

PLANNING COMMITTEE 10 January 2012
LIST OF LATE ITEMS RECEIVED AFTER PREPARATION OF MAIN AGENDA:

ITEM 01

11/00856/REM

Goodman Real Estate (UK) Ltd

Introduction:-

Various plans have been amended, however the changes proposed are of a minor nature, and comprise technical detail. Accordingly, no public re-consultation has been undertaken.

Consultations:-

No objection subject to conditions has been received from the Director of Environment and Transport (Highways).

The Environment Agency raise no objection subject to conditions and notes to applicant, and the following comments:-

- a) the canal side park lies within the 100 year flood plain, accordingly there are concerns over the public use of this area due to its susceptibility to flash flooding
- b) public using the canal side park may also have an adverse impact on wildlife
- c) the footpath running throughout the park is contrary to the dead end mown footpath agreement running parallel and adjacent to the commercial development in order to access a bird hide
- d) drawing No. 1033/08/35C has omitted the existing section of the Sketchley Brook agreed to be retained as a backwater to the new channel
- e) confirmation is required that the pond will operate during normal and all return period flood flows
- f) confirmation is required as to whether a security screen (minimum bar spacing 150mm between centres) needs to be undertaken in accordance with the Trash/Security Screen Manual 2009
- g) clarification is required in respect of Foul Drainage connections
- h) comments are raised in respect of biodiversity.

Burbage Parish Council have submitted further comments. The following issues have been raised:-

- a) it has been stated that the plans were difficult to interpret
- b) the amount of dwellings seems unreasonable
- c) it was hoped that the boiler house and the fishing pools that house the Herons would be preserved
- d) the footpaths, cycle paths, and bridges need to be identified as they are difficult to interpret on the plans
- e) it would be beneficial for a meeting to be arranged between the Head of Planning and the Parish Council in order for the plans to be further explained
- f) it would have been beneficial if the plans were displayed in colour.

Appraisal:-

Highways

It has been confirmed that of the 16 highway related plans submitted with the application, only 5 contain relevant detail for consideration within this application. The remaining 11 contain technical information which is required under the Highway Act (1980). This will be clarified by way of note to applicant.

In respect of the highway landscape proposals the Director of Environment and Transport (Highways) has no comments on the principle of this. The specific details will be subject of more detailed consideration under a Section 278 agreement. The same is applicable to all of the remaining highway plans aside from Drg '500 Series'. The design detail has not been considered as this road will not be adopted and will remain as a private road.

Initially 6 conditions were recommended. Following further discussion with the Director of Environment and Transport (Highways), it has been agreed that conditions 1 and 4 will be removed.

Condition 1 - Required the submission of technical design details in relation to parking and turning facilities, access widths, gradients, surfacing, signing and lining (including that for cycleways and shared use footway/cycleways) and visibility splays. However, it has since been confirmed that for the purposes of this application, the details submitted are acceptable in principle, and that the level of detail requested by the condition is only necessary to fulfil the requirements of the Highways Act. As this detail has no relevance to this application, and is required under separate legislation, the condition is not considered necessary and so will not be imposed. To ensure the applicant is aware of this, a note to applicant will be added to this effect.

Condition 4 - Required the submission of details of the routing of construction traffic. This was to ensure that construction traffic associated with the development did not use unsatisfactory roads to and from the site. This condition is not however enforceable and so does not meet the test criteria for planning conditions as outlined within Circular 11/95. Accordingly this condition will not be imposed.

Trees

Northern Boundary

In response to the comments raised by the Borough Councils Arboricultural Consultant, the agent has clarified that the "Woodland Mix" proposal comprises of 40% tree species with 28% comprising of Oak, Ash and Goat Willow. The justification for this mix is that it achieves a dense ecological screening buffer along the boundary. The exception to this mix is where the buffer runs over the HP gas easement where shrubby shallow rooted species have been proposed.

Rugby Road Park

It has been confirmed that the "Thicket Mix" comprises of 25% Tree Species. The above tree mix complies with that advised by the Borough Councils Arboricultural Consultant and thus the details are considered acceptable.

Tree Pits

The Borough Councils Arboricultural Consultant commented that further justification was required for the use of the Terrain membrane in the Tree Pits, as this would prevent root development. The applicant has confirmed that the only tree pit details submitted are those associated with the gyratory landscape – specifically designed for where services are present. Elsewhere (and therefore the vast majority) tree pits will not require any form of root barrier/deflector. This justification is considered acceptable.

Canalside Park

Following comments raised by the Environment Agency, which suggested that the canal side park may be prone to flash flooding, and thus that public access should be prevented. The applicant has proposed a warning scheme, comprising of a number of signs and rescue apparatus located at various points throughout the park. This scheme is considered acceptable to overcome the concerns raised by the Environment Agency, whilst still allowing public access. Notwithstanding the details submitted, a condition will be imposed requesting the specific details of this scheme.

Canal Bridge

For clarification, the applicant has confirmed that this is a third party matter and that HBBC and partners can progress a scheme for this facility if desired and utilise the Section 106 Movement and Connection Fund to contribute financially, which was secured by the outline application.

Public Footpath U64

In response to the concerns raised by the Director of Environment and Transportation (Rights of Way), that the footpath U64 was not illustrated on the plans, the applicant has confirmed that this footpath will be retained in its current alignment. Revised plan 22D confirms this.

Rugby Road Park

The Environment Agency suggested the following condition:- “tree pits should be located a minimum of the canopy/root extent away from the outside edge of the existing culverted watercourse”. In response, the applicant has conformed that on Drg 20D the trees are illustrated at a minimum distance of 5 metres from either the existing 900 mm dia culvert and 600 mm dia combined sewer. If considered necessary root directors can be installed with any tree pit within an agreed distance - as advised by Environment Agency. The Environment Agency have also stated that the “Public Art and MUGA fencing foundations and any other built development must be located a minimum of 3m away from the outside edge of the existing culverted watercourse”. The MUGA, as shown, is 12.5 m away from the 900mm dia culvert. There are bollards along the entrance to the park at Rugby Road that are proposed to be positioned at 1600mm centres. These can be co-ordinated with the position of the culvert and the culvert marked out on the ground prior to installation. To ensure this method and separation is acceptable, a condition requiring a scheme to be submitted is recommended.

Clarification has been requested by the Environment Agency that the pond will operate during normal and all return period flood flows. These details are required for the discharge of condition 25 of the outline consent. For information, a technical solution involving flap valves to prevent risk of flood waters backing up on the on-site drainage system is being developed. The banks of the attenuation ponds are significantly higher than the 100 year plus climate change levels therefore the solution will allow the site surface water to discharge to the brook even during extreme flooding events.

Confirmation was required as to whether a security screen (minimum bar spacing 150mm between centres) needs to be provided within the watercourse in accordance with the Trash/Security Screen Manual 2009. The applicant has reviewed the relevant information and concluded that the Trash/Security Screen is not required. As the watercourse is culverted for a significant length upstream of the daylighted section, it is not anticipated that there will be any substantial debris in the system. If there is anything in the system it would be better for it to flow into the daylighted section where it can easily be removed rather than potentially block the screen. This has been discussed Director of Environment and Transport (Highways) who confirmed that they did not want a screen.

Changing Facility

For clarification, the changing facility as referred to by Head of Corporate and Scrutiny Services (Green Spaces) and Sport England was illustrated indicatively on the plans submitted with the outline application. This facility is not being brought forward by this reserved matters application. The S106 on the outline secures £250,000 towards play and open space provision, this must fund the proposed MUGA any surplus fund could be used towards changing facilities.

Mammal Passage

Revised details have been received in relation to the mammal passage ways at the two new bridge crossings. The pipe has been widened and their siting has been revised so that they are now positioned above the 1 in 100 year flood level.

Burbage Parish Council Comments

In response to the comments raised by Burbage Parish Council, this reserved matters application does not detail the number of dwellings to be applied for. For clarification, the fishing pools which are to be filled in are to be replaced with a new pond. The footpaths and cycle paths are identified on the plans submitted. There is an option to retain the Boiler House and it is subject to controls within the Section 106 agreement attached to the outline consent. It does not form part of the details of this application. The bridge over the canal does not form part of this application, but could be delivered under the obligations contained within the Section 106 agreement attached to the outline consent. A number of meetings have taken place between Parish and Ward Councillors in order for the detail submitted to be further explained, colour copies of the plans were available during these meetings.

Recommendation:-

Condition 2 amended as follows:-

The development hereby permitted shall be carried out in complete accordance with the details:-

Site Plans Drg Nos:- 8411-P010 Rev C, 8411 - P011 received by the Local Planning Authority on the 25 October 2011.

Highway Works Drg Nos:- NTH/089, NTH/089 400 P6, NTH/089 500 P4, TH/089 530 P2, NTH/089 161 P2, NTH/089 565 P1, NTH/089 290 P2, NTH/089 409 P2, NTH/089 590 P2 received by the Local Planning Authority on the 25 October 2011.

Drg Nos:- 200 P10, NTH/089 206 P5, NTH/089 230 P6, NTH/089 430 P5, NTH/089 207 P9, NTH/089 407 P13, NTH/089 507 P9 received by the Local Planning Authority on the 6 January 2012.

Green Infrastructure Drg Nos:- 1033/08 10 - 14, 1033/08 16, 1033/08 20D, 1033/08 24C, 1033/08 25E, 1033/08 26B, 1033/08 30C, 1033/08 31B, 1033/08 32B, 1033/08 33B, 1033/08 40A, 1033/08 41C, 1033/08 42B, 1033/08 43A, 1033/08 44A, 1033/08 45A, 1033/08 46A, 1033/08 47A, , 1033/08 49B, 1033/08 50A, received by the Local Planning Authority on the 25 October 2011.

Drg Nos:- 1033/08 21G, 1033/08 22D, 1033/08 23D, 1033/08 34 C, 1033/08 35D, 1033/08 36 D, 1033/08 48B, 1033/08 51C received by the Local Planning Authority on the 6 January 2012

Condition 3 amended as follows:-

Prior to commencement a scheme shall be submitted to and approved in writing by the Local Planning Authority illustrating the location of the bollards on the Gateway Park and details of the tree root deflectors. The scheme shall then be implemented as approved and retained thereafter.

Additional Conditions:-

- 7 The bus gate system (physical deterrent) is to be in place before the bus gate access is open to traffic. The details of the bus gate equipment, operation and maintenance regime is to be agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory barrier between the new industrial and residential link to deter vehicular movement through the site except for buses only to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

- 8 For the period of the construction of the development within the site, vehicle wheel cleansing facilities shall be provided within the site and all vehicles exiting the site shall have all tyres and wheels cleaned, as may be necessary, before entering the Highway.

Reason: To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard for road users to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

- 9 For the period of the construction of the development, vehicle parking facilities shall be provided within the site and all vehicles associated with the development shall be parked within the site.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of development of the site leading to on-street parking problems in the area during construction to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

- 10 Notwithstanding the details submitted, prior to commencement a scheme for the warning signage on the canal side park shall be submitted to and approved in writing by the Local Planning Authority.

The submitted details should include:-

- a) the location of the signs
- b) the design and wording of the signs
- c) dimensions of the signs
- d) locations of safety apparatus
- e) details of implementation

The approved scheme shall be retained thereafter.

Reason: The canal side park is situated in the floodplain an area prone to flash flooding. In the interests of public safety in accordance with Planning Policy Statement 25: Development and Floodrisk.

Additional Notes To Applicant:-

- 9 The following plans have been submitted for indicative purposes and their specific detail has not been considered as part of this application:-

NTH/089/206 P4 Highway Works – Typical culvert/highway cross-section
 NTH/089/230 P5 – 200 series – Surfacing Finishes
 NTH/089/430 P4 – 400 series – Surfacing Finishes
 NTH/089/530 P2 – 500 series – Surfacing Finishes
 NTH 089/207 P6 – Highway Works - S278 General Arrangement
 NTH/089/407 P11 – Highway Works - S38 General Arrangement
 NTH/089/507 P8 – Private Road Crossing – General Arrangement
 1033/08 21F Rugby Road Gateway Island
 1033/08/48A – Rugby Road Gateway Island Sections
 1033/08/50A – tree pits within hard areas
 1022/08/51A – tree pits within soft areas

- 10 If the roads within the proposed development are to be adopted by the Highway Authority, the Developer will be required to enter into an agreement under section 38 of the Highways Act 1980 for the adoption of the roads. Detailed plans will need to be submitted and approved, the agreement signed and all sureties and fees paid prior to the commencement of development.

If an Agreement is not in place when the development is to be commenced, the Highway Authority will serve APCs in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences.

- 11 The Developer will be required to enter into an agreement with the Highway Authority under Section 278 of the Highways Act 1980 for works within the highway and detailed plans shall be submitted and approved in writing by the Highway Authority. The Section 278 Agreement must be signed and all fees paid and surety set in place before the Highway works are commenced.
- 12 Notwithstanding the details submitted as part of this application, under the terms of the sites outline consent the developer will also be required to enter into a suitable legal agreement, provide surety and submit full details for technical approval for improvements to A5 Dodwells Roundabout and the Rugby Road / Hawley Road / Westfield Road junction.
- 13 Any street furniture or lining that requires relocation or alteration shall be carried out entirely at the expense of the applicant, who shall first obtain the separate consent of the highway authority.
- 14 All highway related structures, must be designed and constructed in accordance with the current relevant Highways Agency standards, codes of practice and technical memoranda. The design will be subject to the technical-approval procedure set out in BD 2/05 "Technical Approval of Highway Structures" which is part of the 'Design Manual for Roads and Bridges' that can be found on www.standardsforhighways.co.uk . You must employ a chartered civil or structural engineer with experience in highway structures and approved by the County Council to carry out the design and

oversee construction. You should start this approval process at an early stage to avoid delays in completing the Section 38 road adoption agreement, which may delay site works.

- 15 If the applicants do not wish to seek adoption of the roads, the Highway Authority will serve APCs in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences.

Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the APC may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded.

For further details see www.leics.gov.uk/htd or phone 0116 3057198.

- 16 Before the bus gate access is open to traffic, the bus gate system (physical deterrent) needs to be in place. The details of the bus gate equipment and operation along with maintenance regime need to be agreed in writing with the Local Highway Authority in consultation with the Planning Authority.
- 17 Prior to adoption of the highway, a dedication plan is required indicating management and responsibility, including contact details, of the highway, landscape, structures and water course. To ensure pedestrians/cyclist safety from works outside of Highway that may interfere with public safety. Or complaints made to the Highway Authority which may need to be redirected to the appropriate maintenance management bodies.

ITEM 03**11/00899/EXT****Mr And Mrs P Little****Consultations:-**

One further letter has been received objecting to the proposal on the following grounds:-

- e) the recent actions of the Councils (in re-building a brick wall and agreeing a grant to replace five shop fronts) shows a recognition of the need to preserve the original character of the High Street
- f) why accept the demolition of the second oldest building within the Conservation Area
- g) would the Council allow the second oldest building in Market Bosworth to be demolished
- h) the various alterations to the building are superficial changes and should not be sufficient to allow a building of such importance locally to be demolished
- i) importing a modern building into this area would be out of character
- j) more appropriate plans have been approved on this site for conversion of the existing building into two units and erection of bungalows to the rear. This is a more appropriate and less greedy proposal
- k) other factors changing in the last 3 years include movement away from back garden development- the proposal represents unnecessary over development of a site that has always been a private garden and only had business use in the sense of being parking space for the occupier's lorry
- l) the economic downturn has left many flats in Barwell unsold or empty
- m) the proposed large development at the Ashby Road end of the village would be a much more appropriate location for a store. Locating one at 59 High Street would increase traffic flow in the area which is already congested
- n) the number of children and parents walking to school has increased and a large development would compromise highway safety
- o) an inaccuracy in the approved plans resulted in the proposed store being located 1.5m from our kitchen window- we would lose light and be unable to maintain the far side of the Victorian Garden Wall
- p) concerns that noise and vibration from the freezer or air conditioning units could affect the foundations of the gable wall.

Appraisal:-

An objection has been received regarding the loss of the dwelling to the front to the site. This was assessed under the original consent and found acceptable. Whilst the Council has sought to be

proactive with improvements to Barwell High Street, each case is judged on its merits and in this instance the number of unsympathetic alterations and the scale, massing and design of the proposal the demolition is considered acceptable.

The other matters raised relate to the Item 4 on the agenda, as such they will be appraised under that item.

ITEM 04

11/00901/EXT

Mr And Mrs P Little

Consultations:-

One further letter has been received objecting to the proposal on the following grounds:-

- e) the recent actions of the Councils (in re-building a brick wall and agreeing a grant to replace five shop fronts) shows a recognition of the need to preserve the original character of the High Street.
- f) why accept the demolition of the second oldest building within the Conservation Area
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- i) importing a modern building into this area would be out of character
- j) more appropriate plans have been approved on this site for conversion of the existing building into two units and erection of bungalows to the rear. This is a more appropriate and less greedy proposal.
- k) other factors changing in the last 3 years include movement away from back garden development- the proposal represents unnecessary over development of a site that has always been a private garden and only had business use in the sense of being parking space for the occupier's lorry
- l) the economic downturn has left many flats in Barwell unsold or empty
- m) the proposed large development at the Ashby Road end of the village would be a much more appropriate location for a store. Locating one at 59 High Street would increase traffic flow in the area which is already congested
- n) the number of children and parents walking to school has increased and a large development would compromise highway safety
- o) an inaccuracy in the approved plans resulted in the proposed store being located 1.5m from our kitchen window- we would lose light and be unable to maintain the far side of the Victorian Garden Wall
- p) concerns that noise and vibration from the freezer or air conditioning units could affect the foundations of the gable wall.

Appraisal:-

Design and appearance

The design and appearance of the proposal has been found acceptable and there has not been a change in the policy to alter the acceptability of the design and appearance of the scheme.

Land use

Concerns have been received regarding the use of the land. The planning history indicates the long commercial use of the site. The site is therefore considered to be brownfield and not garden land affected by the changes within PPS3.

Highway safety

No objection has been received from County Highways regarding traffic safety within the vicinity of the site. The school and the safety of pupils and parents travelling to and from the school gates was assessed within the previous application. This element of the proposal was considered acceptable.

Noise and Vibration

The noise and disturbance of the plant and comings and goings from the proposed store was considered and addressed within the previous report. A background noise survey was submitted with the application to which The Head of Community Services (Environmental Health) raised no concerns. The opening and delivery hours were conditioned to address concerns raised at the time of the original application to noise and disturbance from coming and goings and deliveries. These conditions have been carried forward as conditions 21 and 22 to the recommendation now under consideration.

Inaccurate plans

A concern has been raised regarding the accuracy of the plans specifically concerning the distance from the site boundary to the side elevation of 61 High Street. Neither developers or their agents have the right to enter third party land and cannot physically survey neighbouring properties. The dimensions are therefore taken off the OS plans which contain a disclaimer to the effect that they cannot guarantee accuracy. The site would have been visited at the time of the 2008 application and the distances and impact on side windows assessed at that time. There have been no physical alterations to the site or surroundings that would warrant a different decision being reached in this instance.

Play and Open Space

Barwell Parish Council have indicated that any financial contributions are required to improve facilities at The Common recreational site. These include extra dog waste and litter bins, hedge and fence improvements and replacing items of play equipment.

ITEM 05	11/00808/FUL	Benchmark
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This item has been deferred.

ITEM 06	11/00809/CON	Benchmark
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This item has been deferred.

ITEM 07	11/00822/FUL	Mrs M Bowler
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Consultations:-

No objection received from Ratby Parish Council.

ITEM 08	11/00743/FUL	Evans Bros Ltd
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Consultations:-

Since re-advertising the application four representations have been received objecting to the proposal on the following additional grounds:-

- a) objection to the use of the private road serving no's 25, 25A, 27 and 29 Sapcote Road
- b) there is reference to refuse collection vehicles serving the proposal when they pull off the highway to serve 17-29, however no indication is given as to where the HGV will stand, not on the privately owned access to no 17-29.

Development Plan Policies:-

Since writing the report the Council has formally adopted the Hinckley and Bosworth Green Wedge Review.

Appraisal:-

The Green Wedge Review was formally adopted at Full Council on 20 December 2011. This states that Green Wedges maintain settlement identity whilst providing green infrastructure between settlements. The review identifies that this site stands within Area I: Land South of railway line and north-east of Burbage. It also recognises that rear gardens are a common land use within Green Wedges.

The proposal places all built development within the settlement boundary and only proposes to extend the rear gardens into the Green Wedge. The review has identified that rear gardens are a common land use within the Green Wedge and it does not propose to remove them from the boundaries of the Green Wedges.

It is considered that the proposed development would not undermine the role or function of the Green Wedge or cause a detrimental change to the character of the Green Wedge.

Refuse collection

Objections have been received in respect to the proposals for refuse lorries using the private drive serving No's 25, 25A, 27 and 29 Sapcote Road. It is understood that the refuse collection vehicles already pull into this area to collect refuse from the existing dwellings and the the proposal would not alter this.

Agenda Item 8	Tree Preservation Order	Rear of 37 Boston Way, Barwell
Agenda Item 9	Tree Preservation Order	101 Shilton Road, Barwell
Agenda Item 10	Tree Preservation Order	103 Shilton Road, Barwell

Attached to this document are the Tree Preservation Orders for the above Agenda Items

PLANNING COMMITTEE
10 JANUARY 2012
SPEAKERS

Item	Application	Speaker(s)	Applicant/objector
02	11/00878/FUL	Rosemary Hagan (01455 841886)	Objector
03	11/00899/EXT	Mr Christopher Perry (0870 824424)	Objector
04	11/00901/EXT	Richard Harris (0116 2752275)	Agent