

PLANNING COMMITTEE: 7th October 2014
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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14/00281/FUL	Variation of condition 6 of permission 12/00181/FUL to allow operational hours of 0600-2200 (Mondays to Fridays) and 0800-1700 (Saturday - Sunday), Coba Plastics Ltd, Marlborough Drive, Fleckney, Leicestershire
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14/00786/FUL	Erection of agricultural workers detached dwelling at Land adjacent to Stone Cottage, Main Street, Stonton Wyville
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The applicant was unable to address the flooding issues.

Officer comment: If the proposal were to be approved an agricultural tie condition can not be put on the permission as there is no agricultural justification. A condition would be un-enforceable and un-reasonable. For example, any subsequent appeal to remove such a condition would likely be successful, as the dwelling is unrelated to a holding or land, as it is a retirement dwelling.

14/00862/FUL	Erection of American Barn and Horsewalker at Land North West of Norton Lane, Gaulby
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Supporting Information

The agent submitted a tree survey and also commissioned a further report to ensure the roots of the trees are protected, as a recommendation of the tree survey was that 'consideration be given to the design and construction' [of the American Barn].

He confirmed that the applicants are determined to keep the trees.

Information has been submitted detailing how the American Barn is to be built so as to not harm the roots of the adjacent trees.

Comments have been requested from Leicestershire County Council's Forestry Team Leader who replied (Mon 06/10/2014):

A few quick notes which might assist - naturally I have not been out to site for this.....

- The recent Alden report has no plan or tree schedule; I can therefore see no details of the inspector's measurements, assessment of retention category or RPA calculation;

- Is the barn to be actually only about 0.5m away from the trees, as suggested in the rather diagrammatic location/layout plan? I suggest this is too close for comfort even if no roots were affected. Some lower branches would probably have to be pruned for clearance but this in itself is unlikely to be a problem.

- The necessary foundations for the barn - illustrated at 250mm in the drawing for the installation of the 'GroundGrid' - are likely to cause root damage if excavated as the roots are likely to be close to the surface at this close proximity. GroundGrid is a good system for works to avoid roots, but the installation should be on top of the existing ground not excavated - to prevent the root damage the method hopes to avoid in the first place. I note from the first photograph in the tree report that the area adjacent to the trees is already fairly flat and has some loose surface gravel. If the land is to be made-up (levels raised) to account for the slight fall, rather than the foundations excavated, and the GroundGrid laid on top of this, the foundation would be acceptable. I guess this could be made a condition of any approval and ask for a method statement detailing exactly how the foundation would be constructed.

- As for TPO suitability, the trees form a prominent row. However, I sometimes wonder whether TPOs on such trees are as appropriate in the wider countryside as they might be in urban surroundings - I feel that some individuals or groups in towns perhaps have much more social importance than the same trees in the rural situation. However, taken to its extreme this could be seen as 'the thin edge of the wedge' and is not prescriptive! The latest guidance on TPOs (06/03/14) states - "Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future".

Of course, the TPO should not be made to prevent or frustrate a development; once served, a TPO becomes 'a material factor' in assessing development proposals, but it does not normally prevent development in its own right except on very constrained sites, and a planning approval can override it.

Further comments were received from Leicestershire County Council's Forestry Team Leader 07/10/14:

Alden has assessed all the pines as cat B, which I agree with, and calculates the RPAs based on their girth; the minimum is 3.6m and the maximum 6.0m. The proposed building is located 0.5m from the row! It would generally be regarded as too close. In this situation, any conventional excavated foundation would seriously damage the root systems. Using a cellular confinement method (on top of existing levels) avoids this problem, but then renders the whole area liable to soil-drying etc as rainfall cannot penetrate. This may not be of too much concern on this site as the opposite side of the trees is still open and there is always horizontal movement of soil moisture. It would not be acceptable if the opposite side were already built upon. The proposed foundation using the cellular confinement method should be constructed on top of the existing levels with NO excavation. I note that the concrete raft is built on top of the cellular system - how are the walls/support columns, etc to be accommodated/inserted/erected/secured?

Applicant's agent response (06/10/2014) to LCC advise:

- The barn will be between 1.5 and 2 ms from the trees. I have been and had a look and the hedge is just over a metre from the trees and the barn will be .5m from the hedge although the distances vary a little
- The intention is to lay Ground Grid on the top of the existing ground although there is the odd hump and bump but I presume this can be dealt with in conditions.
- The only point that cannot be dealt with conditions is the .5m point which I have gone to look at this morning. As in all these cases everything is not in straight rows but the barn will be between 1.5 and 2 ms from the trees and is not quite like in the plans.

Proposed Condition

Condition 6 is now proposed to read,

The construction of the barn shall be in accordance with the supporting information received on the 24th and 26th September 2014 supplemented by email 06/10/2014 including confirmation the barn will be at least 1.5m from existing trees. Reason: The adjacent trees contribute to the landscape character of the area and following these recommendations will ensure that the development will not harm these trees and that the development would be in accordance with Policy CS11 of the Harborough District Core Strategy.

14/00875/FUL	Creation of a ball Court (to include ground remodelling, retaining wall, hardsurfacing and the erection of a weldmesh fence) (retrospective) and the erection of an acoustic boundary fence (revised scheme of 13/01283/FUL), Ridgeway Primary School, The Ridgeway, Market Harborough
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Application Deferred from consideration due to the receipt of substantive additional information of a Noise Survey received 6/10/14.

14/00876/FUL	Erection of 2 storage buildings with associated parking and access at Bruntingthorpe Industrial estate, Bruntingthorpe
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14/00935/FUL	Change of use of land and erection of two buildings for use as Dog Day Care centre, Land off Stockerston Lane, Great Easton
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14/01082/FUL	Change of use from Class B1 (Business) to Class A3 (Restaurant and Cafe) and A4 (Drinking Establishment) at 19-21 Market St, Lutterworth
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Additional representations:

Five additional letters of support received; issues raised include:

- (1) Lutterworth is in desperate need of boost to evening economy / attracting a more civilised and affluent crowd; proposal would add sophistication to town centre; this area of Market Street has long needed a revival
- (2) Positive effect on the dynamic of Lutterworth town
- (3) Positive effect on town centre offer: There is currently a lack of choice in Lutterworth / nowhere like this in Lutterworth - Lutterworth fails to offer an alternative to the traditional public house and there is very little in the way of quality restaurants; there is a distinct lack of modern, contemporary and sophisticated eating/drinking establishment, esp for the 30-50 age bracket – therefore we are losing this type of trade to other towns and villages that are more accommodating to customers; proposal would enhance Lutterworth as an attraction to visitors
- (4) Positive effect on other local businesses; increased footfall
- (5) Local businesses often have clients who will stay in local accommodation but currently have nowhere to entertain those clients.
- (6) Town centre location means groups of people can visit without having the extra expense of taxis or member of party being unable to drink
- (7) How can concerns re noise and anti-social behaviour be taken seriously when the site is directly opposite the British Legion with the Wood Burner Workshop (which used to be the Cavalier) close by.

One additional letter of objection received, issues raised include:

- (1) There are enough drinking establishments in the town, especially given we are losing the police building.

14/01088/OUT	Erection of up to 275 dwellings, plus 500sqm retail unit and associated infrastructure (Means of access to be considered), Land at Charity Farm, Uppingham Road, Bushby
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ADDITIONAL REPS:

HDC Open Spaces Manager:

My comments are pretty much the same as before. I am happy to review the detailed landscape plan when it is available.

The site generates the requirement on site for all typologies of open space, except Parks and Gardens and Allotment provision. I have added the population of Thurncourt and Humberstone into the population figures as the cross boundary migration for facilities justifies this approach.

As previously discussed with Cllr Galton I would fully support the provision of sports facilities alongside the existing facility at Wadkins Sports Ground. This has the advantages of being easily accessible from the A47 for users and makes best use of existing facilities. The on site provision for outdoor sports is just over 1 ha, which equates to a full size pitch and associated parking facilities.

The northern part of the site (adjacent to the brook) is a good location for balancing ponds and associated semi natural greenspace. I would like to see the balancing facilities landscaped and planted to increase and create habitat in that area and continue from the existing Jelson site at Pulford Drive.

If on site provision is adopted by HDC then the associated commuted sum will need to be paid. The decision on adoption is no longer made by me, but the Assets Team/Executive at HDC.

The play provision on site should be as a minimum 1800m², this equates to 2 LEAP areas and 1 NEAP area. We can discuss the benefits of creating one large area and smaller LAPs or other combinations in due course.

The semi natural green space on site is large and I would like to see the opportunity take to tie this into existing natural and semi natural greenspace and augment the footpaths and connectivity to these areas. It is also important that circulatory routes are provided that give a buffer to the countryside and existing properties, and in doing so offer opportunities for walking (see Farndon Fields Plan which appears to work quite well)

I have left the off site contributions on the bottom half of the table, as if on site provision is not made for any typology the developer can negotiate with us an off site contribution. There may be specific quality issues that may need to be addressed for Parks and Gardens and Allotments (not required on site) and the Parish Council or District Cllrs should be able to help with this.

Please note: Burial Grounds contribution will be required and we may like to discuss the opportunities locally of providing a cemetery associated with the site in lieu of other contributions. (see negotiations with Lutterworth Town

Council at Leaders farm). I am aware that Thurnby and Bushby are short of burial space at present and have been seeking a new site for a cemetery.

Neighbour Reps:

2 Additional letters of representation has been received raising the following issues:

1) If HDC are minded to accept the demands of Mr Pickles, and recommend approval why has nothing been included in the suggested consent regarding highway improvements in Thurnby and Bushby? We must be the only village of this size in Leics without any traffic calming measures. 2) The existing services such as the Dr's surgeries, churches, recreation grounds and schools in the area are already stretched and will be even more so since 258 dwellings have already been approved on the two Jelson developments. 3) I feel road safety would be compromised for those turning into the Wadkins estate, The Copse, The Pines, The Cedars and Winkadale Close. There have been several accidents this year on this stretch of road. 4) The proposed development of footpath D20 would increase footfall behind our house, there would be lighting that would be unsightly and there is more chance of people hanging around on the footpath and possibly causing a public nuisance. 5) There is an abundance of wildlife in the surrounding countryside and this would be greatly effected by such a big development.

OFFICER COMMENTS:

Concerns have been raised regarding the fact that no agreement has yet been reached regarding the position of the Section 106 Agreement. Normal practice would be to have an advanced S106, preferably with a draft agreement in place prior to a decision being taken by Planning Committee. Unfortunately, due to the timescales involved in this instance, namely the impending Public Inquiry in to the identical proposal and the need for Statements of Case to be submitted to PINS by 17th October, this has not been possible in this case. Verbal agreement has been received from the applicants that the requests are broadly acceptable and that they are happy to proceed with negotiations on these lines. The applicant has been asked to provide this assurance in writing and confirmation will be given at the Planning Committee.

14/01168/FUL	Demolition of former public house and erection of 6 no. dwellings with associated landscaping and car parking at Bulls Head, Shangton Road, Tur Langton
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Ecology

An updated Protected Species Survey has been submitted.

Representations

One further letter of support stating, 1) We fully support the development of the old Bulls Head. The building has been an eyesore in the village for far too long and a nicer view on the approach to the T-junction would be very welcome.

Amended Plans

An amended site plan has been received which has moved Plot 6 away from the site boundary to ensure it is clear of the neighbouring trees root protection zones. Amended plans have also been received for Plots 1 – 3 and Plot 5 because there were minor discrepancies with the plans and 3D visuals have been produced for Plots 1 – 3 and Plot 5.

Officer comment

The relocation of Plot 6 is a benefit with regards to how it will have less of an impact on the neighbouring properties and hopefully on the neighbouring mature trees. However, it does not overcome the recommended reason for refusal as this amendment does not reduce the proposal's impact on the character and appearance of the settlement and its setting in the countryside.

Planning Committee Speakers List – 7th October 2014

Application No.	Parish	Speaker	Type
14/00281/VAC Page 1	Fleckney	Cllr Birch	WM
14/00786/FUL Page 7	Stonton Wyville	Michael Berry Barbara Jennings Ian Hemington	O S A
14/00862/FUL Page 16	Gaulby	Michael Clowes	AG
14/00875/FUL Page 23	Market Harborough	Chris Green Graham Stretton Angela Blencowe Clive Blencowe Carl Blencowe Sarah Blencowe David Fox	O O O O O O S
14/00876/FUL Page 35	Bruntingthorpe	Lance Wiggins	AG
14/00935/FUL Page 41	Great Easton	Rebecca Randall	A
14/01082/FUL Page 51	Lutterworth	Sara Lovett Richard Atkiss Chris MacDonagh	S S A
14/01088/OUT Page 59	Thurnby	Mike Brown Bob Craig Simon Cook Rob Morgan Vijay Sanghani Alan Cook David Chiddick John White Judith Lord (Thurnby/Bushby Society) Sue Bloy Mark Rose Cllr Elliott	O O O O O O O O O O PC AG WM
14/01168/FUL Page 86	Tur Langton	Mark Flood	A

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