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Hinckley & Bosworth
Borough Council

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

Date: 21 November 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, 20 NOVEMBER 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. 18/00843/FUL - OLD WOODLANDS, DESFORD LANE, RATBY

Application for change of use of woodland area to leisure/camping site including associated access tracks, car park, camping zone, wooden eco pods, amphitheatre, mounds, tunnel maze and ponds.

'Late items:'

Introduction:-

Since the publication of the committee report, an additional response has been received.

Consultations:-

Leicestershire County Council's Planning Archaeologist – They confirm that the proposed works would have no significant impact on archaeology.

Appraisal:-

The recommendations to committee have not changed from the original report.

8. 18/00827/FUL - NEWHAVEN, 12 WYKIN ROAD, HINCKLEY

Application for erection of seven dwellings with associated access (resubmission of 16/00270/FUL).

'Late items:'

Introduction:-

An amended plan has been submitted which incorporates the provision of a bin store near to the adopted highway boundary.

Consultations:-

No additional comments have been received.

Appraisal:-

The submission of the amended plan now shows the siting of a bin store near to the adopted highway boundary. Notwithstanding the submission of this information, it is still considered necessary to require the applicant to submit a scheme of the collection of waste and recycling across the site, to the satisfaction of HBBC Waste Services.

Recommendation:-

Following the submission of amended plans, the recommendations to Planning Committee do not alter from committee extract and is recommended for approval subject to an amendment to condition 2 to take into account the amended plan.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details as follows:

Site Plan drg. no. AVD-368-WRH-PL02 Rev. D
Received by the Local Planning Authority on 19 November 2018

Site Location Plan drg. no. 2017/12-04/001A
Plots 1 & 2 Floor Plans and Elevations drg. no. AVD-368-WRH-PL03 Rev. A
Plot 3 Floor Plans and Elevations drg. no. AVD-368-WRH-PL04 Rev. A
Plots 4 – 6 Floor Plans and Elevations drg. no. AVD-368-WRH-PL05 Rev. A
Plot 7 Floor Plans and Elevations drg. no. AVD-368-WRH-PL06 Rev. A
Existing and Proposed Ground Floor Plan of no. 12 drg. no. AVD-368-WRH-PL08
Received by the Local Planning Authority on 24 August 2018

Detached Single Garage Floor Plan and Elevations drg. no. AVD-368-WRH-PL07
Received by the Local Planning Authority on 17 August 2018

Reason: To ensure a satisfactory impact of the development to accord with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies DPD

9. 18/00643/FUL - LAND REAR OF 125 - 131 LUTTERWORTH ROAD, BURBAGE

Application for change of use of building to light industrial (B1c) and raising of roof and extension to existing building.

'Late items:'

Recommendation:-

Following the publication of the committee extract, the applicant has requested that the application is withdrawn.

As such, the application will now no longer be presented to the committee for a decision.

10. 17/00538/FUL - MORRISONS, 2 CLOVERFIELD, HINCKLEY

Application for creation of second vehicular exit onto Stoke Road.

'Late items:'

Consultations:-

Four additional neighbour letters have been received raising the additional following comments which have not been raised previously:-

- 1) Four schools already in the vicinity of the site with the potential to cause impact upon pedestrian safety
- 2) Visual and vibration effects from vehicles upon adjacent properties
- 3) Significant loss of trees and associated habitats

The petition that has been submitted previously has also been resubmitted on 12 November 2018 as well as a copy of the notes from the residents meeting that was held on Wednesday 12 July 2017. Both raise concerns regarding highway and pedestrian safety.

Concerns have also been raised by Councillor Bill in respect of the potential impact upon highway and pedestrian safety

Appraisal:-

It should be noted that the submitted Road Safety Audit specifically took into account the safety of pedestrian and school children and the traffic modelling analysed the impact of the site traffic on the wider highway network. The modelling that the Applicant has undertaken has been assessed by the LHA to be sufficient to show that there would not be a severe impact on the local network.

It is not considered that there would be significant vibration effects that would have a detrimental impact upon the amenity of adjacent properties and loss of view is not a material planning consideration.

The loss of the trees have been assessed within the committee extract and given the existing scrub nature of the land, it is not considered that the development would result in significant adverse impacts upon protected species. Notwithstanding this, licenses are in place from Natural England which prevent the loss or disturbance on wildlife habitats.

Recommendation:-

The recommendations to committee have not changed from the original report.

11. 18/00680/FUL - ASHCROFT, 4 PIPE LANE, ORTON ON THE HILL

Application for erection of two dwellings (resubmission of 18/00221/FUL). Members were minded to refuse this application at a previous meeting.

'Late items:'

Introduction:-

A reconsultation was undertaken on the amended plan submitted on 1 November 2018 which has now expired.

Consultations:-

An additional three neighbour letters have been received raising the following comments which have not been raised previously:-

- 1) Solar panels would be out of character with the conservation area
- 2) Lack of clear and precise information submitted regarding foul and land drainage
- 3) Impact upon the adjacent buildings within the Conservation Area
- 4) Inclusion of additional grasscrete and alteration to landscaping changes does not materially alter the scheme and only minimal alterations have been made
- 5) This application proposes a significant increase to the floor area from the previously approved scheme

Twycross Parish Council has made additional comments and advise that the amended layout and information do not mitigate previous objections.

Appraisal:-

Consideration regarding the use of solar panels, the increase of floor space from the

previously approved scheme and the impacts upon drainage have been assessed in the committee extract.

As stated within the committee extract, it is considered that the proposed development would preserve the character of the conservation area and the surrounding buildings. The ridge heights of the proposed dwellings are approximately 0.88 metres (Plot 1) and 1.02 metres (Plot 2) higher than the previously approved dwellings. In the context of the wider site, the ridge height of no. 4 and the land levels, the difference in ridge heights is very minor and would be negligible in the context of the surrounding area and the relationship to no. 4 Pipe Lane.

The further reduction of hardstanding, increase of the length of the central grass strip and use of grasscrete would further assimilate the proposed scheme into the surrounding area, thus further preserving the character of the conservation area.

Recommendation:-

The recommendations to committee have not changed from the original report.

12. 18/00770/OUT - THE MEETING CENTRE, 1 MARCHANT ROAD, HINCKLEY

Application for demolition of existing D1 unit (1 The Meeting Centre) with proposed erection of 18 flats (outline – access, layout and scale only).

'Late items:'

Introduction:-

A consultation response has been received on behalf of Lidl who have been granted planning permission for a retail food store (17/01073/FUL relates) on the adjacent vacant factory site. The representation, whilst not objecting to the scheme, wishes to ensure that the decision on this application makes provision for the adjacent land as a foodstore with car parking and that the application for the apartments contains mitigation measures necessary to ensure that the operation of the food store is not constrained in the future.

As the application relates also to layout they have requested that it is considered prudent to also attach a condition which requires the internal layouts as shown on the drawings be adopted should planning permission be forthcoming. This effectively places the living accommodation away from the common boundary with the Lidl site as shown on the drawings.

Consultations:-

The Environmental Health Officer recommends that a condition be added to any consent granted to say that:-

Development shall not begin until a scheme for protecting the proposed dwellings from noise from adjacent commercial premises has been submitted to and approved by the Local Planning Authority. All works which form part of the scheme shall be completed before any of the permitted dwellings are first occupied.

Appraisal:-

Dwg 018-056-OP_DR_004 Rev B shows internal layouts within the blocks closest to the common boundary which place non-habitable/secondary space along the elevations that face away from the boundary, and habitable space (living room/kitchen/bedrooms) on the

inside/courtyard-side of the scheme. As Layout forms part of this Outline application, this layout has been considered against the development of the adjacent site and found to be acceptable for both applicants. In this case, it is not considered necessary to add any further conditions relating to the internal layouts as this is covered within condition 3 in the Report. However, to protect both developments it is considered prudent to attach an additional condition as advised by the EHO.

The imposition of this condition would be consistent with the advice at paragraph 182 of the NPPF which advises that businesses should not have unreasonable restrictions placed upon them as a result of development permitted after they were established. It states that "Where the operation of an existing business or community facility could have a significant adverse effect on new development ... in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed". Whilst Lidl is not yet operating, the Applicant is aware of its proposals, and the principle appears applicable.

Imposition would also be effective alongside the planning conditions that control the hours of use of the foodstore and car park.

Recommendation:-

The officers recommendation remains as an Approval with the following additional condition:-

14. Development shall not begin until a scheme for protecting the proposed dwellings from noise from adjacent commercial premises has been submitted to and approved by the Local Planning Authority. All works which form part of the scheme shall be completed before any of the permitted dwellings are first occupied.

Reason: To safeguard the health and residential amenities of the future occupiers of the site in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

15. 18/00903/FUL - LAND ADJACENT 166 SAPCOTE ROAD, BURBAGE

Application for erection of a two storey four bedroom dwelling.

'Late items:'

Introduction:-

Amended plans were submitted which reduced the application site area, relocated the dwelling to the western boundary of the site and attached the garage to the dwelling. These plans have already been considered in the original report to committee. However, the public consultation period for submission of comments on these plans extended beyond the deadline for the preparation of the committee report. Since the publication of the committee report, additional responses have been received.

Consultations:-

Five additional neighbour letters of objection have been received raising the following issues:

- 1) The settlement boundary should be respected and residential development in this location is an unwelcome precedent for other applications located outside the settlement boundary;
- 2) Residential development on this site would be contrary to paragraph 4.25 of the

- SADMP which requires that the open landscape of Burbage should be protected and preserved;
- 3) The countryside should be conserved in this area as the Rail Freight Interchange would occupy large swathes of open countryside within a short distance of the site;
 - 4) The Borough has a 5 year housing land supply. There is no evidence that another 4-bedroomed house in Burbage as there are currently more than 150 4 and 4+ bedroomed houses for sale in the LE10 area;
 - 5) Burbage has been subject to massive over-development over recent years and the draft Neighbourhood Plan seeks to recognise this so that there is no additional development up to 2031;
 - 6) Burbage has already exceeded its residual housing requirement of 295 by 2026 by 242 units and there is still some 8 years to go;
 - 7) The site is not needed to meet the Council's housing needs in the plan to 2026;
 - 8) The Core Strategy also has a commitment to protect and preserve the open landscape to the east of Burbage which provides an important setting for the village and seek to enhance the landscape structure which separates the village from the M69 corridor as supported by the Hinckley and Bosworth Landscape Character Assessment.
 - 9) The Development Plan for the area takes precedence over the NPPF in decision making;
 - 10) Questions are raised about the appeal decision at Land East of the Common, Barwell as to which policies the Inspector considers are out-of-date and why they are out-of-date simply because the annual housing target figure has been revised. There is no mention in the revised NPPF that revisions to housing figures can render a Local Plan as being out-of-date;
 - 11) The Core Strategy policy on the need to protect and preserve the open landscape to the east of Burbage is not a housing land supply policy and is not out-of-date;
 - 12) The tilted balance as referred to in paragraph 11 of the NPPF only applies when a Council cannot demonstrate a 5 year housing land supply

15 additional neighbour letters of support have been received raising the following items:

- 1) The property is well-designed and is a high quality bespoke home which will complement the area;
- 2) There are no issues with regards to access or loss of amenity;
- 3) The site should be included in the settlement boundary which should finish at Aston Flamville Road in line with the houses on the opposite side of the road, the village sign and the speed restriction changes;
- 4) The site is restricted on each boundary being hemmed in on all sides and could not represent encroachment into the open countryside;
- 5) The Council has recently approved other small residential sites on the edge of settlement boundaries where there is no harm to the open countryside;
- 6) This is a vacant piece of land which would benefit from a self-build home;
- 7) This is a highly sustainable location with a pedestrian footpath outside and a bus stop just metres away;
- 8) This property would be a nice gateway into our village;
- 9) The applicants originate from Burbage and they will be taking part in the care of their extended family would also live in Burbage;

Burbage Parish Council and the Chair of the Parish Council have made additional comments and advise that the amended layout and information do not mitigate previous objections on the development being located outside of the parish settlement boundary.

A further letter has been received from the applicant's agent raising the following items:

- 1) The site is extremely well-related to the village providing strong connectivity to public transport and facilities, and is located immediately adjacent to the settlement boundary;
- 2) The housing supply policies are out-of-date and so paragraph 11 of the NPPF is triggered;
- 3) The land does not constitute open countryside and is enclosed on all sides;
- 4) With regards to precedent then the proposal should be judged on its own merits and not on any future applications;
- 5) There is strong local support for the proposal from those that will be directly affected.

Appraisal:-

The most up-to-date objective assessment of housing need (OAN) is provided within the Leicester and Leicestershire Housing and Economic Development Needs Assessment (HEDNA) (2017). This identifies a housing need for the Borough of 471 dwellings per annum between 2011 and 2031. This figure has been accepted by the Council and is being used when calculating the 5 year housing land supply position. The Council can currently demonstrate a 5 year supply of deliverable housing land using the most recent OAN figures.

This is weighed in the balance of the merits of the application, Paragraph 8.29-8.34 of the officers report sets out how this has been done in reaching the conclusions of the application.

16. 17/01338/FUL - FORMER COUNCIL DEPOT, MIDDLEFIELD LANE, HINCKLEY

Application for residential development of 54 dwellings.

'Late items:'

Introduction:-

Amended plans have been received which relate to the design and layout of the proposed access and road layout. The plans seek to address ensuring that the proposed access is developed to an adoptable standard prior to a Section 278 agreement.

The submission of a Phase II Site appraisal has been submitted during the course of the application.

Consultations:-

Leicestershire Police Designing out crime Officer, No objections subject to comments relating to designing out crime principles.

Appraisal:-

Designing out crime

Leicestershire Police have commented on the layout of the proposed development, and have no objections to the principle of the development. They have however identified that there are areas where in curtilage parking is not achieved. Due to the size and constraints of the site, in curtilage parking has been provided where it can be achieved, however through the site natural surveillance has been increased to ensure all public areas are over looked.

The use of secure boundaries would be achieved through the submission of a landscaping scheme where both hard and soft boundary treatment will be appropriately considered and secured. A request for CCTV at the access points leading into the development has been also suggested by the Police to aid deterrent of crime and help evidence gathering, however given the scale of the development and taking into consideration the layout in that the site is limited in terms of the single point of access where natural surveillance within the street scene has been secured through the design, it would not be reasonable to ensure this is provided by the developer in this instance.

Impact upon Highway safety

The proposed amendments have been designed to be in accordance with the 6C's Design Guidance to remove the need for requested conditions by Leicestershire County Council (Highways). Formal comments on the proposed changes to ensure the access is adoptable are still outstanding from Leicestershire County Council (highways) road adoptions, however the principle of the development has been accepted, and the details of the adopted layout can be addressed by way of updated conditions following committee.

Drainage

The Phase II Site appraisal identifies that the site has been subject to infiltration testing; the findings of which concludes that the site is not considered suitable for infiltration as a drainage strategy. Subject to comments and agreement from the Lead Local Flood Authority condition 14 would no longer be necessary.

Recommendation:-

Grant planning permission subject to:

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

17. 18/00805/FUL - LAND NORTH OF CADEBY LANE, CADEBY

Application for development of the land for the erection of three log cabins for holiday let purposes. Members were minded to refuse this application at a previous meeting.

'Late items:'

Introduction:-

The application was deferred at the last Committee. There is an update on the application on the Agenda. The applicant has also now provided an Artists Impression from the log cabin manufacturers and a Street Scene elevation (this shows the anticipated size of the soft landscaping after 5 years growth).

Consultations:-

No additional consultations have been made.

Appraisal:-

The Artists Impression (shown with a grey stain) is an illustration of the finished product. As this is a bespoke design it has not been possible to provide actual photographs of a similar style in situ. The Street Scene elevation illustrates the landscaping and additional planting 5 years hence. The elevation is drawn from Cadeby lane looking north.

Recommendation:-

The officers recommendation remains as an Approval.

18. NAILSTONE COLLIERY, WOOD ROAD, NAILSTONE - DEED OF VARIATION

Following deferral at a previous meeting in order to obtain further information from the highways authority, members are recommended to approve the variation to a Section 106 agreement.

'Late items:'

The applicant has submitted a plan which identifies the location of the proposed footway to serve the bus stops required by the section 106 on Bagworth Road and Grange Road. The footpath connects Nailstone with the two bus stops and the footpaths to the country park within the application site.

The draft wording of the deed of variation has also been submitted by the applicant which identifies that the bus stops and footpaths identified on the submitted plan shall be completed prior to the occupation of the development; the amendments to the drawings of the off site highway works in line with table 1 of the committee report; the road maintenance works identified in drawing 4752.000/H1/1/003 to be completed prior to occupation of the development and the provision of two bus stops (one northbound and one southbound) in the vicinity of the main entrance to the Application site; to be provided prior to occupation of the site.

The details provided are in accordance with the details set out in the committee report and are considered acceptable.

Leicestershire County Council (Highways) have provided a letter of commitment stating that within the package of works proposed to be carried out by Leicestershire County Council (Highways) under a Section 278 agreement, in addition to a gateway feature a priority working feature is proposed and will be subject to necessary public consultation prior to its delivery. These works fall outside the scope of the Section 106 due to their retrospective nature, however LCC Highways works are committed to their delivery and the letter of commitment is attached for your information at the end of this report.

Recommendation:-

That a deed of variation to the signed Section 106 for planning application reference 06/00980/OUT, 10/00851/EXT and 14/00572/CONDIT be agreed to amend the off site highways works to those outlined in the following plans:

- 018750 CA-0-G00-DR-SE-1000-P09
- 4752.000H1/1/001
- 4752.000H1/1/002
- 4752.000/H1/1/003
- Footpath & Bus Stop Strategy Site Plan (13/052) received 14th November 2018

That the Interim Head of Planning be given delegated powers to determine the final wording of the S106.

By e-mail

Date: 15th November 2018
My Ref:
Your Ref:
Contact: Jo Farragher
Phone: 0116 305 7009
Fax:
Email: Jo.Farragher@leics.gov.uk

Dear Mr Crooks CC,

Nailstone Colliery Section 106 Variation – Delivery of Highway Works

The developer of the Midas 22 site (former Nailstone colliery) and Leicestershire County Council (LCC) have been working together for the past 7 months to produce a works package that effectively mitigates the impact of their proposed development (the Scheme).

Changes to the developer's original obligations were necessary due to issues surrounding the deliverability of the obligations. These issues have been identified to Hinckley & Bosworth Borough Council (HBBC) and justified in previous correspondence between LCC officers, HBBC officers and various local members.

Subject to the S106 deed of variation being agreed, the developer and LCC are ready to enter into a S278 agreement setting out the terms of delivery and funding for the Scheme.

A gateway feature is listed as a planning condition and the developers have in addition, agreed to fund a priority working feature. To make best use of the contractor appointed by LCC, both of these features are to be included in the Scheme. The detailed design of these features is being carried out by LCC officers in advance of the contract being awarded and will form part of the Scheme package to be costed by the appointed MHA contractor.

I am writing to you in order to provide assurance to yourselves that LCC are committed to the delivery of the priority working feature, subject to the necessary public consultation.

Environment and Transport Department
Leicestershire County Council, County Hall, Glenfield, Leicestershire LE3 8RJ
Telephone: 0116 305 0001 Fax: 0116 305 0006 Minicom: 0116 305 0007
Email: etd@leics.gov.uk

Ann Carruthers, Director

www.leicestershire.gov.uk

Similarly, I would like to assure you that there has been a strong commitment to delivery of the priority working feature from the developer and as such LCC are confident that the Scheme will be delivered in its entirety.

Yours sincerely



Ann Carruthers
Director, Environment and Transport

CC Ms Helen Knott
Councillor Ward
Councillor Sutton