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Hinckley & Bosworth
Borough Council

Bill Cullen MBA (ISM), BA(Hons) MRTPI
Chief Executive

Date: 06 June 2018

To: Members of the Planning Committee

Mr R Ward (Chairman)	Mr C Ladkin
Mr BE Sutton (Vice-Chairman)	Mr KWP Lynch
Mr PS Bessant	Mrs J Richards
Mr DC Bill MBE	Mr RB Roberts
Mrs MA Cook	Mrs H Smith
Mr WJ Crooks	Mrs MJ Surtees
Mr MA Hall	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, 5 JUNE 2018** at **6.30 pm**.

Yours sincerely

A handwritten signature in black ink, appearing to read 'R Owen'.

Rebecca Owen
Democratic Services Officer

SUPPLEMENTARY AGENDA

7. 17/00872/FUL - RATBY BURROUGHS, SOUTH BURROUGHS ROAD, RATBY

Application for change of use for paintballing with ancillary buildings and structures (retrospective).

'Late items:'

Consultations

Three further letters of objection have been received raising the following additional points:

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- 1) The paintballing site is requesting to operate potentially 365 days a year, with customers arriving from 8:30am which coincides with parents dropping children off at the local primary school, which is in close proximity to Burroughs Road, The traffic is very heavy and granting this permission would be chaotic
- 2) The previous owners were limited to 42 days per year, which was adhered to and the previous operators ceased their operations 2015-2016. If the current operator is claiming precedent this is incorrect
- 3) Part of Burroughs Road is privately maintained. The Council have already had to carry out considerable repairs to the road and this use will only make it worse, particularly with informal unsightly passing places
- 4) Lorries regularly visit the site to deliver supplies and equipment. If the site is locked it results in lorries having to turn around and cause damage
- 5) What has changed, there is no precedent to allow the increased use, however existing issues remain, and the use within another area of the Burroughs or Martinshaw Wood would not be permitted
- 6) There is no evidence of additional trade being generated for other businesses within the immediate area. Only the current operator and landlord benefit from the use
- 7) There is no evidence of additional employment being created, the manager travels from Nottingham and the other staff members seem to be part timers and tend to be students from Leicester University
- 8) Current operator is carrying out massive online marketing of the site, the fact that it is in a beautiful, natural area is of no interest to likely customers. Only interest is profit and not the area
- 9) Why hasn't the current operator been told to dismantle the infrastructure and revert back to the previously agreed opening times
- 10) Inconsistency within the planning for this area, when certain types of double glazing or a small porch cannot be installed upon a dwelling as it would detract from the beauty of the area, however 300 metres away in a wood a paintballer operator have built Vietcong village, which has increased traffic and noise and has the backing of the planning department

Appraisal:-

Noise and Impact upon Residential Amenity

To ensure the proposed use is not carried out 7 times a week, a condition has been imposed to restrict the use to 150 days per year, however it is considered necessary to

ensure that the use is not taking place on the site more than 3 times in any one week. This restriction would protect the wider countryside, from an intensive use within this rural location and would also remove a potential source of continued noise and disturbance.

Impact upon highway safety

Impact of the use upon the highway has been reported within the committee report, however in terms of the use and the impact upon the existing school traffic, the use predominately takes place on weekends, where the school is not in use. The use of the site during the week would be limited to a single occasion and Leicestershire County Council (Highways) has not objected to the proposed use. However, the applicant has highlighted that the paintballing use does not start until 9:00/9:30am and therefore it would be reasonable to amend condition 2 to change the hours of use to 9:00am – 17:00pm Monday to Friday and 9:00 am – 16:00pm Saturday – Sunday.

Recommendation

Grant planning permission subject to:

That the Interim Head of Planning be given powers to determine the final detail of planning conditions.

Amend condition 2:

2. The application site shall not be used for paintballing activities outside of the hours of 09:00am to 17:00pm Mondays to Fridays or outside the hours of 09:00am to 16:00pm Saturdays and Sundays.

Reason: To ensure that the use is restricted to daylight hours, to safeguard valuable habitats and night time foraging in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document 2016.

Replace condition 3 with the following:

3. The number of days that paintballing or associated activities at the site shall not exceed 150 days in anyone calendar year, and the use shall not be carried out on more than 3 days within any one week, Monday to Sunday.

Reason: To ensure that the use does not become a source of nuisance, to protect the amenities of the neighbouring properties and the countryside in accordance with Policies DM4 and DM10 of the Site Allocations and Development Management Policies Development Plan Documents.

9. 18/00122/FUL - 339 RUGBY ROAD, BURBAGE

Application for demolition of existing dwelling and the erection of a detached two storey dwelling and a detached double garage (re-submission).

'Late items:'

Consultations:-

Four letters of objection have been received from four different addresses in response to

consultation on the revised plans; the comments received are summarised below:

- 1) The development is over powering and would introduce a significant amount of over looking due to the first floor window treatment which would affect the neighbours privacy and amenity of the proposed bungalow being built at 8 Johns Close
- 2) The proposal would be an over development of the site, the height, mass and design is not only out of keeping with the street scene and established area but will create an unsatisfactory relationship with neighbouring properties
- 3) The proposed extension will have an effect on the performance of the neighbouring property's solar panels which will result in an increase in CO2 emissions
- 4) The mass, form, scale and particularly the height remain overwhelmingly overbearing, out of character and intrusive on neighbouring properties as well as being significantly out of character with the surrounding properties
- 5) Concerns are raised in regard to the reduction in the ridge height of the roof; it is considered that this cannot be achieved as depicted on the plans
- 6) Whilst the height of the dwelling has been reduced concerns are raised as to whether this can be achieved given the requirement for the damp proof level above ground level

Appraisal:-

In response to the above; the potential impact on neighbouring amenity has been addressed in the main body of the Officer Report. In response to the comments relating to potential discrepancies regarding levels; the development if approved would be subject to a condition requiring details of existing and proposed levels to be submitted to and approved by the local planning authority prior to the commencement of development. Finally, in response to the comment regarding the practicalities of construction of the roof as shown on the plans; it is not considered that what is shown would be not achievable; however this is not a planning matter and would be addressed at Building Control stage.

10. 17/01330/FUL - 12 BIRCH CLOSE, EARL SHILTON

Application for demolition of existing dwelling and erection of 16 dwellings with associated vehicular access, parking and landscaping.

'Late items:'

Introduction:-

This application has been withdrawn from this agenda for consideration at a later Planning Committee once viability assessments in respect of the scheme have been completed.

11. 17/01297/FUL - 84 LEICESTER ROAD, HINCKLEY

Application for erection of seven dwellings, garages and associated drive (resubmission of application 17/00096/FUL).

'Late items:'

Introduction:-

An amended plan has been submitted for plots 7 and 8, which include the proposed single garages, to accord with the proposed layout plan. Given the minor nature of the amendments there was no need to carry out any further re-consultation.

Consultations:-

Councillor Kirby has objected to the proposal on the following grounds:-

- 1) Surrounding properties have suffered flooding from sewerage in homes and gardens from poor drainage and concerned this development would add pressure on the system
- 2) Works to the drainage in the area last year, has still resulted in flooding issues to Island Close which is situated to the rear
- 3) Although Highways have not objected surely another 14 plus vehicles using this narrow entrance onto an already busy with often speeding traffic is going to be an issue
- 4) This is a piecemeal development to avoid any contributions having to be paid
- 5) The residents object to the development on the following grounds:-
 - i) As it would be out of character, would not have enough car parking, and would set a precedent
 - ii) The provision for waste collection would be detrimental to No.82 by reason of noise, pest infestation and detrimental to amenity
 - iii) Out of character in respect of density and tiny gardens. There are also 3 storey houses which are out of character
 - iv) No sustainable drainage solution
 - v) All previous infill in the area has been limited to maximum 25 degrees to prevent upwards development
 - vi) Noise pollution from the amount of traffic going down No.82
 - vii) Garage for plot 7 would be inside the root protection area of the TPO Oak tree

Appraisal:-

Other matters

Objections have been received which consider that the proposed development is a piecemeal development to avoid Section 106 contributions. To attract Section 106 contributions the development should be 10 or more dwellings. Approving this scheme in addition to the existing two dwellings which front onto Leicester Road, which have been carried out by the same applicant would equate to 9 dwellings, and therefore would not attract contributions having regard to the existing development.

Recommendation

Grant planning permission subject to:

That the Interim Head of Planning be given powers to determine the final detail of planning conditions.

Replace condition 2 with the following:

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans: Site Location Plan, Site Plan and internal street scenes plan Dwg No.692.MP.09F received on the 9 May 2018, Plot 3 and 4 Dwg No.692.MP04 Rev A, Plot 5 Dwg No.692.MP.05, Plot 6 Dwg No.692.MP.06 and Plot 9 692.MP.08 received by the Local Planning Authority on the 14 December 2017 and Plot 7 and 8 Dwg No.692.MP.07 Rev B received by the Local Planning Authority on the 3 June 2018.

Reason: To ensure a satisfactory impact of the development to accord with Policy DM1 of the adopted Site Allocations and Development Management Policies DPD.

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