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Hinckley & Bosworth
Borough Council

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

Date: 16 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

(other recipients for information)

Dear member,

There will be a meeting of the **PLANNING COMMITTEE** in the De Montfort Suite, Hinckley Hub on **TUESDAY, 27 SEPTEMBER 2022 at 6.30 pm** and your attendance is required.

The agenda for the meeting is set out overleaf.

Yours sincerely

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

Rebecca Owen
Democratic Services Manager

Fire Evacuation Procedures

- On hearing the fire alarm, leave the building **at once** quickly and calmly by the nearest escape route (indicated by green signs).
- *There are two escape routes from the Council Chamber – at the side and rear. Leave via the door closest to you.*
- Proceed to **Willowbank Road car park**, accessed from Rugby Road then Willowbank Road.
- **Do not** use the lifts.
- **Do not** stop to collect belongings.

Recording of meetings

At HBBC we are open and transparent about how we make decisions. We allow recording, filming and photography at all public meetings including Council, the Executive and Planning Committee as long as doing so does not disturb or disrupt the proceedings. There may occasionally be some reports that are discussed in private session where legislation requires this to happen, but this is infrequent.

We also allow the use of social media during meetings, which helps to bring the issues discussed to a wider audience.

Members of the public, members of the press and councillors are hereby informed that, in attending the meeting, you may be captured on film. If you have a particular problem with this, please contact us so we can discuss how we may accommodate you at the meeting.

Use of mobile phones

To minimise disturbance to others attending the meeting, please switch off your phone or other mobile device or turn it onto silent or vibrate mode.

Thank you

PLANNING COMMITTEE - 27 SEPTEMBER 2022

A G E N D A

1. **APOLOGIES AND SUBSTITUTIONS**

2. **MINUTES (Pages 1 - 4)**

To confirm the minutes of the meeting held on 30 August 2022.

3. **ADDITIONAL URGENT BUSINESS BY REASON OF SPECIAL CIRCUMSTANCES**

To be advised of any additional items of business which the Chairman decides by reason of special circumstances shall be taken as matters of urgency at this meeting. Items to be taken at the end of the agenda.

4. **DECLARATIONS OF INTEREST**

To receive verbally from Members any disclosures which they are required to make in accordance with the Council's Code of Conduct or in pursuance of Section 106 of the Local Government Finance Act 1992. **This is in addition to the need for such disclosure to be also given when the relevant matter is reached on the agenda.**

5. **QUESTIONS**

To hear any questions in accordance with Council Procedure Rule 12.

6. **DECISIONS DELEGATED AT PREVIOUS MEETING**

To report progress on any decisions delegated at the previous meeting.

7. **21/01514/FUL - LAND AT REAR OF 7 HUNT LANE, WITHERLEY (Pages 5 - 12)**

Application for single storey detached dwelling.

8. **22/00639/FUL - 12 SKETCHLEY LANE, RATCLIFFE CULEY (Pages 13 - 22)**

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

9. **21/00402/OUT - NEW ROOKERY FARM, 6 CHURCH LANE, FENNY DRAYTON (Pages 23 - 40)**

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).

10. **22/00152/FUL - OSBASTON HOUSE FARM, LOUNT ROAD, OSBASTON (Pages 41 - 50)**

Application for change of use of agricultural buildings to B8 storage and distribution.

11. **21/01359/HOU - 191 LEICESTER ROAD, GROBY (Pages 51 - 56)**

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

12. **21/01501/FUL - HOUGHTON HOUSE, SHEEPY ROAD, SIBSON (Pages 57 - 80)**

Application for demolition of existing buildings, refurbishment of a Grade II listed

residential property, erection of four dwellings and associated external landscape works.

13. **21/01502/LBC - HOUGHTON HOUSE, SHEEPY ROAD, SIBSON (Pages 81 - 88)**

Application for demolition of existing outbuildings and the refurbishment of a Grade II listed residential property.

14. **21/01413/REM - LAND EAST OF ROSEWAY, STOKE GOLDING (Pages 89 - 104)**

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

15. **APPEALS PROGRESS (Pages 105 - 110)**

To report on progress relating to various appeals.

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

PLANNING COMMITTEE

30 AUGUST 2022 AT 6.30 PM

PRESENT: Cllr MJ Crooks - Chairman
Cllr E Hollick – Vice-Chairman
Cllr CM Allen, Cllr RG Allen, Cllr SL Bray, Cllr REH Flemming, Cllr A Furlong,
Cllr SM Gibbens, Cllr L Hodgkins, Cllr KWP Lynch, Cllr LJ Mullaney,
Cllr RB Roberts, Cllr MC Sheppard-Bools (for Cllr WJ Crooks) and Cllr H Smith

Also in attendance: Councillor DC Bill MBE

Officers in attendance: Chris Brown, Tim Hartley, Rebecca Owen and Michael Rice

112. **Apologies and substitutions**

Apologies for absence were submitted on behalf of Councillors Boothby, W Crooks and Walker with the substitution of Councillor Sheppard-Bools for Councillor Crooks authorised in accordance with council procedure rule 10.

113. **Minutes**

It was moved by Councillor Gibbens, seconded by Councillor Bray and

RESOLVED – the minutes of the meeting held on 2 August be confirmed and signed by the chairman.

114. **Declarations of interest**

Councillors Flemming and Lynch stated that they had sat on Burbage Parish Council's Planning Committee during consideration of application 22/00132/FUL but had not voted on the item.

115. **Decisions delegated at previous meeting**

It was reported that all decisions delegated at the previous meeting had been issued with the exception of 22/00132/FUL which had been deferred and was on the agenda for this meeting.

116. **21/01413/REM - Land East of Roseway, Stoke Golding**

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

Two objectors, the agent and a representative of the parish council spoke on this application.

Notwithstanding the officer's recommendation that permission be granted, members felt that further discussion was required in relation to the siting of the

attenuation pond, the housing mix, reduction of the number of private driveways not intended to be adopted, the impact of the development on flooding, landscaping to the south and west boundaries, and the position of the affordable housing. It was moved by Councillor Bray and seconded by Councillor R Allen that the application be deferred to the following meeting for further discussion of these points. Upon being put to the vote, the motion was CARRIED and it was

RESOLVED – the application be deferred to the following meeting.

117. 21/01377/FUL - Greyhound Inn, Main Street, Botcheston

Application for demolition of outbuilding, external staircase and single storey rear projection to public house. Erection of two storey rear extension, conversion of part of public house to form two residential dwellings. Reconfigured public house with guest accommodation on first floor. Erection of two residential dwellings with associated access points to west of the public house.

An objector, the applicant and a representative of the parish council spoke on this application.

Whilst in support of the application, members felt that there should be an additional condition to protect existing residents from noise and overlooking as a result of the proposed bi-fold doors and use of the outside space.

It was moved by Councillor Sheppard-Bools and seconded by Councillor Crooks that the first sentence of condition 6 be amended to read “no development shall take place unless and until a scheme for protecting the existing and proposed dwellings from noise from the commercial aspect of the development (public house and accommodation) has been submitted to and approved in writing by the local planning authority” and that the ward councillors be consulted before approval of this scheme. Upon being put to the vote, the amendment was CARRIED and it was

RESOLVED – permission be granted subject to:

- (i) The conditions outlined in the officer’s report with the first sentence of condition 6 amended to read:

“no development shall take place unless and until a scheme for protecting the existing and proposed dwellings from noise from the commercial aspect of the development (public house and accommodation) has been submitted to and approved in writing by the local planning authority”;

with the ward councillors being consulted on the abovementioned scheme before its approval;

- (ii) The signing of a Section 106 agreement.

118. **22/00132/FUL - 14 Johns Close, Burbage**

Application for demolition of existing property and replacement with new 2.5 storey dwelling whilst retaining ridge height and new front boundary wall, with associated internal garage.

An objector and the agent spoke on this application.

It was moved by Councillor Lynch, seconded by Councillor R Allen and

RESOLVED – permission be granted subject to the conditions contained in the officer's report.

119. **Appeals progress**

Members noted a report which provided an update on appeals.

(The Meeting closed at 7.50 pm)

CHAIRMAN

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Planning Committee 27 September 2022
Report of the Planning Manager (Development Management)

Planning Ref: 21/01514/FUL
Applicant: Mr Rogers
Ward: Twycross Sheepy & Witherley



Hinckley & Bosworth
Borough Council

Site: Land At Rear Of 7 Hunt Lane Witherley

Proposal: Single storey detached dwelling



1. Recommendations

1.1. **Approve planning permission** subject to the conditions at the end of this report

2. Planning application description

2.1. The proposal seeks to erect a new single storey dwelling on land to the rear of No. 7 Hunt Lane. The new property would, however, be accessed via St Peters Avenue.

3. Description of the site and surrounding area

3.1. The application site is part of the rear garden of No. 7 Hunt Lane. There are various garden structures within it, and it is surrounded on three sides by 1.8m close boarded fencing.

3.2. The surrounding area is residential in character, though there is a large degree of variance in the type and style of properties on show.

4. Relevant planning history

- 4.1 The application site has no relevant planning history

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents and posting a site notice.

- 5.2. 4 objections were received from members of the public raising the following concerns:

- 1) Covenants restricting use of land for anything other than gardens
- 2) Density of development
- 3) Parking
- 4) Outline plan shows boundary in the wrong place
- 5) Incorrectly labelled properties on Site Plan
- 6) Proximity of side wall to edge of property
- 7) Increased traffic

- 5.3. Though of importance in terms of the applicant's ability to deliver the development proposed, the fact that a covenant exists on land does not constitute a material planning consideration, and so has not formed part of the recommendation contained within this report. Members of the committee are advised that the matter will need to be dealt with via legal routes, rather than through planning control.

6. Consultation

- 6.1. No objection has been received from:

- LCC Highways
- HBBC Drainage

- 6.2. Witherley Parish Council has objected to the scheme for the following reasons:

- 1) "The end of St Peter's Avenue (which is a cul de sac) is used by many vehicles as a turn-around point (as the road is narrow with cars parked on the road as well as drives) this will cause many issues for road users.
- 2) The stated parking provision (although neat on the plan) would appear to be insufficient for two vehicles to park and safely access the drive.
- 3) Adjacent to the drive access is a gated access to properties 3 & 4 Riverside which will restrict this proposed access.
- 4) The building lines are very close to adjacent neighbour's properties and could be viewed as overcrowding.
- 5) The Council has had brought to its attention a covenant which restricts development of the site for building or other purpose but for garden use only. The owner of the covenant has advised the Council they will not allow the development.
- 6) WPC has advised the owner to contact HBBC Planning Dept."

7. Policy

- 7.1. Core Strategy (2009)

- Policy 12: Rural Villages
- Policy 16: Housing Density, Mix and Design

- 7.2. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2021)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

7.4. Other relevant guidance

- Good Design Guide (2020)

8. Appraisal

8.1. Key Issues

- Principle of development
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Flood risk and drainage
- Contamination
- Planning balance

Principle of development

8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) July 2021) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.

8.3. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) (CS) the Site Allocations and Development Management Policies DPD (2016) (SADMP).

8.4. 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 Full Council meeting decision on 6th September.

8.5. Policy 12 of the Core Strategy sets out how development is expected to come forward in rural villages such as Witherley. It suggests that the council will support housing and development within settlement boundaries that provides a mix of housing types.

8.6. The proposal seeks permission for a new dwelling within the settlement boundary and so in principle is considered to accord with the Development Plan.

Design and impact upon the character of the area

8.7. Policy DM10(c), (d) and (e) of the SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to

scale, layout, density, mass, design, materials and architectural features and the use and application of building materials respects the materials of existing, adjoining/neighbouring buildings and the area generally and incorporates a high standard of landscaping.

- 8.8. The Good Design Guide SPD provides guidance on existing residential development in particular extensions and conversions.
- 8.9. Paragraph 134 of the NPPF states development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance. Local policy is considered to accord with the NPPF.
- 8.10. The proposed site plan, elevations and floor plans, illustrate that the scheme seeks to subdivide the plot, and erect a new dwelling in the rear garden with access from St Peters Avenue.
- 8.11. The new property would be single storey in nature, benefit from two off road parking spaces, and a relatively small garden area in the southeast corner. It would be a form of development wholly suitable for older occupants – with enough outside space to enable it to be enjoyed, but without creating a maintenance issue going forward. The design and layout is illustrative of many similar properties in the surrounding area and across the Borough more generally, and it would not look out of place within the street scene.
- 8.12. Overall the scheme is considered to be acceptable and in accordance with Policy DM10(c), (d) and (e) of the SADMP, the Good Design Guide SPD and the requirements of the NPPF with respect to design and character considerations.

Impact upon neighbouring residential amenity

- 8.13. Policy DM10 (a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.
- 8.14. Paragraph 130 of the NPPF states that decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 8.15. The proposed dwelling would be single storey in nature and positioned such that it would not create unacceptable impacts on adjoining properties with respect to overlooking, loss of sunlight or overbearing impact.
- 8.16. The closest property to it would be No. 37 St Peters Avenue (not No. 39 as indicated on the Site Plan), but the relationship would be suitable. The other adjoining properties would be situated some distance from the new dwelling and could not be said to be negatively impacted upon by it.
- 8.17. As such this application is considered to be acceptable in amenity terms and 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.

Impact upon highway safety

- 8.18. Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. All proposals for new development and changes of use should reflect the highway design standards that are set out in the

most up to date guidance adopted by the relevant highways authority (currently this is the Leicestershire Highway Design Guide (LHDG)).

- 8.19. Paragraph 111 of the NPPF (2019) outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.20. The Highways Authority have no objection to the scheme, following amendments made to the site plan to take into account initial commentary from the highways team. The proposals will provide two off road parking spaces, with suitable visibility splays, hard standing materials and dimensions.
- 8.21. The proposal will have a negligible impact on the highway network and the new property will have sufficient car parking areas on site. The proposal is therefore considered to be acceptable in highway terms and accords with Policies DM17 and DM18 of the SADMP

Flood Risk and Drainage

- 8.22. Policy DM7 of the SADMP seeks to prevent development from resulting in adverse impacts on flooding by ensuring that development does not create or exacerbate flooding.
- 8.23. Paragraph 167 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 169 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should take account of advice from the LLFA, have appropriate proposed minimum operating standards, have maintenance arrangements for the lifetime of the development and where possible provide multifunctional benefits.
- 8.24. HBBC Drainage have no objection to the scheme, and have not requested any further detail via condition. They have notified the applicant of what will be required at Building Control stage.
- 8.25. As such it is considered that the proposals meet the requirements of Policy DM7 of the SADMP with respect to their potential impact on flooding.

Ecology and biodiversity

- 8.26. Policy DM6 of the SADMP states that development proposals must demonstrate how they conserve and enhance features of nature conservation and geological value including long term future management. Paragraph 174 of the NPPF states that development proposals should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity.
- 8.27. The application includes no reference to the need to make a net positive impact on biodiversity. However, given the scale of the proposed development, this is a matter that can be effectively dealt with via condition. Subject to the condition requirements this application is considered be acceptable with respect to ecology and biodiversity matters and complies with Policy DM6 of the SADMP.

Planning Balance

- 8.28. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.29. The proposal would deliver a new dwelling into Witherley – this minor benefit weighs in support of the scheme.

9. Equality implications

9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2 Officers have taken this into account and given due regard to this statutory duty in the consideration of this application.

9.3 There are no known equality implications arising directly from this development.

9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Recommendation

10.1 **Approve planning permission subject to the following conditions:**

10.2 **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 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be in accordance with the following approved details:
 - Drawing No. 1272_01 Rev B – Proposed Floor Plan, Elevations, Block Plan and Site Plans (Received 03/08/2022)
 - Design and Access Statement (Received 24/12/2021)

Reason: To ensure a suitable form of development comes forward in accordance with Policy DM3 of the Site Allocations and Development Management Policies DPD 2016.

3. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Drawing Number 1272_01 Rev B (Proposed Floor Plan, Elevations, Block Plan and Site Plans) have been delivered in full. The details therein shall thereafter be retained.

Reason: To ensure a safe and suitable access for the development in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD and the requirements of the NPPF.

4. No development shall commence above foundation level until a scheme for the installation of an electric vehicle charging point shall be submitted to and approved in writing by the local planning authority. The scheme shall identify

the number of units to benefit from electric charging points, together with full details of the location fitting and timetable for installation of the units.

Reason: To ensure that the proposals meet the requirements of Policy DM10 (g) of the Site Allocations and Development Management Policies DPD (2016) and Paragraph 112 (e) of the National Planning Policy Framework.

5. No development shall commence on site until a biodiversity improvement plan has been submitted in writing to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the agreed details.

Reason: In the interests of promoting a net gain in biodiversity on the site and in accordance with Policy DM6 of the SADMP and the National Planning Policy Framework (2021).

6. No development shall commence on site 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.

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).

7. Prior to the commencement of development above DPC level, a scheme that makes provision for secure cycle storage has been submitted in writing to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the agreed details and retained thereafter.

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).

10.3 Notes to applicant

1. The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance, or alternatively assembled from modular surface water storage/soakaway cell systems, incorporating silt traps. Design and construction of all types of soakaway will be subject to the approval of the Building Control Surveyor.
2. Any access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet (See Environment Agency guidance on the permeable surfacing of front gardens).

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Committee Report 27th September 2022
Report of the Planning Manager (Development Management)

Planning Ref: 22/00639/FUL
Applicant: Blake and Clark Ltd
Ward: Twycross Sheepy and Witherly



Hinckley & Bosworth
Borough Council

Site: 12 Sketchley Lane Ratcliffe Culey Atherstone Leicestershire CV9 3NZ

Proposal: Erection of 2no. dwellings with associated parking, landscaping and amenity space



1. Recommendations

1.1. **Approve planning permission** subject to the conditions at the end of this report.

2. Planning application description

2.1. The proposal seeks approval for the erection of 2 dwellings with associated parking, landscaping and amenity space following the demolition of the existing dwelling.

3. Description of the site and surrounding area

3.1. The site is located within Ratcliffe Culey, at the end of a short lane that serves a few other residential properties.

3.2. The existing property is two-storey in nature, set within a large plot, and in a state of some disrepair. The character of the area is residential and rural in character, typical of this part of the District.

4. Relevant planning history

3.3. The application site has the following relevant planning history:

21/10202/PREHMO

- Demolition of existing dwelling and erection of up to 4 dwellings – Advice given
- Closed
- 05.04.2022

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents and posting a site notice.
- 5.2. 14 objections were received from the public, detailing the following material matters:
- 1) Design/Character
 - 2) Highways Impact and previous refusal on highways grounds
 - 3) No footpath provision
 - 4) Parking
 - 5) Amenity
 - 6) Overdevelopment
 - 7) Flood Risk
 - 8) Previous 2001 application on adjacent site refused and dismissed on appeal
 - 9) Unsustainable development for a hamlet
 - 10) Loss of heritage asset
 - 11) Impact on foraging bats

6. Consultation

- 6.1. No objection has been received from:
- LCC Highways (Conditions relating to access width and parking facilities)
 - HBBC Drainage
 - LCC Ecology
 - HBBC ES Pollution
- 6.2. The Parish Council has objected to the proposals for the following reasons:
- “There were a lot of hedges and fruit trees which have been destroyed already to enable the development - change of use has already begun.
Site is vacant (error on application form), now there will be an additional access, A loss of character of the village.
Foul sewerage should go to the correct sewer - states unknown.
This removal of one of only 13 old properties in the village would not be desired as there are already 40 newer built properties which dominate the village scene.
Additional access will cause major issues on this narrow lane.”*

7. Policy

- 7.1. Core Strategy (2009)
- Policy 13 – Rural Hamlets
 - Policy 14 – Rural Areas: Transport
 - Policy 15 – Affordable Housing
 - Policy 16 – Housing Density, Mix and Design
 - Policy 17 – Rural Needs
 - Policy 24 – Sustainable Design and Technology
- 7.2. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - DM2 – Delivering Renewable Energy and Low Carbon Development
 - DM4 – Safeguarding the Countryside and Settlement Separation

- DM6 – Enhancement of Biodiversity and Geological Interest
 - DM7 – Preventing Pollution and Flooding
 - DM8 – Safeguarding Open Space, Sport and Recreational Facilities
 - DM10 – Development and Design
 - DM17 – Highways and Transport
 - DM18 – Vehicle Parking Standards
 - DM25 – Community Facilities
- 7.3. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2021)
 - Planning Practice Guidance (PPG)
 - National Design Guide (2019)
- 7.4. Other relevant guidance
- Good Design Guide (2020)
- 8. Appraisal**
- 8.1. Key Issues
- Principle of development
 - Design and impact upon the character of the area
 - Impact upon neighbouring residential amenity
 - Impact upon highway safety
 - Flood risk and drainage
 - Contamination
 - Planning balance
- Principle of development
- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) July 2021) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.
- 8.3. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) (CS) the Site Allocations and Development Management Policies DPD (2016) (SADMP).
- 8.4. 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.
- 8.5. The Core Strategy (CS) sets out the settlement hierarchy for the Borough. Policy 13 sets out what will be appropriate within the defined 'Rural Hamlets' (Ratcliffe Culey

being one). It supports the provision of housing development within settlement boundaries, provided that it is of an appropriate type, mix, design and scale.

- 8.6. As such it is considered to be suitable for the site and its location and would contribute towards the aims set out within the Core Strategy in terms of the provision of housing to meet the objectively assessed housing need – particularly as it is delivered on previously developed land within a defined settlement. As such, the proposals are considered to be acceptable in principle, subject to the detailed matters below.

Design and impact upon the character of the area

- 8.7. Policy DM10(c), (d) and (e) of the SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and the use and application of building materials respects the materials of existing, adjoining/neighbouring buildings and the area generally and incorporates a high standard of landscaping.
- 8.8. The Good Design Guide SPD provides guidance on existing residential development in particular extensions and conversions.
- 8.9. Paragraph 134 of the NPPF states development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance. Local policy is considered to accord with the NPPF.
- 8.10. The proposed dwellings would each be two-storey detached, four-bedroom properties, with detached single garages and space for three off-road parking spaces. Each property would benefit from outside patio areas and then lawned gardens.
- 8.11. The proposed dwellings are traditional in their design, and would replace a somewhat derelict-looking existing property.
- 8.12. The proportions, design, positioning and overall impact of the dwellings would have a minor positive impact on the site and immediate surroundings.
- 8.13. Overall the scheme is considered to be acceptable and in accordance with Policy DM10(c), (d) and (e) of the SADMP, the Good Design Guide SPD and the requirements of the NPPF with respect to design and character considerations.
- Impact upon neighbouring residential amenity
- 8.14. Policy DM10 (a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.
- 8.15. 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 a residential annexe associated with the main dwelling on site 73 Newbold Road. Initially, some concerns were raised by the case officer that the proposed annexe was considered to be a separate dwelling as opposed to a annexe by virtue of the fact that the plans as submitted had all the essential living facilities to function independently i.e. 2 bedrooms, kitchen, living, bathroom areas.

An amended plan was submitted to reduce the size of the proposed annexe by removing a bedroom and retaining some of the floor area of the existing building for storage purposes. The amended plan also illustrates less provision of independent living facilities to ensure that the annexe as proposed has an element of reliance on the main property to which it would be associated.

- 8.16. Paragraph 130 of the NPPF states that decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 8.17. The two dwellings would have suitable areas of amenity space and would have a reasonable relationship with each other and surrounding existing properties. There would be no overlooking, no loss of sunlight and no overbearing impact.
- 8.18. 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.
- Impact upon highway safety
- 8.19. Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highways authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 8.20. Paragraph 111 of the NPPF (2019) outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.21. The Highways Authority have no objection to the scheme but have sought conditions in relation to the access widths and the provision of car parking spaces.
- 8.22. The proposal will have a negligible impact on the highway network and the new properties will have sufficient car parking areas on site. The proposal is therefore considered to be acceptable in highway terms and accords with Policies DM17 and DM18 of the SADMP
- Flood Risk and Drainage
- 8.23. Policy DM7 of the SADMP seeks to prevent development from resulting in adverse impacts on flooding by ensuring that development does not create or exacerbate flooding.
- 8.24. Paragraph 167 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 169 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should take account of advice from the LLFA, have appropriate proposed minimum operating standards, have maintenance arrangements for the lifetime of the development and where possible provide multifunctional benefits.

- 8.25. A condition requiring surface water drainage details will enable the application to meet the demands of the Development Plan with respect to drainage and flood risk.

Ecology

- 8.26. Policy DM6 of the SADMP requires development proposals to demonstrate how they conserve and enhance features of nature conservation and ecological value. The application includes a Bat Report which indicates no signs of bat activity in the existing property. The county Ecologist has no objection to the scheme.

- 8.27. In order to ensure that the application is in accordance with Policy DM6 of the SADMP a condition will be attached requiring details of the measures to be undertaken on site to achieve the net positive impact required.

Planning Balance

- 8.28. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

- 8.29. Using the standard method as outlined by MHCLG, Hinckley and Bosworth Borough is able to demonstrate 4.89 years of deliverable housing at 1st April 2022. Therefore the Council does not have a 5 year housing land supply.

- 8.30. Under these circumstances, the NPPF sets out, in paragraph 11d) that, for decision makers:

“where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (8), granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”*

- 8.31. Footnote 8 in the NPPF states that the application of this approach *“includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years”*.

- 8.32. Therefore, currently the ‘tilted’ balance in paragraph 11(d) of the NPPF applies and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

- 8.33. 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.

9. Equality implications

9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2 Officers have taken this into account and given due regard to this statutory duty in the consideration of this application.

9.3 There are no known equality implications arising directly from this development.

9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Recommendation

10.1 **Approve planning permission subject to the following conditions:**

11. Conditions and Reasons

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:
Site Location Plan - Drg No. 220/PL01 Rev A (Received 29/06/2022)
Site Plan and Block Plan (Received 08/07/2022)
Floor Plans and Elevations (Received 08/07/2022)
Bat Report (Received 29/06/2022)
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 commence on site 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.

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. No development shall commence on site until a scheme for surface water drainage, incorporating sustainable drainage principles (SuDS) have been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details prior to the first occupation of any dwellings hereby approved, and retained thereafter.

Details submitted shall include, but not be limited to, test pit/borehole locations and groundwater level information in order to demonstrate that infiltration drainage is feasible for this site. Soakaways should be designed in accordance with CIRIA publication 'The SuDS Manual' (C753).

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD (2016) and the requirements of the NPPF.

5. 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. 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 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.

6. Details of any external lighting of the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. This information shall include a layout plan with beam orientation and a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details.

Reason: To help prevent and control light pollution in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD (2016) and the NPPF.

7. Prior to the commencement of development a scheme for the installation of electric vehicle charging points will be submitted to and approved in writing by the local planning authority. The scheme shall identify the number of units to benefit from electric charging points, together with full detail of the location and fitting of the units.

Reason: To ensure that the proposals meet the requirements of Policy DM10 (g) of the Site Allocations and Development Management Policies DPD (2016) and Paragraph 112 (e) of the National Planning Policy Framework

8. No development shall commence on site until a scheme that makes provision for the secure storage of cycles for each dwelling has been submitted in writing to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the agreed details.

Reason: In the interests of promoting a modal shift in transport movements and in accordance with the National Planning Policy Framework (2021).

9. No development shall commence on site until a biodiversity improvement plan has been submitted in writing to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the agreed details.

Reason: In the interests of promoting a net gain in biodiversity on the site and in accordance with Policy DM6 of the SADMP and the National Planning Policy Framework (2021).

10. 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).

11. 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).

12. 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).

Planning Committee 27 September 2022
Report of the Planning Manager (Development Management)

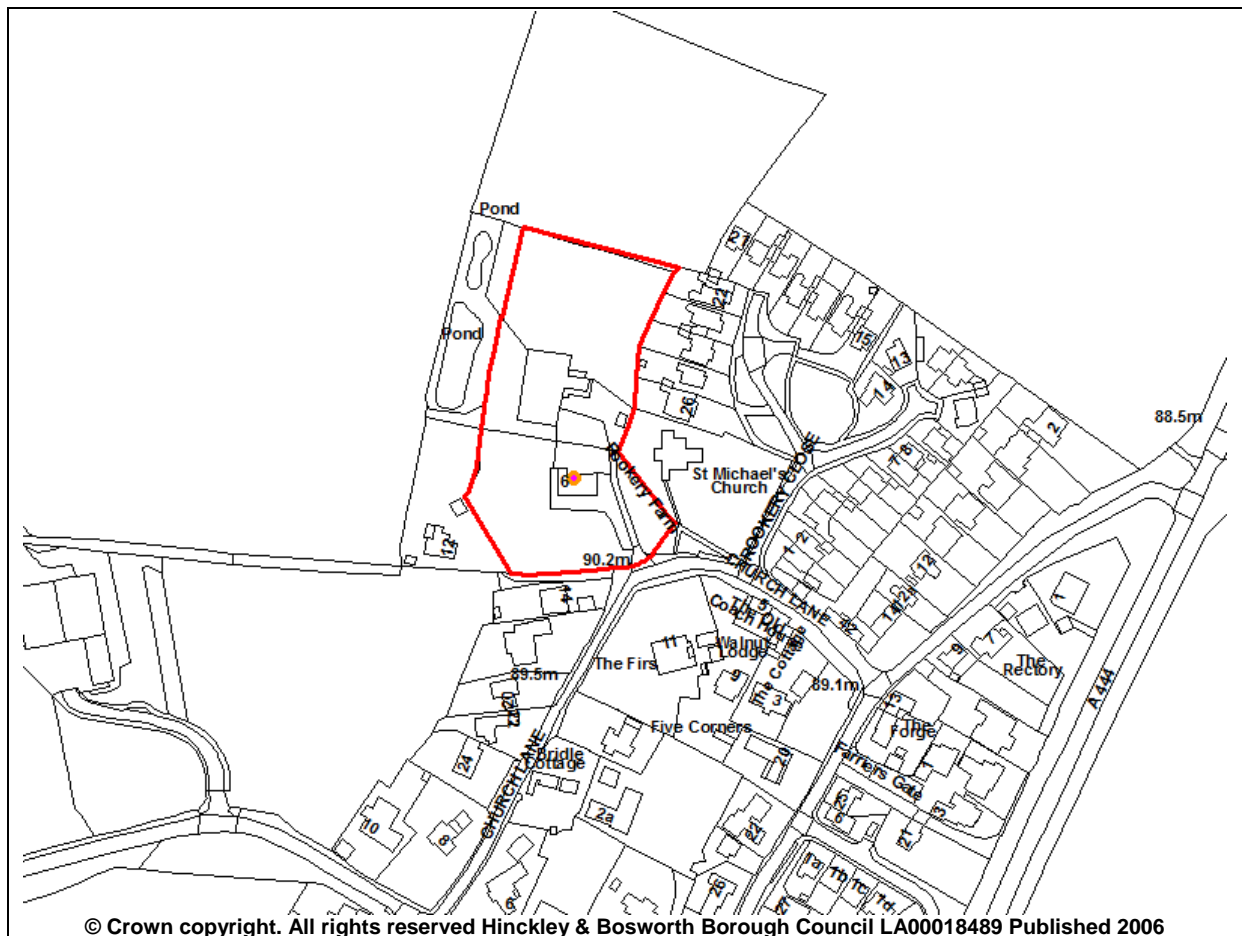
Planning Ref: 21/00402/OUT
Applicant: Simpson
Ward: Twycross Sheepy & Witherley



Hinckley & Bosworth
Borough Council

Site: New Rookery Farm 6 Church Lane Fenny Drayton

Proposal: Residential development of up to 5 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)



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. The application seeks outline planning permission for the demolition of agricultural buildings and an existing bungalow to be replaced with 5 dwellings and a community car park at Rookery Farm off Church Lane. Access, appearance, layout and scale are all matters to be considered at this stage. The site area is approximately 0.97 ha.

- 2.2 The original application as submitted sought outline planning permission for 14 dwellings but this has subsequently been reduced to 5 dwellings after ongoing consultation with statutory consultees and discussions with the agent.
- 2.3 The area to the north of the application site is shown as being retained as grassland and does not form part of the proposed residential curtilage for the 5 units.
- 2.4 The proposed units are made up of one-and-half storey and two-storey elements/structures.

3. Description of the site and surrounding area

- 3.1 The site is situated off Church Lane, to the north of the rural hamlet of Fenny Drayton. Most of the application site lies adjacent to but outside of the settlement boundary; however, the access to the site is within the confines of Fenny Drayton.
- 3.2 Access to the site from Church Lane is provided along an existing driveway. The site is bound by a timber post and rail fence along Church Lane and a hedgerow flanks a public right of way that is adjacent to the southern boundary of the site. Fenny Drayton is positioned on a gentle sloping ridge top so there are distant views of the countryside available from the vicinity of Church Lane which includes views westwards over the paddock upon the application site.
- 3.3 The nearest town is Atherstone, located outside of Hinckley & Bosworth's area, and on the opposite side of the A5, Watling Street, a major strategic route running along the south-western edge of the borough.

4. Relevant planning history

18/00868/CQGDO

- Change of Use of Agricultural building to 3 dwellings –
PRIOR APPROVAL GRANTED

20/00030/OUT

- Demolition of agricultural buildings and erection of 3 dwellings with associated garaging (outline all matters reserved)
APPROVED

5. Publicity

- 5.1 The application has been publicised by an advert in the local press, a site notice in close proximity to the site and sending out letters to local residents.
- 5.2 20 letters of objection have been received to the amended scheme raising the following concerns:
 - 1) The scheme will have a negative impact on the important vista identified within the Witherley Neighbourhood Plan
 - 2) Fenny Drayton is a rural hamlet and not a sustainable place to live. There is no bus service and there are no facilities
 - 3) The majority of the site lies within open countryside outside the settlement boundary
 - 4) There will be increased traffic movements and Church Lane is unsafe, it has no pavement and is a risk to pedestrians and dog walkers
 - 5) This is not a scheme for infill development or a conversion
 - 6) The settlement boundary should not be moved as a result of the development
 - 7) The proposal is overdevelopment – in terms of height, numbers of units, form and size
 - 8) The local residents are not in favour of proposed community car parking area – who will maintain it/manage it?

- 9) The target for dwellings in the rural area has been exceeded
- 10) The sewers do not have the capacity for additional housing
- 11) 5 houses = 21 bedrooms – this is incompatible with housing need requirements
- 12) There are no details of bin storage
- 13) The proposal will overshadow our property
- 14) The application breaches the ridge heights specified in the previous permission 20/00030/OUT – this increase in height will have a negative impact upon the setting of nearby listed buildings
- 15) The ring of Yew Trees in the Churchyard need to be protected
- 16) The scheme should be contributing towards net zero carbon targets to help with the climate change emergency
- 17) The plan drawings are inaccurate
- 18) The design does not respect the necessary buffer zone (root protection area) which would help avoid loss or damage to ancient/veteran churchyard trees
- 19) A previous planning application on Church Lane for only one additional dwelling reference 99/00552/OUT was specifically refused due to the detrimental effect on highway safety.
- 20) Fenny Drayton hamlet is of historic importance and I am greatly concerned that sometimes there can be a flagrant disregard for such sentiments in pursuit of personal gain. The associated assets in the vicinity of this particular development e.g. mediaeval fishponds, archaeological structures and Yew tree ring are valued by the village residents and heritage organisations. These assets once damaged or removed are lost forever.
- 21) The site retains the filled-in former fish pond to the Medieval Manor and church (filled in without permission by the present land owner), now causing flood risk to neighbouring properties in the immediate area

6. Consultation

6.1. No objection has been received from:

- HBBC ES Pollution (Conditions on contaminated land and construction hours)
- LCC Ecology – landscape details to be provided to include species mix for native hedge
- HBBC Drainage
- HBBC Waste Management (Condition on bin storage and collection required)
- LCC Highways (Conditions)
- LCC Archaeology – subject to an archaeological written scheme of investigation condition
- LCC Drainage

6.2. Witherley Parish Council – objection.

- 1) Over development of the site
- 2) The access road would appear to be not wide enough for traffic and pedestrians safe passage
- 3) Church Lane is a single track lane with no pavement area for pedestrians
- 4) Yew tree circle in the church yard is misrepresented on the drawing (is on the boundary wall) and should be reviewed to keep protected.
- 5) There is a lack of facilities in the village to sustain this size of development.
- 6) The Yew tree root area appears to be incorrect and the development should not encroach the 15 metre perimeter laid down in NPPF standing advice and BS5837.
- 7) Increased traffic onto Church Lane is still an issue.

- 8) Ridge height of the eaves has increased in excess of the specified maximum as approved on application 20/00030 which the Council would request to be lowered to the previous agreed level.
 - 9) It is unclear if the village boundary would be affected by this application being passed and therefore the Council would want it to remain unchanged as per the current position.
- 6.3. Affordable Housing Officer - This response relates to the outline application for development of 5 dwellings in Fenny Drayton. Policy set out in Policy 15 of the Core Strategy includes a requirement for 40% affordable housing to be provided on sites of 4 dwellings or more or 0.13 hectares or more in rural areas. National guidance, set out in the National Planning Policy Framework, has changed this threshold to sites of 10 dwellings or more. By application of this guidance, the site would not cross the threshold for provision of affordable housing
- 6.4. Arboricultural Officer - Due to the lack of detail provided in the submitted tree survey, the yew trees along the west boundary of St Michael and All Angels Church have been inspected to measure the trunk diameters and assess the required root protection areas as requested by Cllr Morrell. No individual tree survey inventory has been provided by the applicant but the Parish Council's Tree Survey identifies six yews and a silver birch along the west boundary as yews T22 – T24, birch T25 and yews T26 – T28.
(Numbered north to south). The trees are positioned with trunk centres 1.2m. – 1.4m. from the boundary retaining wall and not set back as shown on the submitted drawings. The ground level within the churchyard is approximately 0.8m. higher than outside. Radial canopy spreads range from 3.7m. to 5.5m. and should be accurately plotted on submitted site plans. Local historical evidence suggests that the trees are in excess of 400 years old and they do have the characteristics of veteran trees - although not having large diameter trunks. As such and in accordance with Government standing advice, the required root protection areas (rpas) of open grown trees should be 15 x stem diameter. In the absence of proof that the brick wall with older stone foundations has prevented or inhibited root growth across the boundary, the below rpas should be identified on site drawings and all site works designed and carried out, outside the rpas. Root distribution can be physically mapped with radar or ladar. "No-dig" construction of parking bays could be installed inside an rpa if levels permit but parking bays should not be positioned under the trees if they are to be compatible with the trees. No buildings should be constructed within 2m. of a rpa. Where there are existing hard surfaces and buildings to be demolished inside an rpa and they currently protect the ground from compaction, site works could be carried out with a suitable Arboricultural Method Statement, Tree Protection Plan and Arboricultural Supervision Plan showing suitable protection methods.

7. Policy

- 7.1. Core Strategy (2009)
- Policy 13: Rural Hamlets
 - Policy 16: Housing Density, Mix and Design
- 7.2. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM4: Safeguarding the countryside and settlement separation
 - Policy DM6: Enhancement of Biodiversity and Geological Interest
 - Policy DM7: Preventing Pollution and Flooding

- Policy DM10: Development and Design
 - Policy DM11: Protecting and Enhancing the Historic Environment
 - Policy DM12: Heritage Assets
 - Policy DM13: Preserving the Borough's Archaeology
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
- 7.3. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2021)
 - Planning Practice Guidance (PPG)
 - National Design Guide (2019)
- 7.4. Other relevant guidance
- Good Design Guide (2020)
 - Witherley Neighbourhood Plan – Reg 15/16 stage
- 8. Appraisal**
- 8.1. Key Issues
- Principle of development
 - Heritage impacts and archaeology
 - Design and impact upon the character of the area
 - Impact upon neighbouring residential amenity
 - Impact upon highway safety
 - Flood risk and drainage
 - Ecology
 - Trees
 - Contamination
 - Planning Obligations
 - Planning Balance
- Principle of development
- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) July 2021) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. Where planning applications conflict with an up to date plan, permission should not usually be granted unless other material considerations indicate otherwise.
- 8.3. The current development plan consists of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016). The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough.
- 8.4. Using the standard method as outlined by MHCLG, Hinckley and Bosworth Borough is able to demonstrate 4.89 years of deliverable housing at 1st April 2022. Due to this and the change in the housing figures required for the borough paragraph 11(d) of the NPPF is triggered. Therefore, this application should be determined in accordance with Paragraph 11(d) of the National Planning Policy Framework (NPPF) whereby permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the

policies in the Framework taken as a whole. This is weighed in the balance of the merits of the application when considered with the policies in the SADMP and the Core Strategy which are attributed significant weight as they are consistent with the Framework. Therefore, sustainable development should be approved unless other material considerations indicate otherwise.

- 8.5. 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.
- 8.6. In terms of the Witherley Neighbourhood Plan, the plan has now been submitted to the Council and has been accepted to proceed to Regulation 16 Submission Consultation by the local authority. The consultation on the plan is scheduled to be undertaken later in September, running for seven weeks. Due to the stage of the plan, which is still subject to consultation, examination, potential major and minor amendments and a public referendum, limited weight is applied only.
- 8.7. The majority of the application lies adjacent to but outside the settlement boundary of Fenny Drayton within open countryside. The site access lies within the settlement boundary for Fenny Drayton but as the majority of the application site is located within open countryside Policy DM4 of the SADMP is applicable. Policy DM4 states that the countryside will first and foremost be safeguarded from unsustainable development. Development in the countryside will be considered sustainable where:
- It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
 - The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
 - It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
 - It relates to the provision of stand-alone renewable energy developments in line with policy DM2: Renewable Energy and Low Carbon Development; or
 - It relates to the provision of accommodation for a rural worker in line with Policy DM5: Enabling Rural Worker Accommodation and:
 - It does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and
 - It does not undermine the physical and perceived separation and open character between settlements; and
 - It does not create or exacerbate ribbon development
- 8.8. The site does not fall under any of the categories identified in Policy DM4 as sustainable development. The purpose of Policy DM4 is to protect the open character and landscape character of the countryside. As such, the proposal conflicts with Policy DM4 of the SADMP.
- 8.9. It is to be noted however that the site adjoins the settlement boundary of Fenny Drayton on three sides – east, south and west and has planning permission for 3 dwellings (planning ref 20/00030/OUT). This is a material consideration as part of the assessment for this proposal. The previous scheme was approved even when the Council could demonstrate a 5-year housing land supply. As previously discussed this is not the case at the current time. In this instance Paragraph 11d of the NPPF must be taken into account which states that permission should be

granted unless adverse impacts would significantly and demonstrably outweigh the benefits. Other material considerations are set out in the following sections.

Impact on Heritage Assets and Archaeology

- 8.10. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural and historic interest which it possesses.
- 8.11. Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. In determining planning applications, local planning authorities should take account of paragraph 197 of the NPPF and:
- a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) The desirability of new development making a positive contribution to local character and distinctiveness.
- 8.12. Paragraphs 199-202 of the NPPF require great weight to be given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have clear and convincing justification, and for that harm to be weighed against the public benefits of a proposal. Paragraph 206 of the NPPF states that local planning authorities should look for opportunities for new development within conservation areas, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
- 8.13. Policies DM11 and DM12 of the Site Allocations and Development Management Policies (SADMP) Development Plan Document seek to protect and enhance the historic environment and heritage assets. Policy DM11 states that the Borough Council will protect, conserve and enhance the historic environment throughout the borough. All development proposals affecting the significance of heritage assets and their setting will be assessed in accordance with Policy DM11 and will require justification as set out in this policy. Policy DM12 requires all development proposals to accord with Policy DM10: Development and Design. Policy DM12 also states that all proposals for development affecting the setting of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting.
- 8.14. The application site is adjacent to the Church of St Michael which is a grade II* listed building of special historic and architectural interest. The site is considered to be located within the immediate setting of this listed building. To the south and on the opposite side of Church Lane is The Firs, this is a grade II listed building of special historic and architectural interest and it is considered to be located within the wider setting of the application site. The grade II* listed Church of St Michael is located immediately to the east of the application site. The church is located within the western section of a larger cemetery and yard and the churchyard brick wall forms most of the eastern boundary of the application site up to Church Lane. The church has a 12th century core and was extended and remodelled in the 14th century. It has a west tower with octagonal spire. The church principally derives its significance from the historic and architectural interest of its built form as a parish church although the church also embodies communal value as a place of worship

and as the social and physical focal point of both the past and present community of Fenny Drayton.

- 8.15. The church is located on marginally higher ground within the north-western historic settlement core. The surrounding church yard provides some separation from surrounding built form to the south and east but there is limited separation to the bungalows on Rookery Close to the north and the small concrete building within the application site to the west. The grassed area within the south-eastern corner of the application site and the paddock within the southern section of the site extend the undeveloped character of the church surroundings away from the immediate confines of the churchyard. The immediate and contained setting of the churchyard contributes positively to the church's significance, reinforcing its historic, architectural and communal values. In addition, by virtue of the height of the church tower and spire and varied topography and features of the surrounding landscape the church can also be seen within a much wider setting.
- 8.16. The grade II listed building The Firs is located to the south of application site on the opposite side of Church Lane. This is an early-19th century Georgian house set within relatively large grounds with a high brick wall to Church Lane. The Firs principally derives its significance from the historic and architectural interest of its built form, whilst the immediate and largely contained setting of the grounds to the house contribute positively to its significance, reinforcing its historic and architectural interest. The Firs and its boundary brick wall opposite the application site are also clearly visible from Church Lane and from within the southern section of the application site itself, although due to the current character of the site and the lack of any historical relationship it is considered the site makes no particular contribution to the significance of this listed building, but rather it has a neutral effect.
- 8.17. Local objection comments include concerns that the current application breaches the ridge heights specified in the previous permission (20/00030/OUT) and that this increase in height will have a negative impact upon the setting of nearby listed buildings.
- 8.18. The Conservation Officer has been consulted throughout the application process and had sight of the original proposals and the latest amendments. The revised scheme is considered to reduce the level of adverse impact upon the significance of the Church with conjoined visibility of the church and plot one in important views from Church Lane now being more limited. Consequently it is considered that the development will respect the setting of the church more satisfactorily with a less than substantial harm at the lower end of the scale.
- 8.19. The proposal as amended will preserve elements of the heritage setting identified and it is considered that the provision of 5 dwellings will provide public benefit and contribute to the shortfall in the current 5 year housing land supply for the Borough. The proposal is therefore considered to comply with Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990, Section 16 of the NPPF and heritage policies DM11 and DM12 of the SADMP.

Archaeology

- 8.20. Policy DM13 states that where a proposal has the potential to impact a site of archaeological interest developers should provide an appropriate assessment detailing the significance of any affected asset. Paragraph 194 of the NPPF reiterates this advice.
- 8.21. The application site is located within the historic medieval and post-medieval settlement core of Fenny Drayton village (HER Ref MLE8930), close to the Grade II* listed medieval church of St Michael. The site also contains earthwork remains of

three fishponds that were recorded here in the 1980s, which are thought to have been have been associated with a vanished manorial site (MLE3287).

- 8.22. The County Archaeologist has been consulted on the application throughout the process and notes that the submitted Heritage Statement does not make any assessment of the potential impacts of the scheme upon any buried archaeological remains in this location: approval was previously granted for a smaller scheme (20/00030/OUT) located within the current application area, for which no archaeological concerns were raised. However, evidence indicates that the footprint of this smaller development was restricted to an area that had already been subject to ground disturbance and the resulting archaeological impacts were therefore considered likely to be minimal.
- 8.23. This development area is of archaeological interest and also has the potential for further unidentified archaeological deposits. It is anticipated that these remains whilst significant and warranting further archaeological mitigation prior to the impact of development, are not of such importance to represent an obstacle to the determination of the application. Post-determination trial trenching will be required in order to define the full extent and character of the necessary archaeological mitigation programme. It is recommended that the current application is approved subject to conditions for an appropriate programme of archaeological mitigation, including an initial phase of exploratory trial trenching, followed, as necessary by intrusive and non-intrusive investigation and recording.
- 8.24. Subject to the above, the application is considered to be acceptable and in accordance with Policy DM13 of the SADMP and Section 16 of the NPPF in relation archaeology matters.

Design and impact upon the character of the area

- 8.25. Policy DM10(c), (d) and (e) of the SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and the use and application of building materials respects the materials of existing, adjoining/neighbouring buildings and the area generally and incorporates a high standard of landscaping.
- 8.26. Paragraph 134 of the NPPF states development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance. Local policy is considered to accord with the NPPF.
- 8.27. The Council's Good Design Guide (2019) identifies design objectives for Fenny Drayton. These objectives are to retain important boundary walls, landscaping, and orientation of properties around the church, and avoid further encroachment of modern generic domestic form in this area, maintaining visual links to the wider countryside.
- 8.28. This application site falls within the Witherley and Surrounds Sensitivity Area and landscape character area Sence Lowlands. It is a flat-to-gently-rolling lowland vale landscape draining to the River Anker. Predominantly arable with some pasture it is an area of planned and reorganised piecemeal enclosures. The low lying landform allows for long view across the rural landscape. Fenny Drayton has expanded outwards from its historic core to include modern residential areas with some exposed edges adjoining the rural landscape. The assessment area is considered to have a medium sensitivity to development. The Hinckley and Bosworth Landscape Character Assessment Document states that within this character area there may be some capacity for small scale development to existing

villages providing these are sensitively design and avoid features of environmental interest.

- 8.29. This is an outline application where landscape is reserved for future consideration. Scale, appearance, access and layout are all detailed matters in this instance. Local objections have been received which state that the proposal is overdevelopment particularly in terms of height, numbers of units, form and size.
- 8.30. The residential aspect of the scheme proposes a layout comprising a U Shaped development which frames a courtyard area with a centralised grassed feature surrounded by a driveway. The application details state that the scheme has been designed to resemble an enclosed farmstead to complement its rural location. The units are made up of both single storey and two storey barn style properties. Plots 4 & 5 are single-storey structures and Plots 1, 2 & 3 comprise 2 storey structures. Each property is to be provided with 3 parking spaces. The proposal will provide 2x 3 bedroomed properties and 3x 5 bedroomed properties. The maximum ridge height of the one and a half storey elements would be 5.4 metres and the maximum ridge height of the two storey elements as shown on the plans would be 8.11 metres approximately.
- 8.31. The application form details state that the following materials are proposed for the residential units:
- Timber framed doors
 - Timber casement windows
 - Plain clay roof tiles and
 - Handmade red bricks
- Material samples are to be included as a condition to be submitted to and approved in writing by the local planning authority should Members be minded to approve the scheme.
- 8.32. Hedgerows are proposed as the boundary treatment between plots and also to the rear of the properties in order to complement the character and appearance of the countryside beyond. Each unit is proposed in a wide, spacious plot fronting onto a courtyard area with private gardens enclosed to the rear. The site plan shows that the units are well spaced out and do not appear as overdevelopment for a site of this size and in this rural location. The north part of the application site is shown on the plans as being retained as grassland and does not form part of the proposed residential curtilages.
- 8.33. As part of the proposals the application also includes the provision of 8 car parking spaces which the applicant is proposing to provide as spaces for the nearby Church, for use by the community. These spaces are to be sited on the eastern side of the application site adjacent to the boundary with a number of trees. The plans state that the car parking is to be located outside of the root protection areas and grasscrete is to be utilised as the ground material for this part of the scheme.
- 8.34. Overall the scheme is considered to be acceptable and in compliance with Policy DM10(c), (d) and (e) of the SADMP, the Good Design Guide SPD and the requirements of the NPPF.
- Impact upon neighbouring residential amenity
- 8.35. Policy DM10 (a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities with in the vicinity of the site.

- 8.36. 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. The guide states that new developments should meet minimum standards of garden sizes and separation distances between dwellings. The National Design Guide also promotes a healthy, comfortable and safe internal and external environment.
- 8.37. Paragraph 130 of the NPPF states that decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. Paragraph 185 of the NPPF states that decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
- 8.38. Local residents have raised objections in relation to amenity – specifically overshadowing concerns have been flagged. As set out above, the scheme has been revised to 5 dwellings and comprise one-and-a-half to two-storey building heights. It is considered by virtue of their location relative to the nearest neighbouring properties that the proposed units will not have an adverse impact upon the residential amenity of these neighbouring properties and that a reason for refusal could not be upheld on amenity grounds in this instance.
- 8.39. Subject to conditions this application is considered to be acceptable in amenity terms and in compliance with Policy DM10 a) and b) of the SADMP, The Good Design Guide SPD and the requirements of the NPPF.

Impact upon highway safety

- 8.40. Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highways authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 8.41. Policy DM10 (g) states that where parking is to be provided, charging points for electric or low emission vehicles should be included, where feasible.
- 8.42. Paragraph 111 of the NPPF (2021) outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 112(e) of the NPPF states development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 8.43. The site is to be accessed from Church Lane and a small car park comprising 8 spaces are to be provided as part of the development proposal for the Church/Community.
- 8.44. The local highway authority originally requested that the proposed 8 spaces for the community be removed. The LHA noted that the parking could be accessed by any members of the public, but would likely be used predominately by visitors to the church attending either service or events. Given that the lack of parking situation with regards to the church is an existing situation, the LHA felt that this would encourage people to drive to the site and is therefore likely to create an intensification of use. Local objection has also been received in relation to the provision of this car parking area stating that local residents are not in support of it.

- 8.45. However, in revising the scheme, the applicant retained the proposed spaces on the amended plans. In response to this, the local highway authority stated that whilst they have not changed their position on the matter of the 'Community Car Parking Spaces', given they are to remain on private land it is unlikely that it would be possible to sustain a reason for refusal on highways grounds. As such, if the application is approved the spaces are to be provided in accordance with the approved plans at the expense of the applicant.
- 8.46. Therefore, overall, subject to conditions the Highways Authority have no objection to the scheme in terms of highway safety.
- 8.47. The proposals are considered to have a negligible impact on the highway network. As such, subject to the conditions recommended by the LHA, and an additional condition with respect to EV charging points, the proposal will satisfy policy DM17 and DM10(g) and the requirements of the NPPF.

Flood Risk and Drainage

- 8.48. Policy DM7 of the SADMP seeks to prevent development from resulting in adverse impacts on flooding by ensuring that development does not create or exacerbate flooding.
- 8.49. Paragraph 167 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 169 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should take account of advice from the LLFA, have appropriate proposed minimum operating standards, have maintenance arrangements for the lifetime of the development and where possible provide multifunctional benefits.
- 8.50. The HBBC Drainage Officer and LCC Drainage have raised no objections to the proposals and have not proposed conditions. The development will therefore satisfy Policy DM7 of the SADMP and the NPPF.

Ecology

- 8.51. Policy DM6 of the SADMP requires development proposals to demonstrate how they conserve and enhance features of nature conservation and ecological value. The application submission was supported by an ecological assessment and concludes that the proposal would not have an adverse impact upon the natural environment. The county ecologist has been consulted on the application and is satisfied with the content of the report. It is to be noted that landscaping is not a detailed matter for consideration at this stage and will form part of a future reserved matters application.
- 8.52. There are not considered to be any ecological matters pertinent to the determination of this application and subject to a condition relating to the planting of a native species hedgerow on site the application is considered to be acceptable and accords with Policy DM6 of the SADMP.

Trees

- 8.53. Whilst it is noted that landscaping is not a detailed consideration at the outline stage there are a large number of important and protected trees within close proximity of the site. The Arboricultural Officer was consulted on the application and has been out on site to examine the proposal on the ground and to inspect the trees along the west boundary of St Michael and All Angels Church in order to measure the trunk diameters and assess the required root protection areas.

8.54. The Parish Council's Tree Survey identifies six yews and a silver birch along the west boundary as yews T22 – T24, birch T25 and yews T26 – T28. The trees are positioned with trunk centres 1.2m. – 1.4m. from the boundary retaining wall. The ground level within the churchyard is approximately 0.8m. higher than outside of it. Radial canopy spreads range from 3.7m. to 5.5m. Local historical evidence suggests that the trees are in excess of 400 years old and have the characteristics of veteran trees - although not having large diameter trunks. As such and in accordance with Government standing advice, the required root protection areas (rpa) of open grown trees should be 15 x stem diameter. In the absence of proof that the brick wall with older stone foundations has prevented or inhibited root growth across the boundary, root protection areas should be identified and all site works designed and carried out, outside the rpa. "No-dig" construction of parking bays could be installed inside an rpa if levels permit but parking bays should not be positioned under the trees if they are to be compatible with the trees. No buildings should be constructed within 2m. of a rpa. Where there are existing hard surfaces and buildings to be demolished inside an rpa and they currently protect the ground from compaction, site works could be carried out with a suitable Arboricultural Method Statement, Tree Protection Plan and Arboricultural Supervision Plan showing suitable protection methods.

8.55. Subject to the imposition of suitably worded conditions in relation to trees the application is considered to be acceptable and in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD 2016.

Contamination

8.56. Policy DM7 of the SADMP states that development proposals must demonstrate appropriate remediation of contaminated land in line with minimum standards. The revised NPPF at paragraphs 183 and 184 sets out policies on development involving contaminated land. The planning practice guidance also offers detailed government advice on this topic

8.57. HBBC Environmental Services Team have been consulted on the proposals and do not raise objections but request conditions in relation to contaminated land. It is considered that the subject to the imposition of these conditions the application is considered to be acceptable and in accordance with development plan policy.

Planning Obligations

8.58. Policy DM3 of the adopted SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities. Policy 19 of the Core Strategy identifies standards for play and open space within the borough. Developments should accord with the policy and provide acceptable open space within the development, or if that is not possible contribute towards the provision and maintenance of open space off site. The Open Space and Recreation Study 2016 updates these standards and also identifies the costs for off-site and on-site contributions. No contributions for open space have been sought in this instance.

8.59. The request for any planning obligations (infrastructure contributions) must be considered alongside the requirement contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations and paragraph 57 of the NPPF state that planning obligations must only be sought where they meet all of the following tests:

- A) Necessary to make the development acceptable in planning terms;
- B) Directly related to the development; and
- C) Fairly and reasonably related in scale and kind to the development.

- 8.60. No planning obligations have been requested from consultees in this instance.
- Planning Balance
- 8.61. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.62. Using the standard method as outlined by MHCLG, Hinckley and Bosworth Borough is able to demonstrate 4.89 years of deliverable housing at 1st April 2022. Therefore the Council does not have a 5 year housing land supply.
- 8.63. Under these circumstances, the NPPF sets out, in paragraph 11d) that, for decision makers:
- “where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (8), granting permission unless:*
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or*
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”*
- 8.64. Footnote 8 in the NPPF states that the application of this approach *“includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years”*.
- 8.65. Therefore, currently the ‘tilted’ balance in paragraph 11(d) of the NPPF applies and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 8.66. 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 conditions set out below.

9. Equality implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 9.2 Officers have taken this into account and given due regard to this statutory duty in the consideration of this application.
- 9.3 There are no known equality implications arising directly from this development.
- 9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Recommendation

10.1 Grant planning permission subject to the following planning conditions.

10.2 Conditions and Reasons

1. Application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. No development shall be commenced until plans and particulars of "the reserved matters" referred to in the above conditions relating to the:-

Landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard (boundary treatments) and soft measures and details of boundary planting to reinforce the existing landscaping at the site edges to include native species mix hedgerows have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out 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. The development hereby permitted shall not be carried other than in accordance with the following details:

Proposed Site Plan ref 2106-032-A-P01 Rev B received 23 November 2021
Proposed Floor Plans ref 2106-032-A-P02 Rev B received 5 September 2022
Proposed Landscape Plan ref 20-032-A-P04 Rev C received 23 November 2021
Proposed Elevations ref 2106-032-A-P03 Rev A received 23 November 2021
Tree Constraints Plan received 31 August 2022

Reason: To ensure the development hereby approved is carried out in accordance with the approved plans.
4. No development above foundation level shall commence on site until representative samples of the types and colours of materials to be used on the external elevations of the dwellings hereby permitted have been deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity in accordance with Policy DM10 of the adopted

Site Allocations and Development Management Policies Development Plan Document (2016).

5. No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted in writing to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted in writing to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the first dwelling being occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

7. Site preparation and construction shall be limited to the following hours:

Monday - Friday 07:30 - 18:00

Saturday 08:00 - 13:00

No working on Sundays and Bank Holidays

Reason: To protect residential amenity and limit noise disturbance in accordance Policies DM7 and DM10 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

8. No development shall commence until the necessary programme of archaeological work has been completed. The programme will commence with an initial phase of trial trenching to inform a final archaeological mitigation scheme. Each stage will be completed in accordance with a written scheme of investigation (WSI), which has first been submitted to and approved in writing by the local planning authority. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed mitigation WSI, which shall include the statement of significance and research objectives, and

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these

elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: To ensure satisfactory archaeological investigation, recording, dissemination and archiving in accordance with Policy DM13 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

9. No part of the development hereby permitted shall be occupied until such time as the access arrangements, parking and turning as shown on approved Proposed Site Layout, drawing number 2106-032-A-P01 Rev B have been implemented in full, and once in place shall remain in perpetuity.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner and 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 general highway safety and in accordance with Policy DM18 of the Site Allocations and Development Management Policies DPD 2016 and the National Planning Policy Framework (2021).

10. 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 Policy DM10 of the Site Allocations and Development Management Policies DPD 2016 and the National Planning Policy Framework (2021).

11. No part of the development hereby permitted shall be occupied until such time as site drainage details have been provided to and approved in writing by the Local Planning Authority. Thereafter surface water shall not drain into the Public Highway and thereafter shall be so maintained.

Reason: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD 2016 and the National Planning Policy Framework (2021).

12. The development hereby permitted shall not be occupied until a scheme which makes adequate provision for waste and recycling storage of containers and collection across the site has been submitted to and approved in writing to the Local Planning authority. The details should address accessibility to storage facilities and confirm adequate space is provided at the adopted highway boundary to store and service wheeled containers.

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).

13. Prior to development above damp course level a scheme for the installation of electric vehicle charging points will be submitted to and approved in writing by the local planning authority. The scheme shall identify the number of units to

benefit from electric charging points, together with full detail of the location and fitting of the units.

Reason: To ensure that the proposals meet the requirements of Policy DM10 (g) of the Site Allocations and Development Management Policies DPD (2016) and Paragraph 112 (e) of the National Planning Policy Framework.

14. A Tree Protection Plan shall have been submitted to and approved in writing by the Local Planning Authority prior to commencement of development. 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. 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

Reason: To ensure the existing trees are adequately protected during construction in the interests of the visual amenities of the area and in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD 2016.

15. No works or development shall take place until an auditable system of arboricultural site monitoring by an appointed project arboriculturist has been approved in writing by the Local Planning Authority. This scheme will be appropriate to the scale and duration of the works and will include details of:
- a) Induction and personnel awareness of arboricultural matters
 - b) Identification of individual responsibilities and key personnel
 - c) Statement of delegated powers
 - d) Timing and methods of site visiting and record keeping, including updates
 - e) Procedures for dealing with variations and incidents.
 - f) The scheme of supervision shall be carried out as agreed.
 - g) The scheme of supervision will be administered by a qualified arboriculturist instructed by the applicant and approved by the local planning authority.

Reason: To ensure that the tree protection plan is adequately implemented in the interests of the visual amenities of the area in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD 2016.

16. No works or development shall take place until a site specific no-dig drive construction method statement has been submitted to and approved in writing by the Local Planning Authority showing that no-dig surfacing is fit for purpose. The development shall be carried out in accordance with the approved details.

Reason: To ensure that trees are not damaged during construction and that soil bulk density will not be increased and be detrimental to long-term tree health.

Planning Committee 27th September 2022

Planning Ref: 22/00152/FUL

Applicant: Mr William Oliver

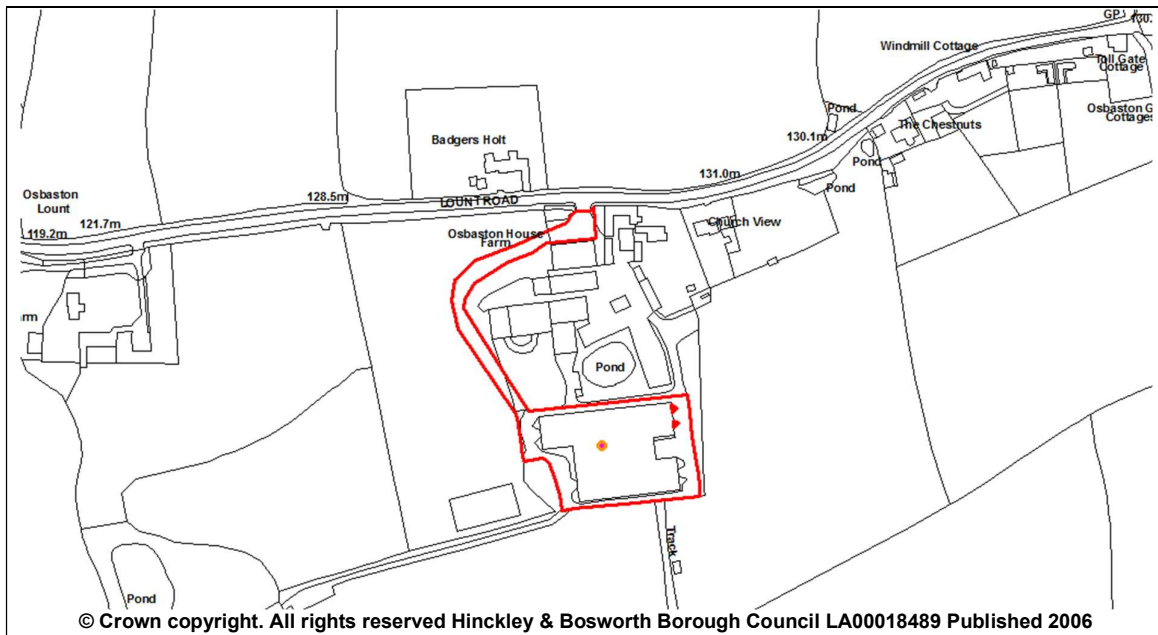
Ward: Barlestone, Nailstone and Osbaston



Hinckley & Bosworth
Borough Council

Site: Osbaston House Farm, Lount Road, Osbaston, Nuneaton

Proposal: Change of use of agricultural buildings to B8 storage and distribution.



1. Recommendation

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

2.1. The application seeks retrospective planning permission for the Change of Use of agricultural buildings to B8 Use (storage and distribution).

2.2. The original application, as submitted, sought a Change of Use for B2 use also but this has since been removed from the application description and the application is to be assessed on a proposed B8 Use only.

2.3. The change of use relates to 3 agricultural buildings and the total floor area amounts to 3513.7 square metres approximately. External alterations are not proposed as part of this application.

2.4. The change of use application also includes the provision of adjacent hardstanding areas for access, parking and turning of vehicles, and the construction of a new access road which bypasses the existing farm buildings to access the B8 units. The application details state that the access road measures 130m in length and 5m in width approximately. It is sited to the west of Osbaston Farm House and utilises the existing farm entrance point off Lount Road.

3. Description of the site and surrounding area

- 3.1. Osbaston House Farm is a (61 hectare) agricultural holding. The farm includes 57 hectares of arable cropping, and 4 hectares of permanent grassland which is utilised for grazing of cattle. The farm also includes a diversified glamping business which is known as 'The Dandelion Hideaway'.
- 3.2. The farm has previously been used as a goat dairy farming unit, however, the application details state that this use ceased in September 2020. The livestock buildings which previously housed the goats and milking parlour have recently been used for storage and distribution purposes (as of July 2022) and the applicants are seeking to regularise the use and are applying for planning permission for change of use of agricultural buildings to storage and distribution (Use Class B8). The application site is located directly to the south of Osbaston House Farm and to the south of Lount Road.
- 3.3. The application details state that the buildings are being used to store pallets of PPE equipment (face masks etc); and some pallets of electrical equipment.

4. Relevant planning history

- 4.1. Various planning history on site including permissions for agricultural buildings and extensions to agricultural buildings and also the following:

07/00391/COU

- Change of use of agricultural land for the siting of 5 tents with shower block and associated parking
- Planning Permission
- 30.05.2007

09/00625/CONDIT

- Variation of Condition 5 of 07/00391/COU to increase the number of tents from 5 to 9
- Planning Permission
- 05.11.2009

5. Publicity

- 5.1. The application has been publicised by the erection of a site notice in close proximity to the site and by sending out letters to local residents.
- 5.2. 9 letters of objection have been received and the concerns are summarised below:
- 1) Lount Road is a narrow country lane where the access for this development is situated. Its width is not sufficient to allow a lorry and a car pass each other – this will be a major problem when two lorries try to pass.
 - 2) The lane is frequently used by pedestrians, cyclists and horse riders which would put them in danger.
 - 3) The nearby crossroads see many near misses and accidents.
 - 4) The application states that there was a milk tanker that used the lane every day which is not true; it was every other day and it wasn't as big as an articulated lorry.
 - 5) Not supportive of B2 use on site. Should be B8 use only (storage).

- 6) A speed limit of 40mph maximum and better signage along the road and other measures should be put in place to make the road safer for all users.
- 7) The number of lorries should be limited and the hours of trade to be restricted e.g. 7am - 6pm (Mon to Fri) and restrictions on weekend use.
- 8) Deliveries should only be in one direction – i.e. from the main A447 NOT from the west.
- 9) Sufficient parking should be provided so that there is not an issue with vans, lorries parking on the road.
- 10) General industrial units could be anything - this needs to be re-applied for with more details so that comments can be made appropriately.
- 11) The application is factually incorrect as work has already started despite not having planning permission.
- 12) Adequate signage needs to be in place.
- 13) As a resident I have no issue with diversification of farms but strongly believe the road network to the site is not suitable for B2 use and only suitable for B8 use.
- 14) The application would increase traffic, noise and disturbance for local residents.
- 15) The 200 HGV figure stated in the application details is concerning.
- 16) There should be a restriction for no 'counter sales' at the site.
- 17) There is no supporting evidence to justify a change of use to B2 or B8.

6. Consultation

- 6.1. No objection has been received from:
 - HBBC Drainage
 - HBBC Waste Management (Condition on bin storage and collection required)
 - LCC Highways (Conditions)
- 6.2. Carlton Parish Council – requests a condition that all heavy goods vehicles be required to access the site from the A447, and that no HGVs be permitted to enter that part of Lount Road to the west of the site entrance. This is to protect the amenity of local residents by preventing hgvs from passing through the weight restricted area between the A447 and the A444 which includes the village of Carlton and narrow lanes.
- 6.3. Osbaston Parish Council – comments as follows:
 - Requests that B2 general industrial is removed and that a separate planning application is submitted if required providing more detail.
 - Concerns that Lount Road is not suitable for this type of development as the road is not wide enough and the speed of vehicles is excessive.
 - Would support a speed limit of 40mph maximum and better signage along the road and other measures put in place to make the road safer for all users.
 - That any planning permission granted restricts the number of lorries accessing the development to a realistic limit that can be quantitatively monitored by residents / Parish Councillors.
 - Restrict the hours of trade to Monday to Friday 7am – 6pm
 - Explicitly permit access for deliveries only in one direction. This should be from the main A447 only.
 - Sufficient parking is provided so that there is not an issue with vans, lorries etc parking on the road or reversing causing noise and traffic disruption
- 6.4. HBBC Environmental Services Team - have concerns relating to noise associated with potential B2 use. The operations stated in the design and access statement appear to be B8 use and would not foresee a significant impact from that use.

What is the reasoning for applying for B2 use? What are the proposed hours of use for the site?

7. Policy

7.1. Core Strategy (2009)

7.2. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the countryside and settlement separation
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2021)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

7.4. Other relevant guidance

- Good Design Guide (2020)

8. Appraisal

8.1. Key Issues

- Principle of development
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Flood risk and drainage
- Planning Balance

Principle of development

8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) July 2021) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. Where planning applications conflict with an up to date plan, permission should not usually be granted unless other material considerations indicate otherwise.

8.3. The current development plan consists of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016).

8.4. 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 a decision at Full Council on 6th September.

- 8.5. The application site is located within open countryside and therefore Policy DM4 of the SADMP is applicable. Policy DM4 states that the countryside will first and foremost be safeguarded from unsustainable development. Development in the countryside will be considered sustainable where:
- It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
 - The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
 - It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
 - It relates to the provision of stand-alone renewable energy developments in line with policy DM2: Renewable Energy and Low Carbon Development; or
 - It relates to the provision of accommodation for a rural worker in line with Policy DM5: Enabling Rural Worker Accommodation and:
 - It does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and
 - It does not undermine the physical and perceived separation and open character between settlements; and
 - It does not create or exacerbate ribbon development
- 8.6. The site seeks to change the use of existing buildings, provides job creation and diversifies a rural business. As such, the proposal meets the criteria of Policy DM4 of the SADMP and is acceptable in principle subject to the assessment of material considerations.
- 8.7. Paragraph 84 of the NPPF states that planning decisions should enable the development and diversification of agricultural and other land based rural businesses. Paragraph 85 goes on to state that planning decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements. It is important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable.
- 8.8. The Design and Access Statement submitted by the applicant refers to Policy DM15 of the Site Allocations and Development Management Policies DPD 2016 as being applicable for this application. Policy DM15 relates to redundant rural buildings and states that development will be supported outside the settlement boundary where the applicant demonstrates the building is no longer viable in its current use and the applicant has adequately demonstrated that the building is capable of conversion. It is acknowledged that the buildings which are the subject of this application consist of modern steel portal framed structures and that the use of the building as a goat milking unit has ceased due to viability issues but the application provides no viability information in this regard. As such it is the opinion of the local planning authority that this policy is not applicable as the details relating to viability have not been submitted and the buildings are being used (retrospectively).
- Design and impact upon the character of the area
- 8.9. Policy DM10(c), (d) and (e) of the SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and the use and application of building materials respects the materials of existing,

adjoining/neighbouring buildings and the area generally and incorporates a high standard of landscaping.

- 8.10. Paragraph 134 of the NPPF states development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance. Local policy is considered to accord with the NPPF.
- 8.11. This an application for a change of use of existing buildings on site and the details state that no external changes or alterations are proposed. The key change in this instance is the new access for the B8 use which is located to the west side of the farm. It is approximately 5 metres wide and 130 metres in length. It is not considered that this access has a negative impact on the existing character and appearance of this site given the siting of an existing access in close proximity and the backdrop to the new proposed access of the existing buuildings. Therefore, it is considered that in design terms the change of use and associated works would not impact on the intrinsic value, beauty and open character of the countryside to a greater extent than the existing situation.
- 8.12. Overall the scheme is considered to be acceptable and in compliance with Policy DM4 and Policy DM10(c), (d) and (e) of the SADMP, the Good Design Guide SPD and the requirements of the NPPF.
- Impact upon neighbouring residential amenity
- 8.13. Policy DM10 (a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities with in the vicinity of the site.
- 8.14. Paragraph 185 of the NPPF states that decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
- 8.15. Local residents have raised objections in relation to amenity – specifically they have raised concerns about the use of the buildings for general industry purposes e.g. B2 uses which could have noise and disturbance implications. The HBBC Environmental Services Team also raised concerns relating to noise associated with potential B2 use. As set out above, the scheme has subsequently been revised to omit the B2 use and now only seeks permission for a B8 use (storage and distribution). Environmental Services do not raise issues about the B8 use.
- 8.16. Hours of use has also been flagged by local residents and HBBC's Environmental Services Team. The revised application details state that the hours of use for this development would be 0900 – 1700 Monday to Friday. This is considered to be acceptable in amenity terms and it is considered that this could be imposed as a condition if members are minded to approve the application.
- 8.17. It is considered by virtue of the countryside location relative to the nearest neighbouring properties that a B8 use will not have an adverse impact with respect to noise and disturbance and a reason for refusal could not be upheld on residential amenity grounds in this instance.

- 8.18. Subject to an hours of use condition this application is considered to be acceptable in amenity terms and in compliance with Policy DM10 a) and b) of the SADMP, The Good Design Guide SPD and the requirements of the NPPF.

Impact upon highway safety

- 8.19. Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highways authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 8.20. Policy DM10 (g) states that where parking is to be provided, charging points for electric or low emission vehicles should be included, where feasible.
- 8.21. Paragraph 111 of the NPPF (2021) outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 112(e) of the NPPF states development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 8.22. The local highway authority have been consulted on the application and in response to their initial observations dated 7 April 2022 regarding the access, the applicant provided further information. The application details state that the change of use is now for B8 use only and the B2 use been removed. Given the application is now retrospective the applicant has provided current trip rate usage. The details states that the use is generating a maximum of 1 x HGV (2 movements) per day, so 5 x HGV (10 movements) per week. Given that all duties associated with the proposals are to be undertaken by current staff and given the site's previous agricultural use the local highway authority consider that there is likely to be a reduction in trips to the site overall.
- 8.23. The application includes the construction of a new internal road within the site creating a loop road. This would mean that vehicles visiting the site would be able to access and egress the site without involving any complex turning manoeuvres. Whilst this is welcomed by the local highway authority it is to be noted that the road would be over Public Right of Way (PRoW) S54. As such, conditions are recommended to ensure that any works on site do not affect the existing PRoW route and do not pose danger to users of the route.
- 8.24. Whilst local objections include concerns over highway safety, the local highway authority are of the opinion that the proposal would not lead to a severe impact on the highway contrary to paragraphs 110 and 111 of the National Planning Policy Framework (NPPF) 2021. As such they do not object to the proposals subject to conditions.
- 8.25. The proposal is therefore considered to satisfy policy DM17 and DM10(g) and the requirements of the NPPF with respect to highway safety considerations.
- Flood Risk and Drainage
- 8.26. Policy DM7 of the SADMP seeks to prevent development from resulting in adverse impacts on flooding by ensuring that development does not create or exacerbate flooding.

8.27. Paragraph 167 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 169 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should take account of advice from the LLFA, have appropriate proposed minimum operating standards, have maintenance arrangements for the lifetime of the development and where possible provide multifunctional benefits.

8.28. The HBBC Drainage Officer has raised no objections to the proposals and does not propose conditions. The development will therefore satisfy Policy DM7 of the SADMP and the NPPF.

Planning Balance

8.29. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

8.30. 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 change of use to warrant refusal of this application. Therefore this application is recommended for approval subject to conditions set out below.

9. Equality implications

9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2 Officers have taken this into account and given due regard to this statutory duty in the consideration of this application.

9.3 There are no known equality implications arising directly from this development.

9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Recommendation

10.1 **Grant planning permission** subject to:

Planning conditions outlined at the end of this report

10.2 Conditions and Reasons

1. The development hereby approved relates to the following details:

Revised Site Location Plan received 6 September 2022
Revised Proposed Site Plan received 6 September 2022
Revised Application Form received 7 September 2022

Reason: To ensure the development hereby approved accords with the approved plans.

2. Hours of opening for the B8 use hereby permitted shall be limited to the following hours:

Monday – Friday 0900 - 1700 hours only

No working on Saturday, Sundays or Bank Holidays

Reason: To protect residential amenity and limit noise disturbance in accordance Policies DM7 and DM10 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

3. Within 3 months of the date of this decision a scheme which makes adequate provision for waste and recycling storage of containers and implementation for collection across the site shall be submitted to and approved in writing to the local planning authority. The details should address accessibility to storage facilities and confirm adequate space is provided to facilitate collection of waste via a registered waste carrier.

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. Within 3 months of the date of this decision a scheme for the installation of electric vehicle charging points shall be submitted to and approved in writing by the local planning authority. The scheme shall identify the number of electric charging points, together with full details of the location and fitting of the units. The approved details shall be installed within 6 months of the date of this decision.

Reason: To ensure that the proposals meet the requirements of Policy DM10 (g) of the Site Allocations and Development Management Policies DPD (2016) and Paragraph 112 (e) of the National Planning Policy Framework.

5. Within 3 months of the date of this decision a scheme for the treatment of the Public Right of Way shall have been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include provision for their surfacing, width, structures, signing, landscaping, and management during construction, in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers. The approved works shall

be implemented within 6 months of the date of this decision and retained as such thereafter.

Reason: to protect and enhance Public Rights of Way and access in accordance with Paragraph 100 of the National Planning Policy Framework 2021.

6. Prior to construction/treatment of the Public Right of Way works, measures on site should be taken to ensure that users of the Public Right of Way are not exposed to any elements of danger associated with construction works.

Reason: to ensure the Public Right of Way is safe and available during the period of construction in the interests of protecting and enhancing Public Rights of Way and access in accordance with Paragraph 100 of the National Planning Policy Framework 2021.

INFORMATIVES

The Public Right of Way must not be re-routed, encroached upon, or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.

The Public Rights of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.

If the developer requires a Right of Way to be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to networkmanagement@leics.gov.uk at least 12 weeks before the temporary diversion is required.

Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.

No new gates, stiles, fences, or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way, and the County Council may be obliged to require its immediate removal.

In dealing with the application, through ongoing negotiation the local planning authority have worked with the applicant in a positive and proactive manner by offering a pre-application advice service and by seeking solutions to problems arising in relation to dealing with the planning application and this has resulted in the approval of the application. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

Planning Committee 27 September 2022
Report of the Planning Manager (Development Management)

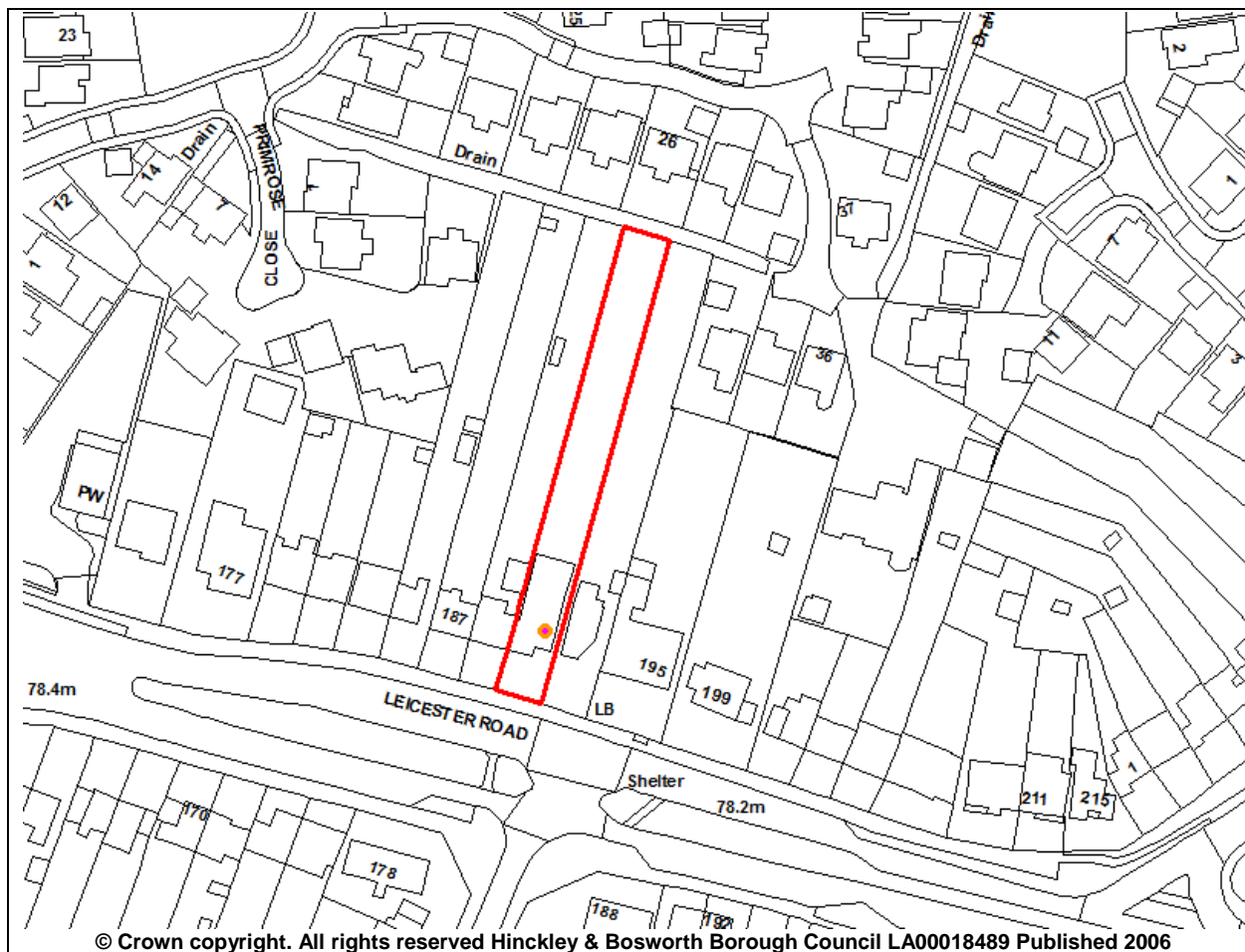
Planning Ref: 21/01359/HOU
Applicant: Pancholi
Ward: Groby



Hinckley & Bosworth
Borough Council

Site: 191 Leicester Road Groby

Proposal: Erection of a raised patio at the rear of a dwelling



1. Recommendations

- 1.1. **Approve planning permission** subject to the conditions at the end of this report

2. Planning Application Description

- 2.1 This application is for a patio attached to an existing single storey extension at the rear of 191 Leicester Road. The patio is to be accessible from the bi-fold glass doors to the rear elevation of the extension that was permitted in April 2020 and is to run the length of the rear elevation at around 7.9m. Included in the plan is a series of steps down to the garden that will drop around 1.1m to reach the grassed rear garden of the property.
- 2.2 This application was previously approved in March 2022 under delegated powers. However, as the Ward Councilor had previously requested that the application be determined by Planning Committee, the Council made an order revoking the permission and sent it to the Secretary of State for confirmation. The Secretary of

State confirmed in August 2022 that no objections were received to the revocation order and that the Order therefore took effect. The Council therefore now has to reconsider the application, with no permission currently in place.

3. Description of the site and surrounding area

3.1 The site is located off Leicester Road to the north of the settlement boundary of Groby.

The site relates to a 1930s two storey brick built detached dwelling that has had a number of extensions since the 2000s.

3.2 There is a varied character to this part of the old ribbon development, which includes two storey detached and semi-detached properties, as well as numerous bungalows. All of which vary considerably in their use of materials. Many of these properties have been subject to extensions and alterations over time.

4. Relevant planning history

02/00171/FUL

- Two storey side extension and single storey rear extension
07/02/02
Refused

02/00560/FUL

- Side and rear extensions
30/02/02
Permitted

19/01084/HHGDO

- Rear extension measuring 6m in depth, 4.6m to the ridge and 3.2m to the eaves
23/09/19
Withdrawn

19/01085/HHGDO

- Rear single storey 6m extension to existing detached house
31/10/19
Withdrawn

20/00115/HOU

- Single storey front, first floor side and single storey rear extensions at no.191 / single storey rear extension at no.193 Leicester Road
03/02/20
Permitted

5. Publicity

Neighbours were consulted by letter – there was one response objecting to the proposal raising the following points:

- Overlooking impact of the proposal

6. Consultation

- 1) HBBC Drainage had no objection
- 2) Groby Parish Council had no objection

7. Constraints

None

8. Policy

- 8.1. Site Allocations and Development Management Policies DPD (2016)
 - Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM10: Development & Design
- 8.2. National Planning Policy Framework (NPPF) (2021)
- 8.3. Other Relevant guidance
 - Good design guide (2020)

9. Appraisal

- 9.1. Key Issues
 - Design and impact upon the character of the area
 - Impact upon neighbouring residential amenity
 - Impact upon parking

Design and impact upon the character of the area

- 9.2. Policy DM10 of the adopted Site Allocations & Development Management Policies requires that the use and application of building materials respects the materials of existing, adjoining/neighbouring buildings and the local area generally.
- 9.3. The raised patio, being at the rear of the property, will not be seen from a public highway and given the nature of the previous modern extensions in the area the patio would not be considered to be out character from a design perspective and thus would not have a detrimental impact on the character and appearance of the area. Therefore, the materials and design proposed will not contravene Policy DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 9.4. Policy DM10 of the adopted Site Allocations & Development Management Policies requires that developments do not have a significant adverse effect on the privacy and amenity of nearby residents.
- 9.5. 191 Leicester Road has been extended since 2002, including front, side and rear extensions. The latest was a single storey rear extension which was applied for in tandem with the neighbouring property at 193 Leicester Road whom received permission for a flat roofed single storey extension that was around 4.1m by 4.1m with an eaves height of around 2.9m above ground level.
- 9.6. This set of extensions left the new rear elevation of 191 (applicant property) around 2.9m further out than the new rear elevation of 193 (neighbouring property). Therefore, there are legitimate concerns of overlooking and the potential for said patio to be of an overbearing nature as raised by an objection received.
- 9.7. The patio is to be accessible from the bi-fold glass doors to the rear elevation of the extension that was permitted in April 2020 and is to run the length of the rear elevation at around 7.9m.
- 9.8. Concerns of overlooking would have been addressed as a result of this original application, with one important element of the design of the proposed patio its stepped nature. The initial portion of the patio is to extend 1.2m from the rear elevation of the house before dropping by 15/20cm to extend for a further 1.2m. This design may help to prevent lingering on the patio and allay overlooking concerns, furthermore, the design is likely to preclude the positioning of a barbecue or other large outdoor furniture items given the stepped nature, and that the longest flat portion would only be 1.2m in length from the house. It should be noted that this assessment does not forbid any such uses if they could be accommodated on the patio, rather it is a

pragmatic appraisal of the limitations of the proposed patio.

- 9.9. The first portion of patio extending from the rear elevation by 1.2m is to have a toughened glass privacy screen which is to be 1.7m tall, this will be accommodated behind the existing timber fence separating 191 and 193 Leicester Road. It is proposed that this screen will be around 50cm at its highest above the existing fence.
- 9.10. On balance, it is considered that the proposal would not have a significant adverse impact on the residential amenity of the occupiers of the neighbouring dwellings in terms of loss of light, overlooking or overbearing nature, in accordance with Policy DM10 of the SADMP.

Impact upon parking

- 9.11. It is considered that through the nature of the proposal the proposed development will not lead to an increase in the need for car parking provision.

10. Equality implications

- 10.1. A Section 149 of the Equality Act 2010 created the public sector equality duty.

Section 149 states:-

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 10.2. Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.
- 10.3. There are no known equality implications arising directly from this development.

11. Conclusion

- 11.1. By virtue of the appropriate scale, layout, form, design and proposed construction materials, it is considered that the proposed development would comply with Policy DM10 of the SADMP.

12. Recommendation

- 12.1 **Approve planning permission** subject to the conditions at the end of this report

12.2 Conditions and Reasons

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

- Plans & Elevations Drg No DSA-21008 – Received 09/11/2021

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

2. The materials to be used on the elevations of the proposed patio shall accord with the approved plans.

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

12.3 **Notes to applicant**

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.

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Planning Committee 27th September 2022
Report of the Planning Manager (Development Management)

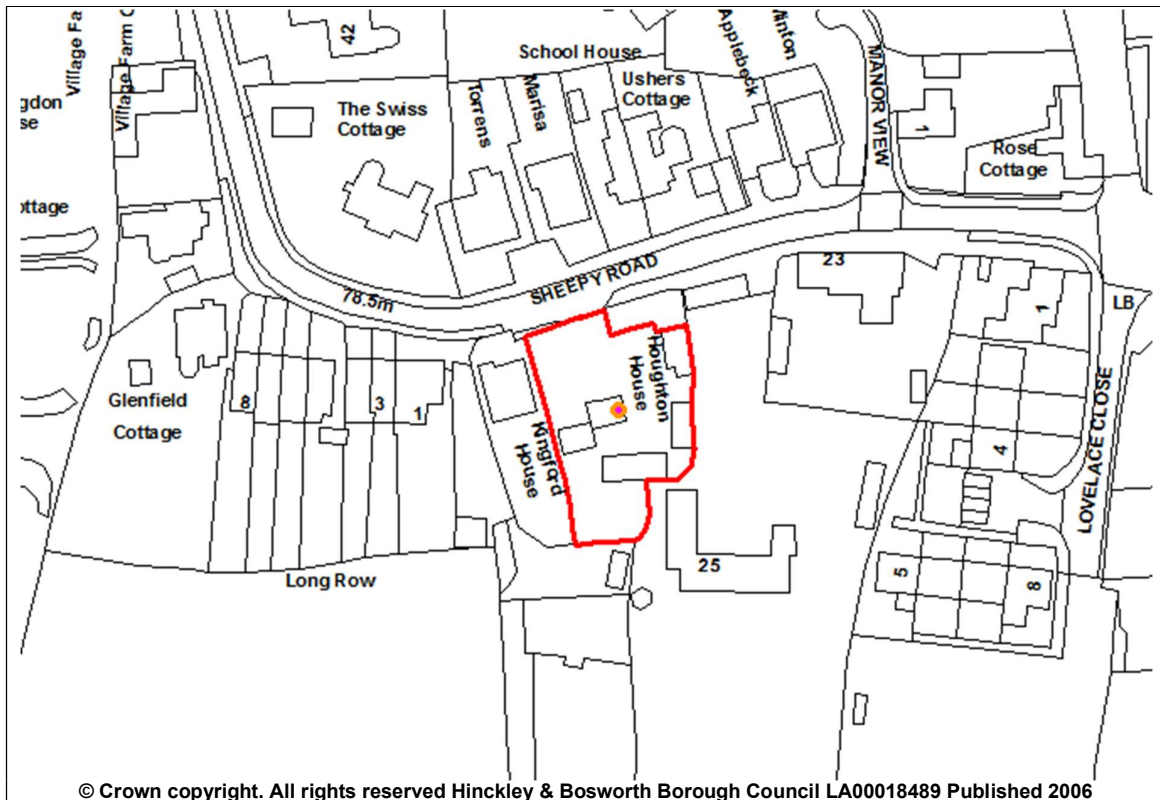
Planning Ref: 21/01501/FUL
Applicant: Ms Amy Lawson-Gill
Ward: Ambien



Hinckley & Bosworth
Borough Council

Site: Houghton House Sheepy Road Sibson

Proposal: Demolition of existing outbuildings, refurbishment of a Grade II listed residential property, erection of four dwellings and associated external landscape works.



1. Recommendations

1.1. Grant planning permission subject to

- Planning conditions outlined at the end of this report

2. Background

- 2.1. This application was considered by the Committee at its meeting on 5 July 2022. The approved minutes of the meeting state that “*members expressed concern in relation to the five substandard parking spaces which formed part of the application. It was moved by Councillor J Crooks and seconded by Councillor Hollick that the application be deferred to a future meeting to allow for discussions with the applicant around reducing the proposal to three dwellings to enable sufficient standard parking provision. Upon being put to the vote, the motion was carried and*

it was unanimously resolved that the application be deferred for further discussion with the applicant.

- 2.2. Those discussions have taken place, but the car parking spaces have been widened to the required standards without the number of dwellings being reduced. This has been achieved by expanding the overall width of the three dwellings to the rear of the site resulting in a reduction in the width of the side garden to plot 1 by 0.7m.
- 2.3. For clarity the following amendments have been made to the application:
- The red line boundary has been amended to include the grass verges recognising the works to the verges that are required to incorporate the 6m radii required by the Local Highway Authority, the dropped kerb and bound surface to the initial 5m length of driveway and the formation of the two new paths to the new front door to Houghton House and the new front door to plot 4.
 - The Applicant accepts that a condition regarding the provision of a sustainable drainage system (SuDS) is required. The Applicant confirms that the material for the courtyard area will be porous and that surface water from new impermeable surfaces would be held back to discharge rates no greater than the existing greenfield run-off rate (the holding back of surface water would normally be achieved via storage crates beneath the access/courtyard area). Water butts are also proposed for each dwelling.
 - The design of the first floor window in the rear elevation of plot 2 has been amended so that it no longer overlooks private amenity space to the side courtyard area to the existing dwelling to the rear, 25 Sheepy Road.
 - The Applicant notes that the Highway Authority requirement for dwellings with three bedrooms or less is a minimum of two spaces and that no visitor space is required by the Highway Authority. In order to address the concerns of neighbours an additional dedicated visitor parking space has been provided within the courtyard. This has been achieved by reducing the size of the rear garden to plot 4.
 - All parking spaces are now designed to the minimum requirements of the Highway Authority as set out in Part 3 of the Leicestershire Highway Design Guide at paragraph 3.165, namely 2.4m by 5.5m with an extra 0.5m provided where one side is bounded by a wall or fence and an extra 1m provided where both sides are bounded – as in the case of the parking to plots 2 and 3.
 - The Applicant accepts the need for a condition removing permitted development rights for extensions to the dwellings, should permission be granted.
 - The Applicant accepts the need for a condition requiring the completion of the Houghton House refurbishment prior to the occupation of the final property, should permission be granted.
- 2.4. Neighbours and relevant consultees have been notified of the amended plans and the report below has been updated accordingly

3. Planning application description

- 3.1. Demolition of existing outbuildings, refurbishment of a Grade II listed residential property, erection of four dwellings and associated external landscape works.
- 3.2. The proposed new dwellings units 1-3 are a single rectangular block with projecting perpendicular wings. The units are located to the back of a courtyard parking area

towards the rear of the site. Each unit has a steep pitched gable frontage divided by accommodation above undercroft parking spaces between the three units. The form and proposed construction materials of each unit have traditional aspects to reflect the local vernacular but also has some contemporary design elements. The units are to be constructed of red brick facing walls with buff brick bonding detailing, and clay tile roofs. Each unit has a tall standing chimney stack projecting from the eaves of the rear gable, and a recessed porch housing the front door. The proposed windows are of a contemporary style and detail, with standard casements and box dormers at the eaves across the width of the frontage on the front elevations and taller box dormers and bi-fold doors to the rear elevations.

- 3.3. Plots 1 and 4 have two bedrooms and plots 2 and 3 each have three bedrooms. Garden sizes range between approximately 67sq.m and 80sq.m in area.
- 3.4. Proposed new unit 4 is located towards the front of the site and between Houghton House and Kingford House, flanking the courtyard access. This is a traditionally styled dwelling with a simple rectangular plan, dual pitched clay tile roof, eyebrow dormer windows, ground floor windows set below segmental arches and recessed entrance door on the front elevation, and construction materials of red brick with buff brick decorative bond and dentil eaves course. The unit is set back slightly behind a small front garden and the retained grass verge fronting the application site. To the side of the unit to Kingford House a high brick wall with saddleback coping is proposed. Two pathways are proposed to the front elevations of the existing Houghton House, to serve a new front door, and to the front door to plot 4. These grass verges are owned by the County Highway Authority and their inclusion within the red line of the application is solely to properly acknowledge the proposed engineering works that include the two paths and the adjustments to provide 6m radii. No other works are included and the verges are not incorporated into the gardens of either property.
- 3.5. Existing boundary treatments around the eastern, southern and western boundaries of the site are to be retained, with the block wall attached to Houghton House along the eastern boundary to be faced in brick. Boundary treatments within the interior of the site to divide each plot are proposed to comprise 0.4m brick walls with 1.4m vertical timber louvre dividers. Notwithstanding these details a condition is attached regarding the submission of details given that the site lies within the Sibson Conservation Area and includes Houghton House, a Grade II Listed Building.

4. Description of the site and surrounding area

- 4.1. Houghton House is sited on the road frontage (grass verge), and is a two storey, detached cottage with a small outbuilding abutting its eastern gable. There was previously a two-storey gable to the rear (south) elevation with an attached range of single storey brick and tile outbuildings with pitched roof that extended along the east boundary. These ranges have been removed as part of the implementation of permissions reference 14/00541/HOU and 14/00542/LBC. There are a number of other detached outbuildings located to the rear along the west and (part) south boundary, constructed of a variety of materials including brick, timber and metal sheeting used for purposes ancillary to the dwelling.
- 4.2. Houghton House is a Grade II listed building located on the south side of Sheepy Road. The majority of the site, save for the rear gardens of plots 2 and 3 and a small part of the dwellings on these two plots lies within the Sibson Conservation Area. The listing description states:

- 4.3. "House. Late C17, refronted mid C18 and late C18. Timber framed with red brick facing. Plain tile roof with large ridge stack and single gable stack. Original lobby entry plan. Exterior. 2 storey, 3 window street front. 2 window section to right fronted mid C18 with two 3-light wooden casement windows and above two 3-light casements with leaded lights which project above the eaves with eye-brow dormer roofs. Single window section to left fronted late C18 with large 3-light cross casement and above another 3-light casement with leaded lights and eye-brow dormer roof. Right return wall rendered over timber framing has single casement window."
- 4.4. The site lies within the built-up area of Sibson and within the settlement boundary as set out in the revised Sheepy Neighbourhood Plan that was adopted in May 2022.
- 4.5. The site is bounded by residential development with elevated dwellings opposite the site, 25 Sheepy Road set back considerably from the road frontage and which lies to the south and east of the site with a small outbuilding directly adjacent to Houghton House on the road frontage on the one side and Kingsford House, a relatively new dwelling on the other.
- 4.6. Sibson is a rural hamlet as set out in the Sheepy Neighbourhood Plan and the Council's Site Allocations and Development Management Policies Development Plan Document (SADMP). At paragraph 9.1 it states that "*significant residential growth in these areas would be considered unsustainable and would lead to additional car journeys to service centres*". The Sheepy Neighbourhood Plan also though refers to Sibson as a village. Both terms are used in the report.

5. Relevant planning history

05/01269/LBC

- Replacement windows to front elevations
- Listed Building Consent
- 20.01.2006

11/00984/FUL

- Extensions and alterations to dwelling
- Planning Permission
- 30.04.2012

11/00985/LBC

- Internal and external alterations to dwelling including demolition of outbuildings
- Planning Permission
- 30.04.2012

14/00541/HOU

- Extensions and alterations to dwelling
- Planning Permission
- 19.09.2014

14/00542/LBC

- Extensions and internal and external alterations to dwelling including demolition of outbuildings
- Listed Building Consent
- 19.09.2014

6. Publicity

- 6.1. The application and revised plans have been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice published in the local press.
- 6.2. Twelve letters of objection were received regarding the scheme considered by Committee in July and a further thirteen objections have been received regarding the latest revised plans. The comments are summarised below:
 - 1) The scale of the proposed residential infill is inappropriate. The Applicant has ignored the clear wishes of the Committee to reduce the number of dwellings proposed.
 - 2) Sibson has no public transport or shopping and as such the development of four additional dwellings is not sustainable.
 - 3) Inevitably each family will have at least two motor vehicles and is likely to have more given the rural location with no shops in the hamlet. The spaces are tandem parking which will inevitably lead to cars being parked on the grass verge or elsewhere on the highway with is already heavily parked and which already causes highway safety problems. One visitor parking space is insufficient for five dwellings. There are blind people in the village and walking through the hamlet in a safe manner will be significantly reduced for them.
 - 4) Sheepy Road through the village is used by farm machinery creating road safety issues; this development will exacerbate an already poor situation.
 - 5) This is overdevelopment. Too many properties in too small a space are proposed. The fact that planning officers feel it necessary to remove permitted development rights proves that this is overdevelopment. The overdevelopment will lead to unacceptable noise and loss of amenity.
 - 6) Don't feel development is appropriate for this site but if you were to grant anything one property between Houghton House and Kingford House facing the road, and therefore maintaining the same 'street-scape' would be more in keeping.
 - 7) It would also be more in line with 'in-fill development' than building a whole new cul-de-sac, which completely changes the shape and character of the hamlet. The design of plots 1, 2 and 3 fails to respect the village context – they are too modern and urban.
 - 8) If permission is granted it should be built with quality materials and in the local vernacular of the beautiful characterful period buildings Sibson prides itself on.
 - 9) We feel the planning office should be more concerned with the improvement and restoration of the existing building of Houghton House. A building of

immense character and importance to the hamlet. We have no objection to it being sympathetically restored; in fact we actively welcome it.

- 10) Several neighbouring properties will be overlooked resulting in a loss of privacy.
- 11) Huntingdon House, Vine Cottage, Glenfield Cottage and Nos. 1 to 8 The Long Row, are subject to flooding during periods of heavy precipitation. The proposed development will add extra pressure on these systems and in particular the hard surfaced forecourt parking will clearly increase surface water run-off. This issue needs to be addressed before or as an integral part of this development. Water butts are not a credible measure to deal with the problems that will be caused.
- 12) Increased hardstandings will add to surface water run-off and exacerbate known flood risk in lower area of the hamlet. It is well known locally that this part of the hamlet has underlying clay which will not absorb surface water run-off. The ability to deal with surface water run-off should be confirmed by the Applicant before a decision is made on the application.
- 13) Additional load to existing sewerage and services with related risks to future functioning and resilience.
- 14) The style and appearance of the properties, particularly the three to the rear of the site, is not in keeping with the conservation area aspects of the hamlet which we had understood to be a requirement for new developments laid out by Hinckley and Bosworth Council.
- 15) The development is contrary to the Sheepy Neighbourhood Plan.
- 16) The heritage lamppost should be retained so that the flow of heritage lighting through the centre of the hamlet is retained.
- 17) Kingsford House was built prior to Sibson getting conservation area status and should not be used as a reason to allow poorly designed dwellings that do not meet the high design quality that is now required.

One letter of support was received to the original submission. These comments are summarised below:

- 1) It will be beneficial to the hamlet to have some affordable housing, which will hopefully in turn encourage more families into the hamlet.
- 6.3. The thirteen most recent objections have in the main reiterated previous objections and emphasising the flooding issues, the overdevelopment of the site, the inadequate parking and that the number of dwellings has not been reduced as clearly requested by the Committee.
- 6.4. Several of the most recent objections have mistakenly assumed that the incorporation of the grass verge to the site frontage has been done as it is needed to accommodate the space needed to fit the four additional dwellings on the site. It has in fact been done for the reason set out in the first bullet point in paragraph 2.3 of the report above.

6.5. In addition, Cllr Collett, ward member for Ambien, has written to object to the application on the following grounds:

- 1) that the Applicant has not taken account of the Council's request to reduce the number of properties
- 2) the development increases flood risk
- 3) the development is too dense fails to conserve the unique character and heritage of Sibson
- 4) there is insufficient parking and this will inevitably create more on-street parking

6.6. Cllr Collett is particularly concerned about the effect of the development on four blind/partially sighted people who live nearby.

7. Consultation

7.1. Environmental Services (pollution) – No objection subject to a condition restricting hours during the site preparation and construction phase.

7.2. HBBC Trees– No objection.

7.3. LCC Highways – Confirm that there are no objections and that an appropriate level of car parking has been provided in respect of each plot in accordance with Part 3, Paragraph 3.173 and 3.188 of the Leicestershire Highway Design Guide. Turning provision is also considered to be satisfactory. Conditions are requested related to implementation of parking and turning facilities, provision of visibility splays, removal of permitted development rights and no obstructions of the vehicular access.

7.4. Conservation Officer: No objections, planning conditions are suggested for any subsequent approval. It is considered that the removal of the incongruous outbuildings within the immediate setting of the listed building, and the implementation of a sympathetic range of alterations to Houghton House in accordance with a detailed schedule of works and further details to be provided via condition, will preserve and enhance the special architectural and historic interest of the listed building and enhance the significance of the Sibson Conservation Area. The proposed new dwellings and their associated courtyard, landscaping and boundary treatments would be of a satisfactory scale, layout, density, mass and design, and constructed largely of traditional materials. The proposal would therefore preserve the significance of the Sibson Conservation Area and be compatible with the significance of the grade II listed building Houghton House and its setting, so consequently it would comply with Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD, section 16 of the National Planning Policy Framework and the statutory duties of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

It is considered likely that the proposal complies with Policy S8 (Design) of the Sheepy Neighbourhood Plan (2022) but a full assessment against the Plan is left to the decision-taker.

Planning conditions are suggested for any subsequent approval.

- 7.5. Sheepy Parish Council: Response to first consultation: NEUTRAL, it appears to be in line with the Policies in the Sheepy Parish Neighbourhood Plan made March 2019 (and recently revised 2022).

However, Sheepy Parish Council has concerns about the impact of the development on the Grade II listed Houghton House, its curtilage, street scene, and neighbouring properties.

Sheepy Parish Council request that Hinckley & Bosworth Borough Council give consideration to:

- 1) The site being within Sibson Conservation Area and so the Borough Council's Conservation Officer must be consulted,
- 2) Sheepy Parish Neighbourhood Plan's Design Guide and its recommendations for Sibson village as included in the Sheepy Parish Neighbourhood Plan updated in 2022 (expected to be 'made' following the Examiner's recommendation in April 2022).
- 3) Highway safety that may result from the apparently very limited space for vehicular movements and turning within the proposed site and;
- 4) The increased flood risk from the development. Neighbouring properties have periodically suffered from flooding and it is important that Policy S6: Water Management (legally binding Sheepy Neighbourhood Plan) is fully considered and the design incorporates suitable measures to mitigate flood risk, in particular SuDS.
- 5) Sheepy Parish Council also request that Hinckley & Bosworth Borough Council give consideration to ensure the application complies with Policy S8(D) of the Sheepy Parish Neighbourhood Plan and shows appropriate regard for the amenities of neighbouring properties including daylight/sunlight, privacy, air quality, noise and light pollution. to discuss the application but no further comments have been submitted. Members will be updated in a late items report.

Additional comments made 30 June 2022

Sheepy Parish Council is aware that a revised design statement and accompanying plans have been submitted by the applicant for planning applications Ref. No: 21/01502/LBC and Ref. No: 21/01501/FUL. The Council has reviewed the revised plans and its original position of NEUTRAL remains. We do however note that the window design to the front of Unit 4 (building closest to the road) has been changed such it would have 'eyebrow' windows. This is in keeping with other buildings nearby and is identified as feature to be retained/promoted in the Sheepy Neighbourhood Plan (made May 2022) and its design guide.

Since the Parish Council submitted its representation, and after the end of the consultation period, a number of parishioners have raised concerns with the Parish Council about the development plans. Some of the concerns relate to material planning considerations and are reasonable. Many have also been identified in the Parish Council's representation (submitted 19th April 2022). It is therefore very important that full and proper consideration is given to the additional concerns raised by the Parish Council in its submitted representation and, as appropriate, the necessary professional advice sought by the planning authority before determining

the application. This especially applies to the concerns relating to flooding/surface water management and road safety/parking.

The Parish Council has also noticed that there are discrepancies between the different plans of the site within the planning application pack with respect to the strip of land (grass verge) between the property boundary and the road. Some show retention of the grass verge and others appear to show the installation of a pavement. The Sheepy Neighbourhood Plan recognises the significance of grass verges in this area of Sibson (village centre and conservation area) and its new design guide promotes their retention and upkeep. The Parish Council would therefore want to ensure the retention and protection of the grass verges and street scene, and as appropriate, a condition included if the planning application is approved.

Response to second consultation: The Parish Council met on 6 September but to date no further response has been received. Members will be updated should further comments be received.

- 7.6. HBBC Drainage – No objection subject to a condition relating to submission of surface water drainage details, incorporating sustainable drainage principles (SuDS).

8. Policy

- 8.1. Sheepy Parish Neighbourhood Plan 2018-2036 (2022)
- Policy S6: Water Management
 - Policy S7: Local Heritage Assets
 - Policy S8: Design
 - Policy S15: Car Parking and New Housing Development
- 8.2. Core Strategy (2009)
Policy 13: Rural Hamlets
Policy 16: Housing Density, Mix and Design
- 8.3. Site Allocations and Development Management Policies DPD (2016)
Policy DM1: Presumption in Favour of Sustainable Development
Policy DM3: Infrastructure and Delivery
Policy DM4: Safeguarding the Countryside and Settlement Separation
Policy DM10: Development and Design
Policy DM11: Protecting and Enhancing the Historic Environment
Policy DM12: Heritage Assets
Policy DM17: Highways and Transportation
Policy DM18: Vehicle Parking Standards
- 8.4. National Planning Policies and Guidance
National Planning Policy Framework (NPPF) (2021)
Planning Practice Guidance (PPG)
- 8.5. Other relevant guidance
Good Design Guide (2020)
National Design Guide (2019)

9. Appraisal

9.1. It is considered that the key issues in the determination of this application are as follows:

- Assessment Against Strategic Planning Policies
- Site Context and Significance
- Design and Impact upon the Character of the Conservation Area and the Setting of a Listed Building
- Impact upon Residential Amenity
- Impact upon Highway Safety
- Drainage
- Planning Balance

Assessment Against Strategic Planning Policies

9.2. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) and Site Allocations and Development Management Policies DPD (2016).

9.3. The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough. Sibson is identified as a Rural Hamlet within Policy 13 of the Core Strategy. Due to the limited services in these rural hamlets, development will be confined to infill housing development. A mix of housing types and tenures as detailed in Policy 15 and Policy 16 as well as supporting development that meets Local Needs as set out in Policy 17 should be delivered.

9.4. The most recent housing land monitoring statement for the period 2021-2022 indicates that the Council has a housing land supply of 4.89 years, which falls short of the Government requirement that all Councils have a minimum housing land supply of at least 5 years.

9.5. Therefore, paragraph 11(d) of the NPPF is triggered and permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This is a material consideration to weigh in the context of the statutory requirement to determine applications and appeals in accordance with the Development Plan unless considerations indicate otherwise. The provision of four dwellings contributes to the Council's requirements to demonstrate the delivery of new homes and is considered a significant benefit of the proposal.

9.6. This is weighed in the balance of the merits of the application when considered with the policies in the Site Allocations and Development Policies DPD and the Core Strategy which are attributed significant weight as they are consistent with the Framework. Therefore, sustainable development should be approved unless other material considerations indicate otherwise.

9.7. Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) sets out a presumption in favour of sustainable development, and state that development proposals that accord with

the development plan should be approved unless other material considerations indicate otherwise.

- 9.8. It is not considered that the development of the site for four additional dwellings represents significant residential growth that would be considered unsustainable given the location of the site is within the settlement boundary of Sibson and that the development is considered to be infill development within the hamlet. This type of development is supported by Policy 13 of the Core Strategy and as such the proposal would be in accordance with adopted strategic planning policies and the principle of development is acceptable. This is subject to all other material considerations being satisfactorily addressed.

Site Context and Significance

- 9.9. The character of Sibson and its designated conservation area is primarily derived from the agricultural origins of the settlement. This is defined within the Sibson Conservation Area Appraisal (SCAA) (2008). The SCAA describes Houghton House as a fine traditional farm complex, however whilst subsequent investigation identifies that it was unlikely that the House was ever a farmhouse, it was used for as agricultural labourers' cottages and does therefore reflect the predominant character of the hamlet. Overall, it is considered that due to its special architectural and historic interest Houghton House makes a positive contribution to the significance of the conservation area and there is an opportunity for its contribution to the increased via the implementation of the proposed external alterations that would enhance its character and appearance.
- 9.10. The remaining outbuildings on the site were originally constructed during the middle half of the 20th century and have been subsequently adapted. They are of some very limited historical merit in terms of the evolution of the occupation and use of the Houghton House. However due to their current poor condition and appearance it is considered that the outbuildings make a negative contribution to the significance of the conservation area and are a negative presence within the setting of Houghton House.
- 9.11. The remainder of the site consists of a lawned area adjacent to Sheepy Road and Kingford House, set behind a grass verge and low level brick wall which appears to be a remnant of a historic boundary treatment, and a courtyard utilised for the parking of the vehicles. The western section of the site and the courtyard are open in character which allows for good visibility of the curtilage of Houghton House from Sheepy Road. The SCAA identifies a view to be protected looking into the interior of the site from the site access on Sheepy Road. The reason for the identification of the view within the SCAA is not explained and given that the view focuses on the incongruous outbuildings and does not extend out beyond the interior of the site into the countryside, the importance of this view and its contribution to the significance of the conservation area is unclear. The grass verge fronting Houghton House is identified as part of a key space within the conservation area and is only altered by the provision of paths to the two front doors and by some widening of the access to meet Local Highway Authority safety requirements.
- 9.12. The SCAA identifies a number of characteristics within the conservation area that are of relevance to this proposal. The village townscape varies in character, with the character of the village around the application site being a mix of traditional buildings interspersed with modern dwellings ranging from single storey properties to modern period estate houses. These modern properties have been constructed on important gap sites throughout the village. The area to the west of Houghton

House, including two short terraces (known as Long Row) is described as the most attractive part of the Sibson Conservation Area. The synergy in scale, form and appearance of Houghton House and Long Row is clearly apparent in the street scene when looking westwards along Sheepy Road, although the uncharacteristic scale, design and materials of Kingford House in between the historic dwellings is clearly apparent in such views. It is noted that Kingsford House was built before the designation of the Sibson Conservation Area.

- 9.13. In terms of building style, scale and detail with the exception of the key buildings at the eastern end of the village all properties are between one and a half and two storeys in scale. Traditional estate cottages are set on or near the back edge of the road, sometimes separated by a short front garden or grass verge. Cottages are gabled with prominent ridge top chimneys. Clay roof tiles with plain ridges are the predominant roof material. Elevations are generally plain broken only by an occasional porch. The widespread use of red brickwork of various tones provides a continuity of appearance throughout the conservation area. Eaves profiles include dentil courses, decorated bargeboards, gablets, and eyebrow windows, the latter being a distinctive feature of the Gopsall estate. Windows are generally timber and are vertically proportioned or sit beneath segmental brick arches. Where gardens front directly onto the street, walls of local brick, often with saddleback copings are the common feature, which also help to channel views and provide a strong sense of enclosure.

Design and Impact upon the Character of the Conservation Area and the Setting of a Listed Building

- 9.14. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural and historic interest which it possesses. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraphs 199-202 of the NPPF require great weight to be given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have clear and convincing justification, and for that harm to be weighed against the public benefits of a proposal. Policies DM11 and DM12 of the Site Allocations and Development Management Policies (SADMP) DPD seek to protect and enhance the historic environment and heritage assets. All proposals for extensions and alterations of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building. Development proposals should ensure the significance of a conservation area is preserved and enhanced. Policy DM12 requires all development proposals to accord with Policy DM10: Development and Design.
- 9.15. The Sheepy Neighbourhood Plan (2021) provides guidance to ensure new development respects the prevailing character of the different parts of the Parish, including Sibson. Policy S8 guides design.

Impact upon the significance of heritage assets

Demolition of outbuildings

- 9.16. The remaining single storey outbuildings on the application site have some very limited historical merit in terms of the evolution of the occupation and use of the Houghton House. However, they are later additions to the setting of the main building and by virtue of their current poor condition and appearance it is considered that their demolition will not result in the loss of significant architectural or historic features and subject to the recording that has been supplied in the submitted documentation, their demolition is considered to be justified and therefore acceptable. The detached buildings are of an incongruous appearance and of little merit in terms of historical significance that their demolition will have a positive impact on the setting of the listed building and the character and appearance of the conservation area.

Works to listed building

- 9.17. In respect of the front elevation, the windows are proposed to be restored to their earlier configuration and the front door re-instated within the existing opening and the dentilled eaves brickwork to the front elevations re-exposed. It is considered that the proposed changes will have a positive impact upon this prominent front elevation of the building and will enhance the special architectural and historical interest of it, as well as positively impacting upon the character and appearance of the conservation area. The proposed alterations, repair or replacement of windows and doors on the other elevations will not result in the loss of any significant architectural or historical features and therefore are also considered to be acceptable. The extension to the chimney stack, construction of the brick boundary wall to the east site boundary, repair, re-pointing or replacement where necessary of bricks, tiles, render and mortar will not result in any unnecessary loss of salvageable architectural or historical fabric and will improve the stability and long-term viability of the listed building and is therefore acceptable.
- 9.18. The reinstatement of a lime plaster finish to the internal walls alongside other minor renovation works will result in an enhancement to the significance of the listed building and is therefore acceptable.
- 9.19. A detailed and comprehensive scheme of works has been submitted within the Remaining Schedule of Works document in addition to the Appendices of this document providing a general approach and specification for the repair or replacement of timber windows, repointing brickwork, preserving historic plaster, and internal lime plastering. Any works should be carried out in accordance with these details to ensure that the significance of the listed building is preserved. For any new and replacement windows and doors details including their appearance, dimensions and construction materials should be submitted and approved in writing prior to their installation to ensure that the significance of the listed building and conservation area is preserved and enhanced. A simple elevational and sectional drawing for the windows and doors is recommended.
- 9.20. To ensure that the desired external and internal alterations and renovations to the listed building are implemented it is requested that a suitably worded planning condition is placed on any subsequent approval of the proposed new dwellings within the setting of Houghton House to tie the enhancements to the listed building to the implementation of that development.

New dwellings within the conservation area and setting of the listed building

- 9.21. The proposed new dwellings would be of an appropriate one and a half storey height with eaves and ridge levels that respect scale of surrounding development. The siting of unit 4 towards the front of the site, in addition to its flanking high boundary wall, follows the traditional layout in the Conservation Area by introducing development towards the back edge of the road and providing a stronger sense of enclosure to the street scene. Units 1-3 are located towards the back of the site, but in a similar position to the outbuildings that have been and are proposed to be demolished. The existing courtyard character of the site would remain evident through the retention of central access point to the courtyard and layout of development to the rear around it.
- 9.22. The design of unit 4 follows traditional characteristics and architectural detailing with eyebrow dormers, segmental arches, and dentil eaves course as is considered necessary and appropriate on the street frontage. The design of units 1-3 has some traditional elements, such as the steeper gables and tall chimney stacks found elsewhere in the village, but also has contemporary elements including the materials and form of the fenestration. Whilst these elements are not wholly characteristic with more historic dwellings in Sibson they are considered to sit comfortably on each unit as part of a consistent design approach and any visual impact upon the wider area from these features is limited due to their location to the rear of the site away from the street scene. The mass of units 1-3 is also broken up by the set back of units 2 and 3, recessed porches and undercroft parking entrances. It is considered that a difference in design between the dwelling that fronts the street and the dwellings to the rear of the site is appropriate.
- 9.23. Other than for the fenestration materials for units 1-3, all construction materials for the new dwellings respects the materials of the local area through the use of red brick in an attractive bond, marked by buff bricks, and clay tile roofs. Notwithstanding the information contained within the application form, design and access statement and elevational drawings it is suggested that samples and/or details of the materials to be used for the construction of the new dwellings (the walls, roof, windows and doors, windows cill and header treatments, and rainwater goods) are submitted and approved prior to the commencement of the development (or once above foundation level) if it is approved, to ensure that the significance of the conservation area and adjacent listed building is preserved.
- 9.24. The proposed erection of a brick boundary wall with saddleback copings to the side of unit 4 would reinstate a traditional feature to the site frontage. The proposed louvred boundary treatments for internal fencing to divide the gardens for the units is a contemporary styled fence treatment but again it is not necessarily uncharacteristic. Furthermore a condition is recommended regarding the submission of details regarding boundary treatments.
- 9.25. The small area of soft landscaping within the courtyard area shown on previous plans has been removed and a visitor parking space has been provided to reduce potential pressure for on-street parking within the immediate vicinity of the site, and the subsequent impact this may have on the character and appearance of the conservation area including the grass verge as a key space immediately to the front of the site.
- 9.26. To ensure that the application site retains its design quality and the site is not overly domesticated with paraphernalia which may have an adverse impact upon the amenity and character of the area including the conservation area, it is recommend

that permitted development rights for development within the curtilage of the new dwellings is removed via a condition if the application is to be approved. This is particularly relevant for unit 4 given its presence in the street scene.

- 9.27. For the above reasons, and subject to planning conditions, the proposed works within the setting of the Grade II Listed Houghton House are considered to be sympathetic to its architectural and historic interest. The removal of the outbuildings on the site would enhance the character of the conservation and setting of the listed building. The new dwellings would be of an appropriate scale, layout, density, mass and design and be constructed of largely traditional materials.

Impact upon Residential Amenity

- 9.28. Policy DM10 of the adopted SADMP requires that the amenities of the occupiers of proposed developments would not be adversely affected by activities within the vicinity of the site.
- 9.29. Policy S8 of the Sheepy Neighbourhood Plan requires development proposals to be designed with evident care so as to show appropriate regard for the amenities of neighbouring properties including sunlight/daylight, privacy, air quality, noise and light pollution.
- 9.30. An objection has been received regarding overlooking and potential loss of privacy from a neighbour to the rear of units 1-3 along the southern boundary. It is acknowledged that there would be some overlooking into the side garden of the rear neighbour and therefore the first floor window to unit 2 has been redesigned so that any direct overlooking is removed. In addition, the main outdoor space used by the neighbours to the rear is their rear garden and this will not be overlooked by any of the three units.
- 9.31. Policy DM10 of the adopted SADMP also requires that the amenity of occupiers of the proposed development would not be adversely affected by activities in the vicinity of the site.
- 9.32. The site plan indicates that the buildings are adequately spaced at the rear with the minimum length of the proposed gardens indicated as 8.5m. The proposed garden sizes would provide between 67m² and 80m² of private rear garden space for the two bedroomed dwellings and between 76m² and 77m² for the two three-bedroomed dwellings. The Council's Good Design Guide sets out a general guideline for three bedroomed houses of 80m² and 60m² for two bedroomed houses. In this instance the gardens are slightly smaller than recommended but it is not considered that the shortfall is such that further amendments to the site layout are warranted given the rural nature of the site, the ease of access to footpath networks, the relative shortfall to the recommended figure and that the figure is a general guideline. It is considered that future occupiers would benefit from adequate garden sizes and an acceptable level of amenity
- 9.33. It is considered that the proposed development sits comfortably within the street scene as the height and design of the proposed properties are consistent with the scale, mass, and form of the neighbouring residential area. The proposed properties would not detract from the character of the area and do not appear as an overbearing feature to any neighbouring property or its occupiers.
- 9.34. The proposal is unlikely to have an adverse impact on the amenities of surrounding residents and provides acceptable residential amenity for future occupiers. As such,

the proposed development is in accordance with Policies DM7 and DM10 of the SADMP and the Good Design Guide.

Impact upon Highway Safety

- 9.35. Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 of the adopted SADMP requires new development to provide an appropriate level of parking provision.
- 9.36. Policy S15 of the Sheepy Neighbourhood Plan states that parking provision for new housing will be in accordance with Policy DM18 of the SADMP and that developments within Sibson should demonstrate that they would not exacerbate any existing problems in the vicinity with increased on-street parking.
- 9.37. Paragraph 111 of the NPPF states that development should only be refused if there would be an unacceptable impact upon highway safety, or the residual cumulative impacts on the road network would be severe.
- 9.38. Objections have been received regarding increased traffic, insufficient on-site parking, insufficient visitors' parking, and the main road being too narrow and unsafe access for increased traffic.
- 9.39. The LHA has checked its Personal Injury Collision (PIC) database and there have been no recorded PICs in the vicinity of the proposed site accesses within the last five years. The LHA therefore believe the proposed development should not exacerbate the existing highway safety situation.
- 9.40. The LHA are satisfied that, subject to the conditions set out below, the access is safe and suitable for the proposed development and accords with Part 3, Paragraph 3.192 of the Leicestershire Highways Design Guide (LHDG).
- 9.41. The LHA are of the view that the proposed development may lead to an intensification of the existing access and have therefore added an appropriate condition below to ensure the perpetual maintenance of the desired minimum visibility splays in both directions at the site access
- 9.42. The LHA are satisfied that the submitted drawings show sufficient space for appropriately sized parking spaces to be provided and that sufficient space has been afforded to allow vehicles to turn and enter the public highway in a forward gear.
- 9.43. The Chartered Institution of Highways and Transportation and the Institute of Highways Engineers have published a guidance note on residential parking. This document, published in April 2012, does state that "Tandem parking spaces are often under-utilised by households with two or more cars in regular use". The LHA has confirmed that tandem parking is considered on a case by case basis and that it is generally considered acceptable and only where three spaces are provided in a tandem arrangement is it considered unacceptable.
- 9.44. This proposed development, and its improved parking standards, complies with LCC Highways Design guidance. Overall it is considered that there would not be a significant adverse impact upon highway safety.
- 9.45. With regard to Policy S15 of the Sheepy Neighbourhood Plan it is considered that on-street parking is a feature of almost every village and hamlet and that there is

not a particular problem with on street parking currently aside from the usual problems that will occur when even a single car parks on street and two vehicles are trying to pass at the same time. It is not considered that the proposal is contrary to the requirements of Policy S15 of the Sheepy Neighbourhood Plan.

- 9.46. Being mindful of paragraph 111 of the NPPF and the comments of the Local Highway Authority it is considered that the proposal would comply with policies DM17 and DM18 of the SADMP.

Drainage

- 9.47. Policy DM7 of the adopted SADMP requires that development does not create exacerbate flooding.
- 9.48. Policy S6 of the Sheepy Neighbourhood Plan states that new development should take full account of flood risk especially from rivers, groundwater and overland flooding. Development is directed to locations at the lowest risk of flooding. It also states that developments should take opportunities to reduce flood risk elsewhere. The policy also requires that developments should incorporate Sustainable Drainage Systems (SuDS), to manage surface water run-off with a goal of no net increase above the surface water run-off rate for greenfield sites rate.
- 9.49. Objections have been received regarding increased risk of flooding and run-off to neighbouring dwellings on Long Row further down the Main Street. It is noted that one of the objections refers to flooding in 1998 and that the drainage pipework identified as the main cause of that flooding has still not been upgraded as recommended at the time of the investigation.
- 9.50. The site lies within Flood Zone 1 on the Environment Agency Flood Map for Planning and within an area that is at very low risk of surface water flooding. It is therefore a site that accords with the requirements of Policy DM7 of the SASDMP and Policy S6 of the Sheepy Neighbourhood Plan.
- 9.51. The Borough Council's Drainage Officer has no objection to the proposal subject to a condition for surface water drainage details incorporating sustainable drainage principles (SuDS). The wording of this condition requires that development shall not commence until a scheme for surface water drainage of the site including design details, calculations and maintenance and incorporating sustainable drainage principles (SuDS) has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the full details prior to the occupation of any dwelling and maintained in accordance with the approved scheme thereafter. It is considered this condition is reasonable and that it appropriately deals with flood risk on the site and generated by development of the site in compliance with Policy DM7 of the SADMP and Policy S6 of the Sheepy Neighbourhood Plan.

Other Matters

- 9.52. The heritage lamppost is owned by the County Council and not the applicant. A condition is attached requiring the lamppost to be repositioned within the verge should it require repositioning in order to accommodate necessary highway works.

Planning Balance

- 9.53. The site is located within the settlement boundary of Sibson where new infill residential development is considered sustainable subject to all other material

considerations. The proposed residential development would therefore not conflict with adopted strategic planning policy, Policy 13 of the Core Strategy.

- 9.54. As referred to earlier within this report the Council is unable to demonstrate a 5-year housing land supply and its housing policies are out of date, therefore, this application should be determined against paragraph 11(d) of the NPPF whereby permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole
- 9.55. Paragraph 8 of the NPPF identifies three overarching and interdependent objectives to sustainable development – the economic, social and environmental objectives. In this case, the proposal would provide a small contribution to the social role through the provision of five additional dwellings and a moderate contribution to the economic role through the construction of the development and future ongoing occupation of the dwellings supporting local services.
- 9.56. It is considered that the removal of the incongruous outbuildings within the immediate setting of the Listed building, and the implementation of a sympathetic range of alterations to Houghton House in accordance with a detailed schedule of works and further details to be provided via condition, will preserve and enhance the special architectural and historic interest of the listed building and enhance the significance of the Sibson Conservation Area. The proposed new dwellings and their associated courtyard, landscaping and boundary treatments would be of a satisfactory scale, layout, density, mass and design, and constructed largely of traditional materials. The proposal would therefore preserve the significance of the Sibson Conservation Area and be compatible with the significance of the Grade II Listed Houghton House and its setting, so consequently it would comply with Policies DM11 and DM12 of the SADMP, section 16 of the NPPF and the statutory duties of Sections 66 and 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 9.57. The application does not conflict with any of the policies set out within any Development Plan and there are no significant or demonstrable adverse impacts that would outweigh the identified social and economic benefits and the presumption in favour of sustainable development. Therefore, no material considerations indicate that a decision should be made other than in accordance with the Development Plan.

10. Equality implications

- 10.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 10.2. Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 10.3. There are no known equality implications arising directly from this development.
- 10.4. The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

11. Conclusion

- 11.1. The proposal is within the settlement boundary of Sibson. The siting, scale and design of the proposed dwellings complement the character of the surrounding area and has a neutral effect on the setting of the nearby listed building. It would also have no significant adverse impact upon the residential amenity of any neighbouring dwellings, it would have no severe adverse impact upon highway safety and there would be no adverse impact upon ecology. Therefore, the proposal would comply with Policies S6, S7, S8 and S15 of the Sheepy Neighbourhood Plan, Policies DM1, DM3, DM6 DM7, DM10, DM11, DM12, DM17 and DM18 of the SADMP, Core Strategy Policy 13, Chapter 16 of the NPPF and the statutory duties of Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act, 1990. Therefore, this application is recommended for approval subject to the conditions below

12. Recommendation

- 12.1. **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report

12.2. Conditions and Reasons

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:

Proposed Ground Floor Site Plan - Drg No. 20101 P03 Dated 25/08/22
 Proposed First Floor Site Plan - Drg No. 20102 P03 Dated 25/08/22
 Proposed Ground Floor Plans Units 1-3 - Drg No 20103 P03 Dated 25/08/22
 Proposed First Floor Plans Units 1-3 - Drg No 20104 P02 Dated 25/08/22
 Proposed Elevations Units 1-3 – Drg No 20201 P03 Dated 25/08/22
 Proposed Floor Plans - Unit 4 - Drg No. 20105 P03 Dated 25/08/22
 Proposed Elevations - Unit 4 - Drg No. 20202 P03 Dated 31/05/22
 Proposed Detailed Elevations - Unit 4 - Drg No. 20106 P0 Dated 31/05/22

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. There shall be no occupation of the fourth dwelling authorised to be constructed pursuant to the planning permission 21/01501/FUL unless and until the internal and external works to Houghton House have been completed in accordance with the details approved in condition 2 of listed building consent reference 21/01502/LBC.

Reason: To secure the enhancement of the listed building to accord with Policies DM11 and DM12 of the Site Allocations and Development Management Policies Development Plan Document.

4. Notwithstanding the submitted details, before development commences full details and/or samples of all external materials for the construction of the new dwellings, including facing walls, roof tiles, details of proposed new windows and doors, window cill and header treatments, and rainwater goods shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved details.

Reason: To ensure that the development has a satisfactory external appearance in the interests of visual amenity and to preserve and enhance the significance of the listed building and the Sibson Conservation Area to accord with Policies DM11 and DM12 of the Site Allocations and Development Management Policies Development Plan Document.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order), no development (as defined by Section 55 of the Town and Country Planning Act 1990) as may otherwise be permitted by virtue of Classes A to H of Part 1 Schedule 2 of the Order shall be carried out upon the new dwellings.

Reason: To ensure continued control over development within the curtilage of the dwellings on the site in the interests of visual amenity and to preserve the significance of the listed building and the Sibson Conservation Area to accord with Policies DM11 and DM12 of the Site Allocations and Development Management Policies Development Plan Document.

6. Notwithstanding the submitted plans, the proposed access shall have a width of a minimum of 4.25 metres for a distance of at least 5 metres behind the highway boundary and shall be surfaced in a bound material with a 5.5 metre dropped crossing and a 6 metre kerbed radii. 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. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 43 metres by 2.4 metres have been provided at the site access in both directions. 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 (2021).

8. The development hereby permitted shall not be first used until such time as the 10 designated parking spaces, each measuring at least 2.4 metres X 5.5 metres have been implemented. 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 in the interests of highway safety and in accordance with the National Planning Policy Framework (2021).

9. 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 five metres of the highway boundary, nor shall any be erected within a distance of six 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 (2021).

10. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 43 metres by 2.4 metres have been provided at the site access in both directions. 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 (2021).

11. The development hereby permitted shall not be first used until such time as the 10 designated parking spaces, each measuring at least 2.4 metres X 5.5 metres have been implemented. 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 in the interests of highway safety and in accordance with the National Planning Policy Framework (2021).

12. 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 five metres of the highway boundary, nor shall any be erected within a distance of six 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 (2021).

13. Development shall not commence until a scheme for surface water drainage of the site including design details, calculations and maintenance and incorporating sustainable drainage principles (SuDS) has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the full details prior to the occupation of any dwelling and maintained in accordance with the approved scheme thereafter.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site to accord with Policy DM7 of the adopted Site Allocations and Development Management Policies DPD.

14. No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted in writing to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

15. If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted in writing to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the first dwelling being occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

16. Prior to commencement of development a Construction Environmental Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. 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.

The plan will provide a procedure for the investigation of complaints. The agreed details shall be implemented throughout the course of the development.

Reason: To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

17. Construction work of the development, hereby permitted, shall not take place other than between the hours of 07:30 hrs and 18:30 hrs on weekdays and 09:00 hrs and 14:00 hrs on Saturdays and shall not take place at any time on Sundays and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

12.3. **Notes to applicant**

Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 3050001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.

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Planning Committee 27th September 2022
Report of the Planning Manager (Development Management)

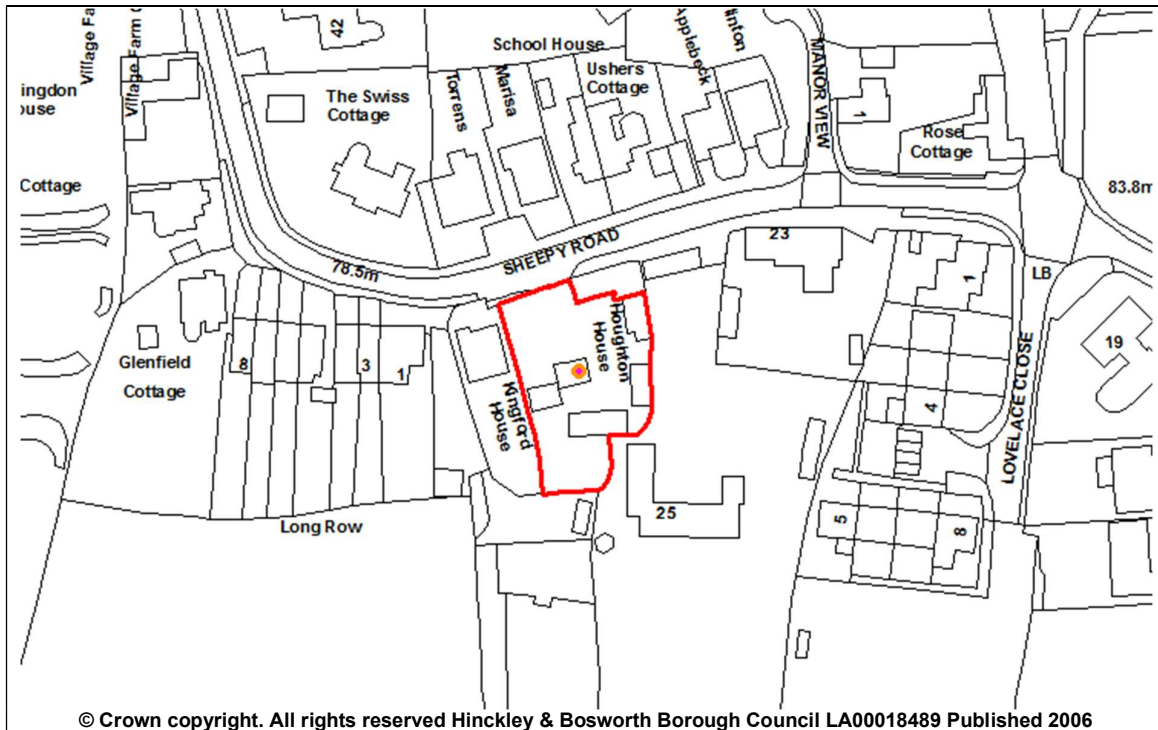
Planning Ref: 21/01502/LBC
Applicant: Ms Amy Lawson-Gill
Ward: Ambien



Hinckley & Bosworth
Borough Council

Site: Houghton House Sheepy Road Sibson

Proposal: Demolition of existing outbuildings and the refurbishment of a Grade II listed residential property.



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

1.2 The changes to the associated application 21/01502/LBC do not impact upon the listed building works covered under this application and so the report remains as submitted to the Committee on 5 July. The only point to note is that seven additional neighbour letters have been submitted but all the comments address matters properly considered under application 21/01501/FUL.

2. Planning application description

2.1. A comprehensive Remaining Schedule of Works document provides a detailed description of the existing structures and a detailed schedule of works proposed in respect of each aspect of the building. The remaining works can be summarised as:-

- 2.2. External works include but are not limited to the demolition of the remaining single storey outbuildings constructed of a variety of materials (including timber frames, timber boarding, brick, clay tile and metal sheet roof) located adjacent to the west and south boundaries of the site to make way for the proposed dwellings, completion of the external brick face to the 1.8m high eastern boundary wall and the erection of a low brick wall with louvre divider to enclose a rear garden to Houghton House.
- 2.3. External alterations include but are not limited to:- the re-formation of the former front elevation entrance door, formation of a new external door to the rear elevation, the repair or replacement of existing windows and doors, the alteration of unsympathetic/unsuitable windows and doors, repair, re-pointing or replacement where necessary of bricks, tiles, render and mortar, and the extension of the chimney stack.
- 2.4. Internal works predominantly consist of re-plastering exposed brick walls in a number of rooms in addition to a small number of other minor renovation works. Many of the earlier consented internal works including the exposing and treatment of the timber frame have been sympathetically undertaken by the applicant.

3. Description of the site and surrounding area

- 3.1. Houghton House is sited on the road frontage (grass verge), and is a two storey, detached cottage with a small outbuilding abutting its eastern gable. There was previously a two-storey gable to the rear (south) elevation with an attached range of single storey brick and tile outbuildings with pitched roof that extended along the east boundary. These ranges have been removed as part of the implementation of permissions reference 14/00541/HOU and 14/00542/LBC. There are a number of other detached outbuildings located to the rear along the west and (part) south boundary, constructed of a variety of materials including brick, timber and metal sheeting used for purposes ancillary to the dwelling.
- 3.2. Houghton House is a grade II listed building located on the south side of Sheepy Road. It is within the Sibson Conservation Area. The listing description states:
- 3.3. *"House. Late C17, refronted mid C18 and late C18. Timber framed with red brick facing. Plain tile roof with large ridge stack and single gable stack. Original lobby entry plan. Exterior. 2 storey, 3 window street front. 2 window section to right fronted mid C18 with two 3-light wooden casement windows and above two 3-light casements with leaded lights which project above the eaves with eye-brow dormer roofs. Single window section to left fronted late C18 with large 3-light cross casement and above another 3-light casement with leaded lights and eye-brow dormer roof. Right return wall rendered over timber framing has single casement window."*

4. Relevant planning history

05/01269/LBC

- Replacement windows to the front elevation
- Listed Building Consent
- 20.01.2006

11/00984/FUL

- Extension and alterations to dwelling
- Planning Permission

- 30.04.2012

11/00985/LBC

- Internal and external extensions and alterations to dwelling including demolition of outbuildings.
- Listed Building Consent
- 30.04.2012

14/00541/HOU

- Extensions and alterations to dwelling
- Planning Permission
- 19.09.2014

14/00542/LBC

- Extensions and internal and external alterations to dwelling including demolition of outbuildings
- Listed Building Consent
- 19.09.2014

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. A site notice was also posted within the vicinity of the site.
- 5.3. A notice was displayed in the local press.

6. Consultation

- 6.1. No comments have been received from the following consultees:
 - Historic England
- 6.2. No objections have been received from the following consultees:
 - HBBC Conservation Officer
- 6.3. Objections have been received from nine separate addresses with the following concerns:
 - 1) Not in keeping with the character
 - 2) Loss and damage to historic fabric
 - 3) The additional properties within the grounds of Houghton House are of a more urban style, bearing no architectural relation either to Sheepy Road (predominantly properties with "eyebrow" windows) or to the historic village as a whole (e.g. the 12th Century Church, the historic Public House or the Old Rectory).
 - 4) Over development of the site.

7. Policy

- 7.1. Sheepy Parish Neighbourhood Plan 2018-2036
 - Policy S7: Local Heritage Assets

- 7.2. Core Strategy (2009)
 - Policy 13: Rural Hamlets
- 7.3. Site Allocations and Development Management Policies DPD (2016)
 - Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM11: Protecting and Enhancing the Historic Environment
 - Policy DM12: Heritage Assets
- 7.4. National Planning Policies and Guidance
 - National Planning Policy Framework (NPPF) (2021)
 - Planning Practice Guidance (PPG)
- 7.5. Other relevant guidance
 - Good Design Guide (2020)
 - National Design Guide (2019)
 - The Sibson Conservation Area Appraisal (2008)
- 8. Appraisal**
 - 8.1. Key Issues
 - Impact upon the special architectural and historic fabric/interest of the Listed Building and its setting.
 - 8.2. Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when considering whether to grant listed building consent to have special regard to the desirability of preserving the building or its setting or any features of special architectural and historic interest which it possesses.
 - 8.3. Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraphs 199-202 of the NPPF require great weight to be given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have clear and convincing justification, and for that harm to be weighed against the public benefits of a proposal.
 - 8.4. Policies DM11 and DM12 of the Site Allocations and Development Management Policies (SADMP) DPD seek to protect and enhance the historic environment and heritage assets. All proposals for extensions and alterations of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building.
 - 8.5. The Remaining Schedule of Works document with history section describes the significance of the listed building, provides justification for the works and a commentary on their potential impact upon its significance. The level of detail within this document is considered more than sufficient and therefore the requirements of paragraph 194 of the NPPF and the relevant sections of DM11 of the SADMP have been met.

Impact upon the significance of the listed building

- 8.6. The remaining single storey outbuildings on the application site have some very limited historical merit in terms of the evolution of the occupation and use of the Houghton House. However, they are later additions to the setting of the main building and by virtue of their current poor condition and appearance it is considered that their demolition will not result in the loss of significant architectural or historic features and subject to the recording that has been supplied in the submitted documentation, their demolition is considered to be justified and therefore acceptable. The detached buildings are of an incongruous appearance and of little merit in terms of historical significance that their demolition will have a positive impact on the setting of the listed building.
- 8.7. In respect of the front elevation, the windows are proposed to be restored to their earlier configuration and the front door re-instated within the existing opening and the dentilled eaves brickwork to the front elevations re-exposed. It is considered that the proposed changes will have a positive impact upon this prominent front elevation of the building and will enhance the special architectural and historical interest of it. The proposed alterations, repair or replacement of windows and doors on the other elevations will not result in the loss of any significant architectural or historical features and therefore are also considered to be acceptable. The extension to the chimney stack, construction of the brick boundary wall to the east site boundary, repair, re-pointing or replacement where necessary of bricks, tiles, render and mortar will not result in any unnecessary loss of salvageable architectural or historical fabric and will improve the stability and long-term viability of the listed building and is therefore acceptable.
- 8.8. The reinstatement of a lime plaster finish to the internal walls alongside other minor renovation works will result in an enhancement to the significance of the listed building and is therefore acceptable.
- 8.9. A detailed and comprehensive scheme of works has been submitted within the Remaining Schedule of Works document in addition to the Appendices of this document providing a general approach and specification for the repair or replacement of timber windows, repointing brickwork, preserving historic plaster, and internal lime plastering. Any works should be carried out in accordance with these details to ensure that the significance of the listed building is preserved. For any new and replacement windows and doors details including their appearance, dimensions and construction materials should be submitted and approved in writing prior to their installation to ensure that the significance of the listed building is preserved and enhanced. A simple elevational and sectional drawing for the windows and doors is recommended.
- 8.10. To ensure that the desired external and internal alterations and renovations to the listed building are implemented it is requested that a suitably worded planning condition is placed on any subsequent approval of the proposed new dwellings within the setting of Houghton House to tie the enhancements to the listed building to the implementation of that development.

9. Equality implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 9.3 There are no known equality implications arising directly from this development.
- 9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

- 10.1. It is considered that the removal of the incongruous outbuildings within the immediate setting of the listed building, and the implementation of a sympathetic range of external and internal alterations to Houghton House in accordance with a detailed schedule of works and further details to be provided via condition, will preserve and enhance its special architectural and historic interest. The proposal is therefore compatible with the significance of the grade II listed building, and it would comply with Policies DM11 and DM12 of the SADMP, section 16 of the NPPF and the statutory duty of Section 16 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990.

11. Recommendation

- 11.1 **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report

- 11.2 That the Planning Manager be given powers to determine the final detail of planning conditions.

11.3 Conditions and Reasons:

1. The works to which this consent relates shall be begun before the expiration of three years from the date of this consent.

Reason: To conform with Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of 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 dated the 31/05/22 and 04/03/22

Design and Access Statement
Design and Access Statement (Low-Res Part 1)

Design and Access Statement (Low-Res Part 2)
 Design and Access Statement (Low-Res Part 3)
 Proposed Ground Floor Site Plan - Drg No. 20101 P03
 Proposed First Floor Site Plan - Drg No. 20102 P03
 Proposed Floor Plans - Unit 4 - Drg No. 20105 P03
 Proposed Elevations - Unit 4 - Drg No. 20102 P03
 Proposed Detailed Elevations - Unit 4 - Drg No. 20106 P0
 Landscaping Illustrative Plan Drg No 214115 94101 P01
 Landscaping Layout Plan Drg No 214115 94102 P01
 Car Parking Provision - 214115 95101- P02
 Garden Areas Plan P02
 Car Parking Provision Plan P02
 Boundary Treatment Plan P02
 Refuse & Recycling Plan P02

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. The development hereby permitted shall be implemented in accordance with the proposed work schedules and Appendices 2, 3, 4 and 5 within the Remaining Schedules of Works document received by the local planning authority on the 31/05/22.

Reason: To ensure that the development has a satisfactory external and internal appearance to preserve and enhance the significance of the listed building to accord with Policies DM11 and DM12 of the Site Allocations and Development Management Policies Development Plan Document.

4. Before any development commences, details of any new and replacement windows and doors on each elevation of the listed building shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved details. The details shall include the window frame and door materials, window frame and door finish, and sectional and elevational window and door drawings to a recognised scale.

Reason: To ensure that the development has a satisfactory external appearance to preserve and enhance the significance of the listed building to accord with Policies DM11 and DM12 of the Site Allocations and Development Management Policies Development Plan Document.

5. There shall be no occupation of the fourth dwelling to be constructed pursuant to the planning permission 21/01501/FUL until the internal and external works to Houghton House have been completed in accordance with the details approved in condition 2 of this listed building consent.

Reason: To secure the enhancement of the listed building to accord with Policies DM11 and DM12 of the Site Allocations and Development Management Policies Development Plan Document.

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Planning Committee 27 September 2022
Report of the Planning Manager
Planning Ref: 21/01413/REM

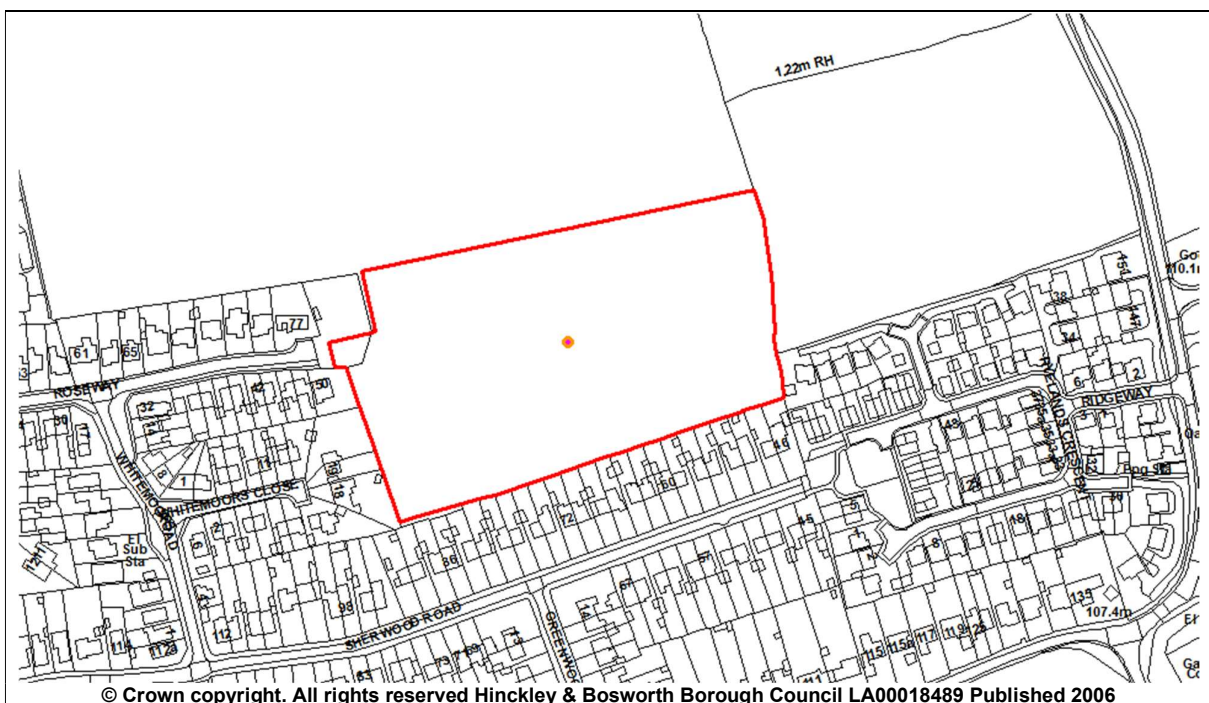


Hinckley & Bosworth
Borough Council

Applicant: Glenalmond Developments Ltd, Richard Furniss,
Dorothy Furniss, Anna Furniss and Irene Milmo
Ward: Ambien

Site: Land East Of Roseway Stoke Golding

Proposal: Reserved Matters application in respect of Appearance, Landscaping,
Layout and Scale (Outline reference: 20/00779/OUT)



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report
- Power to determine the final details of the conditions of planning permission to be delegated to the Planning Manager

2. Background

- 2.1 The application was reported to the 30 August 2022 Planning Committee where members resolved to defer consideration of the application pending resolution of issues relating to the siting of the attenuation pond, the housing mix, reduction of the number of private driveways not intended to be adopted, the impact of the development on flooding, landscaping to the south and west boundaries, and the position of the affordable housing.
- 2.2 The applicant has submitted further detailed information and justification along with revised plans. These issues are discussed in the following section. Other parts of the report shall be read in conjunction with the update outlined in section 3.

3. Discussion of Issues raised by the Members

Siting of the attenuation pond

Comments made by local residents during the Planning Committee indicated the proposed location of the attenuation pond should be repositioned, shifting further south to be in the south-western corner of the site, adjacent to plot 18 Whitemoors Close.

The Drainage Strategy submitted with the application aims to control surface water runoff without increasing flood risk to other developments or adversely impacting on water quality downstream through the use of sustainable and traditional drainage systems. Due to the introduction of impermeable surfaces as part of the development the storm water run-off rate will be increased from that which it is currently. As such this rate will need to be restricted with a flow control feature. Discharge of surface water run-off from the proposed development will be restricted to a peak rate of 12.3l/s, equivalent to the greenfield Qbar runoff rate. Any restricted flows will be retained within the pond. The lowest point on-site is located towards the south-western corner and sits at around 105mAOD. The site of the existing attenuation pond already includes the lowest point on the site.

The various calculations produced and storm water simulations ran on the design can determine the maximum water level of the pond. The retention basin has been sized to attenuate the design 1 in 100 year storm event with a 40% allowance for climate change while maintaining a minimum 300mm freeboard. This design criteria is such that, in order to blend the embankments of the pond to match both existing boundary and proposed development levels, any other position of the pond would be unfeasible. Careful consideration is also given to ensuring appropriate levels of access to the attenuation pond can be provided and protected in perpetuity. This is required to allow the ongoing maintenance of the drainage basin, which is to be maintained by a private management company. It is worth noting that the drainage strategy for this development has been produced in line with the latest guidance.

Relocation of the attenuation pond, away from the low point of the site, would require a larger footprint and would result in encroachment of the developable area into the landscaped buffer along the northern and eastern edge of the site. This would have wider impacts for the proposed development, and it is not considered a suitable alternative. Finally, it is reiterated that the proposed location of the attenuation pond has been reviewed by the LCC and HBBC's drainage officers, who confirmed there are no objections to the proposals.

Reduction of the number of private driveways not intended to be adopted

A suggestion was made by Councillor's to amend the layout, removing all private drives from the scheme. The applicant has agreed to construct all private drives on site to meet adoptable standards. The roads would remain in private ownership but would benefit from improved build quality and durability.

It is important to highlight that the private road network as currently proposed cannot be considered for adoption, even if alterations to the dimensions of private drives to adoptable standards were delivered. Relevant guidance limits the extent of road which can be adopted beyond a turning head and the current layout cannot be amended to deliver an entirely adopted road network. To achieve this, additional turning heads within the scheme would be required, which would represent a poor design and unnecessary over-engineering of the proposed scheme. Moreover, such amendments would result with encroachment into the areas of soft landscaping and open space along the northern and eastern boundary of the site. It is important to reiterate that following amendments to the scheme the Highways Authority had no objections to the

proposed development. The improvements to private drives will come at considerable expense to the applicant, who is willing to work with the Council in this instance to overcome concern raised by Councillor's during the previous committee meeting.

Relationship between 18 Whitemoors Close and plot 65 of the proposed development

The occupant of number 18 Whitemoors Close raised concerns in respect of the relationship between the property and unit 65 of the proposed scheme and it was suggested that additional landscaping be included along this boundary.

Firstly, it is unlikely that any additional landscaping could be suitably protected in perpetuity. The area of land in question will be conveyed to the owners of plot 65 and following occupation, there will be no formal control over the protection of landscaping features. It is of course at each landowner's discretion to manage their property as they see fit. It is reasonable to suggest that future landowners would seek to include additional landscaping within this area, but this cannot be controlled through the planning process.

Secondly, it should be highlighted that the proposed separation distances fully exceed minimum requirements. Back-to-back distances exceed the recommended 21m for all plots, with a number significantly exceeding this requirement with separation distances of 35m. The same applies for all back-to-side distances. The side gable of plot 65 is almost 30m away from the back of number 18 Whitemoors Close and is sufficiently separated from the plot to minimise any impact on residential amenity.

Finally, it is noted that the proposed layout submitted as part of this reserved matters improves the separation distance from the development and 18 Whitemoors Close than which was indicated as part of the outline application.

In the context of the above, it is not considered necessary to make further amendments to the layout in respect of the relationship between unit 65 and 18 Whitemoors Close. However, to aid members in their decision making, a street scene showing the southern boundary of the site has been submitted by the applicant and would be circulated to the Committee members in advance of the Planning Committee.

Housing Mix

The Parish Council objected to the scheme in part due to a conflict with the recently adopted Neighbourhood Plan, which sets out a housing mix for new residential developments. It is important to note that outline planning permission for this site was granted in advance of the adoption of the Neighbourhood Plan, where the quantity of development approved as part of the outline permission was set at up to 65 dwellings.

The previous officer's report confirmed that the provision of a policy compliant housing mix, in accordance with the Stoke Golding Neighbourhood Plan, was not required, as this would not result with an effective use of land in accordance with Chapter 11 and specifically paragraph 119 of the NPPF.

However, in the interest of working with the Parish, the applicant has agreed to alter the housing mix, amending the proposed 3-bedroom 866ft² and 3-bedroom 937ft² units to a 2-bedroom property. The revised housing mix will therefore include 23% of market units as 2-bedroom properties. Whilst it is recognised that this still falls slightly short of the Neighbourhood Plan's preferred mix for two-bedroom units, given the site-specific context and the superior directive in Chapter 11 of the NPPF which requires development to make effective use of the land, it is considered to be an acceptable provision in this instance.

Affordable Housing

Concern has also been raised in respect of the affordable housing clustering across the site. The proposed layout has been amended and refined a number of times as part of the site's evolution and the current proposals are not subject to any objections from technical consultees such as Affordable Housing Officer of the Council. The proposed clustering of affordable housing has been revisited following the last Planning Committee and it is not considered that there are any suitable alternative locations. The most appropriate location for a plot swap would be to shift units 63-65 eastwards and relocate affordable plots 58-61 in the south-west corner. However, this would have implications on the separation distance between plot 18 Whitemoors Close and the proposed development, which given the context of above section, was not considered to be appropriate. It should also be noted that affordable housing providers prefer dwellings to be clustered, minimising maintenance and management costs.

To aid the decision-making process, an updated street scene along the southern boundary of the site has been submitted and shared with the members in advance of the Planning Committee, confirming how both the market and affordable units will be tenure blind in appearance and would create an attractive and varied street scene.

Off-site sewage

An enquiry was submitted to Severn Trent Water (STW) to determine if there is sufficient capacity within the existing public sewerage system to receive foul flows from the proposed development site. The response to this enquiry confirms that the existing STW foul sewer on Roseway has the capacity to take additional flows from the proposed development.

It was also reported by the members of the public that there are concerns surrounding the wider existing foul water sewer network. The Council has approached STW directly to ascertain if they are aware of any issues with their network. No response has been received yet. An update will be provided to the members before planning committee.

4. Planning application description

- 4.1. This is a reserved matters application for the residential development of 65 dwellings with associated open space and children's play area. This reserved matters application is for the consideration of appearance, landscaping, layout and scale following the approval of outline permission 20/00779/OUT for the erection of up to 65 dwellings including public open space, landscaping and associated infrastructure (Outline – access only).
- 4.2. The housing mix proposed comprises 39 market properties, with 20 affordable rent and 6 shared ownership units. The mix of housing ranges includes 2-bed, 3-bed and 4-bed properties. The properties proposed are of traditional construction comprising predominantly facing bricks with roofing tiles. All of the properties would be built to a height of two storeys. The Applicant has confirmed that the development will be delivered using modern methods of construction.
- 4.3. The site layout plans show the development of 65 units predominantly arranged off the main access road, which meanders through the site before connecting with private drives serving properties located near the edges of the site. Properties face onto roads, set back with small front gardens and/or parking spaces. Properties along the northern boundary face out towards the open countryside and are

setback from the site boundary by a linear area of public open space.

- 4.4. An attenuation pond is proposed on land to the west of the site, which a children's play area located in the north-eastern corner. An internal pedestrian route connects the play area to the site entrance and runs through an area of public open space along the northern boundary of the site. All dwellings have been positioned to ensure an adequate separation distance from existing properties on Sherwood Rise and Whitemoors Close.
- 4.5. During the course of the application amended plans have been received, following comments from the officer and consultees, the layout was amended to overcome concerns raised by highway officers regarding the internal road arrangement, as well as increasing the setback from the northern boundary to better reflect the indicative masterplan submitted as part of the outline application. The application was subject to a full re-consultation, where no further issues were raised.

5. Description of the site and surrounding area

- 5.1. The application site is located on the northern side of Stoke Golding. The site adjoins the built-up area of Stoke Golding to the west with dwellings along Roseway and Whitemoors Close and to the south with dwellings along Sherwood Road and in the south east corner with dwellings along Ryeland Crescent.
- 5.2. Properties on Roseway and Whitemoors Close comprise primarily two-storey houses, with some bungalows, which are stepped down the sloping gradient to the west responding to the topography. Sherwood Rise comprises mainly bungalows, some of which have been extended to provide dormer accommodation.
- 5.3. A recently completed development is located to the south-east of the site which includes two 2.5 storey dwellings, including the dwelling closest to the application site.
- 5.4. To the east of the application site, is an agricultural field that is to the west of Hinckley Road, which is heavily screened by vegetation. To the north of the application site is the remainder of the agricultural field. The land beyond the application site continues to slope down to the north where it adjoins, and is accessed from, Stoke Road.

6. Relevant planning history

80/00841/4

- Residential Development
- Refused
- 24.06.1980

75/01254/4

- Erection of dwellings and the formation of access on land part of parcel nos 2553 and 3947.
- Refused
- 25.11.1975

20/00779/OUT

- Residential Development of up to 65 dwellings including public open space, landscaping and associated infrastructure (Outline – access only)
- Approved
- 23.06.2021

7. Publicity

- 7.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.
- 7.2. 26 letters of objections were received from 19 addresses. The following concerns were raised:
- 1) Visual Impact
 - 2) Loss of privacy
 - 3) Anti-social behavior from the Affordable housing element of the proposal
 - 4) Concentration of social housing in one parcel of land within the site
 - 5) Boundary Treatment
 - 6) Drainage
 - 7) The proposed siting of the attenuation pond would increase risk of flooding to the neighbours
 - 8) Loss of vegetation
 - 9) Removal of any tree would be contrary to the Neighborhood Plan policy
 - 10) Correct detail plan has not been submitted for proposed 5 bedroom properties.
 - 11) Poor location of refuse collection
 - 12) Damage to existing roads during construction
 - 13) Proposed development would destroy village life and character
 - 14) Current infrastructure is not sufficient to cope with the development
 - 15) Ecological disturbance

8. Consultation

- 8.1. The following comments have been received :-
- HBBC (Waste Services) - No objection. Previous comments on outline application still applicable.
 - HBBC (Environmental Health) – No objection
 - Leicestershire County Council (Ecology) – No objection.
 - Leicestershire County Council (Archaeology) - Previous comments on outline application still applicable.
 - Historic England – No objection
 - HBBC (Environmental Services – Drainage) – No objection subject to conditions
 - Severn Trent Water – No objection subject to condition related to submission of drainage plans for the disposal of surface water and foul sewage
 - HBBC Conservation Officer – No Objection
 - LCC Highways – No Objection subject to conditions.
 - S106 Monitoring Officer- The accessibility and natural green space, LEAP and casual open space should be clearly identified on the proposed plan and the landscaping plans.
 - HBBC Affordable Housing – No objection
- 8.2. Stoke Golding Parish Council objected to a previous iteration of the layout on the following grounds. No comments have been provided on the current layout.
- Conflict over site access
 - Affordable housing clustering
 - Housing Mix
 - Design

- Visual Impact
- Reduction of separation from Dadlington
- Impact on existing residents
- Ecology and biodiversity
- Traffic and road improvement
- Drainage
- S106 contributions

8.3 Ward Councillor – Supported comments made by Stoke Golding Parish Council.

9. Policy

9.1. Core Strategy (2009)

- Policy 11: Key Rural Centres Stand Alone
- Policy 14: Rural Areas Transport
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 19: Green Space and Play Provision
- Policy 20: Green Infrastructure

9.2. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

9.3. Stoke Golding Neighbourhood Plan (2022)

- Policy HG1: Housing Requirement
- Policy SG4: Housing Mix
- Policy SG5: Affordable Housing
- Policy SG7: Areas of Separation
- Policy SG11: Ecology and Biodiversity
- Policy SG12: Trees and Hedgerows
- Policy SG15: Design

9.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2021)
- Planning Practice Guidance (PPG)

9.5. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)
- Housing Needs Study (2019)
- Affordable Housing SPD (2011)
- Leicestershire Highways Design Guide

10. Appraisal

10.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Housing Mix
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Other matters

Assessment against Strategic Planning Policies

- 10.2 Paragraph 2 of the National Planning Policy Framework (NPPF) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and the NPPF is a material consideration in the determination of applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.
- 10.3 Paragraph 11 of the NPPF and Policy DM1 of the Site Allocations and Development Management Plan Document (SADMP) sets out a presumption in favour of sustainable development, and state that development proposals that accord with the development should be approved unless the other material considerations indicate otherwise. The Development Plan in this instance consists of the adopted Core Strategy (2009), the Site Allocations and Development Management Policies DPD (2016) (SADMP) and the Stoke Golding Neighbourhood Plan (2022)
- 10.4 The site is identified in the Stoke Golding Neighbourhood Plan (SGNP) as contributing towards the minimum housing requirement for Stoke Golding between 2020 – 2039 as identified in the emerging Local Plan Review 202-2039. The emerging Local Plan for 2020-2039 has reached Regulation 19 draft stage and thus can be given only limited weight at this stage.
- 10.5 In this instance, the principle for development within this area has already been established through the earlier grant of Planning permission (Ref: 20/00779/OUT). The proposal would therefore be acceptable in terms of the strategic planning principles subject to all other planning matters being satisfactorily addressed.

Design and Impact Upon the Character of the Area

- 10.6 Policy DM10 of the SADMP requires development to enhance the character of the surrounding area, appropriate use of building materials, high standards of landscaping, conservation of energy, and that natural surveillance, fire safety measures and the principles of secured by design is maximised. This is also supported through the adopted Good Design Guide 2020. Policy SG15 of the SGNP requires development to reflect the traditional character of Stoke Golding, whilst creating a sense of place, integrating into the surroundings, protecting existing features and provide attractive public and private spaces. The site is a greenfield site, which is relatively open. The outline application identified that the development of the site would have an impact upon the immediate area, however the wider impact would be limited, subject to appropriate landscaping and design. This is due to the sites positioning outside, but adjacent to, the existing limits of development in Stoke Golding.
- 10.7 The principles of the design and layout of the scheme were confirmed within the outline application as the indicative masterplan was submitted by the applicant. The Reserved Matters layout submitted by the applicant retains these key principles and would deliver a scheme that is appropriate for its location within the settlement and existing landscape features.

- 10.8 This Reserved Matters layout retains the key characteristics of the outline masterplan, notably the offset from the northern and north-eastern boundary of the site. The internal layout has evolved throughout the course of the reserved matter application in response to comments from statutory consultees. Amendments to the plan included the repositioning of the internal road network, which now turns southward at an earlier point in the site, encouraging slower vehicle speeds.
- 10.9 The applicant has also amended the layout to include a greater offset from the northern boundary line, via the introduction of a linear area of public open space. The north-eastern parcel of POS now includes the proposed children's play area. This has the benefit of providing informal surveillance of the play area from the south and west, along with ensuring an adequate separation distance between the play equipment and the proposed dwellings.
- 10.10 The layout has been designed to provide tenure blindness between the open market and affordable units. Affordable dwellings are provided as a number of separated parcels along the southern and eastern flanks of the site.
- 10.11 The designs of the proposed dwellings include a variety of features, such as porches, dual fronted aspects, a variety of roof types and a range of materials and detailing. There are number of different house types to add interest to the streetscene.

Housing Mix

- 10.12 Policy 16 of the adopted Core Strategy requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings and a minimum net density of 30 dwellings per hectare within Key Rural Centres.
- 10.13 Paragraphs 126 and 130 of the NPPF (2021) states that good design is a key aspect of sustainable development and planning decisions as it creates better places in which to live and work and helps make development acceptable to communities. Decisions should ensure that development; will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate landscaping, are sympathetic to local character, establish/maintain a strong sense of place and optimise the potential of the site.
- 10.14 The site delivers a range of densities across the site, with an average of 35 dwellings per hectare. Higher density development is located towards the central and southern areas of the site, with a reduced density near the site's boundary with the open countryside.
- 10.15 The proposal includes a policy compliant provision of 40% affordable housing with a tenure split of 75% affordable rented and 25% intermediate rent. The affordable housing mix includes two and three bedroom properties. This mix has been consulted upon with the Strategic Housing Strategy and Enabling officer who raises no concerns or objections to the altered tenure mix to that outlined in Policy 15 of the Core Strategy and the Affordable Housing SPD. The mix and tenure of the proposed dwellings is therefore in accordance with Policy 15 and Policy 16 of the Core Strategy and Policy SA2 of the Site Allocations and Development Management Policy DPD (SADMP).
- 10.16 The SGNP sets out a requirement for the following housing mix:

	1 bedroom	2 bedroom	3 bedroom	4+ bedroom
Market Housing	5%	30%	45%	20%
Affordable Home ownership	10%	50%	30%	10%
Affordable	25%	40%	30%	5%

housing (rented)				
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- 10.17 The proposed layout differs from the prescribed mix in the SGNP, providing a greater number of 3 and 4 bedroom market units in place of 1 and 2 bedroom dwellings. Whilst there is therefore some degree of conflict with the SGNP, Officers recognise the superior directive in Chapter 11 of the NPPF which requires development to make effective use of the land. Moreover, the proposed mix is not considered to be too heavily weighted to larger dwellings, with only 19 four bedroom dwellings and no five bedroom units. The largest house type by quantity is three bedroom which is welcomed.
- 10.18 The proposed layout has evolved throughout the application process, positively responding to commentary made by consultees. Officers are content that the proposed housing mix is suitable for the site.

Historic Environment

- 10.19 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural and historic interest which it possesses.
- 10.20 Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 10.21 Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD seek to protect and enhance the historic environment and heritage assets. Policy DM11 states that the Borough Council will protect, conserve and enhance the historic environment throughout the borough. Policy DM12 requires all development proposals to accord with Policy DM10: Development and Design. Policy DM12 also states that all proposals for development affecting the setting of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting, and that development proposals should ensure the significance of a conservation area is preserved and enhanced. In addition development proposals within or adjacent to the historic landscape of Bosworth Battlefield should seek to better reveal the historic significance of the area. Proposals which adversely affect the Bosworth Battlefield or its setting should be wholly exceptional and accompanied with clear and convincing justification. Such proposals will be assessed against their public benefits.
- 10.22 This proposal affects the significance of the grade I listed building the Church of St Margaret, the Stoke Golding Conservation Area, the Ashby Canal Conservation Area and the Registered Battle of Bosworth Field, by virtue of its location within the wider setting of these designated heritage assets. At outline planning stage the proposal was considered to have a neutral impact causing no harm to their significance, although a key component of determining this impact is the requirement for an appropriate layout and the use of a soft landscaped treatment to the northern boundary to be confirmed at reserved matters stage.
- 10.23 The proposals submitted as part of the reserved matter application specially the revised plans further increase the buffer between the proposed new housing and the rural landscape to the north and increase the amount of tree and hedgerow planting

throughout the site. It is considered that, due to its appropriate appearance, landscaping, layout and scale the proposal is still considered to have a neutral impact causing no harm to their significance. The proposal is therefore compatible with the significance of the listed building, would preserve the significance of the conservation areas and the Registered Battlefield, so consequently the proposal accords with Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD, section 16 of the National Planning Policy Framework and the statutory duty of Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.

Impact upon Neighbouring Residential Amenity

- 10.24 Policy DM10 of the SADMP seeks to ensure that development would not have significant adverse effect upon the privacy or amenity of nearby residents and occupiers of adjacent buildings, and the amenity of the occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.
- 10.25 Residential dwellings are located to the south and west of the site. To the north and east is open countryside. Concerns have been raised by the local residents specifically from the west of the site that the proposal would have privacy and overbearing issues for them. The revised layout plan has addressed these concerns by increasing separation distance between plot 65 of the proposed development and residential properties to the west of the site. Plot 65 has no principal side facing window, therefore there should not be any privacy issue.
- 10.26 Properties set along the southern boundary of the site face inwards and have been designed to provide appropriate separation distances and rear amenity spaces. This ensures that no dwelling is unduly overlooked, nor are there any instances where dwellings are overbearing upon one another.
- 10.27 Concerns have been raised by the local residents that the affordable housing element is concentrated in one parcel of land and that would increase antisocial behavior problem for the neighbouring residents. However, affordable dwellings would be provided as a number of separated parcels along the southern and western flanks of the site.
- 10.28 It is not considered that the development, once completed would have a detrimental impact upon any of these residential dwellings in terms of any overbearing impact or overlooking. Conditions are included within the outline permission for a construction environmental management plan and limited construction hours which seek to protect existing and proposed residential amenity during the course of the development.
- 10.29 Therefore, when having regard to layout, scale and appearance of the proposed development, it is not considered that the proposal would have an adverse impact upon residential amenity and would accord with Policy DM10 of the SADMP.

Impact Upon Highway Safety

- 10.30 Policy DM17 of the SADMP requires that applications meet a number of criteria, the most relevant for this application is c) demonstrate that there is not a significant adverse impact upon highway safety. This policy also requires proposals to reflect the highway design standards that are set out in the most up to date guidance, this is the Leicestershire Highways Design Guide.
- 10.31 During the course of the application, amended plans have been received following comments from the Local Highways Authority. The revised plans have been submitted to ensure roads are designed to meet adoptable standards. The layout of the spine roads has been designed to incorporate speed control measures and adequate forward visibility.
- 10.32 However, after reviewing the revised plan the LHA advised that the internal road layout is still not considered to be suitable for adoption. There are several points which would need to be addressed prior to the layout being adoptable. Nevertheless, it is the view of LHA that the issues with the internal layout are not considered reasons for refusal

should the applicant wish for the road layout to remain in private ownership. Subject to conditions, the proposals would not have significant impact on highway safety and in accordance with Policy DM17 of the SADMP and the NPPF.

Ecology

- 10.33 Policy DM6 of the SADMP states that major development must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services. On site features should be retained, buffered and managed favorably to maintain their ecological value, connectivity and functionality in the long term.
- 10.34 The application has been subject to consultation with Leicestershire County Council (Ecology) who have confirmed there is no objection to the proposed development. It is noted that Leicestershire County Council (Ecology) confirmed during the determination of the outline application that no further ecological works were required. The development therefore accords with Policy DM6 of the SADMP.

Drainage and Flooding

- 10.35 Policy DM7 of the SADMP seeks to ensure that development does not create or exacerbate flooding. The outline approval (ref: 20/00779/OUT) was accompanied with by a Flood Risk Assessment (FRA), which identified that the site is in flood zone 1 (low less than 1 in 1000 annual probability of flooding).
- 10.36 The neighboring residents to the west of the site has raised concern that proposed siting of the attenuation pond would increase risk of flooding to the neighbours. However, the Lead Local Flood Authority and HBBC Drainage have reviewed the proposal related to flood and drainage and are in the view that the proposal would not increase risk of flooding to the surrounding areas.
- 10.37 The FRA includes a Flood Mitigation Strategy and a proposed surface water management strategy, to be incorporated into the scheme. Moreover, the revised scheme removed the footpath near the west site boundary and elongates the attenuation pond to address the concern of the neighbours. There are separate conditions requiring the details of surface water drainage to be submitted prior to the commencement of the site. Therefore, the scheme is not considered to create or exacerbate flooding and would accord with Policy DM17 of the SADMP.

Sustainability

- 10.38 Policy DM10 of the SADMP seeks to reduce the impact on climate change through sustainable design and the council seeks to achieve the most sustainable development possible, taking into account energy efficiency, design and orientation, and other measures which contribute towards sustainable development.
- 10.39 The sustainability principles that would be delivered as a result of this development include: -
- I. Delivery of highly energy efficient homes using Modern Methods of Construction
 - II. Effective Design ensuring an efficient use of land
 - III. Public transport links will provide connections to the wider area
 - IV. Existing landscape features to be retained and new habitats to be created on site.
 - V. Sustainable Urban Drainage system to be implemented on site
- 10.40 The green corridor running along the northern boundary of the site includes existing and improved hedgerows, providing a softer development edge. The proposals seek to retain and enhance these features with additional planting where appropriate. The layout of the site ensures this corridor is overlooked to encourage and allow safe pedestrian movement.

11. Equality implications

11.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

11.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

11.3 There are no known equality implications arising directly from this development.

11.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

12. Conclusion

12.1. The principle of development has been established through the granting of the outline planning permission 20/00799/OUT. The appearance, landscaping, scale and layout of the proposed infrastructure is considered acceptable in accordance with the design principles outline within the approved DAS to accord with Policy DM10 of the SADMP.

12.2. The proposed development would not have any adverse impact upon Highway safety, residential amenity and ecology. The proposal would not exacerbate nor create any surface water flooding and would therefore provide a sustainable development to accord with Policies DM6, DM7, DM10 and DM17 of the SADMP.

13. Recommendation

13.1 **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report
- Power to determine the final details of the conditions of planning permission to be delegated to the Planning Manager

13.2 Conditions and Reasons

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

Proposed Site Plan, Drg No. 3712-05M
2B 834 Floor Plans, Elevations, Drg No. 3112-10
3B 866 Floor Plans, Elevations, Drg No. 3712-12
3B 904 Floor Plans, Elevations, Drg No. 3712-11
3B 937 Floor Plans, Elevations, Drg No. 3712-13
3B 986 Floor Plans, Elevations, Drg No 3712-14

3B 1030 Floor Plans, Page 1 of 2, Drg No 3712 – 29
 3B 1030 Elevations Page 2 of 2, Drg No 3712 – 30
 4B 1220 Floor Plans, Elevations, Drg No 3712-15
 4B 1267 Floor Plans Page 1 of 2, Drg No 3712-16
 4B 1267 Elevations Page 2 of 2, Drg No 3712-17
 4B 1428 Floor Plans Page 1 of 2, Drg No 3712-19
 4B 1428 Elevations Page 2 of 2, Drg No 3712-20
 4B 1488 Floor Plans Page 1 of 2, Drg No 3712-21
 4B 1488 Elevations Page 2 of 2, Drg No 3712-22
 4B 1578 Floor Plans page 1 of 2, Drg No 3712-23
 4B 1578 Elevations page 2 of 2, Drg No 3712-24
 4B 1696 Floor Plans, Elevations, Drg No 3712-25
 4B 1855 Floor Plans page 1 of 2, Drg No. 3712-26
 4B 1855 Floor Plans page 2 of 2, Drg No. 3712-27
 Landscaping Plan, Sheet 1 of 3, DWG No. EML BH 1172 01 Rev B
 Landscaping Plan, Sheet 2 of 3, DWG No. EML BH 1172 02 Rev B
 Landscaping Plan, Sheet 3 of 3, DWG No. EML BH 1172 03 Rev B
 Tree Pit Details, DWG No. EML BH 1172 04 Rev A

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

2. Prior to the commencement of the development, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings shall be deposited with and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with those approved materials.

Reason: To ensure that the development has a satisfactory external appearance and in the interests of visual amenity to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD.

3. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Browhill Hayward Brown Drawing No. 3712-05 Rev M. 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 accordance with Policy DM17 and DM18 of the adopted Site Allocations and Development Management Policies Plan.

4. Any dwellings that are served by private access drives (and any turning spaces) shall not be occupied until such time as the private access drive that serves those dwellings has been provided in accordance with Figure DG20 of the Leicestershire Highway Design Guide. The private access drives should be 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 policy DM17 of the adopted Site Allocations and Development Management Policies DPD and the NPPF.

5. No part of the development hereby permitted shall be occupied until such time as 1.0 metre by 1.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of each private drive/ shared private drive with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway and, once provided, shall be so maintained in perpetuity.

Reason: In the interests of pedestrian safety, and in accordance with policy DM17 of the adopted Site Allocations and Development Management Policies DPD and the NPPF.

6. 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

Notwithstanding the submitted plans, any garage doors shall be set back from the highway boundary a minimum distance of 5.5 metres for sliding or roller/shutter doors/ 6.1 metres for up-and-over doors / 6.5 metres for doors opening outwards and thereafter shall be so maintained.

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 and in accordance with policy DM17 of the adopted Site Allocations and Development Management Policies DPD and the NPPF

7. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with satisfactory means of surface water drainage to prevent flooding and minimise the risk of pollution in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

8. No external lighting shall be installed on the site until plans showing the type of light appliance, illumination levels and light spillage, and full details of external cowls, louvers or other shields to be fitted to the lights, have been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall be installed in accordance with the approved details, and the approved light shielding put in place before being first brought into use, and the lighting shall be maintained as such thereafter and in perpetuity.

Reason: In the interests of the residential amenity of the area and to minimise unnecessary light spillage above and outside the development site in accordance with Policy DM10 of the Site Allocations and Development Policies DPD.

9. No development shall take place until a scheme makes adequate provision for waste and recycling storage of containers and collection across the site which has been submitted to and approved in writing to the Local Planning authority. The details should address accessibility to storage facilities and confirm adequate space is provided at the adopted highway boundary to store and service wheeled containers.

Reason: To ensure that the development is served with a satisfactory waste collection scheme across the site to serve the amenity of the future occupants to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD.

13.3 Notes to applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
3. If the roads within the proposed development are to be offered for adoption by the Local Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980. Detailed plans will need to be submitted and approved, the Agreement signed and all sureties and fees paid prior to the commencement of development. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>
If an Agreement is not in place when the development is commenced, the Local Highway Authority will serve Advanced Payment Codes in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please email road.adoptions@leics.gov.uk in the first instance.
4. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
5. All proposed off site highway works, and internal road layouts shall be designed in accordance with Leicestershire County Council's latest design guidance, as Local Highway Authority. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>

PLANNING APPEAL PROGRESS REPORT - Week ending: 16.09.22

WR – WRITTEN PRESENTATIONS

HA – HOUSEHOLDER APPEAL

IN – INFORMAL HEARING

PI – PUBLIC INQUIRY

File Ref	Case Officer	Application No	Type	Appellant	Development	Appeal Status	Process Dates
22/00020/ENF		20/01374/FUL 20/00080/UNBLDS (PINS: 3305795)	IH	Mr Mike Deacon	Breach Lane Farm Breach Lane Earl Shilton Leicester (Change of use of land for the storage, repair, restoration and sale of vehicles, associated shipping containers and area of hardstanding (mixed use) (part retrospective)	Start Date Interested Party comment	25.08.2022 06.10.2022 27.10.2022
18/00018/NONDET	LA	21/01470/OUT (PINS:3295558)	IH	Ms A Genco Harrow Estates	Land East Of The Common Barwell Leicestershire (Residential development of 110 dwellings with associated access, open space and landscaping (outline - access only))	Start Date Statement of Case Comment	18.08.22 22.09.22 22.09.22
22/00019/PP		21/00787/OUT (PINS: 3300552)	IH	Penland Estates Limited, RV Millington Limited, Sarah Higgins and Gavin Higgins	Land Northeast of Ashby Road Markfield LE67 9UB Residential development of up to 93 dwellings, public open space, landscaping and SuDS (Outline-access only) (cross boundary application with Charnwood BC)	Start Date Statement of Case Notification Letter Hearing	31.08.22 05.10.22 19.10.22 15.11.22
22/00017/PP	AB	21/01131/OUT (PINS: 3301735)	PI	Barwood Development Securities Ltd	Land off Sketchley Lane Burbage (Demolition of existing poultry and cattle buildings and residential development of up to 150 dwellings with vehicular access from Sketchley Lane (outline - vehicular access only))	Start Date Statement of Case Proof of Evidence Inquiry	08.08.22 20.09.22 01.11.22 29.11.22

22/00001/ENF	CZ	EN20/00278/UNBLDS (PINS:3289687)	PI	Mr William Willett	Bungalow Farm The Paddocks Earl Shilton LE9 7TJ	Inquiry	27 Sep 2022
22/00022/PP		22/00459/HOU (PINS: 3305188)	WR	Mr Mathew Stachurski	7 Norwood Close Hinckley LE10 1TS (First floor side extension)	Start Date Questionnaire	08.09.22 14.09.22
22/00016/PP		21/00159/OUT (PINS:3299049)	WR	Mr and Mrs K Kooner	Land adj to Four Acres Leicester Road Desford LE9 9JJ (Residential development of one dwelling (outline-access only))	Start Date Final Comments	29.07.22 16.09.22
		21/00674/FUL (PINS:3305662)	WR	Mr & Mrs & Mrs & Mrs Stephens and Arkle	19-21 Ratby Road Groby Leicester (Change of use from residential to commercial for No.21 Ratby Road, demolition of retaining walls and outbuildings and erection of two dwellings including the formation of new access and car park (resubmission of 20/01262/FUL))	Awaiting Start Date	23.08.2022
		20/00862/HOU (PINS:3273173)	WR	Mr Micky Ahluwalia	10 Rosemary Way Hinckley LE10 0LN (Two storey side and rear extension)	Awaiting Start Date	16.04.22
22/00021/PP		21/00981/FUL (PINS:3301962)	WR	Merriwell Properties Ltd	Land to the rear of 84,84A & 86 Leicester Road Hinckley (Erection of six detached dwellings)	Start Date Questionnaire Statement Final Comments	05.09.22 13.09.22 10.10.22 24.10.22
21/00033/CLD	EC	21/00889/CLE (PINS Ref 3283791)	WR	Mr & Mrs Alec Moore 78 Main Street Bagworth	78 Main Street Bagworth	Awaiting Decision	

					(Certificate of Lawful Existing Use for the use of the outbuilding (only) to the rear of 78 Main Street, Bagworth as a maintenance, service, and repair workshop (resubmission of 20/01141/CLE))		
22/00007/NONDET	JPS	21/01149/OUT (PINS:3290898)	WR	Mr Roger Edwards 2 De Montfort Road Hinckley LE10 1LQ	Land North 258 Ashby Road Hinckley LE10 1SW (Erection of up to 5 no. dwellings (outline - access only) land north of 258 Ashby Road)	Awaiting Decision	
22/00011/PP	JPS	21/00130/FUL (PINS: 3288892)	WR	Mr & Mrs Chris and Mandy Wright	236 Ashby Road HINCKLEY LE10 1SW (Erection of two dwellings)	Awaiting Decision	
22/00009/PP	TV	20/01003/FUL (PINS 3286965)	WR	Mr Farhad Tailor	Oldlands Fenn Lanes Dadlington CV13 6DS (Indoor menage building)	Awaiting Decision	
22/00014/PP	TH	21/00556/FUL (PINS:3297466)	IH	Springbourne Homes Limited	Land Rear Of 5 - 15 The Coppice Burbage (Erection of No. 8 dwellings with associated access and landscaping)	Awaiting Decision	

Decisions Received

21/00031/NONDET	SL	21/00581/OUT (PINS ref 3284379)	PI	Mr David Thornton-Baker Barwell Capitol Ltd Harris Lamb Ltd 75-76 Francis Road Birmingham	Land At Crabtree Farm Hinckley Road Barwell (Residential development of up to 25 dwellings with associated public open space and infrastructure (outline - access to be considered))	Allowed	01.06.22
22/00007/NONDET	JPS	21/01149/OUT (PINS:3290898)	WR	Mr Roger Edwards 2 De Montfort Road Hinckley LE10 1LQ	Land North 258 Ashby Road Hinckley LE10 1SW (Erection of up to 5 no. dwellings (outline - access only) land north of 258 Ashby Road)	Dismissed	07.06.22
22/00004/PP	OP	21/00307/OUT (PINS Ref 3283898)	WR	Mr & Mrs Brooks 7 Assheton Lane Twycross	7 Assheton Lane Twycross (Erection of one dwelling (outline - access only))	Dismissed	10.06.22
22/00002/NONDET	OP	21/00687/OUT (PINS: 3283890)	WR	Hallmark properties (Leic) Ltd	Land at Higham Lane Stoke Golding (Residential development for one dwelling (Outline- access and layout)	Dismissed	14.06.22
22/00012/PP	JA	21/00196/FUL (PINS: 3291363)	WR	Mr Rakesh Mistry	24 Main Street Ratby LE6 0JG (Dropped kerb outside 24 Main Street)	Dismissed	16.06.22
22/00010/PP	TV	20/01011/FUL (PINS: 3290710)	WR	Roger Lee Planning	Wide View fennLane fenny Drayton CV13 6BJ (Change of use from agricultural land to storage of agricultural machinery, vehicles and materials, vehicular access (Retrospective))	Dismissed	17.06.22
22/00008/PP	TV	21/00640/OUT (PINS Ref 3290863)	WR	Mrs A Kitching Home Farm Cottage 23 Barton Road CV13 0LQ	Land North,Nailstone Road,Barton in the Beans (Residential development for ten bungalows (outline - access only))	Dismissed	22.07.22

22/00013/NONDET	TV	21/01080/FUL (PINS: 3292353)	WR	Ms Magdalena Brace Amberon LtD Sketchley Meadows	Amberon LtD Unit 8 Sketchley Meadows LE10 3EN (Erection of fencing and gates)	Allowed	05.08.22
22/00015/PP	JA	21/01400/HOU (PINS: 3299592)	HA	Mr & Mrs M Parsons	48 Clarence Road Hinckley LE10 1DR (Proposed Loft Conversion to existing dwelling)	Dismissed	08.09.22

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