

Delegated Report

Planning Ref: 24/00844/CONDIT

Applicant: Mr Hilyer

Ward: Desford



Hinckley & Bosworth
Borough Council

**Site: Park House Farm, Leicester Lane, Desford, Leicester
Leicestershire, LE9 9JJ**

**Proposal: Application to vary condition 2 on planning application 23/00785/FUL.
Amendment to include roof cover for slurry store.**

Recommendations

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

Planning Application Description

- 2.1. Application 23/00785/FUL for the 'Construction of manure and slurry stores with associated landscaping and other works' was granted approval at Committee on 06/11/2023.
- 2.2. Application 24/00844/CONDIT is for the variation of condition 2 for an amendment to include a roof cover for slurry store.
- 2.3. Plans submitted for the current application are:
- Proposed Elevations and Roof Plan received on 04/09/2024
- 2.4. The proposal seeks minor material changes to permission 23/00785/FUL. The approved Slurry Store Elevations and Floor Plan did not include a roof cover, which increases the height by 2m.

Description of the Site and Surrounding Area

- 3.1. The application site relates to an established farmyard situated a few km's east of Desford. The area is accessed from Leicester Lane via a long access track. The site is located in open countryside, as such there is a sense of openness to the rural character of the site.
- 3.2. The proposed site for the manure & slurry storage is the edge of the existing farmstead in the corner of an arable field at the rear of existing farm buildings.
- 3.3. The host dwelling on this farm is a standalone property with no other residential development surrounding.

4.0 Relevant planning history

23/00785/FUL

- Construction of manure and slurry stores with associated landscaping and other works
- Approved
- 06.11.2023

20/01327/HOU

- Two storey rear extension
- Approved

- 04.02.2021

20/00530/AGDO

- Steel portal frame building
- Approved
- 25.06.2020

20/00168/HOU

- Two storey and single storey extension to west elevation, first floor extension to east elevation and single storey extension to south elevation
- Approved
- 07.04.2020

18/00497/GDO

- A steel portal frame building
- Approved
- 30.05.2018

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 (23/00785/FUL) have been re-consulted.
- 6.2. Natural England- No comment to make on this application.
- 6.3. HBBC Drainage- No objection on sustainable drainage grounds
- 6.4. HBBC Pollution- No objection
- 6.5. Desford Parish Council- No comments received
- 6.6. The Friends of Charnwood Forest- No comments received

Policy

- 7.1. 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 DM6: Enhancement of Biodiversity and Geological Interest
 - Policy DM7: Preventing Pollution & Flooding
 - Policy DM10: Development and Design
 - Policy DM17: Highways & Transportation
- 7.2. National Planning Policies and Guidance
 - National Planning Policy Framework (NPPF) (2023)
 - Planning Practice Guidance (PPG)

7.3. Other relevant guidance

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

Appraisal

8.1. The principle of development has been approved under application 23/00785/FUL. The key issues are therefore:

- Design and Impact upon the Character of the Area
- Impact upon Residential Amenity
- Drainage

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 139 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 revisions as listed above in paragraph 2.4 are considered to be material but minor in nature and 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 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.
- 8.7. The proposed revisions as outlined above are considered to be material but minor in nature. 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.

Drainage

- 8.8 Policy DM7 of the Site Allocation and Development Management Policies DPD 2016 requires that adverse impacts from pollution and flooding are prevented and mitigated for. The Drainage Team at HBBC have raised no objections to the proposal and it is considered that the scheme is acceptable with respect to surface water disposal and flooding matters and therefore accords with Policy DM7 of the SADMP.

BNG

- 8.9 As a section 73 permission application where the original permission to which the section 73 relates to was granted before 12 February 2024, the development is exempt from providing mandatory BNG.

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 significantly detrimental effect on the amenity of neighbouring residents
 - Provides suitable drainage

- 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

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of the original planning permission (23/00785/FUL) 6th November 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 other than in accordance with the following plans and amended plans:

- Application Form - received 10/08/2023
- Unnumbered Proposed Site Plan received 10/08/2023
- Proposed Elevations Dwg No [1] 350.23 received 10/08/2023
- Slurry Store Elevations and Roof Plan Elevations and Roof Plan received on 04/09/2024

Reason: To ensure the development is carried out in accordance with the approved details.

3. Prior to first use of the development hereby permitted the scheme for the treatment of the Public Right of Way S2 shown on Andrew Large drawing: 'Park House Farm, Leicester Lane, Desford - ProW Plan', submitted to the Local Planning Authority on 6 October 2023 shall be implemented in full.

Reason: To protect and enhance Public Rights of Way and access in accordance with Paragraph 104 of the National Planning Policy Framework (2023).

4. The construction traffic management arrangements associated with the development hereby permitted shall be implemented in accordance with Andrew Large Surveyors Ltd, 'Construction Traffic Management Plan - Public Right of Way S2', submitted to the Local Planning Authority on 6 October 2023.

Reason: To protect the Public Right of Way and users in accordance with Paragraph 104 of the National Planning Policy Framework (2023).

5. The approved soft landscaping scheme shall be carried out in accordance with the approved 'Proposed Hedgerow Specification and Management' details of the 'Proposed Site Plan and Cross Section' drawing. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any hedgerow which die or are damaged, removed, or seriously diseased shall be replaced by hedgerow 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 and DM6 of the adopted Site

11.3 Notes to applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via 01455 238141.
2. The following notes should be drawn to the applicant's attention:
 - Prior to construction, measures should be taken to ensure that users of the Public Right of Way are not exposed to any elements of danger associated with construction works.
 - Public Rights 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.
 - If there are any Public Rights of Way which the applicant considers impracticable to retain on their existing lines, a separate application for diversion is required. It should be submitted under the Town and Country Planning Act 1990 to the Local Planning Authority.
 - The applicant is not entitled to carry out any works directly affecting the legal line of a Public Right of Way until a Diversion Order has been confirmed and become operative.
 - 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.
 - Public Rights of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.
 - 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.
 - 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.
3. Nesting birds and bats, their roosts and their access to these roosts, are protected under the Wildlife and Countryside Act 1981 and the Conservation (Natural Habitat etc) Regulation 1994. Therefore, should birds or bats be present, works should be deferred until the late summer/autumn.