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Wednesday, 23 April 2025

Mr Christopher Brown
Head of Planning
Hinckley & Bosworth Borough Council
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Dear Christopher,

Land Off Wood Lane Higham on the Hill Leicestershire (Outline Planning Permission ref. 21/01147/OUT)

Section 73 and Section 96a of the Town and Country Planning Act (as amended) application to amend description of development and remove conditions of Outline planning Permission ref. 21/01147/OUT)

Please find enclosed two applications under Section 73 (s73) and Section 96a (s96a) of the Town and Country Planning Act to amend the description of development and remove conditions 13 and 34 of Outline Planning Permission 21/01147/OUT at Land Off Wood Lane Higham on the Hill Leicestershire.

This S73 application proposes to remove the following conditions of the Outline planning permission which are related to the shop / retail unit which will no longer be erected due to no interest / offers in the purchase of the serviced retail site (as set out further below):

Condition 13 – Ventilation Strategy for the Shop:

'a) No development shall take place until a scheme for ventilation of the shop premises, which shall include installation method, maintenance and management has been submitted to and agreed in writing with the Local Planning Authority.

b) The approved scheme shall be implemented in accordance with the agreed details before the shop premises are first brought into use for the development hereby approved and maintained in use thereafter.

Reason: To safeguard amenities of neighbouring properties in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).'

Condition 34 – Maximum Floor Space of the Shop:

'The first reserved matters application shall show a shop (Use Class E(a)) of no more than 100 square metres of convenience retail floorspace.'

Reason: To ensure adequate access and parking arrangements are provided on site in the interests of highway safety and in accordance with Policy DM17 and DM18 of the adopted Site Allocations and Development Management Policies DPD (2016) and the National Planning Policy Framework (2021).'

This application seeks to remove both conditions 13 and 34 of the Outline planning permission ref. 21/01147/OUT as a shop will no longer be provided. Instead, this will be replaced by an additional dwelling (subject to consideration of these applications and the associated s73 application to the Reserved Matters application).

Concurrent to the above, the NMA application seeks to amend the wording of the description of development of the current outline planning permission to remove the reference which includes a shop and remove the specification of the number of units, which can facilitate approval of an additional dwelling under the s73 application to the Reserved Matters approval). The description of development as approved is the following:

'Residential development for up to 61 dwellings, including a shop, open space, new access and associated works (Outline – access only).'

The application seeks to amend the description of development to the following:

'Residential development including open space, new access and associated works (Outline – access only).'

As part of the s73 and NMA application, Owl Homes are also seeking a Deed of Variation to the s106 Agreement to remove all references to the retail unit. This is proposed as these applications are submitted with a Marketing Report which demonstrates there is no interest in the purchase of retail unit site. The submission (and agreement) of the Marketing Report will discharge the obligations of the s106 agreement and therefore it is respectfully requested that the obligations be removed in their entirety.

These approaches have been agreed with the LPA (without prejudicing the acceptability of such applications) and is sought to be the best approach going forward as there has been no interest in the shop / retail unit.

To provide further detail, Owl Homes are seeking to remove the retail unit at Wood Lane Higham on the Hill Leicestershire. As per the consent and associated S106 obligations, Owl Homes were required to agree a marketing strategy and timescales which have been discharged and have now completed the marketing.

There has been no interest/offers in the purchase of the serviced retail site; the general feedback has been that the shop is far too small for any national convenience store type operators.

The S106 sets out should there be no interest in the shop, the council will consider / accept applications for alternative uses – the only obvious and suitable use for this location would be an additional dwelling.

The detailed wording of the draft Deed of Variation will follow submission but Owl Homes draft a Deed of Variation for the S106 to the effect of removing all references to the requirement for the shop / retail unit.

The application has been submitted via the Planning Portal (ref: PP-13966123) and the fee of £383 has been paid direct by the applicant.

This application is accompanied by the following documents:

- Marketing Report
- Marketing Report Supplemental Document

I trust this letter is in order. However, if there are any queries, please do not hesitate to contact me.

Yours sincerely



RICHARD WEST BA (Hons) MRTPI
Director

