

# UPDATE SHEET

## PLANNING COMMITTEE – 7<sup>th</sup> January 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      13/00603/FULM      **Residential development for 27 dwellings including demolition/conversion of former school**  
Land Off Church Lane, Ravenstone, Coalville,  
Leicestershire

The application site shown on the indicative Site Location plan on the committee report is drawn incorrectly. The correct application site is attached.

#### **Additional information received:**

Ravenstone Parish Council has provided an additional response requesting a developer contribution of £15,000 towards the extension and improvement of recreational facilities at the Pavilion in Ravenslea. The request states that this request is made following consultation with both the Parish and the current users of the pavilion, who need improvements to meet the current sporting requirements.

Ravenstone with Snibston Parish Council has provided further comments in which they object to the cumulative impact of the applications and feel that they would be detrimental to the character of the villages and its infrastructure. The Parish Council response also states that they still object to the amended statement of community involvement document as it still contains several inaccuracies.

It is understood that one of the Poplar trees came down in stormy weather on 27 December 2013.

An additional letter of objection has been received in relation to the impact of the development on an Ash Tree that is located outside of the site boundary but in close proximity to Plot 7.

A letter has been received from Ravenstone Hospital (Registered Charity) who own part of the application site. The letter states that they intend to use the proceeds from any sale towards refurbishment of Ravenstone Hospital which consist of a number of Listed Buildings. The refurbishment works will consist of restoring perished stonework, renovating original cast-iron windows and other significant defects arising from age.

**Officer comment:**

As the submitted proposal does not include for an on-site Children's Play Area in accordance with the Council's Supplementary Planning Guidance, it is recommended that the financial request from the Parish Council be included within the range of developer contributions that have been requested. The Local Planning Authority recommends that the £55,000 contribution be divided up on a pro rata basis and this would now result (approximately) in the following:

National Forest Company	£479
NHS	£484
Education	£13,299
Civic Amenity	£198
Library	£176
County Highway Authority	£1364
Affordable Housing	£37,422
Parish Council	£1557

The cumulative impact issues, inaccuracies in the statement of community involvement and impact upon an off-site Ash Tree have already been addressed in the Committee Report.

The proceeds from the sale of the school site would help towards the restoration of existing Listed Buildings. Whilst this is welcomed, it is not included within the Section 106 legal agreement and, therefore, limited weight should be attached to this matter.

**RECOMMENDATION: No Change to Recommendation**

- A2      13/00780/OUTM      Residential development of up to 50 dwellings, with new vehicular access, landscaping, public open space, balancing pond, national forest planting and creation of new allotments. (Outline - all matters other than part access reserved)**  
Land Off Heather Lane, Ravenstone, Coalville

**Additional information received:**

Ravenstone with Snibston Parish Council has provided further comments in which they object to the cumulative impact of the applications and feel that they would be detrimental to the character of the villages and its infrastructure. Should the applications be recommended for approval the Parish Council request contributions from each of the applications to go towards improving the recreation and sporting facilities at Ravenslea pavilion. The following contributions have been requested:

- 13/00626/OUTM, Ibstock Road - £25,000
- 13/00780/OUTM, Heather Lane - £20,000
- 13/00603/FULM, Church Lane - £15,000

Environment Agency has now responded and raises no objections to the proposed development subject to the inclusion of relevant conditions and notes to applicant.

**Officer comment:**

The Parish Council's concerns regarding the cumulative impact of the development have already been dealt with in the Committee Report. With regards to this application contributing £20,000 towards improving the recreation and sporting facilities at Ravenslea pavilion, it is noted that the Parish has not provided any specific details on existing capacity of recreation facilities, what (if anything) requires upgrading in order to accommodate the proposed developments, and the costs associated with any upgrade. Taking these matters into account, it is difficult to establish at this time whether this request would be compliant with the CIL tests. It is also recognised that this development would include for its own Children's Play Area and as this proposal is for less than 100 dwellings then the Council's Policy requiring formal recreation would not be triggered.

Notwithstanding this, should all three applications be approved then cumulatively there would be more than 100 dwellings and arguably this could require contributions towards formal recreation.

Until such time as further information has been submitted by the Parish Council and each of the applications determined it is not possible to establish whether the contribution request from the Parish Council is CIL compliant. The applicant's have confirmed that they would be willing to offer the requested contribution as part of any Section 106 agreement, subject to it being demonstrated that the request is CIL compliant.

Additional conditions and notes to applicant are recommended in light of the comments from the Environment Agency.

**RECOMMENDATION: ADD THE FOLLOWING CONDITIONS AND NOTES TO APPLICANT:**

16 Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall include:

- Surface water drainage system/s to be designed in accordance with either the National SUDs Standards, or CIRIA C697 and C687, whichever are in force when the detailed design of the surface water drainage system is undertaken.
- Limiting the discharge rate and storing the surface water run-off generated by all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
- Provision of surface water run-off attenuation storage to accommodate the difference between the allowable discharge rate/s and all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm.
- Detailed design (plans, cross, long sections and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements.
- Details of how the on site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development, to ensure long term operation to design parameters.

*Reason - To prevent the increased risk of flooding, to improve and protect water quality and improve habitat and amenity.*

17 Development shall not begin until the detailed design of the proposed allotments and roads works adjacent to the site boundary watercourses (West and South drainage ditches/drains), has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details prior to the commencement of any above ground development.

The scheme shall include:

- Removal of redundant structures eg Sluices identified on the OS map to exist on the watercourse/s (South Drain).
- Watercourse crossings required for the provision of access eg to the allotments and balancing pond, should in preference be clear spanning bank top to bank top structures, or where culverting is necessary, these will need to be designed in accordance with CIRIA C689, the culvert design manual.
- A minimum 2m buffer/maintenance strip shall be provided between any boundary to the allotments, built development, road, building or other fixed above ground equipment/fence/retaining structure, and the top of the bank of the existing watercourses (West and South drainage ditches/drains).
- Details of how the watercourses (West and South drainage ditches/drains) shall be maintained and managed after completion and for the lifetime of the development, to ensure long term operation of the ordinary watercourse drainage system.

Reason - To ensure the structural integrity of the existing and proposed watercourse bank slopes, To ensure future maintenance of the watercourse, fluvial drainage system, To prevent the increased risk of flooding to the proposed development and future occupants and to improve and protect water quality, improve habitat and amenity, of the watercourse.

**Note to Applicant:**

8 Under the terms of the Land Drainage Act 1991, the prior written consent of Lead Local Flood Authority (Leicestershire County Council) is required for any proposed works affecting the flow of any ordinary watercourse (Drain) or to any existing or proposed structure forming part of the ordinary watercourse drainage system. This includes diversions of the watercourse and/or alterations to existing and/or proposed crossings of the watercourse to provide vehicular or pedestrian access, eg culverts or bridges to the allotments and balancing pond. To discuss this position, please contact Sarah Mallett, Flood Risk Management - Partnerships and Strategic Overview Officer Tel: 01543 405029.

**A3**      **13/00626/OUTM**      **Residential development of up to 65 dwellings along with a new access, amenity space and associated works (Outline - All matters other than part access reserved)**  
Land At Ibstock Road, Ravenstone, Coalville,  
Leicestershire

**Additional information received:**

Two further letters of objection from surrounding neighbours have been received which state the following:

(1) that the additional cumulative traffic assessment that was carried out should not be taken into consideration as it does not take into account other developments that are already approved. The letter also states that Ibstock Road is already very busy and is a dangerous road and recommends the road is reduced to a 30mph zone.

(2) the road is dangerous and the development would increase the volume of traffic and speeds and therefore the risk.

(3) the proposal would have a detrimental impact on the local countryside and its amenities.

The applicants have requested slight amendments to Condition 14 to allow some flexibility on the width of the improved public footpath that crosses the site.

Ravenstone with Snibston Parish Council has provided further comments in which it objects to the cumulative impact of the applications and feel that they would be detrimental to the character of the villages and its infrastructure. Should the applications be recommended for approval the Parish Council requests contributions from each of the applications to go towards improving the recreation and sporting facilities at Ravenslea pavilion. The following contributions have been requested:

13/00626/OUTM, Ibstock Road - £25,000  
13/00780/OUTM, Heather Lane - £20,000  
13/00603/FULM, Church Lane - £15,000

Additional information has been submitted to the County Ecologist regarding Great Crested Newts. The County Ecologist confirms that the additional information has addressed her previous concerns and has no further objections subject to the inclusion of an additional condition.

**Officer comment:**

With regards to the additional neighbour objections that are not already addressed in the Committee Report, the County Highway Authority has confirmed that, when considering the highway impact of development, it does take account of existing approved development proposals in the area.

The County Highway Authority considers that the scheme is acceptable without altering the speed limits along this stretch of road.

In respect of the applicants request to make slight alterations to the wording of Condition 14, it is agreed that some flexibility would be beneficial. However, the precise design (including width) would still need to be agreed as part of the condition.

The Parish Council's concerns regarding the cumulative impact of the development have already been dealt with in the Committee Report. With regards to this application contributing £25,000 towards improving the recreation and sporting facilities at Ravenslea pavilion, it is noted that the Parish has not provided any specific details on existing capacity of recreation facilities, what (if anything) requires upgrading in order to accommodate the proposed developments, and the costs associated with any upgrade. Taking these matters into account, it is difficult to establish at this time whether this request would be compliant with the CIL tests. It is also recognised that this development would include for its own Children's Play Area and as this proposal is for less than 100 dwellings then the Council's Policy requiring formal recreation would not be triggered.

Notwithstanding this, should all three applications be approved then cumulatively there would be more than 100 dwellings and arguably this could require contributions towards formal recreation.

Until such time as further information has been submitted by the Parish Council and each of the applications determined it is not possible to establish whether the contribution request from the Parish Council is CIL compliant. However, the applicants have confirmed that they intend to pay the requested contribution regardless of whether it is considered to be CIL compliant. Members are therefore advised that no weight should be attributed to this proposed contribution as a material consideration (at this stage) in light of the circumstances stated above.

An additional condition is recommended in relation to Great Crested Newts, as advised by the County Ecologist.

**RECOMMENDATION: AMEND CONDITION 14 AND INCLUDE A FURTHER CONDITION (22)**

14 No development shall commence on site until such time as a scheme showing a pedestrian link from the site to Woodstone Primary School by upgrading public footpath N83 (by provision of a 2m wide tarmaced surface with lighting, or other width first agreed, and replacement of the existing footbridge) has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall be carried out in accordance with the approved details prior to first occupation of any dwelling.

*Reason - to provide a good quality and convenient pedestrian link to the primary school, bus stops and local services.*

22 No development shall commence on site until a scheme to reduce risks to Great Crested Newts along with a timetable for its implementation has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall be carried out in accordance with the agreed details and timescales.

*Reason – in the interests of ecology and to comply with the Conservation of Habitats and Species Regulation 2010 (as amended).*

<b>A4</b>	<b>13/00694/OUTM</b>	<p><b>Residential of up to 70 dwellings (Class C3). Green infrastructure to include retained vegetation, habitat creation (including new woodland planting), open space, amenity space and play areas, sustainable drainage systems/features, and new walking/cycling/recreational routes. Infrastructure to include highway and utilities and associated engineering works (including ground modelling) and vehicular access via the construction of a new junction off the existing Lower Packington Road (outline - all matters reserved other than part access)</b></p> <p>Site at Lower Packington Road, Ashby de la Zouch</p>
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**Additional Consultee Responses:**

**County Highway Authority** recommends that, rather than provide a set financial contribution to Leicestershire County Council, any Section 106 obligation entered into require the developer to deliver an hourly bus service from stops within 800 metres from the centre of the site for 5 years.

**Additional Third Party Representations:**

Two additional representations have been received, from the Packington Nook Residents' Association and the Ashby de la Zouch Civic Society.

**Packington Nook Residents' Association** considers that there is an inaccuracy in the report which at best can be described as misleading. The Residents' Association comments that it is not the case that the proposed route of HS2 would be in a cutting adjoining the site and that, in order to clear the Gilwiskaw flood plain, it would be raised onto a viaduct level with the A42, such that both road and rail would overlook the site. The Residents' Association therefore repeats its assertion that this inaccuracy in the application discredits the noise assessment. Furthermore, the Residents' Association considers that the site is already seriously blighted by road noise and that the suggestion that planting and orientation can be used to mitigate this is unhelpful when DfT growth forecasts show a clear increase to A42 traffic. The Residents' Association also considers it is inconsistent for the report to state that HS2 is of limited regard when the District Council is demanding an Exceptional Hardship Scheme to compensate existing properties near the route.

**Ashby de la Zouch Civic Society** comments as follows:

- Site was considered in respect of the 2002 Local Plan site and was rejected by the District Council and Local Plan Inspector by virtue of the loss of countryside worthy of preservation for its own merit, its distance from the town centre and local employment sites, and the setting of a precedent for development of the whole area up to the A42 which would be hard to resist
- In 2008 an application for a development of 1,000 houses on this site was refused by the District Council by virtue of it being outside the limits of development and the natural urban edge, not being a sustainable location, detrimental to the landscape and setting of the town, and in conflict with the spatial vision for the District
- In 2010 the Secretary of State dismissed the subsequent appeal on the application because the loss of an attractive rural setting would be significant and unacceptable and due to unacceptable noise from the A42, poor sustainability, to prevent a precedent leading to the inevitable development of the total site up to the A42, and

- as the development would result in unacceptable harm despite helping the chronic and severe housing shortage
- A further application for 115 houses was made in 2009 and was refused by the District Council because it was outside the limits of development and the urban edge of the town, and as it was an unsustainable location and not the most sustainable site available
- In 2009 the Packington Nook Residents Association presented the results of a town survey of potential development sites in the town - 98% of 3,375 people surveyed said this was their least favoured site for development
- The 2011 urban fringe survey undertaken for the District Council showed this site to have the highest score for its attractive rural setting
- In 2013 the District Council submitted its Core Strategy and for all the above reasons did not include this area as a potential development site
- The District Council's evidence base does not support this site
- The Inspector's comments suggest that the development is contrary to the NPPF by virtue of: adverse impacts outweigh benefits, unsustainable travel location, excessive noise, and the site is not identified site
- The District Council's Urban Designer condemns the design contrary to paragraph 59 of NPPF
- The District Council must therefore refuse this application contrary to the officer's recommendation

### **Comment**

The County Highway Authority's comments are noted, and it is recommended that, should Members resolve to permit the application, the Section 106 obligations be framed in the manner suggested.

Insofar as the Packington Nook Residents' Association's comments regarding the proposed HS2 route are concerned, as stated in the report, the closest section of the railway as indicated on the draft route would be approximately 180 metres from the application site, and would be within a cutting at this point. The track would emerge from this cutting at a point approximately 425 metres to the south west of its closest point to the site (and approximately 130 metres to the north east of the viaduct referred to in the Residents' Association's representations). The point at which the track would emerge from the cutting would be approximately 325 metres from the closest part of the application site to this point.

In terms of the Civic Society comments regarding the site history, as set out in the main report, the current application site forms part (representing approximately 8%) of a significantly larger site the subject of an application submitted in 2008 (ref. 08/01588/OUTM), an application the subject of an appeal against non-determination and subsequently dismissed on in 2010 by the Secretary of State. The 2009 application referred to was an outline application on land adjacent to Lower Packington Road, Western Close and Packington Nook Lane; whilst this site was also part of the wider 2008 application site, it did not include any land the subject of the current application, and is approximately 200 metres to the north west. Insofar as the North West Leicestershire Local Plan inquiry is concerned, the draft Local Plan was the subject of an objection to the effect that the site should be allocated for housing in the Local Plan; this objection was not supported by the Inspector, and he recommended no alteration to the draft Local Plan on that issue. The site considered at the inquiry was approximately 20 hectares in size and included the northern part of the current application site.

### **NO CHANGE TO RECOMMENDATION**



**A5 13/00060/FUL**

Following the publication of the Committee report the Local Authority has received confirmation from the Environment Agency that the situation on the site has not substantially altered since they provided their original comments on application reference 07/00566/FUL and as such they would have no objections subject to the imposition of the conditions which were included in their original correspondence. These conditions have already been proposed on the Committee report prepared.

**RECOMMENDATION: NO CHANGE TO RECOMMENDATION.**