

Delegated Report

Planning Ref: 24/00473/CONDIT & 24/00482/CONDIT

Applicant: Forsythe Estates NJ Ltd

Ward: Twycross, Sheepy & Witherley



Hinckley & Bosworth
Borough Council

Site: Moores Arms, 6 Orton Lane, Norton Juxta Twycross

Proposal: Application to vary condition 2 (approved plans) and condition 12 (obscure glazing on planning applications 22/00563/LBC and 21/01146/FUL. Proposed amendments to Plot 3.

Recommendations

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

Planning Application Description

- 2.1. This application seeks minor material changes to permissions 21/01146/FUL and 22/00563/LBC which were for the partial demolition and change of use of a former public house (Grade II Listed) into 1no. dwellinghouse, along with the demolition of associated outbuilding and construction of 2 no. new dwellings and associated garages, which were approved in December 2023.
- 2.2. These variation of conditions applications solely relates to Plot 3 which is a new dwelling proposed in the south west corner of the site. There are no changes proposed to Plots 1 and 2. Specifically, the changes relate to:
- *Single storey flat roof rear extension*
 - *Removal of first floor windows from side elevation*
 - *Removal of first floor window from rear elevation*
 - *Removal of eyebrow dormer detailing from side and rear elevations*
 - *Alteration to eyebrow dormer detailing on front elevation*
 - *Addition of Air Source Heat Pump*
- 2.3. The revised drawings for Condition 2 (approved plans) are:
- Proposed Site Plan – Drawing No. 06g
 - Proposed Site Block Plan – Drawing no. 05c
 - Plot 1 Elevations and Floor Plans – Drawing no. 08e
 - Plot 2 Elevations and Floor Plans – Drawing no. 10c
 - Plot 3 Elevations and Floor Plans – Drawing no. 11d
 - Proposed Garage/Car Port Plans and Elevations – Drawing no. 12a
 - Levels and street scenes – Drawing no. 15h
 - Vehicle tracking plan – Drawing No. 16

Description of the Site and Surrounding Area

- 3.1. The application site is located at the junction of Orton Lane and Cock Lane and on a bend of Orton Lane towards the north-west of the village. To the north-east of the site is the Church of the Holy Trinity and its associated churchyard. The street scene of Orton Lane has a mixed character, which consists of the Church, churchyard and the 18th century buildings upon and adjacent to the application site reflecting the historic development of Norton Juxta Twycross, and the plots in between having been developed during the late-20th to early-21st centuries with large predominantly two-storey detached dwellings of varying architectural styles including gabled designs and those with locally distinctive eyebrow dormer windows.
- 3.2. The Moore's Arms is located within the south-eastern corner of a large plot which also includes an existing outbuilding immediately to the north, and areas of former car parking and garden land that served the pub further to the north and within the western section of the site. The large plot is considered to form the curtilage of the pub.

Relevant planning history

24/00106/CONDIT

- Variation of condition 2 of planning permission 22/00563/LBC & 21/01146/FUL. Amendments to Plot 1.
- Permitted
- 21.03.2024

24/00146/CONDIT

- Variation of condition 2 of planning permission 22/00563/LBC & 21/01146/FUL. Amendments to Plot 1.
- Permitted
- 21.03.2024

22/00563/LBC

- Demolition of existing outbuilding in the curtilage of a Grade II listed building. To be read in conjunction with 21/01146/FUL
- Permitted
- 07.12.2023

21/01146/FUL

- Partial demolition and change of use of a former public house (Grade II Listed) into 1no. dwellinghouse.
- Permitted
- 07.12.2023

Publicity

- 5.1. Neighbouring properties have been notified of the application. No representations have been received.

Consultation

- 6.1. All those consulted on the original full and listed building applications (21/01146/FUL and 22/00563/LBC) have been re-consulted and no objections have been received.

Policy

- 7.1. Core Strategy (2009)
- Policy 13: Rural Hamlets
- 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 DM11: Protecting and Enhancing the Historic Environment
 - Policy DM12: Heritage Assets
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
- 7.3. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (Dec 2023)
 - 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 has been established under applications 21/01146/FUL and 22/00563/LBC. The key issues are therefore:
- Design and Impact upon the Character of the Area
 - Impact on the significance of heritage assets
 - Impact upon Residential Amenity
 - Conditions

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 (2023).

- 8.4. The proposed design amendments to Plot 3 include a single storey rear extension, removal of windows on the first floor of the side and rear elevations, removal of the eyebrow dormer detailing on the side and rear elevations and alterations to the eyebrow dormer detailing on the first-floor windows of the front elevation.
- 8.5. The proposed flat roof single storey rear extension is acceptable in design terms and would not be prominent from the street scene. It is considered that the removal of the windows and associated eyebrow dormer detailing on the side and rear elevations would weaken the visual appeal of the dwelling somewhat, however the east side elevations retain some windows and architectural detailing, and the amendments are therefore considered acceptable on balance. The new design of the eyebrow dormer windows on the front elevation would assimilate with the vernacular design of the area, which features eyebrow detailing of varying styles.
- 8.6. In summary, the proposed are considered to accord with the requirements of the NPPF, Policy DM10 and the Good Design Guide.

Impact on heritage assets

- 8.7. Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to pay special attention to the desirability of preserving or enhancing the character and appearance of the conservation area.
- 8.8. The HBBC Conservation Officer has been consulted and considers that the addition of a rear extension and side elevation windows to plot 3 will have no adverse visual effects upon the setting of the adjacent grade II listed building The Moore's Arms.
- 8.9. As stated in the previous section of this report, the removal of the eyebrow dormer detailing to the first-floor rear and side elevations is considered to result in a minor detrimental impact to the appearance of the dwelling, however it is not considered to result in any significant adverse impact on heritage assets and is therefore considered acceptable on balance.
- 8.10. For the above reasons it is considered that the proposal would remain compatible with the significance of the grade II listed building the Moore's Arms and consequently, it would comply with Policies DM11 and DM12 of the SADMP, section 16 of the NPPF and the statutory duty of Section 16 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990

Impact upon Neighbouring Residential Amenity

- 8.11. 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.

- 8.12. Paragraph 135 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.
- 8.13. The proposed single storey extension and removal of windows would have no detrimental impact on neighbouring or occupier amenity. The proposals also include an Air Source Heat Pump on the east side elevation of the dwelling. The Environmental health team have been consulted and have no objection to this from a noise and disturbance perspective.
- 8.14. With the imposition of conditions, the proposal is considered to meet policies DM10(a) and (b) of the SADMP, the Good Design Guide SPD and national policy in the NPPF regarding neighbouring and occupier amenity.

Conditions

- 8.15. The full application 21/01146/FUL was issued with 13 conditions. Conditions attached to this permission would continue to apply. Condition 2 is amended to reflect the revised drawings 6f, 8e, and 15g, and condition 12 is amended to remove the requirement for obscure glazing on the east side elevation of the first floor of Plot 3 (bedroom 1) as this window has been removed.
- 8.16. The listed building application 22/00563/LBC was issued with 7 conditions. Condition 2 is amended to reflect the revised drawings. All other conditions attached to this permission would continue to apply.

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
 - Would not have a harmful impact on heritage assets
 - Would not have a significantly detrimental effect on the amenity of neighbouring residents.
- 10.2. Taking national and local planning policies into account, and having regard for all relevant material considerations, it is recommended that permission be granted, subject to the conditions set out below.

11 Recommendation

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

24/00482/CONDIT:

1. The development hereby permitted shall be begun before the expiration of three years from the date of the original planning permission 21/01146/FUL (7/12/2023).

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 Site Plan – Drawing No. 06g
 - Proposed Site Block Plan – Drawing no. 05c
 - Plot 1 Elevations and Floor Plans – Drawing no. 08e
 - Plot 2 Elevations and Floor Plans – Drawing no. 10c
 - Plot 3 Elevations and Floor Plans – Drawing no. 11d
 - Proposed Garage/Car Port Plans and Elevations – Drawing no. 12a
 - Levels and street scenes – Drawing no. 15h
 - Vehicle tracking plan – Drawing No. 16

Reason: To ensure a satisfactory form of development and to preserve the special interest of the buildings in accordance with the requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with

Policies DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. Notwithstanding the submitted details, before any development commences full details and/or samples of all external materials for the construction of the new dwellings (plot 2 and 3) and the garage block, including facing walls, roof tiles, details of proposed new windows, doors and roof lights, 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 the significance of the listed building the Moore's Arms to accord with Policies DM11 and DM12 of the Site Allocations and Development Management Policies Development Plan Document.

4. The development hereby permitted shall not be occupied until such time as the access, parking and turning facilities have been implemented in accordance with Proposed Site Plan – Drawing No. 06g. Thereafter the onsite parking (and turning) provision shall be kept available for such use(s) 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 (2023).

5. No dwelling as hereby approved shall be occupied until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:
 - i. proposed finished levels or contours
 - ii. hard surfacing materials
 - iii. retained trees and hedgerows
 - iv. planting plans
 - v. written specifications
 - vi. schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
 - vii. implementation programme.

The landscaping scheme shall be carried out in accordance with the approved details in the first planting season following the date of the details being approved.

Reason: To enhance the appearance of the development and biodiversity of the site in accordance with Policies DM6 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. The development hereby approved shall be implemented in strict accordance with the measures stated in section 1.1 Mitigation Strategy of the Bat Survey report

(Focus Environmental Consultants, July 2023). Long term replacement roost sites must be delivered prior to occupation of the development and be retained and maintained thereafter in perpetuity.

Reason: In order to protect the protected wildlife species and their habitats that are known to exist on site to accord with in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document (2016).

7. If during development, contamination is found to be present at the site, no further development shall take place until a 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. 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 DPD (2016).

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

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 Site Allocations and Development Management Policies Development Plan Document.

9. No development or demolition shall take place/commence until the necessary programme of archaeological work has been completed. The programme will commence with an initial phase of trial trenching to inform a final archaeological mitigation scheme. Each stage will be completed in accordance with a written scheme of investigation (WSI), which has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed mitigation WSI, which shall include the statement of significance and research objectives, and
 - The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
 - The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: To ensure satisfactory archaeological investigation, recording, dissemination and archiving in accordance with Policies DM11, DM12 and DM13 of

the Site Allocations and Development Management Policies Development Plan Document.

10. Notwithstanding the provisions of Part 1 of the Second Schedule of the Town & Country Planning (General Permitted Development) (England) Order 2015 or any Order revoking or re-enacting that order with or without modification), no buildings or enlargements permitted under classes A, B, C, D or E shall be carried out without the express permission of the Local Planning Authority.

Reason: To safeguard the rural character of the area in accordance with Policy DM4 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the advice contained in the NPPF

11. Site preparation and construction works shall be limited to the following hours: Mondays to Fridays between 07.30am to 18.00pm; Saturdays between 08.00am to 13.00pm and at no time on Sundays and Bank Holidays.

Reason: To safeguard the residential amenity of the occupiers of neighbouring dwellings from potential noise, vibration, and disturbance etc. in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

12. Notwithstanding the approved plans all windows serving bathrooms or en-suites in all dwellings shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale and thereafter shall be retained as such in perpetuity. Additionally, the dormer window serving the hallway on the north elevation of Plot 1 shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale and thereafter shall be retained as such in perpetuity.

Reason: To safeguard the privacy and amenity of neighbouring dwellings from potential overlooking in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

13. The development shall be carried out in accordance with the 'Nutrient Neutrality Assessment and Mitigation Strategy: Issue 1.2' received by the Local Planning Authority on 1st December 2023.

Reason: To protect the River Mease Special Area of Conservation and SSSI from additional phosphorus or pollutants arising from the development in accordance with the Habitats Regulations (The Conservation of Species and Habitats Regulations 2017[as amended]) and the advice contained in the National Planning Policy Framework 2023.

24/00473/CONDIT:

1. The development hereby permitted shall be begun before the expiration of three years from the date of the original listed building consent permission (7/12/2023).

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 Site Plan – Drawing No. 06g
- Proposed Site Block Plan – Drawing no. 05c
- Plot 1 Elevations and Floor Plans – Drawing no. 08e
- Plot 2 Elevations and Floor Plans – Drawing no. 10c
- Plot 3 Elevations and Floor Plans – Drawing no. 11d
- Proposed Garage/Car Port Plans and Elevations – Drawing no. 12a
- Levels and street scenes – Drawing no. 15h
- Vehicle tracking plan – Drawing No. 16

Reason: To ensure a satisfactory form of development and to preserve the special interest of the buildings in accordance with the requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with Policies DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. Notwithstanding the submitted details, before any development commences full details and/or samples of all external materials for the construction of the new dwellings (plot 2 and 3) and the garage block, including facing walls, roof tiles, details of proposed new windows, doors and roof lights, 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 the significance of the listed building the Moore's Arms to accord with Policies DM11 and DM12 of the Site Allocations and Development Management Policies Development Plan Document.

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

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

5. There shall be no occupation of Plot 3 authorised to be constructed pursuant to the planning permission 24/00482/CONDIT (or any superseding consent as first agreed in writing by the Local Planning Authority) unless and until the repairs to the listed building The Moore's Arms have been completed in accordance with the schedule of repairs submitted and approved under listed building consent reference 22/00563/LBC.

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

6. No demolition works to the curtilage listed outbuilding (plot 2) shall commence until a contract has been let to carry out the building operations permitted under this permission (or any superseding consent as first agreed in writing by the Local Planning Authority) has been made.

Reason: To avoid premature demolition which would be harmful to the setting of the listed building the Moore's Arms and to safeguard the local environment and in accordance with the aims and objectives of the NPPF and in accordance with Policies DM11 and DM12 of the adopted Site Allocations and Development Management Policies DPD.

7. No development or demolition shall take place/commence until the necessary programme of archaeological work has been completed. The programme will commence with an initial phase of trial trenching to inform a final archaeological mitigation scheme. Each stage will be completed in accordance with a written scheme of investigation (WSI), which has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed mitigation WSI, which shall include the statement of significance and research objectives, and
 - The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
 - The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: To ensure satisfactory archaeological investigation, recording, dissemination and archiving in accordance with Policies DM11, DM12 and DM13 of the Site Allocations and Development Management Policies Development Plan Document.

Informatives:

1. 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.

2. 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).
3. The Written Scheme of Investigation (WSI) must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor. 3 The Historic and Natural Environment Team, as advisors to the planning authority, will monitor the archaeological work, to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the planning authority.
4. This development will require a European Protected Species licence to make it lawful. You must be aware that to proceed with the development without first obtaining an EPS Licence could result in prosecution.