

UPDATE SHEET

PLANNING COMMITTEE – 1st October 2024

**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 24/00007/FULM The erection of 18 dwellings (100% affordable housing), access, landscaping and associated works.

Land North of Southworth Road, Breedon on the Hill.

Additional Information

An additional third party representation has been received objecting to the application, the contents of which would be summarised as follows:

- There will be an adverse overlooking impact as a result of the positioning of the dwellings and their separation from neighbouring properties which is not in accordance with Government guidance on '*Rear Privacy*'. The proposed boundary treatments are also not at a height which will prevent overlooking from the gardens and do not secure the gardens.
- The Oak trees should be retained and will add to the screening of the development.
- Difference in land levels will result in the potential for surface water discharge onto neighbouring land.
- The boundary is incorrectly positioned.

A full copy of the representation received is available to view on the District Council's website.

The following questions were raised by Members at the Technical Briefing on the 24th September 2024 in relation to the proposed development.

- 1) What is the condition of the Oak trees which are in dispute?
- 2) What roof tiles will be used?
- 3) Is an 100% affordable housing scheme acceptable?

Officer comment

Third Party Representation

In terms of the additional third party representation received, it is considered that the '*Residential Amenity*', '*Landscaping*', and '*Other Matters*' of the Committee Report largely address the contents of the representation received.

With regards to the reference to the Government's guidance on '*Rear Privacy*' this can be viewed [here](#). However, such guidance would not be applicable to the consideration of a planning application assessed by the District Council given that the Council's adopted Good Design SPD specifies the separation distances which should be adhered to when assessing the impact between existing and proposed residential receptors. For the reasons outlined in the Committee report, the separation distances are adequate and compliant with the Council's adopted Good Design SPD. Furthermore, where local guidance exists on design (which includes distances between dwellings), the government has stated that its requirements take priority in decision making over national policy.

In terms of surface water discharge, it is the case that the existing land levels on the site naturally fall towards the northern boundary. Should planning permission be

granted, conditions requiring the approval of both a surface water drainage scheme for the construction phase of the development, as well as for the proposed dwellings, will be subject to approval with the Lead Local Flood Authority (LLFA) who have no objections to the application. The approval of such schemes, and their subsequent implementation, will ensure that surface water drainage is appropriately managed.

Members Questions

1) What is the condition of the Oak trees which are in dispute?

The submitted Arboricultural Impact Assessment (AIA) and Method Statement (MS) outlines that the English Oak form a group of trees which would be rated Category C (*'Trees of Low Quality'*). The AIA and MS outline that the overall height of the English Oak trees is 3 metres and they are described as: *"Moderate structure. Heavily reduced – poor husbandry. Low aesthetic value."*

The Council's Tree Officer has no objections to the removal of English Oak trees in order to allow for the development, and any 'dispute' in relation to whether the English Oak trees are on land within the ownership of the applicant or a neighbouring property is not material to the consideration of a planning application.

An image of the group of English Oak trees is below:



2) What roof tiles will be used?

The *'Policy BotH12 of the submission BotHNP'* sub-section of the *'Design, Housing Mix and the Impact on the Character and Appearance of the Streetscape'* section of the Committee report outlines that:

"A condition is to be imposed on any permission granted to secure precise details of the roofing materials and therefore consideration could be given to the use of an alternative roofing material with pantiles being used to other existing dwellings on

Southworth Road (such a roofing material being acceptable under the Breedon on the Hill Design Code). Notwithstanding this, there would be no justification to refuse the application based on any conflict with Policy BotH12 given the limited weight to be afforded to this policy.”

The applicant will be advised to give consideration to the use of pantiles for the roofing material as part of the discharge of condition process, should permission be granted, but should it be case that pantiles are not used (or any other roofing material as suggested by the Appendix 2 Design Code within the submission Breedon on the Hill Neighbourhood Plan (BotHNP)) then there would no justification to refuse the application given the limited weight to be afforded to Policy BotH12. It is also the case that the application site is not within the Breedon on the Hill Conservation Area.

3) Is an 100% affordable housing scheme acceptable?

This matter is covered within the ‘*Assessment of objections in relation to design, housing mix and the impact on the character and appearance of the streetscape*’ section of the ‘*Design, Housing Mix and the Impact on the Character and Appearance of the Streetscape*’ section of the Committee report.

For reference, however, criterion (b) of Paragraph 64 of the NPPF outlines that where a need for affordable housing is identified this would be expected to be met on site provided the agreed approach contributes to the objective of creating mixed and balanced communities.

Whilst the proposal is a wholly affordable housing scheme, which would integrate with other wholly affordable developments off Southworth Road, it is considered that when taken into account with other developments permitted within Breedon on the Hill (including those at the former Breedon Priory Nurseries site, Pear Tree Mews and Church View Lane) a mixed and balanced community would still be established in Breedon on the Hill with affordable housing not being the dominant house type in the settlement.

The draft NPPF also acknowledges that there are circumstances where a development of a single tenure will be appropriate and supported, and that schemes delivering Social Rented properties should be particularly supported.

The Council’s Affordable Housing Enabler (AHE) also considers that there is evidence which supports the demand for the proposed development.

RECOMMENDATION – NO CHANGE TO RECOMMENDATION.

A2 **23/01494/FUL** **Erection of 9 single storey dwellings including associated access and parking arrangements.**
115 Station Road, Hugglescote, Coalville

Additional Representation

None

Officer comment

None

Matters raised at the Members Technical Briefing

1. How will the meadow be maintained?

Officer comment:

The agent has been approached on this point and stated that “the areas will be dealt with via a management company by or on behalf of the residents.” This can be secured via a condition to require the submission of the management company details.

2. How will the ancient ponds be protected from development?

Officer comment:

The County archaeologist provided a desk-based assessment and given their expertise in this matter, recommended a condition for a Written Scheme of Investigation (WSI) to understand the significance of the archaeological heritage asset which will help inform an appropriate form of mitigation strategy during and post development together with its implementation. This condition is recommended as the 12th condition in the officer report. It should be noted that this is a pre-commencement condition and thus development cannot start without this condition first being complied with, to include submission to and approval in writing by the local planning authority. The ancient ponds can be developed once the WSI has been submitted and approved but only in line with its recommendations.

3. Further detail should be provided regarding the boundary treatments.

Officer comment:

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.

4. Can we require 115 Station Road to be renovated by S106 and tied to this application?

Officer comment:

The agent has been contacted on this matter and asked if the applicant would be willing to enter into such an agreement and it has been confirmed that the applicant is not willing to enter into this agreement. It must be emphasised that the renovation of 115 Station Road is not necessary in planning terms to make this development acceptable and as such, the Council cannot make this happen unilaterally through a S106 agreement as it would not be possible to complete the agreement without the applicant’s agreement.

5. What is the increase in BNG, how and where will this be offset?

Officer comment:

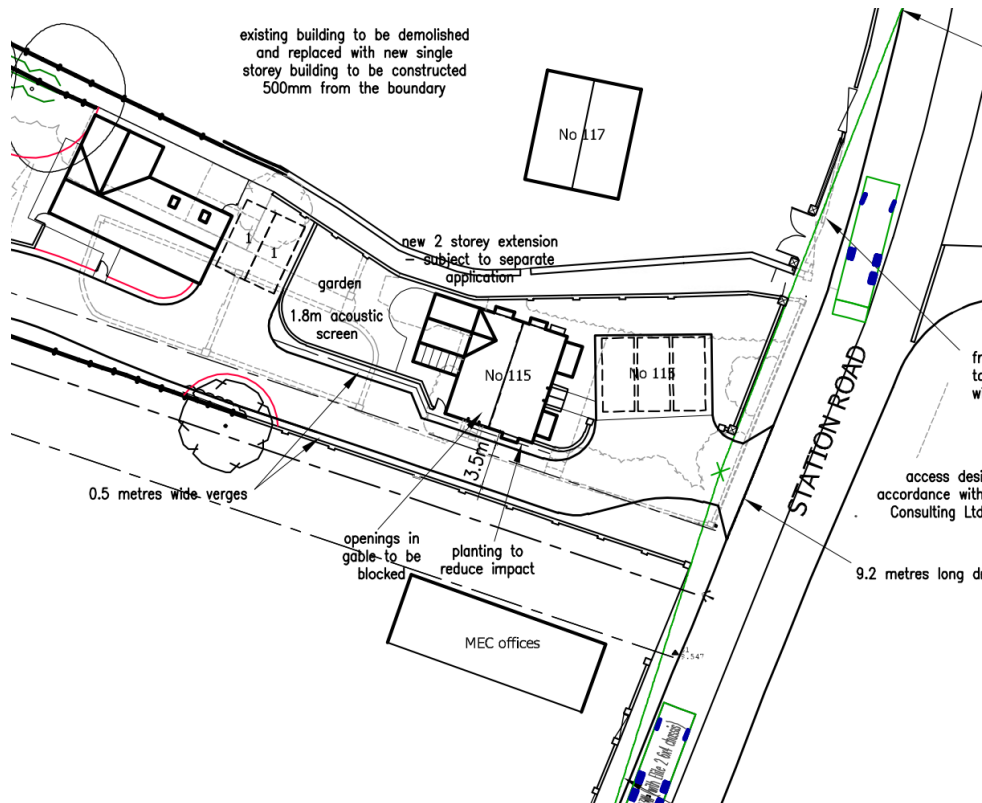
There is a loss of 0.58 habitat units of neutral grassland, meaning that the overall site has a negative net biodiversity loss of -14.12%. To reach a net balance of 0% the applicant has proposed to purchase 0.58 habitat units of neutral grassland off site through a habitat bank. There is no loss in hedgerow or water habitat, and it is proposed that 0.01 hedgerow habitat units will be secured over the 0.58 habitat units referred to above off site through a habitat bank (so 0.59 habitat units) to secure an overall 1% biodiversity net gain for the whole site. This is in line with the NPPF requirements which requires schemes to make an improvement to BNG on site with new development.

6. Has the access changed from the previous application, where is refuse storage sited and can the site be accessed by emergency services?

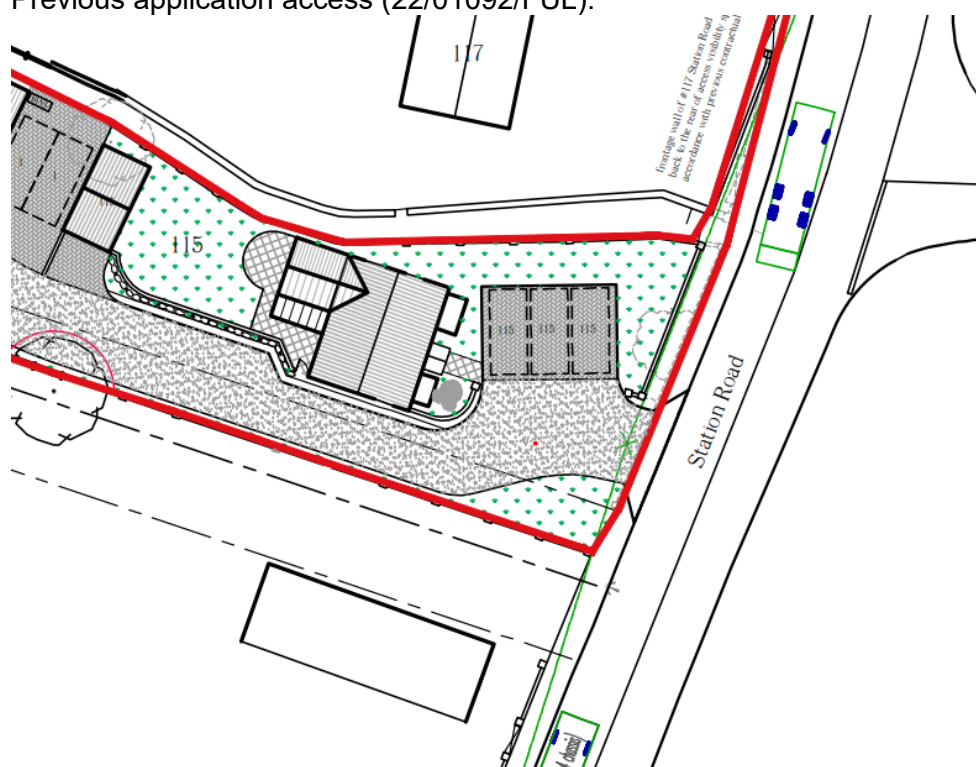
Officer comment:

The access has not changed from earlier permissions for the site (see below plans). Notwithstanding every case is judged on its own merits and as a full application the current scheme has been assessed and found to be acceptable by highways irrespective of previous permissions.

Current application access (23/01494/FUL):



Previous application access (22/01092/FUL):



The LHA accepted the swept path analysis for refuse vehicles which are similar in scale to fire engines. The narrowest point on the access is 3.5m wide whereas a fire engine is typically 2.5m in width. Notwithstanding, it should be noted that building fire safety is covered by building regulations, and fire engines have hoses of up to 23m in length to reach into sites and this isn't a matter to consider as part of the planning application process.

Concerning refuse storage, this has been indicated for plots 7, 8 and 9 but no details are forthcoming for plots 1, 2, 3, 4, 5 and 6. Condition 13 has been proposed in the Committee Report seeking this information to be submitted to and approved in writing by the local planning authority.

RECOMMENDATION: - NO CHANGE TO RECOMMENDATION.