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

Date: 11 April 2019



**Hinckley & Bosworth
Borough Council**

To: Members of the Planning Committee

Mr R Ward (Chairman)	Mr C Ladkin
Mr BE Sutton (Vice-Chairman)	Mr KWP Lynch
Mr PS Bessant	Mrs J Richards
Mr DC Bill MBE	Mr RB Roberts
Mrs MA Cook	Mrs H Smith
Mr WJ Crooks	Mrs MJ Surtees
Mr MA Hall	Ms BM Witherford
Mrs L Hodgkins	Ms AV Wright
Mr E Hollick	

Copy to all other Members of the Council

(other recipients for information)

Dear Councillor,

There will be a meeting of the **PLANNING COMMITTEE** in the De Montfort Suite - Hub on **TUESDAY, 23 APRIL 2019** 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

Council Chamber (De Montfort Suite)

- On hearing the fire alarm, leave the building **at once** quickly and calmly by the nearest escape route (indicated by green signs).
- *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.

Abusive or aggressive behaviour

We are aware that planning applications may be controversial and emotive for those affected by the decisions made by the committee. All persons present are reminded that the council will not tolerate abusive or aggressive behaviour towards staff, councillors or other visitors and anyone behaving inappropriately will be required to leave the meeting and the building.

Recording of meetings

In accordance with the Openness of Local Government Bodies Regulations 2014, the press and public are permitted to film and report the proceedings of public meetings. If you wish to film the meeting or any part of it, please contact Democratic Services on 01455 255879 or email rebecca.owen@hinckley-bosworth.gov.uk to make arrangements so we can ensure you are seated in a suitable position.

Members of the public, members of the press and councillors are hereby informed that, in attending the meeting, you may be captured on film. If you have a particular problem with this, please contact us using the above contact details so we can discuss how we may accommodate you at the meeting.

PLANNING COMMITTEE - 23 APRIL 2019

A G E N D A

1. APOLOGIES AND SUBSTITUTIONS

2. MINUTES (Pages 1 - 4)

To confirm the minutes of the meeting held on 19 March 2019.

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. DECISIONS DELEGATED AT PREVIOUS MEETING

To report progress on any decisions delegated at the previous meeting.

7. 19/00177/HOU - TARA HOUSE, BARLESTONE ROAD, BAGWORTH (Pages 5 - 10)

Application for erection of a detached garage (resubmission of 18/00375/HOU) (retrospective).

8. 19/00264/S106 - LAND SOUTH OF 26 TO 28, BRITANNIA ROAD, BURBAGE (Pages 11 - 16)

Application for Deed of variation to amend section 106 agreement relating to application 12/00154/FUL to provide the provision of right to buy for no. 22 Jubilee Way.

9. 19/00013/S106 - ST MARTINS CONVENT, HINCKLEY ROAD, STOKE GOLDING (Pages 17 - 24)

Application for Deed of variation to amend section 106 agreement relating to application 10/00358/OUT to provide the provision of right to buy for 8, 9, 14, 51 and 53 Convent Drive.

10. 19/00091/FUL - PLOT 50 ALLOTMENT GARDENS, RATBY ROAD, GROBY (Pages 25 - 30)

Application for erection of a shipping container with associated 1.8m high fence.

11. 18/01278/FUL - 131 LUTTERWORTH ROAD, BURBAGE (Pages 31 - 42)

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

12. 19/00031/FUL - 146 HINCKLEY ROAD, BARWELL (Pages 43 - 54)

Application for change of use from children's day nursery to a residential care home for children with education facility.

13. MAJOR PROJECTS UPDATE (Pages 55 - 60)

To provide an update to Planning Committee on major schemes in the Borough that are currently being proposed or implemented.

14. APPEALS PROGRESS (Pages 61 - 64)

To report on progress relating to various appeals.

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

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

PLANNING COMMITTEE

19 MARCH 2019 AT 6.30 PM

PRESENT: Mr R Ward - Chairman

Mr BE Sutton – Vice-Chairman

Mr DC Bill MBE, Mrs MA Cook, Mr WJ Crooks, Mr MA Hall, Mr E Hollick, Mr C Ladkin, Mr KWP Lynch, Mr K Nichols (for Mrs L Hodgkins), Mrs J Richards, Mr RB Roberts, Mrs H Smith, Mrs MJ Surtees, Ms BM Witherford and Ms AV Wright

Also in attendance: Councillor SL Bray and Councillor HG Williams

Officers in attendance: Rhiannon Hill, Helen Knott, Rebecca Owen, Michael Rice and Nicola Smith

399 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Bessant and Hodgkins, with the substitution of Councillor Nichols for Councillor Hodgkins authorised in accordance with council procedure rule 10.

400 MINUTES

It was moved by Councillor Bill, seconded by Councillor Surtees and

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

401 DECLARATIONS OF INTEREST

Councillor Surtees declared a personal interest in application 18/00118/FUL as she lived very close to the site. She left the meeting during discussion of the item.

402 DECISIONS DELEGATED AT PREVIOUS MEETING

It was reported that the decisions in relation to applications 18/01038/REM and 18/01104/FUL had been issued. Application 16/00758/FUL had been deferred and would come back to a future meeting.

403 18/01237/FUL - OLD LEISURE CENTRE, COVENTRY ROAD, HINCKLEY

Application for erection of 17 houses and 89 apartments within two apartment blocks including provision of access, open space and associated infrastructure.

Notwithstanding the officer's recommendation that permission be granted subject to a section 106 agreement and conditions, some members felt that the proposed development was out of keeping with the area and the design, scale and density would harm the character of the area contrary to policy DM10 of the SADMP and paragraph 127 of the NPPF. It was moved by Councillor Bill and seconded by Councillor Nichols that the committee be minded to refuse permission. Upon being put to the vote, the motion was CARRIED and it was

RESOLVED – the committee be minded to refuse permission and the application be brought back to a future meeting for determination.

Councillors Bray and Hall left the meeting at 7.29pm.

404 18/01266/FUL - BARRACK HOUSE, THE BARRACKS, BARWELL

Application for part demolition and conversion of existing factory to four apartments and erection of four new houses and nine new apartments.

Councillor Wright left the meeting at 7.45pm and returned at 7.57pm.

Notwithstanding the officer's recommendation that permission be granted subject to a section 106 agreement and conditions, some members felt that the design and layout was inappropriate contrary to policy DM10 of the SADMP and had concern with highway safety contrary to policy DM17 and DM18 of the SADMP. It was moved by Councillor Roberts and seconded by Councillor Smith that members be minded to refuse permission. Three members stood to request voting be recorded on this motion. The vote was taken as follows:

Councillors Bill, Cook, Crooks, Ladkin, Richards, Roberts, Smith and Wright voted FOR the motion (8);

Councillors Sutton, Witherford and Ward voted AGAINST the motion (3);

Councillors Hollick, Lynch, Nichols and Surtees abstained from voting.

The motion was declared CARRIED and it was

RESOLVED - the committee be minded to refuse permission and the application be brought back to a future meeting for determination.

405 19/00031/FUL - 146 HINCKLEY ROAD, BARWELL

Application for change of use from children's day nursery to a residential care home for children with education facility.

Notwithstanding the officer's recommendation that permission be granted subject to conditions, Councillor Roberts proposed that members be minded to refuse permission. Three members stood to request that voting on the motion be recorded. In the absence of a seconder, the motion was not put.

Councillor Roberts, seconded by Councillor Bill, moved that the item be deferred to seek further information from the applicant, to discuss potential conditions regarding boundary treatments and the use of the garden and to discuss the matter with Leicestershire County Council. Upon being put to the vote, the motion was CARRIED and it was

RESOLVED – the application be deferred to a future meeting.

Councillors Williams left the meeting at 8.34pm.

406 18/01278/FUL - 131 LUTTERWORTH ROAD, BURBAGE

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

Notwithstanding the officer recommendation that permission be granted subject to conditions, it was moved by Councillor Lynch and seconded by Councillor Wright that members be minded to refuse permission. Following further discussion this motion was withdrawn.

It was then moved by Councillor Wright and seconded by Councillor Lynch that the application be deferred to discuss the use of the existing access for the development with the applicant. Upon being put to the vote, the motion was CARRIED and it was

RESOLVED – the application be deferred and brought back to a future meeting.

Councillor Wright left the meeting at 8.42pm.

407 18/00118/FUL - 51 MAIN STREET, DESFORD

Application for erection of four dwellings (revised scheme).

Having declared a personal interest in this item, Councillor Surtees left the meeting at 8.42pm.

Councillor Cook left the meeting at 8.45pm.

It was moved by Councillor Sutton, seconded by Councillor Ladkin and

RESOLVED –

- (i) Permission be granted subject to the conditions contained in the officer's report and late items;
- (ii) The Interim Head of Planning be granted delegated powers to determine the final detail of planning conditions.

Councillor Cook returned to the meeting at 8.46pm.

408 APPEALS PROGRESS

Members received an update on appeals.

RESOLVED – the report be noted.

(The Meeting closed at 8.47 pm)

CHAIRMAN

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Planning Committee 23 April 2019
Report of the Interim Head of Planning

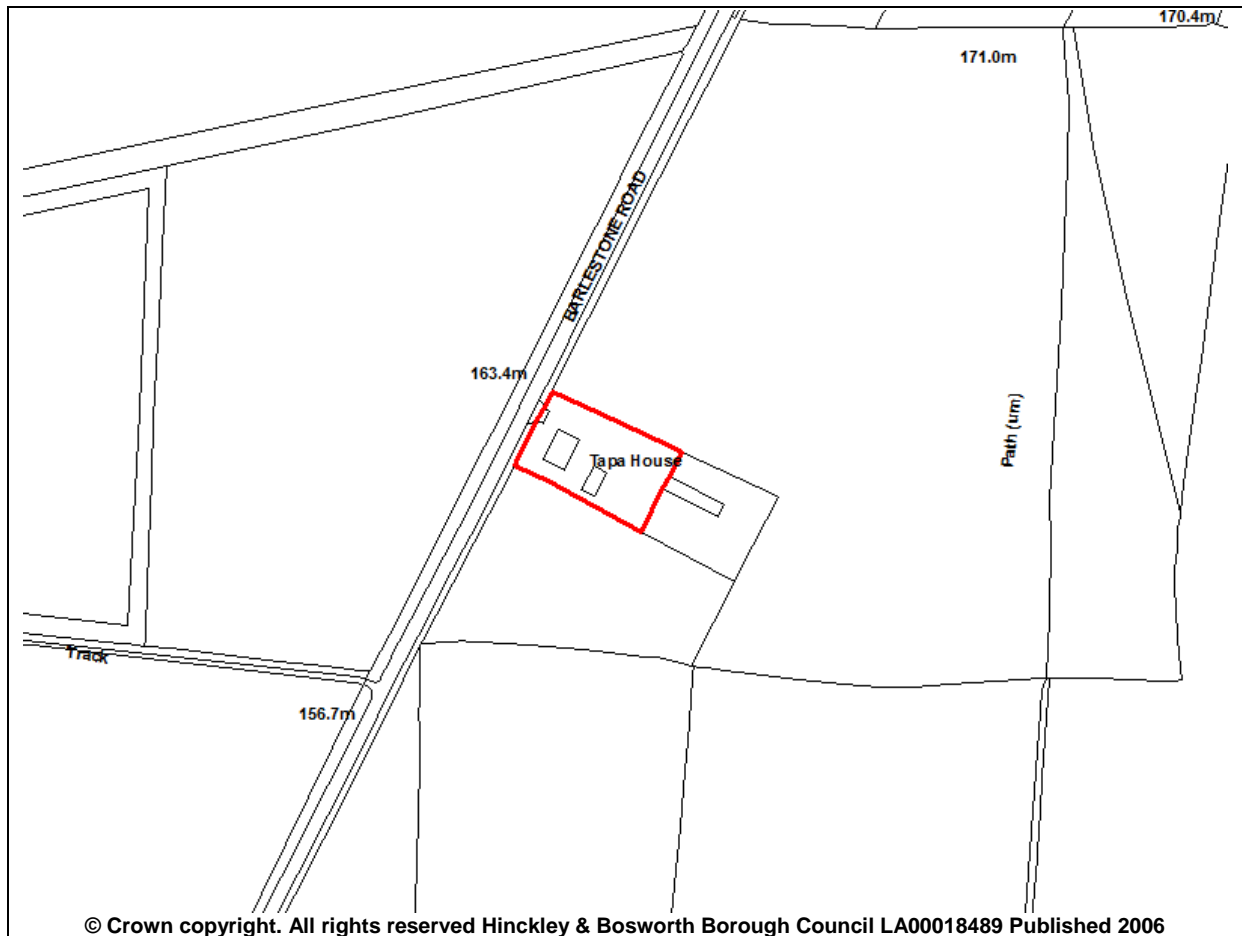
Planning Ref: 19/00177/HOU
Applicant: Mr Smith
Ward: Ratby Bagworth And Thornton

Site: Tara Barlestone Road Bagworth

Proposal: Erection of a detached garage (resubmission of 18/00375/HOU)
(retrospective)



Hinckley & Bosworth
Borough Council



1. Recommendations

1.1. **Refuse planning permission** for the reasons at the end of this report.

2. Planning Application Description

2.1. This application seeks full planning permission for the erection of a detached garage and workshop at Tara, Barlestone Road, Bagworth.

2.2. Planning permission was granted on 18 June 2018 (planning reference 18/00375/HOU) for the erection of a detached garage. The garage as previously approved measures approximately 16 metres in width with a depth of 6.6 metres and an eaves height of approximately 3 metres and a ridge height of approximately 5.95 metres.

- 2.3. This application seeks retrospective permission for a revised proposal, with the garage measuring the same in depth and width however with an increased eaves and ridge height. The proposed garage sought for approval through this application would measure approximately 4.8 metres to the eaves (an increase of 1.45 metres from previously approved) and approximately 7.4 metres to the ridge (an increase of 1.8 metres from previously approved).
- 2.4. The proposal would provide a four bay garage, workshop and WC and would be sited to the north east of the existing dwelling, adjacent to the northern boundary of the site. There would be no change to the existing access or hardstanding on the site. The proposed garage would be constructed of cedar wood cladding and tiles to match the existing house, which are the materials previously outlined on the permitted scheme.

3. Description of the Site and Surrounding Area

- 3.1. The application site is located outside the settlement boundary of Bagworth, and within the National Forest. Within the site there is an existing residential house, with an area to the rear of the property previously granted planning permission to store items relating to circus equipment.
- 3.2. The property is slightly set back from the road but due to the scale of the dwelling and the open landscaping to the front of the site, the application site is visible from Barlestone Road. Off street parking is provided within the site with 2 metre high boundary pillars and gates at the access. Low level boundary walls then surround the front property. A public footpath runs close to the rear boundary of the site.
- 3.3. The building of the garage has already started, however it is not currently built in accordance with the approved plans. The garage has been constructed up to an eaves height of approximately 4.8 metres, which is the height of the eaves sought for approval through this planning application.

4. Relevant Planning History

91/00839/4	Change of use to private gypsy transit site comprising 7 seven pitches	Refused	25.11.1992
94/00736/COU	Siting of two residential mobile units	Refused	16.11.1994
95/00492/FUL	Retention of detached double garage	Permission	26.10.1995
03/00245/FUL	Demolition of existing dwelling and erection of replacement dwelling conversion of existing detached garage to granny annexe and construction of new garaging and creation of storage area to the rear	Permission	12.01.2004
09/00134/FUL	Extensions and alterations to dwelling	Permission	20.04.2009
16/00085/FUL	Temporary planning permission for the parking of vehicles (2 years) (retrospective)	Refused	09.05.2016

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.
- 5.2. No comments received.

6. Consultation

- 6.1. Bagworth and Thornton Parish Council object for the following reasons:-
- 1) Works not being undertaken in accordance with the approved details
 - 2) Subsequent effect upon the appearance and impact of the development
 - 3) Garage doors are not to be altered to accommodate the change in height, leaving a void roof space
- 6.2. No objection from HBBC Drainage.

7. Policy

- 7.1. Core Strategy (2009)
- Policy 21: National Forest
- 7.2. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM4: Safeguarding the Countryside and Settlement Separation
 - Policy DM10: Development and Design
 - Policy DM18: Vehicle Parking Standards
- 7.3. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2019)
 - Planning Practice Guidance (PPG)

8. Appraisal

- 8.1. Key Issues
- Assessment against strategic planning policies
 - Design and impact upon the character of the area
 - Impact upon highway safety

Assessment against strategic planning policies

- 8.2. Notwithstanding that the application site is located in the countryside, the NPPF (2019) and Policy DM1 of the Site Allocations and Development Management Policies (SADMP) provide a presumption in favour of sustainable development. Policy DM4 of the SADMP sets out the circumstances in which development would be considered sustainable within the countryside, such as a householder application which leads to the enhancement of the immediate setting and does not impact upon the intrinsic value of the open character of the countryside. Compliance with the relevant sections of Policy DM4 of the SADMP will be assessed further in the following section.

Design and impact upon the character of the area

- 8.3. Policy DM10 of the SADMP requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. Policy DM4 of the SADMP seeks to protect and safeguard the countryside and requires development to not have a significant adverse effect on the intrinsic value, beauty, open character and

landscape character of the countryside and states proposals would only be permitted where they lead to an enhancement of the immediate setting.

- 8.4. Policy DM4 of the SADMP allows for sustainable development in the countryside where it meets specific criteria and subject to 5 sub-criteria that must be also met. Criterion i) is most relevant and requires that the development results in no significant adverse effects to the intrinsic value, beauty, open character and landscape character of the countryside location. Criterion v is also relevant to this proposal given that the application site sits within the National Forest. Criterion v states that proposal within the National Forest must contribute to the delivery of the National Forest Strategy in line with Core Strategy Policy 21. Criterion ii – iv of Policy DM4 of the SADMP would not be relevant to this application as the proposal would not undermine the separation between settlements, not create or exacerbate ribbon development and is not located in the Green Wedge.
- 8.5. Policy 21 of the Core Strategy seeks to ensure that the siting and scale of the proposed development is appropriately related to its setting within the Forest and that the development respects the character and appearance of the wider countryside.
- 8.6. The proposed garage would be located to the north of the dwelling and sited perpendicular to the road with the side elevation facing Barlestone Road. The proposed building would be a quadruple garage and workshop measuring approximately 16 metres by 6.6 metres with a height of approximately 4.8 metres to the eaves and 7.4 metres to the ridge.
- 8.7. Although the proposed garage would be set back from the front elevation of the existing dwelling, views of the garage would still be unmistakable from Barlestone Road, given the open nature of the front of the site. This coupled with the significant height of the garage would result in a highly prominent form of development within a countryside location.
- 8.8. Notwithstanding planning permission has already being granted for the depth and width of the garage; due to the significant increase in height, steeper roof pitch and siting, combined with size of the garage would result in a significant intrusion into the existing open nature of the countryside.
- 8.9. The proposed garage would be visible when approaching the site from the south of the application site and have little resemblance in terms of scale and design to the main dwelling. As such the proposed garage would be highly dominant and an incongruous form of development within the context of the site and in turn detract from the existing character of the host dwelling, its setting within the National Forest and the character and appearance of the wider countryside.
- 8.10. Although the proposed siting of the garage has previously been approved, this was at a lesser scale of development and as such was not considered to be highly prominent in the context of the site.
- 8.11. In addition to the increase in height of the garage, this application does not propose any landscaping or screening hedges, as previously proposed on the previous application. Notwithstanding this, due to the significant height of the garage, it is considered that any planting proposed or screening would not be able to mitigate the permanent harm caused to the character of the countryside.
- 8.12. The garage is subservient to the main dwelling, but due to the combination of the siting, size, height, scale and massing would be very prominent within the countryside location and would have a significant adverse impact upon the character of the countryside, surrounding area and the delivery of the National

Forest Strategy, contrary to Policies DM4 and DM10 of the SADMP and Policy 21 of the Core Strategy.

Impact upon highway safety

- 8.13. Policy DM18 requires new development to provide an appropriate level of parking provision.
- 8.14. The proposed garage would provide parking for four vehicles. Overall, it is considered that there would be sufficient off street parking within the site to ensure no adverse on-street parking.
- 8.15. Therefore the proposal would have no adverse impact upon highway safety in accordance with Policy DM18 of the SADMP.

9. Equality Implications

- 9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 9.2. Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 9.3. There are no known equality implications arising directly from this development.
- 9.4. The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

- 10.1. Whilst a smaller garage has been approved and there are no adverse impacts on highway safety; the proposed garage by virtue of the height, massing, scale and siting, would neither complement nor enhance the character and appearance of the countryside, National Forest or the existing dwelling; contrary to Policies DM4 and DM10 of the Site Allocations and Development Management Policies DPD and Policy 21 of the Core Strategy.

11. Recommendation

- 11.1. **Refuse planning permission** for the reasons at the end of this report.

- 11.2. **Reasons**

- 1. By virtue of the proposed siting, height, massing and scale, the proposed garage would result in an incongruous and dominant feature within the countryside location that would have a significant adverse impact upon the intrinsic value, beauty and character of the countryside, surrounding area and

the National Forest, contrary to Policies DM4 and DM10 of the Site Allocations and Development Management Policies Development Plan Document and Policy 21 of the Core Strategy.

11.3. Notes to Applicant

1. This application has been determined in accordance with the following submitted details:-

Planning Application Form

received by the Local Planning Authority on 12 February 2019

Proposed Plans and Elevations drg. no. 19/08 01A

Previously Approved Plans and Elevations

received by the Local Planning Authority on 19 February 2019

Block Plan drg. no. 19/08 03A

Location Plan drg. no. 19/08 02A

received by the Local Planning Authority 22 February 2019

Planning Committee 23 April 2019
Report of the Interim Head of Planning

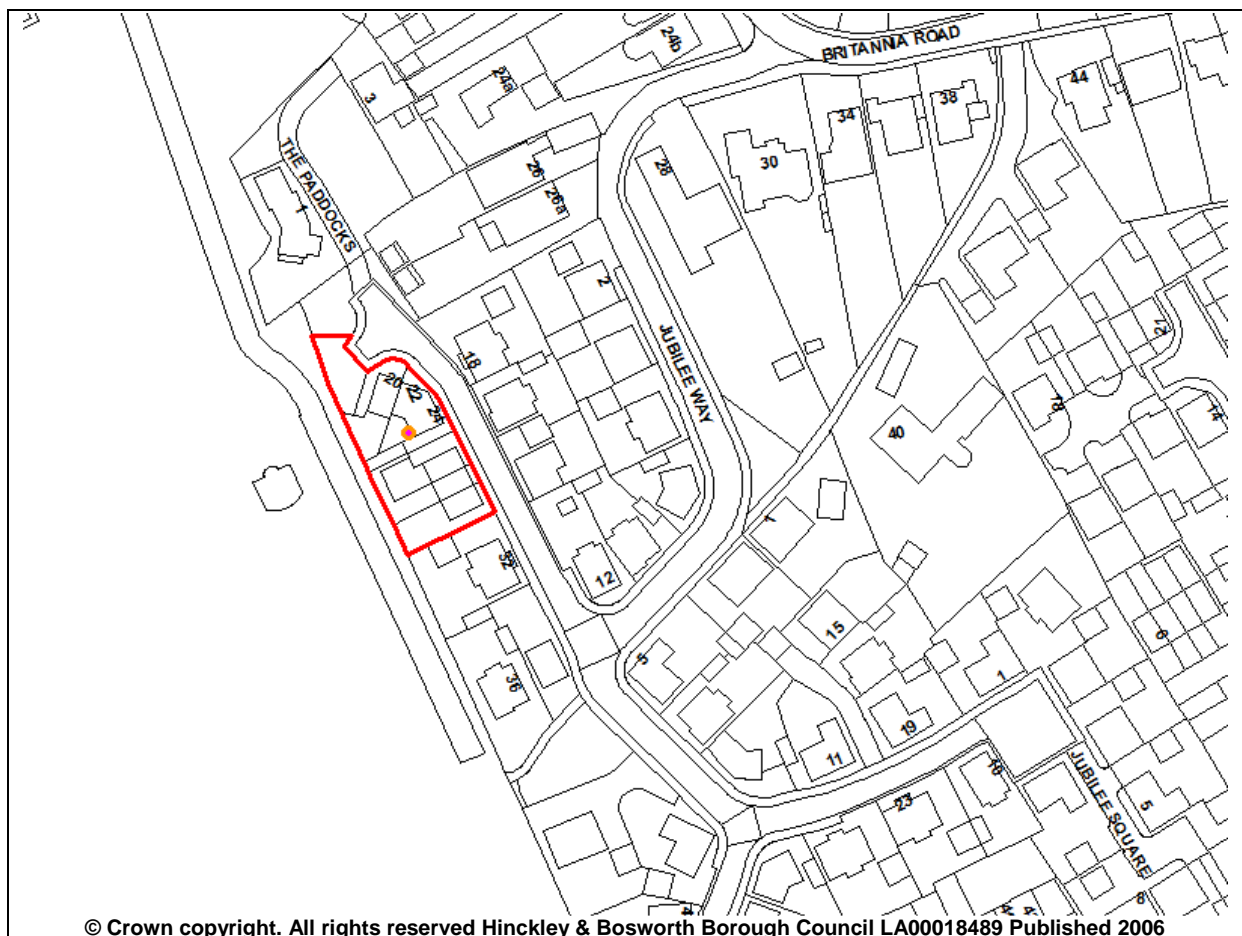
Planning Ref: 19/00264/S106
Applicant: Holly Edwards
Ward: Burbage Sketchley & Stretton



Hinckley & Bosworth
Borough Council

Site: Land South Of 26 To 28 Britannia Road Burbage

Proposal: Deed of variation to amend section 106 agreement relating to application 12/00154/FUL to provide the provision of right to buy for no. 22 Jubilee Way



1. Recommendations

- 1.1. **Refuse modification to S106 agreement relating to planning permission 12/00154/FUL** for the reason given at the end of this report.

2. Planning Application Description

- 2.1. Full planning permission was granted in 2012 for the erection of 52 dwellings with garages and infrastructure at land south of 26 to 28 Britannia Road, Burbage. A S106 agreement accompanied that permission and the current application seeks to amend the S106 agreement as set out below:

- Amend the section 106 agreement to provide the provision of right to buy for no. 22 Jubilee Way, Burbage.

- 2.2. None of the other obligations within the original Section 106 agreement are affected by this application.

3. Description of the Site and Surrounding Area

- 3.1. The entire application site for application reference 12/00154/FUL measures approximately 2.21 hectares and used to comprise two separate fields bisected by a public right of way. The ground levels fall to the south of the site and there are field boundary hedgerows and sporadic trees around the perimeter. Britannia Road Recreation Ground lies to the west, agricultural fields lie to the south and part east and residential development lies to the part north and part east of the site. The development is fully completed and occupied.
- 3.2. The application site this relates to is 22 Jubilee Way, which is a two bedroom dwelling and secured as an affordable rented unit within the agreed Section 106.

4. Relevant Planning History

09/00915/OUT	Erection of 62 dwellings and associated access	Refused – Appeal Allowed	23.03.2010
10/00381/OUT	Development of 62 no residential dwellings including access	Withdrawn	25.06.2010
11/00823/FUL	Erection of 52 no. Dwellings with garages and associated infrastructure	Refused – Appeal Withdrawn	08.02.2012
12/00154/FUL	Erection of 52 dwellings with garages and associated infrastructure	Permission	14.05.2012
12/01026/FUL	Erection of 9 dwellings (part re-plan of permission 12/00154/FUL (plots 40-45 and 47-49)	Refused – Appeal Allowed	05.04.2013
12/01079/FUL	Erection of 9 dwellings and associated infrastructure	Refused – Appeal Allowed	05.04.2013
13/00314/FUL	Substitution of house types plots 48 and 49 of planning permission 12/00154/FUL	Permission	28.06.2013
13/00595/CONDIT	Variation of condition 2 and 4 of planning permission 12/00154/FUL - the erection of 52 dwellings with garages and associated infrastructure. Amendments to materials	Permission	18.10.2013

5. Publicity

- 5.1. A site notice was posted within the vicinity of the site and a notice was displayed in the local press.
- 5.2. No comments received.

6. Consultation

- 6.1. No objection in principle from Burbage Parish Council subject to the clarification on the potential availability of S106 resulting from the modification/sale.

7. Policy

- 7.1. Core Strategy (2009)
- Policy 4: Development in Burbage
 - Policy 15: Affordable Housing
- 7.2. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM3: Infrastructure and Delivery
- 7.3. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2019)
 - Planning Practice Guidance (PPG)
- 7.4. Other relevant guidance
- Affordable Housing SPD (2011)
 - Emerging Burbage Neighbourhood Plan

8. Appraisal

- 8.1. Under section 106A of the Town and Country Planning Act 1990 a planning agreement may be modified by agreement between the local planning authority and the person against whom the planning obligations are enforceable. National Planning Practice Guidance provides that planning obligations can be renegotiated at any point, where the Council and the Developer agree to do so.
- 8.2. Policy 15 of the Core Strategy states that to support the provision of mixed, sustainable communities, a minimum of 2090 affordable homes will be provided in the borough from 2006 to 2026. It should also be noted that the Annual Monitoring Report 2016-2017 identifies that 954 affordable dwellings were delivered since 2006. This is less than half of the required affordable housing units however we are over half way through the current plan period.
- 8.3. Policy 15 seeks the provision of 20% affordable housing on all sites in Burbage of 15 dwellings or more or 0.5 hectares or more with a tenure split of 75% for social rent and 25% for intermediate tenure.
- 8.4. The original section 106 agreement (dated 14 May 2012) secured affordable housing units at 25% of the total number of dwellings to be constructed as part of the development with the split being 9 Social Rented Dwellings and 4 Intermediate Housing.
- 8.5. There have been the following Section 106 Agreements and Deed of Variations on the Site:
- Application Number 12/00154/FUL
 - Section 106 Agreement Dated 14 May 2012
 - Deed of Variation Dated 27 November 2013
 - Application Number 12/01079/FUL
 - Section 106 Agreement Dated 2 October 2013

- 8.6. The current section 106 agreement on the site ensures that nothing shall prevent the Registered Provider from disposing of it or any part thereof under Section 16 of the Housing Act 1996 and any statutory extension, amendment or replacement thereof. Section 16 of the Housing Act 1996 provided a right for the tenant to acquire the dwelling; however, Section 16 of the Housing Act 1996 has been revoked and the right to acquire is no longer in place.
- 8.7. Central government have introduced a pilot scheme, The Voluntary Right to Buy Midland Pilot, within the Midlands. Qualification criteria and financial discounts for the scheme work in the same way as the right to buy scheme for council tenants but during the pilot the application process operates in a different way to the statutory Right to Buy Scheme currently in force. Tenants of Registered Providers for the pilot have a window of time to register their interest, and after the closing date the successful tenants are picked at random, and given a reference number. They then make an application for right to buy to their landlords using their reference number.
- 8.8. As the Voluntary Right to Buy is currently only being piloted in a specific geographical area, landlords could choose whether or not they wish to participate in the pilot, and those that do have flexibility on properties they will or will not include in the voluntary right to buy. However those tenants who are successful in applying for right to buy, but whose property is not included in the right to buy pilot, should be offered an alternative property.
- 8.9. The applicant, Stonewater Homes, which is the Registered Provider for the affordable housing properties on Jubilee Way, has chosen to participate in the Voluntary Right to Buy pilot, and currently 1 of their tenants on Jubilee Way has been successful in their bid to qualify under the pilot scheme. Other tenants may register their interest in future bid rounds.
- 8.10. The current wording of the section 106 agreement dated 14th May 2012 would not allow the properties they occupy to be used for owner occupation and therefore although they qualify for voluntary right to buy this can only be executed by amending the S106 agreement. This application therefore seeks a variation to the section 106 agreement to allow their tenants to buy the home they currently occupy.
- 8.11. The proposed amendment to the Section 106 would ultimately result in the loss of affordable housing properties within the borough of Hinckley and Bosworth. The loss of stock for affordable and social rent is considered to be significant, especially given the pressures on the Council's housing register, which currently (14 March 2019) has 1525 applicants waiting for rehousing. As identified above the council has a requirement to deliver 2090 affordable dwellings over the plan period. The council is currently under-delivering affordable housing provision in the borough, in 2016/17 the delivery of affordable dwellings over the plan period was 954 dwellings which is 196 less than the expected 1150 by 2016/17.
- 8.12. The loss of affordable housing is significant for this borough, due to the needs for affordable housing in the area. This amendment to the Section 106 would result in the loss of a social rented dwellings delivered as part of this development and also result in an overall net loss to the borough, The Affordable Housing SPD states in paragraph 7.5 *'The council wishes to ensure that affordable housing remains affordable and is occupied by local people in housing need in perpetuity'*. This proposal would be contrary to this aim and therefore contrary to Policy 15 of the Core Strategy.
- 8.13. Under the Voluntary Right to Buy pilot the capital receipt received by the Registered Provider for the sale must be reinvested in affordable housing. However this does not necessarily have to be reinvested in the area in which the sale was made, or

even the borough of Hinckley and Bosworth. Although the applicant is actively increasing their supply of affordable housing in the borough, there is no guarantee that the sale/loss of these affordable housing units would be recycled into the borough. Therefore the assessment must assume that there would be a net loss of affordable dwellings within the borough as a result of this scheme.

- 8.14. Consideration has also to be given to this scheme providing an opportunity for the existing tenants to meet their housing aspirations when they may not be able to enter owner occupation by any other means. In addition, it would allow the tenants to remain in their community where buying a property might otherwise be out of reach.
- 8.15. It is considered however, that the minor benefits of the pilot scheme identified above do not outweigh the significant impacts of the loss of an affordable housing unit within the borough, especially where this loss is not mitigated. This is emphasised further given that the borough's affordable housing delivery is considerably below the affordable housing target over the recent plan period. In addition, if this modification is agreed, this could lead to further registered providers requesting similar modifications which would further result in a loss net of affordable housing units. Although this modification would result in the loss of a 1 property on the development site, other tenants may come forward to apply for the voluntary right to buy scheme.
- 8.16. The Voluntary Right to Buy Midland Pilot is not supported by legislation or local policy and is by its very name a pilot. Local Planning Authorities are not required to release affordable housing secured by Section 106 if they do not determine it is appropriate to do so. In this instance the proposal would result in the net loss of an affordable unit with no guarantee that this would be recycled within the borough at a time when the delivery of affordable housing units is below the council's targets. The benefits of this proposal for existing tenants to meet their housing aspirations to own their own home is not considered to outweigh the significant harm identified to the loss of affordable housing stock for the borough. As such, the proposed amendment is considered to be contrary to Policy 15 of the Core Strategy and the Affordable Housing SPD.

9. Equality Implications

- 9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
 - (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2. Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 9.3. There are no known equality implications arising directly from this development.
- 9.4. The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which

makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

- 10.1. It is considered that the proposed amendment to the existing Section 106 agreement and subsequent deed of variation for planning permissions 12/00154/FUL and 12/01079/FUL to secure the affordable housing obligations would result in the loss of affordable housing units that would be contrary to the council's targets and policies relating to affordable housing provision. The benefits identified are not considered to outweigh the harm and as such, the modification is recommended for refusal, in line with the provisions of Policy 15 of the Core Strategy and the Affordable Housing SPD.

11. Recommendation

- 11.1. **Refuse modification to S106 agreement relating to planning permission 10/00358/OUT** for the reason given at the end of this report

11.2. Reasons

1. The modification to the section 106 agreements relating to planning permissions 12/00154/FUL and 12/01079/FUL would result in the net loss of an affordable unit with no mitigation or guarantee that this affordable dwelling would be replaced within the borough of Hinckley and Bosworth at a time when the delivery of affordable housing units is below the council's targets. As such, the proposed amendment is considered to be contrary to Policy 15 of the Core Strategy and the Affordable Housing Supplementary Planning Document (2011).

11.3. Notes to Applicant

1. This modification has been considered in accordance with the submitted details as follows:

Application Form,
Section 106 Agreement,
Title Plan,
Title Register,
Part 2 Notice – Certificate B
received by the local planning authority on 1 March 2019

Deed of Variation
received by the local planning authority on 5 March 2019

Title Plan
received by the local planning authority on 8 March 2019.

Planning Committee 23 April 2019
Report of the Interim Head of Planning

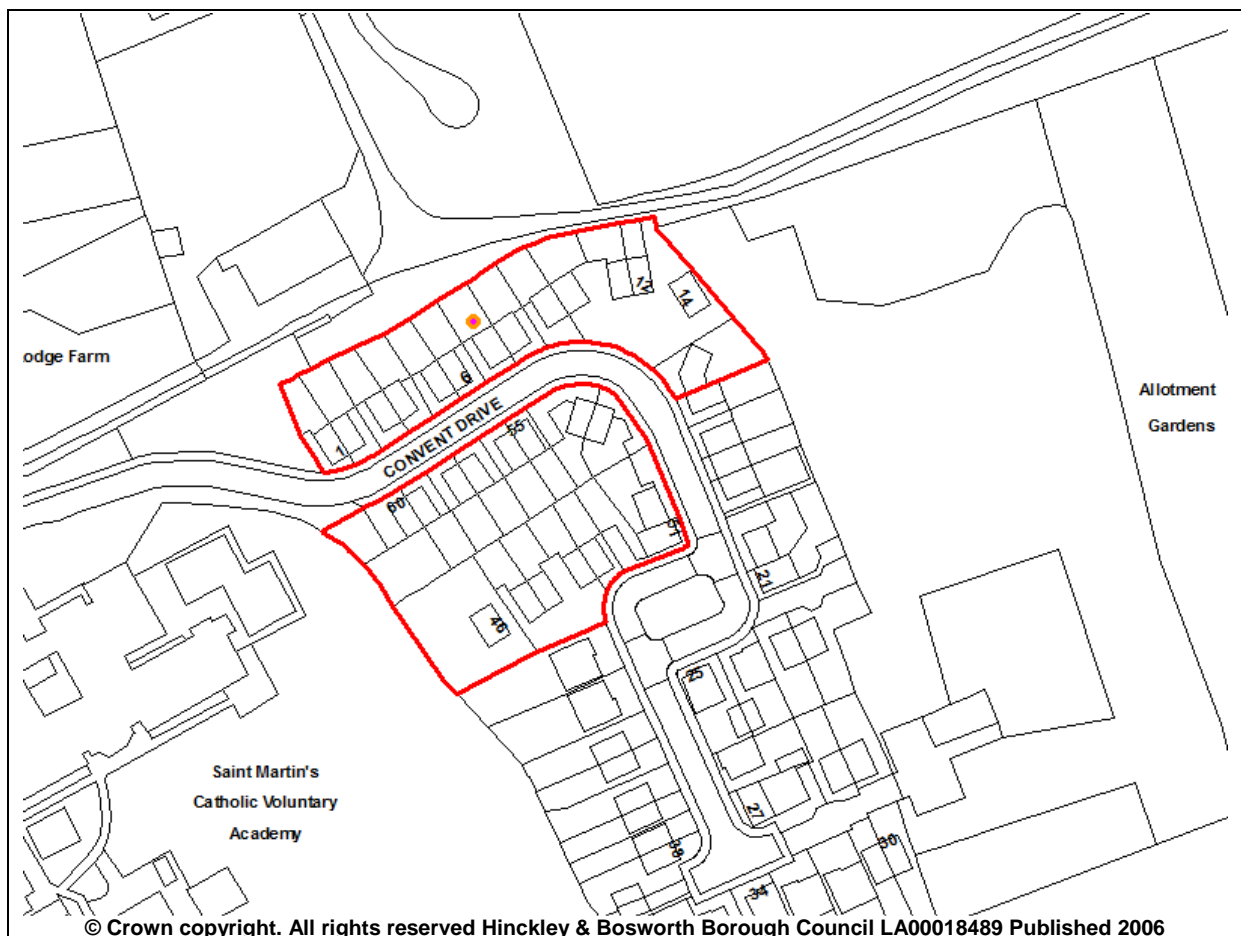
Planning Ref: 19/00013/S106
Applicant: Holly Edwards
Ward: Ambien



Hinckley & Bosworth
Borough Council

Site: St Martins Convent Hinckley Road Stoke Golding

Proposal: Deed of variation to amend section 106 agreement relating to application 10/00358/OUT to provide the provision of right to buy for 8, 9, 14, 51 and 53 Convent Drive



1. Recommendations

- 1.1. **Refuse modification to S106 agreement relating to planning permission 10/00358/OUT** for the reason given at the end of this report.

2. Planning Application Description

- 2.1. Outline planning permission was granted in 2010 for the residential development of up to 59 dwellings on land at St Martins Convent, Hinckley Road, Stoke Golding. A S106 agreement accompanied that permission and the current application seeks to amend the S106 agreement as set out below:

- Amend the section 106 agreement to provide the provision of right to buy for nos. 8, 9, 14, 51 and 53 Convent Drive, Stoke Golding.

- 2.2. None of the other obligations within the original Section 106 agreement are affected or proposed to be modified by this application.

3. Description of the Site and Surrounding Area

- 3.1. The application site extends to 3.2 hectares and is accessed along a drive which runs from Hinckley Road to the rear of St Martin's School. The application site used to be a convent with a number of buildings on the site that has previously been demolished as part of the original planning application.
- 3.2. The application site is located within the settlement boundary of Stoke Golding and is bound to the north by Lodge Farm, to the west and south west by St Martin's Catholic School and to the east and south east by open fields. There is extensive tree cover to the drive and western boundary. The western part of the site is covered by a group Tree Preservation Order.
- 3.3. Site levels fall significantly from north to south by approximately 4 meters. There are a variety of buildings on site. The development is fully completed and occupied.

4. Relevant Planning History

10/00358/OUT	Residential development for up to 59 dwellings (outline - access only)	Permission	09.09.2010
11/00219/REM	Erection of 59 dwellings (siting, appearance, layout and landscaping)	Permission	24.06.2011
12/00880/FUL	Erection of 20 dwellings (part re-plan of 11/00219/REM)	Permission	14.03.2013
13/00453/CONDIT	Variation of condition 2 of planning permission 11/00219/REM to amend the approved elevations	Permission	09.10.2013
13/00509/CONDIT	10 Variation of condition 2 of planning permission 12/00880/FUL to amend the approved elevations	Permission	22.10.2013
13/00989/NOMAT	Non material amendment of planning permission 13/00453/CONDIT to change Plot 19's patio doors to a bi-fold door	Permission	10.12.2013
15/00845/CONDIT	Variation of condition 2 of planning permission 11/00219/REM to enable relocation of equipped play area	Withdrawn	08.03.2017

5. Publicity

- 5.1. A site notice was posted within the vicinity of the site and a notice was displayed in the local press.
- 5.2. No comments received.

6. Consultation

- 6.1. No objections from Stoke Golding Parish Council.

7. Policy

- 7.1. Core Strategy (2009)

- Policy 11: Key Rural Centres
- Policy 15: Affordable Housing

- 7.2. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery

- 7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2019)
- Planning Practice Guidance (PPG)

- 7.4. Other documents

- Affordable Housing SPD (2011)

8. Appraisal

- 8.1. Under section 106A of the Town and Country Planning Act 1990 a planning agreement may be modified by agreement between the local planning authority and the person against whom the planning obligations are enforceable. National Planning Practice Guidance provides that planning obligations can be renegotiated at any point, where the Council and the Developer agree to do so.

- 8.2. Policy 15 of the Core Strategy states that to support the provision of mixed, sustainable communities, a minimum of 2090 affordable homes will be provided in the borough from 2006 to 2026. It should also be noted that the Annual Monitoring Report 2016-2017 identifies that 954 affordable dwellings were delivered since 2006. This is less than half of the required affordable housing units however we are over half way through the current plan period.

- 8.3. Policy 15 seeks the provision of 40% affordable housing on all sites in rural areas of 4 dwellings or more or 0.5 hectares or more with a tenure split of 75% for social rent and 25% for intermediate tenure.

- 8.4. The 2010 permission and its original section 106 agreement (dated 9 September 2010) secured affordable housing units at 40% of the total number of dwellings to be constructed as part of the development with the split between Social Rented and Intermediate Housing to be agreed at a later date.

- 8.5. A viability report was submitted to the local planning authority on 11 October 2011 and a deed of variation was subsequently agreed which result in an amendment to the affordable housing provision on the site. This deed of variation secured affordable housing units at 25% of the total number of dwellings to be constructed, split 11.5% social rented (7 dwellings) and 13.5 intermediate (8 dwellings).

- 8.6. There have been the following Section 106 Agreements and Deed of Variations on the Site:

- Application Number 10/00358/OUT
 - Section 106 Agreement Dated 9 September 2010
 - Deed of Variation Dated 21 December 2011 – this secured an amendment to the affordable housing provision on the site

- Application Number 12/00880/FUL
 - Deed of Variation Dated 11 March 2013 – this secured the contributions from the original Outline application to be carried forward within this permission
- 8.7. The current section 106 agreement on the site states that nothing shall prevent the Registered Provider from disposing of it or any part thereof under Section 16 of the Housing Act 1996 and any statutory extension, amendment or replacement thereof. Section 16 of the Housing Act 1996 provided a right for the tenant to acquire the dwelling; however, Section 16 of the House Act 1996 has been revoked and the right to acquire is no longer in place.
 - 8.8. Central government have introduced a pilot scheme, The Voluntary Right to Buy Midlands Pilot, within the Midlands. Qualification criteria and financial discounts for the scheme work in the same way as the right to buy scheme for council tenants, but during the pilot the application process operates in a different way to the Statutory Right to Buy Scheme currently in force. Tenants of Registered Providers for the pilot have a window of time to register their interest, and after the closing date the successful tenants are picked at random, and given a reference number. They then make an application for right to buy to their landlords using their reference number.
 - 8.9. As the Voluntary Right to Buy is currently only being piloted in a specific geographical area, landlords could choose whether or not they wish to participate in the pilot, and those that do have flexibility on properties they will or will not include in the voluntary right to buy. However those tenants who are successful in applying for right to buy, but whose property is not included in the right to buy pilot, should be offered an alternative property.
 - 8.10. The applicant, Stonewater Homes, which is the Registered Provider for the affordable housing properties on Convent Drive, has chosen to participate in the Voluntary Right to Buy pilot, and currently 5 of their tenants on Convent Drive have been successful in their bid to qualify for right to buy. Other tenants may register their interest in future bid rounds.
 - 8.11. The current wording of the section 106 agreement dated 14th May 2012 would not allow the properties they occupy to be used for owner occupation and therefore although they qualify for voluntary right to buy this can only be executed by amending the S106 agreement. This application therefore seeks a variation to the section 106 agreement to allow their tenants to buy the home they currently occupy.
 - 8.12. The proposed amendment to the Section 106 would ultimately result in the loss of affordable housing properties within the borough of Hinckley and Bosworth. The loss of stock for affordable and social rent is considered to be significant, especially given the pressures on the Council's housing register, which currently (14 March 2019) has 1525 applicants waiting for rehousing. As identified above the council has a requirement to deliver 2090 affordable dwellings over the plan period. The council is currently under-delivering affordable housing provision in the borough, in 2016/17 the delivery of affordable dwellings over the plan period was 954 dwellings which is 196 less than the expected 1150 by 2016/17.
 - 8.13. The loss of affordable housing is significant for this borough, due to the needs for affordable housing in the area. As identified earlier in the report this development was unable to deliver the policy requirement of 40% affordable housing and was reduced to 25% due to viability issues which the scheme. This amendment to the Section 106 would result in the loss of an additional 5 social rented dwellings which

would leave 2 social rented dwellings within this development, The Affordable Housing SPD states in paragraph 7.5 '*The council wishes to ensure that affordable housing remains affordable and is occupied by local people in housing need in perpetuity*'. This proposal would be contrary to this aim and therefore contrary to Policy 15 of the Core Strategy.

- 8.14. Under the Voluntary Right to Buy pilot the capital receipt received by the Registered Provider for the sale must be reinvested in affordable housing. However this does not necessarily have to be reinvested in the area in which the sale was made, or even the borough of Hinckley and Bosworth. The applicant has submitted a letter in support of the application stating that they are currently delivering 63 units within Earl Shilton and also exploring other opportunities in the area. These additional affordable dwellings are being delivered through other developments which are required to provide a provision of affordable housing, therefore it is not considered that these additional dwellings would be a 'net gain' to affordable housing as they are policy required development, not 'in addition to'. Although the applicant is actively increasing their supply of affordable housing in the borough, there is no guarantee that the sale/loss of these affordable housing units would be recycled into the borough. Therefore the assessment must assume that there would be a net loss of affordable dwellings within the borough as a result of this scheme.
- 8.15. Consideration has also to be given to this scheme providing an opportunity for the existing tenants to meet their housing aspirations when they may not be able to enter owner occupation by any other means. In addition, it would allow the tenants to remain in their community where buying a property might otherwise be out of reach.
- 8.16. It is considered however, that the minor benefits of the pilot scheme identified above do not outweigh the significant impacts of the loss of affordable housing units within the borough, especially where this loss is not mitigated. This is emphasised further given that the borough's affordable housing delivery is considerably below the affordable housing target over the recent plan period. In addition, if this modification is agreed, this could lead to further registered providers requesting similar modifications which would further result in a loss net of affordable housing units.
- 8.17. The Voluntary Right to Buy Midland Pilot is not supported by legislation or local policy and is by its very name a pilot. Local Planning Authorities are not required to release affordable housing secured by Section 106 if they do not determine it is appropriate to do so. In this instance the proposal would result in the net loss of affordable units with no guarantee that this would be recycled within the borough at a time when the delivery of affordable housing units is below the council's targets. The benefits of this proposal for existing tenants to meet their housing aspirations to own their own home is not considered to outweigh the significant harm identified to the loss of affordable housing stock for the borough. As such, the proposed amendment is considered to be contrary to Policy 15 of the Core Strategy and the Affordable Housing SPD.

9. Equality Implications

- 9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2. Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.

9.3. The equality implications arising from this application relate to the protected characteristics of the son of one of the tenants within one of the properties that has applied for the voluntary right to buy scheme. The tenant has advised that their son is autistic and this is part of the reasoning as to why the tenant is requesting to buy the property. Notwithstanding that, this is not a material consideration in the provision of affordable units in the borough, the recommendation of refusal of this modification will not result in a threat to the tenants long term tenancy. The tenant is still residing at the property and can continue to do so for the foreseeable future under the provisions of their tenancy from the Registered Provider.

9.4. The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

10.1. It is considered that the proposed amendment to the existing Section 106 agreement and subsequent deed of variations for planning permissions 10/00358/OUT and 12/00880/FUL to secure the affordable housing obligations would result in the loss of affordable housing units that would be contrary to the council's targets and policies relating to affordable housing provision. The benefits identified are not considered to outweigh the harm and as such, the modification is recommended for refusal, in line with the provisions of Policy 15 of the Core Strategy and the Affordable Housing SPD.

11. Recommendation

11.1. **Refuse modification to S106 agreement relating to planning permission 10/00358/OUT** for the reason given at the end of this report

11.2. Reasons

1. The modification to the section 106 agreement relating to planning permissions 10/00358/OUT and 12/00880/FUL would result in the net loss of affordable units with no mitigation or guarantee that these affordable dwellings would be replaced within the borough of Hinckley and Bosworth at a time when the delivery of affordable housing units is below the council's targets. As such, the proposed amendment is contrary to Policy 15 of the Core Strategy and the Affordable Housing Supplementary Planning Document (2011).

11.3. Notes to Applicant

1. This modification has been considered in accordance with the submitted details as follows:

Application Form,
Title Plan,

Title Register,
Section 106 Agreement,
Deed of Variation
received by the local planning authority on 12 December 2018

Part 2 Notice – Certificate B
received by the local planning authority on 11 January 2019

Letter received from the Agent dated 22 February 2019
received by the local planning authority on 28 February 2019.

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Planning Committee 23 April 2019
Report of the Interim Head of Planning

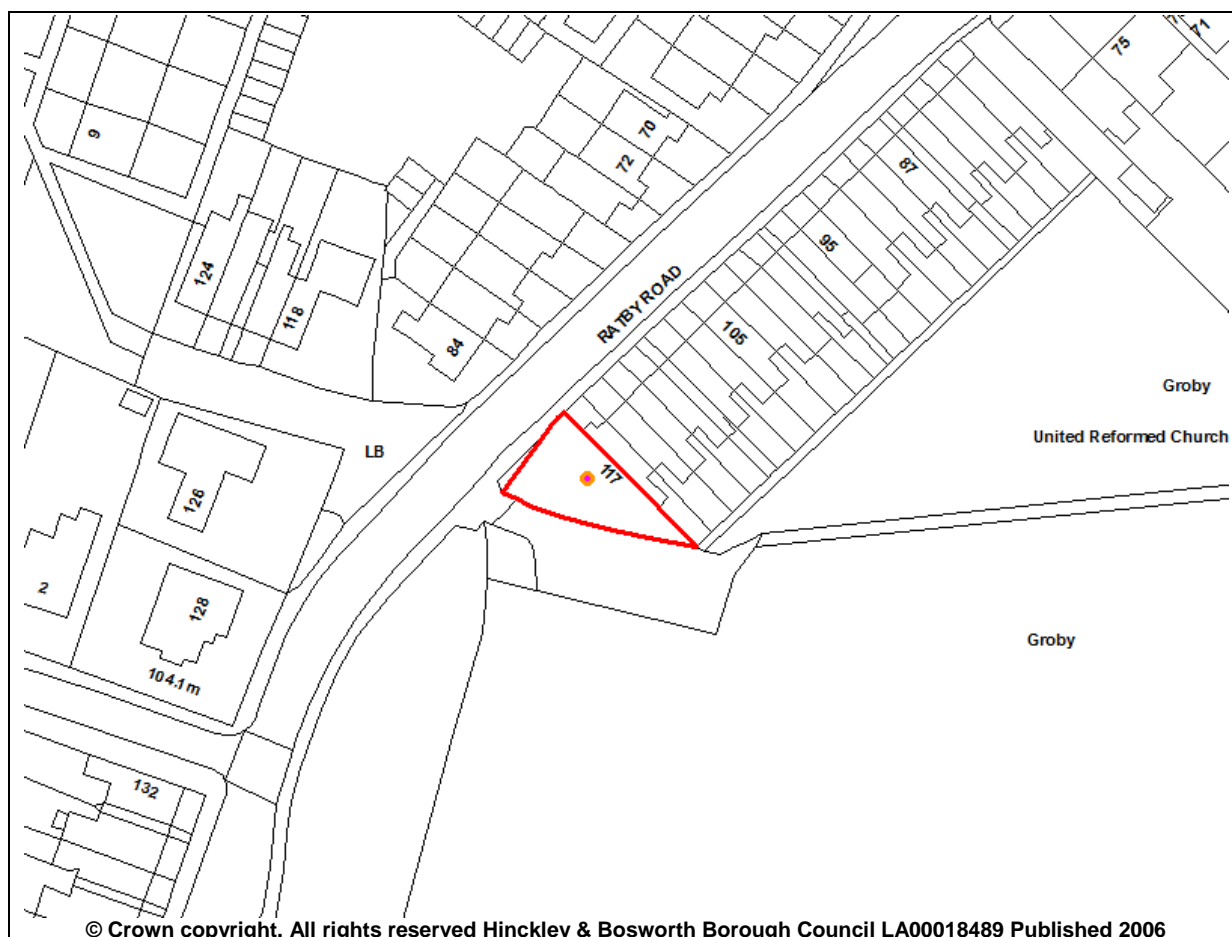
Planning Ref: 19/00091/FUL
Applicant: Ms Carol Lincoln
Ward: Groby



Hinckley & Bosworth
Borough Council

Site: Plot 50 Allotment Gardens Ratby Road, Groby

Proposal: Erection of a shipping container with associated 1.8m high fence



1. Recommendations

1.1. **Refuse planning permission** for the reasons at the end of this report.

2. Planning Application Description

2.1. This application seeks planning permission for the siting of a shipping container to be used to store gardening equipment and sundries on land at Plot 50, Allotment Gardens, Ratby Road, Groby.

2.2. The proposal would result in the siting of a shipping container (measuring approximately 2.4 metres high, 2.3 metres wide and 5.6 metres in depth) and associated 1.8 metre high fence and wooden gate to access the plot.

3. Description of the Site and Surrounding Area

3.1. The site as a whole is currently used as allotments and run by the Groby Allotment Society. The site is leased from Groby Parish Council. There are approximately 127

allotments on the site. The site is located within the centre of Groby with access and vehicle parking provided off Ratby Road with pedestrian access to the site from Chapel Hill and Mallard Avenue.

3.2. The allotments currently feature a number of structures associated with the use of the site such as sheds and greenhouses.

3.3. Plot 50 is situated adjacent to Ratby Road separated by the car park from the main allotments site. Ratby Road is characterised by two storey terraced dwellings of similar design, two storey semi detached and two storey detached properties of differed architectural form and design. The properties are sited back off the highway with low level boundaries and open grass verges. Plot 50 backs onto Ratby Road itself which currently has a hedgerow partially screening the plot from the road. The access into the allotments is also adjacent to plot 50 which connects to the car park to the allotments. The majority of the allotments are separated by a large open green space along Ratby Road which is also screened by a mature hedgerow.

4. Relevant Planning History

4.1. No relevant history for this site.

5. Publicity

5.1. The application has been publicised by sending out letters to local residents.

5.2. A site notice was also posted within the vicinity of the site.

5.3. There have been two letters of objection with regards to the following:

- 1) The container is an eyesore/ visually intrusive
- 2) The fence is an eyesore
- 3) The container encourages potential crime into the area
- 4) The container gives an industrial feel to the area
- 5) The container stores chemicals which are unsafe

6. Consultation

6.1. No objections were raised from:

LCC Highways
HBBC Drainage
HBBC Environmental Health
Groby Parish Council

7. Policy

7.1. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design

7.2. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2019)
- Planning Practice Guidance (PPG)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity

Assessment against strategic planning policies

- 8.2. Policy DM1 of the Site Allocations and Development Management Policies DPD (SADMP) sets out a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved.
- 8.3. This site is located within the settlement boundary of Groby and therefore there is a presumption in favour of sustainable development.

Design and impact upon the character of the area

- 8.4. Policy DM10 (c) of the SADMP seeks to ensure that new development complements or enhances the appearance and character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.5. The shipping container is proposed to be sited within Plot 50. Due to the location of this plot adjacent to the highway, the shipping container would be highly visible from Ratby Road, measuring approximately 2.4 metres high, 2.3 metres wide and 5.6 metres in depth.
- 8.6. Ratby Road is characterised by residential properties varying in architectural form and design. The shipping container is proposed to be sited onto an existing allotment plot which has previously had a wooden shed of smaller scale sited upon it. However, currently there are no structures on the land and with its hedgerow boundary; the site has the appearance of a domestic garden on the side of the adjacent property. Although the allotments are dominated by small structures typical of allotments (i.e. sheds and greenhouses), these are set further away (approximately 20 metres+) from the streetscene whereas the proposed shipping container would be viewed as part of the Ratby Road street scene rather than as part of the overall 'allotment character'. Despite the applicant stating that the container would have a wood cladding to the exterior walls, it is considered that the overall size and scale of the container with a footprint of approximately 12.9 square metres and a height of 2.4 metres would be larger than any existing structures within the allotment site as a whole and would have a dominating appearance when viewed from the street.
- 8.7. The shipping container is considered more in-keeping with a commercial site due to its industrial appearance and despite the proposed cladding it is considered to be out of keeping with the residential character of the surrounding area and would be visually prominent in the street scene, therefore is considered to be inappropriate development contrary to Policy DM10 (c) of the SADMP.
- 8.8. The proposed 1.8 metre high timber fence and gate to the rear of the plot would be sited off the highway by approximately 13 metres. The fence and gate are considered acceptable as they would not be overly prominent within the streetscene and are of a style and finish that would be commonly seen within residential gardens. This part of the proposal is acceptable.

Impact upon neighbouring residential amenity

- 8.9. Policy DM10 of the SADMP states that development should be permitted providing it would not have a significant adverse effect on the privacy and amenity of nearby residents.
- 8.10. The shipping container would be situated adjacent to No 117 Ratby Road, Groby. The south west elevation of this property, facing the application site, does not have any windows that would be adversely impacted upon by the proposal. Further to this, the proposed siting of the shipping container adjacent to this property would

not be highly visible from the private amenity areas of this neighbouring property. Therefore, despite the dimensions of the shipping container and the objections raised it is not considered that the development would result in any adverse noise, overlooking or overbearing impacts on the occupiers of this property. In this regard, the proposal accords with Policy DM10 (a) of the SADMP

Other issues

- 8.11. Concerns have been raised regarding the shipping container encouraging crime and potentially being dangerous to the area as the container would be storing gardening sundries. However these concerns are not planning matters and are not assessed as part of the application.

Equality Implications

- 8.12. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.13. Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 8.14. There are no known equality implications arising directly from this development.
- 8.15. The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

9. Conclusion

- 9.1. The applicant seeks planning permission for the siting of a shipping container on a permanent basis at Plot 50, Allotment Gardens, Groby. Notwithstanding the plot being situated within an allotment, due to the inappropriate siting, scale and design, the proposed shipping container would be an incongruous form of development that would be out of keeping with the character of the area and is therefore contrary to Policy DM10 of the Site Allocations and Development Management Policies DPD.

10. Recommendation

10.1. Refuse planning permission

11. Reason

1. The proposed shipping container by virtue of its siting, scale and design, would be an incongruous form of development which would be out of keeping with the character of the area and is therefore contrary to Policy DM10 of the Site Allocations and Development Management Policies DPD (2016).

12. Notes to Applicant

1. This application has been determined having regard to the following documents and plans submitted with the application, previous appeal decisions on the site and consultation responses received during the course of the application: Planning Application Form received on the 24 January 2019, Plan Layout (Dwg No 516), Location Plan received on the 23 January 2019 by the Local Planning Authority and Site Plan received on the 6 February 2019 by the Local Planning Authority.

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Planning Committee 23 April 2019
Report of the Interim Head of Planning

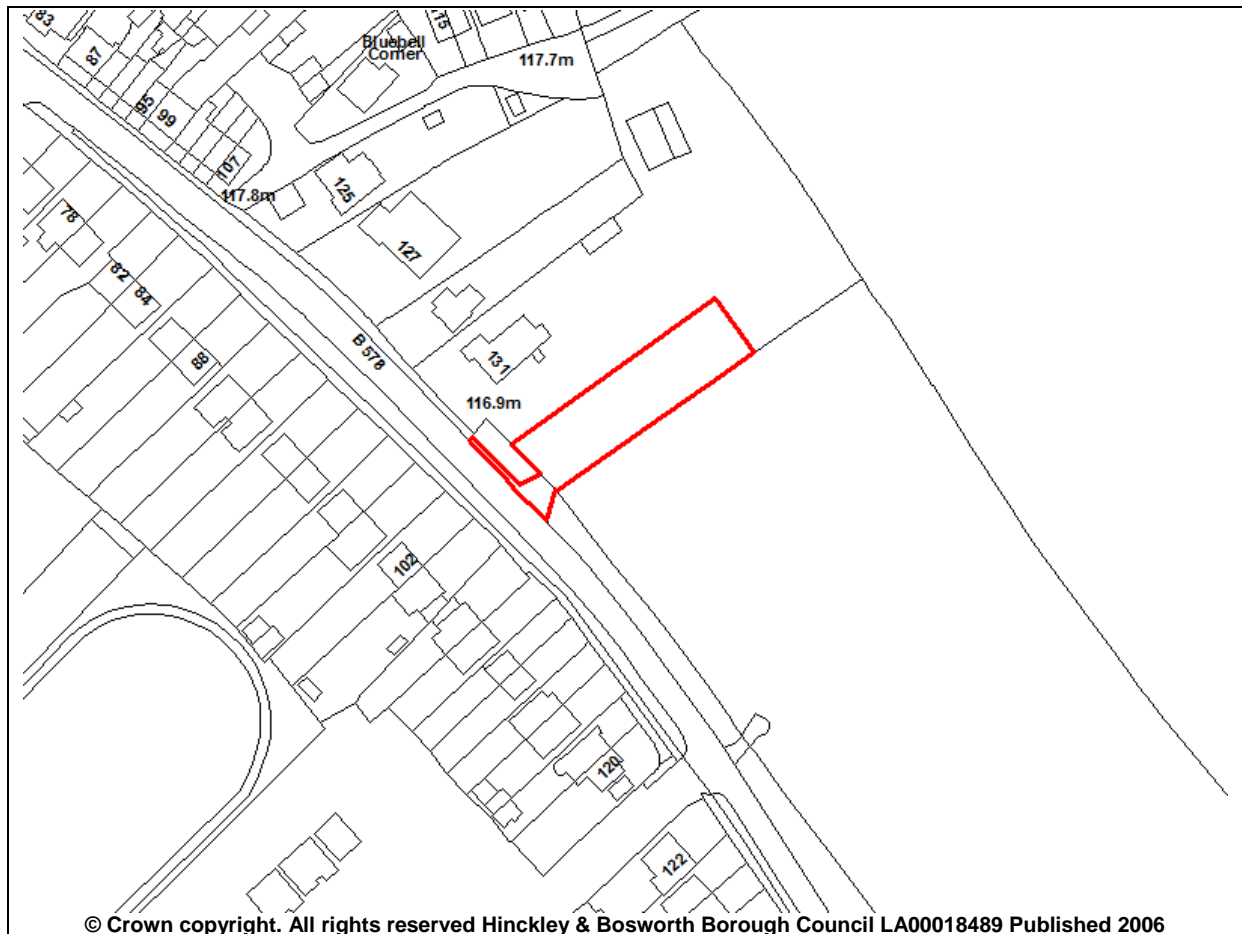
Planning Ref: 18/01278/FUL
Applicant: Mr Thomas Knapp
Ward: Burbage Sketchley & Stretton



Hinckley & Bosworth
Borough Council

Site: 131 Lutterworth Road Burbage

Proposal: Erection of detached dwelling and a new vehicular access



1. This application was taken to the previous Planning Committee 19 March 2019. The previous report and accompanying late items are attached to this report as Appendix A and B.
2. This application seeks full planning permission for the erection of a five bedroom detached dwelling with integral garage and the formation of a new associated private vehicular access. The proposal seeks to substitute an approved dwelling (Plot 3 of extant planning permission 17/01124/FUL) and provide a new private vehicular access to this plot rather than the use of the previously approved shared access for all three dwelling plots. The proposal includes a short extension to the existing public footway.
3. The proposed dwelling would be approximately 9.3 metres in width, 17.6 metres in overall depth and two storeys in height (9.2 metre high ridge) with additional accommodation within the roof space. The proposed front elevation design includes traditional features to reflect the traditional designs of detached dwellings to the

north west of the site and the other two approved and constructed plots. A 4 metre wide landscaping buffer is to be retained to the south east boundary of the site.

4. The minutes of the planning committee state for this application:

'Notwithstanding the officer recommendation that permission be granted subject to conditions, it was moved by Councillor Lynch and seconded by Councillor Wright that members be minded to refuse permission. Following further discussion this motion was withdrawn.

It was then moved by Councillor Wright and seconded by Councillor Lynch that the application be deferred to discuss the use of the existing access for the development with the applicant. Upon being put to the vote, the motion was CARRIED and it was

RESOLVED – the application be deferred and brought back to a future meeting.'

5. Despite feedback received from members at Planning Committee and subsequent discussion with officers, the applicant seeks the approval of a separate private drive to serve the proposed dwelling and therefore does not wish to amend or revise the scheme.
6. The officer's recommendation to approve the application subject to conditions remains as outlined in Appendix A to this report.

APPENDIX A

Planning Committee 19 March 2019
Report of the Interim Head of Planning

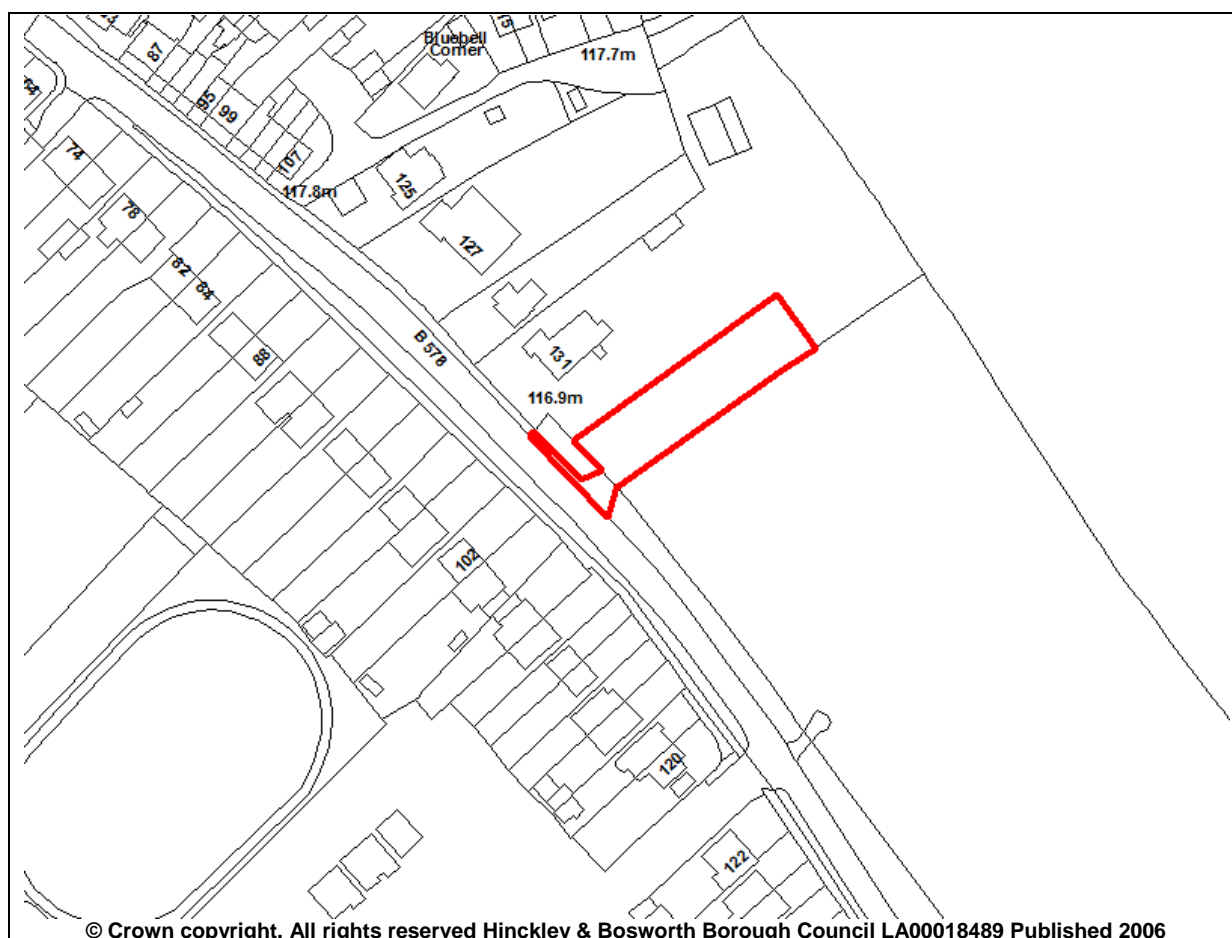
Planning Ref: 18/01278/FUL
Applicant: Mr Thomas Knapp
Ward: Burbage Sketchley & Stretton

Site: 131 Lutterworth Road Burbage

Proposal: Erection of detached dwelling and a new vehicular access



Hinckley & Bosworth
Borough Council



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1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

2. Planning Application Description

- 2.1. This application seeks full planning permission for the erection of a five bedroom detached dwelling with integral garage and the formation of a new associated private vehicular access. The proposal seeks to substitute an approved dwelling (Plot 3 of extant planning permission 17/01124/FUL) and provide a new private vehicular access to this plot rather than the use of the previously approved shared access for all three dwelling plots.

- 2.2. The proposed dwelling would be approximately 9.3 metres in width, 17.6 metres in overall depth and two storeys in height (9.2 metre high ridge) with additional accommodation within the roof space. The proposed front elevation design includes traditional features to reflect the traditional designs of detached dwellings to the north west of the site and the other two approved and constructed plots. A 4 metre wide landscaping buffer is to be retained to the south east boundary of the site.
- 2.3. A Design and Access Statement has been submitted to support the scheme
- 2.4. An amended plan has been submitted to seek to address issues raised by the Local Highway Authority in respect of the proposed access and to clarify the layout of the site in respect of hard and soft landscaped areas, including retention of a 4 metre wide landscaped buffer. Re-consultation has been undertaken.

3. Description of the Site and Surrounding Area

- 3.1. The application site measures approximately 815 square metres and is located at the end of a ribbon development of dwellings fronting onto the north east side of Lutterworth Road. A number of native species trees have recently been planted along the south east boundary of the site to replace some overgrown conifers previously removed. The rear boundary of the application site is currently open to a grassed paddock area to the north east of the site. Open countryside lies to the south east. There are two storey dwellings to the north west which have a variety of scale, design and traditional style and dwellings to the south west which are more uniform, traditional, hipped roof semi-detached two storey houses. A grassed verge currently lies between the application site and the public highway.

4. Relevant Planning History

15/00949/OUT	Subdivision of existing residential curtilage and erection of one dwelling (outline - all matters reserved)	Permitted	26.10.2015
17/00631/FUL	Demolition of existing dwelling and erection of 3 new dwellings with access and parking	Withdrawn	17.08.2017
17/01124/FUL	Demolition of existing dwelling and erection of 3 new dwellings and associated access	Permitted	21.12.2017
18/00953/FUL	Erection of detached dwelling and new vehicular access	Withdrawn	21.11.2018

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.
- 5.2. As a result of public consultation, in addition to Burbage Parish Council, responses from four separate addresses have been received objecting to the application on the following grounds:-
- 1) The proposal would result in a reduction of the previously approved green buffer which would be detrimental in both visual and environmental terms as it would insufficiently screen three substantial dwellings on the entrance to the village and would represent a further loss of planting on an already denuded site;
 - 2) The new access is unnecessary and would provide another junction on an already very busy main Lutterworth Road;

- 3) The proposal if approved would provide potential future access to land at the rear and future potential development and expansion into the countryside close to a local Site of Special Scientific Interest.

6. Consultation

- 6.1. No objection has been received from:-
Environmental Health (Drainage)
Environmental Health (Pollution)
- 6.2. No objection subject to conditions has been received from:-
Leicestershire County Council (Highways)
Street Scene Services (Waste)
- 6.3. Burbage Parish Council object to the application on the following grounds:-
 - 1) It seeks to introduce a second vehicular access contrary to previously approved arrangements;
 - 2) It would result in a reduction of the previously approved green buffer which would be detrimental in both visual and environmental terms as it would not be sufficient to screen three substantial dwellings and would represent a further loss of planting on an already denuded site.

7. Policy

- 7.1. Core Strategy (2009)
 - Policy 4: Development in Burbage
 - Policy 19: Green Space and Play Provision
- 7.2. Site Allocations and Development Management Policies (SADMP) DPD (2016)
 - Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM3: Infrastructure and Delivery
 - Policy DM4: Safeguarding the Countryside and Settlement Separation
 - Policy DM10: Development and Design
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
- 7.3. National Planning Policies and Guidance
 - National Planning Policy Framework (NPPF) (2019)
 - Planning Practice Guidance (PPG)
- 7.4. Other relevant guidance
 - Burbage Neighbourhood Plan (BNP) 2015 - 2026 (Pre-Submission Draft)
 - Burbage Village Design Statement (BVDS)

8. Appraisal

- 8.1. The application site is part of a larger site that benefits from an extant planning permission (17/01124/FUL) for the erection of three dwellings, two of which have already been constructed. This application seeks to substitute the approved dwelling on plot 3 and provide it with its own private vehicular access. The principle of residential development of this sustainable site has already been established. Therefore, the key issues in respect of this application are:
 - Design and impact upon the character of the surrounding area
 - Impact upon neighbouring residential amenity
 - Impact upon highway safety
 - Infrastructure contributions

- Other issues

Design and impact upon the character of the area

- 8.2. Policy DM10 of the adopted SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the local area generally.
- 8.3. Whilst currently afforded only very limited weight given its pre-submission draft status, Policies 2 and 4 of the emerging BNP support residential proposals that do not cause adverse impacts on the character of the area, are within the continuity of existing frontage buildings, are comparable in layout, size, scale and design to neighbouring properties and retain important natural boundaries. Policy 3 of the emerging BNP seeks to restrict the size of new dwellings to the housing needs within the Parish.
- 8.4. Objections have been received on the grounds that the proposal would result in a reduction of the previously approved green buffer which would be detrimental in both visual and environmental terms as it would not be sufficient to screen site and would represent a further loss of planting on an already denuded site.
- 8.5. The application plot size is similar to those of the existing dwellings to the north west and remains as previously approved in terms of its width and depth other than the inclusion of a new access to Lutterworth Road. The proposed dwelling would be repositioned approximately 0.8 metres closer to plot 2 but retain an acceptable gap of 1.2 metres between side elevations and therefore would not adversely affect the detached character of dwellings on this side of Lutterworth Road or the street scene. The dwelling would have a similar building line (both front and rear) to the adjacent dwelling (Plot 2) and its footprint would respect the size of the plot. The proposed dwelling would be two storeys in height with discreet accommodation within the roof space, comparable to the neighbouring dwellings.
- 8.6. Other than being slightly narrower in width (by approximately 1 metre), the design of the front elevation is the same as that previously approved and includes traditional architectural features that would provide visual interest in the street scene and complement the design style of the two already constructed new dwellings and established detached dwellings further to the north west of the site. The external materials proposed are the same as previously approved, being Weinburger Kenilworth Antique facing bricks (and sill and header soldier courses) and Marley Duo concrete interlocking roof tiles (in grey) and would ensure a satisfactory visual appearance.
- 8.7. Contrary to objections received, the amended plan submitted confirms and makes clearer that the current proposal would retain a 4 metre wide planted landscaping buffer to the south east boundary of the site which would be satisfactory in terms of mitigating the visual impact of the scheme on the adjacent open countryside.
- 8.8. The proposed new vehicular access to provide a dedicated private drive to the proposed dwelling would be characteristic of the access arrangements to existing established dwellings to the north west and would not have any significant adverse impacts on the street scene. Whilst planting has been/would have to be removed to enable the formation of the new access and provide visibility splays, a condition to secure replacement/compensatory planting could be imposed to soften and enhance the appearance of the development if approved. Some replacement planting has already been carried out on the site.

- 8.9. By virtue of the layout, scale, design and landscaping proposed and the use of the approved external materials, to ensure a high quality development, the proposed scheme would complement the character of the surrounding area and would have only limited impact on the adjacent open countryside. The proposal would therefore be in accordance with Policy DM10 of the adopted SADMP.

Impact upon neighbouring residential amenity

- 8.10. Policy DM10 of the adopted SADMP and Policy 2 of the emerging BNP require that development would not have a significant adverse effect on the privacy or amenity of nearby residents and occupiers of adjacent buildings or the future occupiers of the site.
- 8.11. By virtue of its position to the side elevation of the adjacent dwelling on Plot 2, the proposal would not result in any significant adverse overbearing impacts or loss of privacy to the future occupiers. The proposed scheme would not result in any significant adverse impacts on the privacy or amenity of any other neighbouring properties by virtue of separation distances. The proposal would therefore be in accordance with Policy DM10 of the adopted SADMP.

Impact upon highway safety

- 8.12. Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision to serve the development proposed. Policy 5 of the emerging BNP requires two off-street parking spaces to be provided for each new dwelling, unless it is unachievable.
- 8.13. Objections have been received on the grounds that the new access is unnecessary and would provide another junction on an already very busy main Lutterworth Road.
- 8.14. The amended plan proposes a 4.8 metre wide vehicular access with dropped kerb vehicular cross over to Lutterworth Road and visibility splays of 2.4 metres x 43 metres visibility splays in accordance with adopted highway design guidance standards to serve a single dwelling for a road with 30 mph speed restrictions. The amended plan also indicates the provision of an extension to the existing pedestrian highway footway on the north east side of Lutterworth Road to link and serve the site as sought by the Highway Authority (subject to separate Highway Authority approval). A 2 metre x 2 metre pedestrian visibility splay would be provided to the north west side of the access connecting to the pedestrian footway. No pedestrian splay is necessary on the other side of the access as there is no footway, only a grass verge. The proposed layout includes a minimum of three off-street vehicle garage/parking spaces of appropriate dimensions to serve the 5 bedroom dwelling which would be in accordance with highway design guidance standards. Turning space is also provided within the layout on hardstanding to enable vehicles to enter and leave the site in a forward direction in the interest of highway safety.
- 8.15. Notwithstanding the objections received, Leicestershire County Council (Highways) has assessed the amended plan and is satisfied that safe and satisfactory access would be provided to the site and would meet highway design standards, that satisfactory off-street parking and turning would be available to serve the dwelling and therefore that the proposal would not result in any significant adverse impacts on highway safety. A number of standard conditions relating to access width, surfacing visibility splays, parking and turning and the implementation of an extended pedestrian footway are recommended. The conditions are considered to be reasonable and necessary in the interests of highway and pedestrian safety.
- 8.16. The proposal would provide adequate access and off-street parking and turning for the scale of development proposed and would not result in any significant adverse

impacts on highway safety. The proposal would therefore be in accordance with Policies DM17 and DM18 of the adopted SADMP.

Infrastructure contributions

- 8.17. Policy DM3 of the adopted SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities. Policy 19 of the adopted Core Strategy seeks to address existing deficiencies in the quality, quantity and accessibility of green space and children's play provision within settlements. However, following amendments to national planning guidance, tariff style planning obligations should not be sought for developments of 10 units or less and which have a maximum combined gross floor space of no more than 1000 square metres. Therefore notwithstanding Policy DM3 of the adopted SADMP and Policy 19 of the adopted Core Strategy, no contribution has been pursued in this case.

Other issues

- 8.18. The site has satisfactory highway frontage to enable the presentation of refuse and recycling bins for collection therefore a condition to require the submission of details suggested by Street Scene Services (Waste) would not be necessary in this case.
- 8.19. Objections have been received on the grounds that there may be potential for use of the access to the land to the rear. However, this does not form part of the proposal and therefore is not material to the determination of this application.
- 8.20. Contrary to objections received, there is no Site of Special Scientific Interest close to the site and no 'Green Belt' in the Borough.

9. Equality Implications

- 9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2. Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 9.3. There are no known equality implications arising directly from this development.
- 9.4. The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

- 10.1. Policy DM1 of the adopted SADMP provides a presumption in favour of sustainable development that accords with the policies in the Local Plan and where relevant in

neighbourhood plans unless material considerations indicate otherwise. There is an extant planning permission for residential development of the site and it is located on the edge of a sustainable urban settlement with reasonable access to a range of services and facilities by sustainable transport modes.

10.2. By virtue of the proposed layout, scale, design and subject to the use of the approved external materials to ensure a satisfactory appearance, the scheme would complement the character and appearance of the surrounding area and would not result in any significant adverse impacts on the amenities of the occupiers of neighbouring properties or highway safety. Subject to the provision and subsequent retention of the 4 metre wide landscaped buffer to the south east boundary, the proposal would not result in any significant adverse impacts on the visual amenity of the adjacent countryside.

10.3. Notwithstanding the objections received, the proposal would be in accordance with Policy 4 of the adopted Core Strategy and Policies DM1, DM10, DM17 and DM18 of the adopted SADMP and is therefore recommended for approval subject to conditions.

11. Recommendation

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

- Planning conditions outlined at the end of this report.

11.2. **Conditions and Reasons**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:- Site Location Plan, Site Layout & Landscaping Plan and Street Scene Drawing No. 4461/3/02 rev J received by the local planning authority on 25 February 2019 and Revised Plot 3 Floor Plans and Elevations Drawing No. 4461/3/03 rev E received by the local planning authority on 18 December 2018.

Reason: To ensure a satisfactory appearance and impact of the development to accord with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. The ground levels of the site and finished floor levels of the dwelling hereby permitted shall be in accordance with the levels submitted on the Street Scene Drawing No. 4461/3/02 rev J received by the local planning authority on 25 February 2019.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. The materials to be used on the external elevations of the dwelling hereby permitted shall be in accordance with the following details:

- Weinburger Kenilworth Antique facing bricks (including sill and header soldier courses)
- Marley Duo concrete interlocking roof tiles (Grey)
- UpVC (Golden Oak) windows and doors

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. Notwithstanding the submitted plans, the proposed access shall have a width of a minimum of 2.75 metres, a gradient of no more than 1:12 for a distance of at least 5 metres behind the highway boundary, shall be surfaced in a hard bound material and shall be delivered in a dropped kerb vehicular crossover arrangement with suitable drainage. The access once provided shall be so maintained at all times.

Reason: To ensure adequate access is available to serve the development in the interests of highway and pedestrian safety in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. The development hereby permitted shall not be occupied until such time as a 2 metre wide hard surfaced pedestrian footway of approximately 15 metres in length, as indicated on Site Layout & Landscaping Plan and Street Scene Drawing No. 4461/3/02 rev J received by the local planning authority on 25 February 2019, has been constructed from the proposed access to link with the existing footway which currently terminates after 131 Lutterworth Road Burbage on the development side of Lutterworth Road.

Reason: In the interests of pedestrian in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

7. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 43 metres have been provided at the site access as indicated on Site Layout & Landscaping Plan and Street Scene Drawing No. 4461/3/02 rev J received by the local planning authority on 25 February 2019. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

8. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with the details submitted on Site Layout & Landscaping Plan and Street Scene Drawing No. 4461/3/02 rev J received by the local planning authority on 25 February 2019. Thereafter the onsite parking provision shall be permanently so maintained at all times thereafter.

Reason: To ensure that adequate off-street parking and turning provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with Policies DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

9. Prior to the first occupation of any of the dwellings hereby permitted the boundary fencing shown on Site Layout & Landscaping Plan and Street Scene Drawing No. 4461/3/02 Rev J received by the local planning authority on 25 February 2019 shall be implemented in full and the boundaries permanently so maintained at all times thereafter.

Reason: To protect the privacy and amenity of neighbouring properties and the future occupiers of the site in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

10. The approved hard and soft landscaping scheme as shown on Site Layout & Landscaping Plan and Street Scene Drawing No. 4461/3/02 rev J received by the local planning authority on 25 February 2019 shall be carried out in accordance with the approved details. The soft landscaping scheme shall be implemented in full during the first appropriate planting season following the date when the dwelling hereby permitted is first ready for occupation. The soft landscaping scheme shall thereafter be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted.

Reason: To enhance the appearance of the development and ensure that the works are carried out within a reasonable time period and thereafter satisfactorily maintained in accordance with Policy DM4 and Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11.3. Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. Application forms to discharge conditions and further information can be found on the planning portal website www.planningportal.gov.uk
3. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
4. Access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending upon ground strata permeability. On low-permeability sites, water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet. (See Environment Agency guidance on the permeable surfacing of front gardens).
5. The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance or, alternatively assembled from modular surface water storage/soakaway cell

systems, incorporating silt traps. Design and construction of all types of soakaway will be subject to the approval of the Building Control Surveyor.

6. A scheme involving the delivery of a new crossing point and footway on Lutterworth Road, associated with planning application 15/01292/OUT, is currently going through the s278 technical process. This may have implications on the delivery of this development proposal. The Local Highway Authority would encourage the applicant to engage with Redrow Homes to ensure that sufficient safeguards are in place to avoid any abortive works by the parties involved.

APPENDIX B

ITEM 09

18/01278/FUL

Mr Thomas Knapp

Site:- 131 Lutterworth Road, Burbage, Hinckley, Leicestershire

Proposal:- Erection of detached dwelling and a new vehicular access

Consultations:-

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

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

Appraisal:-

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

The recommendation to Planning Committee remains unchanged.

Planning Committee 23 April 2019
Report of the Interim Head of Planning

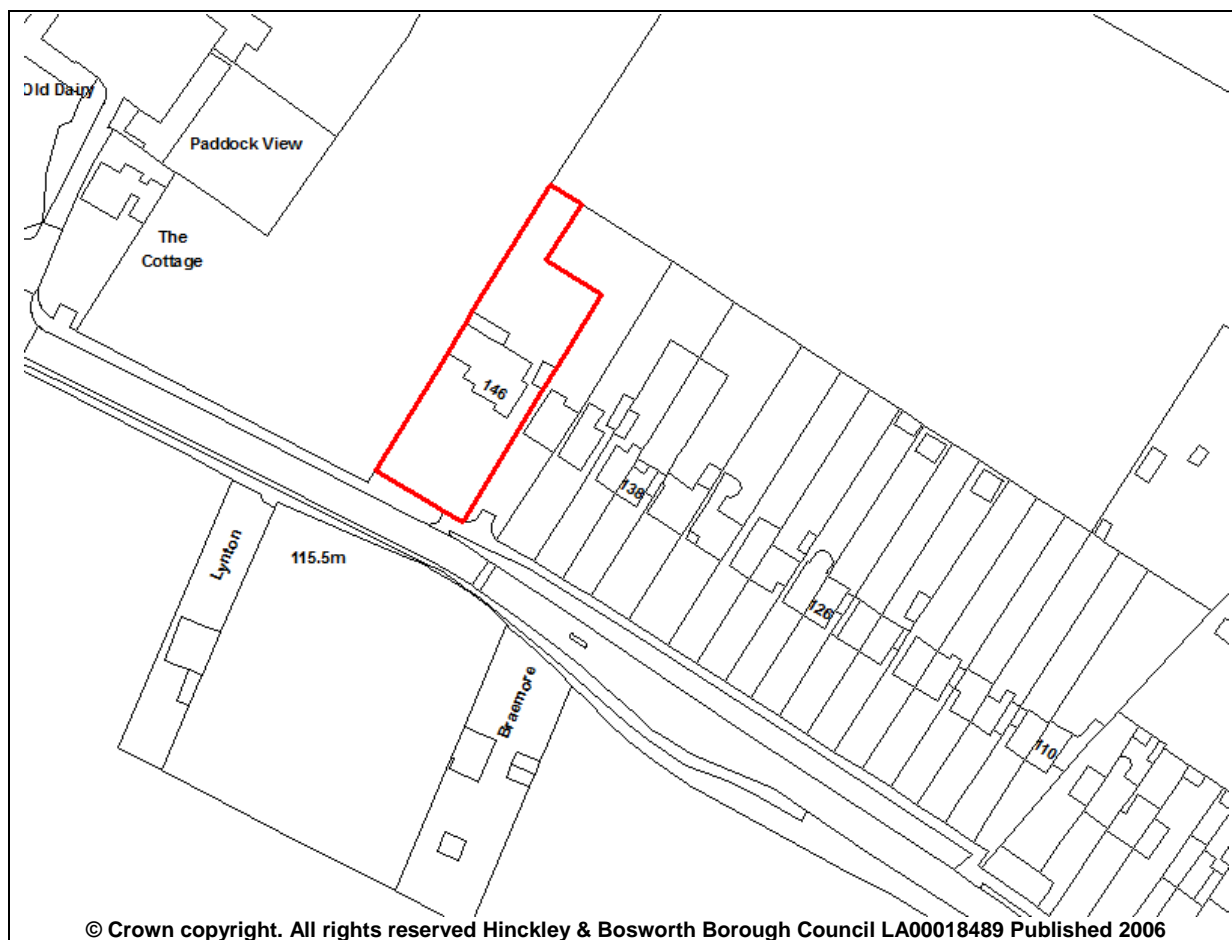
Planning Ref: 19/00031/FUL
Applicant: Mr Alec Ryan
Ward: Barwell



Hinckley & Bosworth
Borough Council

Site: 146 Hinckley Road Barwell

Proposal: Change of use from children's day nursery to a residential care home for children with education facility.



1. The application refers to the change of use of the property from residential/children's nursery to a residential care home for children with an educational facility. This application was taken to the previous Planning Committee 19 March 2019. The previous report is attached to this report as Appendix A. Notwithstanding the officer's recommendation that permission be granted subject to conditions, it was moved that the item be deferred to seek further information from the applicant, to discuss potential conditions regarding boundary treatments and the use of the garden and to discuss the matter with Leicestershire County Council.
2. The applicant has submitted additional details following the March Planning Committee. These details submitted are summarised below:

- *The nursery permission allowed for up to 20 children to be in attendance at any one time. The proprietor of the nursery who is also the owner/occupier of the property resides in the house with her husband and 4 children. Any potential noise from the site in the proposed form is likely to be lower than when the property was run as nursery.*
- *The applicant has agreed to a condition requiring the middle fence to be retained. In regard to the potential to restrict access to the side of the garden adjacent to no 144, It is unreasonable to stipulate to an occupant how or what parts of the garden they are permitted to use at particular times. If such a condition were to be imposed, the applicant has the right to challenge this at an Appeal and this would likely also carry a Costs Award.*
- *The property is to be used as a home for children and remains as a residential use in a residential area. It is not a commercial property per se, regardless of the fact that it is to be run by a company, it could just as well be operated by a couple taking in foster children or continue as a nursery use.*
- *Consideration has been given to the potential for a tall or acoustic fence along the common boundary with no 144 Hinckley Road to reduce potential noise nuisance. An overly tall or acoustic fence is unlikely to be domestic in appearance and would most likely give the appearance of a commercial development. Bearing this in mind, such a fence along the common boundary with the adjacent neighbour would not be conducive to the applicant's ethos to ensure their residential homes do not have the external appearance of an institution and that they feel like a family home as much as possible. However, it has been agreed that a fence up to 2.5 metres in height could be erected alongside the common boundary with the property no 144 Hinckley Road. The current owner of the property has verbally confirmed that this boundary belongs to the adjacent property although she originally erected the trellis fencing that is currently in situ. A new fence would need to be erected on the application property's side of the boundary.*

3. The recommendation to approve remains unchanged; however subject to the additional details submitted two additional conditions are recommended which secures the 'middle fence' and the erection of a fence up to 2.5 metres along the boundary with the adjacent neighbour.

4. **Recommendation**

4.1 **Grant planning permission** subject to Conditions below:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 19 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted unnumbered plans: site Plan , Block Plan (un-numbered but both received by the local Planning Authority on 9th January 2019, Proposed floorplans of dwelling ground and first floor (un-numbered but received by the Local Planning Authority on 16 January 2019).

Reason: To ensure a satisfactory impact of the development to accord with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies DPD.

3. No more than six children and two carers shall live at the property at any one time.

Reason: To protect the amenities of neighbouring residential properties in accordance with DM10 of the SADMP.

4. The on site educational facilities shall only be used by the residents of 146 Hinckley Road, Barwell.

Reason: To protect the amenities of neighbouring residential properties and to ensure that adequate off-street parking and turning facilities are available in accord with Policy DM10 and DM18 of the Site Allocations Development Management Plan (2016).

5. The parking spaces and turning spaces so provided within the front garden area of the property shall not be obstructed and shall thereafter permanently remain available for car parking and turning.

Reason: To ensure that adequate off-street parking and turning facilities are available to accord with Policy DM18 of the Site Allocations Development Management Plan (2016).

6. The existing fence which separates the garden between the educational use and the residential use shall be retained or replaced with a fence of the same height and form and further maintained in perpetuity unless otherwise agreed in writing by the local planning authority.

Reason: To maintain separation between the two approved uses of educational facility and residential dwelling in accordance with Policy DM10 of the SADMP.

7. A fence of a height of up to 2.5 metres shall be erected alongside the boundary of no 146 and 144 Hinckley Road within 3 months of the date of this permission and shall be retained in perpetuity unless otherwise agreed in writing by the local planning authority.

Reason: To prevent potential loss of privacy and noise nuisance to the residential amenity of the neighbouring property no 144 Hinckley Road in accordance with Policy DM10 of the SADMP.

4.2 Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.

Appendix A

Planning Committee 19 March 2019
Report of the Interim Head of Planning

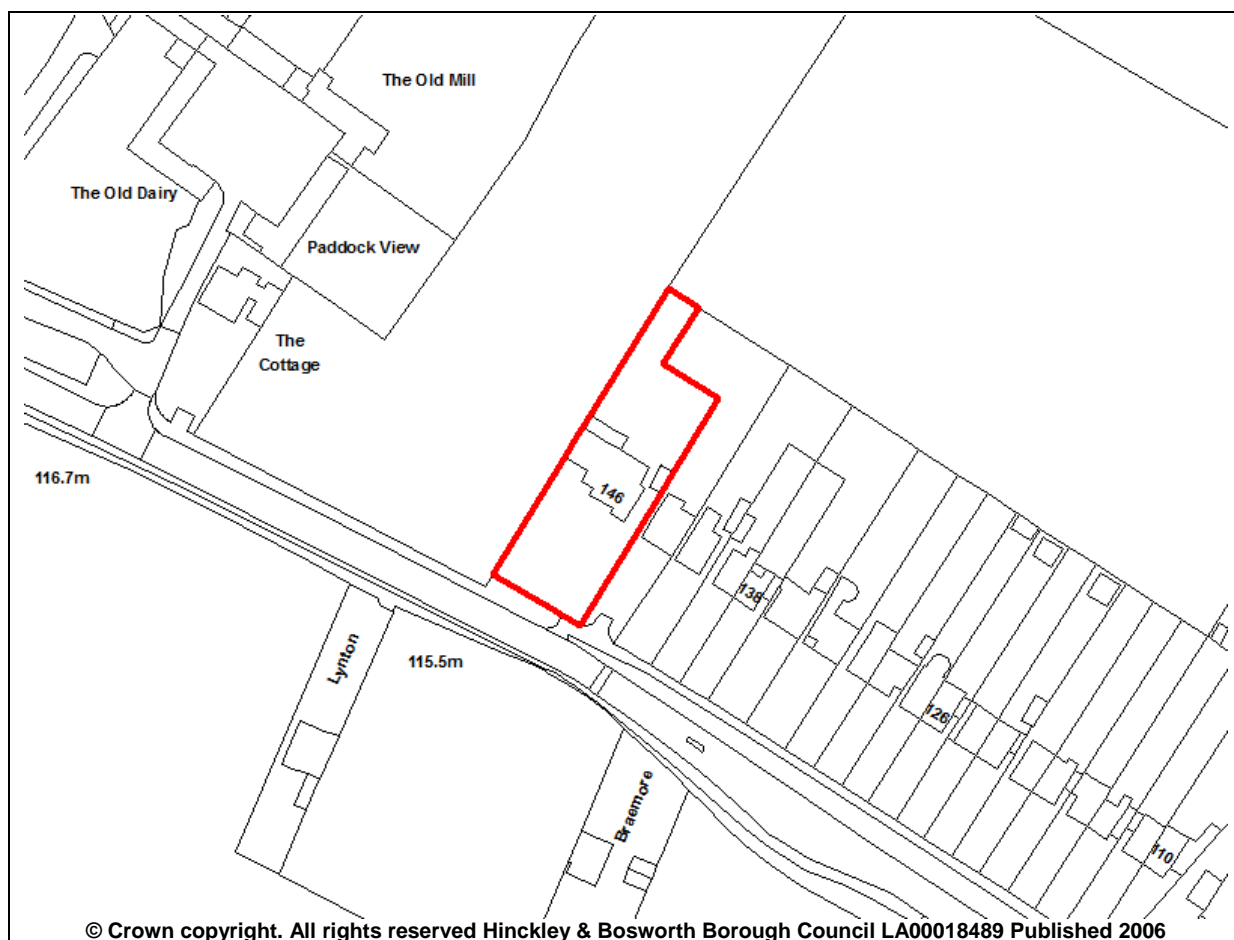
Planning Ref: 19/00031/FUL
Applicant: Mr Alec Ryan
Ward: Barwell



Hinckley & Bosworth
Borough Council

Site: 146 Hinckley Road Barwell

Proposal: Change of use from children's day nursery to a residential care home for children with education facility



1. Recommendations

1.1. Grant planning permission subject to

- Planning conditions outlined at the end of this report.

2. Planning Application Description

- 2.1. The application seeks planning permission for a change of use from dwelling/children's day nursery to residential care home for up to 6 children from the ages of 6 – 18 years with an education facility to allow the children to be home schooled.

- 2.2. Although the service provider is not relevant in that the planning permission will run with the land and not the end user, in this case, the following information has been submitted to enable Members a deeper understanding of the type of care that is to be provided.
- 2.3. The applicants are a national childcare and fostering company who currently have 16 operational homes. They care for young people who have a wide range of emotional, social and behavioural needs. The Homes are regulated and registered with OFSTED and there have been three OFSTED reports submitted with the application that although referring to other homes run by the company show that overall the homes are run as 'Outstanding'. The Home will have an OFSTED registered manager and a team to help run the home. One to one support and therapy is provided by the home to facilitate the transition of residing at the home and then moving onto foster care or independent/supported living. It is not known exactly which children would be placed in the Home until it opens as this is dictated by the County Council and the applicant's national plan at the time. However, children are placed depending on their individual needs and the ability of each location to accommodate those needs. The applicant has confirmed that the children come from a variety of backgrounds with different needs, the children to be placed at the home is dependent on their individual circumstances.
- 2.4. During the day, the children are to be educated within the building in an area separated from the residential part of the Home thus providing two separate areas for school and for home life. The Home will provide a safe environment as close to a family home as possible. The staff on shift cook, clean and provide all aspects of daily care as they would as parents in a family environment.
- 2.5. During the day there will be three care staff one Manager, a Deputy, a therapist and three Education staff. At night there are two staff members as a minimum.
- 2.6. A rolling rota which ensures that the children are cared for by the same people over the course of the week, staff are at the home for a reasonable period to ensure consistency and this reduces the need for lots of unnecessary transitions.
- 2.7. There is likely to be approximately 15 employment roles created, some of which may be filled by local people.

3. Description of the Site and Surrounding Area

- 3.1. The application property comprises a sizeable six bedroom detached dwelling house on the north side of Hinckley Road at the very edge of the settlement boundary. To the north, south and west are mostly fields. To the east are similar size residential dwellings which lead into the village centre.
- 3.2. The existing property is currently divided into a residential dwelling and a children's nursery. The nursery was granted planning permission in 2008 and closed in August 2018. The planning permission allowed for up to 20 children to attend the nursery.

4. Relevant Planning History

08/00184/COU	Extension and alterations to dwelling to form a children's nursery	PER	16.04.2008
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5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.

- 5.2 There have been seven objections to the proposal. The objections are as follows:
- 1) Not the right location for this commercial use;
 - 2) Concerns re: anti-social behaviour and intimidation;
 - 3) Insufficient information as to the Service Provider;
 - 4) Noise and disturbance
 - 5) Impact on neighbouring families
 - 6) Concerns as to how the Home would be run
 - 7) Concerns regarding the children who would be placed at the Home;
 - 8) Already two similar homes in Barwell - is there a local need for more in this area?
 - 9) Privacy issues.

6. Consultation

- 6.1. The following consultees have made comments:

Barwell Parish Council: object on the following grounds:

- 1) More details required – ages, physical and emotional circumstances of children to be placed at the care home;
- 2) Barwell already has an anti-social behaviour problem, members concerned that this will increase;
- 3) House in a residential area and therefore not a suitable location for this use;
- 4) Concerns regarding the number of night staff
- 5) There are two care facilities in Barwell, is there a need for more?

LCC Highways – refer to Standing Advice

LCC Children's Services – no comments received

7. Policy

- 7.1. Core Strategy (2009)

- Policy 3: Development in Barwell

- 7.2. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM25: Community Facilities

- 7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2019)
- Planning Practice Guidance (PPG)

- 7.4 Other legislation

- The Equalities Act (2010) Section 149 created the public sector equality duty which requires public authorities to have due regard where there are equality implications arising from a proposal in the determination of the application.

8. Appraisal

- 8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity

- Impact upon highway safety

Assessment against strategic planning policies

- 8.2. The development plan consists of the adopted Core Strategy and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document.
- 8.3. Policy DM1 of the adopted SADMP provides a presumption in favour of sustainable development. Policy 3 of the Core Strategy relates to development in Barwell. One of the aims of this Policy is to diversify the existing housing stock to cater for a range of house types and sizes.
- 8.4. Policy DM25 relates to community facilities and seeks to support the formation of such where it can be demonstrated that they are accessible to the community they intend to serve by a range of sustainable transport nodes. Education facilities are listed as a community facility.
- 8.5. Paragraph 94 of the NPPF advises that the Government attaches great importance to ensuring that a sufficient choice of school places are available to meet the needs of existing and new communities. Local Planning Authorities are advised to take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. Local Planning Authorities are required to give great weight to the need to create, expand or alter schools, and work with school promoters to identify and resolve key planning issues before applications are submitted.
- 8.6. The Town & Country Planning (Use Classes) (amendment) (England) Order 2017 defines Class C3 dwelling houses as:
 - a) by a single person or by people living together as a family; or*
 - b) by not more than 6 residents living together as a single household (including a household where care is provided by residents).*
- 8.7. Children's homes run by workers on a shift pattern do not fall into either class a or b and therefore the dwelling house is not considered to be a C3 dwellinghouse.
- 8.8. Class C2 defines Residential institutions as:

the provision of residential accommodation and care to people in need of care, use as a hospital or nursing home, residential school, college or training centre.
- 8.9. In this instance, the proposal falls under Class C2 as its use as both a residential care home and as a residential school.
- 8.10. The provision of residential care homes are by their very nature a residential use which, in this residential area within the settlement boundary, is an appropriate and acceptable use of this dwelling. Schools and other education establishments (i.e. nurseries, private schools, free schools) are a common feature within residential areas and accordingly, the part use of the building as an education establishment is considered to be an acceptable use within a residential area.
- 8.11. In this case, the change of use from dwelling house/children's nursery to a residential care home and education facility complies with Policy 3 of the Core Strategy and Policies DM1 and DM25 of the SADMP.

Design and impact upon the character of the area

- 8.12. Policy DM10 (c) requires that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.

- 8.13. The change of use of the building from a single dwelling house to a care home for up to 6 children including an education facility will have no material impact on the surrounding area by way of its external appearance. There are no external alterations to the dwelling house and for all intents and purposes will remain with an outward appearance similar to that existing.
- 8.14. In this instance the proposal complies with Policy DM10 (c) and is acceptable.
- Impact upon neighbouring residential amenity
- 8.15. Policy DM10 (a) requires that new development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings including matters of lighting, air quality (including odour), noise, vibration and visual intrusion.
- 8.16. There is one immediate neighbouring property and an assessment of the proposed use on the impact of their residential amenity has to be made. This neighbour has supplied confidential material to the Local Planning Authority in regard to their personal family circumstances which is assessed under Section 9 of this Report.
- 8.17. The property is a sizeable detached family dwelling with a large garden. It shares only its eastern boundary and part of its northern boundary with only one dwelling (no 144) which is bounded by trellis fencing and hedging. There are agricultural fields to the west and north. The rear garden is currently divided internally to allow a private garden for the residential use and a play area for the nursery use. At the very rear on the north-west side of the garden is an allotment area currently used for growing vegetables and keeping chickens. It is not known whether the applicant will reinstate the garden to one area or keep the dividing fence.
- 8.18. The premises would be occupied in its existing form with no extensions proposed. The classrooms/office and therapy room would be provided in the nursery area with the residential areas remaining in the same location as currently used. The sleeping accommodation will be divided from 6 bedrooms to 8 bedrooms which allows 2 bedrooms for staff.
- 8.19. The proposed use would not give rise to any additional loss of privacy or overlooking to the neighbouring property than which already exists. No material harm would be caused as a result of overlooking to the residential amenity of the adjacent neighbouring property at no 144 Hinckley Road as no new windows are proposed. Potential noise from the use of the garden would be similar to that of a large family and potentially less noisy than from the previous nursery use.
- 8.20. In regard to concerns from other residents regarding anti-social behaviour within the village including the sitting on garden walls, this is purely speculative with no evidence that the proposal would lead to such behaviour. Anti-social activity off the premises, as in all cases, is a police matter and is not a material planning consideration of this application. With regard to anti-social behaviour within the premises and/or garden, young people who would reside at the home would be expected to conform to a stipulated routine and house regulations in regard to their behaviour both on and off the premises and with the appropriate management, the proposed use would not reduce the residential amenity of existing local residents either on or off the site.
- Impact upon highway safety
- 8.21. Policy DM18 requires all new development to provide an appropriate level of parking provision.
- 8.22. The property benefits from a large hard standing area at the front of the dwelling providing sufficient parking for the proposed use.

- 8.23. The access would be unchanged from the existing access arrangement.
- 8.24. Therefore the proposed development would be in accordance with Policy DM18 of the SADMP.

Other matters

- 8.25. There have been various concerns brought to the attention of officers in regard to lack of information regarding the service provider, the children who are to be placed at the home and potential anti-social behaviour from residents of the home appear to be foremost in the minds of those objecting to the proposal.
- 8.26. Planning applications cannot be judged based on the individuals that may occupy the premises. If, as recommended, permission is granted, any planning conditions must be reasonable, enforceable and precise. Planning conditions can only be related to planning matters and should not duplicate responsibilities/control available through other legislation/controls. Examples of conditions that could be imposed include restricting the number of children residing at the property at any one time and/or restrictions upon age range (where this is considered reasonable), but the actual occupants, type of occupants, shift patterns of staff and /or management obligations cannot be covered via a condition. For instance, OFSTED would play a lead role in assisting with on-site management responsibilities whereas anti-social activity off-site would be a police matter.
- 8.27. As already discussed, the service provider is not relevant in the decision making process and is not a material planning consideration as the grant of permission lies with the land and not the end user.
- 8.28. Members have requested further information in regards to the service provider of the proposed scheme, notwithstanding the fact that this is not a material consideration of the application, and, for clarity, the agent (on behalf of the applicant) has provide the following information;
- *We do not carry information on the children to be placed in the home, they would come from referrals from the county council.*
 - *Whilst we understand the request for the clients details we can not release that information into a public forum.*
- 8.29. In regard to comments that the County Council are not looking for new care homes, the following information has been provided:
- Leicestershire Sufficiency Strategy 2018-21*
The Strategy acknowledges the need to co-invest, co-produce and co-deliver services with Partner organisations to optimise outcomes for young people and ensure where possible efficiencies in costs are achieved.
- *Leicestershire's LAC(Looked After Children) population has increased significantly (by 48%) from 355 LAC on 31st March 2010 to 553 on 31st March 2018.*
 - *CFS estimates that Leicestershire's LAC population will increase by a further 18% by 2021, bringing the total number of Children and Young People (C&YP) in its care to approximately 769 by the end of March 2021. The corresponding increase in placement spend has been estimated at £12million by 2021/22.*
 - *Over the past two years there has been a particularly noticeable trend of older young people coming into care who often have existing behavioural, educational and health needs.*
- 8.30. The following Table provides information as to the amount of placements made by each individual Local Authority during the past year only.

LA	Referrals LTM(Long Term Mean) (Jan 18 to Jan 19)
Birmingham	160
Coventry	47
Derbyshire	68
Leicestershire CC	23
Leicester City	25
Northamptonshire	98
Nottinghamshire	95
Solihull	26
Staffordshire	94
Warwickshire	48
TOTAL	654

- 8.31. It therefore appears that there is on-going demand for residential care facilities such as the proposed within the Borough, Leicestershire and the East and West Midlands as a whole.

9. Equality Implications

- 9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 9.2. Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 9.3. The equality implications arising from this application relate to the protected characteristics of vulnerable children and their on-going educational needs that need to be appropriately accommodated.
- 9.4. The adjacent neighbour has also submitted information as to the protected characteristics of family members, the details of which are held confidentially by the Council as the Local Planning Authority (LPA). Having assessed those personal circumstances, the LPA believes that they constitute a material consideration to which significant weight can be properly given in the consideration of this application.
- 9.5. Assessment requires a careful balancing of the amenity expectations of the family next door against the need for vulnerable children and their special education needs are also appropriately accommodated.

- 9.6. Given the information from the applicant as to the disabilities of the children they are seeking to accommodate and the information received from the adjacent neighbour, the two parties are likely to share or have similar characteristics in that the health and well-being of the children in their individual care are paramount.
- 9.7. In this regard, equal weight has been given to both sides and the recommendation to approve has been addressed in the assessment of the application in regard to, and in line with Policy 3 of the Core Strategy and Policies SM1, DM10, DM18 and DM23 of the SADMP.
- 9.8. The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

- 10.1. The application property is a substantial property in a residential location which is a suitably large, detached property for the use proposed. The issues raised by those objecting to the application have been carefully considered, but it is concluded that there are no sound planning reasons to refuse permission on. It is therefore recommended that the application be approved. The proposal complies with Policy 3 of the Core Strategy and Policies DM1, DM10, DM18 and DM23 of the adopted Site Allocations and Development Management Policies DPD.

11. Recommendation

- 11.1. **Grant planning permission** subject to

- Planning conditions outlined at the end of this report.

11.2. Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 19 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted unnumbered plans: site Plan , Block Plan (un-numbered but both received by the local Planning Authority on 9th January 2019, Proposed floorplans of dwelling ground and first floor (un-numbered but received by the Local Planning Authority on 16th January 2019),

Reason: To ensure a satisfactory impact of the development to accord with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies DPD.

3. No more than six children and two carers shall live at the property at any one time.

Reason: To protect the amenities of neighbouring residential properties in accordance with DM10 of the SADMP.

4. The on site educational facilities shall only be used by the residents of 146 Hinckley Road, Barwell.

Reason: To protect the amenities of neighbouring residential properties and to ensure that adequate off-street parking and turning facilities are available in accord with Policy DM10 and DM18 of the Site Allocations Development Management Plan (2016).

5. The parking spaces and turning spaces so provided within the front garden area of the property shall not be obstructed and shall thereafter permanently remain available for car parking and turning.

Reason: To ensure that adequate off-street parking and turning facilities are available to accord with Policy DM18 of the Site Allocations Development Management Plan (2016).

Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.



Hinckley & Bosworth Borough Council

FORWARD TIMETABLE OF CONSULTATION AND DECISION MAKING

PLANNING COMMITTEE

23 April 2019

WARDS AFFECTED: All Wards

Major Projects Update

Report of the Interim Head of Planning and Development

1. PURPOSE OF REPORT

- 1.1 The purpose of this Report is to provide an update to Planning Committee on a number of major schemes in the Borough that are currently being proposed or implemented.

2. RECOMMENDATION

- 2.1 That Planning Committee notes the content of this report.

3. BACKGROUND TO THE REPORT

- 3.1 This report provides an update of progress with regard to the delivery of major development projects. The following sections provide the latest update:

Strategic Planned Housing Sites

Barwell Sustainable Urban Extension (SUE)

- 3.2 The Barwell SUE is allocated in the adopted Earl Shilton and Barwell Area Action Plan (AAP) for the development of 2,500 new homes and a minimum of 6.2ha of employment land plus open space, a new primary school, shops and leisure facilities. A resolution to grant permission was made in 2013. The Section 106 to accompany the permission has been agreed and is being circulated around the parties for signature after which planning permission will be issued by the Council. Held a meeting with landowners and there are still 3 land owners left to sign the agreement.

Earl Shilton Sustainable Urban Extension (SUE)

- 3.3 The Earl Shilton SUE is allocated in the adopted Earl Shilton and Barwell Area Action Plan (AAP) for the development of 1,600 new homes and a minimum of 4.5ha of employment land.
- 3.4 The developer has, for some considerable time, advised the Council that they have prepared all necessary documents to allow a planning application to be submitted. They have advised that the application will not be submitted until they have agreed the S106 package, because they claim there are concerns about viability.
- 3.5 In order to seek to demonstrate to the Council that the SUE can not afford to deliver policy compliant affordable housing on the site, the developer submitted a viability appraisal. The Consortium and HBBC worked with viability consultants to re-test the site's viability with the full infrastructure package proposed. The developer then put forward a proposal but it is the Council's view that the offer is unacceptable as it does not deliver the community benefits that the SUE set out to deliver nor does it deliver sufficient affordable housing numbers across the scheme as a whole. The consortium have been in dialogue with the council and are considering their previous offer.

Land West of Hinckley

- 3.6 The development site covers an area of 44.04 hectares. The site is allocated in the Site Allocations and Development Management Policies DPD for 850 dwellings, including 20% affordable housing, a local shop, a primary school, pedestrian access links across Normandy Way and appropriate provision of play and open space.
- 3.7 The first phase, Reserved Matters application for 260 dwellings was been approved in November 2018. Additionally a temporary construction access was approved in March 2018 to allow the development to progress whilst the highway infrastructure is constructed. Prior to the commencement of development a number of pre-commencement conditions need to be discharged for the outline planning application.

Other sites

- 3.8 The following residential sites are being developed.

Site	Units	Status
Westfield Farm, Earl Shilton Avant Homes	328	Reserved matters approved and off site highways works have commenced. The developer has confirmed works on site are due to start on site end of April/beginning of May.
Land at Station Road Bagworth (Dunlop Ltd)	61	Under Construction
Land surrounding Sketchley House, Watling Street Burbage David Wilson Homes	123	Under Construction

Land off Hinckley Road Stoke Golding Morris Homes	83	Completed
Lutterworth Road Burbage Redrow Homes	72	Under Construction

Other Strategic Planning and Economic Development Sites

Major industrial sites

3.9 Land East of Hinckley Island Hotel, Watling Street, Burbage, LE10 3JA

Hinckley Park, located adjacent to Junction 1 of the M69 in Hinckley, is a new strategically located business park being delivered by IM Properties Plc. Unit 1 comprises a 29,563 sqm building to be occupied by DPD. When opened in 2020 it will be the largest automated parcel depot in Europe. The site will also be home to Hinckley '532', a 49,470 sqm speculatively built industrial/logistics facility. Planning permission was granted in June 2018 and development has started on site having discharged all pre commencement conditions.

- 3.10 The above application also granted outline consent for up to 42,000 sq m of Use Class B1c, B2 and B8 floorspace. This will be provided across a range of buildings and will be subject to subsequent Reserved Matters application.

Horiba MIRA

- 3.11 MIRA provides vehicle manufacturers and major supply chain companies the opportunity for automotive research and development. The Technology Park houses an automotive technology cluster with over 35 major companies on site. There are research and development facilities including three new buildings with an automotive proving ground and 38 major testing laboratories.
- 3.12 Completed in 2018 the MIRA Technology Institute (MTI) is a 2,276 sq m centre for specialist skills and qualifications in the automotive sector. It is a partnership led by North Warwickshire and South Leicestershire College, Coventry University, Loughborough University and the University of Leicester.
- 3.13 More recently an application for the construction of an autonomous vehicle (CAV) was granted planning permission in September 2018. Site clearance work has been undertaken and further archaeological work has begun. The developer intend to commence works on site by July 2019 and expects it to finish by June 2020.

Interlink South (Formerly MIDAS 22), Nailstone Colliery.

- 3.14 Redevelopment of the former colliery site to include storage and distribution uses (Class B8), small business units (Class B1 (C), B2 and B8), a country park, landscaping open space and the formation of a new access to create 93,109 sq m of B8 and 929 sq m of SME accommodation. Outline planning permission was granted in 2006 with the approval of Reserved Matters in 2015. Work his continuing on site.

Neovia Logistics Services, Peckleton Lane, Desford

Storage and distribution warehouse building, unloading/loading bays, office unit, car parking, circulation, revised access, associated hard standing areas, landscaping, diversion of bridleway R119 and ancillary works to create 111,495 sq m in total with Phase 1a of 62,350 sq m of B8 space. Phase 1b of 810 sq m ancillary office space and Phase 2 of 49,145sqm of B8 space. The application has a resolution to grant planning permission however the S106 agreement remains unsigned.

Town Centre Regeneration

- 3.15 The Council set out its high level ambition for the town centres in the Town Centre Vision document in October 2015. Work continues on bringing forward sites through discussions and meetings with various interested parties. An updated Investor Prospectus has also been prepared this autumn to further promote the opportunities in the Borough.
- 3.16 At Stockwell Head, the retailer Aldi has started on site and the premises are scheduled to open later in the year.
- 3.17 Lidl have acquired the former HJ Hall factory site at Coventry Road for construction of a foodstore and the existing building has been demolished. Work has also commenced here and scheduled to open later in the year.

LEADER

- 3.19 The England's Rural Heart LEADER Programme 2015-2019 (European Union initiative for rural development) covers rural areas within the boroughs of North Warwickshire and Hinckley & Bosworth. Grants are available for small and medium sized enterprises, farming, forestry, tourism, culture and heritage and community initiatives. Its overall purpose is to benefit rural businesses and communities by stimulating economic growth, developing those businesses and creating new jobs in rural areas.

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

- 4.1 This report will be taken in open session.

5. FINANCIAL IMPLICATIONS [CS]

Strategic Planned Housing Sites

- 5.1 Barwell SUE – Upon granting of planning permission reserved matters applications are expected for each phase, however the full fees for these applications and the dates of submission are not yet known.
- 5.2 Earl Shilton – this development is still being negotiated and therefore planning fees and S106 contributions have not yet been ascertained
- 5.3 Hinckley West – further reserved matters applications for future phases are expected in the future, however the full fees and dates these will be received are not yet known.

Other

- 5.4 Staff time on Planning and Regeneration updates are met from existing budgets.
- 5.5 LEADER project funding is applied for directly by enterprises concerned to North Warwickshire Borough Council, so does not go through the Council financial procedures. Any future funding or expenditure relating to Hinckley & Bosworth Borough Council will require approval in accordance with finance procedure rules.

6. LEGAL IMPLICATIONS MR

- 6.1 None

7. CORPORATE PLAN IMPLICATIONS

- 7.1 This Report provides an update on projects that will contribute to the following strategic aims of the Council:

- Creating clean attractive places to live and work
- Encouraging growth, attracting business, improving skills and supporting regeneration

8. CONSULTATION

- 8.1 None directly required in relation to this update. Statutory consultation processes on schemes form part of the development management and local plan making processes.

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
Failure to provide a five year land supply. This leads to speculative unplanned housing developments plus additional costs incurred due to planning appeal process.	Proactive work to bring forward site allocations and maintain five year land supply	KR
Non delivery of Sustainable Urban Extensions	Close working with developers and regular progress reviews.	NS

10. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

10.1 This Report provides an update on a number of schemes, several of which are the subject of separate reporting mechanisms within which equality and rural implications are considered.

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: None

Contact Officer: Stephen Meynell 01455 255775

Executive Member: Councillor M Surtees

PLANNING APPEAL PROGRESS REPORT

SITUATION AS AT: 05.04.19

WR - WRITTEN REPRESENTATIONS

IH - INFORMAL HEARING

PI - PUBLIC INQUIRY

FILE REF	CASE OFFICER	APPLICATION NO	TYPE	APPELLANT	DEVELOPMENT	Appeal Valid	DATES
	CG	19/00078/CONDIT (PINS Ref 3226116)	WR	SPS Groundworks Ltd 7 Cooper Lane Ratby	9 Ratby Lane Markfield (Variation of Conditions 2 and 3 of planning permission 18/01043/FUL for external alterations including changes to roof form, fenestration and materials)	Awaiting Start Date	
	TW	18/00247/UNHOUS (PINS Ref 3225956)	WR	Miss Helen Crouch 49 Main Street, Bagworth	49 Main Street Bagworth (Creation of a balcony)	Awaiting Start Date	
19/00012/FTPP	TW	18/01098/HOU (PINS Ref 3224500)	WR	Mr Steve Benson c/o Agent David Ives 160 Birstall Road Birstall Leicester LE4 4DF	40 Highfields Thornton Coalville Leicestershire LE67 1AE	Start Date Awaiting Decision	02.04.19
19/00006/PP	SW	18/00279/OUT (PINS Ref 3222850)	PI	Heart of England Co-Operative Society Whittle House Foleshill Enterprise Park Courtaulds Way Coventry	Land At Crabtree Farm Hinckley Road Barwell (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))	Start Date Proof of Evidence Inquiry Date (3 days) Decision Expected	21.02.19 14.05.19 11.06.19 02.08.19
	TW	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)	Appeal Valid Awaiting Start Date	29.03.19

	AC	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)	Appeal Valid Awaiting Start Date	29.03.19
	RW	18/00302/FUL (PINS Ref 3222266)	IH	Persimmon Homes North Midlands Ltd, Davidson House Unit 17c Meridian East, Meridian Business Park Leicester	Land South Of Amber Way Burbage (Erection of 40 dwellings and associated infrastructure)	Appeal Valid Awaiting Start Date	13.02.19
	CJ	18/01151/HOU (PINS Ref 3221766)	WR	Mr Richard Seabrook 25 Warwick Gardens Hinckley	25 Warwick Gardens Hinckley (Erection of fence adjacent to highway above 1 metre)	Appeal Valid Awaiting Start Date	07.02.19
	CJ	18/00344/UNHOUS (PINS Ref 3221767)	WR	Mr Richard Seabrook 25 Warwick Gardens Hinckley	25 Warwick Gardens Hinckley (Erection of fence adjacent to highway above 1 metre)	Awaiting Start Date	
19/00009/PP	JB	17/01297/FUL (PINS Ref 3221783)	WR	Mr Paul Morris Merrywell Properties Ltd c/o Agent	84 Leicester Road Hinckley (Erection of seven dwellings, garages and associated drive (resubmission of application 17/00096/FUL))	Start Date Final Comments	27.02.19 17.04.19
19/00008/FTPP	TW	18/00883/HOU	WR	Steven Guy 1 Sandy Crescent Hinckley	1 Sandy Crescent Hinckley (Erection of a 1.8 metre fence (retrospective))	Start Date Awaiting Decision	27.02.19
19/00011/FTPP	GS	18/00898/HOU (PINS Ref 3221376)	WR	Mr Kane O'Donnell 130 Markfield Road Ratby Leicester LE6 0LQ	130 Markfield Road Ratby Leicester (Detached garage to serve new dwelling)	Start Date Questionnaire	02.04.19 09.04.19
19/00005/PP	CG	18/00805/FUL (PINS Ref 3220628)	WR	Ms Pauline Martina Smullen 16 Bradgate Gardens Hinckley	Land North Of Cadeby Lane Cadeby (Development of the land for the erection of three log cabins for holiday let purposes)	Start Date Awaiting Decision	07.02.19

19/00004/PP	SW	18/00894/FUL (PINS Ref 3220684)	WR	Mr & Mrs Overton Coley Cottage Coley Lane Thornton Leics LE9 9FT	Coley Cottage Coley Lane Thornton (Demolition of existing barn and erection of new building for business use)	Start Date Awaiting Decision	07.02.19
19/00010/PP	RW	18/00378/FUL (PINS Ref 3218996)	WR	Mr John Hitchcock 2 Rectory Lane Market Bosworth	Land Between 3-15 Shenton Lane Market Bosworth (Erection of one dwelling and associated access (Re-submitted scheme))	Start Date Statement of Case Final Comments	15.03.19 19.04.19 03.05.19
	JB	18/00732/FUL (PINS ref 3218401)	IH	Statue Homes Limited The Old House Farm Sutton Lane Cadeby Nuneaton	Kyngs Golf And Country Club Station Road Market Bosworth (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))	Appeal Valid Awaiting Start Date	02.01.19
18/00051/PP	AC	18/00915/FUL (PINS Ref 3216750)	WR	c/o Agent 15 Ratby Road Groby	15 Ratby Road Groby (Change of use from retail shop (A1) to referral veterinary clinic (D1))	Start Date Awaiting Decision	05.12.18
18/00050/PP	RW	17/01268/FUL (PINS Ref 3210717)	WR	Miss Anna Vaughan Mobile Home Meadow Barn Shenton Lane Upton	Meadow Barn Shenton Lane Upton (Removal of two mobile homes and residential storage barn and erection of dwelling)	Start Date Awaiting Decision	03.12.18
19/00002/ENF	RH	18/00165/UNBLDS (PINS Ref 3209195)	PI	Mr Nigel Salt Salt Construction Limited 304 Leicester Road Wigston	Land South Cadeby Hall Main Street Cadeby (Unauthorised erection of a dwelling)	Start Date Proof of Evidence Inquiry Date (2 days) Site Notice Final Comments	21.01.19 01.05.19 29-30.05.19 15.05.19 29.03.2019
19/00007/ENF	TW	16/00277/UNUSES (PINS Ref 3206296)	WR	Mr F Tailor Oldlands Fenns Lane Dadlington	Oldlands Fenn Lanes Dadlington	Start Date Statement of Case Final Comments Site Visit - accompanied	22.02.19 05.04.19 26.04.19 21.05.19

18/00018/HEDGE	TW	18/00040/HEDGE (PINS Ref 512)	WR	AH Oliver & Son Swepstone Fields Farm Snarestone Road Newton Burgoland	Odstone Hill Farm Newton Lane Odstone	Start Date Awaiting Decision	16.05.18
18/00016/FTTREE	CJ	18/00211/TPO (PINS Ref 6767)	WR	Brian Higginson Village House Coventry Road Marton	32 Northumberland Avenue Market Bosworth Nuneaton (T1 Oak - Fell and replace; T2 Beech - Remove 2 damaged lower limbs)	Start Date Awaiting Decision	16.05.18

Decisions Received

18/00019/FTTREE	CJ	18/00234/TPO (PINS Ref 6812)	WR	William Burke 1 Goulton Crescent Desford	1 Goulton Crescent Desford (1x Scots pine, reduce overall height by 20 feet)	DISMISSED	27.03.19
18/00052/PP	AC	18/00624/OUT (PINS Ref 3213307)	WR	Mr W Richardson 295 Main Street Barlestone	295 Main Street Stanton Under Bardon Coalville (Erection of one dwelling (outline - access only))	DISMISSED	19.03.19

Appeal Decisions - 1 April 2018 - 5 April 2019

No of Appeal Decisions	Allowed	Dismissed	Split	Withdrawn	Officer Decision			Councillor Decision			Non Determination		
					Allow	Spt	Dis	Allow	Spt	Dis	Allow	Spt	Dis
48	13	33	1	0	11	1	33	1	0	2	0	0	0

Enforcement Appeal Decisions

No of Appeal Decisions	Allowed	Dismissed	Split	Withdrawn
1	0	0	0	1