



Date: 25 February 2016

Hinckley & Bosworth  
Borough Council

*A Borough to be proud of*

To: **Members of the Planning Committee**

Mr R Ward (Chairman)	Mrs J Kirby
Mr LJP O'Shea (Vice-Chairman)	Mr RB Roberts
Mr RG Allen	Mr SL Rooney
Mr PS Bessant	Mrs H Smith
Mr DC Bill MBE	Mr BE Sutton
Mrs MA Cook	Miss DM Taylor
Mrs GAW Cope	Ms BM Witherford
Mrs L Hodgkins	Ms AV Wright
Mr E Hollick	

Copy to all other Members of the Council

(other recipients for information)

Dear Councillor,

Please see overleaf a Supplementary Agenda for the meeting of the **PLANNING COMMITTEE** on **TUESDAY, 23 FEBRUARY 2016** at **6.30 pm**.

Yours sincerely

Rebecca Owen  
Democratic Services Officer

**SUPPLEMENTARY AGENDA**

12. LATE ITEMS (Pages 1 - 2)

To be read in conjunction with the above applications.

**Planning Committee 23 February 2016**  
**List Of Late Items Received After Preparation Of Main Agenda:**

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**ITEM 07**

**15/01090/FUL**

**Harrison Spice**

**Site:- 23 Station Road, Ratby**

**Consultations:-**

Ratby Parish Council has objected to the application, and has the following concerns:

1. Concerns in regard to lack of parking and traffic congestion around the premises
2. Raised issues around the current inadequate extraction system
3. Issues have been raised around the condition stating that development should be started within the next 3 years, and the flue should be erected immediately.

Cllr O'Shea has requested a condition to ensure that the flue is erected immediately to ensure that the odour problems have been eliminated for the local residents

One further neighbour objection has been received and has the following concerns:

1. A condition has been added to ensure an adequate finish has been added to the flue so it does not impact on the Conservation Area, but no condition in regard to a way of mitigating the odour and noise
2. Having to wait three years for the flue to be erected is unacceptable and a condition stating that it should be implemented within the next three months is more acceptable.

**Appraisal:-**

Impact upon Neighbouring Residential Amenity

The premises are able to lawfully operate as a café/restaurant, which was granted planning permission in 2013. A variation to the restaurant's opening hours was approved in 2014. The site is located within the settlement boundary of Ratby. The erection of a new improved ventilation system will reduce the impact the current ventilation system has on local residents. The erection of a new improved flue will have no impact in terms of parking and traffic congestion around the premises. Therefore, this proposed development does not conflict with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

Other Issues

Comments have been received stating that a suitably worded condition should be added to ensure that the flue is erected immediately to eradicate the current odour and noise issues being generated by the current unauthorised flue. Under Section 51 of the Planning and Compulsory Purchase Act 2004 it states that the duration of planning consents required by law is three years. Therefore to add a condition to state that the flue should be erected within three months would fail to meet the requirements of paragraph 206 of the NPPF. Notwithstanding this, it is not unreasonable to shorten the implementation timescale to one year in this instance.

Notwithstanding the above, existing powers are available through statutory nuisance legislation to deal with odour problems in the event that permission is granted but the replacement stack is not installed within a reasonable period of time. The applicant has confirmed that in the event that permission is granted, the new stack will be installed promptly after the decision. This will be closely monitored.

**Amended Condition 1:-**

1. The development hereby permitted shall start before the expiration of one year from the date of this permission.

**Reason:** To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

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**ITEM 08**

**15/01171/CONDIT**

**Barton In The Beans Model Flying Group**

**Site:- Land To The Rear Of, Sycamore Farm, Main Street, Barton In The Beans**

**Consultations:-**

Two additional comments have been received from neighbours stating:

1. The extended hours are unacceptable and will cause additional noise and disturbance.

**Appraisal:-**

Objections have been received from members of the public concerned with the additional noise that maybe generated. The applicant is applying for an extra 1.5 hours on a Sunday and still wishes to fly only on one day at the weekend. The extra operating hours will have little effect on the neighbouring amenity as the hours will be the same as permitted from Monday to Saturday. The operating of silent flying will be unrestricted and will have very little impact on the neighbouring residential amenity. Therefore it is considered that the proposed variation of conditions will be in accordance with Policy BE1 (criterion i) of the adopted Local Plan and Policy DM10 of the Emerging Site Allocations and Development Management Policies DPD Submission Version (Dec 2014).