

EXTRAORDINARY PLANNING COMMITTEE: 1st November 2016
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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16/00681/OUT	Outline application for the erection of 22 dwellings (access to be considered), The Stables, South Kilworth Road, North Kilworth
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APPLICATION WITHDRAWN

16/01168/FUL	Erection of a dwelling (revised scheme of 06/01550/FUL): Land Rear Of The Courtyard, Gaulby Lane, Stoughton
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Additional Consultee Comments:

LCC Ecology (26/10/16)

Thanks for the photos. I would still request a badger survey for this site, there is potential badger habitat immediately surrounding the site boundaries and given the size of the development (the whole plot will be developed or landscaped) we consider that badgers may be impacted if they are present.

Our advice on this application therefore remains unchanged.

26/10/16

It's always our standard recommendations that surveys are completed prior to the determination of the application, in accordance with Paragraph 99 of the ODPM Circular. However, it is obviously your decision as the planning authority whether to deal with this by condition.

The advantage of getting surveys done prior to determination is that it allows us to be confident that suitable mitigation can be applied without any changes to the otherwise 'approved' permission. For example, if there was a main badger sett immediately adjacent to the site boundary a buffer zone would be required and we would need to be satisfied that the foraging habitats of the badgers were not compromised.

Additional Representations:

1 additional letter of objection have been received against the application since publication of the report raising the same issues as previously reported.

My neighbour, Mrs King of Hayloft Barn The Byways, is attending the Planning Meeting tomorrow evening when the proposed dwelling off Gaulby Lane is being considered.

I provided Mrs King with two drawings to show the impact of the new dwelling upon her privacy, in particular how the lounge in which she spends most of her time will be overlooked.

Mrs King has just noticed that new documents cannot be submitted at the meeting and so I forward them to you. I believe that without these it will be difficult for people to understand the impact of the proposed building and raised terrace to the rear.

I hope you will be able to provide these to assist the relevant people at the meeting.

Additional Information from Applicant:

An updated Soft and hard landscaping proposal has been received (23/10/16 – Drawing BRIG 01 New dwelling hard and soft landscaping proposals) which superseded the previously approved soft and hard landscaping plan drawing number 1350-PL1-02 Soft Landscape Proposals Prepared by Keary/Coles 1:100@A1. A corresponding planting schedule has also been submitted (Planting Schedule BRIG 01A). Both documents are to be read in conjunction.

Officer Comment:

LCC Ecology:

The consultation comments in respect of the potential for badger habitat are noted and an informative advising the applicant of the need to comply with the Wildlife and Countryside Act 1981 is recommended.

In light of the appeal decision, it is considered unreasonable to request a badger survey prior to determination at this stage. The inspector did not consider this to be necessary and the application has not altered from the original scheme to the extent that would warrant the justification for the addition of this condition. However, a note to applicant will be added to make them aware of protected species.

Hard and Soft Landscaping:

The additional Soft and Hard landscaping plan is considered to be acceptable and apart from changes to the planting scheme, the main change is to the proposed material of the bridleway/access. This has been amended from the previously approved tarmac to block paving and gravel. It is considered that this is a more suitable material in the rural context of the application.

Amended Conditions:

To replace condition 5:

All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development, whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years from the date of first occupation of the development, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species. All hard landscaping shall also be carried out in accordance with the permitted plan (New Dwelling Hard and Soft Landscaping proposals – 23/10/16 – Drawing BRIG 01 to be read in conjunction with the Planting Schedule BRIG 01A 23/10/16), prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features and to accord with Harborough District Core Strategy Policy CS11

16/01206/OUT	Outline application for the demolition of existing garden centre buildings and change of use to 11 residential units (all matters reserved) (revised scheme to 16/00062/OUT). Charlie Brown's Garden Centre, Dunton Road, Broughton Astley
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APPLICATION WITHDRAWN

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16/01208/VAC	Variation of Condition No. 2 of 12/00044/FUL to substitute approved plans. Land North Of Lubenham Hill, Market Harborough, Leicestershire
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Minor Corrections to Report

Para 3.3

This should note condition 20 and condition 34, which states

“All details of the proposed development, including the link road shall comply with the design standards of the Leicestershire County Council as contained in its current design standards document. Such details must include construction details parking and turning facilities, access widths, gradients, surfacing, signing and lining (including that for cycle ways and shared use footway/ cycle ways) and visibility splays and be submitted for approval by the Local Planning Authority before development commences and developed in accordance with those approved details”.

Para 3.4 closing off loop roads on the Western boundary- rather than Eastern.

Para 6.6 as above Western boundary

Condition 1 – Drawing Issue Sheet should be Drawing Issue Sheet 2 (27/10/16)

Condition 4- Materials Plan should be Rev D

Condition 5- Boundary Treatments Plan should be Rev D

Condition 6- Cycle and Bin Plan should be Rev D

Condition 7- Cycle and Bin Plan should be Rev D

16/01272/FUL	Demolition of existing bungalow and erection of replacement two storey detached dwelling (revised scheme of 16/00529/FUL): 9 Langton Road, Great Bowden
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16/01285/FUL	Erection of 9 dwellings with associated access: Land south of The Berries, Stanford Road, Swinford
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16/01389/FUL	Change of use of incidental open space to the front, side and rear, including retention of rear wall (re-submission of 16/00834/FUL): 2 Moseley Avenue, Market Harborough
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Additional Representation Following Amendment to Proposal

Following the amendment to the scheme to retain the existing picket fence and replace the close boarded fencing and trellising with picket fencing to match the front boundary an additional objection has been received for the following reasons:

- The picket fencing is incongruous and encloses an area of land integral to the open character of the development.
- The applicant claims to need the fencing for security reasons and the safety of their children, however, the fencing creates an insular appearing property sealed off from the rest of the development. The children could use the rear garden which is far more secure because of the 1.8m high boundary wall.
- A post and rail fence as advised when the previous application was refused would be preferable and could be supplemented with a hedge.
- A similar application was refused in Broughton Astley and dismissed at appeal (13/00950/FUL)
- The proposal as amended is contrary to Core Strategy Policy CS11 and should be refused or deferred for further amendment to the type of fencing.

Officer's Assessment

The option of a post and rail fence with hedge planting was discussed with the owners of the property during the life of this application as this would be the most acceptable boundary treatment in visual terms. However, the owners were concerned it would not be as effective in meeting their needs which are not only about the security of their children, but also the protection of their property. A previous low fence was insufficient in preventing people from crossing their land and a post and rail fence is considered likely to be equally ineffective as it could more easily be climbed over. The owners also stated that there is a restrictive covenant preventing the planting of hedgerows because of the nearby sewer. In light of this, a balanced view was taken with regard to the harm caused by the picket fencing and concluded that it was not sufficient to justify refusal of the application.

The reference to a case elsewhere in the District is noted, but each case must be judged on its own merits and in this instance the visual impact of the picket fencing is not considered to be sufficiently adverse to warrant refusal of the application.

16/01425/FUL	Alterations to existing annexe to create a separate dwelling and erection of a new garage to serve the existing dwelling (re-submission of 16/00560/FUL): 53 The Woodlands, Market Harborough
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Additional Consultation Response

Leicestershire County Council (Trees): The proposed bin store and access is within the root protection area of the protected oak tree. The proposed plastic grass protection mesh will be adequate to protect the root system of the tree. There should be no change in soil levels and any construction method should be carried out in accordance with BS387:2012.

Additional Representations

Following the amendment of the proposal to remove the detached garage from the application one letter repeating previous objections to the scheme has been received, and one additional letter of objection has been received agreeing with the objections already raised, in particular:

- This minimal dwelling would stand out as an anomaly within the surrounding properties
- Precedent – it will be more difficult to restrain further incongruous development
- The character of The Woodlands has been sustained for 45 years and is part of Market Harborough’s heritage.

Following the publication of the agenda an additional comment was received disputing the accuracy of the point mentioned in Paragraph 6.17 relating to the restrictive covenant. The objector maintains that the covenant is enforceable and that Members should be made aware that this matter remains in dispute.

Officer’s Assessment

The consultation comments in respect of the protected tree are noted and an informative advising the applicant of the need to comply with the specified British Standard is recommended.

Whilst there may be an ongoing dispute in respect of the restrictive covenant which may prevent the creation of a new dwelling in this location, this is not material to the consideration of the planning application. As always, any grant of planning permission would include the caveat that it does not override any other legislation affecting the land in respect of other consents which may be required prior to carrying out the development.

Planning Committee Speakers List – 1st November 2016

Speakers please note that the Council's constitution requires evening meetings to end at 9.30pm, unless the Committee votes to continue the meeting. If a meeting does adjourn at 9.30pm, remaining business will be considered at a time and date fixed by the Chairman or at the next ordinary meeting of the Committee and the existing speakers list will be carried forward.

Application no.	Parish	Speaker	Type
16/00681/OUT	North Kilworth	WITHDRAWN	
16/01168/FUL	Stoughton	Mrs King Adrian Briggs	O A
16/01206/OUT	Broughton Astley	WITHDRAWN	
16/01208/VAC	Market Harborough	Georgina McCrae Cllr Johnson	A WM
16/01272/FUL	Great Bowden		
16/01285/FUL	Swinford	Mark Walker	A
16/01389/FUL	Market Harborough	Joanne Harding Nicola Pollak	O O
16/01425/FUL	Market Harborough	Christopher Stanton Eleanor Farnworth Arthur Everington Ian Cridland Brian Mullin Mr James	O O O O O A

**Key to Speaker Type: O = Objector, S = Supporter, PC = Parish Council,
A = Applicant/on behalf of applicant, AG = Agent, WM = Ward Member**