

**PLANNING COMMITTEE: 15<sup>th</sup> March 2011**  
**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.

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10/01579/OUT – BROUGHTON ASTLEY Mr I P Crane	Erection of fifty dwellings including scout hall, land for new pre-school or other school use, provision of allotments, public open space, access and associated landscaping (all matters reserved), Land off Crowfoot Way.
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**ADDITIONAL REPRESENTATIONS:**

**INFORMATION:**

A revised Draft Heads of Terms has been submitted by the developer. This was received on 14<sup>th</sup> March and Officers have yet to consider this in detail.

**CONSULTEE RESPONSES\***

**LCC Developer Contributions Officer:**

Confirmation that index linked contributions are required for travel packs (to inform new residents of sustainable travel choices) and 6 month bus passes.

The Heads of Terms are acceptable in principle to LCC. There is no requirement for an education contribution however the developer wishes to make a payment or donation to the local primary school towards the improvement of the school hall. It is outwith the CIL regulations and therefore it should be made clear that the education donation is not a material consideration in the planning application.

**HDC Waste:**

An index linked contribution is requested for recycling containers.

**LCC Archaeology (comments following receipt of Interim Summary of the Results of Archaeological Trial Trench Evaluation):**

The recent evaluation revealed archaeological remains in the form of prehistoric and medieval ditches, pits and postholes. Towards the centre of the site was a large area of disturbance apparently related to the disposal of material associated with former pig farming activities. It is possible that further unidentified archaeological remains are preserved on the site. We therefore recommend that any planning permission be granted subject to planning conditions to ensure the implementation of an appropriate programme of archaeological work.

I understand a full report of the evaluation will be produced shortly and these comments are provided subject to the results being broadly consistent with the interim summary received.

*Natural England (comments following re-consultation on amendment C plans):*

No objection to the changes, however I am still slightly concerned about the habitat network on the site boundary. In the absence of a proper Bat survey, it is not known how much the existing trees and hedgrows are used by Bats for roosting, foraging and commuting. Therefore where built development will be situated within a few metres of such habitat, Natural England recommends that a Bat survey is undertaken and the results submitted before the application is determined.

*HDC Open Spaces Manager:*

Prior to the approval of the new allotment site, the shortfall of provision was 2.16ha in the 4km accessibility threshold.

If the new site does not make up the shortfall, then there will still be a shortfall considering the population in the catchment area. The new development should therefore still contribute towards allotment provision. I do not know how big the new allotment site is, but 2.16 ha would be a large site. [Officer Comment: The recently approved allotment site at Land Pt OS 2881, Broughton Way, Broughton Astley – application 10/01332/FUL – covers a site area of 0.6ha].

*Leicestershire Constabulary (additional comments received):*

A footpath rear of existing and proposed houses which duplicates the route of the road with footway and a further looping footpath close to the southern perimeter of the site is retained. Three vehicle entrance/exits are proposed again duplicating this function and reducing the opportunities for existing and new residents to readily identify neighbours etc.

In the interests of community safety and to minimise the risk of crime, both important planning considerations, I would suggest that HDC requires amendment to the proposed layout in these respects.

*Highways Authority:*

The guidance doesn't appear to give accurate details in terms of how the walking distances should be measured. On reflection however, it is my view that it would only be appropriate to measure the actual trodden path to a bus stop rather than take a 'crow flies' measurement as the two could be massively different. Guidance on walking distances is not absolutely rigid. L.C.C's design document 'Highways, Transportation & Development states :- Generally, walking distances to bus stops in urban areas should be a maximum of 400m and desirably no more than 250m. In rural areas the walking distance should not be more than 800m. Therefore, closer bus stops would be desirable and the developer could be asked to explore such a possibility at this stage as suggested by your Policy colleagues. It was not a point that the H.A initially considered making an issue out of as justification could prove difficult.

I recommend that the L.P.A makes the applicant aware of its concerns about bus stop locations and makes a provision within any consent for further investigation/consideration of the matter to be undertaken at the reserved matters stage.

#### ADDITIONAL REPRESENTATIONS\*

Four letters of objection have been received on behalf of three households (one of which has not previously commented. A letter of objection has also been received by Cllr Smith on behalf of Hall Farm Estate Residents. New points raised include:

1) Archaeological assessment used a large digger at close proximity to Badger sett without any obvious control of digging activity or vehicle movements. 2) Contrary to EV/5 and PPS 7. Applications for Thurnby, Bushby and Scaptoft were all rejected for these reasons. 3) Contrary to PPS 3 para 14 and 16. 4) Hallbrook School do not want field, increasing size of school hall more of a priority.

Two letters of support have also been received on behalf of two households who have not previously commented. These include the following comments:

1) The application is sympathetic to the area offering lots of open space and improved walkways. 2) The recreation and childrens play areas are much needed at this end of the village. 3) Understand a further 300 houses are proposed for Broughton Astley would prefer developments such as this, rather than large impersonal sites. 4) If this application provides all the things listed, it will be an asset for the village and inparticular the school as there should be sufficient room for an extension without losing the area from the playground. 5) A scout hut is very much needed as the present one cannot continue to be used.

\* Please note that consultee responses and representations have been summarised. Full details are available for inspection on the application file.

#### PLANNING CONSIDERATIONS

Comments have been received from Natural England recommending an ecological survey for Bats be carried out prior to determination where development would be within a few metres of trees/hedges. Following further discussion with Natural England and given the nature of the application which is all matters reserved, it is considered appropriate for a condition to be attached to any approval to ensure an ecological survey for Bats is submitted if the reserved matters propose built development within 10 metres of trees and hedges (condition 27 below).

Following receipt of additional comments from the Highways Authority, condition 20 is proposed to be amended such that the possibility of providing a closer bus stop to the application site is considered at reserved matters stage should approval be granted.

A representation has commented that the application is contrary to paragraphs 14 and 16 of PPS 3. Paragraph 14 relates to the development of design policies by Local Planning Authorities rather than the consideration of planning applications. Paragraph 16 details matters to consider when assessing design quality. The submitted indicative layout is not considered to conflict with paragraphs 14 or 16, however given that the application reserves design and layout details these would be considerations at reserved matters stage in any case.

## AMMENDED CONDITIONS

18) No development shall take place within the application area until the applicant has secured the implementation of an appropriate programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted to and approved by the Local Planning Authority. The development shall be undertaken only in full accordance with the approved written scheme. No variation shall take place without the prior written consent of the Local Planning Authority. Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation and to accord with Policy IN/1 and EV/5 of the Harborough District Local Plan

20) A Travel Plan covering all aspects of the development shall be submitted with the reserved matters. Note: The plan shall explore the possibility of providing a new bus stop closer to the development and shall include proposals to reduce car dependence and vehicle emissions and to establish and encourage the use of alternative transport modes for journeys to and from the Scout hall. 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. Reason:- To ensure that adequate steps are taken to provide a transport choice/a choice in mode of travel to and from the site and to ensure compliance with policies IN/1 and TR/3 of the Harborough District Local Plan.

## ADDITIONAL CONDITIONS

27) Unless otherwise agreed in writing by the Local Planning Authority, an ecological survey for Bats shall be submitted with the reserved matters, where the details submitted for the reserved matters include built development within 10 metres of existing trees and hedges. Reason:- In the interests of wildlife and nature conservation and to accord with Policy IN/1 of the Harborough District Local Plan and the aims and objectives of PPS9.

28) The applicant shall notify the local planning authority of the intention to commence works (including site works of any kind) at least one week before such commencement. Thereafter, the programme of archaeological work shall be completed in accordance with the approved written scheme of investigation, including any necessary fieldwork, post-excavation analysis, report writing and archive deposition, as detailed in the approved scheme. The report and archive shall be prepared and deposited no later than six months after the commencement of fieldwork. No variation shall take place without the prior written consent of the local planning authority. Reason:- To ensure satisfactory archaeological investigation and recording and to accord with Policy IN/1 and EV/5 of the Harborough District Local Plan.

## ADDITIONAL NOTES TO APPLICANT:

5) The footpath must not be further enclosed in anyway without further discussions with the County Council's Rights of Way Team (0116 3057088).

6) The footpath must not be re-routed, encroached upon, or obstructed in anyway. To do so may constitute an offence under the Highways Act 1980.

7) Before any work is carried out on the surface of the path, prior consultation with the County Council's Southern Area Rights of Way Inspector, Harry Bartlett must be undertaken. He can be contacted on 0116 305 0001.

8) No new gates or other structures affecting the footpath should be constructed without prior approval of the County Council's Rights of Way Team.

9) The Written Scheme of Investigation (WSI) must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.

10) The Historic and Natural Environment Team, as advisors to the planning authority, will monitor the archaeological work, to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the planning authority.

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10/01669/OUT HARBOROUGH Langtree Group plc	– MARKET	Erection of 47 dwellings (means of access to be considered), Tungstone Batteries Ltd, Sovereign Park.
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ADDITIONAL REPRESENTATIONS:

Response to Revised Plans

2 letters of objection, adds to existing traffic hazards; now backs onto a 2 storey property which is better; still no childrens' play facility.

Electricity:

No objection.

AMENDMENTS:

Under The Proposal page 51 - 3.4 m high acoustic barrier.

Under Core Strategy page 53 - 4<sup>th</sup> Policy.

Policy 5: Providing sustainable transport.

Under Section 106 Agreement page 59 requests also include the NHS, Police and Highways.

Under Condition 8 Page 60 add to include 'treatment of Lathkill Street and Haddonian Road junction'.

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10/01740/FUL – GREAT GLEN Silverdale Developments Ltd and Riverside Housing Group	Erection of 24 affordable dwellings with associated access and vehicle parking at Brentwood, Glen Rise, Oadby.
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**ADDITIONAL REPRESENTATIONS:**

The Agent has written to comment on the content of the report prepared to independently assess the financial appraisal of the site. The letter states the following:

*“In our opinion, it would not be reasonable to expect a developer to purchase land prior to obtaining planning permission where the local planning authorities adopted policy would require financial contributions that would render any scheme un-viable. It is reasonable to expect that a developer would secure an option on the land and seek to obtain planning consent with a level of contributions that would allow viable development prior to committing to any purchase.*

*I would refer to paragraphs 64-66 of the Intali report, which compares the land price which has been agreed between the applicant and the land owner with recent transactions at both Pearl City and Station Road Wigston. This comparison clearly demonstrates that the vendor is already accepting a value for his land, which is well below recent comparable transactions, and on that basis I think the landowner would be fully justified in refusing any further negotiation.*

*We have demonstrated that the key land value input is already well below the rate that would be expected by reference to recent and comparable evidence, and I would be grateful if you could ask Mike Tebbutt to comment on this point directly. If he is able to produce relevant evidence where landowners have been prepared to sell at a rate per acre less than is agreed here, then I would be happy to consider this. If no such evidence exists then, in my view, it would be difficult for the local authority to argue that the land price should be re-negotiated in order in order that contributions can be made. Irrespective of this, it is my clients understanding that the landowner is refusing to negotiate any further and accordingly, the much-needed affordable dwellings would not be provided as it would be totally unviable to develop the site.”*

**Parish Council:**

Object to the proposal and wish consideration to be given to the following points:

- The site is outside the settlement boundary,
- The development would place pressure of the police, the doctors and the primary school,
- The design of the proposal would affect the character of the area and be overbearing and out of keeping with the existing countryside and its surroundings,

- Affordable housing has already been provided with 24 dwellings at Pearl City and over 80 units at GG2,
- The infrastructure cannot support any further homes due to the impact on local roads and parking which is already stretched to capacity.

**County Council Developer Contributions Officer:**

*“Leicestershire County Council believe the contributions it has requested are necessary to make the development acceptable in planning terms, directly relate to the development and reasonable in scale and kind and without them the development would not fully contribute to the achievement of sustainable communities i.e. there would be a lack of provision for services and infrastructure which would serve the proposed development.*

*The County Council considers the developer’s current position not to offer any financial contributions unacceptable. However the County Council is aware that there may be social and economic benefits which the District Council might need to take into account in respect of the viability of the scheme and this may outweigh the need for proper contributions. Notwithstanding this point, we are concerned that if planning consent was to be granted then in the absence of necessary planning obligations the impact of the development will affect services and infrastructure for local communities. We request members of the planning committee are made aware of the County Council’s concerns.”*

**Police Architectural Liaison Officer:**

Confirms that the revisions made by the developer address the initial concerns expressed and that the proposal will need to comply with the secure by design standards. Still requests s106 contributions.

Four additional letters received confirming that they still object to the proposal as a result of the revisions made by the developer.

One additional letter of objection received that does not raise any points not already covered on page 67 of the agenda.

**AMENDMENTS TO CONDITIONS:**

None.

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11/00027/FUL – SCRAPTOFT Disabled Children’s Services	Erection of two eco-pods to provide disabled holiday accommodation, Scraptoft Hill Farm, Covert Lane.
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**ADDITIONAL REPRESENTATIONS:**

The application has been **WITHDRAWN**.