



BRAUNSTONE TOWN COUNCIL

Serving the communities of Braunstone Town and Thorpe Astley

Darren Tilley – Chief Executive & Town Clerk

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PLANNING APPLICATIONS

PUBLIC INSPECTION OF PLANS AND PARTICIPATION

1. The Planning Applications can be inspected at the offices of Blaby District Council to whom representations should be made and they are also available Blaby District Council's website at www.blaby.gov.uk under Planning Application Search
2. A list of the applications to be considered by the Town Council's Planning & Environment Committee are listed on the Town Council's website www.braunstonetowncouncil.org.uk
3. The applications will be considered by the Braunstone Town Council's Planning and Environment Committee, which may make its own observations and forward them to the relevant Planning Authority.
4. Braunstone Town Council and Blaby District Council have introduced procedures to enable applicants, objectors and supporters to speak on applications brought before their relevant Committees.

31st May 2023

To: Councillor Robert Waterton (Chair), Councillor Sam Maxwell (Vice-Chair) and Councillors Anthea Ambrose, Richard Forrest, Leanne Lee, Satindra Sangha, Gary Sanders, Darshan Singh, Imran Uddin, Marion Waterton and Mark Widdop.

Dear Councillor

You are summoned to attend a meeting of the **PLANNING & ENVIRONMENT COMMITTEE** to be held in the **Ravenhurst Room** at Braunstone Civic Centre on **Thursday 8th June 2023** commencing at **7.30pm**, for the transaction of the business as set out below.

Alternatively, members of the public may observe this meeting, and make contributions under the Public Session item, using Zoom video and web conferencing software (details below).

Join Zoom Meeting

<https://us06web.zoom.us/j/81072596118?pwd=S1o5K1kvQk5YUHR4ZVF1TnNEbGNXdz09>

Meeting ID: 810 7259 6118

Passcode: 302985

Yours sincerely,

Chief Executive & Town Clerk

AGENDA

1. **Apologies**
To receive apologies for absence.
2. **Disclosures of Interest**
To receive disclosures of Interest in respect of items on this agenda:
 - a) Disclosable Pecuniary Interests,
 - b) Other Interests (Non-Pecuniary).
3. **Public Participation**
Members of the public may submit a petition and/or make representations, give evidence or answer questions in respect of any item of business included on the agenda. At the discretion of the Chairperson the meeting may be adjourned to give members of the public present an opportunity to raise other matters of public interest.
4. **Minutes of the Meeting held 20th April 2023**
To confirm the accuracy of the Minutes of the Meeting held on 20th April 2023 to be signed by the Chairperson (**Enclosed**).
5. **Planning and Licensing Applications dealt with under Delegated Authority**
To receive and note responses to planning and licensing applications taken under Delegated Authority (**Enclosed**).
6. **Planning and Licensing Applications**
To agree observations on planning and licensing applications received (**Enclosed**).
7. **Additional Planning and Licensing Applications**
To agree observations on planning and licensing applications received since the publication of the agenda (if any).
8. **Planning Decisions**
To receive and note planning decisions made by Blaby District Council (**Enclosed**).
 - a) Planning Decisions
 - b) Appeal Decision
9. **Feedback on Planning Application Decisions**
To receive feedback concerning planning application decisions by Blaby District Council where the Committee has queried the decision; as follows:
 - a) Cllr Robert Waterton – To contact a senior Planning Officer at Blaby District Council in respect of ensuring consistency of approach when applying conditions relating to off-road parking. To understand why two planning applications, which would result in the properties concerned having four bedrooms, had been determined differently:

- Application 22/1006/HH; 31 Headley Road, had been approved with 2 on-site parking spaces; while
- Application 23/00871/HH; 8 Cranberry Close, had been rejected for not providing 3 on-site parking spaces but 2 and therefore not complying with the Parking Policy.

10. Braunstone Village Conservation Area Extension

To receive an update on the timetable for the process to consider whether to extend the Braunstone Village Conservation Area to the South of Braunstone Lane; and, in the event of no progress, what action should be taken.

11. Lubbesthorpe Impacts Group

To receive an update on progress concerning matters relating to the Lubbesthorpe development and to report on the recent meeting of the Lubbesthorpe Impacts Group.

12. Financial Comparisons

To receive Financial Comparisons for the period of 1st April 2023 to 30th May 2023 (**Enclosed**).

13. Approval of Accounts

To consider payments from 12th April until 30th May 2023 (**Enclosed**).

Next Scheduled Meeting: 24th August 2023.



NOTE:

*CRIME & DISORDER ACT 1998 (SECTION 17) – The Council has an obligation to consider Crime and Disorder implications of all its activities and to do all that it can to prevent Crime and Disorder in its area.
EQUALITIES ACT 2010*

Braunstone Town Council has a duty in carrying out its functions to have due regard to:-

- *eliminate unlawful discrimination, harassment and victimisation;*
- *advance equality of opportunity between different groups; and;*
- *foster good relations between different groups*

To ensure that no person receives less favourable treatment on the basis of race, disability, sex, gender re-assignment, sexual orientation, age, religion or belief, marriage or civil partnership, pregnancy or maternity.

BRAUNSTONE TOWN COUNCIL

MINUTES OF PLANNING & ENVIRONMENT COMMITTEE

HELD AT BRAUNSTONE CIVIC CENTRE

THURSDAY 20th APRIL 2023

PRESENT: Councillor Robert Waterton (Chair) and Councillors Anthea Ambrose, Sohan Johal, Becca Lunn Scoppie, Phil Moitt, Darshan Singh, Christiane Startin-Lorent and Marion Waterton.

Officers in attendance: Darren Tilley, Chief Executive & Town Clerk.

There were no members of the public present at the meeting.

76. Apologies

An apology for absence was received from Councillor Leanne Lee.

77. Disclosures of Interest

There were no disclosures of any Disclosable Pecuniary or Non-Pecuniary Interests by Members.

78. Public Participation

In accordance with Standing Order 3.6, members of the public may attend the meeting for the purpose of making representations, giving evidence or answering questions in respect of any item of business included on the agenda.

There were no members of the public present.

79. Minutes of the Meeting held 16th February 2023

The Minutes of the Meeting held on 16th February 2023 were circulated (item 4 on the agenda).

RESOLVED that the Minutes of the meeting held on 16th February 2023 be approved and signed by the Chairperson as a correct record.

80. Planning and Licensing Applications dealt with under Delegated Authority

The Committee received and noted responses to planning and licensing applications taken under Delegated Authority (item 5 on the agenda).

RESOLVED that the action taken by the Chief Executive & Town Clerk under delegated authority in forwarding the following observations to Blaby District Council be noted:

Planning Applications

1. **Application No:** 23/0109/FUL

Description: Demolition of existing workshop and erection of a 2 storey detached dwelling with associated garden and parking (revised scheme).

Location: 31 Edenhurst Avenue Braunstone Town Leicestershire LE3 2FA (Ravenhurst & Fosse Ward)

Response: *Braunstone Town Council objects to the proposal on the following grounds:*

- a) out of keeping with the character and appearance of the area;*
- b) insufficient on-site parking provision for the proposed new property and insufficient space to accommodate two vehicles on the curtilage of the existing property;*
- c) lack of private amenity space for the proposed new dwelling and overdevelopment of the site due to footprint, scale and massing; and*
- d) significantly detrimental to the amenities enjoyed by existing and new occupiers due to considerations of privacy, light, noise and overbearing effect.*

Reasons:

- a) Development on this corner plot would add a discordant element to the street scene with housing cluttered around one corner with garages on the opposite side of the road.*
- b) The proposed new property had two bedrooms, however, there was only one on-site parking place proposed. The existing property proposed two on-site parking spaces, however, due to the irregular angle and tight fit and access it was questionable whether there was sufficient space and in fact a parked vehicle would protrude onto the footway. In accordance with the local highway design guide, properties with up to and including 3 bedrooms should provide for two parking spaces within the curtilage of the site.*
- c) The new property would be squeezed into the curtilage of an existing semi-detached property at right angles where the land had little depth; resulting in insufficient and odd shaped outdoor private amenity space.*

d) *The additional property on this corner location would result in cramped living conditions for the occupants of the new property. In addition, there would be an adverse impact on the occupants of the new property and both neighbouring existing properties in terms of noise and overbearing effect.*

2. Application No: 23/0067/HH

Description: Single storey front extension

Location: 486 Braunstone Lane Braunstone Town
Leicestershire LE3 3DG (Winstanley Ward)

Response: *Braunstone Town Council does not object to the single storey front extension; subject to:*

- a) *the front elevation of the proposed single storey front extension not protruding forward of the front building line of the neighbouring properties in the row (i.e. between Beech Drive and St Mary's Avenue); and*
- b) *the materials being used (roof, type of brick, fenestration) matching those of the existing property.*

Reason:

- a) *There remained sufficient on-site parking availability. Properties in the area were of different style and the front of the dwelling at different distances to the road. Protruding forward of the existing front was considered reasonable in terms of the visual amenity of the streetscene provided it did not encroach any further than the front of the neighbouring dwellings. It was important to ensure that properties did not have unlimited rights to build on the front curtilage, which would destroy the open and landscaped nature of the row and the wider streetscene.*
- b) *To ensure that the front extension would not look out of place, complimented the front of the property and visually fitted in with the appearance of the area.*

3. Application No: 23/0087/HH

Description: Single storey rear extension and two storey side extension with store and archive to loft

Location: 8 Cranberry Close Braunstone Town Leicestershire
LE3 3DL (Winstanley Ward)

Response: *Braunstone Town Council objects to the application on the following grounds:*

- 1. the proposed development would have an unsatisfactory relationship with the neighbouring property, no. 6, that would be significantly detrimental to the amenities enjoyed by the occupiers of the neighbouring property; and*
- 2. the proposed on-site parking for two vehicles would be insufficient for a development containing five bedrooms*

Reasons:

- 1. Due to the gradient of Cranberry Close, no. 8 was higher than no.6; this means that the two storey side extension, which would be built to the boundary between the two dwellings would have an overbearing effect on no.6 and an adverse impact on the light, which would be enjoyed from the side windows of no.6.*
- 2. Due to the design and gradient, only two on-site parking spaces were proposed for a five bedroomed property; this could result in additional parking on the highway, including the footway, presenting safety issues and potential obstruction. In accordance with the Leicestershire Highway Design Guide, 3 on-site parking spaces should be provided.*

Licensing Applications

There were no licensing applications to consider.

81. Planning Applications and Licensing Applications

The Committee received details of a planning applications to be considered by Blaby District Council (item 6 on the agenda). The Committee noted that there were no licensing applications.

RESOLVED that delegated authority be given to the Chief Executive & Town Clerk, in consultation with the Chair of the Committee, to finalise the response to planning application 2 of item 6: 22/0827/RM, amended Reserved Matters application for the erection of Local Centre 1, at Tay Road, Lubbethorpe, following consideration of the Amended Sustainability Statement P3 and taking into account the following resolution of the Committee:

Braunstone Town Council has the following comments, which need to be addressed, and recommended that the plans and documents be modified accordingly and re-submitted for consideration:

- a) the trip generation figures in the transport surveys need to be reviewed and clarified; since the number of journeys by particular modes of transport did not appear to relate to the type and scale of the proposed development;*
- b) the proposed location of the Health Centre solely on the first floor of the commercial units presented accessibility concerns both in terms of stair and*

- lift access for elderly and disabled users and over intensification of this area of the site;*
- c) the design of the car park to the rear of the commercial units needed to properly facilitate deliveries and collections; the number of parking spaces would also need to be reviewed (in relation to (a) above) since the proposed provision seemed insufficient for both the commercial units and the Health Centre;*
 - d) the site and buildings should include sustainability measures such as low carbon heating, rainwater storage and electric vehicle charging points;*
 - e) the area for deliveries (currently a layby adjacent to the access road) would conflict with other users and uses of the car park and footways;*
 - f) the road junction with Tay Road needed to be redesigned given the addition to the site of the Health Facility; options could include a signal controlled junction, a second access (either to provide a one way system or separate access for deliveries), or separate access to the Care Home; and*
 - g) pedestrian walking routes and additional pedestrian crossing points needed to be included in the public car park.*

The reasons for the Committee's recommendation were that: *the Town Council had raised these matters previously and the revised application did not suitably address them; the Town Council remained interested in ensuring the site was sustainable, usable and also accessible to local residents to avoid unnecessary vehicle journeys out of Lubbethorpe and any adverse impact on the climate and air quality.*

- a) The daily trip generation figures included a significant number of journeys by "Train" (GP Surgery 23, Care Home 2, Mixed Use 105) and "passenger in a car or van" (GP 114, Care Home 11, Mixed Use 640).*
- b) Many patients with mobility issues would struggle to access a first floor health facility; the proposed access to the facility was among the rear accesses to the commercial units, where deliveries and collections would be undertaken; raising concerns about the suitability of the access both from a health & safety perspective and an accessibility perspective. An alternative could be that half the unit on both floors be reserved for the Health Centre and some of the other commercial units be located on the first floor above the grocery store.*
- c) Large delivery vehicles would not be able to use the parking spaces. There was no turning area for refuse and delivery vehicles, these vehicles were expected to do a three point turn at the junction at the top of the car park, presenting safety concerns. Parking provision of 63 spaces for a grocery store, four other retail units plus a health facility accommodating 6 GPs, 4 nurses, 5 consulting rooms and potential expansion was unlikely to satisfactorily provide for employee, patient and customer parking.*
- d) To ensure the site and buildings have a low carbon impact and to mitigate the effects of climate change.*
- e) The delivery layby was disconnected from the retail unit and other local centre units by the public areas and footways. The service area for the commercial units was also the front access to the Health Centre resulting in a conflict of use and users and raising health and safety concerns.*
- f) While it was understood that the junction with Tay Road had been approved as part of the wider Lubbethorpe Transport Assessment; the services at the site had subsequently been increased as a result of planning application 22/0057/NMAT. Therefore, the design of the junction needed to be reviewed*

and potentially remodelled to ensure the safety of vehicles (including cyclists) entering and leaving the site, along with those on Tay Road and to ensure pedestrian safety, including safe crossing across the entrance and Tay Road.

- g) *It was unclear how pedestrians who had parked their vehicles on the northern side of the public car park would safely access the facilities on site, there appeared to be a lack of connecting footways and safe crossing points.*

Reason for Decision

To further examine the Amended Sustainability Statement to ascertain whether the Committee's concerns in respect of sustainability had been adequately addressed.

RESOLVED that the following responses be forwarded to Blaby District Council:

1. **Application No:** 23/0117/FUL
- Description:** Erection of semi-detached dwelling associated storage and car parking to include alterations to host dwelling (Revised Scheme).
- Location:** Land Adjacent 2 Pinfold Braunstone Town Leicestershire (Millfield Ward)
- Response:** *Braunstone Town Council:*
- 1. does not object to the proposed two additional on-site parking spaces; and*
 - 2. objects to the proposed garage / outbuilding.*
- Reasons:**
- 1. Given the scheme had received planning approval; the amendment to include two additional on-site parking spaces accessed from Watergate Lane would suitably address the poorly designed access arrangements to the approved off road parking accessed from Pinfold; and*
 - 2. The inclusion of a garage / outbuilding would result in a lack of private amenity space for the proposed new dwelling and constitute overdevelopment of the site due to footprint, scale and massing.*
3. **Application No:** 23/0055/HH
- Description:** Conversion of existing garage and single storey side extension
- Location:** 42 Shakespeare Drive Braunstone Town Leicestershire LE3 2SP (Winstanley Ward)

- Response:** *Braunstone Town Council does not object to the application; subject to:*
- a) *on-site parking for 3 vehicles being provided prior to occupation, being surfaced with a hardbound permeable material, and permanently available for use;*
 - b) *no windows, doors or openings in the side elevation of the proposed side extension without the explicit consent of the local planning authority; and*
 - c) *the proposed garage conversion and side extension being ancillary to the domestic use of the dwelling and not sold, let or separately disposed of.*

- Reasons:**
- a) *To avoid on-street parking at a road junction, presenting highway safety issues.*
 - b) *To avoid an adverse impact on the amenity enjoyed by the neighbouring property in terms of privacy and noise.*
 - c) *To avoid noise, disturbance and overdevelopment of the site/tandem development.*

82. Additional Planning and Licensing Applications

The Committee noted that no planning or licensing applications had been received since the publication of the agenda.

83. Planning Decisions

The Committee received and noted planning decisions made by Blaby District Council (item 8 on the agenda).

RESOLVED that Councillor Robert Waterton contact a senior Planning Officer at Blaby District Council in respect of ensuring consistency of approach when applying conditions relating to off-road parking.

Reason for Decision

To understand why two planning applications, which would result in the properties concerned having four bedrooms, had been determined differently:

- *Application 22/1006/HH; 31 Headley Road, had been approved with 2 on-site parking spaces; while*
- *Application 23/00871/HH; 8 Cranberry Close, had been rejected for not providing 3 on-site parking spaces but 2 and therefore not complying with the Parking Policy.*

84. Feedback on Planning Application Decisions

The Committee received feedback from Councillor Anthea Ambrose concerning planning decision 22/1141/HH; Single storey side and rear extension (revised scheme of 22/0539/HH), at 32 Charlecote Avenue. The Planning Officer delegated decision report was circulated to the Committee (filed with these minutes).

RESOLVED that the Highway considerations set out in the Planning Officer delegated decision report be noted.

Reason for Decision

The delegated decision report clarified the position concerning the development, the number of bedrooms and therefore the impact on parking.

85. Braunstone Village Conservation Area Extension

The Committee received an update on the timetable for the process to consider whether to extend the Braunstone Village Conservation Area to the South of Braunstone Lane.

The Chief Executive & Town Clerk advised that Leicester City Council were planning a review of the Braunstone Village Conservation Area in the Summer of 2023. The City Council were planning to incorporate the proposal to extend the conservation area to the South of Braunstone Lane in the consultation. The Project Specification and arrangements needed approval from the appropriate Head of Service at both Leicester City Council and Blaby District Council.

RESOLVED that Blaby District Council's Head of Planning be contacted to ask that the project be agreed with Leicester City Council and progressed in order for an outline plan to be received by the Committee at its meeting scheduled for June 2023.

Reason for Decision

To ensure that the proposals would be progressed and not unduly delayed.

86. Lubbesthorpe Impacts Group

The Committee received an update on progress concerning matters relating to the Lubbesthorpe development.

The Committee noted that the meeting of the Group scheduled for 19th April had been postponed to 24th May.

Councillor Robert Waterton updated the Committee on the following matters in respect of the Lubbesthorpe development:

- a) on 31st March 2023 there were 885 occupations;
- b) the Chair had written to the County Council and District Council to ascertain how Section 106 highways improvements were likely to be scheduled

- ahead of trigger points being met for schemes proposed for Enderby and the A47; and
- c) the responses of both authorities on the process for delivering Section 106 Highways Improvements was unclear and Councillor Waterton would be seeking clarification.

RESOLVED that the update be received and noted.

Reason for Decision

To receive details of current and ongoing matters discussed relating to the new Lubbethorpe development and its impact.

87. Financial Comparisons

The Committee received Financial Comparisons for the period 1st April 2022 to 31st March 2023 (item 12 on the agenda).

The Chief Executive & Town Clerk advised that transaction 18190 for £500 net had been incorrectly coded to Planning & Environment budget 8190, Professional Fees (see agenda item 13). As a result, the actual net for budget heading 8190 was £0 and the Balance £250. Therefore, total budget expenditure was £12,584.32 with a balance of -£244.32.

RESOLVED that the report be noted.

Reason for Decision

There were no issues of concern with the income and expenditure against the budget for 2022/2023.

88. Approval of Accounts

The Committee received payments from 8th February 2023 until 31st March 2023 (item 13 on the agenda).

It was noted that

RESOLVED that, subject to the removal of transaction 18190 for £500 net, the list of Approved Expenditure Transactions for the Period 8th February 2023 until 31st March 2023 be approved.

Reason for Decision

To authorise payments in accordance with the Accounts & Audit Regulations and the Council's Financial Regulations.

The meeting closed at 8.45pm.

NOTE:

CRIME & DISORDER ACT 1998 (SECTION 17) – The Council has an obligation to consider Crime & Disorder implications of all its activities and to do all that it can to prevent Crime and Disorder in its area.

EQUALITIES ACT 2010

Braunstone Town Council has a duty in carrying out its functions to have due regard to:-

- eliminate unlawful discrimination, harassment and victimisation;
- advance equality of opportunity between different groups; and;
- foster good relations between different groups

To ensure that no person receives less favourable treatment on the basis of race, disability, sex, gender re-assignment, sexual orientation, age, religion or belief, marriage or civil partnership, pregnancy or maternity.

These issues were considered in connection with each of the above decisions. Unless otherwise stated under each item of this report, there were no implications.

These minutes are a draft and are subject to consideration for approval at the next meeting scheduled 8th June 2023.

DRAFT

BRAUNSTONE TOWN COUNCIL

PLANNING & ENVIRONMENT COMMITTEE – 8th JUNE 2023

Item 5 – Planning and Licensing Applications dealt with under Delegated Authority

Purpose

To receive and note responses to planning and licensing applications taken under Delegated Authority.

Planning Applications

1. **Application No:** 22/0827/RM
- Description:** Reserved matters application for the erection of Local Centre 1; amendments have been made to this application:
1. Revised description of development to include the provision of a new electricity substation.
 2. Amended plans and details as set out within Planning Addendum V1 dated 14th March 2023, including;
 - Provision of electricity sub-station within care home site
 - Provision of solar panels
 - Amended Sustainability Statement P3
 - Additional surface water drainage details
 - Additional highways technical information & vehicle tracking
 - Revised Retail & Non Retail Strategy V6 dated April 23
 - Additional landscaping & tree pit details
 - Construction Management Plan Rev 5
 - Noise & odour operational details V3
 - Revised external lighting details
 - Revised boundary treatment details
 - Revised elevation design details
 - Additional materials details
 - Clarification of waste collection proposals
 - Removal of mobility hub from scheme
- Location:** Tay Road New Lubbethorpe Enderby Leicestershire
- Response:** *Braunstone Town Council has the following comments, which need to be addressed, and recommended that the plans and documents be modified accordingly and re-submitted for consideration:*
- a) *the trip generation figures in the transport surveys need to be reviewed and clarified; since the*

- number of journeys by particular modes of transport did not appear to relate to the type and scale of the proposed development;*
- b) the proposed location of the Health Centre solely on the first floor of the commercial units presented accessibility concerns both in terms of stair and lift access for elderly and disabled users and over intensification of this area of the site;*
 - c) the design of the car park to the rear of the commercial units needed to properly facilitate deliveries and collections; the number of parking spaces would also need to be reviewed (in relation to (a) above) since the proposed provision seemed insufficient for both the commercial units and the Health Centre;*
 - d) the site and buildings should include additional sustainability measures such as rainwater storage for the toilets and electric vehicle charging points;*
 - e) the area for deliveries (currently a layby adjacent to the access road) would conflict with other users and uses of the car park and footways;*
 - f) the road junction with Tay Road needed to be redesigned given the addition to the site of the Health Facility; options could include a signal controlled junction, a second access (either to provide a one way system or separate access for deliveries), or separate access to the Care Home; and*
 - g) pedestrian walking routes and additional pedestrian crossing points needed to be included in the public car park.*

Reasons:

The reasons for the Committee's recommendation were that: *the Town Council had raised these matters previously and the revised application did not suitably address them; the Town Council remained interested in ensuring the site was sustainable, usable and also accessible to local residents to avoid unnecessary vehicle journeys out of Lubbesthorpe and any adverse impact on the climate and air quality.*

- a) The daily trip generation figures included a significant number of journeys by "Train" (GP Surgery 23, Care Home 2, Mixed Use 105) and "passenger in a car or van" (GP 114, Care Home 11, Mixed Use 640).*
- b) Many patients with mobility issues would struggle to access a first floor health facility; the proposed access to the facility was among the rear accesses to the commercial units, where deliveries and collections would be undertaken; raising concerns about the suitability of the access both from a health & safety perspective and an accessibility perspective. An alternative could be that half the*

- unit on both floors be reserved for the Health Centre and some of the other commercial units be located on the first floor above the grocery store.*
- c) Large delivery vehicles would not be able to use the parking spaces. There was no turning area for refuse and delivery vehicles, these vehicles were expected to do a three point turn at the junction at the top of the car park, presenting safety concerns. Parking provision of 63 spaces for a grocery store, four other retail units plus a health facility accommodating 6 GPs, 4 nurses, 5 consulting rooms and potential expansion was unlikely to satisfactorily provide for employee, patient and customer parking.*
 - d) The installation of solar PV panels and air source heat pumps were supported; however, other measures could also be incorporated. Rainwater storage would be suitable to supply toilets even in a clinical setting. Electric Vehicle Charging point infrastructure needs to be rolled out to support expansion of electric vehicle provision.*
 - e) The delivery layby was disconnected from the retail unit and other local centre units by the public areas and footways. The service area for the commercial units was also the front access to the Health Centre resulting in a conflict of use and users and raising health and safety concerns.*
 - f) While it was understood that the junction with Tay Road had been approved as part of the wider Lubbesthorpe Transport Assessment; the services at the site had subsequently been increased as a result of planning application 22/0057/NMAT. Therefore, the design of the junction needed to be reviewed and potentially remodelled to ensure the safety of vehicles (including cyclists) entering and leaving the site, along with those on Tay Road and to ensure pedestrian safety, including safe crossing across the entrance and Tay Road.*
 - g) It was unclear how pedestrians who had parked their vehicles on the northern side of the public car park would safely access the facilities on site, there appeared to be a lack of connecting footways and safe crossing points.*

- 2. Application No:** 23/0224/HH
- Description:** Single storey front extension
- Location:** 45 Bolus Road Thorpe Astley Braunstone Town Leicestershire (Thorpe Astley Ward)
- Response:** *Braunstone Town Council objects to the application on the following grounds:*
- a) out of keeping with the character and appearance of the street scene; and*
 - b) overdevelopment of the site due to factors including footprint and scale.*
- Reasons:**
- a) The property itself was closer to the highway than neighbouring properties and the proposed single storey front extension protrudes forward of the existing property significantly further than any front porch on the neighbouring properties; and therefore, adds a discordant element to the street scene.*
 - b) The area of the front curtilage to be developed would bring the property significantly closer to the highway, compared to the other properties in the street, and would result in an overbearing and closing in effect on the street.*
- 3. Application No:** 23/0236/HH
- Description:** Single storey front extension
- Location:** 57 St Marys Avenue Braunstone Town Leicestershire LE3 3FU (St Mary's Ward)
- Response:** *Braunstone Town Council objects to the application on the grounds that it would be out of keeping with the character and appearance of the street scene.*
- Reason:** *The proposed single storey front extension would protrude forward of the existing building line adding a discordant element to the street scene, which was of similar design and appearance. Any such development permitted could result in further applications from other neighbouring properties, such sporadic development would degrade the symmetry, character and appearance of the area over time.*

- 4. Application No:** 23/0113/HH
- Description:** Single storey front extensions
- Location:** 7 Pits Avenue Braunstone Town Leicestershire LE3 2XL (Millfield Ward)
- Response:** *Braunstone Town Council does not object to the proposal; subject to the proposed extension:*
- a) not protruding further forward (towards the highway) than that of the front extension of the neighbouring property at number 9 Pits Avenue; and*
 - b) not impacting (i.e. reducing) the number of on-site parking spaces on the front curtilage of the property.*
- Reasons:**
- a) To ensure that the development would be in keeping with the design and appearance of the street scene, avoiding development that could degrade the symmetry, character and appearance of the area over time.*
 - b) To avoid displacement of parking onto the highway (including the footway), which was narrow, and could result in obstruction or compromise the safety of users of the highway (including pedestrians).*
- 5. Application No:** 23/0123/FUL
- Description:** Installation of boundary fence, including sliding gate for vehicle entrance, and pedestrian controlled access door. Replacement of window on ground floor with door for new delivery entrance.
- Location:** Millfield House 5 Ervington Court Meridian Business Park Braunstone Town (Thorpe Astley Ward)
- Response:** *Braunstone Town Council:*
- 1. objects to the installation of boundary fence, including sliding gate, on the grounds that it would be out of keeping with the character and appearance of the street scene and be of unsatisfactory design and external appearance; and*
 - 2. does not object to the replacement of a window on ground floor with door for new delivery entrance.*
- Reasons:**
- 1. The boundary treatments of Ervington Court and the wider Meridian South area were of natural landscaping and not physical barriers. Any such*

development permitted could result in further applications from other neighbouring properties, such sporadic development would degrade the symmetry, character and appearance of the area over time.

2. *The building was commercial use on a reasonable sized plot, which would by its nature receive deliveries. The proposed alteration was unlikely to have any significant impact on the use of the site or on neighbouring properties.*

- 6. Application No:** 23/0234/FUL
- Description:** Erection of Use Class B2/B8/Class E unit with associated access and parking
- Location:** Land To The West Of Autoglass Ltd Meridian North Braunstone Town Leicestershire
- Response:** *Braunstone Town Council objects to the application due to the proposals:*
- a) *resulting in over-development of the site due to scale and massing;*
 - b) *being poorly designed and resulting in a cramped site layout;*
 - c) *providing an additional highway access wedged between two existing site access points; and*
 - d) *potentially compromising the development of the wider area.*
- Reasons:**
- a) *The total floor space of the unit would be large compared to the site as a whole; 1957 square metres on half a hectare of land.*
 - b) *The irregular shape of the plot meant that the unit and associated parking and access would be cramped; there would be significant conflicts between lorry, delivery, staff and visitor parking and pedestrian movements on the site, presenting safety concerns. There was a potential for back up onto the highway if several vehicles arrived/left and needed to manoeuvre at the same time.*
 - c) *The neighbouring sites were of a significant size and operated with a significant amount of comings and goings; the provision of a new access wedged between both these access points close to a bend would present significant safety concerns for highway users, including pedestrians, and users of the three sites.*
 - d) *Land north of Meridian North and South of Centurion Way around the Watergate Lane area*

has been left undeveloped. In the past various proposals utilising land in this area have been put forward to provide a direct link road from the M1 southbound onto the M69. Land on the other side of the M1 to the M69 was also being left undeveloped as part of the outline approval for New Lubbethorpe. Additional development in this area could prevent proposals to improve the motorway network in the future, thereby limiting economic growth and development in the area.

Licensing Applications

There are no licensing applications.

BRAUNSTONE TOWN COUNCIL

PLANNING & ENVIRONMENT COMMITTEE – 8th JUNE 2023

Item 6 – Planning and Licensing Applications

Purpose

To agree observations on planning and licensing applications received.

Planning Applications

- 1. Application No:** 23/0311/HH
Description: Front porch, two storey side extension and single storey rear extension
Location: 9 Thomas Close Braunstone Town Leicestershire LE3 2FX (Ravenhurst Ward)
- 2. Application No:** 23/0444/TEL
Description: Application to determine if prior approval is required for the installation of 15.0m Phase 8 Monopole and associated ancillary works and cabinets.
Location: Lubbethorpe Way Thorpe Astley Braunstone Town Leicestershire

Licensing Applications

There are no licensing applications.

BRAUNSTONE TOWN COUNCIL

PLANNING & ENVIRONMENT COMMITTEE – 8th JUNE 2023

Item 8a – Planning Decisions

To receive and note planning decisions made by Blaby District Council.

Application Number	Description	Location	Braunstone Town Council Response	Decision by Planning Authority
22/1083/HH	Retrospective permission for single storey rear extension and canopy	46 Larch Grove Braunstone Town Leicestershire LE3 3FG	Not Applicable	Approved; subject to <ul style="list-style-type: none"> • Built in strict accordance with approved plans; and • The rear canopy constructed using the materials specified on the Planning Application form unless alternative materials are agreed in writing.
23/0156/HH	Single storey rear extension and removal of ground and first floor bays to rear elevation	43 Turnbull Drive Braunstone Town Leicestershire LE3 2JU	Not Applicable	Approved; subject to <ul style="list-style-type: none"> • Built in strict accordance with approved Plans; and • Materials used to match existing building unless otherwise agreed in writing.
22/1106/FUL	Construction of 12 EV charging station to include EV charging posts together with electrical infrastructure, sub-stations, lighting,	Hilton Hotel Junction 21 Approach Braunstone Town Leicestershire	Braunstone Town Council supported the proposal. The Council supported and encouraged the transfer to	Approved; subject to <ul style="list-style-type: none"> • Built in strict accordance with approved Plans; • constructed using the materials specified and

Application Number	Description	Location	Braunstone Town Council Response	Decision by Planning Authority
	HP/LV cabinets, enclosure, access and associated works		low/non carbon sources of transport. The site had a large car park and there was unlikely to be an adverse impact on the availability of on-site parking.	<p>clarification from the agent that the substation will be finished in Green GRP'; and</p> <ul style="list-style-type: none"> the approved landscaping scheme carried out within one year of completion and any trees, hedges, shrubs or plants which die, are removed or become seriously damaged or diseased within 5 years of the planting, shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives written consent to any variation.
23/0236/HH	Single storey front extension	57 St Mary's Avenue Braunstone Town Leicestershire LE3 3FU	<p>Braunstone Town Council objects to the application on the grounds that it would be out of keeping with the character and appearance of the street scene.</p> <p>The proposed single storey front extension would protrude forward of the existing building line adding a discordant element to the street scene, which was of similar design</p>	<p>Approved; subject to</p> <ul style="list-style-type: none"> Built in strict accordance with approved Plans; and external materials matching the existing building unless otherwise agreed in writing by the Planning Authority

Application Number	Description	Location	Braunstone Town Council Response	Decision by Planning Authority
			and appearance. Any such development permitted could result in further applications from other neighbouring properties, such sporadic development would degrade the symmetry, character and appearance of the area over time.	
22/1236/HH	Single and 1.5 storey extension to existing bungalow (and demolition of conservatory)	26a Colbert Drive Braunstone Town Leicestershire LE3 2JB	<p>No objections, subject to:</p> <ul style="list-style-type: none"> • on-site parking being provided for a minimum of three vehicles; • the on-site parking being surfaced with a hardbound permeable material; and • the on-site parking being permanently available for parking. 	<p>Approved; subject to</p> <ul style="list-style-type: none"> • Built in strict accordance with approved Plans; • using materials detailed in the application unless otherwise agreed in writing; • Prior to first occupation, the parking being provided; not obstructed and being available for use in perpetuity; • carried out in strict accordance with the flood risk mitigation measures; • no further extensions, additions or openings without prior permission; • Prior to first occupation the windows serving new bathroom/wc/en-suites/

Application Number	Description	Location	Braunstone Town Council Response	Decision by Planning Authority
				<p>being obscurely glazed and remaining so in perpetuity; and</p> <ul style="list-style-type: none"> the development shall be carried out in strict accordance with the recommendations set out in the Preliminary Roost Assessment Report.
23/0224/HH	Single storey front extension	45 Bolus Road Thorpe Astley Braunstone Town Leicestershire	<p>Braunstone Town Council objects to the application on the following grounds:</p> <ul style="list-style-type: none"> a) out of keeping with the character and appearance of the street scene; and b) overdevelopment of the site due to factors including footprint and scale. <p>Reasons:</p> <ul style="list-style-type: none"> a) The property itself was closer to the highway than neighbouring properties and the proposed single storey front extension protrudes forward of the existing property significantly further than any front porch on the neighbouring properties; 	<p>Approved; subject to</p> <ul style="list-style-type: none"> Built in strict accordance with approved drawing; and All external materials used in the proposed development shall match those used in the existing building unless otherwise agreed in writing.

Application Number	Description	Location	Braunstone Town Council Response	Decision by Planning Authority
			<p>and therefore, adds a discordant element to the street scene.</p> <p>b) The area of the front curtilage to be developed would bring the property significantly closer to the highway, compared to the other properties in the street, and would result in an overbearing and closing in effect on the street.</p>	



Appeal Decision

Site visit made on 11 April 2023

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th May 2023

Appeal Ref: APP/T2405/W/22/3309408

Turnbull Drive, Braunstone Town, Leicester LE3 2JW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 16, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
 - The appeal is made by CK Hutchison Networks (UK) Ltd against the decision of Blaby District Council.
 - The application Ref 22/0704/TEL, dated 7 July 2022, was refused by notice dated 15 September 2022.
 - The telecommunications installation proposed is 5G telecoms installation: 15m street pole and 3 additional ancillary equipment cabinets and associated ancillary works.
-

Decision

1. The appeal is allowed and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the GPDO for the siting and appearance of 5G telecoms installation: 15m street pole and 3 additional ancillary equipment cabinets and associated ancillary works at Turnbull Drive, Braunstone Town, Leicester LE3 2JW in accordance with the terms of the application Ref 22/0704/TEL, dated 7 July 2022, and the plans¹ submitted with it: 002 Site Location Plan; 215 Proposed Site Plan; 265 Proposed Site Elevation.

Preliminary Matters

2. In the interests of clarity and correctness, I have used the site address as given by the Council when publicising the application/appeal and issuing its Decision Notice. This is as opposed to the site address given on the application form. I am content that no party is prejudiced by me taking this approach.
3. The principle of development is established by the GPDO. Even so, Schedule 2, Part 16, Class A, Subsection A.3 requires, amongst other provisions, a developer to apply for a determination as to whether prior approval will be required as to the siting and appearance of the development. I shall have regard to the policies of the development plan and the National Planning Policy Framework (July 2021) (the Framework) only in so far as they are material considerations relevant to matters of siting and appearance.

¹ each referenced BLY21750_BLY067_86359_LE7197_GA_REV B

Main Issue

4. Whether or not the siting and appearance of the proposed development is acceptable, having particular regard to its effect upon highway safety and the movements of pedestrians.

Reasons

5. It is proposed that a street pole and associated equipment cabinets (the equipment) be placed within an area of grassed verge that comprises highway land. The equipment would be positioned to the northern side of Turnbull Drive (the Drive) adjacent to a footpath that runs parallel to it (the footpath). To both the east and west of where the equipment would be sited, the Drive junctions with Kingsway. During my inspection, I observed regular traffic movements along the Drive and along both arms of Kingsway at speeds seemingly befitting of the 30mph speed limit that applies to these routes.
6. It is important to note that the equipment would occupy a stepped back position relative to the Drive and would be set away from any nearby highway junction. On this basis, having factored in my own on-site experiences, there is little potential for the equipment to interfere with available visibility for motorists (or cyclists) when negotiating either of the junctions where Kingsway meets the Drive's northern side.
7. Interested parties have drawn my attention to existing telecommunications equipment installed in proximity to a roundabout where Kingsway meets Narborough Road South. However, the circumstances are not directly comparable to those before me. Indeed, greater distances of separation from neighbouring carriageways would be achieved by the appeal proposal. Thus, this other apparatus, which does not share a visual relationship with where the equipment would be installed, is of limited relevance to my considerations.
8. It has been indicated by interested parties that, in-part due to the busyness of the Drive and Kingsway, it would be unsafe to install and maintain the equipment. However, such suggestions have not been robustly substantiated. Moreover, whilst I observed regular traffic movements and acknowledge the potential for some trips to be made by large-sized vehicles including buses, there is no clear evidence to suggest that the equipment's installation or subsequent maintenance would be likely to prejudice highway safety. I also observed the existence of on-street parking opportunities close to the site that could seemingly be utilised safely by maintenance engineers. It has not been clearly demonstrated otherwise.
9. The equipment would be positioned adjacent to the footpath, which I experienced to be of wide specification and surfaced to a high standard. Whilst future maintenance activities would be required on a likely infrequent basis, it has not been clearly demonstrated that such activities would necessarily prevent pedestrians from passing along the footpath. In any event, on realistically rare occasions where free-flowing pedestrian movements along the footpath could be hindered, a footpath of similar specification runs parallel to the southern side of the Drive and serves as a potential alternative route. As such, the equipment would not cause undue obstructions for footway users nor prejudice their safety. As a further note, whilst an interested party has made reference to an agreement to widen the footpath, there is nothing before me to

demonstrate that the equipment's installation would interfere with any agreed future scheme of widening works.

10. For the above reasons, the siting and appearance of the proposed development, having particular regard to its effect upon highway safety and the movement of pedestrians, would be acceptable. The proposal satisfactorily accords with Policy CS2 of the Blaby District Local Plan (Core Strategy) Development Plan Document (February 2013), Policies DM1 and DM8 of the Blaby District Local Plan (Delivery) Development Plan Document (February 2019) and with the Framework in so far as these policies seek to secure a high-quality environment and that development should only be prevented on highways grounds if there would be an unacceptable impact on highway safety.

Other Matters

11. The equipment would occupy a visible location adjacent to a grassed area of open space and the intended street pole would rise to 15m in height. Nevertheless, the pole's intended positioning in proximity to planting would assist in providing a degree of partial screening from a range of potential vantage points. Furthermore, the equipment, to be coloured dark green, would be viewed in the context of various items of modern street furniture, including signage, cabinet boxes, vertical streetlighting columns and telegraph poles. Thus, particularly when factoring in the slimline specification of the proposed street pole and the ancillary small-scale nature of the proposed cabinets, the equipment would avoid causing material harm in a visual impact sense. This finding is not inconsistent with the views of the Council.
12. Concerns have been raised about potential effects on human health, as well as the health of local wildlife. However, the appellant has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In these circumstances, the Framework advises that health safeguards are not something which a decision-maker should determine. There is also no clear reason to consider that the development would prejudice children playing on the area of open space that the equipment would be sited alongside.
13. I have noted reference to possibly damaged underground sewage pipes running along Kingsway that have, I understand, led to instances of flooding and ground sinkage. However, where the equipment would be sited, I observed seemingly stable ground conditions. Moreover, any possible threat to the stability of the intended street pole has not been clearly substantiated.
14. Interested parties have referred to a legal covenant that allegedly forbids development on green space situated along Kingsway. However, this is a civil/legal matter of no direct material relevance to the outcome of an appeal that relates purely to a prior approval process specific to the siting and appearance of proposed apparatus. It is thus not necessary for me to explore this matter any further here. The potential effect upon nearby property values has been separately raised. However, such considerations are also not material to the outcome of this appeal.
15. References have been made to potential alternative locations for the equipment. However, as I have identified that the siting and appearance of the

proposed development would be acceptable, it is unnecessary for me to consider the detailed merits of any potential alternative site. It is relevant to note here that the appellant's search area was necessarily constrained in size to ensure that the equipment would complement the existing network and thus support high quality communications and digital connectivity.

Conditions

16. Any planning permission granted for electronic communications apparatus under Article 3(1) and Schedule 2, Part 16, Class A is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2), which specify that the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with the details submitted with the application, must begin not later than the expiration of 5 years beginning with the date on which the local planning authority received the application, and must be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.
17. Whilst the Council has suggested further conditions, the GPDO does not provide any specific authority for imposing additional conditions beyond the deemed conditions for development by electronic communications code operators as referenced above.

Conclusion

18. For the above reasons, the appeal is allowed and prior approval is granted.

Andrew Smith

INSPECTOR

Financial Budget Comparison

for 8. Planning & Environment

Comparison between 01/04/23 and 30/05/23 inclusive. Includes due and unpaid transactions.

Excludes transactions with an invoice date prior to 01/04/23

		2023/2024	Reserve	Actual Net	Balance
8. Planning & Environment					
Income					
807	Projects	£0.00	£0.00	£0.00	£0.00
890	Consumer Products (Sales)				
890/1	General	£0.00	£0.00	£0.00	£0.00
890/2	Poop Scoops	£1,150.00	£0.00	£80.20	-£1,069.80
890	Total	£1,150.00	£0.00	£80.20	-£1,069.80
Total Income		£1,150.00	£0.00	£80.20	-£1,069.80
Expenditure					
8070	Projects				
8070/1	Climate Change	£0.00	£0.00	£0.00	£0.00
8070	Total	£0.00	£0.00	£0.00	£0.00
8190	Professional Fees	£250.00	£0.00	£0.00	£250.00
8440	Waste Services (Dog Bins)	£9,538.00	£0.00	£2,545.83	£6,992.17
8460	Furniture	£2,600.00	£0.00	£0.00	£2,600.00
8900	Consumer Products (Purchase for resale)				
8900/1	Poop Scoops	£1,100.00	£0.00	£0.00	£1,100.00
8900	Total	£1,100.00	£0.00	£0.00	£1,100.00
Total Expenditure		£13,488.00	£0.00	£2,545.83	£10,942.17

Financial Budget Comparison for 8. Planning & Environment

Comparison between 01/04/23 and 30/05/23 inclusive. Includes due and unpaid transactions.

Excludes transactions with an invoice date prior to 01/04/23

2023/2024

Reserve

Actual Net

Balance

Paid Expenditure Transactions

ITEM 13

paid between 12/04/23 and 30/05/23, for the 8. Planning Environment

Start of year 01/04/23

Payment Reference	Paid date	Tn no	Order no	Gross	Vat	Net	Cttee	Details	Heading
BACS230315 MUTTBUTT	14/04/23	18413	4215	£762.00	£127.00	£635.00	8. PE	Mutts Butts / JRB Enterprise LTD	Degradable Poop Scoop Bags - Bag Size 180 x 280 x 380 mm, 17 Micron Thick. 50,000. + Delivery 8900/1
BACS230403T ARGET3173	22/05/23	18584		£3,055.00	£509.17	£2,545.83	8. PE	Target Pest Control & Hygiene	Collection 47 Dog Waste Bins - Portion April 23 & May/June 23 8440
Total				£3,817.00	£636.17	£3,180.83			