

## **UPDATE SHEET**

### **PLANNING COMMITTEE – 02<sup>nd</sup> October 2018**

**To be read in conjunction with the  
Report of the Planning and Development Team Manager to  
Planning Committee**

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

**A1            18/00464/FULM            Plot 2, Ashby Gateway, Smithy Road, Ashby De La Zouch.**

**Additional information:**

With regards to the figure of 26% referred to within the retail impact assessment on page 22 of the Planning Committee report, this is the proportion of B&M's total comparison retail turnover which is expected to be diverted from Ashby De La Zouch Town Centre rather than the loss of profit to this centre. In this respect, the Council's external retail consultant's report outlines that the total trade impacts on the combined retail turnover of Ashby Town Centre by 2022 would be a loss of 6.57% profit and consequently not significant to conclude adverse impact on Ashby De La Zouch Town Centre.

The summary of the report prepared by the Council's external retail consultant is as follows:

*"In summary, on the basis of the additional information submitted on behalf of the applicant, we are satisfied that the proposed development meets the requirements of paragraph 24 and 26 of the NPPF and that there would not, therefore, be grounds to refuse planning permission under the terms of paragraph 27 of the NPPF."*

Please note that Paragraphs 24, 26 and 27 are now Paragraphs 86, 87, 89 and 90 of the revised NPPF of this year, which relate to ensuring the vitality of town centres.

**Officer comment:**

It is considered that the Committee report prepared has addressed the matters associated with the implications to the vitality and viability of Ashby De La Zouch and Coalville Town Centres and that the impacts would not be significantly adverse to justify a refusal of planning permission.

**RECOMMENDATION: NO CHANGE TO RECOMMENDATION**

**A2      18/00427/FULM      Erection of 9 dwellings with associated access,  
turning areas and car parking.**

**Additional information:**

For the avoidance of doubt the planning history referenced in the 'Proposals and Background' section of the report is applicable to the land directly to the north of the application site and not the application site itself which has no relevant planning history. The current application therefore proposes an extension to the existing development to the north by Cadeby Homes.

Matters associated with ecology and surface water drainage have been addressed with the County Council Ecologist and Lead Local Flood Authority (LLFA) raising no objections subject to the imposition of conditions on any permission granted. As such the recommendation to permit the application "*subject to the LLFA and County Council Ecologist confirming they have no objections*" is now superseded as these matters have now been resolved.

**Officer comment:**

No further comments to make.

**RECOMMENDATION: NO CHANGE TO RECOMMENDATION**

**A3 18/00624/FUL Barn on land adj Renira, Aqueduct Road, Coleorton**

**Additional information received:**

Amended plans have been received from the application showing maximum achievable visibility splays in both directions, the retention of existing hedgerows and the removal/replanting of a hedgerow along part of the site frontage to the rear of north eastern visibility splay to the new site access. Amended elevational drawings have also been provided following officer concerns about the domestic appearance of the original proposed window units.

**Officer comment:**

All these amended have been received at the request of officers and the amended plans accord with the officer's requests. The proposed use of smaller horizontal hopper windows instead of two light casement windows in the rear elevation of the building is considered to better reflect the rural character of the building and the proposal would accord with the provisions of Policy D1 of the adopted Local Plan, paragraph 127 of the NPPF.

The retention and replacement of existing hedgerows would ensure that the rural feel of Aqueduct Road is maintained, whilst allow for maximum achievable visibility splays to be provided and the existing soft edge of the site against the field to the rear is to be maintained. It is considered that the proposal is acceptable for the purposes of Policies, IF4, IF7, E1 and E3 of the adopted Local Plan and paragraph 109 of the NPPF.

**RECOMMENDATION: NO CHANGE TO RECOMMENDATION**

## Material Planning Considerations

When a decision is made on a planning application, only certain issues are taken into account; these are often referred to as 'material planning considerations'.

### **MATERIAL PLANNING CONSIDERATIONS:**

Issues that may be relevant to the decision

**(There may exist further material planning considerations not included here)**

- Local, strategic, national **planning policies** and policies in the Development Plan
- Emerging new plans which have already been through at least one stage of public consultation
- **Pre-application planning consultation** carried out by, or on behalf of, the applicant
- **Government and Planning Inspectorate requirements** - circulars, orders, statutory instruments, guidance and advice
- **Previous appeal decisions** and planning Inquiry reports
- Principles of **Case Law** held through the Courts
- **Loss of sunlight** (based on Building Research Establishment guidance)
- **Overshadowing/loss of outlook** to the detriment of residential amenity (though not loss of view as such)
- Overlooking and **loss of privacy**
- **Highway issues:** traffic generation, vehicular access, highway safety
- **Noise or disturbance** resulting from use, including proposed hours of operation
- **Smells and fumes**
- Capacity of **physical infrastructure**, e.g. in the public drainage or water systems
- Deficiencies in **social facilities**, e.g. spaces in schools
- Storage & handling of **hazardous materials** and development of **contaminated land**
- Loss or effect on **trees**
- Adverse impact on **nature conservation** interests & biodiversity opportunities
- Effect on listed buildings and conservation areas
- **Incompatible or unacceptable uses**
- Local **financial considerations** offered as a contribution or grant
- **Layout and density of building** design, visual appearance and finishing materials
- Inadequate or inappropriate **landscaping** or means of enclosure

The weight attached to material considerations in reaching a decision is a matter of judgement for the decision-taker however the decision-taker is required to demonstrate that in reaching that decision that they have considered all relevant matters.

Generally greater weight is attached to issues raised which are supported by evidence rather than solely by assertion.

If an identified problem can be dealt with by means of a suitable condition then the Local Planning Authority is required to consider this rather than by issuing a refusal.

### **NON-MATERIAL PLANNING CONSIDERATIONS:**

Issues that are not relevant to the decision:

**(There exist further non-material planning considerations not included in this list)**

- **Matters controlled under building regulations** or other non-planning legislation e.g. structural stability, drainage details, fire precautions, matters covered by licences etc.
- **Private issues between neighbours** e.g. land/boundary disputes, damage to property, private rights of access, covenants, ancient and other rights to light etc.
- **Problems arising from the construction period** of any works, e.g. noise, dust, construction vehicles, hours of working (covered by Control of Pollution Acts).
- Opposition to the **principle of development** when this has been settled by an outline planning permission or appeal
- **Applicant's personal circumstances** (unless exceptionally and clearly relevant, e.g. provision of facilities for someone with a physical disability)
- **Previously made objections/representations** regarding another site or application
- **Factual misrepresentation of the proposal**
- Opposition to **business competition**
- **Loss of property value**
- **Loss of view**

Planning Aid England provides free, confidential and independent planning advice.  
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