

PLANNING COMMITTEE 1 February 2011
LIST OF LATE ITEMS RECEIVED AFTER PREPARATION OF MAIN AGENDA:

ITEM 01 **10/00797/EXT** **Alexandra Stone Company Ltd**

Appraisal:-

For clarification, the proposed materials are light grey coated cladding profiled steel for both the roof and walls of the new building.

ITEM 02 **10/00851/EXT** **SWIP Limited**

Introduction:-

A letter has been received from the agent expressing concerns about the imposition of the new condition directed by the Highway Agency requiring M1 junction signalisation. The agent states that such a requirement would render the development unviable and therefore would be unable to sign any S106 agreement in knowledge of that issue. The agent requests that the application is deferred on this basis.

Consultations:-

Additional information has been received from the Highway Agency regarding the direction to impose a condition to mitigate the impact of the proposals at Junction 22 of the M1(Condition No. 23). The scheme has been tested in a transport model (LINSIG) by the Highway Agency consultants.

The Highway Agency have clarified the justification for the condition further, stating " when the extent of vehicle queues on a motorway slip road extends towards the mainline carriageway, there comes a point where vehicles would not have the minimum safe stopping distance from the mainline before hitting the back of the queue. Further queuing may result in vehicles travelling slowly or even stopping on the M1 mainline; which adds further safety concerns. It is indeed easily demonstrated (using LINSIG) that the impacts of the proposed development exacerbate future queuing problems and therefore require mitigation."

The MP supports the project and has requested that the application be deferred to resolve the Highway Agency problem.

Appraisal:-

On the basis of the additional advice from the Highway Agency, which confirms that the works required are necessary to mitigate the impacts of this development on Junction 22 of the M1, no changes are proposed to the recommendation.

ITEM 03 **10/00883/FUL** **Mr Haydn Evans**

Consultations:-

Leicestershire Fire and Rescue Service request a contribution of £1191.96 to offset the capital expenditure that the development would impose on the Fire Authority.

The Homes and Communities Agency (HCA) has confirmed that the viability case presented by the applicant is reasonable and reflects the costs of the development as proposed.

One additional neighbour letter of objection received on the following grounds:-

- l) surfacing of Cotes Road will not alleviate overflow parking and will result in the creation of a rat run between Coventry Road and Sketchley Road.

m) additional traffic has potential to cause damage to buildings.

Appraisal:-

Developer Contributions

No justification to meet the requirements of the CIL Regulations has been provided to support the request for contributions to the Leicestershire Fire and Rescue Service and accordingly this request is not being pursued.

Viability

Having received confirmation from the HCA that the developer's viability case is reasonable the Council's Renegotiating S.106 Protocol can be utilised. The application proposes a one off payment of £56,000 and the viability demonstrates that this is the maximum amount the development provides. In line with the S.106 Protocol it is considered that Steps 1 and 2 are not applicable in this case as the total amount of contributions requested cannot be provided. Step 3 confirms that "in exceptional circumstances and only where significant planning gains are available, which are seen as a priority for immediate delivery by the Council, Officers may consider a further step - a reduction in developer contributions (applicable to brown field sites only)". The application site is brown filed in nature and will result in the provision of a range of market housing that is needed in the settlement. National Guidance, Appeal Decisions and High Court Decisions all indicate that planning authorities should have regard to deliverability in their decision making and as such confirms that economic viability is material planning consideration that should be considered carefully and where not found to be material sound justification should be provided.

In this case, whilst the application cannot provide the full value of the contributions requested, it can provide a significant degree of funding for infrastructure development. Accordingly, it is considered reasonable to conclude that economic viability is a material consideration and planning permission should be granted on the basis of reduced contributions in accordance with the S.106 Protocol.

With the absence of any infrastructure hierarchy or priority delivery programme, all CIL compliant contributions should be reduced proportionality based on the £56,000 contribution offered. This equates to:-

- LCC Education (Primary School): £36,710.32
- LCC Education (Secondary School): £48,396.04

HBBC Play and Open Space Capital

- Formal Open Space £0
- Children's Equipped Play Space £5,542.07
- Informal Children's Play Space £705.94

Maintenance

- Formal Open Space £0
- Children's Equipped Play Space £2,700.75
- Informal Children's Play Space £607.38

Recommendation:-

RECOMMENDATION:- That subject to the execution of an agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972 in respect of infrastructure contributions for education facilities and public play and open space facilities, the Deputy Chief Executive (Community Direction) be granted powers to issue planning permission subject to the conditions below. Failure to complete the agreement by 14 February 2011 may result in the application being refused:-

Introduction:-

Additional Ecological Assessment has been submitted by the agent. The assessment is based on a limited desk study, an Extended Phase-1 habitat survey and a protected species walk-over survey. The protected species walk-over survey includes the surrounding land. The survey seeks to address the matters raised by Natural England.

The agent has suggested the use of a condition to secure further desk study and survey works together with identified mitigation, compensation and enhancement recommendations. Further surveys have been instructed.

Natural England and Directorate of Chief Executive (Ecology) have been consulted on the additional information and comments are awaited.

Appraisal:-

On the basis of the previous advice from Natural England and without the receipt of updated advice with regard to the additional information received it is considered that the imposition of a condition requiring additional phased surveying would not be an acceptable method of assessing the impact on biodiversity.

Recommendation:-

RECOMMENDATION:- That subject to satisfactory resolution of the outstanding ecology issues, the Deputy Chief Executive (Community Direction) be granted delegated powers to issue planning permission subject to the conditions below.

Introduction:-

The History section of the report, the principle section of the Appraisal, and a reference within the comments of the Director of Environment and Transport (Highways) refer to application 07/01305/COU as being on an adjacent site, the report should refer to this application being on the same but larger site than the current proposal.

The applicant has provided additional information and photographs in respect of other recent planning permissions on other sites in the Borough and with respect to the previous appeal decisions in the vicinity of the current proposal.

The planning permissions for other sites referred to are:-

08/00376/FUL (Private fishing lake) Rogues Lane, Hinckley
09/00599/FUL (Farm Park) Oak Farm, Garlands Lane, Barlestone
09/00423/FUL (Private stable block) Land north of Gnarley Farm, Ashby Road, Osbaston
10/00330/FUL (Agricultural livestock building) Land off Brascote road, Newbold Verdon
07/00382/FUL (Field access) Lindridge House, Lindridge Lane, Desford

Photographs have been submitted to show the available visibility from accesses recently approved at other sites within the Borough which, the applicant considers are relevant to the consideration of the application. The information submitted refers to the lack of footpaths, street lights and speed limits on the highway adjacent to the accesses referred to. In addition, the applicant refers to Policy T5 and asks if it applies to everyone.

Consultations:-

One additional letter of objection received on similar grounds to those contained in the main agenda.

Appraisal:-

Comment on the applicant's further information.

The main report on the agenda provides the comments received from The Director of Environment and Transport (Highways) regarding highway safety at this particular site. The comments refer to the application of Policy T5.

Recommendation:-

Amend reason to omit reference RES13

ITEM 07**10/00980/FUL****Mr Frank Downes****Introduction:-**

Further information has been received on behalf of the applicant which requires further consideration.

On this basis the application is deferred to 1 March 2011 planning committee.

ITEM 08**10/00992/CONDIT****Mr Jeffery Poonawala****Consultations:-**

An additional letter of representation from a neighbouring resident has been received objecting on the grounds of an increase in traffic and highway safety, despite the application been 'downsized' and an increase in anti-social behaviour and litter.

British Waterways has no objection in principle however, note that some issues raised in their response to the previous application (10/00695/FUL) were not addressed and as such request conditions in respect of design, tree planting and boundary treatments and waste/litter storage.

Appraisal:-

In response to the comments received from British Waterways similar comments were received in respect of the earlier application and it was considered at that time, that the design and appearance of the scheme was acceptable. Whilst the building is smaller, it is identical in appearance and other matters remain unaltered.

It is considered that Condition Numbers 4 and 5 of the original planning permission (ref: 10/00695/FUL) are sufficient to secure tree planting and boundary treatments as requested by British Waterways.

With regards to the imposition of a waste/litter storage condition, the issue of littering in the locality is not a material planning consideration. Notwithstanding this, Tungsten Park is committed to ensuring adequate litter bins are provided within the site to ensure littering is not a problem. The applicant is also keen to stress that it is within his interest to ensure littering is not a problem as it gives the wrong image of the site, the Conservation Area and Hinckley as a whole and this is something that he is keen to promote positively because of the direct impact the right image has on the occupation of Tungsten Park.

Consultations:-

No objection subject to condition received from Sport England.

The Leicestershire Playing Fields Association support the proposal, as it provides improved facilities and has the potential to increase usage and participation.

Development Plan Policies:-

The Council's adopted Green Spaces Strategy identified one of its medium term objectives as 'to continue the Community Parks development programme working with local residents to plan and implement improvements to parks'.

Appraisal:-

Sport England have requested a condition to ensure that development shall not commence until the specification has been agreed with the Football Association. Confirmation has been received from the Football Association that the proposals are acceptable in terms of the design and therefore, a condition in this respect is not considered necessary. They have however requested further information regarding maintenance of the drainage system as part of the information required in connection with the funding application to the Football Foundation however, this is not a matter to be resolved by planning condition.

PUBLIC SPEAKING ITINERARY**1 FEBRUARY 2011**

Item	Application	Speaker(s)	Supporter /objector
02	10/00851/EXT	Mark Scoot	Agent
04	10/00901/EXT	Andy Thomas	Agent
05	10/00970/FUL	Miss Pallett Roger Yarwood	Objector Agent
06	10/00962/EXT	Andy McMullen	Agent
07	10/00980/FUL	Anne Bannon Martin Dennis	Objector Agent