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

Date: 07 July 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, 7 JULY 2020** 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. **19/01256/FUL - HANGMANS HALL FARM, TWENTY ACRE LANE, SUTTON CHENEY**

Application for construction of a 62 hectare solar park to include the installation of solar photovoltaic panels to generate electricity with access from Wharf Lane and Stapleton Lane and associated substations, inverters, perimeter stock fencing, access tracks, CCTV and landscaping

Late items:

Consultations:-

Final comments have been received from LCC Highways who do not object to the proposal subject to conditions.

Final comments have been received from LCC Archaeology who object to the proposal

Appraisal:-

The Local Highway Authority Advice is that, in its view, 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 development therefore does not conflict with paragraph 109 of the National Planning Policy Framework (2019), subject to the conditions and/or planning obligations outlined in this report.

The Applicant has submitted PFA Consulting drawing number E197/03 Rev C, which details a revised site access. The submitted tracking drawing details that vehicles will be able to exit the site without crossing the centreline. The Applicant has proposed to reduce the radii of the access following construction at the request of the LPA. While the reduction in access width is not considered essential to the LHA, this reduction is accepted and the LHA would have no objection to the access radii being reduced as detailed once construction is complete.

The Applicant has advised they will manage HGVs on Fenn Lanes by way of radio communication on the basis that outbound HGV's from the site would be held on-site and only released from the site when inbound HGV's to the site are clear of the Fenn Lanes/A444 junction and Sutton Wharf Bridge. The Applicant will include these measures within a Construction Traffic Management Plan, which the LHA would advise is secured by condition.

The final comments from LCC Highways therefore confirm that the additional information satisfactorily addresses the concerns raised and there are no outstanding Highways matters that require addressing.

LCC Archaeology refer back to previous detailed comments as, broadly speaking, their views and concerns regarding the adverse impacts upon the setting and special character of the registered battlefield remain unchanged. LCC Arch. retains their outstanding concerns regarding the harm that the development would have on the rural and historic setting of the battlefield. LCC Arch. refer to the revised and detailed comments issued by Historic England, and are fully supportive of their position in objecting to this scheme.

In addition to the above expressed concern, LCC Arch. also wish to reiterate their concerns regarding the absence of proper assessment of the below-ground archaeological potential of the site. While in response to previous comments, the applicant has commissioned a geophysical survey of the application area, LCC Arch. do not consider this to provide an adequate assessment of the archaeological potential that the site holds.

Having reviewed the submitted report on geophysical survey, it has been noted that the work has been effective in identifying positive evidence for archaeological activity in the south-eastern part of the site, in the form of a series of apparent ring- gullies and linear ditches that may represent the remains of Iron Age settlement. Survey across the remainder of the site is more inconclusive- there is no trace of the projected Roman road that is believed to cross the area from north-east to south-west for example, and given that not all types of archaeological activity are sensitive to geomagnetic survey techniques, as previously stated, LCC Arch. consider the geophysical survey cannot be considered in isolation as a sufficient means of understanding the full and particular archaeological potential of this site.

In order to complete the assessment, LCC Arch. advise this work needs to incorporate the results of a programme of field-walking and metal-detector survey across the area, techniques which have been used to great effect across the surrounding area as part of the Bosworth Battlefield Project in identifying strategic locations and events associated with the battle. The results of these non-intrusive surveys must then be followed by a programme of intrusive, targeted trial trenching, in order to test the results and characterise the nature and extent of any archaeological deposits identified through non-intrusive methods. LCC state that, this information should be submitted to the planning authority before any decision on the planning application is taken, so that an informed decision can be made, and the application refused or modified in the light of the results as appropriate. LCC Arch, advise that without the information that such an Assessment would provide, it would be difficult in our view for the planning authority to assess the archaeological impact of the proposals.

Recommendation:-

The comments from LCC Highways do not change the recommendation from the report.

However, should the application be approved LCC Highways recommend conditions in relation to construction traffic management, access, visibility and surfacing details and a scheme for the treatments of the diverted Public Rights of Way.

In light of comments from LCC Archaeology an additional reason for refusal is required as follows;

2. Insufficient information has been submitted to demonstrate that the proposed development will not result in harm to the significance of buried archaeological remains, and has provided no measures to minimise or avoid such harm or demonstrate satisfactory justification of the proposal. The proposal is therefore in conflict with Policies DM11, DM12 and DM13 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the overarching principles of the National Planning Policy Framework (2019) with particular reference to Section 16.

8. 19/01112/OUT - LAND AT REAR OF 131 LUTTERWORTH ROAD, BURBAGE

Application for residential development (outline – access only)

Late items:

Consultations:-

The Council is in receipt of two further letters of objection following the publication of the committee agenda making the following points:

- 1) The committee extract explains why the access should be granted planning permission on the basis that the future residential development is sustainable and not in breach of local policy
- 2) We were strongly advised as neighbours to comment on access only not the potential development
- 3) Hinckley and Bosworth Borough Council is adopting a dual standards approach by clearly demonstrating that non-submitted, non-considered application considerations could be taken in to account as material considerations
- 4) Only 20% of the document is dedicated to the access itself. It almost looks like that the potential development has already been considered as good to go
- 5) The Committee Extract document has been uploaded onto the planning portal which appears to be giving a green light for the whole development to proceed instead of just the access proposal
- 6) Very little notice has been given for the Committee preparation which takes an entirely new spin and vector now. There is absolutely no chance to defend residents grounds within 3 minutes against this in what appears to be a foregone decision
- 7) This change of emphasis on the application cannot and should not be considered at all without further public consultation
- 8) A satisfactory explanation should be provided as to why the approach to the application has been significantly altered and application 19/01112/OUT is still going to be considered.

Appraisal:-

The proposal has a development description of “Residential development (outline- access only)” this description appears on the publication of the planning application, including the site notice and neighbour letters that were sent. Therefore, publication of this application was carried out correctly and in accordance with statutory requirements.

Outline planning applications are designed to establish the principle of development, in this instance residential development of the site. However, the applicant has the option to reserve some matters for consideration later. With this particular application the applicant reserved all matters for consideration other than access. At this stage consideration is given to the access of the site, as well as the principle of residential development. The content of the Committee Report covers the relevant material planning considerations as part of the assessment of the application.

No changes to the proposal have been made without further publicity of the application with the exception of an indicative layout plan. However as this plan is indicative it is not for approval as part of this application as the layout of the development is still a matter for consideration. This plan makes no material change to the considerations of the described proposed development.

Notification of the planning committee has been carried out in the same way via post or in the majority of cases via email to the address from which the objection was sent. Notification that the application would be reported to committee has therefore been fair and does not depart from the procedure carried out at all Planning Committees.

Recommendation:-

The recommendation is unchanged from that which is printed on the agenda.

9. 19/01060/S106 - FORMER HIGHWAY LAND, LEICESTER ROAD, GROBY

Application for deed of variation to amend the section 106 agreement relating to 15/00767/OUT to provide an all affordable housing scheme comprising of 10 affordable units and 20 shared ownership and removal of all other obligations

Late items:

Consultations:-

Groby Parish Council have provided additional comments, and object to the removal of S.106 payments. Groby Parish Council state that contributions are particularly important in this type of case, as the most probable occupants of the houses are likely to be in need of the facilities supported by S.106 contributions, such as school, health services, libraries, public transport and play and open space.

Recommendation:-

The recommendation is unchanged from that which is printed on the agenda.

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