

# Public Document Pack

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

Date: 05 December 2018



**Hinckley & Bosworth  
Borough Council**

**To: Members of the Scrutiny Commission**

Mr MR Lay (Chairman)	Mr DW MacDonald
Mrs R Camamile (Vice-Chairman)	Mr RB Roberts
Mr KWP Lynch (Vice-Chairman)	Mr BE Sutton
Mr DC Bill MBE	Mr R Ward
Mr SL Bray	Mr HG Williams
Mr WJ Crooks	

Copy to all other Members of the Council

(other recipients for information)

Dear Councillor,

There will be a meeting of the **SCRUTINY COMMISSION** in the De Montfort Suite, Hinckley Hub on **THURSDAY, 13 DECEMBER 2018** at **6.30 pm** and your attendance is required.

The agenda for the meeting is set out overleaf.

Yours sincerely

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

Rebecca Owen  
Democratic Services Officer

## SCRUTINY COMMISSION - 13 DECEMBER 2018

### A G E N D A

1. APOLOGIES AND SUBSTITUTIONS

2. MINUTES (Pages 1 - 6)

To confirm the minutes of the meeting held on 8 November 2018.

3. ADDITIONAL URGENT BUSINESS BY REASON OF SPECIAL CIRCUMSTANCES

To be advised of any additional items of business which the Chairman decides by reason of special circumstances shall be taken as matters of urgency at this meeting.

4. DECLARATIONS OF INTEREST

To receive verbally from members any disclosures which they are required to make in accordance with the Council's code of conduct or in pursuance of Section 106 of the Local Government Finance Act 1992. **This is in addition to the need for such disclosure to be also given when the relevant matter is reached on the agenda.**

5. QUESTIONS

To hear any questions in accordance with Council Procedure Rule 12.

6. AFFORDABLE HOUSING DELIVERY (Pages 7 - 12)

To provide the annual review of affordable housing in the borough.

7. PLANNING APPEALS UPDATE (Pages 13 - 44)

To update members on progress of planning appeals.

8. UNIVERSAL CREDIT (Pages 45 - 52)

To update members on Universal Credit and its impact on current tenant debt levels.

9. SCRUTINY COMMISSION WORK PROGRAMME 2016-18 (Pages 53 - 56)

Work programme attached.

10. MINUTES OF FINANCE & PERFORMANCE SCRUTINY (Pages 57 - 60)

Minutes of Finance & Performance Scrutiny on 5 November are attached for information.

11. ANY OTHER ITEMS OF BUSINESS WHICH THE CHAIRMAN DECIDES HAVE TO BE DEALT WITH AS MATTERS OF URGENCY

As announced under item 3.

12. MATTERS FROM WHICH THE PUBLIC MAY BE EXCLUDED

To consider the passing of a resolution under Section 100A(4) of the Local Government Act 1972 excluding the public from the undermentioned item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1, 2, 3, 5 and 10 of Schedule 12A of the 1972 Act.

13. MARTINSHAW LANE - REVIEW OF HOUSING PROJECT (Pages 61 - 170)

Report of the Martinshaw Lane Task & Finish Group attached. Members are asked to adopt the report.

Due to the information contained within the report (information relating to individuals, information which may identify an individual, information relating to financial or business affairs and information subject to legal professional privilege), this report is to be taken in private session and must not be shared with anyone other than members of the Scrutiny Commission or the relevant ward councillors. Members are asked to consider releasing this report and redactions required to be able to do so.

This page is intentionally left blank

## HINCKLEY AND BOSWORTH BOROUGH COUNCIL

### SCRUTINY COMMISSION

8 NOVEMBER 2018 AT 6.30 PM

PRESENT: Mr MR Lay - Chairman  
Mr KWP Lynch – Vice-Chairman

Mr DC Bill MBE, Mr DS Cope (for Mr SL Bray), Mr WJ Crooks, Mr BE Sutton and Mr R Ward

Also in attendance: Councillor M Hall and Councillor MJ Surtees

Officers in attendance: Valerie Bunting, Bill Cullen, Malcolm Evans, Rob Foers, Simon D Jones, Julie Kenny, Jacqui Kissai, Rebecca Owen, Rob Parkinson, Kirstie Rea, Caroline Roffey, Nicola Smith, Sharon Stacey and Ashley Wilson

#### 237 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Bray, Camamile, MacDonald, Roberts and Williams with the substitution of Councillor D Cope for Councillor Bray authorised in accordance with council procedure rule 10.

#### 238 MINUTES

On the motion of Councillor Lynch, seconded by Councillor Sutton it was

RESOLVED – the minutes of the meeting held on 13 September be confirmed and signed by the chairman.

#### 239 DECLARATIONS OF INTEREST

No interests were declared at this stage.

#### 240 PRESENTATION FROM TOGETHER FOR TENANTS

Three representatives of Together for Tenants were in attendance to provide an update on their work and challenges over the last year. During the presentation and debate, the following comments were made by the representatives:

- Attracting a geographical spread of volunteers was a challenge – the majority were from Hinckley
- Comments had been submitted to the government on the social housing green paper. The chairman asked that a copy of the comments be circulated to raise awareness of the views of tenants
- The group was happy with the support they received from the council
- The service provided for tenants had improved over the past two years and there were fewer complaints about housing repairs
- Housing was better managed locally and Together for Tenants had invited a representative from Leicestershire County Council to a future meeting to discuss its unitary plans, particularly as housing had not been mentioned in any information released
- The group would like to be engaged earlier in the process so they may have a greater input into housing matters.

## 241 FLY TIPPING

Following a request at a previous meeting, members were updated on fly tipping incidents and the recent Leicestershire-wide fly tipping campaign. It was noted that some authorities in Leicestershire were better at reporting incidents, which may explain some variations in figures in the table on page 5. It was also noted that the analysis of the data across the county and city did not provide a reason for the increase in fly tipping.

In relation to the countywide campaign, it was acknowledged that this hadn't led to a decrease in fly tipping but had led to an increase in reporting, it had, however, led to an increase in use of the bulky collection service, which had been a key objective of the project.

It was reported that DEFRA had been consulting on a change to fixed penalty notices as, under the current regulations, a fly tipper who had been paid to dispose of a resident's waste could receive a fixed penalty notice, but the resident would be prosecuted, but under the new regulations both would receive a fixed penalty notice.

Concern was expressed about activity at the household recycling sites as there had been reports of staff being threatened.

Members highlighted the speed with which fly tipping was removed once reported and thanked officers for their efforts. In response to a question from a member, it was explained that occasionally there may be a note left on fly tipping before collection because there may be a large amount of evidence to collect so a return was required.

The Chief Executive highlighted that the Head of Streetscene Services had spearheaded this countywide campaign and a regional event for the District Councils Network. Officers were commended for the report and their hard work on a day to day basis and in leading the countywide project.

RESOLVED – the report be noted.

## 242 REVIEW OF THE DEVELOPING COMMUNITIES FUND

In reviewing the operation of the developing communities fund, it was noted that during the first programme some issues had come to light such as the capacity of parishes to run projects, the level of grant, time taken for the process and VAT issues. Minor changes to the criteria were proposed for the second phase of funding.

It was acknowledged that more assistance was required for assessing the applications and it had also come to light that many parishes did not have the skills or resources to manage such large projects so support to parishes in managing the projects would be beneficial.

In relation to the suggestion that the minimum level of funding should be lowered, a member suggested that increasing the upper limit for the Parish & Community Initiative Fund may be more appropriate.

A member expressed concern about linking eligibility for the fund to neighbourhood development plans, and it was also suggested that a community's neighbourhood plan may be preventing access to higher levels of funding.

RESOLVED – Council be RECOMMENDED to consider the following:

- (i) Officer support for project management is required, but the fine line between enabling and project managing be addressed;

- (ii) Expansion of the Parish & Community Initiative Fund rather than reducing the lower limit of the Developing Communities Fund;
- (iii) Changes to the challenging timescales;
- (iv) Creation of a toolkit to support parishes through the application and project management processes.

#### 243 CULTURAL STRATEGY

In reviewing the Cultural Strategy, attention was drawn to the key achievements, vision and key delivery themes. In response to a question, it was noted that external funding helped to develop the leisure and culture offer in the borough.

##### RESOLVED –

- (i) the report be welcomed and endorsed;
- (ii) the work of the Cultural Services team be commended.

#### 244 HOUSING STRATEGY 2018 - 2021

The Scrutiny Commission's comments were sought on the Housing Strategy. During discussion, the following points were raised:

- Rules for houses in multiple occupation (HMOs) had been expanded and more would require licences
- There were now more powers available in relation to the private rented sector
- The standard of private rented housing had an effect on the housing options and homelessness services
- Data around enforcement action taken and the types of issues was requested
- The council would enable people to access options appropriate to them, including signposting shared ownership and help to buy schemes
- It had become more difficult to find landlords to take on affordable housing in new developments
- Housing which had been transferred to Orbit during the 1990s had been offered back to the authority as per the original agreement. A decision would need to be made about whether these were purchased as this would not increase the overall housing available to the authority and it may be prudent to use that money to bring forward new properties instead.

RESOLVED – the report be noted and RECOMMENDED to Council.

#### 245 HRA INVESTMENT PLAN

The Scrutiny Commission gave consideration to the HRA investment plan including purchase of properties on the Middlefield development. It was acknowledged that the lifting of the HRA cap was significant but it was emphasised that the key was to ensure the rental income could meet the costs to avoid over-borrowing. It was noted that some local authorities had already carried out more work on their ACW build proposals and were reporting that it was affordable, but detail such as the type of properties they were proposing wasn't available so further research was required.

Concern was expressed that it would not be feasible to offer the properties at council rent levels and in response it was explained that there was an option to offer at an

affordable level below market rent as had been the case with the Southfield Road properties.

In response to a question it was noted that right to buy would still apply to the new properties, but that the receipt could be retained to replace the property and during the first ten years a lower discount could be offered to cover the build costs.

RESOLVED –

- (i) The report be RECOMMENDED to Council;
- (ii) An update be brought to a future meeting of the Scrutiny Commission in relation to the lifting of the HRA cap.

246 NEW DIRECTIONS FOR GROWTH - FURTHER OPTIONS CONSULTATION LOCAL PLAN REVIEW

Members received a report in relation to the New Directions for Growth – Local Plan Review consultation document. Concern was expressed that developers were holding a lot of land but were not willing to develop nor sell it, and that the system favoured large developers rather than local people wanting to stay in their local area.

Discussion ensued on the government's introduction of a housing delivery test to judge local authorities on housing built. The mechanisms to achieve this were still being investigated.

RESOLVED –

- (i) The New Directions for Growth – Local Plan Review consultation document be endorsed;
- (ii) Council be RECOMMENDED to:
  - a. Approve the undertaking of a six-week period of consultation on the document during January and February 2019;
  - b. Delegate authority to the Head of Planning in liaison with the relevant Executive member to make minor drafting /presentational changes to the documents in order to assist with clarification and/or explanation prior to it being published for consultation.

247 LEICESTER AND LEICESTERSHIRE STRATEGIC GROWTH PLAN

The Scrutiny Commission gave consideration to the revised Leicester & Leicestershire Strategic Growth Plan (SGP). It was acknowledged that this was a standardised report which was being presented to all authorities in Leicester and Leicestershire.

A member queried the proposed 38,000 houses on the A46 eastern bypass. In response it was noted that the defined route had not been determined but that the SGP had a strategy to deal with growth along that corridor in a reasonable way.

The benefits of endorsing the plan were set out, notably commitments to major infrastructure/transport improvements and projects including the A5. The risks to the authority of not continuing to be involved in discussions by failing to endorse the SGP were also highlighted and it was noted that this would mean the council could not



progress its own local plan. The importance of retaining involvement in the debate was acknowledged and supported by the Commission.

Concern was expressed about the proposed rail freight depot, the link to the A46 and a recent document from Midlands Connect in relation to the A46 itself. In response, it was noted that the rail freight depot was not part of this plan but was a national scheme which would need to be addressed separately and that the SGP didn't contain a link from the M69 or M1 to the A46 in the location stated and officers had not had sight of the document mentioned.

It was suggested by Councillor Lay that the SGP be acknowledged and a statement be included in the resolution to say "While we understand the benefits of the A46 eastern bypass, the connection is of great concern due to the potentially devastating impact of the location of this". The Commission supported this recommendation.

It was requested that a representative of Midland Connect be invited to a meeting in spring 2019.

**RESOLVED –**

- (i) The Strategic Growth Plan be acknowledged;
- (ii) It be noted that the connection to the A46 is of great concern due to the potentially devastating local impact;
- (iii) A representative of Midland Connect be invited to a future meeting of the Scrutiny Commission.

**248 CONSTITUTION UPDATE**

The Scrutiny Commission was asked to support a recommended change to the constitution to streamline the processes for approval of Neighbourhood Development Plans.

**RESOLVED** – the report be welcomed and RECOMMENDED to Council.

**249 SCRUTINY COMMISSION WORK PROGRAMME 2016-18**

The work programme was noted.

**250 MINUTES OF FINANCE & PERFORMANCE SCRUTINY**

The minutes of Finance & Performance Scrutiny were received for information.

**251 MATTERS FROM WHICH THE PUBLIC MAY BE EXCLUDED**

On the motion of Councillor Lay seconded by Councillor Lynch, it was

**RESOLVED** – in accordance with section 100A(4) of the Local Government Act 1972, the public be excluded from the following item of business on the grounds that it involves the disclosure of exempt information as defined in paragraphs 3 and 10 of Part I of Schedule 12A of that Act.

252 BLOCK C REVIEW

Members received a report on Block C of the Crescent.

RESOLVED – option 3 be endorsed and RECOMMENDED to Council.

Councillor Bill wished it to be recorded that he did not support option 3.

(The Meeting closed at 9.29 pm)

---

CHAIRMAN



## Hinckley & Bosworth Borough Council

### FORWARD TIMETABLE OF CONSULTATION AND DECISION MAKING

SCRUTINY COMMISSION

13 DECEMBER 2018

WARDS AFFECTED: ALL WARDS

---

### AFFORDABLE HOUSING DELIVERY

---

#### Report of Director (Environment and Planning)

##### 1. PURPOSE OF REPORT

- 1.1 To inform Members of the delivery of affordable housing in the Borough, as requested by the Scrutiny Commission as an annual position update.

##### 2. RECOMMENDATION

- 2.1 For Scrutiny to note the contents of this report.

##### 3. BACKGROUND TO THE REPORT

- 3.1 This report is in response to a request at the Scrutiny Commission meeting of 20 December 2012, which requested that Members are informed on an annual basis on the delivery of affordable housing in the Borough.
- 3.2 The targets and thresholds for affordable housing in the Borough are set out in Policy 15 of the Core Strategy. These differ for the urban and rural settlements and are as follows:

Location	Site size threshold	Target
Urban (Hinckley, Barwell, Burbage and Earl Shilton but not the SUEs)	15 dwellings or more, or sites of 0.5 ha or more	20% affordable housing
Sustainable Urban Extensions – Barwell and Earl Shilton	15 dwellings or more, or sites of 0.5 ha or more	20% affordable housing
Rural areas (all sites not in the above categories)	4 dwellings or more, or sites of 0.13 ha or more.	40% affordable housing

- 3.3 However since November 2014 national guidance has superseded the local target in rural areas, and no sites of 10 dwellings or less, or 1000 square metres of floorspace or less need to provide affordable housing contributions. This has impacted on affordable housing delivery in rural areas where smaller sites tend to come forward.
- 3.4 The Core Strategy also sets out the minimum numbers of affordable housing to be delivered in the Core Strategy period 2006 – 2026. This sets out a target of 2,090 affordable dwellings to be delivered over the policy period, 480 of which should be in rural areas.

#### 4. AFFORDABLE HOUSING COMPLETIONS AND PERMISSIONS TO 31 MARCH 2018

- 4.1 The total number of affordable housing completions and the percentage of affordable housing delivered since the start of the Local Plan period (2006 – 2026) is shown in the table below.

Year	Affordable Completions (net)		Total Affordable Housing Completions (net)	Total Open Market Housing Completions (net)	Total Housing Completions (net)	Percentage of housing delivery that is affordable (%)	Percentage of affordable housing delivery by location (%)	
	Rural	Urban					Rural	Urban
2006/07	15	65	80	358	438	18.26	3.42	14.84
2007/08	3	41	44	354	398	11.06	0.75	10.31
2008/09	9	80	89	385	474	18.78	1.9	16.88
2009/10	0	107	107	246	353	30.31	0	30.31
2010/11	0	5	5	222	227	2.20	0	2.2
2011/12	0	134	134	239	373	35.92	0	35.92
2012/13	6	11	17	210	227	7.49	2.64	4.85
2013/14	60	43	103	377	480	21.46	12.5	8.96
2014/15	93	61	154	598	752	20.48	12.36	8.12
2015/16	27	68	95	602	697	13.62	3.87	9.75
2016/17	59	82	141	415	556	25.36	10.61	14.75
2017/18	21	81	102	321	423	24.11	4.96	19.15
<b>Totals:</b>	<b>293</b>	<b>778</b>	<b>1071</b>	<b>4327</b>	<b>5398</b>	<b>19.84</b>	<b>5.42</b>	<b>14.41</b>

- 4.1 This table shows that since the beginning of the plan period (2006) a total of 1071 affordable dwellings have been completed against the 2,090 affordable dwelling requirement set out in the Core Strategy Policy 15 (see point 3.3) which equates to 19.84% affordable provision.
- 4.2 In addition to the completions of affordable housing, at 31.03.18 there was planning permission for 240 affordable homes which have not yet been started, and 64 under construction. This equates to 304 affordable dwellings with planning permission within the borough at 1 April 2018, of which 64 are in the rural settlements.
- 4.3 In conclusion, this equates to a total number of completions and permissions for affordable dwellings of 1375 against the adopted Core Strategy target of 2,090 for the period 2006 – 2026. The Core Strategy also sets a target of 480 of the affordable

dwelling to be delivered in the rural areas, and with completions and permissions 357 affordable homes have been delivered in the rural areas. Delivery against target is therefore as follows:

Core Strategy AH target - all	AH completions + planning permissions – all	% delivered against Core Strategy target – all	Core Strategy AH target – rural	AH completions + planning permissions - rural	% delivered against Core Strategy target - rural
2090	1375	65.78%	480	357	74.37%

This shows the council is on target to meet the minimum number of affordable homes set out in the Core Strategy. Work will continue to increase the supply of affordable housing since the numbers set out in the Core Strategy will not meet the whole of the identified need.

## 5.0 SUMMARY OF DELIVERY

- 5.1 The delivery of new affordable housing within the borough has remained steady, despite continued challenges with engaging Registered Providers (RPs) in acquiring properties on section 106 sites. This is largely due to the availability of Affordable Homes grant from Homes England, which cannot be used towards the delivery of affordable housing through planning obligations. RPs are therefore directing their delivery towards their own build programmes where grant can be used, and the Borough is seeing more interest in schemes coming forward for 100% affordable housing than has happened in the early years of the Local Plan.
- 5.2 Funding from Homes England for affordable housing is changing with the introduction of strategic partnerships with RPs going forward. This gives RPs more certainty on the amount of grant they can draw down and therefore allows them to plan their new build programmes more effectively. Homes England announced the first partnerships in July 2018, with a second tranche released in October 2018. EMH, Orbit and Platform Housing Group (formerly Waterloo Housing) are all strategic partners and are active in delivering affordable housing in the Borough.
- 5.3 Government are considering extending the Right to Buy to tenants of Registered Providers. At present, a pilot is taking place in the Midlands, which several of our RP partners are participating in. As it is still in the early days of the pilot, it is not possible to evaluate the effect this will have on the supply of affordable housing for rent in the Borough. However, first indications seem to show that the scheme is very popular and will be oversubscribed. The council will therefore take a watching brief on the impact the initiative will have on the overall supply.

## 6. EXEMPTIONS IN ACCORDANCE WITH THE ACCESS TO INFORMATION PROCEDURE RULES

- 6.1 None.

## 5. FINANCIAL IMPLICATIONS [CS]

### **New Homes Bonus**

- 5.1 Based on the current MHCLG formula for New Homes Bonus is not given on 0.4% of the baseline (around 180 properties for this Borough). Thereafter £1,590 is given per

property (based on Band D equivalents) This Council retains £1,272 of this (20% is given to the County Council). New Homes Bonus is currently given for four years.

- 5.3 For each affordable property built the Council will also receive £280 (80% of £350).

The table below summaries a worked example for 2017/18 completions

Non Affordable Completions	321
Affordable Completions	102
<b>Total Completions</b>	<b>423</b>
Amount that Attracts NHB	243
	£
Value of NHB	309,096
Affordable Housing NHB	28,560
<b>Total NHB</b>	<b>337,656</b>

## Council Tax

- 5.3 Additionally for the worked example above this will result in an approximate increase in the Council Tax base of 213. Based on an average band D equivalent council tax of £127.09 (including special expenses) the estimated additional council tax income is £27,070.

## 6. LEGAL IMPLICATIONS []

- 6.1 None arising directly from this report.

## 7. CORPORATE PLAN IMPLICATIONS

- 7.1 The delivery of new council housing supports the following aims of the Corporate Plan 2017 – 2021:
- Places: 4) Improve the quality of existing homes and enable the delivery of affordable housing

## 8. CONSULTATION

- 8.1 None required as this report is for information only.

## 9. RISK IMPLICATIONS

- 9.1 It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.
- 9.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

- 9.3 The following significant risks associated with this report / decisions were identified from this assessment:

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
Failure to deliver affordable housing increases the pressure on the Council's waiting lists and impedes its desire to assist residents in the Borough who cannot meet their needs on the open market	Completion of an independent viability assessment before agreement to reduce the numbers of affordable housing on qualifying sites	Valerie Bunting
	Work with our RP partners to bring forward suitable sites for affordable housing	Valerie Bunting

10. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

- 10.1 This report is concerned with ensuring that a supply of affordable housing is available in the Borough for people in the greatest need. This includes consideration of people from vulnerable groups, and those living in rural areas.

11. CORPORATE IMPLICATIONS

- 11.1 By submitting this report, the report author has taken the following into account:

- Community Safety implications
- Environmental implications
- ICT implications
- Asset Management implications
- Procurement implications
- Human Resources implications
- Planning implications
- Data Protection implications
- Voluntary Sector

---

Background papers: None

Contact Officer: Valerie Bunting x 5612  
Executive Member: Councillor M Hall

This page is intentionally left blank





Hinckley & Bosworth  
Borough Council

*A Borough to be proud of*

FORWARD TIMETABLE OF CONSULTATION AND DECISION MAKING

SCRUTINY COMMISSION 13 DECEMBER 2018

WARDS AFFECTED: ALL WARDS

---

## PLANNING APPEALS UPDATE

---

### Report of Director (Environment and Planning)

#### PURPOSE OF REPORT

- 1.1 To update members on the progress of current planning appeals.

#### 2. RECOMMENDATION

- 2.1 That the Scrutiny Commission notes the report and the appeal decisions attached at appendix 1 and current appeals attached at appendix 2.

#### 3. BACKGROUND TO THE REPORT

- 3.1 The performance indicator (PI) for appeals is that at least 60% of all appeals should be dismissed. The table below shows the last two financial years.

Year	No of Appeals	Appeals Dismissed (%)
2017/2018	23	78%
2016/2017	37	81%

- 3.2 The appeal decisions set out in appendix 1 show that since the last report in July 2018 there have been 18 appeals decided. Of these, 5 were allowed and 13 dismissed. This results in a success rate of 72% of all appeals lodged.

- 3.3 The appeal progress report at appendix 2 includes current progress on appeals for members' information. Members are asked to note the contents of the report.

- 3.4 A public inquiry relating to Land east of The Common, Barwell was held in response to the Council's refusal to grant planning permission for up to 185 dwellings in the open countryside. The inquiry lasted for 6 days beginning on the 12th June and closing on the 19th June. At Scrutiny in July it was reported that a decision was expected in August, a decision was received by the Council on the 20<sup>th</sup> July 2018. The main issues for this appeal were:

- The effect of the proposed development on the character and appearance of the area and on the Hinckley/Barwell/Earl Shilton Green Wedge;
  - whether there are any other material considerations, including the delivery of market and affordable housing in the context of the current housing land supply, that determine the development should be approved other than in accordance with the development plan.
- 3.5 The Inspector found that the proposed development would harm the character and appearance of the landscape resulting in a perception of the town extending south towards the A47, and an erosion of the Green Wedge and therefore failed to comply with SADMP Policy DM4 (Countryside) and Core Strategy Policy 6 (Green Wedge).
- 3.6 The inspector also rigorously questioned officers about delivery of housing and the Council's five year land supply. Due to the work conducted by the Major Projects Team in monitoring sites and working pro-actively with developers, notwithstanding the delays associated with the delivery of the Sustainable Urban Extensions (SUEs) the Council were able to defend its 5 year housing land supply and the inspector found that the Council can currently demonstrate a supply of housing land in excess of 5 years.
- 3.7 The inspector's report makes extensive commentary on the delivery of housing on several sites contained within the 5 year land supply, in some cases discounting projected supply of housing therefore reducing the councils overall land supply figure, although this currently remains in excess of 5 years. The inspector states that further challenging work may be needed on some sites, to ensure delivery. The full report can be found at appendix 3.
4. EXEMPTIONS IN ACCORDANCE WITH THE ACCESS TO INFORMATION PROCEDURE RULES
- 4.1 Not exempt
5. FINANCIAL IMPLICATIONS [CS]
- 5.1 In 2017/18, the council spent £20,610 against a budget of £45,000 on appeals. For 2018-19 the budget is £49,000. Due to the Public Inquiry at The Common the budget as at Month 8 has already been spent. Any additional budget requirement will need approval in accordance with financial procedure rules.
6. LEGAL IMPLICATIONS [MR]
- 6.1 None arising directly from this report.
7. CORPORATE PLAN IMPLICATIONS
- 7.1 The Council needs to manage its performance through its Performance Management Framework with regard to appeals and has performed above the adopted PI of 60%.
- 7.2 It also ensures that the Council is ensuring that it is meeting the priorities of the Corporate Plan particularly *Places – Creating clean and attractive places to live and work.*

## 8. CONSULTATION

8.1 None required

## 9. RISK IMPLICATIONS

9.1 It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.

9.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

9.3 There are no risks arising from the recommendations in this report.

## 10. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

10.1 The report provides an update to the Scrutiny Commission of current appeal cases. The implications of these appeals are determined on a case by case basis and can affect the planning balance when considering individual planning applications affecting all sections of the community.

10.2 As this report does not propose any amendment to a service or Policy, an Equality Impact Assessment is not relevant.

## 11. CORPORATE IMPLICATIONS

11.1 By submitting this report, the report author has taken the following into account:

- Community Safety implications
- Environmental implications
- ICT implications
- Asset Management implications
- Procurement implications
- Human Resources implications
- Planning implications
- Data Protection implications
- Voluntary Sector

---

Background papers: Relevant Planning Applications documents available on the Council's Planning Portal

Contact Officer: Nicola Smith ext 5970  
Executive Member: Councillor Allen

This page is intentionally left blank

Appellant	Site Address & Proposal	Method	Appeal Decision	Recommendation
Daniel Kitching 38 Almeys Lane Earl Shilton LE9 7AJ	38 Almeys Lane Earl Shilton Leicester Leicestershire LE9 7AJ  Erection of one detached bungalow (resubmission of 17/00636/FUL) 17/01292/FUL	Written Reps  Committee Decision	Appeal Dismissed 30/10/2018	Officer Decision
Mr & Mrs Smith 15 Denis Road Burbage LE10 2LR	15 Denis Road Burbage Hinckley Leicestershire LE10 2LR  First floor extension to bungalow to form two and a half storey dwelling with alterations to all elevations (resubmission of 17/00546/HOU) 18/00038/HOU	Fast Track  Committee Decision	Appeal Dismissed 20/08/2018	Councillor Decision
Mr N Salt c/o Agent	Oak Tree House Ashby Road Cadeby Leicestershire  2.8m high entrance gate and 1.9m to 2.4m high fence (Retrospective) 17/01167/HOU	Fast Track  Delegated Decision	Appeal Allowed 08/06/2018	Officer Decision
Mr Andrew Fenwick Noctule House, Pipistrelle Drive Market Bosworth CV13 0NW	Noctule House Pipistrelle Drive Market Bosworth Nuneaton Leicestershire CV13 0NW  Erection of two storey side and single storey rear extension 17/01092/HOU	Fast Track  Delegated Decision	Appeal Allowed 05/06/2018	Officer Decision

Centre Estates Limited c/o agent	Land Off Paddock Way Hinckley Leicestershire  Residential development of 55 dwellings, creation of a new access and associated works to include 72 on-site parking spaces 17/00115/FUL	Hearing  Delegated Decision	Appeal Allowed 13/09/2018	Officer Decision
Knapp 18 Strutt Road Burbage LE10 2EB	18 Strutt Road Burbage Hinckley Leicestershire LE10 2EB  Single storey attached garage to front of property (resubmission of 17/00777/HOU) 18/00193/HOU	Fast Track  Delegated Decision	Appeal Allowed 17/09/2018	Officer Decision
Mr K Petcher C/O Agent	Land Rear Of 143 Dragon Lane Newbold Verdon Leicestershire  Erection of single storey bungalow (outline - access only) 17/00747/OUT	Written Reps  Delegated Decision	Appeal Allowed 17/10/2018	Officer Decision
Mr Allan Clarke 47 Princess Road Hinckley Leicestershire LE10 1EA	47 Princess Road Hinckley Leicestershire LE10 1EA  Erection of a 1.8 metre high boundary wall 18/00006/HOU	Fast Track  Delegated Decision	Appeal Dismissed 29/06/2018	Officer Decision

Mrs Terri Greenwood 207 Sketchley Road Burbage Hinckley Leicestershire LE10 2DY	207 Sketchley Road Burbage Hinckley Leicestershire LE10 2DY  Erection of a boundary wall to front of property (retrospective) 18/00459/HOU	Fast Track  Delegated Decision	Appeal Dismissed 15/10/2018	Officer Decision
Mrs Rebecca Stilgoe 74 Alexander Avenue Earl Shilton Leicester Leicestershire LE9 7AG	74 Alexander Avenue Earl Shilton Leicester Leicestershire LE9 7AG  Single storey detached garage (retrospective) 18/00076/HOU	Fast Track  Delegated Decision	Appeal Dismissed 29/06/2018	Officer Decision
Mr D Powers 37 Wykin Lane Stoke Golding Nuneaton Leicestershire CV13 6HN	37 Wykin Lane Stoke Golding Nuneaton Leicestershire CV13 6HN  Proposed Studio and Playroom above approved garages 18/00098/HOU	Fast Track  Delegated Decision	Appeal Dismissed 20/08/2018	Officer Decision
Mr Neale 6 Leysmill Close Hinckley Leicestershire LE10 0RU	6 Leysmill Close Hinckley Leicestershire LE10 0RU  Two storey side and rear extension and single storey front extension 18/00054/HOU	Fast Track  Delegated Decision	Appeal Dismissed 29/06/2018	Officer Decision
Mrs Natasha Godrich 12 Wellington Close Burbage LE10 2GH	12 Wellington Close Burbage Hinckley Leicestershire LE10 2GH  Single storey side extension 17/01190/HOU	Fast Track  Delegated Decision	Appeal Dismissed 29/06/2018	Officer Decision

Mr Richard Brown 61 Sycamore Drive Groby Leicester Leicestershire LE6 0EW	61 Sycamore Drive Groby Leicester Leicestershire LE6 0EW  1.8 metre high and 1 metre high timber fence to side boundary (part retrospective) 18/00075/HOU	Fast Track  Delegated Decision	Appeal Dismissed 11/07/2018	Officer Decision
Mr Andrew Ward Ben Venuto Thornton Lane Markfield LE67 9RP	Ben Venuto Thornton Lane Markfield Leicestershire LE67 9RP  Erection of detached dwelling 17/01119/FUL	Written Reps  Delegated Decision	Appeal Dismissed 14/08/2018	Officer Decision
Gladman Developments Gladman House Alexandria Way Congleton CW12 1LB	Land East Of The Common Barwell Leicestershire  Residential development of up to 185 dwellings (outline - access only) 17/00531/OUT	Public Inquiry  Delegated Decision	Appeal Dismissed 20/07/2018	Officer Decision
Mrs Samantha Mather 64 Manor Road Desford Leicester Leicestershire LE9 9JS	64 Manor Road Desford Leicester Leicestershire LE9 9JS  Detached garage to front elevation and roof lantern to existing summer house in rear garden 18/00412/HOU	Fast Track  Delegated Decision	Split Decision 20/08/2018	Officer Decision



Mr Andrew Baxter 4 Market Mews Market Bosworth Nuneaton Leicestershire CV13 0GZ	4 Market Mews Market Bosworth Nuneaton Leicestershire CV13 0GZ  Removal of overhanging branches on western side of tree overhanging the garden of 4 Market Mews. This is further works to the permission granted and executed during winter 2016/17 17/00930/TPO	Written Reps  Delegated Decision	Appeal Dismissed 15/06/2018	Officer Decision
--	--	---	-----------------------------------	------------------

This page is intentionally left blank

## PLANNING APPEAL PROGRESS REPORT

SITUATION AS AT: 30.11.18

**WR - WRITTEN REPRESENTATIONS**

**IH - INFORMAL HEARING**

**PI - PUBLIC INQUIRY**

FILE REF	CASE OFFICER	APPLICATION NO	TYPE	APPELLANT	DEVELOPMENT	Appeal Valid	DATES
	AC	18/00915/FUL (PINS Ref 3216750)	WR	c/o Agent 15 Ratby Road Groby	15 Ratby Road Groby (Change of use from retail shop (A1) to referral veterinary clinic (D1))	Appeal Valid Awaiting Start Date	22.11.18
Page 23	RW	18/00642/FUL	WR	Mr Graham Penney The Oaks Lodges Stapleton Lane Kirkby Mallory	The Oaks Lodges Stapleton Lane Kirkby Mallory (Change of use of bed and breakfast accommodation (Use Class C1) with extensions and alterations to form a residential dwelling (Use Class C3))	Appeal Valid Awaiting Start Date	31.10.18
	SP	18/00717/HOU (PINS Ref 3213956)	WR	Miss Rebekah Goldson 21 Brookside Barlestone	21 Brookside Barlestone (Two storey side extension)	Appeal Valid Awaiting Start Date	19.10.18
	AC	18/00624/OUT (PINS Ref 3213307)	WR	Mr W Richardson 295 Main Street Barlestone	295 Main Street Stanton Under Bardon Coalville (Erection of one dwelling (outline - access only))	Appeal Valid Awaiting Start Date	08.10.18

18/00047/PP	AC	18/00156/FUL (PINS REF 3213146)	WR	Mr Peter Hunt Apex Homes 16A Cadle Close Stoney Stanton	Land To The Rear Of 19 De La Bere Crescent Burbage Hinckley (Erection of new dwelling (resubmission of 17/01138/FUL))	Start Date Statement of Case Final Comments	09.11.18 14.12.18 28.12.18
	RW	17/01268/FUL (PINS Ref 3210717)	WR	Miss Anna Vaughan Mobile Home Meadow Barn Shenton Lane Upton	Meadow Barn Shenton Lane Upton (Removal of two mobile homes and residential storage barn and erection of dwelling)	Appeal Valid Awaiting Start Date	12.09.18
18/00045/RPAGDO	EC	18/00343/CQGDO (PINS Ref 3210268)	WR	Mr Martyn Taylor 55 Foxs Covert Fenny Drayton	Cotton View Bosworth Road Wellsborough (Prior Approval for change of use of an existing agricultural building to a dwelling (C3) and associated building operations)	Start Date Awaiting Decision	24.09.18
18/00043/PP	AC	18/00160/OUT (PINS Ref 3208803)	WR	Mr Jon Wetton 154 Wolvey Road Burbage	154 Wolvey Road Burbage (Erection of a dwelling and creation of an access to serve No. 154 (outline - all matters reserved) (resubmission of 17/01135/OUT))	Start Date Awaiting Decision	17.09.18
		18/00165/UNBLDS (PINS Ref 3209195)	PI	Mr Nigel Salt Salt Construction Limited 304 Leicester Road Wigston	Land South Cadeby Hall Main Street Cadeby (Unauthorised erection of a dwelling)	Appeal Valid Awaiting Start Date	13.09.18
	LL	16/00277/UNUSES (PINS Ref 3206296)	WR	Mr F Tailor Oldlands Fenns Lane Dadlington	Oldlands Fenn Lanes Dadlington	Appeal Valid Awaiting Start Date	09.08.18

18/00036/PP	AC	17/00776/FUL (PINS Ref 3204517)	WR	Dr David Hickie 7 Hunters Walk Witherley Atherstone	7 Hunters Walk Witherley Atherstone Erection of timber post and wire fence adjacent to Kennel Lane (resubmission of 17/00310/FUL))	Start Date Awaiting Decision	13.08.18
18/00044/PP	HK	17/00765/FUL (PINS Ref 3203971)	WR	Orbit Group Ltd	The Big Pit Land to the rear of 44 - 78 Ashby Road Hinckley (Erection of 60 dwellings including engineering infill operation and associated works)	Start Date Awaiting Decision	18.09.18
18/00019/FTTREE	CJ	18/00234/TPO (PINS Ref 6812)	WR	William Burke 1 Goulton Crescent Desford	1 Goulton Crescent Desford (1x Scots pine, reduce overall height by 20 feet)	Start Date Awaiting Decision	30.05.18
18/00018/HEDGE	TW	18/00040/HEDGE (PINS Ref 512)	WR	AH Oliver & Son Sweepstone Fields Farm Snarestone Road Newton Burgoland	Odstone Hill Farm Newton Lane Odstone	Start Date Awaiting Decision	16.05.18
18/00016/FTTREE	CJ	18/00211/TPO (PINS Ref 6767)	WR	Brian Higginson Village House Coventry Road Marton	32 Northumberland Avenue Market Bosworth Nuneaton (T1 Oak - Fell and replace; T2 Beech - Remove 2 damaged lower limbs)	Start Date Awaiting Decision	16.05.18

This page is intentionally left blank

## Appeal Decision

Inquiry opened on 12 June 2018

Site visit made on 18 June 2018

**by Mike Robins MSc BSc(Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 20 July 2018**

---

**Appeal Ref: APP/K2420/W/17/3188948**

**Land east of The Common, Barwell, Leicestershire LE9 8NG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Gladman Developments against the decision of Hinckley & Bosworth Borough Council.
  - The application Ref 17/00531/OUT, dated 26 May 2017, was refused by notice dated 29 August 2017.
  - The development proposed is the demolition of existing agricultural structures and the erection of up to 185 dwellings with public open space, landscaping, sustainable drainage system and vehicular access.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The application was made in outline with all matters other than access reserved for future determination. Nonetheless, submitted with the application was a Development Framework Plan<sup>1</sup>, which, while accepted to be illustrative, set out areas for housing and for Green Infrastructure (GI), the distribution of which was relied on in evidence. The appellant agreed in principle to conditions requiring the submission of reserved matters to be broadly in accordance with this plan. I have considered the appeal on this basis.
3. A Unilateral Undertaking, dated 19 June 2018, made under s106 of the Town and Country Planning Act 1990, was submitted to address affordable housing, landscaping and open space provision and relevant contributions. The Council were content that this properly addressed affordable housing provision. Both Leicestershire County Council (LCC), who had requested to appear at the Inquiry as a Rule 6 party, and the Council accepted that the proposed contributions relating to relevant infrastructure fully addressed their previous objections and their reasons for refusal on these matters. I address this planning obligation later in my decision.
4. A late submission comprising a previous nearby planning appeal<sup>2</sup> was made by a local resident. To ensure fairness, I allowed the appellant a short period post closure of the Inquiry to make representations.

---

<sup>1</sup> 7660-L-03 Rev D

<sup>2</sup> ID8 - APP/K2420/A/12/2188915

5. The Inquiry sat for five days. In addition to two unaccompanied visits I made to view the roads surrounding the site, an accompanied visit was made with representatives of both main parties. This included the opportunity to visit the site itself and to take views from the surrounding roads and footpaths as well as from a property along Dawson's Lane.
6. Three Statements of Common Ground (SoCG) were submitted. These addressed matters relating to Archaeology, dated 3 May 2018, Highways, Traffic and Transportation, dated 17 April 2018, and one relating to housing and other matters. This last SoCG, although finalised 20 April 2018, was not fully accepted by the Council, nonetheless these matters were addressed by an agreed further note on Housing Land Supply (HLS). In light of these agreed matters, and following an earlier submission of further and revised details, including an archaeological trenching survey and the Transport Technical Note 1, the Council confirmed that they would not be pursuing their Reasons for Refusal 2, 3 and 4, although I note that a number of these matters remained ones of concern for local residents.

### **Main Issues**

7. Accordingly, the main issues in this case are:
  - The effect of the proposed development on the character and appearance of the area and on the Hinckley/Barwell/Earl Shilton Green Wedge;
  - whether there are any other material considerations, including the delivery of market and affordable housing in the context of the current housing land supply, that determine the development should be approved other than in accordance with the development plan.

### **Reasons**

#### ***Character and Appearance***

8. The appeal site comprises a number of fields to the south of the settlement of Barwell. Currently in use for the keeping of horses and the grazing of cattle, the irregular shaped site extends from Dawson's Lane south to the A47, with the access proposed to be from The Common to the west. The approximately 11.5 hectare site is made up of nine fields with substantial hedge boundaries and occasional trees, albeit some of these hedgerows are not continuous and have been replaced by post and rail fencing. The site lies within a Green Wedge that was identified as a necessary strategic intervention in Policies 1, 2 and 3 of the Hinckley and Bosworth Core Strategy, adopted 2009 (the Core Strategy), with relevant policy controls set out in Policy 6.
9. The proposed development would be adjacent to the current boundary of Barwell, along which lies some commercial development and generally large and well-spaced properties on Dawson's Lane, a number of which would look out over the site. Linear housing along The Common extends to the edge of the proposed access, while a more recent small housing estate, Garner Close, would also back onto the development. To the east are an area of allotments and a mixed use farm development, both of which lie within the Green Wedge.
10. Barwell is set on a ridge with the land sloping fairly steeply down from Shilton Road with a more gradual slope across the site itself. There is no public access to the site, although a public footpath runs from Dawson's Lane eastwards to



Leicester Road, while pavements and footways down The Common give access to the footpath/cycling network associated with the A47.

11. Located in the Green Wedge and outside of the current settlement boundary, it was common ground that the proposal would, on its face, conflict with Core Strategy Policy 6 and Policy DM4 of the Site Allocations and Development Management Policies Development Plan Document, adopted 2016 (the SADMP).
12. It was also common ground between the main parties that the site was not of a scale to effect the national or indeed regional landscape character; I concur. The local landscape is characterised under the Hinckley and Bosworth Landscape Character Assessment (LCA), 2017, as lying within the area LCA F, Burbage Common Rolling Farmland. This LCA was updated since submission of the application, and was utilised by both main parties in their evidence to the Inquiry. Key characteristics are identified to include smaller scale pasture fields around the settlements, noted as being typical of parliamentary enclosure, urban fringe influences, sparse settlement comprising individual buildings and scattered farm complexes but with major transport corridors dissecting the landscape. Importantly, the key characteristics highlight the functional role of the landscape as part of the Green Wedge, providing separation between Hinckley and Barwell and green infrastructure to the cluster of settlements of Burbage, Hinckley, Barwell and Earl Shilton.
13. The function of the Green Wedge is set out in more detail in the Core Strategy as separating the three settlements, Hinckley, Barwell and East Shilton, to protect their individual identities. Policy 6 acknowledges that there are opportunities to enhance the amenity and ecological value of the area and identifies certain developments to be supported; these do not include housing. All other developments should comply with four criteria set out in the policy. The Green Wedge boundaries were reviewed in 2011.
14. The appellant submitted a Landscape and Visual Appraisal, dated May 2017, which was reviewed by their witness to the Inquiry, acknowledging the updated LCA. Identified as being developed in accordance with GLVIA<sub>3</sub><sup>3</sup>, the Council raised no issues with the methodology used by the appellant, but reached contrasting views in terms of their own approach and findings of effects, including that the site should be considered as a valued landscape. The appellant also carried out a site specific Green Wedge review, which concluded that the effect of the scheme would be negligible and its functions would remain intact. This contrasts strongly with the Council's findings. Consequently I consider that there are three key areas of dispute: whether the site forms part of a valued landscape; the extent of landscape and visual effects; and the effect on the functioning of the Green Wedge.

### *Valued Landscape*

15. With regard to whether the site is 'valued' in accordance with paragraph 109 of the Framework, there was some agreement between the parties on the principles of such a determination<sup>4</sup>. However, the appellant argued that while there may be visual change from the development, the site is relatively enclosed and influenced by the urban fringe, with nothing rare, distinct or remarkable about it

---

<sup>3</sup> Guidelines for Landscape and Visual Impact Assessment, third edition, published by the Landscape Institute and the Institute of Environmental Management and Assessment, in 2013 (GLVIA<sub>3</sub>).

<sup>4</sup> GLVIA<sub>3</sub> Box 5.1

to establish it as valued. In contrast, the Council's evidence drew on the key characteristic of LCA F, notably the small parliamentary enclosure field system, as being a feature of rarity and importance that took the site beyond the ordinary.

16. I have no doubt that the site is greatly appreciated by local residents, both those who overlook it and those who find it provides a context of open countryside when on walks on the roads and footpaths around it. I accept that while the hedgerows defining the small-scale field enclosures would remain, the introduction of a large-scale housing scheme would significantly erode these field patterns, referred to as a key characteristic of the landscape. It has a clear value and plays an important role in the setting of the settlement, and I address this in more details below. I also accept that, while public access is not formally allowed, the appeal site has a recreational and perceptual value to those using the footpaths and footways. It contributes to the experience of nearby residents and those passing and I can understand how local people draw the conclusion that the site is an important area of countryside.
17. However, in my view, such a contribution, and the presence of such field patterns, cannot be considered to be so significant or the landscape be so rare as to make this site 'valued' in the context of the Framework. The Council themselves accepted that there were no perceptual aspects and associations or conservation interests; overall, I consider it not to be a 'valued' landscape.

#### *Landscape and visual effects*

18. This finding does not devalue the landscape and it is a site that I consider plays an important role in the setting of the settlement, a role recognised in the LCA, which considered the urban characteristics of Barwell under UCA 9. While the site is relatively well enclosed, the introduction of a large housing estate and the necessary works to provide a safe access would, to my mind, extend the settlement considerable closer to the A47 and this change would have a negative impact on the countryside landscape and the settlement, whose key sensitivities include its rural setting and views to the south from Shilton Road.
19. The appellant, referring to the settlement edge location and the presence of uses and influences around the site, found it to have a low-medium susceptibility to change and to be of medium landscape value. Thus reaching a general finding of landscape effects in the immediate local context as moderate adverse reducing over time, and minimal on the wider scale. Visually, it was argued that while nearby residents may experience notable visual change, for receptors beyond these properties, the effects would be minor to moderately adverse, reducing over time.
20. However, while I note the appellant's findings, I consider that they have underplayed the impact of up to 185 dwellings on the landscape here.
21. In landscape terms, I accept that there is an urban influence to the northern edge of the site, in particular from the commercial development along Dawson's Lane. However, from within the site and indeed from views over it from Shilton Road, along Dawson's Lane and overlooking from the allotment area and its parking, the site is demonstrably a part of the countryside and, importantly, reflective of the key characteristics of the landscape here, in that it provides an important role in the setting of the settlement and as a buffer to the A47 and the rural character beyond. Similarly, to the lower part of The Common, the

- substantial hedgerow and glimpsed views into the site reinforce the presence of a rural landscape buffer and separation of the town from the A47.
22. Whilst the scheme proposes to retain, manage and reinforce the hedgerows, they will no longer define field boundaries, but will become somewhat arbitrary boundaries between groups of houses with interlinking roads. There is benefit in their retention, but the introduction of large scale housing here would represent a considerable erosion in the landscape value and the characteristic small-scale field pattern.
23. This cannot be set aside because the site is relatively well contained, nor because additional land has been identified to provide areas of managed but open land to the east and south of the site. While on an individual scale, houses may not be readily perceived, I have no doubt that the rooflines, the general groups of houses, some visible gables and the activity from an estate of up to 185 houses would have a presence that would alter the experience of the landscape fundamentally, eroding its current nature and its role in the setting of Barwell; it is a change that would be clearly perceived.
24. Visually, the well contained nature of the site arises ostensibly because of the relatively flat topography, the surrounding hedgerows and the limited viewpoints from within the town, and this may limit the visual impact somewhat. Nonetheless, for those using Dawson's Lane, and progressing along the lane to the allotments and into the fields to the east, and for all entering or leaving Barwell along The Common, their experience of the town and its relationship with the countryside would be very different. The overview offered from Shilton Road, and recorded as being important in the key sensitivities and values of Barwell, set out under UCA 9, would also change. I accept that there has been a response in the site layout to provide the clearest view from here as a managed area of open space, but this too would represent a change from rural/agricultural character, and there would undoubtedly be perceptions of the housing too. While the long distance views out over the site from Shilton Road would remain, the nearer distance ones would not be of countryside extending deep into the town, but of managed space and housing extending further from the current urban edge.
25. Along The Common, the necessary alterations to the road, the setting back of the hedge and the more open views into the estate would all pronounce the presence of housing here and a further indication of the urban edge of the town being pushed considerably closer to the A47.
26. In relation to both visual and landscape effects, while I consider there is a certain attraction to the simplified approach to assessment offered by the Council, there are risks in terms of a full understanding of some of the findings, which may be further affected by the conflation of landscape and visual elements. I fully accept GLVIA<sub>3</sub> is not prescriptive; nonetheless, it has and does provide a guiding framework for the analysis of landscape and visual effects. Consequently, while I found the appellant's arguments to underplay effects outside of the site, I found those of the Council, promoting generally high significance across all elements, to not be fully reflective of the urban fringe elements of the site, nor its relatively well contained nature.
27. However, in conclusion, I do find that the appeal scheme would represent a large incursion of housing into a landscape which, while being on the edge of a town retains a strong rural character, particular where perceived from the adjacent

roads and footpaths. While I accept that LCA F is a relatively large scale area, the scheme would harm key characteristics specifically identified as supporting the setting of the town and would significantly erode the character of the landscape here. I consider that the LCA has correctly identified key sensitivities in the rural setting and the views south towards the countryside in which the appeal site plays a substantial role. Such harms would be only somewhat moderated by the proposed layout and the reinforcement of some of the landscape features, and while the commitment to a high proportion of public open space may be a positive addition, it is insufficient in my mind to set aside the considerable harm to the character and appearance of the site.

### *Green Wedge*

28. The role of the Green Wedge is identified as seeking to guide the development form of an urban area, maintain settlement identity through protecting the separation of settlements and contribute to the quality of life of residents by providing accessible green infrastructure. Originally introduced by Structure and Regional Plans, this Green Wedge was identified in the Core Strategy, with specific policy controls set out in Policy 6, but with a requirement for a review as part of the development of the SADMP. The SADMP refers to the Green Wedge in various policies, but seeks protection through compliance with Policy 6 of the Core Strategy.
29. The review was completed in 2011 and divided the Green Wedge into a number of areas. The appeal site lies within Area C, the findings for which were that the site is particularly sensitive to coalescence, the provision of a green lung and a recreational resource; the review made no suggested boundary amendments. The assessment found that any significant built development in Area C would have an impact on coalescence. An assessment of the Strategic Housing Land Availability Assessment (SHLAA) (2009) sites in the review, also identified a site referred to as 'Land east of The Common/South of Dawson's Lane', AS64, which was considered to be 'non-developable'. The comments of the Local Plan Inspector at that time noted that the release of such sites for housing would weaken the function of the Green Wedge. I have no detail on the specific site or scale of that SHLAA proposal, but it would appear relatively analogous to the appeal site, albeit I note the reference to those sites being highly visible and I have accepted that the housing element of the appeal site would be visually contained.
30. Core Strategy Policy 6 is permissive of certain developments, the list of which does not include housing. However, this is not, and cannot be a Green Belt style policy, and other land uses can be considered against further criteria, including that the development should retain the function of the Green Wedge, retain green networks, retain and enhance public access and retain the visual appearance of the area. I am satisfied that such an approach is consistent with the Framework.
31. A site specific Green Wedge Review presented to the Inquiry by the appellant concluded that there would be a negligible effect on the separation of Barwell and Earl Shilton, that the proposed development would establish a more defensible boundary, enhancing the guiding of development form, and that the opening up of the open space to public access would enhance its recreational role while providing connectivity to the paddocks below Shilton Road, maintaining the green lung element.

32. In practical terms, the settlements of Barwell and Earl Shilton are already joined near the junction of Leicester Road, Shilton Road and Hinckley Road. However, this was the case when the Green Wedge was reviewed and its key role in preventing coalescence of the towns identified. A gap is established by the Green Wedge from The Common across to Elvesthorpe Lane, with the extension of open paddocks extending up to Shilton Road providing an important green lung element and a clear appreciation of the town's setting and relationship to the wider countryside.
33. While I note the appellant's argument that housing would not extend further east than the individual plots on Dawson's Lane, I am not convinced by this. A housing estate of the scale promoted here would undoubtedly have a far greater density and impact than the individual houses in expansive plots found along Dawson's Lane and the housing would project substantially southward, beyond the existing housing on The Common. For those passing along Dawson's Lane or along The Common, or those with glimpsed views from the allotments and back from the footpath linking to Leicester Road, or even from the future paths associated with the development were it to occur, the estate would be clearly perceived as a significant incursion into the Green Wedge.
34. While this may represent only a small part of the wider Green Wedge, it is a substantial part of the Area C considered in the 2011 review. To suggest that the function of the Green Wedge is not affected because only a relatively small part would be lost is not a sufficient argument on its own, and is one that if repeated would lead to substantial erosion of that function. This proposal would result in increased coalescence of the settlements of Barwell and Earl Shilton.
35. Turning to the function of guiding development form, this may well be a forward planning function, but it is to guide the form of new development as urban areas are extended. It is not intended to encourage development within the Green Wedge, and indeed is likely to have contributed to decisions regarding the location of the Strategic Urban Extensions. Where development does take place it is, to my mind, intrinsically linked to maintaining the roles of preventing coalescence, encouraging the provision of recreation resource and acting as a green lung.
36. I do accept that providing open access to the eastern field with connections through housing to the southern field and potentially onto the footway and cycleway network of the A47 would enhance public access and provide a recreation resource. However, it would do so by narrowing the countryside incursion to Shilton Road and altering its characteristics, while also, as I have set out above, altering the experience of those using the existing routes from one of entering the countryside to one of an urban extension towards the A47.
37. The current boundary here is twofold, with Shilton Road establishing the edge of the countryside incursion and Dawson's Lane the extent of housing. I accept that this weakens the boundary somewhat, but I cannot accept that extending housing further towards the A47 would strengthen it.
38. Overall, the enhanced public access would not outweigh the reduced green lung function and the clear perception of coalescence that would be introduced by the scale of housing proposed.



### *Conclusion on Issue 1*

39. I accept that the scheme has had landscape input into its layout as set out in the Development Framework Plan, and that the provision of green infrastructure and public access has further informed the in principle layout. I also accept that, for the purposes of the Framework, the site should not be considered 'valued'. Nonetheless, I have identified that the scheme would harm the character and appearance of the landscape here, resulting in a perception of the town extending south towards the A47, and an erosion of the Green Wedge, which, despite some additional recreational resource provision would result in harm to its function and the visual appearance of the area, increased coalescence and a reduction in the green lung. In this I find that the scheme would differ from that considered in another part of the Green Wedge by an Inspector in 2011<sup>5</sup>, where that site was found to not harm the character and appearance of the area including the Green Wedge, and was a site identified in the SHLAA and surrounded by defensible boundaries.
40. The proposal would fail to comply with SADMP Policy DM4 and Core Strategy Policy 6, in this regard. These policies seek to ensure that the intrinsic character and beauty of the open countryside is protected and development in the identified Green Wedge restricted to that which would promote the positive management of the land and its functions.
41. It was common ground that the Core Strategy policies seek to provide for housing across the district drawn from an earlier requirement now found to be lower than the assessed need now. As a consequence these policies can be considered to be out of date, as must the SADMP policies which similarly draw on the Core Strategy approach. The scheme, and the weight arising from conflict with these policies, must therefore be carefully considered against the weight of all relevant material considerations.

### **Material Considerations**

42. The Framework is a notable material consideration in housing cases. Here it is accepted that the Framework seeks to boost significantly the supply of housing. As a result of the acceptance that the development plan policies are out of date, with the housing requirement being agreed as 471<sup>6</sup> dwellings per annum (dpa) rather than the 450 dpa established under the Core Strategy, this affects the weight ascribed and I address this in my planning balance below. Furthermore, the tilted balance as set out in the Framework's presumption in favour of sustainable development, also applies. This sets out that for decision taking, planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the Framework as a whole.
43. Specific benefits were highlighted by the appellant who also argued that there was particular weight arising in favour of open market and affordable housing as a result of the housing land supply (HLS) situation within the Borough.

### *Housing Land Supply*

44. Put simply, the Council consider that they can demonstrate a 6.06 years supply, while the appellant's set out 3.0 to 3.5 years supply. The difference arises in the

---

<sup>5</sup> APP/K2420/A/10/2142660

<sup>6</sup> Taken from the Leicester and Leicestershire Housing and Economic Needs Assessment (HEDNA) 2017

contention that the Council should utilise a 20% rather than a 5% buffer, as per paragraph 47 of the Framework, and in the assessment of supply from six large sites and two Strategic Urban Extensions (SUEs).

45. Turning to the buffer, the Framework requires that Councils plan for a five year supply of deliverable sites with an additional buffer of 5% to ensure choice and competition in the market; only where there can be demonstrated a record of persistent under-delivery should the buffer be increased to 20%. The evidence indicates that for seven of the previous twelve years the relevant housing target has not been met; this is the appellant's preferred period for assessment. The Council point to the past seven years, where for four years the target has been exceeded and a surplus of housing delivered overall.
46. It is of note that previous Inspectors looking at the issue of the appropriate buffer<sup>7</sup> in recent appeals have not found evidence of persistent under-delivery, although I accept they have looked over different periods and that, as the appellant points out, delivery over the past few years indicates a downward trajectory. However, it cannot be realistic to expect a Council to exactly meet their targets every year, there must be some variation in delivery and there will be peaks and troughs.
47. While this supports examining trends over the long rather than short term period, ultimately this is a judgement on whether a Council have responded to the requirement to support housing delivery as sought by the Framework. The Core Strategy envisaged a housing supply dominated by delivery from the two SUEs. I deal with the delivery from these later, but there is no doubt that these did not deliver as expected in the years following the adoption of the Core Strategy. Despite this, a strong supply of housing has been maintained, excepting the period of national downturn post 2007/8.
48. Considered on this basis, the under-provision over the twelve year period of some 261 houses and the over-provision in the last seven years against the higher HEDNA target, which reflects previous under-supply, is not, to my mind, indicative of a Council that can be said to have persistently under-delivered. Accordingly, I consider that a 5% buffer is appropriate.
49. Turning to supply, the Council's assumptions on delivery from six sites and the SUEs were challenged by the appellant. Subject to the appellant's acceptance of delivery from Island House, the differences are set out in the table in the agreed HLS SoCG.
50. The inclusion of sites and estimation of housing from those sites depends on an assessment of their deliverability; in effect the likelihood that housing will be delivered in the five year period on that site. In light of previous judgements, it is appropriate to consider this to compromise three elements. The appellant does not challenge that these sites are available, nor that the location of the sites is unsuitable, but suggests that delivery as expected by the Council is not a realistic prospect within the five year period. As set out in the St Modwen Development Case<sup>8</sup>, *"The assessment of housing land supply does not require certainty that the housing sites will actually be developed within that period. The planning process cannot deal with such certainties."*

---

<sup>7</sup> APP/K2420/A/2208318, APP/K2420/W/15/3003301, APP/K2420/W/15/3004910

<sup>8</sup> CD 12.4 - St Modwen Developments Ltd and (1) Secretary of State for Communities and Local Government (2) East Riding of Yorkshire Council and Save our Ferriby Action Group [2016] EWHC 968 (Admin).

51. Accordingly, there are uncertainties in the deliverability of any site, including variations in the market, the availability of relevant infrastructure, even the availability of skilled craftsman, which may alter circumstances and many will sit outside of the Council's control. I am satisfied that the onus is to show not that there is clear and certain evidence a site will go ahead, but clear evidence, beyond that of mere doubt, that there is no realistic prospect of the site being developed within the five year period. I have considered the relevant sites on that basis.

*Land off Paddock Way*

52. A lapsed planning permission on this allocated site allowed for a development of 10 houses. Although the developers are now appealing a refusal for a scheme of 55 houses, the allocation, the previous permission and the small-scale nature of this scheme leads me to conclude that there is a realistic prospect of at least 10 houses being delivered within the period.

*Sedgemere*

53. Although the site has planning permission for 57 units, the developer is reported to be seeking a variation to reduce this to 45 units, responding to an infrastructure issue. The Council report they are minded to approve, but accept there is a land ownership issue, although the evidence from the developer suggests this is being addressed. To my mind, there is a willing developer, prepared to address the infrastructure and land ownership constraints on the site, and there is sufficient time to deliver the units even were there to be some delay engendered by the land ownership issue.

*Birch Close*

54. This is a site for an affordable housing development, with grant support, and a previous permission. During the course of the Inquiry, the Council reported that agreement on the level of contributions had been reached, with a positive recommendation to Committee. I accept that this does not guarantee a positive outcome, but it is indicative that there is a viable development being actively pursued, and even if there were to be some delays through further negotiations, it remains a realistic prospect for delivery within the period.

*Westfield Farm*

55. This is a site with outline permission and a reserved matters application for 328 units. Both parties accept that housing will be delivered on the site, but the appellant considers that delays will mean that completions will be pushed back a year reducing the contribution from 192 to 135. The forecasted delivery is from the developer, confirmed by email. While I note that this does not confirm actual delivery rates and must be treated with some caution, there is no evidence before me to suggest that such a trajectory indicates anything other than a willing developer, keen to start work on site. However, the stated intention to complete units within the current year would appear somewhat ambitious in light of the need to resolve the reserved matters and s106. Accordingly, I consider that it would be realistic and appropriate to discount the identified 2018/19 units, a reduction of 14.

*Land north east of Triumph Motorcycles*



56. This is a site with outline planning permission and a reserved matters application. Currently suggested to be taken forward by a single housebuilder, the ambition is to deliver at 80 dpa with an overall contribution of 300 units. Correspondence with the developer indicates a somewhat reduced contribution in the five year period from previous assessments, based on land negotiations and a later start. Nonetheless, the developer still expects to achieve this level of annual delivery. This is contested by the appellant, who consider that 120 units should be discounted.
57. Two issues arise, whether such delivery rates are feasible in the Hinckley market from a single developer, and whether it is realistic to achieve completions within the time frame set out.
58. The Council generally accept a 40 dpa figure for a single housebuilder in the Hinckley area. However, the appellant accepted that the developer promoting the land, and with direct association with the Triumph factory, had delivered housing at this rate in other areas, albeit these were, in the appellant's opinion, areas with stronger housing markets. It would appear that a build-out rate of 80 dpa has not been achieved by a single housebuilder in the Hinckley area, nonetheless, the Council's evidence suggest, via email confirmation, the developers intention to do so here.
59. I must assess what is realistically deliverable on this site. While it is clear, and accepted between the parties, that there is a willing developer, and one with experience of delivering at high annual rates, I am concerned about the need to complete on land negotiations and particularly to complete on the infrastructure requirements to deliver the scheme. While I note the developer's intention to begin this infrastructure work in January 2019, and that there may be the potential to develop the scheme's earlier phases in parallel, in my view, a discount reflecting potential delays should be applied to the contribution to the five year supply.
60. I have no convincing evidence that the ambition of this particular developer, as regards build-out rates, will not be fulfilled, but consider it realistic to accept that the delivery of completed dwellings will be delayed, thus removing 60 units from the Council's calculations. Such an approach is reasonable, resulting in a current assessment of the delivery of housing from this site at 240 units in the five year period.

#### *Brick Pit*

61. A former clay pit which has planning permission for the importation of material to fill the pit and for residential development for up to 60 dwellings; this was granted on appeal following application to LCC. The site is an allocation and a reserved matters application has been submitted to LCC. However, the Council have refused permission for a scheme for 60 houses submitted to them; it would appear that an appeal has been lodged against that decision. The Council report that the scheme is for affordable housing and is grant funded and that their objection is solely on design matters.
62. The principle of residential development on this site would appear to have been established by the extant planning permission. The Council has suggested delivery in the last two years of the five year period, reflecting the need to fill the pit prior to development. Nonetheless, while acknowledging the uncertainty associated with the currently refused application to the Council, the extant

permission and the funding support would suggest that delivery of this site remains realistic at this point.

### *The Strategic Urban Extensions*

63. The Core Strategy, Policies 2 and 3, allocated land to the south of Earl Shilton and the west of Barwell for SUEs. This was supported by the Earl Shilton and Barwell Area Action Plan (AAP), where the allocations were proposed for delivery under Policy 1, and were included in the SADMP. Initial projections in the Core Strategy were that housing would arise from the SUEs in 2012/13 and should by today's date have been delivering approximately 400 dpa. This has clearly not happened.
64. The bringing forward of such large sites, with land ownership, infrastructure and delivery issues, is a complicated process and the Council admitted that they have needed to provide additional resources through a major projects team to help move them forward.
65. Nonetheless, there is no question that the Council have considered that the SUEs would provide housing much earlier in the plan period than is now reflected in the evidence before me. This is recognised in a number of appeal decisions<sup>9</sup> provided, which have either reflected on the delays and uncertainty and discounted delivery from these SUEs, or later decisions that have relied on revised delivery trajectories to support the Council's projections on housing supply.
66. The Council have provided more recent evidence of discussions with developers and the consortiums involved, and confirmation that there has been progress on the sites such that they are promoting a revised projection of 500 units, delivering from year 2, at Barwell, and 380 units, delivering from year 3, at Earl Shilton.
67. The appellant points to what they consider to be continuing uncertainties and questions over the engagement with the consortia involved, which they say undermine the Council's assessment. By further reference to a report carried out by Hourigan Connolly<sup>10</sup>, which the appellant promotes as evidence that such developments do take a protracted period to come on-line, it was suggested that the circumstances at both SUEs mean that there will be no housing delivery within the next five year period.
68. For the Barwell SUE, an outline planning application for a mixed use scheme comprising up to 2500 dwellings was submitted in 2012, and a resolution to grant permission made in 2013, updated in 2015. There is no doubt there has been protracted negotiations over the site and in particular the s106 agreement necessary to progress to a grant of planning permission. However, it is also clear that significant strides have recently been taken. It was reported that the majority of interested parties had now signed the agreement. No substantive evidence was put to me that others, reported to be only two parties, would not. I accept that signing a document should be a relatively quick process. However, it is not unreasonable to expect that each of the reported 14 parties involved

---

<sup>9</sup> Including APP/K2420/A/13/2208318, APP/K2420/W/15/3004910 and APP/K2420/W/17/3187222, 3186837, 3186840

<sup>10</sup> A Report into the Delivery of Urban Extensions, on behalf of Gladman Development Ltd 2014 – Appendix 2 Mr Tait PoE.

would need time ensure that the document was fully in accordance with the lengthy discussions that must have preceded its production.

69. The appellant also points to the recent loss of a national housebuilder from the consortium. I accept that this would appear to reduce the potential for the highest delivery rates anticipated from the site in early years, were they not to be replaced. However, I do not consider that an inference on the quality of the scheme or opportunity at Barwell can necessarily be drawn, as I have no substantive evidence on the reason for that withdrawal. Furthermore, the revised trajectory presented to this Inquiry is indicative of a lower number of housebuilders on site in the early years.
70. This trajectory, as presented by the lead developer, is strongly questioned by the appellant, suggesting that the Council encouraged a 'positive' response in referring to this appeal and to potential competition. This latter point has limited traction, with in excess of 450 dwellings identified as needed per year, even a development of the scale of that before me cannot realistically be considered as sufficient competition to limit the deliverability of a 2500 dwelling scheme planned for delivery over some 15 years.
71. I have considered the wording of the correspondence between the Council and the developers carefully. There is some insistence on needing a response and some reasons given for that, but this could reasonably be concluded as being driven by the timescales of the submission of evidence and I cannot conclude that it necessarily has resulted in an overtly optimistic trajectory. As I have indicated above, such developer projections regarding delivery from development may need to be treated with caution, but I can see no reason why, in this case, a conclusion that no housing will come forward, as promoted by the appellant, should be necessarily be drawn.
72. There is clearly further work required before housing can be delivered on site, not least completion of reserved matters, highway agreements and infrastructure provision. However, following completion of the s106, the Council have delegated powers to issue the planning permission, which will be a very significant step forward. I note the matters raised in *R (oao Kides) v South Cambridgeshire DC*<sup>11</sup>. However, with the Council's Committee having last considered the scheme in 2015, I see no reason why that delegated decision should not be forthcoming. It is an ambitious target to be delivering housing in 2019/20 on this site, but noting the recent progress made, I have no compelling evidence to suggest that it is not now realistic. To that extent I am in agreement with my colleague in the recent linked appeals at Stanton under Bardon<sup>12</sup>, although I cannot presume what evidence was before that Inspector.
73. Turning to the Earl Shilton SUE, there is no planning permission or indeed application, but the Council report that it is the intention of the consortium to resolve viability issues prior to applying, and the Council to secure a planning performance agreement (PPA) to support the process.
74. However, it would appear that viability, an aspect of deliverability highlighted in the Framework, is a significant issue at present. The Council suggest that no affordable housing proposed on the site is only a starting point, and the response

---

<sup>11</sup> ID 11 - *R (oao Kides) v South Cambridgeshire DC* [2002] EWCA Civ 1370

<sup>12</sup> APP/K2420/W/17/3187222, 3186837, 3186840

from the consortium would suggest that they are content with the proposed trajectory on the basis of their discussions, including on viability.

75. My colleague in the Stanton under Bardon appeals had concerns over delivery, suggesting a delay of a year, which has been factored into the projections before me. I have similar concerns about the time that will be taken to resolve the viability issues, albeit I cannot see these as preventing development entirely on the site. There are further requirements including completing the Environment Statement, negotiating a final s106 agreement and achieving planning permission, even before site issues relating to infrastructure and groundworks can begin. On the basis of the evidence that is before me, and taking account of the benefits that the experience of the Barwell SUE and potential front-loading of some issues will bring, I still consider that the proposed delivery is optimistic. However, I do not accept that there will be no delivery within the five year period and consider that a further year of delay is likely before housing is successfully delivered on the site. I conclude that an overall delivery of 220 units from the site remains realistic; a discount of the 160 units from year five.

#### *Conclusions on Housing Land Supply*

76. I have found that a 5% buffer is appropriate at this time, and have carefully considered the deliverability of the proposals relied on by the Council in reaching their assessment of supply over the five year period. The availability and suitability of the relevant sites are not contested in principle, and the Council have provided evidence to support their conclusions regarding the realistic prospect of delivery. In most cases I am satisfied that this evidence is sufficient. While there were arguments put which may suggest doubts over deliverability, and unquestioningly for some of the sites further challenging work may be needed to ensure that delivery, these generally have not amounted to the sort of robust evidence necessary to suggest that the sites are not capable of delivery; certainty does not need to be demonstrated.
77. However, I have found some questions over the delivery of housing from Westfield Farm, land northeast of Triumph Motorcycles and the Earl Shilton SUE. Cumulatively this results in a reduction in the Council's projected supply of some 234 dwellings, resulting in a 5.5 year supply. Even if I were to discount, for example, the Barwell SUE by a further year at 200 units, the figure would reduce to a 5.1 year supply, which, although marginal, would still confirm that the Council could meet the Framework requirement.
78. Accordingly, I conclude, for the purposes of this appeal, that the Council can currently demonstrate a five year supply of deliverable housing land.

#### *Other Matters*

79. I am conscious of the significant concerns of local residents as regards highway safety matters, particularly on The Common, surface water drainage concerns and the possibility of garden or even property flooding, and wildlife concerns.
80. The appellant provided a comprehensive set of transport assessments and confirmation that the design of the access was agreed with the Highway Authority. A proof of evidence was submitted to the Inquiry and I had the opportunity to question the appellant's highway witness. I can understand concern that such a large development would introduce considerable levels of traffic. However, I have reviewed the evidence submitted and note that where

congestion may result, appropriate contributions had been agreed to address this, with further contributions to support public transport options. In relation to highway safety, the narrow sections of The Common were noted, but the evidence does not support increased safety concerns.

81. Turning to drainage issues, there is clearly some historic surface water drainage issues associated particularly with the western and southern parts of the site, and a flood risk assessment and surface water drainage strategy have been developed, including a proposed attenuation basin. With appropriate conditions, I see no reason why a drainage solution could not have been delivered at this site that would mitigate for the areas of hard surfacing and run-off and ensure that the surface water drainage to surrounding properties would not be increased.
82. While I have noted further local concerns regarding the presence of wildlife on the site, it is currently predominantly pasture land with limited environmental potential. The hedgerows would provide some foraging areas and habitat, but as set out in the Ecological Appraisal, the intention is to retain all trees and hedgerows as part of the scheme and provide new habitats associated with the open space and drainage features. With appropriate conditions, I can see no reason why the site could not have been developed without significant impacts on biodiversity.
83. There were no objections from the Council or the Highway Authority and LCC on these matters.
84. Local residents did submit a previous appeal<sup>13</sup> from 2013 regarding development of the land to the north of Dawson's Lane running up to Shilton Road. This found significant harm arising to the green lung function of the Green Wedge. To a limited extent this could be considered to reinforce my concerns regarding the views and experience of users of Shilton Road when looking out over the appeal site, but must state that this development would be on the steeper slope element and considerably more visible to those looking out from this vantage point.
85. Finally, turning to the submitted planning obligation, I have set out above that the UU was confirmed by the Council and LCC, acting as a Rule 6 party, to meet their requirements. Notwithstanding the Council's submitted CIL compliance report<sup>14</sup>, the appellant raised some issues regarding the approach set out in the AAP. In light of my overall finding in this case there is no need for me to assess these matters further. However, I am satisfied that, where relevant, the UU presented suitable mitigation approaches for any potential harms that could arise from the development. These are therefore neutral in any planning balance, and I have noted benefits associated with public access. Furthermore, it makes suitable provision for affordable housing, which would represent weight in favour of the proposal, which I address below.

## **Planning Balance and Conclusions**

86. While I have found that the Council has demonstrated a five year HLS, policies in the Core Strategy and the SADMP are accepted to be out of date as they focussed on delivery of a lower housing requirement than is now accepted by both main parties. Nonetheless, Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990

---

<sup>13</sup> APP/K2420/A/12/2188915

<sup>14</sup> Community Infrastructure Levy (CIL) Regulations 2010 (as amended)



require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The tilted balance as set out in the Framework applies.

87. Notwithstanding the age of the Core Strategy and the altered housing need, the Council would appear to have maintained sufficient flexibility in the application of those policies to ensure that housing supply has remained relatively strong, even in light of the delays associated with the SUEs, as set out above. In these circumstances, I consider the proposal, set in the countryside and outside of the settlement boundary for Barwell, conflicts with the strategic approach to housing. I am further satisfied that the policies against which I have found specific conflict, Core Strategy Policy 6 and SADMP Policy DM4, remain consistent with the Framework and I accord them significant weight. However, I do recognise the Framework seeks to significantly boost the supply of housing.
88. The proposal would result in the delivery of up to 185 houses, including up to 37 affordable homes. That nationally there is a need for housing is accepted, that there is a local need for affordable housing is also accepted. However, although these benefits were agreed by the Council to be significant, in light of my findings on the five year HLS, this tempers the weight that I ascribe to the provision of this housing.
89. To this I can add economic benefits associated with construction, albeit these would only be temporary, additional spend in Barwell, although there is no evidence that the town needs additional housing to support its level of facilities and services. I note the SoCG accords these significant weight, although these are benefits that would arise with any housing development. I give moderate weight to the enhanced access provided by the open space proposed and some further moderate weight to the enhanced biodiversity associated with the reinforcement and new planting of hedgerows and trees.
90. Against this, I have identified harm to the landscape character and appearance of the area. On its own, because of the relatively contained nature of the site, this would attract moderate weight, and I am conscious that to meet the housing needs, greenfield sites adjacent to current settlement boundaries may have already been permitted and are likely to be permitted into the future. However, the site is also an integral part of a Green Wedge, I have set out above that I consider the site would significantly erode the function of coalescence, visual appearance and the green lung element afforded by this site. These harms together lead me to conclude that substantial harm arises to the character and appearance of the countryside, the setting of the town and the function of the Green Wedge. On balance, and in light of my findings on the provision of housing in the Borough, I consider that these adverse effects significantly and demonstrably outweigh the benefits I have identified.
91. Accordingly, the presumption in favour of sustainable development does not apply and material considerations do not justify making a decision other than in accordance with the development plan. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Mike Robins*

INSPECTOR

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

Hugh Richards of Counsel	Instructed by Hinckley and Bosworth Legal Services
He called	
Dr David Hickie BSc(Hons) MA PhD CMLI MIEMA IHBC	David Hickie Associates – Landscape consultant
Helen Nightingale MRTPI	Principal Planning Officer (Major Projects) – Housing Land Supply
Helen Knott MRTPI	Principle Planning Officer

### FOR THE APPELLANT:

Thea Osmund-Smith of Counsel	Instructed by Gladman Developments Ltd
She called	
Jason Tait BA(Hons) DipTP MRTPI	Planning Prospects – Housing Land Supply
Timothy Jackson BA(Hons) DipLA CMLI	FPCR Environment and Design Ltd – Landscape and design
David Schumacher MSc DipMS CMILT MCIHT	PRIME Transport – Highways
Laura Tilston BSc(Hons) MA MRTPI	Gladman Developments Ltd

### INTERESTED PERSONS:

Mrs Rosemary Leader	Local Resident
Mrs Diane Vernon	Local Resident
Mrs Susan Lamprell	Local Resident
Mr Paul Lamprell	Local Resident
Mr Steven Djurovich	Local Resident

## DOCUMENTS

- ID1 CIL Compliance note
- ID2 Appeal decision APP/X1355/W/17/3180108
- ID3 Appeal decisions APP/K2420/W/17/3187222, 3186837, 3186840
- ID4 s106 Unilateral Undertaking
- ID5 Appellant's opening statement
- ID6 Council's opening statement
- ID7 Draft Conditions
- ID8 APP/K2420/A/12/2188915
- ID9 Council's closing statement
- ID10 Appellant's closing statement
- ID11 R (oao Kides) v South Cambridgeshire DC [2002] EWCA Civ 1370
- ID12 Appellant's response to ID8.





## Hinckley & Bosworth Borough Council

FORWARD TIMETABLE OF CONSULTATION AND DECISION MAKING

SCRUTINY COMMISSION 13 December 2018

WARDS AFFECTED: ALL WARDS

---

### UNIVERSAL CREDIT AND RENT RECOVERY

---

#### Report of Director (Community Services)

##### 1. PURPOSE OF REPORT

- 1.1 To provide further update to members regarding Universal Credit and its impact on current tenant debt levels.

##### 2. RECOMMENDATION

- 2.1 Members note the current position regarding Universal Credit.
- 2.2 Members note changes to the Tenancy Management team which are intended to enable a more proactive approach to debt recovery.

##### 3. BACKGROUND TO THE REPORT

- 3.1 In March 2018 a report was brought to Scrutiny which considered the introduction of Universal Credit (UC) locally, a year after its introduction within Hinckley and Bosworth, and the subsequent impact UC has had on both individual claimants and the wider Housing Service at the council. More specifically, the report highlighted the increased level of debt for council tenants. It also raised the challenge faced by the Housing Options team in trying to support people to access privately rented accommodation due to a decline in landlords willing to take on tenants in receipt of UC. The report also evidenced the impact on the voluntary sector who reported an increased number of people seeking support and assistance due to financial hardship exacerbated by the introduction of UC and other welfare reforms.

##### 4. The National Picture

In his recent Autumn Budget, the Chancellor made very clear that Universal Credit is "here to stay". He further stated that he envisages that it will help 'drive' future 'growth and employment'. The Chancellor committed extra resources into work

allowances and measures to support the transition of approximately 2.8 million working age claimants onto Universal Credit.

Some of the problems initially experienced by initial UC claimants were ameliorated in the 2017 Budget including a reduction in the UC waiting period from six to five weeks, easier access to advance payments, and rolled on rent support for two weeks for new UC claimants already receiving Housing Benefit. Further mitigations are introduced in the 2018 budget, which will cost £1 billion over 5 years. These include:

- An extension of two weeks rent support to those migrating from legacy benefits from July 2020
- Further reduction in the maximum rate at which debt deductions can be made from UC awards from 40% to 30% from October 2019
- An increase to the period over which advances will be recovered, from 12 to 16 months
- Extending the grace period for self-employed people, to two years
- Ensuring that people receiving Severe Disability Premium have transitional protection.

#### 5. Council House Service- Rent Collection

Universal Credit went live with full service in Hinckley and Bosworth in March 2017. As of the beginning of November 2018 there were 404 council tenants in receipt of Universal Credit. Prior to the introduction of Universal Credit, current tenant debt levels stood at £749,297.47. Debt as at 11/11/2018 stands at £881,062.63, which is an increase of approximately 15%.

The table below provides further summary of the rent position following the introduction of Universal Credit.

UC claimants	November 2018
Current tenant cash arrears	£ 881,062.83
Number of current arrears cases	1,868
Average tenant debt	£471.66
Total number of UC claimants	404
Total number of UC claimants in arrears	259
Total debt of all UC claimants in arears	£289,464.66
Average tenant Debt of UC claimants	£716.50

Whilst not exclusively, UC is a significant contributory factor to the increase of current debt levels within the council house service. It is anticipated that current tenant debt levels will continue to increase due to a number of contributory factors which include changes to welfare reform, including UC roll out, increasing social hardship and

lenient decision making by the County Court in response to Housing repossession claims.

Increased social hardship remains a constant challenge for many of our tenants, and in particular for some of our new tenants who have never held a tenancy before. For many of those tenants already in rent arrears, the introduction of Universal Credit has only compounded their personal situation as they often have to wait for a number of weeks before a payment is received. Consequently, effective money management remains a significant difficulty for many of our tenants.

In response, it is recognised that changes within the ASB and Tenancy Management team are required, as are revisions to the arrears recovery process in order to better support individuals and to robustly manage rent collection and debt recovery.

## 6. Restructuring the Tenancy Management Team

The Tenancy Management team, within the Housing Service, has been reconfigured so that those officers responsible for rent collection no longer have any wider housing management responsibilities. In addition, the council has committed a further rent resource for 2 years. This means that there are now 3 rent collection and recovery officers dealing exclusively with rent recovery processes. It is hoped that these measures will ensure that rent collection is maximised and that, where necessary, support is better enabled as officers are able to prioritise this area of responsibility.

An additional temporary resource is also being progressed which will support new tenants within their first year of tenancy. The resource will work intensively with those tenants identified as needing additional support and/or intervention to successfully sustain their tenancy and maintain their property.

### 6.1 Balancing support with enforcement- Revising the recovery process

For most tenants subject to a UC Claim there is inevitably a period in which arrears begin to accrue on their rent account whilst they are waiting for their claim to be processed. As such, in most cases, the rent recovery officers are committed to working with our tenants to avoid legal action being progressed whilst a UC claim is pending. The team also makes representation to the Department of Work and Pensions (DWP) for direct payments to HBBC for all tenants who have previously been subject to rent arrears, or have other vulnerabilities such as mental health concerns, or drug and alcohol addition. As of October 2018 there were 148 Alternative payment arrangements (APA) in place which were instigated by HBBC.

Our tiered approach to arrears management continues to ensure that a tenant is afforded several opportunities to work with us to prevent enforcement action being progressed but it is recognised that revisions to our process are necessary, if we are to decrease rent arrears overall. Tenants will now face legal sanctions being brought against them much sooner which should lead to a legal order being obtained at the earliest opportunity.

### 6.2 Legal Interventions

Currently, 168 of our tenancies are subject to a Suspended Possession Order (SPO) for breaching their tenancy agreement; by failing to pay their rent. Of this group of tenancies, the collective tenant debt stands at £343,134.89 which accounts for approximately 39% of the total amount of current tenant debt. Once an SPO is in place, the Tenancy Management team will continue to work with the tenant to try and

ensure that rental income is maximised, and that the tenant keeps to the terms of their court order. When a tenant fails to keep to an SPO the Tenancy Management team will instruct legal to apply to the courts to evict the tenant. The tenant has a right of appeal and in doing so a further court date is then set. In the vast majority of subsequent hearings for a breach of an SPO, further terms are then imposed by the judge. A person subject to an SPO can continually breach the order and still be permitted to remain residing in the property on terms. The consequence of this is, again, an increase to the current level of tenant debt. The average debt for those tenants subject to an SPO is £2,042.46.

Eviction remains a last resort for the Housing Service. Unfortunately, rising tenant debt levels, lack of tenant engagement and the need to ensure that the Housing Revenue Account remains at a level sufficient to ensure business continuity and development increasingly results in legal sanctions being pursued.

Since March 2017 18 tenants have been evicted for rent arrears, 11 of those tenants evicted were in receipt of a Universal Credit claim at the time of eviction.

As increased legal interventions are necessary to manage and respond to rising debt levels, inevitably, an additional pressure will be experienced by the legal team.

#### 7. Additional support to those most in need

The role of the Tenancy Support officer within the ASB and Tenancy Management Team is to work with those individuals most in need of additional support in order to successfully manage their tenancy with us. The below table illustrates the total amount of support cases over the last financial year, and the percentage of those cases where a support need was identified as a consequence of or in relation to Universal Credit.

Year	Number of tenancy support cases	Percentage requiring support with Universal Credit claim
2017/2018	96	19%
2018/2019	65	32%

The links between financial hardship and mental health and wellbeing are well documented. For many of our tenants with an existing mental health concern, the introduction of Universal Credit has been a further difficulty for reasons which may include a requirement to comply with the assessment framework, the delay in payment and the financial management that is then subsequently necessary due to the frequency of payment. With this in mind we are committed to working towards:

- Early identification of residents who are most in need of support to sustain their tenancy by ensuring that individualised support is provided before a person commences their tenancy with us, and throughout the first year of their tenancy
- Access to holistic support is enabled to ensure residents and their families most in need of additional support achieve the best outcomes this may include financial support, substance misuse, domestic abuse, support for children, tailored tenancy support or support and intervention for those affected by or involved in anti-social behaviour
- Ensuring that frontline housing officers have received training on Mental Health in order to recognise concerns and make appropriate referrals

- Identifying localised and accessible Mental Health and Wellbeing projects and making them available to our tenants where necessary.

## 8. Department of Work and Pensions (DWP) update

Universal Credit Full Service has been live in Hinckley and Bosworth for 20 months. As of October 2018 there are approximately 2750 claimants across the Borough. While roll-out will be complete across the UK for new claims from the end of the calendar year, the migration to Universal Credit from other benefits is being slowed but as yet there is no further information on how that will look in Hinckley.

Around 1000 of these Universal Credit claimants are intensively searching for work. The remainder are either working, preparing for work, found not fit for work or are caring for very young children.

The DWP continue to prioritise paying people on time and correctly and while unable to share statistics on this, the vast majority of customers are paid in full by the end of their first assessment period.

Waiting days have been removed since the last update, and so customers receive payments 5 weeks after they make their claim. Advances in Universal Credit payment are offered openly at the first appointment. The DWP do not wait for the customer to state that they are in financial difficulty before discussing advances. Advances can now be repaid over 12 months and the customer can request up to 100% of their potential award even before it has been assessed.

Customers can now request advances on their own account, they can upload their own child care costs and generally the DWP is moving to a service where customers can do more on-line without needing to come into the office.

There is now an effective handover tool to the Service Centre where vulnerable customers or those in desperate need of Universal Credit can have their requests escalated through staff and managers here.

Duty To Refer is working better in Hinckley now, and staff have been very impressed and reassured by the speed at which customers are contacted following a referral from Hinckley and Bosworth Borough Council. The DWP continues to work very closely with colleagues at Hinckley and Bosworth Borough Council and there are plans in place to pursue further joint work to target those Universal Credit claimants with rent arrears and address the issue of debt for customers who cannot or have not been able to pay their rent. This will involve data sharing so must be handled carefully but a joint approach should be the way forward to prevent homelessness.

## 9. Other impacts of Universal Credit

### 9.1 Foodbank numbers

This year has seen an increase in donations of 25%, which is much appreciated, but there has also been a 33% in the demand for foodbank use in the Hinckley area. Based on statistics from the first quarter, Hinckley Area Foodbanks are expecting to feed almost 5,000 people by the end of the current financial year.

The Trussel Trust has reported nationally a 13% increase in demand of people using Trussell Trust foodbanks. (We have no data to say how many are using independent foodbanks).

Locally Hinckley Area Foodbank has identified a significant increase in the amount of food parcels they are issuing to people facing hardship, which they attribute in part to the introduction and revision of welfare reforms.

Average referrals for 2017/18 were 166.67 per month.

Year	Number of vouchers	Vouchers due to benefit delays
15/16	1238	270
16/17	1389	337
17/18	2000	657
18/19 (to Oct 2018)	1297	Not yet available

Customer Services at the council continue to see an increase in the number of foodbank vouchers being issued, often having to provide more than the agreed number of vouchers within a 3 month period. For the same period as this time last year, vouchers issues have increased by 41%, with the growing numbers seeming to coincide with the number of residents having to claim or already receiving UC.

#### 10. EXEMPTIONS IN ACCORDANCE WITH THE ACCESS TO INFORMATION PROCEDURE RULES

10.1 None

#### 11. FINANCIAL IMPLICATIONS (CS)

11.1 In accordance with accounting regulations, a provision has to be made for the potential default of current debts. Due the increases in future potential defaults the bad debt provision has increased from £623,728 in 2016/17 to £827,587 in 2017/18.

11.2 This additional cost has funded from the HRA. For 2018/19 a further £160,000 has been budgeted within the HRA to fund a further increase in the provision.

#### 12. LEGAL IMPLICATIONS (FA)

12.1 None arising directly from this report.

#### 13. CORPORATE PLAN IMPLICATIONS

13.1 Implications for people and prosperity.

#### 14. CONSULTATION

14.1 Consultation has taken place with partner agencies including JCP and CA.

## 15. RISK IMPLICATIONS

### 15.1

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
Continued impact of UC on rent collection	Action detailed in 5 and 6	Maddy Shellard
Impact on homelessness levels.	Homeless Reduction Act will ensure people are worked with at an early stage to try and prevent homelessness	Jo Wykes

## 16. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

- 16.1 Impacts of UC is falling on those residents who have a need to claim benefit and who in a large number of cases have other issues which need to be addressed and supported. The impact is increasing levels of poverty and hardship, certainly within the short term and it is important to identify and support these customers in these circumstances to ensure the impact longer term for people is minimised. The strong partnership working that exists in the borough assists with this.

## 17. CORPORATE IMPLICATIONS

- 17.1 By submitting this report, the report author has taken the following into account:

- Community Safety implications
- Environmental implications
- ICT implications
- Asset Management implications
- Procurement implications
- Human Resources implications
- Planning implications
- Data Protection implications
- Voluntary Sector

---

Background papers: None

Contact Officer: Maddy Shellard  
Executive Member: Councillor Mike Hall

This page is intentionally left blank





Hinckley & Bosworth  
Borough Council

*A Borough to be proud of*

# Overview and Scrutiny Work Programme 2018-2019

**DECEMBER 2018**

## SCRUTINY COMMISSION

Date	Issue	Reason	Outcomes	Lead Officer	Supports corporate aims
13 December 2018	Martinshaw Lane task & finish group (private session)	Adoption of final report	Agree recommendations	Rebecca Owen	
	Affordable housing delivery	Annual progress report	Monitor delivery of affordable housing	Nicola Smith	1, 3
	Universal Credit follow up report	Request of Commission to receive statistics and invite a representative of the DWP	Awareness of impact of UC	Sharon Stacey	1
	Planning appeals update	Six monthly update	Monitor performance in relation to planning decisions	Nicola Smith	3
7 February 2018	Budget reports	Scrutiny prior to Council decision	Ensure value for money	Ashley Wilson	All
	Communication Strategy	Consultation prior to approval	Support for strategy	Jacqueline Puffett	All
	Local authority lottery	Request to review pre-implementation	Ensure processes followed	Edwina Grant	1, 3
28 March 2019	Parish & Community Initiative Fund	Annual report	Recommendations to SLT	Caroline Roffey	All
	S106 contributions update	Annual update	Ensure money is being allocated and spent	Nicola Smith	All
	Hinckley & Bosworth Heritage strategy 2018-2023 update			Nicola Smith	
27 June 2019	Planning appeals update	Six monthly update	Monitor performance in relation to planning decisions	Nicola Smith	3
28 July 2019					
22 August 2019	Air quality management	Annual update	Monitor air quality in the	Simon Smith	1, 2

Date	Issue	Reason	Outcomes	Lead Officer	Supports corporate aims
			borough		
17 October 2019	Community Safety Partnership	Six monthly update	Ensure effective operation of partnership and monitor local policing provision	Sharon Stacey	1, 2
12 December 2019					

### FINANCE & PERFORMANCE SCRUTINY

Date	Issue	Reason	Outcomes	Lead Officer	Supports corporate aims
17 December 2018	Leisure Centre performance	Annual review	Ensure performance and value for money	Simon Jones	All
	Performance & risk quarter 2 2018/19	To monitor performance	Identify improvements	Cal Bellavia	All
	Business rates quarter 2				
25 March 2019	Frontline service review – Environmental Health (health & safety enforcement)	Programme of frontline service reviews	Monitor performance	Steve Merry	1, 2
	Frontline service review – housing	Programme of frontline service reviews	Monitor performance	Sharon Stacey	1
24 June 2019	Frontline service review – Streetscene Services	Programme of frontline service reviews	Monitor performance	Caroline Roffey	All
19 August 2019					
14 October 2019	Frontline service review – Planning	Programme of frontline service reviews	Monitor performance	Nicola Smith	2
9 December 2019	Frontline service review –	Programme of frontline	Monitor performance	Sharon	All

Date	Issue	Reason	Outcomes	Lead Officer	Supports corporate aims
	Housing	service reviews		Stacey	
	Leisure Centre performance	Annual review	Ensure performance and value for money	Simon Jones	All

To programme

Hinckley hospital update

Highway adoption

Building Control service & charges (F&P)

HRA cap

Key to corporate aims

1 – People

2 – Places

3 – Prosperity

## HINCKLEY AND BOSWORTH BOROUGH COUNCIL

### FINANCE & PERFORMANCE SCRUTINY

5 NOVEMBER 2018 AT 6.30 PM

PRESENT: Mr KWP Lynch - Chairman  
Mr HG Williams – Vice-Chairman  
Mr DC Bill MBE (for Mr DS Cope), Mrs R Camamile, Mr DW MacDonald and Mr R Ward

Officers in attendance: Rebecca Owen, Nicola Smith, Mark Tuff and Ashley Wilson

#### 227 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Cope and Smith, with the substitution of Councillor Bill for Councillor Cope authorised in accordance with council procedure rule 10.

#### 228 MINUTES OF PREVIOUS MEETING

It was moved by Councillor Camamile, seconded by Councillor Williams and

RESOLVED – the minutes of the meeting held on 10 September be confirmed and signed by the chairman.

#### 229 DECLARATIONS OF INTEREST

No interests were declared at this stage.

#### 230 HOUSING CONTRACTORS REPORT - RETURN VISITS

In response to a request at a previous meeting, a report which showed how the housing repairs service monitored return repairs visits was presented to members. It was reported that all voids, adaptations and work under the planned investment programme were inspected, all jobs over £4999 were inspected and 10% of all other repairs were inspected. Members were informed that, of the 734 post inspections for responsive repairs, 43 were rejected but rectified quickly.

A member expressed concern that, where only 10% of repairs were inspected, there were potentially 430 failures that had not been picked up on inspection. In response, officers assured members that the tenants were proactive in reporting and issues.

A member asked whether officers kept a check of certain products for reliability so those that were proven to be less reliable could be avoided in future. In response, it was noted that there was a procurement framework across many councils so that research had already been carried out.

Members noted the report and thanked the Housing Repairs Investment Manager.

#### 231 FRONTLINE SERVICE REVIEW: PLANNING

Members received a performance report on the planning service. It was noted that whilst planning fee income had been lower during 2017/18, it did not necessarily mean that fewer applications had been received. It was acknowledged that whilst there was a target for planning application performance, the service was not able to influence this as it was dependent upon applications submitted.

Members were informed about new regulations being imposed which measured councils on not only the five year housing land supply but also the number of houses actually delivered. Concern was expressed that it would be very difficult to encourage developers to implement their permission and the possibility of incentivising developers by way of review mechanisms or of Homes England using compulsory purchase powers to acquire the land was discussed. The risk of having to accept reduced S106 contributions was highlighted.

Some members wished their concern to be noted that government pressure to approve planning applications meant that members' ability to reflect the wishes of the local community was diminishing.

In relation to retention of staff, the importance of remuneration on a similar level to other authorities was highlighted and officers outlined initiatives such as implementing a career grade and supporting graduates through post graduate education. The difficulty in recruiting building control officers in competition with private companies which paid higher salaries was also acknowledged.

Officers were thanked for presenting so much information in such a concise report and the report was noted.

#### 232 REVENUE & CAPITAL OUTTURN QUARTER 2

Members received the financial outturn position as at September 2018. The variation in relation to car parking income was highlighted and it was noted that, whilst the increase had been agreed in February, there then ensued a consultation process followed by a notice period and creation of a revised Order which delayed implementation of the new charges by approximately three months.

In relation to capital schemes, it was noted that a large part of the underspend was due to the developing communities fund as projects had not been delivered as anticipated. In relation to the underspend on disabled facilities grants, it was noted that this figure had been committed but not spent at the time of the report.

A member referred to page 32 which commented on variations being due to contracts that needed to be tendered and work in progress that still needed to be charged and asked the value of those awaiting tender and those awaiting charging. In response it was agreed that this information would be sought and fed back to members outside of the meeting.

Attention was drawn to the green space improvement projects listed on page 30 of the agenda as being not commenced or being rephrased. It was agreed that members would be informed of the reasons for this.

#### 233 TREASURY MANAGEMENT UPDATE - QUARTER 2

Members were updated on the council's treasury management activity in the second quarter of 2018/19. A member queried the maturity dates on some of the borrowing and in response it was noted that the report covered the second quarter of 2018/19 so was in time at that point.

#### 234 AGED DEBT QUARTER 2

Consideration was given to a report which outlined the position on sundry debts at the end of the second quarter of 2018/19. It was noted that a report would be brought to the following meeting on the action being taken on recovery of estates debt.

235 BUSINESS RATES AND POOLING UPDATE

Finance & Performance Scrutiny was informed of business rates performance including the volatility and uncertainty in relation to business rates income. It was noted that the outcome of the application for the business rates pilot was still awaited.

236 FINANCE & PERFORMANCE SCRUTINY WORK PROGRAMME

The work programme was noted.

(The Meeting closed at 7.40 pm)

---

CHAIRMAN

This page is intentionally left blank



By virtue of paragraph(s) 1, 2, 3, 5, 10 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2, 3, 5, 10 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2, 3, 5, 10 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2, 3, 5, 10 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank



By virtue of paragraph(s) 1, 2, 3, 5, 10 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2, 3, 5, 10 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2, 3, 5, 10 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2, 3, 5, 10 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank



By virtue of paragraph(s) 1, 2, 3, 5, 10 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2, 3, 5, 10 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2, 3, 5, 10 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank