

Delegated Report

Planning Ref: 23/00772/CONDIT
Applicant: Wheatcroft Land Ltd
Ward: Newbold Verdon with Desford and Peckleton



Hinckley & Bosworth
Borough Council

Site: Barons Park Farm, Desford Lane, Kirby Muxloe, Leicester

Proposal: Variation of Condition 01 (Approved plans) and Condition 03 (Parking and Turning Facility) of Planning Permission ref: 22/00581/CONDIT [Variation of Condition 01 (Approved plans) and Condition 03 (Provision of Parking and Turning Facility) of Planning Permission ref: 21/01083/REM (Approval of reserved matters (appearance, landscaping, layout & scale) of hybrid planning permission 15/01221/HYB for 10 dwellings) dated 22/04/2022]

1.0 Recommendations

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

2.0 Planning Application Description

2.1. This application seeks minor material changes to permission 22/00581/CONDIT which was a Variation of Condition application for Conditions 01 (Approved plans) and Condition 03 (Provision of Parking and Turning Facility) of Planning Permission ref: 21/01083/REM which was a reserved matters application (appearance, landscaping, layout & scale) of hybrid planning permission 15/01221/HYB for 10 dwellings) dated 22/04/2022

2.2. Specifically the proposed changes relate to:

- Changes to the brickwork and roof tiles. The agent has highlighted (in red) within the submitted materials schedule document the specific changes to each plot.
- A number of rooflights have been omitted: 3 rooflights removed from Plot 1, 3 rooflights removed from Plot 7, 1 rooflight removed from Plot 10, 3 rooflights removed from Plot 12 (The rooflight amendments have been shown on the plot plans, elevations and site plan.)
- The proposed levels of the plots have also changed slightly. The engineers have produced a revised cut and fill drawing with updated proposed ground and finished floor levels.
- An updated landscape drawing has also been produced and submitted (06.1.2023) which reflects the latest proposals and provides adequate boundary treatment for plot 5.

2.3. The revised listed drawings for Condition 1 & Condition 3 are:
Condition 1 - revise listed drawings/documents:

- '1612 - P02Q - Proposed Site Plan (approved under application 22/00581/CONDIT)' replaced with '1612 - P02R - Proposed Site Plan.'
- '1612 – P08C – Plot 1 Floor Plans – Type A' replaced with '1612 - P08D - Plot 1 Floor Plans - Type A'
- '1612 – P09A – Plot 1 Elevations – Type A' replaced with '1612 - P09C - Plot 1 Elevations - Type A'
- '1612 – P12A – Plot 2 Elevations – Type B' replaced with '1612 - P12B - Plot 2 Elevations - Type B'
- '1612 – P15A – Plot 3 Elevations – Type C' replaced with '1612 - P15B - Plot 3 Elevations - Type C'

- '1612 – P17A – Plot 4 Elevations – Type G' replaced with '1612 - P17C - Plot 4 Elevations - Type G'
- '1612 – P19A – Plot 5 Elevations – Type D' replaced with '1612 - P19B - Plot 5 Elevations - Type D'
- '1612 – P22C – Plot 7 Floor Plans – Type A' replaced with '1612 - P22D - Plot 7 Floor Plans - Type A'
- '1612 – P23A – Plot 7 Elevations – Type A' replaced with '1612 - P23C - Plot 7 Elevations - Type A'
- '1612 – P28A – Plot 9 Elevations – Type D' replaced with '1612 - P28B - Plot 9 Elevations - Type D'
- '1612 – P29C – Plot 10 Floor plans – Type A' replaced with '1612 - P29D - Plot 10 Floor Plans - Type H'
- '1612 – P30A – Plot 10 Elevations – Type A' replaced with '1612 - P30B - Plot 10 Elevations - Type H'
- 'RSKM-BSP-ZZ-XX-DR-C-0210_P03_Proposed Levls' replaced with 'RSKM-BSP-ZZ-XX-DR-C-0210 C01 Proposed Levels'
- '1612 Materials Schedule - March 2022 - For Planning - Rev B' replaced with '1612 Materials schedule - March 2022 - For Planning - REV D'

2.4 Condition 3 - revised listed drawing. '1612 - P02 Rev Q' replaced with '1612 - P02 Rev R'

3.0 Description of the Site and Surrounding Area

- 3.1. The application site is situated on the very edge of the borough and is accessed from Desford Lane, which is located within Blaby District Council. Plot 10 lies directly north of Plot 9 and these two dwellings are furthest from the access. The Barons Park Care Home is to the north of Plot 10 with open countryside to the west. The boundary between Plot 10 and the care home to the north is extensively planted with shrubs and trees.

4.0 Relevant planning history

23/00279/DISCON- Application to discharge condition 4 (EV Charging) 5 (PRoW) 6 (CCTV) 7 (Noise Assessment) attached to planning permission 22/00581/CONDIT. Approved 23.05.2023

23/00278/DISCON- Application to discharge condition 5 (CCTV) 6 (Cycle Storage) 7 (EV Charging) attached to planning permission 21/01491/FUL. Approved 11.05.2023

22/00581/CONDIT- Variation of Condition 01 (Approved plans) and Condition 03 (Provision of Parking and Turning Facility) of Planning Permission ref: 21/01083/REM (Approval of reserved matters (appearance, landscaping, layout & scale) of hybrid planning permission 15/01221/HYB for 10 dwellings) dated 22/04/2022. Variation to include revisions to floor plans and elevations of Plot 10. Approved October 2022.

21/01491/FUL- Conversion of 3x existing farm dwellings; Green Acres, The Cottage, The Farm House, associated outbuildings and stables, into 7x new dwellings and associated parking. Approved April 2022.

21/01083/REM – Approval of reserved matters (appearance, landscaping, layout & scale) of hybrid planning permission 15/01221/HYB for 10 dwellings. Approved April 2022.

15/01221/HYB - Hybrid application for the residential development of up to 17 new dwellings including the conversion of existing barns to include:- (1) Full application for

conversion of barns to 3 dwellings and (2) Outline application for the erection of up to 14 dwellings (outline - access only). Approved October 2019.

Publicity

- 5.1. Neighbouring properties have been notified of the application.
- 5.2. No representations have been received in response to the neighbour notification.

Consultation

- 6.1. All those consulted on the original full application (21/01491/FUL) have been re-consulted and no objections have been received.

Policy

- 7.1. Core Strategy (2009)
 - Policy 15: Affordable Housing
 - Policy 16: Housing Density, Mix and Design
 - Policy 19: Green Space and Play Provision
- 7.2. Site Allocations and Development Management Policies DPD (2016)
 - Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM3: Infrastructure and Delivery
 - Policy DM4: Safeguarding the Countryside and Settlement Separation
 - Policy DM6: Enhancement of Biodiversity and Geological Interest
 - Policy DM7: Preventing Pollution and Flooding
 - Policy DM10: Development and Design
 - Policy DM11: Protecting and Enhancing the Historic Environment
 - Policy DM15: Redundant Rural Buildings
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
- 7.3. National Planning Policies and Guidance
 - National Planning Policy Framework (NPPF) (2021)
 - Planning Practice Guidance (PPG)
 - National Design guide (2019)
- 7.4. Other relevant guidance
 - Good Design Guide (2020)
 - Leicestershire Highways Design Guide

Appraisal

- 8.1. The principle of development and the reserved matters for the 10 dwellings have been approved under applications 15/01221/HYB and 21/01083/REM respectively. The key issues are therefore:
 - Design and Impact upon the Character of the Area
 - Impact upon Residential Amenity
 - Impact upon Highway Safety
 - Impact upon Trees

Design and Impact upon the Character of the Area

- 8.2. Policy DM10 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.
- 8.3. The Council's Good Design Guide outlines that development will need to provide high quality design including internal amenity space, minimum garden sizes and separation distances between habitable room windows. The Guide also promotes a healthy, comfortable and safe internal and external environment. It provides guidance on detailed design and is supported in its aims to ensure good design in all development by paragraph 134 of the NPPF which 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. Local policy is considered to accord with the NPPF. Policy DM10 is therefore consistent with the NPPF (2021).
- 8.4. The proposed materials schedule is acceptable as is the slight change to the levels & the omission of roof lights for Plot 1, 7, 10, 12. The revisions to the design are considered to be material but minor in nature. The amended Landscape plan now includes hedgerow left of the entrance along Desford Lane as well as adequate boundary treatment for plot 5 and the proposed is overall acceptable. The proposed are considered to accord with the requirements of the NPPF, Policy DM10 and the Good Design Guide.

Impact upon Neighbouring Residential Amenity

- 8.5. Policy DM10 of the SADMP states that development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.
- 8.6. Paragraph 130 of the NPPF states that decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 8.7. The proposed revisions as outlined above are considered to be material but minor in nature. Plot 5 is the most sensitive in terms of neighbouring amenity. Floor levels are 200mm higher than approved and as a result a 2m high close boarded wooden fence is now proposed for the eastern boundary of Plot 5. In addition new planting of between 225mm & 250mm is proposed on the eastern boundary to prevent overlooking from ground floor habitable room windows of the dwelling in Plot 5. It is therefore considered that the proposal accords with the requirements with regard to the protection of residential amenity for neighbours and with the requirement to provide future occupiers with adequate amenity. The proposal is in accordance with the requirements of Policy DM10 of the SADMP, the Good Design Guide and the NPPF.

Impact upon Highway Safety

- 8.8. Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highways authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 8.9. There are no changes with regard to the access & the amount of parking provided. It is considered that the proposed development provides sufficient parking and has an acceptable impact with regard to highway safety subject to compliance with the proposed conditions in accordance with the requirements of the SADMP and the NPPF.

Impact upon Trees

- 8.10. Paragraph 92 of the NPPF seeks to achieve healthy, inclusive and safe place which enable and support healthy lifestyles through the provision of safe and accessible green infrastructure.
- 8.11. Policy DM6 of the SADMP states that development proposals must demonstrate how they conserve and enhance features of nature conservation and that on site features should be retained, buffered and managed favourably.
- 8.12. The LCC Tree Officer was not consulted for this application but as the proposed development does not impact on any LCC Tree preservation Order it is considered the proposed is acceptable. It is considered that the proposed development has an acceptable impact on trees in accordance with the requirements of the SADMP and the NPPF.

Conditions

- 8.13. Conditions attached to permission 22/00581/CONDIT continue to apply, apart from Conditions 4 (EV Charging), 5 (PRoW), 6 (CCTV) & 7 (Noise Assessment) which have been discharged through application 23/00279/DISCON, these have been amended to ensure compliance with those details.
- 8.14. Condition 8 of 15/01221/HYB related to Archaeology has been partially discharged (23/09/2021) in response to application 21/00197/DISCON but the agent needs to submit the Archaeological Report (Prepared by Tristan Cousins) including the provision for the post-excavation work for full discharge. LCC Archaeology have stated they will be happy to recommend full discharge of Condition 8 then.

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 relevant national and local policy and guidance as it:

- Is of an appropriate scale and design
- Would not have a harmful impact upon the character and appearance of the area
- Provides sufficient parking and has no adverse impact upon highway safety
- Would not have a significantly detrimental effect on the amenity of neighbouring residents
- Has no significant impact on trees

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

11 Recommendation

11.1 **Grant planning permission** subject to the conditions below.

11.2 Conditions

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the following plans approved under reserved matters permission 21/01083/REM and 22/00581/CONDIT with the exception of those indicated below:

1612 - P02R - Proposed Site Plan
 1612 - P08D - Plot 1 Floor Plans - Type A
 1612 - P09C - Plot 1 Elevations - Type A
 1612 - P12B - Plot 2 Elevations - Type B
 1612 - P15B - Plot 3 Elevations - Type C
 1612 - P17C - Plot 4 Elevations - Type G
 1612 - P19B - Plot 5 Elevations - Type D
 1612 - P22D - Plot 7 Floor Plans - Type A
 1612 - P23C - Plot 7 Elevations - Type A
 1612 - P28B - Plot 9 Elevations - Type D
 1612 - P29E - Plot 10 Floor Plans- Type H
 1612 - P30C- Plot 10 Elevations- Type H
 1612 Materials Schedule - March 2022 - For Planning - Rev G

RSKM-BSP-ZZ-XX-DR-C-0210_C01_Proposed Levels

GL1589 01F Soft landscape Proposals

Where the above documents propose mitigation measures, unless otherwise covered by the following conditions, these should be incorporated in line with the recommendations from the relevant specialist consultant.

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).

2. a) 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 to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with.

b) Any remediation works so approved shall be carried out prior to the site first being occupied.

Reason: To ensure a suitable form of development in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD (2016) and the NPPF.

3. 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 Plan, drawing number 1612 - P02 Rev R. 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).

4. Electric vehicle charging points shall be installed in compliance with the approved details under planning reference 23/00279/DISCON .

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

5. The development shall be carried out in accordance with the scheme and timetable for the treatment of the Public Right(s) of Way which was submitted to and approved in writing by the Local Planning Authority under planning reference 23/00279/DISCON.

Reason: To ensure that a suitable form of development is brought forward in the interests of highway safety and in accordance with the National Planning Policy Framework (2021).

7. The development shall be carried out in accordance with the noise assessment and scheme of mitigation which was submitted and approved in writing by the Local Planning Authority under planning reference 23/00279/DISCON.

Reason: To ensure the development does not give rise to adverse neighbouring amenity impacts in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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.