

Delegated Report

Planning Ref: 24/01148/FUL

Applicant: Warwickshire Partnership

Ward: Twycross, Sheepy & Witherley

Site: Smiths At Pinwall, Atherstone Road, Pinwall

Proposal: Demolition of existing structure and erection of new building (Retrospective)



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 seeks retrospective planning permission for the demolition of the existing structure at the site and the erection of a replacement building.

2.2. The replacement building has a dual gable front with glazing to the front and side elevations. The footprint of the building has been increased to the rear.

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

23/00875/FUL

Proposed increase in height of existing garage canopy

Planning Permission

20.10.2023

23/00462/FUL

Proposed replacement of walls, windows, new doors and increase in height of roof (retrospective)

Planning Permission

10.08.2023

5. Publicity

5.1. The application has been publicised by posting a site notice within the vicinity of the site, letters were also issued to neighbouring residents.

5.2. No responses have been received.

6. Consultation

6.1. HBBC Pollution: No objections.

6.2. HBBC Waste Management: No objections, note to applicant included.

6.3. LCC Highways: No objections.

6.4. LCC Ecology: No objections.

- 6.5. HBBC Drainage: No objections, note to applicant included.
- 6.6. LCC Minerals: No comments.
- 6.7. Sheepy Parish Council: Objection in relation to lack of information relating to vehicular movements on the site, customer parking, lighting and the retrospective nature of the proposal.

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 DPD (2016)**

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interests
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. **Core Strategy (2009)**

- No relevant policies

7.4. **National Planning Policies and Guidance**

- National Planning Policy Framework (NPPF) (2024)
- Planning Practice Guidance (PPG)

7.5. **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. 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), the Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016) and Sheepy Neighbourhood Plan.
- 8.4. 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.
- 8.5. Policy DM4 states that to protect its intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development. According to Policy DM4 of the SADMP, development in the countryside will be 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 diversification of rural businesses; or
 - c) It significantly contributes to economic growth, job creation and/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.
- 8.6. 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.
- 8.7. 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.
- 8.8. The proposal does not satisfy the requirements set out within Policy DM4 of the SADMP and is therefore not considered to be in accordance. However, the proposal, albeit retrospective, relates to the demolition and rebuild of the building on site, and whilst this does not comply with the criterion outlined within Policy DM4 to building is not dissimilar to what was previously existing on site, and as such would not create detrimental impacts on the countryside. The use would remain as the permitted uses on site.

Design and impact upon the character of the area

- 8.9. Policy DM4 of the SADMP seek to protect the intrinsic value, beauty, open character and landscape character of the countryside.
- 8.10. 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.
- 7.6. 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

8.11. The proposal seeks retrospective planning permission for the demolition of the existing building at the development site and the erection of a replacement building. The site, whilst being located within the countryside appears commercial in nature and it is considered that the proposal submitted under this application would not exacerbate any detrimental impacts to the open countryside, nor have any detrimental impacts to the character of the area. The area consists of a mix of buildings surrounding the crossroads and the proposals do not look inconsistent with the neighbouring buildings.

8.12. Therefore the proposal is considered to be in accordance with Policy DM4, DM10 and of the SADMP and Policy S8 of the SNP.

Impact upon neighbouring residential amenity

8.13. 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.

8.14. The development site is located within a reasonable proximity to neighbouring residential properties which are located within the surrounding crossroads. The nature of the site is not proposed to change as part of this proposal, the proposal relates to the erection of the replacement building at the site. The development, whilst seeking retrospective permission for a demolition of a building and rebuild to a relative scale, is not considered to cause detrimental impacts to neighbouring residents in terms of loss of light, loss of privacy, overlooking, overbearing, overshadowing or noise impacts.

8.15. The proposal is therefore considered to be in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

8.16. Policies DM17 and DM18 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety and requires new development to provide an appropriate/justified level of parking provision.

8.17. The proposal does not propose any additional access points to the development nor any additional parking. LCC Highways have been consulted on the application and have confirmed that they are satisfied with the proposal and have no objections on grounds of vehicular parking or highways safety.

8.18. The development is not considered to cause detrimental impacts to highway safety nor vehicle parking and as such it is considered that the proposal is in general

accordance with Policies DM17 and DM18 of the SADMP.

9. Biodiversity Net Gain

- 9.1 Policy DM6 seeks to ensure that on site features are retained or included which safeguard and enhance biodiversity.
- 9.2 The development is exempt from mandatory Biodiversity Net Gain (BNG). The application for retrospective planning permission does not meet the 25m2 criteria and does not impact a priority habitat.
- 9.3 LCC Ecology have confirmed that following the submission of additional information they are now satisfied that they have no objection to the proposal.

10. Equality implications

- 10.1 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.
- 10.2 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.
- 10.3 There are no known equality implications arising directly from this development.
- 10.4 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).

11. Conclusion

- 10.1. It is considered that the proposal has limited impacts on the character of the area and countryside, neighbouring amenity and highways safety. The proposal therefore complies with Policies DM4, DM6 DM10, DM17, and DM18 of the SADMP.

12. 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 not be carried out otherwise than in complete accordance with the submitted application details, as follows:

Proposed Elevation, Floor Plans, 3D View, Drg No. 23/27 15
Site Location, Block Plan Drg No. 23/27 14

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.
2. The collection point for domestic refuse and recycling waste is from the Adopted Highway Boundary.
3. The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance, or alternatively assembled from modular surface water storage/soakaway cell systems, incorporating silt traps. Design and construction of all types of soakaway will be subject to the approval of the Building Control Surveyor. Any proposed access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet (See Environment Agency guidance on the permeable surfacing of front gardens).