

PLANNING COMMITTEE 2 November 2010
LIST OF LATE ITEMS RECEIVED AFTER PREPARATION OF MAIN AGENDA:

5 Year Land Supply – October 2010 Update

Following the latest bi-annual site visits to assess dwelling starts, completions and demolitions carried out by the Planning Policy Monitoring Officer in October 2010, the latest housing trajectory has been devised.

From this latest trajectory the Borough Council's five year housing supply position has been produced, and is confirmed as a cumulative shortfall of - 409 dwellings, equating to a five year housing supply of 4 years and 2 months.

This information will be circulated to all Members of the Council within the following days.

ITEM 01

10/00661/OUT

Flude Family Settlement 2004

Introduction:-

At the Members Site Visit officers were asked to clarify the position over the levels of the site and the associated impact any development would have on the green wedge and the straight line distance between the application site and Burbage Common.

The design and access statement includes a shaded contour plan that shows the levels of the site. In response to the issue over site levels, and in addition to the contour plans, the applicant's agent has submitted a design concept plan that demonstrates that the highest part of the site will not be developed and will be used for on site open space provision.

At its closest point (in the southeast corner) the application site is approximately 160 metres from Burbage Common.

Consultations:-

The Environment Agency raises no objection subject to conditions in respect of surface water drainage.

The Head of Corporate and Scrutiny Services (Green Spaces) raises no objection to the principle of development and the provision of open space on site. Should the open space be appropriately sited and of suitable quality there is a commitment to it being adopted by the Borough Council.

No response has been received from:-

Cyclists Touring Club
National Grid
Leicestershire Fire and Rescue.

14 Additional neighbour letters received on the same grounds as those in the original report and also on the ground that permission was previously refused and an appeal dismissed on highway safety grounds to extend a children's day nursery at no.129 Leicester Road.

Appraisal:-

Green Wedge

As discussed in the appraisal section of this report the applicant has demonstrated that they have understood the levels of the site and their design concept is to not develop the highest part of the site. This approach is sound and will ensure a minimal impact upon the character of the green wedge, the wider countryside and the fringe of Hinckley, however given that the application does not seek approval

for layout at this time there is limited control available to the planning authority to ensure that this considered and informed approach is adopted in the later reserved matters stage.

The matter has been discussed and the applicant's agent has confirmed that the applicant would be happy to accept a condition that requires that the reserved matters submission is in conformity with the submitted design concept plan.

The acceptance of the agents offer and the conditioning of the design concept plan will secure the delivery of the reserved matters in line with the influencing principles and would meet the tests for a planning condition as set down in Circular 11/95.

Other Green Wedge Matters

There is an error in the fourth paragraph on page 8 of the report. The Green Wedge Review has been commenced.

For clarity, the Joint Leicester and Leicestershire Green Wedge Review Methodology whilst following the guiding principles of the RSS has been locally derived and tailored to reflect the Leicestershire Housing Market Area.

Highways

There is an error in the third line of page 12. The sentence should refer to "the reduced speed limit".

Of the neighbour letters received a number refer to the dangers of Leicester Road and the fact that permission was previously refused and an appeal dismissed for a children's day nursery at no.129 Leicester Road on highway safety grounds. Whilst this is factually correct, the situation is significantly different to the current proposal given the nature of the highway works proposed (construction of a junction) and the evidence within the submitted Transport Assessment that has been submitted.

Developer Contributions

The LCC Education developer contribution is considered to be CIL compliant and has therefore been requested as part of the scheme. The applicant has agreed heads of terms for this contribution.

At the time of writing, the CIL compliance of the offered contribution of £10,000 towards the footpath improvements is not resolved. The matter remains under discussion with Director of Environment and Transport (Highways) and should it be concluded that the contribution is CIL compliant it will be secured through the S.106 agreement.

Impact on Neighbours

There is an error in first paragraph of page 13 of the report. The previously approved scheme for the redevelopment of no.19 Bradgate Road is no longer extant and has now expired.

Drainage

The Environment Agency (EA) recommends a series of conditions in addition to those already specified by Severn Trent Water (STW) to ensure a comprehensive development that will not result in flooding and drainage problems is achieved. These conditions will ensure that comprehensive drainage details for the site are submitted, considered and delivered to both the EA's and STW's standards.

Recommendation:-

To take account of the unresolved developer contribution in respect of the public footpath the recommendation is amended:-

RECOMMENDATION:- That subject to the LCC Footpath Improvement contribution being resolved, no adverse comments being received from the Cyclists Touring Club, National Grid and Leicestershire Fire and Rescue the Deputy Chief Executive (Community Direction) shall be granted delegated powers to grant outline planning permission for the development subject to

the following conditions and the execution of an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section III of the Local Government Act 1972 towards, the provision of developer contributions as follows:-

- a) 20% Affordable Housing.
- b) Construction of all dwellings to minimum of Code Level 3 of the Code for Sustainable Homes.
- c) Play and Open Space contributions in accordance with Adopted Supplementary Planning Document: Play and Open Space.
- d) Education contribution in accordance with standard formula and rates as outlined in the Statement of Requirements for Developer Contributions in Leicestershire.

Additional conditions:-

Drainage details

Reserved Matters in accordance with submitted design concept plan.

ITEM 02

10/00695/FUL

Tungsten Properties Ltd & SME Plc

Introduction:-

Following discussion with the applicant's agent a written commitment has been received in respect of the following matters:-

- a) Revised opening hours of 0700 to 2300 hrs daily
- b) All external lighting will be either fixed to the building or low level freestanding
- c) An extraction system can be accommodated within the roof space of the building to normal industry standards.

Consultations:-

The Director of Environment and Transport (Highways) raises no objection subject to conditions.

The Head of Community Services (Pollution) has considered the revised opening hours and extraction details and raises no objection subject to conditions.

The Inland Waterways Association objects to the design of the proposal and the adverse impact within will have on the canal.

No response has been received from:-

The Ramblers Association
The Severn Trent Water.

14 Additional neighbour letters received and a 112 name petition objecting on the same grounds as those reported in the main report.

Appraisal:-

Highways

The report refers to the proposal taking access from the Tungsten Park spine road. For the avoidance of doubt this road is Maple Drive.

The Director of Environment and Transport (Highways) confirms "that following an assessment involving traffic data in respect of A3/A5 uses from the TRICS database and taking into consideration the likelihood of pass-by and linked trips and the assignment of traffic at the junction of Maple Drive and Coventry Road (approximately 50% in each direction) it is considered that it is unlikely that it would be possible to sustain a reason for refusal of the proposal on the grounds that it would lead to a significant, unacceptable increase in congestion and queuing on Coventry Road".

On the basis of their being no adverse impact on the highway system a series of highway conditions in respect of the provision of the access, surfacing, visibility and the provision of cycle parking on site are recommended.

Impact on Neighbours

The amended opening hours are in line with the request made by officers as discussed and appraised in the main report.

The confirmation from the applicant's agent that a full extraction system will be provided within the roof void of the building and will exit the building on the north elevation will ensure that there will be no adverse impact arising from odour from the proposed facility. The design, installation and on going maintenance of the system will be subject to a planning condition.

Other Matters

The applicant's agent has confirmed that the building will only be lit with elevational wash lighting and low level external grounds lighting and are happy to accept a planning condition to secure details of the lighting scheme and the installation and maintenance of the scheme. Given that the site sits lower than Coventry Road and is well shielded from the canal towpath by the mature hedgerow, low level lighting will ensure the necessary needs of the operator are met without out having an adverse impact on residential amenity or the character and appearance of the Ashby Canal Conservation Area.

Recommendation:-

No change to recommendation.

Additional conditions:-

Highway visibility
Cycle Parking
Extraction and ventilation system
Opening hours.

ITEM 03

10/00518/OUT

Goodman Real Estate (UK) Ltd

This item has been withdrawn from the agenda.

ITEM 04

10/00453/FUL

Mr Paul Cresswell

Consultations:-

The Head of Corporate and Scrutiny Services (Tree Officer) raises no objection.

The Head of Corporate and Scrutiny Services (Green Spaces) raises no objection to the proposal but confirms that the offered open space would not fulfil the formal requirements of public open space and therefore the Borough Council do not wish to take responsibility of the proposed open space .

The Director of Environment and Transport (Highways) raises no objection subject to conditions.

The Environment Agency have further confirmed that the dwellings should be constructed with a finished floor level of 300 mm above the existing ground level.

Ratby Parish Council confirms that they do not wish to take responsibility of the proposed open space.

No response has been received from the Cyclists Touring Club.

The observations of Severn Trent Water were in incorrectly reported in the main report. The observations have been received and a condition in respect of drainage details is proposed.

Appraisal:-

Highways

As discussed in the main report the scheme is served by a single point of vehicular access from The Pinfold and provides two off street car parking spaces per dwelling. On this basis the Director of Environment and Transport (Highways) raises no objection subject to conditions.

Drainage/Flooding

Severn Trent Water raise no objection to the proposal and recommend a condition in respect of the submission of drainage details for the proposal. Given the proximity of the site to the Rothley Brook tributary and the associated flood risks known to the Environment Agency, the submission of drainage details is considered reasonable in this case.

The Environment Agency's requirement for the dwellings to be built 300 mm above the existing ground level will be generally in line with the design of the adjacent development of The Pinfold. The existing ground levels are known and the proposed finished floor levels will be secured by way of condition.

Open Space

The Head of Corporate and Scrutiny Services (Green Spaces) confirms that the offered open space would not fulfil the formal requirements of public open space and therefore the Borough Council would not wish to take responsibility of the proposed open space. This is because the space is not publicly accessible as it would require access through a private drive and a parking court and is also within a flood zone.

The proposed open space does abut an open space maintained by Ratby Parish Council and therefore access could be taken through this existing space, however Ratby Parish Council have confirmed that they have no intention to adopt open space within the village because of the rising maintenance costs associated with doing so.

Recommendation:-

Having received the observation of the Director of Environment and Transport (Highways) the recommendation is changed to:-

RECOMMENDATION:- The Deputy Chief Executive (Community Direction) shall be granted delegated powers to grant planning permission for the development subject to the following conditions and the execution of an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section III of the Local Government Act 1972 towards, the provision of two affordable homes. Failure to do so by 10 November 2010 may result in the application being refused.

Additional conditions:-

Drainage

Provision of access, drive, turning and parking
Surfacing of access.

The condition to secure the minimum finished floor level is already included in the proposed landscaping condition.

Introduction:-

Amended plans have been submitted which show the adjacent land to the east, which is proposed to contain a retention basin, as under the control of the applicant. The description of development and indicative layout have also been amended to include a B2 (General Industrial) use within the proposals in order that RSL, the existing employer on the site, could be accommodated in the proposed scheme.

Consultations:-

The Director of Highways, Transportation and Waste Management (Highways) refer to the comments they raised to the Strategic Housing Land Availability Assessment and Local Development Framework which stated that there are a general lack of facilities in Bagworth, it is not well served by public transport and it is remote from the principal Urban Area and Sub-Regional Centres. The comments state that the Highway Authority would normally recommend refusal on the grounds that if permitted it would be contrary to the Highway Authority's objectives to locate housing in locations to minimise the environmental impact of transport and the need to travel by private vehicle.

The comments continue to state that on the basis that land in Bagworth has been allocated for a minimum of 60 houses in the Core Strategy should the Local Planning Authority be minded to approve the proposal conditions are proposed. These include conditions to ensure that plots facing Station Road do not have direct pedestrian access from Station Road to prevent indiscriminate parking to the detriment of the free flow of traffic. Further conditions require the provision of a pedestrian crossing and the widening of the footway while a contribution towards travel packs and passes is also requested.

The Chief Executive, Leicestershire County Council (Ecology) comments that the submitted ecology report is satisfactory and that the reports recommendations regarding boundary trees, timing of shrub clearance and disposal of invasive species are drawn to the applicant's attention.

The Chief Executive, Leicestershire County Council (Archaeology) state that they do not consider that any archaeology work is required as part of the present scheme.

The Primary Care Trust state that the proposal will lead to an increase in local population which will have an impact on local health services. They comment that there is no medical provision in Bagworth and that the proposed development would be covered by the Ibstock House Surgery in Ibstock. This practice is identified as 'light amber' indicating that funding is needed to improve healthcare facility which will be exacerbated by the proposals. Therefore they request a contribution of £583 per one/two bedroom property, £1167 per three/four bedroom property and £1750 per five bed property.

Following the consultation on the amended plans the Environment Agency withdraw their objection and recommend conditions.

The Head of Community Services (Pollution) has provided further comments following the clarification of points made in the original application. They reiterate the need for a further noise report at the reserved matters stage and raise no concern regarding the retention of a B2 use on the site as the current use has not been subject to complaints from neighbouring residents.

County Councillor Sprason has commented that Bagworth has been identified as a priority neighbourhood by the Local Strategic Partnership. He comments that it is very unlikely that a large manufacturing industrial unit will be developed due to a number of factors including a weight restriction on Station Road, that local residents recognise that small starter units are much needed and the proposed 75% / 25% split is strongly supported. The recommendation to refuse is contrary to the view of local residents which the coalition government are saying should be taken into account. The report is incorrect in stating that not enough affordable housing or contribution to play and open space is being proposed. The report points to the Core Strategy as a reason to refuse the application but this was opposed by the majority of residents and is factually inaccurate. The letter requests that members of the planning committee vote against the officers recommendations and request that Officers negotiate with the developer to an acceptable mix of housing and small industrial starter units on this site. He adds that

due to the permission given recently for the Good Friday Camp and the Finney site local residents are seeing an inconsistent approach from planners, which endangers the work on social cohesion promoted by the neighbourhood action team and endorsed by the local strategic partnership.

Appraisal:-

With regards to the comments received from Director of Highways, Transportation and Waste Management regarding the sustainability of the settlement as a location for new residential development, this was considered during the adoption of the Core Strategy. It was considered through the Rural Housing Methodology that rural settlements should be allocated housing in order to support existing services and facilities. As this has been taken into consideration at that time and as the adopted Core Strategy contains the allocation for 60 residential units in Bagworth it is considered that an objection to new residential development in the settlement could not be supported. The concerns of the Highway Authority are therefore not included as an additional reason for refusal.

It is considered that the contribution request from the Primary Care Trust does not meet the tests set out in the Community Infrastructure Levy 2010 and therefore cannot be supported by the Local Planning Authority. The lack of this contribution therefore does not form an additional reason for refusal.

With regards to the comments referring to the correct amount of affordable housing and play and open space contributions being proposed. It is accepted, and stated within the main report, that the application proposes 40% affordable housing which would accord with the Core Strategy. Similarly, the applicant has given a commitment to the full play and open space contribution, however, as the application is recommended for refusal and these can only be secured through a Section 106 agreement, additional reasons for refusal are included to ensure these items are addressed at any subsequent appeal.

Following further discussions between the applicant and the National Forest Company, the required planting could be accommodated on the adjacent land under the control of the applicant. If the application was to be supported then this could be secured by condition.

Further information has been requested from the applicant to demonstrate that the site has been marketed sufficiently and that no interest has come forward for industrial use of the site. No further information has been submitted and therefore it has not been demonstrated that a demand for employment use does not exist.

Recommendation:-

That delegated authority be granted to the Deputy Chief Executive (Community Direction) to refuse the application on the following grounds following the expiry of the current consultation period on the 7 November 2010.

ITEM 07	10/00665/ADV	Hinckley And Bosworth Borough Council
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This item has been withdrawn from the agenda.

ITEM 08	10/00666/LBC	Hinckley And Bosworth Borough Council
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This item has been withdrawn from the agenda.

Consultations:-

Burbage Parish Council have no objections to this application.

Recommendation:-

Following the expiry of the consultation period the recommendation is amended.

RECOMMENDATION :- Permit subject to the following conditions:-

Consultations:-

No objection has been received from Chief Executive, Leicestershire County Council (Ecology) but a watching brief for protected species during works is recommended.

No objection subject to a condition in respect of refuse and recycling storage facilities has been received from the Head of Business Development and Street Scene Services (Waste Minimisation)

Appraisal:-Other Issues

Whilst the submitted protected species survey found no evidence of such species within the site, a note to applicant should advise of the need to maintain a watching brief during the demolition and redevelopment of the site.

There is a substantial residential curtilage that would provide adequate space for storage of recycling and refuse containers and therefore the suggested condition is considered to be unnecessary.

Recommendation:-

Amend note to applicant 1 to require a watching brief for protected species.

Consultations:-

Shackerstone Parish Council have no objections to the application.

Recommendation:-

Following the expiry of the consultation period the recommendation is amended.

RECOMMENDATION :- Permit subject to the following conditions:-

PUBLIC SPEAKING ITINERARY

PLANNING COMMITTEE 2 NOVEMBER 2010

Item	Application	Speaker(s)	Supporter/objector
01	10/00661/OUT	Mr Dodson Kate Davies	Objector Agent
02	10/00695/FUL	Mr Bayley	Objector
06	10/00640/OUT	Michael Robson/Stewart Ball	Agent/Representative