

**PLANNING COMMITTEE 7 February 2012**  
**LIST OF LATE ITEMS RECEIVED AFTER PREPARATION OF MAIN AGENDA:**

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**ITEM 02**

**11/00823/FUL**

**Mr John Deakin**

**Introduction:-**

Amended Plans have been received in respect of: the Site Location Plan to remove areas of third party land; a revised Site Layout to reduce the number of dwellings from 58 to 52, revise the layout and design of house types, redistribute the affordable housing and relocate the proposed pumping station within the previous site boundary; revised Highway Improvement Works plans for the Britannia Road/Lutterworth Road junction and Freemans Lane/Windsor Street junction. An additional plan has been received in respect of the layout for the distribution of chimneys within the site.

An external materials schedule and layout has been submitted with samples to follow for prior approval.

Additional technical information has been submitted in respect of drainage and ground investigation to address issues raised by the Environment Agency, Head of Community Services (Pollution) and neighbours.

An updated Economic Viability Statement has been submitted to address the reduction from 58 dwellings to 52 dwellings.

**Consultations:-**

Director of Environment and Transport (Highways) repeats previous recommendations but advises that in respect of the revised site layout, it is considered that the issues raised in respect of the adoption of the road layout are likely to be able to be resolved during the detail design process carried out as part of the Section 38 process.

As a result of the Developer Contributions consultation, Leicestershire County Council has the following comments:-

- a) Directorate of Chief Executive (Ecology) no contribution requested
- b) Director of Children and Young Peoples Services (Education) requests a total contribution of £241,703.20, comprising of a Primary School contribution of £148,091.88 towards Burbage Infant and Junior schools and an Upper School contribution of £93,611.32 towards John Cleveland College
- c) Director of Environment and Transport (Civic Amenity) requests a contribution of £2404 towards Barwell Civic Amenity site
- d) Director of Adults and Communities (Libraries) requests a contribution of £3190 towards Burbage library
- e) Director of Environment and Transport (Highways) requests no contributions in light of the previous appeal decision
- f) Director of Environment and Transport (Environment) recommends all trees and hedges to be retained are protected during construction.

No objection subject to conditions has been received from the Head of Community Services (Pollution).

A local County Councillor objects to the application on the following grounds:-

- a) highway safety
- b) intrusion in to the open countryside
- c) unnecessary development given Johnsons site fulfilling Core Strategy housing requirement for Burbage
- d) affordable housing element is reduced and concentrated in one part of the site
- e) potential for anti-social behaviour
- f) flood risk issues still not addressed.

Four additional letters of objection have been received from neighbours raising similar issues to those in the main report and

n) overdevelopment of the site.

The further response of the Environment Agency to the additional technical information submitted to address issues in respect of site drainage has not yet been received.

No further response from the Police Authority or Primary Care Trust have been received in respect of developer contributions as a result of the reduction in the number of units proposed.

## **Appraisal:-**

### Design and Layout

An external materials schedule has been submitted for consideration, however, no samples of materials have been submitted for approval therefore condition 4 is still required to ensure a satisfactory external appearance of the development.

### Access and Highway Safety Issues

The Director of Environment and Transport (Highways) raises no objection to the amended layout of the site and repeats previous recommendations. He considers that the issues he raised in respect of the adoptability of the road layout are likely to be able to be resolved during the detailed design process carried out as part of the section 38 agreement process. Whilst he repeats comments in respect of the internal dimensions of garages and the number of parking spaces provided for specific plots, the amended garage plans received show internal dimensions of 6 metres in length x 3 metres in width which comply with design guidance standards. As a result it is considered that the amended layout and plans will provide adequate off-street car parking to serve the development.

### Developer Contributions

Leicestershire County Council has requested the following contributions:-

The Director of Children and Young Peoples Services (Education) requests a total contribution of £241,703.20 towards education facilities to mitigate the impact of the proposed development. The contribution comprises of a contribution of £148, 091.88 towards primary school facilities at Burbage Church of England Infant and Junior Schools and £93,611.32 towards upper school facilities at John Cleveland College. No contributions are requested for the high school sector as the proposed development will not currently create any capacity issues. The contributions will be used to accommodate capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at the schools detailed above as the site is within their catchment area.

The Director of Environment and Transport (Civic Amenity) requests a contribution of £2404 towards improving and enhancing the facilities at the nearest municipal civic amenity site in Barwell to mitigate the impact of the development.

The Director of Adults and Communities (Libraries) requests £3190 towards improving and enhancing the existing library facilities at Burbage Library, Church Street which is approximately 0.7 kilometres from the site to mitigate the impact of the development as a result of additional users of the facilities.

The Directorate of Chief Executive (Ecology) does not request any contributions.

The Director of Environment and Transport (Highways) does not request any financial contributions in view of the previous appeal decision.

The contributions requested by the County Council are considered to be fair and reasonable in scale and kind to the proposed scale of development and to be in accordance with the tests as set out in the CIL Regulations 2010 and Circular 10/95.

## Economic Viability

The addendum to the Economic Viability Appraisal concludes that the development can still support the provision of 25% affordable housing on the site but that as a result of the reduction in the number of proposed units from 58 to 52 dwellings, the provision will need to be reduced from 14 to 13 affordable dwellings. This provision still exceeds the requirement of 20% affordable housing required by policy 15 of the Core Strategy and is therefore considered to be acceptable.

## Flood Risk and Impact on Controlled Waters

The further response of the Environment Agency to the additional information submitted by the applicants in respect of the impact of the proposed development including the balancing lagoon and pumping station on surface and ground water drainage, water quality and adoption arrangements has not been received at the time of writing this report.

## Ground Investigation

The Head of Community Services (Pollution) raises no objection to the development subject to the imposition of three conditions. The first requires the submission, for prior approval, of a scheme for the remediation of the soils surrounding the specific area of trial pit 9 (TP9) identified in the Ground Investigation report as having elevated levels of lead. The second requires the submission, for prior approval, of a scheme for gas protection measures to be provided and implemented. The third requires further investigation and remediation should any contamination not previously identified be found during development.

## Ecology

The Council's Arboricultural Consultant does not raise any objections to the development and comments that the revised Arboricultural Assessment carried out by fpcr dated January 2012 provides an accurate survey of the location and condition of the trees on the site and provides recommendations for tree protection during development. He also advises that the amended layout has improved the relationship of the proposed dwellings to the retained trees with a fewer number proposed for removal. However, notwithstanding the submitted details, the revised Arboricultural Assessment refers to the superseded site layout, no detailed tree crown spreads have been provided within it and no tree protection plan has been submitted. Therefore, it is considered to be reasonable to require a tree and hedge retention and protection scheme to be submitted for prior approval in order to ensure satisfactory retention and protection of the trees and hedgerows around the perimeter of the site.

## **Recommendation:-**

Amend recommendation to:-

That subject to 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 financial contributions towards education, library, civic amenity, public play and open space and police facilities, and subject to the resolution of the outstanding surface and ground water drainage issues to the satisfaction of the Environment Agency, the Head of Planning shall be granted delegated powers to granted planning permission subject to the conditions below

Plus additional conditions:-

Additional standard drainage condition

Additional non-standard condition in respect of a soils remediation scheme

Additional non-standard condition in respect of gas protection scheme

Additional standard condition in respect of future land contamination/remediation if found during development.

**Introduction:-**

Amended plans have been received as a inaccuracy was discovered concerning one of the garage blocks. No further consultation was undertaken as it is a minor issue that would not affect the appearance or consideration of the scheme.

Additional information has been received regarding levels, boundary treatments and landscaping.

**Appraisal:-**

Additional information has been received regarding levels, boundary treatments and landscaping proposals. This has been considered in relation to the approved comprehensive scheme and is found to be in accordance with corresponding details approved under the previous scheme. The development should be constructed in accordance with the submitted details and conditions are recommended to ensure this is the case.

**Recommendation:-**

Condition 2 amended as follows:-

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

G02.P[SG]01 Rev A Received 25 November 2011

M109\_L\_03 received 25 November 2011

4266-SK02 Rev B received 9 January 2012

4274-SK03H Rev A received 9 January 2012

3255-SK03H Rev A received 9 January 2012

4251-SK02 Rev A received 9 January 2012

4266-SK02H Rev A received 9 January 2012

3255-Sk03 Rev A received 9 January 2012

4274-SK03 Rev A received 9 January 2012

M109-105-10 received 1 February 2012

M109\_D\_03 received 1 February 2012

JBA 10/251-01 Rev D received 1 February 2012

M109\_01\_N received 3 February 2012

Delete condition and reason 7 as repeats condition and reason 6

Additional condition

- 7 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. 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 a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reason: To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

**Consultations:-**

Councillor Mrs Smith has written in support of the proposal stating that the proposed care home will bring employment to Barwell and will be good for Barwell.

**ITEM 05****11/00918/FUL****Ms C Tremarco**

Condition 7 - delete last sentence.

Condition 8 amended as follows:-

Before first use of the development hereby permitted the proposed car parking area for 30 spaces shall be laid out and surfaced in accordance with the details in the Tree Protection Scheme to be approved under condition 7 and on the approved plan Drawing No. 2 Revision 01E. Once provided the protection measures and car parking spaces shall be so maintained at all times thereafter.

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**ITEM 06****11/00882/FUL****Mr Frank Downes****Appraisal:-**Play and Open Space

Head of Corporate and Scrutiny Services has confirmed that any contribution towards informal play space at Clarendon Park would go towards new equipped play for infants and juniors, an out door gym for young people and adults, tree planting within the arboretum, improvements to the wildlife value to create a wildlife habitat and improvements to the Brookside corridor.

The site history has been investigated. The application site was left as a landscaping area with conditions requiring the maintenance for 4 years after first planting. This has since expired and therefore the site is not subject to any plan designations or conditional control.

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**ITEM 07****11/00946/FUL****Punch Partnerships (PTL) And  
Midland Assured Consultancy****Introduction:-**Site and Surrounding Area

The public house remains open and trading, accordingly any references to the facility be closed should be omitted.

Technical Documents Submitted with the Application

Additional information has been submitted with the application that confirms that:

- a) The number of tenant landlords has increased in recent years, suggesting that landlords are struggling to viably operate the pub.
- b) Beer sales have fallen dramatically in the last 12 months.
- c) Structural problems with the ground floor require the closure of the pub to facilitate repair and will require significant investment.
- d) Launched in 2004, the Making a Difference Community Dividend fund guarantees that 1% of the Society's trading profit is donated to local groups in its trading area, therefore some very worthwhile support could be given to the village community groups.
- e) The public house is still trading.

**Consultations:-**

Letter of support received, good for local commerce, will rejuvenate the area be beneficial to local employment and result in more consumer choice and competition.

Burbage Parish Council objects to the application on the following grounds:-

The proposal will result in a large amount of delivery lorries in a residential area which will result in additional traffic. Members have requested that a traffic survey should be done as this is a school route and traffic is already heavy in the area. There is no safe crossing at Tilton or Boyslade Road and the residents of 2 Tilton Road would be adversely affected from the noise by delivery vehicles.

County Councillor Stuart Bray objects on the grounds that this public house has been a community facility for a number of years and would be sad to see it lost. There is also a great deal of concern in terms of the proposed development impact upon existing businesses in the area and extra traffic in an already busy area with difficult junctions.

### **Appraisal:-**

#### Economy

The loss of any community facility is a material planning consideration; however the desire to retain such uses needs to be carefully considered alongside the business case and desire of the operator to retain such uses. In this instance, whilst the loss of the pub would be unfortunate, the application makes it clear that the existing public house has not been trading profitably for some time and that falling beer sales and investment required to make the building structurally sound.

The loss of the use of the site as a public house is unfortunate but this needs to be considered within the context of the site reopening as a community retail facility. Given the policy position as set out in the main report, the loss of the public house is considered to be outweighed by the other benefits the proposal will bring and its compliance with development plan policy.

#### Highways

In response to the comments raised by Burbage Parish council, a transport statement has been submitted with the application, this concludes that the proposed redevelopment should, based on the results within the statement be considered acceptable in highway and transportation terms.

In response to the comments received by County Councillor Stuart Bray, the scheme has been considered by the Director of Environment and Transport (Highways) who does not raise any objections or concerns on the grounds of additional traffic.

Further, for the reasons outlined in the main body of the report, the proposal is not considered to result in a material level of harm in terms of either residential amenity or highway safety.

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**ITEM 08**

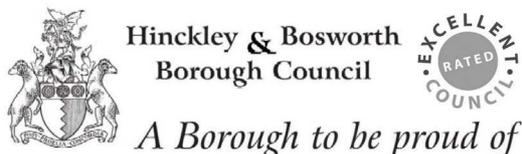
**11/00977/FUL**

**Mr Jim Bennett**

This application has been withdrawn.

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**Application 11/00878/FUL was considered by the Planning Committee on 10 January and was refused for the following reasons:**



**Town and Country Planning Act 1990**

**REFUSAL OF PLANNING PERMISSION**

**Name and Address of Applicant**

Mr John Marston  
6 Barwell Road  
Kirkby Mallory  
Leicester  
Leicestershire  
LE9 7QA

**Name and Address of Agent (if any)**

**Part I - Particulars of Application**

**Date of Application**

1 November 2011

**Application No.**

11/00878/FUL

**Particulars and location of development:**

DEMOLITION OF EXISTING SHEDS AND ERECTION OF STORAGE BUILDING

**6 Barwell Road Kirkby Mallory Leicester Leicestershire LE9 7QA**

**Part II - Particulars of decision**

**In pursuance of its powers under the Town and Country Planning Act 1990, the Hinckley and Bosworth Borough Council refuses to permit the carrying out of the development referred to in Part I hereof for the following reason(s) :-**

1. In the opinion of the Local Planning Authority the proposed development, by virtue of its height, scale and mass, the change in land levels with neighbouring properties and its position close to the rear boundary of those properties, would be visually intrusive and dominate the outlook of the occupiers of those properties and would therefore have an adverse impact on their residential amenity. Accordingly the proposal would be contrary to the intentions of saved Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

**SIMON WOOD**  
HEAD OF PLANNING

Date :12 January 2012

**PLANNING COMMITTEE**  
**7 FEBRUARY 2012**  
**SPEAKERS**

<b>Item</b>	<b>Application</b>	<b>Speaker(s)</b>	<b>Applicant/objector</b>
01	11/00368/FUL	Mr Eves / Mr Parsons Mr Sitch / Mr Colles	Objectors Agent
02	11/00823/FUL	Mr Monk Mr Deakin	Objector Applicant
04	11/00791/OUT	Mr Skubala	Applicant
07	11/00946/FUL	Tim Payne Richard Dunnett	Objector Agent