

# **UPDATE SHEET**

**PLANNING COMMITTEE – 9 JANUARY 2018**

**To be read in conjunction with the  
Head of Planning and Regeneration's Report (and Agenda)  
This list sets out: -**

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

**A1 17/01237/OUT Proposed agricultural workers dwelling (outline – means of access for approval).**

Barn Farm, Babelake Street, Packington, Ashby De La Zouch, Leicestershire, LE65 1WD.

**Additional Information Received:**

Following the publication of the Committee report additional information has been submitted by the planning agent which refers to an approved application determined by Hinckley and Bosworth Borough Council (HBBC) (HBBC ref: 14/00533/FUL) where the District Council's Independent Agricultural Planning Advisor (IAPA) acted as the planning agent. The application referred to a farm with a calf rearing beef unit and within the Officer report in association with the above application and where it was concluded that there was a need for a full-time worker and that worker had to reside within sight and sound of the holding for functional reasons. The planning agent agrees with the conclusions raised in the HBBC report which he considers are relevant to this application.

In respect of the Committee report the planning agent states that whilst a retired staff member could provide onsite care in alerting the full-time staff member of an emergency it would be unreasonable for them to undertake physical checks of the animals in times such as the lambing period when monitoring is required through the night. The potential use of modern technology on the holding has also been dismissed by the planning agent by virtue of the fact that given the number of livestock it would be impossible to monitor them. To substantiate this claim a letter has been submitted by the applicants vet.

Full copies of the additional information are available to view on the public file.

**Officer comment:**

With regards to the additional information submitted from the planning agent it is considered that the farming operations of the applicant are not substantially different to those considered in the application approved by HBBC where the Council's IAPA acted as the planning agent. In these circumstances it is considered that it would be necessary for the full-time worker to have an on-site presence within sight and sound of the holding and as such the application site is the most feasible for the provision of the dwelling given that no properties are available within the settlement which would meet this criteria. The use of modern technology, in this instance, would also be impracticable due to the stock numbers and on the basis of the conclusions reached by the applicants vet.

Whilst accepting the site and sound argument above, it remains the case that there is no financial justification for the provision of a dwelling which would seriously undermine the economic viability of the farming enterprise. In addition, it is still considered that the application is premature as the potential profit revenues which may be generated by increased stock numbers and improvements in the farming operations in the future not being realised at this time. It is also the case that there is no mechanism as part of any planning permission granted which could secure increased stock numbers and improvements in the farming operations.

**RECOMMENDATION: No change to recommendation**

**A2**      **17/01575/OUT**      **Erection of one detached, self build dwelling  
with detached double garage and formation of  
new access (access and layout included)**  
Land Off Redburrow Lane, Normanton Road,  
Packington

**Officer comment:**

The application has been withdrawn from the agenda following agreement with the Chairman of Planning Committee, Officers and the applicant, and will be reported back to a future meeting of the Planning Committee.

**A3**

**17/01326/REMM**

**Erection of 166 dwellings with associated public open space, infrastructure and National Forest planting (Reserved matters to outline planning permission reference number 17/00423/VCUM)**  
Land off Greenhill Road, Coalville

It is noted that the columns in the tables on page 50 of the main agenda have become misaligned during formatting and, for the avoidance of doubt, corrected versions are reproduced below.

**HEDNA suggested mix:**

| <i>Tenure</i> | <i>No. of Bedrooms (% of each tenure type)</i> |          |          |          |
|---------------|--|----------|----------|----------|
|               | <i>1</i>                                       | <i>2</i> | <i>3</i> | <i>4</i> |
| Market        | 0-10   | 30-40    | 45-55    | 10-20    |
| Affordable    | 30-35  | 35-40    | 25-30    | 5-10     |

**Submitted scheme:**

| <i>Tenure</i> | <i>No. of Bedrooms</i> |          |          |          |
|---------------|------------------------|----------|----------|----------|
|               | <i>1</i>               | <i>2</i> | <i>3</i> | <i>4</i> |
| Market        | -                      | 3        | 42       | 54       |
| Affordable    | 42                     | 39       | 18       | -        |

**Additional Consultee Responses**

**Leicestershire County Council Highway Authority** has confirmed that the amended plans do not meet its requirements for adoption as set out in the 6Cs Design Guide (including in respect of geometry, carriageway width, service margins, junction and forward visibility, speed control, remote parking, turning space, carriageway drainage and landscaping). However, on the basis of the applicant's indication that it would intend to retain the proposed roads within private ownership (and whilst it notes that it would be unusual for a development of this scale to not remain private), the County Highway Authority accepts that there would be no impact on highway safety, and raises no objections subject to conditions, and subject to the applicant entering into a legal agreement to ensure the internal roads' maintenance in perpetuity by a management company.

**Additional Third Party Representations**

Two further representations have been received (including correspondence circulated to members of the Planning Committee), objecting on the following additional grounds to those summarised in the main report:

- An arboretum should be provided within the public open space adjacent to the western boundary of the site
- Lack of bungalows
- Too many one bed dwellings
- Development contrary to HEDNA mix
- Application should be deferred to secure changes to the scheme
- Proposed estate road adjacent to the public open space adjacent to the western boundary of the site should not connect through and have an additional planting area with footpath included

- Proposed landscaping adjacent to the western boundary should be planted with hedges / shrubs of minimum height 1.8m
- Fully engineered, technically tested, design for proposed slopes should be submitted
- Site gradients should be reduced
- Scheme does not comply with the development framework plan and Design and Access Statement
- Improved garden security required for proposed dwellings in the north eastern part of the site
- Dry stone walls should be retained
- Design Code has not been the subject of public consultation
- A swale should be provided to central area of public open space
- Proposed road adjacent to Jacquemart Close should be removed
- Landscape buffer will take time to mature
- Police consultation response does not take site contours into account
- Proposed buffer planting trees too close to one another and will destabilise soil
- Scots pine not suitable for proposed buffer planting
- Urban Designer's objections were removed without explanation
- Number of storeys not clear

[The above represents a summary of the submitted representations which are available to view in full if required.]

#### **Officer Comments**

As set out above, the County Highway Authority raises no objection to the submitted scheme subject to conditions, and subject to the applicant entering into an undertaking to ensure the roads are maintained, and to ensure that future petitions are not lodged to request their adoption by the County Council.

The conditions recommended by the County Highway Authority (which relate to hard surfacing, gates / boundary treatment and measures to prevent surface water draining onto the public highway) are already addressed in the conditions set out in the main report or as already attached to the outline planning permission. Insofar as the County Highway Authority's request that a legal agreement be entered into to ensure that the roads be maintained by a management company is concerned, it is noted that a draft agreement has been provided by the applicant to this effect. Whilst it is considered that the maintenance mechanism itself could be adequately dealt with by way of condition, any undertaking not to petition the County Highway Authority in the future to adopt could not be (and is not directly a planning issue). However, should Committee resolve to permit the application, this issue can be resolved subsequently between the Local Planning Authority, County Highway Authority and applicant and taking into account any relevant advice from the Head of Legal and Support Services in terms of whether the release of any reserved matters approval would need to await completion of such an agreement. In terms of the issue of waste collection, from the planning point of view, it would appear that there would be no reason why waste collection vehicles could not physically access the development to collect waste in the usual way; whilst collection from non-adopted roads can cause issues in terms of liability for damage etc., this would also seem capable of being addressed by way of an agreement with the applicant relating to the operation of the management company; the District Council's Waste Services team confirms that this would be an acceptable approach from its point of view.

#### **NO CHANGE TO RECOMMENDATION**

**A4**

**17/01379/FUL**

**Change of use of dwelling house to a house in multi occupation (HMO) use (sui generis use) and two storey rear extension**  
95 Sideley, Kegworth

**Additional Consultee Responses**

**Leicestershire County Council Highway Authority** confirms that it concurs with the officer view set out within the section entitled "Highway considerations" within the main report.

**NO CHANGE TO RECOMMENDATION**

**Additional information received:**

One additional letter of representation has been received, raising objection on the following grounds:

- the applicant has previously sought permission for a dwelling on the land, which was refused;
- approval would set a precedent for similar development proposals;
- overshadowing of and loss of outlook from BlackBerry House;
- loss of land which makes a positive contribution to the rural landscape;
- additional traffic and congestion on Pitt Lane raises highway safety concerns;
- noise and disturbance associated with the construction phase.

**Officer comments:**

With the exception of noise and disturbance associated with the construction phase, which would be addressed by separate legislation should an issue arise, all of the other issues raised have already been addressed in the main report.

**Additional information received from the Housing Strategy team:**

The Housing Strategy team has reviewed the Housing Allocations Policy and advises that the applicant may be eligible to go on the housing register. However, the applicant has not approached the Housing team to test and determine their eligibility, and at this stage, whether the applicant is eligible or not cannot be established.

**Officer comments:**

The knowledge that the applicant 'may' be eligible does not change the officer recommendation. The proposed dwelling would not meet a local need for affordable housing as identified through the Housing Needs Survey. The applicant's need is a local need not a local need for affordable housing. The applicant has demonstrated that they have the finances available to fund the build themselves and therefore, have a choice to meet their own need. The initial occupation would not be as an affordable dwelling and the dwelling that would be available in perpetuity would not meet an identified housing need. The proposal would not meet the tests for a Rural Exceptions Site and in the absence of any local or national policies which support local needs housing, the proposal falls to be considered as a new dwelling in the countryside, which is not be a form of development that is permitted by the relevant policies of the adopted Local Plan (S2 and S3) or advice in the NPPF.

**RECOMMENDATION: NO CHANGE TO RECOMMENDATION.**

A6

17/01622/FUL

**Erection of detached dwelling.  
Church View, 59 The Moor, Coleorton**

**Additional Information Received:**

A supplemental Planning Statement says that the application was submitted prior to the Local Plan 2017 and after pre-application advice. It asserts that the application should be determined in accordance with the policies that formed the Development Plan at the time of submission rather than the adopted Local Plan at the time of the decision.

The Statement goes on to say that the site is previously developed, and that the presumption in favour of sustainable development should apply in line with the NPPF, the old Local Plan, and the Local Plan 2017.

It says that the development will provide an affordable home in a village which has a range of services and public transport. The proposed house will provide a home for the applicants to live in releasing the host property to the market for a family. It then details distances to local services such as pubs, schools and bus stops.

The Statement discusses Local Plan 2017 Policies to some degree and states that there is a need for new houses.

**Officer Comments:**

The Planning Statement highlights matters that are addressed by the report. It is the case that the Local Plan was adopted during the course of the application, but at the time of pre-application advice there was no set date for adoption – the Council was awaiting the Inspector's report on the Local Plan. Furthermore, the NPPF states that applications are to be determined in accordance with the Development Plan; the Development Plan is now the adopted Local Plan 2017, and not the former Local Plan which ceased to have any weight as of the 21<sup>st</sup> November, 2017.

The other matters regarding affordability and sustainability have limited weight; for the house to be affordable a legal agreement would need to be agreed to ensure that it was affordable in perpetuity, not just that the house will be cheaper than the applicants reside now; and the village is not considered to be sustainable in the Local Plan 2017; hence the constriction of the Limits to Development for Coleorton.

**RECOMMENDATION – No change to recommendation: REFUSE.**

**A7**

**17/01606/FUL**

**Erection of detached dwelling.  
30 Ashby Road, Newbold Coleorton**

**Additional Information Received:**

An email was received from the Planning Agent confirming that Worthington Parish Council support the proposals, including the meeting minutes for clarity.

It points out a previously approved house off Pipeyard Lane (ref 16/01161/FUL) in which reference was given to Policy S2 of the Local Plan, which was yet to be formally adopted at that point, as well as a sustainability assessment of the site. The report for that application states that 'Overall it is considered that the modest form of development proposed, a two bed dwelling, could be supported by the services which exist within the settlement'.

A separate point refers to the lack of policies within the Local Plan 2017 that support local needs or self-build properties which the NPPF encourages.

**Officer Comments:**

Worthington Parish Council's support of the application is noted.

The application off Pipeyard Lane was submitted and determined when the old Local Plan was the Development Plan and this included the site within the Limits to Development. Furthermore the Officer's report has been taken out of context; it stated that the site was within the Limits to Development and was, therefore, acceptable in principle. It then addressed other policies that may have carried weight; in this instance it referred to Policy H4/1 of the old Local Plan and Policy S2 of the then submitted Local Plan. Both of these policies carried little weight at the time of determination so were given limited consideration. Whilst the village of Newbold Coleorton was noted as having a range of services this was based on the fact that the village had Limits to Development and accordingly was considered to be sustainable in the old Local Plan. The Local Plan 2017 has removed the Limits to Development from Newbold Coleorton, as it lacks the key services and facilities considered necessary to be wholly sustainable.

The point relating to local needs and self-build properties is somewhat misguided; local need and self-build properties are encouraged, as are other forms of development, but only where they accord with the Development Plan. In this instance, the proposals do not accord with the Development Plan as they are outside the Limits to Development and within a Village that is not considered to be as sustainable as others in the District.

**RECOMMENDATION – No change to recommendation: REFUSE.**