

# UPDATE SHEET

## PLANNING COMMITTEE – 06 September 2016

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 preparation of the main reports;
- (b) Amendments to Conditions;
- (c) Changes to Recommendations

### MAIN REPORT

A1      15/00966/VCUM      Variation of condition 2 to 13/00183/FULM to amend house and garage types in addition to landscaping, boundary treatments and levels  
Land Off Measham Road, Moira

#### Additional letters of representation:

2 additional neighbour letters have been received raising the following objections:-

- The site drainage has no betterment to the wider area
- There were no height details of the finish floor levels on the original plans
- There is a substantial difference in height of the floor level above the original ground level which will lead to surface water flooding
- Flooding to neighbours did not occur until the building work began
- Raise in levels would contravene Local Plan Policy E3 and would be detrimental to the neighbours resident's amenities
- Rights under the Human Rights Act 1998 Protocol 1; Article 1 and 8 in relation to peaceful enjoyment of home and garden and respect for private family life, would be compromised
- A new Flood Risk Assessment needs to be carried out

#### Officer comment:

The issues raised by the additional letter of representation, has been considered within the main body of the report.

For the avoidance of doubt, this proposal relates only to design changes and changes to levels across some parts of the site and these are the only matters which can be considered as part of this application.

During the course of the application, additional information regarding groundwater flooding has been submitted and no objections are raised by the Lead Local Flood Authority or the Environment Agency, with the finished floor levels being in accordance with this information.

The District Council is satisfied that its processes and practices are compatible with the European Convention on Human Rights. The planning system as a whole respects the rights of individuals who may be affected by the proposed development whilst acting in the interest of the wider community. The District Council in assessing the effects that the proposed development will have on individuals, weighs these against the wider public interest in determining whether the development should be permitted. In carrying out this balancing exercise the District Council is satisfied that it has acted proportionately and in accordance with legislation, policies and national guidance.

**RECOMMENDATION: NO CHANGE TO RECOMMENDATION**

**A3 16/00558/OUT** **Erection of two dwellings with associated garages including the creation of a new vehicular access (outline application access and layout for approval).**  
Land Adjacent to The Cottages, Stoney Lane,  
Coleorton.

**Additional information received:**

Following the publication of the Committee agenda the agent for the application has submitted an amended layout plan to try and address the issue over the visibility splays for plot 1. Additional information has also been supplied by the agent stating that the application site would be within the catchment area of Griffydham County Primary School (Top Road), that the Institute of Highways and Transportation "*Providing for Journeys on Foot*" document specifies that the 'preferred maximum' walking distance to services and a school in a rural area would be 1200 and 2000 metres, respectively, and that the conclusions in the report in respect of 'ribbon development' and 'urbanisation' of the site are not consistent with pre-application advice which was provided.

The County Highways Authority were reconsulted on the amended layout plan and have advised that their objection in respect of the visibility splays to plot 1 can now be removed. Their remaining objections are still applicable.

For the purposes of clarity it would also like to be identified to Members that the reference to 'plot 1' on page 54 of the Committee Agenda should in fact refer to 'plot 2'.

**Officer comment:**

The Willesley Road appeal decision (ref: APP/G2435/W/15/3027396) was clear that the accessibility of services is more than a purely arithmetic issue. The lack of a footway and lighting on Stoney Lane, Bakewells Lane and School Lane will, in practice, limit the attractiveness of accessing services other than by car. As such, the proposal is not considered to be socially sustainable.

On the basis that the County Highways Authority have confirmed that the amended layout plan has addressed their concerns in respect of the visibility associated with plot 1 this element of the second reason for refusal can now be removed. Their remaining objections to the development are still applicable.

Pre-application advice was provided on information submitted at that time and the Council can now demonstrate a five year housing land supply.

**RECOMMENDATION: No change to recommendation subject to an amendment to reason for refusal no. 2 in order to remove reference to the visibility splays associated with plot 1.**