Philip Metcalfe

From: Philip Metcalfe
Sent: 10 September 2008 10:12
To: 'nicholas-marks@btconnect.com'
Subject: FW: Cow Lane, Ratby resubmission.

Nick,

Sorry to take a few days to get back to you on this. As discussed the current permission expires on the 29th September, you will need to apply for a further permission to use the track past this date.

I've had the email below from Simon Smith regarding the complaints received during the last year, which is for your information.

The application will need to consist of the application forms, plans and fee as last time. The noise report will need updating or an addendum adding from the consultant to address the errors in the report raised in the judicial review case. The ecological report will need to be resubmitted, if the application is successful then you will be expected to fully implement a landscaping scheme taking into account the recommendations of the report and a bund if requested by environmental health.

Can you also submit a copy of the diary of use for the last year and confirm if the current restrictions in hours and days of use will still be acceptable.

Give me a ring if you need anything further.

Thanks,

Philip Metcalfe
Area Planning Officer

Hinckley & Bosworth Borough Council
Council Offices, Argents Mead,
Hinckley, Leicestershire. LE10 1BZ
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Email: philip.metcalfe@hinckley-bosworth.gov.uk

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From: Simon Smith
Sent: 09 September 2008 16:00
To: Philip Metcalfe
Subject: RE: Cow Lane, Ratby resubmission.

Phil,

I received a complaint from Bondman Hayes on 11.7.08 detailing that on the 10.7.08 there were motorbikes on the track until 9.30pm. Apparently this has happened 7 times this year. I tried to contact the complainant but had no luck, however I did get a message that the complainant had not had any problems since. I sent out log sheets but received nothing back and so closed the case. No contact was made with Mr O'Donell as I had no details to discuss.

I would not require any additional noise investigation, but your suggestion of clarification re: the times is recommended.

I would want details of the use of the site over the last year to be submitted (a request to keep a diary was made). This will allow us to identify if the site has been used to capacity and to make a decision as to whether the trial year has been representative and adequate to gauge the impact.

Dependant on the above, it may be worthwhile considering a further temporary permission, especially as the development does not require considerable works on site.

In addition, will the decision of the judicial review be awaited prior to making a final decision?

Regards

Simon

From: Philip Metcalfe
Sent: 08 September 2008 18:40
To: Simon Smith
Subject: Cow Lane, Ratby resubmission.

Simon,

The current permission expires at Cow Lane at the end of this month so they are shortly to resubmit. Can you let me know if there have been any complaints regarding the track since the permission was granted last August.

Secondly, is there anything further you will require to be submitted with the application? Do you want a new noise report or will the old one do with a covering note explaining the errors in the times?

Thanks,

Phil

PM → file

Please ask for:	Trevor Prowse
Direct Dial:	01455 255934
Direct Fax:	01455 890229
Email:	trevor.prowse@hinckley-bosworth.gov.uk
Your ref:	
Our ref:	TMP/CMW140808
Date:	14 August 2008

Mr David M Haynes
56 Leicester Road
Groby
Leicester LE6 0DJ

Dear Mr Haynes

RE: PLANNING APPLICATION 07/00813/COU – MOTORCYCLE TRACK, COW LANE, RATBY

I refer to your letter dated 4 August 2008 concerning the above matter and to the Chief Executive's response dated 5 August 2008.

Your complaint would normally be dealt with by me under Stage 2 of the Council's Formal Complaints Procedure and I have commenced my investigation by examining the planning file. As a result, I am now aware that this application is subject to judicial review, which is scheduled to be heard on 2 February 2009. The grounds of the challenge are:-

1. The Council entertained the application contrary to Section 327A(i) of the 1990 Planning Act.

2. The Council's failure to provide adequate summary reasons and a summary of the policies and proposals of the development plan contrary to Article 22 of the General Development Procedure Order 1995.

3. The Council's failure to have regard to and determine the application in accordance with the development plan contrary to Section 38(b) of the Planning and Compulsory Purchase Act 2004 and Section 70 of the 1990 Planning Act.

4. The Council's failure to take into account material considerations.

I am of the opinion that, in view of this legal process, it would be inappropriate for me to consider the matter further at this time. I therefore intend to register your complaint as a Stage 2 complaint and to consider the issues you raise once the judicial review is complete.

Yours sincerely

TMP

TREVOR PROWSE
Director for Community and Planning Services

Copy:- HBBC Councillors
Steve Atkinson, Chief Executive, HBBC
Tracy Darke, Development Services and Policy Manager, HBBC
Carol Gardner, Compliance Officer, HBBC
Mike Rice, Solicitor, HBBC

Cathy Horton

To: louise.whitehead@harveyingram.com

Subject: Cow Lane, Ratby

Ms Whitehead

In response to your enquiry received on 24 June 2008.

I can confirm that no applications have been received to date to continue the use of the site.

With regard to the issues of enforcement action, should a breach of planning control occur the Authority will assess the situation at that time.

Yours faithfully
Cathy Horton
Area Planning Officer