

**PLANNING COMMITTEE: 22 January 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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12/01428/FUL - Land North Of Stonton Road, Church Langton, Leicestershire	Erection of two detached dwellings with associated garages, hardstanding and landscaping; alterations to existing access
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**SUPPLEMENTARY INFORMATION:**

1.) A letter of objection has been received from the Parish Council – available to view in full on file, or online.

It is considered that the Parish Council misinterpret the wording of Policy CS17. CS17 does not state that only infill development will be permitted in Selected Rural Villages. It states “Villages not identified (*as Selected Rural Villages*), but which have identified Limits to Development, may be suitable to receive very limited small scale infill development.”

The Parish Council letter raises the following key objection:

--The development is outside the village’s Limits to Development and the Local Planning Authority has a 5 year housing supply, therefore the proposal is contrary to Policy CS2.

2.) A further letter of objection has been received from Miss DB Stanhope, Glebe Farm, regarding Amended Plans A – available to view in full on file, or online.

The letter emphasises the following points:

--The site is outside the village, not ‘just out’;

--HDC policy is to prevent development from gradually extending into the surrounding countryside;

--The TPO should not be ignored. The ecology report is inaccurate. The spinney holds a large population of bats and owls.

A 13<sup>th</sup> January letter from objector available for inspection.

It includes allegation an HDC approval decision may be ultra vires and subject to referral to Local Government Ombudsman and possibly Judicial Review.

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12/01472/FUL- 33 Leicester Road, Market Harborough, Leicestershire 2	Erection of hospital unit and ancillary structures and works. St Lukes Hospital
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Leicestershire Highways (11 January 2013):

Reasons for refusal

The Highway Authority has concerns that the Applicant has failed to demonstrate that the proposed junctions of the site accesses with B6047 Leicester Road will be appropriate and safe and the proposal, if permitted could result in an unacceptable form of development and could lead to dangers for road users.

The Highway Authority has concerns that the Applicant has failed to demonstrate that the proposal will not lead to an unacceptable, significant increase in traffic at the junction of B6047 Leicester Road, Alvington Way and Hillcrest Avenue leading to additional disadvantage to road users and potential road safety hazards.

The Applicant has failed to demonstrate that an appropriate level of car parking provision would be made within the site. The lack of provision of such facilities could lead to parking on the access drives restricting the available access and parking on the public highway in the vicinity which would not be in the best interests of highway safety.

Notes to Planning Officer

On the basis of the submitted Transport Assessment, the Applicant has based assessment of the proposed traffic impact on a hospital use from the TRICS Database, but this does not appear to be a robust way of assessing the likely traffic. Taking into consideration paragraph 1.4 of the submitted TA "the development proposals comprise the relocation of all current healthcare activities from the Market Harborough District Hospital on Coventry Road to a new 'Hospital Unit' building within the grounds of St Luke's Hospital on Leicester Road". On the basis of paragraph 2.1.1. the Harborough District Hospital appears to include GP services and other services that would appear to fit more closely with the use of GP Surgery, Clinic, Medical/Health Centre or Consulting rooms. Most of these would appear to fall under the use class D1 Non-residential Institutions, Class XVI. Notwithstanding all of the proposed uses, if permitted, the proposed building could potentially be used in a more intensive way within the D1 Class XVI use class in future and so the Transport Assessment should consider the traffic impact of the proposal on that basis.

The proposed traffic generation is important when considering the level of parking provision, the type of site access junction that will be appropriate and the capacity of the roundabout junction of B6047 Leicester Road, Alvington Way and Hillcrest Avenue.

Notwithstanding the details contained in the submitted Transport Assessment, on the basis of information contained in the Design Manual for Roads and Bridges TD42/95, the appropriate form of junction to serve the development may be a ghost island right turn lane junction.

At this stage it would appear to be likely that the Applicant would be able to address the above concerns by the submission of further details/evidence.

Appropriate survey data should be used in support of the proposed traffic. Normally, 85<sup>th</sup> percentile figures should be used.

In connection with paragraph 3.1.9 further information is required in connection with where the proposed distribution comes from. Information is required in connection with whether the distribution is from postcode data for existing patients. This would appear to be the most robust method of assessing the distribution.

No base year of opening and +5 or +10 year data or assessments have been provided as part of the Transport Assessment. However, whilst the assessment is unconventional, providing the submitted +8 years assessments are robust, the submitted methodology is likely to be acceptable.

Details of a Stage 1 safety audit should be submitted in connection with any new site access junction design.

Notwithstanding information contained in paragraph 1.4 of the submitted Transport Assessment, it would appear that the proposal will have a floor area of approximately 1884 m<sup>2</sup>.

PCUs should be used for the purposes of the junction capacity assessments and confirmation should be provided that the peak hours for traffic at the existing junctions have been used for capacity assessments.

A comprehensive rebuttal of LCC concerns was received from the applicant 17/01/2013. It is available for inspection online.

Applicants rebuttal to LCC Highways comments:

The applicants highways consultants have provided a comprehensive rebuttal to the LCC Highways Officer comments. A full copy of these comments can be viewed.

Officer comment:

Officers do not share LCC concerns to the extent permission should be refused. The applicant's rebuttal has been considered. The concerns are not explicit as to inadequacy of junction (eg geometry and visibility) nor its capacity (eg any survey assessing current and predicted use). Asserting the applicant has failed to demonstrate in this context places responsibility on HDC to quantify this failure, and how it may be addressed. Leicestershire Highways does not do this. In light of the generality of the concerns and the likely significant community benefits arising from the proposal Officers consider that a refusal or delay of a decision is unwarranted.

Amendments to conditions:

Condition 14 duplicates condition 9 and as such is recommended not to be included.

Additional Conditions:

- 14 No development shall commence on site until a Green Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results. **REASON:** In the interests of road safety and reducing vehicular traffic to the development and to accord with Harborough District Core Strategy Policy CS11

- 15 All details of the proposed development shall comply with the design standards of the Leicestershire County Council as contained in its current design standards document. Such details must include parking and turning facilities, access widths, gradients, surfacing, signing and lining (including that for cycleways and shared use footway/cycleways) and visibility splays and be submitted for approval by the local Planning Authority in consultation with the Highway Authority before development commences.

Note: Your attention is drawn to the requirement contained in the Highway Authority's current design guide to provide Traffic Calming measures within the new development. **REASON:** To ensure a satisfactory form of development and in the interests of Highway and to accord with Policy CS5 of the Harborough District Core Strategy and the aims and objectives of the National Planning Policy Framework.

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12/01495/OUT Land Off Frolesworth Road, Broughton Astley, Leicestershire	Erection of 124 dwellings, with associated access, parking, garages and public open space,
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**APPLICATION WITHDRAWN**

12/01544/CLU – 50 Station Road, Great Bowden	Certificate of Lawfulness of Existing Use for Use of land as residential curtilage (garden).
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Cllr Knowles

I understand that Barbara spoke with you a short while ago regarding the possible deferment of the Station Road Great Bowden item on tomorrow evenings planning meeting agenda. Cllr Dr Sarah Hill and I fully support Barbara's suggestion that with the sensitivity of the area in question that a site visit should take place before the Planning Committee is asked to make a decision.

We as ward members requested the site visit and the decision was made that such a visit should take place, whilst we understand the cancellation today of the visit due the extremely difficult weather conditions we hope that the committee will stand by the original decision and arrange the item be carried over to the next meeting allowing the site visit to take place accordingly.

Officer comment

Three planning site visits had to be cancelled because of very bad weather. Certainty and speed of decision are important. Officers' do not recommend a delay in taking a decision. There is sufficient information to take a decision. If planning committee considers it cannot take an informed decision it can decide to defer, for example for a site visit.

<p>12/01579/OUT - James Bond Caravan Park, Moorbarns Lane, Lutterworth, Leicestershire</p>	<p>Demolition of existing dwelling, erection of 50 dwellings with associated landscaping and hardstanding (all matters reserved),</p>
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Additional representation:  
LCC Traveller Sites & Liaison Officer

- On each of my visits to the James Bond Caravan Park I have viewed the entire site and can confirm that it is only partially occupied with the majority of pitches vacant.
- Mr Bond has provided me with details of two other sites (both out of this area) that are in his ownership and said that he is more than willing to provide plots on either of these sites should they be needed by any occupier of Moorbarns Lane.
- I have spoken to several of the residents on the site who have confirmed that they have made alternative accommodation arrangements and that Mr Bond had offered assistance. Two Families are moving to the Fairacres Site and one Family is moving with Mr Bond.
- The residents that I spoke to on Moorbarns Lane all said that the plots were not large enough to provide both accommodation and storage area for fairground equipment.
- I have visited the Fairacres and Stanley Way sites and spoken to Mr Freeman of Stanley Way who confirmed that he had vacant plots marked out ready for development when the need arises.
- I can confirm that the size of the plots, on both of the sites, are larger than the plots on the James Bond Caravan Park.
- The Leicestershire, Leicester & Rutland Gypsies' and Travellers' Accommodation Needs Assessment was published in April 2007 and although an update on this Assessment has been undertaken, unfortunately, the findings have not yet been published. Therefore these figures have been taken from the original assessment which recommends that Harborough District Council are to provide, for Travelling Showpeople, 25 additional 'pitches' before 2011 and a further 4 before 2016. Requirements for the provision for Travelling Showpeople are estimated on the basis of survey findings of need for site re-location and family growth grossed to the Study Area.
- I would suggest that The Showmen's Guild of Great Britain (<http://www.showmensguild.co.uk/>) be contacted for their opinion on the de-commissioning of this site as although the GTAA identified need, the Multi Agency Travellers Unit has no current requests for accommodation. However, this may change in the future as Families grow.
- I can confirm that, according to our records, the following provision has been made:
  - Fairacres, Lutterworth                    19 Plots
  - James Bond Site                            7 Plots
  - Wild Meadow Farm                        2 Plots

Government requires local planning authorities to ensure that their Local Plan includes fair, realistic and inclusive policies and states that:

- Local planning authorities should set pitch targets for gypsies and travellers and plot targets for travelling showpeople which address the likely permanent and transit site accommodation needs of travellers in their area.



Taking into account that Harborough District Council has not yet fulfilled the requirements of the existing GTAA they should be mindful of the effect that the loss of this existing site will have.

It also states that:

- Local planning authorities should have regard to the need that travelling showpeople have for mixed-use yards to allow residential accommodation and space for storage of equipment.

As mixed-use yards are, in general, much sought after but taking into account the comments received from the current residents of the James Bond Caravan site regarding the size of the pitches, it is perhaps disappointing that this site cannot be adapted to provide more suitable accommodation.

Lutterworth Town Council:  
Support the application

Leicestershire Highways email 15 January 2013

We do have some concerns with this site as indicated by Matt on his initial response. However if suitable mitigation measures were provided then we are unlikely to object.

Our concerns are around the parking along Moorbarns Lane at school drop of/pick up times which restrict traffic to one lane. If the applicant provided suitable widening to allow 2 way traffic then this is likely to overcome these concerns.

The other issue is how the retained showmans yards will retain access through the new estate road. This would need to be demonstrated by tracking that the type of vehicles used (I am assuming fairly large lorries with trailers) can adequately be catered for by the new road. I am assuming that no further information regarding this has been provided.

Comments on behalf of Applicant:

The recommendation hinges on the provision of showmans pitches. There is considerable content in the report on that subject but I consider it to be flawed for the following reasons:-

1. A new GTAA has been produced – you know its content (and Mark in his email justifies his recommendation by reference to it) but it is not in the public domain and therefore we cannot address it. How can it be open, fair to the applicant or transparent for you to justify a planning decision/recommendation by reference to a document the applicant cannot see?
2. Mark relies on the fact that we are not putting forward an alternative site for existing residents – suggesting the development would cause a shortfall. He has not seen the consultation response from the gypsy and traveller liaison officer which will confirm independently of the applicant that those on the site have made their own provision to relocate outside the district and have purchased a site for the purpose.
3. He does not address the calculation in my planning statement which establishes that 29 plots have already been provided in compliance with policy CS4.
4. Further, he does not take account of the fact that there are 3 years until the 29 have to be provided. He describes it as a shortfall even though there are 3 years to go. Based on the number of sites he says have been provided to date (27 in the 7 years from 2007-2012), the provision has been 4.5per annum. Accordingly, far from there being a shortfall the indicators are that the provision is well ahead of schedule and an overshoot more likely. Perhaps this explains why so many of the sites, notably in the Lutterworth area, are unoccupied (see point 6 below).
5. He fails to explain that this site plays no part in the 29 sites provided or to be provided since 2007.

6. He does not address the fact that there is a surplus of sites in the Lutterworth area (and has been for some years) of 7 sites on the James Bond extension and 10 at Fairacres. This surplus has existed for at least 3 years.
  7. He does not address the issue raised in the GTAA that part of the provision relates to showmen leaving unsuitable sites. That is exactly what has happened here. The site is inadequate and the site largely vacated.
  8. His assertion that the showmans sites which would be 'lost' should be added to the GTAA figure (which he says has a shortfall of 2) ignores the fact that this site was not one of those granted permission since 2007 and therefore does not come into the CS4 calculation. It ignores the limited occupancy level, the fact the residents will be relocating out of the area and his own calculation that the site is suitable for 5 plots on showmans guild criteria.
  9. In relation to this latter point I challenge the proposition that 5 sites of Showmans Guild standards can be provided on the site.
  10. Further, how can it be said that the site is capable of reconfiguration to provide 5 suitable sites but it increases the (claimed) shortfall by 14 – and all of this in circumstances where there are in fact 2 sites occupied by families who have already made arrangements to live outside Harborough.
  11. Mark has sought to justify the view he expressed pre-application and taken no account of the information which has come through during the application from the applicant and the gypsy and traveller liaison officer.
- He cites appeal evidence from 2008 but ignores and fails to record the information provided to him about occupation of the site in the application.

#### Officer comment

The level of accommodation and provision is disputed. In any event Core Strategy policy CS4 refers to minimum provision. The benefits of the proposal do not outweigh loss of existing/ potential accommodation for travelling show people. Delaying a decision to consult the Showmen's Guild or awaiting a GTTA is neither necessary nor reasonable and will lead to uncertainty. If the proposal progresses to appeal stage, the Showmen's Guild could be consulted at that stage.

On highway matters in the event of an approval it is likely the concerns could be addressed by a scheme of improvement works secured by condition or obligation and a refusal on a highway basis is therefore not recommended.

12/01594/FUL & 12/01593/LBC - 23 Gaulby Lane, Stoughton, Leicestershire, LE2 2FL	Demolition of single storey rear lean- to; erection of a two storey rear extension
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12/01613/FUL - Fernie Hunt stables	Discharge of condition 2 (residential curtilage), 10 (landscaping) and 15 (archaeological site appraisal) of 12/01081/FU
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12/01633/REM Broughton Astley	Erection of fifty dwellings, a scout hall, land for new pre-school or other school use, provision of allotments, public open space and associated landscaping
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#### ADDITIONAL CONSULTEE RESPONSE

LCC Archaeology: No comment on reserved matters

HDC Housing Strategy Manager: Confirms revised layout acceptable

#### ADDITIONAL REPRESENTATIONS

##### Email received 21<sup>st</sup> January

We understand that the planning meeting to finalise the reserved matters for the Crowfoot Way development is scheduled for tomorrow evening (22nd January 2013). None of the residents have received any correspondence from yourselves to notify us of this meeting and we are appalled to think that this development could be finalised without any opportunity for input from the people it will adversely affect the most. It is only by going onto the website that we have found out that it is scheduled for tomorrow.

We feel very strongly that it should be cancelled and re-scheduled, this time, notifying residents of when it is actually scheduled for, thereby affording people the opportunity to attend and speak if necessary.

We look forward to hearing from you as a matter of urgency.

##### Officer comment

Notifications to interested persons of planning committee dates are not a statutory requirement and have not been carried out for this committee meeting. From 1<sup>st</sup> October 2012 initial neighbour notification letters have included advice to use the online planning applications database to track application progress. The actual committee date and agenda papers are available online. Representations received are included in the committee papers. Delaying a decision is not recommended.

##### Further email received 21<sup>st</sup> January

I find it astonishing that the former process of regular notification has been used throughout this process and right at the end stages it has been stopped without clearer communication to the general public that this would be happening. What happens if you do not have internet access for example?

You have stated in your email that "notifications to interested persons of planning committee dates are not a statutory requirement and have not been carried out for this committee meeting". This implies that in some circumstances you do send out

notifications even though it is not a statutory requirement. Given the contentious nature of this application, what specific reasons are there that you did not send out notifications?

Given the fact that we will not be able to attend the planning meeting due to the short notice because we have not been notified, we would like these comments to be presented to the planning committee:

1. The police themselves have recommended that Murray Close not be used as an access way to the new development (we have already written this in our objection) as three accesses are not necessary (indeed, the Devitt Way estate is only accessed through two routes) and therefore we wish for Murray Close to be taken out as a potential access.
2. The owners of 11 Murray Close have said that it appears that badgers have been coming in to their front garden and out again from under the fence of the field to be developed in this planning application. If this is the case then the badgers habitat may need to be further protected and we would urge that a further badger survey is carried out prior to any decision being made.

Officer comment:

To clarify; notification of committee dates has now ceased for all items, as this information is available online as advised in initial neighbour consultation letters.

Leicestershire Policy have confirmed they do not wish to comment on this application.

Badgers on and around the site are considered to be adequately protected by condition 16 on the outline planning consent.

#### REVISED CONDITONS

11. Landscaping shall be implemented and maintained as set out in the submitted Specification of Tree Works October 2012, Landscape Specification and Maintenance December 2012 and the permitted plans as amended by the email from John Roberts dated 21<sup>st</sup> January 2013 confirming details of a hard boundary between the allotments and disused railway. REASON: To ensure satisfactory landscaping and maintenance and to accord with Harborough District Core Strategy Policy CS11.

#### ADDITIONAL CONDITIONS

13. The development shall proceed and be managed in accordance with the submitted Travel Plan (Bancroft Consulting October 2012). REASON: To encourage sustainable travel and to accord with Harborough District Core Strategy Policy CS5.

#### ADDITIONAL NOTES TO APPLICANT

4. The applicant is reminded that the following conditions on the outline planning permission (10/01579/OUT) still apply: 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 24, 25, 26 and 28.

12/01773/FUL- Market Harborough	Extensions.
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Applicant has changed her name: please note her new name is Justine Hayward.

**Consultations**

County Ecology: It seems that the building has been well maintained. Given this information and the location of the dwelling, we would not request a bat survey of for this application. Recommend standard note to applicant. (21<sup>st</sup> Jan 2013)

**Additional Note to Applicant**

It is a criminal offence to damage or destroy a bat roost. There is a possibility that bats may roost within this structure. In the event of any protected species being discovered, works should cease whilst expert advice is sought.



12/01775/VAC – Foxton	Removal of condition 8 of 10/01361/FUL to allow development to take place without the provision of a metalled footway (to link application site and Main Street)
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**PLANNING COMMITTEE - 22 January 2013**

**LIST OF SPEAKERS**

<b>Application No.</b>	<b>Parish</b>	<b>Speaker</b>	<b>Type</b>
12/01428 Page 1	Church Langton	Mr G Kirk	Objector
12/01472 Page 15	Market Harborough	Cllr King Cllr Knowles Ms M Pilkington	Supporter Ward Member Applicant
12/01495 Page 24	Broughton Astley	<b>WITHDRAWN APPLICATION</b>	
12/01544 Page 43	Great Bowden	Mr P Beesley Mr M Jack Cllr Knowles	Objector Parish Councillor Ward Member
12/01579 Page 48	Lutterworth	Mr R Ethchells	Agent
12/01593 12/01594 Page 64	Stoughton	Mr S Cheung	Supporter
12/01633 Page 69	Broughton Astley	Mr J Roberts Mr S Oliver	Agents Objector
12/01714 Page 83	Frolesworth	Mrs M Greenwood Mr D Greenwood Mr G Laywood Mr A Breward	Objector Objector Objector Applicant