

PLANNING COMMITTEE: 21 June 2011
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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11/00313/FUL – FROLESWORTH Mr R Tallis	Erection of two 34.2m high wind turbines and associated works (revised scheme of 10/01563/FUL), land west of Frolesworth Lodge, Sharnford Road.
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ADDITIONAL REPRESENTATIONS:

Leicestershire Highways:

The applicant has now confirmed the following:- 'The turbines would be delivered on the back of an articulated lorry (normal HGV) and will take approximately 3 trips. The construction of the wind turbines would take between 1-3 days. There will be a small team of people using cars, vans or pickups to install the turbines. A crane will be used for unloading the goods and for constructing the tower'.

Additional information from applicant: photomontages received showing relationship with St Nicholas Church.

11/00438/FUL – DRAYTON Mr and Mrs M Robinson	Erection of two barns and an agricultural dwelling (revisions to the withdrawn application no. 10/01157/FUL), new dwelling, Medbourne Road.
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ADDITIONAL REPRESENTATIONS:

Additions to report

Add the following to the last sentence of last paragraph of 'Background' section
“...thirdly, land to the north-west is situated at a higher ground level than the proposed site *and would require significant ground re-modelling and level changing*”

Replace the last sentence of last paragraph of 'Agricultural Buildings' section with

“...Both buildings will be constructed from a steel frame and will have fibre cement sheeting on the roof. The livestock building will have Yorkshire Boarding on the gables and the general purpose building will be constructed of concrete panels on the lower section of the building and Juniper Green steel coated cladding on the upper section.

Representations made following amended plans/additional information

Additional comments have been received from John Martin & Associates on behalf of Mr & Mrs Blackman (Drayton House). The comments can be viewed in full on the planning file, but in summary they provide three reasons as to why the application should be refused:

- Negative effect on the character of the landscape and visual impact and not in conformity with policies
- Detrimental impact on the identified ecology in the local area
- An alternative siting adjacent to Medbourne Road is more appropriate for the local surroundings*

* The applicant has assessed the alternative site that has been proposed and would contend that *“this site would still be more visually prominent when viewed from Medbourne Road. Additionally, the siting of the farm yard on two different levels would be totally unworkable from a farming practice perspective, with run-off from the higher level likely to flow into building at the lower level. It should also be noted that there would be a need for significant ground movement to be carried out which is likely to have a significant environmental impact, as well as not being at all cost effective”*.

Amended Plans

An amended plan has been submitted by the applicant showing the open yard which will be positioned to the north of the livestock building, which when necessary will be enclosed by feed barriers that are moveable structures and will not always be there.

Officers consider that as clarifies rather than alters the proposal further consultation is unnecessary because representations received are unlikely to be materially affected.

Additional Plans

A cross-section plan has been submitted (16th June 2011) by the applicant at the request of the case officer.

Conditions

For clarity & simplicity, the conditions have been amended (inc. number re-ordering)

1. The development hereby approved shall be begun within 3 years from the date of this permission. Reason:- To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 and to enable the Local Planning Authority to review the position at the end of this period.
2. The development hereby permitted shall be in accordance with the submitted plans and drawing reference 11/00438A/FUL & 11/00438B/FUL; Reason:- For the avoidance of doubt.
3. The temporary agricultural dwelling hereby approved, shall not brought onto the site until the farm buildings hereby approved have been erected and are capable of being occupied by the livestock. Reason: A temporary agricultural dwelling would not be justified without the farm buildings being erected and to accord with Annex A of PPS7.
4. The temporary agricultural dwelling shall not be erected until details of its size, siting and external appearance have been submitted to and approved in writing by the Local Planning Authority. Thereafter the temporary agricultural dwelling shall be implemented as approved. Reason: To ensure the temporary agricultural dwelling is appropriate for the size of the enterprise and to protect the character and appearance of the countryside and to accord with local plan polices EV/4 and EV/5 and Annex A to PPS7
5. The temporary agricultural dwelling hereby approved is limited to a three year period commencing from the date it is sited on site, the date of which shall have been previously agreed in writing by the Local Planning Authority. After the three year period, the use shall cease and removed from the site and the site left in a tidy condition to the satisfaction of the Local Planning Authority. Reason: In order to establish the long term viability of the use with respect to PPS7 Annex A can be assessed during this period, and that any future application can be decided on this assessment.
6. The occupation of the temporary agricultural dwelling shall be limited to Mr and Mrs Robinson who shall be solely or mainly employed, or last employed, in the locality in agriculture as defined in Section 336(1) of the Town and Country Planning Act 1990, or a dependent of such a person residing with him/her, or a widow or widower of such a person. Reason: To accord with Policy EV/5 of the Harborough District Local Plan and Annex A to PPS7.

7. No development shall commence on site until a management plan demonstrating how odour/fly problems affecting the local community will be prevented has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details and retained in perpetuity Reason:- In the interests of the amenity of the surrounding locality and to secure a satisfactory standard of development and to accord with Policy IN/1 of the Harborough District Local Plan.
8. No development shall commence on site until full details of both hard and soft landscape works, including a programme of implementation, have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented during the first available planting season after the agricultural buildings have been erected in accordance with the approved details and retained in perpetuity Reason:- To enhance the development and to safeguard the appearance of the area and to accord with Policy IN/1 of Harborough District Local Plan.
9. No development shall take commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
 - The programme and methodology of site investigation and recording
 - The programme for post investigation assessment
 - Provision to be made for analysis of the site investigation and recording
 - Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - Provision to be made for archive deposition of the analysis and records of the site investigation
 - Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
Reason: To ensure satisfactory archaeological investigation and recording in accordance with PPS5
10. No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (17). Reason: To ensure satisfactory archaeological investigation and recording in accordance with PPS5.
11. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (1) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured. Reason: To ensure satisfactory archaeological investigation and recording in accordance with PPS5.
12. No development shall commence on site until full details of all external lighting have been submitted to and approved in writing by the Local Planning Authority.

Thereafter the development shall be implemented in accordance with the approved details and retained in perpetuity. Reason:- To prevent intrusive light pollution that is out of keeping with the character of the area and in the interests of nature conservation and to accord with Policy IN/1 of the Harborough District Local Plan and the aims and objectives of PPG23.

13. The existing hedges together with the trees on the site shall be retained and in no way disturbed other than routine management works carried out under relevant farming stewardship agreements. Any proposed alterations to the hedges or trees above these routine management works, including pruning or selective removal and/or replacement shall be submitted in the form of a detailed scheme to the Local Planning Authority and approved in writing. The detailed scheme shall be carried out as approved and maintained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority. Reason:- To ensure that the existing trees and/or hedges on the site can be retained, to enhance the development and to safeguard the appearance of the area and to accord with Policies IN/1 and EV/19 of the Harborough District Local Plan.
14. The development shall be implemented in accordance with the recommendations outlined in the Phase 1 Habitat Survey dated 2nd July 2010; the Great Crested Newts Report dated July 2010 and the Bat Activity Survey dated 1st June 2011 all prepared by Ecology Link and retained in perpetuity. Reason: In the interests of wildlife and nature conservation and to accord with the aims and objectives of PPS9.
15. The gradient of the access drive shall not exceed 1:12 for the first 5 metres behind the Highway boundary. Reason: To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety.
16. Before first use of the development hereby permitted the access drive and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 10 metres behind the Highway boundary and shall be so maintained at all times. Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)
17. If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 10 metres behind the Highway boundary and shall be hung so as to open inwards only. Reason: To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway.
18. The vehicular access shall be a minimum of 6.0 metres wide for at least the first 5 metres behind the Highway boundary and have 6 metres radii at its junction with the adopted road carriageway. The access drive once provided shall be so maintained at all times. Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway.

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11/00618/FUL – Airvolution Energy Ltd	WISTOW AND NEWTON HARCOURT	Erection of a 60m anemometer, Croft Farm, Glen Road, Newton Harcourt.
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ADDITIONAL REPRESENTATIONS:

1 letter of objection.

11/00629/FUL – BROUGHTON ASTLEY Mr and Mrs Butler	Erection of a detached outbuilding for gym and games room ancillary to dwelling, 112 Station Road.
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ADDITIONAL REPRESENTATIONS:

Two additional letters of representation received, issues raised include:

(1) Use: Although described by the LPA as a building for gym and games room, the applicant has applied for a pavilion. Pavilions can be used for a variety of purposes, including clubhouse, place for social gathering, temporary residence.

(2) Lighting: “Why should lighting be mentioned unless it is to be excessive and obtrusive”

(3) Scale – similar to or “much the same” as the house to which it would belong

(4) Siting – the building has been positioned as far away from the host dwelling and as close to neighbours as possible – its placement is more likely to affect neighbouring residents (through noise, visually intrusive, harm to outlook) than the owners of the application property

Recent Appeal Decision – Outbuilding Regarded as Ancillary

“An inspector has supported a lawful development certificate for an outbuilding in the garden of a London house after finding it would hold ancillary facilities despite its size.

“The Council accepted that the outbuilding would fall within the permitted development limits in class E, part 1, schedule 2 of the General Permitted Development Order 1995 as amended. But it claimed that use of the building would not be ancillary because its 42 sq m size was broadly similar to that of the house.

“The Inspector cited *Emin v Secretary of State for the Environment [1989]*, which confirmed that the correct test was to examine the use to which the building would be put and consider its nature and scale in relation to the house. The physical size of the building might be relevant but was not of overriding importance, she decided.

“The submitted plans showed that the building would hold a gym, store and shower room. The Inspector was satisfied that the appellant had demonstrated that the building’s use would be ancillary to the house despite its relatively big footprint.”

(Inspector Wendy McKay; the text above is quoted from the *Planning* magazine, 17 June 2011, page 28).

Although relating to a London property, this appeal case has several important similarities with the current proposal at 112 Station Road, including (a) its size relative to the main dwelling; (b) it falls within the limits of Part 1 Class E; and (c) its use – gym, with shower room.

The result of the appeal, i.e. issue of a lawful development certificate, lends substantial support to the officers’ recommendation on this current proposal, and implies too that a Certificate of Lawfulness could be issued, were this planning application to be refused.

11/00639/FUL – GILMORTON Mr J P Mulliner and Miss L R Ingham	Division of single dwelling into two dwellings (revised scheme of 10/00884/FUL), Washbrook Lodge, Lutterworth Road.
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ADDITIONAL REPRESENTATIONS:

Following receipt of Highways comments, the applicant has submitted further information regarding transport and sustainability. This is available to view as the amended Design and Access Statement.