

Delegated Report

Planning Ref: 23/00181/FUL

Applicant: Mr Gary Hanton

Ward: Ratby, Bagworth and Thornton

Site: Ratby Co Op Band Room, Taverner Drive, Ratby

Proposal: Erection of a single storey rear extension and van port



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 application proposes an extension to the existing band room building, which is located off Taverner Drive, Ratby. The site is located within the countryside. The application seeks to extend the existing structure to provide increased space to the existing band room and provide a van port facility attached to the proposed extension. The structure is proposed to be extended into an area of existing parking, providing no loss of green space and whilst retaining a significant amount of off-street car parking space.

3. Description of the site and surrounding area

- 3.1. The application site lies within Flood Zone 2 on the Environment Agency Flood Maps for Planning and comprises an existing purpose-built band room surrounded by predominantly tarmac hardstanding to provide off-street car parking provision for the users of the band room. The site is distanced from residential areas and is adjacent to existing allotment gardens. The site is located within the countryside and within Rothley Brook Meadow Green Wedge. The proposed extension to the band room and provision of a van port, shall be constructed in matching materials to the existing and will be of a similar height, design and appearance.

4. Relevant planning history

22/10018/PREHMO

Proposed single storey rear extension

Advice received, which suggested support from the LPA.

5. Publicity

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

6. Consultation

- 6.1. LCC Highways: No objections.
- 6.2. Ratby Parish Council: No comments received.
- 6.3. HBBC Pollution: No objections.
- 6.4. HBBC Waste Management: No objections.
- 6.5. LCC Drainage: Standing advice received.
- 6.6. LCC Highways: No comments received.

- 6.7. Western Power: No comments received.
- 6.8. Environment Agency: A Flood Risk Assessment is required

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 DM7: Preventing Pollution and Flooding
 - Policy DM10: Development and Design
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards

7.2. Core Strategy (2009)

- Policy 9: Rothley Brook Meadow Green Wedge

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2019)
- 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 area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Flood risk

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).
- 8.4. The application site is located outside the settlement boundary of Ratby and is therefore sited within open countryside and within the Green Wedge. Policy CS9 of

the adopted Core Strategy 2009 seeks to protect and enhance the green wedge. Development is acceptable where the use is considered for recreation purposes and does not damage the function of the green wedge.

- 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.
- 8.6. 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.
- 8.7. Policy DM4 of the SADMP and Policy CS9 of the Core Strategy supports development in the countryside and green wedge where it is considered to be for recreation purposes and for the extension of existing buildings which lead to the enhancement of the immediate setting. It is considered that the proposed extension to the existing on site building would not cause detrimental impacts to the immediate setting and would enhance to use of the site for recreation purposes. Therefore it can be considered that the proposed works would be in general accordance with Policy DM4 of the SADMP.

Design and impact upon the character of the area

- 8.8. Policies DM4 of the SADMP seek to protect the intrinsic value, beauty, open character and landscape character of the countryside.
- 8.9. 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.
- 8.10. The proposal seeks to extend the existing band room on site to provide additional space for the band's usage and a van port. The proposed extensions are proposed to be constructed in matching materials to the existing structure, which is not proposed to be increased in height. The proposal does not introduce an unwelcomed amount of development to the site and would not be considered to create significant detrimental impacts to the character of the area.
- 8.11. The proposed extensions extend the band room to the rear of the existing structure, away from Taverner Drive and towards the south of the site. The proposed extensions are therefore partly screened by the existing structure and as such would not be significantly viewable from public vantage points. The site is well screened by existing hedgerows and trees. It is considered therefore to not have significant impacts upon the visual amenity and character of the area.
- 8.12. It is therefore considered that the proposal is in accordance with policies DM4 and DM10 of the SADMP.

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 proposed development is located south of Taverner Drive, and is not within close proximity to the residential dwellings located north of the drive. The site is separated by the drive and Ratby Apple Orchard, which provides a significant degree of separation and therefore it is considered that the proposed development would not have adverse impacts on the amenity of nearby residents.
- 8.15. Overall, the proposed development would be well distanced from nearby residential dwellings and is sufficiently screened by existing hedgerow, it would not cause any adverse overshadowing, overlooking, overbearing impact or loss of light impacts, in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.16. 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.
- 8.17. The application proposes the extension of the existing band room with the provision of a van port to the south. The County Highways confirmed they have no objections to the proposal given that it is not expected to cause significant increases to the use of the access nor impact significantly upon the parking provision on site. The site is proposed to afford 21 car parking spaces.
- 8.18. Overall the proposal would not result in adverse impacts upon highways safety and would be in accordance with Policies DM17 and DM18 of the adopted SADMP.

Flood risk

- 8.19. Policy DM7 of the SADMP seeks to prevent adverse impacts of flooding, ensuring that development doesn't create or exacerbate flooding by being located away from areas of flood risk unless adequately mitigated against in line with National Policy.
- 8.20. The application site is located within Flood Zone 2, and as such the application should be supported by a flood risk assessment. Whilst flood risk has been acknowledged within the Design and Access Statement, National Policy would require an assessment to be submitted to consider the flood risk.
- 8.21. Whilst the proposal, through the Design and Access Statement has been suggested to have limited detrimental impacts upon flood risk, a flood risk assessment, as required by the NPPF, has been requested by condition in this instance, given the existing use and the fact that the proposal is for a relatively small extension to the building, to ensure that the development is in accordance with Policy DM7 of the SADMP and wider overarching policies of the NPPF.

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 proposal seeks to extend the existing band room, to provide additional space to the existing band room and provide a van port. The proposal is considered to have limited adverse impacts upon the intrinsic value of the countryside and character of the area, it is additionally deemed acceptable in terms of overall design, neighbouring residential amenity and highway safety.
- 10.2. It is considered that the proposed development would be in accordance with Policies DM4, DM7, DM10, DM17 and DM18 of the adopted SADMP.

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:

Proposed Elevations and Sections Drg No. RBR/21/09 Rev A
Proposed Elevations Drg No. RBR/21/08 Rev A
Proposed Plan Drg No. RBR/21/07 Rev A
Proposed Site Plan Drg No. RBR/21/06 Rev B
Site Location Plan Drg No. RBR/21/01

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 store and wall 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).

4. Prior to commencement of development a Flood Risk Assessment, including flood resilience measures, shall be submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall be implemented in accordance with the approved details which shall be retained thereafter.

Reason: To ensure that the proposals meet the requirements of Policy 7 of the Site Allocations and Development Management Policies DPD (2016) the National Planning Policy Framework and accompanying Planning Practice Guidance.

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.

