

## **BRAUNSTONE TOWN COUNCIL**

### **MINUTES OF PLANS & ENVIRONMENT COMMITTEE**

**THURSDAY 13th AUGUST 2015 AT 7.30PM**

**PRESENT:** Councillor Gary Sanders (Chair), Councillor Bill Wright (Vice-Chair) and Councillors Roger Berrington, Sharon Betts (substituting for Robert Waterton), Berneta Layne and Phil Moitt and Mr John Dodd (ex-officio).

**Officers in attendance:** Darren Tilley, Executive Officer & Town Clerk.

There were no members of the public present at the meeting.

#### **31. Apologies**

Apologies for absence were received from Councillor Robert Waterton.

#### **32. Disclosures of Interest**

There were no disclosures of any Disclosable Pecuniary or Non-Pecuniary Interests by Members.

#### **33. Public Participation**

In accordance with Standing Order 3.6, members of the public may attend the meeting for the purpose of making representations, giving evidence or answering questions in respect of any item of business included on the agenda.

There were no members of the public at the meeting.

#### **34. Minutes of the Meeting held 9th July 2015**

The Minutes of the Meeting held on 9th July 2015 were circulated (item 4 on the agenda).

**RESOLVED** that the Minutes of the meeting held on 9th July 2015 be approved and signed by the Chairperson as a correct record.

#### **35. Planning Applications dealt with under Delegated Authority**

The Committee received and noted responses to planning applications taken under Delegated Authority (item 5 on the agenda).

**RESOLVED** that the action taken by the Executive Officer & Town Clerk under delegated authority in forwarding the following observations to Blaby District Council be noted:

1. **Application No:** 15/0807/HH  
**Description:** Single story extensions to both side elevations, conversion of existing garage and porch to front.  
**Location:** 2 Garden Close Thorpe Astley Leicester Forest East Leicestershire  
**Response:** *Braunstone Town Council wishes to make the following comment that in accordance with Local Plan Policy T7 replacement of on-site parking facilities should be provided: dwellings with more than 4 bedrooms – 3 spaces, 3 or less bedrooms – 2 spaces.*  
**Reason:** *While appreciating the comments made in the Parking Statement, there was no indication from the plans how many bedrooms there were at the property and therefore it is not possible to ascertain the parking requirement.*
2. **Application No:** 15/0633/DOC  
**Description:** Discharge of condition 6, construction of haul road; discharge of condition 56, Public Transport Strategy; discharge of condition 69, Framework Travel Plan.  
**Location:** North And South Of M69 Motorway, West Of M1 Motorway And East Of Beggars Lane Lubbethorpe Leicester  
**Response:** *Braunstone Town Council wishes to make the following comments:*  
  1. *Discharge of condition 6, construction of haul road – satisfied that the proposals for the Haul Road have met the condition;*
  2. *Discharge of condition 56, Public Transport Strategy – that the condition should not be discharged until the figures are provided and circulated for the tables in Appendix D – Timetable Calculations, LLITM data & TRICS output (pages 54-73) of the Public Transport Strategy and the green route and bus stops on page 104 (last map) have been aligned properly with routes on the map. Consideration should also be given to the Additional Bus Route linking the residential development with the employment area and Fosse Park be extended to provide access to Narborough Rail Station; and*
  3. *Discharge of condition 69, Framework Travel Plan – subject to the inclusion of a paragraph on the long term vision for maintaining the site transport information website, e.g. Community Trust/Parish Council/County Council and that the*

*development of the proposed connecting cycle routes off site being in consultation with neighbouring communities and parish councils, the condition be discharged.*

**Reasons:**

- 1. Appropriate drainage has been provided, the length of the Haul Road is appropriate to reduce the impact of mud being dragged onto the Highway.*
- 2. Significant data was not available to make a judgement on whether the analysis and conclusions drawn in the report were reasonable; the Employment/Retail area around Fosse Park would provide employment and shopping facilities for residents, many of whom (e.g. young people) would rely on public transport to be able to access these areas; Narborough Railway station also provides easier public transport access from the site to Hinckley, Nuneaton, Coventry and Birmingham (including the Airport).*
- 3. To ensure that the public transport, walking and cycling information provided would be sustained in the future; to ensure that connecting cycle routes provided the best connection opportunities for the site and the surrounding communities.*

- 3. Application No:** 15/0745/RM  
**Description:** Phase one infrastructure roads and drainage / SUDS  
**Location:** North And South Of The M69 Motorway, West Of The M1 Motorway And East Of Beggars Lane Lubbesthorpe Leicester

**Response:** *Braunstone Town Council has longstanding concerns about the increased risk of downstream flooding particularly in the Lubbesthorpe Road/Watergate Lane area of Braunstone Town. According to the Geo-Environmental report, the site is not sustainable for soakaways and the report recommends that the advice of a professional drainage engineer should be sought. While the application provides clear designs, the condition should not be discharged until a flood risk assessment has been undertaken and information about the projected water flows through all exits and overflows from the SUDS into the surrounding water courses has been provided and explicitly approved by the Environment Agency and Leicestershire County Council Flood Authority.*

**Reason:** *It was not possible to ascertain whether the proposed solution would prevent flooding on-site and downstream on existing watercourses,*

*particularly Lubbethorpe Brook a watercourse the Environment Agency recognises to be at high risk of further flooding, without a flood risk assessment and details of projected water flows out of the SUDS.*

4. **Application No:** 15/0743/DOC
- Description:** Discharge of conditions  
21 construction Environmental Management Plan,  
22 Geo-Environmental,  
27 Noise Assessment Primary School,  
28 Noise Assessment Residential Plots.
- Location:** North & South Of The M69 Motorway, West Of The M1 Motorway And East Of Beggars Lane Lubbethorpe Leicester
- Response:** *Braunstone Town Council wishes to make the following comments:*
- 1. Discharge of condition 21, construction Environmental Management Plan – the condition should not be discharged until all key project contacts have been confirmed (2.1.3); normal working hours for all construction activities should be amended to Monday – Friday 7.30 – 18.00, instead of 16.30 and removing Saturday 7.30 – 13.00 (para 2.3.1);*
  - 2. Discharge of condition 22, Geo-Environmental – subject to assessment by Blaby District Council Environmental Health, the Environment Agency and Leicestershire County Council Flood Authority of the technical specifications and identification of risks, the condition be discharged;*
  - 3. Discharge of condition 27, Noise Assessment Primary School – subject to the final sentence of 6.2 Car Park reading “Landscaping should also be used to provide some screening from this source to the nearest future NSR”, and subject to assessment by Blaby District Council Environmental Health, the condition be discharged; and*
  - 4. Discharge of condition 28, Noise Assessment Residential Plots – the condition not be discharged until details of a scheme of sound insulation to provide internal noise levels in habitable rooms with windows closed was submitted and had been assessed by Blaby District Council Environmental Health.*
- Reasons:**
- 1. To ensure that all key contacts were in place in order to ensure compliance with the construction environmental management plan and to ensure that normal construction hours were during times when most residents would be at work/school in*

*order to minimise the impact upon quality of life (extension to 18.00 will allow work to be carried out longer in the summer months in compensation for the darker evenings during the winter avoiding the need to carry out work on Saturday mornings.*

- 2. All items required by the condition were covered; however, the Town Council was not able to comment on the technical conclusions drawn.*
- 3. A reasonable mitigation measure had been identified to reduce noise from the car park, which needed to be implemented; in addition the Town Council was not able to comment on the technical conclusions drawn.*
- 4. Among the documentation submitted with the application it was not clear whether this aspect of the condition had been addressed.*

5. **Application No:** 15/0799/RM
- Description:** Reserved Matters Application for the construction of 317 dwellings associated highways and public open space.
- Location:** Land To The North And South Of The M69 Motorway, West Of The M1 Motorway And East Of Beggars Lane, Lubbesthorpe
- Response:** *Braunstone Town Council wishes to make the following comments:*
- a) the land around the deserted medieval village of Lubbesthorpe should not be used as land for community purposes, but should be retained as farmland;*
  - b) the design of Main Street should either take into account traffic calming measures and a weight limit in order to reduce the amount of through traffic or the District Centre and the School should be located off Main Street on a separate side street and an appropriate traffic junction and crossing facilities installed at Main Street;*
  - c) small areas of green space within Housing Developments, which are not recreational nor play space should not be designated open space but included as shared space, along with the access and parking, within the title deeds of the residential properties;*
  - d) boundaries between residential properties and public open space should be the responsibility of the individual residential units; and*
  - e) the Landscape Plans should only include indigenous species recommended by the Royal Horticultural Society for use in sustainable urban developments.*

**Reasons:**

- a) *To prevent a loss of open space to the development should the land be required for a direct link road from the M1 south onto the M69;*
- b) *Main Street had the potential to become a rat-run, therefore either mitigation measures should be taken to prevent this or if the route forms part of a wider access from the west into the principal urban area, then the location of the school and community facilities along it should be relocated in order to ensure the safety of users;*
- c) *the Thorpe Astley development included a number of small parcels of open space which due to the small size had no recreation/play purpose or value but had not been included as part of the shared responsibilities of the surrounding properties, this land has become the responsibility of the Parish Council but has limited wider community value;*
- d) *the Thorpe Astley development boundaries between residential properties and public open space were all designated as shared, however, the fences are to protect the privacy and security of the residential dwellings and should be the responsibility of the individual residential units; and*
- e) *Some of the species listed was foreign and would be inappropriate for use since they were invasive species which could spread unsustainably if not regularly maintained at a significant cost.*

6. **Application No:** *15/0813/HH*  
**Description:** *Single storey side extension and porch to front*  
**Location:** *18 Hat Road Braunstone Town Leicestershire LE3 2WF*

**Response:** *Braunstone Town Council wishes to make the following comments:*

1. *In accordance with Local Plan Policy T7 replacement of on-site parking facilities should be provided: dwellings with 3 bedrooms – 2 spaces.*
2. *The occupiers of neighbouring properties should be fully consulted in connection with the proposals.*

**Reasons:**

1. *The extension to the side of the property was on existing driveway, leaving only one available space on the driveway to the front of the property. The plans showed that the property contains three bedrooms.*

2. *While this would be a single story extension, the neighbouring property (a bungalow) was lower, since the ground sloped away and the extension could have an overbearing effect.*

7. **Application No:** 15/0810/HH  
**Description:** Two storey and single storey rear extensions (Revised Scheme)  
**Location:** 1 Arden Avenue Braunstone Town Leicestershire LE3 2SG

**Response:** *Braunstone Town Council has no observations to make on this application.*

**Reason:** *Surrounding properties had large gardens, windows did not overlook and there was space for two vehicles on the front of the property, which had 3 bedrooms.*

8. **Application No:** 15/0821/FUL  
**Description:** Change of use of first and second floor residential units into tanning and beauty salon  
**Location:** 16 Bidford Road Braunstone Town Leicestershire LE3 3AE

**Response:** *Braunstone Town Council wishes to make the following comments:*

1. *the applicant needs to state the hours of business operation for the tanning and beauty salon; and*
2. *the shop forecourts and access arrangements should be improved and the internal layout needs to be revised to accommodate disability access to the first and second floors.*

**Reasons:**

1. *While the Town Council had no objection to the expansion of the business within the existing premises, which had the potential to make the business more sustainable and increase footfall in the local shopping area; the neighbouring upstairs properties were residential units and long or unsocial opening hours could have a detrimental effect on the amenity enjoyed by residents of these properties.*
2. *The Parish Plan survey demonstrated that people with disabilities or with pushchairs experienced problems accessing local shopping centres; the internal layout of the building needs to be reordered to accommodate the new business and as such should be designed to enable easier access from the street and to the upper floors.*

9. **Application No:** 15/0868/HH  
**Description:** Demolition of existing garage and erection of single storey garage and store at rear of property  
**Location:** 79 Edward Avenue Braunstone Town Leicestershire LE3 2PF
- Response:** Braunstone Town Council wishes to make the following comments:
1. the outbuilding must only be used for normal domestic uses related to the residential use of the main property, i.e. storage, summerhouse, hobby room, etc. providing that it would be used in conjunction with the main house;
  2. the outbuilding should not be used to create a separate residential unit which could lead to noise and disturbance and overdevelopment of the site/tandem development;
  3. the property should be retained as non-business use, the outbuilding should not be sold or otherwise disposed of; and
  4. the occupiers of neighbouring properties should be fully consulted in connection with the proposals.
- Reasons:**
1. To prevent noise/nuisance to neighbouring properties.
  2. The designs show a store with a glass front door, windows and a toilet facility, a condition should prevent the property being converted for residential use.
  3. To prevent tandem development, loss of parking facilities for the main dwelling and noise and nuisance to the neighbouring properties.
  4. The conversion of a garage into a larger garage incorporating a toilet and store was close to the neighbouring residential unit and could have an effect on the amenity enjoyed by this property.

### 36. Planning Applications

The Committee received details of planning applications to be considered by Blaby District Council (item 6 on the agenda).

**RESOLVED** that the following responses be forwarded to Blaby District Council:

1. **Application No:** 15/0888/VAR  
**Description:** Variation of conditions 4, 25, 26, 27, 28, 29 and 32 attached to planning permission 12/0865/1/OX to include revised access and highway details, updated flood management details, changes to land uses and floor areas, positioning of marquees



- Location:** and over flow parking areas  
Land At Junction Of Soar Valley Way &  
Narborough Road South Enderby Leicester
- Response:** *Braunstone Town Council wishes to make the following comments:*
- 1. the comments of the Environment Agency be supported; and*
  - 2. Condition 1 should be amended to read 3 years instead of 5 years.*
- Reasons:**
- 1. To ensure effective mitigating measures were in place to deal with potential flooding on the site.*
  - 2. There was no apparent reason why a 5 year term on commencing the development was required, the normal 3 years was adequate.*
2. **Application No:** 15/0873/RM
- Description:** Landscaping proposals for phase 1 of the Development including layout of park to northern boundary including the provision of playing fields, layout of other parks, details of tree and other planting.
- Location:** North And South Of The M69 Motorway, West Of The M1 Motorway And East Of Beggars Lane, Lubbethorpe Leicester.
- Response:** *Braunstone Town Council wishes to make the following comments:*
- 1. the Landscape Plans should only include indigenous species recommended by the Royal Horticultural Society for use in sustainable urban developments, Bryony was not suitable for use in public open spaces; and*
  - 2. the details, timescales and works for the Landscaping taking place east of the M1 adjacent to Meridian Way should be undertaken in consultation and liaison with Braunstone Town Council and arrangements for the future management and legal transfer (along with associated commuted sums) should be undertaken in consultation and liaison with Braunstone Town Council.*
- Reasons:**
- 1. Some of the species listed was foreign and would be inappropriate for use since they were invasive species which could spread unsustainably if not regularly maintained at a significant cost. Bryony grows rapidly and would swamp other plants, it is poisonous and the sap it produces reacts with human skin.*
  - 2. While it was understood that a Community*

*Trust may manage the Lubbesthorpe Open Spaces; the landscaping on land to the East of the M1 was adjacent to Thorpe Astley and within the Parish of Braunstone, which currently had operational arrangements in place for managing Thorpe Astley Open Spaces. The involvement of Braunstone Town Council in the landscaping arrangements and future of the land adjacent to Meridian Way would ensure that the interests of the residents adjacent to the site were represented.*

3. **Application No:** 15/0917/ADV  
**Description:** Proposed replacement totem and building signage.  
**Location:** Marks & Spencers Fosse Park Avenue Enderby Leicestershire.
- Response:** *Braunstone Town Council has no observations.*
- Reason:** *The proposed replacement signage was in keeping with the site.*

### 37. Additional Planning Applications

The Committee received details of planning applications received since the publication of the agenda (item 7 on the agenda)

**RESOLVED** that the following responses be forwarded to Blaby District Council:

1. **Application No:** 15/0947/VAR  
**Description:** Variation of Condition 8 to provide minor changes to kiosk design attached to planning application 14/0527/1/PX.  
**Location:** Asda Stores Ltd Narborough Road South Braunstone Town Leicestershire
- Response:** *Braunstone Town Council has no observations.*
- Reason:** *The minor amendment to the Kiosk design was reasonable and in keeping with the site.*
2. **Application No:** 15/0950/FUL  
**Description:** Subdivision and part change of use of cinema to create two restaurant units (Use Class A3) including external alterations to entrances and creation of bin stores, hard landscaping and outdoor seating areas.  
**Location:** Vue Cinema Unit A Meridian Leisure Park Braunstone Town
- Response:** *Braunstone Town Council wishes to make the following comment that the size of the bin area at the back of the site should be suitable and also*

*enclosed, the enclosure fence being able to retain any loose rubbish.*

**Reason:** *There were problems with loose rubbish and litter currently at the back of the cinema and in the hedgerows and landscaping at the back of the site, which was impacting upon the amenity of Mossdale Meadows.*

3. **Application No:** 15/0957/FUL  
**Description:** Erection of storage facility to rear of store.  
**Location:** Marks And Spencer PLC Unit 9 Fosse Park Avenue Enderby.

**Response:** *Braunstone Town Council has no observations.*

**Reason:** *The storage facility was reasonable and in keeping with the site.*

### **38. Planning Decisions**

The Committee received and noted planning decisions made by Blaby District Council (item 8 on the agenda).

**RESOLVED** that the decisions be noted.

*Reason for Decision*

*To keep a watching brief on the decisions and to review the impact of Town Council comments upon the decision making process.*

### **39. Leicestershire Minerals and Waste Local Plan – Consultation**

The Committee considered the consultation draft (July 2015) of the proposed Leicestershire Minerals and Waste Local Plan (up to 2031) following the Issues Consultation and considered whether to submit a response to the consultation (item 9 on the agenda).

**RESOLVED** that the following comments be made in response to the consultation:

- a) Terms used in the document need to be clarified where there was a potential for misunderstanding/misinterpretation of the meaning; examples include:
  - Leicestershire – clarity should be given on whether this refers to the County Council administered area or did it include either Leicester City or Rutland (*See strategic objective 2 on page 10*);
  - Soar Valley – clarity should be given on whether this refers solely to the Soar Valley north of Leicester and South of Loughborough or whether it includes the Soar Valley to the south of Leicester city.

- b) Strategic Objective 1, page 10: the words “national and local requirements” should be replaced with “local needs and central government requirements”;
- c) Policy M1, page 16: Supply of Sand and Gravel Aggregate: objective (i) the word “some” should be replaced with “up to”;
- d) Page 16, paragraph 3.24: add sentence at the end “Therefore, the priority for these sites should be limited to one extension. After which, further extensions would be judged in the same way as new sites”;
- e) Policy M4, page 23: Crushed Rock: objective (i) the word “some” should be replaced with “up to”;
- f) Page 42, paragraph 4.2: given there was sufficient capacity for a recycling and composting target of 58% for LACW by 2017, proposals should be included to increase capacity to meet a higher target by 2030/1; the target for C&I wastes of 54% by 2030/1 given it was 15 years away was low and proposals should be included to increase capacity to meet a higher target by 2030/1;
- g) Page 22, paragraph 3.49: remove the words “at the current time”;
- h) Pages 61 – 63, The Development Management Process should include a paragraph explaining that the County Planning Authority shall inform and consult District Planning Authorities, Parishes and statutory organisations, e.g. Environment Agency; and
- i) Page 55 – between paragraph 4.36 and 4.37, add a paragraph concerning the importance of exploring and making provision for the installation of bio-digestive systems to deal with food waste, taking out the oxygen.

#### *Reasons for Decision*

- a) *Terms could be interpreted by different organisations and different people over the lifespan of the strategy, clarity avoids potential future loopholes and challenges;*
- b) *the County should only be meeting local needs and statutory requirements, it should not put itself in the position where it has to meet national needs, particularly if other areas were not meeting these needs, if there was no statutory requirement;*
- c) *to ensure there would be no argument or challenge to the maximum amount that should be provided;*
- d) *to find a balance between using existing sites and infrastructure and not adversely impacting on the local environment, while enabling it to be viable to operate new sites;*
- e) *to ensure there would be no argument or challenge to the maximum amount that should be provided;*
- f) *Government and European Union rules were most likely to continue to seek to reduce land fill and significantly increase recycling targets;*
- g) *the rationale provided (longer security of reserves and geological limitations) would not be different of the lifetime of the strategy and therefore, the words “at the current time” only serve to undermine the policy;*
- h) *to enable a full range of material considerations and environmental impacts to be presented and considered and addressed where necessary with appropriate conditions; and*

- i) *Recycling market likely to become less predictable, to avoid landfill, alternative technology should be developed for changing heat from waste into electricity generation.*

**40. Termination of the Meeting**

The meeting closed at 8.15pm

**NOTE:**

CRIME & DISORDER ACT 1998 (SECTION 17) – The Council has an obligation to consider Crime & Disorder implications of all its activities and to do all that it can to prevent Crime and Disorder in its area.

**EQUALITIES ACT 2010**

Braunstone Town Council has a duty in carrying out its functions to have due regard to:-

- eliminate unlawful discrimination, harassment and victimisation;
- advance equality of opportunity between different groups; and;
- foster good relations between different groups

To ensure that no person receives less favourable treatment on the basis of race, disability, sex, gender re-assignment, sexual orientation, age, religion or belief, marriage or civil partnership, pregnancy or maternity.

These issues were considered in connection with each of the above decisions. Unless otherwise stated under each item of this report, there were no implications.

SIGNED \_\_\_\_\_ (CHAIR)

DATED \_\_\_\_\_