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

Date: 29 May 2019



**Hinckley & Bosworth
Borough Council**

To: **Members of the Planning Committee**

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Dear Councillor,

Please see overleaf a Supplementary Agenda for the meeting of the **PLANNING COMMITTEE** on **TUESDAY, 28 MAY 2019** at **6.30 pm**.

Yours sincerely

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

Rebecca Owen
Democratic Services Manager

SUPPLEMENTARY AGENDA

7. **19/00176/FUL - 25 MERRYLEES INDUSTRIAL ESTATE, LEESIDE, DESFORD**

Application for change of use from light industrial (B1) to a Dance Studio (D2).

Late items:

Introduction:- The application relates to the change of use of the building from a light industrial use (B1) to a Dance Studio (D2). The officer recommendation is to Refuse.

The applicant's agent has made the following comments in regard to the officer report:

- Policy DM19 does not define the term 'exceptional', the agent states that nevertheless that the circumstances which concern the applicant's proposals, namely the ability for the applicant's business to grow, the lack of sequentially preferable alternative locations; the ability for a much greater number of children and young people to undertake in sport and physical activity; and the fact that no employment premises would actually be lost, can be collectively considered as exceptional.
- Employment generated by the proposed use would be similar to that of a B class use and will continue to provide employment in this sector of the economy which is growing robustly;
- The applicant has not claimed the use to be a community facility and therefore Policy DM25;
- The proposal meets the criteria of policy 8 of the Core Strategy which supports the provision of facilities to meet the needs of Key Rural centres such as Desford;
- A sequential test has been carried out with the following premises assessed (NB as the Dance studio serves predominantly members of the community in Desford, the search for potential premises has been restricted to Desford and the surrounding hinterland), all of which have found to be lacking with insufficient space, or time table space to meet the needs of the growing business.

Consultations:- No additional consultations have been made.

Appraisal:- The comments from the agent relate to the appraisal of the scheme which is fully documented within the officer report. The additional information provided in regard to the sequential test and the appraisal of sites that have been considered by the applicant and found to be unacceptable have been noted. However, this information is not sufficient and detailed for the local planning authority to be satisfied that a full sequential test has been undertaken and there are no available premises other than the site subject to this proposal.

The additional details provided by the applicant do not alter the assessment by officers or the recommendation to refuse.

Recommendation:- The officer recommendation remains to refuse.

9. **18/00786/FUL - LAND WEST OF MAIN STREET, MAIN STREET, NORTON JUXTA TWYXCROSS**

Application for erection of 8 dwellings, formation of community open space and associated landscaping and access

Late items:

Consultations:-

The Borough Council's Arboricultural Officer has assessed the submitted Pre-liminary Tree Assessment and has identified trees within and around the site that he considers to be the more significant.

Appraisal:-

Biodiversity

The Borough Council's Arboricultural Officer has assessed the submitted Preliminary Tree Assessment. Whilst a number of trees within the site are to be lost, a majority of the trees that are considered to significant are within or adjacent to the hedgerows along the west and south boundaries of the site and are to be retained. As stated in the main agenda report, there is adequate scope within the proposed public open space for mitigation tree planting for those higher quality trees that would not be retained within the scheme. A condition requiring the submission of a landscaping scheme for prior approval has been included within the main agenda report recommendation.

Affordable Housing

Following independent assessment of the proposed affordable housing contribution, the commuted sum for off-site affordable housing has been reduced to £367,812 to take into account errors identified by the consultants within the original commuted sum calculations.

Recommendation:-

Amend recommendation to:

1.1. **Grant planning permission** subject to:

- The prior completion of a S106 agreement to secure the following obligations:
 - a commuted sum of £367,812 for off-site affordable housing contribution;
 - play and open space contribution of £2,528.64 for off-site equipped children's play space;
 - Provision and future management and maintenance of on-site public open space
 - Planning conditions outlined at the end of the original committee report.
- 1.2. That the Interim Head of Planning be given powers to determine the final detail of planning conditions.
- 1.3. That the Interim Head of Planning be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

10. 18/01278/FUL - 131 LUTTERWORTH ROAD, BURBAGE

Application for erection of detached dwelling and a new vehicular access.

Late items:

Consultations:-

In response to the submitted amended plan, Burbage Parish Council maintains their objection on the grounds that it seeks to alter a previously approved scheme, which benefitted from an expansion of the settlement boundary and which explicitly allowed for three properties to be accessed by one, single shared entrance/exit point. The current application shows a second vehicular access, contrary to the previously-agreed arrangements and they consider that more than one access point on to Lutterworth Road is not necessary to serve this proposed development.

The four separate objectors also repeat their previous objections as included in the main agenda report.

Appraisal:-

Notwithstanding the objections received, the green buffer planting strip along the south east boundary of the site is included on the submitted plan to screen and enhance the visual appearance of the development when approaching the village along Lutterworth Road. The Local Highway Authority do not object to the creation of a new separate access to serve the dwelling proposed on highway or pedestrian safety grounds subject to conditions. It is not unreasonable for a detached dwelling to have a separate point of vehicular access and this would not be uncharacteristic of access arrangements to existing established dwellings in the vicinity.

The officer's recommendation remains unchanged from the agenda report.

11. 16/00758/FUL - 121 STATION ROAD BAGWORTH

Application for erection of 10 no. dwellings and 2 no. flats (100% Affordable Scheme).

Late items:

Consultations:- Since the printing of the agenda there have been five additional comments from local residents who are opposed to the scheme for the following reasons;

- 1) Lack of parking
- 2) Over-development of the site
- 3) Loss of green space
- 4) No infrastructure within the village to support the scheme
- 5) Access to the QEII park will be restricted
- 6) Access to Station Road is dangerous due to on-going speeding problems

Appraisal:- The objections raised are similar to those received throughout the lifetime of this application and all the above points have been addressed within the committee agenda report.

The officer's recommendation remains unchanged from the agenda report.

15. 18/01266/FUL - BARRACK HOUSE, THE BARRACKS, BARWELL

Application for part demolition and conversion of existing factory to 4 apartments and erection of 4 new houses and 9 new apartments.

Late items:

Consultations:-

Notwithstanding the initial response on behalf of NHS England that confirmed that no healthcare facility contributions would be requested in respect of this development, an additional response has been received on behalf of University Hospitals Leicester. The latest response seeks a contribution of £5,784.00 towards the gap in funding for healthcare facilities for each potential patient from the development in respect of accident and emergency and planned care. Detailed explanation, calculation and justification have been provided to support the request.

Appraisal:-**Infrastructure contributions**

A new contribution request of £5,784.00 has been received in respect of healthcare facilities to mitigate the potential impact on such facilities from the occupiers of the proposed development. In this case, the planning application was supported by an affordable housing viability report which has been independently assessed on behalf of the local planning authority. The independent assessment concludes that the scheme cannot sustain any affordable housing or section 106 infrastructure contributions and therefore no such contributions have been pursued from the development in this case.

Recommendation:-

Minded to approve subject to:

- Planning conditions outlined at the end of Appendix A to the agenda report.

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

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