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Chief Executive

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Hinckley & Bosworth
Borough Council

A Borough to be proud of

To: Members of the Planning Committee

Mr R Mayne (Chairman)	Mrs L Hodgkins
Miss DM Taylor (Vice-Chairman)	Mr MS Hulbert
Mr RG Allen	Mr KWP Lynch
Mr JG Bannister	Mr JS Moore
Mr PR Batty	Mr LJP O'Shea
Mr CW Boothby	Mr BE Sutton
Mrs T Chastney	Mr R Ward
Mr WJ Crooks	Ms BM Witherford
Mrs WA Hall	

PLANNING COMMITTEE - 25 SEPTEMBER 2012

LATE ITEMS

7. **TOWN & COUNTRY PLANNING ACT 1990 - APPLICATIONS TO BE DETERMINED**
(Pages 1 - 12)

Schedule of planning applications attached.

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Agenda Item 7

PLANNING COMMITTEE 25 September 2012 LIST OF LATE ITEMS RECEIVED AFTER PREPARATION OF MAIN AGENDA:

ITEM 01

11/01021/FUL

Mr Robert Duval

Consultations:-

One further letter of neighbour representation received stating that there should be affordable housing provision included within the development and that there is a local need for it.

An additional letter has been received from Shackerstone Parish Council; however this raises no new issues.

Recommendation:-

Include Policy BE7 within Justification.

ITEM 02

12/00178/FUL

Mr John Cawrey

Consultations:-

Further information to up-date the noise report was submitted by the applicant. This has been considered by the Head of Community Services (Pollution) who have indicated that they would expect a fence density of at least 10 kg/m². Otherwise the information submitted is as expected. They further indicate that, once the fencing has been chosen, then this should be forwarded for approval. Details of the fencing has now been received and forwarded to the Head of Community Services (Pollution) for consideration.

Councillor O'Shea is unable to attend the Planning Committee meeting and wishes to express objection to the application on highway grounds. Councillor O'Shea is totally unhappy with the entrance onto the main Groby Road in Ratby as this road was put in as a temporary road for deliveries even though both local Councillors made strong safety objections. Councillor O'Shea fears this is an accident waiting to happen and will not support this in any way. He appreciates there are no planning reasons to object to these houses but on this highway issue he wants to raise his strongest objection.

ITEM 04

12/00282/FUL

Bloor Homes Ltd (East Midlands)

Introduction:-

Paragraph 3 on page 36 needs amending to:-

'This is one of two applications'

The third was found to be invalid and was not able to meet the committee deadline.

Introduction:-

Paragraph 1 on page 44 needs amending to:-

'This is one of two applications'

The third was found to be invalid and was not able to meet the committee deadline.

Consultations:-

No objections have been received from Head of Community Services (Land Drainage) and Head of Community Services (Pollution).

The Director of Environment and Transport (Highways) has got no objections subject to contributions towards bus stop improvements, and each property being supplied with a travel pack. There are also conditions requested.

Appraisal:-

The S106 contributions are discussed on page 47 of the main report. These are to be tied to this scheme and through a deed of variation. Due to the triggers contained within the original S106 agreement, the works to the bus stops have already been carried out and therefore the request from County Highways in respect of this has been met. The travel packs are secured by condition 9. The relevant conditions have been carried forward from the original scheme.

A landscaping scheme has been received. Therefore conditions 2 and 10 are amended to reflect this..

Recommendation:-

Condition 2 amended as follows:-

The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:- M109_L_03_C, M109_PL_BB, 4256-SK02 A, 3254-SK02 A, 3255-SK03 A, 3255-SK03H A, G01[SG]01 C, 4266-SK02 C, 4266-SK02H B, G02.P[SG]01 D, received 15 August 2012. JBA 10/251 -01 E, JBA 10/251-02 E received 11 September 2012.

Condition 10 removed.

Consultations:-

Following complaints from neighbours and subsequent investigations The Head of Community Services (Pollution) has requested an hours of operation condition to limit the impact from the on site activities on neighbouring residential premises. It is recommended that hours are limited to Monday to Friday 08:00-18:30 and Saturdays, Sundays and Bank Holidays 10:00-16:00.

Councillor Bill has raised the following concerns on behalf of local residents:-

Road Safety

This has to be one of the most dangerous stretches of road in the area and the Highways Agency have not given this any consideration. It has been suspected for a long time that the A5 does not resister on the records of the West or East Midlands as it forms the border.

No-one really knows just how many accidents and fatalities there have been as the records are not held in any central database. The situation will be made worse by the introduction of non-stop traffic through Dodwells Bridge roundabout when this is rebuilt.

The road is currently used as an unauthorised test track by the promoters of fast cars and this will thus be on the increase. The road is also used every day by HGV drivers often at the end of an exhausting journey from places as far away as Poland. The introduction of way-side distractions will only lead to one result.

Car Washing

This description hardly applies as at the moment vehicles of any size including HGV's, caterpillar vehicles and others of a similar size are regularly washed. Surely there should be a limit so that slow moving vehicles are not encouraged to manoeuvre onto the site. Health and safety regulations are ignored when these large vehicles are washed.

Vehicles are washed on every corner of the site including adjacent to residents' rear fences. Residents have been asking for years for this to stop but no action has been taken.

Appearance of the site

Can the site be appropriately fenced on all sides? The existing fencing is broken in places, leaving residents exposed to spray, noise and nuisance.

Unnecessary noise

Resident's enjoyment of their homes and gardens is disrupted by the constant noise of loud music and shouting across the site. Can a condition be imposed preventing all unnecessary noise?

Hours of operation

Comparison is made within the report of the hours of opening of the Bengal Chef. The car wash is an outside operation causing noise and disturbance to all surrounding properties.

Other users of the site

There is concern that if the application is approved, complaints against the other uses on the site will be ignored.

Unauthorised use of the highway

It is understood that cars and vehicles are stored on the other side of the A5 and driven or pushed across to the Bubble Boyz site for sale or advertising purposes.

One letter has been received raising the following issues:-

- a) contrary to the officers report, the water from the washing facilities does not drain into the drainage grill but lies on the surface and slowly seeps into the ground water
- b) Bengal Chef and Enterprise are indoor operations and therefore the statement within the Officers report stating that hours of operation condition would not be necessary on this basis is incorrect. It was the understanding the following the meeting between residents, councillors and officers on the 29 August an hours of operation condition would be imposed
- c) disgusted that the report still states that prior to the application being received no noise complaints were received. The residents state that this is incorrect and whilst there were other complaints raised in November 2011, noise was raised at this point
- d) a fence is required to help with noise and to protect the security of the neighbouring residents
- e) it is a joke that the report considers that the proposal would not severely worsen the amenities of occupiers of neighbouring dwellings.

A further letter has been received from Saxon Paddock Residents Association addressed to The Deputy Chief Executive. This letter seeks deferral of the application to enable further investigation. These issues are:-

- a) the description to include any vehicles leads to a range of vehicles being washed upon the site that is unacceptable and unrealistic for the location of the site
- b) a formal complaint has been made to the Highways Agency that they have not taken into account or referred to the proposed works to Dodwells Roundabout. It is considered that the proposed works would result in traffic passing the site at speeds in excess of 60mph
- c) the report is false and misleading. False as it states that no objections 'pre the application being put on the Website'. Objections regarding noise and other matters were submitted to HBBC in November 2011. Misleading as it referred to an acoustic fence being placed near properties on the A5
- d) the whole site is currently being used for valeting and car washing, including the area to the rear of the Bengal Chef and Bubble Boyz
- e) the ground level to the front of the site where all the operations should take place needs investigating as it appears to slope away from the concrete apron and, as there is damage to it, water can penetrate the sub soil level
- f) concern about the petrol tanks were raised and we were informed they have been adequately dealt with. However some time ago there was a fire on the site where petrol or fumes possibly ignited. If they were not treated correctly then this could lead to future explosions or subsidence. Incidentally the fire and rescue service cannot find record of the incident
- g) is it appropriate for a vehicle wash to be directly sited in front of a food outlet.

Matters relating to the Char Grill and Enterprise Cars are not a consideration for the determination of this application.

Appraisal:-

Road Safety

The number of accidents is discussed at paragraph 6 on page 55 of the officer's report. Other issues raised regarding the use of the A5 as a test track is a law enforcement issue.

The Highways Agency have been challenged. They have confirmed that both the works to the Dodwells traffic Island and the types of vehicles cleaned have been considered and have not altered their recommendation.

Car Washing

The description was changed to more accurately reflect the use of the site. Whilst the word 'vehicles' expands what can be washed at the site this is considered to be an appropriate description.. There is no objection from consultees to restrict the type of vehicle washed on the premises. As stated on page 57 of the report, Health and Safety Regulations are not a material planning consideration.

A condition is recommended restricting the activities to the front of the building. At present there is no mechanism to control where the vehicles are washed. If this scheme is approved with such a condition, it would be possible to control where the vehicles are cleaned and valeted.

Appearance of the site

Fencing- If the proposal is restricted to the use of the forecourt the uses will not take place against the boundary. Such a condition it is not considered reasonable or necessary to make the application acceptable. The red edge defining the application site does not adjoin the northern, southern or eastern boundary of the site. The red line only adjoins the boundary to at the far north eastern corner. The majority of the boundary is therefore out of the control of the applicant and it would not be possible to impose a condition requesting new fencing.

Unnecessary noise

A condition restricting unnecessary noise will not be enforceable as it is not possible to define unnecessary noise. This should be controlled through Environmental Health legislation.

Hours of operation

The external nature of the use has been considered. Following complaints that have been received by the Head of Community Services (Pollution) and following there investigations, comments have been revised and a condition is recommended restricting the hours of operation.

Other uses and unauthorised use of the highway are not material considerations to this application.

The drainage is discussed at paragraph 2 on page 55 of the Officers Report. The forecourt is not level and water has a tendency to pool into the lowest points before the volume is sufficient to enable it to run towards the drain. The forecourt is a mixture of tarmac and concrete both impervious materials preventing any seepage into the groundwater.

The original complaints submitted to the enforcement officer in November 2011 have been checked. The complaints refer, specifically to the smell and mess resulting from the car sales, car washing and takeaway uses.. No written complaints relating to noise were reported to planning officers or to Environmental Health colleagues. The noise issues are considered within the main report on paragraph 1 on page 57.

The report does not make reference to an acoustic fence being placed near properties on the A5. This is discussed as residents requested such a fence, however as discussed above this boundary is not within the control of the applicant.

The disused petrol tanks have been filled with water. This has been confirmed by the County Council Petroleum Licensing section.

Officers do not have concerns over the location of a car washing facility near to a food establishment.

Recommendation:-

Additional condition:-

- 3 No vehicles shall be washed or valeted outside of the following hours; 08:00- 18:30 Monday to Fridays and 10:00- 16:00 Saturdays, Sundays and Bank Holidays.

Reason: To protect the amenities of neighbouring residents in accordance with Policy BE1(i) of the adopted Hinckley and Bosworth Local Plan.

ITEM 07

12/00446/FUL

Magnum Care Ltd

Introduction:-

Amend Planning History references to 08/00303/FUL and 07/01388/FUL.

An additional plan has been submitted with section details of the reveals and recesses on the front elevation of the proposed building and details of the proposed shed.

Additional details of the proposed cycle racks has been submitted.

Consultations:-

The Director of Environment and Transport (Highways) has no objection to the amended site layout following the inclusion of two additional car spaces, the relocation of the cycle parking area and details of the boundary treatments and cycle parking racks.

No objection has been received from the Head of Community Services (Pollution) subject to a condition requiring the submission of a scheme for the ventilation of the premises to control any noise/odour from the kitchen and laundry areas.

Two letters of support have been received from neighbours.

Appraisal:-

The additional details of the reveals and recesses on the front elevation of the proposed building and the proposed shed details are considered to be acceptable.

The cycle rack details are also acceptable.

Any impact on neighbouring properties from noise and odours from the kitchen and laundry areas within the building can be controlled by an appropriately worded condition.

Recommendation:-

Condition 2 amended as follows:-

To include Additional Information Drawing No. 6558-P-99 Rev A received by the Local Planning Authority on 20 September 2012.

Condition 13 amended as follows:-

13 The proposed cycle parking area and Marshalls R10 Steel Senior Cycle Parking Racks finished in grey shall be provided in accordance with the approved details before the development is first brought into use and once provided shall be permanently so maintained at all times thereafter.

Additional Condition:-

15 No development shall take place until a scheme for ventilation of the premises, which shall include installation method, maintenance and management has been submitted to and agreed in writing with the Local Planning Authority. The approved scheme shall be implemented in accordance with the agreed details before the premises are first brought into use for the development hereby approved and maintained in use thereafter.

Reason: To ensure the development does not have an adverse impact on the amenities of surrounding properties in terms of odour and noise to accord with Policy BE1 (criterion i) of the adopted Hinckley and Bosworth Local Plan.

ITEM 08**12/00452/FUL****Mr John Deakin****Introduction:-**

An amended Planning Layout plan has been submitted that removes Plot 15, relocates the garage of Plot 14 and changes the house type on Plot 16.

Amended plans have been received in respect of minor alterations to Plots 5, 13, 14 and 23.

Additional plans have been submitted that provide a number of cross sections through the site and a street scene fronting Shilton Road to demonstrate the relationship of the proposed development to adjacent dwellings.

An Archaeological Geophysical Survey Report has been submitted to address issues raised by the Directorate of Chief Executive (Archaeology).

Consultations:-

Directorate of Chief Executive (Ecology) considers that the site has some biodiversity value as an area of species-rich grassland has been identified within the western part of the site. A condition to conserve the grassland within the site was initially recommended, however, after further consideration the area available within the proposed layout does not allow enough space for this to be successfully achieved therefore the application is recommended for refusal.

Directorate of Chief Executive (Archaeology) has assessed the additional information submitted within the Archaeological Geophysical Survey Report and no longer objects to the application subject to conditions requiring further investigation and recording.

Councillor Hulbert raises concerns that as Barwell is due to get 2,500 new homes as part of the SUE, it is unreasonable to be suggesting further development within such close proximity and with the fields being used for equestrian use they should not be developed.

Appraisal:-

Layout and Design

The amended Planning Layout removes Plot 15 from the scheme and substitutes it with landscaping, amends the house type on Plot 16 and relocates the garage to Plot 14 and is considered to be acceptable. Amended plans have been received in respect of Plots 5, 13, 14, 16 and 23 to address minor design issues raised and are acceptable.

Impact on Residential Amenity

The amended Planning Layout removes Plot 15 from the scheme, substitutes it with a landscaped area and relocates the garage to Plot 14 further from the site boundary in order to address amenity issues raised by the occupier of the adjacent dwelling (The Pines, Dawsons Lane). The amended layout plan significantly improves the relationship of the development to this property and removes any overbearing impact. Additional plans submitted include a number of cross sections through the site and these are considered to demonstrate that the development will have a satisfactory relationship to adjacent properties and will not result in any material adverse impact on amenity from overlooking or overbearing impact given the proposed separation distances. As a result it is recommended that reason for refusal 2 as detailed in the main report is deleted.

Impact on Archaeology

Following submission of additional information in the form of an Archaeological Geophysical Survey Report the Directorate of Chief Executive (Archaeology) has removed the objection to the application and recommends conditions to secure further archaeological investigation and recording should the application be permitted. As a result it is recommended that reason for refusal 3 as detailed in the main report is deleted.

Impact on Ecology

The Directorate of Chief Executive (Ecology) has identified an area of species-rich grassland within the western part of the site. The area identified cannot be retained in situ within the proposed layout, and it was initially suggested that it may be possible to trans-locate the species-rich grassland to other open areas within the application site subject to similar habitat and ground conditions being provided. However, after further consideration the Directorate of Chief Executive (Ecology) considers that the

areas available within the proposed layout would not be sufficient to allow satisfactory translocation to take place and therefore it is recommended that the application be refused.

Recommendation:-

Delete reasons for refusal 2 and 3

Add reason for refusal:-

In the opinion of the Local Planning Authority, the applicant has failed to demonstrate that the development will not result in the loss of an identified ecological asset (species-rich grassland). Therefore the proposals are contrary to Policy BE1 (criterion b) and the overarching principles of Section 11 of the National Planning Policy Framework.

ITEM 10

12/00522/FUL

R & T Ensor Farmers Ltd

Introduction:-

The existing Dutch barn and lean-to extension to be demolished currently provide approximately 630 square metres of floor space, therefore approximately 485 square metres of additional floor space will be created.

ITEM 11

12/00601/FUL

Mr Jason Newbury

Consultations:-

Three additional letters from one address have been received raising the following concerns:-

- a) the applicant's photographic attempt to demonstrate that there will be little or no impact on the residents of Kirkby Mallory by this turbine, does nothing to appease us as all the images were taken from unpopulated locations and none were taken from Kirkby Mallory where any adverse effect will be felt
- b) the images have confirmed the size of the turbine – there is no getting away from a 100 foot turbine 3 times the size of a house and way above the tree line
- c) nothing else tall in the vicinity to absorb its droning noise which has been proven to occur with associated health issues
- d) debates whether this is for private domestic use- must be for commercial use – do not need one this size to power a domestic dwelling of any size
- e) possible future negative implications of passing this turbine
- f) The mast provides a more realistic view of the potential impacts, a visit to these locations should be undertaken
- g) the view from Peckleton House is not a true representative; the naked eye shows you a more 3D realistic view
- h) if the application proceeds without a site visit, there should be a contingency in place to review the actual impact compared to the photomontages and may also be helpful in assessing any future applications in Hinckley and Bosworth.

Appraisal:-

The issues have already been addressed within the main report. For the avoidance of doubt a site visit has been undertaken to assess the potential impacts upon the locality and some Planning Committee Members have also undertaken a site visit.

Amend recommendation

Recommendation:-

RECOMMENDATION - Permit subject to the following conditions:-

ITEM 12

12/00658/OUT

MIRA Technology Park Ltd

Consultations:-

No objections have been received from:-

North Warwickshire Council
Head of Business Development and Street Scene Services
Higham on the Hill Parish Council.

No objections subject to conditions have been received from:-

Director of Environment and Transport (Highways)
Historical and Natural Environment Team.

As a result of the Developer Contributions consultation, Leicestershire County Council has made no contribution requests.

No responses have been received from neighbours.

Appraisal:-

Archaeology

The area of the current application was not covered by detailed geophysical survey or trial trenching and as such the potential significance of any surviving archaeological remains in this area is unclear. Based upon the submitted development details, the current scheme is likely to impact on any archaeological remains through any ground works associated with development, which can include general ground reduction, foundation trenching, service trenches and possible landscaping.

In accordance with National Planning Policy Framework (NPPF), paragraph 129, assessment of the submitted development details and particular archaeological interest of the site, has indicated that the proposals are likely to have a detrimental impact upon any heritage assets present. NPPF paragraph 141, states that developer's are required to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact of development. In that context it is recommended that the current application is approved subject to conditions for an appropriate programme of archaeological mitigation, including as necessary intrusive and non-intrusive investigation and recording.

Highways

The following comments have been received from the Director of Environment and Transport (Highways). The proposed development is predicted to have a minimal impact on the Strategic Road Network (A5) of 23 two-way trips in the am peak, and 18 two-way trips in the pm peak. Consequently, the impact on the local road network beyond that will be relatively insignificant and would not warrant refusal of the application. Furthermore, standard parking bays should measure 2.4m x 5.5m and not 2.4m x 4.8m as proposed. This request will be secured by way of condition.

Recommendation:-

Condition 3:- Plans superseded

Additional Condition:-

9 Notwithstanding the information provided, the car parking spaces should be of the following dimensions:- 2.4 metres x 5.5 metres and shall be retained as such thereafter.

Reason: To ensure that there is adequate parking provision for the proposed development, in accordance with policy T5 of the Local Plan.

ITEM 13

12/00674/COU

Mr J Winter

Consultations:-

No objections have been received from:-

Director of Environment and Transport (Highways)
Historical and Natural Environment Team
Head of Community Services (Land Drainage)
Higham on the Hill Parish Council.

No objections subject to comments have been received from Directorate of Chief Executive (Ecology).

One letter of neighbour representation received, raising the following issues:-

- a) highway safety concerns, related to the number of vans proposed
- b) inadequate drainage
- c) due to the number proposed, the caravans will be overly prominent within their setting
- d) smells associated with the burning of plastic/rubber
- e) concerns that previous objections in relation to the site have been ignored.

At the time of writing the report no comments have been received from:-

Environment Agency
Nuneaton and Bedworth Borough Council.

Appraisal:-

Ecology

The Directorate of Chief Executive has raised no objections to this development provided that all boundary hedgerows are retained with a buffer zone of at least 5m undeveloped land between centre of hedge and pitches/parking/other ancillary structures/facilities. However as there is already an existing perimeter fence/wall adjacent to the boundary hedgerow, this requirement is not considered to be either necessary or reasonable.

Issues raised within letter of representation not addressed elsewhere in the report

Highway safety concerns have been raised in relation to the number of mobile homes proposed. For clarification, the site access does not fall within the borough of Hinckley and Bosworth, but within the Borough of Nuneaton and Bedworth. However as the access is onto a trunk road, responsibility for it falls with the Highways Agency. No objections have been raised in respect of the safety of the access from the Highways Agency and therefore the access is considered acceptable to cater for the scale of development applied for.

It has been suggested that the existing draining system is inadequate to cater for the development proposed. No objections have been received from Head of Community Services (Land Drainage) in respect of surface water drainage, and foul water drainage details will be considered under the remit of building regulations, and do not comprise a material planning consideration in this case.

Concerns have been raised that there are smells emanating from the site associated with the burning of rubber/plastic. This is not a material planning consideration and can be dealt within under separate Environmental Health Legislation. The concerns raised will be reported to the Councils Environmental Health department for further investigation.

It has been suggested that previous neighbour concerns raised in relation to the site have not been addressed by the Council. This issue does not comprise a material planning consideration in respect of the current application. The current application will be determined in accordance with the specific merits of this case and neighbour representations received.

PLANNING COMMITTEE
25 September 2012
SPEAKERS

Item	Application	Speaker(s)	Applicant/objector
02	12/00178/FUL	Mr Cawrey	Applicant
03	12/00193/CONDIT	Mr Cawrey	Applicant
06	12/00338/COU	Mr Smart	Objector
07	12/00446/FUL	Mr Botterill	Agent
08	12/00452/FUL	Terry Kirby Jane Gardner	Objector Agent
11	12/00601/FUL	Mr Newbury	Applicant
13	12/00674/COU	Mr Statham	Agent

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