

PLANNING COMMITTEE 21 June 2011
LIST OF LATE ITEMS RECEIVED AFTER PREPARATION OF MAIN AGENDA:

ITEM 01 **11/00029/OUT** **Hallam Land Management**

Recommendation:-

Amend reason to state:-

In the opinion of the Local Planning Authority, the applicant has failed to provide information which adequately demonstrates housing need in Desford in excess of the agreed minimum requirement of 116 dwellings. The proposal would therefore fail to meet the requirements of Policy 8 of the adopted Core Strategy.

ITEM 02 **11/00219/REM** **Mr Mark Horsley**

Consultations:-

Additional information has been received in respect of the viability of the site. However the viability of the site is not being considered as part of this application.

ITEM 03 **11/00270/FUL** **Mr John Sinfield**

The consultation period has now expired, the recommendation has therefore been amended accordingly.

Recommendation:-

RECOMMENDATION: Permit subject to the following conditions:-

ITEM 04 **11/00271/FUL** **Mr Roy Hartley**

Consultations:-

The Head of Community Services (Pollution) has requested that an additional condition be added in respect of ventilation.

Recommendation:-

Amended Conditions

- 12 No part of the site, other than that proposed in the approved plan Drawing No B10/13/P01F, received by the Local Planning Authority on 9 May 2011, shall be used for the assembly of kitchen units.
- 13 No use of the assembly units, as shown on the submitted plan and hereby approved, shall be carried out other than between 8 am to 5 pm Monday to Friday and 8 am to 12 noon Saturdays and at no time on Sundays or Public Holidays.

Additional Conditions

- 15 No development shall commence until details of the ventilation are first submitted to and approved in writing by the Local Planning Authority, the scheme shall be implemented in accordance with the approved details.

Reason:- In the absence of detail and in the interests of protection of amenity from noise and odour of nearby residential accommodation to accord with Policy BE1 of the adopted Hinckley & Bosworth Local Plan.

16 There shall be no outside storage.

Reason:- The premises are close to residential dwellings and a limit on outside storage is needed to prevent a nuisance or annoyance to nearby residents accord with Policy BE1 of the adopted Hinckley & Bosworth Local Plan.

ITEM 05

11/00363/CON

Mr Roy Hartley

The consultation period has now expired, the recommendation has therefore been amended accordingly.

Recommendation:-

RECOMMENDATION: Grant Conservation Area Consent subject to the following conditions:-

ITEM 07

11/00290/FUL

Mr Richard Cobley

Introduction:-

Additional supporting information has been received from the applicant. This provides further information about the business which he operates, his land holding and the machinery he owns. His acreage is broken down into:-

Botcheston Bog- 20 Acres

Fields Farm, Osbaston - 43 Acres

Burrows Wood, Ratby - 15 Acres

Cowpen Field, Groby - 10 Acres

Buckler Field, Groby - 3.5 Acres

This provides a total land holding of 82.5 Acres

The Machinery List includes:- 7 tractors, 3 balers, 2 trailed mowers, 3 hay turners, 8 bale trailers, 1 crop sprayer.

Consultations:-

A letter of neighbour objection has been received, this raises the following concerns:-

- a) questions whether there is a need for the building, as it is mentioned that there are already buildings on site which can be used for the parking of agricultural machinery and for storage of hay and straw;
- b) only 5 of the 82.5 acres of land mentioned are owned by the applicant;
- c) queries are raised in respect of the farming activities undertaken by the applicant;
- d) the refurbishment of agricultural machinery is undertaken on site until 10 pm and that not all of the machinery belongs to the applicant;
- e) no direct consultation on the application has been received.

Appraisal:-

Other Issues

Concerns have been raised in respect of whether there is a need for the agricultural building applied for and over the farming activities conducted by the applicant. As mentioned previously within the report, the applicant has provided justification as to why he needs the proposed building and further information on his land holding and how his business operates. Based on the information provided, it is considered that there is a need for the building.

Concerns have also been raised that the site is being used for the general repair of agricultural machinery not owned by the applicant. In order to identify whether there is an existing breach of planning control, this issue will be referred to the planning enforcement team for further investigation.

The objector stated that he was not directly consulted on the application. This matter has been investigated further and as the objectors property was approximately 160m from the application site and was not immediately adjacent to the site, the decision was taken not to directly consult that property. In order to inform people of the application who were not directly consulted, a site notice was displayed.

Recommendation:-

RECOMMENDATION:- Permit subject to no new material objections being received prior to the expiry of the consultation period on 28 June 2011 and to the following conditions:-

ITEM 08

11/00365/COU

Mr Peter Dean

The consultation period has now expired; the recommendation has therefore been amended accordingly.

Recommendation:-

RECOMMENDATION: Permit subject to the following conditions:-

ITEM 09

11/00402/COU

Mr Raymond Fudge

Consultations:-

Two letters of objection have been received on the following grounds:-

- a) considers that the current A1 restriction limits the types of food sold, types of kitchen equipment which allows the smells and noise to be controlled;
- b) proposed change of use would lead to uncontrollable smells arising from the kitchen, and additional noise from the extract and air conditioning smells arising from the kitchen;
- c) any additional noise, smells, use of extractors and hours of business will be very unfair on the owner of No.10 and there needs to be a cut off point which prevents a small café becoming a bigger enterprise, and a potential need for extending cooking facilities and all that is associated with running such a business;
- d) an A3 use could allow the opportunity to change the tearoom/café into a bigger restaurant and if hours were increased could result in more disturbance to the local community;
- e) noise and smells cannot be controlled when the door is open;
- f) the additional sheds to the rear of the premises can only be accessed through the kitchen door which is located adjacent to No.10's rear patio and in close proximity to their kitchen and bedroom window and there is the issue of noise created by the general comings and goings from the kitchen to the shed, particularly at the weekend;
- g) the change of use of a Listed Building would not represent the best reasonable means of conserving the character, appearance, fabric, integrity, and setting of the building, and believe the external alterations proposed at the rear of the property would be detrimental to its character;
- h) the drawings are not accurate in their detail;
- i) within a residential setting with effectively No.8 and No.10 are two cottages in one with No.10's first floor front bedroom overhanging the entrance to the shop area; premises too small and unsuited to change of use; The size of the building, lack of land around it and close proximity to other businesses makes it unsuitable for growth;
- j) restriction should be in place to ensure that the property cannot be used for anything other than a deli or small tea room/café with 18 seats;
- k) already a problem with car parking in the square; the increase in proposed floor space would make things worse;
- l) question the reasons for this change of use being proposed as likely to lead to a sale;

- m) right of way to No.10 along the side and rear of the premises; Chairs and tables blocking the side gate during the day and block the access to the rear when stored at night; Collision hazard with access gate to neighbour and rear kitchen door;
- n) fire hazard;
- o) customers bikes are often left against neighbour's windows.

Market Bosworth Parish Council state that they endorse the principal objections raised by the neighbouring No.10 Market Place (as set out above).

Appraisal:-

Many of the points raised have already been addressed within the main committee report.

However, for the avoidance of doubt this application is retrospective and seeks to regularise the current development. The Head of Community Services (Pollution) is satisfied with the noise and odour mitigation measures and the noise arising from comings and goings from the kitchen to outbuildings to the rear is not considered to be over and above that generated by the previous use. Should the level of cooking intensify, the Environmental Health department on their routine inspections would assess the suitability of the existing ventilation and extraction systems at that time and advise accordingly. Should new equipment be required, an assessment would need to be undertaken at that time to ascertain whether planning permission and/or listed building consent is required. Whilst an A3 use incorporates restaurants and cafes, this application seeks consent for the change of use to a café and indicates the proposed hours of use, therefore an application would need to be made to the Local Planning Authority to extend hours of operation, should this be desired in the future. The impact of this would then be considered at that time. However, it should be noted that the intention is to retain the existing menu and domestic appliances and cooking methods and that this application seeks to regularise the existing A3 use.

It is not considered that the scheme would impact upon the architectural or historical structure of the Listed Building or detract from its setting and that the removal of the timber shed improves the visual appearance at the rear of the site.

The drawings are considered to be accurate.

The site falls within a designated retail area which is interspersed with both commercial and residential premises. The impacts over the use upon the neighbouring dwelling are not considered significant enough to warrant a refusal of planning permission on amenity grounds.. The application does not propose any extensions or internal alterations.

The level of parking has been considered by the Director of Environment and Transport (Highways) whom has no objection to the scheme.

It is considered that the fact that the site may be potentially sold in the future is not a planning consideration. Right of access, obstructions and collisions are not material planning considerations. The single skin wall and no fire barriers in place and bikes being lent on walls and restricting access are not material planning considerations.

Recommendation:-

Following concerns raised in respect of the level of detail available on the website, it has been decided that a 21 day time period should be allowed from the latest date of re-consultation on the 6 June 2011. As such the recommendation has been amended, accordingly.

RECOMMENDATION:- Permit subject to no new significant material objections being received prior to the expiry of the consultation period on 27 June 2011 and the following conditions:-

Introduction:-

This application has been withdrawn from the agenda and will be reported to Planning Committee on 19 July 2011.

Report No P8**Enforcement Protocol**

At paragraph 5.2 the protocol refers to standard priority cases being visited within 10 working days, this should state 15 working days in line with the national performance indicator. This target is also referred to in Annex 1.

PLANNING COMMITTEE**21 JUNE 2011****SPEAKERS**

| Item | Application | Speaker(s) | Applicant/objector |
|-------------|--------------------|----------------------------------|---------------------------|
| 01 | 11/00029/OUT | Ms Vavasour Mark Flood | Objector Agent |
| 02 | 11/00219/REM | Mark Horsley | Applicant |
| 04 | 11/00271/FUL | Gabriella Di Palma Jim Bailey | Objector Agent |
| 06 | 11/00287/FUL | Tom Harrison | Agent |
| 09 | 11/00402/COU | Mr Gutteridge Mr Fudge | Objector Applicant |