

PLANNING COMMITTEE 1 May 2012
LIST OF LATE ITEMS RECEIVED AFTER PREPARATION OF MAIN AGENDA:

ITEM 01

11/00791/OUT

Mr Konrad Skubala

Consultations:-

Barwell Parish Council have not objected to the proposal and are pleased that much needed jobs are being created.

Two letters have been received.

One objects to the proposal on the grounds that the development is too large and that saying that the building is derelict is totally incorrect as a great deal of money has been spent on it. Concerns were also raised regarding parking as at present the owners park on Kirkby Road raising concerns that this may continue if the building occurs.

One in support of the proposal stating that the need for well designed care homes will soon become desperate and demand will soon outstrip supply. The design has been greatly improved and is now aesthetically pleasing.

ITEM 02

12/00075/FUL

**Emmaus Community Leicestershire &
Rutland**

Appraisal:-

A further meeting held on the 19 April, was attended by officers, representatives of neighbours objecting to the proposal, neighbours in support of the proposal and the applicant and their agent.

At the meeting it was acknowledged that the only way some neighbouring residents concerns would be overcome would be through Emmaus gaining their trust through how the Emmaus community is operated should planning permission be approved.

As a result of this meeting and to try and address the concerns Emmaus have made several undertakings of how the Emmaus community will be run and what systems they can have in place should local residents have a problem.

These are:-

- We will invite at least one ward councillor and one local resident to become members of the Emmaus Management Committee - more if we can find suitable and willing people able to give their time and skills to the Management Committee. This will provide an opportunity for local input into the strategic direction and day to day management of the Community.
- We will hold half yearly open meetings with residents so that issues can be raised, discussed and any problems resolved. This dialogue would be very much on a two way basis with the Community learning from discussions with residents and residents learning from discussions with the Community.
- We will publish and circulate newsletters on a regular basis so that the wider area is aware of what's happening at the Community and how companions can contribute to events and activities in the local area.
- We will provide a contact telephone number (the Community Leader's number) so that if there are any concerns about anti social behaviour these can be drawn to the attention of the Community straight away and responded to directly. We would stress that experience from other Communities has shown that this is very unlikely to be a problem and our selection procedures will ensure that only suitable and appropriate companions join the Community. However, if there are any problems then this will help to ensure that they are dealt with quickly.

- We will follow the procedures adopted by other Emmaus Communities when it becomes necessary to move on any companions experiencing difficulties at the Community. We will work with them to find alternative accommodation, take them to that accommodation or to the train station. We will not simply throw people out onto the street. Experience from Emmaus in Coventry has shown that of the companions asked to leave the Community, none have created any problems for the local area as a result of their move on.
- We will encourage companions to volunteer to work on local projects and to help local residents. We would respond to requests from residents and local organisations. We would also encourage residents to become involved in the running of the Community.
- We will include a condition in the lease along the lines of "Not to do anything in or upon the premises which may be a nuisance or damage to the Landlord or to the owners, tenants and occupiers of adjoining and neighbouring properties". This will provide added reassurance that the Community will have to be well managed and that it will not impact adversely on the surrounding area.

Whilst none of the above can be individually conditioned, it is possible for a condition requiring a management plan to be submitted to the Local Planning Authority for approval. This can contain the information above and, if required a liaison committee. It is considered that this can be requested given paragraph 58 of the NPPF that recognises that fear of crime can undermine quality of life.

Whilst these undertakings were welcomed by residents it was felt that these did not overcome objections to the proposal.

Recommendation:-

Additional condition:-

- 4 Elm Lea shall not be occupied by a member of the Emmaus community until a management plan has been submitted to and approved in writing by the Local Planning Authority. The proposed community shall then be managed in accordance with the approved plan.

Reason: To enable the Local Planning Authority to control the use of the site to help address the fear of crime from adjoining owners within the vicinity of the site, in accordance with paragraph 58 of the NPPF.

ITEM 03

12/00164/FUL

Mrs F Clark

Introduction:-

Additional information in the form of a Method Statement and specifications of a suitably sized mini-digger has been submitted by the agent. This includes the proposed use of the mini-digger to excavate foundation trenches along with hand digging in sensitive areas, including for any services installations, to avoid potential damage to the historic fabric of the listed buildings fronting Church Street and the boundary wall and former cart shed within the curtilage of the adjacent Cedar Lawns. The information also confirms the intention to install services through the existing access, as previously carried out during renovation of the listed cottages that form 66-72 Church Street. Foul water drainage could be connected to the existing system serving 70-72 Church Street.

Appraisal:-

The Method Statement and mini-digger specification submitted to address concerns raised in respect of the potential impact of the development on the historic fabric of the adjacent listed buildings, including hand digging in sensitive areas are considered to address the second reason for refusal and therefore this has been deleted from the recommendation.

Recommendation:-

Delete reason for refusal 2.

Introduction:-

The applicant has provided additional information to state that the child playgroup is existing and that the number and activities will remain un-changed. The multi function use including judo and aerobics are to remain un-changed and no additional uses are proposed. The existing sound system is to be retained and no external amplification is proposed. In respect of the cafe/bar the opening hours will remain the same and the kitchen will generally be used for preparing light refreshments, warm and cold snacks and contains domestic standard kitchen units.

Re-consultation was undertaken with the Head of Community Services (Pollution).

Consultations:-

One further letter of neighbour representation has been received; this raises highways concerns, mainly relating to the lack of on site parking provision.

The Head of Community Services (Pollution) has no objection.

Appraisal:-

No further issues have been raised by the additional letter of neighbour representation.

Recommendation:-**Additional Condition:-**

- 10 No development shall commence until a scheme illustrating cycle provision on the site has been submitted to and approved in writing by the Local Planning Authority. These details shall then be implemented as approved and be retained thereafter.

Reason: In the interest of highway safety and encouraging alternative, sustainable methods of transport. In accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

Introduction:-

Description should be amended to the following:- PART DEMOLITION OF BUILDING

Consultations:-

One further letter of neighbour representation has been received; this raises highways concerns, mainly relating to the lack of on site parking provision.

Appraisal:-

No further issues have been raised by the additional letter of neighbour representation.

Introduction:-

Additional information has been submitted showing the timber screen extended to front of the roof and the front screen set back 1 metre from the edge of the building.

Consultations:-

Additional comments submitted from a neighbouring objector. Application fails to consider the impact on their side of the property (photos submitted for planning committee) and the proposal would lead to visual intrusion.

Appraisal:-

The additional drawing submitted is considered to be insufficient to protect neighbours amenities and therefore planning condition 5 remains necessary to protect neighbours amenities.

Recommendation:-

Condition 11 amended as follows:-

Drawing - No 2011/007 Rev A and not Rev D.

ITEM 07**12/00094/FUL****Poulson & Co****Consultations:-**

Sheepy Parish Council have no objection to the application.

The Directorate of Chief Executive (Archaeology) states that the application site lies in an area of archaeological interest and to ensure that any archaeological remains presents are dealt with appropriately has recommended a condition for an appropriate level of archaeological investigation and recording.

Recommendation:-**Additional Condition:-**

- 4 No development shall commence until a programme of archaeological work including a Written Scheme of Investigation has first been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved Written Scheme of Investigation and the archaeological works shall be carried out by a suitably qualified body approved in writing by the Local Planning Authority.

Reason: To ensure satisfactory historical investigation and recording to accord with Policy BE16 of the adopted Hinckley and Bosworth Local Plan.

Additional Note to Applicant

- 7 In relation to Condition 4 the Written Scheme of investigation shall include an assessment of significance and research questions and:-
 - a) the programme and methodology of site investigation and recording
 - b) the programme for post investigation assessment
 - c) the provision to be made for analysis of the site investigation and recording
 - d) the provision to be made for publication and dissemination of the analysis and records of the site investigation
 - e) the provision to be made for archive deposition of the analysis and records of the site investigation
 - f) timescales for the completion of the above
 - g) nomination of a competent person or organisation to undertake the works set out within the Written Scheme of Investigation.

The Written Scheme of Investigation (Wintertree Software Inc.) must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.

The Historic and Natural Environment Team, as advisors to the planning authority, will monitor the archaeological work, to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the planning authority.

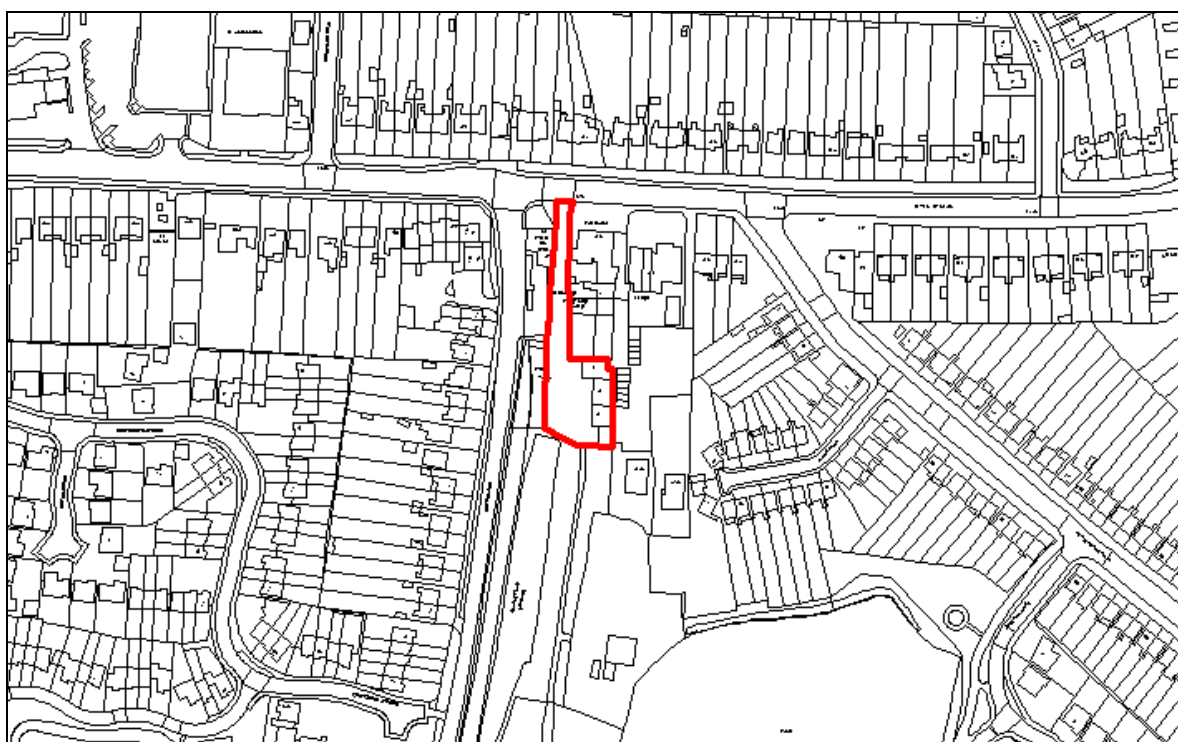
ITEM 08

11/00808/FUL

Benchmark

Introduction:-

Replace site location map on page 54 of the planning agenda. The outline of the site has been amended to include the site access.



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Consultations:-

Councillor Hodgkins has stated that the entry and road during construction should be kept clear 24 hours a day to allow access at all times and the applicant should be committed to the up keep of the surfacing.

One additional letter of representation has been received stating:-

- a) there are subsidence problems and the east facing retaining wall will be removed and could collapse
- b) there is an engineers report that has been undertaken which states that the retaining wall has not been built properly in the first place and requires the diagonal walls to give it the support
- c) ensure Benchmark Properties have insurance to cover any future problem and the company makes itself known to surrounding property owners.

Appraisal:-

The scheme does not propose bollards, gates or a chain to prevent access to the north of the site and the gated entrance is to be re-positioned to the west by between 0.7-0.9 metres and the gates re-hung to the south of the site. It is therefore considered that there are no obstructions to entry.

Access rights and insurance are private matters and are not material planning considerations. In respect of the retaining wall and engineers report this will be subject to scrutiny within a Building Regulations application, which is being pursued privately and not by the Council's Building Control department.

Recommendation:-

Amend recommendation as follows:-

RECOMMENDATION: Permit subject to the following conditions:-

Condition 10 amended as follows:-

No development shall commence unless and until a Code for Sustainable Homes 'Pre- Assessment' for each plot is carried out by a qualified code assessor, demonstrating that the residential units hereby approved can be constructed to a minimum of Code Level 3 has been provided to the Local Planning Authority. In addition, prior to the first occupation of the residential units hereby approved, a 'Final Certificate' demonstrating that the units have been constructed to a minimum of Code Level 3 shall be provided to the Local Planning Authority.

Reason: In the interests of sustainable development to accord with Policy 24 of the adopted Hinckley and Bosworth Local Development Framework Core Strategy.

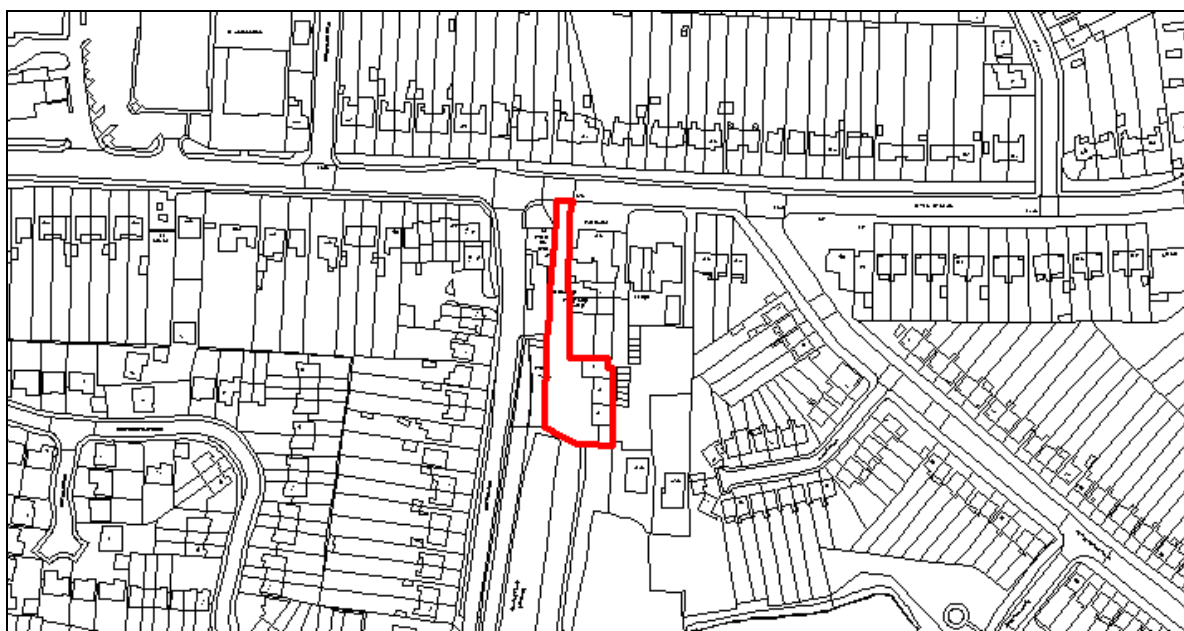
ITEM 09

11/00809/CON

Benchmark

Introduction:-

Replace site location map on page 54 of the planning agenda. The outline of the site has been amended to include the site access.



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Consultations:-

Councillor Hodgkins has stated that the entry and road during construction should be kept clear 24 hours a day to allow access at all times and the applicant should be committed to the up keep of the surfacing.

Appraisal:-

The matters raised by Councillor Hodgkins have been fully appraised within the late items for Item No. 8.

Recommendation:-

Amend recommendation as follows:-

RECOMMENDATION: to grant conservation area consent for the demolition, subject to the following conditions:-

ITEM 10

12/00167/FUL

Mr & Mrs J Hitchcock

Introduction:-

The following additional documents have been submitted:-

- a) a Traffic speed survey
- b) a revised visibility splay plan
- c) amended plans received showing the reduction in the garage size and the introduction of a further parking space
- d) a signed unilateral undertaking in respect of play and open space contributions.

Consultations:-

Market Bosworth Parish Council object to the application on the basis of the scale of the proposal (being too large) and makes comment that it does not support any proposal for parking restrictions on Shenton Lane to facilitate this development.

The Director of Environment and Transport (Highways) has provided revised observations on the traffic speed survey, visibility plans and amended garage details. Whilst there is now no objection on car parking provision, the generic highway safety reasons in respect of the impact on highway safety remains.

Head of Business Development and Street Scene Services raise no objections to the application but adds a note that waste collections are from the boundary with the adopted highway.

Two further letters of neighbour representation have been received. These raise already considered highway issues and state that this scheme does not address the previous highway related concerns. It is suggested that if the dwelling was reduced in size, the access may be able to be re-sited to a more acceptable position.

Appraisal:-

Highways

The amended garage details propose a single garage of appropriate size and an additional parking space to the side of the garage is now proposed. Accordingly, Director of Environment and Transport (highways) no longer objects to the application on car parking provision grounds and reason for refusal 2 can be deleted.

The additional information supplied by the applicant confirms that the vehicle speed data indicates that a 33 metre visibility splay should be provided and whilst it can be achieved cars will be parked within the

splay, this is recognised and accepted in Manual for Streets 2 (MFS2) where vehicle speeds are low. In achieving this the applicant believes that the previous highway reasons for refusal, and those raised by the inspector have been overcome.

Notwithstanding this information, The Director of Environment and Transport (highways) maintains his position that regardless of whether or not a 33 metre splay can be provided to the north east; on street parking on Shenton Lane is within the splay and will compromise the safety of the access to a detrimental level, contrary to the intentions of Local Plan policy T5. It is further confirmed that whilst MFS2 does recognise that parking is sometimes acceptable in visibility splays the Director of Environment and Transport (highways) considers that such an arrangement in this locality is unacceptable and will result in an unsuitable highway access arrangement.

No further issues have been raised within the letters of neighbour representation.

Developer Contributions

A signed unilateral undertaking obliges the necessary contributions in respect of play and open space and reason for refusal 3 can be deleted.

Recommendation:-

Delete reasons for refusal 2 and 3.

PLANNING COMMITTEE

1 MAY 2012

SPEAKERS

Item	Application	Speaker(s)	Applicant/objector
03	12/00164/FUL	Mr/Mrs Warland Mrs F Clark	Objector Applicant
06	12/00040/FUL	Mr J Holt Mr S Thompson	Objector Applicant
10	12/00167/FUL	Mr L Ward	Agent