

# Public Document Pack



Hinckley & Bosworth  
Borough Council

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

Date: 24 September 2021

**To: Members of the Planning Committee**

Cllr MJ Crooks (Chairman)	Cllr A Furlong
Cllr DJ Findlay (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, 20 JULY 2021** at **6.30 pm**.

Yours sincerely

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

Rebecca Owen  
Democratic Services Manager

**SUPPLEMENTARY AGENDA**

7. **21/00290/OUT - 14 CHESTERFIELD WAY, BARWELL**

Application for residential development for four dwellings.

Late items received after preparation of main agenda:

**Consultations**

One additional letter of objection has been received raising the following points;

- 1) The proposed development is still over development and plot one is still only 1 meter away from our boundary and garden building. This will cause overshadowing loss of light and loss of privacy in to the garden and lounge and detrimental effect of well-established trees.
- 2) Back land development
- 3) This re submission has not addressed the planning departments concerns at all, in our opinion nothing has changed apart from the hoses being slightly turned and initial objections are still relevant.
- 4) This is out 4<sup>th</sup> letter of objection
- 5) Committee should decline the application

**Appraisal:-**

The proposed layout plans are indicative and could therefore be subject to change. However, the indicative layout does show how the site could accommodate up to four dwellings, this is one less dwelling that previously proposed.

The Officer Report to Committee considers the impact of the proposed dwellings on surrounding residential properties concluding that the scale combined with the quantum of development means the overbearing impact and potential for overlooking and loss of privacy to neighbouring properties would be minimal. The indicative layout shows how plot one could be accommodated to allow sufficient separation distances to limit any potential overbearing nature. Furthermore, scale is proposed and this plot would accommodate a bungalow with rooms in the roof space, again the indicative layout shows how this could be accommodated close to the boundary with neighbouring residential properties, whilst protecting privacy and limiting overshadowing.

The previous reason for refusal is set out at paragraph 2.3 of the Officer Report to Committee, Officers feel the reduction in units from 5 to 4 and the re-orientation of the proposed plots overcomes the reason for refusal.

**Recommendation:-**

The recommendation remains as printed on the agenda.

8. **21/00251/FUL - LAND EAST OF HIGHAM LANE, STOKE GOLDING**

Application for erection of building and change of use of land to form a dog day care facility.

Late items received after preparation of agenda:

**Introduction:-**

Following the publication of the committee report, the following additional information has been received on 19.07.2021 from the applicant:

- Signed tenancy agreement between applicant and land owner

This additional information has been provided on a confidential basis.

During the Course of the application an objection was received from Cllr. Collett as Ward Councillor. Whilst these comments are included within paragraph 5.3 of the officer report committee contained with the letters of objection, these comments should have been separated out. Cllr. Collett made the following points of objection;

- Such a building in beautiful open countryside would be inappropriate.

**Appraisal:-**

The committee report already published assesses the weight given to the applicant's tenancy agreement in the context of the application:

"Notwithstanding, it is not considered that evidence of a lease agreement would necessarily provide all "details regarding the landowner's business" that the Planning Inspectorate believed to be lacking in order to satisfy Policy DM4 of the SADMP." (Paragraph 8.2)

**Recommendation:-**

The recommendation remains as printed on the agenda.

9. 20/01324/CONDIT- 128 MAIN STREET, MARKFIELD

Application for variation of conditions 2 and 4 of planning permission 14/01082/FUL, to remove the granite plinth from front elevations and the erection of canopies above front doors (Part retrospective).

Late items received after preparation of agenda:

**Appraisal:-**

The approved elevation plan granted under 14/01082/FUL sought to retain and erect the Miners Hall plaque and fix it above the entrance to the undercroft within the front elevation. The plaque was not salvageable due to the age and timber rotting, and therefore during the course of this application a suitable alternative has been sought, such as a blue plaque to match existing heritage plaques found within the wider village. It is considered that the former sign be recreated in aluminium and a blue plaque be installed in addition, which would appropriately reflect the former heritage interest of the site.

**Recommendation:-**

Recommendation unchanged subject to additional condition below.

**Conditions:-**

Proposed condition 7.

7. Within 3 months of permission hereby approved, details of a proposed heritage signs and siting shall be submitted to and agreed in writing by the Local Planning Authority. The approved signage shall be erected within 2 months of agreed scheme and thereafter maintained.

**Reason:** To ensure that the development has a satisfactory external appearance in accordance with Policies DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

10. 21/00130/FUL - THE ACORNS, 236 ASHBY ROAD

Application for erection of two dwellings.

Late items received after preparation of agenda:

**Consultations:-**

A full formal response from Leicestershire County Council (Highways) has been received since the publication of the agenda. This response raises no objections subject to 6 conditions, including provision of visibility splays, access in accordance with plans, removal of Permitted Development for access gates, barriers, bollards, provision of parking and turning to be implemented prior to occupation, hard surfacing of access drive 5 metres behind the highways boundary and drainage details to be submitted to avoid surface water draining onto the public highway, and a number of informatives.

In addition, a condition relating to a construction management plan in respect of construction vehicle parking, unloading and storage of materials is proposed to ensure the disruption to the local highway network is minimised.

**Appraisal:-**

The comments from LCC Highways do not alter the assessment outlined in the agenda and there are no highway safety concerns with the proposed development. However, the conditions requested are considered reasonable and necessary to make the application acceptable in highway safety terms, with the exception of the suggested drainage condition which is already covered by recommended condition 7, in accordance with Policy DM10 of the Site Allocations and Development Management DPD.

**Recommendation:-**

The recommendation of approval remains; however the following conditions are also recommended in addition to those outlined within the original agenda:

13. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 73 metres and pedestrian visibility splays of 1 x 1 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 (2019).

14. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Vagdia & Holmes drawing number 1822 - SP - 007 Rev B 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 (2019).

15. 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 vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 5 metres of the highway boundary, nor shall any be erected within a distance of 5 metres of the highway boundary unless hung to open away from the highway.

**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 (2019).

16. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Vagdia & Holmes drawing number 1822 - SP - 004 Rev A. 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 (2019).

17. The development hereby permitted shall not be occupied until such time as the access drive (and any turning space) has been 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 (2019).

18. No development shall commence on the site until such time as a construction traffic management plan for construction vehicle parking and the unloading / storage of materials with 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 deliveries and construction vehicle parking becoming a hazard for road users and lead to on-street parking problems in the area to accord with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016).

11. 20/00511/FUL - LAND OFF BEECH DRIVE, THORNTON

Application for residential development of 49 dwellings with associated infrastructure, access and areas of open space.

Late items received after preparation of agenda:

**Introduction:-**

Following the agenda the agent has submitted amended plans, following the comments from LCC Highways in regards to the adoptability of the proposed roads within the site. Additionally a soft landscaping plan has been submitted demonstrating the indicative landscaping for the site.

**Consultations:-**

Leicestershire County Council (Highways) have provided further comments on the application:

- 1) The amendments have overcome the main concerns and any amendments needed at a S38 process would not be significant to require a change to the planning permission and therefore the Local Highway Authority would consider the layout for adoption should planning permission be granted.

## **Appraisal:-**

### Neighbourhood Plan

Bagworth, Thornton & Stanton under Bardon Neighbourhood Plan is currently at regulation 14 stage. The pre-submission consultation ended in May 2021 and preparation for submission is currently underway. The plan does not identify this site as an allocation for housing or any other designations and does not seek to include the site within the settlement boundary. Due to the stage the Neighbourhood Plan is within the process, limited weight can be afforded to this Neighbourhood Plan in the determination of this application to it in line with paragraph 48 of the NPPF.

### Highways

The Council have sought independent Highways advice in regards to the impact of the proposal. A summary of their response is,:

*'In technical terms there is a finely balanced argument to be taken in relation to substandard visibility. The achievable visibility is a reduction of 42% in the required visibility, which is a significant shortfall, and a shortfall that could be regarded as a significant safety hazard to justify refusal of planning permission. The increase in traffic/dwellings served by this junction of some 78% would increase the number of opportunities for collisions to occur. However, to counter this argument, it is an existing junction that serves 63 dwellings and there is no history of accidents from its daily use. Furthermore, design guidance contained in Manual for Streets 1 and 2 suggests that reduced visibility can lead to drivers taking more care and that a reduction will not necessarily lead to a significant problem. Overall, there is a valid case to support both sides of the argument and the Council will need to balance this in their decision making.*

*The applicant has acknowledged the potential difficulties for them in terms of visibility at the junction by offering two traffic calming schemes through the application process. The first scheme was seen as not comprehensive enough by LCC and following the submission of the second scheme LCC appear to have withdrawn their request for traffic calming altogether. In my view, the offer of traffic calming, if designed correctly, would be a significant benefit to highway safety. This is particularly the case in view of the close proximity of the primary school on Main Street, which adds further weight to the importance of highway safety. A traffic calming scheme should cover both the length of Main Street including the school frontage and the Hawthorn Drive junction. If this scheme were offered then I believe this level of mitigation would allow the development to be approved from a highway safety point of view; overcoming any concerns related to reduced visibility at the Hawthorn Drive junction.*

*In my view, the internal layout deficiencies should be addressed by the applicant for the long term benefit of the future residents. The future residents have the right to ask the Council to adopt the road in the future under the private street works code, but for this to happen, the residents would need to pay for the road to be brought up to adoption standards. Therefore, a non-compliant road that is built at this stage would potentially place a significant financial burden on residents in the future, when in reality there is no obstacle to ensuring that the road is built to an adoptable standard at the outset.'*

Leicestershire County Council Highways have responded stating:

*'During its appraisal of the proposed development the LHA reviewed a number of supporting documents submitted by the applicant and its own resources to provide its final response on the application.*

*Prior to issuing the final highway observations the LHA came to the decision that the data did not support the request for the traffic calming. The evidence showed that there were no personal injury collisions on Main Street, the speeds provided by the applicant (28 mph) were below the posted speed limit for Main Street of 30 mph and the reduced*

*visibility caused by parked cars was an existing situation.*

*Furthermore the Road Safety Audit submitted by the applicant identified a number of issues with the design of the initial traffic calming scheme and given the site specific circumstances of Main Street e.g. a number of terraced properties, on-street parking and the existing recorded speeds, the LHA concluded that traffic calming would not be required to facilitate the proposed development.*

*Whilst the LHA appreciate this situation may not be ideal for local residents, given all the evidence the LHA could not demonstrate that the impact of the proposed development would be severe on the highway and the proposed traffic calming scheme would not meet all the tests for a condition as set out in paragraph 56 of the NPPF.'*

Following this additional information and Leicestershire County Council Highways lack of support for speed reduction measures and identification that the impact of the development would not be severe it is considered on balance that, notwithstanding the reduced visibility at the Hawthorn Drive/Main Street junction the application is acceptable in highways terms.

### Ecology

The applicant has identified that they have been working with Environment Bank to identify a site to off-set the biodiversity loss which would be experienced on site. The Environment Bank are actively looking to set up a biodiversity mitigation resource in the area and are in contact with landowners at present. The Environment Bank and applicants are confident that there will be an opportunity to contribute to a joint scheme or if needs be find a bespoke project to deal with the mitigation in one hit.

The applicants have confirmed that they are happy to include this provision themselves without the need of a monetary contribution to the Council. This off site biodiversity enhancement would be secured within the Section 106, through the requirement for the submission of details and a requirement for it to be completed within a specified period.

This is considered reasonable and necessary to make the development acceptable in accordance with Policy DM6 of the SADMP.

### Landscaping

A soft landscaping scheme has been submitted however this does not provide the level of detail required to condition. Therefore a landscaping condition is recommended to ensure the full details are provided prior to the commencement of development.

### **Recommendation:-**

The recommendation for approval remains unchanged, subject to the following amendments:

The last bullet of the S106 obligations should be changed to:

- Off-site biodiversity improvement works to be undertaken by the applicant

Condition 2 to be amended to read:

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

Dwg No. 3520-02D – Materials Plan

Dwg No. 3520 – 03D - Hard Landscaping & Boundaries

Dwg No. 3520 – 04B - Parking Layout

Dwg No. 3520 – 06AA Proposed Site Plan

Dwg No. ADC1092-DR-100 P7 S38 Works General Arrangement

Received 15/07/2021

Dwg No. ADC1092-DR-066-P1 Swept Paths Refuse

Dwg No. ACD1092-DR-005-P1 Internal Layout Design Layout  
Dwg No. ADC1092-DR-110 P3 S38 Works Horizontal Annotation  
Dwg No. ADC1092-DR-115 P2 S38 Works Vertical Annotation  
Received 13/05/2021

Dwg No. 3520 - 10A - Tatton  
Dwg No. 3520 - 11A - Lyme +(Render)  
Dwg No. 3520 - 12A - Lyme +  
Dwg No. 3520 - 14A - Sudeley V  
Dwg No. 3520 - 15A - Sutton +  
Dwg No. 3520 - 16 – M2  
Dwg No. 3520 - 17A - HQI 3-1  
Dwg No. 3520 - 18A - HQI 2-1  
Dwg No. 3520 - 23A - Wentworth  
Dwg No. 3520 - 24A - Wentworth (Render)  
Dwg No. 3520 - 25A - Holdenby detached  
Dwg No. 3520 - 26A - Waddesdon (Half Render)  
Dwg No. 3520 - 27A - Double Garage  
Dwg No. 3520 - 28A - Single Garage  
Dwg No. 3520 - 29 - Cropston  
Dwg No. 3520 - 30D Site Sections  
Dwg No. 3520 - 31 - Cropston (Half Render)  
Dwg No. 3520 - 32 - Street Scenes  
Dwg No. 3520 - 33 - HQI 3-1 detached  
Dwg No. 3520 - 34 - Sutton  
Dwg No. 3520 - 35 - Waddesdon  
Received 12/05/2021

Dwg No. ADC1092-DR-100 P4 S38 Works General Arrangement – received  
16/06/2021

edp6140\_r006-A-HoT for Woodland Management Plan – received 23/06/2021

Site Location Plan – received 01/06/2020

**Reason:** To ensure a satisfactory form of development in accordance with Policies DM1, DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

20. Notwithstanding the submitted details, no development shall take place until a scheme of soft landscaping works, including an implementation scheme, has been submitted in writing to and approved in writing by the local planning authority. The scheme shall be carried out in full accordance with the approved landscaping scheme. The soft landscaping scheme shall 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 at which time shall be specified in writing by the Local Planning Authority.

**Reason** To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

12. 20/00191/FUL - PAYNES GARAGES, HINCKLEY

Application for installation of 4x5 metre high lamp columns and associated lighting units (retrospective).

Late items received after preparation of agenda:

**Consultations:-**

One additional comment was received, stating that the lights were on at 10pm on 13<sup>th</sup> July.

Further consultation with Paynes Garages Ltd has been undertaken. CCTV footage which covers the car park and the back of the houses has been reviewed from 10pm on 13 July which shows that no lights are on in the car park.

**Appraisal:-**

Condition 2 as set out on the agenda restricts the hours of operation and should the lights be operated outside of the suggested hours, the condition is enforceable. Currently, there are no restrictions upon the use of the lights, only the granting of planning permission would trigger these conditions. The impact upon residential amenity is considered within paragraphs 8.2 to 8.11 of the officer report to committee. No harm to residential amenity has been found, in consultation with HBBC Environmental Health.

**Recommendation:-**

The recommendation remains unchanged.

15. 21/00531/HYB- WOOD FARM, STANTON

Application for hybrid application comprising of outline permission for the erection of buildings for storage and distribution uses (Class B8), general industry (Class B2) and associated infrastructure including the formation of a new access (All matters reserved except for access) and full planning permission for the demolition of existing farmstead and relocation, including the erection of 2 replacement farm managers dwellings and associated agriculture buildings and structures (revised scheme).

Late items received after preparation of agenda:

**Introduction:-**

During the course of the application, the red line of the application has been amended. The change to the red line is limited to the west corner of the application site, adjacent to the roundabout where Victoria Road, West Lane and Stanton Lane meets. The red line has been amended to reflect the true boundary line between Hinckley and Bosworth Borough Council and North West Leicestershire. The change to the red line does not result in any material impact upon the application being considered.

**Consultations:-**

An additional letter of support has been received making the following points

- 1) Bringing growth in the local area to bring more job and trade to the surrounding towns and villages.

Further letter of objection has been received raising the following:-

- 1) The Road Traffic Noise Calculation Results show that many roads around this area are already considered to have levels which are ABOVE the SOAEL, that is, significant observed adverse effect levels. Government guidelines state that further developments in these areas should be avoided.
- 2) Would result in impact on health and quality of life.
- 3) The bat report mentions that 24 hour working should be avoided due to risk or injury /mortality. This is relevant to development during construction and operational.

**Appraisal:-**

### Public Rights of Way

For clarity at paragraph 8.88, in order to improve the surrounding right of way surrounding the site, the LHA request 640m x 2m crushed stone surfacing to footpath N47 between West Lane and Bardon Business Park as well as a 100m x 3m length to footpath R31 at Stanton Lane and installation of a total of five kissing gates along the routes of N47, R9 and R33. The total value of the works would be £100,000. This request is considered reasonable to ensure wider links surrounding the site are upgraded to encourage more sustainable travel, and improvement to the existing network. The works will either be carried out by the applicant or by way of a financial contribution of £100,000 secured by legal agreement.

#### **Recommendation:-**

Grant planning permission subject to:

The completion within 3 months of this resolution a S106 agreement to secure the following obligations:

- Coalville transportation infrastructure strategy contribution;
- Provision of opportunities for apprenticeships and work experience and employment and skills related training during the construction of the development;
- One travel pack per employee from first occupation;
- One six month bus pass per employee if requested;
- Sustainable Travel Accreditation and Recognition Scheme monitoring fee;
- Retention of the community woodland area within the scheme, commitment to management and ongoing public access.
- Improvements to the public rights of way.
- Planning conditions outlined at the end of this report.

#### **Reword Condition 5 and replace with:-**

5. The first reserved matters application shall be accompanied by full details of all measures proposed in respect of on-site biodiversity enhancement in accordance with the ecology mitigation strategy by Lockhart and Garratt Ecology summary report V4 and should demonstrate biodiversity net-gain through the submission of a supporting biodiversity net gain assessment using a standard metric. The details shall include proposals in respect to the siting of proposed bat and swallow house, and a future maintenance and a timetable for the implementation of the relevant measures. The development shall thereafter be undertaken and occupied in accordance with the agreed measures and timetable unless otherwise agreed in writing with the Local Planning Authority.

**Reason:** To ensure the development contributes to the enhancement and management of biodiversity of the area to accord with Policy DM6 of the Site Allocations and Development Management Policies DPD.