

UPDATE SHEET

PLANNING COMMITTEE – 01 December 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 15/00456/OUTM Residential care development including apartments and cottages and residential care home with associates car parking and landscaping (outline - details of access, appearance, landscaping, layout and scale reserved for subsequent approval
Willow Farm, Ashby Road, Moira**

Additional information received:

Seven letters of representation have been received from local residents, three being from the same resident. Three representations make reference to points which have already been addressed in the main report (unsustainable location, contrary to countryside policy, highway safety concerns and additional traffic) and three representations (two of which are the same comments from the same person) make new comments which can be summarised as follows:

- Further to previous objections, the amended highways arrangement Drawing No J32-2160-PS-002 shows a pedestrian refuge which would cause highway safety problems, including ability to manoeuvre my caravan into the drive;
- Under the Highways (Traffic Calming) Regulation 1999 the Chief Officer of Police has to be consulted on proposals for traffic calming and I cannot see where this has taken place so the application should be deferred; and,

- Concerns are raised about the decision making process due to the applicant being an elected Member and Vice Chairman of the Planning Committee.

Of those six representations, one is made in support of the proposal on the grounds that it would provide suitable accommodation to downsize to in the local area where there are existing friends and a good support network.

Officer comment:

The drawing number referred to has been submitted as an indicative plan showing the access and possible off site highways works which could achieve a possible scheme. Any off site highways works, including any pedestrian refuge, would be agreed between the developer and County Highways under a S.278 agreement. The drawing number is not recommended for approval since it is for indicative purposes only.

Further to this, traffic calming measures would be considered under a separate S.278 agreement with the Highway Authority. At that stage the Highway Authority would usually consult with the Chief Officer of Police in respect of any traffic calming, including speed reduction, proposals the Highway Authority wished to agree in respect of a development proposal. There is no requirement for the District Council to consult the Chief Officer of Police in respect of this matter as part of the current proposal and there would be no grounds to defer the application on that point.

The Council's Constitution requires planning applications which are linked to an elected Member to be reported to the Planning Committee for the sake of openness and transparency. The application has been dealt with in the correct manner in terms of assessment, reporting and putting to the public Planning Committee meeting for consideration.

RECOMMENDATION: PERMIT AS RECOMMENDED (SUBJECT TO s106 AND CONDITIONS AS SET OUT IN THE MAIN REPORT)

A2 14/00541/OUTM Development of up to 150 dwellings with open space, landscaping, access and other infrastructure work (outline - all matters reserved apart from part access)
Site Adjacent Computer Centre And Jct 24, Packington Hill/Derby Road, Kegworth

Additional information received:

The Highway Authority wishes Planning Committee members to be aware of comments, made in May 2015, about a particular highway layout drawing, and has submitted the following comments which it wishes reporting to Committee:

Dear Planning Committee Members,

With reference to the application for 150 dwellings at Packington Hill, Kegworth (14/00541/OUTM), please find attached the County Highway Authority's (CHA) most recent observations.

You will note from the observations that the site access details form the main basis of our previous advice for refusal. It should be noted that since the submission of the attached observations, the Applicant has undertaken traffic speed surveys to demonstrate that the A6 traffic can be run opposed (i.e. turn in gaps within oncoming traffic). However, all other concerns relating the site access are still not considered to have been addressed. In summary, the concerns are:

- Method of traffic control of the proposed development access arm and the re-aligned paintball/farm access*
- Lane widths not being suitable for the level of HGV use*
- Pedestrian crossing arrangements*
- Lack of evidence demonstrating that vehicle manoeuvres can be undertaken within the proposed kerblines*
- Potential vehicle conflicts arising from confusion lane designations and road markings*
- Inappropriate siting of traffic islands which have not addressed the concerns raised by the Stage 1 Road Safety Audit*

Since the attached observations were issued, no further submission has been made on this matter by the Applicant. Therefore, the CHA's position remains that a suitable site access has not been proposed as part of the Application. The CHA have, however, been continuing to work with the Applicant to resolve site access matters.

The CHA would like to re-iterate that it does not object to the principle of development at this location. However, the Application is for all matters reserved except access which is to be considered in full as part of this Application. The CHA therefore considers it a material consideration that suitable site access arrangements have not been agreed.

Officer comment:

It is not disputed that highways considerations are a material planning consideration for the current proposal and this is set out in the main report. In addition the working file clearly sets out that previously submitted plans detailing access arrangements were not acceptable to the Highway Authority. However, that plan is not recommended for approval at this time.

In addition, it is clear to all parties, including the Highway Authority, that there are no objections to the proposal in principle (as set out in the most recent Highway Authority representation above). This would be subject to details being submitted and agreed by the Highway Authority which would also involve conditions, and S106 requirements and/or S278 works as set out in the main report. The Highway Authority is working with the applicant to move the highways aspects forward.

As such, at this time, the application is recommended for approval subject to agreement to any additional conditions which may be required by the Highway Authority following submission of agreeable access information, and any others necessary, under delegated powers as set out in the main report.

In addition to any highway requirements, a S106 agreement would need to include the following:

- 30% onsite affordable housing;*

- £6,407 towards Civic Amenity facilities;
 - Primary School Sector Requirement £435,564.36
 - Secondary School (11-16) Sector Requirement £ 447,798.06
 - Total Education Requirement: £883,362.42

- Police Contribution as follows:

| | |
|--------------------------------|--------|
| Start up equipment | £5879 |
| Vehicles | £3810 |
| Additional radio call capacity | £382 |
| PND additions | £195 |
| Additional call handling | £334 |
| ANPR | £2713 |
| Mobile CCTV | £500 |
| Additional premises | £39116 |
| Hub equipment | £300 |
| Total | £53229 |

- Maintenance and management information relating to Public Open Space and Sustainable Drainage systems on the site.

The LCC Education request will be confirmed with the County Council in due course due to the potential for future status change at Castle Donington school.

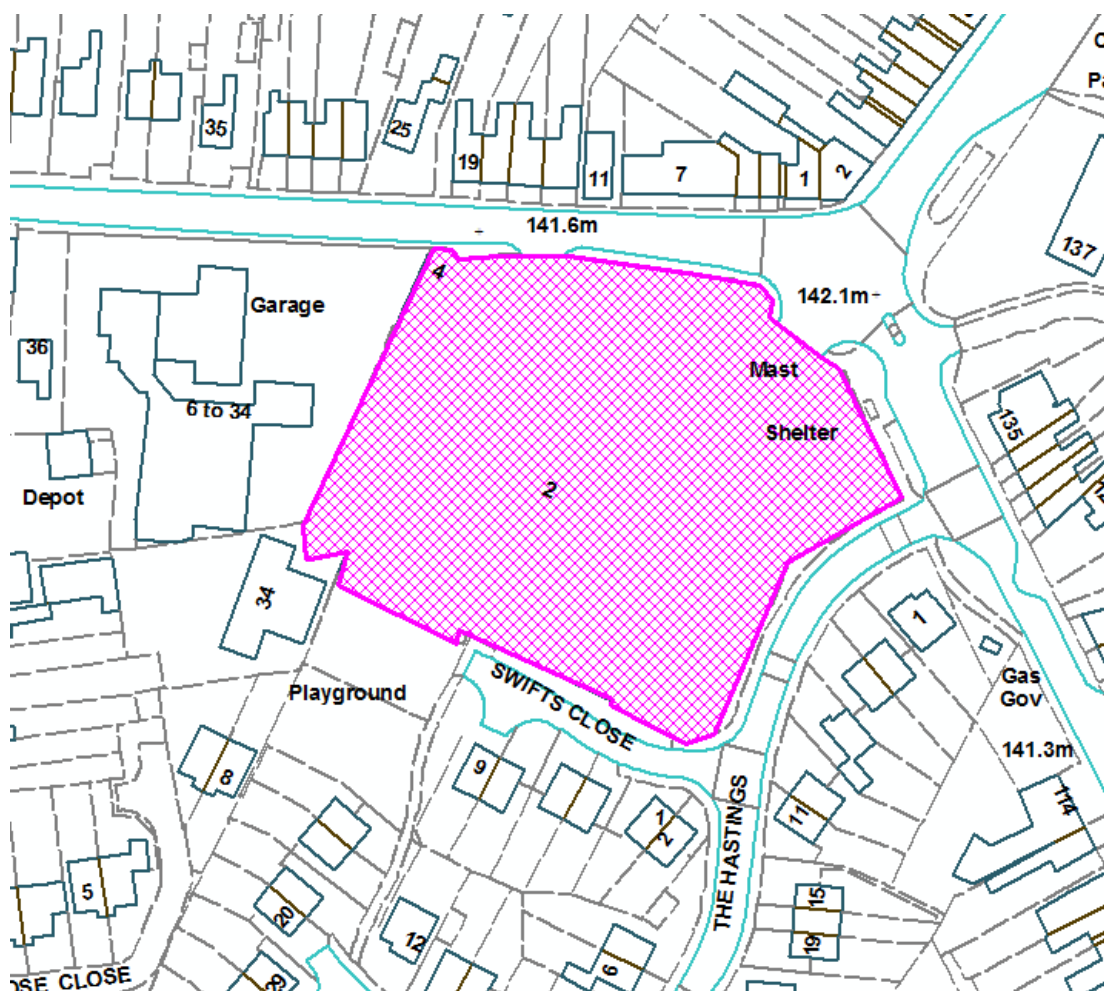
RECOMMENDATION: PERMIT AS RECOMMENDED (SUBJECT TO s106 AND CONDITIONS INCLUDED UNDER DELEGATED POWERS FOLLOWING RECEIPT OF AGREEABLE ACCESS INFORMATION AND ANY OTHERS AS RELEVANT, AS SET OUT IN THE MAIN REPORT)

A3 15/00780/FUL

Demolition of existing dwelling and the erection of a single storey building to provide three units for use either as A1 (shops) or A5 (hot food takeaways) at Ashby Road, Ibstock

Amendment to Report

The indicative map provided on page 45 of the Committee Report is incorrect as it does not include the residential property which is proposed to be demolished. An accurate site location plan is provided below:



The recommendation provided on pages 45 and 46 of the Committee Report indicate that planning permission should be granted subject to planning conditions and subject to a Section 106 agreement. To clarify, the recommendation provided on page 54 is the correct one and the scheme is recommended for permission subject to planning conditions (and not a Section 106 agreement).

Additional Correspondence

Councillor Felix Fenning (Ibstock East) objects to the application for the following reasons:

- Would be detrimental to the High Street in Ibstock;

- The roof design is not in keeping with the surrounding area;
- The opening times should be in line with the main Co-Op store;
- Unit 3 should not be used for A5 purposes as it is closest to residential properties.

These matters are already addressed in the Committee Report.

RECOMMENDATION: No change to recommendation which is to Permit subject to planning conditions.

A4 15/00701/VCIM Variations of conditions 3 and 22 of 15/00018/VCIM to introduce additional boundary treatments to plots 185, 186, 187, 188, 189 and 191 as well as landscaping revisions land to the rear of Parkdale, Ashby Road, Ibstock

Additional Representation

An additional letter of representation has been received from the occupant of no. 83 Parkdale which outlines the following:-

“Now that Bellway have submitted a more accurate plan for their retrospective planning application, I wish for the following comments to be included alongside those I submitted on 17th August 2015.

*In its current location, the fence creates a Permanent Major Negative impact on our property’s visual amenity due to its proximity to the principal windows of our dining room (not a conservatory) and being of very poor construction. I question why it is **supposed** to be acceptable that a boundary treatment that is in view of the general public can be deemed to be that much more important that it warrants a much higher grade of construction, i.e. brick wall, yet as an existing resident that has to look at this eyesore on a daily basis it appears that it is acceptable to construct the cheapest fence possible?*

The fence has been constructed in such a manner that maintenance of it, existing boundary treatments and the land in-between is now impossible and has already become an unmanageable section of wasteground that is attracting rubbish from the housing construction and is rife with weeds. The recent high wind caused it to become unstable and now moves in the slightest of breezes...I am waiting for it to fall!

Planting of trees has started, which is limited to one per plot, falling short of the original committee approved scheme which designated a buffer, and unsurprisingly, the first one to be planted contravenes their own plans in as much as it is too close to our building at 4.3 metres, whereas the plans states ‘a minimum of 5 metres from buildings, and 3 metres from drainage and services’. A request to adjust it has fallen on deaf ears.

The scheme that was passed by the committee (which is still our preferred outcome) was designed to provide an amount of separation to safeguard our amenities, surely this requirement is stronger than ever before because of the change from single to two-storey properties, especially as the rear elevation of the houses lack any architectural detail...and I quote....

Building for Life Assessment, Design and Construction,

17, Do the buildings exhibit architectural quality?

Assessment,

The house types proposed lack any level of detail or relief in terms of their elevation design. Rear elevations are particularly devoid of detail which is a concern where they are visible from the public realm.

- *To me they resemble a row of 'Cardboard Boxes'!*

Given that the documents published on NWLDC's planning portal in relation to this site purport to Bellway having engaged with us as residents and adjusted their design accordingly, can I suggest you re-read the following sections (copied from the portal), stand back and look at what has been allowed to develop, then tell me that this is FAIR????

DESIGN & ACCESS STATEMENT

4.1 Public engagement

4.1.1 The National Planning Policy Framework (NPPF) emphasises the importance of pre-application engagement, noting that good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community. Paragraph 66 of the NPPF indicates that applicants will be expected to work closely with those directly affected by their proposals and that where it can be demonstrated that views of the community have been taken into account in developing the design of the development, proposals should be looked on more favourably.

4.1.2 Bellway Homes has been keen to engage with and inform the community of plans to develop land south of Ashby Road, Ibstock and has undertaken various pre-application consultations with key stakeholders and the local community on the proposals for the site. This included a public exhibition held on the 29th March at Ibstock Community College, presentations to district and parish councillors and meetings with officers. Details of the public consultation undertaken are set out in the Statement of Community Involvement.

4.2 Key Issues

4.2.1 The key issues raised through these consultations about the design approach include:

- ***Relationship of new development with existing single storey properties along Parkdale and Station Road.***

4.4 Feedback and design revisions

4.4.1 In response to the consultations a number of revisions have been made to the design of the proposals for the site including:

- ***Revisions to the treatment of the boundary with existing properties, to include more single storey dwellings, increased buffer planting and distances between existing and proposed properties.***

4.5 Conclusions

4.5.1 The public engagement with the local community helped to identify key issues of concern to local residents and has informed revisions to the design and layout of the

proposed development and the choice of design of house types. As a result the design now provides a better relationship with adjoining properties, provides a strengthened landscape edge to Mill Hill Wood and presents a stronger, more cohesive character.

LANDSCAPE AND VISUAL IMPACT ASSESSMENT.....

6.4 The proposals provide an opportunity to deliver a sensitive and appropriate design response to ensure that the development relates to, and enhances, this edge of Ibstock.

6.9 Inevitably, the most notable visual effects as a result of the development would influence the immediate and some localised receptors due to the close proximity of the development, the proportion of development likely to be visible and the loss of visual amenity. Here the significance of effects would range from major to moderate and negative. However, the interface with existing residential development along the eastern and southern boundaries would be handled sensitively to mitigate the magnitude of these effects. Single and one and a half storey units are proposed as part of the mix along the eastern boundary and units would be carefully sited to minimise visual intrusion.

Can I therefore add that IF the committee decides to 'roll over' and grant permission for this latest 'U Turn' that the following conditions are added;

1 As the boundary is so close to our dining room, we request that Permitted Development Rights are removed for the plots behind our bungalow (under PD rights sheds, aviaries, garden rooms, workshops etc can be built up to the boundary and up to 2.5m high (eaves) and up to 4.0m (roof ridge) within 2.0 metres of the boundary.

2 The fence is re-constructed to 1800mm high, and reversed.

3 A condition that additional trees are provided and are maintained in perpetuity to mitigate the loss of amenity to adjacent existing residential properties.

And finally, a request that when you present the case documents to the committee on Tuesday, that you display a photograph showing the fence in relation to our dining room, so that they can see how close it is, as I expect that the bus tour will again be a drive-by and they will not be stopping to view.

Officer comment

It is considered that the issues raised have been adequately assessed in the Committee report which has been presented to Members and as such do not require further appraisal at this stage.

In terms of the suggested conditions by the objector which they wish to be imposed on any permission granted, should the Committee be minded to agree the officer's recommendation, Members are advised that: -

1. The removal of permitted development rights should have been considered at the time the original approval was granted, if it had been deemed necessary, but no conditions restricting this form of development were imposed. Whilst the scheme has been amended it is considered that it would be unreasonable to impose such a condition on any consent granted under this particular application given that it simply relates to the retention of fencing and therefore such a condition would not be directly related to the development proposed. For the avoidance of doubt it is noted that any outbuilding erected within 2.0 metres of any boundary could only have a maximum height of 2.5 metres and not the 4.0 metres specified by the objector.
2. The Local Planning Authority would not be in a position to control the orientation of any boundary treatment erected and in terms of limiting its height to 1.8 metres this would again be considered an unreasonable request given that boundary treatments can be erected to a height of 2.0 metres without planning permission under permitted development rights.

3. Whilst the Committee could suggest that a further landscaping scheme be agreed to provide additional trees within the rear gardens of the relevant plots it would not be possible to insist that such a scheme be retained in perpetuity. It is considered that this is an unreasonable request given that it has already been assessed that the relevant distances between the plots and relevant boundaries/rear elevations are satisfactory and therefore do not need mitigating.

RECOMMENDATION: PERMIT AS RECOMMENDED (SUBJECT TO CONDITIONS AS SET OUT IN THE MAIN REPORT).

A5 15/00698/VCIM Variations of conditions 3 and 22 of 15/00019/VCIM to introduce additional boundary treatments to plots 176 and 177 as well as landscaping revisions land to the rear of Parkdale, Ashby Road, Ibstock

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