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Hinckley & Bosworth
Borough Council

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

Date: 21 March 2023

To: Members of the Planning Committee

Cllr MJ Crooks (Chairman)	Cllr A Furlong
Cllr E Hollick (Vice-Chairman)	Cllr SM Gibbens
Cllr CM Allen	Cllr L Hodgkins
Cllr RG Allen	Cllr KWP Lynch
Cllr CW Boothby	Cllr LJ Mullaney
Cllr SL Bray	Cllr RB Roberts
Cllr DS Cope	Cllr H Smith
Cllr WJ Crooks	Cllr BR Walker
Cllr REH Flemming	

Copy to all other Members of the Council

(other recipients for information)

Dear Councillor,

Please see overleaf a Supplementary Agenda for the meeting of the **PLANNING COMMITTEE** on **TUESDAY, 21 MARCH 2023** at **6.30 pm**.

Yours sincerely

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

Rebecca Owen
Democratic Services Manager

PLANNING COMMITTEE - 21 MARCH 2023

SUPPLEMENTARY AGENDA

7. **21/01390/FUL - BARROW HILL QUARRY, MILL LANE, EARL SHILTON**

Application for the erection of 21 residential holiday lodges and a management building with associated vehicular accesses, parking, surface water balancing and landscaping

Late items received after preparation of main agenda:

Consultations:-

Further comments have been received from LCC Highways summarising the below;

The Local Highway Authority Advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 111 of the National Planning Policy Framework (2021), subject to the conditions and/or planning obligations outlined in this report.

Conditions:

- Condition 1 – Construction traffic management plan
- Condition 2 – Access road reconstruction and management
- Condition 3 – Access arrangements
- Condition 4 – Vehicular visibility splays
- Condition 5 – Parking and turning facilities
- Condition 6 – Existing gate relocation
- Condition 7 – Existing boundary treatment
- Condition 8 – Trees and Shrubs

8. **22/01227/OUT - ASHFIELD FARM, KIRKBY ROAD, DESFORD**

Outline application for residential dwellings of up to 120 dwellings, all matters reserved, except for access

Late items received after preparation of main agenda:

Consultations:-

Representation received from County Councillor Bedford in objection of the application and raising the following points:

- Unsuitable location close to primary school
- Access is via estate roads and congested junctions
- Contrary to Desford NP.

9. **22/00499/FUL - LAND REAR OF 10 HILL CLOSE, PECKLETON**

Application for the construction of stables and change of use of land to equestrian use (re-submission of 22/00092/FUL)

Late items received after preparation of main agenda:

Consultations:-

Following Committee in February the revised plans were submitted just before the agenda was published. Since then the County Ecologist has confirmed that the proposed mitigation strategy is acceptable and that there is plenty of scope for biodiversity enhancements to be undertaken which can be secured via condition. As a minimum this should include bird boxes or swallow cups on the new stables and native species planting and as a preference a grassland buffer around the site.

The agent has confirmed that the applicant is Mr Colin Cately, whose partner and daughter own the horses that are to be stabled.

Four additional representations objecting to the development have been submitted from neighbours.

It is pointed out that while the area of the storeroom has been reduced by 22% the volume of the building has only been reduced by between 8 and 9% and that the building remains significantly larger than would normally be needed to keep two horses and includes a completely unnecessary store area. It is also claimed that the stables will be seen from Desford and from Archers Lane.

In response it is pointed out that, as those members who attended the site visit will have seen the site is surrounded by higher ground on three sides – to the north, east and south. It is not considered that the stables would be seen from Desford and views from Archers Lane, which runs both to the north and west of the site and is no closer than 500 metres of the site at its closest point, will either be dominated by the dwellings of Hill Close which sits on considerably higher ground or are obscured by trees, hedgerows or buildings as the lane runs from north to west of the site.

With regard to the size of the buildings it is pointed out that the size of the individual stables is set out by the British Horse Society and that the proposed stables meet those standards and so reducing them in size would, depending on the size of the horse, conflict with that advice. Separate areas for the storage of hay and feed are commonly included in applications for stables as is a separate area for the storage of tack and associated equipment. It is incorrect therefore to describe the storeroom as unnecessary.

Officers have studied all similar applications for the construction of stables that were received in 2022. Of these four were approved and two refused. The two refused were for buildings significantly larger than the current proposal. All four that were approved were for more stables than are proposed by the current application with two being of similar proportions and two being substantially bigger.

Reference is made in two of the objections to the Committee's suggestion that a more natural materials is used. One objection refers to a metal building with a shiny metal roof.

It is pointed out that the materials for cladding the building were changed from metal to timber a long time ago. The applicant has agreed that a dark green bitumen coated roof material, standardly used on stables, would also be acceptable. Thatch is not considered appropriate.

The objection also makes reference to the difference in horses being allowed to graze and permission being granted for them to engage in riding and showjumping.

In response it is pointed out at paragraph 8.13 seeks to explain the difference between the grazing of horses on the site, which does not require permission, and the stabling and

feeding or horses which does require permission. This application does not grant permission for horses to be ridden or for horses to jump fences – it would simply allow the paddock to be used by horses where that use is such that as it is not simply horses grazing for which permission is not required. The riding of horses does not require permission and nor does riding them as they jump over fences – this could take place at any time on the land without the need for planning permission.

It is again considered worthy of pointing out that the use of the land to the west and east of the site as gardens has been undertaken without planning permission having been granted first. All the houses on Hill Close were built with much smaller gardens and all the land to the rear was agricultural and while neighbours are greatly concerned with regard to the effect of stables being constructed in the countryside there is noticeably less concerned about the effect on the intrinsic value, beauty and character of the countryside that is caused by the garden extensions and the domestic paraphernalia that goes along with that.

Another objection states that the building has not been reduced in size – as is pointed out at paragraph 2.4 of the main report this is not correct.

No other new issues are raised.

Recommendation:-

The following additional conditions are proposed:

6. The development hereby approved shall be implemented in strict accordance with the mitigation measures stated in Section 4 (Discussion and Recommendations) of the great Crested Newt Habitat Suitability Assessment by Fauna Forest Ecology dated January 2023.
7. The stables hereby approved shall not be brought into use until a biodiversity enhancement scheme has been submitted to and agreed in writing by the Local Planning Authority. Enhancements shall include, but not be limited to, the incorporation of bird boxes and native planting. Any enhancement measures need to be shown on all relevant submitted plans/elevations. Such measures as are approved shall be implemented in accordance with the approved details prior to the stables being brought into use.
8. The paddocks shall be used by those horses referred to in Condition 5 only.

The recommendation remains one of approval.

12. 21/01191/HYB - LAND SOUTH OF THE A5, PADGE HALL FARM, HINCKLEY

Hybrid planning application comprising: outline application (all matters reserved except for site access from the A5) for the demolition of existing structures and the erection of distribution and industrial buildings (use class B2 and B8) including ancillary offices and associated earthworks, infrastructure and landscaping; a full application for the development of a distribution building (use class B8), including ancillary offices with associated access, hard standing, parking, earthworks and landscaping. The proposals include improvements to increase the height clearance of the existing railway bridge on the A5 Watling Street. A cross boundary application with Rugby Borough Council and Nuneaton and Bedworth Borough Council (EIA development)

Late items received after preparation of main agenda:

Recommendation:-

Proposed amendments to Planning conditions:

Condition 1:

Development hereby permitted shall be carried out in complete accordance with the details shown on the following submitted plans and documents received by the local planning authority:

Site Location Plan 18-144 PP-01 Rev L
Site Plan – as existing 18-144 PP-02 Rev L
Site Plan – as proposed 18-144 PP-03 Rev L
Unit 1 – Site Plan – as proposed 18-144 PP-04 Rev M
Unit 1 – Overall Building Plan – as proposed 18-144 PP-05 Rev K
Unit 1 – Elevations & Section – as proposed 18-144 PP-06 Rev K
Unit 1 – Roof Plan – as proposed 18-144 PP-08 Rev L
Boundary Treatment & Cycle Shelter Details – as proposed 18-144 PP-09 Rev K
Gatehouse Details – as proposed 18-144 PP-10 Rev K
Illustrative Masterplan (excluding Unit 1) 18-144 PP-03 Rev L
Landscape Concept Proposal 01 Rev H
Landscape Concept Proposal – Spine Road 02 Rev C
Detailed Planting Plan Sheet 1 of 2 03 Rev E
Detailed Planting Plan Sheet 2 of 2 04 Rev A
Landscape Concept Sections 05 Rev A
Detailed Planting Plan Spine Road 06 Rev A
Illustrative Landscape and Green Infrastructure Plan 8815-L-30 Rev M
Accessibility Plan ADC1839-DR-009 Rev P2
Development Parameters Plan 8815-L-08 Rev V
Accessibility Plan ADC1839-DR-009 Rev P2
Design and Access Statement Rev E
Flood Risk Assessment and Drainage Strategy (ref 19-7712-FRA Issue 9)

Condition 2:

Prior to, or concurrently with, the submission of the first of the reserved matters application(s), a Site-Wide Phasing Plan shall be submitted to the Local Planning Authority for approval. **The Site Phasing Plan shall include the areas of the application site located within HBBC's administrative boundary, as well as information relating to which phase(s) such parts of the application site fall within.** Any subsequent applications for approval of reserved matters which result in amendments to the phasing shall include an updated Site Wide Phasing Plan submitted for approval by the Local Planning Authority.

Condition 5:

Delete

Condition 6:

Prior to the commencement of any works in any phase **within HBBC administrative area**, a Demolition and Construction Environmental Management Plan shall be submitted in writing to, and approved by, the Local Planning Authority. This shall take account of the 'Environmental Statement September 2021' Chapter 8.6 Mitigation.

Condition 7:

a) Development shall **not be occupied** until a scheme for protecting nearby dwellings from noise from the proposed development has been submitted to and approved in writing by the Local Planning Authority

b) All works which form part of the scheme shall be completed before the permitted development first comes into use.

Condition 9:

Notwithstanding the agreed submitted details to date, no development excluding site clearance and preparation and any works associated with archaeological investigations shall take place for each phase, until a detailed surface water drainage scheme for that phase, based on sustainable drainage principles, has been submitted to and approved in writing by the **relevant** Local Planning Authority in consultation with the **relevant** LLFA

Condition 10:

Prior to the development within each phase being first brought into use a detailed, site specific SUDS maintenance plan is provided to the **relevant** LPA in consultation with the **relevant** LLFA

Condition 29 and 31:

Delete (works outside HBBC)

Condition 33:

Details of the following reserved matters shall be submitted to and approved in writing by the Local Planning Authority for each phase of development before any part of the development of that phase is commenced and shall be implemented as approved:

a - Layout,

~~b - Scale,~~

~~c - Appearance,~~

d - Access (excluding the site access) &

e - Landscaping, including hard and soft landscaping, details of planting mix and species and quantity, size, species, position and the proposed time of planting of all trees to be planted.

~~f - full details of finished floor levels of all buildings and ground levels of all access roads, parking areas and footways within that phase~~

Condition 40:

Delete (no trees or buildings in HBBC)

Condition 42:

~~No above ground works shall commence unless and until~~ a comprehensive hard and soft landscaping scheme **shall be** submitted to and approved in writing by the Local Planning Authority **prior to commencement of any development within HBBC administrative area**. The approved scheme shall be carried out in full accordance with the approved landscaping scheme and the soft landscaping shall be implemented no later than the first planting season following the development first being brought into use within that phase

Condition 43:

Delete (outside of HBBC)

Condition 45:

Delete (copy of condition 26)

13. **22/00636/REM - LAND NORTH OF DEEPDALE FARM, LUTTERWORTH ROAD, BURBAGE**

Application for approval of reserved matters (appearance, landscaping, layout and scale) for the erection of 135 dwellings pursuant to outline planning permission 19/01405/OUT (appeal ref APP/KR420/W/20/3265143)

Late items received after preparation of main agenda:

Recommendation:-

Change of recommendation:

The following documents were received from the applicant on 28th February 2023

- Biodiversity metric 3.1
- Biodiversity net gain assessment
- Ecological mitigation and enhancement strategy
- Grassland turf translocation methodology and management plan

Due to no response being received from LCC Ecology following receipt of the following documents the recommendation is proposed to be amended to:

Reserved Matters be approved subject to:

- Planning conditions outlined at the end of this report
- Power to determine the final details of the conditions to be delegated to the Head of Planning
- Delegated authority to the Head of Planning to approve the application following receipt of final comments from LCC Ecology raising no objections

Amendment to condition 1:

The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application drawings as detailed on the Drawing Submitted Schedule **20.03.23**

Noise statement:

The applicant has provided the following statement with regards to noise (*Officer note, this is covered by outline conditions*):

Previously there was a 24hr noise survey that was part of the original outline application. We have now undertaken a 7-day acoustic survey for the site which is more robust and is a truer reflection of the current noise baseline. The survey has highlighted a requirement to provide a 4m acoustic fence along the southern boundary adjacent to the M69, this is the same principal as the adjoining Redrow development on the opposite side of Lutterworth Road. This will be installed prior to any occupation.

14. **22/00937/FUL - ATHERSTONE HUNT KENNELS, KENNEL LANE, WITHERLEY**

Application for conversion, extension and alteration of former kennels and stables to form seven dwellings, erection of replacement dwelling, erection of garages and formation of new vehicular access

Late items received after preparation of main agenda:

Introduction:-

The main report was written a week before the Examiners Report on the Witherley Neighbourhood Plan was published. Along with this the Examiner stated the modifications necessary for the plan to proceed to referendum. At the time of writing the main report the Neighbourhood Plan could only be given limited to moderate weight and the report reflects this.

The Examiners Report has now been published however and the Examiner has

recommended that Policy's H1 (Residential Site Allocations) and H2 (Settlement Boundary) are deleted, but on page 39 of his report, the Examiner discusses Policy H3 and no modifications are required to that policy. So Policy H3 (Housing Mix) will remain the same.

Policy H3: Housing Mix - New housing development proposals should provide a mixture of housing types specifically to meet identified local needs in the Plan area as evidenced in the Parish Housing Needs Report (2018); HBBC Housing Needs Study (2019); Midlands Rural Housing Report (2016) and the 2017 HEDNA or more recent documents updating these reports.

Dwellings of 3 bedrooms or fewer and single storey accommodation suitable for older people will be supported where in accordance with other policies.

Affordable housing is required on development proposals of more than 10 dwellings or more than 0.5ha in size and should be designed and delivered to be indistinguishable from market housing and should be distributed and integrated evenly through the development as a whole. Provision of affordable housing for people with a local connection to the Parish is supported.

Once a neighbourhood plan has been independently examined, and a decision statement is issued by the local planning authority outlining their intention to hold a neighbourhood plan referendum, it must be taken into account and can be given significant weight when determining a planning application, in so far as the plan is material to the application. Should the Neighbourhood Plan proceed to local referendum and achieve more than half of votes cast in favour, then the Neighbourhood Plan will form part of the Development Plan and be given full weight in the determination of planning applications and decisions on planning applications in the plan area unless the Borough Council subsequently decide the Neighbourhood Plan should not be 'made'.

In his review the Examiner states that 'Core Strategy Policy 12 relating to rural villages applies to Witherley, and Core Strategy Policy 13 applies to Fenny Drayton and Ratcliffe Culey. Those policies refer to Core Strategy Policies 15, 16 and 17. Policy H3 is in general conformity with those strategic policies. Paragraph 62 of the NPPF (which should be read in the context of paragraph 61) states the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. The Examiner is satisfied that the approach adopted in Policy H3 has sufficient regard for national policy in this respect. The reference to updated reports ensures the policy remains relevant throughout the plan period if local housing needs change.

The policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan and does not seek to influence the quantity of supply of housing differently from strategic policies. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan.

Policy H3

In terms of Policy H3, the Housing Needs Study is the most up-to-date local study - https://www.hinckley-bosworth.gov.uk/info/1004/planning_policy_and_the_local_plan/1610/housing_needs_stu

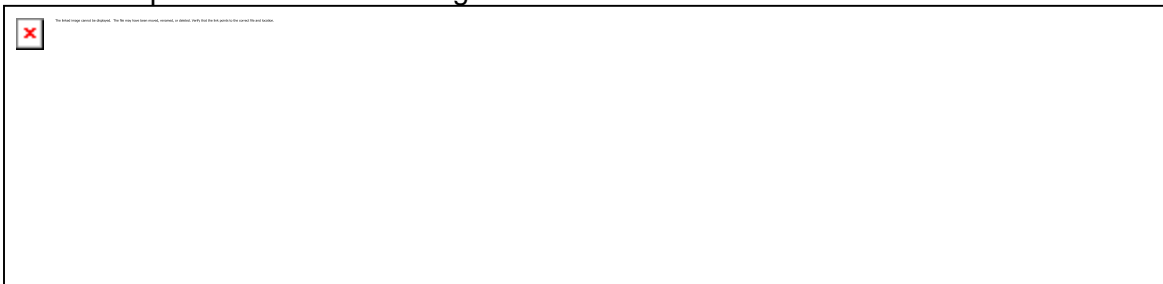
dy 2020 - there is no updated evidence on housing needs that covers the local level (other than the HENA which is discussed below). The suggested borough wide housing mix of market housing for the plan period (up to 2036) is on page 6 of the report, and I've copied below:



So if the mix was calculated based on the figures above, there would be one 1 bed, two to three 2 beds, three to four 3 beds, and one to two 4+ beds. However this is a borough-wide figure, not a rural areas figure. The Housing Needs Study breaks down further data into the parishes and an urban/rural split on pages 104 to 107 of the report. The conclusion in the orange box on page 108 states: *“In applying the mix to individual development sites, regard should be had to the nature of the site and character of the area, and to up-to-date evidence of need as well as the existing mix and turnover of properties at the local level..... Whilst there were some differences in the analysis, it is not considered that they are substantial enough to suggest a different mix of housing as being needed in different areas.”*

Policy H3 also refers to the HENA as an evidence base document, however we now have the Housing Economic Needs Assessment (HENA) from June 2022 which is significantly more up to date. This can also be found online here - <https://www.llstrategicgrowthplan.org.uk/latest-updates/publication-of-statement-of-common-ground-relating-to-housing-and-employment-land-needs/>

Section 10 covers the need for different sizes of homes. Two tables of note are copied below. The top table is based on the Standard Method calculations (for Leicestershire as a whole), and the table below is adjusted for Hinckley & Bosworth and taking into account under-occupation and overcrowding.



As can be seen, the figures for market mix aren't massively different, especially for 2 bed, 3 bed and 4+ bed

The proposed development will comprise three 3x bedroom units (Units 1, 2 & 7), one 2x

bedroom unit (Unit 3), two 4 x bed Units (Unit 4 & 5) & two x 5 bedroom units (Unit 6 & 8)(The stables will be converted into Units 1 – 5. The kennels will be converted into Unit 6 and Unit 7). The replacement dwelling on site is Unit 8.

Apart from Unit 8, the replacement dwelling, all dwellings would be formed from the conversion of the existing buildings. All suggestions made by the Conservation Officer were adhered to and amended plans were sent in to reflect this.

Summary

The Neighbourhood Plan is afforded significant weight at this stage, as it is possible to see what the 'final' plan will look like once the modifications are made. It cannot be afforded full weight until it has been through referendum and has been 'made'.

In applying the mix set out in Policy H3 to individual development sites, regard should be had to the nature of the site and character of the area, and to up-to-date evidence of need as well as the existing mix and turnover of properties at the local level. Regard should also be had to planning history and in this case, there is the extant permission to convert these former kennels and stables to form 8 dwellings, as well as a replacement dwelling (21/00789/FUL). This fall-back position also has planning weight. The proposed complies with all Policy requirements apart from the now acknowledged additional weight of the Neighbourhood Plan Policy H3. Whilst there were some differences in what is being proposed for the current proposal and what Policy H3 is aiming for in terms of housing mix, it is not considered that these differences are substantial enough to warrant refuse this application.