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Hinckley & Bosworth
Borough Council

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

Date: 04 July 2018

To: Members of the Planning Committee

Mr R Ward (Chairman)	Mr C Ladkin
Mr BE Sutton (Vice-Chairman)	Mr KWP Lynch
Mr PS Bessant	Mrs J Richards
Mr DC Bill MBE	Mr RB Roberts
Mrs MA Cook	Mrs H Smith
Mr WJ Crooks	Mrs MJ Surtees
Mr MA Hall	Ms BM Witherford
Mrs L Hodgkins	Ms AV Wright
Mr E Hollick	

Copy to all other Members of the Council

(other recipients for information)

Dear Councillor,

Please see overleaf a Supplementary Agenda for the meeting of the **PLANNING COMMITTEE** on **TUESDAY, 3 JULY 2018** at **6.30 pm**.

Yours sincerely

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

Rebecca Owen
Democratic Services Officer

SUPPLEMENTARY AGENDA

7. 18/00122/FUL - 339 RUGBY ROAD, BURBAGE

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

'Late items:'

Revised plans have been received from the applicant; the revisions made involve the alteration of the rear elevation first floor full height windows to standard cill level windows.

A street scene plan has been submitted which identifies separation distances between the proposed and existing properties and ridge heights from 345 – 333 Rugby Road. The proposed separation distance between the proposal and neighbouring boundaries is clarified as 0.9 metres.

A 7 day re-consultation was undertaken due to these amended plans.

Consultation:-

Three responses have been received from neighbouring residents objecting to the proposed development, raising many of the issues reported in the committee agenda which will not be repeated in this late item, however two additional points are made:-

- 1) The overall height of 8.4 identified in the 'Boundary & Ridge Dimensions' plan is not the overall height of the proposal as the two gable end projections of the front elevation are higher
- 2) Amended rear windows is welcomed but have concerns that changes to design will be undertaken though building regulations

Burbage Parish Council have objected stating that the proposed first floor area above the garage will have a significantly detrimental effect on the amenities of the neighbouring property as it will be overbearing and cause loss of light to a habitable room.

Appraisal:-

The ridge of the proposed dwelling parallel to the highway measures 8.4 metres which creates the mass of the proposal within the street scene. The projecting gables measure 8.5 metres to the ridge and are indicated on the plan. All plans are consistent in showing this de minimis change in ridge height to the gable projections. The assessment of the impact of the proposal upon the character of the area does not change to the assessment made in the report to planning committee.

If the applicant wishes to make any changes to the design this would be subject to planning approval in addition to any building regulation applications which are necessary.

The proposed garage does not include a first floor within it. The assessment of the impact of the garage upon residential amenity is identified within paragraph 8.15 of the officer report.

The amended plans are acceptable and do not alter the officer's assessment of the scheme. The recommendation to planning committee remains as previous, to approve subject to conditions.

Condition:-

Due to the receipt of amended plans Condition 2 shall be replaced with:

The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Block Plan, Garage Plan & Elevations, Proposed Floor Plans, received by the Local Planning Authority on the 18 May 2018 and, Landscaping Plans, received by the Local Planning Authority on the 13 April 2018 and Site Location Plan received by the Local Planning Authority on the 8 February 2018 and Boundary and Ridge Dimensions, Proposed Elevations, received by the Local Planning Authority 22 June 2018.

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

8. 17/01330/FUL - 12 BIRCH CLOSE, EARL SHILTON

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

'Late items:'

Consultations

No objection subject to condition received from:-

Leicestershire County Council (Highways)
Lead Local Flood Authority

Appraisal

Highways

The applicant has provided full details of the proposed access layout serving the site, which has been subject to consultation with Leicestershire County Council (Highways). The proposed access serving the site would comply with the Leicestershire Highway Design Guide and subject to detailed design would be capable of adoption. Therefore subject to the imposition of conditions relating to parking, turning and site drainage, Leicestershire County Council (Highways) would have no objection to the proposed development. The proposal would therefore not result in any highway safety issues and would accord with Policies DM17 and DM18 of the SADMP.

Drainage

During the course of the application further information was received which confirms that the proposed development would provide an acceptable and viable drainage strategy, with permeable paving which would be maintained to provide surface water drainage across the site. The Lead Local Flood Authority have reviewed this information and have no objections to the proposed development subject to the imposition of conditions, which relate to the management of surface water run off during construction, the submission of a detailed surface water drainage scheme, a long term maintenance scheme for the

proposed Sustainable urban Drainage system and infiltration testing. The proposal would not therefore create or exacerbate flooding and is considered to accord with Policy DM7 of the SADMP.

11 Recommendation

11.1 Grant planning permission subject to the following conditions:

Amend condition 2 to the following:-

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans: Site Location Plan Dwg No. 4391/KP/17/001, Proposed elevations and floor plans, 2 Bed 4 Persons House Dwg No.4391/KP/17/010, proposed elevations and floor plans 3 Bed 5 Persons house Dwg No.4391/KP/17/011 received 22 December 2017, Proposed site plan Dwg No. 4391/KP/17/003 Rev J, Proposed floorplan and elevations 2 bed, 4 persons bungalow Dwg No.4391/KP/17/012 Rev A, received by the Local Planning Authority on the 13 April 2018. Highway access layout, Dwg No. FW1419-LE-D-510 Rev A3, received by the Local Planning Authority on the 13 June 2018.

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

Replace condition 13 with the following condition:-

The access into the development hereby approved, shall be carried out in accordance with the arrangement shown on arrow Walsh Consulting drawing number FW1419-LE-D-510 A3, received on the 13 June 2018 shall be implemented and completed before any dwelling hereby permitted is first occupied and shall thereafter be permanently so maintained.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD.

Reword condition 14 with the following condition:-

Prior to occupation of the development hereby approved areas of parking and turning facilities shall be provided, hard surfaced and marked out in accordance with Dwg No 4391/KP/17/003 rev J received 13 April 2018. Parking areas shall be retained and maintained thereafter.

Reason: To ensure that there is adequate parking provision to serve the development, and avoid on street parking to accord with Policies DM17 and DM18 of the Site Allocations and Development Management Policies DPD.

Add the following conditions:-

16. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

Reason: To reduce the possibility of deleterious material (mud, stones etc.) being

deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area to accord with Policies DM17 and DM18 of the Site Allocations and Development Management Policies DPD.

17. Prior to commencement of development details in relation to the management of surface water on site during construction of the development shall be submitted to, and approved in writing by, the Local Planning Authority. Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.

Reason: To prevent any increase in flood risk, maintain the existing surface water runoff quality and to prevent damage to the final water management systems through the entire development construction phase in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD.

18. Prior to commencement of development details in relation to the long term maintenance of the sustainable surface water drainage system on the development shall be submitted to and approved in writing by the Local Planning Authority. Details of the SuDS Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the system and should also include procedures that must be implemented in the event of pollution incidents within the development site.

Reason: To establish a suitable maintenance regime that may be monitored over time; that will ensure the long term performance, both in terms of flood risk and water quality, of the sustainable drainage system within the proposed development in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD.

19. Prior to commencement, infiltration testing shall be carried out to demonstrate the suitability of the site for the use of infiltration as a drainage element, the flood risk assessment (FRA) shall be updated accordingly to reflect the drainage strategy. The updated FRA and drainage strategy shall be submitted to and agreed by the Local Planning Authority. The approved details shall be implemented and completed prior to first occupation of the development.

Reason: To demonstrate that the site is suitable for the use of infiltration techniques as part of the drainage strategy to accord with Policy DM7 of the Site Allocations and Development Management Policies DPD.

Additional notes to applicant:

4. If there are any works proposed as part of an application which are likely to affect flows in a watercourse or ditch, then the applicant may require consent under Section 23 of The Land Drainage Act 1991. This is in addition to any planning permission that may be granted. Guidance on this process and a sample application form can be found at the following: <http://www.leicestershire.gov.uk/Flood-risk-management>.

5. Maintenance, Please note, it is the responsibility of the Local Planning Authority under the DEFRA/DCLG legislation (April 2015) to ensure that a system to facilitate the future maintenance of SuDS features can be managed and maintained in perpetuity before commencement of the works.

6. The scheme shall include the utilisation of holding sustainable drainage techniques

with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and the responsibility for the future maintenance of drainage features.

7. Full details for the drainage proposal should be supplied, including but not limited to, headwall details, pipe protection details (e.g. trash screens), long sections and full model scenarios for the 1 in 1, 1 in 30 and 1 in 100 year plus climate change.

8. Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.

9. Details of the SuDS Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the system, and should also include procedures that must be implemented in the event of pollution incidents within the development site.

10. The results should conform to BRE Digest 365 Soakaway Design. The LLFA would accept the proposal of an alternative drainage strategy that could be used should infiltration results support an alternative approach.

9. 18/00316/HOU - 10 FAIRACRE ROAD, BARWELL

Application for single storey side and rear extension.

'Late items:'

Additional Information:-

The Council has received a letter in which concerns have been raised that a member of planning committee who has voted on this application lives on the same street as the application site and therefore may have a personal interest in the application. Questions have been raised with this member's involvement in the determination of this application at planning committee.

Additional information has been provided to committee by the applicant's mother regarding her daughter's condition and the requirements for the extension. :

'My daughter has a Rett syndrome, which is complex neurological disorder, she is non-verbal, she cannot use her hands, she requires lifelong support 24hrs a day 7 days a week.

It makes me very sad that Committee is so concern about how much the layout of my house is appropriate or not, but no one absolutely no one is concern about dignity and quality of my daughter's life, and most of all her rights to access her own room and bathroom.'

Officer Comments:-

The Council has a public sector equality duty, under Section 149 of the Equality Act 2010 which is outlined in the officer report to committee, paragraph 5 of appendix A. The Committee needs to have 'due regard' to the need to remove or minimise disadvantages

suffered in this case by the daughter. `Due Regard` is more than simply a requirement to have a general regard; real thought must be given to the public sector equality duty and its requirements. The considerations of the need of the disabled person must be considered by planning committee as it is a significant material consideration and it is a legal duty on the council and its committees.

A case determined only last month in the High Court has held that the duty applies to the grant of planning permission, and, logically therefore, it must also apply to a refusal of planning permission as a decision to refuse is HBBC exercising its public functions, ie the determination of planning applications under section 70 of the TCPA 1990.

Members have highlighted that they are minded to refuse this application, although no specific reason was recorded in the minutes of the June committee. Any harm identified would need to significantly outweigh the benefits this application provides to a person with a disability which is a protected characteristic.

However, Officers have advised consistently on the three occasions on which this application has been before committee that the proposed extension will not detrimentally harm the character of the area, nor the amenity of neighbouring residents nor cause harm to highway safety. There are no statutory consultee objections. The proposal has been designed in conjunction with a social services occupational therapist at Leicestershire County Council and grant officer at HBBC and is the only feasible option to create a suitable adaptation. This proposal would provide an improvement to the living conditions of a disabled person which is a significant material consideration in favour of the development. The recommendation to planning committee remains, consistently, as previously, to approve subject to conditions.

10. 18/00381/FUL - 8 TRAFFORD ROAD, HINCKLEY

Application for part change of use from residential to childminding business for up to 9 children.

‘Late items:’

Consultations:-

One further letter of objection has been received from a previous objector raising the following additional points: -

- 1) Increased traffic
- 2) Risk to pedestrians
- 3) Restriction of garden hours
- 4) Restriction on advertising signs

Appraisal:-

Noise and Impact upon Residential Amenity

Garden play is appraised in the committee report (paragraph 8.14), Environmental Health has requested that the use of the garden be conditioned to certain times. However, as the application is for a partial change of use and the residential use of the dwelling will still be retained it is considered that the addition of this condition would not be necessary and would not be enforceable, therefore it does not meet the 6 tests for conditions set out in Paragraph 206 of the NPPF and should not be applied to the application.

Impact upon highway safety

Impact of the use upon the highway has been reported within the committee report; the site provides off-street parking for 3 vehicles and the drop off and pick up times are staggered. The potential of delays and congestion is addressed in paragraph 3.19 but any impact experienced would be time specific and would not lead to constant congestion or parking problems. The risk to pedestrians is identified in paragraph 8.21, it is considered that the risk is low.

Other Issues

Any advertisement of the business on the application site would require advertisement consent and therefore it would be dealt with via Advertisement Consent and has no bearing on the current application.