members of another body involved in an application**

- **Do** be aware that, although the provisions in the Members' Code of Conduct are applied in such a manner as to recognise that the Code should not obstruct a member's service on:
  - another local or public authority; or
  - a body to which you have been appointed or nominated by the Council as its representative;

you must decide in relation to any planning proposal, whether you have been involved to such an extent in the preparation, submission or advocacy of a planning proposal on behalf of such a body as to make your participation in the decision-making process inappropriate. If you have then you should always disclose this Other Registerable Interest and withdraw from the meeting.

### **Participation in the discussions of consultee bodies by Members of the decision-making body**

- **Do** consider yourself able to take part in the debate on a proposal when acting as part of a consultee body (i.e. where you are also a member of the district council as well as being a County Member), provided that:
  - the proposal does not substantially affect the wellbeing or financial standing of the consultee body;
  - you make it clear during the discussion at the consultee body that:
    - (i) you will reserve judgement and the independence to make up your own mind on each separate proposal when it comes before the decision-making body (e.g. the Board) and you hear all of the relevant information;
    - (ii) you will not in any way commit yourself as to how you or others may vote when the proposal comes before the Board for consideration; and
    - (iii) you disclose the personal interest regarding your membership of the consultee body or role when the Board comes to consider the proposal.

### **4. Contact with Applicants, Developers and Members of the Public**

- **Do** exercise caution if approached about a planning application by an applicant, developer or member of the public and refer them to Council Officers for planning, procedural or technical advice.
- **Don't** agree to any meeting with applicants, developers or groups of objectors/supporters where it can be avoided. Where you feel that a formal meeting would be useful in clarifying the issues, it is advisable that you do not seek to arrange that meeting yourself as this may be seen as your promoting one point of view or the other. Instead, you may request the Chief Executive (Head of Planning) to organise it. Officers will then ensure that those present at the meeting are advised from the start that the discussions will not bind the Authority to any particular course of action, that the meeting is properly recorded on the application file, and that the record of the meeting is disclosed when the application is considered by the Board.
- **Do** make it clear that you will only be in a position to make a final decision on the application after having heard all the relevant evidence and arguments at the Board.
- **Do** remember to:
  - follow the rules on lobbying (below);

- consider whether it would be prudent in the circumstances to make notes when contacted and whenever an officer is not present; and
- report to the Chief Executive (Head of Planning) any significant contact with the applicant or other parties, explaining the nature and purpose of the contacts and your involvement in them, and ensure that this is recorded on the planning file.

### **Presentations by Applicants/Developers**

- **Do** feel able to attend public exhibitions or information events held by applicants/developers, but remember -
  - to ask questions only for the purposes of clarifying your understanding of the proposals;
  - that the presentation is not part of the formal process of debate and determination of any subsequent planning application; this will be carried out by the Board;
  - that a presentation can be a form of lobbying and you must not state how you or other members might vote.
- **Don't** attend private presentations from applicants/developers without requesting an officer to be present.

## **5. Lobbying**

Special attention is needed with regard to lobbying in the planning decision-making process. Lobbying in respect of other aspects of members' work is commonplace and it is an accepted part of the democratic process. However, if such lobbying of members of the Development Control and Regulatory Board oversteps the mark (see examples below) it can lead to the impartiality and integrity of members being called into question and decisions taken being referred to the Local Government Ombudsman and/or being subject to legal challenge.

This can be especially difficult for the Local Member who is also a member of the Board. Therefore, care is required when lobbying of and by a member occurs during consideration of a planning application.

### **A. Lobbying of Members**

- **Do** remember that your overriding duty is to the whole community in Leicestershire, not just the people in your electoral division. You need to make decisions impartially and ensure that you do not favour, or appear to favour, any person, company, group or locality.
- **Don't** declare the way you intend to vote.

- **Do** feel able to express an opinion on the merits prior to your formal consideration of the matter at the Board *but only* if you are very clear that you will only make your mind up at the meeting after hearing the officers' presentation and evidence and arguments on both sides.
- **Do** explain to those attempting to lobby you that, whilst you can listen to what is said, you may be open to accusations of predetermination if you express a firm point of view or an intention to vote one way or another, and you would not then be able to participate in the Board's decision-making.
- **Do** pass on any representations you receive and copy or pass on any lobbying correspondence you receive to the Chief Executive (Head of Planning) at the earliest opportunity.
- **Do** refer any offers made to you of planning gain or to restrict the development through a proposed Section 106 planning obligation or otherwise to the Chief Executive (Head of Planning).
- **Don't** accept gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable, ensure it is of a minimum and its acceptance is registered in accordance with the Members' Code of Conduct.
- **Do** indicate that you will pass on that person's views to the Chief Executive and, if necessary, to the Board when it considers the matter, but that you cannot commit yourself to vote in any particular way. If you intend to speak at the Board in this way make it clear at the start of the meeting that this is what you are doing so that this can be recorded.
- **Do** remember that, subject to the advice on interests in Part 2 above you may:
  - Listen/receive viewpoints from residents or other interested parties;
  - Make comments to residents, interested parties, other members or appropriate officers, provided they do not consist of or amount to predetermining the issue and you make it clear that you are keeping an open mind;
  - Seek information through appropriate channels; or
  - Be a vehicle for the expression of opinion or speak at the meeting as a Local Member, provided that, if you are also a member of the Board, you explain your actions at the start of the meeting/item and make it clear that, having expressed the opinion or local view, you will make up your own mind having heard all the facts and listened to the debate.

## **B. Lobbying by Members**

- **Don't** lobby fellow members excessively regarding your concerns or views nor attempt to persuade them that they should decide how to vote in advance of a meeting of the Board. In this context:

**Lobbying** is asking fellow members to hear or share one's thoughts and concerns on an issue.

**Excessive lobbying** is applying such pressure on a fellow member that it amounts to an attempt to obtain a commitment as to how they will vote, whether spoken or unspoken. Pressure of this sort is an attempt to predetermine the outcome of the issue (making the decision potentially unlawful) and may also amount to the Member using their position improperly to confer an advantage or disadvantage (breaching paragraph 2.19 of the Members' Code of Conduct).

If you approach a fellow Member regarding a planning application (or indeed any other issue):

- **Do** be mindful that they may feel under undue pressure more readily in the following situations:
  - a senior member lobbying a less senior colleague;
  - a number of members lobbying an individual;
  - persistent lobbying of a member.
- **Do** always be clear that your lobbying is to solicit interest only and you are not seeking a voting commitment.
- **Do** cease to lobby a member if it appears there is a risk that they will feel subject to pressure as to how he/she votes.
- **Don't** discuss how to vote on a planning proposal at a political group meeting or lobby other members to do so. The Local Government Ombudsman has made it clear that the use of political whips to determine planning applications could amount to maladministration.

### **Membership of Lobby Groups**

- **Don't** lead or act as spokesperson of an organisation or group whose *primary purpose* is to lobby or promote or oppose a planning application.
- **Do** feel able to join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular planning applications, e.g. The Victorian Society, The Ramblers, CPRE, or a local civic society. However, if you are a member of such an organisation and this is relevant to a particular application, you should make sure that you declare that interest and consider whether it might lead to, or could be perceived to lead to bias on your part.

### **Undue or Excessive Lobbying**

- **Do** inform the Director of Law and Governance if you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality). The Director will ensure that the



appropriate action is taken.

## 6. Site Visits

- **Do** attend site visits organised by the County Council.
- **Do** ensure that any information which you gained from the site visit is reported back to the Board, so that all members and officers involved in the decision-making have the same information.
- **Do** ensure that you treat the site visit only as an opportunity to seek information and to observe the site.
- **Do** ask the officers at the site visit questions or seek clarification from them on factual matters which are relevant to the site inspection.
- **Do** have regard to the Council's Site Visit Protocol, in particular noting that all discussion during visits should be conducted through the Chairman and limited to the drawing of attention to facts/features associated with the site.
- **Don't** get involved in discussion with the applicant/developer or any members of the public who may be present during the visit. If you are approached advise them that representations should be made in writing, and direct them to or inform the County Council officer accompanying you.
- **Don't** express firm opinions or views or declare the way you intend to vote.
- **Don't** enter a site which is subject to a planning proposal other than as part of an official site visit, even in response to an invitation, as this may give the impression of bias unless:
  - you feel it is essential for you to visit the site other than through attending the official site visit;
  - you have first spoken to the Chief Executive (Head of Planning) about your intention to do so and why (which will be recorded on the planning file); and
  - you can ensure you will comply with these good practice rules on site visits.

## 7. Pre-Meetings

Briefing meetings for the Chairman and Spokesmen of the Board are held to facilitate the smooth running of the Board meetings. Discussion will be limited to procedural issues such as the organisation of site visits, arrangements for members of the public to exercise their speaking rights at the meeting, and to ensure that all the relevant paperwork and information is available for the meeting.

- **Do** use pre-meetings to resolve procedural issues to facilitate the smooth running of the formal meeting.
- **Don't** discuss the determination of applications at either Board briefing meetings or political group meetings.
- **Don't ever** use the political whip on a planning matter. This would leave the decision open to challenge and could give rise to a finding of maladministration by the Local Government Ombudsman.

## 8. Public Speaking at Meetings

The County Council has a procedure to allow members of the public to make representations at meetings of the Development Control and Regulatory Board. As an elected Member -

- **Do**, if contacted by the public before the meeting, explain that whilst you may express a view you must be seen to be keeping an open mind on the matter, and that you will determine the application on its merits, having regard to material considerations.
- **Don't** allow applicants or members of the public to communicate with you at all during the Board's proceedings ([orally, in writing, or by social media](#)) as this may give the appearance of bias.
- **Do** ensure that you comply with the Council's procedures in respect of public speaking.

## 9. [Social Media](#)

- [Do be aware of the power of social media posts or re-posting and be careful to not to give the impression that you will definitively vote in a certain way or act with a closed mind if you intend to participate in the decision making on behalf of the authority.](#)
- [Don't participate in social media or exchanges by texting as a member of the committee during the committee's proceedings as this may give the impression of undue external influence and may give the appearance of bias.](#)

## 10. County Council Officers

- **Don't** put pressure on officers to put forward a particular recommendation as this may be seen as prejudicing their professional integrity and impartiality. This does not prevent you from asking questions or submitting views to the Chief Executive (Head of Planning) which may be incorporated into any Board report.

- **Do** recognise that officers are part of a management structure and you should only discuss a development proposal, outside of any arranged meeting, with a Head of Service or those officers who are authorised by their Head of Service to deal with the proposal at a member level.
- **Do** recognise and respect that officers involved in the processing and determination of planning matters must act in accordance with any appropriate officer and professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a result, planning officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions, or decisions of elected Members.

## 10. Decision Making

- **Do** come to Board meetings with an open mind and demonstrate that you are open-minded.
- **Do** make decisions in accordance with the relevant Development Plan unless material considerations indicate otherwise.
- **Do** come to your decision only after due consideration of all of the information reasonably required upon which to base a decision. If you feel there is insufficient time to digest new information or that there is simply insufficient information before you, request that further information. If necessary, the Board may defer or refuse the application.
- **Don't** vote or take part in the decision on a proposal unless you have been present to hear everything that has been said at that meeting, including the officers' introduction to the matter.
- **Do** make sure that if you are proposing, seconding, or supporting a decision that you clearly identify and understand the planning reasons leading to this conclusion/decision. Where a decision is being taken contrary to officer recommendations, reasons for this must be given prior to the vote and these must be recorded. Be aware that the Council may have to justify the resulting decision by giving evidence in the event of any legal challenge.

## 11. Member Awareness

The planning system involves complex legal and technical issues which require the application of sound judgement in the assessment of planning proposals. A failure to follow proper practice and procedures can lead to serious consequences for the County Council as the Planning Authority.

The County Council has determined that all elected Members must attend a planning training session prior to being involved in the determination of planning decisions. You are strongly encouraged to participate in any further

training on planning matters and this Code of Good Practice to assist you in carrying out your role properly and effectively.



## DEVELOPMENT CONTROL AND REGULATORY BOARD

4<sup>th</sup> APRIL 2024

### REPORT OF THE CHIEF EXECUTIVE

#### DELEGATED DECISIONS ISSUED 1<sup>st</sup> OCTOBER 2023 – 22<sup>nd</sup> MARCH 2024

<b>Application</b>	<b>Applicant and Location</b>	<b>Description</b>	<b>Delegated</b>
2023/1429/03 (2023/VOCM/00 93/LCC)	Mick George Ltd - Husbands Bosworth Quarry, Welford Road, Husbands Bosworth. LE17 6JH.	Consent is sought for non- compliance with planning condition 11 of planning permission reference 2021/0683/03 which states "no imported material shall be deposited in those areas marked restoration area a or b on plan h37 3 21 03 rev a.	<u>Received:</u> 19/09/2023 <u>Resolution:</u> 18/12/2023 <u>Decision Date:</u> 18/12/2023 <u>Decision:</u> Approved <u>Total weeks</u> <u>For Determination:</u> 13
2023/01143/07 (2023/VOCM/00 84/LCC)	Forterra Building Products Ltd - Land at Measham Brickworks, Atherstone Road, Measham, Leicestershire, DE12 7EL	Variation of Condition 33 (Landscape Scheme) and Condition 34 (Trees along the boundaries to be retained) of planning permission 2021/0653/07	<u>Received:</u> 29/08/2023 <u>Resolution:</u> 02/02/2024 <u>Decision Date:</u> 02/02/2024 <u>Decision:</u> Approved <u>Total weeks</u> <u>For Determination:</u> 22
2023/10206/04 (2023/VOCM/00 83/LCC)	Veolia Environmental Services - Hinckley Service Centre, A5 Watling Street, Hinckley, Leicestershire, LE10 3ED	Variation of condition 8 of planning permission 2018/1079/04 to extend the hours of operation and to increase vehicle movements between Mondays and Fridays	<u>Received:</u> 23/08/2023 <u>Resolution:</u> 22/12/2023 <u>Decision Date:</u> 22/12/2023 <u>Decision:</u> Approved <u>Total weeks</u> <u>For Determination:</u> 17
2023/1462/03 (2023/Reg3Mi/0 094/LCC)	Leicestershire County Council - Welland House, 96 St Marys Road, Market Harborough, Leicestershire, LE16 7DX	We seek to change the use of the building from the current use of 'Children's Home' to Children's Home & Residential Family Assessment Centre. Approval of an access ramp and step to the main entrance (the ramp & step is complete).	<u>Received:</u> 28/09/2023 <u>Resolution:</u> 17/11/2023 <u>Decision Date:</u> 17/11/2023 <u>Decision:</u> Approved <u>Total weeks</u> <u>For Determination:</u> 7

2023/01394/03 (2023/Reg3Mi/0085/LCC)	Leicestershire County Council - C Of E Primary School, Churchgate, Hallaton, Leicestershire, LE16 8TY	The application for planning permission to replace existing boundary fencing to 2 areas at Hallaton CE Primary School.	Received: 12/09/2023 Resolution: 07/11/2023 Decision Date: 07/11/2023 Decision: Approved Total weeks For Determination: 8
2024/10003/04 (2023/CM/0119/LCC)	Severn Trent Water Limited - Hinckley Sewage Treatment Works Brookfield Road Hinckley LE10 2RR	Installation of an MCC Kiosk	Received: 23/11/2023 Resolution: 22/02/2024 Decision Date: 22/02/2024 Decision: Approved Total weeks For Determination: 13
2023/1206/02 (2022/CM/0153/LCC)	GE Recycling Ltd - Wymeswold Industrial Park, Wymeswold Lane, Wymeswold, Leicestershire, LE12 5TY	Change of use of Unit 22B at Wymeswold Industrial Park from B8 general storage to the use for the importation, sorting, processing, storage and exportation of waste, erection of new picking station and retention of containers.	Received: 03/07/2023 Resolution: 29/01/2024 Decision Date: 29/01/2024 Decision: Refused Total weeks For Determination: 30
2023/0208/08 (2023/Reg3Mi/0045/LCC)	Leicestershire County Council - Leicester Traded Services, Launceston Road, Wigston, Leicestershire, LE18 2FZ	Partial demolition of a fire damaged, former special school, in a conservation area	Received: 05/05/2023 Resolution: 19/03/2024 Decision Date: 19/03/2024 Decision: Approved Total weeks For Determination: 46

**DEVELOPMENT CONTROL AND REGULATORY BOARD****4 APRIL 2024****REPORT OF DIRECTOR OF ENVIRONMENT AND TRANSPORT****DELEGATED DECISIONS (number 42) FOR WORKS TO TREES PROTECTED BY LEICESTERSHIRE COUNTY COUNCIL TREE PRESERVATION ORDERS****1<sup>st</sup> July 2023 – 31<sup>st</sup> December 2023**

	<b>Application LCC Reference &amp; District Reference Or Planning portal reference</b>	<b>Applicant and Location</b>	<b>Description</b>	<b>Delegated</b>
1	2023/TPO/0040/LCC 23/00289/TPO	Ramen Reti, 43 Church Rd, Kirkby Mallory, LE9 7QE.  <b>Blackman</b>	T25 - Cedar - Reduce the lowest limb on the west side by 2-3 metres. T27 - Sycamore -Lowest 3 limbs T29 - Ash - Remove lowest 5 or 6 limbs T31 - Sycamore - Remove the mainstem (right back to the main crotch) T33 - Sycamore - Fell tree T34 - Sycamore - Fell tree. T35 - Sycamore - 4 stemmed coppice/tree - 2 stems with dieback and poor bases. In danger of falling because of poor base - fell 2 east side stems.	Date Rec'd: 3/4/2023 Notice sent: 16/5/2023 <u>Determination: 7weeks 1day</u> <u>Decision: Approved</u>
2	2023/TPO/0042/LCC 23/00560/TPO	Wheatcroft Lodge, The Woodlands, Market Harborough, LE16 7BW.  <b>Freer</b>	Trees Tagged No 335 Ash & 333 Ash: Both trees are suffering the effects of Ash dieback and the proposal is to fell both trees and remove the stumps.	Date Rec'd: 20/4/2023 Notice sent: 22/5/2023 <u>Determination: 4weeks 4days</u> <u>Decision: Approved</u>
3	2023/TPO/0047/LCC 23/00570/TPO	28 St Michaels Close, Ashby de la Zouch, LE65 1ES.  <b>Mills</b>	T1- Lime. Fell to ground level. The tree is approximately 226cm in circumference with a large historic wound on its SW side.	Date rec'd: 16/5/2023 Notice sent: 26/6/2023 <u>Determination: 5 weeks 6 days</u> <u>Decision: Approved</u>

4	2023/TPO/0048/LCC 23/0675/TPO	Cedar Cottage, East Norton Rd, Horninghold, LE16 8DQ.  <b>Aldritt</b>	T1 - Atlas Cedar - Reduce the crown by up to 1.5m in height and spread.	Date rec'd: 18/5/2023 Notice sent:26/6/2023 <u>Determination: 5 weeks 4 days</u> <u>Decision: Approved</u>
5	2023/TPO/0049/TPO 23/0368/TPO	Uplands, Hastings Rd, Kirby Muxloe, LE9 2EE.  <b>Farfort</b>	T1- Lime tree - Remove T2- Beach tree - Crown reduction of 30%.	Date rec'd: 12/6/2023 Notice sent: 24/7/2023 <u>Determination: 6 weeks</u> <u>Decision: Approved</u>
6	2023/TPO/0051/LCC 23/0455/TPO	Ardmore, Forest Drive, Kirby Muxloe, LE9 2EA.  <b>Riddlesworth</b>	Beech - Reduce height and spread of tree by 30%.	Date rec'd: 12/6/2023 Notice sent: 24/7/2023 <u>Determination: 6 weeks</u> <u>Decision: Approved</u>
7	2023/TPO/0052/LCC 23/00415/TPO	2 Beggars Roost, Gated Rd, Thorpe Satchville, LE14 2TJ.  <b>Smith</b>	Horse Chestnut Tree Raising the crown for a balanced shape in order to reduce limbs which overhang the road.	Date rec'd: 14/6/2023 Notice sent: 24/7/2023 <u>Determination: 5 weeks 5 days</u> <u>Decision: Approved</u>
8	2023/TPO/0054/TPO 23/00565/TPO	10 Manor Way, Burbage, LE10 2EE.  <b>Patel</b>	Pine trees T1 and T2 to be considered for removal.	Date rec'd: 19/6/2023 Notice sent:24/7/2023 <u>Determination: 5 weeks</u> <u>Decision: Refused</u>
9	2023/TPO/0057/LCC 23/00512/TPO	11 Devon Lane, Bottesford, NG13 0BZ.  Brothwood	T1 - Pollard acer down to about half its current size to manage it's overall size, down by 4m.	Date rec'd: 26/6/2023 Notice sent: 10/8/2023 <u>Determination: 6 weeks 3 days</u> <u>Decision: Refused with recommendations</u>
10	2023/TPO/0058/LCC 23/00806/TPO	62 Trinity Close, Ashby de la Zouch, LE65 2GS.  <b>Brown</b>	Sycamore (T2) - Crown lifting by removing heavily crossing/rubbing side branches to one side of the tree, and those at ~1.5m from the ground on the other side of the tree. Application updated on 21/8/23 to remove the tree. Decision date extended.	Date rec'd: 30/6/2023 Notice sent: 4/9/2023 <u>Determination: 9 weeks 3 days</u> <u>Decision: Approved</u>



11	2023/TPO/0060/LCC 23/0574/TPO	1 Stanyon Close, Countesthorpe, LE8 5WY.  <b>Cooper</b>	T1 - Lawsons Cypress - Remove T2 – Yew - Raise canopy to 2.5m over garden side of tree. Clear roof of garage by 1m. Raise canopy to 2.5m above path and 6m above road. T3 – Yew - Crown reduce by 20% approx. 1.5m T4 - Irish Yew - Crown reduce by 20% approx. 1.5m.	Date rec'd: 11/7/2023 Notice sent: 21/8/2023 <u>Determination: 4 weeks 6 days</u> <u>Decision: Approved</u>
12	2023/TPO/0061/LCC 23/00979/TPO	Illstone Grange, Illstone on the Hill, LE7 9EA.  <b>Pease</b>	T1 Ash - Remove the tree and plant a replacement. T2 - horse chestnut - Remove the tree and plant a replacement .	Date rec'd: 11/7/2023 Notice sent: 21/8/2023 <u>Determination: 4 weeks 6 days</u> <u>Decision: Approved</u>
13	2023/TPO/0066/LCC 23/00909/TPO	Bridgeford house, East Norton rd, Horninghold. LE16 8DH.  <b>Twidell</b>	T1 Horse Chestnut – 40% crown reduction.	Date rec'd: 13/7/2023 Notice sent: 21/8/2023 Determination: 4 weeks 4 days <u>Decision: Approved with conditions</u>
14	2023/TPO/0068/LCC 23/00931/TPO	The old rectory, Hallaton Rd, Horninghold, LE16 8DH.  <b>Sanderson</b>	T1 willow - Pollard back to main framework.	Date rec'd: 6/7/2023 Notice sent: 21/8/2023 <u>Determination: 6 weeks 4 days</u> <u>Decision: Approved</u>
15	2023/TPO/0069/LCC	Forest park Pub, Hinckley Rd, LFE, LE3 3GD.  <b>Kane</b>	Oak Tree & Mixed Trees. Reduce the trees away from the building by two metres.	Date rec'd: 18/7/2023 Notice sent: 29/8/2023 <u>Determination: 6 weeks</u> <u>Decision: Approved</u>
16	2023/TPO/0071/LCC 23/00701/TPO	17 The Chase, Markfield, LE67 9XF.  <b>Bagnall</b>	T1 - Common Ash - Take down to ground level.	Date rec'd: 20/7/2023 Notice sent: 22/8/2023 <u>Determination: 4 weeks 5 days</u> <u>Decision: Refused</u>
17	2023/TPO/0070/LCC 23/0626/TPO	The Cedars, Stamford Rd, Kirby Muxloe. LE9 2ER.  <b>Beddow</b> (agent)	T1 Lawsons Cypress – remove.	Date rec'd: 20/7/2023 Notice sent: 4/9/2023 <u>Determination: 6 weeks 4 days</u> <u>Decision: Approved</u>

18	2023/TPO/0074/LCC	Cedar View, Bassetts Lane, Sapcote, LE9 4FB.  <b>Pickering</b>	Cedar T14 - to reduce branches over southwest corner (over lime tree) by 3-4 metres laterally.	Date rec'd: 24/7/2023 Notice sent: 4/9/2023 <u>Determination: 6 weeks</u> <u>Decision: Approved</u>
19	2023/TPO/0074/LCC	12 St Michaels Drive, Ravenstone, LE67 2JA.  <b>Scaife</b>	T1 – Sycamore - crown reduce by 2 metres. T2 – Sycamore – crown reduce by 2 metres over garden and 3 metres over road.	Date rec'd: 31/7/2023 Notice sent: 11/9/2023 <u>Determination: 6 weeks</u> <u>Decision: Approved</u>
20	2023/TPO/0077/LCC PP 12346514	Hill House, Trinity Close, Ashby de la Zouch, LE65 2GT.  <b>Revill</b>	T1 - Blue Cedar to the front of Hill House has three branches running horizontally at a height of about 3.5m - remove them completely back to the trunk . T2 - Yew . Some of their branches are beginning to overhang and crowd out an ornamental feature fountain. It is proposed to prune back a few of these branches by 1-2m .	Date rec'd: 31/7/2023 Notice sent: 11/9/2023 <u>Determination: 6 weeks</u> <u>Decision: Approved</u>
21	2023/TPO/0078/LCC 23/01099/TPO	2 Ashley Rd, Medbourne, LE16 8DC.  <b>Kendall</b>	(G1) – Yews - Reduce by 1.5 - 2 metres. Provide 2 - 2.5 metres clearance over property. Crown lift to 3 - 3.5 metres over stream	Date rec'd: 3/8/2023 Notice sent: 11/9/2023 <u>Determination: 5 weeks 4 days</u> <u>Decision: Approved</u>
22	2023/TPO/0080/LCC 23/O695/TPO	Bouskell Park, Welford Rd, Blaby.  <b>Hardingham.</b>	Tree 72 Pine, Tree is dead and requires felling. Tree 73 Pine, Tree is dead and requires felling. Tree 78 Pine, Tree is dead and requires felling Group 3 Felling of dead Elms within group. Group 5 Felling of dead Sycamore within group. Group 13 Felling of dead Elms within group.	Date Rec'd: 16/8/2023 Notice sent: 2/10/2023 <u>Determination: 8 weeks</u> <u>Decision: Approved</u>

23	2023/TPO/0081/LCC 23/01139/TPO	38 Arden Way, Market Harborough, LE16 7DD.  <b>Jones</b>	T1 Horse Chestnut – crown reduce by 30%.	Date rec'd: 17/8/2023 Notice sent: 2/10/2023 <u>Determination: 7 weeks 6 days</u> <u>Decision: Approved</u>
24	2023/TPO/0082/LCC 23/01161/TPO	Horninghold House, Knob Hill Rd, Horninghold. LE16 8DH.  <b>Solomons</b>	T4 - Sycamore - Raise crown by 1.5m, reduce crown by tipping back on northeast side only by 1- 2metres.	Date rec'd: 17/8/2023 Notice sent: 2/10/2023 <u>Determination: 7 weeks 6 days</u> <u>Decision: Approved</u>
25	2023/TPO/0087/LCC 23/00686/TPO	Knossington Therapeutic school, Knossington, LE15 8EY.  <b>Moore</b>	T1 Ash – fell due to dieback. T2 Ash – fell due to dieback.	Date rec'd: 29/8/2023 Notice sent: 16/10/2023 <u>Determination: 6 weeks 6 days</u> <u>Decision: Approved</u>
26	2023/TPO/0088/LCC 23/00808/TPO	15 Manor Close, Burbage, LE10 2NL.  <b>Hill</b>	T1 – Beech - Remove / reduce branches now overhanging the house. Remove lower branches	Date rec'd: 31/8/2023 Notice sent: 16/10/2023 <u>Determination: 6 weeks 5 days</u> <u>Decision: Approved</u>
27	2023/TPO/0089/LCC 23/0709/TPO	2 Rosedene close, Kirby Muxloe, LE9 2EZ.  <b>Sutherland</b>	T1 - Lime Re-pollard	Date rec'd: 1/9/2023 Notice sent: 19/10/2023 <u>Determination: 6 weeks 6 days</u> <u>Decision: Approved</u>
28	2023/TPO/0090/LCC 23/01228/TPO	3 Dag ,Lane, North Kilworth. LE17 6HD  <b>Globalnet (agent)</b>	T1 Sycamore – remove to causing subsidence.	Date rec'd: 7/9/2023 Notice sent: 19/10/2023 <u>Determination: 6 weeks</u> <u>Decision: Approved</u>
29	2023/TPO/0091/LCC 23/0690/TPO	12 Woodbank, Glen Parva, LE2 9QP.  <b>Hopkins</b>	T1 Ash -remove	Date rec'd: 7/9/2023 Notice sent: 24/10/2023 <u>Determination: 6 weeks 5 days</u> <u>Decision: Refused</u>
30	2023/TPO/0092/LCC PP-12445727	3 Tower Gardens, Ashby, LE65 2GZ.  <b>Fielding</b>	T1 Yew Tree - Reduce the height by 2.4 metres, reduce the width by 2 metres.	Date rec'd: 11/9/2023 Notice sent: 23/10/2023 <u>Determination: 6 weeks</u> <u>Decision: Approved</u>

31	2023/TPO/0099/LCC 23/01314/TPO	10 Old Green, Medbourne, LE16 8DX.  <b>Szecheny</b>	T1 – Pine – removed due to fault at the base of the tree.	Date rec'd: 2/10/2023 Notice sent: 9/11/2023 <u>Determination: 5 weeks 5 days</u> <u>Decision: Approved</u>
32	2023/TPO/0097/LCC 23/0811/TPO	5 Rosedene, Close, Kirby Muxloe, LE9 2EZ.  <b>Smith</b>	T1 and T2 Lime trees – Re pollard.	Date rec'd: 2/10/2023 Notice sent: 9/11/2023 <u>Determination: 5 weeks 5 days</u> <u>Decision: Approved</u>
33	2023/TPO/0098/LCC 23/0816/TPO	New House, Stamford Rd, Kirby Muxloe, LE2 2ER.  <b>Bull</b>	T1 Oak – Crown raise to approx. 5m; Remove deadwood. T2 Lime – Crown raise to approx. 5m. G1 Group Beech – Sectional fell to habitat stems at approx. 6' T3 Oak – Prune back secondary growth to provide clearance to property; Remove major deadwood; Remove Ivy.	Date rec'd: 2/10/2023 Notice sent: 9/11/2023 <u>Determination: 5 weeks 5 days</u> <u>Decision: Approved</u>
34	2023/TPO/100/LCC 23/00949/TPO	14 Manor way, Burbage, LE10 2NN.  <b>Day</b>	T1 Black Pine - Reduce the lateral branch growth on the East side by 2-4 meters to a growth point. 2. Reduce the lateral growth by 1-2 meters towards No.12 and 14 Manor Way to a growth point.	Date rec'd: 3/10/2023 Notice sent: 9/11/2023 <u>Determination: 5 weeks 4 days</u> <u>Decision: Approved</u>
35	2023/TPO/0102/LCC P/23/1734/2	20 Holmfield Lane, Rothley, LE7 7NE.  <b>Ward</b>	T1 Oak – Reduce branches property side by 2 metres.	Date rec'd: 5/10/2023 Notice sent: 14/11/2023 <u>Determination: 5 weeks 2 days</u> <u>Decision: Approved</u>
36	2023/TPO/0103/LCC 23/01446/TPO	Horninghold Hall, Hallaton Rd, Horninghold, LE16 8DH.  <b>Sanderson</b> (agent)	T1 Sycamore - fell due to structural faults.	Date rec'd: 10/10/2023 Notice sent: 16/11/2023 <u>Determination: 5 weeks 2 days</u> <u>Decision: Approved</u>

37	2023/TPO/0107/LCC	20 Swithland Lane, Rothley. LE7 7SE.  <b>Gent</b>	T1 Sycamore -crown reduce by 2-2.5 metres. T2 Ash - remove	Date rec'd: 12/10/2023 Notice sent:30/11/2023 <u>Determination: 7 weeks</u> <u>Decision: T1 approved / T2 refused.</u>
38	2023/TPO/0109/LCC PP 12551851	7 Trinity Close, Ashby de la Zouch, LE65 2GQ.  <b>Timpson</b>	Scots pine - trimming back 2 overhanging branches over driveway and road	Date rec'd: 24/10/2023 Notice sent: 30/11/2023 <u>Determination: 5 weeks 2 days</u> <u>Decision: Approved</u>
39	2023/TPO/0112/LCC PP-12422057	Freeby Lane, Waltham on the Wolds.  <b>Dark</b>	Ash tree remove due to decay at the base. Within falling distance of the road.	Date rec'd: 26/10/2023 Notice sent: 11/12/2023 <u>Determination: 6 weeks 4 days</u> <u>Decision: Approved</u>
40	2023/TPO/0113/LCC P/23/1523/TPO	12 Paddock Close, Quorn, LE12 8BJ.  <b>Fowlds</b>	T1 Oak. Reduce height by 3metres. Reduce selected branches by 2.5 metres on SE side.	Date rec'd: 30/10/2023 Notice sent: 11/12/2023 <u>Determination: 6 weeks</u> <u>Decision: Approved</u>
41	2023/TPO/0114/LCC 23/01419/TPO	The Stables, Tonge Hall Court, Tonge, DE73 8HQ.  <b>Foxon</b>	Horse Chestnut. Selectively reduce the height of the uppermost crown to an estimated post pruning height of around 19m. Minor pendulous growth should be pruned back to give around 3m clearance to the roof of the log store.	Date rec'd: 30/10/2023 Notice sent: 11/12/2023 <u>Determination: 6 weeks</u> <u>Decision: Approved</u>
42	2023/TPO/0117/LCC P23/1975/2	55 Park Road, Birstall, LE4 3AY.  <b>Newton</b>	Ash. Crown reduction of no more than 30%	Date rec'd: 2/11/2023 Notice sent: 11/12/2023 <u>Determination: 5 weeks 3 days</u> <u>Decision: Approved</u>

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