

PLANNING COMMITTEE 29 May 2012
LIST OF LATE ITEMS RECEIVED AFTER PREPARATION OF MAIN AGENDA:

ITEM 01

12/00058/FUL

Mr & Mrs Ellis

Consultations:-

For clarification at the time of writing the report comments had not been received from:-

Higham on the Hill Parish Council
Ramblers Association
Neighbour consultation and site notice.

Comments have not been received since writing the report.

ITEM 02

12/00240/FUL

Mr Peter Smith

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.

The agent has provided an additional plan in response to concerns of overshadowing of the properties on the opposite side of the road.

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.

Directorate of Chief Executive (Archaeology) has no objection subject to conditions.

Appraisal:-

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

Archaeological Considerations

It is considered that the likely level of development impact, given the small scale of the proposals, is such that the significance of the anticipated heritage asset(s) can be dealt with by a programme of archaeological mitigation secured by condition upon an approved planning application. Whilst a further phase of trial trenching would clarify and expand upon the available information, the Directorate of Chief Executive (Archaeology) are satisfied that it is not essential at this point, and that the principle of development can be determined on the basis of the submitted information. Further investigation (trial trenching) will be required in advance of the preparation of a final mitigation scheme, which must be submitted to and approved in writing by the planning authority. Accordingly the application has been recommended for approval subject to conditions.

The additional plan submitted by the agent illustrates that there will be no material impacts in terms of overshadowing on the properties on the opposite side of the road, resultant of the proposed extensions.

Recommendation:-

Additional Conditions

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.

11 No demolition/development shall take place/commence until a programme of archaeological work, commencing with an initial phase of trial trenching, has been detailed within a Written Scheme of Investigation, submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

- a) The programme and methodology of site investigation and recording (including the initial trial trenching, assessment of results and preparation of an appropriate mitigation scheme)
- b) The programme for post-investigation assessment
- c) Provision to be made for analysis of the site investigation and recording
- d) Provision to be made for publication and dissemination of the analysis and records of the site investigation
- e) Provision to be made for archive deposition of the analysis and records of the site investigation
- f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Reason:- To ensure satisfactory archaeological investigation and recording in accordance with paragraph 141, Section 12 of the NPPF.

12 No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (11).

Reason:- To ensure satisfactory archaeological investigation and recording in accordance with paragraph 141, Section 12 of the NPPF.

13 The development hereby permitted shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (11) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason:- To ensure satisfactory archaeological investigation and recording in accordance with paragraph 141, Section 12 of the NPPF.

ITEM 03

12/00223/CON

Mr Peter Smith

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 in respect of the demolition have been raised by the additional letter of neighbour representation. The comments received are material consideration in respect of the planning application 12/00240/FUL and have been assessed in that report.

ITEM 04

12/00157/FUL

Mr Daniel Martin

Introduction:-

Additional supporting information has been received from the agent, to justify the position of the turbine.

Consultations:-

Four additional letters have been received objecting on the following grounds:-

- a) noise nuisance will be un-acceptable (high and low frequency) and does not comply with the ETSU-R-97 guidelines
- b) located too close to houses; consideration is being given to 2k minimum distances; A Bill currently before Parliament proposes a 1500 limit for a turbine of this size
- c) loss of character to the landscape and countryside; structure is very imposing and will dominate the village on the eastern side
- d) massive visual impact on all residents of the village
- e) de-valuation of property prices
- f) is purely for financial gain, electricity is going to the farm only, inaccurate facts have been claimed by the applicant
- g) health effects
- h) loss of amenity to walkers, riders and members of the model aircraft club
- i) Leicester Lane is dangerous at that point with a lot of recent accidents and this will provide an additional distraction; visibility from the access will be compromised on the approach from Desford
- j) detrimental impact on surrounding properties due to noise and other forms of nuisance – Policy BE27 of the Local Plan
- k) it is suggested that the proposal does not meet with the requirements of policy BE27 in that the development is not located a minimum distance, that is equal to its own height away from any publically accessible area. It has been suggested that there is an Aeroclub in the neighbouring field which is located only 52m away from the proposed turbine
- l) ecological concerns remain
- m) attention is drawn to the 'Wind Turbines (Minimum Distance from Residential Premises) Bill 2012-13 which was introduced on the 14 May, which is now proceeding to its second reading. This would make provision for the proposed turbine to be at least 1500 m from the nearest residential properties.

Appraisal:-

A constraints plan has been submitted to justify the positioning of the turbines. The plan illustrates the relevant buffers for each constraint, found on site. Their descriptions are as follows:-

Residential Buffer

An exclusion zone of 350 metres is applied to each property in the vicinity of the site. This accounts for over a ten rotor diameter distance between any property and a wind turbine to eliminate effects of shadow flicker on residential dwellings. This separation distance also considers guidance from ETSU-R-97 relating to noise impact on residential receptors from wind turbines.

Hedgerow/Vegetation Buffer

A buffer zone of 50 metres has been applied to areas of vegetation including trees, hedgerows and other linear features as per TIN051 and TIN069 from Natural England, in order to avoid conflicts with potential habitats for bats and birds.

Public Footpath Buffer

A buffer zone of 78.1 metres has been applied to the public footpaths in the vicinity of the site. This accounts for the tip height of the turbine (71 metres) plus an additional oversail of 10%.

Telecoms Buffer

All of the current telecom paths in the vicinity of the site have been mapped between the link ends. Each link operator has been contacted individually to agree an appropriate exclusion zone so that any potential turbine would not interfere with existing telemetry and microwave infrastructure. The standard exclusion zone is 100 metres, although this may vary with respect to operator.

Road Buffer

A buffer zone of 78.1 metres has been applied to the public roads in the vicinity of the site. This accounts for the tip height of the turbine (71 metres) plus an additional oversail of 10%.

Land Ownership

The land ownership boundary highlights the land owned by the applicant and the area available for development prior to any constraints being applied.

Available Development Area

This is the area of land available for development after all constraints have been applied to the site.

Concerns have been raised that there is an Aeroclub within close proximity of the site. Planning history for the field has been checked and there is no formal record of this club. This said, under the remit of permitted development, the club could operate for 28 days per year without requiring formal planning permission. However as the club does not benefit from planning permission, it is considered a private club, which is not publically accessible and so the requirements of Policy BE27 would not be relevant.

The remaining issues raised within the letters of representation, have already been addressed within the main body of the report.

ITEM 06

12/00294/FUL

Mr D Clarke

Introduction:-

Amended plans have been received correcting a drawing error. No additional consultation has taken place as the correction is a technical detail that does not materially alter the consideration of the proposal.

Further information has been received from the applicant providing details on how often the wood burners are used and their specification. This states that two stoves are used in connection with heating and providing hot water to the building (one in the rear and one in the showroom). These are used when the building requires heating and for demonstration at other times. The remainder are used for demonstration purposes only as and when there is a demand. All the appliances are clean burn and CE approved (meet the relevant European standards), in addition the stove in the showroom is DEFRA (clean air regulations) approved.

Appraisal:-

The further information clarifies that it is not unusual for two or more of the stoves to be lit at the same time. The additional information does not alter the outcome or recommendations of the report.

Recommendation:-

Replace Condition 1

The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: 12/41 01, 02, received 4 April 2012 and drawing 12/41 03, 04A received 23 May 2012.

ITEM 07

12/00288/DEEM

**Hinckley And Bosworth Borough
Council**

Introduction:-

During the course of the application an amended plan has been received showing the re-location of the vehicular washing facilities and a 3 metre high wash bay spray screen, and a parking provision plan.

In addition, an application for an acoustic fence and gate to a height of 3.5 metres has been submitted to the Local Planning Authority (ref: 12/00451/FUL) for determination,

The Travel Plan has been subject to further scrutiny by Leicestershire County Council Highway Authority and further clarification has been sought on various aspects.

The following details have been clarified:-

The total staffing for the site is anticipated to number 140.

Site staff were surveyed with a 58% response rate – this did not include 20 Housing Maintenance staff who operate primarily from their vehicles.

From the respondents there were:-

5 motorcyclists

5 cyclists

5 walkers

5 staff who bring other staff to work in their vehicles

Interpolating these figures this would mean that there would be:-

9 motorcyclists

9 cyclists

9 walkers

9 staff who bring others to work in their vehicles – based on a dual occupancy, as a minimum, this reduces car numbers by 9 vehicles.

During a stakeholder meeting to discuss the travel it was identified that c. 12 staff could go straight to their place of work at parks and the cemetery etc.

The Refuse Supervisor has the use of a HBBC vehicle from home. This vehicle has allocated parking within the operation portion of the site.

In addition there are four Housing Maintenance Inspectors that have use of a HBBC vehicle from home. The inspectors visit the site from 0830-1630, but work largely off site inspecting property repairs. At the times that they are on site provision will be made to park their vehicles within the operational site area.

The site has 27 standard parking spaces and two DDA compliant spaces.

The above data and arrangements leave a residual parking requirement of 38 spaces as a baseline for our previously submitted Travel Plan.

A stakeholder meeting was convened to discuss a draft travel plan and agreed the following targets:

TARGET 1 – It is recognised that HBBC are seeking a Council-wide Travel Plan and Travel Plan Co-ordinator. At least three months prior to occupation of the Jubilee Building identify a travel plan co-ordinator local to the Jubilee Building who will be responsible for setting up a travel plan steering group and taking overall responsibility for the plan. (Action: Hinckley & Bosworth Borough Council) – A Travel Plan Co-ordinator has been appointed – ACTION COMPLETED.

TARGET 2 – At least two months prior to occupation of the Jubilee Building establish a Travel Plan Steering Group, that will have a representative from each of the departments and from both office and operational staff, to oversee the future development and monitoring of the travel plan. This Steering Group is expected to comprise members of the existing Depot Liaison Group. (Action: Nominated Travel Plan Coordinator.) – The Depot Liaison Group already exists (meeting quarterly) and it has been agreed that Travel Plan Steering will become part of its remit – ACTION COMPLETED.

TARGET 3 - Ensure that single occupancy vehicle travel to work trips to the Jubilee Building in private cars are less than 50% within 1 year of occupation and 45% within 3 years. (Action: Travel Plan Steering Group and Management).

TARGET 4 - Ensure that journeys to / from work to the development on foot, cycle or motorcycle make up 25% of the total (not including company vans) within 1 year of occupation. (Action: Travel Plan Steering Group and Management).

In addition to the above, HBBC are currently negotiating with North Warwickshire and Hinckley College to use some of their surplus parking space at the adjacent premises to UNIT B Fleming Road. The negotiations are at an early stage; however, the college has indicated that they are committed to extending the existing Partnering arrangements.

Consultations:-

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

One additional letter has been received raising the following concerns:-

- a) inadequate parking facilities with only 27 car parking spaces plus 2 disabled, 10 motorbike spaces and bicycle rack for 4 bikes, when there will be 50 staff (plus an additional 80 staff that work off site but may leave their vehicles at this site)
- b) inadequate on street parking will lead to cars parking on the roads meaning that articulated lorries will not be able to turn
- c) car parked on the road will cause a blind spot and forcing them to drive on the wrong side of the road, could be hit head on by another oncoming vehicle – could cause a fatality
- d) to obtain planning permission for our factories we have had to ensure adequate parking for all employees, the Council should do the same
- e) waste being brought back onto the site including waste from parks and bins would be dog mess, which would be stored in waste compactors parked outside in one of the bays and watered down to reduce the smell leading to offensive smells
- f) the original proposal for this building states “no refuse will be brought to the depot. All waste will go directly to recycling or landfill.” but the latest plans show outside bays for various waste
- g) waste of an offensive odour should be taken straight to landfill and now allowed on this site where it will have a detrimental effect on others and the business
- h) the consultation letter regarding this planning application was returned “address unknown” despite receiving all out mail which arrives.

Appraisal:-

Highways

For clarification, Director of Environment and Transport (Highways) initially raised no objection to the scheme. Subsequently they sought to clarify various issues within the submitted Travel Plan. Consequently additional information was sent to them. On this basis a revised recommendation of no objection subject to condition was received. The specific wording of the condition is currently under negotiation, and will be reported as a verbal late item.

In response to the letter of objection the proposed operation within this site is supported by a bespoke Site Management System. This system details how all elements of the site will be managed and monitored. The management system has been developed following on-site consultation and guidance from The Environment Agency. The proposed development will manage ancillary waste from the Council's operations e.g. small construction waste and grass/tree cuttings and limited waste from litter bins and street sweepings. It is normal for dog fouling to be bagged and sealed prior to disposal within the appropriate bin. Street waste is collected in bags, which are tied at the point of collection, effectively double bagging any dog fouling that they may contain. Any waste from litter bins will be placed directly into the back of a Refuse Collection Vehicle – this would further reduce any potential for odour. The site has been designed with a significantly reduced waste management area in relation to the Council's existing site at Middlefield Lane. This is to limit the time any waste stream will be retained on site. The waste management is further improved by the retention of waste undercover. The above arrangements are considered to be an improvement on those that exist at Middlefield Lane, introducing covered waste management and reduced retention of all waste streams. For the avoidance of doubt all domestic waste will go directly to landfill as per the current arrangements.

Recommendation:-

[updating of condition following amended and additional plan]

Condition 2 amended as follows:-

The development hereby permitted shall not be carried out otherwise than in complete accordance with the following details: Location Plan Drawing No. (LP) 02 Rev C; Block Plan Drawing No. (LP) 03; Proposed Floor Plans of Office Area and Part Storage Area Drawing No. (D) 02 Rev A; Proposed Office Area Elevations Drawing No. (D) 04; Proposed Main Building Elevation Drawing NO. (D) 03 Rev A; Proposed Vehicle Maintenance Building Plan & Elevations Drawing No. (D) 06 and Measurement of Land & Levels Drawing No. (SY) 04 received by the Local Planning Authority on 5 April 2012 and amended details Proposed Site Plan Drawing No. (D) 01 Rev C and additional detail Site Plan showing Vehicles and Yard Storage Provision Drawing No. (SK)06 Rev C received by the Local Plan Authority on 24 May 2012.

Additional Condition

- 7 Notwithstanding the submitted details shown on proposed Site Plan Drawing No. (D) 01 Rev C no development shall commence until a scheme detailing the location of and operational requirements of the vehicle wash facility has first been submitted to and approved in writing by the Local Planning Authority. The vehicle wash facilities shall then be installed, maintained and operated in accordance with the approved details.

Reason: In order to mitigate against any potential impacts upon residential amenity in accordance with Policy BE1 (criteria i) of the adopted Hinckley and Bosworth Local Plan.

PLANNING COMMITTEE
29 MAY 2012
SPEAKERS

Item	Application	Speaker(s)	Applicant/objector
02 & 03	12/00240/FUL & 12/00223/CON	Richard Bradford/Nigel Axon	Agent
04	12/00157/FUL	Jo Sjoberg	Objector
05	12/00208/COU	Parish Council (Roy Mitchell or other) Mr Collier	Objector Agent
07	12/00288/DEEM	Michael Brymer	OBO Applicant