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Hinckley & Bosworth
Borough Council

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

Date: 28 September 2022

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

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Dear Councillor,

Please see overleaf a Supplementary Agenda for the meeting of the **PLANNING COMMITTEE** on **TUESDAY, 27 SEPTEMBER 2022** 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. **21/01514/FUL - LAND AT REAR OF 7 HUNT LANE, WITHERLEY**

Application for single storey detached dwelling.

Late items received after preparation of main agenda:

Consultation:-

Representation received raising the following points:

- Boundary line in wrong place
- Boundary fence previously moved to accommodate a conifer tree, tree now removed and so fence should be moved to previous position
- Covenant on land preventing building

Officer comment:

The above points raised are considered to be civil matters. A covenant on the land, if this exists, does not prevent planning permission being granted. With regards to the boundary, the Council takes the submitted red line boundary on the location plan to be correct, with a signed certificate provided as part of the application form. Should the boundary prove to be incorrect, the applicant cannot rely on any permission and a new application should be submitted to regularise the boundary line.

8. **22/00639/FUL - 12 SKETCHLEY LANE, RATCLIFFE CULEY**

Application for erection of two dwellings with associated parking, landscaping and amenity space.

Late items received after preparation of main agenda:

Introduction:-

Amendments to address report discrepancies

Para 8.4 to read:

The Emerging Local Plan for 2020-39 has been out for consultation at Regulation 19 draft stage (February to March 2022). The LDS anticipates that the Plan will be submitted in spring/summer 2022, and an estimated date for examination of late summer/autumn 2022. This will increase the weight to be afforded to the new Local Plan. The LDS will be updated following the decision taken at Full Council on 6th September to enable further work on the Local Plan evidence base to be undertaken, with submission of the Local Plan later in 2023.

Para 8.15 to read:

The Good Design Guide SPD outlines that development will need to

provide high quality internal amenity space as this is critical to the quality of life of residents. This proposal is for two dwellings on site, including demolition of the existing dwelling. Both dwellings proposed are mirror images of each other, with four bedrooms proposed and separate garages together with three off road parking spaces to serve each dwelling.

Para 8.18 to read:

As such this application is considered to be unacceptable in amenity terms and not in compliance with Policy DM10 a and b of the SADMP, The Good Design Guide SPD and the requirements of the NPPF with respect to residential amenity.

Para 8.33 to read:

The proposal is considered to be acceptable when taking into account all of the material considerations set out above. There are no adverse impacts associated with this development that would outweigh the benefits identified. Therefore this application is recommended for approval subject to the signing of Section 106 legal agreement and conditions set out below.

Proposed Planning Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:
 - i. Site Location Plan - Drg No. 220/PL01 Rev A (Received 29/06/2022)
 - ii. Site Plan and Block Plan (Received 08/07/2022)
 - iii. Floor Plans and Elevations (Received 08/07/2022)
 - iv. Bat Report (Received 29/06/2022)
 - v. Planning Statement (Received 29/06/2022)

Where the above plans/reports include mitigation measures, these will be delivered in accordance with the approved details.

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).

3. No development shall be occupied until a scheme that makes provision for waste and recycling storage and collection across the site has been submitted in writing to and approved in writing by the Local Planning Authority. The details should address accessibility to storage facilities and adequate collection point space at the adopted highway boundary. The approved scheme shall be implemented in accordance with the agreed

details prior to first occupation.

Reason: To ensure the bin storage on site is not detrimental to the street scene and overall design of the scheme in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. Prior to commencement of development a Construction Environmental Management Plan shall be submitted to and agreed in writing by the LPA. The plan shall detail how, during the site preparation and construction phase of the development, the impact on existing and proposed residential premises and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light and land contamination. The plan shall detail how such controls will be monitored and provide detail of areas for off road storage of materials, plant and machinery together with off road parking. The plan will provide a procedure for the investigation of complaints. The agreed details shall be implemented throughout the course of the development. Site preparation and construction shall be limited to the following hours; Monday - Friday 07:30 - 18:00, Saturday 08:00 - 13:00 and no working on Sundays and Public and Bank Holidays.

Reason: To help prevent and mitigate noise, odour and pollution in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD (2016) and the requirements of the NPPF.

5. 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 (2021).

6. The proposed access shall have a width of a minimum of 2.75 metres, a gradient of no more than 1:12 and shall be surfaced in a bound material for a distance of at least 5 metres behind the highway boundary. The access once provided shall be so maintained at all times.

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 (2021).

7. The development hereby permitted shall not be occupied until such time as the parking facilities have been implemented in accordance with Curry Design Studio Ltd drawing number: 220/PL01 Revision 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 in the interests of highway safety and in accordance with the National Planning Policy Framework (2021).

9. **21/00402/OUT - NEW ROOKERY FARM, 6 CHURCH LANE, FENNY DRAYTON**

Application for residential development of up to five dwellings including new car park to serve the Fenny Drayton community and demolition of existing bungalow and agricultural buildings (outline – access, appearance, layout and scale to be considered).

Late items received after preparation of the main agenda:

Consultations:-

A further objection has been received since the agenda was published. The objection raises the below points:

- 1.) Consultation responses are outdated to the changes in the development
 - 2.) Applicant is not correctly identified
 - 3.) The very beginning of this proposal was the redevelopment of redundant farm buildings only approved under planning rules for permitted development. Otherwise it was a non-starter being development into green belt land; The application before you is for development into green belt land and should be refused.
- Petition received on Friday 23rd September including signatures from 154 residents of Fenny Drayton together with three further electronic confirmation of signing from abroad.
 - Further representation received from resident raising the following:
 - A revised tree constraints plan submitted on 31 August, once more, fails to respect six of the veteran yew trees, located in the adjacent churchyard, with an area of root protection in accordance with government standing advice. It is possible an error has occurred with application of the calculation of 15 x tree diameter. It appears to have been applied incorrectly to diameter rather than radius of the RPA area. This is measured from the bark of the tree. At any rate the RPA indicated on the drawing falls short of requirement.
 - I concur with Mr Julian Simpson's estimate of diameter for Tree 24*. Once the correct calculation is applied for this tree it is apparent underground services (a SuDs drainage system, including sewers, tank and pump) have been located within the protected root area of Tree 24. There are many other aspects of the development design which also do not respect the required RPAs. A tree constraints plan is a mandatory requirement, and this revised submission once more fails to give accurate detail to properly take into account impacts of the design.
 - These magnificent veteran yew trees, form a rare circle around the church building, adding to its setting and the setting of nearby Grade II listed buildings. These trees are of value for heritage, amenity and biodiversity and are irreplaceable habitat. Development resulting in the loss or deterioration of irreplaceable habitats, should be refused unless there are wholly exceptional reasons. NPPF Para 180 (c).
 - Further comments received from Julian Simpson, HBBC Tree Officer:

- Whilst the tree canopies are shown to be uniform, in reality they aren't but the overhang measurements shown in red are accurate.
- RPA's shown by red circle also appear to accurately represent 15x stem diameter. I do not though have a scale drawing.
- Parking bays are shown to be of "no-dig" construction. With an appropriate level drawing and construction specification this should be workable, especially given that the boundary wall is likely to have restricted root development.
- The lay-by parking is in an area of existing hard standing and therefore should not be harmful.

The tree constraints drawing does therefore appear to accurately represent the constraints caused by churchyard trees.

11. 21/01359/HOU - 191 LEICESTER ROAD, GROBY

Application for erection of a raised patio at the rear of a dwelling.

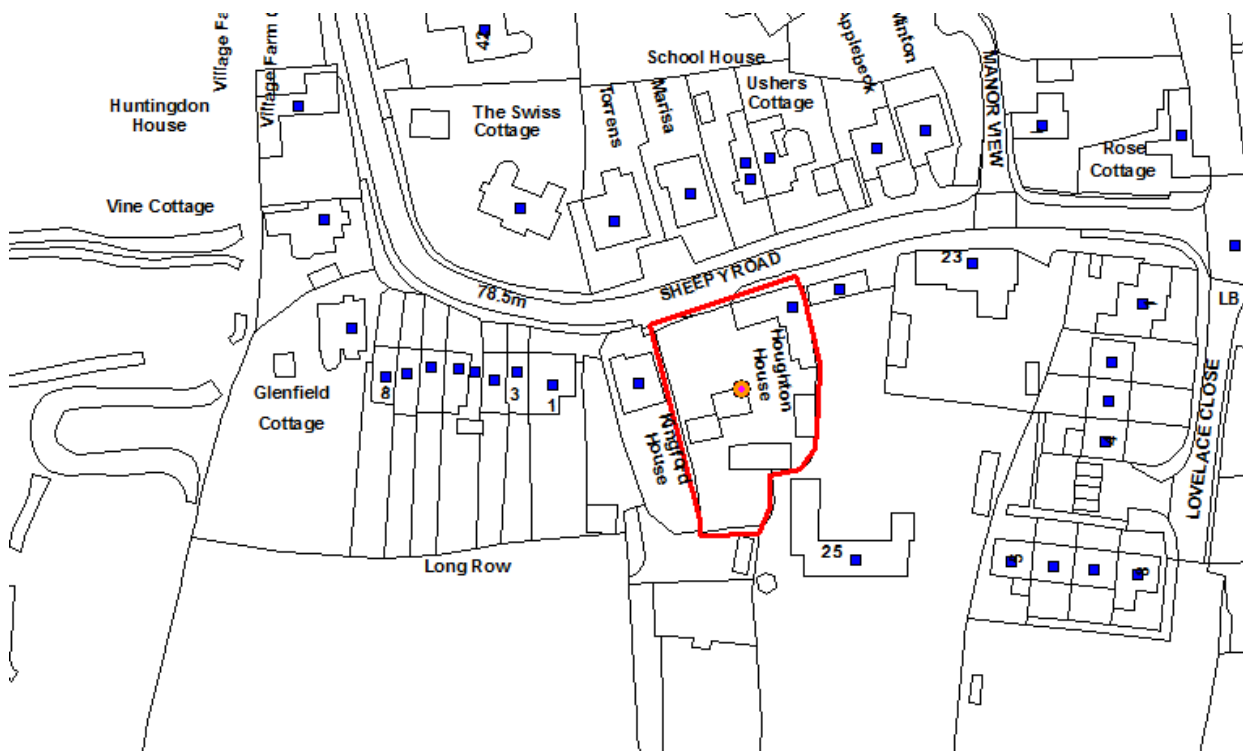
This application has been withdrawn from the agenda.

12. 21/01501/FUL - HOUGHTON HOUSE, SHEEPY ROAD, SIBSON

Application for demolition of existing buildings, refurbishment of a Grade II listed residential property, erection of four dwellings and associated external landscape works.

Late items received after preparation of the main agenda (this relates to agenda items 12 and 13):

Introduction:-



- 1.1. The initial report was sent out with an older version of the red line which did not include Houghton House or the grass verges either side of the access. The plan above is the correct red line showing all the land to which the application relates.
- 1.2. At paragraph 9.55 the report incorrectly refers to five additional dwellings – it should be four.
- 1.3. Conditions 10, 11 and 12 are duplicates of conditions 7, 8 and 9.

Consultations:-

1.4. The Sheepy Parish Council now objects to the application. Sheepy Parish Council has reviewed the above applications (21/01501/FUL and 21/1502/LBC) and has considered the proposals in relation to the Sheepy Parish Neighbourhood Plan (Made May 2022) and its legally binding policies and design guide. It has also considered other evidence that has been brought to its attention. The Parish Council is keen to see the refurbishment of Houghton House, the re-development of the outbuildings and landscaping of a design and style that is of a scale and character that is appropriate the rural village setting and complies fully with the policies of both the Sheepy Parish Neighbourhood Plan (made May 2022) and the Sibson Village Conservation Area Management Plan. However, the Parish Council believes the current proposals for the site do not meet these objectives and wishes to object to the planning application. The concerns of the Parish Council are explained below:

- The Parish Council is disappointed that the advice of HBBC Planning Committee following its consideration of a previous version of the proposed development has not been heeded. The revised plans (August 2022) seek to accommodate a required increase in parking space provision without a reduction in the number of new dwellings proposed. This has the effect of both increasing the footprint of the development (buildings) and hard standing (parking area/driveway). As a consequence, the garden and green landscaping areas are reduced. The Parish Council consider the development as now proposed to be over-development and therefore not aligned with Sheepy Neighbourhood Plan Policy S8 - Design. The Parish Council considers the revised proposals no longer reflect a positive response to the character of the area as they do not represent development of an appropriate scale, form, and character for the area (Policy S8(D)). Further the necessary increase in the size of the properties (to accommodate the larger parking spaces) and their shift backwards will impact the amenity (privacy level) of property to the rear and the residential amenity of Unit/Plot 1. In the latter case the revised design would lead to an oppressive and over-bearing environment as a result of the proximity of other buildings, adjacent driveways and fencing.

Officer comment: The ground floor footprint of the dwellings has not increased but in order to provide greater width for the parking spaces the first floor and roof of the three dwellings has increased by 70 centimetres. Plots 2 and 3 have also been moved forwards (not backwards) by 90 centimetres. It is not considered that this represents a change that now renders the proposal oppressive or overbearing. Plot 1 benefits from a through kitchen/lounge and windows in the gable that face on to the narrow side garden.

- Whilst the applicant has sought to address some of these issues, the replacement of the rear (bedroom) window with one that is opaque or has side-light windows, the Council considers this an unsatisfactory and inadequate solution for what is a principal room. It also has concerns regarding the rear windows in the other units and their impact on amenity as a result of the rear building line now being closer to the neighbouring property. This is a two-storey building not a bungalow as indicated in the narrative provided by the applicant. The change in window design will also limit the rear view(s) from the new dwellings. The applicants design statement states that the new properties "will benefit from a wide view across the landscape". The proposed changes and existing property to the rear make this an inaccurate statement. The revised proposals also will adversely affect the residential amenity of Unit/Plot 1. The changed design will lead to an oppressive and over-bearing environment for this Unit/Plot because of the proximity of other buildings, adjacent driveways/car parking and fencing. This dwelling will have no view of the surrounding landscape. Additionally, the statement that the view from the road into the courtyard will be "not dissimilar to the Den, the neighbouring property" is also inaccurate. The Den is a single property, the view from the carriage way through its entrance is of a curved drive that has extensive mature and varied green landscaping on both sides.

Officer comment: It is not considered that the changes in the plans result in the occupiers of any plot suffering an inadequate level of residential amenity. Plot 1 in particular is a two-bed property that has a garden larger than the Council's Good Design Guide recommends. That there is no view of the surrounding landscape is not a reason for refusal of the application.

- The proposed refuse and recycling plan is also unacceptable. The plans indicate that bins for Plot/Unit 1 will encroach on the car parking space, restricting the ability to park in a designated area and/or extract the bins on collection day. Further, the placement of bins (10) in a line adjacent to Houghton House is both impractical and dangerous for the narrow driveway. In terms of parking provision and space for vehicles, it is very difficult so see how vehicles will be able to manoeuvre safely when the parking spaces are occupied. The Parish Council would therefore wish to see the results of a Swept Path Analysis to be satisfied that there is adequate space. Without this, concerns about on-street parking

would be realised and subsequent impact on road safety and local businesses. In summary, the planning application contains factual errors that are directly relevant and misleading. The current proposal for 4 new dwellings is considered to be over-development and will lead to significant impact in residential amenity and safety - both for neighbouring properties and the proposed new dwellings, especially Unit/Plot 1.

Officer comment: As set out above the bins for plot 1 could easily be stored within the garden rather than as indicated. An additional condition is proposed requiring that details of waste and recycling storage and collections across the site is submitted and approved prior to development commencing above floor plate level. An additional condition is also proposed requiring that the parking bays be retained for their intended purpose but there can be no requirement that forces residents to park vehicles in the bays rather than on the street. The Local Highway Authority is clear though that it considers that adequate parking provision has been made.

- The Parish Council note that the 'Red Line' in the current application documents has been extended to the carriage way boundary along the length of the front of the proposed development. This results in the development area now including the grass verge frontage. The Parish Council believes this area to be owned by the County Council not the applicant. The Parish Council has previously highlighted its concerns about this area and the need to ensure that both the Neighbourhood Plan Design Guide objectives and the policies of the Sibson Conservation Areas management plan are complied with, i.e. the grass verge and red brick wall are retained - both being character features within the village. It should also be noted that the verge also contains one of the Heritage Street Lamps that have been jointly funded by HBBC and Sheepy Parish Council. It is likely that this would need to be removed/re-located to accommodate the proposed changes to the roadway entrance. No discussion has been held with the Parish Council. The Parish Council notes that the various revised plans and updated Design and Access Statement have various inconsistencies in both the red line location and the development plans for this area. The Parish Council therefore objects to the proposals until the proposals and supporting documentation is both consistent and complies with the relevant policies (that are legally binding). It is also noted that the Application Form for the proposed development indicates that no new access (pedestrian or vehicle) to the highway is proposed. The plans clearly indicate that two new accesses are proposed and so the application form is incorrect. The Parish Council would propose that the red line boundary is limited to the property ownership boundary and only extended (limited) to include the new footways that are proposed. Further to address continuing concerns from local parishioners and businesses about on-street parking, consideration should be given to the introduction of parking restrictions, e.g. double yellow lines, along the length of the grass

verge in front of the property to increase road safety and on-street parking.

Officer comment: The verges are owned by the County Council as Highway Authority and are appropriately included within the red line boundary as two footpaths to the two new front doors are proposed (as found on other verges close to the site) and a small amount of widening of the access so that recommended access radii can be provided.

The Agent has confirmed that there is no requirement to move the existing heritage streetlamp.

The issue of parking restrictions is a matter for the Highway Authority and so would not be a valid requirement of a planning application as the Highway Authority may not want parking restrictions implemented.

- The Parish Council has concerns about the potential increase in the risk of flooding of nearby properties situated at a lower elevation to the proposed development (Long Row). The cottages in Long Row have historically suffered flooding and whilst some remedial work was previously undertaken 20 years ago by HBBC, there have subsequently been a number of flooding events and near misses. This location in the village has been designated as being at risk of flooding on the latest Environment Agency flood maps. The flooding events that have been experienced are directly as a result of overwhelming of the surface water and highway drainage system. The concern of residents is so great that they have invested in their own pumps and sandbags to manage water flows when flooding is imminent. The Sheepy Neighbourhood Plan Policy S6 on Water Management states that "New development should take full account of flood risk especially from rivers, groundwater and overland flow". The applicant's revised plans and supporting narrative partially acknowledge this but their proposed solution to mitigating an increase in surface water flood risk is considered totally inadequate by the Parish Council. Firstly, the location is underlain by Mercia Mudstone (Gunthorpe Formation). This is comprised of material that generally has very low vertical permeability and so is poor at infiltrating water, especially during intense rainfall events, i.e. those that lead to flooding. The position of the new development and the extent (increase) in hard standing and roof area mean that it is critical that an appropriate and accurate surface water management strategy is developed and tested before planning permission is considered. The information provided to date is totally inadequate. The proposal indicates water retention measures but these are not described and the use of domestic water butts is an ineffective and unacceptable flood mitigation measure. It is noted that the response from Leicestershire County Council Highways Department also raises concerns about site drainage and requires prohibition of run-off from the site entering the highway drainage system. As much of

the site slopes towards the highway it is unclear how drainage will be diverted to avoid this. The Parish Council is therefore not satisfied that full account is being taken of flood risk and therefore the application does not comply with its Neighbourhood Plan Policy S6. A further concern is that the Application Form accompanying the planning application indicates that surface water will not increase flood risk elsewhere. By their own admission and attempt to mitigate the increased risk of flooding, the application form is incorrect. The Parish Council therefore object to the proposed approach to management of surface water and would want to see a detailed assessment of the impact of the proposed development and capacity of the existing drainage infrastructure using an appropriate model and the latest UK Climate Projections (UKCP18) prior to any determination of this planning application. We are aware that this issue has also been raised by a large number of parishioners and so clearly reflects the genuine level of concern on this matter.

Officer comment: The advice of the Council's Drainage officer is considered a standard, reasonable and appropriate response to the proposed development. It would be unreasonable to require that further investigations are undertaken at this stage given that the site lies within Flood Zone 1, that the site is previously developed and that the proposed condition would provide a technical solution to surface water flooding issues.

1.5. A further four objections have been received from local residents following publication of the Committee report. They raise points already set out in the published report as well as a number of additional points:

- Referring to paragraph 2.2 of the report the objection points out that the increase in the size of the parking spaces has been achieved by moving the block of houses forwards as well as sideways resulting in a reduction in the size of the courtyard, making a bad situation worse.
- Referring to paragraph 2.3 of the report the objection questions whether the soakaway storage crates are possible given that the Building Regulations state that such crates must be at least 5 metres from a building or 2.5 metres away from a boundary.

Officer comment: It has been confirmed that this concern relates to soakaways and not to storage crates which can, if necessary, be located under buildings.

- Access to the Plot 2 parking spaces is obstructed by a planter bed at the entrance to Plot 1 and by cars parked in the bays for Plot 1.
- Referring to paragraph 3.2 the objection reiterates that the contemporary design detracts from the Grade II Listed Houghton

House and from the character of the conservation area. In particular Plot 1 and the four parking spaces impact detrimentally on the setting of the Listed Building.

Officer comment: The Council's Conservation Officer does not share these concerns.

- The Conservation Officer has noted the positive contribution that the verges make to the character and appearance of the Conservation Area and has advised that consideration should be given to measures to avoid the potential harmful practice of parking on the verges. The Conservation Officer advises that such a measure would include the placing of small rocks/boulders along the verges which is considered a pragmatic response to the potential issue whilst still maintaining the character of the Conservation Area. Alternatively, it should be determined if an agreement for this measure could be secured with the Highway Authority and it implemented accordingly.

Officer comment: As the verges are owned by the County Highway Authority it would not be acceptable to require such measures to be implemented given that the landowner may not agree to them. It is considered that should permission be granted whether or not the verges are protected is a matter for the Parish Council and the County as landowner.

- The housing needs of the parish have been met.
- There is a discrepancy in the officer report in that at paragraph 9.5 the provision of the four dwellings is considered a significant benefit of the proposal but at paragraph 9.8 the same four dwellings are not considered to represent significant residential growth.

Officer comment: These paragraphs relate to different issues but it would be more appropriate to say that the provision of four dwellings in the context of the Council's lack of a 5 year supply of dwellings is a moderate benefit rather than a significant one.

- Referring to paragraph 9.32 the objection states that the support for undersized gardens is further proof that the application represents an unsustainable overdevelopment of the site.

Officer comment: It would be incorrect to interpret paragraph 9.32 as support. It is rather the case that as the Good Design Guide is guidance only and that as the gardens are only very slightly smaller (just 4m2 at most) than is recommended the shortfall is such that it could not reasonably be used to justify refusal of the application.

- Referring to Condition 3 the requirement for Houghton House to be renovated before occupation of the fourth new property could

encourage the developer to not build the fourth house at all leaving an empty plot and an unrenovated Listed building.

Officer comment: Government requires that conditions must satisfy six tests – that they relate to planning, that they relate to the proposed development, that they are precise, enforceable, necessary and reasonable in all other respects. It is considered that the condition proposed satisfies these tests and that to impose more onerous requirements would not be reasonable.

- The existing problem with on street parking must not be exacerbated.
- Attempting to solve the issue of overlooking of the dwelling to the rear by providing opaque glazing simply results in an unacceptable level of amenity for the occupiers of that bedroom.
- Policies in the adopted Sheepy Neighbourhood Plan must be given substantial weight.
- The Applicant is ignoring the instruction from the previous Planning Committee meeting that the application was to be amended to only include three additional properties rather than four.

Officer comment: This is not correct. The formal minutes of the previous Planning Committee are set out at paragraph 2.1 of the main report. Councillor Hollick's comments regarding a reduction from four to three dwellings were not an instruction.

14. **21/01413/REM - LAND EAST OF ROSEWAY, STOKE GOLDING**

Application for reserved matters application in respect of appearance, landscaping, layout and scale (outline reference 20/00779/OUT).

Late items received after preparation of the main agenda:

Consultations:-

- 1.6. An additional four objections have been received, one of which is from the Parish Council. They reiterate objections already made regarding flooding, relocating the attenuation pond, loss of wildlife, overshadowing and overbearingness. An additional issue regarding increased light pollution is raised.
- 1.7. The Parish Council reiterates concerns regarding design of the affordable dwellings and their clustering.
- 1.8. As referred to in section 3 of the report the following images have been submitted by the applicant
 - 1.) Proposed Elevations and Floor Plans Plot 2B

- 2.) Proposed Elevations and Floor Plans Plot 4B
- 3.) Proposed Street Scenes

1.)



2.)



3.)



Street Scene -B



Street Scene Locations

