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Hinckley & Bosworth
Borough Council

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

Date: 25 May 2021

To: **Members of the Planning Committee**

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(other recipients for information)

Dear Councillor,

Please see overleaf a Supplementary Agenda for the meeting of the **PLANNING COMMITTEE** on **TUESDAY, 25 MAY 2021** 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. 20/01319/FUL - UNIT 3, 25 HAWLEY ROAD, HINCKLEY

Application for change of use from retail to vehicle autocentre (B2). External alterations to remove loading dock area and ramp, associated amendments to west elevation and roof, insertion of new glazed shopfront, entrance and roller shutter doors, reconfiguration of car park to facilitate proposed LCC road improvements to Hawley Road and Rugby Road, consisting of alterations to car parking area and layout, and bin storage.

This application has been withdrawn.

8. 20/01021/OUT - LAND AT STATION ROAD, MARKET BOSWORTH

Application for residential development up to 63 dwellings with associated access, landscaping, open space and drainage infrastructure (Outline - access to be considered)

Late items received after preparation of agenda:

Introduction:-

Following the publication of the committee report the following additional correspondence has been received from a neighbouring business:

- 1) Correspondence from an occupier of one of the Industrial units to the South of Station Road has been received stating that the Council has failed to consider them in the context of the applicant for the development being an agent of change under paragraph 182 of the NPPF

Following the publication of the committee report comments from 6 additional residents have been received and raise the following:

- 1) Whether an objection letter received does state that “ The allocated site at Station Field would be compatible with JJ Churchill remaining in its current location, given distances, screening and orientation of the noise-generating activity” (number 17) or is this a typo and the text should read as “The allocated site at Station Field would be incompatible”
- 2) The amount of development proposed in Market Bosworth
- 3) Whilst the section on Transport Sustainability in the report does state that there is a requirement to upgrade the existing bus stops, the contribution required has not been included in the obligations required to be secured as part of a Section 106 Agreement
- 4) Speeding traffic along Station Road makes walking along the footpath scary and frightening, it’s like walking alongside a motorway when walking to the water park
- 5) Contrary to the neighbourhood plan
- 6) The fields here are a welcome break to another wise built up frontage
- 7) Concerns with consultation
- 8) Road congestion if Station Fields went ahead directly opposite it
- 9) Neighbourhood plan has outlined the need for housing with allocated sites

- 10) Objections from local people are being ignored
- 11) Market town is slowly turning into one big housing estate.
- 12) Impacts upon wildlife and the environment
- 13) No green representatives on the councils panel

Further correspondence has also been received from Market Bosworth Parish Council and the Bosworth Vision Planning Group raising the following issues

- 1) The Neighbourhood Plan is not out of date
- 2) The views of local people have not been taken into account
- 3) The character of the area and the harm has not been properly considered
- 4) Impact on local businesses
- 5) No holistic oversight of speculative development
- 6) Opens the door to further development
- 7) Insufficient capacity at local schools
- 8) There has not been consultation on the amended plans.

Appraisal:-

Noise and impact on the existing industrial estate

The requirement under Paragraph 182 of the NPPF is that:

“Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.”

Planning Practice Guidance then sets out how applications should be assessed in relation to noise. The ‘agent of change’ under paragraph 182 in this case would be the applicant who is proposing residential development near to an existing industrial estate.

Paragraphs 8.72 onwards in the committee report assess the proposal against pollution from noise. A Noise Impact Assessment report (NIA) was carried out by M-EC for the proposed development. The report used measurements obtained on the application site between 16 and 17 September 2020. The dominant noise on the application site was that of vehicles using Station Road.

HBBC’s Environmental Services (Pollution) (ESP) has confirmed that NIAs have been carried out for the site under previous applications. The ESP has confirmed that during those earlier assessments, data from production was provided by JJ Churchill (an occupier of one of the industrial units on Station Road) for an earlier monitoring exercise and this data was used to calculate noise levels at the proposed application site. ESP confirm that where housing was originally proposed around 62 metres from this noise source, the current application now proposes housing around 135m from this noise source. This increase in the intervening distance would reduce noise levels by around 6dB compared to the previous proposal. Therefore, the predicted potential noise level at the closest proposed residential property would be 62dB Laeq.

The ESP has confirmed that the noise assessment undertaken has used a worst case scenario in that it has assumed that machinery would be continuously operating at the façade of the JJ Churchill's building closest to the application site and that the machinery would be operating in the open air (i.e. using a direct line of sight and not factoring in any attenuation provided by the structure of the Churchill's building). It should also be noted that the noise levels used in the assessment were measured indoors by the machine rather than being a measurement of noise escaping the building.

The ESP further confirms that predicted noise levels at the site from both the road traffic (59dB Laeq daytime and 52dB Laeq night for dwellings 20m from the road) and industrial uses (around 56dB Laeq) are manageable in terms of current guidance under the Planning Practice Guidance. Indeed, BS 5228 recommends internal noise levels of 35dB Laeq during the day in habitable rooms and 30dB Laeq at night in bedrooms. The report recommends mitigation measures to control the impact of noise on the proposed dwellings in the form of upgraded glazing and ventilation and acoustic boundary treatment for rear garden/private amenity areas. The report predicts that using upgraded double glazing internal noise levels as recommended in BS8233 would result in internal noise levels being achieved. The ESP has recommended that in addition to this, mechanical ventilation is utilised so that adequate ventilation can be attained without the need for occupiers to open windows. Upgraded glazing and ventilation can be designed to achieve these levels. Acoustic fencing in private amenity areas would provide adequate protection in rear gardens with line of sight to industry.

The ESP has recommended that a worst case scenario precautionary approach should be taken. As per the above recommendation the scheme of mitigation to be used should include acoustically treated glazing, together with mechanical ventilation, to the facades of plots that face the factory and the road. Acoustic fencing should be incorporated to the design of areas not protected by the structure of buildings.

Other Noise Impact Assessments (NIAs) have been submitted for developments in the area including a NIA submitted as part of a pre-commencement condition attached to planning consent ref: 17/00632/FUL for an extension to the side of the JJ Churchill Industrial unit on Station Road. The noise survey was undertaken in September 2017 where a noise monitor was located on the boundary of the JJ Churchill site next to Station Road and opposite the access road to the nearest residential property to the proposed extension which was a residential property some 79 metres to the NW of the extension. This noise survey was considered representative of the existing environmental noise levels to impact the adjacent dwelling.

The NIA concluded that noise levels at the nearest noise sensitive façade of this residential dwelling would be approximately 19 dBA which would not exceed the maximum permissible noise level target of 26 dBA and therefore complaints were deemed to be unlikely. The conclusions of the NIA were accepted by the Council in writing and so no noise mitigation measures were required for this development.

As stated above, the NIA considered the impact of noise on a property some 79 metres from the JJ Churchill industrial unit. The dwellings proposed as part of this housing scheme would be some 135 metres away from the unit. As concluded in the JJ Churchill's NIA, noise levels will decay at a rate of 6dB per doubling of distance. Therefore, there is no reason to conclude that noise levels experienced by the proposed residents of these housing units would be greater than those already experienced by the existing residents.

The application is submitted in outline format and all matters (apart from access) are reserved for later consideration. The mitigation measures as set out in the guidance would

be required to be imposed at the detailed design stage. Therefore, should permission be granted, specific recommendations for noise control should be agreed once this detailed design is established. These details for protecting the proposed dwellings from noise from the nearby road and adjacent industrial estate which includes remediation works where required and programme of implementation will need to be agreed and implemented as part of the pre-commencement condition recommended by the ESP before any of the dwellings are occupied. This approach is in accordance with advice in Planning Practice Guidance and the NPPF and would comply with Policies DM7 and DM10 of the SADMP.

Correspondence has also been received questioning whether an objection letter received does state that “ *The allocated site at Station Field would be compatible with JJ Churchill remaining in its current location, given distances, screening and orientation of the noise-generating activity*” (Para 5.2 Issue number 17).

The site allocated for mixed use development in the SADMP (MKBOS02), which lies to the south of Station Road, is known as Station Field in the Design Brief published by Market Bosworth Parish Council in 2016 entitled “Station Field.” Whilst the two options for development contained in the recently adopted Development Brief for this land both include residential development close to Station Road and so within 80 metres and on the same side of Station Road as the JJ Churchill Unit, it is confirmed that the objection letter received does state that the allocated site at Station Field would be compatible with the JJ Churchill site. The applicant (being the agent for change as defined in the NPPF) for any planning application submitted on the land to the south of Station Road would also need to undertake a Noise Impact Assessment using data on production as provided by JJ Churchill to calculate noise levels for this land and ascertain whether residential development on this allocated site would be compatible with the surrounding industrial uses as required in the NPPF and Planning Practice Guidance.

Other Matters

Concerns have been raised in regard to the consultation. A 21 day consultation was undertaken in line with the statutory requirements for a planning application, letters to adjoining neighbours were sent, a site notice and publication in the Hinckley Times alongside consulting statutory and relevant consultees. Other developments have been proposed or being proposed in the nearby area and consultations have been undertaken from developers and the council on different sites within the vicinity, comments on confusion may be in regards to the number on consultations taking place at the same time

In relation to re-consultation it remains for the Council to judge whether re-consultation needs to take place and this needs to be done on a case by case basis. On any application for which further information is received a judgement needs to be made as to fairness and whether re-consultation needs to take place. The scheme has not been amended. The plans received relate to layouts and parameters which are not significantly different to the original submission more importantly though they do not change or amend the scheme. The application is in outline with all matters reserved apart from access. Matters for layout, scale, design and landscape are matters which are reserved for a future application on which the local community will be consulted. This information is illustrative and indicative and is designed to show how a development could be developed on the site, it is not the final scheme for approval as this would be the reserved matters.

All other issues raised in the neighbour responses are discussed within the original committee report and do not alter the assessment.

Conclusion

The Planning Balance undertaken in section 9 and the conclusions reached in section 11 of the committee report remain unaltered in that, on balance, the level of harm from the proposal does not significantly and demonstrably outweigh the identified benefits of the scheme when assessed against the Framework as a whole. Therefore, the presumption in favour of sustainable development does apply in this case and material considerations outweigh the conflict with some elements of the development plan. It is therefore recommended for approval subject to conditions and planning obligations.

Recommendation:-

The recommendation contained in the Committee Report remains unaltered. However, the S106 agreement should be amended to secure the additional contribution of Raised Kerb provision at the nearest two bus stops (ID's 2410 & 2411) at a cost of £3,500.00 per stop to support modern bus fleets with low floor capabilities and to encourage the use of public transport.

Grant planning permission subject to:

- The completion within 6 months of this resolution of a S106 agreement to secure the following obligations:
 - 40% Affordable Housing (25 units) with a split of 75% of the units as affordable rented and 25% of the units as shared ownership.
 - Affordable rented mix shall comprise of: 6 x 1 bed 2 person flats or quarter houses; 3 x 2 bed 4 person bungalows; 6 x 2 bed roomed 4 person houses and 4 x 3 bed roomed 5 person houses.
 - Shared ownership mix shall comprise of: 2 x 2 bed 4 person bungalows and 4 x 2 bed houses
 - £1,900.00 for library facilities at Market Bosworth Library
 - £3120.00 towards improving existing waste facilities at Barwell HWRC
 - £31,897.68 towards the cost of providing additional accommodation for 153 patients at Market Bosworth GP Surgery
 - On-site Open Space requirement of 500m² of equipped play area and Trim Trail with equipment to a minimum value of £90,965 and maintenance costs of £87,800; 1058m² of Casual/Informal Play Space and maintenance costs of £11,426 and 20042m² of natural green space along with maintenance costs of £284,596.40.
 - £303,350.20 towards primary and secondary school education in Market Bosworth.
 - Six month bus passes – two per dwelling (two application forms to be included in Travel Packs and funded by the developer) – can be supplied through LCC at £360.00 per pass.
 - Travel Plan monitoring fee of £6,000.
 - Raised Kerb provision at the nearest two bus stops (ID's 2410 & 2411) at a cost of £3,500.00 per stop

- Planning conditions outlined in the committee report

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

That the Planning Manager be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

11. 20/01170/FUL - NEW FARM, DESFORD LANE, PECKLETON

Application for change of use of agricultural land for the storage and operation of coaches, hardstanding

Late items received after preparation of main agenda:

Consultations:-

Further correspondence has been received from Peckleton Parish Council with regards to how their comments were set out in the committee report. They stated that although the report isn't incorrect it could be misconstrued, in that points 1 and 2 were "residents" concerns.

They also state that "The point the Parish Council was making was that Highways should be advising on the traffic implications for Peckleton Common" and the Parish Council were raising the question as to how trade effluent would be dealt with.

Appraisal:-

The advice from Highways regarding the traffic implications for Peckleton Common are set out in the main report. The issue of how trade effluent is managed is covered by the submitted drainage plan with which the Borough Councils Drainage Officer has no objections.

Recommendation:-

The recommendation remains unchanged from that set out in the agenda.

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