

Delegated Report

Planning Ref: 24/00822/FUL

Applicant: Mr Paul Adams

Ward: Newbold Verdon with Desford and Peckleton

Site: Fox Covert Camp Site, Newbold Road, Kirkby Mallory

Proposal: Erection of two accessible shower rooms with WC and open air wash up area



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. This application proposes the erection of two accessible shower rooms with WC and open air wash up area. The structure is 2.65m in height and consists of a sloped roof and blockwork exterior.

3. Description of the site and surrounding area

- 3.1. The application site is located within Fox Covert Campsite, which is located off Newbold Road, Kirkby Mallory. The site serves various community groups such as scouts and the brownies. The site is well screen by existing mature hedgerow and trees, and is generally considered a wooden area. The location of the proposed shower rooms and wash up area is distanced significantly from the highway and is sited in a similar location to an existing toilet block which has deteriorated.

4. Relevant planning history

21/01322/FUL

Extension to the existing toilet block and wilson building, existing wardens building to be demolished and replaced and construction of garage for storage

Planning Permission

06.04.2022

5. Publicity

- 5.1. The application has been publicised by posting neighbour letters and a site notice has been posted within the vicinity of the site.
- 5.2. No comments have been received.

6. Consultation

- 6.1. HBBC Pollution: No objections.
- 6.2. HBBC Drainage: No objections.
- 6.3. Kirkby Mallory, Peckleton and Stapleton Parish Council: No comments received.

7. 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 DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

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)

8. **Appraisal**

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Biodiversity Net Gain

Assessment against strategic planning policies

8.2. The 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).

8.4. The site lies outside of the settlement boundary of the rural hamlet Kirkby Mallory. It is, therefore, classed as being on land designated as countryside and Policy DM4 of the SADMP is applicable. Policy DM4 of the SADMP seeks to protect the intrinsic value, beauty, open character and landscape character, to safeguard the countryside from unsustainable development. Development in the countryside is considered 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

and:

i) It does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and

ii) It does not undermine the physical and perceived separation and open character between settlements; and

iii) It does not create or exacerbate ribbon development.

- 8.2 The proposal can be considered under Policy DM4 (a) and (b). The camping grounds and related activities, by its very nature, are considered outdoor recreation that cannot be accommodated within a settlement boundary due to the extent of the open space required. The proposal involves the amendments and extension of existing buildings, additionally, the proposed alterations and additions would enhance current facilities and provide improved accommodation for workers and volunteers. The modest works would not have an adverse impact on the open character of the countryside or encourage ribbon development.

Design and impact upon the character of the area

- 8.5. 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.
- 8.6. Policy DM4 of the SADMP seeks to protect the intrinsic value, beauty, open character and landscape character of the countryside.
- 8.7. The proposal is for the erection of two accessible shower rooms and WC, with an external wash up space. The proposed is located in the same location as the existing toilet block. The proposal is set a significant distance from the highway within the heart of the site, which is well screened from public view by the existing mature hedgerow and trees located within the site and to the highway boundary. As such it is considered that the extension/amendments to this block would not cause significant detrimental impacts to the character of the area, or the countryside, and is of a reasonable design and size for its location, in relation to the existing toilet block currently in situ.
- 8.8. As such the proposal is considered to be in accordance with Policy DM4 and DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.9. 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.
- 8.10. The location of the proposed shower room, WC and wash up space is within the centre of the campsite. The unit is in the same location as the existing toilet block which is to be replaced. The unit is located a significant distance away from neighbouring dwellings, and when considering the exiting unit and wider activities on the site, it is not considered that the proposal would cause any detrimental impact to neighbouring amenity. As such it is considered to be in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.11. Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 of the SADMP requires new development to provide an appropriate/justified level of parking provision.
- 8.12. The proposal has no impact on the existing parking provision afforded to the site, nor is it considered to give rise to any impact on highway safety. As such the proposal is considered in accordance with Policy DM17 and DM18 of the SADMP.

Biodiversity Net Gain

- 8.13. Biodiversity Net Gain is mandatory for development, from February 2024. The proposal includes the erection of two accessible shower rooms and a WC with an external wash up area. The existing development includes an existing toilet block. The proposed development is to be erected in the same location as the existing, with minor extensions.
- 8.14. The additional development measures approx. 10.59m² in size. This would fall within the exemptions for requiring a biodiversity net gain, which states that a development that does not impact a priority habitat and impacts less than 25 square metres of on-site habitat or 5 metres of on-site linear habitats such as hedgerows in exempt. As such the application is considered acceptable.

Equality implications

- 8.3 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.
- 8.4 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.
- 8.5 There are no known equality implications arising directly from this development.
- 8.6 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).

9. Conclusion

- 10.1. The proposal is considered acceptable due to the limited impacts upon the character of the area and the amenity of neighbouring properties. It is considered that the proposed development would be in accordance with Policies DM4, DM10, DM17 and DM18 of the adopted SADMP.

10. 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:

Site Location Plan Drg No. 01-2432_00
Existing and Block Plans Drg No. 02-2432_00
Proposed Plans and Elevations Drg No. 02-2332 Rev C

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).

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.