

Planning Committee 11 October 2016
Report of the Chief Planning and Development Officer



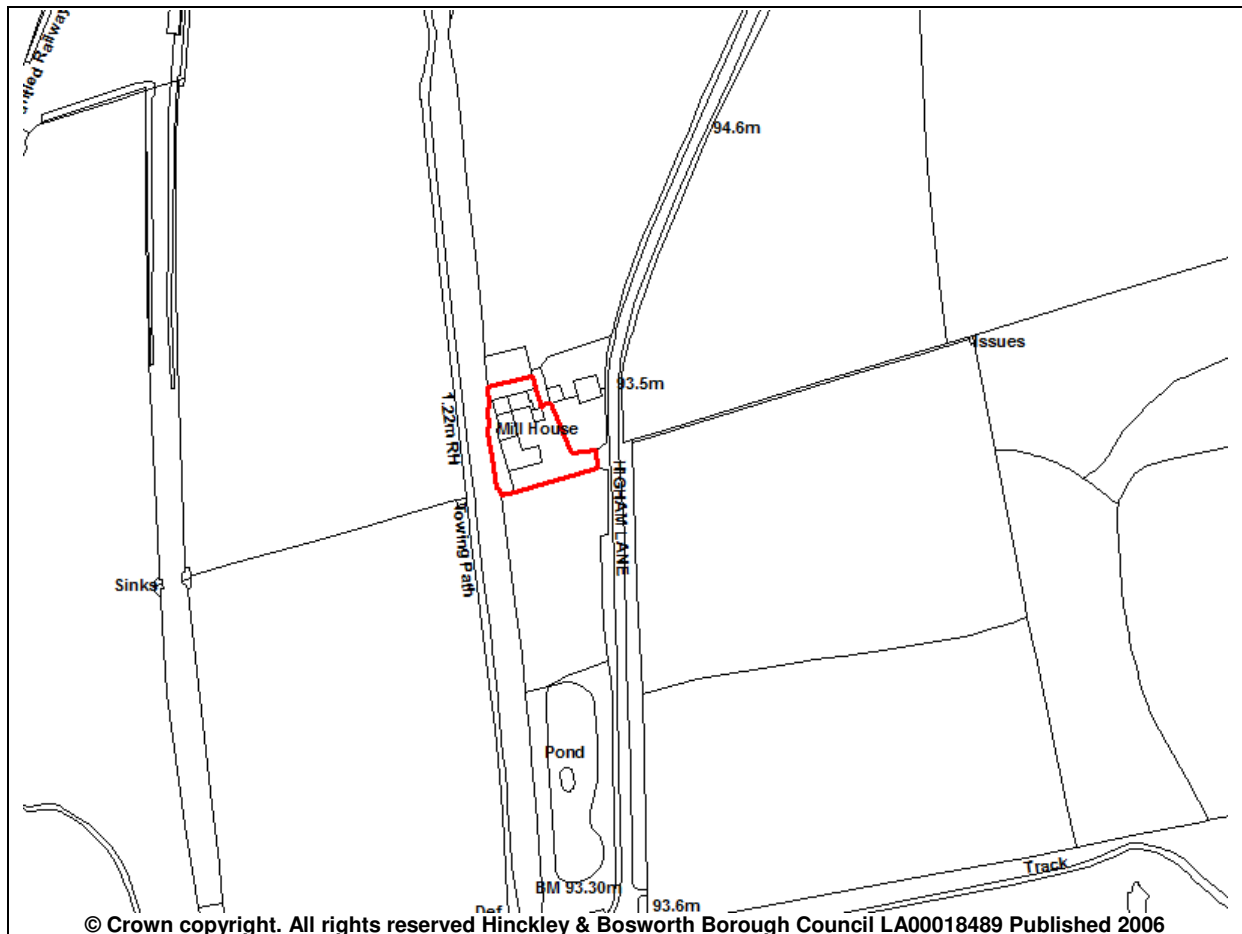
Hinckley & Bosworth
Borough Council

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Planning Ref: 16/00822/FUL
Applicant: Mr Reg Ward
Ward: Ambien

Site: Mill House Higham Lane Stoke Golding

Proposal: Alterations to building including new windows and doors.



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

1.2. That the Chief Planning and Development Officer be given powers to determine the final detail of planning conditions.

2. Planning Application Description

- 2.1. This application seeks full planning permission for alterations to the external elevations of a storage building. The proposal includes the insertion of new windows and doors and infill of some existing openings. Proposed external materials are render and sections of horizontal boarding, concrete roof tiles and double glazed timber windows and doors. Detailed window and door designs and sections have been submitted to support the application.

- 2.2. The proposed alterations are required in connection with the proposed change of use of the building from storage (Use Class B8) to five dwellings (Use Class C3) under the provisions of Class P of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015. A separate application for prior approval for the proposed change of use has been submitted (reference 16/00828/CPGDO) and is reported as a separate item on this agenda.

3. Description of the Site and Surrounding Area

- 3.1. The application site measures approximately 0.15 hectares and is located in the countryside approximately 500 metres to the south west of Stoke Golding and to the west of Higham Lane. The storage building to which this application relates is located towards the rear of the site and has two storey and single storey wings with pitched roof design arranged around a central courtyard. It is constructed of white painted render, concrete roof tiles and has a variety of windows, doors and openings.
- 3.2. Mill House, a two storey detached dwelling constructed of white painted render and concrete roof tiles and occupied by the applicant, lies immediately to the east of the storage building. The Ashby Canal Conservation Area lies immediately to the west of the building. There are agricultural fields to the north and a grassed paddock to the south of the site.
- 3.3. There is a double width vehicular access and separate additional pedestrian access from Higham Lane serving the storage building and Mill House. The access gates are located 5.5 metres behind the Higham Lane carriageway and open inwards. There are visibility splays defined by brick walls to either side of the access.

4. Relevant Planning History

85/00581/4	Erection of building for garaging and storage in connection with milk distribution business	Permitted	23.07.1985
78/00088/4M	Construction of garages for milk floats	Permitted	21.02.1978
77/00397/4M	Demolition of building and construction of cold room and loading dock	Permitted	26.04.1977
75/01171/4M	Erection of garage and store room	Permitted	05.09.1975

5. Publicity

- 5.1. The application has been publicised by the posting of a site notice within the vicinity of the site. There are no adjacent residential neighbours.
- 5.2. No responses have been received at the time of writing as a result of public consultation.

6. Consultation

- 6.1. Support for the proposed alterations have been received from:-

Ashby Canal Association
Canal and River Trust
Inland Waterways Association
Conservation Officer

- 6.2. No objection has been received from:-
Environmental Health (Pollution)
Environmental Health (Drainage)
- 6.3. Leicestershire County Council (Ecology) raise no objections to the proposed alterations to the building but raise concerns regarding potential impact on Water Vole of the change of use of the area adjacent to the canal bank for residential gardens.
- 6.4. No response has been received at the time of writing from:-
Leicestershire County Council (Drainage)
Stoke Golding Parish Council
Stoke Golding Heritage Group
Street Scene Services (Waste)
- 6.5. The consultation period remains open at the time of writing and closes on 7 October 2016. Any further consultation response received before the closing date will be reported and appraised as a late item.

7. Policy

- 7.1. Core Strategy (2009)
- No relevant policies
- 7.2. Site Allocations and Development Management Policies (SADMP) DPD (2016)
- Policy DM4: Safeguarding the Countryside and Settlement Separation
 - Policy DM10: Development and Design
 - Policy DM11: Protecting and Enhancing the Historic Environment
 - Policy DM12: Heritage Assets
- 7.3. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2012)
 - Planning Practice Guidance (PPG)
 - Planning (Listed Buildings and Conservation Areas) Act 1990
- 7.4. Other relevant guidance
- Ashby Canal Conservation Area Appraisal and Map

8. Appraisal

- 8.1. The change of use of the building from storage (Use Class B8) to five dwellings (Use Class C3) is subject to consideration by a separate application for prior approval (reference 16/00828/CPGDO) submitted under the provisions of Class P of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 reported as a separate item on this agenda.
- 8.2. Key issues in the assessment of this application are:
- Impact of the proposed alterations on upon the character and appearance of the building, the Ashby Canal Conservation Area and the surrounding countryside.
 - Impact upon neighbouring residential amenity
 - Other issues

Impact of the proposed alterations on upon the character and appearance of the building, the Ashby Canal Conservation Area and the surrounding countryside

- 8.3. Policy DM4 of the adopted SADMP supports the change of use or re-use of existing buildings which would lead to an enhancement of the immediate setting and requires that development in the countryside does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside.
- 8.4. Policy DM10 of the adopted 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 that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the local area generally. The NPPF in paragraph 17 seeks to secure high quality of design and paragraph 58 seeks to ensure that development responds to local character and reflects the identity of local surroundings.
- 8.5. Policies DM11 and DM12 of the adopted SADMP seek to protect, conserve and enhance the historic environment and heritage assets. Section 12 of the NPPF seeks to preserve or enhance the historic environment and heritage assets. The Planning (Listed Buildings and Conservation Area) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character and appearance of conservation areas.
- 8.6. The Ashby Canal Conservation Area Appraisal (Management Plan Map 13) identifies the building as having a poor appearance.
- 8.7. The proposal includes alterations to existing windows, doors and openings and the insertion of additional windows and doors and infill sections to provide improved residential amenity for any future occupiers of the building and to enclose areas currently open to the courtyard. Detailed drawings of the proposed windows and doors together with sections have been submitted to support the application.
- 8.8. By virtue of their design and the use of sympathetic external materials that respect the existing building materials in the locality, the proposed alterations would enhance the appearance of the building, preserve the significance of and enhance the setting of the Ashby Canal Conservation Area and not result in any harm to the rural character and appearance of the surrounding countryside. The proposal would therefore be in accordance with Policies DM4, DM10, DM11 and DM12 of the adopted SADMP and the principles of Section 12 of the NPPF. The Conservation Officer raises no objections to the scheme.

Impact upon neighbouring residential amenity

- 8.9. 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 and that the occupiers of the development would not be adversely affected by activities within the vicinity of the site. The NPPF in paragraph 17 seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.
- 8.10. By virtue of their position and orientation in relation to the existing dwelling, Mill House, and separation distances in excess of 27 metres, the proposed alterations to the building to provide additional windows and doors would not result in any significant adverse impacts on the privacy or residential amenity of the occupiers of Mill House.

- 8.11. Modest residential amenity areas are to be created immediately around the building to serve the proposed dwellings. Whilst some of these would abut the Ashby Canal, occasional passing narrow boats would not have any significant adverse impacts on residential amenity. The canal towpath runs along the west (far) side of the canal and would not have any adverse impacts on the future occupiers of the development. The proposal would therefore be in accordance with Policy DM10 of the adopted SADMP in this respect.

Other issues

- 8.12. Leicestershire County Council raise no objection to the proposed alterations to the building but raise concerns regarding potential impacts on Water Vole habitat as a result of changes to the use and landscaping of proposed garden areas. The change of use is subject to a separate prior approval application (reference 16/00828/CPGDO) reported as a separate item on this agenda. The change of use application is not subject to considerations in respect of ecology matters and the concerns raised are not relevant to this application for alterations to the elevations of the building. However, an informative note to the applicant/developer to raise awareness of this issue and their responsibilities in respect of separate legislation relating to protected species and their habitat could be included should the application be permitted.

9. Equality Implications

- 9.1. Section 149 of the Equalities 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 in the consideration of this application. The Committee must also ensure the same when determining this planning application.

- 9.3. There are no known equality implications arising directly from this development.

10. Conclusion

- 10.1. The proposed alterations to the building would enhance its appearance, would preserve the significance, character and appearance of the Ashby Canal Conservation Area; would not result in any harm to the rural character and appearance of the surrounding countryside; and would not result in any significant adverse impacts on the residential amenity of any existing or future occupiers. The scheme would be in accordance with Policies DM4, DM10, DM11 and DM12 of the adopted SADMP and the overarching principles of the NPPF and the application is therefore recommended for approval subject to conditions.

11. Recommendation

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

- Planning conditions outlined at the end of this report.

11.2. That the Chief Planning and Development Officer be given powers to determine the final detail of planning conditions.

11.3. **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 51 of 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 and Proposed Courtyard Elevations Drawing No. 363/216/03, Proposed Site Plan, Floor Plans and External Elevations Drawing No. 363/216/02 Rev B, Existing Floor Plans and Elevations Drawing No. 363/216/01 and Proposed Door and Windows Details Drawing Nos. 363/216/04, 363/216/05 and 363/216/06 received by the local planning authority on 6 September 2016.

Reason: To ensure a satisfactory appearance and impact of the development to accord with Policies DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. The external elevations of the building shall be finished with matching white painted render, horizontal timber boarding finished in matt black, matching concrete roof tiles, timber doors and timber window frames finished in white.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity to accord with Policies DM10 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11.4. **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 applicant/developer is advised that the Ashby Canal has a population of Water Vole, a species protected by law, alterations to landscaping along the canal bank has the potential to have adverse impacts on habitat and therefore you are advised to contact Leicestershire County Council (Ecology) on (0116) 305 4108 for further advice.