

UPDATE SHEET

PLANNING COMMITTEE – 03 September 2013

To be read in conjunction with the
Head of Regeneration and Planning's Report (and Agenda)

This list sets out: -

- (a) Additional information received after the preparation of the main reports;
- (b) Amendments to Conditions;
- (c) Changes to Recommendations

MAIN REPORT

A1 12/00922/OUTM Erection of up to 105 dwellings, public open space, earthworks, balancing pond, structural landscaping, car parking, and other ancillary and enabling works (outline - all matters reserved)
Land South of Grange Road Hugglescote

Additional Consultee Responses:

Hugglescote and Donington le Heath Parish Council comments as follows:

- Parish Council requests a sum of £1,400 per dwelling towards youth and adult play facilities unless they can be provided on site – the Parish is woefully short of formal recreation space and the proposed development would exacerbate the situation
- Development has a significant impact on the need to make substantial changes to the Hugglescote Crossroads including the subsequent loss of the Community Centre and a contribution of £1,000 per dwelling should be paid to the Parish Council to contribute towards the purchase of the property and the building of a new Parish owned community facility – the building is currently owned by the Church and any CPO monies would not be available to provide a new facility
- Requests confirmation of commuted sums for future maintenance of public open space on the development

NHS England (Leicestershire and Lincolnshire Area) requests a healthcare contribution of £8,703.55

Comment:

Insofar as the requested contribution towards youth and adult play is concerned, as set out in the main report, the developers are offering to make such a financial contribution (to be spent at the Millfield Recreation Ground). It is considered that, in principle, such a contribution could comply with the requirements of the Community Infrastructure Levy (CIL) Regulations 2010 and National Planning Policy Framework (NPPF). However, no information has been provided by the Parish Council in support of its requested sum setting out what impact on capacity would arise from the proposed development, what measures to remedy any identified capacity shortfall would be proposed, and how the level of contribution has been calculated. Separate dialogue has also been undertaken between the Parish Council and developers on this issue and copy correspondence has been forwarded to the Local Planning Authority from April 2013 when further information was requested from the Parish Council regarding a then requested £1,200 per dwelling; it is understood that, to date, no further information has been provided by the Parish Council to the developer to evidence the requested sum. As matters stand, therefore, whilst a contribution may be justified (and at a level also to be determined as appropriate), this issue needs to be addressed further, but can be resolved between the relevant parties in due course. As such, it is recommended that, subject to appropriate evidence to demonstrate these matters being provided, these issues (and including agreement on maintenance commuted sums) be concluded as part of the Section 106 agreement negotiations, and with the level of the any contribution(s) secured being delegated to the Head of Regeneration and Planning.

At this time, the Local Planning Authority is unaware of the design details for any future improvements to the Hugglescote Crossroads. The intention of the District Council's contributions strategy is that the costs of undertaking improvements to the local and strategic highway networks necessary to accommodate anticipated growth are met by the developers in an appropriate and equitable way. The contribution proposed in respect of this application is considered to be commensurate to its anticipated impact and the contribution will be used in line with the approved developer contribution strategy.

In terms of the request for a contribution to the Parish Council to purchase the existing Hugglescote Community Centre and the building of a new Parish Council owned facility, it is not considered that such a contribution would be appropriate and would not meet the tests for contributions as set out in the CIL Regulations / NPPF.

Insofar as the requested healthcare contribution is concerned, this has been supported by detailed information setting out the projected impacts on capacity arising from the proposed development (with the principal impacts being on other surgeries rather than the nearby Hugglescote surgery) together with commensurate costs of mitigation, and it is considered that this request would meet the relevant CIL and NPPF tests; the applicants have confirmed that are agreeable to making the contribution sought.

NO CHANGE TO RECOMMENDATION

- A2 13/00218/OUTM Residential development of up to 135 dwellings including the demolition of 138,140 and 142 Bardon Road along with new access and highway improvements to Bardon Road and associated open space and landscaping (Outline - All matters other than part access reserved)**
Land Adjacent To 138,140 And 142 Bardon Road, Coalville

Additional information received:

The County Highway Authority has accepted that a financial contribution towards the provision of bus shelters to the west of the site cannot be justified as the two nearest bus stops on Bardon Road already have shelters installed.

Officer comment:

On the basis of this updated information, a financial contribution towards the provision of bus shelters is not considered to meet the CIL tests.

RECOMMENDATION: No Change to Recommendation

- A3 13/00205/FUL – Measham Lodge Farm, Gallows Lane, Measham**

Following the publication of the committee report the applicant has entered into discussions with the Council's Environmental Protection team to ascertain if there is any resolution to the objections raised during the course of the application. The Council's Environmental Protection team have confirmed that this is the case and as such it is recommended that the application is deferred to allow further work to be carried out to ascertain if any resolution can be achieved.

RECOMMENDATION: THAT THE APPLICATION BE DEFERRED TO ALLOW ENVIRONMENTAL PROTECTION TO CARRY OUT FURTHER INVESTIGATIONS INTO THE NOISE IMPACTS.

- A4 13/00290/FULM – Measham Lodge Farm, Gallows Lane, Measham**

Following the publication of the committee report the applicant has entered into discussions with the Council's Environmental Protection team to ascertain if there is any resolution to the objections raised during the course of the application. The Council's Environmental Protection team have confirmed that this is the case and as such it is recommended that the application is deferred to allow further work to be carried out to ascertain if any resolution can be achieved.

RECOMMENDATION: THAT THE APPLICATION BE DEFERRED TO ALLOW ENVIRONMENTAL PROTECTION TO CARRY OUT FURTHER INVESTIGATIONS INTO THE NOISE IMPACTS.

A5 **13/00526/FULM** **Change of use of land for recreational activities (including shooting, bushcraft and nature trails), the installation of car park and pathways along with the siting of three buildings and a toilet** Land At Melbourne Road, Newbold, Ashby De La Zouch

Further consultation responses received

Worthington Parish Council –

- This application is detrimental to the surrounding area;
- Inadequate parking provision;
- Highway safety implications with increases use of access onto Melbourne Road;
- Lack of public transport accessibility;
- This is proposing to open a commercial venture in the national forest and conservation area. Completely against the ethics of Conservation, wildlife and natural beauty;
- Concern regarding proposed opening Hours (9am – 7pm mon – sat) (Sun10-3) ;
- Size of the buildings is disproportionate;
- Additional Noise (Air rifles, Pistols etc);
- Disturbance to Nature and Natural Habitats.

Officer comments – All the matters raised have been addressed in the Agenda report.

Environment Agency – The proposed development will be acceptable if the following recommended planning conditions and notes to applicant are attached to any planning permission -

Conditions

- 1 No development shall commence on site until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall include:

- A 1 to 500 or closer plan showing clearly the relationship between the temporary buildings and the on-site drainage ditch.
- Surface water run-off limitation and attenuation features, in the form of sustainable drainage (SuDs), to manage rainfall run-off from the building roofs, for all events up to the 100 year plus 20% for climate change critical rain storm.
- Permeable surfacing to the car parking area. Where surfacing is to be impermeable the SuDs requirements as detailed above will also need to be employed to limit rainfall run-off from the car park.
- Details of how ditch/es will be protected against pollution from the composting toilet.
- Details of how the scheme shall be maintained and managed after completion, for the lifetime of the development.

Reason - To prevent the increased risk of flooding, to improve and protect water quality and improve habitat and amenity.

- 2 If, during development, contamination not previously identified is found to be present

at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reasons - To protect controlled waters receptors.

- 3 No development shall take place until a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority.

The scheme shall include the following elements:

- detail extent and type of new planting (NB planting to be of native species)
- details of maintenance regimes
- details of any new habitat created on site including wood piles and nesting boxes
- details of treatment of site boundaries
- details of management responsibilities

Reasons - To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy.

Note to Applicant –

- 1 In the event of any tree removal, the applicant should be aware that all breeding birds are protected by the Wildlife and Countryside Act 1981 (as amended), making it illegal or recklessly damage or destroy a nest whilst it is being built or used. As such we would recommend that the works are not undertaken during the bird breeding season (March to September).
- 2 Please refer to CIRIA document C687 Planning for SuDs Making it Happen for sustainable surface water run-off management options that would be suitable on this site.
- 3 As stated in the letter from the Environment Agency dated 28 August 2013 and with reference to the Design and Access statement and other supporting information which states that the applicant aims to offer hands-on science projects, the Environment Agency requires the applicant to include SuDs features appropriate to the scale and nature of the development.

Sarah Mallett of the Environment Agency has spoken to Richard Sutton of Ivy House Environmental to discuss CIRIA document C687 in detail and potential suitable SuDs options for the site, which would include but not necessarily be exclusive of Green Roof; Rain Garden/s; Rainwater harvesting.

Officer comments – As advised by Environment Agency, the above conditions and notes to applicant should be included on any permission granted.

Leicestershire County Council Ecology – the extent of operation they are planning for will not be significantly detrimental to the woodland wildlife. The activities are not in the area of the rare plant. No objections to the proposal, but concerns about any increase in activity beyond the current plans, either by themselves or from a subsequent owner; can this be dealt with by a temporary permission for example? The applicants have also provided a woodland management plan which would be included in a condition to ensure compliance.

Officer comments – the scale and intensity of the use would be restricted by the size of the accommodation on site. Any increase in accommodation, additional uses on site or increased opening hours would require further permission. The following condition should be included in any permission granted -

- 4 The development hereby permitted shall be undertaken in accordance with the Woodland Management Plan deposited with the Local Planning on 3 September 2013.

Reason – in the interest of nature conservation.

Leicestershire County Council Archaeologist – The site had an archaeological interest prior to the 1980-90s opencast extraction, however, pretty much all of the site was destroyed by the extraction process. It's possible there is a strip (c. 30m wide) of surviving ground along the extreme eastern edge of the area, against the Melbourne Road. However, it is unlikely that this remaining element possess such significant archaeological interest to warrant input at this stage, furthermore the scheme itself appears not to affect that element of the site.

The scheduled remains of a medieval and post-medieval coal mining landscape are present in the vicinity of the site, comprising two areas approximately 140m to the east of the application area and c. 250m south of the site boundary. There will consequently be no direct impact upon the area of either scheduled site. The proposals, where contained within the site would have no/minimal impact beyond its boundary, consequently, they are likely to compromise the setting of either scheduled area.

Officer comments – No change to recommendation.

North West Leicestershire District Council Environmental Protection – A sound test of clay pigeon shooting at the site was undertaken on 2 September 2013. Two shooters were present using a 20 bore and a 12 bore gun with low noise, low recoil (subsonic) cartridges. Sound testing was undertaken by NWLDC Environmental Protection Officers at the new Bellway Homes site in Lount, at property near the junction of Nottingham Road and Melbourne Road, at Smoile Farm on Melbourne Road and at the Gatehouse on Melbourne Road. Following the test, the Environmental Protection team have advised as follows:

Following our site visit yesterday, I can confirm that I am still of the opinion that the proposed development will not have a significant adverse effect upon any of the existing residential properties. Although gunshots are noticeable during the tests, they have very little, or no impact upon the ambient noise levels in that location. That is to say that the dominant noise levels in that area, which are from the A42, are not significantly affected by the shots that were fired during the test. There was a level of 50 -55dB as a constant noise source from the A42, during the firing these levels were only raised by 1dB at the Gate House, which was the property most affected as the wind was directly from the site to this property. At the other monitoring points, there was no effect upon the ambient noise. Even with increased numbers of guns, this

would not become significant, as the resultant 3-4dB increase would be of marginal significance to the ambient levels.

The use of “subsonic” cartridges reduces the amount of noise breakout from the site also the limit of six guns at any one time will limit any adverse impact. I would also comment that this would be further improved by the proposed close boarded fence shielding that the applicants have included in the application. The applicant has also offered that clay shooting will not take place on Sundays. I would suggest that these should be included as conditions should the application be permitted.

As such, I can confirm that I have no objection to the application. If any issues are encountered when the site is in use, these are likely to be due to management failures, which are not necessarily a planning consideration and I would deal with any such issues under the Statutory Nuisance provisions of the Environmental Protection Act 1990.

Officer comments – No change to recommendation.

Additional third party representations received – 40 additional letters of representation received following the publication of the Committee Agenda.

17 representations received in support of the proposal on the following grounds –

- Contribution to local economy;
- Benefits to local wildlife conservation;
- Additional recreational facilities would benefit the local area for residents and businesses and the National Forest;

23 representations received in objection to the proposal. The further objections received were based on the same grounds as those already set out in the Agenda as well as the following:

- The sound test reported in the agenda was biased and not representative of the proposed use.
- There is archaeological/heritage value to the location of the development with a Scheduled Monument to the south of the site and so an archaeological survey should be undertaken.

Officer comments – Matters regarding archaeology and the sound test are addressed above. No change to recommendation.

RECOMMENDATION – PERMIT, with the addition of conditions and notes to applicant, as set out above.

A6 13/00426/FUL – 80A Melbourne Road, Ibstock

Following the publication of the committee report the Local Authority has been contacted by two Councillors for the Ibstock and Heather Ward (Councillors De Lacy and Ruff) about whether a representation from Ibstock Parish Council has been received objecting to the application. To date no representation has been received from Ibstock Parish Council but both Councillors, who attended the Parish Meeting where the application was considered, have indicated that the principle objection relates to the highway safety implications of the development. The committee report prepared has covered the implications of the development to highway safety and it is noted that the County Highways Authority has raised no objections to the development.

RECOMMENDATION: NO CHANGE TO RECOMMENDATION.