

# **UPDATE SHEET**

## **PLANNING COMMITTEE – 20 July 2023**

**To be read in conjunction with the  
Report of the Head of Planning and Infrastructure to Planning  
Committee**

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

**A1      22/01552/FULM      Erection of 17 townhouses with associated car parking access, landscaping and car park to hotel and associated access amendments.**  
The Royal Hotel, Station Road, Ashby De La Zouch.

### **Additional Representation**

An additional representation has been received objecting to the application on the basis that the proposed development would adversely impact on the integrity of the River Mease Special Area of Conservation (SAC)/Site of Special Scientific Interest (SSSI) given that foul drainage associated with the development would discharge into the mains sewer and into the Packington Sewerage Treatment Plant and there is no capacity under Development Contribution Scheme (DCS) 1 or 2 to do this. Consequently the representation advises that a bespoke mitigation solution would be required so as to adhere to Natural England's guidance of January 2022.

Councillor Blair-Park (the Ashby Money Hill Ward Member) has also received the additional representation and has requested clarity on how foul drainage associated with the proposed development would be addressed.

### **Officer Comment**

It is considered that the *'River Mease Special Area of Conservation/SSSI – Appropriate Assessment'* section of the Committee Report addresses the contents of the representation received but for ease of reference a Section 106 agreement was entered into as part of application reference 14/00104/FULM (as varied by the permission granted under application reference 19/00890/VCUM) which secured a River Mease Contribution under the DCS of £8,725.00 so as to mitigate the impacts of the development on the River Mease SAC and was calculated against the criteria for dwellings and occupancy rates.

A 'material start' was made in accordance with the planning permission granted under application reference 14/00104/FULM (as varied by 19/00890/VCUM) and as such this permission is extant and represents a 'fall-back position' in the assessment of the current application.

On the basis of the proposed development (being 17 townhouses) the contribution to be paid would be £10,221.00 and this would be secured in a new Section 106 agreement given that the proposed development would supersede that permitted under the extant consent and in effect would replace the previous consent secured under the DCS. The payment of this contribution in line with the requirements of the legal agreement would mitigate the impact of foul drainage discharge from the site on the integrity of the River Mease SAC/SSSI and would negate the need for a bespoke solution.

Natural England (NE) were provided with the contents of the *'River Mease Special Area of Conservation/SSSI – Appropriate Assessment'* section of the Committee Report prior to its publications and confirmed that they had no objections to the conclusions reached.

In relation to concerns raised about the timing of development to the south of the hotel, the applicant has confirmed that they do not intend to divert the current access road to the Bath Grounds nor remove the trees in the hotel garden and southern area

(the former Hastings Gardens) of the site, until they commence construction of the last 7 houses and they would be happy to include this in the s106 agreement.

Officers will ensure that a suitable clause is contained in the Section 106 agreement.

**RECOMMENDATION – NO CHANGE TO RECOMMENDATION.**

**A2      22/01811/FULM      Change of use of land to recreation use including the formation of sport pitches, parking area, improved access and landscaping.**

Ashby Ivanhoe Football Club, Lower Packington Road, Ashby De La Zouch.

**Additional Representation**

The County Highways Authority were reconsulted on the application following comments received from Councillor Bigby in relation to the highways impacts of the development and the anonymous objection received by the LPA which focused primarily on highways matters. The LHA provided a significant response concluding that they maintain their previous position that the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe and therefore raised no objection on highway grounds.

Members and Officers further received additional information from the applicant with regard to a draft Traffic Management Plan, a summary of matters raised, and action taken at a recent residents meeting held by the club to discuss concerns and a petition in support of the application with 200 signatures was further circulated.

An additional letter of objection to the scheme has been received raising concerns in relation to the following matters:

1. The potential impact of the expansion of the club on the surrounding area as identified in the applicant's Design and Access Statement.
2. The Highway Authority has accepted the applicant's highway information at face value and the Council should ask for more information from the applicant to understand what is happening so the correct decision can be made.
3. Clarification on the amount of car parking spaces proposed – Is it 100 or 150 in total?
4. A traffic management plan should be asked for as part of the planning application.
5. Car parking at match times is a big problem and why hasn't additional detail been requested by the Council or the Highway Authority to look into this matter?
6. Car parking already occurs on site – so how will this retrospective part of the scheme be dealt with?

**Other Matters**

Further to queries raised at the Technical Briefing, the agent advises as follows:

*Trip generation and site usage*

The use of the site will remain as it is, some teams play and train off site and this will continue. The teams that train at the club will simply move from the main pitch and training ground to the new area proposed to avoid damage to the ground.

Training and games are staggered through the week and times of the day. Gaps in the start times of training and matches allow for teams to leave the site and take place via the schedule below;

Training takes place Monday – Friday between 5 – 9.15pm for various age groups each. Junior teams (Under 7s to Under 12s) train for one hour only. Youth and Senior Teams train for 1.5 hours.

Boys Junior matches are on Saturday, Girls Junior matches are on Sunday all between 8.30am – 12.30 pm.

Youth Teams play off matches off site and this will remain the case going forward.

There are Senior Team matches on Saturday 3pm and there are occasionally mid-week matches on Tuesday or Wednesday.

Saturday morning has a Development School 8.45 -9.45am and a Soccer School 10 – 11am.

To summarise, the current programme will not change with the new planning application. The additional training pitches will simply relieve pressure on the match pitches and provide parking on-site.

### *Parking provision*

The car parking shown on the plan is for 50 additional spaces, the reference in the D&A to 100 new spaces is an error as having a higher level of permanent spaces had been discussed, however general week to week training and matches do not warrant over 100 spaces as sessions are staggered to minimise parking requirements. It is only on big match days or tournaments that additional cars will be on site, and this is why we have the overflow parking facility.

Further, the area of new car parking can accommodate more than 50 spaces with an alternative layout and the existing parking area is not fully utilised at present though it will be cleared to increase the usable area.

### **Officer Comment**

Following additional comments from the LHA confirming that they maintain no objection to the application it is not considered a refusal on Highways grounds could be substantiated and as such, the conclusion reached within the Committee Report that the proposal subject to conditions is considered to be acceptable is sustained.

With regard to the comments provided by the agent as a result of queries raised at the Technical Briefing it is considered the matter in relation to the use of the site has been clarified. The error within the submitted design and access statement is unfortunate however, the parking condition imposed by highways is based on the submitted drawings and specifically states the parking has to be implemented in accordance with Planning Proposals Sheet 2 of 2 drawing number 20.3864.15A.

Whilst the additional information submitted by the club in relation to the draft Traffic Management Plan and recent residents meeting held by the club can not be controlled by planning conditions given the comments provided by the LHA it is considered the steps the club is taking to work with the local community and address concerns are encouraging.

## **Response in Relation to the Comments Made in the Late Objection**

1. This is explained above in the section named *trip generation and site usage*
2. The Council has asked for more information from the applicant and an explanation of the use proposed to be made of the site and this has been received. It was forwarded to the Highway Authority who yet again confirmed that they had no objections to this scheme (as referred to above in the section headed *additional representation*).
3. The reference to 150 is an error in the design and access statement. 100 spaces are proposed as part of this scheme.
4. The pictures that the objector has submitted relate to activities that have happened on the site in the past and this planning application cannot lawfully be used to control what happens as existing on site. However, the applicant understands the concerns raised by the objectors to the scheme and also notes that the highway authority would welcome a traffic management plan for the site and has agreed to a planning condition which would be imposed if this scheme was to be improved to provide a traffic management plan.
5. This is an existing issue and is addressed above and this will be controlled moving forwards with the traffic management plan that the applicant is willing to provide.
6. Some of the parking is provided on site at present and it will be regularised by the granting of this permission. Parking on the field adjacent to the site has been done on an overflow basis and the applicant is allowed to do this for up to 28 days of the year without needing planning permission by virtue of part 4B of the Town and Country Planning General Permitted Development Order. Should it be found in the future that the applicant is using the land for a longer period than this, then they will need to apply for permission from the Council for the use.

## **RECOMMENDATION – NO CHANGE TO RECOMMENDATION subject to the following additional condition:**

- Traffic management plan

**A3      22/01366/OUT      Erection of five no. three bedroom dwellings  
(Outline - access and layout included)  
86 Leicester Road, Whitwick.**

### **Additional Representation**

1 additional letter of representation has been received raising the following objections:

- The farmhouse was demolished without any application;
- Mature trees were felled without permission;
- Significant biodiversity habitat was destroyed, including a bat colony;
- The wall to the front of the property is an architecturally significant structure, being shown on the ancient turnpike maps, the destruction of said wall would be a great loss to our local heritage;
- The boundary walls are part of the properties no 84a and 1a St Bernard's Road, these plans grab land from the immediate neighbours;
- The steel gate in the front wall is the last remaining Victorian iron gate left in the village;
- There is an underground stream which could lead to flooding issues if it is disturbed;
- The application be refused and enforcement should insist the farmhouse is restored.

### **Officer comment**

The above representation raises no new issues to those previously reported and therefore, officers have no further comments to make. With regard to the presence of a subterranean stream, some additional comments are provided below in point 4.

### **Matters raised at the Members Technical Briefing**

#### **1.      Re-use of stone from the existing wall in the new sections of wall**

A condition for boundary treatments is proposed and this can be updated to include materials. A note to applicant could also be added to set out the Council's expectations in this regard.

*Condition: No part of the development shall be carried out above damp proof course level until a scheme for the boundary treatment for the site (including the retention of existing stone walls along the northern and western boundaries and details of the materials to be used in the new sections of the front boundary wall) has been submitted to and agreed in writing by the local planning authority. The dwellings hereby permitted shall not be occupied until such time as the agreed scheme has been implemented in accordance with the agreed details.*

*Reason: In the interests of the residential amenities and the visual amenities of the streetscape and wider environment.*

*Note to Applicant: The applicant is advised that the Authority would expect the new sections of the front boundary wall to be constructed using materials salvaged from the sections of the existing wall that are to be demolished to form the site access.*

#### **2.      Notification of 1a St. Bernard's Road**

In response to Councillor Geary's query, officers can confirm that this neighbouring property was notified by letter on 31/08/22, 19/10/22 and 15/03/22 and the occupier of this property submitted two lots of comments on 20/09/22 and 31/03/23.

### **Officer comment**

The Council has met the statutory requirements in respect of publicity.

#### **3.      Pressure for future works to protected trees**

In response to Councillor Morris' query, the Council's Tree Officer has been asked about whether there would be pressures to do works to the protected trees at the front of the site due to the proximity of the proposed dwelling, and whether the dwellings should be set back further into the site.

The Council's Tree Officer has advised:

*It's a good point - as you know there's always the risk, which will inevitably be lessened to a degree if the set back distance is increased. But in this instance, I don't consider that the potential for future tree works to be sufficient to warrant an arboricultural objection and further, that redesigning this layout to increase the set back by a metre or two is unlikely to provide an appreciable change.*

*It's the copper beech (T1) in front of plots 1-3 that would be considered to be the main issue. So, to summarise:*

- *The buildings are outside of its current canopy spread and as the tree is to the north of the dwellings it is favourably positioned to avoid shade.*
- *There would presumably be the option in any future reserved matters application to ensure that, as far as possible, the north facing rooms in plots 1-3 are designed to be non-habitable.*
- *Any effects of the tree(s) on the rear gardens to the south are not likely to be significant.*
- *If future residents did want to prune the tree, it would tolerate a limited reduction (up to 2 metres) of its southern canopy. I wouldn't consider this to be unreasonable management and it should help to reduce any overbearing feeling that the tree causes, if required.*
- *The TPO should provide sufficient control of any other less appropriate works applied for, especially if other reasons are given such as leaf fall nuisance etc.*

#### **Officer comment**

In the absence of an arboricultural objection, it is not considered reasonable to request that the dwellings be set back further into the site.

#### **4. Drainage**

In response to Councillor Moul's query about flood risk and the presence of a subterranean stream routed through the site, advice has been sought from Severn Trent Water and Leicestershire County Council – Local Lead Flood Authority (LLFA).

Severn Trent Water (STW) advise that their Public Sewer Map does show a highway drain crossing the site (pale blue line on the map below) and advise that it is possible that this also picks up a small watercourse. The land to the north of Leicester Road does slope down towards the road so it is possible that there is a watercourse around there.





LLFA advise that Leicestershire County Council does not hold any records in relation to private assets of this nature but the Public Sewer Map shows this watercourse is included. It should be noted that based on the colour coding of the diagram, it appears that this is not a Public Sewer but a privately owned ordinary watercourse included in the map. It does not appear that any further detail is held on the culvert itself (including capacity and level detail).

The LLFA goes on to advise that they do not hold any records of flooding in this area that relate to this asset although it should be noted that a number of flooding incidents have been reported previously that relate to the highway and the nearby Main River. The County Council has additionally undertaken a Section 19 Flood Investigation within Whitwick but this section of the catchment does not appear to have been directly linked to the flooding incident.

#### **Officer comment**

LLFA has looked into historical flooding on this site and raises no issues. STW raise no issues in relation to the proposed development of the site in providing their comments.

It is noted that there is evidence of a highway drain crossing the site and that it is possible that this may pick up a small watercourse. Whether or not the subterranean stream exists remains to be established but if it were to transpire that there was a subterranean stream, as set out in the Main Agenda, Building Control has advised that this would be covered by separate Building Regulations legislation if the issue arose, and the developer would be required to design suitable foundations having regard to ground conditions and any subterranean activity.

With regard to concerns about flood risk generally, officers have considered this matter further and looked at how surface water run-off flows through the site and consider that the imposition of an additional surface water drainage condition could give Members some comfort about how surface water run-off could be controlled on the site. A note to applicant could also be added to ensure that the developer of the site is aware of the possible presence of a subterranean steam on the site.

*Condition: No development hereby permitted shall commence on site until such time as a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.*

*Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.*

*Note to Applicant: The applicant should be aware that local knowledge indicates that there is a subterranean stream routed through the site. Public Sewer Maps show that there is evidence of a highway drain crossing the site and that it is possible that this may pick up a small watercourse.*

#### **RECOMMENDATION – NO CHANGE TO RECOMMENDATION subject to the following additional conditions and informatives:**

- Boundary treatment details
- Surface water drainage scheme

#### **Infomatives:**

- Boundary wall
- Subterranean stream