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**Hinckley & Bosworth
Borough Council**

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

Date: 04 March 2020

To: Members of the Scrutiny Commission

Cllr MR Lay (Chairman)
Cllr C Ladkin (Vice-Chairman)
Cllr P Williams (Vice-Chairman)
Cllr JMT Collett
Cllr DS Cope
Cllr MJ Crooks

Cllr SM Gibbens
Cllr A Pendlebury
Cllr MC Sheppard-Bools
Cllr R Webber-Jones
Cllr HG Williams

Copy to all other Members of the Council

(other recipients for information)

Dear member,

There will be a meeting of the **SCRUTINY COMMISSION** in the De Montfort Suite, Hinckley Hub on **THURSDAY, 12 MARCH 2020** at **6.30 pm** and your attendance is required.

The agenda for the meeting is set out overleaf.

Yours sincerely

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

Rebecca Owen
Democratic Services Manager

Fire Evacuation Procedures

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- *There are two escape routes from the Council Chamber – at the side and rear. Leave via the door closest to you.*
- Proceed to **Willowbank Road car park**, accessed from Rugby Road then Willowbank Road.
- **Do not** use the lifts.
- **Do not** stop to collect belongings.

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We also allow the use of social media during meetings, which helps to bring the issues discussed to a wider audience.

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Use of mobile phones

To minimise disturbance to others attending the meeting, please switch off your phone or other mobile device or turn it onto silent or vibrate mode.

Thank you

SCRUTINY COMMISSION - 12 MARCH 2020

A G E N D A

1. APOLOGIES AND SUBSTITUTIONS

2. MINUTES (Pages 1 - 4)

To confirm the minutes of the meeting held on 6 February 2020.

3. ADDITIONAL URGENT BUSINESS BY REASON OF SPECIAL CIRCUMSTANCES

To be advised of any additional items of business which the Chairman decides by reason of special circumstances shall be taken as matters of urgency at this meeting.

4. DECLARATIONS OF INTEREST

To receive verbally from members any disclosures which they are required to make in accordance with the Council's code of conduct or in pursuance of Section 106 of the Local Government Finance Act 1992. **This is in addition to the need for such disclosure to be also given when the relevant matter is reached on the agenda.**

5. QUESTIONS

To hear any questions in accordance with Council Procedure Rule 12.

6. PLANNING APPEALS UPDATE (Pages 5 - 26)

To update members on progress and outcomes of planning appeals.

7. S106 CONTRIBUTIONS UPDATE (Pages 27 - 34)

To provide an update on S106 contributions received and spent, secured contributions, contributions currently held and those successfully requested in 2019, any contributions nearing clawback and legislation changes.

8. THE GOOD DESIGN GUIDE SPD (Pages 35 - 40)

To seek support for the Good Design Guide Supplementary Planning Document (SPD) prior to consideration by Council.

9. FIVE YEAR HOUSING LAND SUPPLY (Pages 41 - 48)

To brief members on the current housing land supply position.

10. SCRUTINY COMMISSION WORK PROGRAMME (Pages 49 - 52)

Work programme attached.

11. MINUTES OF FINANCE & PERFORMANCE SCRUTINY (Pages 53 - 56)

For information.

12. ANY OTHER ITEMS OF BUSINESS WHICH THE CHAIRMAN DECIDES HAVE TO BE DEALT WITH AS MATTERS OF URGENCY

As announced under item 3.

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HINCKLEY AND BOSWORTH BOROUGH COUNCIL

JOINT MEETING OF THE SCRUTINY COMMISSION AND FINANCE & PERFORMANCE SCRUTINY

6 FEBRUARY 2020 AT 6.30 PM

PRESENT: Mr MR Lay - Chairman
Mr C Ladkin and Mr P Williams – Vice-Chairmen

Mr JMT Collett, Mr DS Cope, Mrs MJ Crooks, Mr SM Gibbens, Mr K Morrell,
Mrs LJ Mullaney, Ms A Pendlebury, Mr MC Sheppard-Bools, Mr R Webber-Jones and
Mr HG Williams

Also in attendance: Councillor AC Furlong and Councillor KWP Lynch

Officers in attendance: Tan Ashraf, Julie Kenny, Rebecca Owen and Ashley Wilson

301 MINUTES

It was moved by Councillor Webber-Jones, seconded by Councillor P Williams and

RESOLVED – the minutes of the meeting held on 19 December 2019 be confirmed and signed by the chairman.

302 DECLARATIONS OF INTEREST

No interests were declared

303 GENERAL FUND BUDGET

Members received the general fund budget for 2020/21. During presentation of the report and discussion thereon, the following points were noted:

- The Medium Term Financial Strategy would be presented later in the year when the government settlement had been announced – in the meantime, the current version was still valid
- The need for additional narrative for some parts of the document, in particular large variances
- Two new reserves had been created for the crematorium and environmental action
- There were sufficient resources in the Developing Communities Fund to fund those projects already committed.

The report was noted.

304 HOUSING REVENUE ACCOUNT

The commission gave consideration to the housing revenue account for 2020/21. It was noted that there was planned investment in stock and a separate report on that would be brought later in the year. The impact of the HRA subsidy buyout was explained for newer members.

In relation to a query about the increase in employee costs, it was explained that this was due to previous vacancy savings, the impending national pay award and annual pay point increases.

A member highlighted the need to consider a reserve for future initiatives such as alternatives to boilers in properties.

The report was noted.

305 CAPITAL PROGRAMME

The capital programme for 2019/20 to 2022/23 was presented to members. During discussion and in response to members questions, the following points were noted:

- In relation to the heritage action zone, some funding would be forthcoming from English Heritage and from the special expenses area budget – it was agreed that some narrative would be included in the report to Council
- The crematorium project had experienced some delays but the procurement process for the construction was now underway and the programme was on track subject to contractor availability
- The parish & community initiative fund had been increased for a year but the additional amount had remained unspent so the budget had been reduced to its former level
- The planned project to improve Barwell shop fronts had concluded, hence the reduction in funding in the budget
- Funding had not been drawn down from the Hinckley community development fund as governance arrangements had not been finalised.

The report was noted.

306 FEES AND CHARGES

The scale of fees and charges was presented to members. In relation to Building Control, members wished to understand the position of the service and the reasons for increasing the charges. It was agreed that the chairman and vice-chairmen would discuss and schedule a report for the most appropriate scrutiny body. It was noted that the new Building Control shared service was working well.

Concern was expressed that taxi drivers' costs were already high so to increase the charges further would have a negative impact on them. In response it was suggested that the increase may be statutory but officers agreed to check and advise members outside of the meeting.

It was noted that the market stall fees were proposed to be reduced to retain existing and encourage new stallholders.

An error in the report was noted in relation to the charge for allotments which would be amended in the final version for Council.

The report was noted.

307 TREASURY MANAGEMENT AND PRUDENTIAL INDICATORS

A report was received which outlined the council's prudential indicators and set out the expected treasury operations. A member asked whether Block C income was included in the commercial estates income and it was confirmed that this would be looked into.

The report was noted.

308 CAPITAL STRATEGY

The Capital Strategy for 2019/20 to 2022/23 was presented. It was noted that the information contained within it was covered by other reports but that there was a requirement to present it in this way too although it may be combined with the capital programme report when presented to Council.

The report was noted.

309 REPORT OF THE INDEPENDENT REMUNERATION PANEL ON MEMBERS' ALLOWANCES

Members received the report of the Independent Remuneration Panel on Members' Allowances which recommended no increase in basic allowances or special responsibility allowances (SRAs) but recommended a future review of SRAs, clarification of approved duties and that the Council reviews members' ICT and the committee structure.

The report was noted.

310 SCRUTINY COMMISSION WORK PROGRAMME

The work programme was considered and the following items were requested for future meetings:

- Building Control (as already discussed)
- Enforcement against illegal incursions
- Block C of the Crescent.

(The Meeting closed at 8.24 pm)

CHAIRMAN

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Hinckley & Bosworth
Borough Council

A Borough to be proud of

FORWARD TIMETABLE OF CONSULTATION AND DECISION MAKING

SCRUTINY COMMISSION 12 March 2019

WARDS AFFECTED: ALL WARDS

PLANNING APPEALS UPDATE

Report of Director (Environment and Planning)

PURPOSE OF REPORT

- 1.1 To update members on the progress of current planning appeals.

2. RECOMMENDATION

- 2.1 That the Scrutiny Commission notes the report and the appeal decisions attached at appendix 1 and current appeals attached at appendix 2.

3. BACKGROUND TO THE REPORT

Performance

- 3.1 The HBBC performance indicator (PI) for appeals is that at least 60% of all appeals should be dismissed. The table below shows the last three financial years.

Year	No of Appeals	Appeals Dismissed (%)
2017/2018	23	78%
2018/2019	45	71%
2019/2020*	78	71%

*As of 20 February 2020

- 3.2 The appeal decisions set out in appendix 1 show that since the last report in July, there have been 26 appeals decided. Of these, 11 were allowed and 15 dismissed.
- 3.3 The Council also has Central Government targets which measure the extent to which the Council's decisions are overturned at appeal (as an indicator of the quality of the decisions made by local planning authorities).
- 3.4 The thresholds for designation for the quality measure is no more than 10% of all Major applications and 10% for minor and other types of application. The measure to be used is the percentage of the total number of all decisions (approved or refused) divided by the numbers that are subsequently overturned at appeal.

- 3.5 Speeding up delays in the planning system has been one of the key drivers for successive governments. One of the drivers for the quality measure was to ensure that Councils were making decisions on applications that were sustainable but also to stop Councils refusing applications due to local opposition which they knew would then be approved at appeal which again leads to delays in development getting permission.
- 3.6 If a Council fails the quality measure set out above then the Local Planning Authority could become a “designated authority”. Where an authority is designated, applicants may apply directly to the Planning Inspectorate (on behalf of the Secretary of State) for the category of applications (major, non-major or both) for which the authority has been designated.
- 3.7 The Government measures performance over a two year assessment period and publishes those authorities that have failed to meet the criteria 9 months after the end of the period to allow time for appeals to pass through the system.

Assessment Period	Government Designation published
April 2016 to March 2018	December 2018
April 2017 to March 2019	December 2019
April 2018 to March 2020	December 2020

- 3.8 The first period of designation under these measures ended in December 2018 however the publication of the figures was considered experimental until July 2019 to allow local planning authorities time to verify the data. It has therefore only been since July 2019 that an authority could have been designated under the quality measure.
- 3.9 Only 5 out of 346 Local Planning Authorities failed this measure based on the assessment period April 2016 to March 2018.

Local Planning Authority	Number of Overturns	% Score
Epsom and Ewell	3	10.0
South Bucks	4	10.3
South Lakeland	5	10.9
Bromley	11	14.7
Peak District National Park	1	16.7

- 3.10 Over this period Hinckley and Bosworth’s performance in relation to Major applications was 1.6%.

Hinckley and Bosworth	1	1.6
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- 3.11 We are awaiting the Government’s figures for our performance for the assessment period April 2017 to March 2019 which were due to be published in December. In this period the Council determined 71 Major applications of which 2 were overturned at appeal. Our estimate is that the figure will be **2.6%** for Major applications
- 3.12 Members will also now be able to see the rolling figure for the new assessment period April 2018 to March 2020 on the Monthly Appeals Report attached to all Planning Committee Agendas. At this point we have determined 78 Major applications of which 5 have been overturned at appeal. For this assessment period our performance to date is **6.41%**.

- 3.13 The applications that have been overturned at appeal in the current assessment period are;

Application	Address	Date Determined
18/00279/OUT	Crabtree Farm, Barwell	17/08/18
18/010266/FUL	Barracks House, Barwell	07/05/19
18/00302/FUL	Amber Way, Burbage	18/10/18
18/01252/OUT	Peckleton Lane, Desford	29/07/19
16/00758/FUL	21 Station Road, Bagworth	05/06/19

- 3.14 As Hinckley and Bosworth does not receive a high number of “Major” applications, it does not take many overturns to reach the threshold. It would only take the overturn of one more Major application to take the Authority up to the 10% threshold.

	To date	Estimate (to end of designation period)
Total Majors Determined	78	90
Appeals Overturns	5	6
Quality %	6.41%	9.8%

- 3.15 Members should also be aware that the assessment period covers all applications determined up to March 2020 but the results at appeal will be factored in up until December 2020. Delaying making decisions would also not alter the end figure as any deferrals would likely lead to an appeal against non determination which are still counted as “deemed refusals” and would be treated like a refusal if overturned at appeal.
- 3.16 Officers have identified around 12 Major applications that could be determined prior to the 31st March 2020. Most of these awaiting a S106 agreements and already have a resolution to approve. This will be a priority for Officers during February and March to provide a buffer to try to prevent the Council going over the 10% for Major applications.
- 3.17 In relation to Minor / Other applications the Council determined 1,450 planning applications of which 12 were overturned at appeal. For this performance period our performance is 0.82% which is well below the 10% threshold.

Notable appeals decisions

Kyngs Golf Club, Market Bosworth

- 3.18 This application was held by way of a hearing for the erection of multi-functional recreational building, the erection of a golf simulator building, the erection of a golf buggy garage, formation of a new car parking area and new access roads and the proposed erection of 15 golf holiday homes and all associated ancillary works and landscaping. The application was refused due to the location and form of development proposed and the impact on the character and appearance of the area.
- 3.19 The Inspector dismissed the appeal stating

“The golfing and holiday aspects of the proposal would be acceptable in terms of their location relative to local services and facilities. The proposal would result in a presently defunct recreational facility being brought back into use which would add to

the facilities for local people and would benefit the area economically, together with new holiday accommodation. In terms of the location and form of development, I find that the proposals would accord with Policy 23 of the CS and Policies DM1, DM4 and DM24 of the SADMP. Compliance with these policies overall, however, is subject to the criteria relating to the effect of the proposals on the character and appearance of the area, to which I now turn.”

“I recognise the appellant’s points that the golf course is a modified landscape. Nevertheless, it is still an open site with natural features and it forms a continuous part of the green and natural environment which surrounds Market Bosworth. Indeed, I saw on site that the fact that it is a modified golf course landscape is only evident in views from the high ground to the east and from within the site itself. From lower or more distant vantage points, the features of the site are not obvious given the screening provided by intervening hedgerows and trees. Given this, I accept that the harm to the wider landscape in this case would be limited. Nevertheless, in localised views, the lodges would be prominent and intrusive and would have a detrimental impact on the existing open and undeveloped character of the site.”

“In terms of the nine detached lodges, it was explained that these would be sold to raise capital to fund construction of the clubhouse and golf course renovation. A costs appraisal was submitted by the appellant containing broad brush estimates of costs and revenues for the development. The appraisal lacks information such as land costs and does not include evidence of how the projected sales prices of the lodges or the costs of construction have been arrived at. As such, it is of limited value in assessing the overall viability and scale of the development proposed, though the Council has not offered any detailed evidence to contradict the appellant’s position.”

- 3.20 Despite Officers efforts at the Hearing and despite the appeal being dismissed the Appellant made an application for full costs against the Council. The Inspector awarded partial costs in relation to reason for refusal 3 only which is likely to be under £10k. The Inspector found

“In respect of the third RFR, the Council’s position was framed in such a way as to imply there would be a loss of facilities to an existing enterprise. That was not an accurate reflection of the situation, as no playable golf course exists, and it follows that there could be no threat to its viability. Whilst Policy DM24 seeks to resist the loss or change of use of cultural and tourism facilities including ancillary areas, there is an important difference between the loss of an existing facility and a proposal not re-providing a facility which no longer exists. The Council should have understood this distinction, and no evidence was provided to substantiate its position that a 9 hole practice course was necessary for the future viability of the golf club, or how the re-positioning of the 1st and 18th holes would undermine the functioning of the course, when there would still be a full 18-hole facility”.

“As such, the Council’s assertions that the proposal would result in less choice for members were based on vague, generalised and inaccurate assertions about the proposal’s impact which are unsupported by objective analysis. This amounts to unreasonable behaviour as set out by the PPG, and the applicant has been put to wasted expense in contesting this reason for refusal”.

Peckleton Lane, Desford

- 3.21 This was an outline planning application for up to 80 dwellings with associated works. It was refused by Planning Committee due to the impact the development would have on the landscape character on the edge of Desford. The Inspector allowed the appeal stating

“The Council can only demonstrate a deliverable housing land supply of 4.15 years although I recognise that there has been no significant under-delivery of housing in recent years when measured against relevant requirements. It was also confirmed that, in granting planning permissions on sites beyond development boundaries, the Council has been applying its policies flexibly to ensure that its housing supply has remained strong. Be that as it may, the Council now finds itself in a position where it cannot currently demonstrate a five-year supply of housing land against its current requirement, and the shortfall is significant. Although a very late submission to the Inquiry suggested a planning obligation had been signed following a resolution to grant permission for 200 houses, my conclusions are not altered.”

“As a consequence, with regard to paragraph 11 of the Framework and its associated footnote 7, the policies which are most important for determining this application are to be considered out-of-date, thus engaging the so-called tilted balance. In such circumstances, permission should be granted unless any adverse impacts of so doing would significantly and demonstrably outweigh the benefits.”

“In my view, the limited localised landscape harm would not significantly and demonstrably outweigh the significant benefits of the proposal when assessed against the Framework as a whole. In these circumstances, I consider that the appeal scheme would comprise sustainable development and the presumption in favour of such, as set out in the Framework, applies. That is a significant material consideration that outweighs any conflict with some elements of the development plan. Therefore, for the reasons set out above, I conclude on balance that the appeal should succeed.”

A5 Aquatics

- 3.22 This application was for what is known as a paragraph 79 home which is where the Government allows new dwellings to be built in the countryside but only where there are of exceptional or innovative design. The Council refused this application as it did not consider that the design of the dwelling met this criteria. The Inspector agreed and dismissed the appeal stating

“Whilst the proposals clearly set out from a specific premise which links to the character of the site, they appear to have departed from that premise. In particular, the proposed doubly curved grass roofs, part earth sheltered ground floor area, timber decking oversailing the lake and largely symmetrical layout and balance of solids and voids would result in a bold and contemporary architectural solution rather than the more simplistic form of a fishing village.”

“Nonetheless, setting this aside and considering the architectural merits of the proposed dwelling, it would be of an interesting composition and appearance that would clearly set it apart from nearby development. The proposed dwelling would therefore not be without merit. However, the Framework sets a high bar in relation to design. Whilst the proposals would be of a high quality, they would not amount to design of an exceptional quality that would be truly outstanding, reflecting the highest standards in architecture. Similarly, as the proposals would not execute the design premise that informed the original concept discussed with Opun, it could not be said

to advocate a sensitive approach to the defining characteristics of either the site or its wider setting in the local area.”

4. EXEMPTIONS IN ACCORDANCE WITH THE ACCESS TO INFORMATION PROCEDURE RULES

4.1 Open session.

5. FINANCIAL IMPLICATIONS [CS]

5.1 The Planning Service is allocated an appeals budget annually. The table below sets out the spend per year against the budget allocated. It is important to note that these figures do not include officer time and resources spent on appeals and only identify the costs for external consultants/barrister fees.

Year	Budget	Spend
2017/18	45,000	20,610
2018/19	49,000	51,101
2019/20	43,000	92,165

5.2 Public inquiries are the most expensive form of appeal, due to the need for expert witnesses for cross examination and the need for a barrister. In 2019/20, inquiries had a barrister, a consultant expert witness and officers of the council as expert witnesses. The total cost for the Crabtree Farm inquiry was £24,036, the total cost for the Cadeby Hall inquiry was £21,450 and the total cost of the Peckleton Lane enquiry totalled £43,094.

5.4 It is important to note that these figures only include the cost of external consultants/barriers and do not include the amount of officer time and resources which are significant for a public inquiry. A standard Inquiry normally equates to around 20 days of officer time from administration through to senior officer level.

5.5 Additionally, a provision will have to be set aside for new appeals not included in the above list that will be settled in future years. This is estimated to be £70,000 (based upon 2 known cases). Currently there is £43,000 in the provision so there is potential for a further cost of £27,000. Any further applications that result in an appeal will increase these costs.

5.6 In 2016 Government made it clear that planning authorities should not reject more than 10% of major development applications unnecessarily. This was particular meant to stop Councils refusing applications due to local opposition that they could easily foresee would be approved at appeal. If the 10% target is breached, it can lead to the planning powers being removed from the council. This would be a significant loss of income, which could potentially be around circa £510,000 per annum (based on an average of the last 34 months). If this happens the Service will have to reduce its cost base to meet the shortfall in income.

6. LEGAL IMPLICATIONS [MR]

6.1 None arising directly from this report.

7. CORPORATE PLAN IMPLICATIONS

7.1 The Council needs to manage its performance through its Performance Management

Framework with regard to appeals and has performed above the adopted PI of 60%.

- 7.2 It also ensures that the Council is ensuring that it is meeting the priorities of the Corporate Plan particularly *Places – Creating clean and attractive places to live and work.*

8. CONSULTATION

- 8.1 None required

9. RISK IMPLICATIONS

- 9.1 It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.
- 9.2 The lack of a 5 Year Housing Land Supply is an identified risk on the Council's Risk Register and are implementing the required mitigation actions.

<u>DLS.44</u> - Five year housing land supply	Regulatory: legislation Political: member support/approval	<u>Member engagement / training in relation to housing developments has taken place.</u> <u>"Regular Member briefings at Planning Policy Member Working Group about major housing schemes, including appeals and five year housing land supply calculations.</u> <u>Quarterly reports to Planning Committee to advise upon progress relating to strategic housing developments."</u>	3	<u>Q1. The council do not currently have a 5 year housing land supply. All Members have received training and further briefing to this effect. SLT and officers are working closely with Members to plan a positive way forward to address this.</u>
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10. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

- 10.1 The report provides an update to the Scrutiny Commission of current appeal cases. The implications of these appeals are determined on a case by case basis and can affect the planning balance when considering individual planning applications affecting all sections of the community.
- 10.2 As this report does not propose any amendment to a service or Policy, an Equality Impact Assessment is not relevant.

11. CORPORATE IMPLICATIONS

11.1 By submitting this report, the report author has taken the following into account:

- Community Safety implications
- Environmental implications
- ICT implications
- Asset Management implications
- Procurement implications
- Human Resources implications
- Planning implications
- Data Protection implications
- Voluntary Sector

Background papers:

Relevant Planning Applications documents available on the Council's Planning Portal

Criteria for Designation <https://www.gov.uk/government/publications/improving-planning-performance-criteria-for-designation>

Contact Officer: Nicola Smith ext 5970

Executive Member: Councillor Bill

Appellant	Site Address & Proposal	Method	Appeal Decision	Recommendation
Mr Nirad Solanki C/O E-Countant The Fort Offices Artillery Business Park Oswestry SY11 4AD	Barrack House The Barracks Barwell Leicester Leicestershire LE9 8EF Part demolition and conversion of existing factory to 4 apartments and erection of 4 new houses and 9 new apartments 18/01266/FUL	Written Reps Committee Decision	Appeal Allowed 05/08/2019	Non Determination
Persimmon Homes North Midlands Davidson House Meridian East Leicester LE19 1WZ	Land South Of Amber Way Burbage Leicestershire Erection of 40 dwellings and associated infrastructure 18/00302/FUL	Hearing Committee Decision	Appeal Allowed 30/09/2019	Councillor Overturn
Mr Alec Ryan 3 Winchester Street Whitchurch RG28 7AH	146 Hinckley Road Barwell Leicester Leicestershire LE9 8DN Change of use from children's day nursery to a residential care home for children with education facility. 19/00031/FUL	Written Reps Committee Decision	Appeal Allowed 15/10/2019	Councillor Overturn
Glenalmond Developments Limited C/O Agent	Land East Of Peckleton Lane Desford Leicester Leicestershire LE9 9JU Residential development up to 80 dwellings with	Public Inquiry Committee Decision	Appeal Allowed 18/12/2019	Councillor Overturn

	associated works (Outline - access only) 18/01252/OUT			
Mr Atul Lakhani C/O Agent	Land Adjacent 121 Station Road Bagworth Leicestershire Erection of 10 no. dwellings and 2 no. flats (100% Affordable Scheme) 16/00758/FUL	Written Reps Committee Decision	Appeal Allowed 07/02/2020	Councillor Overturn
Mr Jeremy Pyatt Bruton Knowles Embassy House 60 Church Street Birmingham B3 2DJ	Land At Crabtree Farm Hinckley Road Barwell Leicestershire Erection of up to 25 dwellings, provision of open space and change of use of land for new cemetery and associated shelter (Outline - access only) 18/00279/OUT	Public Inquiry Delegated Decision	Appeal Allowed 02/07/2019	Officer
Mr Martin Allen 35 Janes Way Markfield Leicestershire LE67 9SW	35 Janes Way Markfield Leicestershire LE67 9SW Boundary fencing to front and side of property (retrospective) 19/00328/HOU	Fast Track Delegated Decision	Appeal Allowed 16/12/2019	Officer
Mrs Debra Suffolk Hawthorne Cottage Main Road Upton Nuneaton Leicestershire CV13 6JX	Hawthorne Cottage Main Road Upton Nuneaton Leicestershire CV13 6JX Two Storey Side Extension, Alterations, Detached Garage and revised Site Entrance 19/00626/HOU	Written Reps Delegated Decision	Appeal Allowed 15/01/2020	Officer

Statue Homes Ltd c/o agent	Kyngs Golf And Country Club Station Road Market Bosworth Nuneaton Leicestershire CV13 0NP Change of use of vacant outbuilding to No. 1 holiday lodge and alterations to existing vehicular access onto Station Road to include the extension of the access drive 19/00230/FUL	Hearing Delegated Decision	Appeal Allowed 24/10/2019	Officer
Mr Wesley Abdulai 69 Seaforth Drive Hinckley Leicestershire LE10 0XJ	69 Seaforth Drive Hinckley Leicestershire LE10 0XJ First floor front extension (retrospective) 19/00113/HOU	Fast Track Delegated Decision	Appeal Allowed 01/10/2019	Officer
Mr Steve Smith 7 Cooper Lane Ratby LE6 0QG	9 Ratby Lane Markfield Leicestershire LE67 9RJ Variation of Conditions 2 and 3 of planning permission 18/01043/FUL for external alterations including changes to roof form, fenestration and materials. 19/00078/CONDIT	Written Reps Delegated Decision	Appeal Allowed 04/07/2019	Officer
Mr & Mrs Michael Hayward Lea Farm Twycross Atherstone CV9 3PR	Lea Grange Farm 11 Twycross Lane Orton On The Hill Atherstone Leicestershire CV9 3NP Demolition of	Written Reps Delegated Decision	Appeal Dismissed 02/01/2020	Non Determination

	agricultural building and erection of one detached dwelling (outline - access and layout only) 19/00772/OUT			
Mr Lee Brockhouse A5 Aquatics Meadow Croft Farm Watling Street Nuneaton CV11 6BG	Land North Of Watling Street Nuneaton Warwickshire Erection of dwelling, detached garage, boat house, football pitch, creation of access and associated landscaping (re-submission of 18/00207/FUL) 18/01104/FUL	Written Reps Committee Decision	Appeal Dismissed 19/11/2019	Officer
Statue Homes Ltd C/o Agent	Kyngs Golf And Country Club Station Road Market Bosworth Nuneaton Leicestershire CV13 0NP Erection of multi-functional recreational building formation of a new car parking areas, new access roads and the proposed erection of 15 golf holiday homes and all associated ancillary works and landscaping (Resubmission) 18/00732/FUL	Hearing Committee Decision	Appeal Dismissed 24/10/2019	Officer
Mr Mark Whitmore Bramble Paddock Breach Lane Earl Shilton LE9 7FB	Land Opposite 22 - 24 Merrylees Road Newbold Heath Newbold Verdon Leicester Leicestershire LE9 9NR	Written Reps Delegated Decision	Appeal Dismissed 01/10/2019	Officer

	Detached 4 bedroom dwelling (Outline - with all matters reserved) 19/00302/OUT			
Mr R Singh Marble Homes Ltd. 27-35 Sussex Street Leicester LE5 3BF	112 High Street Barwell Leicester Leicestershire LE9 8DR Development of two 1 bedroom flats 19/00732/FUL	Written Reps Delegated Decision	Appeal Dismissed 21/02/2020	Officer
Mr & Mrs O'Sullivan 122 Ashby Road Hinckley Leicestershire LE10 1SN	122 Ashby Road Hinckley Leicestershire LE10 1SN Erection of a Car Port to front of property (Retrospective) 19/00174/HOU	Fast Track Delegated Decision	Appeal Dismissed 22/08/2019	Officer
Mr M Cordingley 48 Leicester Road Hinckley Leicestershire LE10 1LT	48 Leicester Road Hinckley Leicestershire LE10 1LT Two storey rear extension, hip to gable, porch, canopy porch and bay windows 19/00726/HOU	Fast Track Delegated Decision	Appeal Dismissed 11/11/2019	Officer
Mr E Sutton Kindle House 21 Peters Avenue Newbold Verdon Leicester Leicestershire LE9 9PR	Kindle House 21 Peters Avenue Newbold Verdon Leicester Leicestershire LE9 9PR Single storey side extension, new pitched roof over existing porch and canopy along front elevation 19/00057/HOU	Fast Track Delegated Decision	Appeal Dismissed 08/07/2019	Officer

Mr Richard Seabrook 25 Warwick Gardens Hinckley Leicestershire LE10 1SD	25 Warwick Gardens Hinckley Leicestershire LE10 1SD Erection of 2 metre high gate and fence (Retrospective) 18/01151/HOU	Fast Track Delegated Decision	Appeal Dismissed 13/01/2020	Officer
Mr Paul Wragg C/o Agent	Barn B Common Farm Barton Road Carlton Nuneaton Leicestershire CV13 0RL Extension to existing barn conversion 19/00704/HOU	Fast Track Delegated Decision	Appeal Dismissed 23/12/2019	Officer
Mr F Williams 44 Mansion Street Hinckley Leicestershire LE10 0AU	44 Mansion Street Hinckley Leicestershire LE10 0AU Two storey and first floor extensions to existing garage/store 19/00486/FUL	Written Reps Delegated Decision	Appeal Dismissed 20/02/2020	Officer
Mr F Williams 44 Mansion Street Hinckley Leicestershire LE10 0AU	44 Mansion Street Hinckley Leicestershire LE10 0AU Reduction of garage with first floor extension with alterations to existing including outdoor sitting area. 19/00957/FUL	Written Reps Delegated Decision	Appeal Dismissed 20/02/2020	Officer

Ms Lisette Sampey 17 Main Street Higham On The Hill Nuneaton Leicestershire CV13 6AE	17 Main Street Higham On The Hill Nuneaton Leicestershire CV13 6AE Demolition of existing workshop, garage and wall, subdivision of plot and erection of one detached dwelling, single storey front extension to existing dwelling and new access to serve existing dwelling 19/00303/FUL	Written Reps Delegated Decision	Appeal Dismissed 21/10/2019	Officer
Mr & Mrs Jones 7 Cadeby Court Sutton Lane Cadeby Nuneaton Leicestershire CV13 0AR	7 Cadeby Court Sutton Lane Cadeby Nuneaton Leicestershire CV13 0AR Single storey rear extension and timber framed open porch to front elevation of dwelling (re-submitted scheme) 18/01259/HOU	Fast Track Delegated Decision	Appeal Dismissed 15/08/2019	Officer
Mr Benson 40 Highfields Thornton Coalville Leicestershire LE67 1AE	40 Highfields Thornton Coalville Leicestershire LE67 1AE Balcony to rear (retrospective) 18/01098/HOU	Fast Track Delegated Decision	Appeal Dismissed 30/07/2019	Officer

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PLANNING APPEAL PROGRESS REPORT

SITUATION AS AT: 28.02.20

WR - WRITTEN REPRESENTATIONS

IH - INFORMAL HEARING

PI - PUBLIC INQUIRY

FILE REF	CASE OFFICER	APPLICATION NO	TYPE	APPELLANT	DEVELOPMENT	Appeal Valid	DATES
	HW	19/01374/HOU (PINS Ref 3247571)	WR	Mr Paul Hodgson 24 Winchester Drive Burbage	24 Winchester Drive Burbage (Pitched roof to flat roof side extension)	Awaiting Start Date	
	CS	19/00833/OUT (PINS Ref 3246720)	WR	Mr Christie Glenn 18a Coventry Road Burbage	20 Coventry Road Burbage (Erection of one dwelling (outline - access and layout only))	Appeal Valid Awaiting Start Date	24.02.20
	CG	19/00714/FUL (PINS Ref 3246434)	WR	Keith Baxter Garden Farm Bagworth Road Narlestone	Forge Bungalow Main Street Cadeby (Demolition of existing bungalow and erection of 2 no dwellings)	Appeal Valid Awaiting Start Date	21.02.20
	EC	19/01145/HOU (PINS Ref 3245403)	WR	Mr York 14 Almond Way Earl Shilton LE9 7HZ	Thirlmere 42 Far Lash Burbage (Raising of ridge height and loft conversion to create a 1.5 storey dwelling, side extension and external alterations to the dwelling)	Appeal Valid Awaiting Start Date	24.01.20
	RH	19/01011/OUT	PI	Gladman Developments Ltd Gladman House Alexandria Way	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))	Notification of intention to submit the appeal (Likely submission date of appeal 31.01.20)	17.01.20
20/00004/PP	SW	19/00934/OUT (PINS Ref 3244630)	WR	Ms J Cookes 2A Drayton Lane Fenny Drayton	2A Drayton Lane Fenny Drayton Nuneaton (Erection of one dwelling (Outline with layout to be considered))	Start Date Statement of Case Final Comments	07.02.20 13.03.20 27.03.20

20/00007/VCON	OP	19/01079/CONDIT (PINS Ref 3244583)	WR	Mr Ricky Child 89 Hinckley Road Burbage	339 Hinckley Road Burbage (Removal of condition 9 (removal of permitted development rights) of planning permission 19/00413/FUL)	Start Date Statement of Case Final Comments	18.02.20 24.03.20 07.04.20
20/00005/FTPP	GS	19/00929/HOU (PINS Ref 3243531)	WR	Mr Leigh Jones 28 Hall Lane Witherley Atherstone	28 Hall Lane Witherley Atherstone (Single storey extension to front and rear, two storey rear extension, first floor front and side extension)	Start Date Awaiting Decision	10.02.20
20/00006/FTPP	GS	19/00887/HOU (PINS Ref 3244239)	WR	Mrs Lisa Mallon 22 Flaxfield Close Groby	22 Flaxfield Close Groby (Single storey front, side and rear extension, including new fence and gates)	Start Date Awaiting Decision	17.02.20
20/00002/PP	GS	19/01049/FUL (PINS ref 3243667)	WR	Mrs Susan Birch Wrask Farm Desford Road Newbold Verdon	Land West Of Wrask Farm Desford Road (Erection of one dwelling)	Start Date Statement of Case Final Comments	21.01.20 25.02.20 10.03.20
20/00001/PP	SW	19/00996/FUL (PINS Ref 3243353)	WR	Mr & Mrs A Sanderson Garland Gables Garlands Lane Barlestone	Garland Gables Garland Lane Barlestone (Conversion of ancillary domestic storage building to a four bed dwelling and demolition of a barn)	Start Date Final Comments	13.01.20 02.03.20
19/00039/PP	GS	19/00198/OUT (PINS Ref 3239130)	WR	Mrs Zoe Finlay Spring Hill Farm Wykin Road Hinckley	Land Adjacent To 29 Elizabeth Road Hinckley (Erection of one dwelling (outline - all matters reserved))	Start Date Awaiting Decision	06.11.19
	CG	19/01164/CLUE (PINS Ref 3246256)	IH	George Denny Old House Farm Sutton Lane Cadeby	The Old House Farm Sutton Lane Cadeby (Certificate of lawful use for the change of use from agricultural land to residential curtilage)	Appeal Valid Awaiting Start Date	05.02.20
	CG	19/00391/CLUE (PINS Ref 3238743)	IH	George Denny Old House Farm Sutton Lane Cadeby	The Old House Farm Sutton Lane Cadeby (Certificate of lawful use for the change of use from agricultural land to residential curtilage)	Appeal Valid Awaiting Start Date	29.10.19

	CG	18/01255/CLUE (PINS Ref 3238520)	IH	George Denny Old House Farm Sutton Lane Cadeby	The Old House Farm Sutton Lane Cadeby (Certificate of lawful use for the change of use from agricultural land to residential curtilage)	Appeal Valid Awaiting Start Date	29.10.19
20/00003/NONDET	RW	19/00253/CONDIT (PINS Ref 3236523)	WR	Mr Gerry Loughran Poundstretcher Limited c/o Landmark Planning Ltd	Crown Crest PLC Desford Lane Kirby Muxloe Leicester (Variation of Condition 11 of planning permission 10/00332/FUL and planning permission 12/00313/CONDIT to extend the permitted days and hours during which deliveries can be taken at, or dispatched from, the site to: Mondays to Fridays (including Bank Holidays) 06.00 to 23.00; Saturdays 08.00 to 18.00 and Sundays 09.00 to 13.00.)	Start Date Statement of Case Final Comments	03.02.20 09.03.20 23.03.20
19/00038/RPAGDO	RH	19/00538/CQGDO (PINS Ref 3236060)	WR	Mr Rob Jones Winfrey Farm Dadlington Lane Stapleton	Winfrey Farm Dadlington Lane Stapleton (Prior notification for change of use of agricultural buildings to 5 dwellinghouses (Class C3) and for associated operational development)	Start Date Awaiting Decision	05.11.19
19/00031/PP	SW	19/00093/FUL (PINS Ref 3235944)	WR	Mr David Jackson SW Jackson Manor Farm 2 Carlton Road Barton in the Beans	Manor Farm 2 Carlton Road Barton In The Beans (Demolition of existing agricultural buildings and erection of 8 dwellings with associated landscaping)	Start Date Awaiting Decision	13.09.19
19/00022/NONDET	RW	19/00213/CONDIT (PINS Ref 3229530)	WR	Centre Estates Limited 99 Hinckley Road Leicester	Land Off Paddock Way Hinckley (Application Reference Number: 17/00115/FUL (Appeal Reference: APP/K2420/W/17/3189810) Date of Decision: 13/09/2018 Condition Number(s): 2)	Start Date Awaiting Decision	21.06.19

19/00043/ENF	WH	18/00268/UNUSES (PINS Ref 3222721)	WR	Mr Andrew Charles Swanbourne Dawsons Lane Barwell	Land East Of The Enterprise Centre Dawsons Lane Barwell (Siting of 2 storage containers ancillary to the existing equestrian use)	Start Date Awaiting Decision	29.11.19
19/00042/PP	WH	18/01051/FUL (PINS Ref 3222720)	WR	Mr Andrew Charles Swanbourne Dawsons Lane Barwell	Land East Of The Enterprise Centre Dawsons Lane Barwell (Siting of 2 storage containers ancillary to the existing equestrian use)	Start Date Awaiting Decision	29.11.19

Decisions Received

	OP	19/01219/OUT (PINS Ref 3245874)	WR	Mr Steve Walters 2 Preston Drive Newbold Verdon	2 Preston Drive Newbold Verdon (Residential development for one dwelling (Outline- all matters reserved))	WITHDRAWN	07.02.20
19/00032/PP	CG	16/00758/FUL (PINS Ref 3234826)	WR	Mr Atul Lakhani Farland Trading Ltd 36 Thurnview Road Leicester	Land Adjacent 121 Station Road Bagworth (Erection of 10 no. dwellings and 2 no. flats (100% Affordable Scheme))	ALLOWED	07.02.20
19/00037/ENF	TW	18/00300/UNHOUS (PINS Ref 3234608)	WR	Mr Stuart Mallinson 34 Wendover Drive Hinckley	34 Wendover Drive Hinckley (Erection of a fence adjacent to a highway)	DISMISSED	17.02.20
19/00045/PP	CG	19/00957/FUL (PINS Ref 3241551)	WR	Mr F Williams 44 Mansion Street Hinckley	44 Mansion Street Hinckley (Reduction of garage with first floor extension with alterations to existing including outdoor sitting area)	DISMISSED	20.02.20
19/00044/PP	CG	19/00486/FUL (PINS Ref 3241548)	WR	Mr F Williams 44 Mansion Street Hinckley	44 Mansion Street Hinckley (Two storey and first floor extensions to existing garage/store)	DISMISSED	20.02.20

19/00040/PP	CG	19/00732/FUL (PINS Ref 3238555)	WR	Mr Singh Marble Homes Ltd 27-35 Sussex Street Leicester	112 High Street Barwell (Development of two 1 bedroom flats)	DISMISSED	21.02.20
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Designation Period 1 April 2018 - 31 March 2020

Appeal Decisions - 1 April 2018 - 29 February 2020 (Rolling)

Major Applications

No of Appeal Decisions	Allowed	Dismissed	Split	Withdrawn	Officer Decision			Councillor Decision			Non Determination		
					Allow	Spt	Dis	Allow	Spt	Dis	Allow	Spt	Dis
11	7	4	0	0	2	0	4	4	0	0	1	0	0

January - Total No of all Major decisions made 77/Total No of appeals allowed 4 = 5.1%

February - Total No of all Major decisions made 78/Total No of appeals allowed 5 = 6.41%

Minor/Other Applications

No of Appeal Decisions	Allowed	Dismissed	Split	Withdrawn	Officer Decision			Councillor Decision			Non Determination		
					Allow	Spt	Dis	Allow	Spt	Dis	Allow	Spt	Dis
67	16	50	1	0	15	1	45	1	0	4	0	0	1

January - Total No of all Minor/Other decisions made 1450/Total No of appeals allowed 12 = 0.82%

February - Total No of all Minor/Other decisions made 1499/Total No of appeals allowed 12 = 0.80%

Enforcement Appeal Decisions

No of Appeal Decisions	Allowed	Dismissed	Split	Withdrawn
5	0	5	0	0

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Hinckley & Bosworth
Borough Council

A Borough to be proud of

FORWARD TIMETABLE OF CONSULTATION AND DECISION MAKING

SCRUTINY COMMISSION

12 MARCH 2020

WARDS AFFECTED: ALL WARDS

S106 CONTRIBUTIONS UPDATE

Report of Director (Environment and Planning)

1. PURPOSE OF REPORT

- 1.1 To update Scrutiny Commission on S106 contributions received and spent in the 2019 calendar year.
- 1.2 To update members on secured contributions for 2019, contributions currently held and contributions successfully requested for 2019.
- 1.3 To update members of any contributions nearing clawback.
- 1.4 To update members of legislation changes

2. RECOMMENDATION

- 2.1 That the report be noted.

3. BACKGROUND TO THE REPORT

- 3.1 When implementing certain types of planning permissions (most notably major residential schemes), developers are required to make financial contributions towards providing or improving local infrastructure. These contributions are used to mitigate the impact of the development on local community facilities and can be requested where they are supported by planning policies and meet the three tests in Regulation 122 of the CIL Regs 2010. Examples of contributions levied by the Council include the improvement of local parks (play and open space), police contributions and health facilities.
- 3.2 Table 1, below, sets out a summary of the financial contributions secured by planning permissions during 2019 for which HBBC are responsible to collect, where upon triggers have been met. Table 2 gives a summary of financial contributions secured for services for which Leicestershire County Council is responsible. Table 3 provides a summary of the total financial contributions that have been received and available

to spend on relevant projects, in accordance with the relevant S106 agreement. In all cases previous years figures have also been included for comparison.

Table 1: HBBC approximate value of s106 contributions secured (not yet received) by planning permissions issued during 2019:

	2017	2018	2019	TOTALS
Affordable Housing Commuted Sum	-	-	£1,187,227	£1,187,227
Off site open space (capital and maintenance)	£ 412,334	£ 129,085	£424,358	£965,777
On site open space (maintenance)	£ 188,121	£2,070,791	£403,991	£2,662,903
Health facilities/improvements	£ 281,050	£ 490,782	£223,973	£995,805
Police infrastructure	£ 112,966	£ 277,483	-	£390,449
Public Realm	£ 258,500	£ 305,000	-	£563,500
Community Facilities	-	£ 402,247	-	£ 402,247
National Forest	-	-	£7,700	£7,700
Total	£1,252,971	£3,675,388	£2,247,249	£7,175,608

Note: No police contributions have been requested for 2019

Table 2: Leicestershire County Council value (approximate) of s106 contributions secured, (not yet received) through planning permissions for 2017, 2018 & 2019.

	2017	2018	2019	TOTALS
Education (approx. due to methodology & includes new school for £4,035,000.00 2018 Hinckley West Application)	£ 2,900,202	£6,677,221	£1,484,941	£11,062,364
Bus service contribution (approx. Max)	-	£ 750,000	-	£ 750,000
Bus pass contribution	£ 21,000	£ 171,465	£194,580	£387,045
Bus stop improvements contribution	£ 188,122	-	£11,900	£200,022
Civic amenities	£ 17,336	£ 42,101	£11,144	£70,581
Highways contributions*	£ 281,050	£ 780,554	£225,250	£1,286,854
Library	£ 11,473	£ 25,650	£6,605	£43,728
Public right of way	-	£ 13,355	-	£13,355

contribution				
Pedestrian connectivity/ safe route to School	-	£ 140,810	-	£140,810
Travel Pack / Plan /Monitoring	-	£ 62,260	£35,756	£98,016
Traffic Regulation Order	-	-	£15,000	£15,000
Total	£ 3,419,183	£8,663,416	£1,985,176	£14,067,775

Note: LCC obligations are approximate based on all dwellings being 2 bed+.

*Does not include highway infrastructure secured through Section 278 Agreements.

Table 3: Contributions held by HBBC and available to spend;

	2017	2018	2019
Total for play and open space (on and off site provision & maintenance)	£1,541,207	£1,380,128	£1,409,023
Off-site affordable housing commuted sums	£ 502,508	£ 265,508	£541,141
Health facilities	£ 602,713	£ 405,470	£352,548
Police infrastructure	£ 130,411	£ 90,200	£99,227
Town Centres infrastructure/Public Realm	£ 167,300	£ 167,300	£168,832
Canal & River Trust	£ 51,673	£ 51,673	£51,673
Arriva Bus Service enhancement 7/7A	-	£ 107,912	-
National Forest	-	-	£12,804
Leicestershire County Council	-	£ 19,959	£48,459
Total	£2,995,812	£2,488,150	£ 2,683,707

- 3.3 The Finance section reconciles the information on a 3 monthly reconciliation. A monthly aged debt report is forwarded to the planning service so outstanding contributions can be chased.
- 3.4 Regular discussions also continue to take place with relevant bodies i.e. Parish Councils; Police and West Leicestershire Clinical Commissioning Group (CCG) where necessary to identify projects in their areas to assist in ensuring that contributions are spent promptly within timescales.
- 3.5 Draft section 106 agreements are checked to ensure obligations can be successfully implemented in the future.
- 3.6 Table 4 below shows contributions totalling £280,442 that are nearing clawback dates. Specific dates for each contribution are detailed in the table. £155,121 is to be spent in 2020 and £125,321 in 2021. Each Parish Council/organisation has been informed of these timescales and the associated risks if not spent as part of their quarterly email updates.

Table 4: Contributions to be spent by December 2021

Parish/ Body	Application Site	Total Contribution secured	Amount left to spend	Clawback date	Update on spend as of January 2020
Health (West Leicestershire CCG)	DWH & Bellway The Greens (T179) 10/00661/OUT	£266,107	£18,017	15/05/2020	£18k remaining to spend. West Leicestershire CCG aware of this and risk of losing if not spent
Canal & River Trust	Taylor Wimpey Greyhound stadium 12/00341/FUL (T164)	£51,674	£51,674	09/07/2020	Waiting for works to be approved, commence and be completed prior to clawback date. Canal & River Trust have been informed of the risk that they will lose the contribution if works are not completed in the timeframe.
Burbage Parish Council	Bellway Workhouse Lane 13/00147/FUL (T151)	£53,191	£13,446	13/07/2020	The next play & open space project is being worked on by Burbage Parish Council.. The Parish Council is well aware of the clawback date.
Burbage Parish Council	DWH Three Pots 13/00094/FUL (T53)	£44,100	£44,100	20/11/2020	Burbage Parish Council is currently working towards a scheme for the play and open space contribution to be spent on. They are fully aware of the clawback dates. Request should be received March 2020
Public Realm - HBBC	14/01066/FUL Hawley Road (T175)	£88,171	£27,884	1/12/2020	Team aware of clawback date and risks. Looking to use contribution towards some small improvements in line with the public realm masterplan and the Hinckley Town Centre Area Action Plan.
Affordable Housing Commuted Sum - HBBC	13/00725/FUL St Marys Vicarage (T180)	£252,649	£90,149	06/04/2021	In hand with Affordable Housing and Enabling Officer to possibly go towards Middlefield Lane properties. Estimated spend Autumn 2020.
Bagworth Parish Council	Land South of Maynard (T3) 12/00127/FUL	£69,630	£1,000	18/05/2021	Bagworth Parish Council are aware, awaiting for confirmation of what the play and open space contribution will be spent on
Ratby Parish Council	15/00065/FUL 166 Station Road Ratby Westleigh (T236)	£25,093	£25,093	03/10/2021	The Parish Council is aware and is looking at what project they would like to use the contribution towards
Groby Parish Council	The Brant (T122) 14/00502/FUL	£17,825	£9,079	08/12/2021	The Parish Council have been specifically made aware in latest update December 2019 for the play and open space contribution
Total			£280,442		

- 3.7 Last year £340,929 was reported to be spent within an approximately 2 year period. The amount set out above for 2020/21 has been reduced which is the result of the improvements put in place and the continuous working together with Parishes, Town Councils and external bodies where contributions are held on their behalf.
- 3.8 A total of £275,278 Section 106 contributions were successfully released in 2019 towards new equipment and improvements for play & open spaces areas and associated maintenance within the Borough.
- 3.9 A total of £244,876 contributions which are held by HBBC on behalf of other bodies were successfully released in 2019. Broken down these are;
- £166,536 to West Leicestershire CCG for improvements/equipment to Burbage Tilton Road Surgery, Hollycroft Surgery, Hinckley Centre Surgery and Earl Shilton Heath Lane Surgery
 - £72,412 was released for the Arriva Bus Service in Burbage for the enhancement of bus service 7/7A to serve the Sketchley Brook development until July 2019
 - £5,928 was released to the Police for a crime prevention project to support residents in fear or have been victims of crime.
- 4.0 New legislation namely the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 came into effect on 1st September 2019 and introduced a few changes. The changes relevant to Hinckley and Bosworth Borough Council as a non-CIL Charging authority are as follows:
- Regulation 123 (Further limitations on use of planning obligations) has been deleted so there is no limit as to the number of planning obligations that could be used to fund a single infrastructure project which means that pooling restrictions have been removed. Previously only five contributions could be asked for one infrastructure project;
 - Regulation 122 (Limitation on use of planning obligations) has been amended to make clear that subject to certain conditions a local planning authority is allowed to include a monitoring fee in agreements under section 106.
- 4.1 Regulation 9 Annual Infrastructure Funding Statements and CIL Rate Summary introduces Part 10A (Reporting and monitoring on CIL and planning obligations) Regulation 121A requires Local Authorities that receive developer contributions to publish an Annual Infrastructure Funding Statement which must state the following:
- A statement of infrastructure projects or types of infrastructure which the Council intends will be wholly or partly funded by S106; and
 - A report about planning obligations, in relation to the previous financial year which includes:
 - Amount of money to be provided under any planning obligations entered in to;
 - Total amount of money received;
 - Total amount of money received before the previous financial year which has not been allocated;
 - Summary of non-monetary contributions in relation to affordable housing (units);
 - Total amount of money received which was allocated but not spent;
 - Total amount of money which was spent by the Council (including those transferred to another party – parish council etc);

- Total amount of money which was allocated by the Council and not spent; and
 - The total amount of money during any year which was retained at the end of the last financial year and where that money has been allocated for the longer term maintenance.
- 4.2 The first Annual Infrastructure Funding Statement must be published on the Council's website by 31st December 2020 and then published annually thereafter.
- 4.3 Planning obligations collected by Leicestershire County Council such as education, highways, civic amenity and libraries will be reported by Leicestershire County Council and not Hinckley and Bosworth Borough Council.
- 5. EXEMPTIONS IN ACCORDANCE WITH THE ACCESS TO INFORMATION PROCEDURE RULES
- 5.1 This report is to be taken in open session.
- 6. FINANCIAL IMPLICATIONS [CS]
- 6.1 The financial aspects are covered in the main body of the report, however members should be aware that should contributions not being spent within the period of time set out in agreements, developers have the option to clawback the funding. This will be reported in the Council's Infrastructure Funding Statement as required by Government annually.
- 7. LEGAL IMPLICATIONS [MR]
- 7.1 Set out in the report
- 8. CORPORATE PLAN IMPLICATIONS
- 8.1 This report contributes to Aim 1 of the Corporate Plan – Creating a vibrant place to work and live.
- 9. CONSULTATION
- 9.1 None required.
- 10. RISK IMPLICATIONS
- 10.1 It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.
- 10.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. Reporting systems and databases are continuously reconciled so that they align to assist in eliminating risks. The risks associated with work have been identified, assessed and that controls are in place to manage them effectively. Regular reports of contributions held are provided to each Parish on regular bases to also eliminate risk of clawbacks.

11. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

- 11.1 The effective monitoring of S106 contributions and engagement with Parish Councils and Neighbourhood Plan Groups allows local communities to identify and prioritise improvements to local facilities and infrastructure.

12. CORPORATE IMPLICATIONS

- 12.1 By submitting this report, the report author has taken the following into account:

- Community Safety implications
 - Environmental implications
 - ICT implications
 - Asset Management implications
 - Procurement implications
 - Human Resources implications
 - Planning implications
 - Data Protection implications
 - Voluntary Sector
-

Background papers: None

Contact Officer: Nicola Smith
Executive Member: Councillor DC Bill

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Hinckley & Bosworth Borough Council

FORWARD TIMETABLE OF CONSULTATION AND DECISION MAKING

Scrutiny Commission	12 March 2020
Council	24 March 2020

WARDS AFFECTED: ALL WARDS

The Good Design Guide – Supplementary Planning Document (SPD)

Report of Director (Environment and Planning)

1. PURPOSE OF REPORT

- 1.1 The National Planning Policy Framework of February 2019 (NPPF) states that the creation of high quality buildings and places is fundamental to what the development process should achieve and that sustainable development creates better places in which to live and work and helps makes development acceptable to communities. The NPPF also advises the use of supplementary planning documents as visual tools to provide maximum clarity about design expectations at the early stages of development.
- 1.2 This report seeks to gain Members agreement to adopt The Good Design Guide Supplementary Planning Document (SPD) which aims to substantially raise design quality in Hinckley and Bosworth Borough whilst ensuring that the local identity and heritage of the Borough is preserved and enhanced.

2. RECOMMENDATION

- 2.1 That Members agree to adopt The Good Design Guide Supplementary Planning Document to be used in decision making functions of Development Management.

3. BACKGROUND TO THE REPORT

- 3.1 The NPPF establishes that good design is a critical element of sustainability and the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. It also encourages Council's to engage effectively with local communities to reflect local aspirations.
- 3.2 To support the Government's commitment to better designed places, the Ministry of Housing, Communities and Local Government (MHCLG) introduced the National

Design Guide on 1st October 2019, which forms part of their suite of planning practice guidance.

- 3.3 The Council's Local Plan currently consists of the Core Strategy (2009), the Town Centre Area Action Plan (2011), Earl Shilton and Barwell Area Action Plan (2014) and the Site Allocations and Development Management Development Plan Document (2016). This suite of documents details the Borough's growth aspirations through planning policies and site allocations.
- 3.4 The main planning policies in the Council's Local Plan which relate directly to design is DM10: Development and Design in the Site Allocations and Development Management Plan (SADMP) and Policy 22: Development and Design in the Earl Shilton and Barwell Area Action Plan. The list of design requirements listed in these policies is fairly prescriptive; however they do not offer any visual aids or design standards leaving a design guidance gap for decision makers (officers and Members) and applicants.
- 3.5 As well as Policy DM10 and Policy 22, there are also other policies within the SADMP and Earl Shilton and Barwell Area Action Plan which would benefit from supplementary design guidance. These policies include:

SADMP

- DM2 – Delivering Renewable Energy and Low Carbon Development
- DM6 – Enhancement of Biodiversity and Geological Interest
- DM7 – Preventing Pollution and Flooding
- DM11 – Protecting and Enhancing the Historic Environment
- DM12 – Heritage Assets
- DM14 – Replacement Dwellings in the Rural Area
- DM18 – Vehicle Parking Standards
- DM23 – High quality Shop Front and Advertisements

Earl Shilton and Barwell AAP

- Policy 19 – Regeneration of the District Centre

- 3.6 The Council is mindful that there is a gap in locally specific design guidance for all development to those involved in the planning application process (members of the public, planning officers, agents, developers, parish councils and Elected Members) and has sought to create The Good Design Guide SPD to fill that gap by providing visual tools and illustrations of good design principles to support the Government's drive towards better designed places and provide guidance on:
- The planning and design process;
 - Urban design principles;
 - Understanding local context;
 - New residential development;
 - Existing residential development;
 - Converting agricultural buildings;
 - Commercial/mixed use development; and
 - Shopfronts.

- 3.7 The document will be designated an SPD and will provide more information and guidance on the policies in the Local Plan. It will be used when assessing planning applications with the intention of raising design standards in development

Training for both Officers and Members will be provided so that the document can be fully embedded in the decision making process.

- 3.8 In preparing the Good Design Guide SPD the Council has had regard to the Town and Country Planning (Local Planning) (England) Regulations 2012. These include:
- The final document containing the date on which the document is adopted – this will be actioned once the document is adopted by the Council;
 - Indicating that the Good Design Guide is a Supplementary Planning Document;
 - Ensuring that there is a reasoned justification to the guidance contained within the SPD; and
 - Ensuring the guidance contained in the SPD does not conflict with the adopted Plan.

4. EXEMPTIONS IN ACCORDANCE WITH THE ACCESS TO INFORMATION PROCEDURE RULES

- 4.1 Open session

5. FINANCIAL IMPLICATIONS [CS]

- 5.1 None arising at this point.

6. LEGAL IMPLICATIONS [MR]

- 6.1 None.

7. CORPORATE PLAN IMPLICATIONS

- 7.1 The Good Design Guide SPD will contribute to the delivery of the following Corporate Plan priorities:

People

- Help people to stay healthy, be active and feel well
- Take measure to reduce crime and antisocial behaviour and protect people from harm
- Give children and young people the best start in life and offer them the opportunity to thrive in their communities

Places

- Make our neighbourhoods safer
- Improve the quality of existing homes and enable the delivery of affordable housing
- Inspire standards of urban design that create attractive places to live

Prosperity

- Boost economic growth and regeneration...places to work and live all over the borough.
- Support the regeneration of our town centres and villages
- Support our rural communities

8. CONSULTATION

8.1 There have been many forms of engagement and consultation for The Good Design Guide. These include:

- 19 March 2018 – Planning officer workshop, all officers were asked to express their views on current design gaps and issues when determining planning applications.
- 11 April 2018 – Developer and planning agent workshops. This sought the development community's views on development design and what design principles work in practice.
- 11 April 2018 – Member workshop. This included the Leader, Executive Member for Regeneration, Asset Management and Growth and Chair of Planning Committee.
- 8 March 2019 – Developer and agent workshop to review the first draft of The Good Design Guide.
- 8 March 2019 – Member workshop to review the first draft of The Good Design Guide. This had the Executive Member for Regeneration, Asset Management and Growth as well as the Deputy Chair of Planning Committee.
- 19 March 2019 – The first draft was taken to the Member Working Group
- 19 March 2019 – Press release informing residents of the upcoming The Good Design Guide SPD public consultation.
- 15 April 2019 – 13 May 2019 – Public consultation. All of those on our Local Plan consultation list were notified as well as parish councils and all councillors. The consultation was also published on our website and a paper copy was left in The Hub's reception.

8.2 The public consultation received 28 responses from statutory consultees, developers, planning agents, parish councils and members of the public. A consultation report which summarises all comments is referenced as a background paper.

8.3 Further to the Borough elections in May 2019, which saw a change in political administration, the Leader, Executive Member for Planning and all councillors were consulted on the Design Guide to ensure their design aspirations were being met by the document.

9. RISK IMPLICATIONS

9.1 It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.

9.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

- 9.3 The following significant risks associated with this report / decisions were identified from this assessment:

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
DLS.36 – Improve quality of place through design. Failure to do so could lead to poorly designed development which has a negative impact on quality of place for citizens.	Ensure community consultation on planning applications and regeneration schemes with the adoption of The Good Design Guide SPD.	Nicola Smith
DLC 37 Consult with customers and stakeholders: failure to do so leads to non compliance of Local Authority's Statement of Community Involvement	Ensure consultation to meet statutory requirements ensuring it is all inclusive. Regularly reviewing processes.	Kirstie Rea
DLS. 51 – Housing Delivery Test. Failure to have design guidance elongates the planning process and can delay the delivery of housing, which could result in the Council failing the housing Delivery Test in future years.	Officers to engage with developers and agents to ensure the delivery of housing at the earliest stages using the Good Design Guide as a starting point for design discussions.	Stephen Meynell

10. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

- 10.1 The Good Design Guide SPD along with the already adopted Site Allocations and Development Management Policies DPD, Core Strategy, Hinckley Town Centre Area Action Plan and Earl Shilton and Barwell Area Action Plan, address issues associated with development.
- 10.2 Engagement with relevant stakeholders and other local authorities is an integral part of plan making and this has been undertaken in accordance with the Council's Statement of Community Involvement.
- 10.3 An Equality Impact Assessment was conducted as part of the Site Allocations and Development Management Policies DPD (2016) and The Good Design Guide provides additional guidance to those policies which have regard to the requirements of the Equality Duty set out in Section 149 of the Equality Act 2010.

11. CORPORATE IMPLICATIONS

- 11.1 By submitting this report, the report author has taken the following into account:
- Community Safety implications
 - Environmental implications
 - ICT implications
 - Asset Management implications
 - Procurement implications
 - Human Resources implications
 - Planning implications
 - Data Protection implications
 - Voluntary Sector

Background papers: The National Planning Policy Framework (2019)
National Planning Practice Guidance
Hinckley Town Centre AAP (2011)
Earl Shilton and Barwell AAP (2014)
The Site Allocations and Development Management Policies DPD
(2016)
The Good Design Guide SPD Consultation Statement

Contact Officer: Stephen Meynell ex. 5775
Executive Member: Councillor D. Bill.



Hinckley & Bosworth Borough Council

FORWARD TIMETABLE OF CONSULTATION AND DECISION MAKING

SCRUTINY COMMISSION 12 March 2020

WARDS AFFECTED: ALL WARDS

HOUSING LAND SUPPLY

Report of Director (Environment & Planning)

1. PURPOSE OF REPORT

- 1.1 To brief Members on the current housing land supply position.

2. RECOMMENDATION

- 2.1 To note the contents of the report.

3. BACKGROUND TO THE REPORT

- 3.1 At Scrutiny briefing the Chair asked for a future paper to come to this Committee on “Five Year Housing Land Supply” (5YHLS). The 5YHLS relates to the Government’s desire to encourage local authorities to promote a sufficient supply of land for housing and for local authorities to support the delivery of new housing to meet the Government’s objectives of delivering 300,000 new homes annually across the country. This manifests itself in requirements for local authorities set out in national planning policy and various Acts.
- 3.2 The National Planning Policy Framework (NPPF) requires Local Planning Authorities (LPA) to identify a sufficient supply and mix of sites in its planning policies (Para 67). The policy states that local plan policies should identify a supply of specific deliverable sites for years 1 to 5 of the plan and specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 of the plan.
- 3.3 The NPPF also requires LPAs to maintain a supply of sites. Paragraph 73 states:

Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of:

- a) 5% to ensure choice and competition in the market for land; or*
- b) 10% where the local planning authority wishes to demonstrate a five year supply of deliverable sites through an annual position statement or recently adopted plan, to account for any fluctuations in the market during that year; or*
- c) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply.*

Furthermore paragraph 75 states:

To maintain the supply of housing, local planning authorities should monitor progress in building out sites which have permission. Where the Housing Delivery Test indicates that delivery has fallen below 95% of the local planning authority's housing requirement over the previous three years, the authority should prepare an action plan in line with national planning guidance, to assess the causes of under-delivery and identify actions to increase delivery in future years

- 3.4 To calculate the 5YHLS, the LPA methodology needs to consider the target figure from either their plan or against local housing need using the Governments standard methodology, if any buffer needs to be added, against the number of dwellings expected to be constructed in the five year period. In this regards the NPPF has set out what it means by "deliverable".

To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:

a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).

b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.

- 3.5 The Government has put measures in place to ensure that if a 5YHLS is not maintained there are consequences. Paragraph 11 of the NPPF sets out that there is a presumption in favour of sustainable development:

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

It goes on to define “out-of-date”:

This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

- 3.6 Therefore, where a LPA does not have a 5YHLS, or where the Housing Delivery Test shows that delivery is less than 75% of the housing requirement for the last three years, the Councils Plan Policies in regards to housing should be considered out of date and that the presumption in favour of sustainable development applies as above. i.e. planning applications for housing should be approved without delay, unless there are significant and demonstrable reasons for doing so. This is referred to as the tilted balance.
- 3.7 The Government has also introduced the Housing Delivery Test (HDT). The HDT is published in November of each year and provides a measure based on the preceding 3 financial years of actual delivery against target.

Current HBBC position : 5YHLS

- 3.8 The Council published its 5YHLS position in the “Residential Land Availability Paper” in late Spring 2019. It confirmed that the Council has a supply of 4.15years. The report details how this was calculated. In summary, the Borough’s housing requirement is calculated as 2,400 homes over 5 years. This takes the Local Housing Need figure of 457 homes per year, which is calculated using the Government’s standard methodology and data, multiplies it by 5, and adds a buffer of 5%. A buffer of 5% is added because the HDT

results are at the time of the calculation 141%. The supply of deliverable sites is calculated as 1,994.

Current HBBC position: HDT

- 3.9 The latest HDT result was published by the Government in March 2019, and for HBBC it was calculated as 141%. The delivery of homes in HBBC between 1st April 2015 and 31st March 2018 was 1,585 dwellings against a target of 1,122. The target was calculated using the Local Housing Need number from the previous three years. The most recent results have not yet been published but officers estimate that the figure will be approximately 121%. It is estimated that the 20/21 figure, based on the current housing needs, published in late 21/22 will be 82%. If that is the case the presumption in favour as discussed above will continue even if there is a 5YHLS.

Why does HBBC not have a 5YHLS ?

- 3.10 Until 2018 the Council was able to demonstrate a 5YHLS. However, in February 2019, the Government changed the definition of a “deliverable” site. In the 2012 NPPF all sites were considered deliverable if the Council considered there was a reasonable prospect of them coming forward within a 5 year period. In February 2019 the revised NPPF included a new definition of deliverable. The new definition means that where a site has outline planning permission for major development (10 house or more), or is a site allocated in the a development plan it should only be considered deliverable if there is **clear evidence** that housing completions will begin on site within 5 years. The onus is therefore on the Council to prove they will be delivered in a 5 year period.
- 3.11 Fundamentally, the Council’s Local Plan is towards the end of the plan period and the majority of sites, with the exception of the SUEs have come forward. The SUE’s make a considerable proportion of the housing supply. With these being excluded from the 5YHLS calculation (as the Council has no clear evidence that the sites will deliver homes in the next 5 years) then the level of supply is reduced. Furthermore, the number of planning applications received for new housing and approved has been reducing.

Consequences

- 3.12 As outlined above, if a LPA does not have a 5YHLS then when considering applications for housing they should be approved unless the application impacts on a protected area or where any adverse impacts of approving the application would **significantly** and **demonstrably** outweigh the benefits. Various appeal decisions and case law have set a high bar in this regard given the importance the government places on increasing the number of new homes built.

What can we do about it?

- 3.13 Officers have been working hard and will continue to do so to ensure that applications for housing which have been approved and subject to a s106 agreement are finalised as quickly as possible and the consent given.
- 3.14 The usual time given on an outline planning application to submit reserved matters applications is 2 years. HBBC have now reduced this to 18months to encourage delivery to come forward sooner.
- 3.15 Officers have been working with Neighbourhood Plan groups to help put in place neighbourhood plans. Areas with made plans that are less than 2 years old are able to use the neighbourhood plan in decision making where the Council can demonstrate at least a 3 year housing land supply.
- 3.16 Officers have provided briefings to Planning Committee and other Members have received advice in July of this year of the consequences of not having a 5YHLS. A planning front line service review report was also considered in October by Finance and Performance Committee which highlighted the lack of a five year supply. This report also considered the Governments performance measures and Members were briefed towards the end of 2019 about the impact of falling below the quality measure in terms of performance.
- 3.17 Officers have been working with the developers promoting the 2 remaining urban extensions to understand what assistance can be given to bring forward these sites quickly. Since the County Council advised they wanted further work on Highways to be undertaken by the applicant for the Barwell SUE the Council has brought together the applicants and the County Council to seek a pragmatic approach to resolving these issues.
- 3.18 Finally, officers have been working to bring forward the Local Plan. Work on the evidence base continues and it is hoped, subject to further work by the County Council on highway impact, to bring a draft plan to Council for consideration later this summer.

4. EXEMPTIONS IN ACCORDANCE WITH THE ACCESS TO INFORMATION PROCEDURE RULES

- 4.1 Open session.

5. FINANCIAL IMPLICATIONS

- 5.1 The Council has a duty to secure a five-year land supply, which should be taken into account when the Planning Committee is considering planning applications. If a planning application is refused, when there is no reason in law why it should not go ahead, it is likely that it will lead to an appeal. For larger appeals, there is the potential for each appeal to cost the council up to £50,000 in external legal and consultant cost. This does not include officer time lost, nor if the costs of the appellant are awarded against the council.

These costs will fall on the general fund and impact resources available to deliver services.

- 5.2 Advice in this area is normally provided to members to consider in their decision on each planning application that impacts on the ability of the Council to ensure a five year supply is maintained.
- 5.3 In 2016 Government* made it clear that planning authorities should not reject more than 10% of major development applications unnecessarily. This is due to a strong desire nationally to deliver to the increased housing need faced. This was particular meant to stop Councils refusing applications due to local opposition that they could easily foresee would be approved at appeal. If the 10% target is breached, it can lead to the planning powers being removed from the council. This would be a significant loss of income to the Council as per the table below.

** Improving Planning Performance - Criteria for Designation before Parliament on 22 November 2016*

	2015/16	2016/17	2017/18	2018/19	2019/20 Apr-Dec	Total
	£0	£0	£0	£0	£0	£0
Small	211	193	212	244	184	1,044
Medium	175	169	191	153	190	878
Large	400	378	628	436	406	2,246
total	786	740	1,031	832	780	4,167

6. LEGAL IMPLICATIONS

- 6.1 Set out in report.

7. CORPORATE PLAN IMPLICATIONS

- 7.1 Places:
1. Keep our borough clean and green
 2. Make our neighbourhoods safer
 3. Protect and improve our parks and open spaces for everyone across the borough
 4. Improve the quality of existing homes and enable the delivery of affordable housing
 5. Inspire standards of urban design that create attractive places to live
- 7.2 Prosperity
1. Boost economic growth and regeneration by encouraging investment that will provide new jobs and places to live and work all over the borough
 2. Support the regeneration of our town centres and villages
 3. Support our rural communities

8. CONSULTATION

8.1 None.

9. RISK IMPLICATIONS

9.1 It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.

9.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

9.3 The following significant risks associated with this report / decisions were identified from this assessment:

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
<p>DLS.19 Recruitment and retention of staff</p> <p>Failure to recruit & retain staff leads to failure to maintain staffing levels within Development Services to deal with works required</p>	<p>Provision of staff development and training opportunities.</p> <p>Career grade for professional posts to give staff the opportunity to progress within the authority. A career grade for Building Control is currently being developed.</p>	Nicola Smith
<p>DLS.44 Housing Land Supply</p> <p>Failure leads to speculative unplanned housing developments plus additional costs incurred due to planning appeal process.</p>	<p>Member engagement / training in relation to housing developments has taken place.</p> <p>Regular Member briefings at Planning Policy Member Working Group about major housing schemes, including appeals and five year housing land supply calculations.</p> <p>Quarterly reports to Planning Committee to advise upon progress relating to strategic housing developments."</p>	Kirstie Rea

DLS.51 Housing Delivery Test Failure leads to lack of housing requirements	Targeted approach to facilitating housing delivery once a site has planning permission. Including working with developers and partners to bring stalled sites forward. New monitored discharge of condition process to ensure conditions are discharged without delay	Stephen Meynell
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10. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

- 10.1 Not having a five year housing land supply will result in not enough homes to meet the identified need being built. This might lead if it continues to greater numbers on the housing waiting list, overcrowding, sofa surfing and homelessness.

11. CORPORATE IMPLICATIONS

- 11.1 By submitting this report, the report author has taken the following into account:

- Community Safety implications
- Environmental implications including the declared climate emergency
- ICT implications
- Asset Management implications
- Procurement implications
- Human Resources implications
- Planning implications
- Data Protection implications
- Voluntary Sector

Background papers: residential Land Availability 1 April 2018- 31 March 2019 :
https://www.hinckley-bosworth.gov.uk/info/856/local_development_framework/395/monitoring/2

Frontline Service Review : Planning, FINANCE & PERFORMANCE SCRUTINY, 17 October 2019

Contact Officer: Matt Bowers, Director (Environment and Planning)
 Executive Member: Councillor D Bill



Hinckley & Bosworth
Borough Council

A Borough to be proud of

Scrutiny Commission Work Programme 2019-2021

MARCH 2020

SCRUTINY COMMISSION

Date	Issue	Reason	Outcomes	Lead Officer	Supports corporate aims
12 March 2020	S106 contributions	Annual report to monitor contributions and claw back		Nicola Smith	2, 3
	Planning appeals	Six monthly report to monitor performance of planning decisions		Nicola Smith	2
	Housing land supply	Request of members	Scrutinise actions to address shortfall	Matt Bowers	2, 3
	Good design guide SPD	Scrutiny prior to Council decision	Recommendation to Council	Stephen Meynell	2
30 April 2020	Parish & Community Initiative Fund	Annual report	Recommendations to SLT re funding of projects	Caroline Roffey	All
	Unitary authority proposals	Scrutinise county council's proposals		Bill Cullen	All
	Pay policy statement	Annual report	Scrutinise gender pay gap	Julie Stay	1, 3
	Crescent block C update	Request of previous meeting to monitor financial position		Malcolm Evans	3
	Crematorium	Progress update	Scrutinise progress	Julie Kenny	All
18 June 2020	Environmental Improvement Programme	Annual report			All
	Equalities monitoring	Annual report		Julie Stay	
	Ivanhoe Line	Lack of involvement at this point	Awareness of work of neighbouring authority		2, 3
	Rural Strategy	Annual report		Edwina Grant	2
	Economic Regeneration Strategy	Annual report		Stephen Meynell	3
	Heritage Strategy	Annual report			2

Date	Issue	Reason	Outcomes	Lead Officer	Supports corporate aims
13 August 2020	VCS commissioning outcomes	Annual report		Edwina Grant	All
	Recycling	Scrutinise performance and policy	Ensure we are doing as much as we can	Caroline Roffey	2
	Affordable housing	Annual review of delivery	Monitor provision	Stephen Meynell	All
8 October 2020	Community Safety Partnership	Six monthly update		Maddy Shellard	1, 2
	Technical & community training and education	Request of members			1, 3
23 November 2020					

To programme
Governance review
Arterial routes

Key to corporate aims
1 – People
2 – Places
3 – Prosperity

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HINCKLEY AND BOSWORTH BOROUGH COUNCIL

FINANCE & PERFORMANCE SCRUTINY

20 JANUARY 2020 AT 6.30 PM

PRESENT: Mr C Ladkin - Chairman
Mr P Williams – Vice-Chairman
Mr JMT Collett, Mr DS Cope, Mr SM Gibbens, Mr K Morrell, Mrs LJ Mullaney,
Mr MC Sheppard-Bools and Mr R Webber-Jones

Officers in attendance: Tan Ashraf, Ilyas Bham, Simon D Jones, Julie Kenny, Karen Mason and Rebecca Owen

Simon Churchman and Nicola Parratt from Places Leisure were also in attendance

266 APOLOGIES AND SUBSTITUTIONS

It was noted that Councillor Gibbens would be arriving late.

267 MINUTES OF PREVIOUS MEETING

It was moved by Councillor P Williams, seconded by Councillor Webber-Jones and

RESOLVED - the minutes of the meeting held on 14 October 2019 be confirmed and signed by the chairman.

268 DECLARATIONS OF INTEREST

No interests were declared at this stage.

269 HINCKLEY LEISURE CENTRE PERFORMANCE

The annual update report on the performance of Hinckley Leisure Centre was provided to members along with a video and presentation by Simon Churchman, Contracts Manager for Places Leisure. It was highlighted that the year had been challenging, however footfall and financial performance had improved on the previous year. To build on this success, creative new membership packages were to be rolled out in 2020 to attract people from the wider community.

The following points were noted in response to questions from members:

- Further engagement to be carried out with hard to reach rural communities
- Parking could be an issue at peak times
- The need to be more creative to attract young people

The report was noted and the chair thanked the attendees.

Councillor Gibbens entered the meeting at 6.44pm.

270 PERFORMANCE AND RISK MANAGEMENT FRAMEWORK 2ND QTR SUMMARY FOR 2019/20

Members received the second quarter outturn report in relation to performance indicators, service improvement plans, corporate risks and service area risks. It was noted performance was good generally and some areas were performing higher than

expected including customer services, with a lower number of lost calls, and revenues and benefits in the time taken to process new claims. It was highlighted that with regards to the GP exercise referral scheme the numbers had reduced as GPs were adapting to the new system they were using. It was noted that the number of households in temporary accommodation was increasing as there were more applicants with vulnerabilities. During discussion the following points were raised:

- A report on the five year housing land supply issue was already scheduled for the Scrutiny Commission on 12 March
- A Local Plan update was requested. It was agreed that this would be included in the abovementioned report to the Scrutiny Commission
- The Building Control partnership with Blaby District Council and three Leicestershire authorities was working well
- The high levels of risk identified in the planning service area were queried and in response it was suggested that there may be an issue in relation to recording risk, as in reality they may not remain net red after mitigation.

In response to a member's question it was explained that we could not benchmark across all the different areas as local authorities used different criteria, but we continued to benchmark where data was available.

The five year housing land supply was contained in the corporate risk register and members agreed it would be useful for them to see the register at a future meeting.

RESOLVED –

- (i) The report be noted;
- (ii) The Corporate Risk Register to be presented to a future meeting.

271 FINANCIAL OUTTURN OCTOBER 2019

The financial outturn position as at October 2019 was provided to members and it was reported that some deficit could be reduced by recent large planning applications.

It was noted that the external audit had concluded without any issues of significance.

Attention was drawn to page 34 of appendix 1 where three rows, 4.8, 4.9 and 4.10 were omitted. A revised report would be circulated to members.

The report was noted.

272 BUSINESS RATES AND POOLING UPDATE QUARTER 2 - 2019/20

Members were informed of the business rates performance 1 April - 30 September 2019. The uncertainty around predicting business rates income was noted.

It was highlighted that it would be helpful if reports did not use acronyms without explanation.

The report was noted.

273 SUNDRY DEBTS - QUARTER 3 2019/20

Members received the position on sundry debts as at 31 December 2019 and the report was noted.

274 FINANCE & PERFORMANCE SCRUTINY WORK PROGRAMME

The work programme was considered and it was highlighted that the frontline service review for Environmental Health would be presented at the next meeting on 9 March.

The report was noted and the chair thanked all officers.

(The Meeting closed at 8.18 pm)

CHAIRMAN

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