

UPDATE SHEET

PLANNING COMMITTEE – 07 October 2014

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

This list sets out: -

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

MAIN REPORT

A1 14/00535/FULM – Land South of Babelake Street, Packington

Secretary of State Call-in:

A third party has recently requested that the application be called in for determination by the Secretary of State. The request is currently being processed by the National Planning Casework Unit (NPCU) and the Authority has been advised not to issue a decision on the planning application. The NPCU advise that Members can consider the application and make a resolution and that the outcome of the Planning Committee meeting should be reported to NPCU.

For Members information, the third party considers that the applicant failed to submit full and complete information to enable a proper assessment of whether the application should have been subject to an Environmental Assessment and to submit information and carry out assessments as required by the National Planning Policy Guidance.

Officer Response: As stated at pages 29 and 45 of the report in the Main Agenda, it is the view of officers that an EIA is not required. Members are advised that the Council was fully aware of the proximity of Champneys Springs to the site when the screening opinion was originally made (and the impact on the Health Resort was in the Council's contemplation when the Screening Opinion was issued). Therefore, it was, and it remains the Officers view that an EIA is not required and the screening opinion of the Council remains that the development is not likely to have significant effects on the environment by virtue of its nature (including its noise and visual impact), size, location and its proximity to neighbouring properties including Champneys Springs Health Resort.

However, as stated above, the Authority is not in a position to issue a decision whilst the call-in request is pending.

Letter from Andrew Bridgen MP:

A letter has also been received from Andrew Bridgen MP which is attached for Members information.

Consultation Responses:

The following additional consultee responses have been received:

Packington Parish Council has no objections to the proposed amended plans.

County Ecologist has confirmed their agreement to suggested conditions 19, 20 and 21.

Environment Agency has no objections to the proposal. Following the submission of additional information with respect to suggested condition 22, the Environment Agency suggests a revised wording of the condition.

Officer Response: AMEND CONDITION 22.

Coal Authority has no objections to the proposal. Following the submission of additional information, the Coal Authority advises that the applicant has undertaken intrusive site investigations and no evidence of mine workings or voids were encountered. Accordingly, the Coal Authority advises that no specific remedial measures are recommended to address the coal mining legacy.

Officer Response: REMOVE SUGGESTED CONDITION 3.

County Archaeologist advises that the application area has a potential to include heritage assets with an archaeological interest. The development proposals include works (e.g. foundations, services and landscaping) likely to impact upon those remains. Therefore, the Local Planning Authority should require the developer to record and advance the understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance (in accordance with NPPF Section 12, paragraph 141). To ensure that any archaeological remains present are dealt with appropriately, it is recommended that the applicant should provide for an appropriate level of archaeological investigation and recording. The County Archaeologist raises no objections subject to the imposition of appropriately worded conditions and note to applicant.

Officer Response: ADD SUGGESTED CONDITIONS AND NOTE TO APPLICANT.

National Forest Company request that enhanced woodland planting be provided within the scheme as the proposal would prevent the use of the land for tree planting.

Officer response: It is difficult to envisage where any significant additional tree planting could be accommodated within the site without resulting in overshadowing of the proposed solar panels. Furthermore, the proposal would not result in the permanent loss of land for tree planting, and the proposal is a renewable scheme which will assist in the reduction of carbon emissions. On balance, it is considered that the scheme is considered acceptable as submitted, subject to the landscaping conditions as set out in the Main Report.

Third Party Representations:

80 additional letters of representation have been received and can be broken down as follows:

1 letter of support has been received, raising the following comments:

- Any visual impacts on Champneys Springs could be dealt with through mitigation (new hedgerow planting).

70 letters of objection (70 being a standardised response) from employees of Champney Springs Health Resort, raising the following concerns:

- One of the main attractions of Champneys Springs is the peaceful, rural location and the proposal could significantly affect the resort;
- No objection to renewable energy in principle but the proposed site is inappropriate close to a tourist facility and in the National Forest;
- The customers of Champneys Springs are used to open green spaces and a real sense of escape and without this the resort will be less attractive to visitors which would affect the business and its employees;
- The appeal of Champneys Springs (its rural location) will be harmed;
- Other more suitable sites should be considered as required by Government Policy;
- Noise and disturbance during the construction phase will affect guests and the business at Champneys Springs as loyal customers may seek alternative venues in more peaceful locations;
- Loss of job security for employees of Champneys Springs due to the adverse impact of the development on the business.

1 letter of objection has been received from a representative of Champneys Springs Health Resort, raising the following concerns:

- Many of the letters of support received are pro-forma letters and the authenticity of the letters should be checked, as a number are sent from locations some distance away from the site;
- The proposal is contrary to Development Plan and the National Planning Policy Framework and Guidance. There has been no site selection assessment to identify brownfield sites or low quality agricultural land first. The applicant has failed to carry out any visual impact assessment or any social/economic impact of Champneys Springs;
- The application should be refused as there are no material considerations to warrant granting planning permission;
- The application has been referred to the National Planning Casework Unit.

8 individual letters of objection have been received, raising the following concerns:

- The proposal is contrary to the Local Plan and National Policy;
- Other sites should be considered;
- The application should be deferred to allow consideration of an alternative access to the site,
- Babelake Street is unsuitable for the level and type of traffic required for the development;
- An alternative route of Gallows Lane would be preferable to using a poorly maintained, single track road used by cyclists, joggers, walkers, horse riders and farm traffic (potential for conflicts which raises highway safety concerns);
- Damage is likely to occur along the construction traffic route;
- A more suitable access off Gallows Lane, adjacent to the entrance to Champneys Springs is available and has been used by large farm vehicles for years;
- Adverse impact on views;
- The proposal would be an eyesore in this rural setting within the National Forest;
- Pollution;
- Unsuitable siting of the proposal next to a local tourist facility;
- Adverse impact on Champneys Springs Health Resort which is a significant local employer;
- The proposal will affect public rights of way;

- The proposal will not bring any local employment or economic benefits to the local community;
- Loss of countryside;
- Benefits for farm diversification, job security, education opportunities, community pride and preservation of a rural way of life do not outweigh concerns about the impact on the local tourism economy;

Officer Response:

It is considered that all of the above matters have already been addressed within the report found within the Main Agenda.

Other Matters:

A revised footpath plan has been provided at the request of officers showing a hedgerow on one side of the footpath. This was required to ensure that the drawing tallies with the previously submitted amended plans.

Officer Response – UPDATE CONDITION 2.

A plan showing a revised access position has been submitted by the applicant. The plan shows the access position being shifted further east along Babelake Street to a position roughly in line with the existing agricultural access to the site. The amendment is required due to the originally proposed access being routed through an existing tree and telegraph pole.

Officer Response – The County Highways Authority and County Footpaths Officer have been consulted on the amendment and their comments are awaited.

In an attempt to reduce the number of pre-commencement conditions, the applicant's agent has submitted additional details with respect to the following suggested conditions:

Condition 4 (details of landscape bund)

A plan has been received showing a 1m high bund with a depth of 5m with a 1m deep native hedgerow planted across the top of the bund at its highest point. Additional information about species and planting specification can be found in the supporting Landscape and Ecological Management Plan.

Officer Response: UPDATE CONDITIONS 4 AND 2 (APPROVED PLANS)

Condition 11 (Removal Method Statement)

A written Removal Method Statement setting out the protocol for when any PV module needs removing or replacing has been provided and is considered acceptable.

Officer Response: AMEND CONDITION 11.

Condition 12 (materials)

A materials schedule has been provided and is considered acceptable.

Officer Response: UPDATE CONDITION 12.

An amended Landscape and Ecological Management Plan (dated September 2014) has also been provided to address the discrepancy outlined in note to applicant 5 as shown on the report within the Main Agenda.

Officer Response: AMEND CONDITIONS 4 AND 21 AND REMOVE NOTE 5.

RECOMMENDATION: NO CHANGE TO RECOMMENDATION, SUBJECT TO THE FOLLOWING ADDITIONAL/AMENDED CONDITIONS, AND SUBJECT TO NO CONTRARY

**REPRESENTATIONS BEING RECEIVED FROM THE
COUNTY HIGHWAYS AUTHORITY.**

IT IS NOTED THAT MEMBERS RESOLUTION ON THE PROPOSAL IS SOUGHT AT THIS TIME PENDING THE OUTCOME OF THE REQUEST TO CALL IN THE APPLICATION BY THE SECRETARY OF STATE.

Conditions to be Amended:

CONDITION 2 (Approved Plans)

The proposed development shall be carried out strictly in accordance with the following schedule of plans, unless otherwise required by a condition of this permission:

- Drawing no. BRS.5081_05-1 (Site Location Plan) received by the Authority on 27 June 2014;
- Plan no. 1.0 (Park Farm Site Layout Plan) received by the Authority on 06 October 2014;
- Drawing no. CASF440AA_02 (Substation detail) received by the Authority on 27 June 2014;
- Plan No.10 (Park Farm Deer Fence Elevations) received by the Authority on 27 June 2014;
- Plan No. 8.0 (Park Farm Pre Cast Switch Substation (Transformer) received by the Authority on 27 June 2014;
- Plan No, 6.0 (Park Farm Deer Fence Elevations as shown on Fig 2 only) received by the Authority on 27 June 2014;
- Plan No. 5.0 (Park Farm Table Elevations) received by the Authority on 27 June 2014;
- Plan No. 9.0 (Park Farm Footpath Plan) received by the Authority on 27 June 2014;
- Drawing no. BRS.5081_04-A (Tree Retention/Removal Plan and Tree Protection Plan) received by the Authority on 27 June 2014;
- Drawing no. I005(01)-29-01-0 (WPD 33kv GRP Substation - Switchroom Details) received by the Authority on 28 July 2014;
- Drawing no. I009(01)-29-01-0 (Client Substation) received by the Authority on 28 July 2014;
- Drawing no. BRS.5081_11-C (Site Layout and Planting Proposals) received by the Authority on 08 September 2014;
- Drawing no. GM-200 Rev C (Access Track Section Details) received by the Authority on 08 September 2014;
- Drawing no. ALL-002 (Proposed Gate Detail) received by the Authority on 08 September 2014;
- Drawing entitled Customer Substation (CSS) (Revision 5) received by the Authority on 08 September 2014;
- Drawing no. BRS.5081_14-C (Landscape and Ecological Management Plan) received by the Authority on 06 October 2014;
- Drawing number BRS.5081_15-1A (CCTV Location Plan) received on 17 September 2014;
- Drawing entitled CCTV Camera Pole – Type 1 received on 17 September 2014;
- Drawing entitled CCTV Camera Pole – Type 2 received on 17 September 2014;
- Drawing entitled CCTV Camera Pole – Type 3 received on 17 September 2014;
- Drawing entitled CCTV Camera Pole – Type 4 received on 17 September 2014;
- Plan No. 9.0 (Park Farm Footpath Plan) received by the Authority on 07 October 2014.

Reason - For the avoidance of doubt and in the interests of proper planning.

Condition 4 (landscaping)

The development shall be carried out in accordance with landscaping proposals set out on drawing no. BRS.5081_11-C (Site Layout and Planting Proposals) received by the Authority on 08 September 2014, and drawing no. BRS.5081_14-C (Landscape and Ecological Management Plan) showing details of the earth bund along the north western boundary received by the Authority on 06 October 2014, supported by the details provided in the Landscape and Ecological Management Plan received by the Authority on 25 September 2014, and be carried out within the first planting season following the first export. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees, shrubs, hedgerow or grass which die or are damaged, removed, or seriously diseased shall be replaced by trees, shrubs, hedgerow or grass of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reason- In the interests of visual amenity and to ensure that the work is carried out within a reasonable period and thereafter maintained.

Condition 11 (Removal Method Statement)

In the event that any PV module needs to be removed or replaced before the expiry of this planning permission, other than in accordance with condition 25 (decommissioning), the removal or replacement of any module shall be carried out in compliance with the approved Removal Method Statement received by the Authority on 06 October 2014.

Reason- To ensure best practices throughout the removal phase of the development.

Condition 12 (external finishes schedule)

The development hereby permitted shall be carried out in accordance with the materials schedule received by the Authority on 01 October 2014. Once implemented, the approved material finishes shall be thereafter retained as such for the life of the development.

Reason- In the absence of full details and in the interests of visual amenity.

Condition 21 (Ecology)

The development hereby permitted shall be carried out in strict accordance with the Landscape and Ecological Management Plan by MWA Ecological Consultants (dated September 2014) and the Construction Environmental Management Plan by Pegasus dated August 2014, unless otherwise agreed in writing by the Local Planning Authority.

Reason - To protect the River Mease SAC/SSSI during the development phase of the solar farm.

Condition 22 (Surface water run-off)

The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (23rd May 2014/ V1/ reference 14011/04/ Clive Onions consulting civil engineer) and supporting technical drawings ('Swale Standard Details' Oct 14, 'French Drains Standard Details' Oct 14, 'Access Track Standard Details' Oct 14), and must include all the mitigation measures detailed within the FRA and technical drawings, including:
- Installation of French Drains around the perimeter of the transformer station(s) in accordance with Clive Onions Consulting Civil Engineer Drawing 'French Drains Standard Details' (Oct 14).

- Installation of Swales around the site in accordance with Clive Onions Consulting Civil Engineer Drawing 'Swales Standard Details' (Oct 14) and proposed layout in the approved FRA.
- Construction of Access Roads in accordance with Clive Onions Consulting Civil Engineer Drawing 'Access Track Standard Details' (Oct 14) and proposed access track layout in the approved FRA.

The mitigation measures shall be fully implemented prior to the development being brought into use and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason - To prevent surface water flooding by ensuring the satisfactory management of surface water from the site. To reduce the risk of surface water flooding to the proposed development and future occupants.

Conditions to be Removed:

CONDITION 3 (Coal Mining)

Conditions to be Added:

No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of significance and research questions; and:

- The programme and methodology of site investigation and recording
- The programme for post investigation assessment
- Provision to be made for analysis of the site investigation and recording
- Provision to be made for publication and dissemination of the analysis and records of the site investigation
- Provision to be made for archive deposition of the analysis and records of the site investigation
- Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No demolition/development shall take place other than in accordance with the Written Scheme of Investigation.

Reason - To ensure satisfactory archaeological investigation and recording

The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (INSERT) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason - To ensure satisfactory archaeological investigation and recording

NOTES TO APPLICANT

Additional Note to Applicant:

With respect to condition (INSERT), the applicant is advised that the Written Scheme of Investigation (WSI) must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.

The Historic and Natural Environment Team, as advisors to the planning authority, will monitor the archaeological work, to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the planning authority.

Note to applicant to be Removed:

Note 5.

Andrew Bridgen MP



HOUSE OF COMMONS

LONDON SW1A 0AA

Cllr David Stevenson
Chairman NWLDC Planning Committee
Council Offices,
Coalville,
Leicestershire,
LE67 3FJ.

Wednesday 1st October 2014

Application – 14/00535/FULM

Dear Cllr Stevenson,

I am writing regarding the above application for the Installation of ground mounted photovoltaic solar arrays on land south of Packington.

I have had concerns raised with me about this application due to its impact on arable land and its visual intrusiveness to local businesses. I recently met with the Solar Trade Association who informed me that solar farm developers, builders or tenants who are members of the STA comply with the following best practice guidance:

- We will focus on non-agricultural land or land which is of lower agricultural quality.
- We will be sensitive to nationally and locally protected landscapes and nature conservation areas, and we welcome opportunities to enhance the ecological value of the land.
- We will minimise visual impact where possible and maintain appropriate screening throughout the lifetime of the project managed through a Land Management and/or Ecology plan.
- We will engage with the community in advance of submitting a planning application.
- We will encourage land diversification by proposing continued agricultural use or incorporating biodiversity measures within our projects.
- We will do as much buying and employing locally as possible.
- We will act considerately during construction, and demonstrate ‘solar stewardship’ of the land for the lifetime of the project.
- We will seek the support of the local community and listen to their views and suggestions.
- We commit to using the solar farm as an educational opportunity, where appropriate.
- At the end of the project life we will return the land to its former use.

I would ask the committee whether they are satisfied that this application meets the 10 tests set out by the Solar Trade Association

Member of Parliament for North West Leicestershire
Tel: 01530 41 77 36 Fax: 01530 56 08 96
Email: andrew.bridgen.mp@parliament.uk
www.andrewbridgen.com

In addition I would like to draw to the attention of the committee my recent Parliamentary question to the Energy Minister regarding Solar Farms:

‘Andrew Bridgen (North West Leicestershire) (Con): Many rural communities in my constituency of North West Leicestershire have considerable concerns about the current flurry of planning applications for large-scale solar farms on greenfield sites. My constituents therefore have considerable sympathy for those protesters campaigning against the current high-profile application by Borchester Land to build a large-scale solar farm on the Berrow estate in Ambridge. Would a Minister care to comment on that situation?

The Minister of State, Department of Energy and Climate Change (Gregory Barker): My hon. Friend knows that it is a rule not to comment on individual planning cases, but, having looked at the issue very carefully, I draw the attention of South Borsetshire district council to the planning advice and solar strategy that we sent to all councils, making it clear that our focus is on brownfield sites, not high-grade agricultural land, and, wherever possible, building-mounted.’

I would therefore ask that your committee consider all of these points when they consider whether this application should be permitted.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Andrew Bridgen', with a stylized flourish at the end.

Andrew Bridgen MP

A2 14/00574/OUTM

Land Off Dawsons Road Osgathorpe

Erection of 16 Dwellings (Outline application - all matters reserved except for part access)

Following the publication of the Committee report the Local Authority has received further information from the agent for the application in respect of the proposals to purchase and renovate the Storey Arms Public House in order to enhance the sustainability credentials of the settlement.

On the 16th September 2014 a Business Plan (full copy available on the Case Officer's file) was received which outlines, in the Executive Summary, the following, amongst other things: -

"We are seeking investors who wish to become a member of a Society for the benefit of the community that plans to buy The Storey Arms in Osgathorpe, Leicestershire. We are planning for it to be run as a typical village pub, for the benefit of the residents of Osgathorpe and its surrounds, as well as visitors to the area...More importantly, it will keep the heart of the village and provide a place for social gathering, providing good pub food, cultural activities, a place to meet people and exchange information and it will promote a cohesive and friendly community in the area. Our village lacks other traditional community facilities (shop, village hall, community centre). The aim therefore is to incorporate some of the currently lacking facilities within the pub package."

"If you make an investment you will become a member of The Osgathorpe Community Pub Society...Members will need to invest a minimum of £50. Each member will have an equal say in the enterprise, and those that invest over £500 may receive interest on the investment."

"We aim to raise over £250,000 from members through the share issue and additional funds other sources, which will be used to purchase the building and get it ready to be re-tenanted. The Society will agree a lease with a tenant who will run the licensed business selling food and drink in our premises and pay rent to the Society at a level that will reflect the profitability of the business...We firmly believe that the business will be profitable, but if it is not, the Society owns a valuable asset – the building and land associated with it – which can be sold in order to return funds to investors. Your investment is in the building and land – the bricks and mortar, not the licensed business."

Within the Members section of The Structure it outlines that: -

"We believe that there is sufficient interest from within the village and from other supporters with connections to Osgathorpe to recruit about 180 members to join the Society. The Industrial and Provident Society (IPS) structure allows any person who buys one or more shares to become a member of the Society. Each member has one vote, irrespective of size of investment and number of shares."

"Each share is £250 and up to 80 shares can be purchased by an individual investor, therefore the maximum allowable investment in this Society is £20,000. The minimum investment allowed is 1 share (£250). However, we hope that most members will invest more than the minimum and our publicity will encourage members to invest an average of £2,000 to £3,000."

"Shares will be withdrawable, thus in the event of a shareholder needing to extricate themselves from the enterprise, the Society would buy back the shares from the

investor and then resell to a replacement investor. In order to give the Society a chance to launch the business we will require investors to commit to keep their investment in the Society for at least the first three years before they can withdraw it, although the Rules will allow early withdrawals in exceptional circumstances. After that they will be required to give three months' notice of their intention to withdraw funds. The Society rules will give the directors the power to refuse a request to withdraw funds if it would endanger the business. It is our very firm intention not to use these powers unless absolutely necessary."

Within the Meeting the Weaknesses and Threats section of the plan it states the following, amongst other things: -

"Inability to attract sufficient financing – If the proposed enterprise is unable to raise the necessary financing, then the purchase will not go ahead. No money shall be collected through Microgenius and no share certificates will be issued until the full financing has been put in place. If, at the deadline that we set insufficient capital has been raised, the share issue will be halted and all of those who have invested will have their investment returned to them."

"The business is unviable – If the prevailing market conditions are so unfavourable that, despite a sound business plan, vigorous and sustained marketing and the support of local user/owners, the business does not develop in the way anticipated, then the directors will be forced to close the pub, sell the assets and repay the original investors, with any residual assets to be used for the benefit of the community. This is not an outcome that we seek, but this possible course of action should give investors the security they need in the unlikely event of the enterprise being unsuccessful."

In conclusion the business plan identifies that £311,000 will likely be required for the purchase of the public house and subsequent renovation and refurbishment.

In addition to the Business Plan the agent for the application has also identified what would be included in the development proposal for 16 new dwellings, for clarity, and these would be as follows: -

1. 13 Market Houses and 3 Local Needs Dwellings (3 x 2 bed dwellings);
2. An off-site contribution of £300,000 in lieu of affordable housing. £200,000 to be specifically directed to the purchase of The Storey Arms, the remainder to be spent on improving village facilities (including The Storey Arms if applicable) to be directed to the Parish Council. All monies to be directed to the Parish Council. Payments of monies to be subsequent sale date of the application site or upon first occupation of one dwelling, whichever is sooner;
3. Provision of a Play Area;
4. The applicant to grant the Parish Council a 99 year lease over the contiguous land. This land is to be sub let to the applicant at a pepper corn rent and maintained as meadow land. Lease to be entered into upon signing of s106 agreement;
5. S106 agreement to include reference to use of materials, restricting them to as set on the site layout plan reference DRO.IND.003.

The Committee Report also does not identify that the settlement of Osgathorpe benefits from a Village Hall but the agent has supplied information identifying that Harley Hall has been used for a variety of community based activities, although the Osgathorpe Community Pub Limited, in their supporting correspondence, identify that

“there is a village hall but it is privately owned and very restrictive (no loud children’s parties!).”

The Osgathorpe Community Pub Limited themselves have identified the services which would be made available and how these would work in practice and these are identified as follows: -

- 1. Shop – the intention is for local producers to be able to market a basic range of goods including milk, eggs, meats, vegetables, bread and jams. Day to day essentials would be sourced from larger trade outlets and sold on. There are many successful community run shops across the country; there is a significant funding from the Plunkett Foundation who will pay to kit out a small shop, and the Coop has a specific service to supply community shops;*
- 2. Parcel drop and pick up – using a facility such as “Collect Plus;”*
- 3. Prescription service – we would aim to agree with local GP’s that the pub can collect repeat prescription to prevent the elderly having to make the round trip themselves, (this will help if the bus service ceases);*
- 4. WiFi – this would be made available free of charge to all people using the public house and associated facilities therein. There would be computer(s) available in the pub giving wifi access and having printing facilities. We would aim to run computer courses for elderly people, perhaps run by the younger generation; the roundtable organise such events at local schools. This would allow the older members to benefit from schemes like supermarket home delivery service, which many of us take for granted;*
- 5. Meeting room – designating a room within the pub that can be let out as a meeting room, the lounge in the current pub is very large and under used with the intention for multi functional room. It will be designed so it can be closed off from the rest of the pub and used for functions/meetings even if the rest of the pub is trading. This will also have decent audio visual facilities and will have a wide range of uses from parish council meetings, to book club, to cinema nights, to kids Playstation competition. We have good outline designs for this;*
- 6. Coffee shop – the current bar arrangement is targeted as adults the new public house would incorporate the sale of a range of tea and coffees, the idea is to attract more recreational users to the site, for example ramblers, horse riders etc. Also many locals do not use the pub as it is currently too much of a ‘drinking pub’ with limited ambience;*
- 7. Book exchange – local residents invited to drop off and share books on a shelf;*
- 8. Kids play area – an area within the pub garden would be set aside for a small apparatus. If funds permit they would consider purchase of the adjoining field (currently used informally) to act as a recreation ground. There are many funds available for equipment and even regeneration of land intended for play areas;*
- 9. Parent and toddler club – see function room;*
- 10. After school club/youth club – see function room;*
- 11. Local interest clubs – see function room and more general use of bar/seating area;*
- 12. Sports teams (darts, netball, squash, football, cricket etc) – see function room;*
- 13. Lunch club – targeted particularly at older members of the community, to meet weekly or bi-weekly. Ideally this could be either paid for or part funded by either income from the pub (rent) or by a grant;*
- 14. Room hire (e.g. kids parties) – see function room;*
- 15. Parish notice board – central place of information for community events – important for ageing population who do not have internet access. The pub would become a hub for helping and assisting the elderly members of the community.*

In addition to this information correspondence has also been forwarded from a UK expert on Community Pubs (Dave Hollings) who identifies that the following four key points should be made to Councillors: -

1. *This approach has been successfully tried 30 times – it works;*
2. *But this is the first example in Leicestershire;*
3. *All 30 co-op pubs are still trading – it really works;*
4. *The reason it works is that the pub is owned and run by the local community who know what they want from the pub. The pub provides what the community want (not a pubco policy set remotely) so the community uses the pub.*

The final information received from the agent in respect of the reasons for refusal based on social and environmental sustainability outlines the following: -

“Turning to the issue of Social Sustainability. There is no up to date housing needs assessment for Osgathorpe and I note recent developments at a scheme I was involved in Worthington for 12 new dwellings (13/00061/FULM), whereby an offsite contribution is now being negotiated, supported I understand by Ruth Robinson. I attach for your reference (see email below) correspondence between the developer and NWLDC highlighting the additional issue of housing associations not being in a position to take houses in Worthington and I would suggest Osgathorpe would face a similar issue. That is an offsite contribution would always be sought.”

“Turning to the level of off-site contributions I would cite The Lount Scheme for 30 new homes (11/00415/FULM) with an agreed offsite contribution of £334,600 (£11,153/plot) and negotiations with NWLDC at Worthington where a similar figure is currently being negotiated, all set against the backdrop of the respective schemes viability. If we were to assume a pro rata offsite contribution equivalent to £12,000 this would result in an offsite contribution at Osgathorpe of £192,000. The contribution to the Parish Council being offered is £300,000. This represents a 56% increase in offsite contributions to that which are normally allowed, the viability would therefore be compromised if an offsite contribution for affordable housing was also being offered.”

“We do however accept the predicament you are facing in balancing safe guarding a public house against policy governing affordable housing; the applicant is therefore prepared to make a concessionary offer of £50,000 in lieu of affordable housing, payable on first occupation in trenches. Please note this is in addition to low cost housing in the form of three local needs houses being put forward.”

“I do not consider the deliverability of this payment could be compromised given the offer to pay £300,000 to the Parish Council would be triggered upon disposal of the site or first occupation i.e. payment would always be made by the owners not a subsequent developer.”

“In terms of the environmental strand of sustainability, whilst the site is classified as a particularly attractive area of open countryside I observe that the land does not have any far reaching views, is relatively flat, abuts a road on three sides, has no distinguishing features, and in all it is very questionable why it is designated as such. In turn the development would incorporate traditional materials and would allow for a wild flower meadow to the rear offsetting any concerns in this regard.”

Officer Comments

In relation to the additional information supplied by the agent and Osgathorpe Community Pub Limited (OCPL) the following response is provided.

Accessibility and Social Sustainability

The agent has identified that Osgathorpe benefits from a Village Hall and this is duly noted although the views of the OCPL are also noted in the context that the village hall is privately owned and has restrictions in place to prevent excessive noise which may impact on its suitability as being a service which is 'freely' available to members of the community for various functions. Even if the village hall is considered to be a 'service' then Osgathorpe, at present, would only benefit from three services (a church, public house and village hall). The frequency of the bus service means that it could not be considered a 'service' which would contribute to the sustainability of the settlement of Osgathorpe.

As identified in the Committee Report in order to overcome the shortfall in service provision within Osgathorpe the applicant proposes a contribution of £300,000 to the Parish Council with £200,000 being specifically directed to the purchase of the Storey Arms and the remainder (£100,000) to be spent on improving village facilities (albeit this could be directed to the renovation of the Storey Arms if considered applicable). The business plan, and subsequent statement, from the OCPL also identify that the Storey Arms would not only operate as a public house but would also provide services such as a shop, parcel 'drop-off' service, prescription service and meeting place (amongst others). Information has also been provided by a UK expert on community pubs which identifies that there are 30 examples of this type of project within the UK with all of the pubs still operating. The following seven community pubs are the closest to the application site: -

1. The Anglers Rest – Bamford, Derbyshire;
2. Fox & Hound – Charwelton, Northamptonshire;
3. Shuckburgh Arms – Southwick, Northamptonshire;
4. The Bull – Great Milton, Oxfordshire;
5. Seven Stars – Garsington, Oxfordshire;
6. Kings Arms – Shouldham, Norfolk;
7. The White Horse – Upton, Norfolk;

It is noted that these premises are all located, with the exception of the White Horse in Upton, within settlements which would be considered sustainable and which benefit from other services other than the public house. Upton benefits from other services, including a village hall, and is easily accessible to the sustainable settlement of Acle it is also a tourism 'hotspot' given its proximity to the Norfolk Broads and as such this contributes towards the success of the venture. With regards to the longevity of the individual ventures it is noted of the seven community pubs identified above The White Horse in Upton has been open the longest with the business commencing in 2012 and as such it is difficult to provide a robust assessment of the long term success of this type of venture (a wider review of the information identifies that only eight of the 30 community pubs were open prior to 2012). A key component of the success of such ventures is also due to the 'community' being heavily involved and supporting the business with none of the other examples of community pubs being sourced from a payment secured via a section 106 agreement.

Based on the findings of the referendum conducted, as outlined in the Committee Report, a vote of 'no' to the proposals would suggest that there is not community

support for such a venture and as such this will impact on its chances of success given that it would be likely no more successful than the existing public house. If such support does exist for the venture then this support will be achieved by individuals entering into the membership of the OCPL, as identified in the business plan, and as such the community pub could be established and set-up without the need for the development. In these circumstances, therefore, the contribution proposed would not be CIL compliant in the context of Paragraph 203 of the NPPF.

In terms of the social role of sustainability it is considered that even if the Storey Arms is retained, and the additional services provided, occupants of the settlement, as well as the proposed development, would be heavily dependent on the private car to access employment opportunities due to the lack of a regular bus service as well as the fact that the scale of the development would provide greater demands on the limited additional services which would be provided. The potential off-site contribution for affordable housing would also not overcome the concerns raised from this aspect of social sustainability given that it not been demonstrated, sufficiently, that the scheme would not be viable should this additional contribution be sought as well as why the current contribution could not be managed accordingly to meet the policy requirements for affordable housing as well as provide some funding towards the community asset.

Overall, therefore, it is considered that the development would remain socially unsustainable and would not be policy compliant on the basis of the affordable housing provision.

Environmental Sustainability

It is considered that the views expressed by the agent in this regard have been satisfactorily addressed in the Committee Report as well as within the above paragraph given that it is accepted that the development is not acceptable in principle.

RECOMMENDATION: NO CHANGE TO THE RECOMMENDATION.

A3 **14/00681/FUL** **Change of use from neighbourhood equipped area for play (NEAP)/Multi-uses Games Area (MUGA) to informal public open space**
Play Area, Lillehammer Drive, Coalville, Leicestershire

Additional information received:

The District Council has undertaken a consultation exercise regarding the relocation of the MUGA to Scotlands Playing Fields. The results of the consultation exercise are that a total of five responses were received; four in support of the proposed MUGA and one that supports facility improvements but has strong concerns that it may bring additional problems for the Bowls Club.

The local police have also provided a consultation response in which they have no objections to the MUGA being resited to Scotlands Playing Fields.

Officer comment:

It is understood that Scotlands Playing Fields is the preferred option for the Council's Leisure Services Team. However, the consultation responses received will have to be fully assessed by the Council's Leisure Services Team prior to any formal decision being made regarding the relocation of the MUGA.

RECOMMENDATION: No change to recommendation.

**A4 14/00328/OUTM Residential development of up to 85 no. dwellings
(outline - all matters other than part access reserved)
Land At Loughborough Road, Thringstone,
Leicestershire**

Additional information received:

In relation to the Council's five year housing land supply position as of 30th September, the latest figures are as follows:

With resolutions included = 7.98 years

Without resolutions = 5.9 years

If Holywell Spring Farm planning permission (issued 1st October 2014) is taken into account then the figure without resolutions is 6.2 years.

Officer comment:

Regardless of which approach is adopted, the Local Planning Authority is able to demonstrate a five year housing land supply position which is the position outlined in the Committee Report.

RECOMMENDATION: NO CHANGE TO RECOMMENDATION

A5 14/00723/FUL - Land Adjoining 20 Main Street, Osgathorpe

One letter of representation has been received stating support for the application on the following grounds:

- it is an infill plot and will complete the street scene;
- It will provide an extra family house without detriment to the wider village community.

RECOMMENDATION – NO CHANGE TO RECOMMENDATION

A6

14/00580/FUL

**Removal of two garages and
replacement with double garage**
144 Central Road, Hugglescote,
Coalville

Additional Representation Received

1 No. additional letter of representation has been received from a neighbour. A copy of the representation is provided below;

We have objected to this planning application for the construction of a garage in a previous letter. Now that most of the actual structure has been built, apart from the roof, we can now see that all of our previous concerns have become a reality. The height of the rear garage wall adjacent to our rear garden wall, and thus adjacent to our property, is actually four bricks higher than our back wall, and we have gathered from the building contractor that at least another level of bricks are to be laid before the actual installation of the roof. It will, then, be significantly higher than our own rear garden wall, and the visual impact is already overwhelming – the view will soon be oppressive and claustrophobic. The size of the rear garden and yard area on the Central Road property is large enough for the garage to be in an entirely different and less affecting position for neighbours in nearby residences, but as it is being erected so close to our property, and with a potential apex roof so needlessly high, we will lose a significant part of the skyline and natural light. The addition of the roof will also make the whole garage visible from the roadside outside our property on Breach Road – in fact, much of it is already. No doubt, with such a large storage structure, there is bound to be some sort of high-level security lighting in and around it, projecting light onto back-facing properties like ours throughout the night. This sort of lighting is uncomfortable and distracting, and above all affects our privacy.

All objections that we have submitted up to the date of this update still stand.

Officer Comments

It is noted that building works have been in progress for the proposed development and Planning Enforcement were duly notified on 27th August 2014.

The issue of the view being oppressive and claustrophobic has been considered in the main officer report.

The issue of loss of light (overshadowing) has been considered in the main report.

The officer report states that the outbuilding would not be visible from the public highway. It is considered that there could be some limited views of the proposed garage from the highway at a south westerly angle; however any view of the proposed garage, that is set some 20.0 metres from the highway, would not be so detrimental to the wider street scene to warrant a refusal.

No lighting detail has been included in the planning application and the issue of potential high level security lighting is not a material planning consideration and cannot be used in the assessment of this planning application.

Conclusion

The additional letter of representation and the issues raised within it do not impact upon the conclusion reached in the main officer report or alter the officer recommendation.

No change to officer recommendation.

A7 **14/00248/FUL** **Change of use to B1 (Business)**
70A North Street, Whitwick, Coalville, Leicestershire

Additional information received:

The applicant has requested amendments to condition 2 in order to allow the use to operate from 8am Monday – Friday and to make a minor amendment to condition 5 to allow for some flexibility should the layout of the car park need to alter in the future.

A further letter of objection has been received from Whitwick Community Enterprises which objects to the application on the basis that the car parking layout is unacceptable and that the applicant does not have the right to surface or layout spaces within the car park.

Officer comment:

The suggested amendment to the operating times is considered to be acceptable.

Amendments to condition 5 are also considered to be acceptable as this would only allow for alterations to take place to the car parking area once they had been agreed in writing with the Local Planning Authority in conjunction with the County Highway Authority.

It is also necessary to add an approved plans condition.

With regard to the further letter of objection, these do not raise any additional issues that have not already been covered in the committee report.

RECOMMENDATION: AMEND CONDITIONS 2 AND 5 AND ADD CONDITION 7

- 2 The use hereby permitted shall only operate between 0800 hours and 1800 hours Monday - Friday, and between 0830 hours and 1200 hours on Saturdays and not at all on Sundays.

Reason - To ensure that the use operates in a satisfactory manner and does not unduly disturb adjoining occupiers or prejudice local amenity generally, and to ensure that adequate off-street parking provision is available to reduce the possibilities of the proposed development leading to on-street parking problems in the area.

- 5 Before first use of the development hereby permitted, the car parking layout shown on the approved plan, shall be surfaced and marked out and shall thereafter be retained in perpetuity, unless otherwise agreed in writing with the Local Planning Authority.

Reason - To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.

- 7 The proposed development shall be carried out strictly in accordance with the following plans, unless otherwise required by a condition of this permission:

Drawing entitled 'Fig No. 1' deposited with the Local Planning Authority on 29 August 2014;

Site location plan deposited with the Local Planning Authority on 12 March 2014.

Reason - To determine the scope of this permission.