



Date: 30 March 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, 22 MARCH 2016** at **6.30 pm**.

Yours sincerely

Rebecca Owen
Democratic Services Officer

SUPPLEMENTARY AGENDA

11. LATE ITEMS (Pages 1 - 4)

To be read in conjunction with the above applications.

Planning Committee 22 March 2016
List Of Late Items Received After Preparation Of Main Agenda:

ITEM 07

16/00054/FUL

Asda Stores Ltd

Site:- Asda, Barwell Lane, Hinckley

Consultations:-

A further letter of objection has been received by a local resident commenting that objectors to the application are residents living in close proximity to the proposed petrol filling station and those in support reside further away where they would not be impacted on as a result of the proposal.

A letter of objection has been received from Councillor Mullaney raising concerns on grounds of increase in traffic and potential noise and disruption caused by the proposal. These issues have been considered within the committee report.

A consultation response has been received by the Environment Agency raising no objections to the proposal but have provided advice to the applicant regarding the on site storage of fuel.

Appraisal:-

Impact upon the Character of the area

An indicative landscaping scheme has been submitted by the applicant in response to concerns regarding the impact of the petrol filling station on the character and appearance of the surrounding area and to mitigate the loss of trees on site. The scheme has been discussed with the Council's Arboricultural Officer and is considered acceptable subject to minor amendments to the types of species proposed. The submission of an amended landscaping scheme is recommended to be secured via planning condition.

Residential Amenity

Concerns have been raised about the use of the site for anti-social behaviour and noise disturbance outside the opening hours of the petrol filling station. The agent has stated that the applicant is agreeable to the installation of a barrier at the entrance of the site to ensure access into the site outside of opening hours is restricted to help prevent anti-social behaviour. This detail has not been included within the submitted plans and therefore a condition is recommended to ensure the details of the barrier are agreed with the local planning authority.

Consultations

It is recognised that people responding to the planning application consultation will live in different areas and have a different perspective about how the scheme would impact upon their lives. The issues raised through the consultation of this application have been fully considered and the issues raised are addressed in the report.

Recommendation:-

Additional Condition:-

12. Prior to the commencement of development, details of a barrier to the entrance of the petrol filling station shall be submitted to and approved in writing by the Local Planning Authority. The barrier shall be erected prior to the development becoming operational.

Reason: To prevent the out of hours use of the site for activities which would affect the amenity of the neighbouring properties, to accord with Policy BE1 (criteria i); of the adopted Hinckley & Bosworth Local Plan.

Site:- Former Police Station, Upper Bond Street, Hinckley

Introduction:-

Results from an independent assessment of the submitted Viability Report have been received and additional consultation responses have been received in response to the latest consultation period.

Consultations:-

Re-consultation was undertaken on 22 February 2016 and completed 3 March 2016.

Cllr Bray - objects to the application for the following reasons:

1. There is a chronic shortage of on-street car parking in the surrounding area;
2. Resident's on Trinity Lane, Manor Street, Chessher Street, and Canning Street are unable to park near their homes at present;
3. Very few houses in the surrounding area have off-street car parking
4. The problem is exacerbated by the proximity of the town centre and people parking in the locality and walking into town
5. The provision of car parking for the proposed development is insufficient
6. Public transport in the area isn't sufficient for people to live without a car.

Nine further representations have been received from neighbours, commenting that:

1. There is an existing lack of on-street car parking
2. People park on-street in the area and walk into town
3. There is not enough car parking on-site for the proposed number of flats
4. Residents car parking permits should be introduced
5. The area suffers from illegal car parking due to lack of visitor spaces for the surrounding buildings.

Appraisal:-

Viability

As per paragraph 8.44 of the case officer's committee report, the results of the independent assessment of the submitted Viability Report are being provided as a late item.

The submitted Viability Report demonstrates that the costs associated with the conversion of the former police station building with the addition of the requested contributions and affordable housing provision would render the scheme unviable due to the limited rate of return on investment. The independent assessment disagreed with some of the costs associated with the works but concluded that regardless of the disagreement the scheme would be considered unviable if the requested contributions and affordable housing were to be sought.

In light of the results of the independent assessment of the Viability Report, it is recommended that the contributions for Education and Play and Open Space and provision of Affordable Housing are not sought. These results has been considered against the benefits of the scheme as set out in the officer's report, such as bringing the building back into use and the provision of new residential accommodation for residents. On balance it is considered that the lack of S106 obligations does not affect the conclusions set out in the officer's report to grant planning permission subject to conditions.

Car Parking

Additional consultation responses have been received relating to the provision of off-street car parking to serve the occupiers of the proposed dwellings and resulting impacts for the surrounding area. These issues have been considered in the committee report in paragraphs 8.23 to 8.28.

Recommendation:-

Approve subject to conditions as set out in paragraph 10.5 of the committee report.

ITEM 10**16/00064/HOU****Mr And Mrs Ensor****Site:- The Cottage, 2 Newton Lane, Odstone****Introduction:-**

Since the report was written, additional responses have been received.

Consultations:-

The Council has received comments from residents stating that some of the objections raised have not been taken into consideration. Additionally, further representations have been received by the Council in regard to the application. The full range of consultation responses have been summarised below to ensure that Members are able to consider all relevant information when making a decision, and to include the new comments received.

Shackerstone Parish Council has no comments in regard to this application.

Hinckley & Bosworth District Committee of the Council for the Protection of Rural England have raised the following objections to the application:-

1. The previous application was granted in accordance with countryside policies applicable to Odstone as it is classed as a hamlet
2. The triple garage in its current form is not in compliance with saved Policies BE1 of NE5 as it is not in keeping with the street scene or character of the surrounding area
3. Existing garages within the street scene do not have dormer windows installed in roof and are not of two storey construction
4. New triple garage is prominent within the street scene
5. Would set a precedent for future development
6. Photographs submitted with application are misleading.

In total 11 letters (including those in the report) have been received from occupiers of six nearby properties, raising the following objections:-

1. The development would be contrary to applicable Policies BE1 and NE5 of the Local Plan 2001
2. The garage is not important to the local farming economy and there is no agricultural justification for the building
3. The development is not in keeping with the character of the area
4. The development is not in keeping with the surrounding buildings, in regard scale and character
5. There are no dormer windows on the existing buildings within the residential curtilage of the application site
6. Planning permission previously granted (our ref: 14/00325/HOU) is not valid as the development approved was not built in accordance with what was approved. The report written by the planning officer whom dealt with the previous application (our ref: 14/00325/HOU) are not applicable, as the previous proposal did not include dormer windows to be erected, and proposed a single storey garage
7. Planning permission (our ref: 14/000325/HOU) did not have a condition imposed to prevent a business being run from the property. Previous planning permissions granted for other outbuildings for 2 Newton Lane had conditions imposed to prevent the use of the buildings for trade or business purposes
8. The extension to the height of the garage creates a two storey building
9. The garage is not effectively screened, and is clearly visible from Newton Lane, Hall Lane, Smithy Lane, Barton Road and Ibstock Road
10. The development is overbearing in the street, and visually prominent

11. Concerns that the garage would be used as a separate residential dwelling
12. Dormer windows overlook into neighbouring properties, affecting the privacy of other residents in the area
13. The quality of life of the neighbours would be detrimentally affected
14. The garage would be used as additional living space
15. The development has been carried out underhandedly with a disregard for planning regulations
16. There are no other garages in the area with dormer windows
17. The development has altered the appearance of Odstone
18. The development is a breach of human rights of neighbours
19. The height of the garage would be higher than existing buildings in the street and within the residential curtilage of the existing property
20. Other residents have had development restricted
21. The information submitted is misleading and not accurate
22. The development would set a precedent for future development
23. Planning permission was granted in 2009 (our ref: 09/00281/FUL) for the erection of a building in connection with a residential property, on Ibstock Road. This permission was granted subject to conditions concerning the height of the building and the use. These conditions should have been included in the draft Committee report for the previously withdrawn application (our ref: 15/01152/HOU)
24. Odstone is classed as a hamlet, where countryside Policy NE5 strictly applies. The previous draft Committee report for the previously withdrawn application (our ref: 15/01152/HOU) did not appraise the development against Policy NE5.

Four letters have been received from two neighbouring properties in support of the proposal.

Appraisal:-

Impact upon Neighbouring Residential Amenity

The neighbouring property to the south west of the application site is No. 1 Hall Lane. The east elevation of the dwelling faces onto Newton Lane set back from the road by a minimum of 10 metres with a mature hedge boundary treatment. Views of the dormer windows are available from the conservatory to the rear, the kitchen, the landing and the bathroom of this property. However, any views from the dormer windows into No. 1 Hall Lane would be restricted, by virtue of the fact that the dormer windows set at an angle from the property, as well as the minimum distance of 29 metres between the two buildings, as well as the intervening road and hedge. Therefore, it is not considered that the dormer windows materially affect the privacy of occupiers of 1 Hall Lane.

Other Issues

In regard to the comments received about Policy NE5, these comments were taken into consideration and the current application appraised the development against Policy NE5. The development does not encroach into the open countryside and therefore there is no conflict with this policy.