

Planning Committee 10 May 2022
Report of the Director Environment and Planning

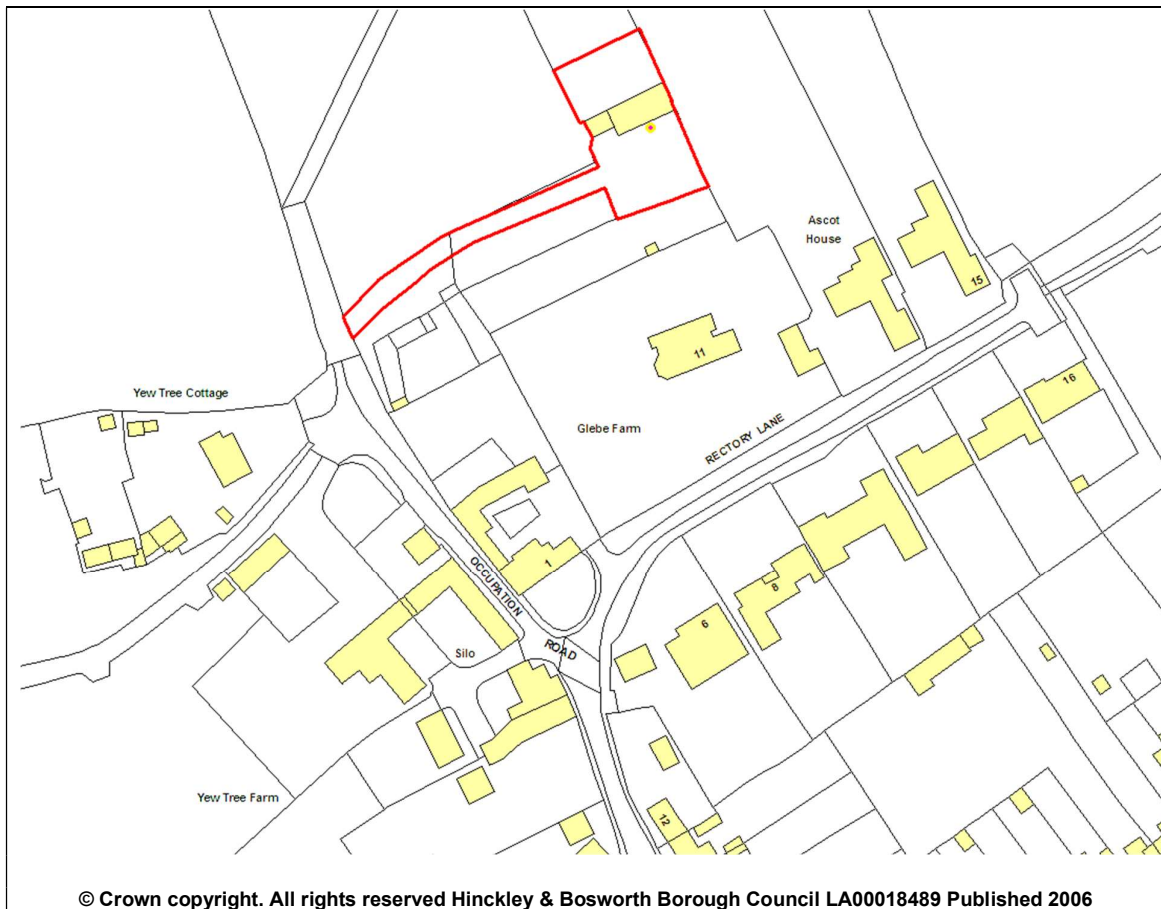
Planning Ref: 21/00872/FUL
Applicant: Ms Jackson
Ward: Nailstone



Hinckley & Bosworth
Borough Council

Site: Land To The Rear Of Glebe Farm, 1 Rectory Lane, Nailstone, Nuneaton

Proposal: Conversion, extensions and change of use of existing barn to form one dwelling with associated curtilage and new vehicular access (20/00668/FUL resubmission)



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

1.2. That the Planning Director be given powers to determine the final detail of planning conditions.

2. Planning application description

- 2.1. The building is identified as a key unlisted building in the Nailstone Conservation Area Appraisal (2015) and due to its interest is considered to be a local heritage asset (a non-designated heritage asset in terms of the NPPF)
- 2.2. The proposal seeks to convert the existing dual pitched building and replace the mono-pitched roof with an extended dual-pitched roof, which due to the depth of this building would increase the ridge height to above the existing attached dual-pitched roof building. The footprint of the existing building would remain the same.
- 2.3. On the southern elevation the existing open frontage to the dual pitched building is to be filled with a glazed screen and on the extended building the open frontage is to be filled with fixed glazing panels, a main door and two sets of French doors flanked by timber panelling. All proposed fenestration is predominantly sited within the bays of the existing building. Interventions to the side elevations are limited to the re-use of an opening for a new window on the west elevation.
- 2.4. On the rear elevation current openings are limited to a single opening within the dual pitched roof building; this opening is to be filled with a full height window. New openings include two sets of French doors and two small windows for an en-suite and bathroom. New openings are positioned below the eaves and set under a timber lintel. Where new walls are required to be built up they are to be of red brick work to match the existing.
- 2.5. Plain roof tiles are proposed for the new roof to the extended building. The main door appears to be a timber planked door. A submitted Building Condition Survey has concluded that the buildings are structurally capable of conversion with only minor repairs required.

3. Description of the site and surrounding area

- 3.1. Within the Nailstone Conservation Area
- 3.2. The Old Rectory, a grade II listed building, is located approximately 50m south of the application building.
- 3.3. The application site is located on land at the rear of Glebe Farm at number 1 Rectory Lane in Nailstone. The site is in a predominately rural area with sparse pockets of residential zones.
- 3.4. The surrounding area is characterised by a mix of detached and converted properties of various ages and styles. The property itself is located at the back of a farmland.

4. Relevant planning history

19/01434/FUL

- Proposed conversion and extensions to existing barn to form one dwelling, construction of a garage and new vehicular access onto Occupation Road
- Withdrawn
- 10.03.2020

20/00668/FUL

- Proposed conversion, extension and change of use of an existing barn to one dwelling to include construction of a detached garage and access drive

- Refused
- 30.09.2020

The differences between the current scheme and that of the previously refused scheme (20/00668/FUL) will see the removal of a detached garage that was to sit on the boundary shared with The Rectory, furthermore, there will be no rooflights on the rear elevation facing north.

5. Publicity

5.1. There were 8 objections and 2 comments in support of the proposals, they are summarised below:

5.2. Objections:

- 1.) Impact on open countryside (DM4)
- 2.) Within conservation area
- 3.) Cause harm to nearby listed buildings
- 4.) Considerable access needed
- 5.) Increased traffic flow
- 6.) Farm building should be retained as it is recognised as important to the heritage of the borough and its sense of place

5.3. In Support:

- 1.) Not a greenfield site as it has an existing building
- 2.) Objects to new builds but believes the reuse of old buildings is something positive
- 3.) Proposed conversion is some 50m from the nearest dwelling and therefore will not obstruct anyone's view of the surrounding countryside
- 4.) Prevention of the decay of this building and preservation for the future

6. Consultation

6.1. No objection from the following consultees:

HBBC Drainage
 HBBC Waste
 LCC Ecology
 LCC Highways
 Severn Trent Water
 HBBC ES Pollution – conditions recommended regarded potential contamination

6.2. The HBBC Conservation Officer provided detailed comments on this application and while no objection was given, there were multiple points of potential harm and benefit that will be expanded upon in the appraisal section

6.2.1 The below points were recommended conditions from the HBBC Conservation officer, these will be added to the end of the report:

- a. The undertaking of works to the barn building should be in accordance with a schedule of works to ensure its significance is retained
- b. Confirmation of construction materials for the external elevations
- c. Removal of permitted development rights to preclude the erection of ancillary structures to ensure there is no further domestication of character of the application site

7. Constraints

- 7.1. Countryside
- 7.2. Conservation Area
- 7.3. Coal Authority (Development Low Risk Area)

8. Policy

- 7.1. Core Strategy (2009)
 - Policy 12: Rural Villages
- 7.2. Site Allocations and Development Management Policies DPD (2016)
 - Policy DM10: Development and Design
 - Policy DM11: Protecting and Enhancing the Historic Environment
 - Policy DM12: Heritage Assets
 - 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)
- 7.4. Other relevant guidance
 - Good Design Guide (2020)

9. Appraisal

- 9.1. Key Issues
 - Design and impact upon the character of the area
 - Impact upon neighbouring residential amenity
 - Impact upon parking

Design and impact upon the character of the area

- 9.2. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural and historic interest which it possesses.
- 9.3. Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. In determining planning applications, local planning authorities should take account of paragraph 197 of the NPPF and:

- a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) The desirability of new development making a positive contribution to local character and distinctiveness.

- 9.4. Paragraph 206 of the NPPF states that local planning authorities should look for opportunities for new development within conservation areas, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
- 9.5. Policy DM10 of the adopted Site Allocations & Development Management Policies requires that the use and application of building materials respects the materials of existing, adjoining/neighbouring buildings and the local area generally.
- 9.6. Policy DM11 states that the Borough Council will protect, conserve and enhance the historic environment throughout the borough. This will be done through the careful management of development that might adversely impact both designated and non-designated heritage assets.
- 9.7. Policy DM12 requires all development proposals to accord with Policy DM10: Development and Design. Policy DM12 also states that all proposals for development affecting the setting of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting.
- 9.8. It should be noted that while the relevant policies surrounding listed buildings and their protection have formed a key part of the assessment of this application, the barn in question is not itself listed. Rather the impact upon the nearby Old Rectory, which is around 50m south of the application building, this building is a grade II listed structure.
- 9.9. Additionally, the application barn is over 50m from two three-storey new-build houses that were granted approval adjacent to 13 Rectory Lane in 2010 (09/00964/FUL). These houses have subsequently been built. For this proposal previous dwellings on the site were demolished to make way for the two new dwellings. It is considered that while these buildings were constructed around a decade ago, the currently proposed reuse and conservation of what is a non-designated heritage asset would provide a marginal net benefit to the area in terms of the preservation of heritage and character when compared to the aforementioned scheme.
- 9.10. The HBBC Conservation Officer has concluded that the development will cause no harm to the significance of the barn as a non-designated heritage asset and cause no harm to the significance of the Nailstone Conservation area through changes to its fabric.
- 9.11. The proposed materials are considered to be in keeping with the character of the area with contemporary interventions such as large glazed units to provide adequate lighting to the new living spaces as well as architectural value. The rest of the barn is to be finished in red facing brickwork to match existing. The roof, currently consists of a mix of tiles and corrugated sheet, the proposals will see exclusively blue plain clay tiles to match that of the existing tiled portion of the roof.

- 9.12. Overall, it is considered that the proposal will not have a detrimental impact upon the character of the local area, will not result in harm to the setting of the Nailstone Conservation Area nor the nearby listed building and is in compliance with Policies DM10, DM11 and DM12 of the SADMP.

Impact upon neighbouring residential amenity

- 9.13. Policy DM10 of the adopted Site Allocations & Development Management Policies requires that developments do not have a significant adverse effect on the privacy and amenity of nearby residents.
- 9.14. During a site visit it was difficult to see the barn from the end of Occupation Road where the access will start for the proposed development, with said proposed access road being around 80m. There is significant screening between the applicant barn and the Old Rectory provided by mature trees and hedging.
- 9.15. The side elevation facing towards the neighbouring plot off Rectory Lane (site of one of the new builds mentioned previously in the report) currently has a window, however, given the building being vacant this presents little concern regarding overlooking. The proposed alterations to the barn will see a solid gable finished in facing brickwork to match existing. This will allay any overlooking concerns to this elevation.
- 9.16. The front elevation of the barn faces towards the rear elevation of The Rectory, there is significant screening between the two sites from mature hedging and trees. Additionally, the distance between window to window of the two properties is over 45 metres and therefore it is considered that any overlooking or privacy concerns will be negligible.
- 9.17. To further screen the site from the adjacent plots there is an extensive planting scheme proposed for the development with at least 12 larger trees planned for the south and east site borders. The relevant conditions will be added to the end of this report to ensure that this planting scheme is adhered to if permission is granted for the proposal.
- 9.18. Overall, it is considered that the proposal would not have a significant adverse impact on the residential amenity of the occupiers of the neighbouring dwellings in terms of loss of light, overlooking or overbearing nature, in accordance with Policy DM10 of the SADMP.

Impact upon parking

- 9.19. It is considered that the finished development is unlikely to lead to a notable increase in traffic movements on either Rectory Lane or Occupation Road as around 20 properties already use these roads for access.

- 9.20. There are three bedrooms proposed, the parking plan set out in the site plan shows enough parking for at least three cars, it is therefore considered that the proposed parking provision will be sufficient for the new dwelling.

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

- 11.1. While some objectors have questioned whether the amendments from previously withdrawn or refused iterations of this proposal are enough, it is considered that the omission of the detached garage and rooflights help to protect more of not only the building's fabric, but the wider countryside setting. This is combined with the comments from the HBBC Conservation Officer that there will be no harm to the significance of the barn as a non-designated heritage asset and cause no harm to the significance of the Nailstone Conservation area through changes to its fabric.
- 11.2. While there are legitimate concerns surrounding the preservation of both the open countryside as well as preserving the heritage of the barn, therein lies an opportunity to preserve and extend the lifespan of said barn through a sympathetic restoration. The proposal, whilst creating additional residential development on the edge of a settlement, is through the conversion of an existing building, not through

the erection of a new build dwelling. This conversion has been supported by a building survey with the existing building considered to be capable of conversion.

- 11.3. By virtue of the appropriate scale, layout, form, design and proposed construction materials, it is considered that the proposed development would comply with Policies DM10, DM11 and DM12 of the SADMP. The conversion of an existing building to a dwelling, providing one additional dwelling towards the Council's housing land supply, is supported, with the proposal considered to be in accordance with Policy DM4 in this regard.

12. Recommendation

- 12.1. **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report

- 12.2. That the Planning Director be given powers to determine the final detail of planning conditions.

12.3. 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 Plans & Elevations – Drg No. 001/01 received by the Local Planning Authority on the 1st July 2021.
Garden Scheme received by the Local Planning Authority on the 1st July 2021.

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 accord with the approved plans:
Proposed Plans & Elevations – Drg No. 001/01 received by the Local Planning Authority on the 1st July 2021.
Garden Scheme received by the Local Planning Authority on the 1st July 2021.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM10, DM11 and DM12 of the adopted Site

4. Before work commences on site details in respect of the following shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in full accordance with the details:-

Schedule of works/specification
Method Statement

Reason: To preserve the special interest of the building in accordance with the requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance Policies DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order), no development (as defined by Section 55 of the Town and Country Planning Act 1990) as may otherwise be permitted by virtue of Class(es) A and E of Part 1 Schedule 2 of the Order shall be carried out..

Reason: To ensure continued control over the extent of further building on the site and to ensure there is no further domestication of character of the application site.

6. If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted in writing to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the first dwelling being occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

12.4. **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 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 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).