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

Date: 10 May 2022



**Hinckley & Bosworth
Borough Council**

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, 10 MAY 2022** at **6.30 pm**.

Yours sincerely

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

Rebecca Owen
Democratic Services Manager

PLANNING COMMITTEE - 10 MAY 2022

SUPPLEMENTARY AGENDA

7. 21/00981/FUL - LAND TO THE REAR OF 84, 84A & 86 LEICESTER ROAD, HINCKLEY

Application for erection of six detached dwellings.

Late items received after preparation of main agenda:

Consultations:-

The following third party objection has been received following the publication of the Committee agenda making the following points:

- No reference is made to the recommendations previously made towards application 17/0127/FUL in the Agenda Item for the Committee meeting of May 10th.
- Concern that without the establishment of a Root Protection Zone, the development proposed on Plot 5 will cause irreparable harm to this rather lovely tree.
- I am concerned that without the establishment of a Root Protection Zone, the development proposed on Plot 5 will cause irreparable harm to this rather lovely tree (perhaps even affecting its long-term high-wind stability).

The following comments have been received from the HBBC Tree Officer following the publication of the Committee agenda making the following points:

Tree Protection Plan

The Tree Protection Plan and site plans are not accurate in where the tree positions are plotted but the TPP has a barrier specification which should be suitable and protection zone radii have been specified. Trees along the rear boundary should not be a major constraint in the proposed site layout - if any garages for plots 2-4 are located at least 2m. outside the root protection area (rpa) or any parking spaces located outside the rpa.

It is five years since the Arb consultant inspected the site for his report and matters may have changed significantly since then. It has only been validated by the author for two years and is not a thorough assessment of the health and condition of the trees. Details should be updated. An accurate and current TPP should be submitted.

Proposed condition wording should the application be approved:

No work shall commence on site until trees on and adjacent to the site have been securely fenced off with protective barriers to form a construction exclusion zone in accordance with BS 5837:2012 Tree in relation to design, demolition and construction. A Tree Protection Plan shall have been submitted to and approved in writing by the Local Planning Authority. Within the protected areas there shall be no alteration to ground levels, no compaction of the soil, no stacking or storing of any materials and no service trenches shall be dug unless first agreed in writing by the Authority.

Reason - To ensure the existing trees are adequately protected during construction in the

interests of the visual amenities of the area. In accordance with Policy 6 of the Site Allocations and Development Management Policies DPD.

Tree surgery

The pruning recommendations are vague and not suitable for trees protected by TPO.

It is essential that the ivy is cut near ground level and later stripped from the trees when it has withered to allow the stems and main branches to be fully inspected.

Proposed condition for Schedule of tree works should the application be approved:

No development shall commence on site until a detailed arboricultural works programme to be carried out in accordance with BS3998:2010 Tree Work - Recommendations has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed programme.

Reason - In the interests of health and safety and amenity value of the trees in accordance with Policy 6 of the Site Allocations and Development Management Policies DPD.

or otherwise a TPO application would need to be submitted to the LPA for any recommended works. Removal of dead branches and ivy is however exempt from the need for LPA consent.

9. 21/01016/FUL - 44 MANSION STREET, HINCKLEY

Application for new roof above existing single storey garage / shop storeroom. Proposed extension of height of boundary (west) wall.

Late items received following preparation of main agenda:

Consultations:-

The following objection has been received following the publication of the Committee agenda making the following points:

- We have had very little time to respond to the proposed amendments.
- The Officer had complete their committee report and recommendation prior end of the re-consultation period. This raises concern that further comments will not be considered.
- The tenant of 44 in the commercial unit was not consulted and not made aware of the plans submitted. She is against any such development. She rents the actual unit and the garage area is not under the tenancy agreement.

Application Description

- The application put in said this was for a new roof but this will also be an enlargement to the existing external garage with walls , it seems to be taken out which currently divide it from the storage space.
- It is an application which, as identified by the case officer in his report, clause 3.1 and 10.1 , involves the extension of a separate garage and change of use to residential for the use of the first floor flat- which has not been applied for in the appropriate

manner.

- The case officer states in 3.1 "The first floor compromises a flat to which this will provide additional living accommodation". We had not been told in the application this was the intention but was what we suspected and we cannot see how this will work and are concerned it will lead to more noise for the houses in Mansion Street. This part of the description was copied into the committee report in error by the case officer. Case Officer Comment: There is living accommodation located above the shop unit below. The application details were taken on face value and it appears that an intervening courtyard (shared with the flat and shop unit) allows use and access to the detached garage/storage unit. Therefore, notwithstanding an application for Lawful (existing) development, the case officer can only deduce the building (garage/storage) has been and can be used ancillary for the associated mixed use (residential and retail). However a separate living accommodation or annexe living accommodation permission would be subject to a separate planning application to the LPA.
- Other objections sent to the LPA previously have pointed out that the shop does not use the garage or storage space- this area is not in the rental agreement and the shop does not need it. It is then confusing and contradictory in that 8.13 of the case officer's document then suggests it will be increased storage capacity for the shop. This also contradicts the far more likely idea to use it for residential reasons (3.1).
- As regards the case officer's report, recommending approval and done before we have even commented - can we please refer you to clause 3.1 which confirms what we were again worried about- that this garage is going to be turned into living space. No change of usage has been applied for.
- This is also a clear reason for this not to go ahead as no change of use has been applied for.

Site Planning History

- After previous attempts to create a new separate house or commercial unit incorporating the garage (19/00044/PP and 19/00045/PP which went to appeal and were dismissed) it was clear this current application was but another attempt. Concerns have been noted in objections.
- This is the 3rd attempt to do this and follows some 8 applications including 2 lost on appeal and a building control failure in 2020 . There is a clear concern also that the applicant will try to link this with a previous approved planning approval.
- The resident of the adjoining dwelling (No 42 Mansion St) and her neighbours have a strong concern that there may be an attempt to link this new proposed residential development of the garage to the previous application (19/01235/FUL) which was approved despite objections but not yet built.

Design and Street Scene

- Not in agreement with the findings that it will not affect the surrounding historic area, street scene, 42, 40 Mansion Street and their amenities and the other houses in Mansion Street and neighbouring the property in question. She is strongly of the opinion it contravenes a wide range of policies.
- From the Trinity Lane side, the higher new wall with additional doors (which are not needed) and a widened garage door will look incongruous and out of keeping with the

area. The impact on both Mansion Street and Trinity Lane will not complement or enhance the surrounding area but worsen it and the layout and density are not appropriate. This application is thus against policies DM10, section 72 of the Planning Act 1990, section 12 of NPPF, DM11 of the SADMP

Residential Amenity

- Any increase in height will impact on 42 Mansion Street and also 40 and all other houses in Mansion Street. 44 is at the top of the terraced row and the garage is in a strategic location at the top of their courtyards. Any increase will take out light and be overbearing on all the properties and particularly 42 which also shares a party wall with 44. These houses are in a conservation area, an historic environment which should be protected.

Traffic and Highway Safety

- There is a strong concern that with the widening of the garage door, there could be larger vehicles using this garage (albeit the main usage is planned for residential use by the applicant) . The location near the junction and traffic lights and crossing a pedestrian pathway would be hazardous and inappropriate for larger vehicles.

Party Wall and Land Ownership and Building Regulations

- No.42 has a party wall which will be affected- and it will be a fire risk and totally unsuitable as living accommodation. And the windows will have to be put in and they are not even shown in the plans. And drainage and heating and water.
- It lacks information as to windows, water, drainage, electricity, heating, fire safety etc.

10. 21/00872/FUL - LAND TO THE REAR OF GLEBE FARM, 1 RECTORY LANE, NAILSTONE

Application for conversion, extensions and change of use of existing barn to form one dwelling with associated curtilage and new vehicular access (20/00668/FUL resubmission).

The additional below objections have been received following the publication of the Committee agenda making the following points:

- Loss of greenfield site
- Potential for further development
- No need for additional dwellings in Nailstone
- No special architectural features left to the barn
- Long drive required - potential noise and dust issues
- Ecology impact - bats

12. 21/00439/FUL - LAND TO THE REAR OF 122 STATION ROAD, MARKET BOSWORTH

Application for single dwelling with associated landscaping and alterations to existing access.

Late items received following preparation of main agenda:

Consultations:-

The following objection has been received from Market Bosworth Vision Planning Group following the publication of the Committee agenda making the following points:

- On the plans for the proposal, the minimum access width to the new property is set at 3.25m. The generally accepted minimum width for emergency fire services access is 3.7m and the required width for access to individual premises is 6.1m (www.hse.gov.uk), therefore the application should be rejected on these grounds alone.
- This proposed development is not in line with the areas for housing as set out in the Market Bosworth Neighbourhood Plan 2016-26.
- There will be serious blockage of light to the neighbouring properties which will be heavily inconveniently impacted during the building phase.
- The proposal would result in a form of development which would be contrary to the aspirations of residents of the town as set out in the Market Bosworth Neighbourhood Plan.