

UPDATE SHEET

PLANNING COMMITTEE – 08 July 2014

To be read in conjunction with the
Director of Services & Deputy Chief Executive'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	13/00249/OUTM	<p>Employment uses (B2/B8) of up to 1,300,000 sqft (120,773 sqm approx) with associated ancillary uses and associated infrastructure, including a new access from Beveridge Lane and off-site highway improvements, earthworks and ground modelling, together with new landscaping, including habitat creation and provision of a new community woodland park (outline - all matters other than part access reserved)</p> <p>Land at Little Battleflat Farm, Beveridge Lane, Ellistown</p>
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Additional Consultee Responses

Highways Agency confirms that, whilst it is not in a position to lift its holding Direction pending the progression of the transportation infrastructure contribution strategy, it does not object to the proposals per se and is confident that the outstanding matters are capable of resolution.

County Highway Authority has no objections subject to conditions and subject to Section 106 obligations. In detail, the County Highway Authority comments as follows:

"The application has been supported by a Transport Assessment (TA) which has been reviewed by the Highway Authority. Significant and lengthy discussions have been held with the transport consultant to ascertain the likely highway impact of the development and how its

impact can be effectively mitigated. The conclusion of the TA has now been agreed with the applicant that the development will result in a material impact at the Ellistown double mini-roundabout. Specific details of a mitigation scheme have not yet been identified and agreed; however the Highway Authority is confident that an appropriate scheme can be achieved. In light of the wider development proposals in the area (with particular reference to the proposed South East Coalville SUE) and the potential economic merits of this current application, the Highway Authority is content to recommend conditional approval whilst the details of the mitigation scheme are being finalised. The Highway Authority stresses the importance of its engagement in the development of the details of the mitigation scheme to ensure that the development impact is satisfactorily addressed.

Highway impacts at other locations, including those on the strategic road network, are to be addressed through contributions made to North West [Leicestershire] District Council for the delivery of wider highway network improvements.”

Insofar as the proposed access arrangements (including for a ghost island priority junction) are concerned, the County Highway Authority advises that the proposed junction has been subjected to an independent Stage 1 Road Safety Audit. The County Highway Authority requires that the site access proposals should include for an area of land to be reserved which should be made available for the future delivery of a site access for the South East Coalville site access junction if required (and recommends the inclusion of Section 106 obligations to secure this).

In terms of the site's internal layout, the County Highway Authority comments that, as the application is in outline with all matters (except the Beveridge Lane site access) reserved, no discussions have been held, nor comments made, in relation to the internal layout as included on the illustrative plan, and this would need to be addressed at reserved matters stage.

In order to mitigate the impacts of the development on the local highway network, the County Highway Authority requests the following contributions / planning obligations be sought:

- Implementation of a construction traffic routeing agreement;
- A contribution towards improvements to the wider highway network in Coalville as considered appropriate by the District Council (i.e. in accordance with the District Council's contribution strategy);
- Appointment of a Travel Plan coordinator;
- A contribution of £125,000 per annum for five years in order to fund a minimum hourly bus service calling at new stops on Beveridge Lane, with details of the bus service agreed in writing by the County Highway Authority;
- Provision of travel packs to employees (or a financial contribution of £52.85 per pack to Leicestershire County Council in order for the County Council to provide the packs instead);
- Provision of one six month bus pass per employee upon commencement of the proposed bus service on Beveridge Lane (or a financial contribution of £350.00 per pass to Leicestershire County Council in order for the County Council to provide the passes instead);
- A contribution of £6,000 towards iTrace monitoring (transportation monitoring software); and
- Dedication of land shown as “temporary planting area” on the applicants' access plan to the County Highway Authority for the future provision of a site access for development on land north of Beveridge Lane

Comment

The County Highway Authority's comments confirm its position that the applicant has now demonstrated satisfactorily the likely impacts on the highway network, and that those impacts

can be mitigated subject to the developer contributions listed above (and including the proposed transportation infrastructure contribution of £1,980,000), and subject to conditions (including in respect of the implementation of improvements to the Ellistown crossroads). On this basis, and subject to the requirements specified by the County Highway Authority, it is accepted that the proposals address the likely impacts on the local highway network.

Insofar as some of the specific items requested by the County Highway Authority to be included in the Section 106 agreement are concerned, it is noted that the County Council has requested a public transport contribution totalling £625,000 over a five year period. In terms of the proposed changes to bus services generally, the applicants' submissions indicate the diversion of the no. 29 bus via Hugglescote and Ellistown (i.e. via Forest Road, Station Road, Midland Road and Beveridge Lane). This would then mean that the no. 29 would no longer serve Bardon Road or Reg's Way; Bardon Road to the south east of Waterworks Road is also served by no. 29A, and this service is also proposed to be diverted via Reg's Way (in lieu of the A511 between the Birch Tree and East lane roundabouts) so as to mitigate the loss of the 29 service to Reg's Way. New bus stops / shelters are proposed to Beveridge Lane between the site entrance and the Rushby Road roundabout.

In response to the County Highway Authority's request for financial contributions, the applicants suggest that the obligations be framed in terms of *either* (i) the developer securing a minimum hourly bus service calling at the proposed new bus stops to Beveridge Lane; *or* (ii) making the financial contribution to Leicestershire County Council for the County Council to secure these improvements.

In this regard, it is considered acceptable that the public transport contribution be secured either directly by the applicant working with the relevant bus service operator (subject to the proposed service meeting minimum agreed standards in terms of frequency of service etc.), or by way of the Section 106 agreement allowing for the payment of a financial contribution to Leicestershire County Council in order for the County Council to secure the upgraded service instead. The County Highway Authority also confirms it is content with this approach. Whilst the frequency of the proposed bus service changes as set out by the applicants do not yet appear resolved, this issue could be addressed through the Section 106 agreement being framed so as to enable the minimum service standards to be agreed by Leicestershire County Council.

Whilst the proposed approach to diversion of bus services as set out in the submitted Travel Plan would result in improved services to Hugglescote and Ellistown (and, it is considered, would provide the potential for appropriate public transport linkages to the development), there would be a loss of service to that part of London Road / Bardon Road between the Broom Leys Road and Waterworks Road junctions, and this issue may therefore need further consideration by Leicestershire County Council as and when a detailed scheme for changes to bus services to serve the development is submitted (or, alternatively, when the County Council is considering how best to spend any financial contribution made in respect of bus provision, if applicable).

It is noted that the County Highway Authority also suggests that the Section 106 agreement includes for a Travel Plan coordinator, whereas the implementation of a Travel Plan itself is proposed to be secured by way of the imposition of a condition. Having regard to the range of measures likely to be required as part of a Travel Plan for the site, the measures may need to include for financial contributions and, in that instance, a Section 106 obligation may be more appropriate to secure the Travel Plan than a condition. Alternatively, however, if measures such as bus contributions are in any event secured separately within the Section 106 agreement, a condition to secure the Travel Plan's implementation may be sufficient. At this stage, it is recommended that the conditions as set out in the updated recommendation below be attached to any planning permission. However, delegated authority to delete / amend these as applicable so as to enable the most appropriate approach to be followed is sought, depending on the outcome of detailed negotiations on the proposed Section 106 agreement. In terms of the

Travel Plan generally, given the as yet unknown nature of the individual unit occupier(s), it is considered appropriate for a Framework Travel Plan to be agreed covering those measures where a site-wide approach is taken, but also requiring subsequent approval of more detailed Travel Plans for each unit, setting out how each individual occupier intends to tailor the Framework Travel Plan's measures to its particular operations and workforce.

RECOMMENDATION: ADD CONDITIONS AND NOTE TO APPLICANT

Conditions

- 25 Save for any works associated with the formation of the access and highway network connections as shown on drawing no Figure 1A Rev N, no development shall commence on the site until such time as the Beveridge Lane site access junction and all associated works as shown on drawing no Figure 1A Rev N have been provided in full and are available for use by vehicular traffic.

Reason - To provide vehicular access to the site, including for construction traffic, in the interests of highway safety, and to comply with Policy T3 of the North West Leicestershire Local Plan.

- 26 No development shall commence on the site until such a time as a construction vehicle management plan, including wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and timetable.

Reason - To reduce the possibility of deleterious material (mud, stones, etc) being deposited in the highway and becoming a hazard to road users, and to ensure that construction traffic associated with the development does not lead to on-street parking problems in the area.

- 27 No part of the development hereby permitted shall be brought into use until such a time as a scheme of mitigation measures at the Beveridge Lane / Whitehill Road / Midland Road / Ibstock Road double mini-roundabout junction in Ellistown has been undertaken and implemented in full in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

Reason - To ensure that adequate steps are taken to mitigate the vehicular impact of the development.

- 28 Notwithstanding the submitted details, nor Condition 7 above, no development shall commence on the site until such time as a Framework Travel Plan, and including measures designed to reduce the amount of single occupancy car journeys to and from the site together with timetables for the implementation of the proposed measures, has been submitted to and agreed in writing by the Local Planning Authority.

Reason - To ensure that adequate steps are taken to provide transport choice / a choice in mode of travel to and from the site.

- 29 None of the buildings hereby permitted shall be brought into use until such time as a detailed Travel Plan for the relevant building (and based on the principles set out in the Framework Travel Plan agreed pursuant to Condition 28 above) has been submitted to and approved in writing by the Local Planning Authority. Unless any alternative timetable for implementation is first agreed in writing by the Local Planning Authority, the relevant unit shall thereafter not be occupied at any time unless operated in accordance with the agreed Travel Plan.

Reason - To ensure that adequate steps are taken to provide transport choice / a choice in mode of travel to and from the site.

- 30 Notwithstanding the submitted details, nor Conditions 4 and 25 above, none of the buildings hereby permitted shall be brought into use until such time as passenger shelters have been provided to the proposed bus lay-bys shown on drawing no Figure 1A Rev N in accordance details first submitted to and agreed in writing by the Local Planning Authority.

Reason - To ensure that adequate steps are taken to provide transport choice / a choice in mode of travel to and from the site.

Notes to Applicant

- 16 For the purposes of complying with Condition 25 above, the works required to be implemented include all those shown on drawing no Figure 1A Rev N (and including footways / cycleways, crossings, road markings and bus lay-bys).

A2 14/00309/FULM

Use of land for the operational use of military and civilian "off Road Vehicles" (Including tanks, Armoured fighting vehicles, Heavy duty vehicles and off-road 4x4's) along with provision of 3.0 metre high straw bunds (Revised Scheme)

Measham Lodge Farm Gallows Lane
Measham

Following the publication of the Committee report the Local Authority has received additional representations to the application from the occupants of Bosworth Grange, particularly the occupants of No. 2 Bosworth Grange, with the issues raised summarised as follows: -

- The landscape has been altered by an unauthorised activity and supporting this approach could set an undesirable precedent;
- Hanson's brickworks can not be seen or heard from Bosworth Grange and as such should not be defined within the 'surrounding' area;
- Only the brickworks is a permanent source of noise and this cannot be heard at Bosworth Grange and as such the argument is bias towards the applicant;
- A representation has been received from LCC Ashby Canal which states that the cumulative impacts of Minorca and Ashby Canal should be taken into account;
- Who will 'police' the management plan as it is an onerous task for residents and the windsock should be visible from Bosworth Grange;
- The bunds proposed for the Ashby Canal scheme would not screen the Tank Mania site from ground floor windows;
- The non-compliance of the operators of Tank Mania with the enforcement notices previously issued does not provide us with confidence that the management plan will be adhered to;
- Our human rights will be violated;

A further objection has been received from the surrounding neighbours as a joint response and raises the following issues:

- The officer report is biased, unfair and not in keeping with reasonable planning standards;
- The application proposes the use of the northern part of the site but the submitted noise report is solely concerned with the southern part of the site;
- A condition is recommended for an additional bund but this should form part of the application and be included within an update noise assessment;
- Inadequacies within the submitted noise report which was not originally intended to be submitted as part of a planning application;
- Current application includes for weekend use which is unacceptable;
- The Council has failed to consider cumulative impact given the Minorca site and the Ashby Canal restoration;
- Background noise levels should be established in the absence of the Minorca site;
- The noise management plan will fail to achieve any significant noise reduction and may actually result in noise increasing.

The neighbours have also commissioned a noise expert (Dr Dickerson MIOA) to review the management plan and the submitted noise assessment. The noise expert concludes that the tankmania background noise readings are excessive and should not be accepted for the planning application.

Officer Comments

The committee report prepared has covered the majority of issues raised and in terms of the issues raised which have not been addressed the following response is provided.

Neighbour Objections

In terms of the alterations to the landscape it is noted that aerial photography of the site would suggest that the area where Tank Mania operates has existed in a similar state since, at least, 2005 with the enforcement case (ref: 08/00218/UD) identifying that the circuit used by the tanks was formerly used by motocross vehicles. Also the site could operate, without planning permission, for a period of 28 days per year which could have resulted in similar impacts to the landscape in question. In the circumstances that the landscape has existed in this manner for a period of at least nine years it is considered that its retention in this state would not be sufficiently detrimental to the rural environment. It is also considered that the surrounding area could include the Hanson's brickworks site given that it is within the immediate environment around Measham Lodge where Tank Mania is based.

The fact that the operations of Hanson's brickworks cannot be heard at Bosworth Grange would also not preclude them from being included in any assessment of noisy activities within the vicinity of the operational site with the conclusions made not be solely based on this 'permanent' noise source but the suitability of the management plan of Tank Mania mitigating the implications to residential amenities.

The initial views of the County Council department responsible for the Ashby Canal, identifying that the cumulative impacts of Minorca and the Ashby Canal should be assessed, have been incorporated into the Committee Report. The lack of any representation being received identified in the Committee Report is due to reconsultation being undertaken with this department and no representation being received to date.

Should there be any breach of the conditioned management plan then it would be the responsibility of the Council's Planning Enforcement team to investigate any alleged breaches of planning control and take appropriate action should a breach be identified. An approval of the application would also not prevent the Council's Environmental Protection team from taking action should the operations constitute a statutory noise nuisance. In terms of some of the specific controls within the management plan it is noted, in the Committee Report, that not all the controls would be considered enforceable, including the windsock, and as such it is not proposed to impose any restrictions on the windsock being visible from Bosworth Grange.

With regard to the latest objections in relation to noise from the residents at Bosworth Grange, including the comments of their noise expert, the Council's Environmental Protection Officer has confirmed that their original comments on the application do not change and they raise no objections subject to conditions as reported in the main agenda.

With regards to the matters associated with a breach of human rights it is considered that the decisions of the House of Lords in *Alconbury 2003* and *Begum 2003* established clearly in the UK context that the protection of human rights in planning and administrative decisions generally “*did not lie high on the scale of human rights requiring the greatest protection and intervention by the courts.*” As such for decision makers, the need for clear reasons for decisions is essential to demonstrate that a balancing exercise, consistent with the concept of proportionality, has been undertaken. It is considered that the Committee Report prepared has concluded adequately how the decision has been reached and as such the approval of the application would not breach the human rights of the occupants of neighbouring properties (in particular Bosworth Grange).

RECOMMENDATION: NO CHANGE TO THE RECOMMENDATION TO PERMIT THE APPLICATION.

A4 **14/00311/VCI** **Variation of condition 5 of planning permission
2009/0624/07 in order to allow for amended operating
times**
Newbridge High School, Forest Road, Coalville,
Leicestershire

Additional information received:

Newbridge High School has provided additional information including:

- 1) Photographs of CCTV cameras that are in use on the site;
- 2) Photograph of a sample sign displayed on the site advising community users that they must be respectful of neighbours;
- 3) Copy of a letter sent to local residents inviting them to a residents meeting.

Two responses have been received from Hugglescote and Donington Le Heath Parish Council. The first response indicated that the Parish Council could not endorse the application until residents concerns have been addressed. The second response has been submitted following the revised application times and welcomes the actions taken by Newbridge School. However, concerns still remain with anti social issues associated with evening and weekend operation and ask whether this be granted on a temporary basis subject to review.

Officer comment:

The additional information received from Newbridge High School that has been received does not alter the conclusions that have been reached in the Committee Report.

The Parish Council have asked whether the scheme can be granted on a temporary basis. A permanent scheme is considered to be acceptable on the site and has not resulted in an objection from the Council's Environmental Protection scheme.

For clarification, an existing planning permission on the site allows the 3G pitch to remain open until 22:00. The revised opening hours for the changing rooms and office building area would fit in with the opening hours of the 3G pitch until funding can be obtained to construct specific changing rooms alongside the 3G pitch.

RECOMMENDATION: No Change to Recommendation

**A5 14/00405/FUL Erection of nine residential dwellings
Land At Chapel Street, Oakthorpe, Swadlincote**

Additional information received:

Amended plans have been received showing alterations to the layout and design of the units.

Severn Trent Water raises no objection subject to a condition requiring the submission of drainage plans prior to the commencement of development.

The Council's Tree Officer raises no objection subject to appropriate conditions for the protection of the ash tree during construction.

Officer comment:

The applicant has worked proactively and efficiently with officers to seek to overcome the design reason for refusal. Amended plans have been received showing alterations to the layout and design of the units. Units 6 – 9 have been designed to create a courtyard style development more akin to this countryside setting. Three detached double garage with side hung timber gates are proposed to serve units 6-8. Units 3, 4 and 5 have also altered in layout and design with shallower pitches to reduce the roof mass. The further alterations have improved the overall visual appearance of the scheme and development is considered to be in conformity with Saved Policy E4 of the Local Plan and paragraph 64 within the NPPF. It is therefore considered that the second reason for refusal has been overcome and can therefore be removed.

The scheme has resulted in changes to the layout and design of the units, however there are no changes to the distances to the nearest neighbouring dwellings. In respect of impacts upon future occupiers, sufficient distances between the plots have been retained.

In terms of drainage and flooding, Severn Trent Water and the Environment Agency have no objections to the development subject to the imposition of conditions and, therefore, the development of the site is considered acceptable in this regard.

The Council's Tree Officer welcomes the amended plans showing the retention of the ash tree protected by Tree Preservation Order (T194) and would require appropriate conditions for the protection of the tree during construction. Accordingly the impact upon the protected tree would be acceptable in this respect.

The Council has estimated that it has a supply of 7.1 years against the 5 year requirement and 6.1 years against the 5 year requirement with a 20% buffer, which is explained in detail with the appendices attached to this update sheet. Accordingly weight can now be attributed to policies S3 and H4/1 in the determination of application. Given that this application is recommended for refusal, this position does not alter the recommendation on this application.

RECOMMENDATION: Remove reason for refusal 2 relating to design.

**PLANNING COMMITTEE – 8 JULY 2014
UPDATE
5 YEAR HOUSING LAND SUPPLY**

- 1 Members will recall that an appeal against the refusal of planning permission for residential development at Moira Road Ashby in May 2013 found that the Council could not demonstrate that it had a 5 year supply of housing land as required by the National Planning Policy Framework (NPPF).
- 2 Since that time the 5 year land supply position has been monitored and following the grant of various permissions and resolutions to grant permission for over 3,000 dwellings as at January 2014 it was estimated that there was 4.7 years supply. In early April each year an assessment is made of the number of new dwellings which have been built between 1 April the previous year and 31 March in the current year. For 2013/14 the number of new dwellings built was 431 dwellings, an increase from 365 in 2012/13.
- 3 In identifying the level of need, previous assessments have taken the annual requirement used to inform the Core Strategy – 388 dwellings each year.
- 4 Members will be aware that the Council has commissioned a Strategic Housing Market Assessment (SHMA) together with the other authorities across the Housing Market Area (HMA) in order to identify what the 'objectively assessed need ' should be for each authority and the HMA. A Member Advisory Group (MAG) has been established to reach an agreement amongst the HMA authorities regarding the amount and distribution of new housing.
- 5 At a meeting of MAG on 26 June 2014 it was agreed to 'endorse' the SHMA report which has been produced by external consultants. This endorsement is only in terms of agreeing that it provides a suitable evidence base to inform individual Local Plans/Core Strategies. This is a technical piece of work and it is still possible that any final agreement will result in a different amount and distribution of housing. However, at this time it represents the most up-to-date assessment of the need for housing.
- 6 In view of the above it is considered appropriate to use the findings of the SHMA when assessing the 5-year land supply position. The SHMA identifies requirements for 2011-31 and 2011-36. For 2011-31 the SHMA identifies an annual need for North West Leicestershire of 285-350 dwellings, whilst that for 2011-36 is 270-330.
- 7 It is considered that it would be prudent to use the highest figure for assessing the 5 year housing land requirement (i.e. 350 dwellings each year). As part of the Moira Road Ashby appeal decision referred to earlier it was established that the Council has a record of persistent under delivery on housing. In accordance with the NPPF it is, therefore, necessary for the Council to demonstrate it has a 5-year supply plus an additional 20% - in effect 6 years supply.
- 8 Having regard to planning permission and likely build rates it is estimated that the Council now has a supply of 7.1 years; an excess of 2.1 years against the 5 year requirement and 1.1 years for 5 years plus 20% Therefore, whereas previously the Council was not able to rely upon Local Plan policies which constrained the supply of housing (e.g. countryside policies) this is no longer the case.

- 9 This change in circumstance is largely attributable to the fact that the SHMA is now available. In addition, a significant number of dwellings have been approved over the last 18 months.
- 10 The projections for completions are based on assumptions informed by information from the prospective developers or applicants and only take account of sites with planning permission or a resolution to grant planning permission. It does not take account of sites which are still allocated in the adopted Local Plan or those which are currently in the 'pipeline' and going through the application process. Ultimately the responsibility for delivering on individual developments rests with developers; this is not something in the Council's control.
- 11 Notwithstanding the above, it should be appreciated that the Council's position and in particular the various assumptions behind it may be challenged at appeal and whilst officers are comfortable that the assumptions within this assessment are reasonable there can be no guarantee that the Council's position will ultimately be supported by an inspector.
- 12 This matter will be monitored on an ongoing basis, particularly in respect of the issue of deliverability of individual sites. It should, therefore, be appreciated that the situation may be subject to change in due course.
- 13 It is proposed to provide a more detailed report for the Planning Committee of 5 August 2014.

A7 14/00481/FUL

Erection of a new agricultural cattle building

Fields Farm Main Street Worthington

Following the publication of the Committee Report a consultation response from the Council's Environmental Protection team has been received raising no objections to the application.

Officer Comments

The committee report prepared has covered the issues covered by the Council's Environmental Protection team in the Residential Amenity section and as such no further assessment is required.

RECOMMENDATION: NO CHANGE TO THE RECOMMENDATION TO PERMIT THE APPLICATION.