

# Public Document Pack

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

**Date: 22 November 2022**



**Hinckley & Bosworth  
Borough Council**

**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, 22 NOVEMBER 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 - 22 NOVEMBER 2022

### SUPPLEMENTARY AGENDA

#### 7. 22/00120/FUL - MICHEALMAS COTTAGE, 138 SAPCOTE ROAD, BURBAGE

Application for demolition of existing garage block and stables and the construction of three new dwellings with associated parking and turning facilities.

Late items received after preparation of main agenda:

##### Consultations:-

- 1.1. Following receipt of additional drainage documents (para 8.33 of the report) the HBBC Drainage Consultant was again consulted and provided the following comments:

*'The additional details confirm that infiltration drainage via traditional soakaways is not feasible for this site, and proposes an alternative SuDS strategy which is acceptable in principle.*

*I would recommend the following drainage condition, along with guidance notes to applicant:*

*Development shall not begin until a scheme to provide a sustainable surface water drainage system in accordance with the Drainage Strategy (November 2022) has been submitted to and approved by the Local Planning Authority, and the scheme shall subsequently be implemented in accordance with the approved details before the development is completed.*

*Notes to applicant:*

*The drainage scheme shall include a tanked permeable paving system to external parking areas in order to meet water quality requirements before discharging into the downstream system.*

*Details of a suitable outfall will be required, and any proposed works to a watercourse or field ditch may require consent from Leicestershire County Council under Section 23 of the Land Drainage Act 1991'.*

##### Recommendation:-

- 1.2 The above proposed planning condition is therefore recommended to replace the existing Condition 5 related to surface water drainage details.

#### 10. 22/00790/FUL - LAND SOUTH EAST OF DAWSONS LANE, BARWELL

Application for change of use of land to provide a dog day care facility and associated secure dog walking facility.

Late items received after preparation of main agenda:

A statement has been submitted by the applicant following publication of the report. In summary the points made are:

- 2013- 2016 Hinckley Pets Ltd was set up at Westfield Farm, Keats Lane as the 1<sup>st</sup> doggy day care facility in the Hinckley area.
- In 2016 the business moved to 23c Wood Street, Hinckley. This building was not in a great condition but was centrally located. A retrospective application

(16/00883/COU) was refused for reasons of non-compliance with DM19.

- Cllr Stuart Bray advised it would be unlikely to get planning permission in any commercial premises as it would be difficult to comply with Policy DM19
- It was recommended to find a site in the Countryside
- From 2017 to present a barn has been rented at Cold Comfort Farm, Rogues Lane. Retrospective planning permission was applied for (18/00353/FUL)
- This barn is in the open countryside accessed via a ½ mile private road with public access and several dwellings, business, stables along it.
- Hinckley Pets Ltd erected an acoustic fence and agreed to a maximum of 10 vehicle movement per day.
- In this location it was agreed Hinckley Pets Ltd complied with Policy DM04, DM10 & DM18

In light of the officer report the Applicant wish to address the Committee and bring the following to members attention.

*“Planning Officer - The siting of a dog day boarding & walking business at this location within the open countryside would introduce an incongruous and unsustainable form of development which would have a significant adverse impact on the intrinsic value, beauty, open character and landscape character of the countryside and would be contrary to Policy DM4 and DM10 of the Site Allocations and Development Management Policies DPD.*

- Section 6 of the NPPF seeks to build a strong, competitive economy. Paragraph 80 of the NPPF states that planning policies and decisions should help create the conditions in which business can invest, expand and adapt
- Paragraph 83 of the NPPF seeks that policies and decisions enable, the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well designed new buildings
- The LPA to deal with the application, through ongoing negotiation and must work with the applicant in a positive and proactive manner
- The LPA representative has not sought to consider Section 6 of the NPPF section 80 or 83. They equally have not engaged with us in a positive or proactive manner to seek solutions with problems
- The proposal would be sustainable & in essence be a replica of the site at Rogues Lane that met DM4 & DM10 and was accepted at the planning committee in 2018
- 4 other similar proposals, listed below, were all within the open countryside & were considered 'sustainable'. These were: 18/00353/FUL Hinckley Pets in Home Limited, Rogues Lane Hinckley (largely unseen), 17/00117/COU The Pingles, Dog Day Care (adds to local distinctiveness), 22/00562/CLP Dog Day Care at land opposite Windrush Farm, Basin Bridge Lane, Stoke Golding, 22/00802/FUL | Proposed construction of stables and dropped kerb to land rear of 156 Shilton Road (Retrospective)
- The above 4 all comply with DM4 & DM10. The current proposal is very similar and should be allowed.
- The site is not designated and will be improved through careful planting
- Dogs will be collected from their homes

- There are very few available affordable sites in the area

Planning Officer - *The amount of traffic generated from this business and its customers, albeit not huge, would lead to over-intensification of use of this 450m single track with few passing points along it. It is considered the development is contrary to Policy DM18 of the Site Allocations and Development Management Policies DPD.*

- Pure intensification does not bring a material change of use that requires planning permission
- The proposal has provided sufficient onsite parking for staff and customers
- The Highways Authority had no objection.
- The industrial estate off Dawsons Lane has a vast number of vehicles visiting it daily, far more than our proposed usage
- It is suggested the committee may consider a condition limiting Hinckley Pets in Home to 10 vehicle movements for business purposes per day.

In summary this is not a new business but merely the relocation of an existing and established dog day care business. The reasons for refusal being cited against this proposal, do not stand scrutiny, or demonstrate a consistent and fair decision-making regime at the Local Planning Authority.

Reason 1 refers to an incongruous use in the open countryside that would have a significant adverse impact on the character and appearance of the countryside and would conflict with Policies DM4 and DM10 of the Site Allocations and DM Policies DPD. This is an inconsistent and wrong interpretation of the adopted policy. As stated in the supporting information, this is not a new business but an existing business that already operates in the Borough.

Reason for refusal number 2 states that such uses will only be permitted in the countryside if they cannot be accommodated in or adjacent to the settlement boundaries. As stated in the supporting information this business did operate, for a short time, in the urban area of Hinckley on Wood St. Such a location was deemed to be an unacceptable use, retrospective planning permission was refused, and a subsequent appeal was dismissed. Considering this refusal, the applicant worked with the Council to secure planning permission on Rogues Lane which is located in complete open countryside.

Reason for refusal number 3 really does hold any water and is entirely without foundation or evidence.”

In addition a further objection has been received. The points raised are as follows:

- The site is part of an area designated as Green Wedge & should not be developed
- Traffic on Dawsons Lane is a constant battle for residents. The entrance to the site is unsuitable
- Recreational Walkers- Dawsons Lane is a popular dog walking route. Ramblers are in constant conflict with vehicles
- The condition of this road is already deplorable. The proposal will make it worse
- Dawsons Road is a private road

## 11. **22/00845/REM - LAND SOUTH EAST OF 47 WYKIN LANE, STOKE GOLDING**

Application for approval of reserved matters of outline planning permission 19/01324/OUT residential development of up to 55 dwellings (outline – access only).

Late items received after preparation of main agenda:

**Consultations:-**

- 1.1. The Local Highway Authority has advised that following minor amendments to the highway details the internal road network is now considered suitable for adoption.
- 1.2. The LHA points out that the feature space adjacent to plots 3 to 7 may potentially attract a commuted sum as the LHA would prefer to see a standard 2m footway constructed adjacent to the carriageway. The LHA would also expect it to be constructed with a bituminous material.
- 1.3. In addition the LHA advises that the speed table adjacent to plots 15/16 is not necessary given the proximity to the bend and the turning head.
- 1.4. The report mistakenly refers to some of the affordable homes being for Shared Ownership. They are instead Discounted Market Dwellings.

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