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HINCKLEY AND BOSWORTH BOROUGH COUNCIL

PLANNING COMMITTEE

25 JUNE 2013 AT 6.30 PM

PRESENT: Mr R Mayne - Chairman
Miss DM Taylor – Vice-Chairman
Mr RG Allen, Mr PR Batty, Mrs T Chastney, Mr WJ Crooks, Mrs L Hodgkins (for Mrs WA Hall), Mr MS Hulbert, Mr DW Inman, Mr KWP Lynch, Mr JS Moore, Mr K Morrell, Mr LJP O'Shea, Mrs H Smith, Mr BE Sutton and Ms BM Witherford

In accordance with Council Procedure Rule 4.2 Councillors Mr DC Bill MBE, Mr CW Boothby and Mrs J Richards were also in attendance.

Officers in attendance: Edd Costerton, James Hicks, Ebony Mattley, Tracy Miller, Rebecca Owen, Michael Rice, Sally Smith and Chris Colbourn

44 APOLOGIES AND SUBSTITUTIONS

Apologies were submitted on behalf of Councillors Bannister, Mrs Hall and Ward, with the substitution of Councillor Hodgkins for Councillor Mrs Hall and Councillor Batty for Councillor Ward authorised in accordance with Council Procedure Rule 4.

45 MINUTES

On the motion of Councillor Inman, seconded by Councillor Crooks, it was

RESOLVED – the minutes of the meeting held on 21 May be confirmed and signed by the Chairman.

46 DECLARATIONS OF INTEREST

Councillor Chastney declared a non-disclosable pecuniary interest in application 12/01029/FUL and undertook to leave the meeting during debate on the application.

47 TOWN & COUNTRY PLANNING ACT 1990 - APPLICATIONS TO BE DETERMINED

- (a) 13/00395/COU – Change of use to a ten pitch caravan site and part demolition of buildings, Dalebrook Farm, Leicester Road, Earl Shilton – Miss Joanne Squires

Councillor Inman, seconded by Councillor Taylor, proposed that the application be approved as per the officer's recommendation. Councillor Morrell plus five other councillors stood to request a recorded vote. The vote was taken as follows:

Councillors Crooks, Hodgkins, Hulbert, Inman, Lynch, Mayne, Moore, Taylor and Witherford voted FOR the motion (9);

Councillors Allen, Batty, Chastney, Morrell, O'Shea and Smith voted AGAINST the motion (6);

Councillor Sutton abstained from voting.

The motion was therefore declared CARRIED and it was

RESOLVED – the application be permitted subject to the conditions contained in the officer's report and late items.

The meeting adjourned at 7.35pm to allow members of the public to leave the Chamber and others to enter. The meeting reconvened at 7.43pm.

- (b) 13/00345/REM – Erection of building to be used for class B8 purposes with gatehouses, vehicle maintenance unit and vehicle wash, salt barn, tyre store and garage, smoking shelter, weighbridge, fuel tanks and pumps, generators, substation, bin stores, water storage (sprinkler) tank and pump house and associated parking and landscaping, Land bounded by the Ashby Canal, Railway Line and Bridge Street, Burbage – Goodman Real Estate (UK) Limited

Whilst generally supportive of the application despite some reservations, Members suggested that the operators be invited to the liaison group that was already in existence and that conditions be added to put an environmental management plan in place to monitor the way the development takes place, including hours of work of the builders.

On the motion of Councillor O'Shea, seconded by Councillor Sutton, it was

RESOLVED – the application be permitted subject to the conditions contained in the officer's report and late items and the abovementioned additional conditions.

Having declared a pecuniary interest in the following application, Councillor Chastney left the meeting at 8.32pm.

- (c) 12/01029/FUL – Erection of 49 new dwellings, landscaped public open space and creation of a formal wetland habitat with access, Land of Spinney Drive and south of Brookside, Barlestone – Alexander Bruce Estates Ltd

Notwithstanding the officer's recommendation that the application be permitted, some Members felt that the application should be refused due to the site being outside of the settlement boundary, on grounds of sustainability and the low number of affordable homes and also due to the route of the footpath which had been a subject of much debate. It was moved by Councillor Crooks and seconded by Councillor Morrell that the application be refused for these reasons.

Councillor Witherford left the meeting at 9pm.

The Development Control Manager requested that voting on the motion be recorded. The vote was taken as follows:

Councillors Batty, Crooks, Hodgkins, Hulbert, Inman, Lynch, Moore, Morrell, O'Shea, Smith and Taylor voted FOR the motion (11);

Councillor Sutton voted AGAINST the motion (1);

Councillors Allen and Mayne abstained from voting.

The motion was therefore declared CARRIED and it was

RESOLVED – the application be refused due to being outside of the settlement boundary, not sustainable, low number of affordable homes and concerns regarding the footpath.

Councillor Chastney returned to the meeting at 9.18pm.

- (d) 13/00094/FUL – Erection of 34 dwellings and associated infrastructure, land off Three Pots Road, Burbage – David Wilson Homes and Andrew Granger and Company

Having reached 9.25pm it was moved by Councillor Crooks, seconded by Councillor Sutton and

RESOLVED – the meeting be allowed to continue to conclude the business on the agenda.

Whilst the officer's recommendation was that the application be permitted, some Members expressed concern that the site was outside of the settlement boundary. It was moved by Councillor Inman and seconded by Councillor Moore that the application be refused on this basis.

The Development Control Manager requested that voting on this motion be recorded. The vote was taken as follows:

Councillors Crooks, Hodgkins, Hulbert, Inman, Lynch, Moore, Morrell, O'Shea, Smith and Taylor voted FOR the motion (10);

Councillors Allen, Chastney and Sutton voted AGAINST the motion (3);

Councillors Batty and Mayne abstained from voting.

The motion was therefore declared CARRIED and it was

RESOLVED – the application be refused on grounds of being outside of the settlement boundary.

- (e) 13/00186/OUT – Erection of a bespoke care home with 35 bedrooms and associated amenities (outline – access, layout, appearance and scale), Glebe Farm, Kirkby Road, Barwell – Konrad Skubala

It was moved by Councillor Taylor, seconded by Councillor Sutton and

RESOLVED - subject to no significant material objections being received prior to the expiry of the consultation period on 28 June 2013 the application be permitted subject to the conditions contained in the officer's report and late items.

- (f) 13/00278/FUL – Change of use from a residential dwelling to an independent special school for children and use of buildings and land for education purposes including keeping ponies, chickens etc, land at Brookland Farm, Kirkby Road, Barwell – Mr Jonathan Read

On the motion of Councillor Smith, seconded by Councillor Hulbert, it was

RESOLVED – the application be permitted subject to the conditions contained in the officer's report.

- (g) 13/00338/LBC – Alterations to existing building, Atkins Building, Lower Bond Street, Hinckley – Mrs Rita Finney

On the motion of Councillor Crooks, seconded by Councillor Taylor, it was

RESOLVED – the Development Control Manager be authorised to make an application to the Secretary of State, in accordance with Regulation 13 of the Planning (Listed Building and Conservation Areas) Regulations 1990 (1519) for consent to the proposals.

- (h) 13/00308/FUL – Demolition of three existing stables and the erection of two 2-bed holiday units, Bondman Hayes Farm, Markfield Road, Ratby – Mr Jones

Whilst generally supportive of the proposal, Members felt that in order to prevent permanent or semi permanent residential use of the site, the condition 3 should be strengthened to state that stays should be no longer than four weeks with no return within two weeks. It was moved by Councillor Sutton, seconded by Councillor Allen and

RESOLVED – the application be permitted subject to the conditions contained in the officer's report with condition no 3 amended to reduce the length of occupation to four weeks.

48 STATEMENT OF COMMUNITY INVOLVEMENT

Members received a report which proposed an amendment to Section 6 of the Statement of Community Involvement. It was

RESOLVED – the report be RECOMMENDED to Council for agreement of the amendment to Section 6.

(Councillor Batty was absent during this item).

49 HINCKLEY & BOSWORTH LOCAL PLAN 2006-2026 EARL SHILTON & BARWELL AREA ACTION PLAN DEVELOPMENT PLAN DOCUMENT - PRE SUBMISSION DOCUMENT

The Committee received a report which asked them to consider the pre-submission draft of the Earl Shilton & Barwell Area Action Plan, Strategic Transport Assessment and Viability Assessment. A Member expressed concern regarding the potential new supermarket which may impact on the existing centre and sought clarity as to the relationship of such a proposal with policy 14. Officers clarified that any proposals outside of the SUEs would not be assessed against Policy 14. It was

RESOLVED – the Area Action Plan pre-submission draft be RECOMMENDED to Council for approval.

50 THE IMPLICATIONS OF THE GENERAL PERMITTED DEVELOPMENT ORDER 2013

Members received a report which informed them of the amendments to the Town and Country Planning (General Permitted Development) Order 1995 which brought various amendments to permitted development rights. A Member expressed concern that there was no reference to local members and parish councils being notified once the local planning authority had been made aware that a person was intending to use the right. In response it was confirmed that the only requirement was to inform the neighbours. It was moved by Councillor Smith, seconded by Councillor Hulbert and

RESOLVED – the report and amendments be noted.

51 APPEALS LODGED AND DETERMINED

It was moved by Councillor O'Shea, seconded by Councillor Smith and

RESOLVED – the report be noted.

52 APPEALS PROGRESS

It was moved by Councillor Crooks, seconded by Councillor Hulbert and

RESOLVED – the report be noted.

53 DELEGATED DECISIONS ISSUED

It was moved by Councillor Morrell, seconded by Councillor Sutton and

RESOLVED – the report be noted.

(The Meeting closed at 10.15 pm)

CHAIRMAN

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Minute Item 47

PLANNING COMMITTEE 25 June 2013 LIST OF LATE ITEMS RECEIVED AFTER PREPARATION OF MAIN AGENDA:

ITEM 01

13/00345/REM

Goodman Real Estate (UK) Limited

Introduction:-

Additional Information

Following concerns raised through the consultation process, the applicant has provided the following information:-

- a) the floor area is 29,178 square metres
- b) the security building is 2,238 square metres
- c) outsourcing will mean that noisy operations will be carried out off site
- d) an old sewer has been removed as part of the site works and no other sewer exists.

Diesel Particulates

The applicants only operate Euro 4/5/6 certified vehicles. All of these engine standards are at least 95% lower than the pre 1993 unregulated standard.

Over £30m is spent per annum on diesel. On truck operation, fuel is our second biggest cost, (after wages), and is a large focus area for the applicants. Any vehicle that is not tuned correctly and is emitting particulates is a waste and is costing money - which is not tolerated. Drivers fuel consumption is measured daily by an on-board telematics device called Fleet-board. This monitors the drivers driving standard and produces a report for to enable discussion with the driver if necessary.

The modern day commercial vehicle engine is sophisticated and hugely efficient. The amount of development to reach the Euro 6 standard has been massive and expensive. DPD has always bought the latest technology and by the time Hinckley opens in 2015 they will have at least 200 of the latest Euro 6 engines in their fleet portfolio. (The majority of the remainder being Euro 5 standard).

Maintenance Unit Operation

The doors to the maintenance unit will generally be kept closed. The climate in the UK and the CO2 targets are such that it is in the applicants interest and that of the fitters to keep the warmth in the building. Doors will be opening and closing as vehicles enter and leave the facility. No heavy body work or panel beating takes place in the facility and the vast majority of the work carried out is planned and preventative maintenance and servicing. Major repairs or re-builds are always given to other specialist companies near-by.

The Hinckley workshop will be a modern and well designed facility. DPD are considerate neighbours, the local community will be important to them. They are confident that the local community will not be disturbed by workshop noise.

Revvng of Lorries

The oldest tractor units are capable of getting up to full air pressure using only standard engine idling speed. If a further boost is necessary then the tractor units have a 'fast idle' capacity which raises revs to approximately 800rpm, and is selectable from the cruise control stalk. All drivers have been trained in this.

Drivers are also trained in the coupling and uncoupling process. If a vehicle was not capable of building and retaining air pressure then it would be encouraged that both the tractor unit and trailer to be defected for a full air leak test. Unless sub zero temperatures exist all vehicles can be operated from cold and do not need to idle or warm. If a truck requires excessive engine revving to build up air pressure then it has a fault and will be defected for repair.

Consultations:-

No objection has been received from:-

Director of Environment and Transport (Highways)
Director of Chief Executive (Archaeology).

Four further letters of neighbour representation have been received, these raise the following issues:-

- a) noise pollution
- b) adverse visual appearance
- c) the proposed mitigation has not overcome the initial issues raised in terms of pollution
- d) adverse impact on quality of life of nearby residents
- e) devaluation of surrounding properties
- f) original plans bear no resemblance to what is now proposed
- g) loss of privacy
- h) proposal will be overbearing
- i) out of scale and not in keeping with character of surrounding developments
- j) highway issues and increased traffic.

Appraisal:-

Layout

The agenda report provides a detailed breakdown of the parking bays within the site. It is apparent that the interpretation of the report in this respect is confusing and therefore whilst the figures quoted are generally correct, the number of spaces and layout is as shown on Site Layout Drawing No. P002 Rev F.

Lighting

As confirmed in the main agenda report, lighting is controlled by condition of the outline application and whilst a lighting scheme has been submitted with this reserved matter application, further technical detail has been requested and therefore there is no finalised lighting scheme available for consideration at this time. Notwithstanding this fact the proposed use will require a significant amount of outdoor lighting and if the planning committee accept the use, it is only reasonable that they accept an appropriate lighting scheme. The residential amenity of residents particularly those on Westfield Road will be carefully considered, through the discharge of condition process, in consultation with the Head of Community Services (Pollution).

Letters of Representation

Issues raised within the letters of neighbour representation, not appraised within the main body of the report, will be considered below.

The proposed mitigation has not overcome the initial issues raised in terms of noise pollution. Head of Community Services (Pollution) has considered the proposed mitigation as put forward by the developer, which proposed increasing the height of the bund along the Northern boundary and the height of the embankment along the Eastern boundary and raises no objection.

In respect of the plans not resembling original proposals, this reserved matters application seeks approval specifically for layout, scale, appearance and landscaping. The outline application ref: 10/00518/OUT only sought consent for the access, but was required to provide an indicative layout plan for illustrate purposes. Layout was not a consideration in the original outline application and equally there is no requirement for the layout to reflect the indicative layout previously provided. The proposal is considered to be in general conformity with the master plan and the approved scale parameters.

Recommendation:-

RECOMMENDATION:- Permit subject to the following conditions:-

Amend Condition 3 as follows:-

The development hereby permitted shall not be carried out otherwise than in complete accordance with submitted application details, as follows:-

Cycle Shelter Drawing No. P012; Gas Meter Housing Drawing No. P013; Twin Truck Wash Bay Layout with Partial Water Reclamation & Two Jet Wash Units Drawing No. GEP01LD; (Substation) Drawing No. EE712/A; Site Context Infrastructure Plan Drawing No. 02 Rev. B; Mezzanine Plans Drawing No. P004 Rev. B; Ancillary Features Bin Store & Smoking Shelter Drawing No. 103; Proposed Weighbridge Works Drawing No. 01 Rev. C3; Water Storage Tank Drawing No. 16 Rev. P2; Generators Drawing No. 17 Rev. P2; Fuel Tanks Drawing No. 18 Rev. P1; West & Part North Boundary Retaining Walls Drawing No. 20 Rev. P1; East & Part North Boundary Retaining Walls Drawing No. 21 Rev. P1; Hub Building Plan Drawing No. P003 Rev. A; Ancillary Building Plan Drawing No. P005 Rev. A; Hub Building Elevations 1 of 2 Drawing No. P006 Rev. B; Hub Building Elevations 2 of 2 Drawing No. P007 Rev. B; Ancillary Building Elevations Drawing No. P008 Rev. B; Fences & Gates Drawing No. P011 received by the Local Planning Authority on 1 May 2013 and amended details:- External Lighting Services Drawing No. M1671-E-24-01 Rev. P3 received by the Local Planning Authority on 23 May 2013 and Site Sections Drawing No. P009 Rev. A and Concept Landscape Proposals Drawing No. 01 Rev. G; Site Location Drawing No. P001 Rev. B; and Site Layout Drawing No. P002 Rev F received by the Local Planning Authority on 7 June 2013.

Amend Condition 6 as follows:-

The approved landscaping scheme as shown on Concept Landscape Proposals Drawing No. 01 Rev. G received by the Local Planning Authority on 7 June 2013 shall be carried out within the first planting season following the first use of the sortation hub hereby approved. The landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted.

ITEM 02

12/01029/FUL

Alexander Bruce Estates Ltd

Introduction:-

Technical Documents submitted with the Application

Archaeological Evaluation Report (draft) June 2013

Consultations:-

No objection subject to conditions has been received from the Directorate of Chief Executive (Archaeology) following submission of an additional Archaeological Evaluation Report following trial trenching works.

Four more 'repeat' objections received to the amended plans reconsultation raising similar issues to those reported in the main agenda.

The consultation period has now expired.

Appraisal:-

Archaeology

In response to the initial consultation response from the Directorate of Chief Executive (Archaeology) the applicant has carried out further archaeological fieldwork investigation of the site, including trial trenching, and has submitted an additional draft Archaeological Evaluation Report on the findings. As a result of the report findings, the Directorate of Chief Executive (Archaeology) considers that it is unlikely that highly significant archaeological remains worthy of preservation in situ would be present in the areas evaluated, however, as a paddock area forming part of the western end of the application site has not been fully investigated (due to lack of access), conditions are recommended in order to ensure that satisfactory investigation and recording of this area is also undertaken.

Recommendation:-

RECOMMENDATION:- Permit subject to the completion of an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government act 1972 or receipt of an acceptable Unilateral Undertaking under S106 of the Town and Country Planning Act 1990 to provide affordable housing and public open space together with financial contributions towards public play and open space and education, and subject to the conditions below.

Additional standard conditions in respect of further archaeological investigation and recording.

ITEM 03

13/00094/FUL

**David Wilson Homes And Andrew
Granger & Company**

Consultations:-

Burbage Parish Council object to the application on grounds identical to those included in their previous response. A summary of their objections is outlined within the committee report.

ITEM 05

13/00186/OUT

Konrad Skubala

Introduction:-

Amended plans dated 19 June 2013 have been received addressing minor inconsistencies that arose as a result of the previous amended plans to the roof plan and a minor inconsistency that was not addressed initially. A further re-consultation for 10 days has taken place and will expire on 28 June 2013.

Consultations:-

No objection received regarding the amended plans from Barwell Parish Council.

Councillor Gould has commented that the design to look like a farm represents a significant improvement which will limit the impact upon the area. It is noted that landscaping does not form part of the application, however it is requested that as much of the current planting on the perimeter is retained especially that which separates the site from 261 Kirkby Road. There is a wish for the home to employ local people. To help encourage this please could cycle parking be included and a condition be imposed requiring the positions to be advertised in the local community in the first instance.

Appraisal:-

With regard to Councillor Gould's comments, the design has been appraised within the main report. Landscaping will be considered as part of a reserved matters application, however, the comments have been noted and passed onto the applicant.

Where future employees are recruited from can be controlled by condition but it is a matter of proportionality and on a scheme this size it would not be considered appropriate. However the comments have been passed to the applicant who has commented that whilst they would not welcome a condition, it is of benefit to them to recruit from the local area.

An additional condition is recommended requiring a scheme for cycle parking to be provided in the interest of sustainable travel and providing transport choices for staff and visitors.

Recommendation:-

RECOMMENDATION: Permit subject to no significant material objections being received prior to the expiry of the consultation period on 28 June 2013 and to the following conditions:-

Condition 3 amended as follows:-

The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:- Site Location Plan (scale 1:1250) received 16 April 2013; Site Layout Plan, ADG - 001 received 16 April 2013; Highways Entrance Detail, ADG-000 received 24 May 2013; Proposed Ground Floor Plan, ADG 010 received 16 April 2013; Proposed Elevations, ADG 101 Rev A received 6 June 2013; Proposed Sections, ADG 201 Rev A received 6 June 2013; Roof Plan ADG-013 Rev A received 18 June 2013; Proposed First Floor Plan, ADG 011 A received 18 April 2013;

Additional condition:-

12 Prior to the commencement of development, a scheme for the provision of cycle parking shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the first use of the care home.

Reason: In the interests of sustainable travel and providing travel choices for employees and visitors to the site, in accordance with paragraph 29 of the NPPF.

ITEM 08

13/00395/COU

Miss Joanne Squires

Consultations

The Environment Agency has confirmed that the flood zone maps were last updated in 2005 and that the Earl Shilton Bypass was designed (and consented) to adequately convey the 1 in 100 year flood flow without increasing flood risk upstream.

The Director of Environment and Transport (Rights of Way) has confirmed the position of the public footpath and has raised no objection.

Blaby District Council wishes to ask the Planning Committee to consider the following issues when determining the planning application:-

- Is Leicester Road and the vehicular access to the site suitable for slow moving traffic including caravans?
- Is the development capable of assimilation into the landscape?
- Has the applicant satisfactorily demonstrated that this site is suitable for the development proposed given the close proximity of the site to the floodplain?

Peckleton Parish Council raise the following concerns:-

- Flood Risk
- A full Environmental Study will be required due to the recent history and ecological finds known to be associated with the general area
- Prematurity to Area Action Plan
- Highways - access

Thurlaston Parish Council raise the following concerns:-

- Flooding and Waste Disposal
- Impacts on the SUE and subsequent overdevelopment of the area
- No commercial restrictions
- Procedure

49 further letters of representation received, these raise the following concerns in addition to those already raised within the main body of the report.

- 1) concerns are raised that the proposal calls for a 10 pitch caravan site. The drawings show 20 caravan pitches and not 10 as stated
- 2) concern that the number of vehicle bases proposed are inadequate
- 3) queries over whether there is a requirement for large vehicle access as there will surely be vans and commercial vehicles entering and leaving?
- 4) the area is outside the Parish boundary
- 5) in an area of outstanding natural beauty
- 6) Green Belt and agricultural land
- 7) the area is Greenbelt so surely any residential planning/business/caravan site would not be considered/ should not be built upon; significantly alter the nature to one akin to an urban area
- 8) within prominent position; loss of view, blot on the landscape, significant visual changes
- 9) this application will not attract people to the area
- 10) mess and untidiness
- 11) no public consultation has been undertaken, no notices posted, Earl Shilton Town Council, Blaby Borough Council and Thurlaston Parish Council have not been advised of the application
- 12) lack of consultation; the process undertaken is not legal
- 13) the application has been fast tracked and being rushed through; "glossing over of issues"; Money has crossed hands; The Council has not been transparent; Council have failed to act with due diligence
- 14) confirmation required that the Council have followed the correct legal procedures
- 15) application is flawed and should be deferred until all issues and objections have been dealt with
- 16) welfare and danger to children; fatal accident in the water with the children on site
- 17) noise pollution issues
- 18) light pollution issues
- 19) road safety; increased traffic, fatal accidents, tight bend, inadequate visibility splays; lack of suitable footpath
- 20) where will dustbin lorries etc park?
- 21) there is no restriction on business/commercial use, how will this affect access? Could any restrictions be enforced?
- 22) in a Flood zone
- 23) question the accuracy of the EA's maps and data
- 24) the Flood Risk Assessment submitted is not relevant to the application applied for
- 25) a full and proper Flood Risk Assessment should be carried out prior to permission being granted
- 26) the Severn Trent report only covers a small part of the ground to the north and not the area being considered
- 27) inadequate drainage and sanitation
- 28) basic sewerage arrangements, consequences on their health and immediate environment is a violation to the Human Rights of the local population
- 29) concerns over foul sewage disposal and that it may pollute the nearby watercourse and have an adverse impact on ecology
- 30) build up and flooding from the SUE will result in additional likelihood of flooding on this site

- 31) comprehensive consideration should be given to other current planning matters including the SUE, the Traveller Need Assessment and the Area Action Plan for Barwell and Earl Shilton and application should be postponed
- 32) lack of provision of sites only exists as the allocation document is not completed
- 33) uncertainty on the application of Gypsy and Traveller Planning Policy
- 34) local infrastructure is heavily subscribed and this will place additional pressures contrary to Paragraph 23 of Planning Policy for Traveller's Sites
- 35) impact upon the quality of the school
- 36) how successful will the SUE be if this application is approved?
- 37) no further traveller sites are required
- 38) will increase crime and anti-social behaviour
- 39) oil from vehicles may pollute the watercourse
- 40) changes in levels; the applicant is raising the land, because if he didn't he knows that the caravans would float away
- 41) main gas pipeline running through the fields affected by flooding
- 42) de-valuation of property and land prices
- 43) impact upon biodiversity and wildlife
- 44) have surveys been undertaken?
- 45) contamination of watercourses; livestock require clean drinking water
- 46) impact upon protected species; otters, great crested newts and wild barn owls
- 47) the conditions suggested by Environmental Services and Leicestershire County Council regarding surfacing of the access drive are contradictory
- 48) what processes will be in place to ensure that travellers on this site pay their fair to the local community – council tax and other forms of taxes
- 49) will there be a reduction in Council Tax?

Cllr Peter Batty raises the following points:-

- 1) request that a report on public consultation is brought to the full council and a policy review is undertaken
- 2) the application has been fast tracked and full and proper consideration has not been given to all the relevant information
- 3) historical flooding on this land
- 4) the council has an overarching duty of care with regards to the wellbeing of residents
- 5) the application is premature in light of the forthcoming Earl Shilton SUE
- 6) the volume of displaced surface water from the new development must be a strong material consideration
- 7) no reference in the report to the additional potential impact of surface water discharge into Thurlaston Brook from the developments on the Earl Shilton SUE therefore the council has failed in its duty of care
- 8) there has been no needs assessment provided identifying any urgent or immediate need
- 9) a new methodology for needs assessment and a gypsy traveller preferred site allocations document is about to be brought forward
- 10) the potential impact on the flood zone of the SUE should be given to the EA by the Council
- 11) sanitation and likelihood of effluent being discharged into the flood water and emptying of the septic tank
- 12) site contamination; Policy NE14 has not been properly addressed
- 13) light pollution
- 14) sustainability
- 15) sympathetic assimilation into the Countryside
- 16) health and safety
- 17) wildlife and ecology report
- 18) Core Strategy 18 states that applications of this type must meet the design guidelines
- 19) quality of the committee report – omissions and selective comment
- 20) description of the plan attached to conditions is not accurate and may open up the principle of a barn extension
- 21) no conditions listed regarding sanitation or surface water disposal scheme.

Policy

Delete reference to Policy NE5.

Appraisal

For clarification:-

Public Footpath T86 runs adjacent to the eastern boundary of the site. This leads to Earl Shilton.

The site partially falls within flood zones 2 and 3, however only part of the access road is within the defined flood zones. The caravans are outside of any defined flood zone.

There is no defined site of ecological interest within the locality.

Whilst being located within the countryside sites for Gypsy and Traveller development do not need to be considered against the requirements of Policy NE5. Policy 18 of the Core Strategy supersedes NE5 in this respect. This position has been confirmed in a number of recent appeal decisions.

Concern has been raised in respect of the absence of details of the occupiers of the site. Given the current policy shortfall in the provision of sites, there is no requirement for the personal details of the occupiers to be provided. The submission of such details can only be requested when the policy provision has been met; the site is already in occupation, or where such details can be demonstrated to be material in the determination of the application over and above the requirements of the development plan.

Proximity to Settlement /Local Services

Sentence updated. Public footpath T86 runs adjacent to the eastern boundary of the site. This will provide pedestrian access to Earl Shilton.

Safe and Healthy Environment for Residents

Paragraph Superseded. Separate vehicle and pedestrian access is provided. Pedestrian access is available from the public footpath to the east of the site.

Landscaping

The applicant has confirmed that the landscaped bund to be provided along the western boundary of the site will have a width of 3 metres (as indicated on the site plan) and a height of 1 metre. However as no elevations of the bund have been formally submitted for consideration, if the application is approved, a condition is considered necessary to secure such detail and its delivery.

As no details of the eastern most boundary of the site have been provided, and in the absence of any existing boundary treatment, a condition to secure an appropriate landscaped boundary treatment is considered necessary, and if approved such a condition is recommended.

Letters of Representation

Issues raised within the letters of neighbour representation not previously addressed within the main body of the report:-

Concerns are raised that the proposal calls for a 10 pitch caravan site. *The drawings show 20 caravan pitches and not 10 as stated. For clarification, the site plan illustrates 20 caravans, but the site is sub-divided into 10 pitches.*

The area is outside the parish boundary. *The area is within the Parish Boundary of Earl Shilton.*

The area is Greenbelt so surely any residential planning/business/caravan site would not be considered/ should not be built upon. *The site does not fall within the Greenbelt. There is no Greenbelt land within the Borough of Hinckley and Bosworth. The site is however situated in the Countryside.*

No public consultation has been undertaken, no notices posted, Earl Shilton Town Council, Blaby Borough Council and Thurlaston Parish Council have not been advised of the application. *The site notice, which advertised the application was posted on the 23.05.13 and the press notice was displayed in the Leicester Mercury on 23.05.13. Earl Shilton Parish Council was consulted on the 22.05.13. There is no statutory requirement to consult either Blaby Borough Council or Thurlaston Parish Council in respect of this application. This said, comments received from any authorities would be taken into consideration in the determination of this application.*

The application has been fast tracked and flawed. *The application has not been fast tracked, consultation has been carried out appropriately and responses have been received from all consultees. There are no issues unresolved and as such the LPA is able to determine the application.*

The Severn Trent report only covers a small part of the ground to the north and not the area being considered. This is a known flood area. *There is no Severn Trent Report.*

Concern that the number of vehicle bases proposed are inadequate. *There are no vehicle bases illustrated on the plan, however all pitches are to be hard surfaced and there is considered adequate space on each pitch to provide sufficient parking for the residents of the pitch.*

Queries over whether there is a requirement for large vehicle access as there will surely be vans and commercial vehicles entering and leaving? *No evidence has been submitted with the application to confirm that commercial activities will take place on site, and thus there is no requirement for the access to be constructed to a commercial standard. To require such would be unnecessary and unreasonable.*

There is potential for a fatal accident in the water with the children on site. *The planning system cannot control where children play, whilst the design promotes on site play areas this is guidance only. In this instance the pitches are considered to be of an appropriate size to allow children to play.*

Noise pollution issues. *There is no evidence to suggest, or proposed activities on site which would result in noise pollution and no objection has been received from Head of Community Services (Pollution.)*

Where will dustbin lorries etc park? *It will be the residents responsibility to take their waste to the highway boundary for collection. This is not dissimilar to waste collection requirements on a private drive on a residential estate.*

There is no restriction on business/commercial use, how will this affect access? Could any restrictions be enforced? *The application applied for comprises a residential caravan site, not a business site. Accordingly it would be unreasonable and unnecessary to impose conditions on commercial use based on unfounded assumptions. If the site is not used for its intended purpose, further investigations will be undertaken at that stage.*

The Flood Risk Assessment submitted is not relevant to the application applied for. *The Environment Agency have confirmed that there are some inadequacies with the content of the Flood Risk Assessment, however having considered the assessment the Agency raise no objection to the proposal.*

Concerns over foul sewage disposal and that it may pollute the nearby watercourse and have an adverse impact on Ecology. *Details of the proposed method of foul sewage disposal are to be secured by way of condition. These details will be subject to approval by the Environment Agency.*

Comprehensive consideration should be given to other current planning matters including the SUE, the Traveller Need Assessment and the Area Action Plan for Barwell and Earl Shilton. *Applications are determined on their own merits and therefore on an individual basis. There is no evidence presented that suggests that the development would not conflict with the Sustainable Urban Extension development. The proposal is in accordance with the requirement of Policy 18 and the Gypsy and Traveller Needs Assessment.*

Uncertainty on the application of Gypsy and Traveller Planning Policy. *Applications for Gypsy and Traveller sites are considered predominantly against the requirements of Policy 18 of the adopted Core Strategy. This is a specific policy against which to assess the acceptability of Gypsy and Traveller sites and contains a number of criteria against which a proposal should be assessed.*

Local infrastructure is heavily subscribed, what about the additional pressures placed on this? *The scale of the development proposed has been considered against the scale of the nearest settlement, and the facilities it offers. Earl Shilton is the settlement in question and this is considered appropriate to meet the needs of the development.*

Oil from vehicles may pollute the watercourse. *There is no evidence to suggest that this will occur and no objection has been received from the EA on these grounds.*

This application will not attract people to the area. *This comment is irrelevant in the determination of this application.*

How successful will the SUE be if this application is approved? *This comment is irrelevant in the determination of this application.*

Will increase crime and anti-social behaviour. *There is no evidence to suggest this is the case.*

Plans will suggest extension is permitted for barn extension. *Whilst the plan title refers to a barn extension the plans do not show a barn extension and the application does not propose one.*

De-valuation of property, buildings and land prices. *These matters are not material planning considerations.*

Council tax payments and reductions. *These matters are not material planning considerations.*

RECOMMENDATION: Permit subject to the following conditions:-

Amend Condition

For clarity amend Condition 2 as follows:-

The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: 'Location Plan' (Scale 1:1250) and 'Site Plan' (Scale 1:500) received by the Local Planning Authority on the 15 May 2013.

Additional Conditions

10 The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul drainage has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To protect the water environment. In accordance with Policy NE14 of this Hinckley and Bosworth Local Plan and paragraph 109 of the NPPF.

11 No development shall commence until details of a landscaped boundary treatment for the sites western, eastern and north western boundaries has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first occupation of any pitch on the site and shall remain as approved at all times thereafter.

Reason: In the interests of visual and residential amenity in accordance with criteria a, e and i of Policy BE1 of the adopted Hinckley and Bosworth Local Plan 2001.

12 The approved landscaped boundary treatment shall be implemented within the first planting season following the development. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of similar size and species to those originally planted.

Reason: To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with Policy NE12 of the adopted Hinckley & Bosworth Local Plan 2001.

13 No development shall commence until elevational details of the remaining agricultural building (subject to demolition) have been submitted to and agreed in writing by the Local Planning Authority. The approved details shall be implemented prior to the commencement of development on any aspect of site preparation or pitch construction works on the site and shall remain as approved at all times thereafter.

Reason: To ensure that the site has an appropriate access that meets the needs of occupiers of the site, in accordance with the requirement of Paragraph 103 of the National Planning Policy Framework.

Additional Notes to Applicant :-

Note to Applicant and LPA regarding foul drainage: Environmental Permitting Regulations.

If a septic tank is to be used, then it must drain to groundwater, rather than direct to any watercourse.

Depending on the quantities of foul drainage involved, an application may need to be made for either a Standard Rules Permit or a Bespoke Permit under the Environmental Permitting Regulations. The Applicant should refer to the following link and contact the Agency’s Water Quality Permitting Officer Katie Baxter (0115 846 3745) for further information:

<http://www.environment-agency.gov.uk/business/topics/permitting/32318.aspx>

PLANNING COMMITTEE
25 JUNE 2013
SPEAKERS

Item	Application	Speaker(s)	Applicant/objector
08	13/00395/COU	Mr Frewin Mr Smith	Objector Agent
01	13/00345/REM	Mr Lucas Dwain McDonald	Objector Applicant
02	12/01029/FUL	Mr Lovett Annabel Roberts	Objector Agent
03	13/00094/FUL	Mr Whitby Mr Deakin	Objector Agent
05	13/00186/OUT	Mrs Shilcock	Agent

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