

PLANNING COMMITTEE: 8th 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.

Page: 15

10/00620/OUT – THURNBY Jelson Limited	Outline application for residential development and associated public open space (access to be considered), Open Space OS 123, Pulford Drive.
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ADDITIONAL REPRESENTATIONS:

One additional letter has been received from GVA Grimley (2nd March) on behalf of the applicants (a full copy of the letter can be viewed on file)

We have noted the Council’s concern regarding the scale of development and also the ‘note to applicant’ forming recommendation 2 of the report. In response, Jelson proposes that its application be considered by the committee on the basis of built development being restricted to the lower portion of the site only - providing a development of around 140 units rather than the 250 units originally proposed. As set out below and following the approach taken in respect of the Davidson’s scheme, it is considered that this can be achieved by way of a suitably worded condition.

The following condition is suggested;

“The details submitted pursuant to condition 1 shall present a scheme which proposes no dwellings or other forms of built development to the north of the Thurnby Brook as shown on the revised illustrative masterplan submitted on 2 March 2011.”

It is noted that this approach is identical to that proposed by the Council itself in respect of the Davidson’s application (i.e. proposed condition 4 which also seeks to prevent development on parts of that site).

Officers replied 4th March 15.54 to the applicant’s suggestion (received 2nd March) of a condition as follows:

Officers have considered your proposed condition. This proposal effectively reduces the amount of development from 240 to 140 dwellings and a change to the use of a development zone from housing to open space. Officers had in any

event considered if a condition could overcome their concerns in formulating their recommendation. Circular 01/2006 (para.52) states on outline proposals detailed consideration is always required on the use and amount of development with a basic level of other detail. It goes on to advise at para. 49 that it is important for information provided as part of the application will need to be such as to allow for proper consideration by both decision makers and local communities, and will also provide the basis for greater and better informed community involvement in the planning process. The proposed condition is not reasonable as it results in a scheme significantly different from that proposed in terms of amount and use which will not have been subject to assessment (eg through the submitted Design and Access statement and accompanying documents) by the applicant, LPA or interested third party.

The Council is most concerned in all parties' interests to take a good quality decision. It is also anxious that the credibility of the process and respect for community involvement is maintained. If you will undertake to meet the Council's costs officers will consider recommending a deferral of a decision for the Council to take counsel advice on this matter and/or seek verification of the opinion you propose to submit Monday.

Officer's 7th March question of the applicant if their Counsel opinion (received 4 March 2011 17:14) took this above reply into account has not been answered.

Counsel Opinion has also been sought by the applicant (received 4th March). (A full copy of the letter can be viewed on file)

"There would be no legal constraint to the grant of planning permission subject to the condition indicated above."

Comments have been received from Leicester City PCT regarding S106 contributions.

"Whilst the above application sits just outside the city boundary, discussions with colleagues at NHS Leicestershire County & Rutland have led us to believe that the vast majority of residents at the above development would seek to register at GP practices within the City. This is based upon the fact that the nearest health facilities are those based in Hamilton, Netherhall/Scraptoft and Thurnby Lodge.

The Trust, in this instance, would seek to secure a capital contribution from this development and ensure that the money is directed towards one of the practices mentioned above, so that they may continue to provide a quality healthcare environment and equitable access for the local community. The NHS is encouraged to offer appropriate choices to patient groups where possible locally."

One additional letter of representation has been received raising the following points:
1) The watercourse of Thurnby Brook where it runs between Springbrook Drive and Somerby Road is less than a quarter the width it is at Pulford Drive or Station Lane

but still has to cope with the same volume of water. The present flood basins are not deep enough and Springbrook Drive is lower than the surrounding areas.

10/01045/OUT – SCRAPTOFT Davidsons	Erection of up to 100 dwellings (access to be considered), Land OS 8138 8218, Station Lane.
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ADDITIONAL REPRESENTATIONS:

One additional letter has been received from Pegasus Planning (8th March) on behalf of the applicants confirming acceptance of recommended condition 4 and accepting provision within the S106 for the transfer of the “blue” land to the Parish or other similar body. The applicants have also submitted a Draft Heads of Terms for the S106 agreement which is generally consistent with the requests made. (A full copy of the letter and Draft Heads of Terms can be viewed on the file)

Comments have been received from Leicester City PCT regarding S106 contributions.

“Whilst the above application sits just outside the city boundary, discussions with colleagues at NHS Leicestershire County & Rutland have led us to believe that the vast majority of residents at the above development would seek to register at GP practices within the City. This is based upon the fact that the nearest health facilities are those based in Hamilton, Netherhall/Scraptoft and Thurnby Lodge.

The Trust, in this instance, would seek to secure a capital contribution from this development and ensure that the money is directed towards one of the practices mentioned above, so that they may continue to provide a quality healthcare environment and equitable access for the local community. The NHS is encouraged to offer appropriate choices to patient groups where possible locally.”

5 additional letters of representation (from 4 separate households) have been received raising the following additional points over and above those reported in the Committee Report: 1) The watercourse of Thurnby Brook where it runs between Springbrook Drive and Somerby Road is less than a quarter the width it is at Pulford Drive or Station Lane but still has to cope with the same volume of water. The present flood basins are not deep enough and Springbrook Drive is lower than the surrounding areas. 2) When we bought our house we were told it was church land and would never be built on. 3) Two and a half storey buildings will not be in keeping with the surrounding bungalows. 4) The Area of Separation: If officers were to follow their own planning policy, this application would be refused. 5) The Core Strategy states that development should be appropriate in scale and nature to the existing landscape. 6) The southern field is far more precious to save than the northern in terms of ecology. 7) This development would seriously affect the character of the existing settlement. 8) The Core Strategy should continue to protect the Green Wedge by maintaining the area of separation. 9) This application is one of the least acceptable.

10/01306/OUT – SCRAPTOFT De Montfort University	Outline application for residential development for up to 215 dwellings, provision of new access, public open space and the retention of mature woodland, Land East of Scraptoft Including The Mount, Covert Lane.
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ADDITIONAL REPRESENTATIONS:

One additional letter has been received from RPS Planning (4th March) on behalf of the applicants raising the following issues. (A full copy of the letter can be viewed on the file)

It had been agreed after our meeting with yourselves in November 2010 that the application would not be determined until the Ecological surveys had been completed.

As confirmed in our email to Mark Patterson dated 27th January 2011 our clients are fully committed to undertaking ecological surveys during the survey season. This commitment should be made clear to the Members that the ecological work is currently being undertaken and the view of FPCR is that in the event of species being found then it would be relatively straightforward to mitigate.

RPS wishes to object on behalf of our client to the officer recommendation to approved application 10/01045/OUT – Station Lane which also highlights why our site should be supported. We consider that this would result in a perverse decision as there are planning policy inconsistencies within the report and the recommendations are written in a manner to justify the decision to support the Station Lane proposals.

The application is contrary to Policies EV/3 and EV/5 yet is recommended for approval without sufficient justification being demonstrated as to why you are going against your own policies and the landscape advice of your consultants. By comparison our site is designated as Countryside under Policy EV/5, is not protected as an Area of Separation, but is recommended for refusal simply on its size without consideration of its relative absorption capacity.

On the basis of this we have written to the Government Office to request that the application be called in as a departure for their consideration. In addition, if the Station Lane application were to be approved by the Committee then our clients will consider making a Judicial Review on the basis that a perverse decision based on planning policies inconsistencies has been made.

Officer reply to RPS 4th March letter:

Officers considered if a condition could overcome their concerns in formulating their recommendation. In considering the proposal officers also have regard to

circular 01/2006 (para.52) which states on outline proposals detailed consideration is always required on the use and amount of development with a basic level of other detail. It goes on to advise at para. 49 that it is important for information provided as part of the application will need to be such as to allow for proper consideration by both decision makers and local communities, and will also provide the basis for greater and better informed community involvement in the planning process. Officers did not consider a condition could reasonably overcome their concern as it would result in a significantly different proposal in terms of amount and use which will not have been subject to assessment (eg through the submitted Design and Access statement and accompanying documents) by the applicant, LPA or interested third party. The Council is most concerned in all parties' interests to take a good quality decision. It is also anxious that the credibility of the process and respect for community involvement is maintained.

The Council has not previously agreed to defer determination of 10/01306/OUT until ecological surveys are submitted. To delay a decision on other proposals because this has not been done for 10/01306/OUT would be unreasonable

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The Trust, in this instance, would seek to secure a capital contribution from this development and ensure that the money is directed towards one of the practices mentioned above, so that they may continue to provide a quality healthcare environment and equitable access for the local community. The NHS is encouraged to offer appropriate choices to patient groups where possible locally."

Additional comments have been received from LCC Highways:

In the recommended condition 8, "accesses with Station Lane" should be amended to read "access with Beeby Road"

Additional comments from HDC Planning Policy:

This site was previously used as playing fields. There is an identified shortage of playing field provision in surrounding wards in Leicester (Thurncourt and Humberstone) based on a quantitative assessment but the City Council's approach is to accept contributions from development which help improve the use of existing sports facilities within the City and thus offset quantitative shortfalls by qualitative improvements. The site could be acquired by a private

sports club for pitch use were housing not acceptable. However there is no clear policy basis to refuse an application on sporting need or requirement at present. The site adjoins a regular bus service and would not affect a Separation Area or Green Wedge. The scale of the proposal appears significant in relation to Scraftoft and a reduced size or density of development may assimilate better and provide an appropriate edge to the open countryside... Core Strategy policy 8 (c) and the protection of sites with potential for sport/recreation use (which may carry increased weight now that Council has agreed to submit). I certainly think that any evidence of Leicester private sports clubs looking to secure facilities could be used to help establish potential value and agree that the PPG17 issue of protecting land previously used as sports fields needs to be reflected in the report if not done so.

11/00003/OUT – THURNBY Sugar Hill Homes	Residential development for up to 150 dwellings together with access, drainage, services and open space, Home Close.
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ADDITIONAL REPRESENTATIONS:

Additional Info

Introduction

Core Strategy

On 28th February 2011, the Council agreed to submit the Core Strategy for independent examination, which is likely to take place in summer 2011. As such weight can be attached to the contents of the Core Strategy and can be treated as a material consideration.

Thurnby & Bushby Parish Council

Thurnby and Bushby Parish Council objects to the application on the following grounds (**please note the Parish Council did submit their comments to the LPA on the 15th February 2011 but were inadvertently missed out of the report**):

- § The development is outside the 'Limits for Development' for Thurnby and Bushby, as identified in the Local Plan and would therefore extend the boundary.
- § Due to the steep gradient of the proposed location for the development, there is particular issue in relation to the lack of capacity for sewerage and drainage
- § The impact of building development on the landscape and character of Thurnby and Bushby.
- § The high density of housing.
- § The land is currently farmed and remains viable working farm land.
- § The development includes the creation of an additional access point on an extremely busy stretch of road where there is currently a 40 mph limit.
- § The impact of additional traffic to and from the development would add to congestion in the immediate area and the centre of the villages of Thurnby and Bushby.
- § The impact of traffic from the development using the village as a cut through to Oadby, particularly in view of the layout of the village centre which is tightly defined, with narrow roads which are not suitable for taking additional traffic.
- § Traffic heading down Uppingham Road, towards Leicester, would have to go through the junction with Station Road, which is already overstretched due to the impact of additional traffic travelling from the new developments in Scraftoft.
- § Concerns regarding the impact of additional traffic on road safety on Uppingham Road. This is of particular concern in relation to pre-school and

- primary school children crossing the road at the beginning and end of the day and middle and high school children crossing the A47 to catch the school bus.
- § Concerns regarding the inevitable impact of increased traffic in relation to road safety in the village centre, particularly at the beginning and end of the school day.
 - § Primary school provision: It is acknowledged that a large number of children attending the two local primary schools are from out of catchment and that over time, there would be more capacity at primary level as pupils move on to the middle and high schools. However, a new development would have a short to medium term impact on the capacity of the two schools.
 - § Middle and high school provision: The Oadby schools are already at capacity.
 - § GP provision: Currently, many patients use GP provision in the City of Leicester, but there is no guarantee that patients will continue to be accepted from a different Health Care Trust, which would therefore have a knock on impact on local GP provision.
 - § The surgery in Bushby has already stopped offering an open surgery, due to the additional impact of patients from the developments in Scraftoft. The surgery at Billesdon is also unable to take additional patients.
 - § The lack of local amenities such as shops, particularly those within easy walking distance. This would have an additional impact on traffic.
 - § The inadequacy of public transport, in particular to and from the City in the evening.
 - § The telephone exchange already has problems meeting current demand.

PCT

The development is proposing 150 dwellings which could result in an increased patient population of 375. When the national benchmark of 1800 patients per GP practice is applied, the increased population could result in a workload for 0.21 GP plus associated nursing and administrative support.

The proposed site is within the practice boundary of the practice located at Bushby. The practice is the closest to the development and therefore likely to feel the impact of the increased population.

The PCT has rated the Bushby practice premises GREEN meaning that the building is not in greatest need of development because of issues relating to workload, standards and capacity, but additional population will still impact on the practice. In this case it would mean that the practice would need to employ more clinical and administrative staff to increase capacity to enable services to be delivered to the increased population.

The Bushby surgery is new purpose built and so provides a good standard of surgery premises. However in order to meet the needs of our current patients it is not necessary for clinical sessions to be available all day, every day. The new population would mean that the practice would need to increase the number of GP and nurse sessions to meet the needs of the patients from the new housing development. Additional administrative and reception staff would also be required in opening the building for more hours. It has been calculated that the new population would require 3 additional GP sessions and 3 nurse sessions per week.

The PCT is requesting a capital contribution from the developer towards the additional staffing costs of managing the new population. The practice would not receive additional funding from the PCT for these additional patients from the time they register with the practice. The reason for this is that PCT funding is reviewed every 3 years and this would then take account of any population growth.

LCC Forestry

It has not been possible to obtain the views from LCC Forestry. However, the submitted arboricultural report has been assessed by officers and we agree with its contents in general terms.

Supporting Information from the Applicant

You will have seen the full version of the letter raising our concerns over the assessment of our planning application, and this letter provides a summary of these points for ease of reference for Members, should they not wish to review the full document.

Our application has been assessed by the Landscape Partnership, and having read their report it became apparent that for some reason they chose not to assess the landscaping masterplan submitted with the application, but instead refer only to the Architects indicative masterplan. This shows limited landscaping – which was the purpose of the landscaping masterplan – and as such our scheme has been considerably disadvantaged.

Discussions with the Landscape Partnership indicate that they would have come to a different conclusion over the setting of the development and its mitigation had the landscaping scheme been used, altering the relative scores they gave the proposal, and changing conclusions recommended to officers and included within your report.

We consider that the underlying evidence used in your decision is flawed, and this must be addressed before a decision on the application is made.

Furthermore, the Highway Authority have not raised objections to our scheme and suggest a number of measures to improve linkages and accessibility of the site to facilities, including a new crossing for the A47, new cycleway and footpath enhancements and bus stop enhancements close to the site. We agree to these measures and are of the view that the site is sustainable and accessible. It is evident that the Highway Authority comments were received after the committee report had been produced, as they are not referred to, and we ask that again your position is reconsidered.

We note that the committee report suggests that a further reason for refusal should be added to include archaeology should further details not be submitted detailing the results of site investigation. A desktop assessment and geophysical survey were submitted with the application and there were no significant archaeological assets identified. Comments from the County Archaeologist requiring further work were only received last week.

A method statement for site investigation, involving trenching 1.5% of the site area has been drawn up, but we will be unable to complete this work prior to the

application being considered at committee next week. The completion of this further archaeological work could be dealt with by way of a resolution to grant permission subject to, or by suitable conditions, in the event that members take the option to disagree with the officer recommendation and support our scheme.

A request has been made from the Leicestershire PCT to support additional staffing at Bushby Surgery. We can confirm that this amount is agreed.

We have raised serious concerns about the assessment of our application, including the application of policy, the method of landscape assessment and the weight afforded to accessibility improvements and other benefits.

Furthermore, we do not consider policies to have been applied appropriately to the Davidson's scheme in particular, where little weight has been attached to the adopted Policy EV/3 to resist development within the Separation Areas.

It is acknowledged that 350 dwellings need to be allocated within the area in the emerging LDF, and our site is readily placed to accommodate part of this new housing in a suitable and sustainable way. The Sugar Hill Homes proposals represent a rounding off to the eastern side of Bushby, mirroring the development to the south of the A47 and being well connected to the Wadkins Way development. Appropriate landscaping measures can be introduced to screen and mitigate views of the development, without undermining any areas of landscape policy constraint.

We request that the above is taken into consideration when determining our planning application, particularly in the context of the other proposals before the Council. Should Officers or Members not wish to revise their recommendation on the scheme, then we would expect a deferral of the decision to allow the submitted landscaping scheme to be properly taken into account, and for visual assessments to be completed on the other planning applications.

I am instructed to inform you that should the application be refused, then my Client will consider options including appeal and / or a judicial review of the decision making process. In light of the errors and issues highlighted here we believe that there is a strong case to be made.

Officer Comment

Landscaping is a matter reserved for future consideration. The illustrative details have been considered but have not been submitted for detailed consideration. Officers considered if a planning condition(s), such as landscaping, could overcome their concerns in formulating their recommendation. The advice the Council has sought from the Landscape Group is a material consideration but the recommendation does not rely upon that.

A deferral to allow further consideration and/or submission of a landscape scheme is not considered necessary as the Council is in position to take an informed decision on the submitted proposals. The Council is also anxious that the credibility of the process and respect for community involvement is maintained and considers this is best achieved by taking a decision on the submitted details.

Correction to Report

p.105/106 under sub heading 'Housing Land Supply' and p.107 under sub heading 'Local Facilities' states the site is not well connected to local facilities as pedestrians from the development will have no safe areas to cross the busy A47. However, following comments from the Highway Authority, the applicant's agent has confirmed that they are prepared to fund a pedestrian pelican or toucan crossing on Uppingham Road at a suitable location (probably just to the west of Wadkins Way). This will allow pedestrians from the development to safely cross the road to access the school, medical centre and other services in Bushby village. Therefore, it is considered that the development would be well connected to community facilities and services within the village.

PPG13 needs to be added to the end of Refusal Reason 1.(p.91)

Additional Reason for Refusal

Further to LCC Archaeology's request for the applicant to undertake trial trenching, the applicant has decided not to undertake the field evaluation in light of the recommendation to refuse the application.

As such, if Members agree with the recommendation to refuse the application, it will be necessary to add the following refusal reason:

Refusal Reason 2

Insufficient information has been provided to assess the extent, nature and significance of potential archaeological remains on the application site, the presence of which is indicated by the submitted Desk-Based Assessment and Geophysical Survey reports. An archaeological trial trench evaluation would be required to assess the archaeological impact of the proposals and enable the preparation of a suitable mitigation strategy to avoid or minimise damage to any archaeological remains of significance resulting from the proposed development, in line with the advice provided in PPS5.