

Meeting	PLANNING COMMITTEE
Time/Day/Date	6.30 pm on Tuesday, 6 November 2018
Location	Council Chamber, Council Offices, Coalville
Officer to contact	Democratic Services (01530 454512)

All persons present are reminded that the meeting may be recorded and by attending this meeting you are giving your consent to being filmed and your image being used. You are kindly requested to make it known to the Chairman if you intend to film or record this meeting.

The Council is aware that planning applications may be controversial and emotive for those affected by the decisions made by this Committee. However all persons present are reminded that the Council will not tolerate abusive or aggressive behaviour towards staff or other visitors attending this meeting and anyone behaving inappropriately will be required to leave the meeting and the building.

The Monitoring Officer would like to remind members that when they are considering whether the following items are exempt information under the relevant paragraph under part 1 of Schedule 12A of the Local Government Act 1972 they must have regard to the public interest test. This means that members must consider, for each item, whether the public interest in maintaining the exemption from disclosure outweighs the public interest in making the item available to the public.

AGENDA

Item	Pages
1. APOLOGIES FOR ABSENCE	
2. DECLARATION OF INTERESTS	
Under the Code of Conduct members are reminded that in declaring disclosable interests you should make clear the nature of that interest and whether it is pecuniary or non-pecuniary.	
3. MINUTES	
To confirm and sign the minutes of the meeting held on 2 October 2018.	3 - 8
4. PLANNING APPLICATIONS AND OTHER MATTERS	
Report of the Planning and Development Team Manager.	9 - 12

Index of Applications to be Considered

Item	Application Number and Details	Recommendation	Page
A1	18/01333/FUL: Retrospective planning application for the change of use of dwelling to holiday let and retention of outbuilding The Grange 69 Church Street Donisthorpe Swadlincote Derby DE12 7PX	PERMIT subject to S106 Agreement	13 - 22
A2	18/01334/LBC: Retention of internal alterations to staircase The Grange 69 Church Street Donisthorpe Swadlincote Derby DE12 7PX	PERMIT	23 - 28

MINUTES of a meeting of the PLANNING Committee held in the Council Chamber, Council Offices, Coalville on TUESDAY, 2 October 2018

Present: Councillor N Smith (Chairman)

Councillors R Adams, R Ashman, R Boam, J Bridges, R Canny, J G Coxon, D Harrison, J Legrys, V Richichi (Substitute for Councillor G Jones) and M Specht

In Attendance: Councillors J Geary, R Johnson and T J Pendleton

Officers: Mr C Elston, Mrs H Exley, Mrs C Hammond, Mr A Mellor and Miss S Odedra

24. APOLOGIES FOR ABSENCE

Apologies were received from Councillor G Jones.

25. DECLARATION OF INTERESTS

In accordance with the Code of Conduct, Members declared the following interests:

Councillor J Bridges declared a non-pecuniary interest in Item 5 - Proposed Alterations to Section 106 Obligations in Respect of Affordable Housing Obligations Required in Association with Residential Development at Land at Bosworth Road, Measham and Measham Road, Moira, as Ward Member and that he would leave the meeting for the consideration of the item.

Councillor J Coxon declared a non-pecuniary interest in Item A1, application number 18/00464/FULM, as a Member of Ashby Town Council who had previously considered the application and as a resident of and business owner in Ashby.

Councillor D Harrison declared a non-pecuniary interest in Item A1, application number 18/00464/FULM, as a resident of Ashby.

Councillor J Legrys declared a non-pecuniary interest in item A2, application number 18/00427/FULM, as his son lived on Forest Road opposite the site entrance.

During the consideration of Item A1, application number 18/00464/FULM, Councillor J Bridges declared a non-pecuniary interest as he was currently working for a company who had links to the designers of the application. He left the meeting and took no further part in the discussion and voting thereon, and Councillor J Legrys declared a non-pecuniary interest as his daughter worked at B & M in Coalville.

Members declared that they had been lobbied without influence as follows:

Item A2, application number 18/00427/FULM
Councillor R Adams and J Legrys.

26. MINUTES

Consideration was given to the minutes of the meeting held on 4 September 2018.

It was moved by Councillor J Legrys, seconded Councillor J Coxon and

RESOLVED THAT:

The minutes of the meeting held on 4 September 2018 be approved and signed by the Chairman as a correct record.

27. PLANNING APPLICATIONS AND OTHER MATTERS

Consideration was given to the report of the Planning and Development Team Manager, as amended by the update sheet circulated at the meeting.

28. A1

18/00464/FULM : ERECTION OF A RETAIL STORE (USE OF CLASS A1) AND ASSOCIATED GARDEN CENTRE ALONG WITH ASSOCIATED CAR PARKING, SERVICE YARD, HARD AND SOFT LANDSCAPING, FOUL AND SURFACE WATER DRAINAGE AND UTILITY INFRASTRUCTURE

Plot 2 Ashby Gateway Smithy Road Ashby De La Zouch Leicestershire

Officer's Recommendation: PERMIT subject to S106 Agreement

The Senior Planning Officer presented the report to Members.

Councillor J Bridges declared an interest in the item, left the meeting and took no further part in the consideration of the item and voting thereon.

Mr S Hampton, objector, addressed the Committee highlighting concerns over the lack of consideration that had been given to the impact that the development would have on Ashby Town Centre, that the figures in the retail impact assessment were not an accurate reflection, the recent drop in footfall in the town centre and the knock on effect of the drop.

Mr D Jones, planning agent, addressed the Committee highlighting that the applicant sympathised with the objectors, but the applicant had addressed all of their concerns during the application process, that a full independent retail impact assessment had been carried out, that the development would increase the consumer choice in the area and that it would provide employment opportunities.

In determining the application, Members had regard to the impact that the development would have on Ashby Town Centre following the retail impact assessment, the design of the building and that should condition 20 be removed it would have an impact on the developer's contribution to the River Mease Scheme.

It was moved by Councillor M Specht and seconded by Councillor J Legrys that the application be permitted subject to the removal of condition 20.

The Chairman then put the motion to the vote. A recorded vote being required, the voting was as follows:

Motion to permit the application in accordance with the officer's recommendation subject to the removal of condition 20 (Motion)	
Councillor Ron Adams	For
Councillor Robert Ashman	For
Councillor Russell Boam	For
Councillor John Bridges	Conflict Of Interests
Councillor Rachel Canny	For
Councillor John Coxon	Against
Councillor Dan Harrison	For
Councillor John Legrys	For
Councillor Virge Richichi	For
Councillor Nigel Smith	For
Councillor Michael Specht	For
Carried	

RESOLVED THAT:

The application be permitted in accordance with recommendation of the Planning and Development Team Manager subject to the removal of condition 20.

29.

A2

18/00427/FULM: ERECTION OF 9 DWELLINGS WITH ASSOCIATED ACCESS, TURNING AREAS AND CAR PARKING.

Land Off Forest Road Coalville Leicestershire

Officer's Recommendation: PERMIT

The Senior Planning Officer presented the report to Members.

Mr K Lawrence, agent, addressed the Committee highlighting that changes had been made to the application following discussions to address the concerns raised by objectors and the impact on neighbouring properties, that a S38 had been agreed to adopt the first part of the highway which would include double yellow lines, that a suitable bin collection area had been identified and that, subject to the agreement of neighbouring landowners, suitable boundary fencing would be included.

Councillor R Johnson, Ward Member, addressed the Committee highlighting concerns over the lack of affordable housing & bungalows on the site as a whole, the response of the County's Archaeology officer and the lack of an enclosed bin collection store. He requested that consideration be given to imposing conditions in relation to restricted working hours, the raising of land levels and wheel washing facilities.

In determining the application, Members had regard to the adoption of part of the highway, whether bin lorries could access the site, the location of the bin collection point and whether it would be hardstanding or enclosed, imposing acceptable working hours to limit disturbance caused during construction of the development on existing residents and imposing wheel washing facilities on the site.

It was moved by Councillor J Legrys and seconded by Councillor R Adams that the application be permitted with the addition of 2 conditions in relation to working hours of 7am-6pm Monday to Friday and wheel washing facilities.

The Chairman then put the motion to the vote. A recorded vote being required, the voting was as follows:

Motion to permit the application in accordance with the officer's recommendation with the inclusion of additional conditions (Motion)	
Councillor Ron Adams	For
Councillor Robert Ashman	For
Councillor Russell Boam	Against
Councillor John Bridges	For
Councillor Rachel Canny	For
Councillor John Coxon	For
Councillor Dan Harrison	For
Councillor John Legrys	For
Councillor Virge Richichi	For
Councillor Nigel Smith	For
Councillor Michael Specht	For
Carried	

RESOLVED THAT:

The application be permitted in accordance with recommendation of the Planning and Development Team Manager and the addition of conditions in relation to working hours of 7am-6pm Monday to Friday and wheel washing facilities.

- 30. A3**
18/00624/FUL: CONVERSION OF BARN TO FORM RESIDENTIAL DWELLING INCLUDING RAISING THE ROOF TO PROVIDE FIRST FLOOR LIVING ACCOMMODATION
 Barn Adjoining Renira Aqueduct Road Coleorton Coalville Leicestershire LE67 8JA

Officer's Recommendation: PERMIT

The Senior Planning Officer presented the report to Members.

Mr A Large, agent, addressed the Committee highlighting that the new dwelling would allow the owner to downsize, that the only significant change would be the reinstatement of the original roofline and that they had worked closely with officers to address all the issues over design and highways.

In determining the application, Members had felt that it was a suitable development for a village and were pleased to see that a new entrance was to be created off the highway.

It was moved by Councillor J Bridges and seconded by Councillor R Boam

The Chairman then put the motion to the vote. A recorded vote being required, the voting was as follows:

Motion to permit the application in accordance with the officer's recommendation (Motion)	
Councillor Ron Adams	For
Councillor Robert Ashman	For
Councillor Russell Boam	For
Councillor John Bridges	For
Councillor Rachel Canny	For
Councillor John Coxon	For
Councillor Dan Harrison	For
Councillor John Legrys	For
Councillor Virge Richichi	For
Councillor Nigel Smith	For
Councillor Michael Specht	For
Carried	

RESOLVED THAT:

The application be permitted in accordance with recommendation of the Planning and Development Team Manager.

31. PROPOSED ALTERATIONS TO SECTION 106 OBLIGATIONS IN RESPECT OF AFFORDABLE HOUSING OBLIGATIONS REQUIRED IN ASSOCIATION WITH RESIDENTIAL DEVELOPMENT AT LAND AT BOSWORTH ROAD, MEASHAM AND MEASHAM ROAD, MOIRA

Report of the Planning and Development Team Manager

Having declared non-pecuniary interest Councillor J Bridges left the meeting and took no further part in the discussion and voting thereon.

The Senior Planning Officer presented the report to Members.

It was moved by Councillor J Coxon and seconded by Councillor J Legrys.

The Chairman then put the motion to the vote. A recorded vote being required, the voting was as follows:

To agree the recommendation as detailed on the report (Motion)	
Councillor Ron Adams	For
Councillor Robert Ashman	For
Councillor Russell Boam	For
Councillor John Bridges	Conflict Of Interests
Councillor Rachel Canny	For
Councillor John Coxon	For
Councillor Dan Harrison	For
Councillor John Legrys	For
Councillor Virge Richichi	For
Councillor Nigel Smith	For
Councillor Michael Specht	For
Carried	

RESOLVED THAT:

The amendments of the existing affordable housing obligations within the legal agreements for Bosworth Road, Measham and Measham Road, Moira for the provision of 9 no. On-site affordable units at New Street, Measham in lieu of affordable housing at Bosworth Road, Measham and Measham Road, Moira be agreed.

Councillor J Bridges returned to the meeting.

Councillor J Geary left the meeting at 7.43pm.

Councillor R Johnson left the meeting at 7.58pm.

The meeting commenced at 6.30 pm

The Chairman closed the meeting at 8.06 pm

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APPENDIX B

Report of the Planning and Development Team Manager to Planning Committee

6 November 2018

PLANNING & DEVELOPMENT REPORT

PLANNING COMMITTEE FRONT SHEET

1. Background Papers

For the purposes of Section 100(d) of the Local Government (Access to information Act) 1985 all consultation replies listed in this report along with the application documents and any accompanying letters or reports submitted by the applicant, constitute Background Papers which are available for inspection, unless such documents contain Exempt Information as defined in the act.

2. Late Information: Updates

Any information relevant to the determination of any application presented for determination in this Report, which is not available at the time of printing, will be reported in summarised form on the 'UPDATE SHEET' which will be distributed at the meeting. Any documents distributed at the meeting will be made available for inspection. Where there are any changes to draft conditions or a s106 TCPA 1990 obligation proposed in the update sheet these will be deemed to be incorporated in the proposed recommendation.

3. Expiry of Representation Periods

In cases where recommendations are headed "Subject to no contrary representations being received by [date]" decision notices will not be issued where representations are received within the specified time period which, in the opinion of the Planning and Development Team Manager are material planning considerations and relate to matters not previously raised.

4. Reasons for Grant

Where the Planning and Development Team Manager report recommends a grant of planning permission and a resolution to grant permission is made, the summary grounds for approval and summary of policies and proposals in the development plan are approved as set out in the report. Where the Planning Committee are of a different view they may resolve to add or amend the reasons or substitute their own reasons. If such a resolution is made the Chair of the Planning Committee will invite the planning officer and legal advisor to advise on the amended proposals before the a resolution is finalised and voted on. The reasons shall be minuted, and the wording of the reasons, any relevant summary policies and proposals, any amended or additional conditions and/or the wording of such conditions, and the decision notice, is delegated to the Planning and Development Team Manager.

5. Granting permission contrary to Officer Recommendation

Where the Planning and Development Team Manager report recommends refusal, and the Planning Committee are considering granting planning permission, the summary reasons for granting planning permission, a summary of the relevant policies and proposals, and whether the permission should be subject to conditions and/or an obligation under S106 of the TCPA 1990 must also be determined; Members will consider the recommended reasons for refusal, and then the summary reasons for granting the permission. The Chair will invite a Planning Officer to advise on the reasons and the other matters. An adjournment of the meeting may be necessary for the Planning Officer and legal Advisor to consider the advice required

If The Planning Officer is unable to advise at Members at that meeting, he may recommend the item is deferred until further information or advice is available. This is likely if there are technical objections, eg. from the Highways Authority, Severn Trent, the Environment Agency, or other Statutory consultees.

If the summary grounds for approval and the relevant policies and proposals are approved by resolution of Planning Committee, the wording of the decision notice, and conditions and the Heads of Terms of any S106 obligation, is delegated to the Planning and Development Team Manager.

6 Refusal contrary to officer recommendation

Where members are minded to decide to refuse an application contrary to the recommendation printed in the report, or to include additional reasons for refusal where the recommendation is to refuse, the Chair will invite the Planning Officer to advise on the proposed reasons and the prospects of successfully defending the decision on Appeal, including the possibility of an award of costs. This is in accordance with the Local Planning Code of Conduct. The wording of the reasons or additional reasons for refusal, and the decision notice as the case is delegated to the Planning and Development Team Manager.

7 Amendments to Motion

An amendment must be relevant to the motion and may:

1. Leave out words
2. Leave out words and insert or add others
3. Insert or add words

as long as the effect is not to negate the motion

If the amendment/s makes the planning permission incapable of implementation then the effect is to negate the motion.

If the effect of any amendment is not immediately apparent the Chairman will take advice from the Legal Advisor and Planning and Development Team Manager/Planning and Development Team Manager present at the meeting. That advice may be sought during the course of the meeting or where the Officers require time to consult, the Chairman may adjourn the meeting for a short period.

Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of. The amendment must be put to the vote.

If an amendment is not carried, other amendments to the original motion may be moved.

If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendment, or if there are none, put it to the vote.

8 Delegation of wording of Conditions

A Draft of the proposed conditions, and the reasons for the conditions, are included in the report. The final wording of the conditions, or any new or amended conditions, is delegated to the Planning and Development Team Manager.

9. Decisions on Items of the Planning and Development Team Manager

The Chairman will call each item in the report. No vote will be taken at that stage unless a proposition is put to alter or amend the printed recommendation. Where a proposition is put and a vote taken the item will be decided in accordance with that vote. In the case of a tie where no casting vote is exercised the item will be regarded as undetermined.

Retrospective planning application for the change of use of dwelling to holiday let and retention of outbuilding

Report Item No
A1

The Grange 69 Church Street Donisthorpe Swadlincote Derby
DE12 7PX

Application Reference
18/01333/FUL

Grid Reference (E) 431306
Grid Reference (N) 313842

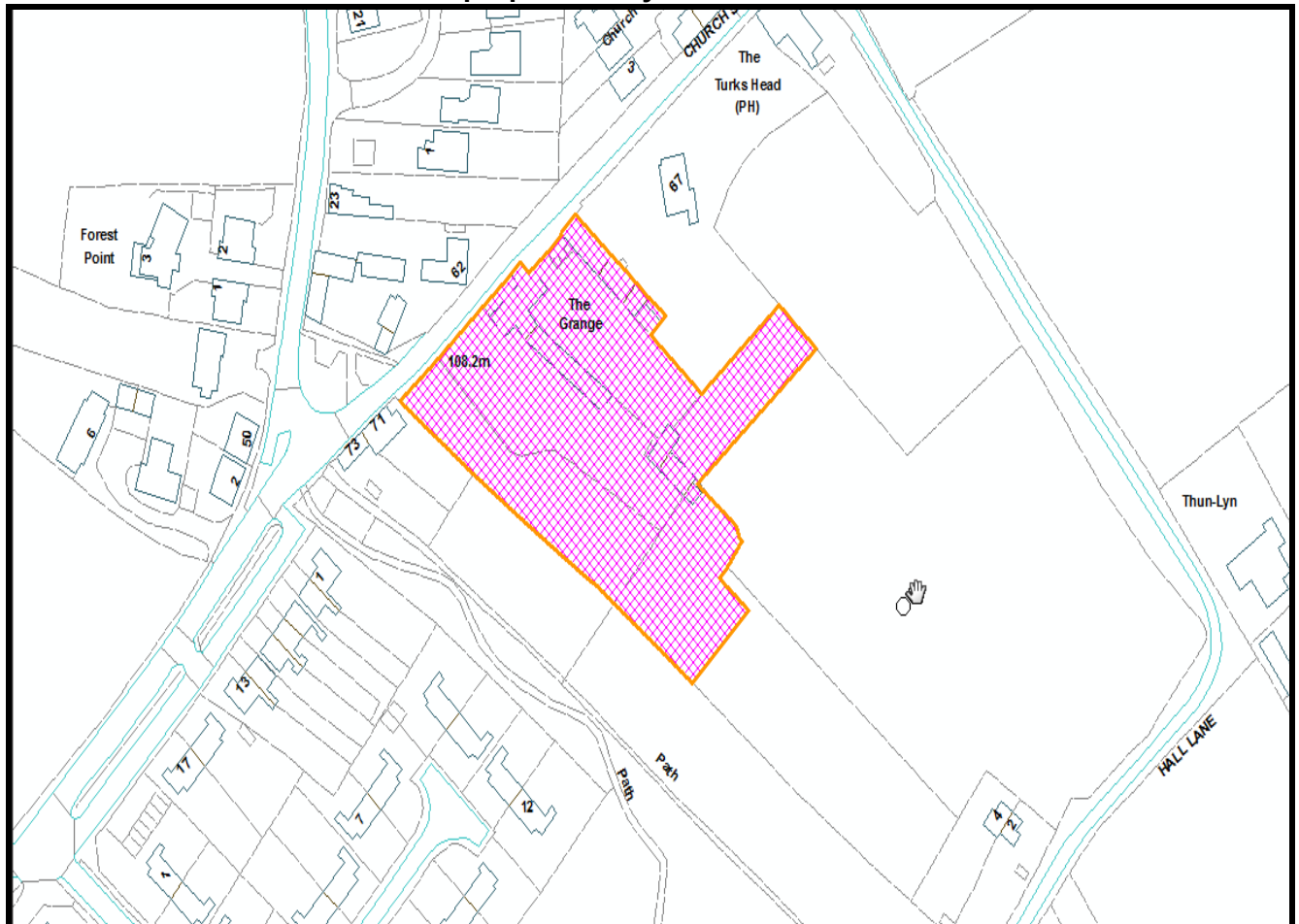
Date Registered:
25 July 2018
Consultation Expiry:
29 October 2018
8 Week Date:
19 September 2018
Extension of Time:
None Agreed

Applicant:
Mr S Marston

Case Officer:
Sarah Booth

Recommendation:
PERMIT subject to S106 Agreement

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Reasons for Approval

Reason for Call In

The application is called in to Planning Committee as the Ward Member (Councillor Ashman) has requested it to be considered by Planning Committee with the reasons stated as being impacts on residential amenity of adjacent neighbours, the fabric of the Listed Building and issues with parking.

Proposal

Planning permission is sought retrospectively for the change of use of a dwelling to a holiday let and retention of an outbuilding at The Grange, 69 Church Street, Donisthorpe.

Consultations

Members will see from the main report below that there are objections raised from Donisthorpe and Oakthorpe Parish Council and four neighbours.

There are no other objections raised from statutory consultees.

Planning Policy

The site is located within Limits to Development as defined by the adopted Local Plan. The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance.

Conclusion

The key issues arising from the application details are:

- Principle of Development
- Design and Impact upon Heritage Assets
- Impact upon Residential Amenity
- Highway Considerations
- River Mease

The report below looks at these details, and Officers conclude that the details are satisfactory. The proposals meets the requirements of relevant NWLDC policies, including the Good Design for North West Leicestershire SPD, and the NPPF.

PERMIT, SUBJECT TO CONDITIONS AND COMPLETION OF A SECTION 106 AGREEMENT.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

Planning permission is sought retrospectively for the change of use of a dwelling to a holiday let and retention of an outbuilding at The Grange, 69 Church Street, Donisthorpe. The holiday let can accommodate up to 26 guests.

The site is located within Limits to Development, as defined by the adopted Local Plan.

The scheme also includes some alterations to the listed building which will be considered separately under application 18/01334/LBC, also reported on this Planning Committee agenda.

Relevant Planning History:-

18/01334/LBC Retention of internal alterations including works to staircases (Pending Consideration).

11/00140/FUL Erection of a single storey orangery, conversion of attached outbuilding to habitable accommodation, conversion of detached outbuilding to ancillary accommodation, reconstruction of former detached outbuilding and various external alterations PER 11.08.2011.

11/00103/LBC Erection of a single storey orangery, conversion of attached outbuildings to habitable accommodation, conversion of detached outbuilding to ancillary accommodation, reconstruction of former detached outbuildings and various internal and external alterations (Listed Building Consent) PER 07.04.2011.

10/01091/LBC External and Internal alteration to The Grange and restoration of Greenhouse in the garden area (Listed Building Consent) PER 13.01.2011.

10/00901/LBC Formation of new opening in garden wall. PER 09.11.2010.

2. Publicity

15 Neighbours have been notified.

Site Notice displayed 10 August 2018.

Press Notice published Leicester Mercury 15 August 2018.

3. Summary of Consultations and Representations Received

Donisthorpe and Oakthorpe Parish Council objects to the application on the following grounds:-

"This is a change of use from residential to business with the additional noise and traffic issues - to date the holiday let has caused many problems in the village, with drunken behaviour, excessive noise throughout the night and vehicles revving around the village. The Parish Council objects to this planning application."

County Highway Authority - No objections subject to a condition. Visibility splays do not meet standing advice however the proposal is not considered to be harmful to highway safety.

Environmental Protection - No objections but recommend conditions.

Conservation Officer - some concerns raised regarding outbuildings on site.

Third Party Representations

Four letters of neighbour representation have been received, raising objections on the following grounds:

- Anti social behaviour due to nature of large groups (stag / hen dos) occupying the property.
- The development is a party venue and not a holiday let.
- The owner and caretaker do not live locally and can't police the events.
- Noise, particularly at night and live music.
- Burning of waste materials on site.

All responses from statutory consultees and third parties are available for Members to view on the planning file.

4. Relevant Planning Policy

National Policies

National Planning Policy Framework (2018)

The following sections of the NPPF are considered relevant to the determination of this application:

Paragraphs 8 and 10 (Achieving sustainable development);
Paragraphs 11 and 12 (Presumption in favour of sustainable development);
Paragraphs 38, 39, 40, 41, 42, 44, 47 and 48 (Decision-making);
Paragraphs 54, 55 and 56 (Planning conditions and obligations);
Paragraphs 96, 97, 99 and 100 (Promoting healthy and safe communities);
Paragraphs 105, 108 and 109 (Promoting sustainable transport);
Paragraphs 126, 127 and 130 (Achieving well-designed places);
Paragraphs 175 and 180 (Conserving and enhancing the natural environment); and
Paragraphs 192, 193 (Conserving and enhancing the historic environment).

Adopted North West Leicestershire Local Plan

The following policies of the adopted Local Plan are consistent with the policies in the NPPF and should be afforded weight in the determination of this application:

S2 - Settlement Hierarchy
D1 - Design of new development
D2 - Amenity
EC13 - Tourism development
IF4 - Transport Infrastructure and new development
IF7 - Parking provision and new development
En2 - River Mease Special Area of Conservation
En3 - The National Forest
He1 - Conservation and enhancement of North West Leicestershire's historic environment
Cc3 - Water - Sustainable Drainage Systems

Other Policies and Guidance

National Planning Practice Guidance - March 2014.

Leicestershire Highway Design Guidance.

Good Design for North West Leicestershire SPD - April 2017.

The Habitats Regulations (The Conservation of Habitats and Species Regulations 2017).

Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System).

River Mease Water Quality Management Plan - August 2011.

5. Assessment

Background

The Grange is a Grade II listed building varying between two and three storey heights and is located on the south eastern side of Church Street. The site access leads to a courtyard area which is used to provide car parking.

The site has been operating as a holiday let since 2014. Following the receipt of complaints and a recent enforcement investigation it was concluded that the intensity of the use of the property had led to a material change of use and therefore a retrospective application for planning permission was required.

This application seeks permission to regularise the existing development and retain the holiday let use for up to 26 guests. The change of use also includes some surrounding outdoor amenity space including a tennis court and garden area.

This application should be read in conjunction with the report for listed building consent ref: 18/01334/LBC which is also reported on this Planning Committee agenda.

Principle of Development

In accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the development plan which, in this instance, includes the adopted North West Leicestershire Local Plan 2017.

The site is located within Limits to Development as defined by the adopted Local Plan.

Policy S2 of the adopted Local Plan categorises Donisthorpe as a sustainable village which has a limited range of services and facilities where a limited amount of growth will take place within the defined Limits to Development.

Policy Ec13 of the adopted Local Plan also supports new tourist attractions and accommodation particularly within Limits to Development.

As the application site is within the defined Limits to Development and relates to the conversion of an existing building to provide holiday accommodation, it would accord with Policies EC13 and S2 of the adopted Local Plan. Accordingly, there is no objection in principle to the proposal, subject to all other matters being properly addressed.

Design and Impact upon Heritage Assets

The need for good design in new residential development is outlined not only in adopted Local Plan Policy D1 and the Council's Good Design SPD but also paragraphs 127 and 130 of the NPPF 2018.

The application property is a Grade II Listed Building and therefore the development must be considered against section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that when considering a planning application for development that affects a listed building or its setting the decision maker, "shall have special regard to the desirability of

preserving the building or its setting or any features of special architectural or historic interest which it possess".

Paragraph 192 of the NPPF 2018 states that planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. It further indicates (at paragraph 193) that when considering the impact of a development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

The Conservation Officer has noted that no uses are proposed for the historic outbuildings within the application site which could result in a lack of investment in their maintenance. With this in mind it is noted that the 2011 application (11/00140/FUL) granted approval for ancillary accommodation within some of the outbuildings and this permission has been partly implemented. Therefore the rest of the works to the outbuildings could commence at any time. Notwithstanding the above, this is not an overriding consideration for the acceptability of this application as the Local Authority has powers under separate legislation that can be utilised if any heritage assets are thought to be at risk in the future. Therefore it is not considered that a reason for refusal could be sustained on this basis.

This application also seeks approval for the retention of a new outbuilding within the garden area of the site, which is used to accommodate a Jacuzzi. The new outbuilding has been constructed in timber and has a sympathetic appearance to the historical character of the area. The appearance of this building is considered to be acceptable in accordance with Policies D1 and He1 of the adopted Local Plan.

It is highlighted that there have been some unauthorised works to three windows on the front elevation of the property. These do not require planning permission but would require listed building consent. The applicant is working with the Council's Conservation Officer and Enforcement Team with a view to submitting an application to address concerns in relation to these unauthorised works. Please note that this matter is not for consideration in this application.

The only other alteration to the listed building is internal and does not require planning permission. This is considered under application 18/01334/LBC which is also reported on this Planning Committee agenda.

Overall it is considered that the proposals would not harm the listed building and would preserve the character and appearance of the area. The proposal is considered to be in accordance with Policies D1 and He1 of the adopted Local Plan, the Council's Good Design SPD and the advice contained in the NPPF. Taking the above into account, it is considered that the scheme is appropriate and would comply with the NPPF 2018.

Impact upon Residential Amenity

This is not a conventional holiday let as it accommodates large groups of people including stag and hen parties as well as for family gatherings and Birthdays. Four letters of objection have been received as well as concerns from the Parish Council on the grounds that there is often excess noise generated from the site, particularly during unsocial hours and for extended periods of time. Neighbours have advised that there is often live music and anti-social behaviour and they have raised concerns that the owners and the caretaker do not live locally and therefore cannot police these impacts. These matters will be assessed further below.

Taking into consideration the previous dwelling when compared to the holiday let use, it is acknowledged that there could be an increase in the level of comings and goings to and from the site. The Council's Environmental Protection team have been consulted on this application and originally raised no objections to the scheme, however in light of the objections received from members of the public and the Parish Council further discussions were held with Environmental Protection to assess the matters raised.

Environmental Protection have advised that they have received three noise complaints about this property in the past, two of which were for the same weekend earlier this year and the first complaint was in 2015. This is not considered to be a high level of complaints resulting from the use of the property as proposed.

The applicant has stated that all guests are told that there should be no external noise from 11pm to 9am and there are signs around the house to remind guests. This is also explained in the house manual, which is available online and has been submitted with the application as a supporting document. The applicant has advised that if occupants do not comply with these restrictions they can lose their deposits or be asked to leave, although this has not been given any weight in the decision making process.

The applicant has advised that the only complaints from local residents they have received directly were around three years ago, on three separate incidents, and in relation to one of these incidents, the guests were asked to leave. It was on this basis that the applicant introduced a noise policy. There have been no further complaints received by the applicant since.

The applicant has advised that close neighbours to the house have been given the managers contact details in case any issues arise. Some neighbours have raised concerns that the manager does not live locally, however the applicant has advised that the house manager is on 24 hour call and can be on site within half an hour.

Notwithstanding the applicant's efforts, the Local Authority would still need to be satisfied that any disturbances in the future are minimised and could be controlled by the Local Authority. Following detailed discussions with the Council's Environmental Protection team it is recommended that it would be reasonable to attach two conditions to control the use of the site and protect the amenity of neighbouring residents. Firstly it is recommended to condition that the site cannot be occupied by any more than 26 occupants, to limit the scale of the development, and secondly it is advised that a condition should be attached to restrict any outdoor activity between the hours of 11pm and 9am.

Members are advised to note that noise complaints are dealt with by the Council's Environmental Protection team. If there continues to be noise nuisances then these can be reported to the Council's Environmental Protection team for them to investigate.

It is also advised that a condition should be attached if permission is granted to ensure that the change of use is only limited to the land within the red line and not the adjacent fields which are closer in proximity to neighbouring properties and have not been assessed as part of this application.

In view of the recommended conditions it is not considered that a reason for refusal based upon the impact upon the neighbouring properties could be sustained in this case. Therefore on balance, the proposal is not considered to result in harmful impacts upon surrounding residential amenity. Therefore, the development is considered to be in accordance with Policy D2 of the

adopted Local Plan and the Council's Good Design SPD.

Highway Considerations

The County Highway Authority (CHA) originally considered the scheme under the 'Standing Advice' procedure, however officers requested a detailed response from the CHA after it was determined that the site access visibility splays did not conform to Highways Standing Advice. The Parish Council have also raised concerns with regard to highway safety and therefore more detailed advice from the CHA was requested.

The CHA have considered the scheme and have advised that whilst the visibility splay is not ideal, given that the property was previously a large dwelling this could have also attracted a significant amount of vehicular trips, especially if occupied by extended family. It is also noted there is no feasible way to improve the visibility splays, given the listed status of the building and the confined street environment.

Given that there are no recorded personal injury collisions within the last five years, the CHA would not object to the application provided that the property is let effectively as a whole, and not on a room by room basis i.e. not operating in the same manner as a hotel. It is therefore recommended that a condition should be imposed regarding that the property is let as a whole, and not on a room by room basis and thereby reduce the number of vehicular movements associated with the site. As such is not considered that this matter would warrant a reason for refusal, in this case.

With regard to car parking the CHA have advised that the minimum number of parking spaces for this site should be calculated on the basis of one space per bedroom, plus additional for staff, if necessary. The submitted floor plans and supporting information show a total of 8 bedrooms; however taking into account space to accommodate additional sleeping arrangements the Local Planning Authority has assessed the development on the basis of having 10 bedrooms. As there are 10 bedrooms and two members of staff, a minimum of 12 parking spaces are required. It has been found that at least 12 spaces can be accommodated within the application site and the development is therefore in accordance with the CHA Design Guidance.

Overall, the CHA is of the view, the residual cumulative impacts of development are not considered severe in accordance with Paragraph 109 of the NPPF 2018. Accordingly the highway safety aspects of the scheme are considered acceptable and the proposal is considered acceptable in relation to adopted Policies IF4 and IF7 of the adopted Local Plan.

Impact on the River Mease Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI)

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC). Discharge from the sewage treatment works within the SAC catchment area is a major contributor to the phosphate levels in the river. Discharge into the river from non-mains drainage systems and from surface water disposal can also result in an adverse impact on the SAC, including in relation to impacts on water quality and flow levels.

The proposal could result in an impact on the SAC, which may undermine the conservation objectives as it may result in the additional discharge of foul drainage to the treatment works / use of a non-mains drainage system and surface water drainage discharge. Therefore an appropriate assessment of the proposal and its impacts on the SAC is required.

The holiday let use can accommodate up to 26 people which is considered to result in a higher discharge of foul drainage from the site than a dwellinghouse. Foul drainage is being discharged to the mains sewer and as such a contribution under the terms of DCS2 is required. This contribution has been calculated the basis of the number of bedrooms. Given that the site was formerly a dwelling it is considered reasonable to deduct 4 bedrooms from the total of 10 bedrooms to only account for the additional impact of the holiday let use beyond the former dwelling.

A contribution based on 6 bedrooms is concluded as £949.5 which the applicant has agreed to. The applicant is currently working with the Council's legal team to complete the legal agreement and secure this contribution.

With regard to surface water drainage the only increase in floor area relates to a new timber outbuilding and this drainage discharges to a soakaway. It is therefore considered that the drainage would be a sustainable method which would not adversely impact on the River Mease SAC.

On this basis, it is considered that the integrity of the River Mease SAC would be preserved and the development would accord with Policy En2 (River Mease Special Area of Conservation) and Cc3 (Water - Sustainable Drainage Systems) of the adopted Local Plan.

Therefore it can be ascertained that the proposal will, either alone or in combination with other plans or projects, have no adverse effect on the integrity of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI, and would comply with the Habitat Regulations 2017, the NPPF and adopted Policies S2, EN1 and EN2.

Other Matters

Concerns have been raised by a neighbour regarding burning of waste materials on site. This has been discussed with the Council's Environmental Protection Officer who has advised that having a bonfire on site is not an offence in itself. Should this happen on a regular basis then it could be classed as a statutory nuisance and the neighbours effected would need to report this to the council for our Environmental Protection team to investigate.

Conclusion

The principle of the development is acceptable. The proposal is not considered to have any significantly detrimental design, heritage, residential amenity or highway impacts and it is considered that the integrity of the River Mease SAC would be preserved. It is also considered that the proposals would not harm the Listed Building. The proposal is deemed to comply with the relevant policies in the adopted Local Plan, the advice in the NPPF and the Council's Good Design SPD. There are no other relevant material planning considerations that indicate planning permission should not be granted. Accordingly the application is recommended for planning permission, subject to the imposition of planning conditions.

RECOMMENDATION:- Permit, subject to the following conditions and completion of a Section 106 agreement

- 1 In accordance with amended plans
- 2 Site to be occupied as a whole unit.

- 3 No outdoor activity between the hours of 11pm and 9am.
- 4 Occupation of the site is limited to a maximum of 26 guests.
- 5 The area for the change of use is limited to the redline boundary.

Retention of internal alterations to staircase

**Report Item No
A2**

**The Grange 69 Church Street Donisthorpe Swadlincote Derby
DE12 7PX**

**Application Reference
18/01334/LBC**

**Grid Reference (E) 431306
Grid Reference (N) 313842**

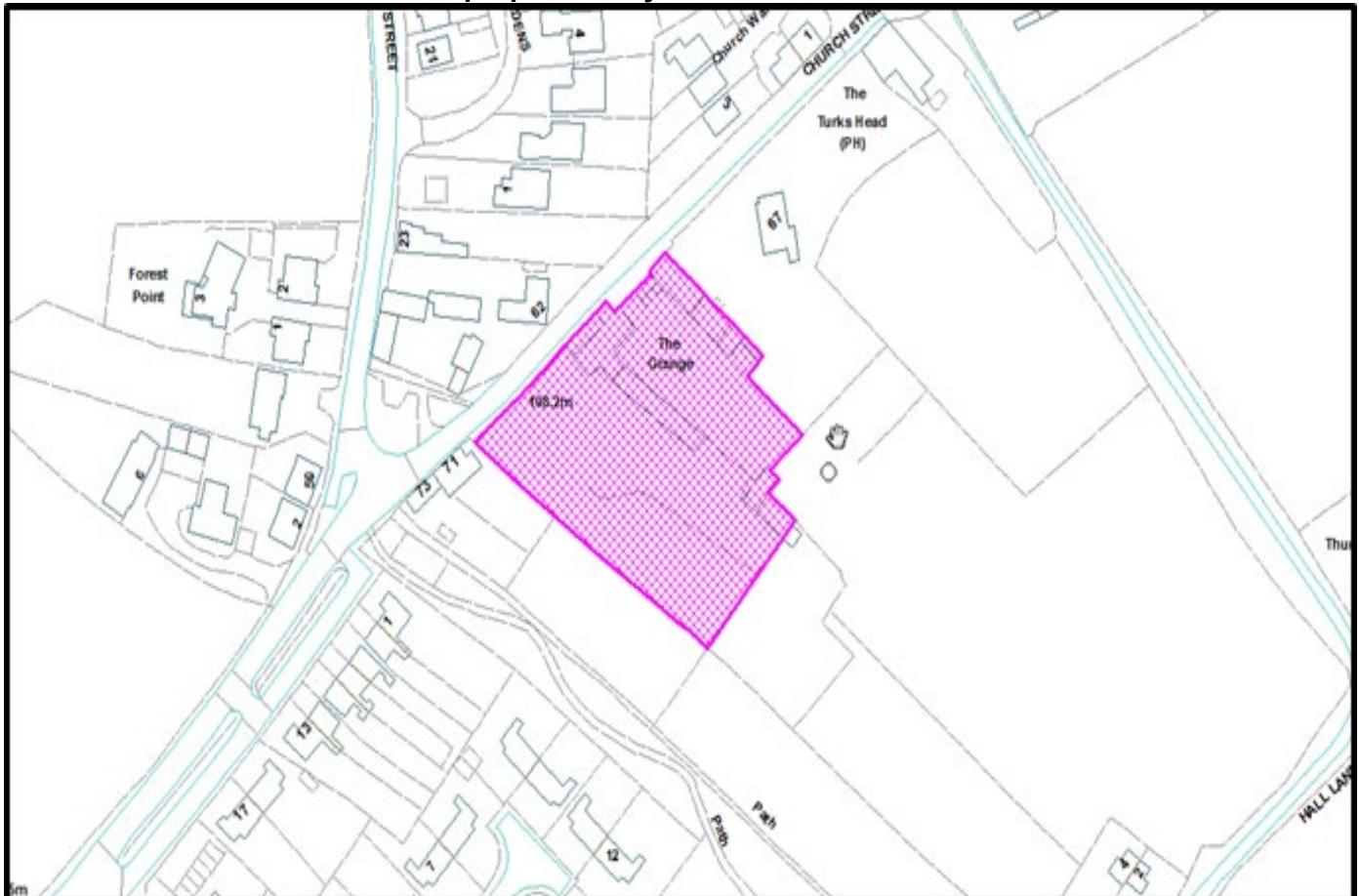
**Date Registered:
2 August 2018
Consultation Expiry:
29 October 2018
8 Week Date:
27 September 2018
Extension of Time:
None Agreed**

**Applicant:
Mr S Marston**

**Case Officer:
Sarah Booth**

**Recommendation:
PERMIT**

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Reasons for Approval

Reason for Call In

The application is called in to Planning Committee as the Ward Member (Councillor Ashman) has requested it to be considered by Planning Committee due to impacts on the fabric of the Listed Building.

Proposal

Listed Building Consent is sought for the retention of an internal staircase at the Grange 69 Church Street Donisthorpe.

Consultations

Members will see from the main report below that there are objections raised from two neighbours.

There are no other objections raised from statutory consultees.

Planning Policy

The site is located within Limits to Development as defined by the adopted Local Plan. The application has also been assessed against the relevant policies in the NPPF, the Planning (Listed Buildings and Conservation Areas) Act, the adopted Local Plan and other relevant guidance.

Conclusion

The key issues are:

- Impacts on the Fabric and Character of the Listed Building

The report below considers these matters, and Officers conclude that the proposal is acceptable on this basis. The scheme meets the requirements of relevant NWLDC policies, the applicable paragraphs of the NPPF and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act.

RECOMMENDATION - PERMIT, SUBJECT TO CONDITIONS.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

Listed building consent is sought retrospectively for the retention of an internal staircase at the Grange, 69 Church Street, Donisthorpe. A staircase was approved under application 11/00103/LBC in a similar location to the one subject to this application, this application seeks consent to retain the staircase in this revised position.

Members are advised that unauthorised works have also taken place on site consisting of the replacement of three single glazed window frames with double glazed timber framed windows to the second floor dormer windows on the front elevation. During the course of this application it was intended to include these works in the current listed building consent application, however the applicant has withdrawn these works from the current application due to concerns raised by the Conservation Officer. The applicant is currently working with the Conservation Officer and the Council's enforcement team with a view to submitting a new application to addresses the concerns raised.

Members are therefore advised that the only matter for consideration in this application is the retention of an unauthorised internal staircase.

This application should be read in conjunction with the report for full planning permission ref: 18/01333/FUL which is also reported on this Planning Committee agenda.

Recent Planning History:-

18/01333/FUL - Retrospective planning application for the change of use of dwelling to holiday let and retention of outbuilding (Pending consideration).

11/00140/FUL Erection of a single storey orangery, conversion of attached outbuilding to habitable accommodation, conversion of detached outbuilding to ancillary accommodation, reconstruction of former detached outbuilding and various external alterations PER 11.08.2011.

11/00103/LBC Erection of a single storey orangery, conversion of attached outbuildings to habitable accommodation, conversion of detached outbuilding to ancillary accommodation, reconstruction of former detached outbuildings and various internal and external alterations (Listed Building Consent) PER 07.04.2011.

10/01091/LBC External and Internal alteration to The Grange and restoration of Greenhouse in the garden area (Listed Building Consent) PER 13.01.2011.

10/00901/LBC Formation of new opening in garden wall. PER 09.11.2010.

2. Publicity

15 Neighbours have been notified.

Site Notice displayed 10 August 2018.

Press Notice published Leicester Mercury 22 August 2018.

3. Summary of Consultations and Representations Received

The following summary of responses is provided.

Oakthorpe and Donisthorpe Parish Council - no comments have been received in relation to this application.

Conservation Officer - comments incorporated into the following report.

Historic England - No objections.

Third Party Representations:

- Any permission granted should be in keeping with the old building.
- Noise concerns.
- Events taking place in unsocial hours.
- Management is not local so cannot police the use of the site.

4. Relevant Planning Policy

In considering whether to grant listed building consent for any works, s16 of the Planning (Listed Buildings & Conservation Areas) Act 1990 states that the local planning authority "shall have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest that it possesses".

Generally the National Planning Policy Framework (NPPF) advises us to "take account of the desirability of sustaining and enhancing the significance of heritage assets". The NPPF attaches great weight to the conservation of designated heritage assets and advises that "any harm or loss should require clear and convincing justification". Where proposed works would lead to less than substantial harm, this should be weighed against the public benefits of the proposal.

National Planning Policy Guidance (NPPG) advises that "reducing or removing risks to a heritage asset" should be considered a public benefit.

Historic England has published an advice note, 'Making changes to heritage assets' (2016). The advice note "illustrates the application of the policies set out in the NPPF in determining applications for listed building consent". The advice note says that "repairs to a listed building may require consent" and that "the loss of historic fabric following repairs [should] be proportionate to the nature of the works".

5. Assessment

The main consideration in the determination of the application relates to whether the works proposed will preserve the architectural and historical character of the building.

Impacts on the Fabric and Character of the Listed Building

The application property, known as The Grange, is a Grade II Listed building. There are also several outbuildings on site which are curtilage listed. A staircase was approved under application 11/00103/LBC in a similar location to the one subject to this application, this application seeks consent to retain the staircase in this revised position.

The proposed development must therefore be considered against section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that when considering a planning application for development that affects a listed building or its setting, the decision maker, "shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possess."

The Staircase in question is constructed in metal and has a traditional appearance sympathetic to the character of the listed building. The staircase is located in the ground floor living room towards the rear of the house and leads to a storage / landing area on the first floor above. A staircase was previously approved under application 11/00103/LBC in the opposite corner of the

same room and it is not considered that the relocation of the staircase differs significantly or harmfully from the previously approved application. The Conservation Officer has raised no objections to these works and there is no adverse impact on the fabric of the listed building.

In view of the above it is considered that the staircase would not adversely impact on the fabric of the listed building due to its design, scale and its minimal impact on the character of the building. As such the proposal would not result in harm to the designated asset and would therefore comply with the NPPF, Section 16 of the Planning (Listed Buildings & Conservation Areas) Act 1990 and Historic England's guidance.

It is therefore recommended that Listed Building Consent is granted subject to conditions.

Other Issues

The concerns raised within the letters of representation in relation to the change of use application are not material to the consideration of this application for Listed Building Consent, but have been fully appraised within the accompanying application for planning permission.

RECOMMENDATION - PERMIT subject to the following condition:-

- 1 Approved plans

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