

UPDATE SHEET

PLANNING COMMITTEE – 8th September 2015

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 preparation of the main reports;
- (b) Amendments to Conditions;
- (c) Changes to Recommendations

MAIN REPORT

A1 15/00306/OUTM Residential development of up to 91 dwellings and associated infrastructure (outline access only)
Land North Of Butt Lane And East Of Hepworth Road, Woodville/Blackfordby

Letters of Representation:

Woodville Parish Council has provided additional information in respect of their reasons for objecting:-

- a) As the development is in Leicestershire the contributions will be to Leicestershire;
- b) Inappropriate location of Leicestershire Schools at all levels that will undoubtedly generate addition unsustainable traffic;
- c) This location is entirely inappropriate to development in Leicestershire, away from services provided in Leicestershire;
- d) Impacts upon infrastructure of Woodville;
- e) Impacts upon roads and services on an already overstretched highway network;
- f) Health, sport and recreation area already in short supply;
- g) Significant detrimental effect on the character of the Parish of Woodville;
- h) Coalescence of the villages of Woodville and Blackfordby.

Leicestershire Police requests developer contributions totalling £33,833 in respect of policing.

11 letters of objection have been received raising the following concerns:-

- a) Contravenes all aspects of good sustainable development;
- b) Changes to the scheme since the public exhibition - in terms of purchase of a second field, increase in development by 14%, increase in affordable housing and new built

- units, adjacent to Ashby Road properties by 20%, increase in traffic, noise and pollution by 14%;
- c) Outside limits and in the countryside;
 - d) Same reason as east of Butt Lane, Blackfordby;
 - e) Merging of Woodville and Blackfordby;
 - f) Blackfordby changing to an rapidly expanding village;
 - g) More suitable land available in Woodville and Albert Village;
 - h) Too much development in the local area;
 - i) Loss of agricultural land;
 - j) Location for development is inappropriate;
 - k) No liaison with South Derbyshire to ensure the facilities have sufficient capacity;
 - l) Local facilities (including schools and doctor's surgeries) and infrastructure are limited and cannot support further new development;
 - m) Loss of view;
 - n) Design is too urban and density is high;
 - o) The design should be line with the character of houses in Blackfordby;
 - p) Open space liable to flooding and insufficient in size;
 - q) Affordable housing is not "pepper-potted";
 - r) No infrastructure;
 - s) Preference for brownfield first;
 - t) Pollution from noise and traffic;
 - u) De-valuation of house prices;
 - v) Historic mining sites;
 - w) Flooding;
 - x) Loss of privacy;
 - y) Increase in dog fouling; and
 - z) Speed of traffic and highway safety including for pedestrians due to lack of pavements;
 - aa) Increase in volumes of traffic on local roads.

A copy of emails sent to the Lead Local Flood Authority (Leicestershire County Council - LLFA) by a local resident in relation to concerns regarding flooding and drainage matters has been submitted.

In response to these emails the LLFA has advised that there is no requirement for development to fix existing issues under the current planning legislation, as such provided the discharge from the site is in accordance with the greenfield run off rate and the receiving waterbody or sewer has the capacity, there are no further restrictions that the LLFA can request from the Council. Severn Trent Water has confirmed the capacity within their system for the discharge agreed, as such the LLFA have no grounds to comment further on this issue. The planning application will demonstrate that it can retain any water above the discharge rate within their system as required by the condition the LLFA have advised.

Officer Comment:

Details of an indicative scheme are provided to show how the site could be developed but these are for illustrative purposes only and therefore the positioning of affordable units is not being considered at this stage.

In response to the request from Leicestershire Police, the applicants confirm they are agreeable to making the contributions, and it is recommended that the contributions sought be included within the Section 106 agreement, should members be minded to permit the application.

The LLFA has not raised any further concerns in respect of flood risk and drainage and advises that surface water runoff can be dealt with under the suggested conditions relating to this matter (conditions 17 and 18).

For the avoidance of doubt the concerns raised about loss of view and loss of property prices are not material planning considerations.

As for concerns about increased dog waste, this is covered by separate Environmental Health legislation and is not a material planning consideration.

All others concerns have been considered within the main body of the report.

RECOMMENDATION: NO CHANGE TO RECOMMENDATION

**A2 15/00032/FULM Construction of 30 dwellings with associated access
and open space**
Land Off Forest Road, Hugglescote, Leicestershire

Additional information received:

Leicestershire County Council Lead Local Flood Authority has provided detailed comments indicating that a condition would be required to ensure that detailed drainage design is submitted including evidence of adoption of the pumping station and arrangements during a pump scenario failure.

Leicestershire County Footpath Officer welcomes the links between the application site and the adjacent public right of way. Improvement works are recommended along public right of way N85.

Officer comment:

With respect of the comments from the Lead Local Flood Authority, planning conditions are already included in respect of detailed surface and foul water drainage schemes (No.11 and No.12). A new note to applicant is recommended to ensure that the details submitted under these conditions includes the additional information requested by the Lead Local Flood Authority.

In terms of the updated comments received from Leicestershire County Footpath Officer, a planning condition (No.23) is already recommended in respect of improvement works to this footpath.

RECOMMENDATION: No change to recommendation but add the following note to applicant:

- 7 In relation to conditions 11 and 12, the discharge of condition submission should include evidence of adoption of the pumping station and arrangements during a pump failure scenario.

- A3 15/00499/FULM The development of a new solar farm of up to 5MW of generating capacity, comprising the installation of solar photovoltaic panels and associated infrastructure including electrical inverter and transformer cabins, switchgear and meter house, access tracks, fencing, CCTV, landscape planting and grid connection
Land To The East Side B4116, Ashby De La Zouch And North Of Measham Road, Packington**
- A4 15/00500/FULM The development of a new solar farm of approximately 1MW of generating capacity, comprising the installation of solar photovoltaic panels and associated infrastructure including electrical inverter and transformer cabins, switchgear and meter house, access tracks, fencing, CCTV, landscape planting and grid connection
Land To The East Side B4116, Ashby De La Zouch And North Of Measham Road, Packington**

This Update Sheet relates to both of the above items.

Letters of Representation:

Packington Parish Council has raised the following further concerns:

- It is of great concern that the access into the solar farm is only 2.4 metres from the main road. Councillors would recommend that the planners look at the accident record on Five Lane Ends and give consideration to improving the access on that corner. Councillors have strong reservations in relation to the current arrangements as there is inadequate visibility.
- Councillors would also urge that the cycle route is looked at as per previous comments made.

The County Highway Authority has suggested revised conditions to reflect information submitted by the applicant.

Two further letters of representation have been received (one each in respect of each application) which support the applications.

The agent has submitted a revised layout plan which updates the key to reflect the plan details and sets out the revision numbers to several of the plans which need to be updated.

The agent has also confirmed that no additional works are proposed to the site's Measham Road access and that the applicant is content to accept condition 13 relating to any alarm system being silent.

The agent also advises that it is not anticipated that surfacing of the Measham Road access and access track would have implications for the ditch that runs beneath.

The agent also states that having reviewed the Committee Report, we are generally content with the accuracy of the summary landscape and visual effects. There is one paragraph, however, that we feel has been written in a way that is slightly misleading and overplays the degree of harm to the landscape, particularly in light of the perceptual and physical characteristics of the sites immediate environs. We have taken the opportunity to compose a section of text which we believe would more accurately summarise the overall landscape effects.

'As such, although it is acknowledged that the land in question is currently undeveloped and there would be some adverse effects on landscape character at a site level the large majority of the site's landscape resources will be unaffected and enhanced (including hedgerows, hedgerow trees, supplementary woodland and preservation of underlying agricultural land). Adverse effects are also not permanent and are reversible and so are not considered to be significant. The landscape could therefore accommodate the solar farm on its own and alongside the 1MW scheme without its overall character being significantly harmed.'

The agent also states that the 23 objections noted in the Committee Report includes a large number of responses from the several people which should be noted as one objection rather than a number. In its current form the Committee Report misrepresents the number of individuals who have concerns about the applications. The agents notes that from our records we can only see 12 objectors (including counting individual objections from a number of couples and counting two letters which are more comment than objection) and that three representors seem to have submitted more than one letter on the same application.

Officer Comment:

In respect of the further comments raised by Packington Parish Council, the County Highway Authority advises that *'On the basis of the submitted plans, visibility at the junction of the proposed access with C7113 Measham Road (the road from Packington) is appropriate. I understand that this access will not be the main access to be used by construction vehicles. The level of traffic using this access when the solar farm has been constructed will not be significantly different to its existing potential for use as an agricultural field access.'*

There is an existing accident record at the junction of C7113 Measham Road with B4116 Measham Road (which relates to three accidents in the vicinity of the junction of C7113 Measham Road with B4116 Measham Road since 1 March 2012, two of which involved turning manoeuvres). However, on the basis of the proposed increase in traffic using this junction and taking into consideration the fact that the junction generally complies with Government guidance in its layout, it is unlikely that it would be possible to demonstrate that the proposals will lead to unacceptable additional dangers to road users.'

Given the Highway Authority's advice it is considered that a reason for refusal relating to severe impact on highway safety could not be justified in this case.

Given that the ditch that runs beneath the Measham Road access appears to be a surface water drainage ditch for the Park Farm site, it is considered reasonable to impose a condition requiring submission of details if any works or changes to this ditch are required as a result of the access/access track work.

The wording of the approved plans condition (condition 2) and conditions 23 and 24 relating to highway safety matters have been amended to reflect the correct drawing revision numbers and the revised condition wordings suggested by the County Highway Authority to reflect updated information submitted by the agent in respect of visibility splays and access arrangements.

It is considered that the wording of the landscape impacts sections of the Committee Report (pages 82 and 116) accurately reflects officers' views in respect of the landscape impacts of the scheme.

In respect of the number of letters of representation received, 23 letters of objection have been received in respect of each application, with 10 letters being received from one objector and two letters each being received from three different objectors. 35 letters of support have been received in respect of each application.

The provision of a cycle track through the site has been addressed in the Committee Report where it states that it is not a material consideration that cannot be taken into account in the determination of the application.

No comments have been received from East Midlands Airport despite a series of requests from officers for their comments on 22 July and 5, 12 and 26 August 2015 (in addition to the initial consultation). However East Midlands Airport have not raised any safeguarding objections in relation to other solar farms in the locality, including those at Babelake St, Packington, Nottingham Road, Ashby de la Zouch and School Lane, Normanton.

RECOMMENDATION: NO CHANGE TO RECOMMENDATION ON BOTH APPLICATION REF NOS. 15/00499/FULM AND 15/00500/FULM with amendments to conditions 2, 23 and 24 and one additional condition:

2. The proposed development shall be carried out strictly in accordance with the following schedule of plans and documents, unless otherwise required by a condition of this permission:
 - Drawing No. 241308 Commercial P001 Revision A (Site Location Plan) received by the Authority on 6 August 2015;
 - Drawing No. 241308 Commercial P002 Revision A (Site Location Plan) received by the Authority on 6 August 2015;
 - Drawing No. PRIMR-ASHBY-001-101 Revision E (PV, Road and Fence Layout) received by the Authority on 2 September 2015;
 - Drawing No. PRIMR-ASHBY-001-104 (PV, Road and Fence Layout - Commercial Scheme) received by the Authority on 2 September 2015;
 - Drawing No. 241308/LA/PL001 Revision F (Landscape Strategy) received by the Authority on 12 August 2015;
 - Drawing No. GM-200 Rev E (Access Track Section Details) received by the Authority on 26 May 2015;
 - Drawing No. GM-280 Rev A (Wind Sensor Pole) received by the Authority on 26 May 2015;
 - Drawing No. GM-808 (11kV DNO Building - Elevation and Plan Views) received by the Authority on 26 May 2015;
 - Drawing No. GM-813 (Customer Switchgear - Elevations and Plan) received by the Authority on 26 May 2015;
 - Drawing No. GM-814 Rev D (Site Storage Container - Elevations and Plan) received by the Authority on 26 May 2015;
 - Drawing No. GM-828 Rev A (SMA MV Power Station 1250-1800SC - Elevation and

- Drawing No. GM-841 (Framework Elevations - 5 Landscape Configuration) received by the Authority on 26 May 2015;
- Drawing No. GM-850 (Satellite Pole) received by the Authority on 26 May 2015;
- Drawing No. G06 (Fencing) (fencing only and not CCTV camera) received by the Authority on 9 July 2015;
- photograph of deer fencing received by the Authority on 25 August 2015;
- Drawing No. Figure 2.1 (Site Location and Construction Route Plan) received by the Authority on 26 May 2015;
- Drawing No. Figure 3.1 Rev D (Swept Path Analysis and Visibility at Temporary Construction Access) received by the Authority on 6 August 2015;
- Drawing No. Figure 3.2 Rev B (Proposed Temporary Access Arrangement at Measham Road) received by the Authority on 6 August 2015;
- Drawing No. Figure 3.3 (Construction Compound Layout Plan) received by the Authority on 26 May 2015;
- Drawing No. SK01 (Extent of Survey and Photographic Record) received by the Authority on 26 May 2015;
- Drawing No. Figure SK02 (Operational Access Arrangement, Visibility Splays and Swept Path Analysis) received by the Authority on 6 August 2015;
- Drawing No. 1502-1.0-AFP-TCP-NC (Tree Constraints Plan) received by the Authority on 26 May 2015;
- Flood Risk Assessment V5 (20 May 2015) produced by Clive Onions and received by the Authority on 26 May 2015;
- Ecological Assessment (May 2015) produced by Environgauge and received by the Authority on 26 May 2015;
- Landscape and Ecology Management Plan (August 2015) (Ref. EVG-15-002-LEMP-03) produced by Environgauge received by the Authority on 25 August 2015;
- Figure 2 (Landscape and Ecology Master Plan 03) received by the Authority on 25 August 2015.

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

23. No development shall commence on site until the access onto the B4116 has been provided in accordance with the details of width and radii shown on Drawing No. Figure 3.2 Rev B (Proposed Temporary Access Arrangement at Measham Road) and the access surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 12 metres behind the highway boundary which shall thereafter be permanently so maintained until all construction works on the site have ceased.

Reason: To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety and to ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway.

24. Before first use of the site access onto Measham Road (C7113), the access and visibility splays shall be provided in accordance with the details shown on Drawing No. Figure SK02 (Operational Access Arrangement, Visibility Splays and Swept Path Analysis) with the standards contained in the current County Council design guide, and surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 12 metres behind the highway boundary, and shall thereafter be so maintained in perpetuity. Nothing shall be allowed to grow above a height of 0.6 metres or overhang lower than 2.0 metres above ground level within the visibility splays.

Reason: To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety.

28. If any development associated with the formation of the access and access track onto Measham Road (C7113) would result in any works or impact on the drainage ditch that runs underneath this access, then before any development commences in relation to formation of this access and access track, details of the works/impact on the ditch shall be submitted to and agreed in writing by the Local Planning Authority. The formation of the access/access track shall be carried out in accordance with the agreed scheme and shall thereafter be so maintained.

Reason: To prevent the increased risk of flooding, both on and off site.

A7 15/00710/FUL Erection of two storey and single storey side extensions. 10 Churchill Close, Ashby De La Zouch

Letters of Representation:

Ashby De La Zouch Town Council object on the grounds of impact on the residential amenity of neighbouring property with the two storey extension being too close, which they consider will also give the impression of terraced properties.

Additional information received:

The applicant has submitted revised plans which have removed the single storey rear extension from the proposal and set back the two storey side extension so that it is flush with the existing rear elevation. Residents have been re-consulted and the description of development has been amended. The plans have also been discussed on site with the adjacent neighbour who had previously raised objections.

In response to the concerns raised by the neighbour that the eaves and the gutter would overhang their boundary, the amended plans show that the eaves and guttering have been set in so that they are flush with the external south facing wall of the property. As such the extension does not overhang the boundary of the site.

Officer Comment:

It is considered that the alterations will reduce the overall impact on the neighbours and therefore officer recommendation remains unchanged. However, the wording of the approved plans condition (condition 2) should be amended to reflect the correct drawing revision numbers.

RECOMMENDATION: NO CHANGE TO RECOMMENDATION, subject to an amendment to the following condition:-

Condition 2

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

- Site Location Plan received by the Local Planning Authority on 09 July 2015
- Proposed Side Elevation received by the Local Planning Authority on 04 September 2015
- Proposed Ground Floor Plan received by the Local Planning Authority on 04 September 2015
- Proposed First Floor Plan received by the Local Planning Authority on 04 September 2015

Proposed Front Elevation received by the Local Planning Authority on 08 September 2015
Proposed Rear Elevation received by the Local Planning Authority on 08 September 2015
Proposed Side Elevation received by the Local Planning Authority on 04 September 2015

Reason- To determine the scope of this permission.

A8 15/00648/VC1

Following the publication of the Committee report the Local Authority has received an additional representation from a third party who objects to the application and whose comments are summarised as follows: -

- We now have two further retrospective applications for works that are totally out of character in the area. The new gates are being installed less than 50 yards from the existing entrance and do not appear to offer any advantage over the current entrance;
- Visibility from the new gates is extremely limited and the new exit is within yards of three listed buildings and does not enhance the scene rather detracts from the lock up and the pound and increased traffic flows would be dangerous for visitors to the lock up;
- I have read the Breedon on the Hill Conservation Area Appraisal and Study and I believe the development is contrary to items E10, E15 and E16 of this document. This document shows an intention to maintain the historic character of this unique area;

Severn Trent Water has also confirmed that they have no objections.

Officer Comments

It is considered that the comments and concerns raised have been addressed within the Committee Report presented to Members with it being noted that the proposed vehicular access has been omitted from the scheme and that Policies E10, E15 and E16 of the Local Plan (which are reference within the Conservation Area Appraisal) are not saved policies.

RECOMMENDATION: NO CHANGE TO THE RECOMMENDATION.

A9 15/00637/LBC

Following the publication of the Committee report the Local Authority has received an additional representation from a third party who objects to the application and whose comments are summarised as follows: -

- We now have two further retrospective applications for works that are totally out of character in the area. The new gates are being installed less than 50 yards from the existing entrance and do not appear to offer any advantage over the current entrance;
- Visibility from the new gates is extremely limited and the new exit is within yards of three listed buildings and does not enhance the scene rather detracts from the lock up and the pound and increased traffic flows would be dangerous for visitors to the lock up;

- I have read the Breedon on the Hill Conservation Area Appraisal and Study and I believe the development is contrary to items E10, E15 and E16 of this document. This document shows an intention to maintain the historic character of this unique area;

Officer Comments

It is considered that the comments and concerns raised have been addressed within the Committee Report presented to Members with it being noted that the proposed vehicular access has been omitted from the scheme and that Policies E10, E15 and E16 of the Local Plan (which are reference within the Conservation Area Appraisal) are not saved policies.

RECOMMENDATION: NO CHANGE TO THE RECOMMENDATION.