

Delegated Report

Planning Ref: 24/00823/FUL

Applicant: Mr Ian Everington

Ward: Ratby, Bagworth and Thornton

Site: The Bulls Head, 23 Main Street, Ratby

Proposal: Timber pergola with polycarbonate roof to courtyard



Hinckley & Bosworth
Borough Council

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. The proposal is for the erection of a timber pergola with a polycarbonate roof located within the internal courtyard space located within the Bulls Head.

3. Description of the site and surrounding area

- 3.1. The Bulls Head is a historic public house located within the Ratby Conservation Area. It occupies a prominent position within the settlement facing into Main Street. Due to its historic interest and architectural interest the Bulls Head is identified as an important local building within the Ratby Conservation Area Appraisal (2014), and it is considered to contribute positively to the character and appearance of the conservation area. To the rear of the frontage building are single and two storey ranges and more functional spaces, including a courtyard area, which provides an operational space for the public house.

4. Relevant planning history

None

5. Publicity

- 5.1. The application has been publicised by posting a site notice within the vicinity of the site and letters sent out to neighbours. The application was also advertised in the Leicester Mercury.
- 5.2. One comment was received, with no objection.

6. Consultation

- 6.1. LCC Ecology: No objections.
- 6.2. HBBC Conservation: No objections. Substantive response, included within the impact upon the character of the conservation area section of this report.
- 6.3. HBBC Pollution: No objections.

7. Policy

7.1. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- 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

7.2. **Core Strategy (2009)**

- No relevant policies

7.3. **National Planning Policies and Guidance**

- National Planning Policy Framework (NPPF) (2023)
- Planning Practice Guidance (PPG)

7.4. **Other relevant guidance**

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

8. **Appraisal**

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the Conservation Area
- Impact upon neighbouring residential amenity
- Impact upon highway safety

Assessment against strategic planning policies

8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 2 of the NPPF also identifies that the NPPF is a material planning consideration in planning decisions. Paragraph 12 of the NPPF states 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. Where planning applications conflict with an up-to-date plan, permission should not usually be granted unless other material considerations indicate otherwise.

8.3. The development plan in this instance consists of the Core Strategy (2009) and the Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016).

Design and impact upon the character of the area

8.4. Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.

8.5. Policies DM11 and DM12 of the Site Allocations and Development Management Policies (SADMP) DPD seek to protect and enhance the historic environment. Development proposals should ensure the significance of a conservation area is preserved and enhanced.

8.6. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

8.7. Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraphs 205-208 of the NPPF require great weight to be given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have

clear and convincing justification, and for that harm to be weighed against the public benefits of a proposal.

- 8.8. The Bulls Head is a historic public house located within the Ratby Conservation Area. It occupies a prominent position within the settlement facing into Main Street. Due to its historic interest and architectural interest the Bulls Head is identified as an important local building within the Ratby Conservation Area Appraisal (2014), and it is considered to contribute positively to the character and appearance of the conservation area. To the rear of the frontage building are single and two storey ranges and more functional spaces, including a courtyard area, which provides an operational space for the public house.
- 8.9. The proposal is to erect a rectangular plan timber pergola with polycarbonate roof over the rear courtyard. Whilst the structure would have a purely functional appearance, this would be consistent with the existing appearance of the rear elevation and the structure would therefore sit relatively comfortably upon it. In addition, due to the siting and modest scale of the structure and the presence of surrounding built form it would not be visible from the wider conservation area street scene on Main Street and there would be no adverse impacts upon any key characteristics of the conservation area.
- 8.10. The proposal would have a neutral impact upon the character and appearance of the Bulls Head and the wider Ratby Conservation Area. Consequently, the proposal would preserve the significance of the conservation area and thus comply with Policies DM10, DM11 and DM12 of the Site Allocations and Development Management Policies DPD, section 16 of the NPPF, and the statutory duty of Section 72 of the Planning (Listed Buildings and Conservations Areas) Act 1990.

Impact upon neighbouring residential amenity

- 8.11. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings. The policy also states that the amenity of the occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.
- 8.12. The proposal for the timber pergola and polycarbonate roof would be located within the existing courtyard and would sit relatively comfortable within this space. The structure therefore is not considered to have any detrimental impacts to neighbouring residential amenity in terms of loss of light, loss of privacy, overlooking, overshadowing or overbearing impacts, when considering its location and scale.
- 8.13. The proposal is therefore in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.14. Policies DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety.
- 8.15. The proposal by its nature will have no detrimental impact to highway safety nor the existing parking provision afforded to the site, as such the proposal is considered in accordance with Policy 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. It is considered that the proposal is compatible with the character of the area and it would preserve the significance of the Ratby Centre Conservation Area. The proposal therefore complies with Policies DM10, DM11, DM12, DM17 and DM18 of the SADMP, section 16 of the NPPF and the statutory duty of Sections 16, 66 and 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990.
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 be begun before the expiration of three years from the date of this permission.

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:

Design and Access Statement
Planning Statement
Site Location Plan
Proposed Block Plan Drg No. 3570-14
Proposed Plans and Elevations Drg No. 3570-12

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. The materials to be used on the proposed elevations of the pergola and polycarbonate roof shall accord with the approved materials detailed within the application form.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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.