

Delegated Report

Planning Ref: 23/00757/DOV
Applicant: Midland Heart
Ward: Earl Shilton



Hinckley & Bosworth
Borough Council

Site: Ashby House Hill Top Farm Hill Top Earl Shilton

Proposal: Deed of Variation to Section 106 Agreement of planning permission 20/00916/FUL (dated: 09.11.2022) for alterations to the agreed tenure mix to deliver the entire scheme as rented affordable housing units.

1. Recommendations

- 1.1. **Grant Deed of Variation to the Section 106 Agreement for planning permission 20/00916/FUL.**

2. Planning Application Description

- 2.1. This Deed of Variation application seeks to make alterations to the agreed tenure mix of the development within the Section 106 Agreement of planning permission 20/00916/FUL. The Deed of Variation seeks to deliver all 50 dwellings within the scheme as Affordable Rent affordable housing units.
- 2.2. Previously, it was agreed as part of the associated signed Section 106 Agreement (dated: 09.11.2022) that the Affordable Housing Scheme delivered 26 Affordable Rent (22 x two-bedroom and 4 x three-bedroom properties) and 23 Shared Ownership units (9 x two-bedroom and 14 x three-bedroom properties).
- 2.3. The Applicant has justified this Deed of Variation by stating that the existing landowners no longer wish to live within the application site.

3. Relevant Planning History

3.1 20/00916/FUL

- Demolition of farm buildings and Ashby House and development of 50 dwellings comprising 49no. affordable houses and 1no. bungalow to replace Ashby House, with access road off Leicester Road, open space, landscaping, drainage basin, and foul pumping station.
- Permitted
- 10.11.2022

4. Publicity

- 4.1 No publicity is required, and none has been undertaken.

5. Consultation

Earl Shilton Town Council:

- 5.1 Earl Shilton Town Council requested further information regarding the Section 106 contributions for this application.

The Planning Officer informed Earl Shilton Town Council that the Section 106 contributions are not impacted as a result of this application.

Planning Committee Chair

- 5.2 The Chair of the Planning Committee agreed to the Deed of Variation.

Hinckley and Bosworth Borough Council (HBBC)'s Affordable Housing Officer:

- 5.3 The Council's Affordable Housing Officer confirmed that the application was satisfactory and confirmed that affordable rent units were the most needed tenure within the local area.
- 5.4 No further responses were received.

6. Policy

- 6.1 Core Strategy (2009):

- Policy 15: Affordable Housing

- 6.2 National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (December 2023)
- Planning Practice Guidance (PPG)

- 6.3 Other Relevant Guidance:

- Housing Needs Study (2019)
- Affordable Housing SPD (2011)

7. Appraisal

- 7.1 The key issues in respect of this application are therefore:

- Assessment against strategic planning policies
- Conditions

Assessment against Strategic Planning Policies

- 7.2 The planning permission 20/00916/FUL approved the development of 50 houses consisting of 49 affordable homes and one bungalow within Hill Top Farm, Hill Top, Earl Shilton.
- 7.3 The development increases the provision of affordable housing within the site, which is considered to provide a slight benefit to the development. In addition, the Council's Affordable Housing Officer has no objections to the additional provision, nor the alterations to the tenure mix of the development.
- 7.4 By virtue of these factors, it is considered that the proposed variations to the Section 106 Agreement of planning permission 20/00916/OUT (dated: 09.11.2022) is acceptable.

8. Equality implications

- 8.1 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.
- 8.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.
- 8.3 There are no known equality implications arising directly from this development.
- 8.4 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).

9. Conclusion

- 9.1 The Council's Affordable Housing Officer has no objections to the scheme and therefore it is considered that this Deed of Variation is acceptable.

10. Recommendation

- 10.1 Grant Deed of Variation to the Section 106 Agreement for planning permission 20/00916/FUL.**