

# Public Document Pack

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

Date: 16 June 2020



**Hinckley & Bosworth  
Borough Council**

**To: Members of the Planning Committee**

Mrs MJ Crooks (Chairman)	Mr A Furlong
Mr DJ Findlay (Vice-Chairman)	Mr SM Gibbens
Mrs CM Allen	Mr E Hollick
Mr RG Allen	Mr KWP Lynch
Mr CW Boothby	Mrs LJ Mullaney
Mr MB Cartwright	Mr RB Roberts
Mr DS Cope	Mrs H Smith
Mr WJ Crooks	Mr BR Walker
Mr REH Flemming	

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, 16 JUNE 2020** at **5.30 pm**.

Yours sincerely

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

Rebecca Owen  
Democratic Services Manager

**SUPPLEMENTARY AGENDA**

7. **19/01324/OUT - LAND AT WYKIN LANE, STOKE GOLDING**

Residential development of up to 55 dwellings (Outline - access only)

Late items:

**Consultations:-**

An additional letters of objections have been received raising the following additional matters:-

- 1) In view of the of the significant amount of construction traffic that the site will generate should the scheme be granted, would LCC (Highways) be prepared to require the off site elements prior to commencement
- 2) The development of the site will generate a lot of lorry traffic, increasing the traffic flow. A condition should be considered to require construction traffic to be parked on site.

**Appraisal:-**

**Other matters**

A condition is proposed to require a construction management plan to be submitted to address concerns raised in respect of the management of the site during the course of the development, to ensure that the development does not become a hazard to road users.

**Recommendation:-**

The recommendation remains unchanged from as set out on the agenda.

**Additional condition:-**

26. 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 Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016).

8. **20/00102/OUT - LAND SOUTH OF CUNNERY CLOSE, BARLESTONE**

Residential development for up to 176 dwellings with public open space, landscaping and sustainable drainage systems (SuDS) (Outline - access only) resubmission of

19/01011/OUT

Late items:

**Consultations:-**

An additional letter of objection has been received, raising the following points:-

- 1) Already granted 100 houses to be built when the schools, doctors and sewerage are already under pressure
- 2) 176 would not be possible without major works to the road infrastructure
- 3) Development of this scale should be directed to urban areas where the infrastructure exists
- 4) More than one access point should be provided

**Appraisal**

The additional objection does not raise any additional matters which have not already been addressed within the committee report.

**Recommendation:-**

The recommendation remains unchanged from as set out on the agenda.

9. 20/00143/FUL - LAND SOUTH OF BOSWORTH LANE, NEWBOLD VERDON

Residential development of 116 dwellings

Late items:

**Consultations:-**

There is amendment to the report at 5.3. There have been 11 letters of objection and no letters of support. Additional objections have raised the following points:-

- 1) The layout of the development has a large cluster of affordable units within a small area of the site undermining Policy H6 of the emerging NDP
- 2) The site does not provide for housing that meet M(4) of Building Regulations, wheelchair access homes contrary to Policy H1 of the emerging NDP
- 3) Erecting traffic lights will undermine the visual amenity of the area, leading to an urbanisation of the setting
- 4) Money towards the doctors is not enough, especially if to be shared with Desford

Newbold Verdon Parish Council have provided the following additional comments:-

- 1) Whilst there is a traffic flow measure in the form of traffic lights, a roundabout which was first proposed is believed to be a better solution to avoid urbanisation of the rural landscape
- 2) Whilst technically there are 3 clusters of affordable housing, the fact is they are next to each other, which creates a large group of 37, which undermines Policy H6 of the Neighbour Plan
- 3) There is a disproportionately small amount of money to be spent at the Doctors Surgery of Newbold Verdon which is shared with Desford. This amount is not sufficient.
- 4) Can it be confirmed that Bloors will be setting aside funds to help pay for the adaption of dwellings for people who require help with mobility, to accord with Policy

H5 within the neighbourhood plan

Updated consultation responses to be received from:-

LCC (Highways)

### **Appraisal:-**

#### Impact upon highway safety and transport

Since the publishing of the committee report, an updated response has been received from Leicestershire County Council (Highways) following an updated internal layout plan. As confirmed in the committee report there is no objection to the proposal, however further works were required to the internal layout to ensure the proposal would be constructed to an adoptable standard. The revised internal layout has been considered by Leicestershire County Council (Highways) who have confirmed that the proposed development would be suitable for adoption.

A roundabout was initially considered at the Junction with B585 Bosworth Lane / B585 Barlestone Road as outline in Policy H1 of the Newbold Verdon Neighbourhood Plan. However due to underground services which would add significant cost to the proposals and there is no technical evidence within the Neighbourhood Plan which justifies the need for the roundabout, the applicant has proposed a signalised junction. LCC (highways) have considered the proposed signalised junction, and have no objection. The proposed junction works as proposed on WYG Drawing No.101 Rev D, have been subject to a stage 1 Road Safety Audit and capacity study, and will be subject to detailed design stage through a S.278 agreement.

The scheme also proposes to reduce the speed limited in the area to 40mph, this would extend the existing 40mph on Barlestone Road north of the proposed signalised junction. This is considered necessary to ensure the proposed signals are within a 40mph speed limit. LCC (highways) also seek a contribution of £7,500 in order to process the necessary Traffic Regulation Order, which would be sought through any S.106. The required off site works and obligations are considered necessary to mitigate the impact upon the highway, and are therefore considered CIL compliant.

#### Other matters

Comments have been received due to the lack of obligations towards the local doctor's practice. Obligations can only be sought to address the deficiencies in the services at Newbold Verdon to mitigate the impact of this development upon those services. As per 8.93 of the committee report, the West Leicestershire CCG has been consulted, and has advised that the surgery is currently using its clinical rooms to full capacity and cannot employ additional clinicians without an increase in clinical space, and therefore seek to request S106 healthcare contributions to extend and undertake an internal reconfiguration to increase the clinical space available to patients. It is considered that the development is likely to result in 170 patients, and the total cost of providing the additional identified clinical accommodation for the forecasted patients would equate to £58,790.82. The cost per sqm has been identified by a quantity surveyor experienced in health care projects. The extent of the Health Care contribution is directly related in scale and kind to the development.

In light of the comments from the Parish the applicant has also confirmed that they are willing to include a provision within the S106 provision for the adaption of one of the affordable units for wheelchair users should the need arise.

Since the report was published we have also been notified by the Neighbourhood Plan Group that the Neighbourhood Plan has gone back a stage in the process, but the site, the subject of this application, remains their preferred site. As set out in the report the Neighbourhood Development Plan should therefore be afforded limited weight.

**Recommendation:-**

The recommendation remains unchanged from as set out on the agenda.

10. 20/00020/FUL - LAND ADJACENT LODGE FARM, WOOD ROAD, NAILSTONE

Change of use of part of land for the siting of storage container units (Use Class B8) and a machinery and maintenance building, vehicular access, screen wall and screen planting

Late items:

**Introduction:-**

Since the publication of the committee report, the owner of the site, Benjamin Smith, has submitted a statutory declaration with the application in which he declares that should the application be successful he would not subsequently be making any further applications to the Council for planning permission for the property for use as a gypsy site. Mr Smith has also declared that he would on disposal of the property impose a restrictive covenant on any future owner prohibiting the use of the land for a gypsy site.

The statutory declaration was duly sworn before a solicitor but it does not comply in its format with the requirements of section 106 Town and Country Planning Act 1990 and cannot therefore bind the land the subject of the planning application

The means by which a restriction can be placed on the land in these circumstances is through an agreement or a unilateral undertaking pursuant to section 106

To that end Mr Smith has submitted a unilateral undertaking pursuant to section 106 in which he covenants that he will not apply for planning permission for a caravan site provided that the application has been approved by the Council and if the application is successful he would impose a restrictive covenant on any future owner prohibiting its use as a caravan site

The Community Infrastructure Regulations 2010 are relevant here. Regulation 122 states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is

- a) Necessary to make the development acceptable in planning terms,
- b) Directly related to the development
- c) Fairly and reasonably related in scale and kind to the development

All three tests must be met

It is clear that the undertaking is not necessary to make the development acceptable in planning terms. It has no relevance to the acceptability or otherwise of the proposed development. Members are therefore advised that it should not be taken into account in the consideration of this application, which should be considered on its own merits

The applicant has been notified that this is the advice that will be given to committee in relation to the undertaking and the planning application.

It has also been drawn to the Council's attention that the committee report includes reference to Wood Road having a speed restriction of 60 mph. It is accepted that this speed limit has only recently been reduced to 50 mph. The speed survey submitted with the planning application detailed 85% speeds of 51mph in a northerly direction and 50mph in a southerly direction. It is confirmed that the evidence used in the highway section of the report and in the consultation response received from LCC as Highway Authority was based on vehicular speeds of between 50-51mph along Wood Road.

**Recommendation:-**

The recommendation in the committee report remains unaltered in that planning permission should be refused for the proposal.