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Hinckley & Bosworth
Borough Council

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

Date: 07 November 2023

To: Members of the Planning Committee

Cllr MJ Crooks (Chair)	Cllr C Gibbens
Cllr J Moore (Vice-Chair)	Cllr CE Green
Cllr CM Allen	Cllr E Hollick
Cllr RG Allen	Cllr KWP Lynch
Cllr CW Boothby	Cllr LJ Mullaney
Cllr SL Bray	Cllr H Smith
Cllr MA Cook	Cllr BR Walker
Cllr DS Cope	Cllr A Weightman
Cllr REH Flemming	

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Dear Councillor,

Please see overleaf a Supplementary Agenda for the meeting of the **PLANNING COMMITTEE** on **TUESDAY, 7 NOVEMBER 2023** at **6.30 pm**.

Yours sincerely

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

Rebecca Owen
Democratic Services Manager

PLANNING COMMITTEE - 7 NOVEMBER 2023

SUPPLEMENTARY AGENDA

7. **23/00767/FUL - BARROW HILL QUARRY, MILL LANE, EARL SHILTON**

Application for erection of 36 holiday lodges and a management building with associated vehicular accesses, parking, surface water balancing and landscaping (revised scheme of application 21/01390/FUL).

Late items received after publication of main agenda:

Introduction:-

- 1.1. A supplementary statement to the original Landscape Visual Impact Assessment has been received from the applicant and states the following:

"This statement has been prepared to accompany planning application 23/00767/FUL which proposes to increase the number of holiday lodges on site from 22 (including the management lodge) to 37 (including the management lodge). It is noted that the maximum height of the proposed lodges has reduced from 4.7 metres to 3.5 metres in the revised submission.

Whilst it is accepted that the number of lodges has increased, the overall visual impact is considered to remain low and accordingly the proposal would not detract from the rural landscape as concluded in the original LVA referenced above."

Appraisal:-

- 1.2. Amendments to paragraphs 9.11 and 9.56 of the report. The text highlighted in bold is the addition;

9.11. "The previous scheme was approved by the Council earlier in 2023 for 21 holiday lodges and associated infrastructure. This extant permission has a realistic prospect of being developed if planning permission is not granted subject to this application therefore constitutes a material consideration."

9.56. "The extant permission for 21 holiday lodges and associated infrastructure is a fall back position and is to be given weight in the consideration of the revised scheme."

10. **23/00455/FUL - LAND SOUTH-EAST OF DAWSONS LANE, BARWELL**

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

Late items received after publication of main agenda:

Introduction:-

- 1.1. A rebuttal statement has been received since the publication of the report.

Rebuttal Statement – Hinckley Pets in Home

The purpose of this statement is to bring to the members attention the preapplication work that was carried out pre and post application. It also seeks to address areas where we

consider the determining officer has not provided the members with demonstrable and significant evidence to support their findings and recommendation with the aim to ask the members to support our application.

Pre & Post Application

We held a meeting in December 2022, with the Chief Executive, Leader of the Council, Head of Planning and Regeneration Manager in December 2022. This meeting all parties was positive & supportive resulting in the following points:

1. Malcolm Evans offered us land near Montgomery Road, Earl Shilton for our use but this would be subject to planning permission and was ear marked for ES SUE. It was deemed this was not appropriate due to its locality to housing, access, and cost as we own Dawsons Lane
2. We were recommended we wait to submit another application until after the local elections as it was felt our application could become contentious with the upcoming elections.
3. Mr Brown would work with our planning consultant to address the RFR in the New Year.
4. Meet with Poors Platt and discuss the plans.
5. Speak with local resident to offer discuss our proposals and offer an apology for any previous confusion or antagonism..
6. Overall the meeting was supportive of our proposal.

Following on from the December meeting we me with Chris Brown in February 2023. This meeting was productive, constructive with these outcomes:

1. Mr Brown recommended moving the proposed day care structure to the top of the site to reduce the impact on the land and the wider landscape.
2. Mr Brown recommended the scale of the building be reduced, to reduce its visual impact on the character of the area.
3. We would draw up options for Mr Brown to review regarding the site location to alleviate his concerns.
4. The RFR number 3 was erroneous as the incorrect interpretation of the policy had been used.

Prior to submitting the new application Mr Johnson spoke with Mr Brown who **stated 'the changes appease our concerns'**

August 2023 we held a site visit with David Spring and Emma Baumber. The proposed location and size of the day care building and associated fencing was shown and discussed in detail with the officers.

The main points and outcomes were:

1. The proposed day care site was to be shown to both in layout and scale.
2. The proposed planting scheme around the land and around the day care site and how active planting with the Woodland Trust would obscure the site and building.
3. The brick and tile building in the adjacent field was shown to both officers and how that was less in keeping with the local area but had been granted planning permission.
4. We raised the position that if the application was for an equestrian development of stables it would likely be granted, despite the fact that it would result in 24/7 usage of the site. **This point was not disputed by the officers.**
5. At no point did either officer raised any issues of conflict with policy DM4 as a concern f, if they had this could have been discussed in detail.

6. The officers stated that their recommendation was just that, a recommendation, and the ultimate decision rests with Members.

Response to RFR

It is our submission to the members that the planning officer incorrectly concludes that the development is not sustainable. The NPPF sets out the three overarching objectives of sustainable development as being economic, social, and environmental benefits that are derived from a proposal. This proposal delivers all three.

Economic Benefit. The planning officer completely underplays the economic benefit by stating that the proposal will not “create a significant amount of economic growth”. This is an incorrect interpretation of para 8 of the NPPF which does not require “significant growth” and more importantly identifies that sufficient land should be available in the right places to support growth. To suggest that the development may only support 1 extra part time job is misleading. More importantly the proposed development will ensure that the current employment associated with the use will be maintained and secured for the long-term. The scheme will support:

- 5 members of staff.
- Supports work experience for Princess’s Trust.
- Supports 75 dog owning households who need to work.
- Has a turnover in excess of £130,00 per annum.

Social Benefit. The social benefits of the scheme are clear. The provision of dog day care on the application site would support the maintenance and establishment of strong, vibrant and healthy communities, and is especially pertinent in the post pandemic era where pet ownership has risen by 33%. The provision of day care facilities for working owners provides strong social benefits and improvements for the local community, such as but not limited to:

- Prevention of dogs being left alone at home causing noise nuisance and distress to the animal.
- Working families being able to own a dog who work with the knowne emotional and wellbeing benefit this brings.
- The social environment that the day care facility provides results in well behaved dogs who are well socialised and good canines.

Environmental Benefit. The environmental benefits of the proposed use will significantly and demonstrably outweigh any perceived adverse impact through, inter alia, the biodiversity enhancements of land but moreover the land will still continue to function as green wedge and attractive open countryside.

The planning officer acknowledges in the committee report that the proposed use will only be on 2% of the overall site. It therefore cannot be concluded that such a small fraction of the site being used for dog day care will result in demonstrable and irreparable damage to the green wedge or the character and appearance of the countryside.

The planning officer’s conclusion fails to articulate these tangible economic, social and environmental benefits. In fact, at paragraph 10.1 there is no reference whatsoever to the social or environmental benefits and an incorrectnegativeincorrect negative comment regarding the economic benefits.

The proposed development will not result in an incongruous form of development that would demonstrably harm the character and appearance of the green wedge. The modest scale building is akin to a stable building which are a common sight in areas of open

countryside, green wedge and even green belt. Had this application been for the stabling of horses then I do not believe the alleged harm to the character and appearance of the area would have been stated.

- The building accounts for 0.4% of the available land.

The planning officer claims that the acoustic fencing “would be a solid, high fence which is not a characteristic of the surrounding area”. This is clearly misleading and incorrect. The fencing is no different in appearance and scale to standard 1.8m boundary fencing that is commonplace across the borough. The only difference is the acoustic quality of the material to prevent noise spillage. Moreover, such boundary treatments do not require planning permission if less than 2 metres in height. To reiterate:

- The outside enclosed area accounts for only 1.6% of the available land.
- The scale of the proposal is 270 m² out of an available 12410 m².
- No weight has been given to the environmental benefits already in place e.g. tree and hedgerow planting.
- No weight given to the environmental benefits of working with the Woodland Trust by planting 0.5hectre with native trees and shrubs.

The siting and design of the proposed development has been developed following extensive engagement with officers following the previous refusal of planning permission. The revised site was specifically identified by officers as being less sensitive than originally positioned on the lower part of the site. It is regrettable that the planning officer fails to mention this in the committee report or the level of ‘in principle’ support that was articulated at the pre-application stage.

DM4 Conflict with Policy

The crux of this issues is that the alleged conflict with policies of the development plan referred to in the committee report would never have envisaged such a use at the time these policies were drafted. Dog day care is not a new concept but one that has seen significant growth over the past 20 years. It is accepted by the Council that such uses are not appropriate in the urban area and therefore must be judged as a use appropriate to rural locations.

The Council's 2020 desk top review of the green wedge did not consider how rural diversification has advanced and evolved in their findings. For example, equestrian use is not mentioned but is widely accepted as an appropriate use and activity even if it is for commercial gain.

The principle underlying purpose of the Green Wedge is to prevent coalescence of settlements.

It is clear that will not happen with these proposals and is not what we are out to achieve.

This is acknowledged by the planning officer. Paragraph 11(d) of the NPPF directs Local Planning Authorities to grant permission unless there is demonstrable and significant harm. ***Development within the green wedge is not development that is referred to in footnote 7 of the NPPF and therefore not an area or asset of particular importance that triggers a clear reason for refusing the development proposal (para 11(d)(i)).*** It is not the case that any adverse impacts, of which there a few, would significantly and demonstrably outweigh the benefits of the proposed development.

Moreover, these policies have been assessed and tested before with the granting of planning permission that is now established on Rogues Lane. This clearly demonstrates

that how the use complies with the development plan policies DM4 and DM10. To now state otherwise would be perverse and an inconsistent application of the policies.

Policy 6 of the Core Strategy requires any land uses within the Green Wedge to retain the function of the Green Wedge and retain the visual appearance of the area. This use does exactly that. The character and appearance cannot be concluded to be significantly and demonstrably harmed by a rural use that affects just 2% of the site. More importantly, the primary purpose of the green wedge to prevent the coalescence of the settlements of Hinckley and Barwell is completely unaffected.

The Council has not adopted a blanket ban on development in the Green wedge and evidence exists that development proposals can go ahead without the perceived harm alleged in the current proposal. For example, the 2020 Green Wedge Review makes mention of the development of Dorothy Goodman School, Barwell Lane.

This was a development outside of the scope of the uses of the green wedge however it was recognised that this part of the green wedge had limited amenity value and the development would provide enhanced environmental benefits. It was concluded that any adverse impact could be mitigated against.

A second example can be cited with application reference 22/00802/FUL for the construction of stables at rear of property Shilton Road. This development is within the boundary of the green wedge, but the development was allowed even though it is evidently clear that the style and building materials are not in keeping with other stables which are made from wood.

Planning officer comments pertaining to this structure state: 'The scale, design and materials of the stable block are appropriate to this rural context although the building is considerable bigger than the building previously approved. On balance, and bearing in mind the extant permission, it is considered that the proposed building does not undermine the physical or perceived separation or open character between settlements. The proposal is therefore, on balance, considered to be acceptable in principle and in accordance with Policy DM4 of the SADMP'.

It is difficult to understand how the currently proposed wooden structure is deemed incongruous in the open countryside when this building was allowed.



Final Consideration

Hinckley Pets in Home has been trading for 11 years in December 2023. We employ 5 people, support local work placements and are active within the local community.

With the current cost of living crisis and with employment at a premium we are holding our own in the more competitive marketplace. This is a significant economic benefit and the risk to the business is equally economically significant.

Without your support today all of this is at risk! The planning officer says there is little economic benefit to this application we find this disingenuous at best.

We have been told that we should operate in a rural location, this is exactly that. A Local Plan policy that would never have envisaged such a use at the time it was drafted is now putting our business at risk.

Our investment in the environment with the introduction of planting native trees, shrubs, orchard, plants for pollinators will only enhance the intrinsic value, beauty, open character and landscape character of the countryside and visual appearance of the Green Wedge. Please refer to the Woodland Trust Planting report.

We respectfully ask that the committee uses its power to grant our application with the appropriate conditions recommended by the Environmental Health Lead.

Consultations:-

1.2. 3 further support comments have been received since publication of the agenda which are summarised below:

- Pets in homes lend a valuable service to families allowing people to work which in turns contributes to the local and national economy
- The area to be developed is a tiny fraction of the land and includes careful planting which will enhance the site both from a wildlife and aesthetic point of view

- The characteristics of the Green Wedge would be unchanged

11. **23/00712/REM - LAND OFF WOOD LANE, HIGHAM ON THE HILL**

Application for approval of reserved matters (appearance, landscaping, layout and scale) of outline planning permission 21/01147/OUT (residential development of up to 61 dwellings including a shop, open space, new access and associated works).

Late items received after preparation of main agenda:

Consultations:-

- 1.1. Waste and road adoption, the agent has confirmed that this is to be dealt with via s.38 or s.73 – HBBC Waste have not objected so we have left it with Owl and Cerda to find a solution. Likewise with Highways, the plan is to adopt at minimum the main access spine road but they are yet to confirm full details. LCC Highways have no objection to this.

Appraisal:-

- 1.3. Amendment to paragraph 6.1 of the report. The text highlighted in bold is the addition;

“Officer comment: The principle of development outside the settlement boundary has been established via the outline permission. Therefore members are being asked to consider the appearance, landscaping, layout and scale of the development pursuant to national and local policies. At the outline stage the Local Highway Authority and National Highways have assessed the impact of the development upon the Highway Network and have no objections subject to conditions/ S106 provisions. Therefore highways considerations have been considered in full when the outline permission was granted subject to the comments in 6.2 in respect of the internal road network.”

- 1.4. Addition to paragraph 8.16 of the report:

“The side elevation of 2a Main Street borders the eastern boundary of the site. There are no principal windows facing the site, however there is a balcony projecting from the west side elevation. The separation distance between the west side elevation of 2a Main Street and the east side elevation of Plot 1 is 12.87m which is acceptable in accordance to the adopted Good Design Guide. The side (east) elevation features a bathroom window at first floor level which is to be obscurely glazed. Plot 1 also features a single storey double garage between its east side elevation and the boundary with 2a Main Street. The single storey and fully hipped roof design, along with the siting which is set back from the direct outlook of the balcony, is considered acceptable and would not result in any overbearing impacts upon 2a. In terms of the amenity of the prospective occupiers of Plot 1, there is not considered to be any overlooking or loss of privacy concerns due to the separation distance between the balcony and the garden area, including the intervening development (garage) and boundary treatments which will screen any views.”