

Date: 30 July 2024



**Hinckley & Bosworth
Borough Council**

To: Members of the Planning Committee

Dear Councillor,

Please see overleaf a Supplementary Agenda for the meeting of the **PLANNING COMMITTEE** on **TUESDAY, 30 July 2024 at 6.30 pm.**

5yr Housing Land Supply – applicable to all planning applications for housing

The Council has published an updated 5yr housing land supply calculation yesterday (Monday 29th July). This updates the 5yr housing land supply position from March 2023 to March 2028 and demonstrates a 5.6yr supply of housing, with a surplus supply of 145 dwellings over the five year period.

For decision taking, a 5yr housing land supply is a material consideration in all relevant applications for dwellings in the Borough. Despite being able to demonstrate a housing land supply, due to the age of relevant housing policies in the Core Strategy, in accordance with paragraph 11d) of the NPPF, the Council should still grant permission for housing unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.

PLANNING COMMITTEE - 30 JULY 2024

SUPPLEMENTARY AGENDA



Hinckley & Bosworth
Borough Council

List Of Late Items Received After Preparation Of Main Agenda

ITEM 07

20/01225/FUL

Sean Barratt

Site:- Land West Of, Clickers Way, Earl Shilton, Leicestershire

Proposal:- Residential development for 81 dwellings with provision of access, open space and associated infrastructure

Since publication of the report, an updated response from LCC Highways has been received. This is set out below:

“Background

The local Highway Authority (LHA) previously advised within its formal observations dated 2nd May 2024 that additional information was required in respect of the proposals. It was stated that the access arrangements shown on Persimmon drawing number PL-EXT_ES_SRP Rev N (access through the wider SUE as opposed to Thurlaston Lane) would resolve reason for refusals 1 and 2 advised within the highways observations dated 2nd November 2023. No additional supporting information had been provided in respect of reason for refusal 3 (relating to the works on Thurlaston Lane/ site access) and the LHA advised that if access was taken solely through the SUE, that reason for refusal could also be removed.

The LHA has subsequently been engaged in ongoing discussions with both the Local Planning Authority and the Applicant in respect of the proposals. It is also noted that Earl Shilton Sustainable Urban Extension (SUE) has now been granted outline planning permission with main access from Clickers Way (A47) and that the Applicant could access the proposed development via this route and in accordance with the Local Plan policy.

The LHA has undertaken a review of the highway boundary extents along Thurlaston Lane up to King Richards Hill and obtained an AutoCAD version of Banners Gate drawing number P/1652/11 Rev. B, which details the site access, carriageway widening and proposed footway alongside Thurlaston Lane from the Applicant. The LHA is concerned that whilst the preliminary design proposals are shown within the extents of the available public highway, these do not consider the wider impacts of the proposals and their deliverability at the detailed design/ S278 stage. These concerns can be summarised as follows:

- The LHA believes the highway boundary extents to be to the centreline of the existing hedgerows either side of the carriageway. The proposals are likely to result in considerable works in very close proximity to the centre of the hedgerows and require substantial removal of hedgerow/ roots to the north of Thurlaston Lane in particular. Carriageway construction works require at least an additional 0.45m excavation beyond the edge of the carriageway and for footway works, at least 0.1m beyond the edge of the footway. This is very likely to result in the loss of the existing third party hedgerow.*
- The proposals are likely to require the removal of non-highway third party trees to the north of Thurlaston Lane in order to accommodate the carriageway realignment.*
- The proposed footway is likely to create a long term maintenance issue alongside the hedgerow to Marlpit Farm. The proposed footway width here is 1.8m (below the 2.0m width required within the Leicestershire Highway Design Guide) and this could be reduced further should the hedge not be removed/ survive construction. This could result in pedestrians having to walk within the carriageway to pass each other or avoid the hedge.*

- The realignment of the carriageway is likely to reduce vehicular visibility out of the existing pumping station access to the north of Thurlaston Lane in comparison to what could be achieved at present. The western visibility splay appears to be only 0.4m from the centre of the existing hedge, which the LHA believes would require substantial hedgerow removal to achieve. Furthermore, notwithstanding an existing situation the LHA would expect that the proposed highway works should be designed to comply with the adopted design standards to ensure safe and suitable access can be achieved.

Without confirmation from neighbouring landowners that they would have no objection to the removal of their hedgerow or trees, the LHA believe that to condition the proposed access and highway works on Thurlaston Lane may be ultra vires.

Notwithstanding the above, the LHA advise it is satisfied that safe and suitable access could be achieved to the site via the wider SUE and it is understood the Applicant has been liaising with third party developers to achieve the site access shown on Persimmon drawing number PL-EXT_ES_SRP – Rev N. The LHA would support this approach and access arrangements.

Notwithstanding the above and in relation to the development layout proposed, it should be noted that appropriate barriers or landscaping would need to be in place to prevent vehicular access from the northern turning head onto Thurlaston Lane. In addition, the turning head to the south would be redundant and not required, therefore the private drive serving Plots 19-26 could be extended to the edge of the carriageway with a vehicle crossover arrangement. This could be dealt with at the S38 stage and would not affect dwelling locations.

As advised within the 2nd May 2024 observations, the Applicant has not provided any additional supporting evidence in terms of the wider impact of the proposed development. Nevertheless, the LHA are aware that application references 21/01511/OUT and 23/00330/OUT for the wider SUE have assessed 1,600 dwellings whilst only 1,500 dwellings are proposed. In this respect, the wider impact of the proposed 81 dwellings as part of this application have been assessed as part of the wider SUE applications. As such, the LHA will adopt a similar and proportionate approach to conditions and contributions as per the wider SUE. This would however require access to be taken via the SUE only, and not Thurlaston Lane. The LPA has advised that 20/01225/FUL is to be taken to a July planning committee and the LPA has requested final advice including relevant conditions and obligations be provided should the LPA be minded to approve the application. The LHA has therefore included these below without prejudice and on the basis that safe and suitable access can be delivered to the development through the wider Earl Shilton SUE allocation in line with the Local Plan policy.

Conditions

1. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable. REASON: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, and lead to on-street parking problems in the area.

2. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Persimmon drawing number PL-EXT_ES_SRP – Rev N have been implemented in full. REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (December 2023).

3. No part of the development hereby permitted shall be occupied until such time as site drainage details have been provided to and approved in writing by the Local Planning Authority. Thereafter surface water shall not drain into the Public Highway and thereafter shall be so maintained. REASON: To reduce the possibility of surface water from the site being deposited

in the highway causing dangers to road users in accordance with the National Planning Policy Framework (December 2023).

4. The Travel Plan shall be carried out in accordance with the details contained within reference FW1670_TP_001 V3 (Revision V3, March 2021). A Travel Plan Co-ordinator shall be appointed from commencement of development until 5 years after first occupation. The Travel Plan Co-ordinator shall be responsible for the implementation of measures as well as monitoring and implementation of remedial measures. REASON: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework (December 2023).

5. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Persimmon drawing number PL-EXT_ES_SRP – Rev N. Thereafter the onsite parking provision shall be so maintained in perpetuity. Reason: To ensure that adequate off-street parking 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 the National Planning Policy Framework (December 2023).

6. Any dwellings that are served by private access drives (and any turning spaces) shall not be occupied until such time as the private access drive that serves those dwellings has been provided in accordance with Figure DG17 of the Leicestershire Highway Design Guide. The private access drives should be surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity. Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with the National Planning Policy Framework (December 2023).

7. The development hereby permitted shall not be occupied until such time as 1 metre by 1 metre pedestrian visibility splays have been provided on both sides of the private driveways or shared private drive serving each plot. Nothing within these splays shall be higher than 0.6 metres above the level of the back of the footway/verge/highway and, once provided, these splays shall be so maintained in perpetuity. Reason: In the interests of pedestrian safety and in accordance with the National Planning Policy Framework (December 2023).

8. No development shall be occupied until such time as a scheme consisting of a footway/cycleway on the A47 between the Leicester Road/Clickers Way roundabout and the junction of Desford Crossroads has been submitted to and approved in writing by the Local Planning Authority. Once approved, the scheme shall be delivered and available for use prior to occupation of the 50th dwelling. REASON: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (December 2023).

9. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no gates, barriers, bollards, chains or other such obstructions shall be erected to the vehicular access. Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with the National Planning Policy Framework (December 2023).

10. Prior to the occupation of any part of the development hereby permitted, a Public Transport Strategy shall be submitted, agreed and implemented in full to provide a bus service to serve the development. The bus services shall operate between the hours of 7am and 7pm, seven days a week including bank holidays. Any new bus stop infrastructure shall be to a specification first agreed in writing by the Local Planning Authority and likely include bus stop flags, shelters, raised kerbs, lighting, timetable and real time information. REASON: To reduce the need to

travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework (2023).

Contributions

Please note that the exact monetary values will need to be agreed prior to the signing of the Section 106 agreement and may be subject to indexation.

To comply with Government guidance in the National Planning Policy Framework (NPPF 2023) and Leicestershire County Council Planning Obligations Policy the following contributions would be required in the interests of encouraging sustainable travel to and from the site, achieving modal shift targets and mitigating the impacts of the development:

1. A contribution of £2,218.06 per dwelling towards improvements to the A47 / B582 Desford Road (Desford Crossroads) junction as considered appropriate by Hinckley and Bosworth Borough Council in consultation with Leicestershire County Council.

Justification: To mitigate against the impact of the development in line with the submitted transport evidence.

Suggested trigger point: Prior to letting of the contract for construction of the Desford Crossroads highway scheme.

2. Travel Packs, one per dwelling; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack). If not supplied by LCC, a sample Travel Pack shall be submitted to and approved in writing by LCC which will involve an administration charge of £500. Reason: To inform new residents from first occupation what sustainable travel choices are available in the surrounding area. Suggested trigger point: Prior to the occupation of the first dwelling.

3. Six month bus passes, two per dwelling (two application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at a cost of approximately £490 per pass). Reason: To encourage new residents to use bus services as an alternative to the private car to establish changes in travel behaviour from first occupation. Suggested trigger point: Payment of 25% of total obligated contribution paid prior to the occupation of the first dwelling. Remaining 75% of total obligated contribution paid prior to occupation of 25% of total dwellings, except payment may be deferred by agreement with the County Council.

4. A contribution of £6,000 for the monitoring of the Site Wide Travel Plan and the effects of the development using the County Council's monitoring programme. STARS for (Sustainable Travel Accreditation and Recognition Scheme). Reason: To enable Leicestershire County Council to provide support to the appointed Travel Plan Co-ordinator, audit annual Travel Plan performance reports to ensure that Travel Plan outcomes are being achieved, and to take responsibility for any necessitated planning enforcement. Suggested trigger point: Prior to the occupation of the first dwelling."

Affordable housing mix

The report to Planning Committee does not reflect the agreed mix of affordable housing units.

Affordable housing will be at 20% provision, for 16 units. Of these 16 units, 50% will be for rent split between 2 and 3 bedroom properties. 25% will be shared ownership, split between 2 and 3 bedroom properties and 25% will be first homes, all 3 bedroom properties.

- No late items have been received.

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The very close proximity siting of double delivery doors to the side of our garden amenity remains not only unreasonable but also wholly inappropriate.

The current site drawing appears to indicate the grass banking to the rear of our property is to be removed. This proposal would place visiting store vehicles within a few metres of our back door and kitchen window.

Nominally reducing delivery hours whilst disregarding long trading hours will not as claimed reduce noise, disturbance and result in the claimed similar levels of current parking.

A significant DMP report produced by SHARPS REDMORE refers to driver training and store staff training to handle vehicle deliveries whilst taking into account the possible impact to residents. Whilst maybe well intended I stand by my best endeavour comments made to the committee members during my presentation.

Given the location of the proposed delivery bay and service yard when compared with the distance from our property to the existing public house delivery area how is it possible to state as in point 24 of the note "that a satisfactory living environment can be achieved for the neighbouring property at 2 main St"

Near the end of his report/note Mr Mullin requests?

"Should the Members of the Committee not grant planning permission for the proposed development, contrary to the officer recommendation to approve, the Central England Co-operative and Everards Brewery will be forced to pursue an unnecessary appeal, which will result in wasted time an expense for all parties. We'd ask that the Members' are directed to assess the proposals dispassionately, and in doing so, balance the benefits of the proposals to the community against the concerns of individuals. We are confident that if Member's are so directed, the Committee will approve the scheme, in accordance with all consultee and officer findings."

We would like to counter the request made by Mr Mullin with a request of our own

As the individuals directly affected by what we believe is a unique development proposal would the members kindly consider a site visit to appreciate the thoroughly negative impact this planning application would have on our lives.

Attached are some photographs to reflect the detrimental overbearing consequence this development would have on our home.

For the reasons listed above we firmly believe the planning application should continue to be flatly refused."







ITEM 11
Site:- 87B And 87C , High Street, Barwell, Leicester

Mr Hussein Essajee

24/00476/FUL

Proposal:- Change of use from two dwellinghouses Class C3 to Childrens Care Home Class C2

- No late items have been received.
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ITEM 12
Site:- 552 Coventry Road, Hinckley, Leicestershire, LE10 0NJ

Mr John Williams

24/00428/FUL

Proposal:- Change of use of part of the garden (Use Class C3) to accommodate storage of skips (Use Class B8)

- No late items have been received.
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ITEM 13
Site:- Manor View, Aston Flamville Road, Burbage, Hinckley

Mrs J Jelfs

24/00274/FUL

Proposal:- Extensions and alterations of existing ancillary building to form early years day nursery (Class E) with associated car parking

Consultations:-

Since publication of the Planning Committee report, an additional comment has been received from LCC Highways which is summarised below;

“Background

The Local Highway Authority (LHA) has been re-consulted by Hinckley & Bosworth Borough Council as the Local Planning Authority (LPA) on a full application for extensions and alterations of an existing ancillary building to form an early years day nursery (Class E) with associated car parking. The proposals are located at Manor View, Aston Flamville Road, Burbage, Hinckley.

The LHA previously advised additional information was required in respect of the proposals within its observations submitted to the LPA on 16th April 2024 and 15th May 2024. Most recently, the following additional information was required:

- *Further consideration of the site access in terms of visibility splays and the location;*
- *Provision of an RSA1 for any new access proposals as well as a designer's response to any problems raised; and*
- *Consideration of the proximity of the roundabout proposed as part of application 23/00673/OUT.*

Site Access

The LHA advised within both previous observations that given the proposals would intensify the use of the existing access and due to concerns with visibility splays in the current location and the proximity of the proposed roundabout approved as part of application reference 23/00673/OUT, the Applicant should seek to relocate the site access further to the southeast of the site.

The Applicant submitted an e-mail to the LPA dated 23rd May 2024 in response to the 15th May 2024 observations. This states that consideration was given to moving the site access, however the approval of the Jelson scheme via 23/00673/OUT where access was up for determination, it was reasonably concluded there is no material highway gain in altering the current access, therefore the existing access will be physically unchanged as justified by the Jelson access approval. Given the roundabout is yet to be constructed, the LHA feel it would be difficult to resist the proposals on the grounds of the proximity to the roundabout.

The Applicant has also reviewed the extents of the highway boundary for the northwestern visibility splay where there is an area of third party land between the back of the footway and the existing hedge.

The Applicant has stated that "...a local farmer undertakes regular highway verge and hedge maintenance, so presumably it falls under the remit of Highways Act 1980 and this will ensure this remains the case until the Jelson scheme is implemented."

The LHA believes this area is privately maintained and was created because of application 05/00373/FUL, whereby the Applicant for that application relocated the hedge to provide a 2.4 x 120m visibility splay. As part of that application, the area fell within the Applicants red line boundary, however it does not fall within the red line boundary for this current application.

To the southeast, the LHA would require the existing hedgerow to be lowered to 0.6m for appropriate visibility to be achieved. The Applicant has advised that all vegetation in this area falls under the control of the Applicant and can be removed, cut back or relocated as appropriate. The LHA advises that the visibility splay in this direction is likely to require removal of a considerable length of hedgerow and potentially a fence.

After liaising with the LPA, the LHA understand it would not be possible to include the area of third party land which falls within the northwestern visibility splay within the Applicants red line. As a result, the LHA advises that the Applicant would need to enter into a unilateral undertaking with the landowner. This would be to:

- *Not plant anything or allow any plants to remain on the third party land that obstructs (or would be reasonably expected to obstruct) the visibility splay; and*
- *Not to do anything or allow anything to be done on the third party land that obstructs, or interferes with the visibility splay.*

The LHA would require confirmation from the Applicant that this would be possible, prior to being able to advise approval of the proposals.

However the LHA understand that the proposals are to be considered as part of the LPA's July Planning Committee. It is understood that should the proposals be approved, the decision notice would be released by the LPA following a resolution by the Applicant to secure the northwestern visibility splay. The LHA therefore advise the below conditions and contribution would be required, should the LPA grant planning permission.

It should be noted that as per the 15th May 2024 observations, the LHA believes Savoy Consulting drawing number DWG-03 does not accurately reflect the existing situation on-site as previously claimed by the Applicant. While the LHA are satisfied the level of parking shown on the drawing would be acceptable, should the Applicant wish to revise the parking arrangements to avoid the need to remove several trees on the western boundary, it would be advisable to provide a revised drawing at this stage, rather than vary conditions at a later date. It should also be noted that any revised parking arrangement may not be considered suitable by the LHA.

Conditions

1. *No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 120 metres have been provided at the site access. 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 the National Planning Policy Framework (December 2023).*
2. *The development hereby permitted shall not be occupied until such time as the parking (and turning facilities) have been implemented in accordance with Savoy Consulting drawing number DWG-03. Thereafter the onsite parking (and turning) provision shall be kept available for such use(s) in perpetuity. REASON: To ensure that adequate off-street parking 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 the National Planning Policy Framework (December 2023).*

Contributions

In order to secure the required vehicular visibility splay on third party land to the northwest of the proposed site access as indicated on Savoy Consulting drawing number DWG-03, the third party landowner shall be required to: Not plant anything or allow any plants to remain on the third party land that obstructs (or would be reasonably expected to obstruct) the visibility splay; and

Not to do anything or allow anything to be done on the third party land that obstructs, or interferes with the visibility splay.

Justification: In the interests of highway safety and in accordance with the National Planning Policy Framework (December 2023).

Informative

- *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."*

Appraisal:-

Additional Officer Comments on Noise/Disturbance:

Following a consultation with HBBC Environmental Health, it has been confirmed that given the presence of nurseries nearby, and within proximity to residential dwellings, the principle for such a use within a residential area is established. It is considered therefore that the harm to neighbouring amenity with regards to noise would not be unduly significant. It is however recommended that a noise management plan is secured by way of condition to ensure any harm is mitigated.

Recommendation:-

Additional Conditions:

No development shall be commenced until a noise management plan has been submitted in writing to and approved in writing by the Local Planning Authority. The plan must detail any noise mitigation measures proposed including operational management plans.

Reason: To protect the amenities of the occupiers of neighbouring residential properties from unsatisfactory noise and disturbance in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies DPD (2016).

Should the hedge located within the visibility splay located to the southeast of the site access be removed as a result of achieving the required visibility splay, a landscaping scheme identifying the location and species of a replacement hedge shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of the nursery hereby approved. Thereafter the hedge shall be planted in the first planting season following first use of the nursery and shall be maintained for a period of five years from the date of planting. During this period if any of the plants die or are damaged, removed, or seriously diseased they shall be replaced by plants of a similar size and species to those originally planted.

Reason: To ensure that the development has a satisfactory external appearance and to mitigate the potential loss of hedgerow in accordance with Policies DM4, DM10 and DM6 of the adopted Site Allocations and Development Management Policies DPD 2016.

Additional consultation has occurred with the HBBC Environment Team since publication of the report. The officer has confirmed that in their view the principle of development for a nursery near residential properties is acceptable especially consider the nearby nursery, however, to ensure that mitigation is in place and no cumulative impacts occur has suggested the imposition of a condition requiring the submission of a noise management plan. Therefore, an additional condition is suggested below.

10. No development shall be commenced until a noise management plan has been submitted in writing to and approved in writing by the Local Planning Authority. The plan must detail any noise mitigation measures proposed including operational management plans.

Reason: To protect the amenities of the occupiers of neighbouring residential properties from unsatisfactory noise and disturbance in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies DPD (2016).

Condition 2 is to be amended to:

The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

Site Location and Block Plan
Proposed Access Strategy Drg No: A109159-TTE-00-ZZ-DR-H-0004 Rev P07
Extension of Adopted Highway Drg No. 100/A
Proposed Site Plan Drg No. 23.10.05C
Proposed Elevations Drg No. 23.10.04B
Air Conditioning Spec SRC45ZSP-W-1
Topographical Survey Drg No. JA24-4790-1
Parking Plan Drg No. DWG-02
Proposed Floor Plans Drg No. 23.10.03
Design and Access Statement
Transport Statement

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

Relocation of Electricity Supply

In light of objection comments the applicant has confirmed that the electricity pole to the rear of the site will be moved prior to commencement of the development.
