

Delegated Report

Planning Ref: 24/00466/FUL

Applicant: Mr and Mrs Burnham

Ward: Cadeby Carlton M Bosworth & Shackerstone

**Site: The Moorings, Ibstock Road, Odstone, Hinckley,
Leicestershire**



**Hinckley & Bosworth
Borough Council**

Proposal: Conversion of an outbuilding to form a single dwelling house.

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 for the conversion of an existing brick built garage and stable building into a 3 bedroomed, residential dwelling. The applicant states within the application form that there are three existing car parking spaces on site and a further 3 spaces will be created to serve the proposed dwelling, which is market housing.
- 2.2** There are no changes proposed to the existing access serving the Moorings which is onto Ibstock Road, a 'C' classified road (C6105) that is subject to a 30mph speed limit.
- 2.3** Proposed materials would match the existing. The scheme is very similar to a previous extant approval for the conversion of the outbuildings to a four bed dwelling, 22/00066/FUL. This current scheme includes an element of rebuilding of the former stables to provide a slightly higher roof pitch, that matches the existing garage building, and that provides greater space at upper floor level. The scheme also provides three small dormer windows that replace skylights on the original scheme and a large dormer to the master bedroom replacing the opening to the store area above the stables. The footprint of the scheme remains exactly the same as that previously approved.

2 Description of the site and surrounding area

- 3.1.** The application site measures approximately 0.8 hectares. It comprises an existing garage and stable building adjacent to the Moorings which is a large detached residential dwelling. The buildings are of fairly recent construction with the garages having been built within the last 30 years.
- 3.2** The site is located at the edge of Odstone, a small hamlet within the National Forest area and in open countryside. The site comprises a detached dwelling with a 3 car garage block and attached stables at the rear.
- 3.3** The edge of the National Forest lies on opposite side of Ibstock Road.

4. Relevant planning history

- 4.1** The application site has the following relevant planning history:

94/00612/COU - Change of Use to garden, formation of access and extension to garage – APPROVED

09/00281/FUL – Erection of building for hay storage/game rearing/implement storage – APPROVED

15/00806/FUL - Change of Use of garage to holiday let and erection of new stable block – WITHDRAWN

16/00153/FUL - Change of Use of garage and stable to holiday let and erection of new stable block – REFUSED

22/00066/FUL- Conversion of existing garage and outbuilding into self-contained family dwelling- APPROVED 31.08.2022

5. Publicity

5.1. The application has been publicised by sending out letters to local residents.

5.2. Two letters of objection have been received which are summarised below:

- The construction of this property is almost complete without permission being granted.
- There is a Shepherds Hut where one of the proposed parking spaces is
- Accommodation already available for applicants in the existing 5 bedrooomed house The Moorings. As well as Conversion detached triple garage in the grounds of the 5 bedrooomed house, to a 4 bedrooomed property: conditional planning permission granted 22/00066/FUL.
- Current application is for provision of a NEW house with 3 bedrooms.
- To grant permission would not been in accordance with adopted policies. The Moorings has never been a working farm. No need for any accommodation for a rural worker.
- Unsustainable location and therefore not in accordance with adopted policies.
- No parking areas shown on plans for parking of vehicles: no vehicle turning heads shown within access drive from all users of this shared open access.
- Vehicular traffic associated with 3 bedrooomed house there would be conflict between existing vehicular traffic entering/leaving the 5 bedrooomed property, 4 bedrooomed house well under construction and for building permitted for storage of hay, game rearing and implement store.
- Potential dangers hazards to ALL users of Ibstock Road; particular walkers, cyclists and horse-riders using official routes, rights of way when approaching the point of entry or exit to The Moorings: where the road narrows to one width.

But if the Council is still minded to grant planning permission it is suggested that the following conditions be imposed:-

- a] Access drive to ALL 3 properties be kept clear at all times from parking of any vehicles whatsoever: including delivery vehicles
- b] funds to be made available for provision of childrens' play equipment on Odstone Play area situated on Hall Lane
- c] No trade or businesses , or holiday lets be conducted from the 3 bedrooomed house
- d] A scheme to be provided for installing electric points prior to any development above slab level is undertaken.

6. Consultation

- 6.1. No objection has been received from:
- HBBC Waste Management
 - HBBC Drainage
 - LCC Ecology (Conditions recommended)

LCC Highways referred to standing advice.

- 6.2. Shakerstone Parish Council – No comment received

7. Policy

- 7.1. Core Strategy (2009)
- Policy 13: Rural Hamlets
- 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 Interest
 - Policy DM7: Preventing Pollution and Flooding
 - Policy DM10: Development and Design
 - Policy DM15: Redundant Rural Buildings
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
- 7.3. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2023)
 - Planning Practice Guidance (PPG)
 - National Design Guide (2019)
- 7.4. Other relevant guidance
- Good Design Guide (2020)
 - Highway Design Guide

8. Appraisal

- 8.1. Key Issues
- Principle of development
 - Design and impact upon the character of the area
 - Impact upon neighbouring residential amenity
 - Impact upon highway safety
 - Flood risk and drainage
 - Ecology
 - Infrastructure contributions
 - Other issues
 - Planning balance

Principle of development

- 8.2. The principle of development on exactly the same footprint has been established by planning permission 22/00066/FUL.

8.3. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and states that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) (CS) the Site Allocations and Development Management Policies DPD (2016) (SADMP).

8.4. The site lies within the rural hamlet of Odstone which has no settlement boundary.

Design and impact upon the character of the area

8.8. Policy DM10(c), (d) and (e) of the SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and the use and application of building materials respects the materials of existing, adjoining/ neighbouring buildings and the area generally and incorporates a high standard of landscaping.

8.9. The Good Design Guide SPD provides guidance upon how to design a conversion. This includes avoiding complex elevations and architectural and decorative constraint. Residential conversions should not become overly domestic in appearance and retain the buildings key features and openings. This advice though relates to the conversion of agricultural buildings rather than domestic stables and garages that happen to lie within the countryside. The Guide also provides advice regarding garden sizes.

8.10. Paragraph 139 of the NPPF states 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. Local policy is considered to accord with the NPPF.

8.11. The layout of the scheme is considered to provide reasonable space between the proposed conversion and the existing dwelling (The Moorings) and provides suitable private amenity space in accordance with the Design Guide.

8.12. The details as submitted illustrate that the proposed conversion utilises the existing floorspace of the garage building and stable block and retains a number of openings and the exterior steps on the front elevation of the building. Even with the modest element of rebuild and extension of the roof the proposals largely retain the overall appearance of the original buildings which relate to a conversion. Given that this scheme proposes re-use of existing buildings in this location and is largely a simple and sympathetic conversion that remains consistent with the previously approved scheme with the exception of minor changes as set out above, it is considered that the proposal would not harm the character and appearance of the area in accordance with Policies DM10 of the SADMP.

8.13. With respect to materials the application form notes that existing facing brickwork and roof tiles will be re-used but timber cladding will also be introduced. These materials are deemed to be acceptable for a rural location such as this and in particular where existing materials are re-used however for any new materials it is considered necessary for a condition to request the submission of samples to be agreed by the local planning authority in order to ensure quality and suitability.

- 8.14. Overall the scheme is considered to be acceptable in design terms and accords with Policy DM10 of the Site Allocations and Development Management Policies DPD and the Good Design Guide.

Impact upon neighbouring residential amenity

- 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 provide high quality internal amenity space as this is critical to the quality of life of residents. The guide states that new developments should meet minimum standards of garden sizes and separation distances between dwellings. The National Design Guide also promotes a healthy, comfortable and safe internal and external environment.
- 8.17. Paragraph 135 of the NPPF states that decisions should 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 8.18. Paragraph 191 of the NPPF states that decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
- 8.19. The scheme will have a suitable relationship with the nearest property (The Moorings) with respect to separation distances between habitable room windows for privacy and outlook. It is considered prudent in this instance to condition obscure glazing for the 1st floor bedroom window on the side elevation of chamber 2 for privacy reasons and also boundary treatment measures in order to ensure suitability/appropriateness with respect to its rural context and to ensure appropriate screening and privacy for future occupiers of the conversion and occupiers of the nearest dwelling.
- 8.20. Subject to conditions this application is considered to be acceptable in amenity terms and in compliance with Policy DM10 a) and b) of the SADMP, The Good Design Guide SPD and the requirements of the NPPF.

Impact upon highway safety

- 8.21. 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 highways authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 8.22. Policy DM10(g) states that where parking is to be provided, charging points for electric or low emission vehicles should be included, where feasible.

- 8.23. Paragraph 115 of the NPPF (2023) 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. Paragraph 116(e) of the NPPF states development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 8.24. The Highways Authority have no objection to the scheme but refers the Local Planning Authority to current standing advice. The LPA are satisfied that there is sufficient space within the proposed site for three parking spaces to be provided and also sufficient space is available to enable vehicles to turn so that the public highway is approached in a forward gear. Standing advice states that each parking space should be a minimum size of 2.4m x 5.5m, with 0.5m added if bounded by a wall, fence, hedge, line of trees or other similar obstructions on one side and 1m added if bounded on both sides as to be in accordance with highway design guidance. A condition will be added to ensure 3 on-site parking spaces are provided.
- 8.25. The LPA are further satisfied that there is sufficient space within the applicant's ownership to re-allocate the parking spaces that are proposed to be displaced through the conversion of the existing garage.
- 8.26. The proposals will have a negligible impact on the highway network. As such, subject to the condition and an additional condition with respect to EV charging points, the proposal will satisfy policy DM17 and DM10(g) of the SADMP and the NPPF.

Flood Risk and Drainage

- 8.27. Policy DM7 of the SADMP seeks to prevent development from resulting in adverse impacts on flooding by ensuring that development does not create or exacerbate flooding.
- 8.28. Paragraph 173 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere. The systems used should take account of advice from the LLFA, have appropriate proposed minimum operating standards, have maintenance arrangements for the lifetime of the development and where possible provide multifunctional benefits.
- 8.29. No objections have been received from the Drainage Team and no conditions have been requested in this instance.
- 8.30. The development will therefore satisfy Policy DM7 of the SADMP and the NPPF.

Ecology

- 8.30. Policy DM6 of the SADMP states that development proposals must demonstrate how they conserve and enhance features of nature conservation and geological value.
- 8.31. The application is accompanied by a Bat Survey. The Ecologist has been consulted on the proposals and is content that buildings are not inhabited by bats. The buildings for conversion are fairly modern - c. 25 years - and appear to be of low or negligible suitability for roosting. Given the nature of the buildings – modern garage and stables - the survey effort is acceptable. No further bat surveys are needed

however 2 conditions are recommended regarding biodiversity enhancement and a lighting scheme. As such the proposal is considered to be acceptable with respect to ecological matters and in accordance with Policy DM6 of the SADMP.

Planning Balance

- 8.34. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.35. This application is for the conversion of an existing building within open countryside which benefits from an extant permission. In addition, the most recent housing land monitoring statement indicates, that the Council cannot demonstrate a 5-year housing land supply. This is also a key material consideration and under these circumstances, the NPPF 2023 sets out, in paragraph 11d) that, for decision makers:

“where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (8), granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”*

- 8.36. Footnote 8 in the NPPF states that the application of this approach *“includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years”.*
- 8.37. Therefore, currently the ‘tilted’ balance in paragraph 11(d) of the NPPF applies and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Having assessed the application there are not considered to be any material considerations that would outweigh the benefits.
- 8.38. As such the application is viewed favourably and subject to necessary conditions is recommended for approval.

9. Equality implications

- 9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

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 in the consideration 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. Recommendation

- 10.1. **Grant planning permission** subject to the following planning conditions.

11. 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 received 14 May 2024

Proposed Elevations and Floor plan - HMD/PD/0543/01 received 14 May 2022

Structural Report Ref SC/B306 received 14 May 2022

Bat Survey received on 20 June 2024

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 development hereby permitted shall not be first used until such time as a parking plan showing three on-site designated parking spaces has been submitted and approved in writing by the Local Planning Authority. Thereafter the onsite parking provision shall be so maintained in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally in accordance with Policy DM10 and DM17 of the Site Allocations and Development Management Policies DPD the National Planning Policy Framework (2023).

- 4. Prior to the commencement of development a scheme for the installation of an electric vehicle charging point will be submitted to and approved in writing by the

local planning authority. The scheme shall identify the number of units to benefit from electric charging points, together with full detail of the location and fitting of the units.

Reason: To ensure that the proposals meet the requirements of Policy DM10 (g) of the Site Allocations and Development Management Policies DPD (2016) and Paragraph 116 (e) of the National Planning Policy Framework.

5. No development shall take place until a scheme makes adequate provision for waste and recycling storage of containers and collection across the site which has been submitted to and approved in writing to the Local Planning authority. The details should address accessibility to storage facilities and confirm adequate space is provided at the adopted highway boundary to store and service wheeled containers.

Reason: To ensure the bin storage on site is not detrimental to the street scene and overall design of the scheme in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. No development hereby permitted shall take place until representative samples of the types and colours of materials to be used on the external elevations of the dwelling is deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

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

7. No development shall take place until a scheme of hard and soft landscaping works, including boundary treatments, for the site, including an implementation scheme, has been submitted in writing to and approved in writing by the local planning authority. The landscaping scheme shall include the provision of trees. The scheme shall be carried out in full accordance with the approved landscaping scheme. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policy 21 of the Core Strategy and Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

8. The 1st floor bedroom window on the side elevation of chamber 2 hereby approved as shown on plan reference HMD/PD/0543/01 shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale and once so provided the window shall be maintained as such thereafter.

Reason: To safeguard the privacy and amenity of neighbouring dwellings from potential overlooking in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD.

9. No development shall take place until a biodiversity enhancement scheme has been submitted to and approved in writing by the LPA. Enhancements shall include (but is not limited to) at least two woodcrete/integrated bat boxes, the make/model and their

locations. Any enhancement measures need to be shown on all relevant submitted plans. All works are to proceed strictly in accordance with the approved scheme.

Reason: In order for ecological enhancement and protection purposes in accordance with Policy DM6 of the Site Allocation and Development Management Policies DPD 2016.

10. No development shall take place until a sensitive lighting scheme has been submitted to and approved in writing by the LPA. The lighting scheme should reflect the Bat Conservation Trust's Bats and Lighting in the U.K. guidance and recommendations in Appendix 4 of the Bat Survey report (Wildlife Consultants Ltd, Aug 2021).

Reason: In order for ecological enhancement and protection purposes in accordance with Policy DM6 of the Site Allocation and Development Management Policies DPD 2016.

Notes to applicant

1. In dealing with the application, through ongoing negotiation the local planning authority have worked with the applicant in a positive and proactive manner by offering a pre-application advice service and by seeking solutions to problems arising in relation to dealing with the planning application and this has resulted in the approval of the application. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

2. Important to note that all waste services have a collection point at the boundary with the adopted public highway, we do not travel along private driveways.

Please ensure there is adequate space at the kerbside (Where the property meets the public highway) for the placement of the containers on collection day.

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.
4. 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)

