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Hinckley & Bosworth
Borough Council

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

Date: 13 February 2024

To: Members of the Planning Committee

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|---------------------------|------------------|
| Cllr MJ Crooks (Chair) | Cllr C Gibbens |
| Cllr J Moore (Vice-Chair) | Cllr CE Green |
| Cllr CM Allen | Cllr E Hollick |
| Cllr RG Allen | Cllr KWP Lynch |
| Cllr CW Boothby | Cllr LJ Mullaney |
| Cllr SL Bray | Cllr H Smith |
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| Cllr DS Cope | Cllr A Weightman |
| Cllr REH Flemming | |

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, 13 FEBRUARY 2024** at **6.30 pm**.

Yours sincerely

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

Rebecca Owen
Democratic Services Manager

PLANNING COMMITTEE - 13 FEBRUARY 2024

SUPPLEMENTARY AGENDA

7. 23/00851/OUT - HINCKLEY AND DISTRICT GENERAL HOSPITAL, MOUNT ROAD, HINCKLEY

Outline application for the redevelopment of a Community Diagnostic Centre (CDC) and Endoscopy building (Use Class E(e)) (access, appearance, layout and scale to be considered with landscaping reserved).

Late items received after preparation of main agenda:

Recommendation:-

5. The development hereby permitted shall be carried out in accordance with the submitted application details, as follows:

- General Arrangement 23013-MA-XX-XX-DR-C-0100 P02
- General Arrangements Ground Floor 180731-DGL-01-00-DR-A-2000 P6
- General Arrangements First Floor 180731-DGL-01-01-DR-A-2001 P8
- General Arrangements Second Floor 180731-DGL-01-01-DR-A-2002 P7
- Roof Plan 180731-DGL-01-R-DR-A-2010 P3
- Elevations South and West 180731-DGL-01-XX-DR-A-2100 P5
- Elevations North and East 180731-DGL-01-XX-DR-A-2101 P5
- RIBA Stage 3 Retaining Wall Proposals 10105-003-001 P01
- Proposed Site Plan 180731-DGL-01-00-DR-A-1140 P4
- Retaining Wall Setting Out 180731-DGL-01-XX-DR-A-1402 P1
- Proposed Levels Plan 1782-DBC-ZZ-00-DR-A-0654 P01

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. No development shall take place/commence until the necessary programme of archaeological work has been completed. The programme will commence with an initial phase of trial trenching to inform a final archaeological mitigation scheme. Each stage will be completed in accordance with a written scheme of investigation (WSI), which has been [submitted to and] approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed mitigation WSI, which shall include the statement of significance and research objectives, and

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have

been fulfilled in accordance with the programme set out in the WSI.

Reason: To ensure satisfactory archaeological investigation, recording, dissemination and archiving in accordance with the requirements of Policies DM11, DM12 and DM13 of the Site Allocations and Development Management Policies Development Plan Document (2016).

12. Prior to commencement of development a Construction Environmental Management Plan shall be submitted in writing to and agreed in writing by the Local Planning Authority. The plan shall detail how, during the site preparation and construction phase of the development, the impact on existing and proposed residential premises and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light and land contamination. The plan shall also include details of the routing of construction traffic, details of how Public Right of Way V19 will be managed during construction, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision. The plan shall detail how such controls will be monitored. The plan will provide a procedure for the investigation of complaints. The agreed details shall be implemented throughout the course of the development.

Site preparation and construction works shall be limited to the following hours;
Monday - Friday 07:30 - 18:30
Saturday 09:00 - 14:00
No working on Sundays, Bank and Public Holidays

Reason: To minimise disruption to the neighbouring residents and to reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area in accordance with Policies DM7, DM10, DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2023).

21. No development shall take place until a plan has been submitted and approved in writing by the Local Planning Authority, showing the extent and timescales of any temporary closure or diversion of Public Right of Way V19 and details of permanent surfacing and signposting of the route once development is completed in accordance with the Leicestershire County Council's Guidance Notes for Developers (see <https://tinyurl.com/devprowguide>) or any amended or replacement guidance note in place. Thereafter the development shall be carried out in accordance with the agreed plan.

Reason: To protect and enhance Public Rights of Way and access in accordance with Paragraph 104 of the National Planning Policy Framework (2023).

23. Prior to first use of the development hereby permitted, a Car Park Management Agreement shall be submitted to, and approved in writing by, the

Local Planning Authority. As a minimum the Car Park Management Agreement should include details of any tariffs, charging periods, enforcement times and methods and permit arrangements. The Car Park Management Agreement shall include review mechanisms which should include an initial review after 3 months of occupation and reviews on the first and second anniversaries of the building's first use.

Reason: To ensure the car park arrangements complements and does not create adverse impacts for other town centre users and residents in accordance with Policy DM18 of the Site Allocations and Development Management Policies DPD (2016), Policy 5 of the Hinckley Town Centre Area Action Plan (2011) and the National Planning Policy Framework (2023).

Condition 22 is to be deleted following legal advice and discussions with LCC highways.

Condition copied below for completeness.

22. Prior to first use of the development hereby permitted, the Applicant shall legally dedicate as a public footpath the section of unadopted and legally unprotected pedestrian path beside the private road from Mount Road to the start of Public Footpath V19 as currently shown on the Definitive Map of public rights of way.

Reason: To protect and enhance Public Rights of Way and access in accordance with Paragraph 104 of the National Planning Policy Framework (2023).

8. **23/00853/OUT - LAND BETWEEN 80/82 MAIN STREET, CARLTON**

Outline application for the provision of two detached dwellings and associated parking to the land between 80 and 86 Main Street, Carlton (all matters reserved except for access).

Late items received after preparation of main agenda:

Recommendation:-

Following discussion with the Local Highway Authority, Condition 10 (Treatment of the Public Right of Way) has been removed. This is because the Applicant has confirmed that they do not intend to undertake any works to the Public Right of Way. Moreover, any re-routing, encroachment, or obstruction to the Public Right of Way without authorisation is likely to constitute an offence under the Highways Act 1980. Therefore, whilst Condition 10 has been removed, the informatives to the Applicant regarding the protection of Public Rights of Way have been retained.

No further late items have been received.

10. **23/01131/HOU - 192 KIRKBY ROAD, BARWELL**

Application for erection of two storey side and rear extension and single storey rear extension.

Late items received after preparation of main agenda:

Publicity:-

Additional neighbour comments received:

- 1) Objection to the re-instatement of the first floor side elevation window to be obscurely glazed but with top opening light resulting in potential loss of privacy from overlooking to patio/garden areas.
- 2) Concerns raised over proposed demolition of existing garage and potential for 'asbestos roof' may require specialist removal to comply with Health and Safety Regulations
- 3) Re-iterated concerns raised over potential erection of high boundary fence up to public highway and potential impacts on pedestrian safety from loss of visibility from both respective driveways.

Consultations:-

Barwell Parish Council confirm 'No objections' to amended plans.

Appraisal:-

The potential loss of privacy from overlooking issue has been addressed within the main report. The proposed use of obscure glazing and only top opening light is a standard method of mitigating such impacts.

An additional note to applicant could be included to draw the applicant's attention to the requirement to demolish the garage in compliance with Health and Safety Regulations should asbestos be present.

The fencing issue raised has also been addressed within the main report. No such fencing is being proposed.

11. **23/00673/OUT - LAND OPPOSITE AND SOUTH OF PUMPING STATION, ASTON FLAMVILLE ROAD, BURBAGE**

Application for residential development of up to 343 dwellings (Class C3), including provision of public open space, associated infrastructure and all matters reserved except access.

Late items received after preparation of main agenda:

Appraisal:-

Amendments to Officer Report reflecting the publication of the amended NPPF (December 2023) with corresponding paragraph amendments, and other matters:

Paragraph 1.1: The Draft S106 assumes that open space would be maintained by Jelson/ part of a Management Company.

Paragraph 6.21: The HBBC Tree Officer commented on 31 October 2023 and raised no objection subject to conditions to secure details of works to trees and tree protection measures. Condition 24 deals with this.

Paragraph 8.6: Paragraph 14 of the NPPF now reads:

“In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:

a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and

b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 67-68).”

Para. 14 does not apply in this case because the proposals accord with the BNP and the BNP does not allocate further development sites.

Paragraph 8.22: Paragraph 79 of the NPPF (report refers to Paragraph 77).

Paragraph 8.23: Paragraph 81 of the NPPF (report refers to Paragraph 77).

Paragraph 8.26: Correction: *Significant* weight should be given to the provision of the proposed dwellings (report states moderate weight).

Paragraph 8.29: Paragraph 63 of the NPPF (report refers to Paragraph 62).

Paragraph 8.32: Correction: The housing officer has requested 20% of units on the site to be affordable, comprising 50% social or affordable rented, 25% First Homes and 25% intermediate tenure/shared ownership. The greatest need for affordable rented housing in the Borough is for smaller units of accommodation to assist single people or childless couples, and for small families with or two children.

Paragraph 8.37: Paragraphs 114 and 115 of the NPPF (report refers to Paragraphs 110 and 111).

Paragraph 8.68: Paragraphs 206-208 of the NPPF (report refers to Paragraphs 199-202).

Paragraph 8.81: Paragraph 139 of the NPPF (report refers to Paragraph 134)

Paragraph 8.87: Paragraph 135 of the NPPF (report refers to Paragraph 130).

Paragraph 8.88: Paragraph 191 of the NPPF (report refers to Paragraph 185).

Paragraph 8.97: Paragraphs 173 and 175 of the NPPF (report refers to Paragraphs 167 and 169).

Paragraph 8.102: Update: During the Public Inquiry relating to the preceding application (22/01037/OUT) the Inspector noted that parts of the site fall within flood zone, and that the FRA does not include a sequential test. This was one of the matters that the parties agreed needed to be discussed with the relevant experts present. The LLFA has been asked for further comments, but these are yet to be received. On this basis the LPA considers that the proposal would be acceptable in this regard subject to conditions and matters which can be appropriately addressed at reserved matters stage.

Paragraph 8.108: Paragraph 211 of the NPPF (report refers to Paragraph 199)

Paragraph 8.111: Paragraph 209 of the NPPF (report refers to Paragraph 203).

Paragraph 8.139: Correction: Section 106 Agreement would be progressed should the application be refused. There is no reason for refusal in this regard.

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