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Hinckley & Bosworth
Borough Council

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

Date: 18 December 2024

To: Members of the Planning Committee

Cllr MJ Crooks (Chair)	Cllr C Gibbens
Cllr J Moore (Vice-Chair)	Cllr SM Gibbens
Cllr CM Allen	Cllr CE Green
Cllr RG Allen	Cllr E Hollick
Cllr SL Bray	Cllr KWP Lynch
Cllr MA Cook	Cllr LJ Mullaney
Cllr DS Cope	Cllr H Smith
Cllr REH Flemming	Cllr BR Walker

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Dear Councillor,

Please see overleaf a Supplementary Agenda for the meeting of the **PLANNING COMMITTEE** on **TUESDAY, 17 DECEMBER 2024** at **6.30 pm**.

Yours sincerely

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

Rebecca Owen
Democratic Services Manager

PLANNING COMMITTEE - 17 DECEMBER 2024

SUPPLEMENTARY AGENDA

National Planning Policy Framework

The National Planning Policy Framework (NPPF) and the National Planning Practice Guidance were updated on 12 December. The revisions changed the standard method for calculating the local housing need assessment. As a result, the Council must re-visit its Five-Year Housing Land Supply (5YHLS) position. Whilst further assessment must be made, the Council are now unlikely to be able to demonstrate a 5YHLS, which is one of the circumstances for engaging the 'tilted' balance of Paragraph 11(d). More detail on Council's the exact supply position will be provided in due course.

In any event, due to the age of relevant housing policies within the adopted Core Strategy (2009), the 'tilted' balance in Paragraph 11(d) of the NPPF (2024) was already triggered in accordance with Footnote 8 and Paragraph 11.

The revised NPPF states that when the 'titled' balance is engaged, decision making must have particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

Amendments to Footnote 9 confirm that these key policies identified include:

- Paragraph 66 (housing mix)
- Paragraph 84 (isolated homes)
- Paragraph 91 (main town centre uses)
- Paragraph 110 (sustainable travel)
- Paragraph 115 (assessing sites)
- Paragraph 129 (making efficient use of land)
- Paragraph 135 (criteria for achieving well-designed places)
- Paragraph 139 (balancing design considerations)

Overall, the new NPPF means that the Council can no longer demonstrate a five-year supply of land for housing and that further weight should be given to housing applications.

7. **24/00484/OUT - LAND EAST OF LEICESTER ROAD, EARL SHILTON**

Outline planning application (some matters reserved except for means of access and scale) for the erection of up to 33 dwellings, including affordable housing, public open space, landscape planting, sustainable drainage system and new access arrangements from the unnamed road.

This item was deferred at the previous meeting.

Late items received after publication of agenda:

National Planning Policy Framework (NPPF) Revisions

Key policies Paragraphs 84 (isolated homes) and 91 (main town centre uses) of the NPPF (2024) do not apply to this development.

In accordance with key policy Paragraph 66 (affordable housing) of the NPPF (2024), the development provides a mix of affordable housing that meets identified local needs, as confirmed by the Council's Affordable Housing Officer.

Paragraph 8.8 of the Committee confirms that the application site is considered to be in a sustainable location in terms of its access to day-to-day facilities and amenities. Therefore, the scheme is in accordance with key policy Paragraphs 110, 115 (assessing sites) and 129(b) (local market conditions and viability) of the NPPF (2024).

Whilst Paragraph 8.87 of the Committee Report highlights that the scheme is likely to result in some harm to the rural character of the site and the wider area, this harm is not considered to significantly and demonstrably outweigh the benefits of the scheme.

Given that the Council can no longer demonstrate a 5YHLS, further weight should be given to this application's provision of 33 dwellings.

The revisions to the NPPF have altered the paragraph numberings referenced in the committee report. The paragraphs which have been revised in the latest edition of the NPPF, which have been included within the committee report are detailed below:

- Paragraph 225 of the NPPF is now Paragraph 232.

To summarise, these amendments are not considered to materially alter the planning balance of the Committee Report or the recommendation to approve this development in these site-specific circumstances in accordance with Paragraph 11(d) of the NPPF (2024).

8. **24/00322/FUL - THE WHITE HOUSE, BOSWORTH ROAD, WELLSBOROUGH**

Application for erection of a single storey self-build/custom-build dwelling (resubmission of 23/00923).

This item was previously deferred at the meeting on 4 June 2024.

Late items received after publication of agenda:

Sheepy Parish Council

On 11 December 2024, further comments in objection to the application from Sheepy Parish Council were received. The Parish Council made the following comments in relation to the application:

"Dear Cllr Crooks (Planning Committee Chair) and Mr Brown (Head of Planning)

Sheepy Parish Council is very concerned that it is being denied the opportunity to

speak at the forthcoming planning committee meeting on this application (letter of 5 Dec 2024, PA Ref: 24/00322/FUL). The Parish Council considers that significant amendments have been made to the application since originally submitted (Para 2.14, HBBC Planning Committee procedure rules) and should therefore have the opportunity to speak. A further, full consultation has taken place on this application and the design and location (position) of the proposed dwelling is significantly changed following the applicant consulting with Design Midland. On this matter, it appears that Design Midland has not subsequently been consulted on the significantly revised plans. Their engagement should be an iterative process. Further, Design Midland did not follow their own procedure when dealing with this matter, as set out in their Terms of Reference. Sheepy Parish has a made Neighbourhood Plan and accompanying design guide. They have neither referred to these, nor consulted Sheepy Parish Council.

The Parish Council also needs to draw to the committee's attention to the fact that the application (latest re-submission) continues to make false and misleading statements. This is despite these matters being raised previously. This is misrepresentation and brings into question the legality of the application. The proposed dwelling is in Sheepy Parish NOT Market Bosworth Parish. The Sheepy Neighbourhood Development Plan and its policies are the only ones relevant here. The applicant has again ignored this matter. The Sheepy plan (and its policies) has been implemented following a fully consultative and democratic process. The plan therefore reflects the views of the community. Given that Hinckley & Bosworth Borough Council strongly advocate for Neighbourhood Development Plans, Sheepy Parish Council hopes that the committee takes these issues very seriously, as well as the more detailed consultation response it submitted on 26 November 2024.

If the Parish Council continues to be denied the opportunity to speak at the committee meeting, it requests that both the Chair of the committee and the Director of Planning ensure that the concerns raised in this letter are communicated to the committee members at the meeting. This is to ensure that they are fully aware of these very important matters and are able to make a properly informed decision on this planning application. The committee should also be reminded that the law requires that decisions should be taken in accordance with the development plan (of which the Sheepy Neighbourhood Development Plan (policies) forms part) unless material considerations (which specifically include the NPPF) indicate otherwise. Further, that where a committee's decision goes against the officer's recommendations, the reasons are fully explained and minuted."

National Planning Policy Framework (NPPF) Revisions

Key policies Paragraphs 66 (affordable housing) and 91 (main town centre uses) of the NPPF (2024) do not apply to this development.

As highlighted at Paragraph 8.20 of the Committee Report, the development does not comply with the requirements of key policy Paragraph 84 (isolated homes in the Countryside) of the NPPF (2024).

Paragraph 8.129 of the Committee Report confirm that the application site is in an unsustainable location where the future occupiers of the development are likely to be dependent on private motorised transport to meet their day-to-day needs. This is contrary to the sustainable ambitions of key policy Paragraphs 110 (sustainable travel) and 115 (assessing sites) of the NPPF (2024).

As confirmed at Paragraphs 8.21 and 8.130 of the Committee Report, the development is also not considered to comply with Chapter 11 of the NPPF (2024) and therefore key policy Paragraph 129 (making efficient use of land).

Paragraphs 8.131 to 8.133 of the Committee Report inclusively demonstrate that the development is contrary to and in conflict with key policy Paragraph 135 (criteria for achieving well-designed places) of the NPPF (2024).

In accordance with key policy Paragraph 139 (balancing design considerations) of the NPPF (2024), Paragraph 8.134 of the Committee Report recommends that the scheme should be refused.

Given that the Council can no longer demonstrate a 5YHLS, further weight should be given to this application's provision of one dwelling.

The revisions to the NPPF have altered the paragraph numberings referenced in the committee report. The paragraphs which have been revised in the latest edition of the NPPF, which have been included within the committee report are detailed below:

- Paragraph 70 of the NPPF is now Paragraph 73 of the NPPF.
- Paragraph 114 of the NPPF is now Paragraph 115 of the NPPF.
- Paragraph 180 of the NPPF is now Paragraph 187 of the NPPF.
- Paragraph 225 of the NPPF is now Paragraph 232 of the NPPF.

Appeal Decision for 23/01195/FUL: Land northeast of The Hovel, Spinney Drive

On 12 December 2024, the Inspector dismissed an appeal against on the refusal of planning application 23/01195/FUL (APP/K2420/W/24/3348843) at the Land northeast of The Hovel, Spinney Drive, Botcheston.

The Planning Committee is drawn to the attention of the recent planning appeal decision due to the similarities between the scheme and the proposal at The White House, Bosworth Road, Wellsborough.

These similarities include that both schemes are:

- Self-build and custom housebuilding proposals
- Developments of single dwellings
- Single storey in massing
- Located adjacent to a large existing property
- In an unsustainable location that is dependent on the private car for travel
- Surrounded by arable fields with a noticeable absence of built development

- Located in the designated open countryside

Within this appeal decision, the Inspector confirmed that:

- “A new dwellinghouse to this side of the lane would allow the enlargement of the more suburban character which would be considerably damaging and would exacerbate a type of harmful ribbon development.” (c.f. Paragraph 9.)
- “The proposal would represent an incongruous encroachment into the open countryside that would significantly harm the intrinsic beauty and character of the landscape around.” (c.f. Paragraph 9.)
- “Even though this proposal would be of a single storey, simple design, the actual effect of the building would be to introduce development that would be much more prominent than ‘The Old Schoolhouse’ and would significantly and noticeably alter the character of the area to its detriment.” (c.f. Paragraph 10.)
- “The scheme would be unable to meet the requirements of Policy DM17(d) in its duty to ensure development manages to minimise the need to travel or to maximise the use of sustainable modes.” (c.f. Paragraph 14.)
- “The proposal is for a self build house upon this plot. However, the very nature of introducing more physical development to this location would cause harm, whether this be a self build property or not. Although some weight must be given to the general benefits of self build the harm in this case would outweigh such benefits.” (c.f. Paragraph 15.)

Summary

Since the publication of the committee report:

- A recent planning appeal for a detached, single storey, self-build dwelling in the designated open countryside in the Borough has been dismissed by the Inspector
- Sheepy Parish Council have objected to the development and referred to their previous detailed consultation response submitted on 26 November 2024
- Changes to the NPPF have been made which give further weight to the provision of housing and highlight key policies that must be regarded within the determination of planning applications subject to the ‘tilted’ balance.

The latest information and material considerations received in relation to the planning application are not considered to materially alter the planning balance of the Committee Report or the recommendation to refuse the provision of one isolated dwelling in the designated open countryside.

9. **23/01182/FUL - ALLBAR SPORTS, TRINITY LANE, HINCKLEY**

Application for change of use from cinema (sui generis) to 40 one-bedroom apartments (use class C3) with associated car parking and landscaping.

Late items received after publication of main agenda:

National Planning Policy Framework (NPPF) Revisions

Importantly, the revised wording of Paragraph 125(c) of the NPPF states [amendments in bold]:

*“Planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, **proposals for which should be approved unless substantial harm would be caused**, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated, or unstable land.”*

In relation to Paragraph 11(d)(ii) of the NPPF (2024), key policy Paragraphs 84 (isolated homes) and 91 (main town centre uses) do not apply to this development. The development provides a mix of affordable housing that meets identified local needs and so is in accordance with key policy Paragraph 66 (housing mix) of the NPPF (2024).

As highlighted by Paragraphs 8.5 and 8.59 of the Committee Report, the application site is within the identified settlement boundary of Hinckley in a sustainable location in transport terms. Therefore, the proposal is compliant with the sustainability ambitions of key policy Paragraphs 110 (sustainable travel) and 115 (assessing sites) of the NPPF (2024).

Paragraphs 8.32 and 8.56 of the Committee Report confirm that the scheme ensures that the existing building continues to contribute positively to the character and heritage significance of the Hollycroft Conservation Area, and the proposal does not result in any significant adverse impacts of the residential amenity of neighbouring residents or the future occupants of the scheme. As a result, the proposal is compliant with key policy Paragraphs 129 (making efficient use of land), 135 (criteria for achieving well-designed places) and 139 (balancing design considerations) of the NPPF (2024).

Given that the Council can no longer demonstrate a 5YHLS, further weight should be given to this application’s provision of 40 dwellings.

The revisions to the NPPF have altered the paragraph numberings referenced in the committee report. The paragraphs which have been revised in the latest edition of the NPPF, which have been included within the committee report are detailed below:

- Paragraph 70 of the NPPF is now Paragraph 73.
- Paragraph 205 of the NPPF is now Paragraph 212.
- Paragraph 206 of the NPPF is now Paragraph 213.
- Paragraph 212 of the NPPF is now Paragraph 219.
- Paragraph 225 of the NPPF is now Paragraph 232.

Planning History

The application reference for the previous planning application within the site highlighted at Paragraph 4.1 of the Committee Report is incorrect. The application reference is 16/00503/FUL. The scheme was not determined and returned back to the Applicant on 29 March 2018 due to their failure to agree to an extension of time or to progress the application forward since 24 July 2017.

Conditions

On 04 December 2024, the Applicant submitted revised plans for the Proposed Site Plan, Proposed OS Plan and the Proposed Landscaping Layout to ensure Parking Bay 01 is 3m in width. In light of revised plans, Condition 2 (Approved Plan) has been amended to secure these plans.

Therefore, the amendments are highlighted in bold:

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

- Existing Elevations 07B (submitted: 08.11.2024)
- Existing First Floor Layout (submitted: 22.07.2024)
- Existing Ground Floor Layout (submitted: 22.07.2024)
- Existing Second Floor Layout (submitted: 22.07.2024)
- Existing Roof Layout 20D (submitted: 06.11.2024)
- Existing Third Floor Layout (submitted: 22.07.2024)
- Proposed Access Drawings (HAS/23-071) (submitted: 11.03.2024)
(Rev C)
- Proposed Demolition and Maintenance Elevations 15 (submitted: 08.11.2024)
- Proposed Demolition Ground Floor Plan 17A (submitted: 06.11.2024)
- Proposed Elevations 08E (submitted: 08.11.2024)
- Proposed First Floor Plans 02D (submitted: 06.11.2024)
- Proposed Fourth Floor Plan 01E (submitted: 08.11.2024)
- Proposed Ground Floor Plan 01 (Rev F) (submitted: 26.11.2024)
- **Proposed Landscaping Layout 10C** (submitted: 04.12.2024)
- **Proposed OS Plan 09B** (submitted: 04.12.2024)
- Proposed Replacement Window Details 28C (submitted: 06.11.2024)
- Proposed Roof Layout 16C (submitted:)

08.11.2024)

- Proposed Second Floor Layout 03D (submitted:

06.11.2024)

- **Proposed Site Plan 06C** (submitted: 04.12.2024)

- Proposed Third Floor Layout 04D (submitted: 06.11.2024)

- Site Location Plan 23-848-09 (submitted:

05.12.2023)

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

The Applicant agreed to the planning conditions and the planning obligations on 04 December 2024.

Cinema Theatre Association (CTA)

On 06 December 2024, the Cinema Theatre Association (CTA) made comments in support of the application. The CTA stated the following:

“Hello: We are the Cinema Theatre Association, the national focus of expertise on historic cinemas. We have been concerned with the case of the important Danilo cinema for some years, and have been in touch with your Conservation Officer, Paul Grundy. We welcome this latest version of the scheme: it is clear that Paul has negotiated well to retain the distinctive brick walls and massing of the original cinema. The quarter-circle entrance feature is unique in the UK, based on an original design in Berlin, and it is good this will be retained as the entrance foyer to the flats. Careful treatment of the window openings on the Trinity Lane frontage is also important. Overall, we support the scheme.”

Local Highway Authority

On 11 December 2024, the Local Highway Authority welcomed the removal of the proposed club scheme and were content with the provision of 40 ‘Cardiff’ style cycle racks and 10 ‘Sheffield’ style cycle racks within the site. Overall, the Local Highway Authority advised that the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the Local Highway Authority did not consider the development to conflict with Paragraph 115 of the National Planning Policy Framework, subject to four conditions and planning obligations for travel packs and two six-month bus passes per apartment.

Summary

Since the publication of the committee report:

To summarise, whilst changes have been made to national planning policy to boost the supply of housing, these amendments are not considered to materially alter the planning balance of the Committee Report or the recommendation to

approve this development in these site-specific circumstances in accordance with Paragraph 11(d) of the NPPF (2024).

- Changes to the NPPF have been made which give further weight to the provision of housing, substantial weight to the utilising brownfield sites to meet housing needs and highlight key policies that must be regarded within the determination of planning applications subject to the 'tilted' balance.
- Amended plans have been received to address the Local Highway Authority's concerns.
- The Local Highway Authority did not consider the scheme to have a significant adverse impact on highway safety or the road network.
- The Cinema Theatre Association made comments in support of the application.

These updates and material considerations are not considered to materially alter the planning balance of the Committee Report or the recommendation to approve this development in these site-specific circumstances in accordance with Paragraph 11(d) of the NPPF (2024).

10. **24/00897/HOU - 136 LEICESTER ROAD, GROBY**

Application for erection of a front porch.

Late items received after publication of agenda:

Whilst the National Planning Policy Framework (NPPF) has been updated, the most relevant paragraphs of the NPPF have not been materially changed, and the amendments do not materially alter the content of the report.

By virtue of the updated NPPF, paragraph 7.3. of the committee report should be amended to refer to the updated 2024 NPPF instead of the 2023 NPPF.