

Delegated Report

Planning Ref: 24/00904/CONDIT
Applicant: MR GILBERT
Ward: Newbold Verdon with Desford & Peckleton



Hinckley & Bosworth
Borough Council

Site: Land south of Brascote Lane, Newbold Verdon

Proposal: Variation of condition 2 (Plans) of planning permission 22/00573/FUL. Alterations to scale, window design and positioning, and relocation of the proposed dwelling by 15 metres to the north-east, minor alterations to landscaping.

Recommendations

Grant planning permission subject to:

- Planning conditions outlined at the end of this report

Planning application description

The application seeks material changes to permission 22/00573/FUL for the construction of a dwelling, parking and open space.

Following approval, the site was sold, and the new owner prefers a dwelling which is smaller in scale with slight alterations to the external design. Therefore, this proposal reduces the scale of the dwelling and makes amendments to the window design and quantum.

The location of the building is also proposed to be moved North, North, East by 15m from the original location plan. This is to gain some additional garden space but mainly to move the house further away from the existing farm track which the farmer has been granted access to. With the anticipation of tractors and other large farming equipment using the track, the building has been moved away to provide further separation to reduce noise and disturbance impacts upon the dwelling. Changes to landscaping are minor, and mainly due to the re-siting of the dwelling.

Description of the site and surrounding area

The site is accessed via Brascote Lane, 1km south of the village of Newbold Verdon and comprises a rectangular field linked to the public highway by a circa 500m access track. The entirety of the site is part of the former Cadeby Quarry and has been worked for sand and gravel before being backfilled. The site has subsequently been restored to a grassland field, and wider mineral operations at Cadeby Quarry ceased in 2021. The site gently slopes down from the point where the access track meets the rectangular field to the site's westernmost boundary.

Relevant history

- 24/01001/DISCON – Discharge condition 3 (materials) of 22/00573/FUL – Approved 14/11/24
- 24/00211/DISCON – Discharge condition 9 (waste & recycling) of 22/00573/FUL – Approved 25/03/2024
- 23/00373/DISCON – Discharge condition 6 (Land Contamination) of 22/00573/FUL – Approved 20/04/2023
- 22/00573/FUL – Proposed two-storey dwelling with associated parking and open space (following demolition of existing dwelling) – 23/09/2022

- 2005/0893/04 (LCC) - Continuation and extension of sand and gravel extraction – Cadeby Quarry, Naneby Hall Farm, Brascote Lane – Approved 20/07/2006
- Various County Council applications relating to Cadeby Quarry.

Publicity

A site notice was put up in the local vicinity and letters were sent out to neighbouring/nearby properties.

No third-party comments have been received.

Consultation

No objection has been received from:

- HBBC Environmental Services
- HBBC Drainage
- HBBC Waste
- Local Highway Authority

Policy

Core Strategy (2009)

- Policy 24: Sustainable Design and Technology

Site Allocations and Development Management Policies DPD (2016)

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

Leicestershire Minerals and Waste Local Plan (2019)

- Policy M11: Safeguarding of Mineral Resources

National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2023)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

Appraisal

Key Issues

- Principle of development
- Design and impact upon the character and appearance of the area
- Conditions

Principle of development

The principle of development is established by permission 22/00573/FUL, approved 23/09/2022, and this proposal makes amendments to the design and siting of the dwelling, as well as minor changes to the landscaping.

Design and impact upon the character and appearance of the area

Policy DM4 of the SADMP requires that development in the countryside does not have an adverse effect on the intrinsic value, beauty, open character, and landscape character of the countryside, does not undermine the physical and perceived separation and open character between settlements and does not create or exacerbate ribbon development.

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.

The dwelling is no longer required for agricultural purposes and the site is understood to have been sold for private use, however a stable block and manège were historically present and are included. In this case, the overall design proposed is considered to be of good quality and would be in keeping with the character and appearance of other properties in the locality.

The previously approved dwelling was a large, detached, farmhouse design, with an 'L' shaped footprint containing the main two-storey element towards the eastern side of the plot. The maximum ridge height was 10.2m. The historic footprint and subsequent scale of the previous dwelling and associated outbuildings was considerably larger than what is proposed, however the general footprint and farmhouse style is replicated. The design included an attached garage and workshop on the western wing of the dwelling, with a large two storey extension to the rear of the dwelling, with a modern feature window spanning both storeys and containing the master bedroom on the second floor.

The revised design reduces the maximum ridge height to 9.9m, and marginally reduces the overall width of the dwelling. The design and number of windows is altered, to create a more contemporary style on the front elevation, with floor to eaves glazing, with a similar design on the rear projecting gable. The dwelling retains high quality architectural features such as window sills, headers and mullions, as well as a chimney.

Despite the re-siting of the dwelling, public vantage points of the dwelling will remain limited to distant views from public footpaths and dwellings, with the closest point over 300m to the northwest (including neighbouring Manor Farm), which is well screened by trees and intervening field boundary hedgerows and would not offer direct views.

In summary, the proposal would not have a significant adverse impact on the character and landscape character of this area of countryside, having regard to the presence of the original dwelling and the landscape context the dwelling would sit within. The revised design would result in a slightly smaller footprint and massing at first floor level, which is supported, and it would be constructed to a good standard of design which closely resembles to previous dwelling and would enhance the character of area. It is thus considered that the proposal would not be harmful in this instance for the reasons set out above and therefore the proposal is in accordance with Policies DM4 and DM14 of the SADMP. The design and scale of the property proposed, would be sited away from the boundary with the highway adjoining open farmland and behind a landscaped screen which would be retained. As such it is considered that the proposal would not unacceptably harm the character or appearance of the area and would accord with Policy DM10 of the SADMP.

Conditions

The full application 22/00573/FUL was issued with 10 conditions. The Conditions attached to this permission would continue to apply, unless already discharged.

Condition 6 (land contamination) has been discharged via 23/00373/DISCON and no further mitigation works are required. This condition is therefore removed.

Condition 9 (waste and recycling) has been discharged via 24/00211/DISCON, and a suitable arrangement for refuse collection has been agreed with the Council. The condition is therefore removed.

Condition 3 (materials) has been discharged via 24/01001/DISCON. The condition is therefore re-worded to ensure compliance with the acceptable materials as submitted via 24/01001/DISCON.

Condition 1, the time limit, has been varied to ensure compliance with the original implementation period. Condition 2 is amended to reflect the revised drawings associated with the amended design and layout. Condition 4 is amended to reflect the new position of the dwelling, and minor changes to the proposed planting and landscaping.

Equality implications

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

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

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

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

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

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).

Recommendation

Grant planning permission subject to the following conditions:

Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of the original planning permission 22/00573/FUL (23.09.2025).

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 relates to the following details only:

- Site Location Plan – 1366-13;
- Proposed Roof & Block Plan – 1366-12 Rev C;
- Proposed Elevations and sections – 1366-11 Rev C;
- Proposed Floor Plans – 1366-10 rev F
- Proposed First Floor Layout – 1786-009; and
- Proposed Second Floor Layout - 178-010.

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 scheme shall be implemented in accordance with the materials as approved via discharge of conditions application 24/01001/DISCON.

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).

4. The approved hard and soft landscaping scheme shall be carried out in accordance with the proposed Roof & Block Plan – 1366-12 Rev C - in the first planting season following the first occupation of the dwelling to which it relates. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reason: To ensure that the work is carried out within a reasonable period and thereafter maintained in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A – E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling shall be carried out unless planning permission for such development has been granted by the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring properties in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the adopted

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

7. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Proposed Site Block Plan', drawing number 1786-013. Thereafter the onsite parking provision shall be so maintained in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2021).

8. The proposed stables shall be used only in connection with the Applicant's own livestock and no livery/riding school nor other business nor commercial use is permitted.

Reason: To ensure that unacceptable levels of traffic generation and general activity are not generated by the proposal, in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016).

INFORMATIVES

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. Surface water should be managed by sustainable methods, preferably those which disperse runoff by infiltration into the ground strata: i.e. soakaways, pervious paving, filter drains, swales, etc. and the minimisation of paved area, subject to satisfactory porosity test results and the site being free from a contaminated ground legacy. If the ground strata are insufficiently permeable to avoid discharging some surface water off-site, flow attenuation methods should be employed, either alone or in combination with infiltration systems and/or rainwater harvesting systems.
3. Access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet (See Environment Agency guidance on the permeable surfacing of front gardens).