

UPDATE SHEET

PLANNING COMMITTEE – 01 November 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 16/00360/OUTM Erection of 27 dwellings (outline application – all matters reserved except for part access)
Land at Worthington Lane, Breedon on the Hill.

Additional information received:

Following the publication of the Committee agenda three additional representations have been received, including one from Councillor Rushton, reiterating objections to the application on the basis of the implications to surface water flooding within the settlement and the provision of the footway to the frontage of properties on Worthington Lane. One representation in support of the application has also been received.

Officer comment:

It is considered that the representations raised have already been addressed in the Committee report which has been prepared and presented to Members but in respect of the issues associated with surface water flooding it is concluded that: -

- The proposed development has been shown to pose no surface water flood risk to existing properties; and
- The proposed development would result in betterment over the current surface water run-off situation from the site given that it would match the equivalent greenfield run-off rate plus 40% climate change allowance;

In these circumstances it is not defensible to refuse permission on the basis that the proposed development would not solve an existing flooding problem.

In addition to this the County Highways Authority have also provided a plan showing the extent of land within their ownership (i.e. within the highway) which will enable the proposed footway on Worthington Lane to be provided and which would be a condition on any planning permission granted.

RECOMMENDATION: No change to recommendation.

**A2 15/01051/OUT Erection of eight dwellings (access, landscaping and layout included)
Land At Normanton Road, Packington**

Letters of representation:

One further letter of representation has been received from a local resident objecting to the proposal.

Officer Comments:

The additional letter does not raise any new issues.

RECOMMENDATION: NO CHANGE TO RECOMMENDATION

**A3 16/00925/FUL Erection of four detached dwellings and garaging
Land At Normanton Road, Packington**

Letters of representation:

Four further letters of representation has been received from local residents objecting to the proposal.

Officer Comments:

No further comments have been received from the County Highway Authority but it is considered that any concerns could be dealt with by conditions, in particular given that the Highway Authority did not ask for additional details of off-site highway works and accesses in relation to the eight dwelling scheme, and recommended the imposition of conditions to deal with these matters.

The additional letters do not raise any new issues.

RECOMMENDATION: NO CHANGE TO RECOMMENDATION

A4 **16/00275/OUTM** **Erection of up to 153 dwellings with associated car parking, landscaping, open space and access roads (Outline - all matters other than part access reserved)**
Arla Dairies, Smisby Road, Ashby de la Zouch

Additional Representations

Further representations have been received on behalf of an existing nearby employment use raising concerns over the need to ensure that residents of the new dwellings would be adequately protected from noise emanating from their operations, and requesting provision of an acoustic fence / bund be secured.

Further representations have also been received from the agents acting on behalf of the Money Hill Consortium. They advise that it is Consortium's aspiration to incorporate several secondary points of access to the wider Money Hill site, including from Nottingham Road and Smisby Road. The agents consider it imperative that the Arla Dairies scheme does not prejudice delivery of the adjacent Money Hill site and its associated provision of housing and social infrastructure. The agents point out that they are currently engaged in pre-application discussions to prepare a comprehensive masterplan for the consortium site. They reiterate their previously made concerns over "ransom", and suggest that this could result in future strategies for movement being undeliverable or unviable. They request that the wording of Condition 16 make it absolutely clear that continuous vehicular, pedestrian and cycle connectivity is required through the Arla Dairy site, and that the condition be explicit that the continuous route through the Arla Dairy site should be built to a standard to support a local bus service. They also consider that the need to secure unfettered access should be incorporated within the Section 106 agreement to minimise the risk of any subsequent deviation from this position in the interests of proper planning and place-making.

Officer Comments

Noise

The issues concerning noise from neighbouring uses are addressed within the main report; on the basis of the findings of the submitted noise reports and the advice of the District Council's Environmental Protection team, it is agreed that some form of mitigation is likely to be required to ensure that future occupiers would be adequately protected from nearby noise sources. There is no evidence to suggest that, specifically, an acoustic fence / bund would necessarily be required, but recommended Condition 14 would require the implementation of a suitable scheme in accordance with details first agreed in writing by the Local Planning Authority. However, it is recommended that an additional informative be attached in order to encourage the developers to consider such an option as one of the relevant measures necessary to provide the requisite mitigation.

Links to the Money Hill Consortium Site

As set out in the main report, and whilst bearing in mind that this element of access is reserved for subsequent approval, it is considered that securing such a link would be appropriate in the interests of the proper planning of the area. Officers are of the view

that, given the requirements of the condition, and the limited relevance of the ability or otherwise of either party to secure a “ransom” from the other to the planning considerations, the general form of the recommended condition would be appropriate. Having regard to the presence of an unregistered section of land adjacent to the application site boundary, however, it is recommended that Condition 16 be amended as set out below. In terms of the additional Section 106 obligation suggested by the agent for the Money Hill Consortium, it is noted that the NPPF provides that obligations should only be used where it is not possible to address unacceptable impacts through a condition.

RECOMMENDATION: AMEND CONDITION 16 AND ADD NOTES TO APPLICANT

Conditions:

- 16 No reserved matters applications in respect of the matters of access or layout shall be submitted until such time as a scheme of vehicular, cycle and pedestrian access connecting the application site to land to the east of the site as shown hatched on the attached plan LPA/16/00275/OUTM (and including a timetable for its provision together with a strategy to demonstrate its future maintenance) has been submitted to and agreed in writing by the Local Planning Authority; all subsequent reserved matters applications shall accord with the agreed details. No development shall be undertaken, nor shall any dwelling be occupied at any time unless in accordance with the approved details and timetable and unless the relevant route(s) are thereafter maintained in accordance with the agreed scheme such that unfettered vehicular, cycle and pedestrian access on the route(s) through the site and up to the hatched land is available at all times.

Reason - To ensure the opportunities for appropriate vehicular, cycle and pedestrian access (including for public transport vehicles) are maximised, and to ensure the proper planning of the site in conjunction with adjacent land.

Notes to Applicant:

- 12 For the purposes of complying with Condition 14 above, the applicant is encouraged to consider the potential for providing the necessary level of mitigation by way of provision of a bund / acoustic fence to the frontage of the nearby KP Foods facility (subject to any requisite planning permissions being secured).
- 13 In terms of the details required to be agreed pursuant to Conditions 16 and 19 above, the Local Planning Authority would expect the submitted schemes to provide for a vehicular crossing of public footpath O80 suitable for use by all size of vehicle.