

Delegated Report

Planning Ref: 23/00008/REM
Applicant: William Corbett Farms Ltd
Ward: Twycross Sheepy & Witherley



Hinckley & Bosworth
Borough Council

**Site: Copes Cottage, 1 Cottage Lane, Norton Juxta Twycross,
Atherstone**

**Proposal: Approval of Reserve Matters (Appearance, Landscaping and Scale) of
outline planning permission 21/01490/OUT for demolition of existing cottage and
selected outbuildings and erection of a replacement dwelling**

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. This is a reserved matters application for the erection of a replacement dwelling at Copes Cottage. This reserved matters application is for the consideration of appearance, landscaping and scale following the approval of outline permission 21/01490/OUT for demolition of the existing cottage and selected outbuildings and erection of a replacement dwelling.
- 2.2. The building proposed would have dimensions of 15.625m (length) by 7.53m (width). Its height to eaves is 4.015m and to ridge is 6.89m. The proposed dwelling sits on the footprint of the original cottage on its southern and eastern elevations and is slightly larger in its northern and western elevations as well as being taller by 0.9m. It remains though of a lesser volume than the original cottage and the four smaller outbuildings that are to be demolished. In addition the removal of permitted development rights was a condition of the outline permission.
- 2.3. The front elevation has a simple form with the upper floor being partially within the roof space. The elevations are red brick and the roof is dark plain clay tiles. The dormer windows are faced in lead.
- 2.4. The access to serve the plot is to remain as existing. It would be via the existing access from Shelford Lane. Therefore, no access alterations are proposed. In order to avoid cluttering the site with further small buildings, the proposed new dwelling would have a single integral garage to replace the present garages on the site.

3. Description of the site and surrounding area

- 3.1 The application site comprises a two-storey cottage with a flat-roofed single storey extension, together with an associated range of outbuildings located immediately to the north of the rural hamlet of Norton Juxta Twycross, and approximately 0.5km to the south of Cottage Farm House and outbuildings. The application building is locally known as “Copes Cottage”. The cottage and its associated outbuildings are part of the farm unit of Cottage Farm and is partly bordered by the fields belonging to that farm.
- 3.2 Copes Cottage itself is a linear building, some 14.5m in length built on an east-west axis with principal window facing north and south. It has a gable wall to the adjacent highway (Cottage Lane), containing a small upper floor window.
- 3.3 Close to its western elevation, is the range of 6 outbuildings including 2 garages, some of which buildings are in considerable need of repair and which as a result of their condition, design and construction (brick and timber end walls with corrugated sheeting, steel and fibre cement) have now largely outlived their usefulness as functional buildings for use on the farm. The exceptions to this, are the open-fronted “nissen” building located to the west of the cottage and the smaller “nissen” structure on the northern boundary of the defined application site adjacent to the adjoining field. These are still used for storage in connection with the farm.
- 3.4 The cottage and the other 4 specified outbuildings have recently been demolished since granting outline planning permission.

4. Relevant planning history

17/00836/FUL	Conversion of agricultural building to a conference and function room (Retrospective)	Permission Granted
17/00838/FUL	Change of use and conversion of agricultural building to holiday let accommodation (Retrospective)	Permission Granted
21/01490/OUT	Demolition of existing cottage and selected outbuildings and erection of a replacement dwelling	Permission Granted

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 comments received.

6. Consultation

- 6.1 Environmental Services (pollution) – No objection.

- 6.2 LCC Ecology – No objection.
- 6.3 HBBC Drainage – No objection. Suggested informative
- 6.4 HBBC Waste – Please note that our policy states that all recycling and refuse services take place from the adopted highway boundary with the public highway

7. 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 DM4: Safeguarding the Countryside and Settlement Separation
 - Policy DM10: Development and Design
 - Policy DM14: Replacement Dwellings in the Rural Area
 - 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
 - Open Space and Recreation Study (2016)

8. Appraisal

- 8.1. Key Issues
 - Assessment against strategic planning policies
 - Design and impact upon the character of the area
 - Housing Mix
 - Impact upon neighbouring residential amenity
 - Impact upon highway safety and Parking
 - Drainage

Assessment against strategic planning policies

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and the NPPF is a material consideration in the determination of applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.
- 8.3. Paragraph 11 of the NPPF and Policy DM1 of the Site Allocations and Development Management Plan Document (SADMP) sets out a presumption in favour of

sustainable development, and state that development proposals that accord with the development should be approved unless the other material considerations indicate otherwise. The Development Plan in this instance consists of the adopted Core Strategy (2009) and the Site Allocations and Development Management Policies DPD (2016) (SADMP).

- 8.4. In this instance, the principle for development within this area has already been established through the earlier grant of outline Planning permission (Ref: 21/01490/OUT). The proposal would therefore be acceptable in terms of the strategic planning principles subject to all other planning matters being satisfactorily addressed.

Design and impact upon the character of the area

- 8.5. Policy DM10 of the SADMP requires development to enhance the character of the surrounding area, appropriate use of building materials, high standards of landscaping, conservation of energy, and that natural surveillance, fire safety measures and the principles of secured by design is maximised. This is also supported through the adopted Good Design Guide 2020.
- 8.6. The outline application identified that the development of the site would have an acceptable impact on the intrinsic value, beauty, open character or landscape character of the countryside, subject to appropriate scale and design.
- 8.7. The design and external appearance as well as scale of the new dwellinghouse seeks to reflect the character and appearance of a small row of traditional farmworkers' cottages (a familiar sight in rural areas) with some modern features. The aim is to assimilate the dwelling into the rural landscape given that it would be a relatively isolated dwelling unit as many of the former surrounding outbuildings have been demolished.
- 8.8. The proposed dwelling would therefore be a simple brick-built (red/brown facing bricks) rectangular block with a plain clay tiled roof. It would have 4 dormer windows on each of the north and south facing elevations to ensure daylight in the upper floor rooms. Such a design feature would enable the roof space to be used partially for accommodation thus reducing the overall height of the building. The appearance of the dwellings would be further articulated by eaves dentil coursing and feature brick banding.
- 8.9. The footprint of the new dwelling is marginally larger than the block indicated on the outline application. It is deemed necessary following detailed consideration of internal arrangements and the need to provide modern and spacious living conditions for the future occupants. However, the proposed new building is going to set on the same footprint as the original Copes Cottage in respect of the southern and eastern elevations. This is considered to be important, as it would minimise the impact of the new development in relation to the existing familiar and established built form within the surrounding landscape, particularly when viewed from the principal approaches to the site, i.e. from the south and east.
- 8.10. Moreover, even with this enlargement, the overall floorspace dimensions of the new dwelling are still significantly less than the total amount of proposed demolition on the site, which was an important determining factor in the consideration of the matter of replacing the existing house. In comparison with the original Copes

Cottage, which comprised one and two-storeys, the ridge height of the current proposal is less than a metre higher than the 2-storey height of that original cottage.

- 8.11. As a long-established residential curtilage, the site contains mature planting particularly near to its boundaries which is to be retained, as well as a row of trees beyond the southern boundary and which land is also within the applicants' ownership. Therefore, no additional soft landscaping is proposed with the proposal. However, some additional hard landscaping in the form of additional boundary treatment is proposed. It is proposed to erect 1.2m high post and rail fencing along the site's northern and western boundaries. The existing fencing on the south-western boundary is to be retained.
- 8.12. It is therefore considered that the proposed scale, appearance and landscaping is acceptable in this context and these are in accordance with Policy DM10 of the SAMDP.

Impact upon neighbouring residential amenity

- 8.13 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.
- 8.14 The Good Design Guide SPD outlines that development will need to provide high quality internal amenity space as this is critical to the quality of life of residents. Proposals should demonstrate there will not be a loss of amenity to a habitable room window by loss of light or outlook. The SPD states that habitable rooms include living rooms, bedrooms and kitchens. The National Design Guide also promotes a healthy, comfortable and safe internal and external environment.
- 8.15 The application site is located on the very edge of the adjacent hamlet. Therefore, as a residential proposal it would have no material impact on living conditions of neighbours, the nearest of whom are some 65m away to the south. The proposal would provide good quality of internal amenity space for the future occupier of this dwelling.
- 8.16 Therefore the proposal is considered to be in accordance with Policy DM10 and the Good Design Guide SPD in relation to residential amenity considerations.

Impact upon highway safety and Parking

- 8.17 Policy DM17 of the SADMP requires that applications meet a number of criteria, the most relevant for this application is c) demonstrate that there is not a significant adverse impact upon highway safety. This policy also requires proposals to reflect the highway design standards that are set out in the most up to date guidance, this is the 6C's guidance outlined by Leicestershire County Council Highways Authority.
- 8.18 The car parking layout for 2 no. visitor spaces together with a generous amount of manoeuvring space is indicated on the submitted plan and is similar to that proposed at outline application stage.
- 8.19 The LHA raises no objections during outline planning stage and nothing has changed in terms of highways and parking since then. The development would accord with the

Highway Design Guide, and therefore is considered to accord with Policy DM17 of the SADMP and the NPPF.

Waste Collection Point

- 8.20 Details of the bin storage and collection points are submitted with the proposal and are located respectively adjacent to the eastern gable end of the dwelling and adjacent to the lay-by which adjoins Cottage Lane. However, the Waste Management Officer of the Council states that all recycling and refuse services should take place from the adopted highway boundary with the public highway. Therefore the condition related to this matter would remain as outline permission.

9. Equality implications

- 9.2. 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.
- 9.3. 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.
- 9.4. There are no known equality implications arising directly from this development.
- 9.5. 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 principle of development has been established through the granting of the outline planning permission 21/01490/OUT. The appearance, scale and landscaping of the proposal is considered acceptable. The detailed design of the proposed new dwelling seeks to ensure a development which whilst being larger than the original house, does nevertheless respect the rural location of the site. The proposal accords with Policy DM10 of the SADMP.
- 10.2. The proposed development will not have an unacceptable impact upon amenity and would accord with policy DM10(a) and (b) of the SADMP, the Good Design Guide SPD and national policy in the NPPF.
- 10.3. The highways impact of the proposed development and the proposed access is acceptable and this would accord with policies DM17 and DM18 of the SADMP and the NPPF.

11. Recommendation

11.1 Grant planning permission subject to:

- Planning conditions outlined 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 with the submitted application details, as follows:

Block plan, Site location and, Proposed Elevations and Floor Plans 130-PL-200-04 received on 10/01/2023

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. The materials to be used on the external elevations shall accord with the submitted schedule of materials and approved plan 130 PL 200 Rev 04.

Reason: To ensure that the development has a satisfactory external appearance in accordance with policies DM10, DM11 and DM12 of the adopted SADMP (2016)

3. The development shall not be occupied until such time as the parking and turning facilities have been implemented. Thereafter the onsite parking provision shall be so maintained in perpetuity.

Reason: To ensure that the development is served with a satisfactory waste collection scheme across the site to serve the amenity of the future occupants to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD.

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. Parking provision and dimensions (min 3 spaces for a dwelling with up to 3 beds and 3 spaces for a dwelling with 4+ beds).
3. The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance, or alternatively assembled from modular surface water storage/soakaway cell systems, incorporating silt traps. Design and construction of all types of soakaway will be subject to the approval of the Building Control surveyor.
4. Any 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).