

# UPDATE SHEET

## PLANNING COMMITTEE – 07 March 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 publication of the main reports;
- (b) Amendments to Conditions;
- (c) Changes to Recommendations

### MAIN REPORT

A1      16/00102/OUTM      Residential development of up to 30 no. dwellings and associated infrastructure (outline - access only)  
Talbot Place, Donisthorpe

#### Additional Information Received:

Leicestershire County Council has requested the following developer contributions:

- £53, 628.51 towards High School Sector
- £55, 065.48 towards Upper School Sector
- £910 towards Library Facilities

#### Officer comment:

The proposed contributions would comply with the relevant policy and legislative tests as set out in the CIL Regulations and the NPPF. The applicants are agreeable to paying the requested contributions.

**RECOMMENDATION: No change to recommendation**

**A2      17/00023/FULM      Demolition of care home and erection of 11 dwellings**  
Greenacres, Linford Crescent, Coalville

**Additional Information Received:**

Amended plans have been received showing revised elevations for the scheme including chimneys and alterations to windows. Amendments to the layout have also been received.

**Officer comment:**

Whilst the amended plans go some way to addressing officers concerns regarding the design and layout of the proposed dwellings, the applicant has agreed to submit further amended plans to address the remaining outstanding concerns of officers particularly in respect of the car parking spaces. Subject to the receipt of satisfactory amended plans, the proposal would be acceptable.

**RECOMMENDATION: No change to recommendations subject to satisfactory amended plans being received and agreed by officers**

**A3      16/01210/OUT      Erection of three two-storey dwellings and associated access arrangements including amended parking for no's 5, 7 and 9 Borough Street (outline – means of access and layout for approval).**  
Land to the Rear of 3 – 9 Borough Street, Kegworth.

**Additional information received:**

Following the publication of the Committee agenda a further three representations have been received from third parties objecting to the amended plans with the comments raised summarised as follows: -

- 1) The proximity of plot 1 to the properties on Hollands Way and Derby Road will result in adverse overlooking impacts and preclude development to the rear of the dwellings on Derby Road due to the separation distances.
- 2) A clear condition should be imposed to outline that no construction occurs within the root protection area (RPA) of the protected tree.
- 3) The available parking for no. 3 Borough Street is inadequate.
- 4) It needs to be made clear what development is being permitted.
- 5) There is potential asbestos in the garages which would be demolished.
- 6) Silver Birch tree on Borough Street should be protected.

In addition to the third party representations Kegworth Parish Council has also reiterated their objections to the application in respect of the following matters: -

- 1) The provision of three dwellings is an over-development of the site.
- 2) The development of the site results in dwellings being constructed close to existing dwellings and too much of the site is dedicated to parking at the expense of gardens for the dwellings.
- 3) The site entrance is too narrow to accommodate the additional movements.
- 4) The position of plot 1 is too close to nos. 33 – 37 Hollands Way.

In respect of additional comments from statutory consultees the County Highways Authority have advised that they have no objections subject to the imposition of conditions on any consent granted.

**Officer comment:**

It is considered that the majority of the representations raised have already been addressed in the Committee report, and its associated conditions, which has been prepared and presented to Members. However, in terms of the specific concerns raised by the third parties and Parish Council the following responses would be provided: -

*Relationship of plot 1 with dwellings on Hollands Way and Derby*

The submitted layout plan identifies that plot 1 would be set 10.2 metres, at its closest point, and 18 metres, at its furthest point, from nos. 33 – 37 Hollands Way which is orientated away from the principal elevation of plot 1. Plot 1 would also be set 9.4 metres from the boundary with no. 38 Derby Road and 13 metres from the boundary with no. 36 Derby Road. There would a minimum distance of 32 metres between the elevation of plot 1 and those to properties on Derby Road. On the basis of these distances, as well as the fact that nos. 33 – 37 Hollands Way are orientated away from the site, it is considered that no adverse overbearing or overshadowing impacts would arise. At this stage the scale and appearance of the dwellings is not known but careful consideration would be given to the position of windows and the height of the dwellings at the reserved matters stage to ensure that an acceptable relationship would be provided. The orientation of nos. 33 – 37 Hollands Way to the position of plot 1 would ensure no direct overlooking impact would arise.

*No development within the root protection area (RPA) of the protected tree*

Conditions are proposed to ensure that a site specific tree protection plan is agreed, in consultation with the Council's Tree Officer, prior to the commencement of the development and this is considered to be sufficient in ensuring the RPA of the tree would not be impacted on.

*Available parking for no. 3 Borough Street is inadequate and access arrangements are inadequate*

The parking for no. 3 Borough Street, a total of two spaces, already exists and is not subject to any consideration as part of this application given that these arrangements are not to be changed. The County Highways Authority have determined that there are no highway safety implications to the development and as such the proposed access arrangements, and implications to the highway, are considered to be satisfactory.

*Needs to be clear which plans are permitted*

The approved plans condition would make it clear which plans have been approved as part of the application.

*Asbestos in the garages*

Separate legislation would address the issues associated with the removal of structures which may contain asbestos and as such it is not necessary to impose such a control on the development via the planning process. Whilst this is the case a

note to the applicant would be imposed on the decision notice to advise of this relevant legislation.

#### *Over-development of the site and garden sizes*

It is considered that the density of the proposed development would be consistent with that on neighbouring sites with the overall size of the gardens also being compatible with those in the area.

#### *Retention of Silver Birch tree on Borough Street*

Landscaping is a reserved matter and as such the provision of additional planting, or retention of existing planting, would be agreed at this stage should outline permission be granted. At present the plans identify that the Silver Birch would be retained but should it be necessary to remove this tree at a later date the Council's Tree Officer does not consider it would warrant retention via a tree preservation order (TPO) due to its relationship with the highway and telegraph wires which penetrate through its canopy. Should it be removed a more suitable tree species could be supplied via the submitted landscaping scheme.

**RECOMMENDATION: No change to recommendation.**

**A4            17/00034/FUL            Demolition of existing garage and erection of detached building to provide two self-contained flats**  
9 Grange Close, Ashby De La Zouch

#### **Additional Information Received:**

An amended plan has been received from the agent. This corrects a minor inaccuracy identified on the originally submitted plans in relation to the numbering of the adjacent dwellings.

Ashby Town Council have objected to the application on grounds that the development would be over intensive and on highway safety grounds, on the basis that the road is already congested.

One further letter of neighbour representation has been received, this raises the following issues/concerns:-

- The development will not be in keeping with the characteristics of the area and its corner position further worsens this; the development does not fit in with surrounding houses;
- This is a profit making venture;
- The flats will be squashed in and will spoil the existing property;
- Ashby already has a high proportion of new housing;
- Could the Planning Committee please consider the impact on residents and refuse the application

#### **Policies**

The Committee Report refers to the emerging Ashby Neighbourhood Local Plan. However a pre-submission Ashby Neighbourhood Local Plan has now been published which is currently out for consultation until 13 March 2017. As per the Committee Report, in view of the early stage to which the pre-submission

Neighbourhood Plan has progressed, only very limited weight can be attributed to its policies at this stage.

**Officer Comments:**

In relation to the additional comments received, matters of overdevelopment, design and highway safety/congestion have already been appraised in the main body of the report and do not result in significant adverse harm that would substantiate a reason for refusal.

Whether or not the application is a profit making venture is not a material planning consideration and as such should have no bearing on the decision made.

It has been stated that there is already a sufficient number of new houses proposed in Ashby and therefore this development is not necessary. The required housing numbers for the District are expressed as a minimum, this application would result in the creation of two additional residential units which have been assessed as comprising sustainable development. As such, in accordance with the presumption in favour of sustainable development they are considered acceptable.

**RECOMMENDATION: NO CHANGE TO RECOMMENDATION**

**A5            16/00888/OUT            Erection of one detached dwelling with detached garage and stable block for use in connection with horse stud and formation of new access (Outline- access and layout included)  
Land at Redburrow Lane, Packington**

**Additional Information Received:**

Further representations have been received from the agent, as follows:

- The dwelling would be self-build;
- Other sites outside Limits to Development have previously been granted planning permission for housing in the district;
- The future occupiers of the adjoining site that is under construction will scare the horses on this site;
- No statutory consultees object;
- Rural crime has been experienced on the site;
- Pre-application discussions were positive with respect to a self-build dwelling;
- Development can be allowed outside the Limits to Development if the site is sustainable, as in this case;
- The application is to provide a permanent presence on the land for welfare purposes;
- The stud is not run as a business and some businesses operate on a subsistence basis;
- Non-compliance with the financial tests set out under the former Annex A to PPS7 would not constitute a reason for refusal and a robust functional argument has been put forward.

**Officer Comments:**

Other sites outside Limits to Development have previously been supported. However the new Local Plan is now at an advanced stage, and the Council is able to demonstrate a five year supply of housing land relative to the submitted Local Plan.

The absence of statutory consultee objections has no bearing on the reason for refusal, which is an in-principle conflict with the adopted and submitted Local Plans and the NPPF.

The argument put forward regarding proximity to dwellings could apply anywhere that dwellings exist close to livestock, and is not of itself a reason to support a dwelling outside limits to development. The comments relating to experience of rural crime have not been robustly evidenced and could apply to any sites located adjacent to sites under development. In this case the argument appears to be that because dwellings are being built nearby, one should be allowed a dwelling on this site to have a presence close to the horses. It is not considered that the reasons for providing a dwelling on the site in connection with the applicants' stud business would overcome the harm set out in the reason for refusal.

Pre-application discussions have been held in positive spirit, but this case has never been specifically about a self-build dwelling. The Local Planning Authority encourage all applications to be dealt with in a positive and proactive manner but this does not preclude applications being recommended for refusal.

It is noted that the applicant's agent has now requested that the application be considered as a self-build dwelling. The supporting information submitted as part of the original application makes no reference to a self-build dwelling and the applicant is not included on the Council's self-build register. In any case, it is not considered that the inclusion of a self-build dwelling would overcome the harm set out in the reason for refusal.

#### **RECOMMENDATION: NO CHANGE TO RECOMMENDATION**

**A6      16/01056/FUL      Erection of detached two storey dwelling with adjacent garage and new vehicular access**  
The Manor, Overton Road, Ibstock

#### **Additional Information Received:**

The applicant's agent has the following comments to make on the Committee Report:

- The access to the proposed development would be from a re-positioned field gate and would not result in a new opening through the existing wall;
- The applicant would be willing to provide a grasscrete track to reduce visual impacts;
- The applicant has held positive and proactive discussions with the case officer during the course of the application and was anticipating that the application would be approved under delegated powers;
- The development proposal would be a self-build project;
- The proposal would allow for 'enabling development' to the adjoining Coach House which is Grade II curtilage structure and in a state of disrepair. The applicants are willing to provide £50,000 towards these repair works.

#### **Officer comment:**

The Local Planning Authority accept the access would be formed via an altered field gate rather than break through an existing wall but would not alter the conclusions reached regarding the engineered access, the impact on field boundaries and the

design, scale and massing of the proposed dwelling. The inclusion of a grasscrete access track would not alter these conclusions either.

The Local Planning Authority encourage all applications to be dealt with in a positive and proactive manner but this does not preclude applications being recommended for refusal.

It is noted that the applicant's agent has now requested that the application be considered as a self-build dwelling following the issuing of the Committee Report. The supporting information submitted as part of the original application makes no reference to a self-build dwelling and the applicant is not included on the Council's self-build register. In any case, it is not considered that the inclusion of a self-build dwelling would overcome the harm which has been identified as part of the proposal.

The applicant's agent has now requested that the application also be considered as enabling development to allow for restorative works to the adjoining Coach House which is Grade II curtilage structure and is alleged to be in a state of disrepair. Again, the supporting information submitted as part of the original application makes no reference to this matter. The tests for enabling development are set out by Historic England and the details provided in respect of this matter would not meet these tests and, therefore, no planning weight should be attached to these 'enabling' works. It is also noted that the building is not included on the Heritage at Risk register.

**RECOMMENDATION: No change to recommendation**

**A7        17/00024/OUT        Erection of a detached dwelling with associated access (outline – means of access and layout for approval).**  
1 Zion Hill, Peggs Green, Coleorton.

**Additional information received:**

Following the publication of the Committee agenda the applicant's agent has made the following comments: -

- 
- We have held positive and proactive discussions with the case officer at the pre-application stage where comments were provided on the design approach which was submitted. The scheme also proposes ecological enhancements and further tree planting which was discussed at the pre-application stage.

**Officer comment:**

Whilst the Local Planning Authority encourage all applications to be dealt with in a positive and proactive manner, including receiving pre-application advice, this does not preclude applications being recommended for refusal should a further assessment during the course of an application deem this necessary.

As landscaping is a matter reserved for subsequent approval, should the principle of development be accepted, there was no requirement to refer to the proposed enhancements to be made in this respect as part of this particular application.

**RECOMMENDATION: No change to recommendation.**

**A8**            **16/00835/FUL**            **Erection of one dwelling and formation of access**  
Land Adjacent 16 Measham Road, Ashby De La Zouch

**Additional Information Received:**

An email has been received from the agent which states that the applicant would be willing to incorporate non-mains drainage into the proposal, which would be in the form of a package treatment plant located to the front of the site.

**Policies**

The Committee Report refers to the emerging Ashby Neighbourhood Local Plan. However a pre-submission Ashby Neighbourhood Local Plan has now been published which is currently out for consultation until 13 March 2017. As per the Committee Report, in view of the early stage to which the pre-submission Neighbourhood Plan has progressed, only very limited weight can be attributed to its policies at this stage.

A number of relevant policy titles have changed as follows:

Policy T1: Traffic Management

Policy NE4: Biodiversity

Policy NE 5: Trees and Hedgerows

Policy HE2: Heritage Assets.

**Officer Comments:**

Although the agent has indicated that the applicant would be willing to incorporate non-mains drainage into the proposal, the agent has now confirmed that the application is to be assessed with a connection to the mains sewer and as such, there is no change to the recommended reason for refusal.

It is noted that there are 46 people on the Council's Self Build Register, although the applicant is not included. However the dwelling has been proposed as self-build from the early stages of the application, although it is not considered that the inclusion of a self-build dwelling would overcome the harm set out in the reason for refusal.

**RECOMMENDATION: NO CHANGE TO RECOMMENDATION**

**A9**            **16/01285/RET**            **Retention of a first floor window to be openable to no more than 50mm and to not be fully obscure glazed**  
7 Appleby Fields Close, Appleby Magna

**Additional Information Received:**

A location plan showing the site's red line boundary has been submitted.

**Officer Comments:**

The location plan will need to be added to condition 1 (approved plans).

**RECOMMENDATION: NO CHANGE TO RECOMMENDATION**