

# UPDATE SHEET

## PLANNING COMMITTEE – 10 January 2017

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	16/00967/OUTM	<b>Residential development of up to 135 dwellings, access, infrastructure and public open space (Outline - details of part access from Swepstone Road included)</b> Land North Of Swepstone Road, Heather, Leicestershire.
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#### **Additional information received:**

Two additional letters of objection have been received from members of the public.

For clarification, LCC Developer Contributions has confirmed that Heather Primary School has a net capacity of 112 and should this development proceed, 144 pupils are projected on the roll. However the figures in respect of the deficit at Heather School and the overall surplus arising from other schools in the surrounding area remain unaffected. The education contributions sought would not be affected, namely no contributions for the Primary School and High School Sectors, and a contribution of £247,794.66 sought for the Upper School Sector.

#### **Officer comment:**

The letters received do not raise any new issues that have not already addressed in the officer report.

Given the above matters have already been addressed, no further comment or change to the recommendation is considered necessary.

**RECOMMENDATION: No change to recommendation.**

**A2      16/00617/OUTM      Residential scheme for up to 40 dwellings including a mix of local need, starter, affordable and market dwellings (outline - all matters reserved)  
Land At Sweystone Road, Heather**

**Additional information received:**

The applicant has decided to withdraw the planning application.

**Officer comment:**

Given that the application has been withdrawn it will not be considered further at the Planning Committee meeting.

**A3      16/01224/FUL      Erection of 4 bungalows and associated infrastructure.  
Site At Staley Avenue, Ashby De La Zouch**

**Letters of representation:**

**Leicestershire County Council Ecologist** has confirmed that the submitted report is satisfactory, that no protected species or ecological features of note were identified on the site and no further survey action is required.

**Lead Local Flood Authority** consider this to be a minor application and the proposals are unlikely to increase flood risk. As such they have no comments to make.

**Officer comment:**

The consultation period has now expired, as such the recommendation can be amended accordingly.

**RECOMMENDATION: PERMIT, subject to the imposition of the following conditions (those reported in the main agenda) and an additional note to applicant:-**

**Notes to Applicant**

The recommendations of the Ramm Sanderson report dated 14 July 2016 should be adhered to.

**A5          15/01005/FUL          Demolition of existing buildings and erection of 7  
no. dwellings and associated infrastructure  
Land At Queens Street, Measham**

**Additional Information**

2 letters of representation (from 1 neighbour) has been received raising the following objections:-

- Considers that land ownership and a boundary is relevant and disputes that it is not a material planning consideration;
- If the land was owned by NWLDC would the application still be recommended for approval?;
- The onus should be on the applicant to prove the boundary and illustrate it on a plan and a judgement made as to whether the application fits inside the boundary;
- Contrary to Human Rights Act 1998 Part II The First Protocol Article 1 protection of property;
- Request that the application be deferred and the applicant required to give details of the boundary treatment to the northern border;
- The application is for detailed planning consent and so the plan should show the boundary treatment and position;
- Views have not been taken into consideration.

A further plan has been submitted by the applicant demonstrating that the proposed development would be located on land that is within the ownership of the applicant.

**Officer comment:**

As the main body of the report refers to, land ownership and disputes over boundaries, is not a material planning consideration and therefore cannot be taken into account in the determination of this application.

Article 1 of the first protocol provides that a person is entitled to the peaceful enjoyment of his possessions. This right is not absolute and is subject to actions in the public interest and subject to conditions provided by law. In other words the normal operation of the planning system (which this clearly is) cannot be compromised by the application of human rights.

Whilst the application is in full, not all details are required to be submitted during the course of the application, and matters such as materials, levels and boundary treatments are regularly imposed as conditions. Accordingly condition number 5 requires a scheme of boundary treatments to be submitted to the Local Planning Authority.

**RECOMMENDATION: NO CHANGE TO RECOMMENDATION**

**A6      16/01145OUT      Erection of two dwellings and associated access and parking arrangements (outline – means of access and layout for approval).  
23 Church Hill, Swannington, Coalville.**

**Additional information received:**

Following the publication of the Committee agenda a representation has been received from a third party objecting to the application with the comments raised summarised as follows: -

- 1) Inappropriate development in the countryside.
- 2) Increase in vehicular traffic being detrimental to highway safety.
- 3) The proposal will undermine the enhancements made in this area, which is within the National Forest, particularly as one area recently received an inaugural National Forest Woodland Awards – Community Involvement.
- 4) There are inaccuracies on the application form as the site is adjacent to areas where ecological species exist as well as trees being present.
- 5) There could be surface water run-off issues particularly as the site is on a hill.

**Officer comment:**

It is considered that the representations raised have already been addressed in the Committee report which has been prepared and presented to Members with it being noted that no objection has been received from the County Council Ecologist or County Highways Authority to the proposed development.

**RECOMMENDATION: No change to recommendation.**

**A8      16/01397/PDNATR      Prior approval notification for the demolition and change of use and external alterations of an existing agricultural building to form 1 no dwelling  
Clock Mill, Sweptstone Road, Measham**

**Additional information received:**

The Lead Local Flood Authority (LLFA) consider this to be a minor application and the proposals are unlikely to increase flood risk. As such they have no comments to make.

**Officer comment:**

The consultation period has now expired, as such the recommendation can be amended accordingly.

**RECOMMENDATION: NO OBJECTIONS, subject to the imposition of the following conditions: (those reported in the main agenda)**