

APPENDIX B

**Report of the Head of Planning and Regeneration
To
Planning Committee
6 September 2016**

PLANNING & DEVELOPMENT REPORT



PLANNING COMMITTEE FRONT SHEET

1. Background Papers

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

2. Late Information: Updates

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

3. Expiry of Representation Periods

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

4. Reasons for Grant

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

5. Granting permission contrary to Officer Recommendation

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

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

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

6 Refusal contrary to officer recommendation

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

7 Amendments to Motion

An amendment must be relevant to the motion and may:

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

as long as the effect is not to negate the motion

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

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

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

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

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

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

8 Delegation of wording of Conditions

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

to the Head of Planning and Regeneration.

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

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

UPDATE SHEET

PLANNING COMMITTEE – 06 September 2016

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 15/00966/VCUM Variation of condition 2 to 13/00183/FULM to amend house and garage types in addition to landscaping, boundary treatments and levels
Land Off Measham Road, Moira

Additional letters of representation:

2 additional neighbour letters have been received raising the following objections:-

- The site drainage has no betterment to the wider area
- There were no height details of the finish floor levels on the original plans
- There is a substantial difference in height of the floor level above the original ground level which will lead to surface water flooding
- Flooding to neighbours did not occur until the building work began
- Raise in levels would contravene Local Plan Policy E3 and would be detrimental to the neighbours resident's amenities
- Rights under the Human Rights Act 1998 Protocol 1; Article 1 and 8 in relation to peaceful enjoyment of home and garden and respect for private family life, would be compromised
- A new Flood Risk Assessment needs to be carried out

Officer comment:

The issues raised by the additional letter of representation, has been considered within the main body of the report.

For the avoidance of doubt, this proposal relates only to design changes and changes to levels across some parts of the site and these are the only matters which can be considered as part of this application.

During the course of the application, additional information regarding groundwater flooding has been submitted and no objections are raised by the Lead Local Flood Authority or the Environment Agency, with the finished floor levels being in accordance with this information.

The District Council is satisfied that its processes and practices are compatible with the European Convention on Human Rights. The planning system as a whole respects the rights of individuals who may be affected by the proposed development whilst acting in the interest of the wider community. The District Council in assessing the effects that the proposed development will have on individuals, weighs these against the wider public interest in determining whether the development should be permitted. In carrying out this balancing exercise the District Council is satisfied that it has acted proportionately and in accordance with legislation, policies and national guidance.

RECOMMENDATION: NO CHANGE TO RECOMMENDATION

A3 16/00558/OUT **Erection of two dwellings with associated garages including the creation of a new vehicular access (outline application access and layout for approval).**
Land Adjacent to The Cottages, Stoney Lane,
Coleorton.

Additional information received:

Following the publication of the Committee agenda the agent for the application has submitted an amended layout plan to try and address the issue over the visibility splays for plot 1. Additional information has also been supplied by the agent stating that the application site would be within the catchment area of Griffydham County Primary School (Top Road), that the Institute of Highways and Transportation "*Providing for Journeys on Foot*" document specifies that the 'preferred maximum' walking distance to services and a school in a rural area would be 1200 and 2000 metres, respectively, and that the conclusions in the report in respect of 'ribbon development' and 'urbanisation' of the site are not consistent with pre-application advice which was provided.

The County Highways Authority were reconsulted on the amended layout plan and have advised that their objection in respect of the visibility splays to plot 1 can now be removed. Their remaining objections are still applicable.

For the purposes of clarity it would also like to be identified to Members that the reference to 'plot 1' on page 54 of the Committee Agenda should in fact refer to 'plot 2'.

Officer comment:

The Willesley Road appeal decision (ref: APP/G2435/W/15/3027396) was clear that the accessibility of services is more than a purely arithmetic issue. The lack of a footway and lighting on Stoney Lane, Bakewells Lane and School Lane will, in practice, limit the attractiveness of accessing services other than by car. As such, the proposal is not considered to be socially sustainable.

On the basis that the County Highways Authority have confirmed that the amended layout plan has addressed their concerns in respect of the visibility associated with plot 1 this element of the second reason for refusal can now be removed. Their remaining objections to the development are still applicable.

Pre-application advice was provided on information submitted at that time and the Council can now demonstrate a five year housing land supply.

RECOMMENDATION: No change to recommendation subject to an amendment to reason for refusal no. 2 in order to remove reference to the visibility splays associated with plot 1.

This page is intentionally left blank