

PLANNING COMMITTEE 19 July 2011
LIST OF LATE ITEMS RECEIVED AFTER PREPARATION OF MAIN AGENDA:

ITEM 01

11/00377/FUL

Mr C Price

Consultations:-

70 additional letters of objection have been received which state that information has been provided to local residents that there will be no further Traveller or Gypsy sites within Barwell Parish due to the existing Showman's site.

One additional letter of objection has been received stating that the development is contrary to the long term aim to develop a sports hub in the area.

Development Plan Policies:-

East Midlands Regional Plan 2009

Policy 16: Regional Priorities for Provision for Gypsies, Travellers and Travelling Showpeople suggests that Local Authorities should identify land for additional pitch provision based on clearly evidenced assessments of need and that Local Development Frameworks should make provision for the minimum additional pitch requirements set out in Appendix 2, taking account of the need arising from future growth beyond 2012. Appendix 2 identifies that Hinckley and Bosworth Borough Council should provide a minimum of 26 pitches for Gypsies and Travellers plus 5 transit pitches and 2 plots for showpeople.

Paragraph 4.2.18 refers to the Green Wedge and suggests that Green Wedges serve as useful strategic planning functions, in preventing the merging of settlements, guide development form, provide a 'green lung' in urban areas and act as a recreational resource. It states that provision should be made in Green Wedges for the retention or creation of green infrastructure and green links between urban open spaces and the countryside, and for the retention and enhancement of public access facilities, particularly for recreation.

Core Strategy (2009)

Policy 6: Hinckley/Barwell/Earl Shilton/Burbage Green Wedge states that the within the Green Wedge, uses will be encouraged that provide appropriate recreational facilities within easy reach of urban residents and promote the positive management of land, to ensure that the Green Wedge remains or is enhanced as an attractive contribution to the quality of life of nearby urban residents. It lists the land uses acceptable in the Green Wedge, which are not considered damaging to its function. These include:-

- a) agriculture, including allotments and horticulture not accompanied by retail development
- b) recreation
- c) forestry
- d) footpaths, bridleways and cycleways
- e) burial grounds
- f) use for nature conservation.

The policy goes on that any land use or associated development in the Green Wedge should:-

- a) retain the function of the Green Wedge
- b) retain and create green networks between the countryside and open spaces within the urban areas
- c) retain and enhance public access to the Green Wedge, especially for recreation and
- d) should retain the visual appearance of the area.

Appraisal:-

Impact on Green Wedge

Paragraph 4.2.18 of the East Midlands Regional Spatial Strategy and Core Strategy Policy 6 seek to protect and retain the function of the Green Wedge. Although the application proposal does not fall within one of the categories of acceptable development as defined by Policy 6, on balance it is considered that the specific need identified for the site, outlined within the Human Rights Legislation Questionnaire submitted by the agent, and the need for Gypsy and Traveller pitch provision identified within Policy 16 of the Regional Spatial Strategy and the Leicestershire, Leicester and Rutland Gypsies and Travellers Accommodation Needs Assessment 2006-2016, in this case outweighs the need to protect the Green Wedge from additional built development. In addition the application site comprises a relatively small parcel of land within the Green Wedge and the scale of development proposed for the site is small. Further, additional landscaping has been proposed this will strengthen the sites boundaries, enhancing the character and appearance of the area, and will be beneficial to the local wildlife.

Concerns have been raised that the development is contrary to the long term aim to develop a sports hub in the area. In response to this, the Council can only consider the application before them on its own merits and cannot take into consideration potential impacts of a development on the future development within an area.

ITEM 02

11/00329/FUL

Mr P Hilyer

Recommendation:-

Amend Reasons for Condition 2 and 4 as follows:-

The planning application has only been made for a 'life span' of 25 operational years to prevent unnecessary clutter in accordance with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

Condition 7 amend as follows:-

Prior to the first export date, a scheme setting out a protocol for the investigation and alleviation of shadow flicker caused by the turbines hereby permitted in the event of any complaint being received from residential dwellings within a distance of ten rotor diameters of the turbines, shall be submitted to and approved in writing by the Local Planning Authority. The approved mitigation measures shall be carried out in accordance with a timescale approved in writing by the Local Planning Authority and be kept in place for the duration of the permission.

ITEM 03

11/00334/EXT

Mr G Pearson

RECOMMENDATION:- That subject to a Unilateral Undertaking under S106 of the Town and Country Planning Act 1990 to provide the financial contributions towards the provision and maintenance of play and open space the Deputy Chief Executive (Community Direction) shall be granted delegated powers to grant planning permission subject to the conditions below. Failure to complete the said agreement by 28 July 2011 may result in the application being refused:

ITEM 04

11/00368/FUL

Taylor Wimpey UK Limited

Introduction:-

This item has been deferred until the next committee.

Introduction:-Application Proposal

Change from:- "The application is for a Certificate of Lawful Proposed Use" to "The application is for a Certificate of Existing Proposed Use".

Site and Surrounding Area

Changed from: The buildings are situated either side of the entrance to the site, opposite one another.

Pooltail Bungalow and the Fishing Lodge are situated side by side separated by a distance of over 30 feet.

There are two accesses to the buildings. One via a track road off Markfield Road and another via a track road off Wallace drive.

Technical Document submitted with application

a) A letter from Hinckley and Bosworth Council Tax department deleting the 'Pooltail Bungalow' from the valuations list as in their opinion it no longer comprised a dwelling.

Substantial additional supporting information has been submitted by the applicant:-

The information provides a description of the site and confirms that the applicants purchased the site in 2000 and moved in, in 2001. It is stated that the CLU is needed in order to provide the applicants daughter and granddaughter a home of their own. The CLU would allow the Fishing Lodge at a reasonable price. It is stated that the fishing lodge has existed as a residential home for a long time.

It goes on that if the dwelling (Fishing Lodge) stands empty it will benefit no one.

The statement then provides a history of development, and Local Authority involvement with the site since 2005. This concludes by stating that the Enforcement Notice and refusal of CLU was appealed; that the appeal succeeded against the enforcement notice and costs of £19000 were awarded.

The submission lists additional items for consideration by the planning committee, these are as follows:-

- a) The Fishing Lodge was never ancillary to the other buildings on site. It was built without Planning Permission.
- b) The Lodge cannot be ancillary to the pond on the site. It is an incorrect statement by the Planning Inspectorate to suggest that the Fishing Lodge was ancillary to the lake. Pooltail was built without Planning Permission before fishing started in the lake.
- c) Current condition of our application is the same as it was in 2006 except that we have now lived in the Fishing Lodge for over 10 year. Pool Tail Bungalow was removed from the valuation list.

Were the Local Planning Authority incorrect to suggest the 10 year rule?

- d) Letter of 2nd October from the Local Planning Authority gives us guidance for extending the Fishing Lodge. It also states that "The building would need to remain ancillary in nature to the main residence on the site". Who is right? Planning Inspectorate or the Planning Officers? We are confused.
- e) The Fishing Lodge is not ancillary to the Lake or to Pooltail Tail Bungalow and the 10 year rule should apply as dictated by the Local Planning Authority. We venture to say that the 4 year rule should apply.

- f) There is also no evidence in HBBC records to suggest that Pooltail, covering over 6 acres of land, is a single planning unit. Ward 9 (over 11 Acres of land) situated along side our land was also owned by the previous owners and was sold to Mr Simmonds of 16 Lena Drive Groby in 1987. Ward 9 now contains many sheds, and a business for pigeon breeding and Planning Permission for stables.

Planning Permission for extending Pool Tail Bungalow in the year 1945 does not mention or specify Pooltail as a single planning unit.

Therefore Pooltail is not and never was a single planning unit and so the 10/4 Year Rule must apply.

- g) We mentioned about the conveyance records on the sites in our application. This was not mentioned in our last appeal. Both buildings were used for a long time simultaneously by Ivy Barn and Erna Stockloss. The recommendation failed to address this.

Queries are then raised in respect of the appeal decision.

Finally the applicant states that he wishes to make a complaint against Groby Parish Council for publishing defamatory remarks/comments on the website.

History:-

Deleted:- 87/00991/4	Agricultural fish farm with mobile home	Refused	22.12.87
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This relates to an adjacent site and not the application site.

Appraisal:-

In respect of the additional information submitted by the applicant. The clarification requested in respect of the previous appeal decision is not a matter for consideration by this application. The appeal decision is a material consideration and was not challenged at the time the decision was made.

The appeal decision concluded that the application site comprises a single planning unit, with one residential use and that it is incorrect to apply for a CLU in respect of the Fishing Lodge. Therefore the 4 and 10 year rule are of no relevance. No new evidence has been submitted by the applicant, which results in a different conclusion.

ITEM 06

11/00423/FUL

Governors Of St Martins High School

Recommendation:-

Delete both Condition and Reason 1.

ITEM 07

11/00410/FUL

Mr Jonathan Sanders

Consultations:-

One letter of neighbour objection has been received, this raises the following issues:-

- that the development does not accord with policy BE1 of the local plan as it does not compliment or enhance the character of the surrounding area
- that the structure is prominent from Arnalds Crescent
- the structure is only obscured by vegetation during the summer months
- the structure is prominent within its setting
- no parking provision has been made for the van which has recently been parked on the site
- if the application is permitted, it should be for a limited time period only

- g) questions have been raised over how the Local Planning Authority would monitor the amount of overnight use of the caravan
- h) it has also been requested that if permitted, the structure be painted Green.

Appraisal:-

The impact of the development on the surrounding area has been assessed within the main agenda report.

Other Issues

Questions have been raised as to how the Local Planning Authority will monitor the overnight use of the caravan if permitted on a temporary basis. If the application was permitted on a temporary basis, the planning enforcement team would determine how the site would be monitored.

ITEM 08

11/00216/LBC

Hinckley & Bosworth Borough Council

Consultations:-

English Heritage raise no objection.

ITEM 09

11/00499/C

Mr Zeeshan Aslam

Consultations:-

One letter of objection has been received commenting that the proposal should be considered in light of the major development proposals at MIRA. It also comments that the proposals should be considered with reference to the policies of the LCC Waste Development Framework.

Appraisal:-

The proposed site is relatively close to the MIRA site which is planned for major development. The Local Enterprise Partnership has applied for Enterprise Zone status for the MIRA site and a bid for RGF2 funding has been made to support the development of a business/technology campus comprising replacement MIRA headquarters, office research and manufacturing facilities. The proposals at MIRA whilst only in planning application form currently are considered important to the local economy and should be taken into consideration in the determination of this application. As such it is suggested that the MIRA proposals are brought to the attention of Leicestershire County Council and are taken into consideration through the determination process.

RECOMMENDATION:- That the Leicestershire County Council be advised that Hinckley and Bosworth Borough Council has the following comments to make:-

It is considered that this revised submission does not address the previous objections raised and therefore the Borough Council objects to the application. Furthermore the proposed development at the nearby MIRA site should be fully considered in the assessment of this application.

PLANNING COMMITTEE
19 JULY 2011

SPEAKERS

Item	Application	Speaker(s)	Applicant/objector
01	11/00337/FUL	Rosemary Leader	Objector
02	11/00329/FUL	Paul Hilyer	Applicant
05	11/00389/CLU	Mr Ansar	Applicant
07	11/00410/FUL	Jonathon Weeks	Agent