

PLANNING COMMITTEE: 16 April 2013
SUPPLEMENTARY INFORMATION

The "Supplementary Information" report supplements the main Planning Agenda. It is produced on the day of the Committee and is circulated at the Committee meeting. It is used as a means of reporting matters that have arisen after the Agenda has been completed/circulated, which the Committee should be aware of before considering any application reported for determination.

Correspondence received is available for inspection.

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13/00049/FUL – Woodview, Horninghold Road, Hallaton	Formation of pond to create wildlife habitat and installation of biodisc (retrospective)
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INFORMATION

Further amended plans have been received at Officer request (Amendment B), to amend the site area to include just the site of the biodisk and pond. Re-consultation was not considered necessary as the site area has been reduced in size and previous comments would not be prejudiced. The Agent has also provided the following supporting information:

'I am unable to attend the Planning Committee Meeting where the above application is being considered and so it would be appreciated if the Committee Members could be made aware of the following points :-

- The application is for Operational Development to form the pond and install the biodisk as directed by the Enforcement Officer.*
- The application does not seek a change of use from agricultural land to domestic garden.*
- There is no terrace or patio which extends beyond the original boundary contrary to the comment from the Parish Council.*
- The iron fence adjacent to Horninghold Road has not been changed.*
- The applicant is willing to plant a hedge inside the iron fence to screen the biodisk.*
- The application site has been amended at the request of the Planning Officer.'*

The Agent has also clarified that the Adam Frost Plan has been amended (see Amendment A) as the boundary line fronting Horninghold Road was incorrect. This now shows the true fence line relating to the new dwelling.

CONSULTATIONS/REPRESENTATIONS

Parish Council Further Comment: The Parish Council's main objection is the reversion of agricultural land to domestic garden, without planning permission. At the drawings stage we believe that the garden and bio-disc plant should have been addressed, not dealt with months later by way of retrospective planning. We feel that matters could be resolved quite simply, by the fence being returned to it's original boundary, leaving the bio-disc plant and pond in the field. We have researched within the Harborough District Council's Parishes, the issue of agricultural land being turned into garden and the outcome is that they have been refused. So why is this application being treated any differently? On the basis that the bio-disc and pond are situated within an area of the original field that has taken on the characteristics, that for all intents and purposes are garden, the Parish Council require the original field boundary to be reinstated forthwith [original comments also repeated].

Representations: Objection received from 6 The Walled Garden and further comments objecting to the proposal have been received from 7 The Walled Garden. Full details available to view on the application file. New points raised include:

- Contrary to planning conditions of 11/00423/FUL
- 11/00423/FUL stated none of the application was part of an agricultural holding
- Gate installed into fence, why is this necessary?
- Encroaches beyond village boundary/Conservation Area boundary
- Why was tank not put in when house built?
- Adjacent property Highcroft has extended garden into paddock

OFFICER COMMENT

The revised site location plan amending the site location to include only the site of the biodisk and pond, prevents ambiguity over change of use, as the surrounding land no longer forms part of the application. This application is for the provision of a pond and biodisk, the application does not apply to change the use of the surrounding land to residential garden. For the avoidance of doubt, a note to applicant is recommended to confirm consent does not change the use of the land to garden.

ADDITIONAL CONDITION

2. The development hereby permitted shall be in accordance with the following approved plans: 06/037.24b and Adam Frost Plan Amendment A. REASON: For the avoidance of doubt.

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13/00052/FUL & 13/00053/LBC - Hillbrook Hs, Poultney Lane, Kimcote	New dwelling.
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WITHDRAWN

13/00060/FUL - Kyimbila, Poultney Lane, Kimcote	New dwelling.
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CLARIFICATION:

That the property's name is spelt KYIMBILA

ADDITIONAL REPRESENTATIONS:

Council's S106 Officer:

Objects on the basis of the applicant's proposed non-payment of the affordable housing contribution, in view of "the scale of the proposed dwelling, its type, character and the potential value that is very much likely to be attained... alongside further, future uplift and increase in value"; and there is therefore insufficient justification to consider an exception to the normal requirement for an affordable housing contribution.

INFORMATION RECEIVED BY APPLICANT'S AGENT:

The applicant has latterly agreed to make the S106 housing contribution.

Amended Recommendation

Refusal reason 2 deleted.

13/00102/FUL Land Rear Of 8-28, High Street, Kibworth Beauchamp	Erection of 13 dwellings and associated garages, parking and landscaping -
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REVISED RECOMMENDATION

Defer to allow consultation on revised plans received 11/04/13

INFORMATION

The applicant has submitted revised plans 11/04/13 in response to officer concerns. These supersede amended plans referred to in the Committee report (which were not formally attached to the application). The latest amended plans (11/04/13) are therefore detailed on the website as Amendment A plans. With respect to amended plans the agent confirms:

'Our revised application issued by email to Roz (drawing – 2862-08 rev B Plots 11 & 12 GA Plans & Elevations) reduced the ridge height to 5500mm (350mm higher than the approved scheme). Since then we have introduced hipped roofs to reduce the impact. The attached drawings show further improvement by removing the bay windows to allow Plot 11 to move forward, easing the relationship to Morrison Court. We have also reduced the finish floor level by 300mm. This results in the proposed ridge height being only 50mm higher than the approved scheme.'

ADDITIONAL CONSULTATION RESPONSES

Conservation Officer: Proposal acceptable subject to condition to ensure protection of the mud wall.

LCC Tree Officer: T1149 is likely to be affected by the creation of the access drive and car standing on two sides of the tree, presumably within the RPA of a recommended 3.6m radius; it's almost always a disadvantage for the tree when more than one side of the rooting area is disturbed; T1157 (an off-site private tree) is likely to be affected by the construction of the car port and its associated hard surface inside it, both well within the RPA of 7.2m radius. The developer owes a duty of care to his neighbour (the tree owner) to ensure that his work does not damage his property, i.e. the tree.

It may well be possible to construct these features without deep excavation, on top of existing levels by using a 'no-dig' method such as Cellweb or similar, thereby avoiding the root damage which would otherwise inevitably occur. However, there may be implications for road surface levels and the relationship with damp-proof courses of nearby buildings. I would recommend asking the developer to describe how he intends to do this work without affecting the trees.

HDC Housing Manager: We agreed for 9 supported living apartments (with Self unlimited – Care Shangton) to being provided at Weir Road. The design and access statement 2.1 submitted with application states the parameters for abiding by existing S106 and affordable delivery for the 9 apartments. We must double check that the original planning consent was explicit in ensuring delivery of affordable units at the front end of this development commencing.

REPRESENTATION

Correspondence received on behalf of previous objector (54 Morrison Court) suggesting not all concerns have been addressed.

Representation from 4/6 High Street, Kibworth (Lantern House): Site contains land belonging to Lantern House and the applicant has not served notice. Application and previous consent invalid. Potential for Judicial Review if this application approved. Had I received certificate B I would have objected as the application includes my land. Questionable whether there is enough width for access road to be built as approved. Suggest postponement of Committee.
In response to the above the applicant has responded:

'There is a substantial retaining brick wall at the bottom of the garden of number 4/6 High Street (Lantern House) and Mr Leverett contacted me regarding this as he was concerned about the impact on this and any street lighting that would be placed on the scheme. The wall is very old in a poor state of repair and who owns the wall remains unclear. At this time we was designing the road etc in detail and needed to understand this and the potential impact on the wall.

Our engineers have raised a concern about this going forward and thus I met Mr Leverett and to investigate the possibility of realigning the wall to make it straighter and future proof it to make sure it is fit for purpose going forward and potentially open up the site a bit more at the front which would be preferable from a sales point of view and a new straight retaining wall would be easier to construct. We have also discussed rebuilding it on its current alignment to modern standards so there are no future issues, but these were put on hold as he wanted to speak to take advice so we have not moved beyond this point.

At the meeting I tabled some plans showing our proposals including the potential realignment if the wall was moved and I believe this is where the issue has arisen. At this meeting I made it clear that the boundaries on the plan were to be ignored as the additional survey work looking at land beyond the application boundary had only just been completed and had not been reconciled back to the original topographical survey and it also showed the affordable housing block but again this was not positioned correctly for the reasons I have just stated.

Mr Leverett then requested the topo in CAD format and I again did this with the previous caveats. He has obviously studied this ignoring that the survey is not aligned and has come to the wrong conclusions.

To be clear none of his land forms part of the application, nor is it needed to deliver the scheme and thus there is no issue with the validity of the planning permission or revision.

I enclose a copy of the title plan documents for your information along with a plan showing the original title application boundary which you will no doubt have and a copy of the revised scheme which shows the boundaries are in line with the title, the road alignment and the affordable unit.'

OFFICER COMMENT

Trees

It is considered that a condition to agree tree protection and a method statement for the construction of the carport and parking/driveway to plots 11, 12 and 13 would be sufficient to prevent harm to trees that would otherwise warrant the refusal of the application. If the Committee defer the application this information could be sought prior to determination to potentially avoid the need for a pre-commencement condition.

Affordable Housing

The section 106 agreement Schedule 2, Clause 5, prevents occupation of the open market housing prior to the completion of the affordable housing and it being made available for letting in accordance with the agreed strategy. This is considered to comply with the requirements of the HDC Housing Manager in ensuring the affordable housing be provided first.

Amended Plans

Amended plans have been submitted which demonstrate a significant improvement to the relationship of plots 11 and 12 with properties on Morrison Court. The amended plans were submitted 11/04/13 and therefore it has not been possible to carry out re-consultation of neighbours on Morrison Court. Officer therefore recommend the application be deferred to allow re-consultation, however it is suggested the application is still discussed as the applicant/agents wishes to speak including expressing view further consultation not required. The Committee also has various options of approval, deferral, refusal, approve subject to no further objections during consultation.

Ownership Issue

It has been suggested that the correct notification procedure has not been followed by the applicant, as Lantern House 4/6 High Street, Kibworth has not received notification with respect to the Town and Country Planning (Development Management Procedure) (England) Order 2010, Certificate under Article 12, however the applicant advises the site area does not contain land belonging to 4/6 High Street. Issues of ownership are not considered to be a material planning consideration, however it is important that the correct notification procedure has been followed. Ownership information is accepted from applicants by the LPA in good faith and the owner of 4/6 High Street is aware of the application and the decision is therefore not considered to be prejudiced.

Impact on Mud Wall

Following receipt of further comments from the Conservation Officer, with respect to comments/information from the applicant, subject to the imposition of a suitable condition to agree protection for the mud wall, the application would not be considered to significantly adversely affect this heritage asset.

13/00130/REM – Land, Glebe Road, Market Harborough.	Unit type substitution for 76 of the approved 141 dwellings (ref 12/00424/REM)
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ADDITIONAL CONDITION

9. Phasing, ground modelling, ground and finished floor levels shall be as approved in 12/00424/REM. REASON: For the avoidance of doubt and as these are reserved matters as detailed in the outline planning conditions.

13/00146/FUL - Keythorpe Manor, Uppingham Road, Tugby Leicestershire	Erection of a marquee and conversion of outbuildings for use for weddings and other events, associated parking and toilet facilities (revised scheme of 12/00876/FUL).
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HDC Environmental health Officer

The applicant has not provided any assessment in relation to noise or the impact that this development may have on neighbouring residents. However, this is effectively a retrospective planning application as I understand that the marquee has been erected and hosted a number of Temporary Event's for weddings, etc. over the last 6 months. It is with this in mind that I am able to use these events to provide you with a response.

This department has received 1 complaint in relation to noise and fireworks from the premises, whilst it has provided events contained within the marquee, although it is understood that this complaint arose due to a dead sheep being found by the complainant, rather than causing residents a nuisance at their premises. It was assumed by the complainant that the sheep died as a result of charging whilst terrified that their heart gave out. I am unaware of any post-mortem that was carried out on the sheep to confirm whether this was the case.

Given that this department has received no legitimate complaints from events held, it is difficult for this department to object to the application, despite a number of concerns raised from local residents regarding noise. However, should noise be found to be an issue, this department is able to control the matter either through appropriate conditions to be placed on the premises licence / temporary events notice, and/or through the Environmental Protection Act 1990 by proving Statutory Nuisance.

LCC Highways

I refer to the email from Harborough District Council (HDC) Planning Department to Simon Hill sent on 1/11/12, the email from Richard Colson, APC Planning to HDC Planning Department, sent on 14/3/13 and to the email from HDC Planning Department to Simon Hill sent on 9/4/13.

In light of the above email sent on 1/11/12, the Applicant "could under permitted development erect a marquee and use it for wedding receptions etc for 28 days per year. This temporary structure could be the same size to that which has been erected and could be used for the same purpose."

The Highway has concerns in connection with the sustainability of the site, but on the basis of the above email sent on 9/4/13, the proposals are considered acceptable from a sustainability point of view by HDC.

Taking into consideration the above email sent on 9/4/13, HDC “are proposing a condition that only allows for temporary consent for 2 years and restricted to 100 days per year including set up and down days”.

The Highway Authority (HA) would normally seek to resist a proposal that would lead to an increase in traffic using an access onto a 60 mph Class I road, an increase in traffic using a section of highway that is unsuitable in its width and design to cater for such an increase, and an increase in the potential for driver confusion and unexpected vehicle manoeuvres at a junction on a Class I road.

As set out in the HA consultation response dated 5/3/13, condition 8 of planning permission 06/01383/FUL for the “Formation of new vehicular access” states: “Access to the highway shall only be via the existing service road across the frontages of properties 1 & 2 Keythorpe Grange Cottages. There shall be no direct access to Uppingham Road (A47)”.

However, the likely intention of this condition was only to prevent the creation of a new direct access between the new access route approved by 06/01383/FUL (shown within the red boundary on the plan for 06/01383/FUL) and the main carriageway of A47 Uppingham Road, rather than preventing the use of any existing access to the wider site (including the existing substandard western access to the site). Therefore, theoretically, in planning and legal terms, the Applicant could advise all of the wedding traffic to use the existing western access to serve the site. The HA would have grave concerns about such an eventuality.

By permanently closing the western access, the proposal would lead to a highway gain. It would also appear that there is a potential for improvement works in the highway to the existing service road across the frontages of properties 1 & 2 Keythorpe Grange Cottages, between the access to the site and the junction with Uppingham Road (A47), that would also lead to a highway gain.

On the basis of the existing level of traffic that can be attracted by the site under existing permitted development rights and considering the additional traffic impact of the proposal, the above highway gains and taking into consideration the fact that there have been no personal injury accidents in the last 5 full years as a result of traffic in connection with the use of the premises, the proposal will be acceptable to the HA.

Conditions

Within 2 months of planning permission being granted, all existing vehicular accesses between the site and A47 Uppingham Road, except the access via the existing service road across the frontages of properties 1 & 2 Keythorpe Grange Cottages, shall be closed permanently, and the redundant existing vehicular crossings inclusive of the white lining shall be reinstated to the satisfaction of the Local Planning Authority in consultation with the HA.

Reason: In the general interests of highway safety.

Development shall not begin until details of design for off site highway works being improvements to the existing service road across the frontages of properties 1 & 2 Keythorpe Grange Cottages, between the access to the site and the junction with Uppingham Road (A47) have been approved in writing by the LPA; and the proposal shall not be occupied for more than 2 months from the granting of planning permission until that scheme has been constructed in accordance with the approved details.

Reason: To ensure a satisfactory form of development and in the interests of Highway safety.

The use of the proposal shall be restricted to not more than 100 days per year including set up and down days.

Reason: Although the level of traffic likely to be generated by the proposal is acceptable in Highway safety terms, a more traffic-intensive use of the site would be unacceptable.

Details of suitable signing at the access to be sited clear of the access drive and public highway shall be submitted to the LPA for approval in writing prior to development commencing. Within 1 month of planning permission being granted, the approved scheme shall be provided and thereafter shall be so maintained.

Reason: Given the hidden nature of the site from the road, drivers may not readily locate the access to the site from the highway. The signing is in the interests of the safety of road users.

Within 1 month of planning permission being granted, cycle parking provision shall be made within the site to the satisfaction of the LPA and once provided shall thereafter be maintained and kept available for use.

Reason: In the interests of the sustainability of the development and to encourage alternative transport choice.

The car parking and turning facilities shown on drawing No. 121494 – 02A shall be provided within 1 month of planning permission being granted and shall thereafter permanently remain available for car parking and turning.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.

Before the development commences, details of satisfactory access arrangements shall be submitted to the LPA for approval in writing. Within 1 month of planning permission being granted, the approved means of access shall be provided and shall thereafter be so maintained.

Reason: To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety and to ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway.

No part of the development as approved shall be occupied until details of a Travel Plan covering the proposed development as a whole, has been submitted to and agreed in writing by the Local Planning Authority.

The plan shall comprise proposals, with measurable outcome targets, to:

- Reduce single occupancy vehicle use, vehicular travel at peak traffic times and vehicle emissions for journeys made to and from the developed site for any purpose,
- Increase the use of alternative transport modes for any journeys likely to be made to and from the developed site and, in particular, to secure increases in car sharing, public transport use, cycling and walking modes and use of IT substitutes for real travel,
- Manage vehicle parking within and in the vicinity of the site.

The plan shall make clear provision for on-site management responsibilities, relevant monitoring surveys and review arrangements, implementation delivery timescales or phasing programmes, and shall specify additional measures to be implemented if monitoring shows that agreed targets are not likely to be met. The management, monitoring and review programme shall cover a period of 5 years.

The Plan, once agreed, shall be implemented within 2 months of planning permission being granted and shall thereafter be subject to regular monitoring and review, and to the additional measures if necessary, in accordance with the approved details.

Reason: To ensure that adequate steps are taken to achieve and maintain reduced travel impacts and provide more sustainable transport choices to and from the site in order to relieve congestion and improve air quality in accord with Section 4: 'Promoting Sustainable Transport' of the NPPF 2012.

Note(s) to Applicant

On the basis of the submitted plans, the details of the access, signing and cycle parking are not in accordance with the guidance contained in the '6 C's Design Guide'. Amended plans should be submitted to and approved by the LPA.

On the basis of a visit to site, condition 5 of 06/01383/FUL requiring the permanent closure of the existing vehicular access located approximately 160 metres west of the new access etc. has not been fully complied with.

The proposal is situated in excess of 45 metres from the highway. In order to cater for emergency vehicles the drive and any turning areas shall be constructed so as to cater for a commercial or service vehicle in accordance with British Standard B.S.5906, 1980 and Fire Prevention Note FP/21.

You will be required to enter into a suitable legal Agreement with the Highway Authority for the off-site highway works before commencement.

Officer Comments

Various advice from Leicestershire highways has been received since the applications receipt on 12th February 2013. No clear recommendation for or against the proposal has been received from Highways. Whilst highway concerns are recognised in the absence of their clear recommendation it is difficult to substantiate a refusal and potentially unreasonable to delay a decision to obtain more advice.

13/00155/FUL & 13/00156/LBC - 12 Bennetts Hill, Dunton Bassett.	Solar panels to listed building
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13/00165/OUT - Land off Frolesworth Road, Broughton Astley.	Medical Centre
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ADDITIONAL INFORMATION FROM AGENT:

Staff numbers at surgery:

3-5 Doctors (normally 4 present); 1-3 nurses (normally 2 present); 1-2 healthcare assistants; 1 alternative therapist; 1 diabetic eye screening nurse; 1-2 health visitors; 0-2 midwives; 1 Practice Manager; 1 PA; 1 Medical Secretary; 1 Assistant Practice Manager; 2-3 Administration Staff; 2 Reception Staff; 0 – 1 Councillor, 0-1 Smoking assessment lady

Summary: Average staff numbers as follows:

	am	pm
Mon 11th March 2013	23	18
Tues 12th March 2013	22	18
Wed 13th March 2013	21	17
Thurs 14th March 2013	20	17
Fri 15th March 2013	14	12
Average	20	16
Average am/pm		18

ADDITIONAL REPRESENTATIONS:

Councillor Golding (Comments apply to both applications 00165 + 00164)

Objection – Applicants’ failure to await completion of the Broughton Astley Neighbourhood Plan, and the results contained therein:

Considerable time, effort and money has been expended on producing this plan, the parish having been given national front-runner status. To approve these applications would go against the views of local residents who demonstrated their feelings about this proposal through the Neighbourhood Plan process; it would be a travesty.

Hopes that common sense prevails, and that these applications are not determined or approved until all potential developers wishing to build in Broughton Astley have the opportunity to work with the community at large, having taken cognisance of the results of an officially approved Neighbourhood Plan linked to HDC’s overall planning framework.

Queries whether the developer would donate the land for the development of a medical centre without the ability to subsequently develop the remainder of the land for housing. [Officer comment: Correct, the two proposals go hand in hand.]

The new medical centre would not be an additional facility for the village, as it would simply replace the existing medical centre currently sited in the centre of the village.

Closure of the existing facility would have a considerable negative impact on the vibrancy of the current village centre shopping facilities, as visitors using the current medical centre often use the local shopping facilities while in the vicinity.

The very location of the proposed new medical centre will necessitate considerably more vehicle movements than are necessary when using the current, central location and many elderly patients will find it extremely difficult to actually access the new location which is situated on the very extremity of the village.

Very concerned that no apparent public consultation has taken place regarding the proposed re-location of the medical centre, either with the existing patient base or the community at large

Mr Grafton-Reed (Parish Chair):

This application is a cynical trojan horse to allow the same developer to bring forward a large, adjoining development of housing which the population of Broughton Astley has already voted on in public consultation and refused. The population of Broughton Astley, through public consultation, has already rejected development of any type on the land south of the village. This population is fully aware of the medical needs of the village and has still put forward the view that they do not want any development in this area.

Whilst I recognise there is a need to increase medical provision in the village, since this application has been rushed in, several other more suitable options which have recently come to forward which must be investigated before any decision is made.

The Parish Council, through the Neighbourhood Plan, is looking to form one consistent overall plan to ensure all the needs of the community are met. Approval of this application would fatally undermine the Neighbourhood Plan process and lead to more of the same sequential development which has blighted Broughton Astley's development over the years and only benefits the developers.

There does not appear to have been any proper consultation with the PCT and patients.

The issues of flooding and collateral damage to the adjacent area, remoteness from the village amenities, the site not being on the main bus route all apply to this site. Additionally the identification of numerous species of wildlife on the land and in the waterways on and adjoining the site raises the question whether this area should be put forward for designation as a Site of Special Scientific Interest. Unless this is reviewed properly by Natural England then no decision on the use of this land should be made.

Overall this is a bad proposition, serving only the interests of the developer who has put in this application ahead of the Neighbourhood Plan because they know it is not, and would not, be supported by the population. Approving this plan would prove to

many in the population that the LPA and the planning process does not serve the needs of Broughton Astley and deliberately ignores their express wishes.

LCC Highways:

In response to concerns raised by objectors, clarifies that the Local Highway Authority is not able to justify any capacity improvements to the junction of Frolesworth Road with Station Road and Cosby Road, but that 2no Zebra crossings are proposed on Cosby Road and at Frolesworth Road, north and south of the junction.

Three additional letters of objections from 1 household; all issues raised are already covered in the report to Planning Committee

NHS/PCT:

The PCT is aware of the capacity issues currently experienced by the Broughton Astley GP practice. Being the only GP surgery in Broughton Astley it is likely that the practice will feel the impact of increased demand from the housing developments proposed (across the settlement) which will exacerbate the existing capacity issues further. The PCT is keen to explore opportunities to address these issues, although the specific proposal for a new medical centre and pharmacy identified within this planning application has not yet been the subject of consideration by the PCT or to any patient engagement process.

Additional conditions recommended by LCC Highways:

1. Details of a the proposed access arrangement from Frolesworth Road including the speed limit extension, gateway feature and traffic calming features (in addition to those shown on Phil Brant Engineering Ltd drawing numbered EL-21/03) shall be submitted to the Local Planning Authority for approval prior to the development commencing. The proposals shall be accompanied by an appropriate stage Road Safety Audit Report. The agreed scheme shall be fully implemented prior to the first use of the development. Reason: In order that the new road junction can be safely provided on Frolesworth Road and in the interests of general highway safety.
2. No development shall commence until details of the proposed access arrangement, including the speed limit extension, gateway feature and traffic calming features (in addition to those shown on Phil Brant Engineering Ltd drawing numbered EL-21/03), has been submitted to and approved in writing by the Local Planning Authority. The proposals shall be accompanied by an appropriate stage Road Safety Audit Report. The agreed scheme shall be fully implemented prior to the first occupation of any dwelling. Reason: In order that the new road junction can be safely provided on Frolesworth Road and in the interests of general highway safety and to accord with Policy CS5 of the Harborough District Core Strategy.
3. Prior to first occupation of the development hereby permitted, a footway shall be completed to the satisfaction of the Local Planning Authority along the Eastern side of Frolesworth Road from existing footways on Old Rectory Close to the point of the new access, details of which shall be submitted to and

approved in writing by the Local Planning Authority before any development commences on site. Reason: The highway fronting the site has no separate facility for pedestrians and the proposal would lead to pedestrian movements along the highway. The footway is required for the safety of pedestrians.

4. Before first use of the development hereby permitted, the existing footway on the Western side of Frolesworth Road shall be widened to a minimum width of 2.0 metres between the new access to the site and the existing opposite St Marys Close. Reason: The proposed development is likely to result in increased pedestrian movement to the Village and its facilities and the existing footway is very narrow. The widened footway would be in the interests of pedestrian safety and to encourage sustainable means of travel to and from the site.
5. No development shall commence until details of a new safe route to school have been submitted to and approved in writing by the Local Planning Authority, with appropriate works identified. The development shall be implemented in accordance with the approval details, prior to the first occupation of any dwelling. Reason: In order to provide the safest pedestrian link possible to local schools in the interests of pedestrian safety and to encourage sustainable travel choice.
6. Before the occupation of the first dwelling on the site, the applicants shall construct and complete the 2 No Zebra Crossings on Frolesworth Road and Cosby Road at the junction of Main Street and Station Road, as shown for illustrative purposes on Waterman Boreham Drg. No. 10509/015. Reason: In the interests of pedestrian safety
7. No development shall commence until details of the routing of construction traffic have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approval details. During the period of construction, all traffic to and from the site shall use the agreed route at all times. Reason: To ensure that construction traffic associated with the development does not use unsatisfactory roads to and from the site.
8. Before first use of the development hereby permitted, visibility splays of 2.4 metres by 70 metres shall be provided at the junction of the access with Frolesworth Road. These shall be in accordance with the standards contained in the current County Council design guide and shall thereafter be permanently so maintained. Nothing shall be allowed to grow above a height of 0.6 metres above ground level within the visibility splays. Reason: To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety.
9. No part of the development hereby approved shall be occupied until details of a Green Commuter Plan containing a travel to work, car use and car parking management strategy for the (site) as a whole has been submitted to and agreed in writing by the Local Planning Authority. The plan shall make

provision for relevant surveys, review and monitoring mechanisms, targets, timescales, phasing programmes and on-site management responsibilities. It shall be implemented and subject to regular review in accordance with the above approved details. Reason: To ensure that adequate steps are taken to provide a transport choice/a choice in mode of travel to and from the site.

Note: The plan shall comprise proposals to reduce car dependence and vehicle emissions and to establish and encourage the use of alternative transport modes for journeys to and from work and during working hours. Details of the proposals shall include measures to secure increases in car sharing, public transport use, cycling and walking, proposals for car parking restrictions and controls and details of on-site facilities to promote alternative modes of travel to the site.

13/00164/FUL - Land off Frolesworth Road, Broughton Astley.	Erection of 115 dwellings
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AMENDED RECOMMENDATION:

APPROVE subject to a Section 106 agreement or similar obligation for items set out in this report, including the delivery of a medical centre (if approved under 13/00165/OUT), and subject to no new material issues raised in response to additional consultation (on revised plans, deadline for comment Fri 19th April) and for the following reasons and appended conditions:

ADDITIONAL REPRESENTATIONS:

Councillor Golding:

Objections as referred to above

Leicestershire & Rutland Wildlife Trust:

Makes comments regarding the proposal's potential impact on protected species, including white clawed crayfish and water vole, the former having been recorded on site in the last 12 months by local people (verified record), though not recorded in the survey submitted by the applicant's ecologist. Advises that further surveys of all protected species will be necessary [*Officer response: This advice accords with that of LCC Ecology, and appropriate conditions have been recommended.*]

Expresses concerns regarding the impact on the Local Wildlife Site to the north of the application boundary from increased use of the footpath on said boundary (water voles and bats mentioned); it must be ensured that there is not excessive lighting or other disturbance to wildlife habitats. [*Officer response: Additional use of the footpath may not be a result of this proposal, and so is not considered relevant; however, lighting is potentially relevant.*]

NHS/PCT:

No objections subject to S106 contributions (see below).

Police:

No objections subject to S106 contributions (total of £30,123) towards the development's impact on local policing. Sets out the justification for this contribution in considerable detail (23 page submission), in response to the Inspector's decision at Bill Crane Way, agreeing the principle of S106 contributions towards policing, with the exact amount needing to be very robustly justified by the policy authority.

Environment Agency:

Additional condition recommended -

LCC Highways:

Clarifies that the applicant's Transport Assessment (TA) predicts the proposal would increase use of the Frolesworth Road crossroads junction by 19% in the AM peak and 15% in the PM peak and while these figures are high in percentage terms the applicant has demonstrated that there is no specific accident problem at the junction and there is adequate spare capacity such that the junction would still operate within its capabilities.

In addition to the proposed ghost island mentioned in the report to Planning Committee, proposed mitigation measures include an extension of the 30mph speed limit and a gateway/traffic calming feature.

Clarifies that these measures alone (30mph speed limit and gateway feature) would not necessarily reduce vehicle speeds down to 30mph and therefore further traffic calming measures are required; recommends a suitably worded condition to require details of traffic calming and access arrangements. Also, (1) the footway widening on the western side of Frolesworth Road should extend as far as a point opposite St Mary's Close; and (2) a new footway link across the site's frontage to Frolesworth Road and beyond to connect into the existing footway to the north on Old Rectory Close. We recommend a condition to require the provision these footpaths, noting the applicant's content for these conditions. Other proposed off-site highway works comprise improvements to pedestrian links and facilities, including safe route to school via Church Close, improved footway facilities, 2 No new bus stops along Frolesworth Road and 2 No Zebra Crossings on Cosby Road and Frolesworth Road near Main Street/Station Road. The proposed zebra crossings are shown on drawing 10509_015 in Appendix L of the TA. Conditions required to secure these works.

The LCC Highways adoptions team make comments on the proposal, including matters such as highway verges, dropped kerb crossings within the development, plans required by condition re visibility splays, potential need for traffic calming within the site (e.g. 20mph speed section, and 15mph speeds for a 17 metre stretch), etc. to be addressed by conditions.

The LCC Passenger Transport Unit confirm requests for S106 contributions; note that the site would be best served by the hourly CentreBus 140 service Leicester<>Rugby, with the addition of new stops (on Frolesworth Road, detailed in their comments), noting that the stops on Cosby road mentioned in the TA are actually no longer served.

Make an additional S106 request, for a contribution towards equipping the nearest suitable bus route with Real Time Information (RTI) system; to assist in improving the nearest bus service with this facility, in order to provide a high quality and attractive public transport choice to encourage modal shift; amount to be negotiated.

Section 106 requirements:

- Open Spaces contribution – No update; to be discussed with the relevant officer after Planning Committee
- LCC Highways – as per above
- Leicestershire Police – £30,123 is requested towards the development's burden on local policing

- NHS/PCT - £91,617.24 is requested towards the development's impact on health care provision in Broughton Astley.
- Provision of medical centre

Additional or amended conditions:

Condition 2(amended):

Unless amended by the requirements of the other conditions of this planning permission, the development hereby permitted shall be carried out fully in accordance with the following approved plans:

Layout plan "S4622/100/01 Revision E"

Topographical Surveys "S346/01" and "S346/02", Revision A

Chimney and Eaves Plan "S4622-100-04 Rev C" and Elevations

Site Location Plan "S0000/500/02"

House Type and Garage Drawings P206, P230, P383, T307, P332, P341, H404, H408, H411, H421, H433, H436, H451, H455, H469, H500, H533, H536, H597

E015/E06/E27/E50

Transport Assessment

Landscape plans "Blr.4114_01D", "Blr.4114_02C" and "Blr.4114_03C" (The Layout Plan named above takes precedence over these)

Condition 28: No development shall take place until a plan detailing the protection and mitigation to populations of water vole and white-clawed crayfish, both protected species under The Wildlife and Countryside Act 1981 as amended, and their associated habitats during the construction works and once the development has been completed has been submitted to and approved in writing by the local planning authority. Any change to operational, including management, responsibilities shall be submitted to and approved in writing by the local planning authority. The water vole and white-clawed crayfish protection plan shall be carried out in accordance with a timetable for implementation as approved.

The scheme shall include the following elements:

- (1) Once the final design and location of the outfall is agreed, a detailed survey for water and white-clawed crayfish needs to be completed at this exact location and the anticipated working area, plus a 10m buffer up and down stream of the outfall site. The location for the outfall should be such that it minimises disturbance to existing species.
- (2) Once a suitable location and design for the outfall is agreed, the area allocated must have a destructive search for water voles undertaken in late summer, early autumn, once breeding has finished and the weather is still good. The method proposed in the submitted ecological report is sufficient. However, the work must not be started during the water vole breeding season and once it is started then it must continue until such time as the outfall is finished to ensure that water voles do not re-inhabit this location.
- (3) If white-clawed crayfish are located near the outfall and no suitable alternative is possible then a relocation plan must be agreed with Natural England.
- (4) Suitable control methods must be included that prevent the translocation of the invasive signal crayfish to the site and also the introduction of the crayfish

plague.

- (5) All recommendations within the submitted ecological report must be adopted and included within the protected species plan.

Reasons: To protect protected species of wildlife and their habitats within and adjacent to the development site, and without it avoidable damage could be caused to the nature conservation value of the site, and to accord with Policy CS8 of the Harborough District Core Strategy.

Condition 29: No development shall take place until a detailed method statement for removing Japanese Rose from the site has been submitted and approved in writing by the Local Planning Authority. The method statement shall include the measures that will be used to prevent the spread of Japanese Rose during the removal. It must also contain details of the proposed method of destruction of the arising from the removal of the plant. Reason: In the interests of local biodiversity and nature conservation, and to accord with Policy CS8 of the Harborough District Core Strategy and paragraph 109 of the National Planning Policy Framework.

Condition 30: No development shall commence until details of the proposed access arrangement, including the speed limit extension, gateway feature and traffic calming features (in addition to those shown on Phil Brant Engineering Ltd drawing numbered EL-21/03), has been submitted to and approved in writing by the Local Planning Authority. The proposals shall be accompanied by an appropriate stage Road Safety Audit Report. The agreed scheme shall be fully implemented prior to the first occupation of any dwelling.

Reason: In order that the new road junction can be safely provided on Frolesworth Road and in the interests of general highway safety and to accord with Policy CS5 of the Harborough District Core Strategy.

Condition 31: Prior to first occupation of the development hereby permitted, a footway shall be completed to the satisfaction of the Local Planning Authority along the Eastern side of Frolesworth Road from existing footways on Old Rectory Close to the point of the new access, details of which shall be submitted to and approved in writing by the Local Planning Authority before any development commences on site.

Reason: The highway fronting the site has no separate facility for pedestrians and the proposal would lead to pedestrian movements along the highway. The footway is required for the safety of pedestrians.

Condition 32: Before first use of the development hereby permitted, the existing footway on the Western side of Frolesworth Road shall be widened to a minimum width of 2.0 metres between the new access to the site and the existing opposite St Marys Close. Reason: The proposed development is likely to result in increased pedestrian movement to the Village and its facilities and the existing footway is very narrow. The widened footway would be in the interests of pedestrian safety and to encourage sustainable means of travel to and from the site.

Condition 33: No development shall commence until details of a new safe route to school have been submitted to and approved in writing by the Local Planning Authority, with appropriate works identified. The development shall be implemented

in accordance with the approval details, prior to the first occupation of any dwelling. Reason: In order to provide the safest pedestrian link possible to local schools in the interests of pedestrian safety and to encourage sustainable travel choice.

Condition 34: Before the occupation of the first dwelling on the site, the applicants shall construct and complete the 2 No Zebra Crossings on Frolesworth Road and Cosby Road at the junction of Main Street and Station Road, as shown for illustrative purposes on Waterman Boreham Drg. No. 10509/015. Reason: In the interests of pedestrian safety

Condition 35: No walls, planting or fences shall be erected or allowed to grow on the highway boundary exceeding 0.6 metres in height above the level of the adjacent carriageway. Reason: To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety.

Condition 36: The existing vehicular access that becomes redundant as a result of this proposal shall be closed permanently and the existing vehicular crossing reinstated in accordance with a scheme that shall first have been submitted to and approved by the LPA in consultation with the Highway Authority within one month of the new access being brought into use. Reason: To reduce the number of vehicular accesses to the site and consequently to reduce the number of potential conflict points.

Condition 37: No development shall commence until details of the routing of construction traffic have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approval details. During the period of construction, all traffic to and from the site shall use the agreed route at all times. Reason: To ensure that construction traffic associated with the development does not use unsatisfactory roads to and from the site.

Condition 38: No part of the development hereby approved shall be occupied until details of a Residential Travel Plan for the development as a whole has been submitted to and agreed in writing by the Local Planning Authority. The plan shall make provision for relevant surveys, review and monitoring mechanisms, targets, timescales, phasing programmes and on-site management responsibilities. It shall be implemented and subject to regular review in accordance with the above approved details. Reason: To ensure that adequate steps are taken to provide a transport choice/a choice in mode of travel to and from the site.

Condition 39: Before first use of the development hereby permitted, visibility splays of 2.4 metres by 70 metres shall be provided at the junction of the access with Frolesworth Road. These shall be in accordance with the standards contained in the current County Council design guide and shall thereafter be permanently so maintained. Nothing shall be allowed to grow above a height of 0.6 metres above ground level within the visibility splays. Reason: To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety.

Additional Informative Notes:

1. An application for the diversion of Public Footpath W60 must be made under the provisions of the Town and Country Planning Act 1990. The sections of Footpath W60 shown by a solid red line on the attached plan (Overlay Plan 1.) and marked A-B, C-D and E-F must be included in the diversion application which needs to be submitted to Harborough District Council to process. This is to ensure that the public path is not obstructed on completion of the development and that the Definitive Map correctly shows the final route of the public path as it has been constructed and is to be maintained by the Highway Authority in the future.
2. Public Footpath W60, from point A to point F on the attached plan (which includes sections of the existing route and sections to be provided as new diverted routes) should have a minimum width of 2 metres and be provided with a tarmacadamed surface constructed to the County Council's standard design specifications. This footpath should also be provided with clear and unencumbered verges of at least 1 metre either side, throughout its full length through the development site. This is to ensure that the footpath is fit for purpose on completion of the development and that its construction complies with L.C.C. Rights of Way Developer Guidance Notes and the 6Cs Highways Design Guide standards.
3. The proposed link path between Footpath W60 and W61 (G-H on the attached plan) should have a minimum width of 2 metres and be provided with a tarmacadamed surface constructed to the County Council's standard design specifications. This footpath should also be provided with clear and unencumbered verges of at least 1 metre either side. The Applicants will either need to dedicate this linking path as a public right of way or offer it for adoption under a "Section 28" Agreement. This is to ensure that the footpath is fit for purpose on completion of the development and that its construction complies with L.C.C. Rights of Way Developer Guidance Notes and the 6Cs Highways Design Guide standards.
4. The surface of Public Footpath W61 from point J to K on the attached plan should be provided with a 2 metre wide tarmacadamed surface constructed to the County Council's standard design specifications. This is to ensure that the footpath is fit for purpose on completion of the development and that its construction complies with L.C.C. Rights of Way Developer Guidance Notes and the 6Cs Highways Design Guide standards. With the development of 124 dwellings the footfall on this public path will increase dramatically with a commensurate degradation of the existing informal surface. This will necessitate the provision of a tarmacadamed all weather surface.
5. Any trees or shrubs which are proposed to be planted adjacent to either existing footpath W58 or diverted footpath W60 should be set back by a minimum of 2 metres and be of species which do not spread. This is to ensure that the public footpaths are not obstructed by vegetation planted as part of the development.

6. Fingerposts and waymark posts should be installed at locations agreed with Leicestershire County Council. This is to ensure that the public are aware of the existence and location of the public rights of way and are encouraged to use them as an alternative to using motor cars to make local journeys.
7. No new gates or other structures affecting the footpaths should be constructed without prior approval of the County Council's Rights of Way Team (0116 305 0001). It is unlawful to construct a barrier across a public right of way without the lawful authority of the Highway Authority.
8. Before any work is carried out on the surface of the footpaths, prior consultation with the County Council's Local Area Rights of Way Inspector must be undertaken. This is because the County Council is responsible for ensuring that public rights of way are open and available to the public at all times and has a duty to make sure that the surfaces of public rights of way are suitably maintained and in a safe condition.
9. The Public Footpaths must not be re-routed, encroached upon, or obstructed in anyway. To do so may constitute an offence under the Highways Act 1980.
10. The details required pursuant to Condition 38 shall comprise proposals to reduce car dependence and vehicle emissions and to establish and encourage the use of alternative transport modes for all journeys. Details of the proposals shall include measures to secure increases in car sharing, public transport use, cycling and walking, to promote alternative modes of travel to the site.
11. A plan is required showing all junction and forward visibility splays to assess what is achieved in context of 6Cs Design Guide - Part 3 Table DG4. Applicant needs to achieve 25m for 20mph design speed, and 17m for 15mph design speed. There is a potential issue at plot 94.

Potential need for additional calming between plots 47 - 54, and 14 - 21, to ensure 20mph design speed where straights > 60m. - Query whether centre line radius is sufficient in isolation to achieve reduction to 20mph.

Link access way plots 79 - 25. No continuous footway provision. We query the purpose of the verge within the highway corridor width, but also have greater concern regarding the priority system. - Will this be formally signed / lined? Preference would be for removal of access way priority system, and achieve design speed via traditional ramp. Further clarification required from designer within planning arena.

Radii access to plots 58 - 60 can be a standard dropped kerb crossing. Accommodation of the PROW creates a large zone of tarmac. - Can the PROW be diverted to follow carriageway and return adjacent to plot 57 on the private drive (see edited plan)?

12. 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.

13. 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](tel:01163057198).
14. If the applicant intends to provide temporary directional signing to your proposed development, the applicant must ensure that prior approval is obtained from the County Council's Highway Manager for the size, design and location of any sign in the highway. It is likely that any sign erected in the Highway without prior approval will be removed. Before the applicant draws up a scheme, the Highway Managers' staff (tel: 0116 3050001) will be happy to give informal advice concerning the number of signs and the locations where they are likely to be acceptable. This will reduce the amount of your abortive sign design work.

Planning Committee Speakers List – 16th April 2013

Application No.	Parish	Speaker	Type
13/00049/FUL Page 1	Hallaton	Mr T Chell	Parish
13/00060/FUL Page 11	Kimcote	Charles Baker Lance Wiggins	Applicant Agent
13/00102/FUL Page 18	Kibworth Beauchamp	Mr J Gibbins Mr M Williams Sylvia Cockerill	Applicant Agent Objector
13/00130/REM Page 28	Market Harborough	Gary Surkitt Mr M Maddox Mr Eldridge	Supporter – representing Woods Hardwick Objector WRAG
13/00146/FUL Page 36	East Norton	Cllr Rook Mr K Patel Mr J Dyson	Ward Member Applicant Parish Council
13/00165/OUT Page 49	Broughton Astley	Clive Grafton-Reed Linda Whittern Ken Larkins Stephen Cross Lesley Cross John Deakin Mr Ellithorne Mrs H Gant Ms N Gunby Mr T Denniss Sally Allen Cllr Dann	Parish Chair Objector Objector obo local action group Objector Objector Agent Objector Objector Objector Objector Objector Objector
13/00164/FUL Page 67	Broughton Astley	Clive Grafton-Reed Linda Whittern Ken Larkins	Parish Chair Objector Objector obo local action group

		Stephen Cross Lesley Cross John Deakin Mr Ellithorne Mrs H Gant Ms N Gunby Sally Allen Cllr Dann	Objector Objector Agent Objector Objector Objector Objector Objector
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