

Delegated Report

Planning Ref: 24/00697/FUL

Applicant: Mr Paul Phillips

Ward: Ambien



**Hinckley & Bosworth
Borough Council**

Site: The Lake House Bosworth Road Wellsborough

Proposal: Proposed lake. Revised scheme of 23/00585/FUL

1. Recommendations

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

2. Planning Application Description

- 2.1. This planning application seeks full planning permission for the provision of a 2,566.8sqm lake at The Lake House, Bosworth Road, Wellsborough. This proposal is a revised scheme of the scheme approved via 23/00585/FUL and has been relocated on the eastern side of the access track into the site as opposed to the western side. Additional woodland planting and hedgerow planting are proposed to the north and south of the lake.
- 2.2. The development is retrospective and works began in April 2024.

3. Description of the Site and the Surrounding Area

- 3.1. The 2.1ha application site is located to the south of Bosworth Road, 1.3km west of Markest Bosworth and 1.9km east of Wellsborough outside of any identified settlement boundary in the designated countryside.
- 3.2. The site is surrounded by open agricultural fields, which separate the site from Bosworth Lakeside Lodges, which is to the east of the site. To the immediate west of the site is Coton View, which is a residential property that is accessed via its own separate access onto Bosworth Road. Public Right of Way (PRoW), Footpath T10 is located to the northwest of the site.
- 3.3. The site comprises a standalone residential development, The Lake House, which benefits from stables, a manège, a residential annexe, a helicopter hanger, and an agricultural building. There is an existing lake to the rear of the site that received planning permission via 99/00190/FUL.
- 3.4. The site is accessed by a 105m long private unmade track, which is bounded by two grassed paddocks. The paddock to the west of the site benefits from planning permission via 23/00585/FUL for a 2,358.2sqm lake and the paddock to the east of the site is subject to this current planning application.

4. Relevant Planning History

4.1 Whilst there have been several planning applications within this site in association with the redevelopment of the dwelling as well as the provision of stables, a manège, an agricultural building, and a helicopter hanger, the main relevant planning history is identified below:

4.2 **23/00585/FUL**

- Proposed lake
- Permitted
- 21.08.2023

5. Publicity

5.1 The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.

5.2 No responses have been received.

6. Consultation

6.1 There have been no objections from the following consultants:

- Hinckley & Bosworth Borough Council (HBBC)'s Pollution Officer
- Leicestershire County Council (LCC)'s Ecology Team
- Local Highway Authority (LHA)
- Sheepy Parish Council.

6.2 No further responses have been received.

7. Policy

7.1 Core Strategy (2009):

- N/A.

7.2 Site Allocations and Development Management Policies Development Plan Document (SADMP) (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 and Flooding
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3 Sheepy Parish Neighbourhood Plan 2018 – 2035 (SPNP) (2022):

- Policy S1: Countryside
- Policy S5: Ecology and Biodiversity
- Policy S8: Design

7.4 National Planning Policies and Guidance:

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

7.5 Other Relevant Guidance:

- Good Design Guide (2020)
- Leicestershire Highway Design Guide (LHDG) (2022)

8. Appraisal

8.1. The key issues in respect of this application are therefore:

- Principle of development
- Design and impact upon the character of the area
- Impact upon residential amenity
- Impact upon parking provision and highway safety

Design and Impact upon the Character of the Area

8.2 Policy DM4 of the SADMP states that the Council will protect the intrinsic value, beauty, open character, and landscape character of the countryside from unsustainable development. Policy DM4 of the SADMP only considers development in the countryside sustainable where:

- (a) It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
- (b) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
- (c) It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
- (d) It relates to the provision of stand-alone renewable energy developments in line with Policy DM2: Renewable Energy and Low Carbon Development; or
- (e) It relates to the provision of accommodation for a rural worker in line with Policy DM5 - Enabling Rural Worker Accommodation.

8.3 The proposed lake is for the recreational use of the Applicant, and this can be secured via condition.

- 8.4 However, Paragraph 13.5 of the SADMP states that proposals for outdoor sport and recreation will generally only be supported in countryside locations where it is demonstrated it is not possible to accommodate the scheme within or adjacent to settlement boundaries. The Applicant has not demonstrated why this development cannot be accommodated within or adjacent to an identified settlement boundary. Therefore, the assessment of all further material considerations shall determine the overall acceptability of the proposal.
- 8.5 Ultimately, Policy DM4(i) of the SADMP states that development in the countryside will be considered sustainable where it does not have a significant adverse effect on the intrinsic value, beauty, open character, and landscape character of the countryside. This is supported by Policy S1 of the SPNP.
- 8.6 Policy DM10(c) of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.7 Planning permission has been granted for a lake within the site via 23/00585/FUL. There are also two further lakes in close proximity to the application site to the east and the south of the site respectively. This demonstrates that the provision of a lake in these site-specific circumstances would not be out of character in the surrounding area. The provision of a lake in this location is considered to retain the rural character of the site and therefore the development is considered to comply with Policies S1 and S8 of the SPNP, and Policies DM4 and DM10 of the SADMP..

Impact upon Residential Amenity

- 8.8 Policy DM10(a) and (b) of the SADMP states 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.
- 8.9 No structures are created within this development and there are no neighbouring properties in immediate proximity to the site. Therefore, the development is not considered to result in any adverse impacts to residential amenity in accordance with Policy DM10 of the SADMP.

Impact upon Parking Provision and Highway Safety

- 8.10 Policy DM17 of the SADMP states that development proposals need to demonstrate that there is not a significant adverse impact upon highway safety, and that the residual cumulative impacts of development on the transport network are not severe.

- 8.11 The proposal is for the provision of a private lake, which is not considered to result in any material impact on the public highway. Therefore, the scheme is considered to be acceptable and compliant with Policies DM17 and DM18 of the SADMP.

9. 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 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission to be granted, subject to the imposition of appropriate conditions.

11. Recommendation

- 11.1 **Grant planning permission** subject to:
- Planning conditions detailed at the end of this report.

11.2 Conditions and Reasons:

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details received by the Local Planning Authority as follows:

- Site Location Plan, Drg No. 23 03 01A (submitted: 16.07.2024)
- Site Plan, Drg No. 23 04 02A (submitted: 16.07.2024)

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. Within three months of the date of this decision notice, a scheme of hard and soft landscaping works, including boundary treatments, for the site including an implementation scheme, has been submitted in writing to, and approved in writing by, the Local Planning Authority. The scheme shall be carried out in full accordance with the approved landscaping scheme. 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 development has a satisfactory external appearance in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. The proposed lake hereby approved shall be for the use of the Applicant and their family only and shall not be used for any commercial purposes.

Reason: To ensure a satisfactory form of development in the interests of the character of the area and highway safety in accordance with Policies DM4, DM10 and DM17 of the Site Allocations and Development Management Policies Development Plan Document (2016).

a. 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.
2. Any potential planting on the banks or margins of the newly dug lake should be of native species of local province.