

Delegated Report

Planning Ref: 23/00875/FUL
Applicant: Warwickshire Partnership
Ward: Twycross Sheepy & Witherley



Hinckley & Bosworth
Borough Council

Site: Smiths Garage Ltd, Atherstone Road, Pinwall

Proposal: Proposed increase in height of existing garage canopy

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 application seeks full planning permission to increase the canopy height by 0.5m at Smiths Garage Ltd, Atherstone Road, Pinwall, Atherstone. The footprint covered by the canopy will not change.

3. Description of the Site and Surrounding Area

- 3.1. The 0.59ha site is located in the countryside in Pinwall, a rural hamlet without a settlement boundary. It is located to the south west of the intersection between the B500 and B4116 Atherstone Road.
- 3.2. Immediately to the north lies the B500, with a detached dwelling on the opposite side of the road. Immediately to the east lies B4116 Atherstone Road with the vacant Red Lion public house the opposite side of the road. There are open agricultural fields to the south and west.

4. Relevant Planning History

- 84/00393/4. EXTENSIONS TO PROVIDE ADDITIONAL OFFICE ACCOMMODATION – Granted.
- 89/00435/4. EXTENSION TO GARAGE WORKSHOPS TO PROVIDE VEHICLE CLEANING SHOP – Granted.
- 95/00196/FUL. ALTERATIONS AND EXTENSIONS TO GARAGE – Granted.
- 98/00607/FUL. EXTERNAL ALTERATIONS TO GARAGE – Granted.
- 23/00462/FUL. Proposed replacement of walls, windows, new doors and increase in height of roof (retrospective) – Granted.

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also put up in the vicinity. No comments have been received.

6. Consultation

- HBBC Drainage– no comment.
- LCC Highways – no comment.
- HBBC Pollution – no objection.
- HBBC Waste – no objection.

6.2. Sheepy Parish Council objects for the following reasons:

“Sheepy Parish Council has reviewed the above application 23/00875/FUL – (Smiths Garage Ltd Atherstone Road Pinwall - Proposed increase in height of existing garage canopy) and OBJECTS as the application is not in line with the policies (which should be considered collectively) in the Sheepy Parish Neighbourhood Plan made May 2022, notably Policy 8f, the detrimental impact on amenity for neighbouring residential properties arising from the increased height of the canopy and the installation of associated high elevation lighting.”

7. Policy

7.1. Sheepy Parish Neighbourhood Plan Review (SNP) Made May 2022

- Policy S1: Countryside
- Policy S8: Design
- Policy S17: Rural Economy

7.2. Site Allocations and Development Management Policies (SADMP) (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

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2012)

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

Assessment against strategic planning policies

8.2. There is a presumption in favour of sustainable development under Policy DM1 of the SADMP and the wider policies of the NPPF. The sustainable principle of development is subject to all other material planning matters being appropriately addressed.

8.3. The application site lies outside any settlement boundary as defined in the Sheepy Neighbourhood Plan (SNP) 2022. As such the retrospective planning application needs to be considered against policies relating to development in the countryside.

8.4. Policy DM4 of the SADMP plan seeks to protect the intrinsic value, beauty, open character and landscape character of the countryside from unsustainable development. It goes on to list five types of development considered sustainable: a) outdoor sport and recreation, b) change or use of existing buildings, c) significant contribution to economic growth, d) renewable energy or e) rural worker accommodation.

8.5. To be acceptable, the Policy expects development to not only fall within one of these categories, but also to meet five further criteria: i) not significantly impact

adversely on the countryside, ii) not undermine separation between settlements, iii) not create ribbon development, iv) not compromise Green Wedges, and v) contributes to the National Forest strategy. It is considered that it is only criterion i) that is a concern for this change of use proposal.

- 8.6. Criterion i) of Policy DM4 says that development will only 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”

- 8.7. The policy is very similar to Policy S1 “Countryside” of the SNP. This states that the countryside (land outside Settlement Boundaries as defined on the Policies Map) will be protected for the sake of its intrinsic character, beauty, heritage and wildlife, the wealth of its natural resources and to ensure it may be enjoyed by all.
- 8.8. Policy S17 of the SNP states that small-scale business and enterprise development, through the conversion of existing buildings and well-designed new buildings will be supported where it meets the requirements of other policies of the Neighbourhood Plan.
- 8.9. The proposal needs to be judged on whether it would have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside. This policy requirement is echoed in policy of the National Planning Policy Framework NPPF 2021. Paragraph 174 expects planning policies and decisions to contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.
- 8.10. The height of the canopy will increase by 0.5m and the overall footprint of the canopy has not changed. Given the scale of the changes and that the site lies on a busy intersection, it is not considered to have an adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside. The retrospective planning application complies with Policy DM4 of the SADMP and Policies S1 and S17 of the SNP.

Design and impact upon the character of the area

- 8.11. Policy DM10 of the SADMP indicates that development will be permitted providing it meets good standards of design including that it would complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and would not have a significant adverse effect on the privacy and amenity of nearby residents.
- 8.12. Policy S8 of the SNP states development proposals should be designed with evident care so as to:
- A. Respond positively to the character of the area in which it is located as set out in the Design Guide in Appendix 5. Innovative design that is appropriate to the prevailing character of the area is encouraged;
 - B. Demonstrably respond to the features of its setting;
 - C. Work with the scale, form and character of the location and make a positive contribution to the street-scene;
 - D. Protect important local features such as traditional walls, hedgerows and trees;
 - E. Be future-proofed with low carbon heating and high levels of energy efficiency;
 - F. Show appropriate regard for the amenities of neighbouring properties including daylight/sunlight, privacy, air quality, noise and light pollution; and
 - G. Provide a safe and suitable access with appropriate on-site parking provision

- 8.13. Given the scale and appropriate design of the canopy, there will be no adverse impact on the street scene. The changes comply with Policy DM10 of the SADMP and Policy S8 of the SNP.

Impact upon neighbouring residential amenity

- 8.14. By virtue of the height and siting of the changes, they are not considered to have a significant detrimental impact on the residential amenity of the occupiers of the neighbouring properties.
- 8.15. HBBC Environmental Heath have no objection with regards to the lighting concerns raised by Sheepy Parish Council.
- 8.16. In light of the above, the changes comply with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.17. LCC Highways have stated they have no comment to make as there would appear to be no material impact on the public highway. The changes therefore comply 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.

10. Conclusion

- 10.1. By virtue of the appropriate scale, layout, form, design and proposed construction materials, it is considered that the proposed development would comply with Policies DM1, DM4, DM10, DM17 and DM18 of the SADMP and Policies S1 and S8 of the SNP. The proposal can therefore be supported.

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 except in complete accordance with the submitted application details, as follows:

Block, Site Location Plan, Drg No. 23/27 (received on 05/09/2023)
Proposed Elevations, Site Plan, 3D View, Drg No. 23/27 11A (received on 05/09/2023)

Reason: To ensure a satisfactory impact of the development to accord with Policies DM1, DM10, DM11 and DM12 of the Site Allocations and Development Management Policies Development Plan Document.

11.3. **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.