

DEVELOPMENT CONTROL & LICENSING COMMITTEE

3RD MARCH 2015

ADDENDUM REPORT CONTENTS

REPORT NO: 55/2015

**Planning applications to be determined by the Development
Control & Licensing Committee**

Item no.	Application no.	Applicant	Parish
1	2013/0470/FUL	MR R SHOON	BELMESTHORPE
2	2014/0091/FUL	MR ANDREJS NIKIFOROUS	CALDECOTT

DEVELOPMENT CONTROL & LICENSING COMMITTEE

3RD MARCH 2015

REPORT OF THE DIRECTOR FOR PLACES (ENVIRONMENT, PLANNING AND TRANSPORT)

ADDENDUM REPORT

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Planning application to be determined by the Development Control & Licensing Committee

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1. 2013/0470/FUL – MR R SHOON

Letter/Further information from applicant

A copy of the deputation which the applicant intends to make was sent to members and Officers.

Planning Officers' Comments

Further to the contents of the deputation which the applicant sent to members last week, the wording of the recommended reason for refusal needs to be addressed as it refers to a permanent dwelling.

Revised Recommendation

It is recommended that the proposal be refused for the following reason:

It is 4½ years since the temporary planning permission was allowed on appeal. That initial 3 year period was intended to enable the applicant to establish the business and prove it profitable to enable a permanent permission to be granted. From the evidence submitted in support of this application, including the financial information, the enterprise has still not proved profitable and it has not been proven that the enterprise has been planned on a sound financial footing or that there is a firm intention and ability to develop the enterprise further.

As such the erection of a replacement temporary dwelling on this site would result in an unwarranted dwelling in a prominent location in open countryside which would be contrary to Policy CS4 of the Rutland Core Strategy (2011), Policy SP6 and Appendix 1 of the Site Allocations and Policies DPD (2014) and the advice in Para 55 of the National Planning Policy Framework.

2. 2014/0091/FUL - MR ANDREJS NIKIFOROUS

Further Consultation Response

Detailed advice has been received from the Environmental Health Officer. No objection to the proposal, subject to receipt of additional details. Conditions also required on any approval, to address the potential impact on living conditions of neighbouring dwellings:

- Hours of operation
- Acoustic fencing (minimum height of 2 metres) on the common boundary with the neighbouring dwelling at 1 Mill Lane

- Acoustic enclosure around the motor & body of any vacuum cleaners
- All car washing to take place under a suitably constructed acoustic canopy

Letter/Further information from applicant

The applicant has submitted a revised plan indicating the location and design of a canopy over the car washing area.

Planning Officers' Comments

The revised plan has addressed the key principles in the Environmental Health advice, but further Conditions are also required on any approval, to ensure that any impact on neighbouring dwellings is satisfactorily mitigated. The revised recommendation, below, now incorporates these additional conditions, and provides a full wording for the previously recommended condition on waste water disposal.

Revised Recommendation

APPROVAL, subject to the following conditions:

1. The development shall be begun before the expiration of three years from the date of this permission.
Reason – To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans: LPA1, LPA2, 26MA-01-01A, and 26MA-01-02B .
Reason - For the avoidance of doubt and in the interests of proper planning.
3. Access for cars using the hand car wash facility shall only be from Main Street, via the Mill Garage frontage, with egress only being from the rear of Mill Garage, directly onto Mill Lane
Reason – To ensure that the hand car wash facility is accessed via a one way system that minimises interference with other road users either queuing at the traffic lights on Main Street or using the Mill Lane / Main Street junction.
4. The car washing facility shall not be used other than between the hours of: -
Mondays – Saturdays 0800hrs to 1800hrs
Sundays. 1000hrs to 1600hrs
Reason - in the interests of the residential amenity of neighbouring premises, by ensuring that the facility is not operating at unsocial hours.
5. Prior to the first use of the car washing facility, an acoustic fence of a design, height and length previously approved in writing by the Local Planning Authority, shall be erected on the common boundary with 1 Mill Lane and then be retained as such in perpetuity.
Reason – To mitigate noise nuisance to the neighbouring dwelling, in the interests of the living conditions of its occupants.
6. Prior to the first use of the car washing facility, the canopy indicated on drawing 26MA-01-02B shall be installed in accordance with additional details of its materials and measures to limit noise break out, previously approved in writing by the Local Planning Authority. No car washing shall be undertaken except underneath the canopy, which shall be retained in the approved location in perpetuity.

Reason – To mitigate nuisance to the neighbouring dwelling via noise and water intrusion, in the interests of the living conditions of its occupants.

7. Prior to the first use of the car wash facility, details of a scheme for the disposal of waste water, including surface water drainage channels to take all water from the washing area into an underground waste water tank, shall be submitted to and approved in writing by the Local Planning Authority and installed in accordance with those approved details. No discharge of water shall take place from the tank at any time and the tank shall only be emptied by transport of its contents off site.
Reason – To ensure that the risks of pollution to surface and groundwater have been minimised.