

Delegated Report

Planning Ref: 23/00542/FUL

Applicant: Mr R Dolman

Ward: Cadeby Carlton Market Bosworth & Shackerstone

Site: 36 Main Street Carlton Nuneaton



Hinckley & Bosworth
Borough Council

Proposal: Single storey rear extension

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 planning application seeks full planning permission for the extension to an existing commercial building (Use Class E(c)) at 36 Main Street, Carlton. This development increases the internal floor space of this Use Class E(c) use by 50sqm to 350sqm.

2.2. The extension is single storey in massing and externally measures 12.2m in width, which is the entire width of the existing building, and 4.4m in depth. The development extends the existing flat roof, which has a maximum height of 2.7m. The scheme is constructed with green metal panels and metal roof sheets to match the existing building. New windows on the ground floor of the western side elevation of the existing building are also incorporated within this application.

3. Description of the site and surrounding area

3.1. The 0.15ha application site is located on the south side of Main Street, within the centre of the rural hamlet, Carlton. The application consists of the residential dwelling, 36 Main Street, and commercial offices for a demolition company and a land surveyor company, and associated storage buildings and parking. 36 Main Street is a detached, one-and-a-half storey property with flat roofed dormers to the rear roof space, which is set back from the roadside.

3.2. The commercial use within the site was granted via planning permission 09/00218/CONDIT for the conversion of the detached garage, which was approved on the site via 98/00641/FUL to be utilised as an office. The current building that hosts the offices for the commercial uses on the site was an agricultural building that was constructed via 06/01381/FUL and converted via 13/00195/FUL. The Application Form suggests that 25 full-time members of staff are currently employed within the application site. The commercial uses are not considered to be within the identified settlement boundary of Carlton, and therefore in the open countryside.

3.3. The commercial aspect of the site is accessed via a timber gate from Main Street. To the east of this access is a two-storey dwelling, Spinneylea. There is an access track that runs through the site to the rear that separates the residential curtilage of 36 Main Street from the commercial uses and their associated parking and landscaping.

3.4. Main Street is largely residential in character with dwellings to the northeast, east, and west of the application site. Due to the variety of styles and designs of properties along Main Street, there is no discernible unique character to the street scene.

- 3.5. To the west of the site is St. Andrew's Church, and to the north of the site, on the opposite side of Main Street, is Manor House Farm, which are both Grade II Listed Buildings. A Public Right of Way (PRoW), Public Footpath S69 runs along the western side of the site and sweeps round the rear. To the south of the site is open agricultural fields, and an amenity lake, which was approved in 2016 via planning permission 16/00776/FUL.

4. Relevant planning history

4.1 23/00104/CONDIT

- Variation of Condition 2 of Planning Permission 13/00195/FUL. Amendments to approved plans of the replacement dwelling
- Permitted
- 30.03.2023

4.2 22/00968/FUL

- Demolition and re-siting of existing outbuildings and erection of replacement single storey storage building
- Permitted
- 14.12.2022

4.3 21/00905/CLP

- Certificate of (proposed) lawful development: detached outbuilding at rear of house to provide storage and garden room space
- Permitted
- 22.04.2022

4.4 21/00001/PP

- Erection of storage building, hardstanding
- Appeal Dismissed
- 21.04.2021

4.5 20/00519/FUL

- Erection of storage building, hardstanding
- Refused
- 04.06.2020

4.6 17/00907/FUL

- Proposed siting of a single holiday let log cabin
- Withdrawn
- 02.11.2017

4.7 16/00776/FUL

- Construction of an amenity lake
- Permitted
- 30.05.2017

4.8 16/00532/FUL

- Extension to existing office building
- Permitted
- 17.08.2016

- 4.9 **15/01155/CONDIT**
- Removal of condition 12 of planning permission reference 13/00195/FUL
 - Permitted
 - 24.12.2015
- 4.10 **14/00662/FUL**
- Erection of agricultural building
 - Permitted
 - 12.12.2014
- 4.11 **13/00195/FUL**
- Demolition of dwelling and garage/office block and erection of replacement dwelling and garage with alterations and change of use of agricultural building to B1(Office) Use including access works and provision of associated parking and landscaping
 - Permitted
 - 06.12.2013
- 4.12 **11/00370/CONDIT**
- Variation of Condition No.3 on previous permission 98/00641/FUL to allow use of domestic garage as an office
 - Permitted
 - 30.06.2011
- 4.13 **09/00218/CONDIT**
- Variation of Condition No.3 on previous permission 98/00641/FUL to allow use of domestic garage as an office
 - Permitted
 - 18.05.2009
- 4.14 **06/01381/FUL**
- Erection of agricultural building
 - Permitted
 - 27.02.07
- 4.15 **05/01027/FUL**
- Erection of agricultural building
 - Refused
 - 21.11.05
- 4.16 **98/00641/FUL**
- Erection of detached garages
 - Permitted
 - 16.09.1998

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 responses have been received.

6. Consultation

6.1 There have been no objections from the following consultants:

- Carlton Parish Council
- Hinckley & Bosworth Borough Council (HBBC)'s Environmental Services' Pollution Officer
- Local Highway Authority

6.2 No further responses have been received.

7. Policy

7.1 Core Strategy (2009)

- Policy 13: Rural Hamlets

7.2 Site Allocations and Development Management Policies (SADMP) 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

7.3 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 Highway Design Guide (LHDG) (2022)

8. Appraisal

8.1. The key issues in respect of this application are therefore:

- Principle of development
- Design and impact upon the character of the area
- Impact upon residential amenity
- Impact upon parking provision and highway safety

Principle of Development

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, and that the NPPF is a material planning consideration in planning decisions.

8.3. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the adopted SADMP set out a presumption in favour of sustainable development, and state that development proposals that accord with the Development Plan should be approved unless other material considerations indicate otherwise. 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, development permission should not usually be granted unless other material considerations indicate otherwise.

- 8.4. The current Development Plan consists of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016). The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough.
- 8.5 Both the adopted Core Strategy and the SADMP are over 5 years old, and Paragraph 33 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. Therefore, this report sets out the relevant adopted Core Strategy and SADMP policies and refers to the NPPF and notes any inconsistencies between them.
- 8.6 Outside the defined settlement boundaries, the countryside is not regarded as a sustainable location for new development. Section 15 of the NPPF requires planning policies and decisions to conserve and enhance the natural and local environment. Paragraph 174(b) specifically highlights that this should be achieved by, "Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services."
- 8.7 This is supported by Policy DM4 of the SADMP, which states that the Council will protect the intrinsic value, beauty, open character, and landscape character of the countryside from unsustainable development. Policy DM4 of the SADMP only considers residential development in the countryside 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
 - (c) It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
 - (d) It relates to the provision of stand-alone renewable energy developments in line with Policy DM2: Renewable Energy and Low Carbon Development; or
 - (e) It relates to the provision of accommodation for a rural worker in line with Policy DM5 - Enabling Rural Worker Accommodation".
- 8.8 Importantly, Policy DM4 also requires that development meets five further requirements to be considered as sustainable development. These are discussed in detail further in the report.
- 8.9 The development involves the extension of an existing commercial building at single storey for 4.4m. The development is not considered to lead to the enhancement of the immediate setting, nor significantly contribute to economic growth, job creation and/or diversification of a rural business as required by Policy DM4 of the SADMP. Nevertheless, the scheme is not considered to result in significant harm to its immediate setting, and it is considered likely to contribute to economic growth, job creation and/or diversification of a rural business. Given the size of the development, the proposal is considered to be acceptable in principle, subject to the assessment of all other material considerations. Other material considerations are set out within the next sections of the report.

Design and Impact upon the Character of the Area

- 8.9 Paragraph 134 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.
- 8.10 Policy DM4 of the SADMP states that development in the countryside will be considered sustainable where:
- 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.
 - iv.) If within a Green Wedge, it protects its role and function in line with Core Strategy Policies 6 and 9; and
 - v.) If within the National Forest, it contributes to the delivery of the National Forest Strategy in line with Core Strategy Policy 21.
- 8.11 Policy DM10(c) of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.12 The existing building is 62.6m from the public highway, and the extension is 78.1m south of Main Street. Given the siting and the single storey massing of the extension, it is not considered that the development is visible from the public highway.
- 8.13 The extension utilises matching materials to the existing property and given the above, the development is not considered to have a significant adverse impact on the character of the surrounding area or the intrinsic value, beauty, landscape character or open character of the countryside. Therefore, the development is considered to be in accordance with Policies DM4 and DM10 of the SADMP, and the Good Design Guide.

Impact upon Residential Amenity

- 8.14 Paragraph 130(f) of the NPPF requires planning policies and decisions to ensure that developments create places that are safe, inclusive and accessible, and which promote health and well-being, with a high standard of amenity for existing and future users.
- 8.15 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.
- 8.16 The Good Design Guide SPD outlines that development will need to demonstrate that it will not result in loss of amenity to neighbouring properties by way of overlooking, overshadowing or noise.
- 8.17 There are no residential dwellings to the east, south, or west of the application site. The closest residential dwellings are 36 Main Street, Springlea, and 40 Main Street, which are 32.6m, 37.5m and 29.9m north of the front elevation of the existing

building respectively. Due to this significant distance from the existing structure, the single storey extension to the rear of it is not considered to result in any significant adverse impacts to neighbouring residential amenity in accordance with Policy DM10 of the SADMP and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.18 Paragraph 110 of the NPPF states that it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 111 of the NPPF outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.19 Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 8.20 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.21 The development makes no amendments to the existing site access and off-street parking provision within the site. Currently, there are three existing parking areas, an additional visitor parking area, and an existing gravel area which can be used as overflow parking within the site. Given the above, it is considered that proposal does not create an unacceptable impact on highway safety or the road network. Therefore, the scheme is regarded as in accordance with Policies DM17 and DM18 of the SADMP, and the LHDG.

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 The proposed development is considered to be compliant with the relevant national and local policy as it:

- Is an appropriate scale and design
- Does not have an adverse impact upon the character and appearance of the area
- Does not have a significant adverse impact upon the amenity of neighbours
- Does not have a significant adverse impact upon highway safety
- Provides sufficient vehicle parking spaces for off-street parking

10.2 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission to be granted, subject to the imposition of appropriate conditions.

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 received by the Local Planning Authority as follows:

- Block & Site Plan Dwg No.21.4022.26 Sheet 1 of 3 (submitted: 05.06.2023)
- Existing Floor Plans and Elevations (submitted: 08.06.2023)
- Floor Plans Dwg No.21.4022.28 Sheet 3 of 3 (submitted: 05.06.2023)
- Location Plan Dwg No.21.4022.26 (submitted: 05.06.2023)
- Parking Plan Dwg No.21.4022.26 (submitted: 05.06.2023)
- Proposed Elevations (21-4022-27 A) (submitted: 20.07.2023)

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).

3. The materials to be used on the external elevations of the proposed extension and alteration shall match the corresponding materials of the existing property.

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

a.

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.