

## UPDATE SHEET

### PLANNING COMMITTEE – 01 August 2017

To be read in conjunction with the  
Head of Planning and Regeneration's Report (and Agenda)

This list sets out: -

- (a) Additional information received after the publication of the main reports;
- (b) Amendments to Conditions;
- (c) Changes to Recommendations

#### MAIN REPORT

A1	16/01407/OUTM	<b>Erection of up to 270 dwellings with public open space, landscaping, sustainable drainage systems, car parking area for New Swannington Primary School and vehicular access points from Thornborough Road and Spring Lane (outline - all matters other than part means of access reserved)</b> Land at Thornborough Road, Coalville
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#### Additional Consultee Responses

**Whitwick Parish Council** confirms that it maintains its objections previously expressed, and (in addition to those matters already identified in the main report) comments that, in the event the application was permitted, it would wish any Section 106 agreement to include measures to address the demand on all current facilities, and including:

- Permanent crossings for school children and pedestrians on / near Church Lane and Thornborough Road / Spring Lane junctions;
- Bus shelters on Thornborough Road;
- Car park for New Swannington Primary school to be enlarged to allow for increased pupil numbers;
- Agreement on traffic calming or alternative measures to address pollution and air quality of up to (anticipated) 500 additional vehicles that would be using roads to Whitwick, Swannington and Coalville;
- Measures as may be needed to take traffic out of the village;

- Long-term responsibility for maintenance of the SuDS areas to be clearly defined and the appropriate body formally identified; and

The Parish Council also comments that, until there is some clarity on the scale of the types of housing development, it is somewhat difficult to anticipate the breakdown of the increase to the population, and even then the purchasers may have a different family composition to what is expected. Therefore, it advises, the ability of the Parish Council to meet satisfactorily the increased needs for sports, allotments, community hall hire, engagement or representation is hard to define at this stage.

### **Officer Comments**

Further to the issues relating to mitigation for the impacts on the wider highway network as set out in the main report, no further comments have been received. However, having regard to the position of the County Highway Authority that, in principle, a financial contribution could be made to ensure that the impacts were adequately mitigated, there would appear to be no reason why this matter could not be resolved, and it seems clear that, subject to an appropriate contribution being agreed, the development could be made acceptable in this regard. As such, whilst (at this time), the applicant has not proposed a contribution considered acceptable by the County Highway Authority, it is considered that this issue could be resolved satisfactorily through the Section 106 process (and including any associated Section 278 agreement entered into with Leicestershire County Council). It is therefore recommended that, should members be minded to permit the application or, should the matter progress to an appeal in the event that planning permission is refused, officers be authorised to continue negotiations with the applicant and Leicestershire County Council with a view to reaching an appropriate agreement on off-site transportation mitigation. Should the application progress to an appeal and the matter not be resolved to the Local Planning Authority's and / or County Highway Authority's satisfaction, submissions would be able to be made to the Inspector at the appropriate time in the appeal process.

Insofar as the Parish Council's advice on the need or otherwise for other contributions is concerned (and including that necessary to mitigate for any increased requirement for sports pitches and allotments), given the absence of any evidence as to any potential requirements, it is not considered that any such contributions could be reasonably sought at this time. Again, should members be minded to permit the application or, should the application progress to an appeal, it is recommended that officers be authorised to agree a suitable contribution with the applicant in the event that a request for such a contribution (accompanied by robust justification) is made by the Parish Council.

### **NO CHANGE TO RECOMMENDATION**

<b>A2</b>	<b>17/00427/REM</b>	<b>Reserved matters application for the erection of 3 no. dwellings following outline planning permission 16/00198/OUT (Matters for approval: internal access, appearance, landscaping, layout, scale) Land West of to 67 Loughborough Road, Coleorton</b>
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**Additional Information Received:**

Five additional objections were received following the acknowledgement that the application was to be reported to Planning Committee. The objections do not raise any new material considerations or only apply to matters that were dealt with in the outline application. The matters raised are also already covered in the Committee Report.

The Lead Local Flood Authority have responded to updated drawings submitted by the Applicant and have removed their objection subject to the imposition of two conditions and informative notes to ensure that site drainage and the maintenance of that system is acceptable and will not lead to any undue flooding or drainage issues.

**Officer Comments:**

Given the above, there is no change to the advice set out in the Committee Report and there is no change in recommendation.

**RECOMMENDATION – No change to recommendation subject to the addition of the following conditions:**

- 11. Surface water drainage scheme required (Pre-commencement)
- 12. SUDs long term maintenance plan (Pre-commencement)

**A4            17/00585/FUL            Erection of two storey front extension  
Oakfield House, Tamworth Road, Ashby de la Zouch**

**Additional Information Received:**

The agent has been made aware of the procedural issues relating to ownership outlined in the Committee Report. No evidence has been submitted to date in relation to the applicant's ownership of the unregistered land nor in respect of the land that appears to not be within the applicant's ownership. Confirmation has not been provided of the publication of a notice in a local newspaper or the service of notice on other owners and the application forms remain as submitted.

**Officer Comments:**

Given the above there is no change to the advice set out in the Committee Report that whilst Members can make a resolution in respect of the proposal, the Council cannot issue a decision notice until the procedural issues relating to ownership of the site have been resolved. However the recommendation should however be changed to be clear that this is the case.

**RECOMMENDATION – CHANGE TO RECOMMENDATION TO - PERMIT subject to the following conditions    and the procedural issues relating to ownership of the site being resolved**

**A6**            **16/00902/FUL**            **Change of use to restaurant (A3) with hot food takeaway sales (A5) and retention of flue to rear elevation 2 Borough Street Castle Donington**

**Additional comments from the applicant:**

Following the publication of the main agenda, the applicant has informed the District Council that they do wish to operate a hot food delivery service from the premises. This is contrary to information previously received and as reported in the main agenda and therefore, the proposals will need to be re-assessed on this basis:

The hot food delivery service will comprise of one delivery vehicle making deliveries between the hours of 5pm and 11pm. There is no on-site parking for vehicles and therefore, the delivery vehicle would need to park near to the site. Whilst parking restrictions do exist outside the application site, on-street parking is available along Borough Street and Market Street within the vicinity of the site.

**Officer Comments:**

The County Highways Authority has been re-consulted on the proposals and has considered the proposed use including hot food takeaway sales and a delivery service. The County Highways Authority consider that the residual cumulative effects of the proposal would not be severe and that the proposal would accord with paragraph 32 of the NPPF. Accordingly the County Highways Authority would not raise objection to the proposal from a highway safety viewpoint and the proposal remains compliant with Policy T8 of the adopted Local Plan and Policy IF7 of the submitted Local Plan and the provisions of Key Principle 4 of the Retail SPD.

In terms of noise and disturbance from comings and goings associated with the proposed delivery service, given the location of the site within an existing retail centre there is already vehicular movement and similar uses operating along the high street. Against the backdrop of this existing activity, it is not considered that noise and disturbance from the proposed use would be sufficiently detrimental to neighbouring residential amenities to warrant a refusal of permission. Accordingly, the proposal is considered to comply with Policy E3 of the adopted Local Plan and Policy D2 of the submitted Local Plan, and the provisions of Key Principle 4 of the Retail SPD.

**Additional Representation:**

In addition to the above, Councillor Saffell has contacted officers to advise the following in considering the officer recommendation in the main report:  
*'In looking into the implications of this, we have discovered that all three Indian restaurants, both chip shops, the Chinese takeaway, Tyler's and the Deli will all do hot food takeaways. We also have a fourth Indian at the former Turks Head pub likely to open shortly and I bet they will do takeaways as well. That is nine premises already, this one would make ten. I am struggling to count more than sixty shop premises in the whole village, so this will put us well above the 10% limit. One of the Indians, Gandhi is across the road, Tyler's is next door and the Deli is next door to Gandhi, the Chinese is only about 30 yards away.*

*If you visit the Street between 6pm and 11pm almost any night of the week particularly Wednesday to Saturday, there is hardly any parking space because we*

also have a late opening Co-op Store and Live Music Bistro. Most people agree that we do not need another takeaway.

*This is currently the only empty shop in Castle Donington, the Parish Council office have regular visits from people wanting to set up business in the area, so shop premises in Borough Street and the immediate area are at a premium. Unlike almost anywhere else I know, this shop does not have to become a takeaway as there is a queue of people who will pay over the odds for a shop in the central area.'*

**Officer Comments:**

In response to this representation, officers would comment as follows:

Firstly, the proposed use would not remove a shop use from the retail centre as the existing use is as a restaurant. Secondly, in response to comments that the proposal would result in more than 10 percent of units being in takeaway use, this relates to Key Principle 3 'Takeaway Balance' within the Retail Supplementary Planning Document (SPD) which was adopted in 2011. Since then, the emerging Local Plan has been progressing and contains Policy Ec11 which reflects the approach in the SPD. However, one key difference between the Policy within the submitted Local Plan and that within the SPD is that Policy Ec11 does not make reference to a percentage for the amount of takeaways that would be acceptable within any given retail centre. This policy is considered to be more up-to-date and would therefore, be attributed more weight in the decision making process. The suitability of the proposal which includes a takeaway element must be assessed on its merits, having regard to the provisions of policy Ec11.

Whilst there may be other takeaway uses within the Castle Donington retail centre, it is not considered that the proposal would result in a cluster of takeaway use on this part of Borough Street. The impact of the proposed use on the amenities of the area, neighbouring amenities, highway safety issues and the need for litter bin provision have previously been considered in the main report and found to be acceptable. Accordingly, it is considered that the proposal would accord with the provisions of Policy Ec11 of the submitted Local Plan.

**RECOMMENDATION: NO CHANGE TO RECOMMENDATION, subject to the following amendment to condition 4.**

Deliveries of take away food shall only take place between the following hours:  
(1700 – 2300) Monday to Sundays and Bank Holidays.

*Reason - in the interests of highway safety.*

**A7            17/00635/3FD            Change of use of flat 4 to a NWLDC Housing Department  
'hub office' for use by staff only  
4 Hood Court, North Street, Ashby De La Zouch**

**Additional Information Received:**

An email has been received from the Council's Housing team advising that it is the intention for staff at Hood Court to be given permits to park at the Hood Park Leisure Centre car park, the staff who would use the hub office already visit or work at Hood

Court and the issue of specific parking be provided for residents of Hood Court is a separate issue from the application.

**Officer Comments:**

Matters relating to existing residents' parking is not an issue that can be considered as part of this application; issues relate solely to impacts on highway safety arising from the change of use of the flat from a podiatry clinic to a hub office. Taking into account the other comments made by the Council's Housing team, it is still considered that the proposal would not significantly impact on existing on or off street parking arrangements and therefore a reason for refusal on highway safety grounds could not be justified in this case.

**RECOMMENDATION: NO CHANGE TO RECOMMENDATION**