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Hinckley & Bosworth
Borough Council

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

Date: 17 April 2023

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, 25 APRIL 2023** 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

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Thank you

PLANNING COMMITTEE - 25 APRIL 2023

A G E N D A

1. **APOLOGIES AND SUBSTITUTIONS**

2. **MINUTES (Pages 1 - 6)**

To confirm the minutes of the meeting held on 21 March 2023.

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. **22/01233/FUL - HOUGHTON HOUSE, SHEEPY ROAD, SIBSON (Pages 7 - 30)**

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

8. **23/00150/CONDIT - 12 SKETCHLEY LANE, RATCLIFFE CULEY (Pages 31 - 42)**

Application for variation of conditions 2 and 7 of planning permission 22/00639/FUL. Amendment to erect a single storey rear extension to plots 1 and 2, remove and replace detached garage for plot 1 with hardstanding

9. **22/01056/FUL - 7 DEAN ROAD, HINCKLEY (Pages 43 - 50)**

Application for two storey dwelling house and two storey detached garage with driveway and landscaping to land south of 7 Dean Road

10. **23/00077/FUL - 11 WALLACE DRIVE, GROBY (Pages 51 - 58)**

Application for conversion of garage to office and bedroom with en-suite (retrospective)

11. **23/00087/FUL - ST JAMES C OF E PARISH CHURCH, BOSWORTH ROAD, SUTTON CHENEY (Pages 59 - 72)**
Application for erection of three sculpture works (The Calm before the Storm)
12. **23/00088/FUL - LAND TO THE WEST OF SHENTON LANE, DADLINGTON (Pages 73 - 84)**
Application for erection of sculpture work (The Storm Breaks)
13. **23/00089/FUL - BOSWORTH BATTLEFIELD CENTRE, AMBION LANE, SUTTON CHENEY (Pages 85 - 94)**
Application for erection of sculpture work (Piecing together the Past)
14. **APPEALS PROGRESS (Pages 95 - 100)**
To report on progress relating to various appeals.

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

PLANNING COMMITTEE

21 MARCH 2023 AT 6.30 PM

PRESENT: Cllr MJ Crooks - Chairman
Cllr E Hollick – Vice-Chairman
Cllr RG Allen, Cllr SL Bray, Cllr DS Cope, Cllr WJ Crooks, Cllr REH Flemming,
Cllr SM Gibbens, Cllr L Hodgkins, Cllr K Morrell (for Cllr CM Allen),
Cllr LJ Mullaney, Cllr BR Walker and Cllr P Williams (for Cllr KWP Lynch)

Also in attendance: Councillor DC Bill MBE and Councillor R Webber-Jones

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

326. **Apologies and substitutions**

Apologies for absence were submitted on behalf of Councillors C Allen, Boothby, Furlong, Lynch and Smith, with the following substitutions authorised in accordance with council procedure rule 10:

Councillor Morrell for Councillor Allen
Councillor P Williams for Councillor Lynch.

327. **Minutes**

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

RESOLVED – the minutes of the meeting held on 14 February be confirmed and signed by the chair.

328. **Declarations of interest**

Councillors Flemming and Walker stated they sat on Burbage Parish Council's Planning Committee during consideration of applications 22/01072/FUL and 22/00636/REM but did not take part in the discussion or vote and came to this meeting with an open mind.

Councillor Allen stated he had sat on Earl Shilton Town Council's Planning Committee during consideration of application 21/01390/FUL but said he hadn't expressed an opinion and did not participate in the discussion or vote.

329. **Decisions delegated at previous meeting**

It was reported that application 22/00648/OUT was subject to a section 106 agreement, application 22/00499/FUL was on the agenda for this meeting and the remaining decisions had been issued.

330. 22/01227/OUT - Ashfield Farm, Kirkby Road, Desford

Outline application for residential dwellings of up to 120 dwellings, all matters reserved, except for access.

An objector, the agent and the ward councillor spoke on this application.

Notwithstanding the officer's recommendation that permission be granted, members felt that the proposal would have an adverse impact on neighbouring properties and on the amenities of the village and would be detrimental to highway safety due to narrow roads and existing on street parking and was therefore contrary to policies DM10 and DM17 of the Site Allocations and Development Management Policies DPD.

It was moved by Councillor J Crooks, seconded by Councillor W Crooks and unanimously

RESOLVED – permission be refused as the proposal for up to 120 dwellings would be detrimental to highway safety due to the narrow residential road that provides the access to the site. As a result, and in addition to the existing on street parking issues, the location is considered to be unsuitable for this amount of development and therefore its residual cumulative impact on the local road network would be severe. All traffic from the proposal would pass a primary school and this additional traffic on residential roads would negatively impact upon neighbouring residential amenity as a result of the significant increase in traffic, noise and general disturbance. The scheme is therefore contrary to policies DM10 and DM17 of the Site Allocations and Development Management Policies DPD 2016, policy T1 of the Desford Neighbourhood Plan and the requirements of paragraph 111 of the National Planning Policy Framework 2021.

331. 21/01390/FUL - Barrow Hill Quarry, Mill Lane, Earl Shilton

Application for erection of 21 residential holiday lodges and a management building with associated vehicular accesses, parking, surface water balancing and landscaping.

An objector and the agent spoke on this application.

It was moved by Councillor Allen that permission be refused due to the detriment to highway safety. In the absence of a seconder, the motion was not put.

It was moved by Councillor Bray that the Head of Planning be granted authority to approve the application following consultation with the ward councillors to agree conditions to secure delivery of the road and control hardcore on the site. Councillor Allen seconded the proposal and upon being put to the vote, the motion was CARRIED and it was

RESOLVED – the Head of Planning be granted authority to grant permission following consultation with ward councillors to agree conditions.

332. 22/00499/FUL - Land Rear of 10 Hill Close, Peckleton

Application for construction of stables and change of use of land to equestrian use (resubmission of 22/00092/FUL).

In presenting the report, and amendment to condition 5 was recommended to restrict use of the site and building for the applicant's family's horses only and for ancillary storage and for no events for commercial or industrial purposes, including as livery stables.

An objector, the agent and the ward councillor spoke on this application.

It was moved by Councillor Allen and seconded by Councillor Hodgkins that permission be granted in accordance with the officer's recommendation. Councillor Bray proposed an amendment that the Head of Planning be granted delegated powers to grant permission following negotiations to reduce the size of the tractor storage. Councillor Allen and Councillor Hodgkins accepted the amendment and added a request that alternative roofing material be explored.

Upon being put to the vote, the motion was CARRIED and it was

RESOLVED –

- (i) Authority be delegated to the Head of Planning to grant permission following discussions with the applicant with regard to the size of the tractor storage and roofing materials and subject to:
 - a. the conditions contained in the officer's report and late items;
 - b. an amendment to condition 5 to restrict use of the site and building for the applicant's family's horses only and for ancillary storage and for no events for commercial or industrial purposes, including as livery stables.
- (ii) The Head of Planning be granted authority to determine the final wording of the planning conditions.

333. 22/00962/FUL - Baptist Chapel, 22 Main Street, Barton in The Beans

Application for single storey extension and erection of three glamping pods.

It was moved by Councillor Allen, seconded by Councillor J Crooks and

RESOLVED –

- (i) Permission be granted subject to the conditions contained in the officer's report;
- (ii) The Head of Planning be granted authority to determine the final wording of the planning conditions.

334. 22/01072/FUL - 2 Aldridge Road, Burbage

Application for part change of use from dwelling to medical services (class E(e) – dental surgery).

An objector and the applicant spoke on this application.

Notwithstanding the officer's recommendation that permission be granted, some members felt that the application would have a detrimental impact on residential amenity, including the impact of traffic and parking on neighbours. It was moved by Councillor Bray and seconded by Councillor Walker that permission be refused for these reasons. Upon being put to the vote, the motion was CARRIED and it was

RESOLVED – permission be refused due to the impact on neighbouring amenity contrary to policy DM10 of the Site Allocations and Development Management Policies DPD.

The meeting adjourned at 8.30pm and reconvened at 8.35pm.

335. 21/01191/HYB - Land south of the A5, Padge Hall Farm, Hinckley

Hybrid application comprising outline application (all matters reserved except for site access from the A5) for the demolition of existing structures and the erection of distribution and industrial buildings (use class B2 and B8) including ancillary offices and associated earthworks, infrastructure and landscaping; a full application for the development of a distribution building (use class B8), and landscaping. The proposals include improvements to increase the height clearance of the existing railway bridge on the A5 Watling Street. A cross boundary application with Rugby Borough Council and Nuneaton and Bedworth Borough Council (EIA development).

The agent and the ward councillor spoke on this application.

Councillor Allen proposed that permission be granted in accordance with the officer's recommendation. In the absence of a seconder, the motion was not put.

Members expressed concern about whether lowering the road under the railway bridge was possible. It was moved by Councillor Bray and seconded by Councillor Williams that the application be deferred to invite representatives from Leicestershire County Council and Warwickshire County Council as highways authorities and from Highways England to attend a meeting with the committee members to confirm that the work was possible and that any work undertaken wouldn't jeopardise further improvements to the A5. Upon being put to the vote, the motion was CARRIED and it was

RESOLVED –

- (i) the application be deferred for further information to be provided with regards to impact upon Hinckley and Nutts Lane specifically, the gradient of works to the A5 under the railway bridge;

- (ii) Representatives of Leicestershire County Council, Warwickshire County Council and Highways England be invited to a meeting with members of the Planning Committee.

336. 22/00636/REM - Land North of Deepdale Farm, Lutterworth Road, Burbage

Application for approval of reserved matters (appearance, landscaping, layout and scale) for the erection of 135 dwellings pursuant to outline planning permission 19/01405/OUT (appeal ref APP/KR420/W/20/3265143).

The applicant spoke on this application.

Having reached 9.30pm, at this juncture Councillor Bray, seconded by Councillor J Crooks, proposed that the meeting be extended to allow for conclusion of the scheduled business. Upon being put to the vote, the motion was CARRIED and it was

RESOLVED – the meeting be extended beyond 9.30pm to allow for conclusion of the business on the agenda.

Returning to consideration of the application, it was moved by Councillor Allen, seconded by Councillor Bray and

RESOLVED –

- (i) Authority be delegated to the Head of Planning to approve the application following receipt of final comments from LCC Ecology raising no objections, subject to the conditions contained in the officer's report and late items;
- (ii) The Head of Planning be granted powers to determine the final details of the conditions.

337. 22/00937/FUL - Atherstone Hunt Kennels, Kennel Lane, Witherley

Application for conversion, extension and alteration of former kennels and stables to form seven dwellings, erection of replacement dwelling, erection of garages and formation of new vehicular access.

The agent and a representative of the parish council spoke on this application.

It was moved by Councillor Gibbens and seconded by Councillor Bray that permission be granted with authority delegated to the Head of Planning to incorporate conditions relating to retaining heritage assets such as iron fencing. Upon being put to the vote, the motion was CARRIED and it was

RESOLVED –

- (i) Permission be granted subject to the conditions contained in the officer's report;

- (ii) The Head of Planning be granted powers to determine the final detail of planning conditions, including conditions to retain the heritage assets.

338. 22/00167/OUT - Land north of Shenton Lane, Market Bosworth

Outline planning application for the erection of up to 125 dwellings (including 40% affordable housing) with public open space, landscaping and sustainable drainage system (SuDS) and a vehicular access point (all matters reserved except for means of access).

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

RESOLVED –

- (i) It be confirmed that, had it been able, the committee would have refused the application;
- (ii) The Head of Planning be granted powers to determine the final detail of the reasons for refusal with regard to contesting the appeal.

339. Appeals progress

Consideration was given to an update on appeals. Members requested that the monthly list of delegated decisions was resumed.

The report was noted.

(The Meeting closed at 9.52 pm)

CHAIRMAN

Planning Committee 25 April 2023
Report of the Head of Planning (Development Management)

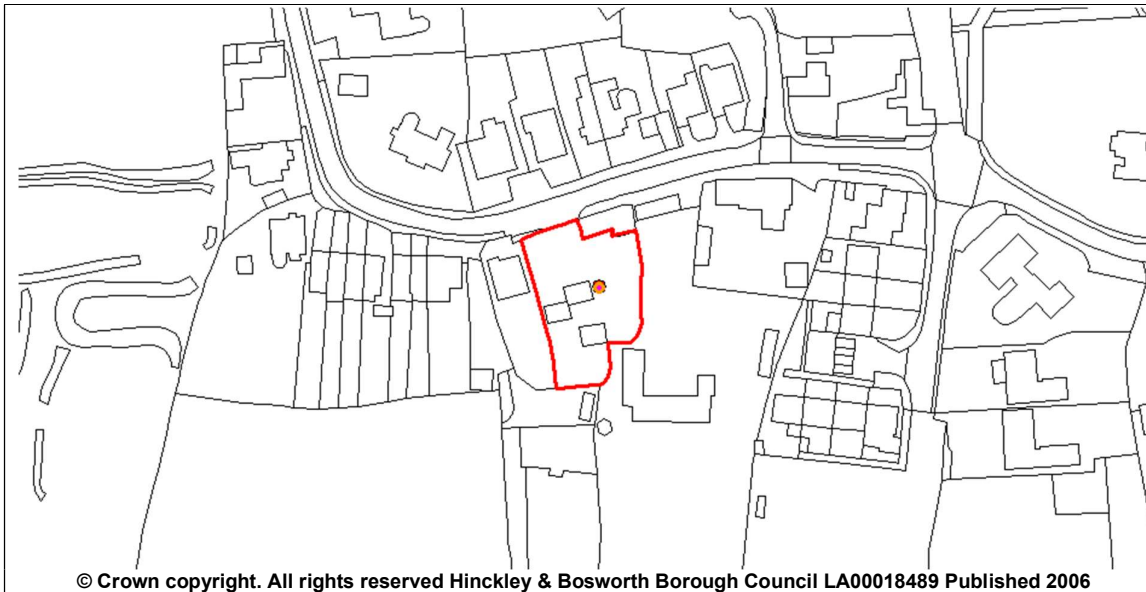
Planning Ref: 22/01233/FUL
Applicant: Ms Amy Lawson-Gill
Ward: Ambien



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 three dwellings and associated external landscape works.



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1. Recommendations

1.1. Grant planning permission subject to

- Planning conditions outlined at the end of this report

2. Background

2.1. An application for the erection of four dwellings was considered by the Committee at its meeting on 5 July 2022. The approved minutes of the meeting stated 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 took place, but the car parking spaces were widened to the required standards without the number of dwellings being reduced. The application was then refused by the Committee at its meeting on 27 September 2022.

3. Planning Application Description

- 3.1. The application relates to the demolition of existing outbuildings on the site, the refurbishment of the Grade II listed Houghton House, the erection of three dwellings and associated external landscape works.
- 3.2. The proposed new dwellings are arranged such that Plot 1 is to the rear of Houghton House, Plot 2 lies to the west of Plot 1 and to the rear of Plot 3 which is on the road frontage. Each proposed dwelling has is to be constructed of red brick of varying tones laid in a decorative bond and clay roof tiles. Other consistent detailing to each dwelling includes ridge chimney stacks, brick dentil eaves courses, segmental arches and soldier courses for window and door headers, canted brick window cills, recessed front doors entrances for units 2 and 3, simple casement windows, vertical planked doors for front facing elevations and bi-fold doors to the rear elevations.
- 3.3. The dwelling on Plot 1 has three bedrooms and those on Plots 2 and 3 each have two bedrooms. Garden sizes range between 79.3 and 107.8 square metres.
- 3.4. Proposed new dwelling unit 1 is located to the back of a courtyard parking area at the rear of the House in the south-eastern corner of the site. The proposed dwelling has an L-shaped plan consisting of two ranges with dual pitched roofs and end gables. It is one and a half storey in scale with hipped roof dormer windows to the courtyard facing elevations and roof lights to the side (eastern) elevation.
- 3.5. Proposed new dwelling unit 2 is also located to the back of the courtyard parking area to the rear of the House in the south-western corner of the site. It has a rectangular plan with projecting rear gable and dual pitched roofs. It is two storey in scale with eyebrow dormer windows to the front (courtyard facing) elevation and hipped roof dormer windows to the rear (southern) elevation.
- 3.6. Proposed new dwelling unit 3 is located towards the front of the site and in between Houghton House and Kingford House, flanking the courtyard access. It has a rectangular plan with projecting rear gable and dual pitched roofs. It is two storey in scale with eyebrow dormer windows to the front (street facing) elevation and hipped roof dormer windows to the rear (southern) elevation. The unit is set back slightly behind a small front garden and the retained grass verge and historic wall fronting the application site. To the side of the unit to Kingford House a high brick wall with saddleback coping is proposed.
- 3.7. 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 comprise low brick walls with high 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.
- 3.8. Proposed external alterations to Houghton House 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. 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.

- 3.9. The associated application for Listed Building Consent (22/01234/LBC) will be dealt with under delegated powers following determination of this application.
- 3.10. For clarity the following are some of the key differences between the application that was refused and the current scheme:
- The red line boundary has been amended to exclude the grass verges save for 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. No new path is proposed to the proposed new dwelling on the frontage which will now have a path behind the existing wall to the shared access, thereby retaining the grass verge at this point in its entirety.
 - Each of the dwellings is now detached with a gap between Units 1 and 2 to the rear of the site allowing glimpsed views beyond the site to the south.
 - The contemporary design of the dwellings to the rear of the site has been replaced with a more traditional approach with Unit 2 having the same eyebrow dormer features as the new dwelling on the street frontage.
 - 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 number of dwellings has reduced from four to three and the amount of floorspace proposed has been reduced by approximately 9sq.m.
 - The heritage lamppost lies outside of the site boundary and a condition is attached requiring its relocation should it be within the kerb radii required by the County Highway Authority.

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, which 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

21/01501/FUL

- Demolition of existing outbuildings, refurbishment of a Grade II listed residential property, erection of four dwellings and associated external landscape works
- Refused - October 2022 on two grounds – overdevelopment of the site and additional traffic detrimental to the conservation area

14/00541/HOU

- Extensions and alterations to dwelling – Approved September 2014

6. Publicity

- 6.1. The application and revised plans have been publicised by sending out letters to the occupiers of 29 neighbouring properties. A site notice was also posted within the vicinity of the site and a notice published in the local press.
- 6.2. Multiple objections have been received from the occupiers of 20 different addresses regarding the scheme. The comments are summarised below:
- The scale of the proposal is still, despite slight improvements from the previous proposals, contrived overdevelopment of the site. Infill development, which is appropriate, means a single dwelling on the frontage that fills a gap in the street scene – filling the site is not infill.
 - The proposed condition regarding drainage is inadequate and does not deal with flood risk on the site. The drainage report submitted relies on false information and there is no guarantee that the envisaged run-off rates can be provided. There is already a problem with flooding and this development will inevitably increase that risk.
 - 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.

- The development would exacerbate the existing problem of foul sewage being discharged into the River Tweed at the Shenton pumping station which already has an unacceptable effect on the environment.
- Severn Trent have a duty to allow connection into the public foul sewer but can restrict the surface water discharge if there is a capacity problem, which they have said they would do, restricting it to 1 litre per second. Although they are not a statutory consultee they have said they would support a decision to refuse consent given that the sewer has to frequently discharge into the river.
- Neighbours fully support and desperately wish to see the refurbishment of the Listed Houghton House but this still overdevelopment of the site.
- Sibson has no public transport or shopping and as such the development of three additional dwellings is not sustainable.
- 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. Two spaces are tandem parking which will inevitably lead to cars being parked on the grass verge or elsewhere on the highway which is already heavily parked and which already causes highway safety problems. There are no visitor spaces and no space for delivery drivers. There are blind people in the village and walking through the hamlet in a safe manner will be significantly reduced for them and will reduce their limited independence.
- The Chartered Institute of Highways and Transportation has stated that tandem parking spaces are often under-utilised by households with two or more cars in regular use. The tandem spaces are squeezed in and contrived and are unlikely to be used.
- Sibson has a unique problem due to the location of farms at either end of the hamlet requiring easy travel of agricultural vehicles through the hamlet.
- Sheepy Road through the village is the only viable access between Poplar and Manor Farms and is used by large farm machinery creating road safety issues; this development will exacerbate an already poor situation.
- This is overdevelopment. Too many properties in too small a space are proposed. The contrived parking spaces for plot 1 confirm that this is overdevelopment. 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.
- The houses have been made bigger and there is now more development than the previous scheme for four additional dwellings – when the Committee requested fewer dwellings on the site, it meant that site needed less development not more. The previous application was refused as it represented overdevelopment of the site, with more floorspace how can this application not be considered overdevelopment.

Officer response: The agent has confirmed that a reduction in the amount of floorspace proposed of approximately 9 square metres is now achieved.

- 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.
- 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. It is not the job of the Council or conservation officer to generate funds to renovate Houghton House.
- This will have a significant detrimental effect on neighbours in terms of overlooking, loss of privacy, noise and will be overbearing – for example the two storey walls so close to The Den.
- 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.
- Additional load to existing sewerage and services with related risks to future functioning and resilience. Issues highlighted on the previous application have not been addressed.
- The housing needs of the parish have already been met.
- The proposed fences are ugly and not appropriate in a conservation area or adjacent to a Listed building.
- The development is contrary to policies S6, S7, S8 and S15 of the Sheepy Neighbourhood Plan and policies DM1, DM3, DM6, DM7, DM10, DM11, DM12, DM17 and DM18 of the SADMP, policy 13 of the Core Strategy, Chapter 16 of the NPPF and the statutory duties of sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- Unit 1 to the rear of Houghton House is too big and has a detrimental effect on the Listed building and should be reduced in height.
- The heritage lamppost should be retained so that the flow of heritage lighting through the centre of the hamlet is retained.
- The heritage wall at the front should be retained and not replaced by something new.
- Houghton House should be required to be refurbished before any new development takes place.
- 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.
- Bin collection has not been considered – on bin day it will be difficult or impossible to gain access – thereby creating significant highway safety problems.

- Swift bricks need to be incorporated to address wildlife concerns.
- The rear garden to Plot 2 is overlooked by neighbouring habitable room windows.

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

- the development increases flood risk
- the development is too dense and fails to conserve the unique character and heritage of Sibson
- there is insufficient parking, and this will inevitably create more on-street parking which will be a problem given the large agricultural vehicles passing through the village and two partially sighted residents living nearby

7. Consultation

7.1. Sheepy Parish Council – Objects to the application on the following grounds:

The Parish Council remains keen to see the refurbishment of Houghton House, the re-development of the outbuildings and landscaping of a design and style that is of a scale and character that is appropriate to the rural village setting. The site has been an eyesore for many years and the Parish Council is keen to see Houghton House restored and the site brought back into active use. However, any refurbishment and re-development must comply fully with the policies of both the Sheepy Parish Neighbourhood Plan and the Sibson Village Conservation Area Management Plan.

Having reviewed the planning application and listed building consent application, the Parish Council believes the current proposals for the site, as amended, do not meet these objectives and it wishes to object to the planning application. Despite the amendments made to the planning application, there remain a number of significant concerns for the Parish Council, and these are outlined below:

Whilst the Parish Council is pleased to see that the number of new proposed dwellings has been reduced from four to three, the reconfiguration of the site has increased the overall scale of the development (buildings) and hard standing (parking area/driveway) to the degree that this and its layout does not complement or enhance the character of the surrounding area. A continuing concern is the relationship between Plot 1 and The Den (adjacent property) despite the proposed location of Plot 1 being moved slightly away from the boundary. This particularly relates to the loss of light (amenity) to the existing home (The Den). The re-location of Plot 1 also has serious implications for vehicle movement within the development and parking. The diagram showing the parking and swept path analysis for accessing the parking spaces for Plot 1 appears to be highly impractical and requires the manoeuvring of vehicles in an unsafe manner, i.e. very close proximity to building walls and garden of adjacent property. Consequently, the Parish Council consider the development as now proposed is over-development and therefore in contravention of Sheepy Neighbourhood Plan Policy S8 – Design, and HBBC DPD Policy DM10.

The Parish Council continues to have serious concerns about the potential for the development to increase the risk of flooding of nearby properties (e.g. Long Row cottages) situated at a lower elevation to the proposed development. The properties in Long Row and nearby have historically suffered flooding as a result of surface

water and highway runoff and the culverted drainage network being overwhelmed. Whilst some remedial work was previously undertaken 20 years ago by HBBC, there have subsequently been a number of flooding events and near misses. This location in the village has been designated as being at risk of flooding on the latest Environment Agency flood maps. The concern of residents is so great that they have invested in their own pumps and sandbags to manage water flows when flooding is imminent.

The Sheepy Neighbourhood Plan Policy S6 on Water Management states that “*New development should take full account of flood risk especially from rivers, groundwater and overland flow*”. The Parish Council is pleased to see that the applicant has, in its most recent planning application, given consideration to the surface water management issue. However, it was very concerned about the extremely late provision of this information during the previous statutory consultation period and no mention of it has been made in the most recently amended application.

Having reviewed the drainage report, the Parish Council acknowledges that the applicant has attempted to mitigate the additional potential flood risk arising from the site and potential development, and indeed is proposing a betterment of the current situation. This is to be welcomed if it can be achieved. However, the Parish Council has identified a number of errors and/or design flaws in the report that would result in the development not being able to achieve its stated objectives and as a result the Parish Council’s objection remains. The Parish Council is also aware that the Borough Council’s (HBBC) drainage consultant has also commented on the specific concerns raised by the Parish Council (as described below).

The document indicates that all stormwater (runoff) upstream of the proposed Hydrobrake will be routed to and contained in a cellular crate attenuation system with sufficient capacity for a 1 in a 100y storm plus 40% for climate change. However, the drainage strategy plan (Appendix F) shows that runoff from a significant part of the site (Plot 3 and its associated hard standing (parking area)) will not be discharged into the crates but will flow directly towards the Hydrobrake discharge point. As a result, the risk of flooding is increased as it is unlikely that there will be sufficient storage capacity in the underground pipework as currently configured. The Parish Council notes that the HBBC Drainage Consultant indicates that he is satisfied that the sub-surface pipework capacity associated with Plot 3 and its parking area is sufficient, and that water will ‘back up’ to the storage crate. It is considered that this is not good practice; it is not the same as routing the drainage into the storage crate as is stated. Further, without a topographical survey, the Parish Council is not confident that the design will mitigate the risk of surface water flooding during periods of heavy and prolonged rainfall across the site.

A further concern is that the proposal is for the initial (sloping) access to the site to be served by road gullies at the highway boundary to capture runoff from the development, thereby preventing it from discharging into the public highway of Sheepy Road. This element of the design is not shown on the drainage strategy plan and there is no description of where this water will be routed in the drainage report. There is a significant slope from the site towards the highways and hence a significant volume of water that requires management during rainfall events. It is noted that the response from Leicestershire County Council (LCC) Highways Department also raises concerns about site drainage and requires prohibition of runoff from the site draining into the Public Highway and its drainage system. It is therefore unclear how this will be avoided. It is noted that the HBBC Drainage Consultant also comments on this and refers to LCC Highways needing to advise on this. The Parish Council believes it is essential that this is actioned and LCC

Highways are specifically asked to comment on this aspect before the planning application is determined, as their previous comments were submitted before the drainage report was available.

The reliance on the results from the 'Storage Estimation Tool' to estimate the surface water storage requirements is also a significant shortcoming. The report included in Appendix E clearly states that it should not be used for detailed design of drainage systems and that hydraulic modelling (software) should be used before finalising the drainage scheme. We note that the HBBC Drainage Consultant agrees with this latter point. Again, the absence of a topographic survey is also a significant weakness. An additional issue is the underestimation of impermeable area used in the calculations; a review of the plans indicates it to be significantly greater than that used in the calculations, i.e. closer to 68% (0.8 ha) rather than the 53% (0.638 ha) used by the applicant.

The Parish Council is therefore not satisfied that adequate account is being taken of surface water management and flood risk, and the application remains non-compliant with its Neighbourhood Plan Policy S6. We are aware that this issue has also been raised by a large number of parishioners and so clearly reflects the genuine and serious level of concern on this matter.

The Parish Council, following previous comments, is pleased to see that the red line boundary at the front of the site has been modified so as to exclude the County Council-owned grass verge frontage. This along with the red brick wall are identified as character features in the village (Neighbourhood Plan Design Guide and Sibson Conservation Areas Management Plan. To address continuing concerns from local parishioners and businesses about on-street parking, consideration should be given (by the Highways Authority) to the introduction of parking restrictions, e.g. double yellow lines, along the length of the grass verge in front of the property to increase road safety and restrict dangerous on-street parking.

- 7.2. 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.
- 7.3. HBBC Environmental Services (Pollution) – No objection subject to a condition restricting construction hours during the site preparation and construction phase.
- 7.4. HBBC Conservation Officer - 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 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.

- 7.5. HBBC Waste Management – The submitted refuse and recycling drawing shows acceptable placement for the waste collection service. There needs to be sufficient space to collect up to 2 bins per property on collection day and still allow safe vehicular access.
- 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)
 - Leicestershire Highways Design Guide
 - 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 three 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. The argument made by objectors that infill is limited to dwellings on the road frontage only is rejected. 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 now excluded from the red line boundary and no works are now proposed to this area by the application other than 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 design of each new dwelling is considered to follow and respect the traditional characteristics of building styles, scales and detailing as set out within the Sibson Conservation Area Appraisal.
- 9.22. 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 3 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 and 2 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.

- 9.23. Each dwelling follows traditional characteristics and architectural detailing with eyebrow dormers, ridge chimneys, segmental arches, canted eaves, and dentil eaves course. Proposed construction materials for the new dwellings respects the materials of the local area through the use of red brick of varying tones laid in an attractive bond 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 3 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. Although the majority of the extent of the grass verge and historic wall fronting unit 3 would be retained through the proposal, there would be a small loss of these features through the creation of a path to the front door of the unit, so consideration could be given to locating the path to the front door from the courtyard access so the wall and verge could be retained in their entirety.
- 9.25. 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 recommended 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 3 given its presence in the street scene.
- 9.26. 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

- 9.27. 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.
- 9.28. 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.

- 9.29. Objections have been received regarding overlooking, overbearing impact and potential loss of privacy. It is acknowledged that there would be some impacts on neighbours resulting from the development of the site. The application has been amended since it was first submitted to address some of these issues. Both adjoining neighbours have large rear gardens, and it is considered that following the revisions to the scheme no neighbouring property would now be so detrimentally affected that further amendments are required.
- 9.30. 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. Paragraph 130 (f) of the NPPF requires that a high standard of amenity for future users is provided.
- 9.31. The site plan indicates that the buildings are adequately spaced at the rear with proposed gardens varying in size between 79.3 and 107.8 square metres. The Council's Good Design Guide sets out a general guideline for three bedroomed houses of 80m² and 60m² for two bedroomed houses. It is therefore considered that future occupiers would benefit from adequate garden sizes and an acceptable level of amenity.
- 9.32. 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.
- 9.33. The proposal is not considered to have any significant 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 S8 of the Sheepy Neighbourhood Plan, DM7 and DM10 of the SADMP, the Good Design Guide and the requirements of the NPPF (2021).

Impact upon Highway Safety

- 9.34. 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.
- 9.35. 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.
- 9.36. 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.
- 9.37. 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.
- 9.38. The Local Highway Authority (LHA) have checked their 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.

- 9.39. 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).
- 9.40. 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
- 9.41. 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.
- 9.42. 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.
- 9.43. 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.
- 9.44. 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 existing 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.
- 9.45. The proposed parking layout now comprises just a single instance of tandem parking. Tandem parking is a common feature of many new developments and already exists for many existing houses within the village. Tandem parking is accepted by both the Local Highway Authority and by the Committee in its decisions.
- 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. These dwellings that have flooded previously are shown on the Environment Agency Flood Map for Planning to be at risk of surface water flooding and should there be extremely high rainfall they will flood again regardless of whether the application site is developed or not.
- 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 SADMP and Policy S6 of the Sheepy Neighbourhood Plan. The information submitted with the application explains how surface water run-off from the site would be reduced as a result of the development. The Parish Council now acknowledges that a betterment from the current situation is proposed albeit that it does not agree that it would be achieved.
- 9.51. The proposal is not considered to significantly impact upon existing problems with regard to discharges into the River Tweed. It is considered to be unreasonable to withhold consent for development that might be considered acceptable in all other respects on such grounds.
- 9.52. 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.
- 9.53. It is acknowledged that existing neighbours are rightly fearful of future flooding events, but it is the case that development of the site would reduce those impacts rather than increase them.
- 9.54. It is considered the proposed condition is both necessary and reasonable and that to require works in advance of the application being considered, given the circumstances outlined above, would not be reasonable. It is considered that the proposed condition 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

- 9.55. The Applicant accepts the need for a condition removing permitted development rights for extensions to the dwellings, should permission be granted.
- 9.56. 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.

Planning Balance

- 9.57. 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.
- 9.58. 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.
- 9.59. 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 three 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.
- 9.60. 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.
- 9.61. Parking is provided in accordance with the usual standards that both the County as Highway Authority and the Borough Council apply consistently. It is considered unreasonable to withhold consent for the development now proposed on grounds of any perceived lack of parking or that development might, on occasions, lead to on-street parking.
- 9.62. The application is not considered to conflict with any of the policies set out within the 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 have been reduced and improved as requested by the Committee and the dwellings are considered to complement the character of the surrounding area and have a neutral effect on the setting of the nearby listed building. As a result of revisions to the submitted scheme 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. The existing drainage system has problems that the development might exacerbate but a condition is attached requiring the developer to mitigate any problems caused by the development if the site. This reasonably mitigates issues arising from development of the site. Therefore, the proposal is considered to 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 P06 received by the LPA on 24 March 2023

Proposed First Floor Site Plan - Drg No. 20102 P06 received by the LPA on 24 March 2023

Proposed Ground Floor Plans Unit 1 - Drg No 20121 P02 received by the LPA on 24 March 2023

Proposed First Floor Plans Unit 1 - Drg No 20122 P02 received by the LPA on 24 March 2023

Proposed Elevations Unit 2 – Drg No 20124 P02 received by the LPA on 24 March 2023

Proposed Floor Plans - Unit 2 - Drg No. 20123 P02 received by the LPA on 24 March 2023

Proposed Floor Plans - Unit 3 - Drg No. 20125 P02 received by the LPA on 24 March 2023

Proposed Elevations Unit 3 – Drg No 20133 P02 received by the LPA on 24 March 2023

Site Location Plan - Drg No. 00101 P05 received by the LPA on 24 March 2023

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 third dwelling to be completed that is hereby approved 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 references 21/01502/LBC and 22/01234/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 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 eight designated parking spaces, each measuring at least 2.4 metres X 5.5 metres have been implemented. Thereafter the on-site 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. 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.

11. 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 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 shall Document (2016).

12. Upon completion of the remediation works a Verification Report shall be submitted to and approved in writing by the Local Planning Authority. The Verification Report shall include details of the remediation works and quality assurance certificates to demonstrate that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to demonstrate that the site has reached the required clean-up criteria shall be included in the Verification Report. Together with the necessary documentation detailing what waste materials have been removed from the site.

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

13. 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).

14. 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).

15. 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).

16. Should the existing heritage lamppost requiring moving to accommodate the kerb radii it shall be replaced as close as possible to its original position prior to any dwelling being occupied.

Reason: In the interests of the character of the area in accordance with Policies DM10, DM11 and DM12 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.

Committee Report 25 April 2023
Report of the Head of Planning (Development Management)

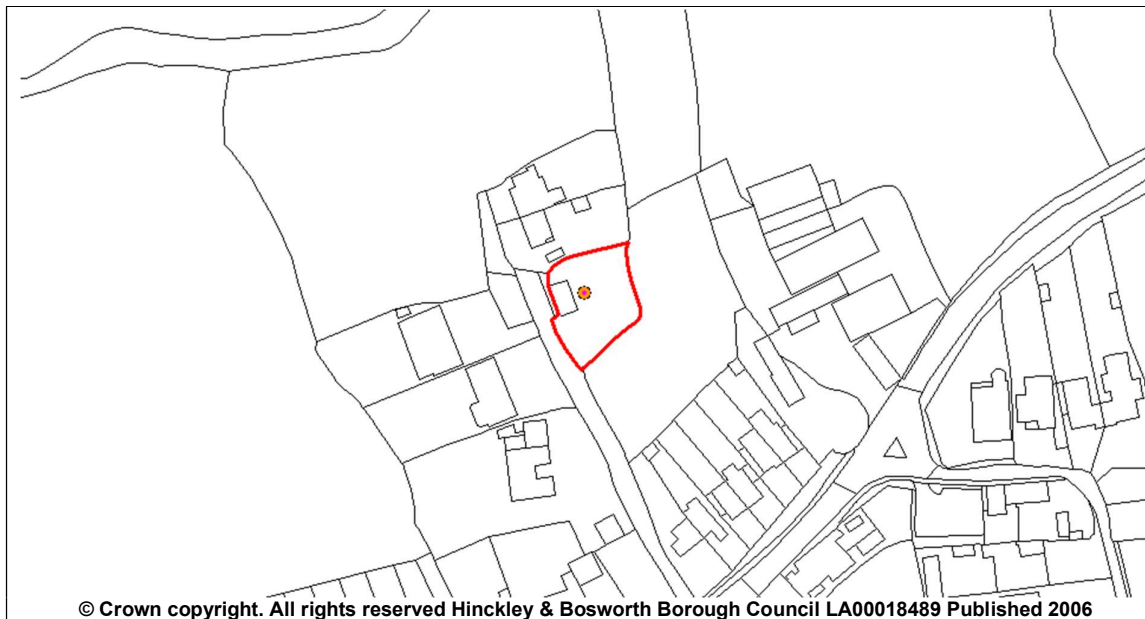
Planning Ref: 23/00150/CONDIT
Applicant: BLAKE AND CLARK LTD
Ward: Twycross, Sheepy and Witherley



Hinckley & Bosworth
Borough Council

Site: 12 Sketchley Lane, Ratcliffe Culey, Atherstone, Leicestershire

Proposal: Variation of conditions 2 and 7 of planning permission 22/00639/FUL.
Amendment to erect a single storey rear extension to plots 1 and 2, remove and replace detached garage for plot 1 with hardstanding.



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

2.1. This application seeks to vary Conditions 2 and 7 of extant planning permission 22/00639/FUL. The changes include an amendment to the design of the two, detached properties to include the addition of a single storey rear extension and to remove the detached garage for Plot 1 and replace with hardstanding.

2.2. Section 73 of the Town and Country Planning Act 1990 allows applications to be made for permission to develop without complying with a condition previously imposed on a planning permission. Permission granted under Section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended. It is open to the applicant to decide whether to implement the new permission or the one originally granted.

2.3. A decision notice describing the new permission should clearly express that it is made under Section 73. It should set out all of the conditions imposed on the new permission, and, for the purpose of clarity restate the conditions imposed on earlier permissions that continue to have effect.

2.4. Condition 2 states:

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

I. Site Location Plan - Drg No. 220/PL01 Rev A (Received 29/06/2022)

II. Site Plan and Block Plan (Received 08/07/2022)

III. Floor Plans and Elevations (Received 08/07/2022)

IV. Bat Report (Received 29/06/2022)

V. Planning Statement (Received 29/06/2022)

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

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

Condition 7 states:

'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).'

2.5. The application as submitted includes the following plans/drawings which illustrate the proposed changes and would if approved replace the relevant plans as set out within the existing conditions above:

- Site Location Plan and Proposed Site Plan Drg No: 220/PL02 Rev: C
- Proposed Floor Plans and Elevations Drg No: 220/PL02 Rev: B

3. Description of the site and surrounding area

3.1. The application site is located within Ratcliffe Culey, at the end of a short lane that serves a few other residential properties. The plot previously accommodated a two-storey property, 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

21/10202/PREHMO

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

22/00639/FUL

- Erection of 2no. dwellings with associated parking, landscaping and amenity space
- Planning Permission
- 03.10.2022

22/01088/DISCON

- Application to discharge Condition 4 (CEMP) attached to planning permission 22/00639/FUL
- Discharged
- 13.12.2022

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents and displaying a site notice.
- 5.2. Five letters of objection have been received which raise the following concerns:
- Loss of Hedgerow and impact on wildlife
 - Impact upon neighbouring amenity by way of loss of outlook and issues of an overbearing nature
 - The houses are too large for the plot. Overdevelopment of the site.
 - Not in keeping with its surroundings and inappropriately sized when compared to neighbouring sites
 - The houses do not have large enough rear gardens

6. Consultation

- 6.1. No objection has been received from the following consultees:
- HBBC Environmental Health
 - HBBC Drainage
 - HBBC Waste
 - Local Highway Authority
 - LCC Ecology
- 6.2. Witherley Parish Council – Objection. This application is complete overdevelopment of the plot and not in keeping with the rural country lane in a bucolic rural location. The Council has been advised the occupants of the adjacent property, 14 Sketchley Lane, are not in favour of the extension, and in particular have raised with the planning dept. the boundary hedge between themselves and the new properties. The parish council would strongly support retention of the established boundary hedge both for ecological reasons (habitat for diverse wildlife) and the enjoyment of a pleasant outlook for the residents of No 14. As they comment, many of the existing hedges around the plots have already been grubbed up and will take years to regrow, even if replanted.

- 6.3. Cllr Morrell - I supported the previous application which went to committee and was passed. However I made it clear that I would not tolerate any further extension to the development which clearly this application is. I believe we are now over massing the site which is not in keeping with the other properties on this side of the lane. Therefore I am objecting to this application and calling it in for a Committee determination.

7. Policy

7.1. Core Strategy (2009)

- Policy 13 – Rural Hamlets
- Policy 14 – Rural Areas: Transport
- Policy 16 – Housing Density, Mix and Design
- Policy 24 – Sustainable Design and Technology

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. Witherley Neighbourhood Plan

- Policy H3: Housing Mix

7.4. National Planning Policies and Guidance

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

7.5. Other relevant guidance

- Leicestershire Highway Design Guide (2020)
- Good Design Guide

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
- Drainage
- Ecology
- Other matters
- 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 replacement Local Plan for Hinckley and Bosworth has been delayed to 2024 and a further Regulation 19 stage is to be carried out. Therefore this document carries little weight at this time.
- 8.5. Since the grant of the original permission 22/00639/FUL the Witherley Neighbourhood Plan (WNP) has been progressed. The plan is proceeding to referendum (subject to modification) and is scheduled for 4 May 2023. Therefore the Neighbourhood Plan can now be afforded significant weight at this stage. Policy H3 of the WNP states that:

'New housing development proposals should provide a mixture of housing types specifically to meet identified local needs in the Plan area as evidenced in the Parish Housing Needs Report (2018); HBBC Housing Needs Study (2019); Midlands Rural Housing Report (2016) and the 2017 HEDNA or more recent documents updating these reports. Dwellings of 3 bedrooms or fewer and single storey accommodation suitable for older people will be supported where in accordance with other policies. Affordable housing is required on development proposals of more than 10 dwellings or more than 0.5ha in size and should be designed and delivered to be indistinguishable from market housing and should be distributed and integrated evenly through the development as a whole. Provision of affordable housing for people with a local connection to the Parish is supported'.

- 8.6. It is noted however, that the application for 2x 4 bedroomed dwellings was approved by Members of the Planning Committee in 2022. Whilst this proposal seeks to extend the footprint of the dwellings at ground floor level they are to remain as 4 bedroomed properties.
- 8.7. The principle of development has therefore been established through the grant of permission 22/00639/OUT. The material considerations for this application are set out below.

Design and Impact upon the Character of the Area

- 8.8. 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.
- 8.9. 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. This application includes floorplans and elevations to show the design and scale of the proposed single storey extension to each detached property. The extensions are to be sited to the rear of the properties and therefore would not be prevalent within the street scene. The proposed additions have a monopitch roof and extend across the width of the rear elevation of each property. Each extension includes 4 rooflights, a set of bi-fold doors and a window which faces onto the rear garden.
- 8.11. The materials and design of the proposals complement the existing design of the properties. With respect to design considerations therefore, the scheme is considered to be acceptable and would not impact upon the character of the immediate area. The proposal is therefore considered to be 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

- 8.12. 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.
- 8.13. Paragraph 130 of the revised 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.
- 8.14. 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. Objections have been received from neighbouring properties about the impact the proposal would have on their amenity. The proposed extensions are single storey in height and the depth from the original rear elevation is 2.2m approximately. The footprint of each extension is 21 square metres approximately. This is a small addition and not considered to adversely impact on the existing amenity of neighbouring residential occupiers when compared to the amenity relationship considered as part of the original permission 22/00639/FUL. There are no new policy/guidance considerations since the grant of the original permission which would alter the assessment of the proposal with respect to residential amenity.
- 8.16. Therefore, this application is considered to be acceptable in residential amenity terms and in compliance with Policy DM10 a and b of the SADMP, The Good Design Guide SPD and the requirements of the revised NPPF (2021).

Impact upon Highway Safety

- 8.17. 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 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)).

- 8.18. 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.
- 8.19. Paragraph 112 of the NPPF states that development should be designed to enable charging of plug in and other ultra low emission vehicles in safe, accessible and convenient locations. A suitably worded condition shall be added to this permission to allow for this provision within the development.
- 8.20. The scheme previously approved under 22/00639/FUL provided 3 off street car parking spaces for both plots 1 and 2 along with a garage for each plot. This is the maximum amount of spaces required as per paragraph 3.151 of Part 3 of the Leicestershire Highway Design Guide (LHDG).
- 8.21. The local highway authority have raised no objections to the removal of a garage and replacement with hardstanding and are satisfied with the information provided with respect to highway matters.
- 8.22. It is considered therefore that the proposal will satisfy policy DM17 and DM10 (g) and the revised NPPF 2021 with respect to highway considerations.

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. The HBBC Drainage Team were consulted on the application and have raised no objections to the proposed details. The application is therefore considered to be acceptable and in accordance with development plan policy with respect to flooding and drainage considerations.

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 previous application included a Bat Report which indicated no signs of bat activity within the existing property.
- 8.27. Neighbour objections have been received in respect of the loss of hedgerow and impact on wildlife.
- 8.28. The County Ecologist has been consulted on this application. Previously they had no objection to the original scheme and have no comments or issues in respect of this

variation of condition application. A bat box condition is recommended as a condition as per the previous permission.

- 8.29. Therefore the proposal is considered to accord with Policy DM6 of the SADMP and requirements of the NPPF with respect to ecological considerations.

Other Matters

- 8.30. It is noted that since the grant of planning permission 22/00639/FUL condition details have been submitted to and agreed by the local planning authority in relation to the Construction and Traffic Management Plan. As such Condition 4 of the original permission has been formally discharged under reference 22/01088/DISCON. These are approved details and therefore set out within the conditions below for clarity and ease of reference.

- 8.31. A Section 73 application cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission.

Planning Balance

- 8.32. The principle of development of 2x 4 bedroomed detached properties has been established through the grant of the previous permission 22/00636/FUL. This application raises no new material considerations when compared to the extant permission. Whilst the Witherley Neighbourhood Plan (WNP) can be given significant weight this Section 73 application does not alter the provision of 2 4x bedroomed dwellings, it merely seeks to increase the ground floor footprint of the approved dwellings by 21 square metres and replace a garage with hardstanding.

- 8.33. As such, subject to the conditions set out below this application is recommended to Members for approval.

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.
- 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**

Grant planning permission subject to:

- Planning Conditions

11.1 **Conditions and Reasons**

1. The development hereby permitted shall be begun before the expiration of 22/00639/FUL (Three years from the granting of original planning 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. The development hereby approved relates to the following details:

2. The development hereby permitted shall be carried out in accordance with the following details:

- Site Location Plan and Proposed Site Plan Drg No: 220/PL02 Rev: C received 17 February 2023
- Proposed Floor Plans and Elevations Drg No: 220/PL02 Rev: B received 17 February 2023
- Bat Report (Received 29/06/2022)

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).

3. No development shall be occupied until a scheme that makes provision for waste and recycling storage and collection across the site has been submitted in writing to and approved in writing by the Local Planning Authority and been implemented in full. 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. The development hereby permitted shall be only be carried out in accordance with the approved Construction and Environmental Management Plan document ref C4 CEMP 12 Sketchley Lane (20221207) received 7 December 2022.

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

5. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no gates, barriers,

bollards, chains or other such obstructions shall be erected to the vehicular access.

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with the National Planning Policy Framework (2021).

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

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

7. The development hereby permitted shall not be occupied until such time as the parking facilities have been implemented in accordance with the Proposed Site Plan Drg No: 220/PL02 Rev: C received 17 February 2023. Thereafter the on-site 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).

8. No development shall be occupied until a scheme that makes provision for bat boxes on site 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 that the scheme makes an appropriate contribution towards a net gain in biodiversity in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

9. 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 the local planning authority and approved by the Planning Manager and in consultation with the Ward Councillor. The scheme shall only 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).

10. Prior to development above slab 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.

INFORMATIVES

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 proactively 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).

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Planning Committee 25 April 2023
Report of the Head of Planning (Development Management)

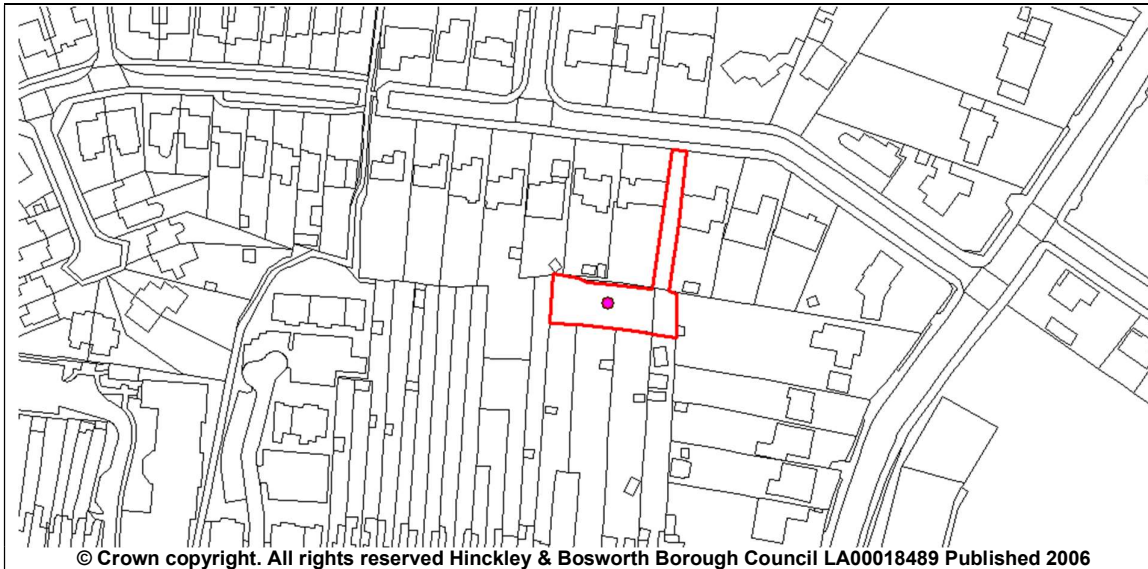
Planning Ref: 22/01056/FUL
Applicant: Mr Terry Taylor
Ward: Hinckley DeMontfort



Hinckley & Bosworth
Borough Council

Site: 7 Dean Road, Hinckley

Proposal: Proposed 2 storey dwellinghouse and 2 storey detached garage with driveway and landscaping to land south of 7 Dean Road.



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 permission for a proposed 2 storey dwellinghouse and 2 storey detached garage with driveway and landscaping.
- 2.2. The proposed four bedroom dwellinghouse will measure 12.8m at its maximum width and 14.6m at its maximum depth. The dwellinghouse has a double hip to gable roof, with the roof ridge height at 6.5m and the eaves at 2.6m. The dwellinghouse will be finished with timber cladding, red facing brick plinth, grey roof tiles and grey aluminium windows and doors.
- 2.3. The proposed two storey, detached garage will measure 6.6m at its maximum width and 6.6m at its maximum depth. The garage has a gable roof, with the roof ridge height at 6.0m and the eaves at 2.8m. The garage will be finished with timber cladding, grey concrete roof tiles and grey aluminium windows and doors.

3. Description of the site and surrounding area

- 3.1. The application site comprises a plot of land within the settlement boundary of Hinckley, to the rear of numbers 7 and 9 Dean Road. 7 Dean Road is a detached

bungalow with some accommodation in the roofspace and a generous rear garden that “dog-legs” to the rear.

- 3.2. The surrounding dwelling houses are predominantly detached bungalows or chalet bungalows of 1960s/70s vernacular and are organised in a linear pattern with fairly generous front gardens, affording set-backs from the public highway, and generous driveways/parking areas.
- 3.3. There are currently a number of trees on the plot, with none protected by Tree Protection Orders.

4. Relevant planning history

22/01022/HOU

- Proposed extensions and alterations to existing dwelling
- Planning Permission
- 21.12.2022

5. Publicity

- 5.1. Neighbours have been notified of the application. There have been objections from six separate addresses, with the key concerns scale, overlooking, reduction of privacy, not being in keeping with the character of the area and overdevelopment.

6. Consultation

- HBBC Drainage – no objection.
- HBBC Pollution – no objection.
- HBBC Waste – no objection.
- LCC Highways – advised on access width, surface, visibility splays and parking provision.

7. Policy

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM6: Enhancement of Biodiversity
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

- 7.2. National Planning Policies and Guidance

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

- 7.3. Other relevant guidance

- Good Design Guide (GDG) (2020)
- National Design Guide (2019)

8. Appraisal

- 8.1. Paragraph 2 of the National Planning Policy Framework (NPPF) (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. The development plan in this instance consists of the adopted Core Strategy (2009) and the Site Allocations and Development Management Policies DPD (2016) (SADMP).

- 8.2. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the 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.
- 8.3. The Council acknowledges that it cannot currently demonstrate a 5-year housing land supply. As a result of this some of the development plan housing policies most relevant for this proposal are considered to be out-of-date and paragraph 11(d) of the NPPF is triggered. This means that 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.
- 8.4. The site lies within the settlement boundary of Hinckley and so development is considered acceptable in principle. It is therefore considered that the key issues in the determination of the application are:
 - Design and impact upon the character of the area
 - Impact upon neighbouring residential amenity
 - Impact upon highway safety
 - Vehicle parking standards
 - Enhancement of biodiversity

Design and impact upon the character of the area

- 8.5. Policy DM10 of the SADMP indicates that development will be permitted providing it meets good standards of design including that it would complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and would not have a significant adverse effect on the privacy and amenity of nearby residents.
- 8.6. The Council's Good Design Guide SPD sets out the process to be followed to ensure good quality design for new residential development. The SPD provides specific advice relating to "backland" development such as this proposal. The Design Guide provides that where an existing plot is proposed to be subdivided to create additional development in backland locations, this will require clear and convincing justification in relation to its context. Some sites may be able to accommodate this type of development, whereas others will not. It will also be required to demonstrate that the density is also in keeping with the prevailing character of the surrounding area.
- 8.7. The Design Guide advises that existing access arrangements should be used to serve new development wherever possible, to avoid unnecessarily 'puncturing' the character of the street scene and allowing highways to dominate. Development should respect wider building lines and not back onto the street. Boundary treatments should also be carefully utilised to assimilate new development into its context, reflecting those seen in the wider frontage and seeking to avoid gaps that break down sense of place.

- 8.8. The surrounding dwelling houses are predominantly detached bungalows or chalet bungalows of 1960s/70s vernacular.
- 8.9. The proposed dwelling, due to its positioning set well to the rear of 7 Dean Road, would be visible from only very limited public views and so its impact on the character of the area would be minimal. "In/out" driveways form part of the established character of the area and given the existing path, in the vicinity of the proposed access, the impact of the proposed access is considered to be acceptable and would not appear out of place.
- 8.10. In pre-application advice, it was advised that *"the proposed dwelling should still be designed to draw upon design cues from, and be respectful of, its surroundings. The proposed dwelling would bear the closest relationship with Dean Road which is characterised by bungalows and chalet bungalows. To respect this prevailing character, I would expect the dwelling to be respectful of the roof height and roof form of the existing dwellings on Dean Road. The materials and colour pallet of the building and proposed garage should also complement its surroundings."*
- 8.11. Following discussion with the applicant and agent, revised plans have been submitted which reduced the ridge height by 0.8m.
- 8.12. By virtue of its footprint, position, scale and materials the dwelling proposed through this application is considered an acceptable addition to the street scene.
- 8.13. It is not considered that the proposed dwelling will have a detrimental impact on the character and visual appearance of the street scene. The proposal is therefore considered compliant with Policy DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.14. Policy DM10 of the SADMP states that proposals should not affect the occupiers of neighbouring properties and that the amenity of occupiers of the proposed development would not be adversely affected by activities in the vicinity of the site.
- 8.15. Paragraph 130 of the NPPF requires that development should ensure that a high standard of amenity is provided for existing and future users.
- 8.16. The Design Guide provides specific advice relating to amenity and backland development. As a minimum, backland proposals are required to demonstrate that they will not result in loss of amenity to neighbouring properties by way of overlooking, overshadowing or noise. It advises that habitable rooms within a rear elevation should ideally not be less than 8m from the blank side of a single storey neighbouring property, rising to 14m for a two storey property and above. Principal windows to habitable rooms within the rear elevations of neighbouring properties should never be less than 21m apart from a proposed principal window to a habitable room.
- 8.17. There are a number of dwellings in the vicinity of the application site that have the potential to be impacted upon by the development proposals.
- 8.18. It is noted that the neighbouring dwellings that share a common boundary with the enquiry site, located on John Street to the south, have a boundary to rear elevation separation distance in excess of 65 metres. Whilst the new dwelling would lead to some increased sense of enclosure, to be experienced by the neighbouring

occupiers on John Street, only a very small proportion of their gardens would be impacted and this is not considered to warrant refusal.

- 8.19. Given the separation distances involved no harmful loss of daylight/sunlight and/or overshadowing impacts are considered to arise as a result of the development proposals. Similarly 56 Leicester Road, which shares a common boundary with the enquiry site, is located over 50 metres from the shared boundary and so a similar conclusion to the assessment above is arrived at.
- 8.20. The neighbours who are the most likely to be impacted by the development proposals are the occupiers of 7 and 9 Dean Road. With a flank to rear elevation separation distance of over 24 metres this is considered to represent an acceptable relationship and one where significant harm to residential amenities is unlikely to arise.
- 8.21. Following discussion with the applicant and agent, revised plans have been submitted which replaced the windows proposed at the garage second-storey with roof lights.
- 8.22. By virtue of the height and siting of the proposed dwelling it is considered that this proposal would not have a significant detrimental impact on the residential amenity of the occupiers of the neighbouring properties.
- 8.23. The proposed dwelling also meets the minimum space standards for a new dwelling. The proposal complies with Policy DM10 of the SADMP, the GDG and the NPPF.

Impact upon highway safety

- 8.24. Policy DM18 of the SADMP expects new development to provide an appropriate level of car parking.
- 8.25. LCC Highways have advised that:
- *“The LHA would ordinarily expect a minimum effective width of 2.75m for a single dwelling based on Figure DG17 of the LHDG. However, as the development appears to be situated more than 45m from the highway, a minimum width for an access should be at least 3.7m (between kerbs) in order to accord with section 3.197 of the LHDG and British Standard BS5906. This should therefore be considered.*
 - *The proposed access should provide a minimum dropped kerb crossing of 4 dropped kerbs, measuring 3.7m. Vehicular visibility splays of 2.4 x 43m should be provided. The proposed access should comprise of a bound material for at least the first 5m and drainage should be considered to prevent surface water flowing in to the highway if the site slopes towards the highway.*
 - *Three parking spaces should be provided for the dwelling. Parking spaces should measure a minimum of 2.4 x 5.5m with an additional 0.5 metre strip where bound by a wall/hedge/fence or other similar obstruction. Internal garage dimensions should measure 6 x 3 metres for a single garage or 6 x 6 metres for a double in order to count as a useable parking space.*
 - *Parking provision appears to be acceptable.”*
- 8.26. The amended plans submitted by the agent meet of the all requirements advised by LCC and complies with Policy DM18 of the SADMP.

Enhancement of biodiversity

- 8.27. Policy DM6 of the SADMP requires development proposals to demonstrate how they conserve and enhance features of nature conservation.
- 8.28. As advised at the pre-app stage, a tree survey (received 02/02/2023) has been undertaken. With the implementation of the recommendations made in the report, the proposals comply with Policy DM6.

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, and the matters specified in Section 149 of the Equality Act 2010 in the determination 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. Conclusion

10.1 The proposal is located within the settlement boundary of Hinckley and therefore there is a presumption in favour of sustainable development as set out in Policy DM1 and DM10 of the SADMP and the wider policies of the NPPF.

10.2 The proposal would not have an adverse visual impact on the area. It complies with Policies DM1, DM10, DM17 and DM18 of the SADMP and advice within the GDG. There would be no significant loss of residential amenity to any neighbouring properties.

11. Recommendation

- Planning conditions outlined at the end of this report

11.2 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 Floor Plans, Elevations, Drg No. 8655-03-02 Rev B (Received 02/02/2023).
- Proposed Garage Floor Plan Drg No. 8655-03-03 Rev A (Received 02/02/2023).
- Proposed Site Plan (Received 19/12/2023).

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 materials to be used on the external elevations of the proposed dwelling shall match the approved plans; as follows:

- Proposed Floor Plans, Elevations, Drg No. 8655-03-02 Rev B (Received 02/02/2023).
- Proposed Garage Floor Plan Drg No. 8655-03-03 Rev A (Received 02/02/2023).

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).

4. Before any development commences on the site, including site works of any description, a Tree Protection Plan prepared by a suitably qualified arboriculturist shall be submitted to and approved in writing by the local planning authority. The plan shall include protective barriers to form a secure construction exclusion zone and root protection area in accordance with British Standard 5837:2012 Trees in relation to design, any trenches for services are required within the fenced-off areas, they shall be excavated and back-filled by hand and any tree roots or clumps of roots encountered with a diameter of 25cm or more shall be left un-severed. The development shall be implemented in accordance with the approved Tree Protection Plan.

Reason: To ensure that the trees on site are to be retained and adequately protected during and after construction in the interests of the visual amenities of the area and biodiversity in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 170 of the National Planning Policy Framework (2021).

11.3 Notes to applicant

- 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 25th April 2023
Report of the Head of Planning (Development Management)

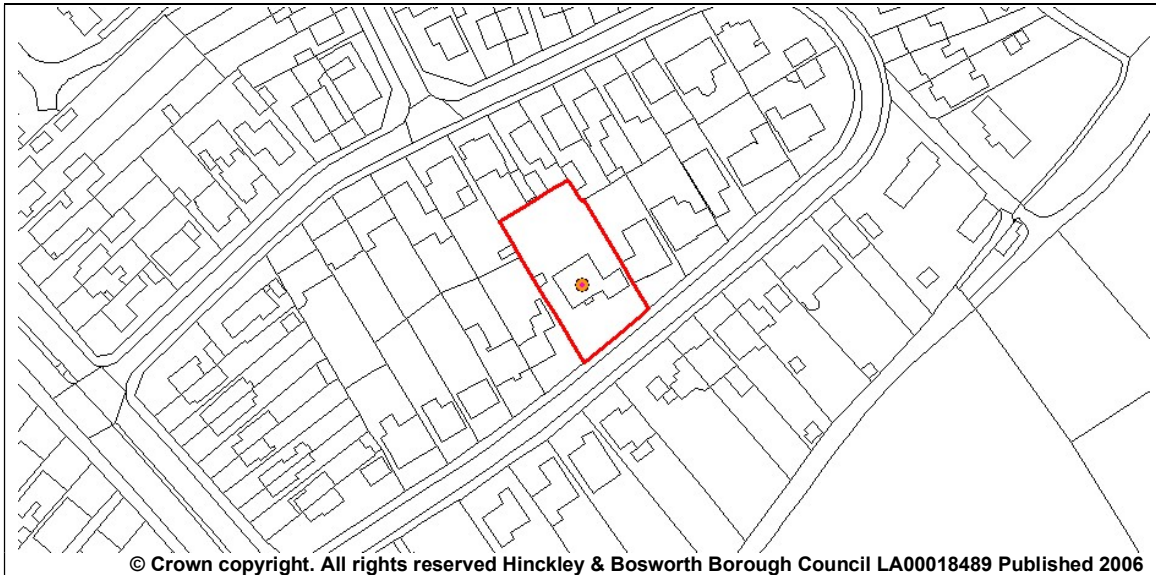
Planning Ref: 23/00077/FUL
Applicant: Ms Lucy Kitchener
Ward: Groby



Hinckley & Bosworth
Borough Council

Site: 11 Wallace Drive Groby Leicester

Proposal: Proposed conversion of garage to office and bedroom with en-suite (retrospective)



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report
- That the Head of Planning be given powers to determine the final detail of planning conditions

2. Planning application description

2.1. This planning application seeks full planning permission for a garage conversion to form an office, and bedroom with an en-suite at 11 Wallace Drive, Groby. Two garage doors are replaced with two new double glazed uPVC windows and brick work to match the existing materials of the property. There are no alterations to the external landscaping, nor the pedestrian or vehicular access to the site.

2.2. The application is retrospective and works commenced on site on 08 January 2023, however they have not been completed.

3. Description of the site and surrounding area

3.1. The 954sqm application site comprises a detached, two-storey, five-bedroom building of a domestic appearance, which has an attached double garage. The property is located in a wide plot on the north-western side of Wallace Drive, in Groby. The application site received a Lawful Development Certificate for Existing Use for the use of the property as a children's residential care home (Use Class C2) last year via planning application 22/00141/CLE.

- 3.2. The building appears as a chalet bungalow with accommodation in the roof space. 11 Wallace Drive has frontage driveway parking to accommodate approximately six vehicles and a large private amenity space to the rear. Internally, the buildings contain accommodation spread over two floors, with one floor contained within the roof space. The house contains four bedrooms on the first floor and a number of reception rooms, a bedroom, a kitchen and office space on the ground floor. Children have access to all communal areas as well as having their own bedroom.
- 3.3. In accordance with Ofsted requirements, it is understood that 2 staff, working a 24-hour shift, are present on site at all times. Team handovers take place between 09.30am and 10.00a.m. 1:1 staffing is only applied if a specific circumstance requires intense staffing. The resident children attend school and participate in social activities in the same way as their peers. The care workers shop and prepare meals for the children. In addition to the supervising care workers, the site is occasionally visited by other care professionals (internal and external), Ofsted and Local Authority inspectors, internal quality inspectors and maintenance staff. Visits are on a needs and ad-hoc basis.
- 3.4. The application site's surroundings are characterised by residential land uses that predominantly comprise detached bungalows and chalet bungalows and detached and semi-detached two storey dwelling houses. The dwellings are mixed in terms of age, form, architectural detailing, and materiality although there are some groupings of common vernacular. Dwellings in the road are typically set slightly back behind areas of front garden with many properties having low boundary walls and/or mature frontage hedgerow planting. Driveway parking is a typical feature of individual plots. Wallace Drive links to Lena Drive, forming a horseshoe shape, with both "Drives" joining the A50.

4. Relevant planning history

22/00141/CLE

- Lawful Development Certificate for Existing Use for use of property as children's residential care home (Use Class C2)
- Permitted
- 23.09.2022

01/01141/FUL

- Alterations and extensions to dwelling
- Permitted
- 03.01.2002

01/00115/OUT

- Demolition of existing dwelling and erection of two bungalows
- Permitted
- 26.03.2001

5. Publicity

- 5.1 The application has been publicised by sending out letters to local residents.
- 5.2 Eight members of the public have objected to the application for the following reasons:
- Anti-social behaviour issues
 - Noise pollution concerns
 - Off-street parking provision concerns

- Significant adverse impacts to neighbouring residential amenity
 - Waste disposal concerns
- 5.3 It is noted by the Planning Officer, that both the Council's Pollution Officer, Waste Management Officer and the Local Highway Authority (LHA) have no objections to this scheme, subject to planning conditions.
- 5.4 Several members of the public expressed concerns that the development accommodates additional children with the site rather than staff as proposed. Furthermore, one objector suggested that the care home has increased its occupancy without authorisation. A different objector has highlighted this discrepancy between the plans of the current application and the previous change of use application (22/00141/CLE).
- 5.5 The Planning Officer notes this discrepancy, as the Planning Statement for the previous application only refers to four bedrooms on the first floor of the property. However, there are not limitations to the number of occupants of a residential institution, as identified within Use Class C2 of The Town and Country Planning (Use Classes) (Order 1987 (as amended), and therefore planning permission is not required to authorise this expansion within the existing property.
- 5.6 Two members of the public have requested that, should the planning application receive planning permission, a planning condition to limit the number of children, and the age of children within the application site in the interests of neighbouring residential amenity.
- 5.7 In regard to Paragraph 56 of the National Planning Policy Framework (NPPF) (2021), a planning condition to limit the age of the occupants of the site is not considered to be enforceable, or to be relevant to planning and to the development to be permitted. The capacity of the application is limited by both the size of the property and other regulatory authorities, and therefore limiting this capacity via planning condition is not regarded as necessary. As a result of these factors, neither of the requested planning conditions have been applied to this development.
- 5.8 No further responses have been received.

6. Consultation

- 6.1 There have been no objections from the following consultants:
- Hinckley & Bosworth Borough Council (HBBC)'s Drainage Officer
 - HBBC's Environmental Services' Pollution Officer
 - HBBC's Waste Management Officer
 - Local Highway Authority (LHA) (subject to conditions)
- 6.2 Groby Parish Council have recommended that this application is determined by the Planning Committee of Hinckley and Bosworth Borough Council. The Parish Council have expressed concerns regarding the following:
- The development will increase the property to accommodate a greater number of residents than permitted
 - Fire safety egress from the proposed bedroom/office/en-suite
 - Off-street parking provision concerns
 - Safeguarding concerns
- 6.3 No further responses have been received.

7. Policy

7.1 Core Strategy (2009)

- Policy 7: Key Rural Centres
- Policy 8: Key Rural Centres Relating to Leicester

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

- Policy DM1: Presumption in Favour of Sustainable Development
- 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)

7.4 Other relevant guidance

- Good Design Guide (2020)
- Leicestershire Highway Design Guide (LHDG)
- National Design Guide (2019)

8. Appraisal

8.1. The key issues in respect of this application are therefore:

- Design and impact upon the character of the area
- Impact upon residential amenity
- Impact upon parking provision and highway safety

Design and Impact upon the Character of the Area

8.2 Policy DM10 of the SADMP requires new development to complement or enhance the character of the surrounding area with regards to scale, layout, density, mass, design, materials, and architectural features. Paragraph 134 of the NPPF states that 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 and supplementary planning documents such as design guides and codes.

8.3 No extensions or alterations are provided within the scheme, with the exception of the two replacement windows in the garage. Therefore, the development is not considered to have a significant adverse impact on the character of the existing dwelling and surrounding area and is in accordance with Policy DM10 of the SADMP, and the Good Design Guide.

Impact upon Residential Amenity

8.4 Paragraph 130(f) of the NPPF requires planning policies and decisions to ensure that developments 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. Policy DM10 of the SADMP also states that proposals should not adversely affect the occupiers of the neighboring properties or the future occupiers of the property. The Good Design Guide SPD outlines that development will need to demonstrate that it will not result in loss of amenity to neighbouring properties by way of overlooking, overshadowing or noise.

- 8.5 No extensions or alterations are provided within the scheme, except for the two replacement windows in the garage. Therefore, the development is not considered to result in any overbearing or loss of light impacts to neighbouring residents.
- 8.6 The new bedroom is on the ground floor and is not considered to result in any significant adverse impacts to the residential amenity of the future occupier or neighbouring residents in regard to overlooking or loss of privacy impacts.
- 8.7 The development consists of five bedrooms, which is less than the number of bedrooms that is acceptable within a Use Class C3 (dwellinghouse) use without planning permission, and there is no limit on the capacity of a Use Class C2 residential institution. Moreover, the provision of one additional bedroom is not considered to result in a significant adverse impact to residential amenity in regard to noise pollution.
- 8.8 By virtue of these factors, the proposal does not result in any significant adverse impacts to the residential amenity of the future occupiers of the development or the neighbouring residential properties in comparison to the current use of the site. Therefore, the application is considered to be in accordance with Policy DM10 of the SADMP and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.9 Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision to serve the development proposed. Paragraph 111 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe.
- 8.10 The Applicant proposes no changes to the existing access on to Wallace Drive, which is an adopted, unclassified road that is subject to a 30mph speed limit. The Local Highway Authority (LHA) are satisfied that the existing access is safe and suitable for the proposed development.
- 8.11 Although the scheme involves the loss of an existing double garage, the Parking Plan – Drg No. LK/H/Woodville/D-03 demonstrates that there is sufficient space in the courtyard for a further six off-street vehicle parking spaces, Therefore, the LHA are satisfied that the quantum and the dimensions of the site's off-street parking spaces are in accordance with Paragraphs 3.151 and 3.165 of Part 3 of the Leicestershire Highway Design Guide (LHGD.)
- 8.12 Given the above, it is considered that there is already adequate off-street parking for the dwelling and that the proposal does not create an unacceptable impact on highway safety or the road network in accordance with Policies DM17 and DM18 of the SADMP, and the LHDG.

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, and the matters specified in Section 149 of the Equality Act 2010 in the determination 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. Conclusion

- 10.1 The proposed development is considered to be compliant with the relevant national and local policy as it:
- Is an appropriate scale and design
 - Does not have an adverse impact upon the character and appearance of the area
 - Does not have a significant adverse impact upon the amenity of neighbours
 - Does not have a significant adverse impact upon highway safety
 - Provides sufficient vehicle parking spaces for off-street parking
- 10.2 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission to be granted, subject to the imposition of appropriate conditions.

11. Recommendation

- 11.1 **Grant planning permission** subject to:
- Planning conditions outlined at the end of this report
 - That the Head of Planning be given powers to determine the final detail of planning conditions

11.2 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 received by the Local Planning Authority as follows:
 - Existing and Proposed Plans (submitted: 31.01.2023)
 - Existing Proposed Plans – Drg No. LK/H/Woodville/D-01A (submitted: 27.01.2023)
 - Parking Plan – Drg No. LK/H/Woodville/D-03 (submitted: 27.01.2023)

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. Notwithstanding the submitted plans, the proposed access shall have a width of a minimum of 2.75 metres for a distance of at least 5 metres behind the highway boundary 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 do so in a slow and controlled manner, in the interests of general highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and the National Planning Policy Framework (2021).

4. The development hereby permitted shall not be occupied until such time as the parking provision has been implemented in accordance with Horizon drawing number LK/H/Woodville/D-03. Thereafter the onsite parking provision shall be kept available for such use in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed developing leading to on-street parking problems locally in the interests of highway safety and in accordance with Policies DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework.

11.3. **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 25th April 2023
Report of the Head of Planning (Development Management)

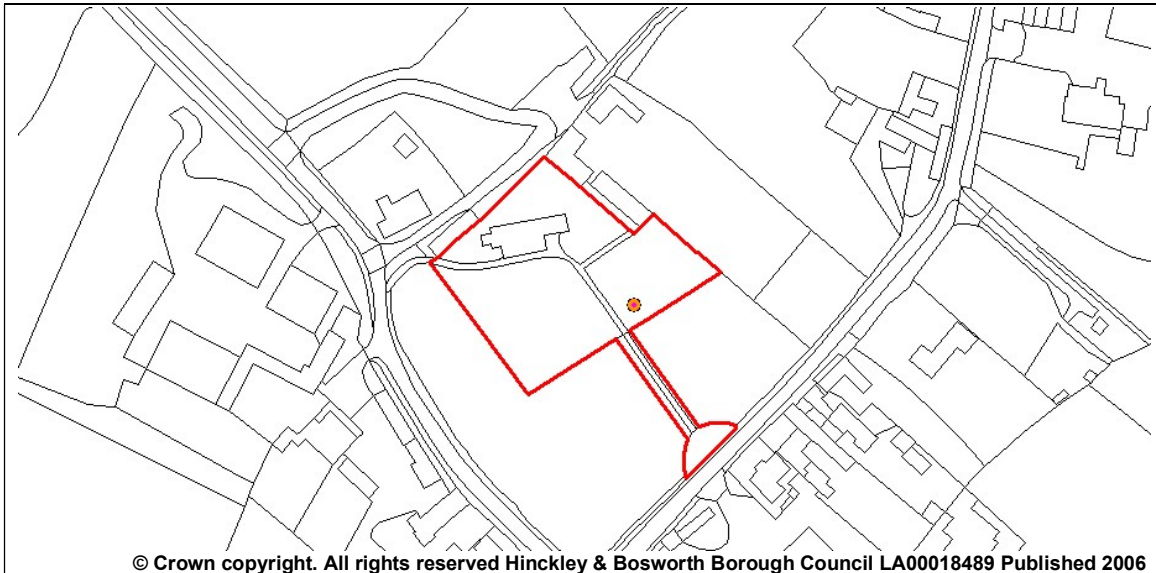
Planning Ref: 23/00087/FUL
Applicant: Mrs Gemma Tallis
Ward: Ambien



Hinckley & Bosworth
Borough Council

Site: St James C Of E Parish Church Bosworth Road Sutton
Cheney

Proposal: Proposed erection of three sculpture works (The Calm before the Storm)



1. Recommendations

- 1.1. **Grant planning permission** subject to:
- Planning conditions outlined at the end of this report
 - That the Head of Planning be given powers to determine the final detail of planning conditions

2. Planning application description

- 2.1. This planning application seeks full planning permission for the erection of a sculpture at the Grade II* Listed Church, St. James Church of England Parish Church, Bosworth Road, Sutton Cheney. The sculpture is situated within the churchyard, to the southeast of the Church.
- 2.2. The proposal is for the installation of a sculpture of King Richard III in a moment of reflection before The Battle of Bosworth, which is titled, "The Calm Before the Storm." The sculpture is a stone carving bedded on wet mortar on hardcore and assembled to cover the entire pad. The carved stone artwork is assembled on the foundation pad using a portable gantry. The sculpture measures 1.8m in height and sits on a pad, which is 2.5m in diameter. The sculpture is carved in Portland Whitbed, with a mirror polished black granite base.
- 2.3. All grounds works and preparation for the sculpture are undertaken by hand, and the area of turf and topsoil is carefully lifted and kept for re-use. The original topsoil is used to establish the new level with the original turf relayed. The foundation

trench is taken down 0.5m and prepared with bindings to the ground. Shuttering and reinforcements are prepared off-site and installed.

- 2.4. No additional landscaping is proposed within this development as the churchyard is already well maintained and the proposed sculpture is close to an existing pathway.
- 2.5. This development is part of the Bosworth 1485 Sculpture Trail. The Sculpture Trail is a walking trail that is approximately 12 miles long and encompasses five artwork sculptures that tell the story of the places and their roles within The Battle of Bosworth.
- 2.6. This project is a joint undertaking between Hinckley and Bosworth Borough Council and tourism specialists, Leicestershire Promotions Ltd, to provide a physical experience of moving through the landscape of The Battle of Bosworth. The sculptures aim to have a lifespan of at least 50 years, and they will remain the property of Hinckley and Bosworth Borough Council throughout.
- 2.7. This application is in tandem with the application for the erection of structures at the Land to the west of Shenton Lane, Dadlington (23/00088/FUL), and at Bosworth Battlefield Centre, Ambion Lane, Sutton Cheney (23/00089/FUL), which are also part of the proposed Bosworth 1485 Sculpture Trail.

3. Description of the site and surrounding area

- 3.1. The application site is in the south-eastern corner of the churchyard of St. James Church, which is within the Sutton Cheney Conservation Area. The Church of St. James is a Grade II* Listed Building, which is located to the northwest of the site. To the north of the site is The Almshouses, which is a Grade II Listed residential property. To the west of the built form of Sutton Cheney is the registered battlefield, Battle of Bosworth (Field) 1485.

The Church of St. James

- 3.2. The Church of St. James is a medieval parish church that dates largely from the early C13, with some Victorian restoration. It is constructed with limestone, some ashlar work, plain tiled roofs, and a west bellcote. The Church principally derives its significance from the historic and architectural interest of its built form as an early 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 Sutton Cheney.
- 3.3. The churchyard is broadly rectangular and is enclosed by a hedgerow and surrounded by a rough pasture to the south and west. There are scattered gravestones throughout the churchyard, including several modern stones to the direct south of the Church. The Church is the central feature to the churchyard complex, and its dominance within the churchyard is integral to its historic relationship and significance. This immediate setting contributes positively to the church's significance, reinforcing its historic, architectural, and communal values.
- 3.4. Churchyards are important both culturally and historically, offering special places for quiet reflection and contemplation. Particularly pertinent to this application is their historic use for commemorative structures.

The Almshouses

- 3.5. The Almshouses was formerly six Almshouses that date from 1612 but they were altered during the C19. The Almshouses are constructed of limestone with a plain tiled roof, and they have now been converted to a single residential dwelling. Due to its position flanking the eastern boundary of the churchyard the special interest of the building can be fully appreciated from the proposed position of the sculpture.

Bosworth Battlefield

- 3.6. Annex 2 of the National Planning Policy Framework defines the setting of a heritage asset as,

“The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”

- 3.7. Due to the proximity of the proposed sculpture and the clear intervisibility to affected heritage assets the sculpture is considered to be within the immediate setting of the Listed Buildings, which are the Church and the Almshouses. Although there is no clear intervisibility between the proposed site and the battlefield, there is a wider shared experience between the Church, churchyard and the battlefield, so the site is considered to be located within its wider setting.

- 3.8. The Battle of Bosworth took place on 22 August 1485, and it is considered a pivotal event in English History because the battle saw the death of the last Plantagenet king, King Richard III, and the crowning of Henry Tudor. It is often seen as marking the end of the War of the Roses, and the transition between the medieval and post-medieval period in England.

- 3.9. The site of the battle was designated in 1995 in recognition of its national importance. The purpose of designation to offer it protection through the planning system and to promote a better understanding of its significance and public enjoyment. The principal reasons for its designation are provided by Historic England within the designation description (National Heritage List for England 1000004):

- **Historical importance:** an iconic event in English history, the Battle of Bosworth brought the Tudor dynasty to the throne and saw the last death of an English king in battle;
- **Topographic integrity:** while agricultural land management has changed since the battle, the battlefield remains largely undeveloped and permits the site of encampments and the course of the battle to be appreciated;
- **Archaeological potential:** recent investigation has demonstrated that the area of the battlefield retains material which can greatly add to our understanding of the battle;
- **Technological significance:** Bosworth is one of the earliest battles in England for which we have clear evidence of significant use of artillery.

- 3.10. On the night before the battle, the Royalist troops of Richard III are thought to have camped on higher ground to the north and northeast of the battlefield, in the vicinity of Sutton Cheney. Richard III is said to have prayed in St James' Church on the eve of the battle. The Church holds special occasional services and events to mark its connection with the battle.

- 3.11. The Battlefield remains a topographic integrity which helps observers to appreciate key views, and possible lines of movement and troop positions. It remains rural in character and largely undeveloped, despite changes in agricultural practises. Features which point directly to the medieval landscape survive in places, such as ridge and furrow cultivation earthworks and the medieval church sites themselves. The agrarian character survives despite the extensive modifications through drainage and hedgerow enclosure, and in the construction of the Ashby Canal and Ashby and Nuneaton railway line.

Sutton Cheney Conservation Area

- 3.12. The Sutton Cheney Conservation Area is an area of special historic and architectural interest. The accompanying conservation area appraisal (SCCAA) (2008) identifies that Sutton Cheney is a small former farming village set in attractive open countryside with close links with the Battle of Bosworth. The village as an architectural group is of great value with an ensemble of brick built vernacular cottages straddling along Main Street each side of the Hall, the Church, and its Almshouses.
- 3.13. The Conservation Area is centered on the large open area of raised ground in the middle of the village, which includes the churchyard and the application site. The SCCAA map identifies the churchyard and paddocks to the south and west as key spaces that contribute positively to the significance of the conservation area due to their character and appearance.
- 3.14. Due to the open nature of the paddocks, there is an important view looking north over them from Main Street and Bosworth Road towards the Church and Almshouses, where the significance of these buildings can be fully appreciated, although visually they are screened to some degree by the churchyard boundary vegetation.

4. Relevant planning history

- 4.1 Non relevant

5. Publicity

- 5.1 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.
- 5.2 One member of the public supports the planning application as it encourages much needed tourism to the local economy and enhances the rural Church and the village of Sutton Cheney.
- 5.3 Market Bosworth Society also made comments in support of the planning application.
- 5.4 No further responses have been received.

6. Consultation

- 6.1 There have been no objections from the following consultants:
- Hinckley & Bosworth Borough Council (HBBC)'s Conservation Officer (subject to conditions)
 - Leicestershire County Council (LCC)'s Archaeology Team (subject to conditions)
 - Local Highway Authority (LHA)

- 6.2 Historic England notes the positive intentions of the Bosworth 1485 Sculpture Trail to increase public accessibility and engagement with battlefield and has no objection in principle to the scheme. Historic England consider the project to have a positive and welcome ambition to widen interaction and understanding of the Battle of Bosworth, both within and beyond the boundary of the registered battlefield. However, Historic England have expressed concerns regarding the curatorial sensitivities of the scheme and that the heritage statement fails to consider the significance of the heritage assets, including that which the heritage assets derive from their setting.
- 6.3 Sutton Cheney Parish Council supports this planning application but raises concerns regarding the lack of parking in the local area to support such an attraction.
- 6.4 LCC's Archaeology Team have requested a pre-commencement planning condition requiring a Written Scheme of Investigation (WSI) for archaeological recording.
- 6.5 No further responses have been received.

7. Policy

- 7.1 Core Strategy (2009)
 - Policy 13: Rural Hamlets
 - Policy 23: Tourism Development
- 7.2 Site Allocations and Development Management Policies (SADMP) DPD (2016)
 - Policy DM1: Presumption in Favour of Sustainable Development
 - 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
 - Policy DM24: Cultural and Tourism Facilities
- 7.3 National Planning Policies and Guidance
 - National Planning Policy Framework (NPPF) (2021)
 - Planning Practice Guidance (PPG)
- 7.4 Other relevant guidance
 - Bosworth Battlefield Conservation Plan: The Way Forward (BBCP) (2013)
 - Good Design Guide (2020)
 - Leicestershire Highway Design Guide (LHDG)
 - National Design Guide (2019)
 - Sutton Cheney Conservation Area Appraisal (SCCAA) (2008)

8. Appraisal

- 8.1. The key issues in respect of this application are therefore:
 - Principle of development
 - Design and impact upon the character of the area
 - Impact upon residential amenity
 - Impact upon parking provision and highway safety

Principle of Development

- 8.2 Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the adopted 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. Paragraph 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Paragraph 2 of the NPPF also identifies that the NPPF is a material planning consideration in planning decisions.
- 8.3 Paragraph 12 of the NPPF states 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, development permission should not usually be granted unless other material considerations indicate otherwise.
- 8.4 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.
- 8.5 Both the adopted Core Strategy and the SADMP are over 5 years old, and Paragraph 33 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. Therefore, this report sets out the relevant adopted Core Strategy and SADMP policies and refers to the NPPF and notes any inconsistencies between them.
- 8.2. Section 16 of the National Planning Policy Framework (NPPF) encourages building a strong, competitive economy. In accordance with Paragraph 84(c), planning policies and decisions should enable, "Sustainable rural tourism and leisure developments which respect the character of the countryside."
- 8.6 Policy DM24 of the adopted SADMP seeks to support the development of new cultural and tourism facilities across the Borough. The development is classified as a "Visitor attraction," which is considered a cultural and tourism facility. Visitor attractions provide a focus for tourism provision in the Borough, support local jobs, raise the Borough's profile, and increase economic activity, particularly in the rural area. They also provide educational services and often preserve and broaden understanding of the history and cultural past of local people.
- 8.7 Policy 13 of the adopted Core Strategy supports the development of the Borough's tourism industry within rural hamlets. Policy 23 of the adopted Core Strategy supports tourism development where the development:
- Can help to support existing local community services and facilities
 - Is of a design and at a scale which is appropriate to minimise impact and assimilate well with the character of the surrounding area with acceptable landscaping
 - Adds to Hinckley & Bosworth's local distinctiveness
 - Complements the tourism themes of the Borough
 - Adds to the economic wellbeing of the area

- 8.8 The scheme is a visitor attraction within the settlement boundary of Sutton Cheney that is an element of a larger proposed cultural and tourism facility that contributes to sustainable rural tourism within the Borough. The development is considered to add to the Borough's local distinctiveness and complements its tourism themes. Therefore, the application is considered acceptable in principle, subject to all other material considerations, in accordance with Policies DM1, and DM24 of the SADMP, Policies 13 and 23 of the adopted Core Strategy, and Section 16 of the NPPF.

Design and Impact upon the Character of the Area

- 8.9 Policy DM10 of the SADMP requires new development to complement or enhance the character of the surrounding area with regards to scale, layout, density, mass, design, materials, and architectural features. Paragraph 134 of the NPPF states that 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 and supplementary planning documents such as design guides and codes.
- 8.10 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 place 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, its setting, and any special 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.
- 8.11 Section 16 of the Nation Planning Policy Framework provides the National Policy on conserving and enhancing the historic environment. When considering the impact of a proposed development on the significance of a designated historic asset, great weight should be given to the asset's conservation. 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.
- 8.12 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(a) and (b) requires all development proposals to demonstrate an understanding of the significance of the heritage asset and its setting, and the impact of the proposal on the significance of the asset and its setting, including measures to minimise or avoid these impacts. Policy DM12 states that development proposals which adversely affect the Bosworth Battlefield, or its setting, should be wholly exceptional and accompanied by clear and convincing justification. Policy DM13 of the SADMP provides the policy to preserve the Borough's archaeology.
- 8.13 Policy 13 of the adopted Core Strategy requires development to respect the character and appearance of the relevant Conservation Area.
- 8.14 Guidance for those involved in managing change in the battlefield is provided within the Bosworth Battlefield Conservation Plan: The Way Forward (BBCP) (2013).

- 8.15 As the development proposal includes foundations, services, and landscaping there is potential that archaeological remains associated with the site location, being in the historic core of the village, will be disturbed or revealed by the proposed works. To ensure that any archaeological remains present are dealt with appropriately, Leicestershire County Council Planning Archaeology have recommended the applicant should provide for an appropriate level of archaeological investigation and recording. This requirement is secured via planning condition and is considered sufficient to overcome any concerns from Historic England regarding the direct physical impacts from the proposed sculpture.
- 8.16 An interpretation panel is proposed to accompany development with the exact siting and form of the panels to be determined. The content of the panel is to be developed to allow for appropriate curation and for a proper understanding of the artworks, what they represent, and to reflect that their siting and form is based on the most up-to-date understanding of the battle events. Following advice from the Council's Conservation Officer and Historic England, and to ensure that the panels are instigated as a key component of the Trail concept, a planning condition that secures the installation of the panels within the development and requires the details concerning their content, siting, form, and dimensions to be submitted to, and approved in writing by, the Local Planning Authority.
- 8.17 Historic England have raised concerns that proposal may cause a degree of harm to the significance that the Church of St. James derives from its setting. Specifically, Historic England have stated that the sculpture detracts from the prominence of the church itself and creates a problematic relationship with the memorialization of the dead in that space, in addition to the direct physical impacts from the footings of the sculpture.
- 8.18 These concerns are caused by the scale, form, and siting of the sculpture, which is likely to dominate the churchyard setting of the Grade II* Listed Church of St. James. Historic England consider the location of the sculpture to be very open and prominent when entering the churchyard from the south, which is viewed as in contrast to the quiet, contemplative theme of the sculpture. The increased activity here may also conflict with events associated with the church's original function. Further comments were raised by Historic England regarding the choice of Portland stone, which is a non-local material, within the development, is likely to increase the sense that the sculpture is an incongruous element within the site.
- 8.19 It is worth noting that, at the time of writing these comments, there are no material objections to the siting, form, and scale of the proposal from any other heritage stakeholders, including the Diocese of Leicester (as owner of the Church and churchyard), Richard III Society and The Battlefields Trust, and the local community including Sutton Cheney Parish Council and the Parochial Church Council (PCC), who have all been involved in the iterative design process to determine the final detail of the proposal.
- 8.20 In order to avoid or mitigate the level of visual impact of the proposal upon the character of the area, the churchyard and the setting of Listed Buildings, the Applicant has given consideration has been given to the siting and scale of the sculpture. Due to its position towards the southern edge of the churchyard, it is not in a part of the yard that is considered too widely open, and it is partially screened visually by the boundary vegetation on the approach to the yard from the pathway dissecting from the southern paddock.

- 8.21 Practical considerations included locating the sculpture close to a hard surfaced pathway within the churchyard to allow access for most people, ensuring that there is a bench within close proximity of the position to allow for commemoration, and ensuring that the sculpture is away from any known graves. The Applicant has stated that the rationale for the scale of the sculpture is because if any further reduction further in size towards a 'human' scale devalues the purpose and the meaning of the scheme. In addition, Portland stone is also a common and practical material choice for statues and sculptures.
- 8.22 It is considered that due to the siting of the sculpture and its scale, the proposal does not adversely affect any key views of heritage assets when viewed from the south, outside of the churchyard, and it does not directly impinge on any intervisibility directly between the Listed Church and Almshouses. As a whole, the proposal is not considered to have any adverse impact upon the key spaces of the churchyard and the paddocks to the south, as identified within the SCCAA.
- 8.23 Due to its 1.8m height, the sculpture is larger than the average commemorative feature within the churchyard, although clear consideration has been given to reducing the level of any adverse impacts from its scale through its siting towards the yard boundary. This is not considered to have any adverse visual impact upon the setting of the Bosworth Battlefield.
- 8.24 However, the sculpture is considered to result in a minor level of harm to the significance of the Grade II* Listed Church of St James and Grade II Listed Almshouses due to the effect on their setting. This outcome was also reached by both the Council's Conservation Officer and the Applicant's Heritage Impact Assessment. This level of adverse impact is considered less than substantial harm in terms of the NPPF and towards the lower end of this spectrum of harm.
- 8.25 Due to the potential less than substantial harm impacts of the scheme on the Grade II* and Grade II Listed Buildings, the development is required to be weighed against the public benefits of the proposal in accordance with Policy DM11(c) of the SADMP, and Paragraph 202 of the NPPF.
- 8.26 Public benefits from developments can be anything that delivers economic, social or environmental progress as described in the NPPF (Paragraph 8). Public benefits may include heritage benefits as specified in the Planning Practice Guidance (Conserving and Enhancing the Historic Environment – Paragraph 20), such as:
- Sustaining or enhancing the significance of a heritage asset and the contribution of its setting
 - Reducing or removing risks to a heritage asset
 - Securing the optimum viable use of a heritage asset in support of its long-term conservation
- 8.27 It is acknowledged that the proposal can demonstrate a variety of heritage benefits, which result from an increased understanding and awareness of the significance of the Bosworth Battlefield, and potentially other affected heritage assets via the scheme of interpretation panels, which are secured via planning condition. Furthermore, there are also likely non-heritage benefits that result from the proposal, which include tourism activities that relate to the proposal and the wider Bosworth 1485 Sculpture Trail. These non-heritage benefits are considered to support the local economy and the profile of the Borough. Therefore, it is considered that there is a high level of benefit from this scheme.

- 8.28 To summarise, the application must be determined via a balancing act between the less than substantial harm of the scheme to heritage assets, which receives great weight in accordance with Paragraph 199 of the NPPF and the statutory duty of Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990, and the extent of public benefits from the scheme.
- 8.29 The proposal is considered to preserve the significance of the Sutton Cheney Conservation Area, and the registered Battle of Bosworth Field (1485). Whilst it is acknowledged that there is the potential for harm to the setting of two important heritage assets, there is no direct impact to the buildings, and this harm is regarded as towards the lower end of the spectrum of less than substantial harm. Given the likely heritage benefits of the scheme, which were welcomed by Historic England, and the potential non-heritage benefits from the increase in tourism within the Borough, it is considered that there is a high level of public benefits from this application. On balance, it is considered that this level of public benefit outweighs the less than substantial harm to the Grade II* Listed Church of St. James, and the Grade II Listed Almshouses. As a result, the development is considered to be in accordance with Policies DM11, DM12 and DM13 of the SADMP, and Section 16 of the NPPF.

Impact upon Residential Amenity

- 8.30 Paragraph 130(f) of the NPPF requires planning policies and decisions to ensure that developments 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. Policy DM10 of the SADMP also states that proposals should not adversely affect the occupiers of the neighboring properties or the future occupiers of the property. The Good Design Guide SPD outlines that development will need to demonstrate that it will not result in loss of amenity to neighbouring properties by way of overlooking, overshadowing or noise.
- 8.31 The provision of a 1.8m high structure within the grounds of St. James Church is not considered to result in any significant adverse impacts to residential amenity in accordance with Policy DM10 of the SADMP and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.32 Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision to serve the development proposed. Paragraph 111 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe.
- 8.33 Policy DM24 of the adopted SADMP supports the development of new cultural and tourism facilities across the Borough. To reduce reliance on the private car, where new facilities are to be established, it should be demonstrated that they can be accessed by a range of sustainable transport modes.
- 8.34 The 'Sculpture Trail' is a walking trail of approximately 12 miles in total. Paragraph 3 of Section 4.6 of the Design and Access Statement highlights that there are options to undertake the walk in small sections. Paragraph 4.6 also identifies a number of car parks, which can be utilised by walkers when undertaking the 'Sculpture Trail,' and the Local Highway Authority (LHA) do not dispute these findings.

8.35 Given the above, the LHA do not consider the proposals to constitute a material impact on the public highway, and therefore the proposal does not create an unacceptable impact on highway safety or the road network in accordance with Policies DM17 and DM18 of the SADMP, and the Leicestershire Highway Design Guide (LHDG).

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, and the matters specified in Section 149 of the Equality Act 2010 in the determination 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. Conclusion

10.1 The proposed development is considered to be compliant with the relevant national and local policy as it:

- Is an appropriate scale and design
- Preserves the significance of the registered Battle of Bosworth Field
- Does not have an adverse impact upon the character and appearance of the area
- Does not have a significant adverse impact upon the amenity of neighbours
- Does not have a significant adverse impact upon highway safety

10.2 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission to be granted, subject to the imposition of appropriate conditions.

11. Recommendation

11.1 **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report
- That the Head of Planning be given powers to determine the final detail of planning conditions

11.2 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 received by the Local Planning Authority as follows:
 - Sculpture Details – The Calm Before the Storm (1 of 2) (submitted: 01.02.2023)
 - Sculpture Details – The Calm Before the Storm (2 of 2) (submitted: 01.02.2023)
 - Site Location Plan (submitted: 01.02.2023)

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 demolition/development shall take place/commence until a Written Scheme of Investigation (WSI) has 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 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 a satisfactory historic building survey and to record and advance understanding of the significance of the affected resource prior to its loss and recording as specified in *Historic England's Good Practise Advice Note 2, Managing Significance in Decision-Taking in the Historic Environment (p. 11)* and to advance the understanding of, and safeguard the significance of the heritage asset in a manner proportionate to its importance in accordance with Policies DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraph 205 and Section 16 of the National Planning Policy Framework.

4. Prior to the installation works commencing on the sculpture, details of the location, form and dimensions of each associated interpretation panel and the proposed content of the panel(s) shall be submitted to and approved in writing by the Local Planning Authority. The installation of the panel(s) shall be carried out in accordance with the approved details and installed no later than three months following the date of final installation of the sculpture.

Reason: To preserve the significance of Bosworth Battlefield in accordance Policies DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) section 16 of the National Planning Policy Framework.

11.3. **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. The WSI must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme has been secured, the Applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.

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Planning Committee 25th April 2023
Report of the Head of Planning (Development Management)

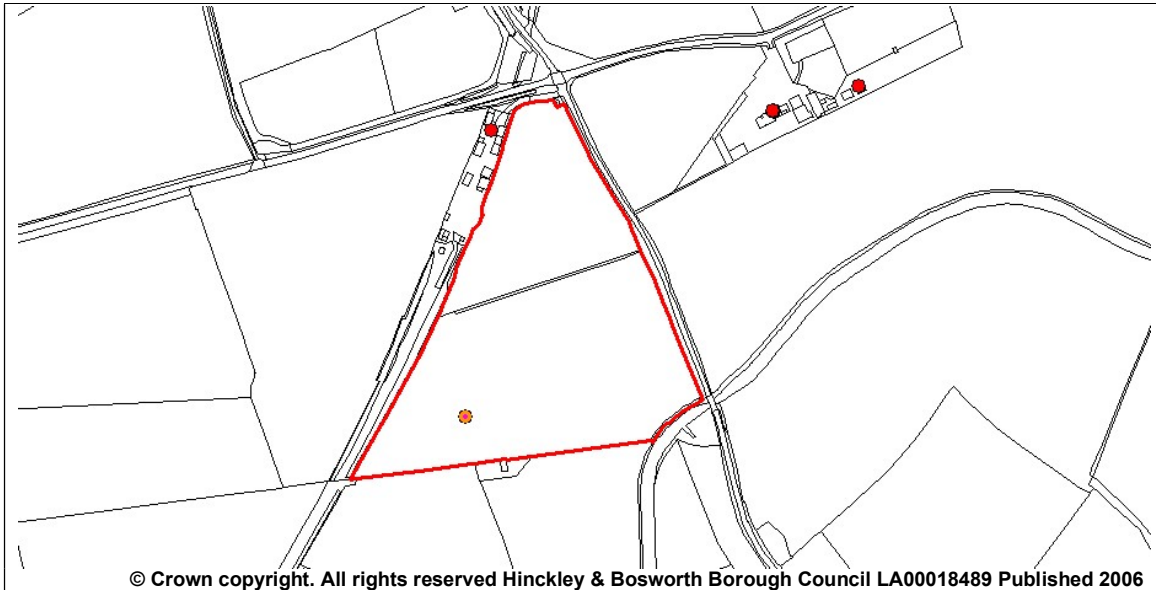
Planning Ref: 23/00088/FUL
Applicant: Mrs Gemma Tallis
Ward: Ambien



Hinckley & Bosworth
Borough Council

Site: Land To The West Of Shenton Lane Dadlington

Proposal: Proposed erection of sculpture work (The Storm Breaks)



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report
- That the Head of Planning be given powers to determine the final detail of planning conditions

2. Planning application description

2.1. This planning application seeks full planning permission for the erection of a sculpture at the Land to the west of Shenton Lane, Dadlington. The location of the development is in a private field accessed via existing Public Rights of Way (PRoW) and a new permissive footpath. The sculpture represents the enormity of The Battle of Bosworth and sits astride the PRoW.

2.2. The proposal is for the installation of a new sculpture of stone in an abstract design depicting the combatants of The Battle of Bosworth, entitled, "The Storm Breaks." The stone figure representing Henry Tudor is built from red sandstone, and the stone figure representing King Richard III is built from a white Portland. The other stone figures depict significant barons involved in the battle, with the choice of stones connecting them to their locality. Each of the stones has blasted heraldic patterns to help identify them.

2.3. The sculptures lie each side of a drystone path revetment that leads along the line of the existing footpath. The dimensions of the sculpture are 4.5m in height, with a

base of around 19m in diameter. The foundations are 3.6m in diameter and they are 0.8m deep.

- 2.4. Two interpretation panels are to be implemented within this site; however their exact locations are currently unconfirmed.
- 2.5. Landscaping improvements to the site are mainly focused around Fenn Lanes and the disused railway embankment area. The stiles on each side of Fenn Lanes, are replaced with kissing gates and improvements are made to the existing steps over the railway embankment. A permissive pathway has also been agreed and the involved parties in the process of drawing up the agreement. The permissive pathway allows doe easier access to the sculpture via the Ashby Canal towpath, Sutton Wharf car park, and the Shenton Lane bridge.
- 2.6. This development is part of the Bosworth 1485 Sculpture Trail. The Sculpture Trail is a walking trail that is approximately 12 miles long and encompasses five artwork sculptures that tell the story of the places and their roles within The Battle of Bosworth.
- 2.7. This project is a joint undertaking between Hinckley and Bosworth Borough Council and tourism specialists, Leicestershire Promotions Ltd, to provide a physical experience of moving through the landscape of The Battle of Bosworth. The sculptures aim to have a lifespan of at least 50 years, and they will remain the property of Hinckley and Bosworth Borough Council throughout.
- 2.8. This application is in tandem with the application for the erection of structures at St. James Church of England Parish Church, Bosworth Road, Sutton Cheney (23/00087/FUL), and at Bosworth Battlefield Centre, Ambion Lane, Sutton Cheney (23/00089/FUL), which are also part of the proposed Bosworth 1485 Sculpture Trail.

3. Description of the site and surrounding area

- 3.1. The sculpture is located in a field outside of any identified settlement boundaries in the open countryside to the northwest of the village of Dadlington, and to the east of Shenton Lane. The site is accessed via two Public Rights of Ways (T55 and U75) via Fenn Lanes to the north. There is a single dwelling to the southwest, which is separated from the site by an agricultural field, and there is an agricultural use to the north of the site. To the west lies the line of the former Ashby and Nuneaton Joint Railway, as a raised embankment, which has truncated the original rectangular shape of the field. Beyond these elements is open countryside.
- 3.2. The Battle of Bosworth took place on 22 August 1485, and it is considered a pivotal event in English History because the battle saw the death of the last Plantagenet king, King Richard III, and the crowning of Henry Tudor. It is often seen as marking the end of the War of the Roses, and the transition between the medieval and post-medieval period in England.
- 3.3. The site of the battle was designated in 1995 in recognition of its national importance. The purpose of designation to offer it protection through the planning system and to promote a better understanding of its significance and public enjoyment. The principal reasons for its designation are provided by Historic England within the designation description (National Heritage List for England 1000004):

- **Historical importance:** an iconic event in English history, the Battle of Bosworth brought the Tudor dynasty to the throne and saw the last death of an English king in battle;
 - **Topographic integrity:** while agricultural land management has changed since the battle, the battlefield remains largely undeveloped and permits the site of encampments and the course of the battle to be appreciated;
 - **Archaeological potential:** recent investigation has demonstrated that the area of the battlefield retains material which can greatly add to our understanding of the battle;
 - **Technological significance:** Bosworth is one of the earliest battles in England for which we have clear evidence of significant use of artillery.
- 3.4 On the day of the battle, evidence indicates that Henry's army advanced from the west along Fenn Lanes while Richard's forces gathered below Ambion Hill. The sides moved through the landscape to the focus of the battle, located in the valley bottom, and around an area of marshy ground (known as Redemore Plain) thought to be to the east of the modern Fenn Lane Farm. Lord Thomas Stanley and his brother Sir William Stanley watched the battle unfold from a strategic position on high ground, thought to be just north of Dadlington, before engaging their considerable forces on Henry's side.
- 3.5 As referenced in the designation description, despite changes in agricultural practices which does include the erection of some modern large farm buildings throughout the area, the battlefield does remain rural in character, largely undeveloped, and retains a topographic integrity which enables the observer to appreciate key views. This permits the site of encampments and the course of the battle to be fully appreciated and understood. The battlefield also has high archaeological potential, retaining evidence which can greatly add to our understanding of the battle.
- 4. Relevant planning history**
- 4.1 None relevant
- 5. Publicity**
- 5.1 The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.
- 5.2 One member of the public supports the planning application as it encourages much needed tourism to the local economy. Market Bosworth Society also made comments in support of the planning application.
- 5.3 No further responses have been received.
- 6. Consultation**
- 6.1 There have been no objections from the following consultants:
- Hinckley & Bosworth Borough Council (HBBC)'s Conservation Officer (subject to conditions)
 - Leicestershire County Council (LCC)'s Archaeology Team (subject to conditions)
 - Local Highway Authority (LHA) (subject to conditions)
- 6.2 Historic England notes the positive intentions of the Bosworth 1485 Sculpture Trail to increase public accessibility and engagement with battlefield and has no objection in principle to the scheme. Historic England consider the project to have a positive and welcome ambition to widen interaction and understanding of the Battle

of Bosworth, both within and beyond the boundary of the registered battlefield. However, they expressed concerns regarding the curatorial sensitivities of the scheme and its impact on the landscape and rural character of the battlefield.

- 6.3 The Local Highway Authority have concerns that the structure obstructs the PRowS as the application as submitted suggests that the PRow runs through the middle of the proposed structure location. However, the LHA are satisfied that this concern can be mitigated via planning conditions.
- 6.4 LCC's Archaeology Team have requested a pre-commencement planning condition requiring a Written Scheme of Investigation (WSI) for archaeological recording.
- 6.5 The Battlefield Trust has made comments in support of the planning application because the development has a positive impact on attracting visitors to, and raising interest in, the battlefield at Bosworth. However, the Battlefield Trust has recommended that the foundations of the sculpture are dug with a mechanical digger taking off 10cm spits of earth and the spoil and exposed earth is then detected again. This process should be repeated until the required depth is reached. This has been discussed with LCC's Archaeology Team and is secured within their recommended WSI pre-commencement planning condition.
- 6.6 No further responses have been received.

7. Policy

7.1 Core Strategy (2009)

- Policy 23: Tourism Development

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

- Policy DM1: Presumption in Favour of Sustainable Development
- 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
- Policy DM24: Cultural and Tourism Facilities

7.3 National Planning Policies and Guidance

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

7.4 Other relevant guidance

- Bosworth Battlefield Conservation Plan: The Way Forward (BBCP) (2013)
- Good Design Guide (2020)
- Leicestershire Highway Design Guide (LHDG)
- National Design Guide (2019)

8. Appraisal

8.1. The key issues in respect of this application are therefore:

- Principle of development
- Design and impact upon the character of the area
- Impact upon residential amenity
- Impact upon parking provision and highway safety

Principle of Development

- 8.1 Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the adopted 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. Paragraph 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Paragraph 2 of the NPPF also identifies that the NPPF is a material planning consideration in planning decisions.
- 8.2 Paragraph 12 of the NPPF states 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, development 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 Both the adopted Core Strategy and the SADMP are over 5 years old, and Paragraph 33 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. Therefore, this report sets out the relevant adopted Core Strategy and SADMP policies and refers to the NPPF and notes any inconsistencies between them.
- 8.5 Outside the defined settlement boundaries, the countryside is not regarded as a sustainable location for new development. Section 15 of the NPPF requires planning policies and decisions to conserve and enhance the natural and local environment. "To protect its intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development," by the Council via Policy DM4 of the SADMP.
- 8.6 Policy DM4 of the SADMP considers development in the countryside sustainable where:
- (a) It is for outdoor sport or recreation purposes when it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries
 - (b) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting
 - (c) It significantly contributes to economic growth, job creation and/or diversification of rural businesses
 - (d) It relates to the provision of stand-alone renewable energy developments in line with Policy DM2 (Renewable Energy and Low Carbon Development)
 - (e) Or where it relates to the provision of accommodation for a rural worker in line with Policy DM5 (Enabling Rural Worker Accommodation)
- 8.7 Section 16 of the National Planning Policy Framework (NPPF) encourages building a strong, competitive economy. In accordance with Paragraph 84(c), planning

policies and decisions should enable, “Sustainable rural tourism and leisure developments which respect the character of the countryside.”

- 8.8 Policy 23 of the adopted Core Strategy supports tourism development where the development:
- Can help to support existing local community services and facilities
 - Is of a design and at a scale which is appropriate to minimise impact and assimilate well with the character of the surrounding area with acceptable landscaping
 - Adds to Hinckley & Bosworth’s local distinctiveness
 - Complements the tourism themes of the Borough
 - Adds to the economic wellbeing of the area
- 8.9 Policy DM24 of the adopted SADMP seeks to support the development of new cultural and tourism facilities across the Borough. The development is classified as a, “Visitor attraction,” which is considered a cultural and tourism facility. Visitor attractions provide a focus for tourism provision in the Borough, support local jobs, raise the Borough’s profile, and increase economic activity, particularly in the rural area. They also provide educational services and often preserve and broaden understanding of the history and cultural past of local people.
- 8.10 The scheme is outside of any identified settlement boundary in the open countryside, and it does not comply with any of the requirements of Policy DM4 of the SADMP. However, the development does not undermine the physical and perceived separation and open character between settlements, nor does it create or exacerbate ribbon development. The application site is not located within a Green Wedge, and it is not within the National Forest.
- 8.11 Moreover, the scheme is classified as a visitor attraction that is an element of a larger proposed cultural and tourism facility. The development is considered to contribute to the local distinctiveness and sustainable rural tourism within the Borough and complement its tourism themes. Therefore, the application is supported by Section 16 of the NPPF, Policy 23 of the adopted Core Strategy, and Policy DM24 of the SADMP. Given the above, the principle of the development is subject to the assessment of the impact of the development on the intrinsic value, beauty, open character, and landscape character of the countryside.

Design and Impact upon the Character of the Area

- 8.12 Policy DM10 of the SADMP requires new development to complement or enhance the character of the surrounding area with regards to scale, layout, density, mass, design, materials, and architectural features. Paragraph 134 of the NPPF states that 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 and supplementary planning documents such as design guides and codes.
- 8.13 Section 16 of the Nation Planning Policy Framework provides the National Policy on conserving and enhancing the historic environment. When considering the impact of a proposed development on the significance of a designated historic asset, great weight should be given to the asset’s conservation. 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.

- 8.14 Public benefits from developments can be anything that delivers economic, social or environmental progress as described in the NPPF (Paragraph 8). Public benefits may include heritage benefits as specified in the Planning Practice Guidance (Conserving and Enhancing the Historic Environment – Paragraph 20), such as:
- Sustaining or enhancing the significance of a heritage asset and the contribution of its setting
 - Reducing or removing risks to a heritage asset
 - Securing the optimum viable use of a heritage asset in support of its long-term conservation
- 8.15 The Planning Practice Guide (PPG) and Historic England Advice Note 2 (HEAN2) Making Changes to Heritage Assets sets out how the policies of the NPPF are expected to be applied and includes guidance on the conservation of and making changes to the historic environment.
- 8.16 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(a) and (b) requires all development proposals to demonstrate an understanding of the significance of the heritage asset and its setting, and the impact of the proposal on the significance of the asset and its setting, including measures to minimise or avoid these impacts. Policy DM12 states that development proposals which adversely affect the Bosworth Battlefield, or its setting, should be wholly exceptional and accompanied by clear and convincing justification. Policy DM13 of the SADMP provides the policy to preserve the Borough's archaeology.
- 8.17 Guidance for those involved in managing change in the battlefield is provided within the Bosworth Battlefield Conservation Plan: The Way Forward (BBCP) (2013)
- 8.18 As the development proposal includes foundations, services, and landscaping, there is potential that archaeological remains associated with the battlefield will be disturbed or revealed by the proposed works. To ensure that any archaeological remains present are dealt with appropriately, Leicestershire County Council Planning Archaeology have recommended the Applicant should provide for an appropriate level of archaeological investigation and recording. This requirement is secured via a planning condition.
- 8.19 Historic England has raised concerns that the scale of the sculpture has the potential to draw the eye and distract from the wider story as told by the landscape itself. Development within the battlefield also has the potential to impact upon its rural character, further eroding the ability to understand and appreciate the battle's contemporary landscape and how this influenced the course of the event.
- 8.20 A Landscape and Visual Impact Assessment (LVIA) has been undertaken to demonstrate the visibility of the sculptures in the wider landscape, considering key views within the battlefield area and its setting which allow for an appreciation of the significance of the battlefield. The LVIA identifies that the location of the sculptures has been chosen with the intention of minimising potential visual impacts, and that their design has considered strategies for mitigation against potential negative impacts through reduction in the footprint and scale and considering the existing character of the landscape through its materiality. The LVIA establishes that there

are not any direct views of the sculptures from key areas within the battlefield and its context, so the visual impact on these areas is negligible.

- 8.21 Overall, it is considered that the impact upon the character and the significance of the battlefield from the erection of this proposed artwork is not adverse. Furthermore, it is considered that the public benefits of this scheme to widen interaction and understanding of the Battle of Bosworth, as welcomed by Historic England, outweighs the level of harm that the scheme has within this location.
- 8.22 The interpretation panels are proposed to accompany development with the exact siting and form of the panels to be determined. The content of the panels is to be developed to allow for appropriate curation and for a proper understanding of the artworks, what they represent, and to reflect that their siting and form is based on the most up-to-date understanding of the battle events. Following advice from the Council's Conservation Officer and Historic England, and to ensure that the panels are instigated as a key component of the Trail concept, a planning condition that secures the installation of the panels within the development and requires the details concerning their content, siting, form, and dimensions to be submitted to, and approved in writing by, the Local Planning Authority.
- 8.23 For the reasons specified above, the proposal is considered to be an appropriate development within the registered Battle of Bosworth Field. The application is considered to preserve its significance and as result of this, the scheme is regarded as in accordance with Policies DM11, DM12 and DM13 of the SADMP, and Section 16 of the National Planning Policy Framework.

Impact upon Residential Amenity

- 8.24 Paragraph 130(f) of the NPPF requires planning policies and decisions to ensure that developments 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. Policy DM10 of the SADMP also states that proposals should not adversely affect the occupiers of the neighboring properties or the future occupiers of the property. The Good Design Guide SPD outlines that development will need to demonstrate that it will not result in loss of amenity to neighbouring properties by way of overlooking, overshadowing or noise.
- 8.25 There are residential dwellings near the application site and the development is not considered to result in any significant adverse impacts to residential amenity in accordance with Policy DM10 of the SADMP and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.26 Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision to serve the development proposed. Paragraph 111 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe.
- 8.27 Policy DM24 of the adopted SADMP supports the development of new cultural and tourism facilities across the Borough. To reduce reliance on the private car, where new facilities are to be established, it should be demonstrated that they can be accessed by a range of sustainable transport modes.

8.28 The 'Sculpture Trail' is a walking trail of approximately 12 miles in total. Paragraph 3 of Section 4.6 of the Design and Access Statement highlights that there are options to undertake the walk in small sections. Paragraph 4.6 also identifies a number of car parks, which can be utilised by walkers when undertaking the 'Sculpture Trail,' and the Local Highway Authority (LHA) do not dispute these findings.

8.29 Given the above, the LHA do not consider the proposals to constitute a material impact on the public highway, and therefore the proposal does not create an unacceptable impact on highway safety or the road network in accordance with Policies DM17 and DM18 of the SADMP, and the Leicestershire Highway Design Guide (LHDG).

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, and the matters specified in Section 149 of the Equality Act 2010 in the determination 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. Conclusion

10.1 The proposed development is considered to be compliant with the relevant national and local policy as it:

- Is an appropriate scale and design
- Preserves the significance of the registered Battle of Bosworth Field
- Does not have an adverse impact upon the character and appearance of the area
- Does not have a significant adverse impact upon the amenity of neighbours
- Does not have a significant adverse impact upon highway safety

10.2 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission to be granted, subject to the imposition of appropriate conditions.

11. Recommendation

11.1 Grant planning permission subject to:

- Planning conditions outlined at the end of this report
- That the Head of Planning be given powers to determine the final detail of planning conditions

11.2 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 received by the Local Planning Authority as follows:

- Block Plan (submitted: 01.02.2023)
- Sculpture Detail – The Storm Breaks 1 of 3 (submitted: 01.02.2023)
- Sculpture Detail – The Storm Breaks 2 of 3 (submitted: 01.02.2023)
- Sculpture Detail – The Storm Breaks 3 of 3 (submitted: 01.02.2023)
- Sculpture Detail – The Storm Breaks aerial view plan (submitted: 01.02.2023)
- Site Location Plan (submitted: 01.02.2023)

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 demolition/development shall take place/commence until a Written Scheme of Investigation (WSI) has 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 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 a satisfactory historic building survey and to record and advance understanding of the significance of the affected resource prior to its loss and recording as specified in *Historic England's Good Practise Advice Note 2, Managing Significance in Decision-Taking in the Historic Environment (p. 11)* and to advance the understanding of, and safeguard the significance of the heritage asset in a manner proportionate to its importance in accordance with Policies DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraph 205 and Section 16 of the National Planning Policy Framework.

4. No development shall take place until the exact location of the structure in relation to the public right of way is clarified to the satisfaction of the County Council, and a scheme for the management of the public right of way during construction as been submitted and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the agreed scheme and timetable.

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

5. The Proposed Permissive Path link between Footpaths T55 and U75 should be signposted at either end with yellow-topped waymark posts conforming to County Council specification drawing SD/FP/6. The developers should work with the County Council to arrange installation of appropriate waymark arrows labelled 'Permissive Path' and also to ensure the new route is shown appropriately on Ordnance Survey maps.

Reason: To enhance the Public Rights of Way and add a link to the existing network in accordance with Paragraph 100 of the National Planning Policy Framework 2021.

6. Prior to the installation works commencing on the sculpture, details of the location, form and dimensions of each associated interpretation panel and the proposed content of the panel(s) shall be submitted to and approved in writing by the Local Planning Authority. The installation of the panel(s) shall be carried out in accordance with the approved details and installed no later than three months following the date of final installation of the sculpture.

Reason: To preserve the significance of Bosworth Battlefield in accordance Policies DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) section 16 of the National Planning Policy Framework.

11.3 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. The WSI must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme has been secured, the Applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.
3. The LHA note the Applicant is proposing a permissive path link between PRoW's T55 and U75. The Applicant should signpost the route at either end with Leicestershire County Council (LCC) approved signage. This should conform to LCC specification drawing Ssd/FP/6. This can be found at: <https://resources.leicestershire.gov.uk/environment-and-planning/planning/leicestershire-highway-design-guide>

And select - 'Rights of Way'.

The Applicant should contact 'footpaths@leics.gov.uk' to arrange the installation of appropriate waymark arrows labelled 'Permissive Path'.

The Applicant should also ensure the new route is shown appropriately on Ordnance Survey maps.

4. Prior to construction, measures should be taken to ensure that users of the Public Right(s) of Way are not exposed to any elements of danger associated with construction works.
5. The Public Right(s) 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.
6. The Public Right(s) of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.
7. 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.
8. 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.
9. 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.

Planning Committee 25th April 2023
Report of the Head of Planning (Development Management)

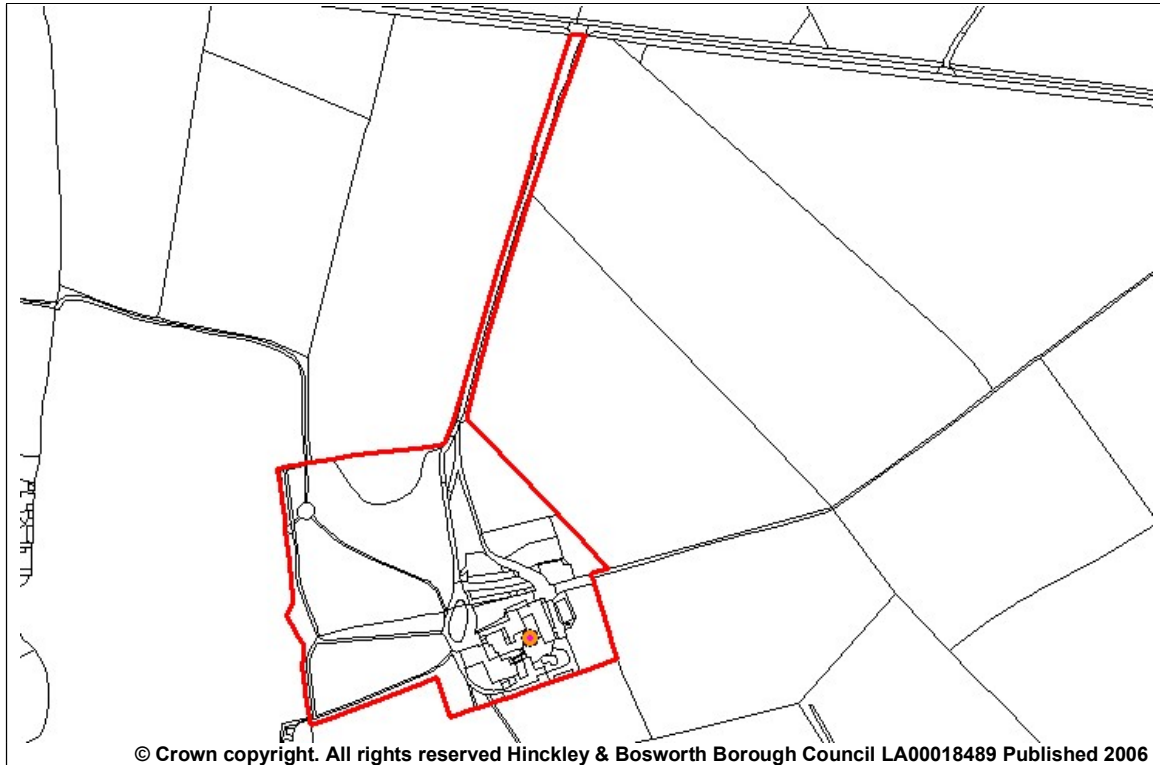
Planning Ref: 23/00089/FUL
Applicant: Mrs Gemma Tallis
Ward: Ambien



Hinckley & Bosworth
Borough Council

Site: Bosworth Battlefield Centre Ambion Lane Sutton Cheney

Proposal: Proposed erection of sculpture work (Piecing together the Past)



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report
- That the Head of Planning be given powers to determine the final detail of planning conditions

2. Planning application description

2.1. This planning application seeks full planning permission for the erection of a sculpture at the Bosworth Battlefield Heritage Centre, Ambion Lane, Sutton Cheney. The sculpture is located in the main courtyard of the Heritage Centre and represents the archaeology of the site, and how the story of The Battle of Bosworth has been pieced together over time.

2.2. The proposal is for the installation of a new sculpture, entitled, "Piecing Together the Past," which depicts the relief of Kings Henry Tudor and Richard III back-to-back. The sculpture consists of a circular heavy oak frame that supports a cast acrylic coin. The jigsaw-style pieces within the coin are cast in aluminium and match the shape of the coins, which will have an anodised finish. The piece is 2.6m in

diameter and 2.7m in height, with foundations of around 1.6m in width x 0.7m in depth. An interpretation board is provided in accompaniment to the structure; however, the location of the interpretation panel is yet to be decided.

- 2.3. No additional landscaping is proposed within this application as the area is already well utilised as part of the Bosworth Battlefield Heritage Centre.
- 2.4. This development is part of the Bosworth 1485 Sculpture Trail. The Sculpture Trail is a walking trail that is approximately 12 miles long and encompasses five artwork sculptures that tell the story of the places and their roles within The Battle of Bosworth.
- 2.5. This project is a joint undertaking between Hinckley and Bosworth Borough Council and tourism specialists, Leicestershire Promotions Ltd, to provide a physical experience of moving through the landscape of The Battle of Bosworth. The sculptures aim to have a lifespan of at least 50 years, and they will remain the property of Hinckley and Bosworth Borough Council throughout.
- 2.6. This application is in tandem with the application for the erection of structures at St. James Church of England Parish Church, Bosworth Road, Sutton Cheney (23/00087/FUL), and the Land to the west of Shenton Lane, Dadlington (23/00088/FUL), which are also part of the proposed Bosworth 1485 Sculpture Trail.

3. Description of the site and surrounding area

- 3.1. The development is located within the Bosworth Battlefield Heritage Centre, which is a heritage attraction for Leicestershire County Council and is located at the edge of Ambion Hill, within the registered battlefield, Battle of Bosworth (Field) 1485.
- 3.2. The Battle of Bosworth took place on 22 August 1485, and it is considered a pivotal event in English History because the battle saw the death of the last Plantagenet king, King Richard III, and the crowning of Henry Tudor. It is often seen as marking the end of the War of the Roses, and the transition between the medieval and post-medieval period in England.
- 3.3. The site of the battle was designated in 1995 in recognition of its national importance. The purpose of designation to offer it protection through the planning system and to promote a better understanding of its significance and public enjoyment. The principal reasons for its designation are provided by Historic England within the designation description (National Heritage List for England 1000004):
 - **Historical importance:** an iconic event in English history, the Battle of Bosworth brought the Tudor dynasty to the throne and saw the last death of an English king in battle;
 - **Topographic integrity:** while agricultural land management has changed since the battle, the battlefield remains largely undeveloped and permits the site of encampments and the course of the battle to be appreciated;
 - **Archaeological potential:** recent investigation has demonstrated that the area of the battlefield retains material which can greatly add to our understanding of the battle;
 - **Technological significance:** Bosworth is one of the earliest battles in England for which we have clear evidence of significant use of artillery.

3.4 On the day of the battle, evidence indicates that Henry's army advanced from the west along Fenn Lanes while Richard's forces gathered below Ambion Hill. The sides moved through the landscape to the focus of the battle, located in the valley bottom, and around an area of marshy ground (known as Redemore Plain) thought to be to the east of the modern Fenn Lane Farm. Lord Thomas Stanley and his brother Sir William Stanley watched the battle unfold from a strategic position on high ground, thought to be just north of Dadlington, before engaging their considerable forces on Henry's side.

3.5 As referenced in the designation description, despite changes in agricultural practices which does include the erection of some modern large farm buildings throughout the area, the battlefield does remain rural in character, largely undeveloped, and retains a topographic integrity which enables the observer to appreciate key views. This permits the site of encampments and the course of the battle to be fully appreciated and understood. The battlefield also has high archaeological potential, retaining evidence which can greatly add to our understanding of the battle.

4. Relevant planning history

4.1 None relevant

5. Publicity

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

5.2 One member of the public supports the planning application as it encourages much needed tourism to the local economy.

5.3 Market Bosworth Society also made comments in support of the planning application.

5.4 No further responses have been received.

6. Consultation

6.1 There have been no objections from the following consultants:

- Hinckley & Bosworth Borough Council (HBBC)'s Conservation Officer (subject to conditions)
- Leicestershire County Council (LCC)'s Archaeology Team (subject to conditions)
- Local Highway Authority (LHA)

6.2 Historic England notes the positive intentions of the Bosworth 1485 Sculpture Trail to increase public accessibility and engagement with battlefield and has no objection in principle to the scheme. Historic England consider the project to have a positive and welcome ambition to widen interaction and understanding of the Battle of Bosworth, both within and beyond the boundary of the registered battlefield.

6.3 LCC's Archaeology Team have requested a pre-commencement planning condition requiring a Written Scheme of Investigation (WSI) for archaeological recording.

6.4 No further responses have been received.

7. Policy

7.1 Core Strategy (2009)

- Policy 23: Tourism Development

- 7.2 Site Allocations and Development Management Policies (SADMP) DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - 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
 - Policy DM24: Cultural and Tourism Facilities
- 7.3 National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2021)
 - Planning Practice Guidance (PPG)
- 7.4 Other relevant guidance
- Bosworth Battlefield Conservation Plan: The Way Forward (BBCP) (2013)
 - Good Design Guide (2020)
 - Leicestershire Highway Design Guide (LHDG)
 - National Design Guide (2019)

8. Appraisal

- 8.1. The key issues in respect of this application are therefore:
- Principle of development
 - Design and impact upon the character of the area
 - Impact upon residential amenity
 - Impact upon parking provision and highway safety

Principle of Development

- 8.1 Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the adopted 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. Paragraph 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Paragraph 2 of the NPPF also identifies that the NPPF is a material planning consideration in planning decisions.
- 8.2 Paragraph 12 of the NPPF states 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, development 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 Both the adopted Core Strategy and the SADMP are over 5 years old, and Paragraph 33 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. Therefore, this report sets out the relevant adopted Core Strategy and SADMP policies and refers to the NPPF and notes any inconsistencies between them.
- 8.5 Outside the defined settlement boundaries, the countryside is not regarded as a sustainable location for new development. Section 15 of the NPPF requires planning policies and decisions to conserve and enhance the natural and local environment. "To protect its intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development," by the Council via Policy DM4 of the SADMP.
- 8.6 Section 16 of the National Planning Policy Framework (NPPF) encourages building a strong, competitive economy. In accordance with Paragraph 84(c), planning policies and decisions should enable, "Sustainable rural tourism and leisure developments which respect the character of the countryside."
- 8.7 Policy 23 of the adopted Core Strategy supports tourism development where the development:
- Can help to support existing local community services and facilities
 - Is of a design and at a scale which is appropriate to minimise impact and assimilate well with the character of the surrounding area with acceptable landscaping
 - Adds to Hinckley & Bosworth's local distinctiveness
 - Complements the tourism themes of the Borough
 - Adds to the economic wellbeing of the area
- 8.8 Policy DM24 of the adopted SADMP seeks to support the development of new cultural and tourism facilities across the Borough. The development is classified as a, "Visitor attraction," which is considered a cultural and tourism facility. Visitor attractions provide a focus for tourism provision in the Borough, support local jobs, raise the Borough's profile, and increase economic activity, particularly in the rural area. They also provide educational services and often preserve and broaden understanding of the history and cultural past of local people.
- 8.9 The scheme is outside of any identified settlement boundary in the open countryside, and it does not comply with any of the requirements of Policy DM4 of the SADMP. Whilst the development does not comply with the requirements of Policy DM4 (a, b, c, d, and, e), the development is located within the Bosworth Battlefield Heritage Centre. Given this location, and the size, scale, and volume of the sculpture, the development is not considered to result in a significant adverse impact on the intrinsic value, beauty, open character, and landscape character of the countryside in accordance with Policy DM4 (i, ii, iii, iv, and v.)
- 8.10 Moreover, the scheme is classified as a visitor attraction that is an element of a larger proposed cultural and tourism facility. The development is considered to contribute to the local distinctiveness and sustainable rural tourism within the Borough and complement its tourism themes. Therefore, the application is supported by Section 16 of the NPPF, Policy 23 of the adopted Core Strategy, and Policy DM24 of the SADMP. Given the above, the principle of the development is acceptable, subject to all other material considerations.

Design and Impact upon the Character of the Area

- 8.11 Policy DM10 of the SADMP requires new development to complement or enhance the character of the surrounding area with regards to scale, layout, density, mass, design, materials, and architectural features. Paragraph 134 of the NPPF states that 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 and supplementary planning documents such as design guides and codes.
- 8.12 Section 16 of the Nation Planning Policy Framework provides the National Policy on conserving and enhancing the historic environment. When considering the impact of a proposed development on the significance of a designated historic asset, great weight should be given to the asset's conservation. 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.
- 8.13 Public benefits from developments can be anything that delivers economic, social or environmental progress as described in the NPPF (Paragraph 8). Public benefits may include heritage benefits as specified in the Planning Practice Guidance (Conserving and Enhancing the Historic Environment – Paragraph 20), such as:
- Sustaining or enhancing the significance of a heritage asset and the contribution of its setting
 - Reducing or removing risks to a heritage asset
 - Securing the optimum viable use of a heritage asset in support of its long-term conservation
- 8.14 The Planning Practice Guide (PPG) and Historic England Advice Note 2 (HEAN2) Making Changes to Heritage Assets sets out how the policies of the NPPF are expected to be applied and includes guidance on the conservation of and making changes to the historic environment.
- 8.15 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(a) and (b) requires all development proposals to demonstrate an understanding of the significance of the heritage asset and its setting, and the impact of the proposal on the significance of the asset and its setting, including measures to minimise or avoid these impacts. Policy DM12 states that development proposals which adversely affect the Bosworth Battlefield, or its setting, should be wholly exceptional and accompanied by clear and convincing justification. Policy DM13 of the SADMP provides the policy to preserve the Borough's archaeology.
- 8.16 Guidance for those involved in managing change in the battlefield is provided within the Bosworth Battlefield Conservation Plan: The Way Forward (BBCP) (2013)
- 8.17 Despite the disturbance caused by the construction of the heritage centre yard, there remains a potential for archaeological remains from these periods to be disturbed by the excavations, which are required to erect the sculpture. To ensure that any archaeological remains present are dealt with appropriately, Leicestershire County Council Planning Archaeology have recommended the Applicant should provide professional archaeological attendance for inspection and recording during

the groundworks for the proposed development. This requirement is secured via planning condition.

- 8.18 The general form of the artwork is considered sensitive and, due to its relatively limited scale and size and position within a courtyard enclosed by buildings, its visibility is limited solely to areas within the Battlefield Centre and does not extend to the wider battlefield landscape. For these reasons, the proposal is not considered to have an adverse impact upon the topographical integrity of the battlefield.
- 8.19 An interpretation panel is proposed to accompany development with the exact siting and form of the panels to be determined. The content of the panel is to be developed to allow for appropriate curation and for a proper understanding of the artworks, what they represent, and to reflect that their siting and form is based on the most up-to-date understanding of the battle events. Following advice from the Council's Conservation Officer and Historic England, and to ensure that the panels are instigated as a key component of the Trail concept, a planning condition that secures the installation of the panels within the development and requires the details concerning their content, siting, form, and dimensions to be submitted to, and approved in writing by, the Local Planning Authority.
- 8.20 For the reasons specified above, the proposal is considered to be an appropriate development within the registered Battle of Bosworth Field. The application is considered to preserve its significance and as result of this, the scheme is regarded as in accordance with Policies DM11, DM12 and DM13 of the SADMP, and Section 16 of the National Planning Policy Framework.

Impact upon Residential Amenity

- 8.21 Paragraph 130(f) of the NPPF requires planning policies and decisions to ensure that developments 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. Policy DM10 of the SADMP also states that proposals should not adversely affect the occupiers of the neighboring properties or the future occupiers of the property. The Good Design Guide SPD outlines that development will need to demonstrate that it will not result in loss of amenity to neighbouring properties by way of overlooking, overshadowing or noise.
- 8.22 The sculpture is within the Bosworth Battlefield Heritage Centre and is not considered to result in any significant adverse impacts to residential amenity in accordance with Policy DM10 of the SADMP and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.23 Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision to serve the development proposed. Paragraph 111 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe.
- 8.24 Policy DM24 of the adopted SADMP supports the development of new cultural and tourism facilities across the Borough. To reduce reliance on the private car, where new facilities are to be established, it should be demonstrated that they can be accessed by a range of sustainable transport modes.

- 8.25 The 'Sculpture Trail' is a walking trail of approximately 12 miles in total. Paragraph 3 of Section 4.6 of the Design and Access Statement highlights that there are options to undertake the walk in small sections. Paragraph 4.6 also identifies a number of car parks, which can be utilised by walkers when undertaking the 'Sculpture Trail,' and the Local Highway Authority (LHA) do not dispute these findings.
- 8.26 The proposal is sited at the Bosworth Battlefield Centre, which is afford a large public car park that can be utilised for this development.
- 8.27 Given the above, the LHA do not consider the proposals to constitute a material impact on the public highway, and therefore the proposal does not create an unacceptable impact on highway safety or the road network in accordance with Policies DM17 and DM18 of the SADMP, and the Leicestershire Highway Design Guide (LHDG).

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, and the matters specified in Section 149 of the Equality Act 2010 in the determination 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. Conclusion

10.1 The proposed development is considered to be compliant with the relevant national and local policy as it:

- Is an appropriate scale and design
- Preserves the significance of the registered Battle of Bosworth Field
- Does not have an adverse impact upon the character and appearance of the area
- Does not have a significant adverse impact upon the amenity of neighbours
- Does not have a significant adverse impact upon highway safety

- 10.2 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission to be granted, subject to the imposition of appropriate conditions.

11. Recommendation

11.1 Grant planning permission subject to:

- Planning conditions outlined at the end of this report
- That the Head of Planning be given powers to determine the final detail of planning conditions

11.2 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 received by the Local Planning Authority as follows:

- Block Plan (submitted: 01.02.2023)
- Sculpture Detail – Piecing Together the Past 1 (1 of 3) (submitted: 01.02.2023)
- Sculpture Detail – Piecing Together the Past 1 (2 of 3) (submitted: 01.02.2023)
- Sculpture Detail – Piecing Together the Past 1 (3 of 3) (submitted: 01.02.2023)

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 demolition/development shall take place/commence until a Written Scheme of Investigation (WSI) has 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 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 a satisfactory historic building survey and to record and advance understanding of the significance of the affected resource prior to its loss and recording as specified in *Historic England's Good Practise Advice Note 2, Managing Significance in Decision-Taking in the Historic Environment (p. 11)* and to advance the understanding of, and safeguard the significance of the heritage asset in a manner proportionate to its importance in

accordance with Policies DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraph 205 and Section 16 of the National Planning Policy Framework.

4. Prior to the installation works commencing on the sculpture, details of the location, form and dimensions of each associated interpretation panel and the proposed content of the panel(s) shall be submitted to and approved in writing by the local planning authority. The installation of the panel(s) shall be carried out in accordance with the approved details and installed no later than three months following the date of final installation of the sculpture.

Reason: To preserve the significance of Bosworth Battlefield in accordance Policies DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) section 16 of the National Planning Policy Framework.

11.3 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. The WSI must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme has been secured, the Applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.

PLANNING APPEAL PROGRESS REPORT - Week ending: 14.04.23

WR – WRITTEN PRESENTATIONS

HAS – HOUSEHOLDER APPEAL

IN – INFORMAL HEARING

PI – PUBLIC INQUIRY

File Ref	Case Officer	Application No	Type	Appellant	Development	Appeal Status	Process Dates
22/00020/ENF	CZ	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 Notification Letter Hearing	25.08.22
22/00026/ENF	CZ	21/00203/UNBLDS (PINS:3304677)	IH	Mrs Helen Judges	The Old Cottage Main Street Shackerstone (Unauthorised siting of an outbuilding for use as a dwelling)	Start Date Inquiry	16.08.22
23/000011/ENF	CZ	22/00194/UNBLDS (PINS: 3317487)	IH	Mr S Chaudry	Land North of Lindley Wood Fenn lanes Fenny Drayton (APP/K2420/C/23/3317485 - appeal against Enforcement Notice with regard to the construction of a wall APP/K2420/W/22/3312970 - appeal against refusal of planning permission for retention of the fence subject of this enforcement notice appeal)	Start Date Statement of Case Final Comments	20.03.23 01.05.23 22.05.23

Page 95

Agenda Item 14

23/00010/PP	CZ	22/00194/UNBLDS (PINS: 3317485)	IH	Mr S Chaudry	Land North of Lindley Wood Fenn lanes Fenny Drayton (APP/K2420/W/22/3312970 - appeal against refusal of planning permission for retention of a fence.)	Start Date Statement of Case Final Comments	20.03.23 01.05.23 22.05.23
		22/00198/P3CQ (PINS:3310910)	WR	Mrs Fay Baggott	Church Farm 83 Main Street Higham on the Hill (Conversion of the existing barn to a two- storey dwelling with associated alterations)	Awaiting Start Date	11.11.22
	SL	22/00989/HOU (PINS: 3312867)	WR	Mr Angelo Carrino	39 Wykin Road Hinckley Leicestershire LE10 0HU (Proposed retention of fence(retrospective))	Awaiting Start Date	09.12.22
23/00009/PP	SA	22/00447/FUL (PINS: 3314796)	WR	Mr N Noakes	17 Bridge Lane Witherley (Construction of 2 dwellings)	Start Date Statement of Case Final Comments	20.03.23 24.04.23 08.05.23
	MJ	21/00195/FUL (PINS: 3315336)	IH	Statue Homes Limited	Kyngs Golf and Country Club Station Road Market Bosworth (Erection of 9 holiday cabins with associated parking and landscaping)	Awaiting Start Date	24.01.23
	MI	21/00460/OUT (PINS:3316041)	WR	Land Allocation Ltd	Land east of Bagworth Road Barlestone (Outline application for residential development for up to 50 dwellings, including access, with all other matters reserved)	Awaiting Start Date	03.02.23
	AJ	22/00302/OUT (PINS: 3317284)	WR	Mr J Dawson	Land Northeast of 85 Bagworth Road Nailstone (Outline application for up to 9 dwellings, all matters reserved)	Awaiting Start Date	24..02.23

23/00012/NONDET	TH	22/00167/OUT (PINS: 3317090)	PI	Gladman Developments LTD	Land north of Shenton Lane Market Bosworth (Outline planning application for the erection of up to 125 dwellings (including 40% affordable housing) with public open space, landscaping and sustainable drainage system (SuDS) and a vehicular access point. All matters reserved except for means of access)	Start Date Statement of Case Proof of Evidence Inquiry	31.03.23 08.05.23 27.06.23 25.07.23
	SA	22/00776/FUL (PINS:3319400)	WR	Mr & Mrs D Stew- Goddard	Spring Hill Farm Wood Lane Higham on the Hill (Proposed dwelling with associated access)	Awaiting Start date	28.03.23
	MI	21/00460/OUT (PINS:3316041)	WR	Land Allocation Ltd	Land east of Bagworth Road Barlestone (Outline application for residential development for up to 50 dwellings, including access, with all other matters reserved)	Awaiting Start Date	29.03.23
	DS	22/00733/FUL (PINS:3319934)		Adaero Property	314a Station Road Bagworth (Erection of 3 no. 3 bedroom 2 storey dwellings, 1no 6-bedroom HMO, extension to existing bungalow, widening of access driveway.)	Awaiting Start Date	05.04.23
22/00004/PP	RW	22/00284/HOU (PINS:3307122)	HAS	Mr & Mrs J. Farn	14 The Hawthorns Markfield (First floor and single storey side, front and rear extensions, and other alterations)	Awaiting Decision	
23/00003/NONDET	DS	22/00572/OUT (PINS:3307030)	WR	J A & F Edwards Ltd	Land North 258 Ashby Road Hinckley Erection of up to 5 no. dwellings (outline – access only) land north of 258 Ashby Road, Hinckley, LE10 1SW (Resubmission of 21/01149/OUT).	Awaiting Decision	

22/00028/CLD	CZ	22/00804/CLE (PINS: 3311456)	WR	Mr S Chaudry MAC Developments & Construction Ltd	Land South of Lindley Wood Fenn Lane (Use of land for commercial storage of plant, machinery, and skips)	Awaiting Decision	
23/00008/PP	DS	22/00725/FUL (PINS:3312970)	WR	Mr S Chaudry MAC Developments & Construction Ltd	Land South of Lindley Wood Fenn Lane (Proposed erection of palisade fencing)	Awaiting Decision	
23/00005/PP	SA	22/00801/FUL (PINS: 3311536)	WR	Mr John Fairall	59 Merrylees Road Newbold Heath Newbold Verdon (Proposed construction of two storey dwellinghouse and garage (following demolition of existing storage building) to the south of 59 Merrylees Road with associated access and landscaping)	Awaiting Decision	
23/00006/PP	SA	21/00937/FUL (PINS:3313250)	WR	Mr A Puglisi	6A Shakespeare Drive Hinckley (Demolition of existing bungalow and erection of two dwellings)	Awaiting Decision	

Page 98

Decisions Received

22/00019/PP	CB	21/00787/OUT (PINS: 3300552)	IH	Penland Estates Limited, RV Millington Limited, Sarah Higgins and Gavin Higgins	Land Northeast of Ashby Road Markfield Residential development of up to 93 dwellings, public open space, landscaping and SuDS (Outline- access only) (cross boundary application with Charnwood BC)	Allowed	17.02.23
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22/00027/PP	AJ	20/01012/OUT (PINS:3311038)	IH	Mather Jamie Central England Co-Op	Land West of Workhouse Lane, Burbage (Residential development up to 40 dwellings, public open space, Outline only)	Allowed	07.03.23
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23/00001/PP	JF	21/00674/FUL (PINS:3305662)	WR	Mr & Mrs & Mrs & Mrs Michael, Cathy & Pippa Stephens and Arkle	19-21 Ratby Road Groby (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)	Allowed	16.03.23
22/00018/NONDET	LA	21/01470/OUT (PINS:3295558)	PI	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))	Dismissed	27.03.23
22/00024/NONDET	LA	21/00695/FUL (PINS: 3308175)	IH	Barwell Capitol Ltd	Land at Crabtree Farm Hinckley Road Barwell (Residential development of 51 dwellings with associated access and parking)	Allowed	31.03.23
23/00002/PP	MI	21/00020/FUL (PINS: 3308717)	WR	Mr Graham Penney	The Oak Lodges Stapleton Lane Kirkby Mallory (Erection of a two dwelling)	Dismissed	12.04.23

