

Planning Committee 19 April 2016  
Report of the Chief Planning and Development Officer



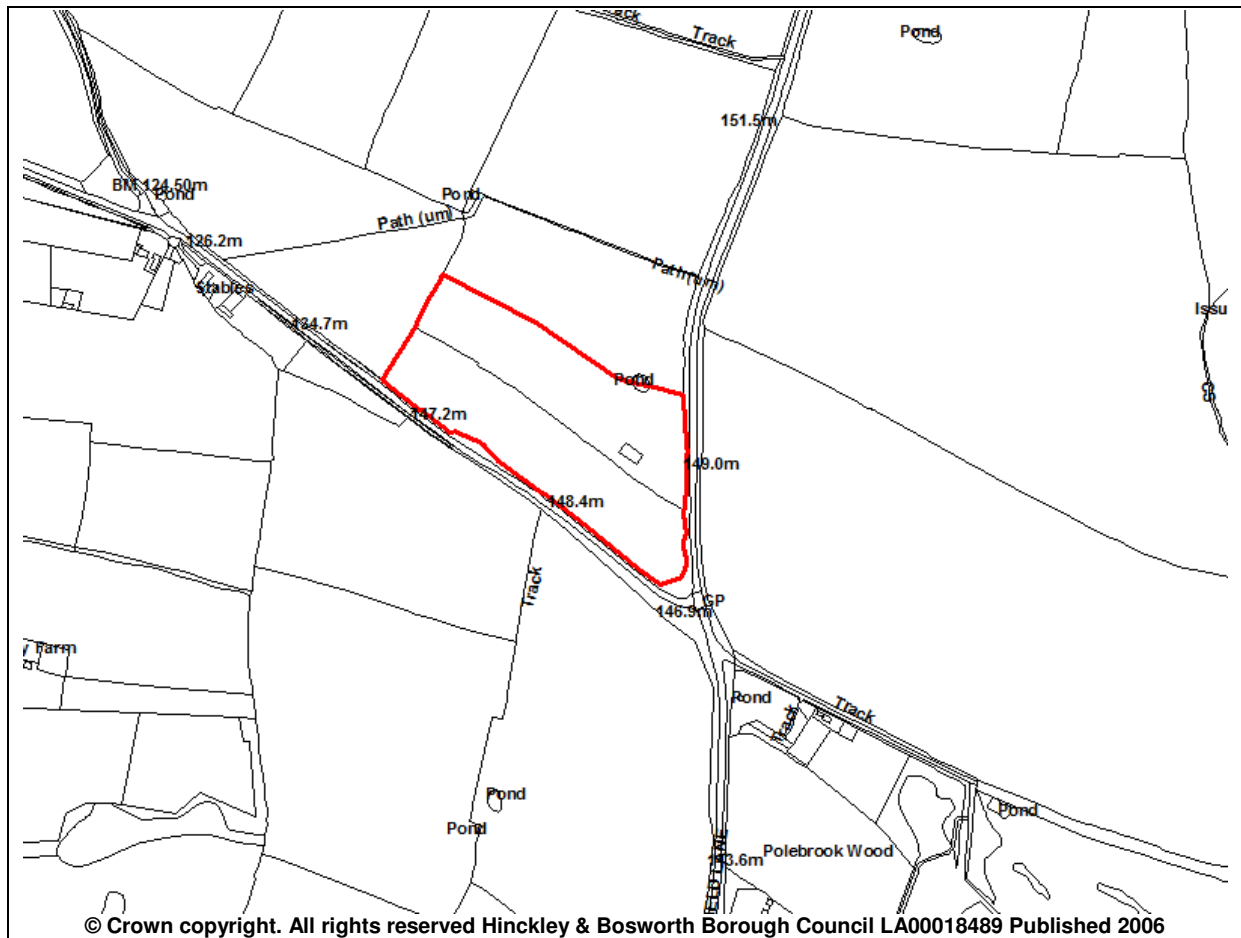
Hinckley & Bosworth  
Borough Council

*A Borough to be proud of*

Planning Ref: 16/00060/CONDIT  
Applicant: Mrs Melanie Brewster  
Ward: Ratby Bagworth And Thornton

Site: Land North East Of Reservoir Road Thornton

Proposal: Variation of condition 2 of planning permission 15/00820/FUL to increase the height of the stable building



## 1. Recommendations

### 1.1. Grant planning permission subject to

- Planning conditions outlined at the end of this report.

1.2. That the Chief Planning and Development Officer be given powers to determine the final detail of planning conditions.

## 2. Planning Application Description

2.1. This is a Section 73 application to vary condition 2 of planning permission 15/00820/FUL, to increase the height of a proposed stable building. The original permission included the change of use of an existing building to stables and the

creation of a ménage. This application proposes to increase the overall height of the previously approved stable building from 5.2 metres to 7.2 metres, to allow the use of a mezzanine for the overhead storage of hay. The existing building is proposed to remain unchanged in scale and converted into stables.

2.2. No further amendments are proposed to the approved scheme.

### **3. Description of the Site and Surrounding Area**

3.1. The application site comprises two grassed fields measuring a total of approximately 3.48 hectares (8.6 acres). The site is located within the countryside to the south east of Thornton, north east of Reservoir Road and west of Thornton Lane/Whittington Lane.

3.2. The site contains a large agricultural building (erected under the GDO prior notification procedure), which is constructed of concrete block work, timber boarding walls and cement sheet roof panels. A steel storage container is situated to the east of the agricultural building. This building has been converted to stables with associated equestrian storage and the construction of the manège implemented.

3.3. An extensive area of hardstanding (brick rubble etc.) has been laid along with a rectangular concrete base within the eastern part site.

3.4. The east and south west boundaries of the application site are defined by field hedgerows and the north east boundary by a post and wire fence. The hedgerow fronting Thornton Lane/Whittington Lane to the east is identified as a Site of Importance to Nature Conservation (SINC). Land levels fall to the north west towards Thornton Reservoir.

### **4. Relevant Planning History**

09/00907/GDO	Erection of building for cattle and machinery	Withdrawn	22.12.2009
09/00986/GDO	Erection of agricultural building to keep livestock	Granted	27.01.2010
10/00811/FUL	Erection of four stables and feed/tack room	Approved	05.01.2011
12/00095/FUL	Proposed access road to serve stable block and agricultural barn	Withdrawn	23.03.2012
15/00373/FUL	Extensions and alterations to stable block	Application returned	15.07.2015
15/00374/FUL	Creation of an equestrian manège	Application returned	30.07.2015

15/00375/FUL	Siting of a mobile home	Refused	22.05.2015
15/00820/FUL	Conversion and extension of agricultural building for stables, formation of manège, improvements to existing access, hard surfaced parking and turning area and change of use of land for the keeping of horses	Approved	18.11.2015

## 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 representations received.

## 6. **Consultation**

- 6.1. Bagworth and Thornton Parish Council have objected on the following grounds:-
1. Work had already commenced on site
  2. Application submission is misleading there are protected species in the area
  3. The application site can be seen from Reservoir Road
  4. The increase in height will have a severe an negative impact upon the Reservoir landscape
  5. The proposed building would be above the tree line and out of place
  6. No saved Policies which relate to the stabling of horses, therefore the application should be determined in accordance with normal countryside policies which are severely restrictive
  7. No special justification for departing from policies
  8. The application site encompasses a plot which has previously been referenced as THO10 in the Borough Development Plan as a proposed Traveller site. This proposed allocation was later withdrawn following a lengthy community consultation. Therefore not least that in fairness to the Traveller Community which was not allowed to development the site, this application is entirely inappropriate and should be refused.

## 7. **Policy**

- 7.1. Local Plan 2006 – 2026: Core Strategy (2009)
- Policy 21: National Forest
- 7.2. Hinckley and Bosworth Local Plan (2001)
- Policy NE5: Development in the Countryside
  - Policy BE1: Design and Siting of Development

- 7.3. Emerging Site Allocations and Development Management Policies DPD Submission Version (Dec 2014)
- Policy DM1: Presumption in favour of Sustainable Development
  - Policy DM4: Safeguarding the Countryside and Settlement Separation
  - Policy DM10: Development and Design
- 7.4. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2012)
  - Planning Practice Guidance (PPG)
- 7.5 Other Relevant Guidance
- Supplementary Planning Guidance on the Design of Agricultural Buildings

## **8. Appraisal**

- 8.1. This application should be read in conjunction with the previously approved application 15/00523/FUL. As the principle of the development, highway safety and other such details have been accepted by the earlier scheme, the main issues for considered of development therefore are:-
- Impact on the Character and Appearance of the Countryside
  - Previously imposed planning conditions

### Impact upon the character of the area

- 8.2. Policy 21 of the adopted Core Strategy requires that the siting and scale of development within the National Forest is appropriately related to its setting and respects the character and appearance of the wider countryside.
- 8.3. The design criteria of Saved Policy NE5 (i, ii and iii) requires that development in the countryside does not have an adverse impact on the character or appearance of the landscape, is in keeping with the scale and character of existing buildings and general surroundings, is effectively screened by landscaping. Policy DM4 of the SADMP also seeks to ensure that development within the countryside does not have an adverse effect on the intrinsic value, beauty or open character of the countryside. Saved Policy BE1 (criteria a, c and d) of the Local Plan and Policy DM10 (criteria c, d, e, f, g and h) of the SADMP requires that development complements or enhances the character of the surrounding area with regard to scale, layout, design, materials, and incorporates landscaping to a high standard.
- 8.4. One of the core planning principles of the NPPF in paragraph 17 is to seek a high quality of design and protect the intrinsic character and beauty of the countryside. Paragraphs 56 and 58 of the NPPF identify good design as a key aspect of sustainable development and seek to ensure that development is visually attractive.
- 8.5. The existing building situated within the application site will not change and has been converted into stables. This proposal relates only to the proposed erection of an additional stable building. The proposed stable building would extend to the north west from the rear of the existing building and would follow the existing hedgerow boundary which separates the two agricultural fields. The proposed amendment seeks to increase the overall ridge height of the building from 5.2 metres, which is ridge height of the existing building, and proposes to increase it to 7.2 metres. The proposed building would provide 5 stables with tack room as

previously approved, however the additional roof height would allow for the provision of a mezzanine for the overhead storage of hay.

- 8.6. During the course of the application objections have been received in respect of the impact the proposed development would have on the Thornton Reservoir and surrounding landscape. The application site is situated to the south east of Thornton Reservoir, land levels increase from the Reservoir up towards the application area. Due to the rolling nature of the land and the mature vegetation along the south east boundary of the Reservoir the proposed development would have a limited visual impact upon the Thornton Reservoir.
- 8.7. The proposed building would be set back from the highway to the rear of the existing building, where it would be partly screened from the surrounding landscape, including mature hedgerows and trees. Due to the existing surrounding landscape and the positioning of the building within the site the increased height would not dominate the street scene or views from the wider landscape, and visible views of the building would be fleeting. Furthermore the proposed building is to be finished in treated softwood cladding which would soften and visible impact and aid their assimilation into the countryside. The design maintains a low pitched roof, reflective of the existing building situated on site, and the appearance is not untypical of modern agricultural buildings and is therefore consistent with the advice contained in the Council's Supplementary Planning Guidance on the Design of Agricultural Buildings.
- 8.8. By virtue of the siting, design and proposed construction materials the proposal is considered to complement the character of the site, and would not have a material adverse impact on the character or appearance of the surrounding countryside. The proposal would therefore be in accordance with Policy BE1 (criterion a) and Policy NE5 (criteria i, ii and iii) of the adopted Local Plan, Policy DM4 and DM10 of the emerging SADMP, Policy 21 of the Core Strategy and the overarching principles of the NPPF.

#### Previously Imposed Conditions

- 8.9. The original planning permission was subject to 11 conditions. It must be considered whether these conditions remain relevant and therefore should be re-imposed on the current scheme.
- 8.10. Condition 1, concerns the timescale for development to take plans. Development on site has been commenced and therefore this condition is no longer necessary to be re-imposed.
- 8.11. Condition 2, is subject to this Section 73 application concerning approved plans for the development. As such this has been superseded by the current application and a condition has been re-imposed to secure that the development will be carried out in accordance with the approved plans.
- 8.12. Condition 3 and 4 refers to the submission of proposed surfacing, parking, turning area and landscaping scheme (including the removal of the existing concrete hardstanding) to be submitted and agreed, and implemented. The condition required the works to be implemented within three months, whilst some works have commenced they are not completed. A condition it therefore necessary to be imposed to ensure the agreed works are carried out and completed prior the development being brought into use.

- 8.13. The details have been agreed however require fully implementing, condition 3 and 4 will therefore be reworded to reflect the agreed details and secure implementation.
- 8.14. Condition 5 relates to the ongoing maintenance of the agreed landscaping scheme, this condition is needs to be re-imposed to secure the long term future of the proposed landscaping scheme.
- 8.15. Conditions 6 to 9 relate to the carrying out of highway and access works/improvements prior to the development being first brought into use. As the site has not been brought into use and the required works have not been carried out, these conditions remain relevant and will be re-imposed.
- 8.16. Condition 10 relates to details of any proposed external lighting to be submitted and agreed before first use of the site. The site has not been brought into use, and no details have been provided. This condition is therefore necessary to re-impose to ensure any external lighting does not have a detrimental impact in terms of night time illuminance upon the wider character of the area.
- 8.17. Condition 11 seeks to ensure horse manure or other waste materials are not burnt on site, this condition is necessary for the protection of air pollution, and will be re-imposed.

## **9. Conclusion**

- 9.1. The principle of development has already been established through the earlier grant of planning permission (ref:15/00820/FUL). By virtue of its siting and the design and appearance of the proposed stable building, it is considered that the proposed increase of height would not have any material adverse impact on the character or appearance of the site or surrounding countryside. The proposal would be in accordance with Policies BE1 (criterion a) and NE5 (criteria i, ii, iii and iv) of the saved Local Plan, Policies DM4 and DM10 of the emerging SADMP, Policy 21 of the adopted Core Strategy together with the overarching principle of the NPPF. The proposal is therefore recommended for approval subject to conditions.

## **10. Recommendation**

### **10.1. Grant planning permission subject to**

- Planning conditions outlined at the end of this report.

- 10.2. That the Chief Planning and Development Officer be given powers to determine the final details of planning conditions.

### **10.3. Conditions and Reasons**

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details as follows; Proposed manège details (scale 1:20, 1:100, 2:00) received on the 22 July 2015, Site Location Plan (1:2500), Block Plan (1:500) Proposed elevation and floorplan (Scale 1:200) received by the Local Planning Authority on the 22 January 2016.

**Reason:** For the avoidance of doubt and in the interests of proper planning.

2. Before first use of the site the parking and turning area shall be surfaced in Trent Gravel and carried out in accordance with the approved details shown on proposed landscape plan drawing number 3887/7R received on the 10 December 2015.

**Reason:** To enhance the appearance of the development within this countryside and National Forest setting to accord with Policy 21 of the adopted Core Strategy (2009).

3. The hard and soft landscaping scheme for the development hereby approved shall be carried out in complete accordance with the approved details as shown on Drawing No. 3887/7R and implemented in accordance with the details provided within Drawing No 3887/7R. 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 enhance the appearance of the development within this countryside and National Forest setting to accord with Policy 21 of the adopted Core Strategy (2009).

4. Before first use of the development hereby approved, the vehicular access from the site onto Thornton Lane, shall be provided with 7.5 metre kerbed radii on both sides of the access as shown on Dwg No. 3887/2R

**Reason:** To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety and to afford easy access to accord with Policy T5 of the Hinckley and Bosworth Local Plan (2001).

5. Before first use of the development hereby approved the access drive shall be surfaced in a bound porous material for a minimum distance of 12 metres from the back edge of the highway and shall be so maintained at all times.

**Reason:** To reduce the possibility of deleterious material being deposited in the highway in accordance with Policy T5 of the Hinckley and Bosworth Local Plan (2001).

6. Before first use of the development hereby approved, the vehicular access to the site shall be widened to an effective minimum width of 6 metres over a distance of 12 metres behind the highway boundary.

**Reason:** To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause dangers within the highway to accord with Policy T5 of the Hinckley and Bosworth Local Plan (2001).

7. Before first use of the development hereby approved, visibility splays of 2.4 metres by 113 metres shall be provided at the junction of the access with Thornton Lane. These shall be in accordance with the standards contained in the current County Council design guide and shall thereafter be maintained. Nothing shall be allowed to grow above a height of 0.6 metres above ground level within the visibility splays.

**Reason:** To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of highway safety in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan (2001).

8. Before first use of the site details of any proposed external illumination within the development shall be submitted to and approved in writing. The scheme shall be implemented in accordance with those approved details.

**Reason:** In the interests of amenity to reduce any impact of night time illumination on the character of the area, in accordance with Policy NE5 of the Hinckley and Bosworth Local Plan (2001) and Policy DM7 (criterion c) of the Site Allocations and Development Management Plan.

9. No horse manure or other waste materials shall be burnt on the site at any time.

**Reason:** To ensure the development does not have an adverse impact on the amenities of surrounding properties in terms of air pollution to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan (2001).

#### 10.4. **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](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.