

PLANNING COMMITTEE: 15th February 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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10/01731/VAC – ALLEXTON Mrs Rita Mehta	Removal of condition 2 of 09/01449/VAC to allow Angus Smales to use the site on a permanent basis, Allexton Hall Farm, Hallaton Road.
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ADDITIONAL REPRESENTATIONS:

Allexton Parish Council has confirmed their strong objections in writing stating:

1. Residents would like the access for Allexton Hall Farms equestrian facilities to be changed so vehicles come directly from A47 to avoid potential damage to the narrow bridge in the village.
2. Mr Smales is operating his business without a VOSA Operators Licence for horse lorries using Allexton Hall, therefore in the event of an accident insurance cover could be deemed invalid for not being properly licensed.
3. Mr Smales scale of operation is very different to that originally approved in 1994 (94/1305/3P) for the benefit of G.T.M. Healey.
4. The Conservation Area Statement described the village as “a twisting cul-de-sac off a minor road”, and as such the single carriageway road is too narrow and difficult for horse lorries and other vehicles to pass.
5. There are 22 children living in the village with no community play area or recreational facility and as such the children use the roads to ride their ponies, cycle and scooter. There are no pavements or street lights and there is obvious damage to the highway verges.
6. If approved the use of the site will continue to cause noise from horse lorries at unsociable hours, pollution and damage to the highway, verges, the bridge and listed buildings through vibrations caused by horse lorries. Residents’ safety is being put at risk by the HGVs using the narrow country roads.
7. The proposal is contrary to several policies including PPS7, IN/1(g), EV/5 and LTP1.

Highways have formally responded stating:

“The planning application as submitted seeks to allow Mr Smales to use the site on a permanent basis. The use[s] on the site which give rise to traffic movements are all previously permitted. This application will therefore have no impact in traffic generation terms.”

There are no sustainable Highway grounds for refusal of this proposal.”

One additional letter of support has been received stating horses are an integral part of Leicestershire and provide employment in the area.

AMENDMENTS TO CONDITIONS:

None.

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10/01713/FUL – NORTH KILWORTH Kilworth Investments	Change of use to 240 berth marina, formation of boat-yard, erection of workshop building, office, chandlery building and brokerage building and formation of hardstanding and car parking areas and creation of an access (revised scheme of 09/01589/FUL), Land Off Station Road.
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ADDITIONAL REPRESENTATIONS:

Corrections:

Under the Highways and Parking Considerations section, the following error is noted:

“In terms of the movements per hour resulting from the proposal, the following are derived:

	Weekday peak hour	Sunday peak hour
BWB (applicant’s original consultant)	14	46
LCC Highways (average from TRICS)	24	77
Manorwood average	31	60
TRICS averages for current scheme	3-24	60-62

The emboldened number has been edited in the published agenda: it should read “23-24”.

Additional representations:

Seven (7) further letters of objection has been received, including one via Edward Garnier MP, and 1 letter of support has been received. All 8 letters come from North Kilworth residents.

The letters of objection raise the following issues: Impact to traffic / highway safety; position and design of proposed site access; lack of need for additional moorings; local job creation; enforcement of occupancy to prevent residential use of berths;

style of buildings proposed; the scale of the overall development; noise nuisance/pollution from boat building and traffic – impact to quality of life of villagers in North Kilworth; and impact to the local area’s social infrastructure and facilities. All of these issues have been adequately summarised in the published agenda.

The letter received from a local resident via Mr Garnier MP also raises the following issues: No benefit to the local area from the current proposal, following deletion of pub and shops from the previous scheme and the restricted public access; application submission misrepresents any community benefits; represents “a new village” between Nth Kilworth and Husb Bosworth; North Kilworth “not opposed” to the principle – but is against the “massive scale” and the resultant impact to the local area; Planning Committee should be “the first arbiter of collating the evidence and not the final decision body” – developers and communities spend an inordinate amount of time on process; the community should instead focus on “positive aspects of the ‘big society’ and work... with developers to effect change that works for communities”.

The letter of support raises the following issues: There should be adequate parking; the existing businesses should not be overrun by the proposal; any permanent houseboats should be offered to residents of local parishes as ‘affordable dwellings’; and the proposal is not (fully) within the parish of North Kilworth.

Additional Consultee Comments (LCC Highways):

There have now been 8 fatalities on the A4304, including one on Feb 3rd 2011 (though this involved a lone driver/only one car).

The difference in speed data is down to the applicant using mean speeds, whereas the HA has used 85th percentile speeds, which is standard when assessing applications because it is more robust. All the surveys have shown 85th percentile speeds in the low 50’s.

The section on Flood Risk is updated as follows:

Flood Risk:

A sentence was missing from the end of this section in the published agenda. However, subsequent developments render this anomaly irrelevant:

In a letter dated 4th February 2011, the Environment Agency (EA) has now withdrawn its objection to the proposal, confirming that the Dambreak Analysis (January 2011) undertaken by Halcrow Group Ltd addresses the shortfall identified in the Flood Risk Assessment (FRA) originally submitted with the application.

The **EA states that it has no objections subject to** the following **conditions** are imposed to any planning permission: Development to be carried out only and entirely in accordance with submitted FRA, Dambreak Analysis, and mitigation measures relating to surface water run-off, surfacing, compensatory flood storage, bridge designs, building positions and the detailed design of the marina basin; as well as conditions relating to the watercourse diversion and the disposal of surface water and silty or potentially polluting run-off. Overall, it is considered that, provided

appropriately worded conditions are imposed, the proposal would comply with PPS25 Development and Flood Risk and would be an acceptable form of development in drainage and flood risk terms.

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10/01696/FUL – STOUGHTON Mr John Winslow	Creation of recreation ground, land between Thurnby Lane and Old Charity Farm.
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ADDITIONAL REPRESENTATIONS:

A petition has been received in response to the amended plans stating that the amendments do nothing to allay residents fears about the “Community Gardens”. The petition contains 50 signatures from 22seperate addresses (1, 2, 3, 4, 5, 6, 8, 11, 12, 13, 15, 16, 17, 18, 19, 20, 22, 23 Old Charity Farm; 19, 19a Gaulby Lane; 1, 15 Church Lane). The petition organiser has also stated that the resident of 19 Thurnby Lane was on holiday but had confirmed by text message that she most strongly objects to the latest amendments.

Health and Safety Executive:
Don't advise against development.

Stoughton Archaeological Warden:
When the playing fields were rotovated and re-seeded in 2009, I along with other interested neighbours took the opportunity to field walk the site, no archaeological finds came up apart from 3 sherds of Potters Marston (1200-1400) and 3 sherds of post-med/modern earthenware.

Revised Plans:
37 letters of objection (17 households) raising the following points (1) previous objection issues still stand/remain (2) planting of trees abutting 1-7 Old Charity Farm aggravate matters further – visually oppressive barrier, leaf litter, reduce light, damage foundations/drains (3) parking and access problems could result for residents on Church Lane as Village Hall car park is used to access the parking for the residents (4) use of Village Hall toilets impractical (5) trees would obstruct right of way (gate in rear fence from houses on Old Charity Farm) to recreation field. (6) no details of tree species (7) petition to P.C. objecting to allotments. 8) these Allotment Gardens will be for a select few and not for the entire village - highly selfish. 9) allotment gardens don't fit in with the idea of landscaped gardens. They will be unsightly. Especially if you will be sitting in the picnic area, you really don't want to see unsightly allotments? 10) they take up a large swathe of area which can then only be used for 11 people! What about the rest of us ??? 11) I don't want an allotment and I'm pretty sure not everyone wants one either. 12) will those owners maintain them daily ? have they really got the time ?? One day they might go on holiday, this can then become overgrown. 13) pesticides are likely to be used, small children could touch these and become seriously ill. Also the local ecology could suffer. This should not be taken lightly. 14) my existing views will be completely diminished, this is not on. 15) I would like to say that I don't object to the entire

development, but these 2 elements are unacceptable and I don't think I'm being unreasonable in objecting to what I consider should be non starters. 16) the community gardens (Area E), should not be part of this plan, the plan is already far too cluttered. 17) why is there not a large open area for the kids to play football or other ball related sports. This is what I would like to see Area E of the plan to be used for. 18) the allotments are not going to be very nice to look at and in no way fit in with this plan. 19) not everyone wants to grow vegetables! 20) the economic impact of allotments has always been known to be negative. I am seriously worried at the impact this could have. 21) my home is also close to the proposed area E. I feel it will be obtrusive and there will be a loss of privacy with 15 volunteers coming and going as they choose and this gives them an opportunity to overlook into our back garden. 22) the allotment gardens can be open to abuse, this could lead to congregations of youths and lead to antisocial behaviour as it will provide hiding places for them. Who will then police them ??? This is all additional future problems that have to be considered. 23) as I have frequented allotment gardens before. Allot of the growers will burn waste on-site regularly. I suffer from breathing conditions, who will police this, essentially my health is at risk. 24) also there will be additional traffic, they could end up parking on our street (Old Charity Farm) as it is convenient to get to the allotments from here. 25) the tree line will equally cause issues for me and my family, I am very concerned with subsidence, when it rains heavily, the water collects at the rear of our back garden, The trees could slip and damage both the fence and the house, who will stump up the cost for repairs (Me!) 26) I must stress I have no confidence in the parish council acting for the benefit of all the residents, this is why I feel compelled to write and act on my on behalf.

1 letter of support raising the following points (1) previous issues of support remain.

Cllr Jan Tooley – support, there has been a lot of discussion and compromise which has led to an excellent plan which will enhance an important open area of space and will provide a real community area in our rural village. There may be some tweaks needed to the detail of the community gardens.

Additional Comments from the Parish Council:

Green waste will all be composted on site (Area E). There will be grass pathways through Area E, therefore everyone will have access to Area E.

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11/00015/TPO – CLAYBROOKE PARVA Mr David White	Felling of three trees subject to a Tree Preservation Order (TPO 200), Mahon House, 1 Claybrooke Court.
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INFORMATION SUBMITTED BY THE APPLICANT:

The applicant has submitted a photograph showing an example of the proposed Quercus Rubra, which is situated in the nearby churchyard. The applicant states: It is very broad leafed oak that has superb autumn colour and retains its leaves long into autumn. I believe the tree was planted around 15years ago at a similar distance from the historic church as I am intending to plant. The tree has caused no damage to the foot path or to the Church.

The applicant has submitted comments stating that three signatories on the petition generated by Mr Barker (which is undated) (received by the Council on 3rd February) have subsequently given their full support to the application on the applicant's petition, after receiving the full information and plans on what is being proposed.

PARISH COUNCIL COMMENTS

(04/02/11) As you know the Parish Council was minded to not object to your application provided that a number of conditions, which I have laid out in a number of emails, were attached to the granting of the application.

Since the conditions cannot be linked to the application the Parish Council is having to reconsider its views on the application. No final decision has been made as I still have to contact a number of the Council. Therefore until that revised view is agreed I'm afraid you cannot say that we support the application. You have made this statement in a number of recent emails and I will let all know that this is at the moment incorrect. Please do not make this statement again.

Once a revised view is formulated, hopefully in the next few days I will let you know what that is.

(11/02/11) - As you know the Parish Council has had to review our support of your application because the conditions that we had hoped could be attached to the work on the trees cannot in fact be made.

I have spoken to the other Councillors and we are happy to take you at your word with regard to the placement of a bench.

Therefore we will not be making an objection to your proposed work to the trees, provided that the other matters, such as consulting with the Country tree officer over the height the tree nearest the wall should be taken down to, are undertaken.

(14/02/11) - As Chair of Parish Council I have had a number of representations made to me about this planning application over the past 48 hours. These have come after the consultation period for the application. Given that the yellow sign was in public view along with a copy of Mr White's plans that he attached himself to make people aware of the proposal it is not as though the parishioners have not had plenty of time to make their objections during the official consultation period. However, I do feel duty bound to make you aware of them, as this application appears to have raised growing concerns within the parish. One parishioner has over the past 24 hours collected more signatures for his petition against the application and will, I believe be bringing it to Council offices today. He has stated to me that his petition now has the signatures of 30 households within the parish who strongly object. I, nor any of the other Parish Councillors have seen this petition as yet and so cannot make any comment on it. Without seeing it, or having the time to consider it further there is little that the Parish Council can do to respond to this latest development.

Given that the person who has raised the petition has said that he will bring it in to your office today, could you have a look at it and consider it, of course provided that this is allowed, given that it has been submitted after the close of the consultation

period. I suppose that one potential route forward would be to delay a decision on the application to enable more discussion to take place within the Parish, however I am not sure if this would be allowed.

CLLR ROSITA PAGE

I satisfied myself on the basis of all information received, as set out in the final officer's report before you. I find myself in a position where I believe the officer's recommendation can not be argued against or a refusal upheld in an appeal.

The applicant has worked in partnership with officers, the parish council and some residents to secure an amicable outcome which will be conditioned, TPO's will be put on the replacement trees and a bench will be sited as a public amenity. Furthermore I understand the applicant has undertaken a written additional agreement with the parish council for reassurance.

However there is some concern in relation to the quercus rubra as to size and spread.

For the avoidance of doubt, let me state that I have not been involved in the deliberations of this application.

ADDITIONAL REPRESENTATIONS

Further correspondence has been received in relation to the application and can be viewed in full on the application file. Information received includes correspondence between the applicant and the Parish Council, a further petition in objection to the proposal representing 21 additional households in Claybrooke Parva and a further 7 households from outside the village.

33 additional letters of representation have also been received (some of which are from duplicate households). Of these representations, 14 are in support of the proposal and 19 in objection. The representations include photographs, which are available to view on the application file and a letter of objection from Tree Life Arboricultural Consultancy Limited on behalf of a number of parishioners.

The representations received refer to many issues previously listed in the Committee report, however additional comments include:

In support:

- Plan would emphasis the beauty of the village
- The trees are old and worthless to the village
- The bench will attract people to sit and view the church
- The trees block out sun light and look a mess
- Replacement shrubs and trees have already been bought

In objection

- Reference made to national trust membership
- Negative visual impact
- It is unlikely that the ancient listed wall has much foundation at all & highly unlikely to be substantial as suggested in the HDC report

- The dropping of berries on the pavement is insignificant. County Hall Passenger Transport Unit (PTU) advise that a request to re-site the bus stop would be treated very favourably.
- The reasons given by the applicant do not conform to the requirements of the Town and Country Planning (Trees) Regulations 1999 and amendments in that, no valid information is provided to describe the nature of the problem.
- Trees highly visible therefore providing good amenity value, individual impact and wider impact in accordance with the expediency of making TPO's
- Trees provide a barrier to road noise for adjacent occupiers
- The overall condition of the trees is physiologically and structurally good and they do not warrant felling on the grounds of being dangerous or having disease.
- The bright red fleshy berry like structure (aril) is not poisonous however, the foliage and the seed are if eaten in a large quantity. Poisoning of humans by eating foliage or seeds of the Yew is very rare. Not a sound reason for felling. Horses, cattle and pigs are vulnerable to the toxins as they have a lower tolerance and are more likely to eat the foliage. This is not applicable in this case.
- Contrary to Harborough District Local Plan relating to development in the countryside and an area of particularly attractive countryside.
- The suggested replacement Red Oak is inappropriate for the location, contrary to the Local Plan and would have a negative affect on the character and appearance of the Conservation Area. The tree in maturity would be very large for the allowable space, thus being subject to future requests for pruning which is not in the interests of the tree or compliant with the essence of TPO's.

CORRECTION TO REPORT

Page 45 penultimate paragraph makes reference to Claybrooke House. This should read Claybrooke Hall.

CONSIDERATION

The TPO Guide to Law and Good Practice Addendum May 2009 requires:

“Where the condition of the tree is not severe enough to use the dead, dying and dangerous exemptions written evidence must be provided with the application describing the nature of the problem, its impact and justifying the work proposed. A formal report is not required.” It is considered that the applicant has provided a written justification/reason for the proposed work in accordance with this requirement.

Policy EV/5 (Development in the Countryside) of the HDLP is not considered of relevance to this application. This application is for works to/the felling of trees rather than development. The area is not classified as an area of particularly attractive countryside.

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10/01408/FUL & - GREAT BOWDEN 10/01411/LBC Grace Homes	Separation of dwellings to form two dwellings (plots 1 and 2), conversion of stables to form dwelling and erection of garage (plot 4), erection of
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	replacement single storey extension (plot 2), erection of single storey link extension (plot 1), erection of car barn (plot 3) and internal alterations.
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ADDITIONAL REPRESENTATIONS:

NB It should be noted that the revised drawings submitted remove the car barn (plot 3) referred to in the description of application 10/01408/FUL.

10/01411/LBC – Demolition of single storey extension (plot 2), demolition and reconstruction of single storey element (plot 4), demolition of single storey garage building

Further amended plans have been submitted confirming the provision of private amenity space for plot 3, providing additional parking spaces (2 additional spaces) and showing the removal of the car port (but not the parking) for plot 3.

The applicants have also written to the Members of the Planning Committee on the 25th January 2011 advising you of the revisions made in the above plans.

The Parish Council maintains its previous objections to the proposal and comment that the reduction in garden space for plots 1 and 2 to provide more off street parking and will result in another tandem parking space that will not work as the occupants will not wish to “shunt the yard” to get cars in and out in the morning. The Parish Council also comment that the parking spaces are either too small to allow doors to be opened or to walk between the parked cars. Furthermore the manoeuvres required to enter and exit the spaces are unacceptable and that the parking spaces are based on minimum standards set in the 1970s and don’t take into account the increase in size of the modern car. The Parish would welcome a sympathetic restoration of these two family units but not the four proposed which their own layout shows highly impractical internally and a threat to on-street parking locally.

The Environmental Health Contaminated Land Officer has confirmed that they have no new comments to make on the proposal.

The Ecology Department have confirmed that they have no further comments to make on the revised plans.

Highways have commented on the amended plans stating:

“The details shown in the amended plan 4691/12 (AMENDMENT B) are acceptable to the Highway Authority. Off street parking and turning should be provided within the site as generally shown.”

One additional letter has been received citing concerns regarding the parking provision proposed at the site, namely 9 parking spaces for a total of 14 bedrooms. It also states that on street parking to the front of plot 1 is not suitable as it would conflict with the entrance to 6 Sutton Road.*

**NB the latest revised plans provided two additional parking spaces for the site*

Four letters of support have been received stating that the renovation of the building would benefit the conservation area, there does appear to be adequate parking provision

Members are reminded that the Council cannot demonstrate a 5 year housing land supply based on targets in the Regional Spatial Strategy (RSS). Since the Council supports the levels of District housing provision set out in the RSS this shortfall is an important material consideration and the proposal will help to address this. This carries considerable weight within terms of Planning Policy Statement 3 (particularly paragraphs 68-71) in favour of the proposal.

AMENDMENTS TO CONDITIONS FOR 10/01408/FUL:

Condition 2 should be amended to refer to amended drawings and therefore should read:

2. The development hereby permitted shall be in accordance with the submitted plans and drawing reference 4691/01C, 4691/02B, 4691/03A, 4691/04A, 4691/05A, 4691/06E, 4691/08 (note car barn is not approved), 4691/09A (note car barn is not approved), 4691/10D and 4691/012, 6001cv-01, 6001cv-02, 6001cv-03, 6001cv-04 and 6001cv-05. Reason:- For the avoidance of doubt.

14. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - v. wheel washing facilities
 - vi. measures to control the emission of dust and dirt during construction
 - vii a scheme for recycling/disposing of waste resulting from demolition and construction works
 - viii hours of work on the site to construct the approved development.

Reason:- In the interest of the amenity of the area and highway safety to comply with Policy IN/1 of the Harborough District Local Plan.

15. Before first occupation of the development hereby permitted, the owners/occupants of the properties shall only use the vehicular access on to Sutton Road and no other vehicular access to the site. Reason:- In the interest of the amenity of the area and highway safety to comply with Policy IN/1 of the Harborough District Local Plan.

16. Before the development hereby permitted is brought into use, the hedge and wall to the south of the vehicular access along the sites frontage shall be reduced in height and maintained in perpetuity at a maximum of 0.9 metres above the level of the adjacent carriageway. This shall be provided in general accordance with the details shown in the amended Dwg No:- 4691/06E. Any new or replacement hedge shall not be set with, nor allowed to grow to a height exceeding 0.9 metres above the level of the adjacent carriageway and thereafter shall be so maintained. 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 to accord with Policies IN/1 and TR/10 of the Harborough District Local Plan.
17. Before first use/occupation of the development hereby approved, the parking and turning facilities shall be provided within the site in order to allow vehicles to enter and leave in a forward direction. The turning area so provided shall not be obstructed and shall be available for use at all times, unless otherwise agreed in writing by the Local Planning Authority. Reason:-To ensure that vehicles enter and leave the site in a forward direction in the interests of highway safety and to accord with Policy IN/1 of the Harborough District Local Plan.
18. Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway and thereafter shall be so maintained. Reason:- To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users to accord with Policies IN/1 and TR/10 of the Harborough District Local Plan.

Note to Applicant for 10/01408/FUL:

7. All works within the limits of ' directly adjacent to the Highway with regard to the access / works to the wall and hedge shall be carried out to the satisfaction of the Southern Area Manager- (telephone 0116 3052202.)

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10/01443/FUL – LUBENHAM Mr and Mrs W Graham	Conversion of agricultural building to form dwelling (revised scheme of 10/00918/FUL), Toft Barn, The Green.
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ADDITIONAL REPRESENTATIONS:

Amended Refusal Reason (amendments in italics)

By virtue of the substantial scope and detail of proposed changes to the existing building, the proposal is tantamount to the creation of a new dwelling in the open countryside without suitable justification, such as an essential functional requirement. Furthermore, the proposal will detract from the character and appearance of the surrounding countryside and adjacent Lubenham Conservation Area, as well as the

setting of nearby Grade II Listed Buildings “11 The Green (Manor Farm)” and “13 The Green”. *In addition, the significant extent of the proposed residential curtilage would have an adverse impact on the rural character and appearance of the countryside.* The proposal is, therefore, contrary to saved policies IN/1, EV/5, EV/7, EV/11, EV/16 and HS/7 of the Harborough District Local Plan and SPG8, as well as PPS5 and PPS7.

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10/01743/ETF – BROUGHTON ASTLEY Redfox Land Developments Ltd	Erection of three dwellings and creation of access (extension of time to 07/01886/FUL), land rear of 118 and 124 Station Road.
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ADDITIONAL REPRESENTATIONS:

Corrections:

- Under point 7 of representations, the officer comment should refer to 5 objections having been received, rather than 3.

- The numbering for the conditions has been altered, now beginning with (4) and now featuring two (10) and two (11). They should read (1) to (15).
