

Meeting	PLANNING COMMITTEE
Time/Day/Date	4.30 pm on Tuesday, 7 November 2017
Location	Council Chamber, Council Offices, Coalville
Officer to contact	Democratic Services (01530 454512)

All persons present are reminded that the meeting may be recorded and by attending this meeting you are giving your consent to being filmed and your image being used. You are kindly requested to make it known to the Chairman if you intend to film or record this meeting.

The Council is aware that planning applications may be controversial and emotive for those affected by the decisions made by this Committee. However all persons present are reminded that the Council will not tolerate abusive or aggressive behaviour towards staff or other visitors attending this meeting and anyone behaving inappropriately will be required to leave the meeting and the building.

The Monitoring Officer would like to remind members that when they are considering whether the following items are exempt information under the relevant paragraph under part 1 of Schedule 12A of the Local Government Act 1972 they must have regard to the public interest test. This means that members must consider, for each item, whether the public interest in maintaining the exemption from disclosure outweighs the public interest in making the item available to the public.

AGENDA

Item		Pages
1.	APOLOGIES FOR ABSENCE	
2.	DECLARATION OF INTERESTS	
	Under the Code of Conduct members are reminded that in declaring disclosable interests you should make clear the nature of that interest and whether it is pecuniary or non-pecuniary.	
3.	MINUTES	
	To confirm and sign the minutes of the meeting held on 3 October 2017	3 - 14
4.	PLANNING APPLICATIONS AND OTHER MATTERS	
	Report of the Head of Planning and Regeneration.	15 - 18



Index of Applications to be Considered

Item	Application Number and Details	Recommendation	Page
A1	17/01159/FUL: Erection of extension (B2 and B8 use) to existing building (B1, B2 and B8 use) MIES International Unit C Norman Court Ashby De La Zouch LE65 2UZ	PERMIT	19 - 26
A2	17/01133/FUL : Sub-division of residential plot, and erection of one detached dwelling. 9 Grange Close Ashby De La Zouch Leicestershire LE65 2PQ	PERMIT subject to S106 Agreement	27 - 38
A3	17/01441/NMA: Non material amendment to reserved matters approval ref 15/00357/REMM (outline planning permission ref 14/00354/OUTM) to allow for the removal of chimneys to Plots 90-92 and 93-95 and the installation of chimneys to Plots 37, 71, 72, 98, 101 and 104 Land Off Grange Road Hugglescote Leicestershire	PERMIT	39 - 44

MINUTES of a meeting of the PLANNING COMMITTEE held in the Council Chamber, Council Offices, Coalville on TUESDAY, 3 OCTOBER 2017

Present: Councillor J Bridges (in the Chair)

Councillors R Adams, R Boam, R Canny, J Clarke (Substitute for Councillor J Hoult), J Cotterill, J G Coxon, D Everitt, J Geary (Substitute for Councillor R Johnson), D Harrison, J Legrys, P Purver, V Richichi, N Smith (Substitute for Councillor G Jones), M Specht and M B Wyatt

In Attendance: Councillors R Johnson, T J Pendleton and S Sheahan

Officers: Mr C Elston, Ms J Eynon (LCC Highways), Mr D Gill, Mrs C Hammond, Mr J Knightley, Mr R McKillop, Mr J Newton, Miss S Odedra and Ms E Wong (LCC Highways)

39. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors J Hoult, R Johnson, G Jones and D J Stevenson.

40. DECLARATION OF INTERESTS

In accordance with the Code of Conduct, Members declared the following interests:

Councillor R Adams declared that he had been lobbied without influence in respect of items A1 and A2, application numbers 16/01187/VCIM and 17/00459/FUL.

Councillor J Clarke declared that he had been lobbied without influence in respect of item A1, application number 16/01187/VCIM.

Councillor J Cotterill declared that he had been lobbied without influence in respect of item A2, application number 17/00459/FUL.

Councillor J Legrys declared that he had been lobbied without influence in respect of item A1, application number 16/01187/VCIM and that he had written to the Chief Executive about the application, but had come to the meeting with an open mind.

Councillor M B Wyatt declared a non-pecuniary interest in item A1, application number 16/01187/VCIM as his name appeared in the update sheet.

41. MINUTES

Consideration was given to the minutes of the meeting held on 5 September 2017.

It was moved by Councillor J Legrys, seconded by Councillor J G Coxon and

RESOLVED THAT:

The minutes of the meeting held on 5 September 2017 be approved and signed by the Chairman as a correct record.

42. PLANNING APPLICATIONS AND OTHER MATTERS

Consideration was given to the report of the Head of Planning and Regeneration, as amended by the update sheet circulated at the meeting.

43. **A1**
16/01187/VCIM: CARRYING OUT OF RESIDENTIAL DEVELOPMENT OF UP TO 800 DWELLINGS WITH ASSOCIATED HIGHWAY WORKS, INCLUDING DEMOLITION OF EXISTING BUILDINGS, DRAINAGE INFRASTRUCTURE, FORMATION OF TWO NEW ACCESSES ONTO GRANGE ROAD, A LOCAL CENTRE (COMPRISING USES WITHIN CLASSES A1-A5, B1, C2, C3 AND D1 OF THE USE CLASSES ORDER), NEW PRIMARY SCHOOL, PUBLIC OPEN SPACE, PLAY AREAS AND LANDSCAPING (OUTLINE - ALL MATTERS (OTHER THAN PART ACCESS) RESERVED) APPROVED UNDER PLANNING PERMISSION REF. 13/00415/VCUM WITHOUT COMPLYING WITH CONDITION NOS. 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 15, 16, 19, 20, 27, 28, 30, 31, 32, 33, 34, 35, 36 AND 38

Land At Lower Bardon Grange Road Hugglescote Coalville LE67 2BT

Officer's Recommendation: PERMIT subject to S106 Agreement

The Principal Planning Officer presented the report to Members.

Councillor R Johnson, Ward Member, addressed the Committee. He advised the Members that as both Ward Member and Chair of the Parish Council he had been lobbied by the many not the few on the application. He asked if the Committee was content with the removal of all the 24 conditions that would make the development sustainable. He highlighted that when the previous application had been presented in 2012 the report covered 59 pages and included 20% affordable housing, a punch through road to the A511, proposed islands on Grange Road and a cycleway on the old disused mineral line for connectivity to Coalville. He informed Members that the application before them, albeit, a variation of conditions, was 800 homes with a lot less affordable homes, 7.5%, no punch through road, which was a travesty, no bus service, no cycleway, and no highway safety with proposed priority junctions on a very fast and dangerous road where in the past few decades there had been fatalities. He drew Members' attention to the report before them that was only 13 pages had many consultees not included, S106 contributions had been reduced and informative items such as Cultural Heritage, Ecology, Neighbours and Future Occupiers Amenities, Air Quality, Hydrology Drainage and Flood Risk were not included. He reminded Members that the Council was trying to encourage less use of the motor vehicle for more healthy walking and cycling and that it would not happen with the application before them. Councillor Johnson stated that the nearest shops would be the Shell garage on the A511, which was a mile away from the nearest access road or the shops in the centre of Hugglescote which were the same distance. He asked Members to look at the bigger picture as 3,500 new homes were to be built on both sides of Grange Road so the priority islands were needed to slow traffic for access and egress, and for the safety of all road users. He urged Members to say no to the development as it was not sustainable in the present form and asked that the Committee's judgment not to be clouded by the developer's pleas that the development was sustainable.

Parish Councillor W Jennings, on behalf of Hugglescote and Donington le Heath Parish Council, addressed the Committee. He highlighted to Members the concerns over the highways implications and safety along Grange Road as many drivers used it as a race track. He reminded Members that both sides of the road were to be developed and plans were approved but now being varied and removing many safety features to possibly save money and putting more vehicles on an already dangerous road. He advised Members that the Parish Council was frustrated as the application was permitted on the conditions of the original scheme and once permission was granted, seeking to move the goal posts without having the original conditions revoked, adding that the punch through road was vital to the concerns raised by the local residents. He stated that the developers should stick to the figures and conditions already permitted.

Mr J Burnham, on behalf of the applicant, addressed the Committee. He reminded Members that the application was permitted in 2012, the applicant bought it in 2015, and was now in a position to start developing the site. He advised Members that following 12 months of hard work the S73 application was now before them. He informed Members that whilst seeking to amend a number of conditions including the key points that would reduce the affordable housing from 20% to 7.5% following assessment from the independent valuer, that the punch through was not in his control, but a strip of land would be put aside and made available to LCC highways for a sum of £1 to guarantee the connection from the site to Bardon Road. The bus service was already secured by the wider SUE section 106 agreement.

The officer's recommendation to permit the application subject to S106 agreement was moved by Councillor J Bridges and seconded by Councillor J G Coxon.

Councillor J Legrys sought to move that consideration of the application be deferred to allow further discussion on the application for four weeks, until the decision making Members had been fully briefed by both LCC and NWLDC officers and understood the complexities of the application before them, so when the Committee came back it could make a fully informed decision.

Councillor J Bridges advised Members that the motion to permit the application has already been moved and seconded

Councillor M B Wyatt advised that he would second Councillor J Legrys and sought clarification on which motion should be voted on.

Councillor J Bridges stated that it was his understanding that there was a motion on the table that should be voted on first, and should that fall the motion to defer would then be voted on. He sought advice from the Legal Advisor.

The Chairman adjourned the meeting at 4.55pm so that advice could be sought from the Monitoring Officer. Councillors J Bridges, J Legrys and M B Wyatt left the meeting with officers to obtain legal advice.

The meeting reconvened at 5.07pm and Councillors J Bridges, J Legrys and M B Wyatt returned to the meeting.

The Deputy Monitoring Officer addressed the Committee. He outlined the situation to Members that the motion to permit the application which had been moved and seconded, was on the table, but an amendment to the original motion which sought to defer the application for 4 weeks had been proposed for which there was a seconder. He advised that he had spoken to the Monitoring Officer and it was the opinion of both he and the Monitoring Officer that to accept the amendment to defer the application would effectively negate the original motion, which would not be permissible. He stated the motion on the table should be debated and voted on and then subject to the outcome of the vote, should it be required a further motion would be moved and seconded, debated and voted on.

Councillor J Legrys stated that the Deputy Monitoring Officer had made the ruling and he was not in a position to challenge it. He stated that he was disappointed to have arrived at that point, and it was a lesson for the future, and that Members had to debate the application that he wished to avoid. He felt that the Committee should go straight to a vote to see where the result took the Committee, however there was a lot that he wished to address over the application which he felt would be better done in a private meeting, directly with officers.

Councillor M Specht acknowledged that Councillor J Legrys had a great deal to say about the application and sought clarification on the process if the application be deferred following debate.

The Deputy Monitoring Officer advised that where Members are minded to defer an item, they must give a reason as to why they should defer, and clarified that if the consideration of a planning application were to be deferred, when the application comes back to Committee the discussion can only take place around the reason why the application was deferred. He gave an example that if an application was deferred on a highways ground when the application comes back to Committee it could only be considered on the highways issue have being resolved or not and was not an opportunity for the whole application to be debated again. The motion before Members was to permit the application and that was what was to be voted on.

Councillor J Legrys raised a point of order and asked if the original motion could be withdrawn.

Councillor J Bridges stated that he did not wish to withdraw the motion.

Councillor M B Wyatt stated that based on the motion before them he could not support the application as he did not agree with the comments of the LCC Highways officer as he felt that the highways infrastructure would not cope with the additional 1600 plus vehicles and was disgusted that the Council had failed to address the need for a relief road along with the deletion of a condition that would provide a punch through road which was totally unacceptable. He asked Members to note that the application went against the Local Plan.

Councillor N Smith stated that the Committee had heard very passionate speeches about highways and infrastructure but reminded Members that similar discussions had been had numerous times before, the applications were refused and then overturned by the Planning Inspectorate. He highlighted that the highways authority felt that the application was acceptable. He also drew Members attention to the increase in the section 106 contributions and reduction in affordable housing had again been made by parties independent of the Council.

Councillor M Specht stated that it appeared that the developers were not in full control of the land that was to be the punch through road and noted that the highways contributions were increased in lieu of the reduction of affordable housing. He sought clarification that the highways contribution would be ring fenced for the punch through road.

The Head of Planning and Regeneration explained to Members that the contribution strategy being used collected pots of money for the highways authority for work along the A511 corridor and there was a list that was regularly updated of schemes which had included in the past bus services. He stated that the contribution money was collected and as schemes came along was released to fund the work. He stated that it was not the Council's decision to ring fence the money but that of the highway authority.

Councillor M Specht stated that without the assurance that the money would be ring fenced he would not be voting in favour of the application.

Ms J Eynon, Leicestershire County Council Highways Team Manager addressed the Committee. She addressed the contribution concerns and clarified that £700 per dwelling was in lieu of the original £790,619 towards improvements along Bardon Road and could go towards sustainable travel which was separate to the £2,960 per dwelling that would go towards the highways improvement strategy. She advised Members that two schemes, the works to the A42 and M1 junctions had been completed and had therefore come off the list and a project board would determine where the money would be spent, however it

could be ring fenced for the punch through road if desired and therefore it could not be used for any other schemes.

Councillor J Bridges sought clarification that the money that was contributed from the application in front of them would be spent in that area of Coalville or would it be spent in a different part of the district.

Ms J Eynon advised Members that the money in the pot could only be used on schemes in the Coalville contribution strategy which would be along the A511 corridor or in the centre of Coalville itself.

Councillor M Specht stated that his question had not been answered as he had not heard that 'yes the money would be ring fenced for the punch through road' which people had been crying out for, for a number of years. He also enquired whether the 'punch through' could be secured through a S278 if necessary.

The Head of Planning and Regeneration advised that if that was what the Committee wanted then the money would be ring fenced. He advised that a Section 106 agreement was subject to pooling restrictions and could not collect more than five S106 agreements for any one thing, adding that the restrictions had been introduced within the last few years. He advised that there was no pooling restriction on a S278, and in practical terms they worked in the same way as a S106. He stated that if the Committee wished to resolve that the money was ring fenced then that is what would happen.

Councillor J Legrys pointed out that Planning Committee Members were elected to represent local people. He stated that a S278 would be far better and safer for the application in front of them. He expressed his opinion that the report that was in front of them was poorly written, and lacked the forensic detail that the decision making elected Members required. He highlighted that the planning permission had been since 2012, and it had been known for many more years that the site would be built on. He explained that the Local Plan had been debated for many years and compromises had been made and with cross party agreement, he stated that it had been agreed that in the Coalville area there would be 20% affordable housing and subsequently the affordable housing had now been transferred in to the highways pot and by reducing the affordable housing there is less money going to the transport pot. He stated that many local Members believed that the punch through was needed, and put a development limit on the site to focus minds to ensure that the punch through was built. He said that he accepted that it would cost a great deal to build, but believed that the money generated from the site was peanuts. He agreed with Councillor M Specht in relation to the provision of the bus service, and that it would affect people, and questioned what the point was in increasing transport packs when there are no bus services for them to be used on. He stated that he wished to have time to debate the issues with officers as to how it affected the Local Plan, but Mr Newton had not allowed that to happen. He expressed concerns that the punch through road would take too long to be built. He informed Members that he was gobsmacked that officers had appeared to have rolled over and allowed the recommendations to get to this point without discussing the derivation of the Local Plan with local Members and that this opportunity had now been missed adding that he was bitterly disappointed.

Councillor M Specht stated that the increase in highways contribution in lieu of affordable housing was not a new policy, and in fact stemmed from a Cabinet resolution from 2013. He added that, should the money be ring fenced for the punch through road, he would support the officer's recommendation.

Councillor N Smith asked that the motion before them was adjusted to include that a S278 agreement be used to secure the funding that would be ring fenced for the punch through road.

Councillor J Bridges moved that a S278 be agreed and that the money be ring fenced for the punch through road.

Councillor J Legrys stated that his amendment had been refused and now an amendment was being accepted from the Chairman's own party.

The Deputy Monitoring Officer advised the Committee that the suggested amendment did not negate the motion, instead it re-enforced it, and he was happy with what had been proposed if the seconder was agreeable.

Councillor J G Coxon stated that he was happy with the amendment and condition to be added. He felt that if the money was ring fenced for the punch through he agreed that with a S278 the money would be held indefinitely and not returned.

The Deputy Monitoring Officer confirmed that S278 money rolled on and was not time limited like a S106 agreement.

Councillor V Richichi stated that one thing that bothered him was the HEDNA identified an affordable housing need. He added that he had concerns about a large number of small developments. He expressed concern that the currently permitted scheme was unviable.

The Head of Planning and Regeneration advised Members that the section of the HEDNA was one of the building blocks towards arriving at the ultimate housing target, and that the HEDNA sensitivity tested the building blocks. He added that the annual housing target for the district would be in the order of 1,600 if affordable housing needs were to be met in full, and this was obviously unrealistic. He confirmed that the authority was planning for an annual target of 520 homes, which was in excess of the objectively assessed need of 481 homes per year that was set out in the HEDNA. The district was therefore planning for building more than the requirement.

Councillor V Richichi sought clarification why all of the minor amendments were being sought and why the currently permitted scheme was unviable and surely minor amendments would not make the scheme viable and the Committee was not there to guarantee profit for the developers.

The Head of Planning and Regeneration stated that it was established policy that where a viability assessment comes out negative an independent valuer is asked to assess it at the applicant's expense, and if it was agreed that the development was not viable the authority could not require the developer to build something that was not viable. He confirmed the developer would be backed by the Planning Inspectorate, and therefore officers went back to the developer to see what could be done to ensure that the development went through.

Councillor V Richichi felt that Members were being put under pressure to go with officer's recommendations, as if the application was not developed it would punch a massive hole in the Local Plan.

The Deputy Monitoring Officer reminded Members that the amendment was to agree a condition to entering a S278 agreement and ring fencing the money for the punch through which would be voted on first and then dependent on the outcome the original motion with or without the amendment would be voted on. He added that the amendment did not negate the original motion.

In response to a question from Councillor R Adams, the Deputy Monitoring Officer advised that Councillor J Legrys motion would negate the original motion and therefore the motion on the table was to be voted on following the vote on the amendment.

Councillor J Legrys requested a recorded vote on the votes that were to follow.

The amendment to the motion to permit in accordance with the recommendation of the Head of Planning and Regeneration with an additional condition that a S278 be secured to ring fence the highways contribution to go to the creation of the punch through road was moved by Councillor J Bridges and seconded by Councillor J G Coxon and was put to the vote.

A recorded vote having been requested, the voting was as follows:

For the motion:

Councillors R Boam, J Bridges, J Clarke, J Cotterill, J G Coxon, D Harrison, P Purver, V Richichi, N Smith and M Specht(10)

Against the motion:

None(0)

Abstentions:

Councillors R Adams, R Canny, D Everitt, J Geary, J Legrys and M B Wyatt(6)

The motion to approve the application in accordance with the recommendations of the Head of Planning and Regeneration with an additional condition that a S278 be secured to ring fence the highways contribution to go to the creation of the punch through road as moved by Councillor J Bridges and seconded by Councillor J G Coxon was put to the vote.

A recorded vote having been requested, the voting was as follows:

For the motion:

Councillors R Boam, J Bridges, J Clarke, J Cotterill, J G Coxon, D Harrison, P Purver, V Richichi, N Smith and M Specht(10)

Against the motion:

Councillors R Adams, D Everitt, J Geary, J Legrys and M B Wyatt(5)

Abstentions:

Councillor R Canny(1)

RESOLVED THAT:

The application be permitted in accordance with the recommendations of the Head of Planning and Regeneration with an additional condition that a S278 be secured to ring fence the highways contribution to go to the creation of the punch through road.

44.

A2

17/00459/FUL: CHANGE OF USE OF LAND AS AN EXTENSION TO THE RESIDENTIAL CURTILAGE

Land Adjacent To 25 Buckingham Road Coalville Leicestershire LE67 4PB

Officer's Recommendation: PERMIT subject to S106 Agreement

The Senior Planning Officer presented the report to Members.

Mr I Barnes, objector, addressed the Committee. He drew Members attention to the report that stated only 4 neighbours were notified yet 16 objections had been received showing the tremendous feeling over the application. He informed Members that the original planning consent included the requirement of green spaces for the enjoyment of all

residents and that it went against the Council's green space strategic wish. He advised that the land was currently woodland planting and it had taken many years for the habitat to develop and for wildlife to make its home. He expressed concerns that the S106 agreement would not benefit the residents of the estate who were losing the woodland and that with the Council promoting the development of the land at Cropston Drive, which once approved how would the residents of the new estate trust the Council to protect their green spaces in the future. He highlighted to the Committee that if the application in front of them be approved the owners of no 27 Buckingham Road would be disadvantaged as they would not have the same opportunity to extend their garden and it was inappropriate that a relatively new resident benefit to the detriment of the rest of the community.

Mr J Iliffe, applicant, addressed the Committee. He expressed to Members that he felt that the neighbours had misinterpreted the intentions of the application and having read all of the objections acknowledged that the biggest concerns were over the loss of green space and harm to the wildlife. He stated that he was sympathetic to the concerns and that throughout the application process had made it clear that no building would take place on the land and it would remain a garden adding that the only signs of wildlife were insects, brambles and stinging nettles which the family had to constantly cut back, and no signs of animal tracks, bird's nests, badger's setts or fox holes. He advised that his family were animal lovers with three pets. He made it clear that it would be green space and as part of the contract of buying the land it was agreed that there would be no building on there. He informed Members that the National Forest Company had raised no issues, only a concern over the loss of green space, and that he was willing to compensate the loss of trees on the strip of land by providing double the amount of trees for an off-site area elsewhere in the district.

The officer's recommendation to permit the application was moved by Councillor R Boam and seconded by Councillor J Cotterill.

Councillor J Legrys asked for the local elected ward Member's views about the application.

Councillor J Cotterill said that he considered that the site made a valuable contribution to the street scene.

Councillor J Bridges sought clarification from Councillor J Cotterill, whether he was in support of the proposal or against it, as he seconded the motion to grant permission but appeared to have spoken against it.

Councillor J Cotterill withdrew his seconding of the motion to grant planning permission.

Councillor D Harrison seconded the motion to grant planning permission.

Councillor J Cotterill stated that having looked at the proposals and that the applicant was willing to provide planting elsewhere as a contribution to the loss, if the application was to be permitted it would set a dangerous precedent and applications would be received from all directions from other residents wishing to extend their gardens. He advised that he had received telephone calls from more than seventeen local residents, who were very concerned and felt that the application should be refused.

Councillor J Legrys expressed concerns over applications such as the one that was in front of them that came before committee and he was aware that the land in question belonged to the original developer. He stated that he supported Councillor J Cotterill as that should the applicant be successful there would be no control over what went on the land and the land was open space. He felt that Councillor J Cotterill had a point that once one was permitted the Council would be inundated with similar applications and was therefore minded to vote against the application.

Councillor J Clarke stated he had concerns, firstly, with the fact that the application extended over the rear of 27 and if in the future the owners of 27 wished to extend their garden they would not be able to do so and secondly with condition 6 which restricted the removal of vegetation between March and August, he felt that it should be to October and should the application be permitted the condition should be amended.

Councillor D Everitt stated that the piece of nature was put there for the residents to enjoy and that the green patches within developments such as the one being discussed were valuable and broke up all the bricks. He agreed that it would start a precedent and that when 16 objectors had taken the time to write in it proved that they valued the area and therefore should not deny them the right to keep it.

Councillor J Geary stated that his concerns were that the report stated that whilst some trees would be lost, it would not be significant and a dense area of trees would be retained however some had already been removed. He advised the Ward Member that to avoid further loss, a TPO should be applied for to ensure that it did not happen again. His main concern was the application site went behind the neighbouring property therefore denying the owner the opportunity to extend their land and reducing their privacy. Unless he heard anything to the contrary he would be voting against the application.

Councillor J Bridges confirmed that a neighbouring property no longer having the same opportunity to extend its garden was not a planning ground.

Councillor M Specht stated that he would not be supporting the application, he accepted that the devaluation of properties was not a material planning consideration however when the properties were bought the planting area was part of the permission of the site. He expressed concerns that off-site planting should be provided elsewhere in the district however it would not benefit the residents surrounding the application land that would be losing the trees. He felt that the trees were part of the original permission and therefore should remain, adding that he was embarrassed for the developer selling the land off for whatever reason.

Councillor R Canny stated that most people would love bigger gardens but should the application be permitted a lot of people would put in applications. She added that even though wildlife may not be seen during the day the chances are that it was there living under the protection of the brambles. She felt it would be shame to get rid of the open space.

Councillor D Harrison stated that having seen the site he was not worried that it would be a big loss as it was a small strip however he did feel a little sorry for 27. He advised that he could not see anything horribly wrong, it appeared that there was a worn pathway and could not see why the application should be refused as it was a small area and rather than being overgrown it would enhance the applicant's garden.

Councillor R Boam stated that there had been much mention of 27 and he felt that there was plenty of opportunity for the owners to purchase the land if they wished to. He highlighted that the applicant had stated there would be no building on the land, there would be no major change and the district would gain double the amount of trees. He could see not problems with the application.

The motion to permit the application in accordance with the officer's recommendation was put to the vote and declared LOST.

Councillor J Cotterill moved that the application be refused on the grounds that there would be a loss of green space. This was seconded by Councillor M Specht.

RESOLVED THAT:

The application be refused on the grounds that there would be a loss of open space

**45. A3
17/01083/FUL: ERECTION OF ONE DWELLING**

The Farm Manor Road Donington Le Heath Coalville Leicestershire LE67 2FW

Officer's Recommendation: PERMIT

The Senior Planning Officer presented the report to Members.

Councillor R Johnson, Ward Member, addressed the Committee. He advised Members that he had been lobbied by both concerned residents and fleetingly by the developer, and that the application before them was no different to the previous one that had been considered a few months earlier. He stated that the developer could not be praised enough for the development as it was excellent with a great finish and most of the homes were occupied with large gardens and everyone had a garage. He informed the Committee that the proposed dwelling would be in a cramped area without a garage, it would not conform with the streetscape and would cause significant harm to conserving and enhancing the historic environment in a conservation area as set out in the NPPF paragraphs 131, 132, 134 and 137. He highlighted to Members that the future amenities of plot 14 adjoining the proposal would have a gable end at the bottom of the garden at a height of 8.25 meters blocking any sunlight that they could enjoy and that the developer had deliberately altered the garden fence line of plots 13 and 14 from the original planning permission to squeeze the dwelling in. He expressed concerns that there would be no affordable housing along with the loss of open space. He urged the Committee to be consistent and refuse the application and insist that the developer reverts back to the original planning permission.

Councillor S Palmer, on behalf of Hugglescote and Donington le Heath Parish Council, addressed the Committee. He reminded Members that they had refused a similar application only a few months previously for sound and sensible reasons and as such remained relevant for the application in front of them as none of the issues raised had been addressed. He advised Members that the application would harm the setting of an unlisted heritage asset in the conservation area even more. He urged Members to maintain a consistent approach and refuse the rehashed application.

Councillor J Legrys moved that the application be refused as the application was shoe horning an additional dwelling that did not conform with the original development of the site and the proposed dwelling would have no proper off street parking provision provided, therefore cars would be parked on the roads of the development or on the busy highway network. He stated that his main reason for refusing the application was that the original application was for a number of dwellings that meant that S106 contributions were avoided and now the development had been completed the developer was asking for one extra property that had it been considered with the original application would have required S106 contributions towards schools, play areas and so on. He stated that the grounds for refusal were retrospective planning application, it was shoe horning into a development that could not be sustained and it would have a detrimental effect on Donington Manor House. It was seconded by Councillor R Boam.

Councillor M Specht sought clarification from officers as to whether or not the fence lines for plots 13 and 14 had already been altered or were they still to be changed as if the boundaries had already been altered had a variation been applied for and approved.

The Head of Planning and Regeneration advised Members that the proposal in front of them was to alter the fence lines and that had the fences already been moved then it had been done so in breach of the planning permission therefore, it would be passed to planning enforcement to investigate to ensure that they were building in accordance with the permission should the application be refused. However, should Members be minded to permit it would be an academic point.

Councillor M Specht stated that if it was unknown if the permission had been breached it would not be pertinent to permit the proposal before them if there was then to be planning enforcement.

The Head of Planning and Regeneration advised Members that they should consider what was in front of them. If Members were comfortable to permit the application then no investigation would be carried out.

Councillor J Bridges put it to Councillors J Legrys and R Boam that it would be preferable if the reason for refusal were the same as the one given by the Committee for application 17/00020/FUL in July. Councillors J Legrys and R Boam agreed.

RESOLVED THAT:

The application be refused on the grounds that the development would have a significant detriment to the character and appearance of the streetscape and would harm the significance of heritage assets.

Councillor M B Wyatt left the meeting at 5.51pm
Councillor P Purver left the meeting at 6.18pm

The meeting commenced at 4.30 pm

The Chairman closed the meeting at 6.30 pm

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APPENDIX B

**Report of the Head of Planning and Regeneration
To
Planning Committee
7 November 2017**

PLANNING & DEVELOPMENT REPORT



PLANNING COMMITTEE FRONT SHEET

1. Background Papers

For the purposes of Section 100(d) of the Local Government (Access to information Act) 1985 all consultation replies listed in this report along with the application documents and any accompanying letters or reports submitted by the applicant, constitute Background Papers which are available for inspection, unless such documents contain Exempt Information as defined in the act.

2. Late Information: Updates

Any information relevant to the determination of any application presented for determination in this Report, which is not available at the time of printing, will be reported in summarised form on the 'UPDATE SHEET' which will be distributed at the meeting. Any documents distributed at the meeting will be made available for inspection. Where there are any changes to draft conditions or a s106 TCPA 1990 obligation proposed in the update sheet these will be deemed to be incorporated in the proposed recommendation.

3. Expiry of Representation Periods

In cases where recommendations are headed "Subject to no contrary representations being received by [date]" decision notices will not be issued where representations are received within the specified time period which, in the opinion of the Head of Planning and Regeneration are material planning considerations and relate to matters not previously raised.

4. Reasons for Grant

Where the Head of Planning and Regeneration report recommends a grant of planning permission and a resolution to grant permission is made, the summary grounds for approval and summary of policies and proposals in the development plan are approved as set out in the report. Where the Planning Committee are of a different view they may resolve to add or amend the reasons or substitute their own reasons. If such a resolution is made the Chair of the Planning Committee will invite the planning officer and legal advisor to advise on the amended proposals before the a resolution is finalised and voted on. The reasons shall be minuted, and the wording of the reasons, any relevant summary policies and proposals, any amended or additional conditions and/or the wording of such conditions, and the decision notice, is delegated to the Head of Planning and Regeneration.

5. Granting permission contrary to Officer Recommendation

Where the Head of Planning and Regeneration report recommends refusal, and the Planning Committee are considering granting planning permission, the summary reasons for granting planning permission, a summary of the relevant policies and proposals, and whether the permission should be subject to conditions and/or an obligation under S106 of the TCPA 1990 must also be determined; Members will consider the recommended reasons for refusal, and then the summary reasons for granting the permission. The Chair will invite a Planning Officer to advise on the reasons and the other matters. An adjournment of the meeting may be necessary for the Planning Officer and legal Advisor to consider the advice required

If The Planning Officer is unable to advise at Members at that meeting, he may recommend the item is deferred until further information or advice is available. This is likely if there are technical objections, eg. from the Highways Authority, Severn Trent, the Environment Agency, or other Statutory consultees.

If the summary grounds for approval and the relevant policies and proposals are approved by resolution of Planning Committee, the wording of the decision notice, and conditions and the Heads of Terms of any S106 obligation, is delegated to the Head of Planning and Regeneration.

6 Refusal contrary to officer recommendation

Where members are minded to decide to refuse an application contrary to the recommendation printed in the report, or to include additional reasons for refusal where the recommendation is to refuse, the Chair will invite the Planning Officer to advise on the proposed reasons and the prospects of successfully defending the decision on Appeal, including the possibility of an award of costs. This is in accordance with the Local Planning Code of Conduct. The wording of the reasons or additional reasons for refusal, and the decision notice as the case is delegated to the Head of Planning and Regeneration.

7 Amendments to Motion

An amendment must be relevant to the motion and may:

1. Leave out words
2. Leave out words and insert or add others
3. Insert or add words

as long as the effect is not to negate the motion

If the amendment/s makes the planning permission incapable of implementation then the effect is to negate the motion.

If the effect of any amendment is not immediately apparent the Chairman will take advice from the Legal Advisor and Head of Planning and Regeneration/Planning and Development Team Manager present at the meeting. That advice may be sought during the course of the meeting or where the Officers require time to consult, the Chairman may adjourn the meeting for a short period.

Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of. The amendment must be put to the vote.

If an amendment is not carried, other amendments to the original motion may be moved.

If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendment, or if there are none, put it to the vote.

8 Delegation of wording of Conditions

A Draft of the proposed conditions, and the reasons for the conditions, are included in the report. The final wording of the conditions, or any new or amended conditions, is delegated

to the Head of Planning and Regeneration.

9. Decisions on Items of the Head of Planning and Regeneration

The Chairman will call each item in the report. No vote will be taken at that stage unless a proposition is put to alter or amend the printed recommendation. Where a proposition is put and a vote taken the item will be decided in accordance with that vote. In the case of a tie where no casting vote is exercised the item will be regarded as undetermined.

Erection of extension (B2 and B8 use) to existing building (B1,
B2 and B8 use)

Report Item No
A1

MIES International Unit C Norman Court Ashby De La Zouch
LE65 2UZ

Application Reference
17/01159/FUL

Applicant:
Mr Philip Eaton

Date Registered:
14 August 2017

Case Officer:
James Knightley

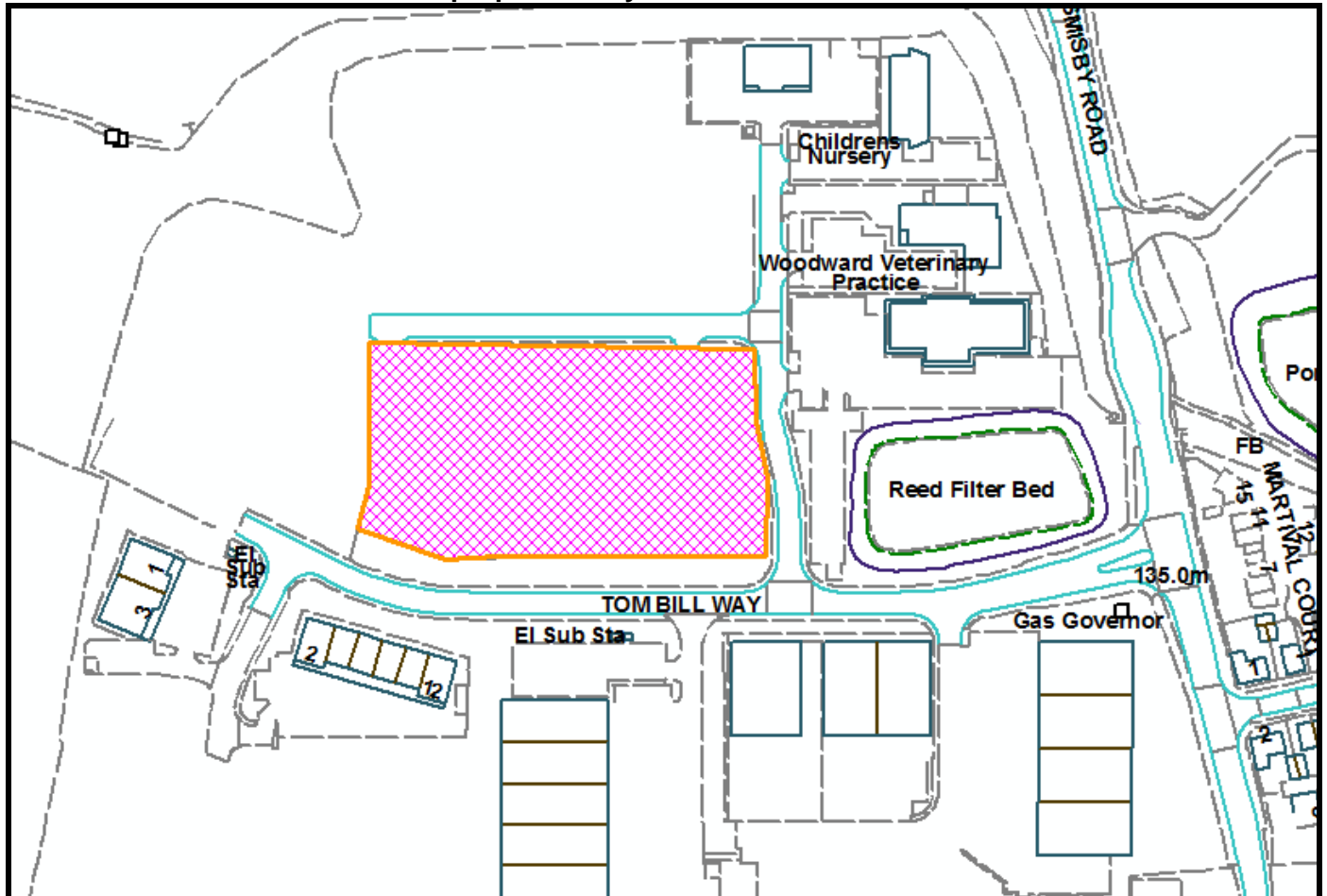
Consultation Expiry:
5 October 2017

8 Week Date:
9 October 2017

Recommendation:
PERMIT

Extension of Time:
10 November 2017

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Recommendation

Proposal

This application seeks planning permission for an extension to an existing employment unit on the Ivanhoe Business Park in Ashby de la Zouch.

Consultations

Members will see from the main report below that no objections have been received from statutory consultees in respect of the proposals. Two representations have been received raising objections to scheme.

Planning Policy

The application site lies within Limits to Development and is allocated for employment use in the adopted North West Leicestershire Local Plan. The site is also within Limits to Development as defined in the submitted North West Leicestershire Local Plan, and is within a Primary Employment Area.

Conclusion

The report below indicates that the development is acceptable in principle, that there are no other technical issues that would indicate that planning permission should not be granted, and that the design of the scheme would be appropriate.

RECOMMENDATION:-

PERMIT, SUBJECT TO THE IMPOSITION OF CONDITIONS

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

In November 2014, planning permission ref. 14/00081/FULM was granted for the erection of a unit with associated works for uses within Classes B1, B2 or B8 on this site. A subsequent Section 73 approval (ref. 15/00882/VCUM) was granted in December 2015. The unit has now been completed and is operational.

The current application seeks planning permission for the erection of an extension within an existing service yard to the front of the unit of approximate dimensions 28.4m x 24.3m (plus eaves overhang) x 9.8m high (above finished floor level (FFL)) providing an additional 667sqm of floorspace.

The application is referred to the Planning Committee for determination at the request of Councillor Bayliss.

2. Publicity

42 Neighbours have been notified (Date of last notification 21 August 2017).
Site Notice displayed 30 August 2017.

3. Summary of Consultations and Representations Received

Ashby de la Zouch Town Council supports the application

Environment Agency has no comments

Leicestershire County Council Ecologist has no objections

Leicestershire County Council Lead Local Flood Authority has no objections subject to conditions

Leicestershire County Council Local Highway Authority has no objections subject to conditions

National Forest Company notes that the National Forest planting requirements were met as part of the development of the original business park and no further contribution is required

Natural England has no objections subject to conditions

North West Leicestershire District Council Environmental Protection has no objections

Third Party representations

Two representations has been received, (one submitted on behalf of three occupiers / investors), objecting on the following grounds:

- Contrary to adopted and emerging Local Plan policies and to the NPPF
- Proposal would conflict with the business park's well-established design principles for employment sites
- Extension would project forward of the building
- By virtue of the extension's scale and mass, it would be visually prominent and oppressive

- The lack of any meaningful activity to the elevations would make the extension visually incongruous in the street scene
- Extension would be harmful to the visual communication / legibility of this part of the business park
- District Council's Urban Designer should be consulted
- Blocking of views within the business park
- Loss of openness

4. Relevant Planning Policy

National Policies

National Planning Policy Framework

The NPPF (Paragraph 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with the Framework. The closer the policies in the development plan to the policies in the Framework, the greater weight they may be given.

Save where stated otherwise, the policies of the North West Leicestershire Local Plan as listed in the relevant section below are consistent with the policies in the NPPF and, save where indicated otherwise within the assessment below, should be afforded weight in the determination of this application.

The following sections of the NPPF are considered relevant to the determination of this application:

Paragraph 14 (Presumption in favour of sustainable development)

Paragraph 17 (Core planning principles)

Paragraph 19 (Building a strong, competitive economy)

Paragraphs 57 and 61 (Requiring good design)

Paragraph 100 (Meeting the challenge of climate change, flooding and coastal change)

Paragraph 118 (Conserving and enhancing the natural environment)

Adopted North West Leicestershire Local Plan (2002)

The site is within Limits to Development and is allocated for employment use under Policy J3b of the adopted Local Plan. The following adopted Local Plan policies are also considered relevant to this application:

Policy E4 - Design

Policy T8 - Parking

Policy J14 - Expansion of Existing Firms

Submitted North West Leicestershire Local Plan

The publication version of the Local Plan was agreed by Council on 28 June 2016 and submitted for examination on 4 October 2016. Examination hearing sessions were held in January and March 2017 and the Council undertook a six week consultation on its Main Modifications from 12 June 2017. The Inspector's report was received on 13 October 2017 which stated that the plan would meet the criteria for soundness in the NPPF subject to the proposed main modifications, and is expected to be considered by Full Council in November 2017 with a view to adopting the Plan. In accordance with the approach set out in Paragraph 216 of the NPPF, having regard to the stage now reached towards adoption, it is considered

that significant weight can be attached to the policies contained in the plan.

The site is within Limits to Development and is also within a Primary Employment Area under Policy Ec3d. Other relevant policies within the draft Local Plan would include:

- Policy D1 - Design of new development
- Policy D2 - Amenity
- Policy IF7 - Parking provision and new development
- Policy En2 - River Mease Special Area of Conservation

Submission Draft Ashby de la Zouch Neighbourhood Local Plan

The Submission Draft of the Ashby de la Zouch Neighbourhood Local Plan was submitted to the District Council on 1 August 2017. The Council has undertaken a six week consultation on the Draft Neighbourhood Plan and will now arrange for an examination. The weight to be attached by the decision maker to this submitted version should be in accordance with the approach set out in Paragraph 216 of the NPPF, having regard to the stage now reached towards adoption, the extent to which there are unresolved objections to the policies relevant to the determination of this application, and the degree to which the emerging policies are consistent with the NPPF.

The site lies within Limits to Development as defined in the emerging Neighbourhood Plan. The following draft Neighbourhood Plan policies are considered relevant:

- Policy S1 - Presumption in Favour of Sustainable Development
- Policy S2 - Limits to Development
- Policy S4 - Design
- Policy E1 - Employment Land and Buildings
- Policy T6 - Car Parking
- Policy NE4 - Nature Conservation

Other

Good design for North West Leicestershire SPD

5. Assessment

The principal issues associated with the current application are considered to be in respect of the design and visual impact of the proposed extension, any parking implications arising from the proposed additional floorspace, impact on the River Mease, and surface water drainage.

Design

Insofar as the proposed extension is concerned, the form of the extension and the external materials used in its construction would be similar to that of the principal building and, given its reduced height compared to the existing building, would appear as subservient to it. It is noted that the extension would be located to the front of the existing unit, adjacent to one of the wider estate's access roads. However, given that the proposal would be located within an area currently identified as a service yard, there would be no impacts upon the existing landscaping adjacent to the footway (and, as set out below, additional planting is also proposed). Whilst the extension would, in effect, result in an increased sense of enclosure to the street scene (and, in particular, to the road to the side (north elevation) of the existing unit), this would not, it is considered, result in an unacceptable impact.

The application has been assessed by the District Council's Urban Designer who notes that the extension would be designed to match with the existing building following its form and appearance, and that it would result in no more or less active frontage than as present. Given that there is no consistent building line across the wider site, he does not consider that the extension would erode the quality of the site or its legibility nor, he considers, would it be inappropriate or otherwise compromise the setting of any other buildings.

However, the District Council's Urban Designer is of the view that the proposed development would provide an opportunity to enhance the quality of perimeter landscape on the plot the subject of this application. In response, the applicant has amended the scheme so as to provide additional landscaping within the area between the existing paladin style perimeter fence and the proposed extension. This would, when implemented in conjunction with the existing landscaping to the outside of the fence, be considered to provide for a more robust area of landscaping, helping to reinforce the estate's National Forest identity.

Highway Safety

In terms of parking provision, it is noted that the proposed works would result in a total floorspace of 3,299sqm and, if the individual uses specified in the application (B1(c), B2 and B8) are calculated individually against Leicestershire County Council standards (i.e. as if they were three separate uses / sites), this would equate to a parking requirement of 51 car and 14 HGV spaces (although this would reduce if the calculation were undertaken for any one of those uses for the site as a whole). The proposal includes for an additional 8 car parking spaces which, when added to the existing 35 spaces would, it is considered, be sufficient for the site as a whole, and additional on-street car parking as a result of the proposed development would seem unlikely. The County Highway Authority considers that the proposed parking arrangements are acceptable and raises no objections. Whilst the County Highway Authority notes that the submissions do not contain detailed plans of the cycle shelter and recommends adding a condition to secure this, given that the cycle shelter is existing, no additional condition is considered necessary.

River Mease Special Area of Conservation and Surface Water Drainage

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC). Discharge from the sewage treatment works within the SAC catchment area is a major contributor to the phosphate levels in the river. Therefore an assessment of whether the proposal would have a significant effect on the SAC is required.

Whilst the proposed extension would provide additional floorspace within the building, the submitted Drainage Strategy indicates that the proposed extension would not increase the occupancy of the building and staff numbers would remain the same. As such, the Strategy states that the proposed extension would not contribute any additional wastewater into the sewerage network, and no developer contributions would be necessary. Whilst it would not be possible to ensure (in planning terms) that no additional staff would be employed in association with the proposed extension, it is also the case that additional employees could be employed at any point within the *existing* building without requiring any separate approval from the Local Planning Authority. It is also noted that no additional staff facilities (and including toilets) are proposed and, on this basis, it would not be considered reasonable to request a financial contribution under the provisions of the current Developer Contributions Strategy (DCS2) in this instance.

In terms of surface water run-off, the Drainage Strategy provides that surface water from the

proposed extension and hard surfaced areas will continue be drain into the existing facilities, and that there would be no increase in impermeable surface area (i.e. as the proposed roof would simply replace the existing external hard surfaced service yard). No objections are raised by the Lead Local Flood Authority or Natural England in respect of surface water issues.

Conclusions

The proposed development is therefore considered acceptable, and approval is recommended.

RECOMMENDATION- PERMIT, subject to the following condition(s):

- 1 Time limit
- 2 Approved plans
- 3 Building materials as specified
- 4 Surfacing materials as specified
- 5 Vehicle and cycle parking
- 6 Landscaping
- 7 Surface water drainage

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Sub-division of residential plot, and erection of one detached dwelling.

Report Item No
A2

9 Grange Close Ashby De La Zouch Leicestershire LE65 2PQ

Application Reference
17/01133/FUL

Applicant:
Mr Nitesh Patel

Date Registered:
2 August 2017

Case Officer:
Eleanor Overton

Consultation Expiry:
5 October 2017

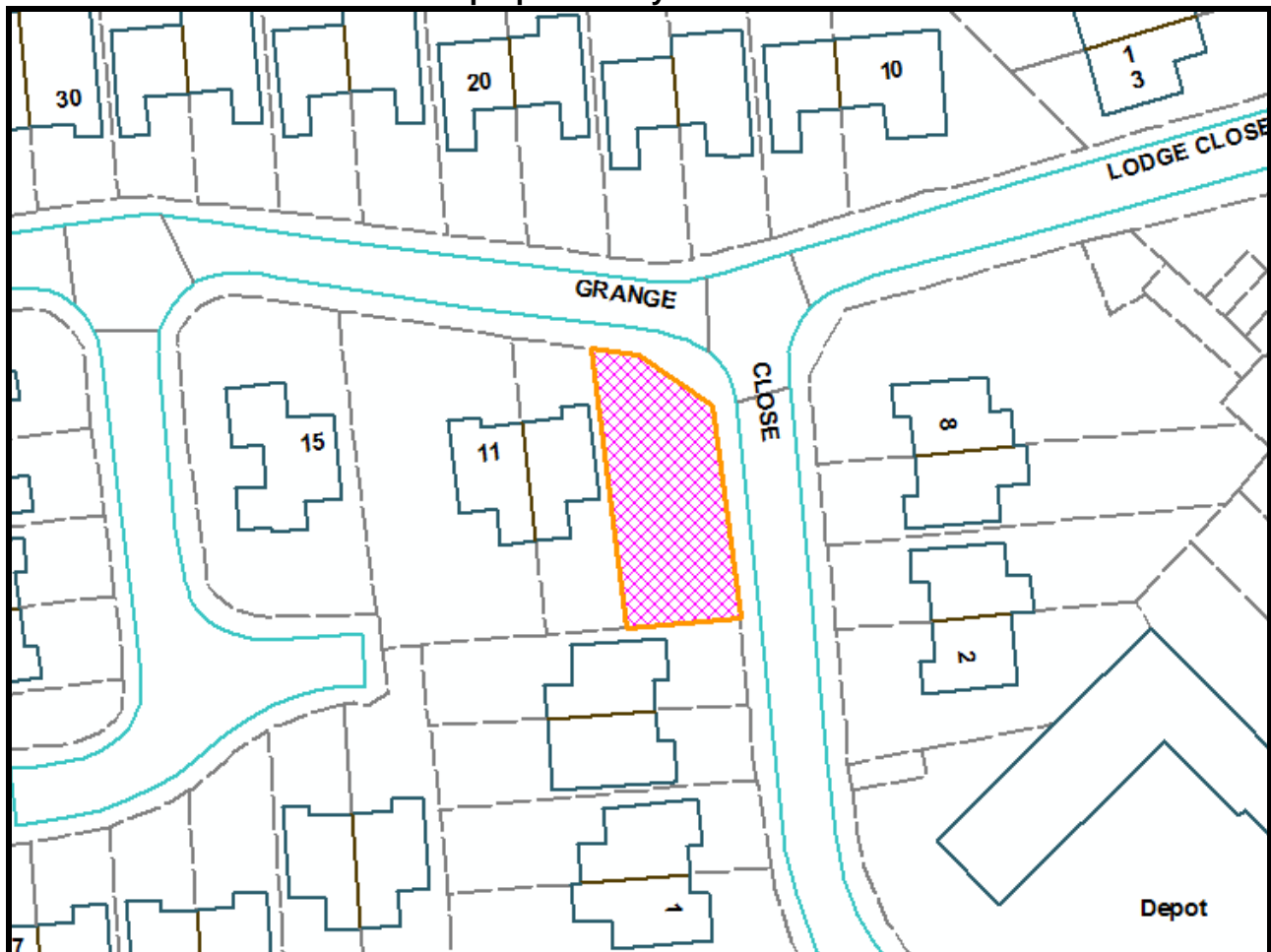
8 Week Date:

27 September 2017

Recommendation:
PERMIT subject to S106 Agreement

Extension of Time:
None Agreed

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Reasons for Approval

Reason for Call In

In accordance with the North West Leicestershire District Council Constitution, the application has been referred to Planning Committee, at the request of Councillor Jones as representations have been received which are contrary to the recommendation to permit the application.

Proposal

This application seeks full planning permission for the sub-division of a residential plot, and erection of one detached dwelling.

Consultations

Members will see from the main report below that there are objections from 6 addresses along with a further objection from Ashby de-la Zouch Town Council. There are no other objections raised by statutory consultees.

Planning Policy

The application site is within the Limits to Development as defined in the adopted and submitted North West Leicestershire Local Plans. The application has also been assessed against the relevant policies in the NPPF, the adopted and submitted Local Plans and other relevant guidance.

Conclusion

The NPPF specifically states that decision takers should consider housing applications in the context of the presumption in favour of sustainable development. The proposed scheme is considered to comply with the core principles of the NPPF, and thus in principle, the development is considered acceptable.

The proposed development would be acceptable in terms of layout, scale, design, impact upon residential amenities, highway safety, flood risk and drainage and impact on the River Mease SAC/SSSI and no other technical issues are considered to arise. The recent appeal decision for the erection of a building to accommodate two flats on the site, which was dismissed, has been taken into account as a material consideration. This decision does not however raise issues that would result in the proposed application being unacceptable. There are no other relevant material planning considerations that indicate planning permission should not be granted.

Accordingly the application is recommended for planning permission, subject to the imposition of conditions.

RECOMMENDATION:- Permit, subject to the completion of the legal agreement and the imposition of conditions.

MAIN REPORT

1. Proposals and Background

This is an amended scheme for the erection of a detached dwelling, following the refusal and subsequent dismissal of an appeal at the application site for the erection of two, 2 bedroomed flats (17/00034/FUL and APP/G2435/W/17/3171724). The site comprises the side garden of the host dwelling, No.9 Grange Close, Ashby De La Zouch. No. 9 Grange Close comprises a semi-detached, extended dwelling of simplistic design.

The site has an area of approximately 271 square metres and comprises a corner plot. The site is currently host to a single garage, which is to be demolished to facilitate the proposal and also provides an area of hardstanding and an enclosed amenity space. There is an existing pedestrian access part way along the eastern boundary of the site. The site is enclosed by a combination of maintained hedgerow, along its northern boundary, followed by a picket fence and then a 1.8 metre high close boarded fence, which runs for the extent of its eastern boundary.

The submitted plans show a detached, two storey, pitched roofed dwelling, with a forward projecting porch. The layout illustrates a new vehicular access off Grange Close, adjacent to the existing access serving the host property. This would lead to two off road parking spaces and a small amenity area.

The specific details and dimensions are available to view on the submitted plans.

The wider area has a strongly defined and legible residential character; with dwellings being of similar design, form and scale, occupying uniform plot size and consistent front and rear building lines.

The site is within the Limits to Development as identified by Policies S2 of the adopted and submitted Local Plans and lies within the catchment area for the River Mease Special Area of Conservation.

Planning history: -

01/01365/FUL - Erection of a single storey side extension to form a garage - Approved

17/00034/FUL - Demolition of existing garage and erection of detached building to provide two self-contained flats - Refused - 7 March 2017 - Appeal Dismissed.

2. Publicity

17 Neighbours have been notified (Date of last notification 9 August 2017)
Site notice posted (9 August 2017).

3. Summary of Consultations and Representations Received

The following summary of representations is provided.

Ashby de-la Zouch Town Council objects to the application.

Severn Trent have provided no comments on the application.

Leicestershire County Council - Highways have provided no comments on the application.

Leicestershire County Council - Flood Management refers to 'Standing Advice'.

NWLDC Environmental Health raises no objections.

Third Party Representations

Six letters of representation have been received. These raise the following issues:-

- o The application is contrary to the decision made by the Planning Inspector who dismissed the previous appeal on the site for a similar development.
- o Concerns over the position of the new driveway, this would be better sited opposite No.4
- o This revised scheme has 'squashed' the proposal, which has compromised the internal room sizes to an unacceptable scale.
- o No reference has been made within the application details that the existing garage is to be demolished.
- o There are concerns over where construction related traffic will park.
- o Ground instability, on the basis that the ground conditions could not support an additional dwelling and may result in structural damage to adjacent dwellings.
- o Grange Close is not able to cater for the additional traffic associated with the proposal, when taking into account the number of additional dwellings built since the Close was first constructed.
- o There will be highway safety implications as a result of the additional traffic associated with the proposal.
- o Drainage concerns in that the existing system may be inadequate and the development may be built over an existing drain.
- o The dwelling would result in over-development of the site and would have a negative impact on the occupants of the neighboring dwellings as a result.
- o The proposal will result in a loss of outlook.
- o The development will have a harmful impact, by way of overlooking on the privacy of surrounding dwellings.
- o The proposal will result in a loss of openness, a loss of view and will make the area feel crowded.
- o The dwelling proposed is not commensurate with the size of the site. The site is too small.
- o The dwelling is out of keeping with the character of the area and would have a negative visual impact on the estate.
- o The development would be at odds with the design and siting of the existing dwellings and adequate separation distances would not be retained.
- o The proposal will result in additional on street parking as no garage has been provided to serve the dwelling.
- o The development does nothing for the local community and cannot be deemed socially necessary.
- o There is no 'need' to provide housing on this site, as major developers are providing for the areas housing needs on other sites.
- o There are concerns that the estate is developing into a "Buy to Let land"

All responses from statutory consultees and third parties are available for Members to view on the planning file.

4. Relevant Planning Policy **National Policies**

National Planning Policy Framework (NPPF) - March 2012

The NPPF (Paragraph 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with the Framework. The closer the policies in the development plan to the policies in the Framework, the greater weight they may be given.

Save where stated otherwise, the policies of the North West Leicestershire Local Plan as listed in the relevant section below are consistent with the policies in the NPPF and, save where indicated otherwise within the assessment below, should be afforded weight in the determination of this application.

The following sections of the NPPF are considered relevant to the determination of this application:

Paragraph 14 (Presumption in favour of sustainable development)
 Paragraph 28 (Supporting a prosperous rural economy)
 Paragraph 49 (Delivering a wide choice of high quality homes)
 Paragraph 57 (Requiring good design)
 Paragraph 64 (Requiring good design)
 Paragraph 118 (Conserving and enhancing the natural environment)
 Paragraph 203 (Planning conditions and obligations)
 Paragraph 204 (Planning conditions and obligations)

Adopted North West Leicestershire Local Plan (2002)

The application site is within Limits to Development as defined in the adopted North West Leicestershire Local Plan. The following Local Plan policies are relevant to this application:

Policy S2- Limits to Development
 Policy E3 - Residential Amenities
 Policy E4 - Design
 Policy H4/1 - Housing Land Release
 Policy T8 - Parking
 Policy H6 - Housing Density
 Policy H7 - Housing Design

Submitted North West Leicestershire Local Plan

The publication version of the Local Plan was agreed by Council on 28 June 2016 and submitted for examination on 4 October 2016. Examination hearing sessions were held in January and March 2017 and the Council undertook a six week consultation on its Main Modifications from 12 June 2017. The comments received have been considered. The Council's position is that no further changes are required. All of the comments received, together with the Council's response, have been forwarded to the Inspector who will, in due course, advise of the next steps. The weight to be attached by the decision maker to this submitted version (as proposed to be modified) should be in accordance with the approach set out in Paragraph 216 of the NPPF, having regard to the stage now reached towards adoption, the extent to which there are unresolved objections to the policies relevant to the determination of this application, and the degree to which the emerging policies are consistent with the NPPF."

S1 - Future Housing and Economic Development Needs

S2 - Settlement Hierarchy
D1 - Design of New Development
D2 - Amenity
H6 - House Types and Mix
IF7 - Parking Provision and New Development
EN2 - River Mease Special Area of Conservation
CC2 - Water - Flood Risk
CC3 - Water - Sustainable Drainage Systems

Submission Draft Ashby Neighbourhood Local Plan

The Submission Draft of the Ashby Neighbourhood Local Plan was submitted to the Council on 1 August 2017. The Council has undertaken a six week consultation on the Draft Neighbourhood Plan and will now arrange for an examination. The weight to be attached by the decision maker to this submitted version should be in accordance with the approach set out in Paragraph 216 of the NPPF, having regard to the stage now reached towards adoption, the extent to which there are unresolved objections to the policies relevant to the determination of this application, and the degree to which the emerging policies are consistent with the NPPF.

Policy S1 - Presumption in favour of sustainable development
Policy S2 - Limits to Development
Policy S4 - Design
Policy TC4 - Residential Development

Other Policies/Guidance

National Planning Practice Guidance - March 2014.
The Good Design Supplementary Planning Document - April 2017.
The Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations').
River Mease Water Quality Management Plan - August 2011.
River Mease Water Quality Management Plan - Developer Contribution Scheme June 2016.

6Cs Design Guide (Leicestershire County Council)

The 6Cs Design Guide sets out the County Highway Authority's requirements in respect of the design and layout of new development.

5. Assessment

The main issues for consideration in the determination of this application relate to the principle of the development, impacts on character, appearance and design, residential amenities, highway safety, drainage and floodrisk and on the River Mease Special Area of Conservation/SSSI.

Principle

Insofar as the principle of development is concerned, and in accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the Development Plan which, in this instance, includes the adopted North West Leicestershire Local Plan (2002 (as amended)).

There are three core strands underpinning the presumption in favour of sustainable development promoted within the NPPF. These are economic, social and environmental. So

long as a development is consistent with these criteria, in principle the development should be considered acceptable.

The NPPF also requires that the District Council should be able to identify a five year supply of housing land with an additional buffer of 5% or 20% depending on its previous record of housing delivery. The Local Authority is able to demonstrate a five year supply of housing (with 20% buffer) against the requirements contained in the submitted Local Plan.

The site is located within Limits to Development, within Policy S2 of the adopted Local Plan where there is a presumption in favour of sustainable development and would also fall within Limits to Development within Policy S2 of the submitted Local Plan and would fall to be considered against Policy S2, which supports significant growth in Ashby and therefore is supportive of infill residential development.

Overall the proposal is considered to represent sustainable development and, therefore, the application is considered acceptable in relation to the NPPF. The proposed scheme is also considered to comply with the core principles of the NPPF, and thus in principle, the development is considered acceptable.

Character, Appearance and Design

Concerns have been raised that the dwelling proposed is not commensurate with the size of the site, would be out of keeping with the character of the area, would have a negative visual impact and would be at odds with the design and siting of the existing dwellings.

The site is currently used as garden land, which is excluded from the definition of previously developed land set out in the NPPF, and therefore effectively constitutes a greenfield site. The NPPF states that decisions should encourage the effective use of land by re-using land that has been previously developed and that Local Planning Authorities should consider the use of policies to resist inappropriate development of residential gardens.

Paragraph 53 within the National Planning Policy Framework states that Local Planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. The need for good design in new residential development is also outlined in Local Plan Policy H7, but also paragraphs 57, 60 and 61 of the NPPF, with paragraph 61 outlining that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations.

Therefore, decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment. Policy E4 indicates that in the determination of planning applications regard will be had to the wider settings of new buildings; new development should respect the character of its surrounding, in terms of scale, design, height, massing, materials of construction, the spaces between and around buildings and the street scene generally.

The pattern of existing residential development in the immediate vicinity of the site is predominantly characterised by properties within linear plots, set back from the road frontage, with parking to the front, and with rear gardens. This character is described by the Inspector within the recent appeal decision on this parcel of land, as being of "relatively consistent scale, design, alignment and spacing of these buildings combine to create a reasonably cohesive street scene" (Para 3).

For the avoidance of doubt, this application is considered to be markedly different to the recent appeal that was dismissed at the site.

The Inspector within the appeal confirmed that the proposed development would harm the character and appearance of the surrounding area due to it being:-

"readily visible development extending markedly beyond the reasonably strong building line established by the two pairs of semi-detached houses immediately to the south of the appeal site. The reduced sense of space and pronounced breaching of this slightly staggered existing building line would result in a visually awkward, somewhat cramped form of development that would sit uncomfortably with and cause harm to the existing street scene". (Para 6)

This application proposes a detached dwelling, as opposed to two flats. The footprint of the dwelling has been considerably reduced in width, resulting in a marginal projection forward of the established building line occupied by dwellings further south. This reduced footprint has resulted in increased separation distances between the built development and the highway edge, to both the north and east, thus maintaining the 'open' feel of the junction. Furthermore, both the front and rear buildings lines of dwellings to the west would be respected. Although the dwelling will continue to occupy a prominent corner plot, on balance, as per the reasons discussed, unlike the original application, the current scheme is not considered to result in a significantly harmful impact in terms of character.

The area is also predominantly characterised by semi-detached properties, although there are the existence of detached properties (such as No. 15 Grange Close), of two storey proportions. This is supported within the appeal decision, at neighbouring No. 9 Grange Close where the Inspector states that:- There are other detached two-storey domestic properties elsewhere nearby, including 15 Grange Close, such that I see no issue with the principle of such development in this broad locality" (Para 5). The scheme for a two storey detached dwelling, with a similar footprint to surrounding properties, is therefore considered acceptable in this case.

Concerns have been raised on grounds of overdevelopment. Whilst the existing plot would be sub-divided, adequate amenity and parking space would be provided for the proposed dwelling as well as being retained for the host dwelling. On the basis that the site could provide the necessary ancillary facilities, the development is not considered to constitute overdevelopment.

Having regard to the size of the site and the character of the surrounding area, it is considered that the proposal to subdivide the plot and erect a dwelling, would represent an efficient use of land in this instance. Therefore, the scheme is considered to be acceptable in relation to the advice contained in the NPPF and Policy H6 of the adopted Local Plan.

The roof design, is reflective of neighbouring No. 9 Grange Close and the scheme has incorporated a porch/canopy of a similar design to those found elsewhere on Grange Close. The scheme also proposes to be constructed in matching materials, and overall the design approach is considered to be acceptable.

On balance, the proposed dwelling would be in keeping with the character and appearance of the neighbouring dwellings and would respect the established streetscene, ensuring that a sense of openness is retained. The application is therefore considered to be compliant with Saved Policies H7 and E4 of the adopted Local Plan and Policy D1 of submitted Local Plan.

Impact upon Residential Amenity

Concerns have been raised within the letters of representation on grounds of overdevelopment, loss of outlook, loss of privacy, loss of openness and overshadowing.

There are windows within all elevations of the dwelling proposed, however those within the western elevation and the first floor window within the eastern elevation serve non-habitable rooms and are thus not considered to result in any material harm in terms of privacy.

There would be a distance of approximately 24 metres between the eastern elevation of the proposal and the principal elevations of numbers 6 and 8 Grange Close. Given the position of the windows within the facing elevations, there would be no direct overlooking and the presence of the highway and the considerable separation distance would render this relationship acceptable.

There would be a distance of approximately 23 metres between the northern elevation of the proposal and the facing dwelling on the opposite side of Grange Close. Given that the elevations would be staggered, there would be no direct overlooking into principal rooms. Furthermore as a result of the separation distance and the presence of the highway between, this relationship is considered acceptable.

The distance between the rear elevation of the proposal and the side gable of the dwelling at No. 7 Grange Close to the south would be just under 12 metres. There is a first floor window within this facing elevation, however this appears to be a secondary window. Although the first floor facing window within the proposed development would serve two bedrooms, given that they would have views towards a secondary window and would not be positioned directly in line with this, impacts in terms of privacy are, on balance are considered acceptable.

Although there would only be a distance of 1 metre between the gables of the host property and the proposed dwelling, such a relationship is commonplace on residential developments and thus is considered acceptable and would not cause any overbearing impacts.

The proposal would project slightly further back than that of the rear elevation of No.9.

Paragraph 13.7 within the Good Design SPD refers to the forty five degree ruling stating "New development next to an existing residential property should not normally project beyond a 45 degree line taken from the centre line of the nearest habitable window of any adjacent house."

The dwelling has been carefully designed to ensure it does not breach the 45 degree line and as such there are considered to be no materially harmful impacts arising in terms of overshadowing.

For the reasons set out above it is therefore considered that the proposal would not result in any significant overlooking, overshadowing or overbearing impacts, upon the occupiers of No's 9 and 7 Grange Close and given the separation distances, it is not considered that there would be any other residential properties significantly impacted upon as a result of the proposal.

Overall, it is considered that the development would not have any significant detrimental impacts upon the amenity of neighbouring residential properties (or future neighbouring residents) and the proposal is considered to be acceptable in relation to Saved Policy E3 of the adopted Local Plan and D2 of the submitted Local Plan.

Highway Considerations

A number of objections have been raised on highway safety and parking grounds. It is stated that the area is heavily congested with parked vehicles and this situation will be worsened by the fact that the proposal fails to provide a garage.

The scheme proposes a new access and driveway for the new dwelling. Grange Close is an unclassified road and therefore planning permission would not be required for the creation of a new access.

The new dwelling proposes 2 car parking spaces and the same number of spaces can be provided within the front driveway of the host dwelling (No. 9). The level of parking is therefore in accordance with the standards.

It has been suggested within the letters of representation that Grange Close is not able to cater for the additional traffic associated with the proposal, when taking into account the number of additional dwellings built since the Close was first constructed and that the traffic would result in highway safety issues.

Whilst it is accepted the proposed development would result in a further increase in vehicles within the area, when considered in relation to the existing situation (in terms of congestion and on street parking) the impacts directly associated with this development would be negligible and could not sustain a reason for refusal.

A number of concerns have also been raised in regards to the unsuitable siting of the proposed access. Similarly, whilst this is noted, although its position may not be ideal, given that it is onto an unclassified road, it is not subject to County Highway Authority control.

Queries over the parking arrangements for the construction related traffic have also been raised. Given that the development is for one dwelling, it is not considered reasonable or necessary to impose a condition to control the parking of construction related traffic.

Overall subject to the imposition of a condition in relation to the parking provision, it is considered that the development would not have any significant impact upon highway safety or parking provision and the scheme is acceptable in relation to Saved Policies T3 and T8 of the adopted Local Plan and Policy IF7 of submitted Local Plan.

Impact on the River Mease Special Area of Conservation/SSSI

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC). Discharge from the sewage treatment works within the SAC catchment area is a major contributor to the phosphate levels in the river. Therefore an assessment of whether the proposal would have a significant effect on the SAC is required.

The River Mease Developer Contribution Scheme (DCS) has been produced to meet one of the actions of the River Mease Water Quality Management Plan (WQMP). The DCS advises that all new development which contributes additional wastewater to the foul water catchment areas of the treatment works within the SAC catchment area will be subject to a developer contribution. The DCS is considered to meet the three tests of the 2010 CIL Regulations and paragraph 204 of the NPPF.

There is no capacity available under DCS1 and so DCS2 was adopted by the Council on 20 September 2016.

The average volume to mains from 3 bedroomed property is 278.4, based on Table F4 of DCS2 calculations and a contribution under the DCS is applicable. A Unilateral Undertaking is required to be undertaken to secure the contribution. The applicant has indicated they are willing to pay the required DCS2 contribution and the Council's solicitors have been instructed.

The flows from the dwelling needs to be taken into account against the existing headroom at Packington Treatment Works, which serves this area. At March 2016 capacity was available for 3368 dwellings but this is reduced by the number of dwellings that already have consent or are under construction at March 2016 (1444) and a further 390 which have subsequently been granted permission or have a resolution to permit in place, giving capacity for 1534 dwellings. As such it is considered that capacity is available at the relevant treatment works for the foul drainage from the site.

With regards to the surface water drainage, the Authority seeks that surface water should be discharged to a soakaway(s) or other sustainable drainage features which do not discharge to the mains. This development is proposing to discharge all surface water to a precast concrete soakaway within the rear garden of the proposal or to an attenuation tank beneath the southern parking area. As no specific details have been provided for these features, it is considered necessary to impose a planning condition to secure such.

Therefore it can be ascertained, subject to the legal agreement and recommended planning conditions, that the proposal on the site will, either alone or in combination with other plans or projects, have no likely significant effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI.

Drainage and Floodrisk

Drainage concerns have been raised within the letters of representation, suggesting that the existing system may be inadequate and the development may be built over an existing drain.

The site is located in Flood Zone 1 and is 'low risk' for surface water flooding.

Leicestershire County Council Flood Management have raised no objections to the development, referring to 'Standing Advice.'

No concerns have been raised by Statutory Consultees to suggest that the drainage system may not be able to cater for the development in question. In relation to the concern over the potential siting of the development over an existing drain, this will be dealt with under Buildings Regulations.

Other Matters

Issues raised within the letters of neighbour representation, not considered elsewhere within this report will be addressed below:-

Concerns have been raised that this revised scheme has 'squashed' the proposal, which has compromised the internal room sizes to an unacceptable scale. The sizes of internal rooms do not constitute a material planning consideration and therefore cannot influence the decision making process.

It has been stated that no reference has been made within the application details that the

existing garage is to be demolished. The existing garage has been denoted on the plans submitted with the application, however its demolition would not in itself require planning permission, so it would not specifically need to be referred to within the description of the development.

Concerns in relation to ground instability have been raised. Construction related implications of a development are not considered within the planning process, but are considered under Building Regulations. As such, this concern does not constitute a material planning consideration, and will therefore not influence the decision made.

Concerns have been raised that the estate is developing into a "Buy to Let land". This does not constitute a material planning consideration and will not therefore be taken into account in the decision making process.

Conclusion

In conclusion, the proposal is considered to represent sustainable development and, therefore, the application is considered acceptable in relation to the NPPF. The proposed development would be acceptable in terms of layout, scale, design, impact upon residential amenities, highway safety, flood risk and drainage and impact on the River Mease SAC/SSSI. As such, the integrity of the River Mease SAC would be preserved in accordance with Paragraph 118 of the National Planning Policy Framework and the 2010 Habitats Regulations and Circular 06/05.

There are no other relevant material planning considerations that indicate planning permission should not be granted.

Accordingly the application is recommended for planning permission, subject to the imposition of planning conditions and the completion of a S106 Legal Agreement.

RECOMMENDATION - PERMIT, subject to conditions in relation to the following: and the completion of a Section 106 legal agreement:

1. Timescale
2. Approved Plans
3. Finished Floor Levels
4. Materials Samples
5. Car Parking Spaces
6. Surfacing
7. Drainage
8. PD Removal

Non material amendment to reserved matters approval ref
15/00357/REMM (outline planning permission ref
14/00354/OUTM) to allow for the removal of chimneys to Plots
90-92 and 93-95 and the installation of chimneys to Plots 37,
71, 72, 98, 101 and 104

Report Item No
A3

Land Off Grange Road Hugglescote Leicestershire

Application Reference
17/01441/NMA

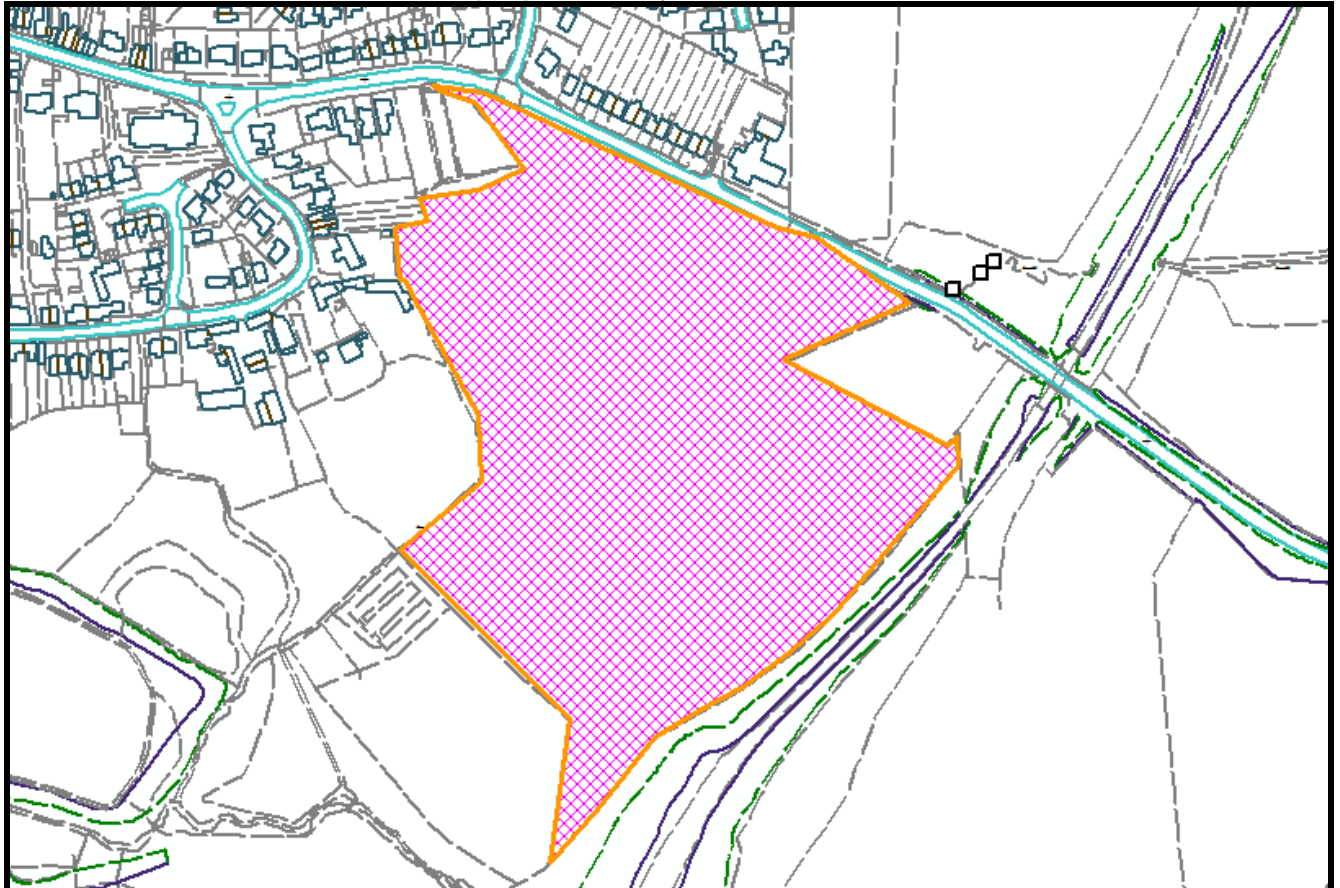
Applicant:
Taylor Wimpey UK Limited

Date Registered:
27 September 2017
Consultation Expiry:
No expiry date entered
8 Week Date:
25 October 2017
Extension of Time:
None Agreed

Case Officer:
James Knightley

Recommendation:
PERMIT

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Recommendation

Proposal

This application is made under Section 96A of the Town and Country Planning Act 1990, seeking approval for a non-material amendment in respect of an existing reserved matters approval for a residential development of 105 dwellings.

Consultations

None undertaken; this is an application for a non-material amendment.

Planning Policy

The application site is outside Limits to Development as defined within the adopted North West Leicestershire Local Plan and is identified as a site with planning permission within the submitted North West Leicestershire Local Plan.

Conclusion

The report below concludes that the overall impacts of the proposed amendments would be neutral in design terms, and would be non-material in the context of the scheme as a whole.

RECOMMENDATION:-

PERMIT, SUBJECT TO CONDITIONS

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

In July 2016, reserved matters approval 15/00357/REMM was granted for the erection of 105 dwellings with associated works on a site to the south of Grange Road, Hugglescote.

The current application, for a non-material amendment to that approval under Section 96A of the Town and Country Planning Act 1990, proposes changes to the disposition of chimneys within the development.

The application is referred to Planning Committee at the request of Councillor Johnson on the basis that the proposals would spoil the intrinsic view of the streetscape, and would not be in the public interest.

2. Publicity

No neighbours notified.

3. Summary of Consultations and Representations Received

None

4. Relevant Planning Policy

National Policies

National Planning Policy Framework

The NPPF (Paragraph 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with the Framework. The closer the policies in the development plan to the policies in the Framework, the greater weight they may be given.

Save where stated otherwise, the policies of the North West Leicestershire Local Plan as listed in the relevant section below are consistent with the policies in the NPPF and, save where indicated otherwise within the assessment below, should be afforded weight in the determination of this application.

The following sections of the NPPF are considered relevant to the determination of this application:

Paragraph 14 (Presumption in favour of sustainable development)

Paragraph 17 (Core planning principles)

Paragraph 57 (Requiring good design)

Paragraph 61 (Requiring good design)

Planning Practice Guidance

Advice on the approach to determining applications for non-material amendments is set out in paragraphs 17a-002-20140306 to 17a-012-20140306 of the DCLG's Planning Practice Guidance.

Adopted North West Leicestershire Local Plan (2002)

The application site is outside Limits to Development as defined in the adopted North West Leicestershire Local Plan. Whilst the statutory requirement set out under Section 38(6) of the Planning and Compulsory Purchase Act 2004 (determination in accordance with the

development plan unless material considerations indicate otherwise) does not apply in respect of applications for non-material amendments, the following adopted Local Plan policies are relevant to this application:

Policy E4 - Design

Policy H7 - Housing Design

Submitted North West Leicestershire Local Plan

The publication version of the Local Plan was agreed by Council on 28 June 2016 and submitted for examination on 4 October 2016. Examination hearing sessions were held in January and March 2017 and the Council undertook a six week consultation on its Main Modifications from 12 June 2017. The Inspector's report was received on 13 October 2017 which stated that the plan would meet the criteria for soundness in the NPPF subject to the proposed main modifications, and is expected to be considered by Full Council in November 2017 with a view to adopting the Plan. In accordance with the approach set out in Paragraph 216 of the NPPF, having regard to the stage now reached towards adoption, it is considered that significant weight can be attached to the policies contained in the plan.

The application site is identified as a site with planning permission under Policy H1 (site H1h) of the submitted North West Leicestershire Local Plan.

The following draft Local Plan policies are considered relevant:

Policy D1 - Design of new development

Other

Good design for North West Leicestershire SPD

5. Assessment

Advice on the approach to determining applications for non-material amendments is set out within the DCLG's Planning Practice Guidance. The guidance indicates that the key issue in determination such applications is whether the change from the approved scheme is non-material. It also clarifies that there is no statutory definition of "non-material" because it will be dependent on the context of the overall scheme; an amendment that is non-material in one context may be material in another.

The currently approved scheme shows a range of house types throughout the scheme, with chimneys included to approximately 25% of the units. The currently approved scheme includes chimneys to two three unit terraces (Plots 90-92 and 93-95). The applicant advises that, due to the timber framed construction method now proposed to be employed in the erection of these terraced units, the use of gable brick built chimneys on these plots would not be possible, and it is proposed to delete the chimneys from these units. As an alternative, the applicant proposes to provide chimneys to six detached units not previously incorporating them.

It is considered that the overall impact in design terms of redistributing the chimneys would be neutral. As such, given the minor nature of the changes, and the absence of any harm arising from them, (and when considered in the context of a scheme as a whole for the erection of 105 dwellings) it is considered that the proposed alterations would be non-material, and approval is therefore recommended.

Previous Changes

Under Section 96A of the Town and Country Planning Act 1990 in deciding whether a change is

material, a Local Planning Authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted. No previous amendments have been made to the scheme approved under application reference 15/00357/REMM.

Other Issues

Under Section 96A of the Town and Country Planning Act 1990 any decision issued should only relate to the non-material amendments sought and is not a reissue of the original planning permission, which still stands. However, the Local Planning Authority can impose new conditions and to remove or alter existing conditions through this process.

In this instance the only condition affected by the non-material amendment would be Condition 2 relating to the previously approved plans attached to the planning permission.

RECOMMENDATION- PERMIT, subject to the following condition(s):

1. Tying development to conditions attached to reserved matters approval ref. 15/00357/REMM
2. Approved Plans

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