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Meeting	PLANNING COMMITTEE
Time/Day/Date	6.30 pm on Tuesday, 5 November 2019
Location	Council Chamber, Council Offices, Coalville
Officer to contact	Democratic Services (01530 454512)

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 1 October 2019.	3 - 6
4.	PLANNING APPLICATIONS AND OTHER MATTERS	
	Report of the Head of Planning and Infrastructure.	7 - 10

Index of Applications to be Considered

Item	Application Number and Details	Recommendation	Page
A1	17/01136/OUTM: Employment development incorporating a mix of B1(c), B2 and B8 use including new access roads, footpaths, cycleways and green infrastructure (outline - all matters other than part access reserved) Land East Of Carnival Way Castle Donington Leicestershire	Refuse	11 - 32
A2	19/00344/VCI: Variation of condition 3 of planning permission 17/00316/RET to allow for the number of guests to be increased to 40 at any time and to remove the requirement for the additional sleeping accommodation to be used only for holiday rentals in conjunction with/ancillary to those staying at Highfields Manor Highfields Manor Rempstone Road Belton Loughborough Leicestershire LE12 9XA	Permit	33 - 42
A3	19/00349/VCI: Variation of condition 2 of pp 13/00792/FUL to allow for the number of guests to be increased to 40 at any time for no more than 135 days per year, no more than 40 weekends a year and removal of condition 3 to allow for two holiday rental groups to use the site at any one time. Highfields Manor Rempstone Road Belton Loughborough Leicestershire LE12 9XA	Permit	43 - 52
A4	19/00770/FUL: Change of use of tattoo shop to an A5 (hot food takeaway) use, installation of flue to rear and alterations to shop front 68 - 70 Belvoir Road Coalville Leicestershire LE67 3PP	Permit	53 - 62
A5	19/01565/FUL: Proposed additional A5 use (hot food takeaways) to existing C1 and A3 use The Halfway House 128 Belvoir Road Coalville Leicestershire LE67 3PQ	Permit	63 - 72
A6	19/00619/OUT: Demolition of the two no Dutch barns and erection of one dwelling and single storey garage with annexe accommodation (outline-access and layout included) Manor Farm Main Street Breedon On The Hill Derby DE73 8AN	Permit	73 - 82

MINUTES of a meeting of the PLANNING Committee held in the Council Chamber, Council Offices, Coalville on TUESDAY, 1 October 2019

Present: Councillor N Smith (Chairman)

Councillors R Boam, A J Bridgen, R Canny, D Everitt, D Harrison, J Legrys, J Geary (Substitute for Councillor R Johnson) and V Richichi (Substitute for Councillor J Clarke)

In Attendance: Councillor R Johnson

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

28. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors J Clarke, J Hout, R Johnson and M B Wyatt.

29. DECLARATION OF INTERESTS

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

Councillor R Boam a non-pecuniary interest in item A2, application number 18/02074/FUL, as he lived in the ward and had spoken to applicant? But came to the meeting with an open mind.

Councillor J Geary declared a non-pecuniary interest in item A1, application number 19/00141/OUTM, as he had seen photos of flooding in the area and had been to visit the site. He further declared that he had come to the meeting with an open mind.

Councillor J Legrys declared the he had been lobbied without influence on item A1, application number 19/00141/OUTM and he had come to the meeting with an open mind.

Councillor N Smith declared a non-pecuniary interest in item A1, application number 19/00141/OUTM, as he had seen photos of flooding in the area but he had come to the meeting with an open mind.

Councillor N Smith stated that the previous planning committee on the 3rd September had been highly emotive and at the end of the meeting he let his emotions get the better of him, which he acknowledged.

30. MINUTES

Consideration was given to the minutes of the meeting held on 3 September 2019.

It was moved by Councillor N Smith, seconded by Councillor J Legrys and

RESOLVED THAT:

The minutes of the meeting held on 3 September 2019 be approved and signed by the Chairman as correct record.

31. PLANNING APPLICATIONS AND OTHER MATTERS

Consideration was given to the report of the Head of Planning and Infrastructure, as amended by the update sheet circulated at the meeting.

32. A1
19/00141/OUTM: RESIDENTIAL DEVELOPMENT FOR UP TO 30 DWELLINGS
(OUTLINE APPLICATION WITH DETAILS OF PART ACCESS)
 67 Station Road Hugglescote Coalville Leicestershire LE67 2GB

Officer's Recommendation: PERMIT subject to S106 Agreement

Councillor N Smith drew Members' attention to the amended recommendation in the update sheet following incidents of flooding on Station Road.

A motion to defer the application in accordance with the officer's recommendation was moved by Councillor N Smith and seconded by Councillor J Legrys.

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

RESOLVED THAT:

The application be deferred in accordance with the amended recommendation of the Interim Head of Planning and Infrastructure as detailed in the update sheet.

Motion to defer the application in accordance with the amended officer recommendation as detailed in the Update Sheet (Motion)	
Councillor Nigel Smith	For
Councillor Russell Boam	For
Councillor Alexander Bridgen	For
Councillor Rachel Canny	For
Councillor David Everitt	For
Councillor Dan Harrison	For
Councillor John Legrys	For
Councillor John Geary	For
Councillor Virge Richichi	For
Carried	

33. A2
18/02074/FUL: ERECTION OF DETACHED DWELLING ON SITE OF THE FORMER
WESLEYAN METHODIST CHAPEL

Site Of The Former Wesleyan Chapel Dog Lane Wilson Derby

Officer's Recommendation: PERMIT

The Senior Planning Officer presented the report to Members.

Mr A Large, agent, addressed the Committee highlighting that the site was previously developed land and the erection of a dwelling on the site accorded with Local Plan Policy. The building is within the Conservation Area and spans a brook and therefore, there is a need to protect the watercourse and the historic environment. The building has been designed with concrete beam foundations and no works to the brook will be required. The building had been designed to ensure limited impact on the brook, the surface water would be used for the toilets and washing machine and it would be occupied by the applicant, who was from the village.

In determining the application some Members expressed concerns over the risk of flooding should the watercourse block. Members had regard to the flood zones and areas

identified as being at risk of surface water flooding and that should the response from the Local Flood Authority be contrary to the officer's report the application would be brought back to Committee.

A motion to permit the application in accordance with the officer's recommendation was moved by Councillor D Harrison and seconded by Councillor J Geary.

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

RESOLVED THAT:

The application be permitted in accordance with the recommendation of the Interim Head of Planning and Infrastructure, subject to no contrary observations being received from the LLFA.

Motion to permit the application in accordance with the officer recommendation (Motion)	
Councillor Nigel Smith	For
Councillor Russell Boam	For
Councillor Alexander Bridgen	For
Councillor Rachel Canny	For
Councillor David Everitt	For
Councillor Dan Harrison	For
Councillor John Legrys	Against
Councillor John Geary	For
Councillor Virge Richichi	For
Carried	

34. 5. TO CONSIDER THE MAKING OF A TREE PRESERVATION ORDER (TPO) AT 86 LEICESTER ROAD, WHITWICK

Report of the Interim Planning and Development Team Manager

Officer's Recommendation:

The Principal Planning Officer presented the report to Members.

The recommendations were moved by Councillor D Harrison and seconded by Councillor J Legrys.

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

RESOLVED THAT:

- (i) The Tree Preservation Order (TPO) T477 be confirmed
- (ii) The Tree Preservation Order (TPO) T476 is not confirmed

Motion to agree the recommendation as detailed in the report (Motion)	
Councillor Nigel Smith	For
Councillor Russell Boam	For
Councillor Alexander Bridgen	For

Councillor Rachel Canny	For
Councillor David Everitt	For
Councillor Dan Harrison	For
Councillor John Legrys	For
Councillor John Geary	For
Councillor Virge Richichi	For
Carried	

The meeting commenced at 6.30 pm

The Chairman closed the meeting at 7.00 pm

APPENDIX B

**Report of the Head of Planning and Infrastructure
to Planning Committee**

5 November 2019

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 Head of Planning and Infrastructure are material planning considerations and relate to matters not previously raised.

4. Reasons for Grant

Where the Head of Planning and Infrastructure 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 Head of Planning and Infrastructure.

5. Granting permission contrary to Officer Recommendation

Where the Head of Planning and Infrastructure 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 Head of Planning and Infrastructure.

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 Head of Planning and Infrastructure.

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 Head of Planning and Infrastructure/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 Head of Planning and Infrastructure.

9. Decisions on Items of the Head of Planning and Infrastructure

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.

Employment development incorporating a mix of B1(c), B2 and B8 use including new access roads, footpaths, cycleways and green infrastructure (outline - all matters other than part access reserved)

Land East Of Carnival Way Castle Donington Leicestershire

Report Item No
A1

Application Reference
17/01136/OUTM

Grid Reference (E) 445163
Grid Reference (N) 328432

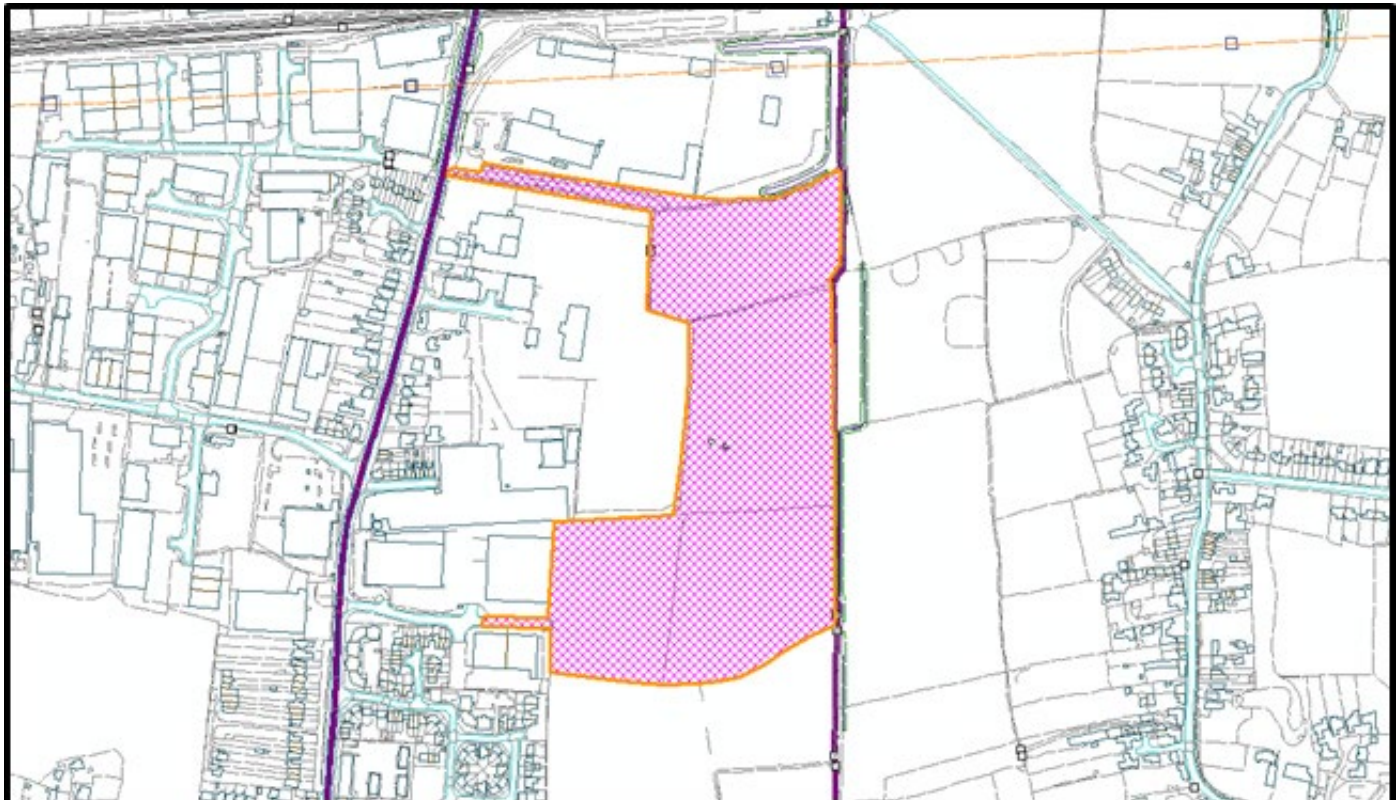
Date Registered:
14 August 2017
Consultation Expiry:
26 December 2018
8 Week Date:
13 November 2017

Applicant:
Mr Stephen Pedrick-Moyle

Case Officer:
James Knightley

Recommendation:
REFUSE

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Recommendation

Call In

The application is brought to the Planning Committee for a decision as the District Council's Strategic Director of Place considers that the application raises matters which should be referred to the Committee for determination.

Proposal

This is an outline planning application for employment development falling within Classes (B1(c) (light industrial), B2 (general industrial) and B8 (storage or distribution) of the Town and Country Planning (Use Classes) Order 1987 (as amended) on the eastern edge of Castle Donington.

Consultations

Objections have been received from Castle Donington and Lockington cum Hemington Parish Councils in respect of the proposals, as well as from a number of local residents. There are no unresolved objections from other statutory consultees.

Planning Policy

The application site lies outside Limits to Development as defined in the adopted North West Leicestershire Local Plan.

Conclusion

Whilst there is an overall shortage in employment land on allocated sites within the District compared with identified need (and, therefore, some land outside Limits to Development is likely to be required in order to help meet that shortfall), the proposed scheme would result in the development of land within a relatively narrow gap between the settlements of Castle Donington and Hemington, contrary to the criteria set out within Policy S3 of the adopted North West Leicestershire Local Plan which apply to development outside Limits to Development.

RECOMMENDATION:-

REFUSE

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

This is an outline planning application for employment development (B1(c) (light industrial), B2 (general industrial) and B8 (storage or distribution) on a site of approximately 8.75 hectares to the east of Carnival Way, currently used for agricultural purposes. The site is adjacent to a number of other land uses, including other employment development, land in agricultural use and car sales.

Whilst some matters are reserved for subsequent approval, and following amendment of the proposals, an illustrative masterplan has been submitted which shows seven units of varying sizes served from an extension to the existing cul-de-sac at Carnival Way and with additional pedestrian access from Station Road.

As set out above, the application is in outline. All matters are reserved save for the access (insofar as it relates to the proposed vehicular access into the site from Carnival Way). The remainder of the "access" matters (i.e. including circulation routes through the site itself) are reserved for subsequent approval.

In terms of the scale of the development, following amendment, the application documents indicate that the proposed buildings would have a total floorspace of 23,838sqm (and, individually, ranging between 1,031sqm and 5,704sqm). Prior to amendment of the proposed masterplan, indicative material indicated maximum building ridge heights of 8 metres on the eastern side of the site, and 10 metres adjacent to the vehicular access in the south western part.

2. Publicity

44 neighbours notified.

Site Notice displayed 24 August 2017.

Press Notice published Derby Evening Telegraph 30 August 2017.

3. Summary of Consultations and Representations Received

Castle Donington Parish Council objects on the following grounds:

- Site outside Limits to Development
- Within an Area of Separation
- Would result in a reduction in the separation between the built up areas of Castle Donington and Hemington
- Flood zone
- Land to the east of Owen Brown only has permission for outside storage
- Adverse impact on the countryside
- Contrary to Local Plan policy
- Existing vacant small industrial units and sites with outline planning permission for employment development in Castle Donington
- HGV route would require right turns given location of weight limits
- Very low unemployment levels in Castle Donington
- Increased traffic

- Locating employment development in this area would conflict with aims of proposed Castle Donington relief road
- Transport Assessment undertaken on day which does not reflect normal traffic conditions
- Approval would undermine aims of the new North West Leicestershire Local Plan
- Exacerbation of existing air quality issues within the Castle Donington Air Quality Management Area caused by breaches of weight limits by HGVs

Environment Agency has no objections subject to conditions

Highways England has no objections subject to conditions

Leicestershire County Council Archaeologist advises that additional field investigation be undertaken prior to determination

Leicestershire County Council Ecologist has no objections subject to conditions

Leicestershire County Council Lead Local Flood Authority has no objections subject to conditions

Leicestershire County Council Local Highway Authority has no objections subject to conditions and Section 106 obligations

Leicestershire County Council Rights of Way Officer has no objections subject to conditions

Lockington cum Hemington Parish Council objects on the following grounds:

- Site outside Limits to Development
- Within an Area of Separation
- Would result in a reduction in the separation between the built up areas of Castle Donington and Hemington
- Flood zone
- Land to the east of Owen Brown only has permission for outside storage
- Adverse impact on the countryside
- Contrary to Local Plan policy and the NPPF
- Existing vacant small industrial units and sites with outline planning permission for employment development in Castle Donington and Cavendish Bridge
- Very low unemployment levels in the DE74 postcode area
- Increased traffic, including HGVs (and contrary to weight restrictions)
- Approval would undermine aims of the new North West Leicestershire Local Plan
- Lockington and Hemington being encroached upon by large development, including East Midlands Gateway (including its associated disturbance from goods trains)
- Impact on air quality
- Light pollution
- No local support

North West Leicestershire District Council Environmental Protection has no objections subject to conditions

Third Party representations

79 representations have been received, objecting on the following grounds:

Principle of Development / Planning Policy / Countryside Impacts

- Site outside Limits to Development / within the countryside
- Would lead to coalescence of Castle Donington and Hemington
- Contrary to Local Plan policy
- Unnecessary development
- Site is not an infill plot
- Site is in the Green Belt
- Inaccurate Landscape and Visual Appraisal
- Adverse visual impact
- Loss of agricultural land
- Adverse impact on the character of the village and its setting
- Castle Donington and the District already have sufficient employment provision and with further development permitted
- Existing employment sites are not occupied
- Job types not aligned to local need
- Sufficient job opportunities already exist in the area
- Development should be in Coalville

Transportation Issues

- Access from Carnival Way of insufficient width
- Adverse impact on highway safety (including in respect of cyclists and pedestrians)
- Increased traffic congestion
- On-street car parking would affect emergency services' ability to serve the site
- Increased HGVs would result in an adverse impact on the efficient operation of nearby businesses
- Insufficient infrastructure to support the development
- Increased disturbance from traffic
- Would require HGVs to enter a weight restricted area, and cross a weight restricted bridge to access the site
- Compliance with the weight limit would require a significant diversion

Other Environmental Issues

- Pollution / adverse impact on air quality
- Site within the flood plain
- Development would result in increased flooding elsewhere
- Adverse impact on nature conservation / habitat
- Noise
- Too close to residential areas

Full details of the comments are available on the public file.

4. Relevant Planning Policy

National Policies

National Planning Policy Framework 2019

The following sections of the National Planning Policy Framework (NPPF) are considered relevant to the determination of this application:

Paragraphs 7, 8, 11 and 12 (Achieving sustainable development)

Paragraphs 47, 54, 55 and 56 (Decision-making)
Paragraphs 80, 82 and 83 (Building a strong, competitive economy)
Paragraphs 102, 106, 107, 108, 109, 110 and 111 (Promoting sustainable transport)
Paragraphs 124, 127, 128, 130 and 131 (Achieving well-designed places)
Paragraphs 155, 157, 158, 159, 160, 161, 163 and 165 (Meeting the challenge of climate change, flooding and coastal change)
Paragraphs 170, 175, 176 and 177 (Conserving and enhancing the natural environment)
Paragraphs 189, 190, 192 and 197 (Conserving and enhancing the historic environment)

Further advice is provided within the MHCLG's Planning Practice Guidance.

Adopted North West Leicestershire Local Plan (2017)

The application site is outside Limits to Development as defined in the adopted North West Leicestershire Local Plan. The following Local Plan policies are relevant to this application:

Policy S1 - Future housing and economic development needs
Policy S3 - Countryside
Policy D1 - Design of new development
Policy D2 - Amenity
Policy Ec2 - New Employment sites
Policy Ec5 - East Midlands Airport: Safeguarding
Policy IF1 - Development and Infrastructure
Policy IF4 - Transport Infrastructure and new development
Policy IF7 - Parking provision and new development
Policy En1 - Nature Conservation
Policy En6 - Land and Air Quality
Policy He1 - Conservation and enhancement of North West Leicestershire's historic environment
Policy Cc2 - Flood Risk
Policy Cc3 - Sustainable Drainage Systems

Other Policies

Good Design for North West Leicestershire SPD

Leicestershire Highway Design Guide (Leicestershire County Council)

5. Assessment

Principle of Development

Insofar as the principle of development is concerned, and 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; the site is located outside of the Limits to Development as defined in the Local Plan.

Policy S3 sets out the circumstances in which development will be permitted outside Limits to Development; insofar as employment development is concerned, the *principle* of such uses is allowed for where it would comply with Policy Ec2.

Policy Ec2 (subsection (2)) provides that *"Where evidence indicates an immediate need or demand for additional employment land (B1, B2 and B8) in North West Leicestershire that cannot be met from land allocated in this plan, the Council will consider favourably proposals that meet the identified need in appropriate locations subject to the proposal:*

- (a) Being accessible or will be made accessible by a choice of means of transport, including sustainable transport modes, as a consequence of planning permission being granted for the development; and*
- (b) Having good access to the strategic highway network (M1, M42/A42 and A50) and an acceptable impact on the capacity of that network, including any junctions; and*
- (c) Not being detrimental to the amenities of any nearby residential properties or the wider environment."*

As such, in order to comply with the *principle* of development requirements of Policy S3, it would be necessary to demonstrate that there was an immediate need or demand for additional employment land within the District that could not otherwise be met by allocated sites (and, if that could be shown, that the criteria in (a), (b) and (c) above would also be met).

Should Policy Ec2 be satisfied (and, hence, the *principle* of development element of Policy S1 be satisfied), it will also then be necessary to consider the proposals' compliance with criteria (i) to (vi) within Policy S3. Of particular relevance to this application are considered to be criteria (i), (ii), (iv) and (vi), as follows:

- "(i) the appearance and character of the landscape, including its historic character and features such as biodiversity, views, settlement pattern, rivers, watercourses, field patterns, industrial heritage and local distinctiveness is safeguarded and enhanced. Decisions in respect of impact on landscape character and appearance will be informed by the Leicester, Leicestershire and Rutland Historic Landscape Characterisation Study, National Character Areas and any subsequent pieces of evidence; and*
- (ii) it does not undermine, either individually or cumulatively with existing or proposed development, the physical and perceived separation and open undeveloped character between nearby settlements either through contiguous extensions to existing settlements or through development on isolated sites on land divorced from settlement boundaries; and...*
- ...(iv) built development is well integrated with existing development and existing buildings, including the re-use of existing buildings, where appropriate; and...*
- ...(vi) The proposed development is accessible, or will be made accessible, by a range of sustainable transport."*

Policy Ec2 (2) - Need / Demand

Under Policy Ec2, the first requirement to be met for new employment sites on sites not allocated in the adopted Local Plan is that there is an immediate need or demand for additional employment land within the District that could not otherwise be met by allocated sites.

The application is accompanied by a Market Overview document which assesses the current employment land supply position in the Castle Donington area, and notes that it is broadly aimed at either larger distribution focussed occupiers, or those associated with the operation of East Midlands Airport. It also suggests that there are low vacancy rates and a lack of choice of premises in the area. Additional information has also recently been received providing details of businesses expressing an interest in the area (within Castle Donington in particular or within the wider area - e.g. accessible to the M1 etc.).

When strategic scale B8 use is excluded, the Housing and Economic Needs Development

Assessment (HEDNA) for the Leicester and Leicestershire Housing Market Area identified a total requirement for North West Leicestershire for the period 2011-2031 of 64.8ha of employment land. The HEDNA breaks this down in to 44.7ha for B1(a) / B1(b), 3.3ha B1(c) / B2 and 16.8ha small B8 (i.e. units of less than 9,000sqm). For the period 2011-2036 the figures are 55.9ha B1(a) / B1(b), 4.1ha B1(c) / B2 and 21.0ha small B8, and resulting in an overall requirement of 81.0ha for the period to 2036. The HEDNA advises that the requirements should be regarded as minimum figures.

When assessed against the overall employment land requirements identified in the HEDNA, the Local Planning Authority currently has a shortfall of approximately 17.0ha (to 2031, which is the end of the Plan period for the adopted Local Plan), or 33.2ha (to 2036, the alternative end date used in the HEDNA). This figure includes allocations, completions, sites under construction and sites with planning permission. An allowance is also made for potential loss of employment land to alternative uses. Whilst it is noted that there is an overall shortfall of 17.0ha (2031) / 33.2ha (2036), the relevant figures for B1(c), B2 and (small) B8 are a "surplus" of 11.1ha (2031) / 10.3ha (2036) of B1(c) and B2, and a "surplus" of 7.4ha (2031) / 3.2ha (2036) of small B8 when compared to the (minimum) requirements. In contrast, there is a shortfall in the B1(a) / B1(b) category of between 24ha (2031) and 36ha (2036). The proposed uses would not directly address this specific shortfall. However, this needs to be balanced against the fact that, as noted above, the HEDNA requirements are to be regarded as a minimum whilst there is also no guarantee that those sites with permission or allocated will come forward as currently projected.

Whilst the type of employment use that this application proposes would not directly address the specific identified area of shortfall (and whilst this factor should be taken into account in the planning balance), it is nevertheless accepted that it would make a contribution towards the employment land provision of the district when compared to the overall employment land needs identified in the HEDNA. Furthermore, whilst it is the case that there is a significant amount of employment development in and around Castle Donington, the vast majority of this is of a strategic nature. What is being proposed would provide smaller scale opportunities and so provide a more balanced employment land supply.

A Sequential Assessment report has also been produced in support of the application, assessing the availability of alternative sites to meet (and also relevant to the flood risk issues as set out in more detail under the relevant section below). The submitted document refers to a high level of demand for suitable modern business premises and an identified local need for smaller premises but, whilst a market overview of existing supply is provided, the application does not appear to include any detailed market evidence to demonstrate any specific need. Also relevant to the flood risk sequential test below are the applicant's site search parameters, and which include a requirement for the site to be in the Castle Donington area and to be available immediately. Given that the need for employment land identified in the HEDNA refers to the District as a whole, it would seem appropriate to consider sites beyond the immediate Castle Donington area; similarly, the need is for a period running to 2031 (or 2036) and, as such, the requirement for an "immediate" need is unclear. However, this would need to be considered alongside the more recently submitted information identifying specific businesses who have expressed an interest in relocating to new accommodation within the area, and a letter of support submitted by the applicant from a third party who advises that he / she is the managing director of a business in Castle Donington with 56 employees that has been searching for larger premises (15-20,000sqft (1,393-1,858sqm approx.)) for two years.

In terms of the sites assessed under the applicant's sequential approach, the conclusions are set out in more detail below. In terms of the applicant's sequential options generally, it is noted that these are limited to sites set out in the District Council's Strategic Flood Risk Assessment;

whilst there would appear to be no particular justification for limiting the sites considered in this way, it is acknowledged that the MHCLG's Planning Practice Guidance advocates a pragmatic approach to applying the sequential test. Insofar as the area of search is concerned, the Planning Practice Guidance suggests that the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed. In this case, given the fact that the employment requirements in the HEDNA are identified at a District-wide level, a District-wide search could be considered appropriate. Again, however, a proportionate approach is considered reasonable.

Land at EM Point (M1 Junction 23A):

The applicant rules this out on the basis that the site is too small for the development proposed. Whilst it also suggests it is unsuitable due to what it suggests was a previous refusal of planning permission, the site has the benefit of a Certificate of Lawful Proposed Development and, in effect, has a "live" planning permission for a roadside services, a previous scheme having been commenced within the statutory time limit; the site is also the subject of a current application for development within Classes B1(a) and B1(b) (ref. 18/02227/FULM). However, the comments on size are nevertheless accepted (although this is predicated on the need for all units to be located on the same site whereas, particularly if a number of separate units are proposed, there would appear to be scope for a more flexible approach on size of site), and it is also considered that, given the site's prominent location adjacent to the motorway, industrial type units of the kind indicated would be unlikely to be appropriate from a design perspective.

Land at East Midlands Airport (adjacent to Donington Park Motorway Services):

Again this is ruled out on size (see comments under the M1 Junction 23A site above). The site is however also not currently being marketed, so its availability is uncertain.

Land at Donington Park:

The site is within the East Midlands Airport Public Safety Zone and is therefore unsuitable (given the policy presumption against new development within Public Safety Zones leading to increased numbers of visitors etc).

Land at Derby Road, Kegworth:

Whilst the applicant's information rules this out on the grounds of the site not being marketed, it would in any event appear to be affected by the proposed route of HS2.

Land at A50 / Trent Lane, Castle Donington:

This site is being marketed, but is within Flood Zone 3b of the Environment Agency flood risk map identification.

Land at Sawley Marina:

This site is within Flood Zone 3b of the Environment Agency flood risk map identification.

Land at Sawley Crossroads:

Whilst the assessment refers to the site's location within Flood Zones 3a and 3b of the Environment Agency flood risk map identification, the site is, in practice, not subject to flooding due to historical raising of land levels. Nevertheless, it is accepted that, given Aldi's proposed development (and future expansion space), it would not in any event appear to be available for the applicant's use.

Plots 2B and Plots 4B and 4D Willow Farm, Castle Donington:

Whilst the assessment refers to the sites' location within Flood Zone 3b of the Environment Agency flood risk map identification, the sites are, in practice, not subject to flooding due to

historical flood protection works. They are also within a Primary Employment Area allocated in the Local Plan. Regardless, however, the sites are ruled out on size grounds.

East Midlands Gateway site:

Use of this site is ruled out on the basis that the scheme is being targeted towards large space occupiers.

Plots 1 and 3, East Midlands Distribution Centre, Castle Donington:

Whilst there would appear to be no overriding planning reason why some of the remaining plots could not end up being made available for smaller units (and a number have already been provided to Plot 6), the applicant advises that the developer has indicated that it wishes to reserve the remainder of the site for national level operators. It is also noted that reserved matters approvals for larger scale units have been granted for these two plots.

It is noted that no reference is made within the applicant's sequential approach to the site on land to the south of Park Lane, Castle Donington, and which has outline planning permission for employment use as part of the wider mixed use development (although it is acknowledged that that scheme would have been taken into account when assessing overall supply as set out above). However, subsequently received supplementary information has indicated that, whilst the proposed relief road is due for completion during 2019, it will not provide immediate access into the employment site, and that third party issues need to be resolved. The information also indicates that the owners of the site would normally develop on a design and build basis, and would not consider a sale to a competitor.

Policy Ec2 (2) (a), (b) and (c)

Having regard to the conclusions above, it is accepted that, overall, some weight could reasonably be attributed to the opportunity to help meet the overall unmet employment land HEDNA requirement (albeit that unmet requirement relates to employment uses as a whole rather than the specific types of employment uses proposed under this application, with the more significant shortfall being in the B1(a) and B1(b) categories). It would also help to provide a more balanced employment land supply in terms of unit sizes. In terms of the criteria in the following sections of Policy EC2 (2) (i.e. criteria (a), (b) and (c)), the following conclusions are reached:

(a) Being accessible or will be made accessible by a choice of means of transport, including sustainable transport modes, as a consequence of planning permission being granted for the development

The site is located adjacent to the existing built up area of Castle Donington which has a good range of bus services, with regular buses from the nearest bus stops on Station Road to Nottingham, Derby, Leicester and East Midlands Airport.

(b) Having good access to the strategic highway network (M1, M42 / A42 and A50) and an acceptable impact on the capacity of that network, including any junctions

Castle Donington is, in general, considered to have good access to the strategic highway network (and, in particular, to the A50 at Sawley Crossroads). However, given the 7.5 Tonne weight limit along Station Road between its junctions with Broad Rushes and Trent Lane, in order to reach the site from the A50, HGVs would need to route via Broad Rushes / Back Lane / Trent Lane (adding approximately 1.2km to the route). Whilst this increases the travel distance between the site and the nearest point on the strategic highway network (i.e. Sawley Crossroads) to approximately 3.1km, it is still considered that this represents an acceptable

degree of accessibility to the strategic highway network.

Given the additional distance HGVs would need to travel to comply with the weight limit, concerns have been raised that approval of the scheme would encourage HGV drivers to breach it. Whilst it is accepted that such an eventuality could not be ruled out, any breach of highway legislation would need to be dealt with by the appropriate authority at that time; no concerns are raised in this regard by the County Highway Authority.

In terms of the capacity of the strategic highway network (and its junctions), it is noted that Highways England is satisfied that the existing network (and including the Sawley Crossroads junction) can accommodate the proposed development, and no objections are raised.

(c) Not being detrimental to the amenities of any nearby residential properties or the wider environment

Residential Amenity:

For the reasons set out in more detail below, the scheme is considered acceptable in terms of its impacts on the amenities of nearby residents (and would comply with Local Plan Policy D2).

Wider Environment:

Further assessment of this issue is set out under Countryside, Landscape and Visual Impact below.

Detailed Issues

For the reasons set out above, the assessment of the principle of development (and, in particular, how it performs against the requirements of Local Plan Policies S3 and Ec2) is, to an extent, also dependent on the consideration of other issues and, in this case, therefore, there is an element of overlap between issues of principle and detail. Further assessment of these issues of detail is set out below.

Means of Access, Highways and Transportation Issues

As set out in the introduction above, the application is in outline with all matters reserved save for the proposed vehicular access into the site from Carnival Way. Given the interrelationship between means of access, highways and transportation issues and Policy Ec2 (and, hence, Policy S3) of the Local Plan, assessment of some of these issues is already set out under Principle of Development above. In terms of other issues relating to means of access, highways and transportation, however, the following conclusions are reached, having regard to the advice of the Local and Strategic Highway Authorities:

Site Access:

The proposed vehicular access would be via a continuation of Carnival Way, an existing industrial service road comprising of 6m wide carriageway with adjacent footways on both sides. At the point of access under the applicant's control, it is proposed that the road be widened to 7.3m with the continuation of footways on both sides of the carriageway ensuring that the existing pedestrian connections tie in with the development proposals. The County Highway Authority confirms that vehicle tracking has been undertaken by the applicant so as to demonstrate that two HGVs can pass satisfactorily within the highway.

Highway Safety

The County Highway Authority confirms that it accepts the submitted personal injury collisions information, and considers that there are no issues that could be exacerbated by traffic associated with the proposed development.

Impact on the Wider Highway Network

Assessment of the impact of the development on a number of junctions in the vicinity of the site has been undertaken using TRICS data, and the following conclusions area reached by the County Highway Authority:

Carnival Way and Station Road:

Following the introduction of development traffic, it is anticipated that the Carnival Way / Station Road junction would operate within capacity.

Station Road, Trent Lane and Victoria Street:

As part of the approved retail development proposal for the Duflex site (13/00702/FULM), it is proposed to signalise the Station Road / Trent Lane / Victoria Street junction, and provide a new priority junction just to the south to form the site access (should that development proceed). The junction is anticipated to operate over capacity in all tested scenarios (and including in the without development scenario); with the development traffic included, the County Highway Authority advises that the increase in the degree of saturation on the most critical arm (Station Road (north)) is 8.4% in the AM peak hour and 2.7% in the PM peak hour, and which would not be considered by the County Council to constitute severe harm such that it would warrant additional physical improvements, but would nevertheless require mitigation in accordance with the NPPF. The County Highway Authority considers that "soft" measures as part of the submitted Travel Plan would be appropriate, to be secured by way of a planning obligation to ensure the delivery of proposed measures / targets.

Station Road and Broad Rushes:

The County Highway Authority advises that the junction is predicted to operate over capacity in the future year scenario in 2022, and following the introduction of development traffic the ratio of flow to capacity (RFC) would increase by 3% resulting in a maximum RFC of 104%. However, following the end of the peak period, there would be no residual queuing and delays, and which would not be considered to be a severe impact.

Junction 1 of the A50 (Sawley Crossroads):

The County Highway Authority advises that the applicant has engaged with both the County Council and Highways England with regards to the impact of development traffic at the junction. The results of the testing show that the development traffic could be accommodated by the existing junction layout prior to the Park Lane development exceeding 350 dwellings. Therefore, the County Highway Authority advises, the proposed Carnival Way development traffic would not trigger a requirement for the mitigation scheme in its proposed opening year (originally identified as 2019). On this basis, and in compliance with DfT Circular 02/2013, Highways England raises no objection to the proposals.

Public Rights of Way

A public right of way (footpath L80) abuts the application site, passing along its eastern boundary. Given that it does not pass through the site itself, it would appear that its route would be unaffected by the proposed development. There would however be likely to be some impacts on the amenity value of the right of way as a leisure / recreational route as a result of the development of the currently undeveloped countryside to its west, and which would also need to be taken into account in the assessment of the environmental impacts of the scheme (and including those issues relating to countryside, landscape and visual impact as assessed in more detail below). No objections are raised by the County Council's Rights of Way team.

On the basis of the above, therefore, neither the County Highway Authority nor Highways England raise objections to the scheme, and the proposals are considered acceptable in terms of means of access, highways and transportation issues.

For its part, the County Highway Authority recommends the attachment of conditions in respect of the formation of the access and the implementation of a construction traffic management plan; no conditions are sought by Highways England. In terms of developer contributions, Leicestershire County Council seeks the provision of a Travel Plan monitoring fee (to enable monitoring of the effectiveness of the Travel Plan measures), and provision of travel packs including six month bus passes for employees.

Paragraph 56 of the NPPF sets out the Government's policy in respect of planning obligations and, in particular, provides that planning obligations should be:

- necessary to make the proposed development acceptable in planning terms;
- directly related to the proposed development; and
- fairly and reasonably related in scale and kind to the proposed development.

Equivalent legislative tests are contained within Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010.

It is considered that the contributions sought by Leicestershire County Council in this regard would meet the relevant policy and legislative tests above.

Flood Risk and Drainage

The application is accompanied by a Flood Risk Assessment and Drainage Strategy (FRA), setting out how surface water is proposed to be accommodated, and assessing the existing flood risk to the site along with any resulting flood risk associated with the proposed development. As referred to above, a separate Sequential Assessment document has also been provided. Insofar as river flooding is concerned, the application site lies within Flood Zone 3a (i.e. high probability - having a 1 in 100 year or greater annual probability of flooding). The submitted FRA also indicates that the application site is defended from flooding in up to a 1 in 200 year flood event.

In terms of the sequential approach (and as set out in more detail above), whilst it is considered that an argument could be made that the area of search for sequentially preferable sites (i.e. those at a lower risk of flooding) ought to be District-wide (given the justification for the proposals on a need for additional employment development within the District), it is again accepted that a pragmatic approach ought to be taken as per the advice within the Planning Practice Guidance. On this basis, it is considered appropriate to progress to the exception test.

Given the range of uses proposed under the application, the scheme would fall within the "Less Vulnerable" category; under the Planning Practice Guidance, "Less Vulnerable" uses are appropriate within Flood Zone 3a, and the exception test would therefore be met.

In terms of surface water flooding, the FRA indicates that the proposed development's surface water discharge rate and volume would be controlled to be less than the existing site use and, therefore, would not increase or exacerbate any flooding problems in this respect.

Following receipt of additional information in respect of flood risk and drainage, no objections have been raised by either the Environment Agency or the Lead Local Flood Authority (subject to conditions) and, notwithstanding the issues set out above in terms of the sequential approach, it is considered that the proposed scheme would be acceptable in flood risk and drainage terms.

Countryside, Landscape and Visual Impact

The application is accompanied by a Landscape and Visual Appraisal (LVA), and which concludes that the application site and receiving landscape have the capacity to accommodate the proposals, and that the proposed development could be successfully integrated in this location with limited adverse impact upon the wider landscape character and visual amenity. In particular, the Landscape and Visual Appraisal concludes that the development would incorporate an appropriate landscape design solution (including conservation and reinforcement of the existing planted boundaries); that the development would not cause a noticeable change or departure from the intrinsic characteristics of the relevant landscape character area; that the character of the site is unremarkable and indistinct from the local or wider context; that the development proposals are sensitive to the visual and landscape issues raised by the North West Leicestershire Settlement Fringe Assessment; and that there would be a minor / moderate adverse effect after completion, falling to minor adverse after planting matures. This Landscape and Visual Appraisal (and as amended by a subsequent update) has been assessed by a landscape consultant on behalf of the Local Planning Authority. In terms of National Character Areas (NCAs), the site is located within NCA 70 (Melbourne Parklands), but is also located close to NCA 69 (Trent Valley Washlands); the LVA suggests that the site's characteristics are more akin to NCA 69 than NCA 70.

As set out above, the site is located outside Limits to Development as defined in the adopted North West Leicestershire Local Plan. Where development outside Limits to Development is acceptable *in principle* under Policy S3 (i.e., in the case of employment development, where the provisions of Policy Ec2 (2) are satisfied), it is then necessary to demonstrate compliance with criteria (i) to (vi) of Policy S3. In particular, the policy provides that development will be supported where the appearance and character of the landscape is safeguarded and enhanced (criterion (i)), and where it does not undermine (either individually or cumulatively with existing or proposed development) the physical and perceived separation and open undeveloped character between nearby settlements (criterion (ii)).

The site lies to the east of the existing settlement of Castle Donington, and within an area of currently undeveloped countryside between the villages of Castle Donington and Hemington. The application site is approximately 450m in length along a north-south axis. The existing east-west separation between the two settlements varies along this axis, and is typically in the region of approximately 375 to 500m (albeit, within part of the area adjacent to the northern and central sections of the application site, the area within Limits to Development in Castle Donington includes land in use as car parking / sales rather than buildings). As referred to above, a public right of way (Footpath L80) runs north-south approximately halfway between the two villages,

passing close to the application site.

The landscape consultant engaged by the District Council to assess the submissions notes that the proposed development would extend roughly half way (at its southern end) across the presently undeveloped gap between Castle Donington and Hemington and that, whilst there would still be a gap, the two settlements would, in effect, come much closer together. The consultant takes the view that the proposed development would involve a significant extension of the urban edge of Castle Donington, involving the loss of the presently open fields and two hedgerows, and that the new buildings would be visible from some areas along a ridge of higher ground to the south and also for users of the footpath along the eastern site boundary.

In response to concerns raised by officers, the applicant has (as set out above) amended the illustrative material submitted with the application; the changes shown indicate that the proposed buildings themselves would be sited towards the western side of the application site (i.e. the side adjacent to the existing Limits to Development of Castle Donington), and with the roofs of the larger units orientated such that the roof slopes would be east-west; additional space for landscaping has also been indicated. These amendments (and the subsequent LVA update) have been assessed by the Council's consultant who considers that, whilst there would be a slight benefit in landscape / visual terms, as the sides of the roofs rather than the gables would be presented in views from the east, his overall conclusions (and as set out below) would not change.

In the Council's consultant's view (and in terms of the impacts on the appearance and character of the countryside (Policy S3 criterion (i))), the submitted LVA underestimates the overall adverse effects of the development in landscape and visual terms, although it is accepted that the adverse effects would reduce to some degree over time. He also takes the view that the effects on the wider landscape would be limited by the lack of longer distance views and the presence of other industrial uses in the area. In particular, the Council's consultant considers that the submitted LVA omits consideration of the value which the land has in terms of the separation of settlements. Whilst the issue of separation is principally an issue for consideration under S3 criterion (ii), it is nevertheless relevant to criterion (i) in that the landscape value feeds into the judgement of overall sensitivity. Insofar as the concern over the underestimation of effects is concerned, the Council's consultant advises that the level of effects is to some extent a function of the area over which the assessment is made (i.e. if the effects of a development are considered in the context of a County or District scale they will be lower than if they are considered at the scale of the area within the site only). The Council's consultant advises that the LVA does not define what is meant by the "site and immediate context", but takes the view that the effects within the site itself would be at a much higher level than minor adverse, as the presently open fields would be developed and replaced with large scale buildings and parking / circulation areas.

In view of this, the Council's consultant considers that there would be some harm to the appearance and character of the local landscape and, as a result, it would be neither safeguarded nor enhanced as required by criterion (i). In terms of the level of harm arising, it would, the Council's consultant advises, be greater immediately around the site, and there would, in his view, be locally significant adverse effects on landscape character and on views from nearby public footpaths. Nevertheless, he advises that that harm would be at a relatively low level and would be localised (and, as set out above, would decrease over time as a result of the proposed planting, albeit some views of the new buildings would remain, particularly in the winter). On this basis, whilst it is acknowledged that the impacts in terms of landscape appearance and character would be limited to some extent, there would regardless be considered to remain an element of conflict with Policy S3 criterion (i) in that the proposals

would not safeguard and enhance that character. This conflict would need to be weighed in the overall planning balance, and in the context of the development plan as a whole.

In terms of criterion (ii) (and as set out above), the development would result in a reduction in the presently undeveloped area between the settlements of Castle Donington and Hemington, and consideration needs to be given as to whether the proposals would undermine the physical and perceived separation and open undeveloped character between the settlements. Based on the submitted illustrative material, the proposals would reduce the width of the gap measured in a straight line between the closest buildings in the respective settlements from around 500m to around 338m. Whilst the applicant draws attention to an existing open storage use adjacent to the site which extends to the east to a similar extent as the proposed development, that site is located further to the north, whereas the application site lies more squarely in the gap directly between the settlements. It is also noted that the open storage use on that site is limited to a maximum height of 4m above ground level. It is noted that some of the proposed parking and circulation areas would extend further to the east than the proposed buildings (and, hence, closer to Hemington), but it is acknowledged that there are also areas of existing external vehicle storage which extend further to the east than the existing buildings on the eastern side of Castle Donington.

There would therefore be a reduction in the physical extent of the gap, and that reduction would, the Council's consultant considers, be perceived by people with views from either Castle Donington to the west of the site or Hemington to the east (and as indicated by the visual envelope included within the submitted LVA). The physical and perceived separation of the settlements would therefore be *reduced* and, the Council's consultant advises, the open undeveloped character of the land would be affected.

Insofar as the policy is concerned, the question is whether these proposals (which would be a contiguous extension to the existing settlement) would result in an *undermining* of the physical and perceived separation of the settlements. Based on the advice of the Council's consultant, it is considered to be clear that the scheme would materially reduce the physical and perceived separation of the settlements and the open undeveloped character of the area of land currently providing that separation.

In this sense, whilst it is acknowledged that the proposals would retain a gap of at least 338m between the settlements, and whilst the implementation of landscaping would (over time) serve to limit the landscape and visual impacts, the scheme would, as a proportion of the existing gap overall, represent a not insignificant reduction. Whilst there would still be a break between the built up areas of the two villages in this area (and, in a sense, it would still be possible to identify points where one settlement ends and the next begins), the narrowing of the undeveloped land between them would, it is considered, nevertheless serve to weaken materially their separate identities. On this basis, it is considered that physical and perceived reduction of the gap between the two settlements arising as a result of the development (as well as the associated impacts on the open undeveloped character of the affected land) would indeed undermine the physical and perceived separation and open undeveloped character of land between Castle Donington and Hemington, and the important role it plays in preserving their separate identities as settlements.

Whilst it is accepted that additional employment land is required over the Plan period in order to meet the identified requirements as set out in the HEDNA (and that that additional need is likely to have to be met on land outside Limits to Development), it is nevertheless noted that the physical separation between the villages of Castle Donington and Hemington is already limited, and would be significantly reduced in the event that the proposed scheme were implemented.

As such, this site would appear to be particularly sensitive and, even if the principle of development could be demonstrated as necessary, the scheme would appear to conflict with the requirements of the development plan in this case. Whilst the scheme would not be considered to meet criterion (i) above in that the appearance and character of the local landscape would not be safeguarded and enhanced, it is accepted that (in terms of enhancement in particular) this would be difficult to achieve when developing a site outside Limits to Development for employment use of this type. However, the concerns in respect of criterion (ii) would in particular be significant in this instance, given the resulting undermining of the physical and perceived separation and open undeveloped character between the settlements.

It is noted that a number of concerns have been raised regarding the visual impacts of the proposed development at night. It is accepted that the illumination of the site would, during the hours of darkness, be likely to have a degree of impact when compared to the current undeveloped agricultural land, with illumination of buildings and hardstandings, and lights from manoeuvring vehicles etc. contributing towards a more urbanised character of the area between Castle Donington and Hemington at night time. However, the extent of this additional impact could be mitigated to some extent by appropriate means of illumination (including in terms of the design of the lighting installations involved and their direction etc. so as to minimise light spill).

Ecology

The application is accompanied by a range of ecological surveys (and including in respect of habitats, bats, badgers, great crested newts and reptiles), and which have been assessed by the County Ecologist.

Whilst a number of concerns regarding the originally undertaken grassland survey were initially raised by the County Ecologist, additional information has been submitted which demonstrates that the grassland is species-poor, and the concerns have now been addressed to the Ecologist's satisfaction.

In terms of the impacts on bats, the submitted documents identified a number of trees with roosting potential but no bats were found to be present. Insofar as great crested newts are concerned, the submitted survey concluded that it was unlikely that these would be present on the proposed development site as the habitats on site would only be likely to be of moderate value, and the ponds and ditches within 250m of the site were found to have only poor suitability for breeding great crested newts. For reptiles, the submitted survey indicated that, although some suitable habitat was present on the site, no reptile species were recorded on the site.

No objections are therefore raised by the County Ecologist subject to the imposition of conditions (and including in respect of work during the bird nesting season, use of native species for the proposed landscaping and lighting).

Neighbours' Amenities

In terms of amenity issues, given the location of the proposed developments in relation to existing residential property, it is considered unlikely that there would be any direct neighbour amenity issues arising from the proposed buildings themselves in terms of issues such as overlooking, overdominance or loss of light. Whilst there are existing dwellings to the south west (including properties on Upton Close), the illustrative details indicate that the proposed buildings would be approximately 40m from the closest dwelling, and any undue impacts in this regard would seem unlikely.

In terms of noise, the application is accompanied by an Environmental Noise Assessment, and having regard in particular to any proposed plant / machinery potentially associated with the proposed uses. This indicates that, based on existing background noise levels, the maximum received noise level from any such plant would be 44.4dB(A) for the daytime and 45.8dB(A) for night time, and that to ensure the future proofing of existing residents against noise pollution, the assessment would need to be reinvestigated once details of the proposed plant for each use on the site had been established. The District Council's Environmental Protection team raises no objections to the scheme in this regard, but requests that a full BS4142 noise assessment be undertaken prior to the approval of any detailed scheme for the site. In terms of the residential amenity aspect of lighting impacts, the Environmental Protection team also requests the submission of a full lighting assessment at that stage.

Subject to the above, therefore, the scheme would be considered acceptable in residential amenity terms.

Air Quality

Policy D2 of the adopted North West Leicestershire Local Plan seeks to ensure that adverse effects of development on residents' amenities is minimised (and including in respect of pollution); Policy En6 provides that development close to an Air Quality Management Area (AQMA) will be supported where an application is accompanied by a detailed assessment of the issues, and appropriate mitigation is identified. It will be noted from the summary of representations above that Castle Donington Parish Council has expressed concerns that, in this case, the potential increased breaches of weight limits by HGVs accessing and egressing the site would include additional vehicles passing through the Castle Donington AQMA (in the vicinity of the Park Lane / Delven Lane / High Street junction). However, for the same reasons already set out above relating to the issue of potential increased incidence of weight limit breaches, it is considered that any such breaches (and, accordingly, any resulting environmental impacts arising from such breaches) would need to be dealt with by the appropriate authority as and when any such breaches arose. The Parish Council's concerns have nonetheless been raised with the District Council's Environmental Protection team, but, having regard to the upcoming provision of the Castle Donington Relief Road, the associated traffic calming measures proposed within the AQMA and the existing weight restriction precluding HGV through access, the Environmental Protection has no objections on air quality grounds. The scheme is therefore considered acceptable in this regard.

Historic Environment

There are no listed buildings, Conservation Areas or scheduled monuments considered to be directly affected by the proposed development.

Insofar as non-designated heritage assets are concerned, the application is accompanied by an archaeological desk-based assessment which concludes that there is a low to medium potential for archaeological remains within the site, and suggests that a programme of further archaeological work (involving geophysical trial trench evaluation) would be appropriate. In its comments on the application, the County Archaeologist had advised that consideration also needed to be given to a mediaeval earthwork that defines the parish boundary between Castle Donington and Hemington and the relevance of the underlying geology, and requesting that an additional field evaluation (by way of a geophysical survey and trial trenching) be provided prior to determination of the application. In response, an additional geophysical survey report has been provided by the applicant; at the time of preparing this report, further comments were

awaited from the County Archaeologist, and any further advice received will be summarised on the Update Sheet.

Agricultural Land Quality

Paragraph 170 of the NPPF provides that planning policies and decisions should contribute to and enhance the natural and local environment by, amongst others, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services, including the economic and other benefits of the Best and Most Versatile (BMV) agricultural land. Footnote 53 to Paragraph 171 suggests that, where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be used in preference to those of a higher quality. BMV agricultural land is defined as that falling within in Grades 1, 2 and 3a of the Agricultural Land Classification.

Whilst detailed information on the agricultural land quality is not available, on the basis of the Provisional Agricultural Land Classification, the site would appear likely to be within Grade 3, although the subgrade (i.e. 3a or 3b) (and, hence, whether the land would be BMV) is not known. Even if it was, however, given the limited size of the site, the extent of any BMV loss to non-agricultural uses would not be considered significant.

Design

The proposed scheme is in outline only, with all matters other than part access reserved for later consideration; the application is supported by a Design and Access Statement as well as the illustrative masterplan referred to above.

It is noted that the amended illustrative scheme (i.e. proposing siting the buildings within each plot to the western side of the plots so as to seek to reduce the extent by which the buildings would extend eastwards into the countryside) would result in the provision of most of the car parking and servicing to the building frontages. Whilst the rationale for orientating the plots in this way is understood, this would have the effect of the proposed units being dominated by frontage parking and service yards, which would be an approach that the Local Planning Authority would not normally recommend. However, it is nevertheless noted that this would remain a reserved matter in the event that outline planning permission were granted.

Other Matters

Contribution to Sustainable Development

The NPPF contains a presumption in favour of sustainable development. Having regard to the three objectives of sustainable development, it is concluded as follows:

Economic Objective:

Whilst it is acknowledged that the existing identified shortfall in respect of employment land does not specifically relate to the use classes to which this proposal relates, it is nevertheless considered that the proposals would perform well in this regard, contributing to continued economic growth. It is also noted that the applicant has advised that, should a potential local and regional occupier be unable to find suitably sized accommodation elsewhere within Castle Donington (which it requires as a strategic location) it will not simply move to other proposed / allocated employment sites in the District.

Social Objective:

The economic benefits associated with the proposed development would, by virtue of the social effects of the jobs created on those employed in association with the development, also be expected to provide some social benefits and, hence, the impacts of the proposed scheme would also be considered to be positive insofar as the social objective is concerned.

Environmental Objective:

Whilst the site is relatively well served in terms of public transport, and has the potential to contribute positively towards the movement towards a low carbon economy, the proposals would result in the development of a site which is identified as countryside in the adopted Local Plan and, furthermore, the impacts on the existing separation between (and the separate identities of) the settlements of Castle Donington and Hemington, together with associated landscape and visual impacts.

Having regard to the three objectives of sustainable development, therefore, and having regard to the conclusions in respect of various technical issues above, it is accepted that the contribution to the economic growth associated with the proposed development, coupled with the role played in contributing to employment land supply, would ensure that the scheme would sit well in terms of the economic and social dimensions. However, insofar as the environmental objective is concerned, it is considered that significant harm would result, and particularly in terms of the development of land outside Limits to Development, in conflict with the policies of the development plan.

Conclusions

As set out above, whilst the proposed development would contribute towards the supply of employment land, and whilst it is acknowledged that, in terms of a number of technical issues, the scheme would be satisfactory, the scheme would result in the development of land outside Limits to Development as defined in the adopted North West Leicestershire Local Plan. Whilst, given the overall shortfall in employment land allowed for the Local Plan vis-à-vis the requirement identified in the HEDNA (albeit that the principal shortfall would be in respect of B1(a) (offices) and B1(b) (research & development), the Local Plan allows in principle the development of sites outside Limits to Development for employment purposes, this is subject to a number of criteria, and including in respect of the requirement within Policy S3 that development outside Limits to Development does not undermine the physical and perceived separation and open undeveloped character between nearby settlements. It is considered that the proposed development would result in a significant reduction in the existing physical separation between the villages of Castle Donington and Hemington and, as a result, would weaken their separate identities. When having regard to the other economic and social benefits of the scheme in the overall planning assessment, it is considered that the planning judgement would be finely balanced. Nevertheless, given the particular issues in respect of the separation of the settlements of Castle Donington and Hemington, the proposed development would not be considered to meet the requirements of Policies S3 and Ec2 of the adopted plan, nor the strategy within the Local Plan as a whole.

It is therefore recommended that planning permission be refused.

RECOMMENDATION- REFUSE, for the following reason(s):

- 1 Paragraphs 7 and 8 of the National Planning Policy Framework (NPPF) require that the planning system contributes towards the achievement of sustainable development, and set out the environmental objective of sustainable development, including its contribution to protecting and enhancing our natural environment. Paragraph 170 provides that planning decisions should recognise the intrinsic character and beauty of the countryside. The site falls outside Limits to Development as defined in the adopted North West Leicestershire Local Plan. Whilst Local Plan Policy Ec2 allows for new employment development in appropriate locations not otherwise identified for employment use in the Local Plan, this is subject to the proposals not being detrimental to the wider environment; Policy S3 allows for employment development outside Limits to Development in accordance with Policy Ec2 and subject to a number of other criteria, including a requirement that such development would not undermine the physical and perceived separation and open undeveloped character between nearby settlements. The application proposes the development of land outside Limits to Development, in a location whereby the physical separation of the settlements of Castle Donington and Hemington would, as a result of the development, be significantly reduced, undermining the separate identities of those settlements, contrary to the criteria for such development set out within Local Plan Policy S3. Approval would therefore be contrary to Policies S3 and Ec2 of the Local Plan, not constituting sustainable development, and contrary to the policies and intentions of the NPPF.

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Variation of condition 3 of planning permission 17/00316/RET to allow for the number of guests to be increased to 40 at any time and to remove the requirement for the additional sleeping accommodation to be used only for holiday rentals in conjunction with/ancillary to those staying at Highfields Manor Highfields Manor Rempstone Road Belton Loughborough Leicestershire LE12 9XA

Report Item No
A2

Application Reference
19/00344/VCI

Grid Reference (E) 446460
Grid Reference (N) 321700

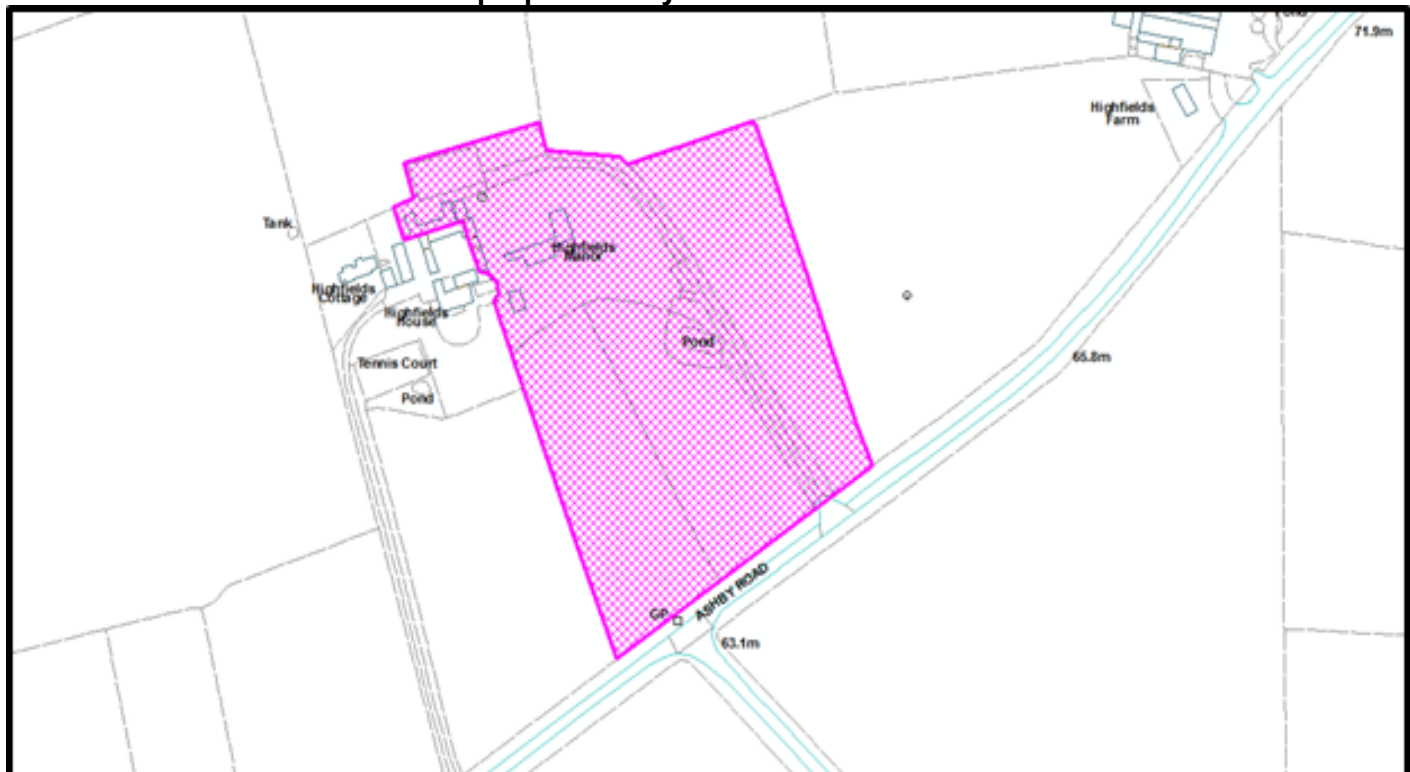
Date Registered:
20 February 2019
Consultation Expiry:
7 May 2019
8 Week Date:
17 April 2019

Applicant:
Pilcher

Case Officer:
Hannah Exley

Recommendation:
PERMIT

Site Location - Plan for indicative purposes only



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Call In

The application is brought to the Planning Committee at the request of Councillor Nicholas Rushton on the ground of the impact on neighbouring residential amenities.

Proposal

This is an application to vary condition 3 attached to planning permission 13/00316/RET which retrospectively approved the erection of a timber cabin, lobby to swimming pool and conservatory, the change of use and conversion of a garage to bedrooms and the change of use of stables to mixed facilities associated with the business operating from the site; short term holiday lets.

The purpose of this application is to allow for the use of Highfields Manor and the Granary for holiday rentals for no more than 135 days a year, no more than 40 weekends a year as per the previous permission. However, the proposed variations would allow the converted garage to be let out separately which would allow more than one group to occupy the wider premises at any one time.

Consultations

One letter of neighbour representation has been received raising objection to the proposal. Long Whatton and Diseworth Parish Council has no objection in principle subject to the concerns of the neighbouring property being fully considered, and all statutory consultees have raised no objections.

Planning Policy

The site lies outside the Limits to Development on the Policy Map to 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 application site is situated outside the defined Limits to Development and the proposal relates to a permitted holiday rental use and permitted built development. There would be no change in the visual impact of the site upon the character of the surrounding countryside within which it is located. It is not considered that there would be any significant adverse impacts on neighbouring residential amenities or highway safety. There are no other material impacts identified, that would indicate that the proposal is not in compliance with the NPPF or local development plan policies. Accordingly, approval of the application is recommended, subject to the imposition of planning conditions.

RECOMMENDATION:-

PERMIT SUBJECT TO THE IMPOSITION OF 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

This is an application to vary condition 3 attached to planning permission 13/00316/RET which retrospectively approved the erection of a timber cabin, lobby to swimming pool and conservatory, the change of use and conversion of a garage to bedrooms and the change of use of stables to mixed facilities associated with the business.

The current application was submitted following an enforcement investigation into a breach of conditions of planning permissions 13/00792/FUL and 17/00316/RET. A separate report which seeks to regularise the breach of 13/00792/FUL is reported to Members elsewhere in this report.

The condition to be varied reads as follows:

Condition 3

The additional sleeping accommodation (in the converted garage) shall only be used for holiday rentals in conjunction with and ancillary to the holiday groups/lets of Highfield Manor and shall not be used to accommodate groups or individuals separate to those staying at Highfields Manor. The use of the additional sleeping accommodation shall be used in accordance with the restrictions of Highfields Manor in that holiday rentals shall combined be limited to no more than 135 days per year, more than 40 weekends a year and the number of guests shall not exceed 24 at any time.

Reason - To ensure that garage conversion is used as an extension of the Highfields Manor and not individually, and to ensure that the site is occupied for a limited period each year with a limited number of guests to ensure the level of use remains compatible with the surrounding land uses.

The purpose of this application is to allow for the use of Highfields Manor and the Granary for holiday rentals for no more than 135 days a year, no more than 40 weekends a year as per the previous permission. However, the proposed variation would allow the converted garage to be let out separately which would allow two groups with a cumulative total of 40 people to occupy the wider premises at any one time.

Highfield Manor is a large property set within a generous curtilage. The main house and other outbuildings are set back approximately 200m from the public highway. The garage to which this application relates is located to the front of Highfields Manor within a large gravelled parking area. Access to the property is off Rempstone Road via a long driveway.

The holiday rental facilities available at Highfields Manor are used by various groups including corporate, family, all female, all male, retreat and faith groups. The marketing of the premises to these different groups is evident on the company website. Over the last three years the largest group using the premises were corporate and family groups, with all male and faith groups occupying the premises the least.

The site has two wings of accommodation, the South Wing which comprises the main Highfields Manor comprising sleeping/bathroom/kitchen/dining/lounge facilities and additional sleeping/bathroom accommodation within the separate converted garage to the front to which this application relates. The living accommodation within Highfields Manor can also be

rearranged to provide conference facilities for business groups. The West Wing is located along the western boundary of the site within The Granary and comprises sleeping, bathroom accommodation and an open plan kitchen/dining/living space. The applicant has confirmed that the site currently has accommodation for 40 guests; 22 within Highfields Manor, 12 within The Granary and 6 with the converted garage. All this accommodation has the benefit of planning permission.

Within the wider site is a swimming pool and changing facilities, a timber cabin providing beauty treatments (by appointment) for guests staying at the site and a games room for guests which is located within the converted stable at the rear of the site. The applicant has provided a plan which sets out external seating areas to be used by the two wings of accommodation and these are located around the swimming pool/treatment room towards the eastern side of the wider site. The applicant has their own separate living accommodation within the converted stables at the north western corner of the site.

The application submission was accompanied by a Supporting Statement which provides that condition 3 of the planning permission is not enforceable and therefore, should be removed.

Planning History:

17/00316/RET - Erection of timber cabin, lobby to swimming pool and conservatory and changes of use and conversion of garage to bedrooms and conversion of stables to mixed use facilities associated with the business. This was a retrospective application following an enforcement investigation into breaches of conditions on planning permission 13/00792/FUL. The permission restricted the use of the converted garages to holiday rentals in conjunction and ancillary to the groups staying at Highfields Manor for no more than 40 weekends per year. The permission also restricted the use of the log cabin and new facilities in the converted stables by staff and guests outside of the hours 0800 - 2200 hours every day.

13/00792/FUL - Use of Highfields Manor and The Granary for holiday rentals for no more than 135 days per year and use of annexes for ancillary residential use for a dependent relative. The permission was granted subject to conditions which restricted the number of guests to 24 people and the number of weekends to no more than 40 per year.

10/01021/CLE - Certificate of lawful existing use of barn/outbuildings for commercial office and associated storage and use of stables and manege for commercial use. The certificate was granted.

2. Publicity

3 Neighbours have been notified.
Site Notice displayed 8 March 2019.

3. Summary of Consultations and Representations Received

The following summary of responses is provided.

Long Whatton and Diseworth Parish Council has no objection in principle subject to the concerns of the neighbouring property being fully considered to ensure that a more harmonious living situation can be provided. The Parish Council has also raised concerns about licensing breaches which has been passed onto the Licensing team.

NWLDC Environmental Protection has no environmental observations.

Leicestershire County Council - Highways has no objections subject to sufficient parking being provided on site.

Third Party Representations:

One letter of neighbour representation has been received, raising objection on the following grounds:

- the original conditions were imposed to ensure that the level of use remains compatible with the surrounding land uses and to preserve the amenities of the locality and to limit the scope of the permission and these have been ignored since permission was granted resulting in noise disruption and traffic intrusion on numerous weekends;
- the buildings are already let out to groups in excess of the number sought and the accommodation available is advertised as being available for separate bookings for more than one group at a time both at the weekend and during the week;
- concern about increased antisocial behaviour due to the proposed increase in the number of guests being proposed;
- noise disturbance is the main concern and has reduced the quality of life for the neighbouring resident and will only get worse if the number of guests is allowed to increase;
- noise disturbance comprises lots of cheering and whooping by large groups, noise from drunk persons, amplified music played both indoors and outside with windows/doors open, groups talking/laughing/shouting on external patio areas at night and into the early hours, taxi's arriving for pick-ups and drop off at night and into the early hours;
- increased traffic intrusion during the day and late into the evening due to vehicles entering the neighbouring property (Highfields House) instead of the Highfields Manor which is as a result of Satellite Navigation errors and poor signage at Highfields Manor and visitors to Highfield Manor not reading neighbouring signage, which includes guests, friends of guests, food and drink delivery companies, entertainment deliveries, marquee and taxi companies;
- unsupervised rentals are a problem as the occupiers are often away when the premises are rented out and so there is no-one for neighbours or guests to report problems to;
- the supporting statement prepared by the applicant's agent includes inaccuracies about the need for the conditions imposed on the earlier planning permissions and the existing conditions should be fully retained and fully enforced.

The full contents of this letter is available for Members to view on the case file.

4. Relevant Planning Policy

National Planning Policy Framework (2019)

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

- Paragraphs 9 and 10 (Achieving sustainable development);
- Paragraphs 11 and 12 (Presumption in favour of sustainable development);
- Paragraphs 54 and 55 (Planning conditions and obligations);
- Paragraph 109 (Promoting sustainable transport)

Adopted North West Leicestershire Local Plan (2017)

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

Policy S3 - Countryside;

Policy D2 - Amenity;

Policy IF4 - Transport Infrastructure and New Development

Policy IF7 - Parking Provision and New Development.

Other Policies

National Planning Practice Guidance.

Leicestershire Highways Design Guide (Leicestershire County Council).

5. Assessment**Principle**

The application site is situated outside the defined Limits to Development where the principle of development is generally restricted to those forms of development specified within Policy S3 of the adopted Local Plan. The proposal relates to an existing use and relates to existing built development and therefore, there would be no change in the visual impact of the site upon the character of the surrounding countryside within which it is located. The main considerations in the determination of this application are whether the removal of the occupancy restrictions would give rise to any adverse impacts on neighbouring residential amenities or highway safety.

Impacts of Residential Amenities

Highfields Manor occupies a relatively isolated position located outside of the nearest settlements of Belton, Long Whatton and Shepshed. The property shares this location with two other properties (Highfields Cottage and Highfields House) which are sited to the west of the application site. The three properties are set back from the public highway and are positioned in a rural setting.

The dwelling at Highfields Cottage lies approximately 16m to the west of the north western corner of the application site which is occupied by the converted stable building which includes the applicant's living accommodation, laundry rooms and games room for the guests. This neighbouring property is located approximately 52m from The Granary, 70m from Highfields Manor and 73m from the converted garage containing living accommodation. There are a number of brick outbuildings between the main part of the application site and this neighbouring property which would provide some mitigation against noise. No concerns have been raised by this neighbour about the application proposal.

The dwelling at Highfields House is sited adjacent to the western boundary of the application site at its closest point. The dwelling is being renovated in accordance with a planning permission granted in 2016 and is not currently occupied. The approved plans for this three storey renovated dwelling show a guest room and playroom within single storey accommodation adjacent to the boundary served by windows in the north elevation and glazed doors to the southern elevation. The main part of this neighbouring dwelling is separated from the common boundary by private amenity space containing a swimming pool. The neighbouring property will have a new elevated external terrace to the east facing elevation off a ground floor sitting room served by two sets of double doors. Above that are windows serving bedrooms/dressing areas and a family bathroom.

This neighbouring dwelling at Highfields House is located approximately 2m from The Granary, 18m from Highfields Manor and 17m from the converted garage containing living accommodation. The private amenity space to Highfields House abuts the paved area around The Granary. One letter of neighbour representation has been received from this neighbouring property and these are detailed earlier in this report.

Environmental Protection have been consulted on the application and raise no objections to the proposal subject to a condition restricting amplified music within external areas given the increased number of guests proposed. With regard to noise complaints, Environmental Protection advise that 4 complaints about the use of the application site for short term holiday lets have been received. These date back to 2015 and 2016 when noise monitoring equipment was installed but no intrusive noise was heard on the recording, only voices during day time hours and so the case was closed. More recently 2 complaints were received in March this year but no action was taken due to the affected property being vacant at the time.

The main neighbour concerns raised in connection with the application are about the proposed increase in the number of guests exacerbating noise disturbance from the site which arises from cheering and whooping by groups of people, noise from drunken persons, amplified music played both indoors and outside with windows/doors open, groups talking/laughing/shouting on external patio areas at night and into the early hours, taxi's arriving for pick-ups and drop off at night and into the early hours and increased traffic intrusion during the day and late into the evening due to vehicles entering the neighbouring property in error.

In response to neighbour concerns, the applicant's agent has provided a plan of the site illustrating how they have been recently managing external activity by providing external seating for guests within designated areas within the eastern part of the site on the opposite of Highfields Manor to the neighbouring properties. These seating areas are provided such that they can be designated for guests of the South and West Wing should more than one group occupy the site. External seating is provided in no other locations but there are steps outside The Granary where guests could informally site. In order to seek to discourage activity outside The Granary on the patio area which exists adjacent to the boundary with the Highfields House, high standing planters potted with palm trees have been provided to prevent gatherings in this area. The area immediately adjacent to the boundary is used for bin storage to discourage activity in this location. The applicant has also noted that 9m conifer trees occupy the western boundary beyond the bin store area.

The applicant has stated that all guests are told that there are rules about how guests should conduct themselves on the premises and these are provided on signs to remind guests. 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 lives on the site to manage the site but when they are away, there are persons who can be contacted in their absence should any issues arise. Notwithstanding this, the applicant has also confirmed that they would be agreeable to a condition restricting external amplified music at the premises.

The current permission allows the use to operate for no more than 135 days per year including no more than 40 weekends and the application does not seek to increase this. The current planning permission does not prohibit holiday rentals occurring on weekdays but the applicant's agent has confirmed that the bookings are most common Friday to Sunday with very few week day bookings. The applicant's agent also confirms that the number of guests on site varies from 10 sometimes, 20-30 majority of the time and over 40 on rare occasions.

The current planning permission allows for 24 guests to occupy the site at any one time in connection with a single holiday let group. However, planning permission has been granted at the site for sleeping accommodation for up to 40 people and as a consequence, groups of more than 24 people have been visiting the site. This is confirmed by both the applicant and the neighbouring objector. Although the current application originally sought an increase to 45 guests at the site, this has subsequently been reduced to 40 to reflect the number of bed spaces that have been permitted at the site.

The accommodation at Highfields Manor is such that it can be separated into two wings of accommodation (South Wing and West Wing) and the current proposal seeks to allow for two groups to occupy the premises at any one time within the two wings of accommodation, whilst sharing communal facilities such as the swimming pool, games room and treatment room. Both shared and separate external seating areas have been provided at the site as detailed above in the applicant's proposed mitigation measures.

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 a condition restricting external amplified noise in order to protect the amenity of neighbouring residents.

Members are advised to note that noise complaints are dealt with by the Council's Environmental Protection team. If there are noise nuisances associated with the use of the site that cause disturbance to neighbouring residents then these can be reported to the Council's Environmental Protection team for them to investigate.

Overall, when having regard to the permitted use of the site, the level of sleeping accommodation that has been permitted at the site which has provided the potential for the business to expand, the suggested mitigation proposals put forward by the applicant to control external activity on the site and the condition recommended by Environmental Protection, 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 significant harmful impacts upon surrounding residential amenity. Therefore, the development is considered to be in accordance with Policy D2 of the adopted Local Plan.

Impacts on Highway Safety

The application proposes to increase the number of guests visiting the site to 40 people and to allow for two groups of guests to occupy the site at any one time.

The County Highways Authority advises that the use of the site would remain unchanged and the use is one which does not typically generate peak hour trips, with most trips at off peak times. The site is also located at some distance from the public highway and subject to sufficient parking being provided within the site, the County Highways Authority is supportive of the application proposals. However, the County Highways Authority notes that the site is set within a generous curtilage with space for on-site parking at the end of a long access track into the site from the public highway. As a result the County Highways Authority, does not consider that the application would result in vehicles parking in the adopted highway.

Overall, it is considered that the residual cumulative impacts of development are not considered severe in accordance with Paragraph 109 of the NPPF. 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.

Conditions

Planning permission ref: 17/00316/RET was subject to 4 conditions, 1 of which is for consideration in this application. The starting point for consideration is whether the development has commenced, and as the development has commenced then only the necessary conditions need attaching. Condition 1 is an approved plans condition and condition 4 relates to the use of the cabin and converted stables by guests and both of these will need to be carried forward with this permission. Condition 2 will need to be updated to reflect the implementation of the required septic tank.

Other

The case has been put forward by the applicant's agent that the conditions suggested for removal/variation are not enforceable. Having discussed the matter with the Council's Enforcement Team, officers are of the view that the conditions are enforceable and therefore, it is not considered that the removal of conditions on this basis is justified.

In response to neighbour concerns about noise and disturbance as a result of vehicles incorrectly identifying the neighbouring property as Highfields Manor, this occurs as a result of satellite navigation systems and poor signage. This matter could be improved with clearer signage and whilst it is not considered that this would be reasonable as a condition on this application, it is considered that a note to applicant would be appropriate to highlight the problem to the applicant.

Conclusion

The application site is situated outside the defined Limits to Development and the proposal relates to a permitted holiday rental use and permitted built development. There would be no change in the visual impact of the site upon the character of the surrounding countryside within which it is located. It is not considered that there would be any significant adverse impacts on neighbouring residential amenities or highway safety. There are no other material impacts identified, that would indicate that the proposal is not in compliance with the NPPF or local development plan policies. Accordingly, approval of the application is recommended, subject to the imposition of planning conditions.

RECOMMENDATION - PERMIT, subject to the following condition(s):

1. Approved plans
2. Retention of septic tank
3. Restrictions on additional living accommodation in the converted garage (ie. used for holiday rentals in conjunction with and ancillary to the holiday groups/lets of Highfields Manor and The Granary and the converted garage being subject to the restrictions on Highfields Manor/The Granary in terms of the number of guests and when the use can occur)
4. Use restrictions for the timber cabin and converted stables.

Variation of condition 2 of pp 13/00792/FUL to allow for the number of guests to be increased to 40 at any time for no more than 135 days per year, no more than 40 weekends a year and removal of condition 3 to allow for two holiday rental groups to use the site at any one time.

Highfields Manor Rempstone Road Belton Loughborough
Leicestershire LE12 9XA

Report Item No
A3

Application Reference
19/00349/VCI

Grid Reference (E) 446460
Grid Reference (N) 321700

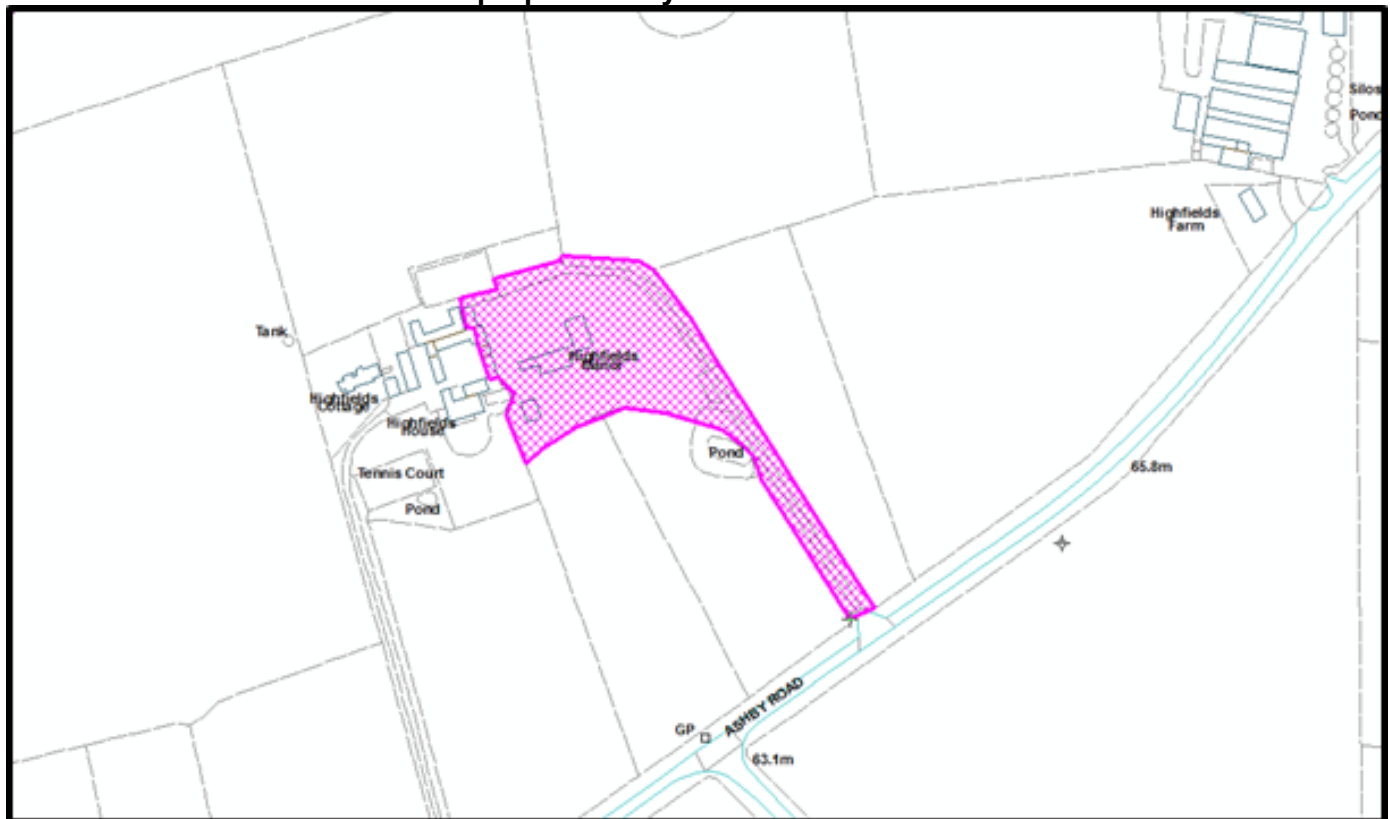
Date Registered:
20 February 2019
Consultation Expiry:
13 May 2019
8 Week Date:
17 April 2019

Applicant:
Mr And Mrs Pilcher

Case Officer:
Hannah Exley

Recommendation:
PERMIT

Site Location - Plan for indicative purposes only



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Call In

The application is brought to the Planning Committee at the request of Councillor Nicholas Rushton on the ground of the impact on neighbouring residential amenities.

Proposal

This is an application to vary condition 2 and the remove condition 3 attached to planning permission 13/00792/FUL which approved the use of Highfields Manor and The Granary for holiday rentals for no more than 135 days a year and the use of annexes for ancillary residential use for a dependent relative.

The purpose of this application is to allow for the use of Highfields Manor and the Granary for holiday rentals for no more than 135 days a year, no more than 40 weekends a year as per the previous permission. However, the proposed variations would allow the number of guests to increase from 24 to 40 at any one time and for The Granary and Highfields Manor to be let out separately which would allow two groups to occupy the wider premises at any one time.

Consultations

One letter of neighbour representation has been received raising objection to the proposal. Long Whatton and Diseworth Parish Council has no objection in principle subject to the concerns of the neighbouring property being fully considered, and all statutory consultees have raised no objections.

Planning Policy

The site lies outside the Limits to Development on the Policy Map to 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 application site is situated outside the defined Limits to Development and the proposal relates to a permitted holiday rental use and permitted built development. There would be no change in the visual impact of the site upon the character of the surrounding countryside within which it is located. It is not considered that there would be any significant adverse impacts on neighbouring residential amenities or highway safety. There are no other material impacts identified, that would indicate that the proposal is not in compliance with the NPPF or local development plan policies. Accordingly, approval of the application is recommended, subject to the imposition of planning conditions.

RECOMMENDATION:-

PERMIT SUBJECT TO THE IMPOSITION OF 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

This is an application to vary condition 2 and the remove condition 3 attached to planning permission 13/00792/FUL which approved the use of Highfields Manor and The Granary for holiday rentals for no more than 135 days a year and the use of annexes for ancillary residential use for a dependent relative.

The current application was submitted following an enforcement investigation into a breach of conditions of planning permissions 13/00792/FUL and 17/00316/RET. A separate report which seeks to regularise the breach of 17/00316/RET is reported to Members elsewhere in this report.

The conditions to be varied and removed read as follows:

Condition 2

The use of Highfield Manor and The Granary for the purposes of holiday rentals shall combined be limited to no more than 135 days per year, no more than 40 weekends a year and the number of guests shall not exceed 24 at any time.

Reason: To ensure that the site is occupied for a limited period each year with a limited number of guests to ensure the level of use remains compatible with the surrounding land uses

Condition 3

The Granary shall only be used for holiday rentals in conjunction with the holiday groups/lets of Highfield Manor and shall not be used to accommodate groups or individuals separate to those staying at Highfield Manor.

Reason: To ensure that The Granary is used on an annex basis to Highfield Manor and not as a separate holiday unit and to ensure the level of use remains compatible with the surrounding land uses

The purpose of this application is to allow for the use of Highfields Manor and the Granary for holiday rentals for no more than 135 days a year, no more than 40 weekends a year as per the previous permission. However, the proposed variations would allow the number of guests to increase from 24 to 45 at any one time and for The Granary and Highfields Manor to be let out separately which would allow two groups to occupy the wider premises at any one time.

Highfield Manor is a large property set within a generous curtilage. The main house and other outbuildings are set back approximately 200m from the public highway. The garage to which this application relates is located to the front of Highfields Manor within a large gravelled parking area. Access to the property is off Rempstone Road via a long driveway.

The holiday rental facilities available at Highfields Manor are used by various groups including corporate, family, all female, all male, retreat and faith groups. The marketing of the premises to these different groups is evident on the company website. Over the last three years the largest group using the premises were corporate and family groups, with all male and faith groups occupying the premises the least.

The site has two wings of accommodation, the South Wing which comprises the main Highfields Manor comprising sleeping/bathroom/kitchen/dining/lounge facilities and additional

sleeping/bathroom accommodation within the separate converted garage to the front to which this application relates. The living accommodation within Highfields Manor can also be rearranged to provide conference facilities for business groups. The West Wing is located along the western boundary of the site within The Granary and comprises sleeping, bathroom accommodation and an open plan kitchen/dining/living space. The applicant has confirmed that the site currently has accommodation for 40 guests; 22 within Highfields Manor, 12 within The Granary and 6 with the converted garage. All this accommodation has the benefit of planning permission.

Within the wider site is a swimming pool and changing facilities, a timber cabin providing beauty treatments (by appointment) for guests staying at the site and a games room for guests which is located within the converted stable at the rear of the site. The applicant has provided a plan which sets out external seating areas to be used by the two wings of accommodation and these are located around the swimming pool/treatment room towards the eastern side of the wider site. The applicant has their own separate living accommodation within the converted stables at the north western corner of the site.

The application submission was accompanied by a Supporting Statement which provides that condition 3 of the planning permission is not enforceable and therefore, should be removed and that condition 2 should be varied given the expansion of the sleeping accommodation that has been permitted at the site.

Planning History:

17/00316/RET - Erection of timber cabin, lobby to swimming pool and conservatory and changes of use and conversion of garage to bedrooms and conversion of stables to mixed use facilities associated with the business. This was a retrospective application following an enforcement investigation into breaches of conditions on planning permission 13/00792/FUL. The permission restricted the use of the converted garages to holiday rentals in conjunction and ancillary to the groups staying at Highfields Manor for no more than 40 weekends per year. The permission also restricted the use of the log cabin and new facilities in the converted stables by staff and guests outside of the hours 0800 - 2200 hours every day.

13/00792/FUL - Use of Highfields Manor and The Granary for holiday rentals for no more than 135 days per year and use of annexes for ancillary residential use for a dependent relative. The permission was granted subject to conditions which restricted the number of guests to 24 people and the number of weekends to no more than 40 per year.

10/01021/CLE - Certificate of lawful existing use of barn/outbuildings for commercial office and associated storage and use of stables and manege for commercial use. The certificate was granted.

2. Publicity

6 Neighbours have been notified.
Site Notice displayed 8 March 2019.

3. Summary of Consultations and Representations Received

The following summary of responses is provided.

Long Whatton and Diseworth Parish Council has no objection in principle subject to the concerns of the neighbouring property being fully considered to ensure that a more harmonious living situation can be provided. The Parish Council has also raised concerns about licensing breaches which has been passed onto the Licensing team.

NWLDC Environmental Protection has no objections subject to a condition restricting amplified music within external areas given the increased number of guests.

Leicestershire County Council - Highways is supportive of the proposal.

Third Party Representations:

One letter of neighbour representation has been received, raising objection on the following grounds:

- the original conditions were imposed to ensure that the level of use remains compatible with the surrounding land uses and to preserve the amenities of the locality and to limit the scope of the permission and these have been ignored since permission was granted resulting in noise disruption and traffic intrusion on numerous weekends;
- the buildings are already let out to groups in excess of the number sought and the accommodation available is advertised as being available for separate bookings for more than one group at a time both at the weekend and during the week;
- concern about increased antisocial behaviour due to the proposed increase in the number of guests being proposed;
- noise disturbance is the main concern and has reduced the quality of life for the neighbouring resident and will only get worse if the number of guests is allowed to increase;
- noise disturbance comprises lots of cheering and whooping by large groups, noise from drunk persons, amplified music played both indoors and outside with windows/doors open, groups talking/laughing/shouting on external patio areas at night and into the early hours, taxi's arriving for pick-ups and drop off at night and into the early hours;
- increased traffic intrusion during the day and late into the evening due to vehicles entering the neighbouring property (Highfields House) instead of the Highfields Manor which is as a result of Satellite Navigation errors and poor signage at Highfields Manor and visitors to Highfield Manor not reading neighbouring signage, which includes guests, friends of guests, food and drink delivery companies, entertainment deliveries, marquee and taxi companies;
- unsupervised rentals are a problem as the occupiers are often away when the premises are rented out and so there is no-one for neighbours or guests to report problems to;
- the supporting statement prepared by the applicant's agent includes inaccuracies about the need for the conditions imposed on the earlier planning permissions and the existing conditions should be fully retained and fully enforced.

The full contents of this letter is available for Members to view on the case file.

4. Relevant Planning Policy

National Planning Policy Framework (2019)

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

Paragraphs 9 and 10 (Achieving sustainable development);
 Paragraphs 11 and 12 (Presumption in favour of sustainable development);
 Paragraphs 54 and 55 (Planning conditions and obligations);
 Paragraph 109 (Promoting sustainable transport)

Adopted North West Leicestershire Local Plan (2017)

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

Policy S3 - Countryside;
 Policy D2 - Amenity;
 Policy IF4 - Transport Infrastructure and New Development
 Policy IF7 - Parking Provision and New Development.

Other Policies

National Planning Practice Guidance.
 Leicestershire Highways Design Guide (Leicestershire County Council).

5. Assessment

Principle

The application site is situated outside the defined Limits to Development where the principle of development is generally restricted to those forms of development specified within Policy S3 of the adopted Local Plan. The proposal relates to an existing use and relates to existing built development and therefore, there would be no change in the visual impact of the site upon the character of the surrounding countryside within which it is located. The main considerations in the determination of this application are whether the removal of the occupancy restrictions would give rise to any adverse impacts on neighbouring residential amenities or highway safety.

Impacts of Residential Amenities

Highfields Manor occupies a relatively isolated position located outside of the nearest settlements of Belton, Long Whatton and Shepshed. The property shares this location with two other properties (Highfields Cottage and Highfields House) which are sited to the west of the application site. The three properties are set back from the public highway and are positioned in a rural setting.

The dwelling at Highfields Cottage lies approximately 16m to the west of the north western corner of the application site which is occupied by the converted stable building which includes the applicant's living accommodation, laundry rooms and games room for the guests. This neighbouring property is located approximately 52m from The Granary, 70m from Highfields Manor and 73m from the converted garage containing living accommodation. There are a number of brick outbuildings between the main part of the application site and this neighbouring property which would provide some mitigation against noise. No concerns have been raised by this neighbour about the application proposal.

The dwelling at Highfields House is sited adjacent to the western boundary of the application site at its closest point. The dwelling is being renovated in accordance with a planning permission granted in 2016 and is not currently occupied. The approved plans for this three storey renovated dwelling show a guest room and playroom within single storey accommodation adjacent to the boundary served by windows in the north elevation and glazed doors to the southern elevation. The main part of this neighbouring dwelling is separated from the common boundary by private amenity space containing a swimming pool. The neighbouring property will have a new elevated external terrace to the east facing elevation off a ground floor sitting room served by two sets of double doors. Above that are windows serving bedrooms/dressing areas and a family bathroom.

This neighbouring dwelling at Highfields House is located approximately 2m from The Granary, 18m from Highfields Manor and 17m from the converted garage containing living accommodation. The private amenity space to Highfields House abuts the paved area around The Granary. One letter of neighbour representation has been received from this neighbouring property and these are detailed earlier in this report.

Environmental Protection have been consulted on the application and raise no objections to the proposal subject to a condition restricting amplified music within external areas given the increased number of guests proposed. With regard to noise complaints, Environmental Protection advise that 4 complaints about the use of the application site for short term holiday lets have been received. These date back to 2015 and 2016 when noise monitoring equipment was installed but no intrusive noise was heard on the recording, only voices during day time hours and so the case was closed. More recently 2 complaints were received in March this year but no action was taken due to the affected property being vacant at the time.

The main neighbour concerns raised in connection with the application are about the proposed increase in the number of guests exacerbating noise disturbance from the site which arises from cheering and whooping by groups of people, noise from drunken persons, amplified music played both indoors and outside with windows/doors open, groups talking/laughing/shouting on external patio areas at night and into the early hours, taxi's arriving for pick-ups and drop off at night and into the early hours and increased traffic intrusion during the day and late into the evening due to vehicles entering the neighbouring property in error.

In response to neighbour concerns, the applicant's agent has provided a plan of the site illustrating how they have been recently managing external activity by providing external seating for guests within designated areas within the eastern part of the site on the opposite of Highfields Manor to the neighbouring properties. These seating areas are provided such that they can be designated for guests of the South and West Wing should more than one group occupy the site. External seating is provided in no other locations but there are steps outside The Granary where guests could informally site. In order to seek to discourage activity outside The Granary on the patio area which exists adjacent to the boundary with the Highfields House, high standing planters potted with palm trees have been provided to prevent gatherings in this area. The area immediately adjacent to the boundary is used for bin storage to discourage activity in this location. The applicant has also noted that 9m conifer trees occupy the western boundary beyond the bin store area.

The applicant has stated that all guests are told that there are rules about how guests should conduct themselves on the premises and these are provided on signs to remind guests. 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 lives on the site to manage the site but when they are away,

there are persons who can be contacted in their absence should any issues arise. Notwithstanding this, the applicant has also confirmed that they would be agreeable to a condition restricting external amplified music at the premises.

The current permission allows the use to operate for no more than 135 days per year including no more than 40 weekends and the application does not seek to increase this. The current planning permission does not prohibit holiday rentals occurring on weekdays but the applicant's agent has confirmed that the bookings are most common Friday to Sunday with very few week day bookings. The applicant's agent also confirms that the number of guests on site varies from 10 sometimes, 20-30 majority of the time and over 40 on rare occasions.

The current planning permission allows for 24 guests to occupy the site at any one time in connection with a single holiday let group. However, planning permission has been granted at the site for sleeping accommodation for up to 40 people and as a consequence, groups of more than 24 people have been visiting the site. This is confirmed by both the applicant and the neighbouring objector. Although the current application originally sought an increase to 45 guests at the site, this has subsequently been reduced to 40 to reflect the number of bed spaces that have been permitted at the site.

The accommodation at Highfields Manor is such that it can be separated into two wings of accommodation (South Wing and West Wing) and the current proposal also seeks to allow for two groups to occupy the premises at any one time within the two wings of accommodation, whilst sharing communal facilities such as the swimming pool, games room and treatment room. Both shared and separate external seating areas have been provided at the site as detailed above in the applicant's proposed mitigation measures.

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 a condition restricting external amplified noise in order to protect the amenity of neighbouring residents.

Members are advised to note that noise complaints are dealt with by the Council's Environmental Protection team. If there are noise nuisances associated with the use of the site that cause disturbance to neighbouring residents then these can be reported to the Council's Environmental Protection team for them to investigate.

Overall, when having regard to the permitted use of the site, the level of sleeping accommodation that has been permitted at the site which has provided the potential for the business to expand, the suggested mitigation proposals put forward by the applicant to control external activity on the site and the condition recommended by Environmental Protection, 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 significant harmful impacts upon surrounding residential amenity. Therefore, the development is considered to be in accordance with Policy D2 of the adopted Local Plan.

Impacts on Highway Safety

The application proposes to increase the number of guests visiting the site to 40 people and to allow for two groups of guests to occupy the site at any one time.

The County Highways Authority advises that the use of the site would remain unchanged and the use is one which does not typically generate peak hour trips, with most trips at off peak times. The site is also located at some distance from the public highway and subject to sufficient parking being provided within the site, the County Highways Authority is supportive of the application proposals. However, the County Highways Authority notes that the site is set within a generous curtilage with space for on-site parking at the end of a long access track into the site from the public highway. As a result the County Highways Authority, does not consider that the application would result in vehicles parking in the adopted highway.

Overall, it is considered that the residual cumulative impacts of development are not considered severe in accordance with Paragraph 109 of the NPPF. 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.

Conditions

Planning permission ref: 13/00792/FUL was subject to 4 conditions, 2 of which are for consideration in this application. It is proposed to remove condition 3 but it is considered that this would need to be replaced with a condition which restricts the number of holiday rental groups using the site at any one time in the interests of protecting neighbouring residential amenities.

The starting point for consideration is whether the development has commenced, and as the development has commenced then only the necessary conditions need attaching. Condition 1 is an approved plans condition and condition 4 relates to the annex accommodation occupied by the applicant and both of these will need to be carried forward with this permission.

Other

The case has been put forward by the applicant's agent that the conditions suggested for removal/variation are not enforceable. Having discussed the matter with the Council's Enforcement Team, officers are of the view that the conditions are enforceable and therefore, it is not considered that the removal of conditions on this basis is justified.

In response to neighbour concerns about noise and disturbance as a result of vehicles incorrectly identifying the neighbouring property as Highfields Manor, this occurs as a result of satellite navigation systems and poor signage. This matter could be improved with clearer signage and whilst it is not considered that this would be reasonable as a condition on this application, it is considered that a note to applicant would be appropriate to highlight the problem to the applicant.

Conclusion

The application site is situated outside the defined Limits to Development and the proposal relates to a permitted holiday rental use and permitted built development. There would be no change in the visual impact of the site upon the character of the surrounding countryside within which it is located. It is not considered that there would be any significant adverse impacts on neighbouring residential amenities or highway safety. There are no other material impacts identified, that would indicate that the proposal is not in compliance with the NPPF or local development plan policies. Accordingly, approval of the application is recommended, subject to the imposition of planning conditions.

RECOMMENDATION - PERMIT, subject to the following condition(s):

1. Approved plans
2. Use Restrictions
3. Use for two holiday rental groups at any one time
4. Annex to the Granary ancillary to Highfields Manor
5. Restriction on external amplified music
6. External seating

Change of use of tattoo shop to an A5 (hot food takeaway)
use, installation of flue to rear and alterations to shop front

Report Item No
A4

68 - 70 Belvoir Road Coalville Leicestershire LE67 3PP

Application Reference
19/00770/FUL

Grid Reference (E) 442451
Grid Reference (N) 313775

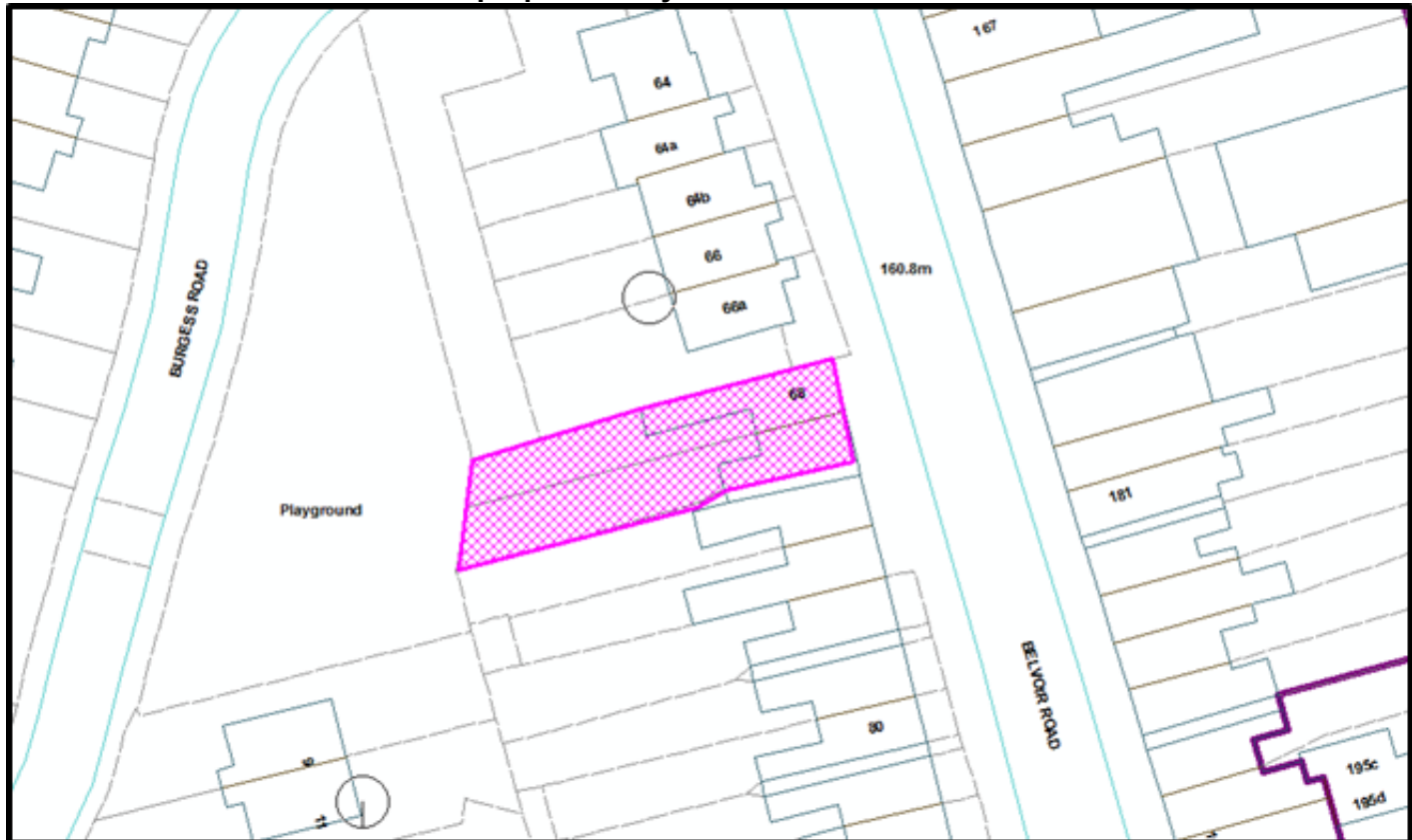
Date Registered:
24 July 2019
Consultation Expiry:
5 September 2019
8 Week Date:
18 September 2019

Applicant:
Mr Ako Babab

Case Officer:
Anna Edwards

Recommendation:
PERMIT

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Recommendation

Call In

The application is brought to the Planning Committee as Councillor Geary has requested it be called in on the grounds of highway safety and public concern.

Proposal

Change of use from Tattoo Shop (sui-generis) to an A5 (Hot Food Takeaway) use, installation of flue to rear and alterations to shop front. The proposal includes the installation of a rear flue and new windows, door and tile cladding to the shop front. The site is located to the west of Belvoir Road and is currently vacant.

Consultations

A total of 23 letters of representation have been received objecting to the proposal. All statutory consultees have raised no objections.

Planning Policy

The site is located within the Limits to Development on the Policy Map to 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 principle of the change of use of this vacant building to an A5 hot food takeaway use is considered to be acceptable. The proposal is not considered to significantly affect residential amenity in the area, have any significant detrimental design impacts or conflict with highway safety. There are no other relevant material planning considerations that indicate planning permission should not be granted. The proposal is deemed to comply with the relevant policies in the development plan and the NPPF. It is therefore recommended that the application be permitted subject to planning conditions.

RECOMMENDATION:-

PERMIT SUBJECT TO THE IMPOSITION OF 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

Planning permission is sought for the change of use of Tattoo Shop (sui-generis) use to an A5 (hot food takeaway) use, installation of flue to rear and alterations to shop front at 68-70 Belvoir Road, Coalville.

The application site comprises the ground floor of a two storey building and outside space to the rear. A residential 3 bedroom flat under the same ownership is at first floor level and does not form part of this application.

The premises is currently unoccupied, with the premises previously being used as a Tattoo Studio/shop which is classified as a sui-generis use. To the west of the building is an area of garden land. The site does not benefit from any off street parking provision.

The site is situated within the defined limits to development but is located some 140 metres outside of the defined Coalville Town Centre.

There are a range of uses within the immediate vicinity of the site, including residential and commercial as well as hot food takeaways.

Internally, the layout of the existing shop/studio would be altered to accommodate the proposed use.

Externally, the application proposes the installation of a flue to the western (rear) elevation. To the shop front, alterations include replacement windows, door and tile cladding to the front elevation.

The application has been accompanied by product specification documents for the extraction unit.

No recent relevant planning history found in relation to this site.

2. Publicity

28 neighbours notified.
Site Notice displayed 15 August 2019.

3. Summary of Consultations and Representations Received

Ward Councillor John Geary called the application in for planning committee consideration. The following concerns were raised in the call in request:-

- Public concern with takeaways in this area of Belvoir Road.
- Highway safety.

Leicestershire County Council Highway Authority - raised no objection.

NWLDC Environmental Protection raised the following environmental observations - The flat should be solely for use by employer/employees of the food business in association with their employment.

Third Party Representations

Letters of objection have been received from 23 individuals, raising the following concerns:-

Principle

- Too many takeaways
- Too much competition

Residential amenity, noise and disturbance

- Not the right location for a takeaway next to tenants homes
- Late night customers
- Antisocial behaviour
- Vulnerable neighbours
- Crime
- Rubbish, rats and vermin
- Smells from cooking
- Noise pollution
- Lack of view

Highway Considerations

- Use of rear access would be unlawful
- Belvoir Road is congested and narrow
- Limited parking for residents in the area
- People will use cars to access the premises
- Use will be hazardous and dangerous
- Parking problems
- Accidents

Other Matters

- Fire risk - Health and safety of nearby properties
- Fence to rear removed without EMH permission

The full contents of all the letters of representation are available for members to inspect on the case file.

4. Relevant Planning Policy

National Planning Policy Framework (2019)

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

- Paragraph 7 and 8 (Achieving sustainable development);
- Paragraph 11 (Presumption in favour of sustainable development);
- Paragraph 85 (Ensuring the vitality of town centres);
- Paragraphs 127 (Achieving well designed places);
- Paragraph 55, 56 (Planning conditions and obligations)

Adopted North West Leicestershire Local Plan (2017)

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

IF4 - Transport Infrastructure and New Development

IF7 - Parking Provision and New Development

Other Policies/Guidance

National Planning Practice Guidance

Leicestershire Highways Design Guide (Leicestershire County Council)

Good Design for North West Leicestershire SPD - April 2017

Shop Fronts and Advertisements Supplementary Planning Document - June 2019

5. Assessment

Principle

This application proposes to change the use of an existing commercial unit (sui-generis use) to a hot food takeaway (A5 use).

The site is located within the limits to development where the principle of new development and change of use applications are normally considered acceptable subject to compliance with the relevant policies of the adopted North West Leicestershire Local Plan and other material considerations.

The concept of new development being directed to locations that minimise reliance on the private motorcar is contained within the NPPF. The settlement of Coalville benefits from an extensive range of local services and is readily accessible via public transport. The proposal for the change of use to a hot food takeaway establishment is, therefore, considered to score well against the sustainability advice in the NPPF.

The existing site is located outside of the defined main town centre area in the Local Plan. Advice in the NPPF advocates a sequential approach to ensure that town centre uses (such as hot food takeaways) are established in town centre areas where possible. Whilst no sequential assessment has been provided by the applicant in relation to this, the site is located on the edge of the defined town centre and the property is currently vacant. The existing use of the property as a Tattoo Shop offers a service similar to that of a hairdressers or a beauty salon, also sui-generis uses, which would also be directed to the town centre. Therefore, the proposed town centre use, whilst located outside of the main town centre area is not considered to cause any additional harm to the vitality of the main town centre.

Taking all of these issues into account, the proposal is considered acceptable in principle.

Concerns were raised within the letters of objection that there are already too many takeaways/fast food shops, too much competition, enough places to eat and 3 takeaways within 50 yards.

Specifically in relation to the change of use to hot food takeaways, in terms of the principle acceptability, Policy Ec11 1 (a) of the Local Plan requires that clusters of such uses should be avoided. However this is only applicable within defined primary shopping areas. As the

application is located outside of the defined primary shopping area there is no applicable policy restriction on the number of hot food takeaways in the area in principle. Opposition to business competition is not a material planning consideration.

Overall, taking all of these issues into account, the proposal is considered acceptable in principle subject to other material considerations discussed within this report.

Design and Impact upon Character

The proposal includes the installation of an extraction flue to the western/ rear elevation of the property and alterations to the shop front that include new windows, door and tile cladding. The position and design of the proposed extraction equipment has been influenced by its functional requirements. The visual impact of the proposed flue would be limited from Belvoir Road due to the location to the rear of the premises. Views of the flue would be taken from the west from Burgess Road. However, given that the rear garden area separates the proposal from the public realm and that existing built forms would shield views from the north and south it is considered that any impact the proposed flue would have upon the street scene would not be so significant to warrant refusal of the application. The design of the flue is considered to be appropriate for the intended use and acceptable in terms of visual impact upon the property and the surrounding area.

With regard to the proposed alterations to the shop front, the Councils 'Shop Fronts and Advertisements' SPD states that new shop fronts should be designed to respect the character of the building of which they form and the wider street scene. The existing single glazed timber framed window and door openings would be replaced with double glazed aluminium framed windows and door in grey. The replacement window and door frames are considered to be minor and acceptable in relation to the existing building and wider street scene. The proposed grey tile effect cladding to the ground floor of the front elevation is of a similar style to grey cladding that is present on existing properties along Belvoir Road and is also considered to be acceptable in relation to visual amenity.

Overall, the proposal is considered to have an acceptable design that would be in keeping with the character and appearance of the existing building and the surrounding area. Therefore, the proposal is considered to be in accordance with Policy D1 of the adopted Local Plan, the Council's Good Design SPD and the advice contained in the NPPF.

Impact upon Residential Amenity

Concerns have been raised within the letters of representation on grounds that the proposal would result in various unacceptable impacts in terms of residential amenity by way of noise and disturbance, odour and smells, late opening hours, negative health impacts, drunks and unsociable people and litter and vermin.

The site is located in an area characterised predominantly by retail and residential properties. There are residential uses to the first floor of the application site and attached to the southern elevation of the subject premises.

Policy D2 of the Local Plan states that development should be designed to reduce its impacts on residential amenity. Criterion (1) requires that development should not have an adverse impact through loss of privacy, overshadowing or be overbearing and criterion (2) states that proposals should not generate a level of activity, noise, vibration, pollution or odour, which cannot be mitigated to an appropriate standard.

The site is situated of the edge of the defined Coalville Town Centre. In such areas a degree of

noise and disturbance is expected as a direct consequence of the range of uses present. Within the principle section above, it has already been established that a hot food takeaway use would be an acceptable use within the area.

In terms of disturbance, the opening hours for the proposed use would be 12:00-23:00 Monday to Saturday and 15:00-22:00 Sunday and bank holidays. These hours are considered to be later than that of a typical service or retail use and of the previous opening hours of the tattoo shop, which closed at 17:00. The proposal would result in more coming and goings from the premises in the evening time.

The proposed opening hours are consistent with the operating hours of nearby hot food takeaway establishments; for example, opening hours at Wok Express, located at 145 Belvoir Road, are 17:00-0:00 Friday and Saturday, 17:00-23:00 Sunday, Monday, Thursday and closed on Wednesday and at Sun Hing Chinese located at 111 Belvoir Road which are Monday and Wednesday 17:00-23:00, Thursday, Friday and Saturday 12:00-14:00, 17:00-23:00, Sunday 17:30-23:00 and closed Tuesday. As such, it would not be reasonable to impose further restrictions on the opening hours for this property. Subject to a condition restricting the hours of operation to those stated, it is not considered that the proposal would result in a significantly harmful impact in terms of disturbance.

The first floor living accommodation above the proposed hot food takeaway would be subject to potential noise nuisance. However it is noted that the living space is under the same ownership as the subject premises. In order to protect residential amenity for future occupiers of this living space it would be considered appropriate to condition that it is for the use of employer/employees of the food business in association with their business. The applicant has clarified that they will be undertaking the tenancy for the living accommodation should they receive planning permission for the food business. Subject to a condition to tie the living accommodation to the food business, it is considered that potential noise impacts to the living accommodation above or neighbouring properties would not be to a level that would be significantly detrimental or warrant refusal of the application on those grounds.

The site is situated on the edge of the defined Town Centre, where there is a concentration of activity and a level of disturbance from a range of sources over a prolonged period of the day. With the nature of the edge town centre location taken into consideration, it is not considered that the operation of a hot food takeaway would result in any further significant impacts in terms of noise or disturbance.

In terms of noise and odour, the extraction system would be fitted with a carbon filter system to ensure that the air which is expelled is as clean as possible and silencers to keep noise levels to a minimum.

Whilst it is accepted that there is potential for smell/odour issues from the cooking process which could affect neighbouring and nearby properties, the details of the application together with the product specification document for the extraction unit has been considered by NWLDC Environmental Protection who have raised no objection to the proposal. Maintenance of the extraction system would be managed by way of a suitably worded planning condition.

Objections have also been raised on grounds that the proposal would attract drunks and unsociable people. This application proposes a generic A5 use, as such, the unit could therefore be host to a wide range of occupiers. Notwithstanding this, the planning system is unable to control/restrict customers in this regard and, as such, behaviours of the end user. There is no evidence to substantiate these claims and therefore this issue cannot be taken into

consideration in the determination of the application.

Concerns have been raised that the proposal would result in increased litter. Whilst the plans do include bin provision to the rear of the premises, no litterbin provision has been provided for to the frontage. It is considered that there would be adequate space on the site to accommodate such provision and therefore a condition would be imposed to secure the provision and maintenance of both. The imposition of this condition would ensure such concerns are addressed.

It has also been expressed that the proposed use would attract vermin. This is not a material planning consideration. Appropriate refuse facilities would be required to serve the premises, but increased levels of vermin would be subject to control by NWLDC Environmental Health.

It is noted that there has been no recent complaints from the public to the Councils Environmental Protection team, in relation to noise, smell, disturbance or litter at nearby hot food takeaways, Wok Express, Sun Hing Chinese or the Half Way Chippy.

On balance, although the proposal could result in some additional impacts in terms of residential amenity, given that the site is situated within the defined Town Centre, against this backdrop and subject to relevant conditions, any impacts over and above those existing are not considered to result in a material level of harm that would warrant refusal of the application on these grounds. No objections are raised by NWL Environmental Protection.

There are no other materially harmful impacts identified in this regard that would result in the scheme being unacceptable on such grounds. Therefore, the proposed development is considered to be in accordance with Policy D2 of the adopted Local Plan and the Council's Good Design SPD.

Highway Considerations

Numerous objections have been raised within the letters of objection on highway safety grounds and on the basis of inadequate parking provision.

The subject site does not benefit from any off street parking provision. It is noted that the applicant had originally intended to use the existing access to the rear of nos 64 to 66a to access the rear garden of the subject premises. It has been established during the course of the application that the landlord/applicant has no legal right of way or legal access to the rear. The highway to the property frontage is no parking enforced by double yellow lines. The opposite side of the road is of single yellow line, unrestricted waiting after 18:00. The application proposes a delivery service, initially comprising a maximum of two vehicles.

Letters of objection raise concern that accidents are happening. The Local Highway Authority (LHA) has been consulted on the application and they refer to relevant personal injury collisions (PIC's) data produced. There have been 12 recorded PIC's over the last five years within 500m of the site on Belvoir Road. Of PIC's recorded, no further details were received by the LHA with regards to one incident, one occurred following a domestic argument and one involved a driver dazzled by the sun. Three PIC's occurred at the roundabout junction of Avenue Road and Belvoir Road and one involved an overtaking vehicle. Given the trend in the decline of incidents that have occurred and the lack of common causation factors, the LHA does not consider that the development proposal would exacerbate the likelihood of further such incidents occurring. There have been no PIC's on Burgess Road within the last five years.

Letters of objection also raise concern that vehicles would block accesses and park on the road. Belvoir Road is subject to a comprehensive package of waiting restrictions; outside the premises is a no waiting at any time restriction, and opposite is a no waiting Monday - Saturday 8am - 6pm restriction. Parking violations cannot be pre-empted as a result of the proposal. Should restrictions be violated this would be enforced by Civil Enforcement Officers.

The LHA does not have specific parking standards relating to Use Class A5. Whilst the standards applied by other local highway authorities do not apply in Leicestershire, the LHA is aware that there are other authorities which do have parking standards for this Use Class; that being 1 space per 20sqm, which has been identified as both a minimum and a maximum standard at other authorities.

The floor area of the premises is 82sqm and therefore based on the standards referred to above, it would be reasonable to expect that the development proposal would result in the demand of 4 parking spaces. It is noted however, that the current use of the premises as a tattoo shop (sui generis) also does not have specific parking standards. The tattoo shop could re-open, without planning permission, which would also have no parking provision.

There is a public car park located approximately 250 metres from the site, which equates to an approximate 3 minute walk. In addition to this, the premises is located approximately 500 metres from the town's shopping centre, therefore providing opportunity for both employees and customers to access the site by means other than private motor car. By virtue of its central location, the site is also within walking distance of the settlement it would serve.

The LHA is satisfied that due to the presence of existing on-street parking controls, and considering the existing use of the premises, that the operation of the highway network should not be detrimentally effected by the proposals and could therefore not substantiate a reason for refusal on highway grounds.

Paragraph 32 of the NPPF advises that applications should only be refused on highway grounds where the cumulative impacts are severe. On the basis of the above, it is not considered that the proposal would conflict with the principles of this paragraph or the aims of Policy IF4 or IF7 of the adopted Local Plan.

Other Issues

Other issues that have been raised in the letters of objection include the proposal resulting in a fire risk.

Fire safety is not in the control of planning parameters. However, under the Regulatory Reform Fire Safety Order 2005 a suitable and sufficient risk assessment needs to be carried out by a responsible person as defined at Article 3 of the Order such persons being employers and/or building owners or occupiers and it must be kept up to date. On the basis of this information, it is recommended that a note to applicant is attached to any planning permission granted to ensure that the applicant is made aware of these fire safety requirements.

Neighbour letters of objection raised concern that the fence to the rear (owned by East Midland Housing) had been removed without permission. This is a private civil matter between the landlord/ applicant and the owner of the fence. This is not a material planning consideration and as such this concern has no bearing on the council's decision-making process.

In respect of all other matters reported in the third party representation section above that have

not been addressed in the assessment section of this report, these are not considered to be material planning considerations and have no bearing on the decision making process.

Conclusion

The principle of a new takeaway use in this location is deemed acceptable. In the case of this application the proposal is not considered to have any significant detrimental design, residential amenity or highway related impacts. There are no other relevant material planning considerations that indicate planning permission should not be granted. The proposal is considered to comply with the relevant policies in the adopted Local Plan and the advice within the NPPF. Accordingly the application is recommended for planning permission, subject to the imposition of planning conditions.

RECOMMENDATION - PERMIT subject to the following conditions:-

1. Time limit
2. Approved plans
3. Hours of operation
4. Living accommodation for employer/employees of food business
5. Maintenance of extraction system
6. Provision of a scheme providing/maintaining commercial waste and a litterbin

Proposed additional A5 use (hot food takeaways) to existing
C1 and A3 use

Report Item No
A5

The Halfway House 128 Belvoir Road Coalville Leicestershire
LE67 3PQ

Application Reference
19/01565/FUL

Grid Reference (E) 442483
Grid Reference (N) 313647

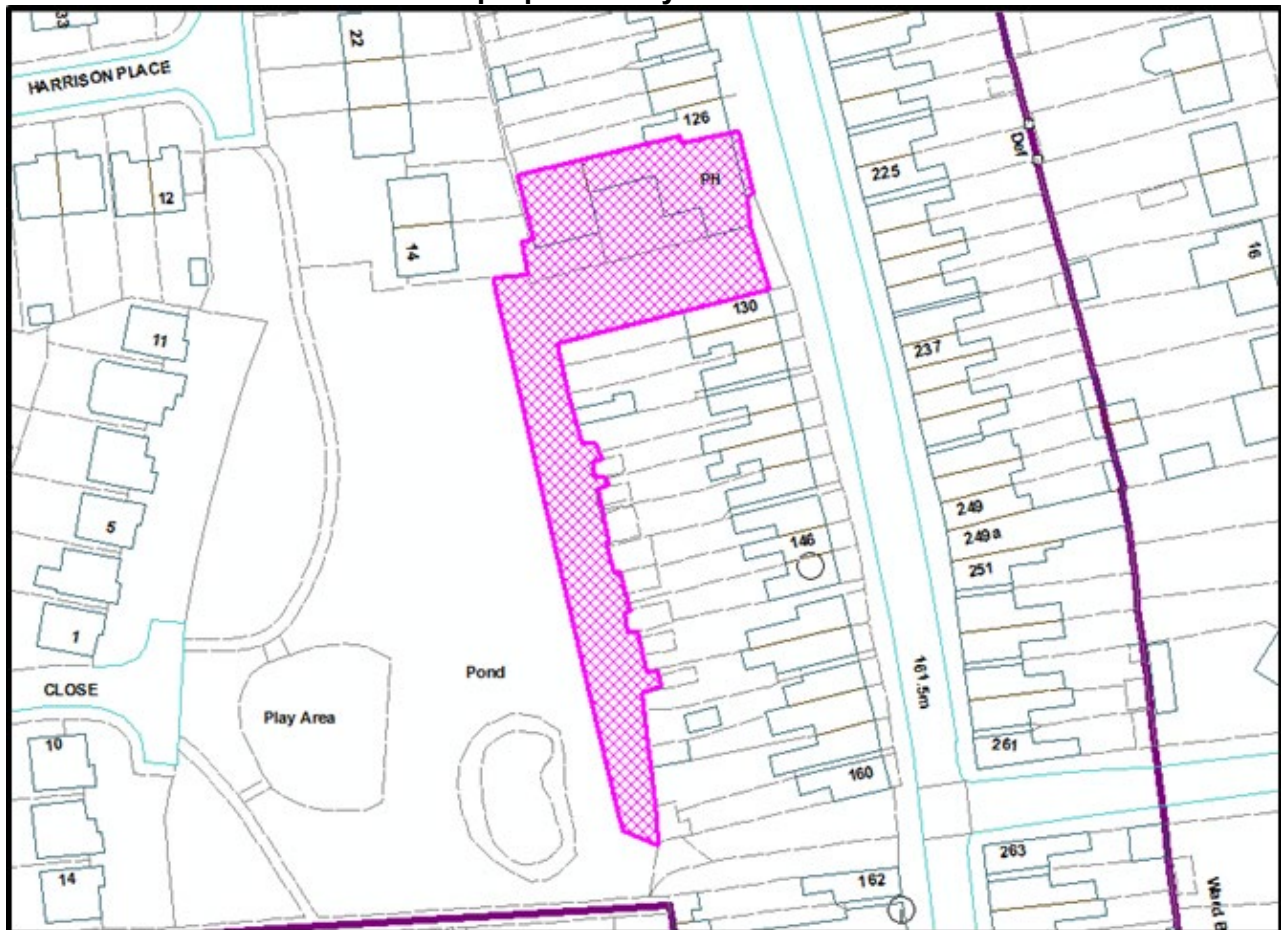
Date Registered:
9 August 2019
Consultation Expiry:
4 October 2019
8 Week Date:
4 October 2019

Applicant:
Mr P Bhella

Case Officer:
Karina Duncan

Recommendation:
PERMIT

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Recommendation

Call In

The application is brought to the Planning Committee as Councillor Geary has requested it be called in on grounds of highway safety and public concern.

Proposal

This is a full application for the addition of an A5 use (hot food takeaways) at The Halfway House, 128 Belvoir Road, Coalville. The site is located to the west of Belvoir Road and has planning permission for a mixed use of C1 (bed and breakfast) and A3 (restaurant).

It should be noted that the application also proposes a delivery service to be operated from the site.

Consultations

A total of 8 letters of objection have been received during the course of the application. None of the statutory consultees have raised any objection to the proposal.

Planning Policy

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

Conclusion

The report below indicates that the principle of the addition of an A5 use to the existing premises would be acceptable. The proposal is not considered to result in any unacceptable residential amenity impacts in the area, or result in any adverse impacts to highway safety. There are no other relevant material planning considerations that indicate planning permission should not be granted. The proposal is deemed to comply with the relevant policies in the development plan and the NPPF. It is therefore recommended that the application be permitted subject to suitably worded planning conditions.

RECOMMENDATION:-

PERMIT, SUBJECT TO THE IMPOSITION OF 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, the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1.0 Proposals and Background

This is a full application for the addition of A5 use (hot food takeaways) to the existing C1 and A3 use at The Halfway House, 128 Belvoir Road, Coalville.

In March 2019 it was resolved to grant planning permission for the change of use from A4 to a mixed use of C1 (bed and breakfast) and A3 (restaurant), erection of two storey side and rear extension, and alterations to car parking arrangements at the site. This application relates to the additional A5 use to be carried out as part of the existing business, and does not relate to the extension of the existing building.

Amended plans have been received during the course of the application to propose two additional parking spaces to the site and to allocate two of the existing parking spaces to be used by vehicles in connection with the proposed takeaway delivery service.

It is understood that the application is retrospective as A5 uses have been operating from the site.

It has been confirmed by the agent for the application that the proposed A5 use would operate within the existing operational hours of:-

Monday - Thursday 11:00 am - 22:00 pm
Friday - Sunday 11:00 am - 23:00 pm

2. Publicity

69 neighbours notified.
Site Notice displayed 21 August 2019.

3. Summary of Consultations and Representations Received

Leicestershire County Council Highway Authority - has no objections subject to a condition being attached to any permission granted.

North West Leicestershire District Council Environmental Protection has no environmental observations to make.

Third Party representations

Representations have been received from 8 individuals. A summary of the objections is provided below:

Highway Safety/Parking:

- Highway safety concerns, including lack of speed restrictions on Belvoir Road and the potential for accidents to occur;
- Lack of available off-street parking, exacerbation of existing parking problems as a result of the existing B&B use;
- Impacts on existing on-street parking within the area and ability for residents to access their properties;

- Increase in volume of traffic along Belvoir Road;
- Impact on the ability for emergency service vehicles to utilise Belvoir Road.

Other:

- Brightness of the lights to the front of the premises;
- Number of takeaways located within Coalville and within close proximity to the site;
- Noise and smells.

Full details of representations are available for inspection on the file.

4. Relevant Planning Policy

National Policies

National Planning Policy Framework 2019

The following sections of the National Planning Policy Framework (NPPF) are considered relevant to the determination of this application:

Paragraphs 8, 11 and 12 (Achieving sustainable development)

Paragraphs 47, 54, 55 and 56 (Decision-making)

Paragraphs 86, 87 and 89 (Ensuring the vitality of town centres)

Paragraphs 102, 103, 106, 108, 109, 110 and 111 (Promoting sustainable transport)

Adopted North West Leicestershire Local Plan (2017)

The application site is within Limits to Development as defined in the adopted North West Leicestershire Local Plan. The following Local Plan policies are relevant to this application:

Policy S2 - Settlement Hierarchy

Policy D1 - Design of new development

Policy D2 - Amenity

Policy Ec8 - Town and Local centres: Hierarchy and Management of Development

Policy Ec9 - Town and Local centres: Thresholds for Impact Assessments

Policy IF4 - Transport Infrastructure and new development

Policy IF7 - Parking provision and new development

Other Policies / Guidance

Good Design for North West Leicestershire Supplementary Planning Document (SPD)

Leicestershire Highway Design Guide (Leicestershire County Council)

5. Assessment

Principle of Development

In terms of the principle of the development, it is considered that there are two distinct elements which are required to be assessed and these would be as follows:

- The Sequential Approach to Site Selection; and
- The Impact of the Development on Town and Local Centres.

Planning permission is now sought for an additional A5 (hot food takeaways) use to the existing mixed C1 (bed and breakfast) and A3 use. The existing use was granted planning permission under application reference 18/01466/FUL.

Paragraph 8.65 of the Local Plan states that hot food takeaways are a main town centre use. It is noted that the site is located outside of the town centre boundary. Local Plan Policy Ec8 - Town and Local Centres: Hierarchy and Management of Development, states that proposals for retail and other main town centre uses will be expected to be located within the town and local centres, and only if suitable sites are not available in either of these locations should out-of-centre locations be considered. This is also supported by paragraph 86 of the NPPF which states that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan.

Paragraph 90 of the NPPF states that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in Paragraph 89, it should be refused.

No sequential information has been submitted to support the application. Consideration has been given to paragraph 87 of the NPPF which states that when considering edge of centre proposals, preference should be given to accessible sites which are well connected to the town centre. It further states that local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.

Given that the works proposed relate to an additional use which would be supported by the existing facilities on site, and given that the proposal would not result in additional floor area to accommodate the proposed additional use, it is considered unreasonable for the Local Planning Authority to request that the applicant consider alternative sites within a Town Centre location, and as such a sequential test has not been applied in this instance.

In this case the site is located approximately 265 metres from the town centre boundary, and therefore the site is located within an edge of centre location. The site can be accessed by a range of sustainable transport options by virtue of existing bus services, with stops located directly outside and within 100 metres of the premises (Bus Nos. 15, 26, 120 and 159), as well as the continuous footpath located to both sides of Belvoir Road leading to Coalville Town Centre. Given the above, it is considered that the edge of centre location would be acceptable when having regard to paragraph 87 of the NPPF.

For the above reasons, it is considered that the impacts to the vitality and viability of the Town Centres would not be so adverse that a reason to refuse the application could be justified in this instance. The proposal, due to its scale, is also not considered to result in any impact on existing, committed and planned public and private investment.

Summary

For the above reasons, the principle of the development is considered to be acceptable and would not conflict with the principles of Paragraphs 86, 89 and 90 of the NPPF or Local Plan Policy Ec8. The proposal is therefore considered to be acceptable subject to all other matters being adequately addressed.

Other Matters

Third party letters of objection have been received on grounds of the number of hot food takeaways located within Coalville and within close proximity to the site.

It is noted that the Local Plan benefits from Policy Ec11- Town and Local Centres: Primary Shopping Areas- Hot Food Takeaway Balance, which aims to avoid clusters of takeaway uses.

It should be noted that as the proposal is not located within a primary shopping area of the Town Centre, consideration cannot be given to the factors set out within this particular policy. There are no policies within the Local Plan which restrict the number of hot food takeaways in the vicinity of this particular site, and on this basis a reason for refusal is not considered to be justified on grounds of oversaturation of hot food takeaways.

Design and Layout

The application does not propose any external alterations to the building and therefore the proposal would not result in any conflict with Policy D1 of the Local Plan or the guidance set out within the Council's Good Design for North West Leicestershire SPD.

Highway Safety and Parking

Policies IF1 and IF4 of the adopted North West Leicestershire Local Plan set out, amongst others, the relevant requirements of new development in respect of its accessibility, and its impacts on highway safety and the infrastructure of the wider highway network.

Paragraph 109 of the NPPF states 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.

Third party letters of objection have been received on grounds of highway safety, including lack of speed restrictions on Belvoir Road and the potential for accidents to occur; lack of available off-street parking, exacerbation of existing parking problems as a result of the existing B&B use, impacts on existing on-street parking problems within the area and ability for residents to access their properties, increase in volume of traffic along Belvoir Road and the impact on the ability for emergency service vehicles to utilise Belvoir Road.

The proposal would result in two of the existing off-street parking spaces being designated as parking bays for vehicles in connection with the proposed takeaway service. An additional two parking spaces are also proposed to the rear of Nos. 152 and 156 Belvoir Road. On this basis, the proposal would not lead to a loss of off-street parking spaces secured under planning application 18/01466/FUL.

The County Highways Authority (CHA) have been consulted on this application and are satisfied that sufficient space for vehicles to turn within the site to enter and exit the highway in forward gears would be achieved as part of this proposal.

The CHA have confirmed that there are no parking standards relating to use class A5. In summary, given that the proposed A5 use would apply to 169sq metres (the footprint of the existing A3 use) and given that the proposal does not result in the extension to the footprint of the existing premises, it would be unreasonable to consider that the proposal would result in a shortfall of parking spaces and seek to resist the proposal on this basis.

Consideration has been given to the fact that, notwithstanding the above, the proposal would generate additional trips to the site and consequently a demand for parking. The CHA have considered that existing waiting restrictions at Belvoir Road outside the premises, and have stated that on both sides of the road, there is a no waiting Monday - Saturday 8am - 6pm restriction. Therefore, lawful on-street parking in the direct vicinity of the premises during the day is not permitted. The CHA considers it unreasonable to assume that the number of customers of both the permitted restaurant and B&B would be at its highest level during the evening. Weight has therefore been given to the fact that this could provide a greater opportunity for on-site parking between the hours of 8am and 6pm, when the no waiting

restrictions are in operation.

The CHA have stated that there is a public car park located approximately 0.2 mile from the site, which equates to an approximate 5 minute walk. In addition to this, the site is located close to Coalville Town centre, therefore providing opportunity for both employees and customers to access the site by means other than private motor car.

Other Matters

Consideration has been given to a number of highways related pre commencement conditions attached to the previously permitted application (reference: 18/01466/FUL) which have not been formally discharged by the Local Planning Authority at the time of writing this report.

Conditions 4, 5 and 9 which relate to; the access width, closure and reinstatement of an existing access, and the provision of pedestrian visibility splays at the highway boundary respectively, have not been discharged. However, it is noted that an application to discharge these conditions has been received by the Local Planning Authority and the CHA have provided comments. An objection has been received in relation to the discharge of conditions 4 and 5 pending the submission of technically approved drawings to secure technical approval for the works.

Amendments are required to the initially submitted details received in respect of the application to discharge condition 9, to secure pedestrian visibility, in accordance with Figure 22 of Part 3 of the Leicestershire Highway Design Guide.

Given that the CHA have raised no objection to the access and parking arrangement submitted in respect of this application, it is considered that suitably worded conditions could be attached to any permission granted to secure suitable parking and access arrangements to the site.

Third party representations

Third party objections have been received on the basis of highway safety impacts. The CHA have considered personal injury collision data over the past 5 years, and have stated that given the trend in decline in the number of collisions, and the lack of common causation factors, it is not considered that this proposal would exacerbate the likelihood of further such collisions occurring.

Objections have also been received on grounds of the impact on emergency service vehicles being able to utilise the road and to access neighbouring properties. It is not considered that this application would exacerbate any existing issues in terms of highway obstructions which may impede emergency service vehicular access. Similarly, concerns raised in relation to the ability for neighbouring residents to access their properties is not considered to be exacerbated in the event that planning permission be granted for this proposal. It is advised that such obstructions would fall outside of the Local Planning Authorities control, but instead could be controlled under separate Highway legislation.

An objection has been received in relation to the lack of speed restrictions, it is noted that Belvoir Road is subject to a 30mph speed limit. It is not considered that the proposal would justify the implementation of any off-site traffic calming measures in this instance.

Concerns have been raised in relation to the potential for the proposal to increase the volume of traffic along Belvoir Road. The County Highways Authority have raised no objection in relation to the proposals impact on the increase in volume of traffic in the area.

Summary

The CHA are satisfied that due to the presence of existing on-street parking controls, and considering the extant use of the premises, that the operation of the highways network would not be detrimentally effected by the proposal and could therefore not substantiate a reason for refusal on highway grounds.

The CHA have advised for a condition to be attached to any permission granted, to require the proposed parking and turning facilities to be implemented prior to the development being occupied. As the application is retrospective, the Local Planning Authority consider that a 3 month timeframe from the date of any permission being granted to be a reasonable timeframe for implementation.

Subject to the imposition of suitably worded conditions, the proposal is considered to be acceptable in relation to Local Plan policies IF4 and IF7, as well as the guidance set out within the Leicestershire Highways Good Design Guide.

Residential Amenity

In terms of amenity issues (and the scheme's performance in respect of Policy D2 of the adopted North West Leicestershire Local Plan), with particular regard to noise and smells as a result of the additional A5 use, the agent for the application has confirmed that the proposed A5 use would utilise the existing flue serving the existing restaurant use.

The application does not seek permission for additional fume ventilation and extraction equipment over and above that of the existing arrangement. The Council's Environmental Protection team have been consulted on the application and have raised no objections to the proposal. It is considered that whilst the proposal may result in an increased demand for food production given the increase in services provided within the site, the additional smells generated by the addition of an A5 use would not result in an unacceptable impact to the living conditions of neighbouring occupants to warrant a refusal of planning permission on this basis.

It is considered that the proposal may result in an increase in traffic movements over that already permitted, with the potential for additional footfall to also cause noise and disturbance to residential properties surrounding the site. Consideration has been given to the fact that the parking associated with the premises is to the side of the site and to the rear of Nos.130-160 Belvoir Road, it is likely that this off-street parking would be utilised which would reduce the noise impacts associated with on-street parking to the front of neighbouring properties located on Belvoir Road which sit close to the highway. With particular regard to the impacts on those neighbouring properties which feature spaces to the rear of the rear garden areas, the spaces are located approximately 20 metres from the dwellings and therefore the impact of any intensified use of these spaces is not considered to result in any unacceptable noise and disturbance impacts to warrant a refusal of planning permission in this instance.

Summary

It is not considered that the level of additional noise and disturbance generated by the proposed A5 would result in any adverse impacts on residential amenity when having regard to the existing restaurant and B&B uses already permitted and taking place at the site. The application is not considered to result in any unacceptable smell impacts to warrant a refusal of planning permission, and no additional noise would be generated through the operation of additional fume extraction and ventilation equipment above those already featured within the site.

On the basis of the above, therefore, it is considered that the requirements of Local Plan Policy D2 would be met and no objections are raised by the District Council's Environmental Protection

team in respect of neighbouring residents' amenity issues.

Other matters

The Local Planning Authority have received third party letters of objection relation to the brightness of the external lighting to the front of the site. As this application does not relate to the alterations to the existing external lighting, the Local Planning Authority are unable to consider this objection as part of the assessment of this planning application.

Conclusion

The principle of the addition of an A5 use to the existing premises would be acceptable. The proposal is not considered to result in any unacceptable residential amenity impacts in the area, or result in any adverse impacts to highway safety. There are no other relevant material planning considerations that indicate planning permission should not be granted. The proposal is deemed to comply with the relevant policies in the development plan and the NPPF. It is therefore recommended that the application be permitted subject to suitably worded planning conditions.

RECOMMENDATION- PERMIT, subject to the following conditions;

- 1 Time limit
- 2 Approved plans
- 3 Hours of A5 use
- 4 Implementation of parking within 3 months of the date of decision
- 5 Submission of a scheme for parking signage
- 6 Access width
- 7 Closure of existing access
- 8 Visibility splays
- 9 Pedestrian visibility splays
- 10 Use as specified

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**Demolition of the two no Dutch barns and erection of one dwelling and single storey garage with annexe accommodation (outline-access and layout included)
Manor Farm Main Street Breedon On The Hill Derby DE73 8AN**

**Report Item No
A6**

**Application Reference
19/00619/OUT**

**Grid Reference (E) 440856
Grid Reference (N) 323011**

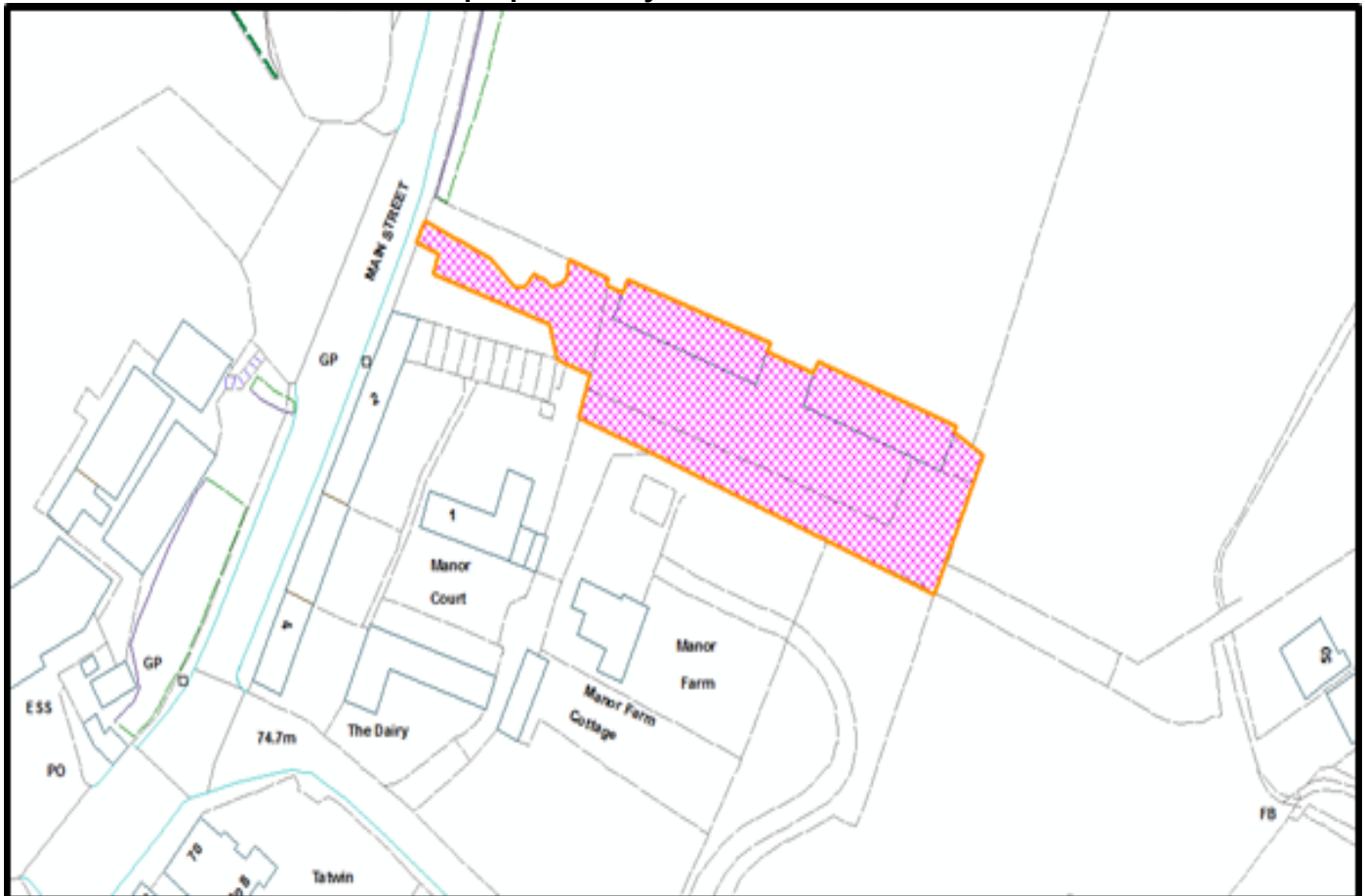
**Date Registered:
9 April 2019
Consultation Expiry:
17 July 2019
8 Week Date:
4 June 2019**

**Applicant:
Caroline Executors of A Crowson Deceased**

**Case Officer:
Hannah Exley**

**Recommendation:
PERMIT**

Site Location - Plan for indicative purposes only



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Call In

The application is brought to the Planning Committee as the planning agent is related to a serving councillor (Councillor Blunt) and contrary representations to the recommendation to permit the application have been received.

Proposal

Outline approval is sought for the erection of a one detached dwelling and detached garage/annex building on 0.18 of a hectare of land at Manor Farm, Main Street, Breedon on the Hill which is currently in agricultural use. Details of means of access and layout are included for consideration at this stage. Access to the site would be via the existing vehicular access off Main Street which would be shared with 4 neighbouring residential properties.

Consultations

A total of 3 letters of representation have been received raising objection to the proposals. Breedon on the Hill Parish Council has no objections and all statutory consultees have raised no objections.

Planning Policy

The site is located within the Limits to Development on the Policy Map to 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 application site falls within the Limits to Development for Breedon on the Hill where limited growth is permitted and therefore, the proposal which is for limited residential development, would accord with Policy S2 of the adopted Local Plan. The layout and access arrangements are considered to be acceptable and a scheme could be designed at the reserved matters stage(s) so that its appearance, scale and landscaping would have an acceptable impact upon design and heritage assets, neighbouring residential amenities, ecology and trees. The proposed access is also considered acceptable from a highway safety perspective. There are no other material impacts identified, that would indicate that the proposal is not in compliance with the NPPF or local development plan policies. Accordingly the application is recommended for outline planning permission, subject to the imposition of planning conditions.

RECOMMENDATION:-

PERMIT SUBJECT TO THE IMPOSITION OF 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

Outline approval is sought for the erection of a one detached dwelling and detached garage/annex building on 0.18 of a hectare of land at Manor Farm, Main Street, Breedon on the Hill which is currently in agricultural use. The main part of this linear site is set back 34m from the highway and is currently occupied by two large open sided agricultural buildings and these would be demolished as part of the proposals. The land between the site and the highway is occupied by converted dwellings/garages and car parking.

Details of means of access and layout are included for consideration at this stage. Access to the site would be via the existing vehicular access off Main Street used by 4 neighbouring residential properties. The proposed dwelling and garage/annex accommodation would be linear in form, each extending along the northern and southern boundaries of the site. The plans have been amended during the course of the application following concerns raised by the Council's Conservation Officer about the original proposals.

The application submission was accompanied by a Heritage Statement, Ecological Survey, Arboricultural Report and Design and Access Statement.

Relevant Planning History:

None relevant history found.

2. Publicity

4 Neighbours have been notified.

Site Notice displayed 2 May 2019.

Press Notice published Derby Evening Telegraph 8 May 2019.

3. Summary of Consultations and Representations Received

The following summary of responses is provided.

Breedon on the Hill Parish Council has no objections.

Leicestershire County Council - Highways advises that the proposal would not result in an intensification of the use of the site given the existing use and recommends conditional matters.

Leicestershire County Council - Ecology has no objections subject to a condition controlling demolition and the removal of vegetation in the bird breeding season.

NWLDC Environmental Protection recommends contaminated land conditions.

NWLDC Conservation Officer is satisfied with the position and orientation of the proposed buildings but requests that the turning area be reduced.

No comments have been received from the Council's Tree Officer.

Third Party Representations

3 letters of neighbour representation have been received from two neighbouring properties, raising objection on the following grounds:

- the development would occupy easement land that has been set aside for drainage if required and therefore, the development of the site would be contrary to restrictive covenants;
- errors in the Design and Access Statement;
- concern about the use of the access during the construction period due to its steep gradient, restricted width, lack of on-site turning and its use by neighbouring properties and it being the only pedestrian access for residents including children to leave the site;
- concern about the access being blocked during the construction period;
- concern about the displacement of earth close to gas tanks near the access by construction lorries which raises safety concerns;
- any dwelling should be subject to restrictions on the premises being used as a business as this could have implications for traffic using the existing access;
- the dwelling and garage should not be separated or leased separately to ensure that an increase in traffic does not occur;
- the amended plans show the location and footprint of the buildings only and the streetscene drawing has not been updated to enable full consideration of the proposals;
- the design and access statement has not been updated to reflect neighbour concerns about inaccuracies contained within it.

The full contents of this letter is available for Members to view on the case file.

4. Relevant Planning Policy

National Planning Policy Framework (2019)

The policies of the North West Leicestershire Local Plan as listed in the relevant section below are consistent with the policies in the NPPF. The following paragraphs of the NPPF are considered relevant to the determination of this application:

- Paragraphs 7, 8, 9, 10, (Achieving sustainable development)
- Paragraphs 11, 12 (The Presumption in Favour of Sustainable Development)
- Paragraph 109 (Promoting sustainable transport)
- Paragraphs 117, 118 (Making effective use of land)
- Paragraphs 127, 130 (Achieving well-designed places)
- Paragraph 175 (Conserving and enhancing the natural environment)
- Paragraph 178 (Ground conditions and pollution)
- Paragraph 189 (Conserving and enhancing the historic environment)
- Paragraphs 192, 193 (Conserving and enhancing the historic environment)
- Paragraph 196 (Conserving and enhancing the historic environment)
- Paragraph 56 (Planning conditions and obligations)

The policies of the North West Leicestershire Local Plan as listed in the relevant section below are consistent with the policies in the NPPF. The following paragraphs of the NPPF are considered relevant to the determination of this application:

Adopted North West Leicestershire Local Plan (2017)

The following Local Plan policies are relevant to this application:

Policy S1 - Future Housing and Economic Development Needs

Policy S2 - Settlement Hierarchy

Policy D1 - Design of New Development

Policy D2 - Amenity

Policy En1 - Nature Conservation

Policy He1 - Conservation and enhancement of North West Leicestershire's historic environment

Policy IF4 - Transport Infrastructure and New Development

Policy IF7 - Parking Provision and New Development

CC2 - Water - Flood Risk

CC3 - Water - Sustainable Drainage Systems

Other Guidance

-The Planning (Listed Buildings and Conservation Area) Act 1990

-National Planning Practice Guidance

-Leicestershire Highways Design Guide

-Good Design for North West Leicestershire SPD

5. Assessment

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 categorises Breedon on the Hill as being a sustainable village where limited growth will take place within the Limits to Development.

As the application site is within the defined Limits to Development and this proposal is for limited residential development, it is considered that the proposal would accord with Policy S2 of the adopted Local Plan.

Design and Impact on Heritage Assets/ Character of the area

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. The proposed development must be considered against section 66 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 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 proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

The site is not within the Breedon on the Hill conservation area and Manor Farm is not a heritage asset. However, the grade II listed 'Old School' is 50m to the north of the site and there is a degree of inter-visibility between the grade I listed parish church in the distance. Therefore, consideration of the impact on the setting of these assets must be considered.

Manor Farm has a strong linear character. Generally the farmstead comprises a series of long thin buildings with simple gabled roofs. All buildings have plain tiled roofs; buildings addressing Main Street are faced in stone while others are faced in red brick.

The application proposes to demolish two Dutch barns and erect a dwelling and garage/annex on the linear site. Amended plans have been secured during the course of the application following concerns raised by the Conservation Officer about the likely bulk and massing of the proposed development when having regard to the footprint proposed and the indicative streetscene drawing provided. Concern was also raised about the location of the originally proposed building to the rear of the site which would necessitate a large amount of hard landscaping on this edge of settlement site.

Amended plans have now been provided which show two linear buildings of shallow depth towards the front of the site, which reflect the linearity of the site and the form and character of historic development at Manor Farm. Whilst the Conservation Officer still has concerns about the amount of hard landscaping required to enable turning within the site, this has been significantly reduced, and there is scope to soften this with landscaping at the reserved matters stage.

Overall, it is considered that a development in the layout shown could be designed at the reserved matters stage that would be informed by existing development, respect the character and appearance of surrounding development and would not be harmful to the setting of the nearest listed buildings. Taking the above into account, it is considered that the scheme is appropriate and would comply with the NPPF and Policies D1 and He1 of the adopted Local Plan, the provisions of the Good Design SPD and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Residential amenities

The properties that would be most immediately affected by the proposed development would be Manor Farm house and No's 1 and 2 Manor Court which are located to the south and west of the site. To the north and east of the site are fields.

Manor Farm lies immediately to the south west of the application site within a generous curtilage and has its vehicular access off Doctors Lane. This neighbouring dwelling is sited over 20m from the common boundary with the application site and there is a garage building in between. The proposed garage/annex accommodation would be sited adjacent to the common boundary but would be single storey and although the proposed dwelling would face this neighbouring property there would be a distance of at least 14m between the proposed dwelling and the common boundary. When having regard to the layout of the proposed development, it is not considered that there would be any significant overlooking, overbearing or overshadowing of this neighbouring property.

No.s 1 and 2 Manor Court are located to the west of the application site and the proposed development would be sited 14m from the western boundary of the application site at its closest. Land levels in the locality also drop in an easterly location such that the development at Manor Court is at a higher land level. When having regard to the distances involved, it is not considered that the proposal would give rise to any significant overbearing, overshadowing or

overlooking impacts on these neighbouring properties.

Whilst it is accepted that there would be some comings and goings associated with the use of the site for residential purposes, this would be consistent with that of neighbouring residential properties and would be likely to be less than could occur on the site in connection with the existing agricultural use of the site.

Overall, having regard to the above, it is considered that a development in the layout shown could be designed at the reserved matters stage that would have an acceptable impact on neighbouring residential properties and would comply with the provisions of Policy D2 of the adopted Local Plan.

Highway Safety

The application relates to a proposal for a single dwelling but as there are other properties which use the access, and therefore, the views of the County Highways Authority have been sought.

The site would be accessed via the existing access off Main Street. The County Highways Authority advises that the gradient of the access is steep and does not comply with the Leicestershire Highway Design Guide. Notwithstanding this, the access has been permitted for use by 4 existing dwellings. The proposal is detailed to remove the existing agricultural trips to the site, and therefore would not result in an intensification of use. Whilst neighbour comments have been received about the applicant's supporting statement exaggerating the existing comings and goings to the site, the District Council (and the County Highways Authority in providing advice) must consider the worst case scenario in terms of comings and goings that could occur on the site in connection with the agricultural use of the land. When having regard to this, the County Highways Authority advises that subject to conditions concerning gate set back distances, turning facilities and parking, they would not seek to resist the proposal on the grounds of highway safety.

Neighbouring residents have raised concern about the use of the access during the construction phase of the development due to the width and gradient of the access and close proximity to gas tanks. Whilst this has not been raised as a concern by the County Highways Authority, the applicant's agent has advised that the applicant would be agreeable to a construction management condition with a possibility for some access off Doctors Lane via Manor Farm Cottage for site workers and with just deliveries off the Main Street access.

Overall, when having regard to the above advice, it is considered that subject to conditions, the application is acceptable from a highway perspective and would comply with the provisions of Policies IF4 and IF7 of the adopted Local Plan and paragraph 109 of the NPPF.

Ecology

The application includes the demolition of rural buildings and therefore, the application submission was accompanied by an ecological survey. The County Ecologist has been consulted on the application and has raised no objections to the application. The County Ecologist advises that the Dutch barns are not suitable for bats but may (as well as vegetation on the site) provide habitat opportunities for breeding birds and, therefore, any permission would need to be subject to a condition preventing the demolition of the buildings or the removal of vegetation during the breeding season. Overall, therefore, the development would accord with the aims of Paragraph 175 of the NPPF and Circular 06/05 Biodiversity and Geological Conservation.

Trees

The site abuts an agricultural field and within that field are a row of Poplar trees which are protected by Tree Preservation Order (TPO) T138. A Tree Report accompanied the application submission and notes that one of the trees (T1) is sited immediately adjacent to one of the existing barns on the site. The report identifies that the row of Poplars are of advanced age and have a limited life expectancy, with the timber being very weak. Some are in worse condition than others and the report raises concerns about the protected trees being dangerous.

The trees lie outside the site and the amended siting of the proposed buildings would be outside the root protection area of the protected trees and therefore, would not be affected by the proposed development. The possible removal of the trees given their life expectancy and condition would need to be subject to a separate application for works to trees protected by a TPO.

Other

With regard to concerns about the proposal affecting the drainage easement through the site, this is a legal covenant that is covered by separate legislation and therefore, is not relevant to the determination of the application. However, it is noted that the amended plans allow for a linear strip to be maintained through the centre of the site in an east to west direction which is in approximately the location of the identified easement.

Concern has been raised about the proposed annex being separated off from the main dwelling. However, the separation of the annex into a separate dwellinghouse would require planning permission and therefore, would need to be considered on its own planning merits should such a proposal be pursued on the site.

Comments have been made about the need for the dwelling to be subject to restrictions for business use as per the other dwellings at Manor Court. Whilst the neighbouring dwellinghouses within Manor Court are not subject to such a restriction, the use of the garage accommodation associated with those dwellings for purposes other than parking is restricted by condition to prevent parking problems on the site. It is considered that there is sufficient space within the application without the identified garage accommodation to enable adequate parking to be provided on the site in accordance the Leicestershire Highways Design Guide and therefore, such a condition would not be justified for the current proposal.

As for concerns about the plans providing limited information and the Design and Access Statement not being updated following the submission of amended plans/neighbour comments, the detail on the plans is consistent with the outline nature of the permission sought and there is no requirement to update the Design and Access Statement following the submission of amended plans/neighbour comments. Officers consider that the plans are sufficient to determine the application and all neighbour comments have been addressed in this report.

Conclusion

The application site falls within the Limits to Development for Breedon on the Hill where limited growth is permitted and therefore, the proposal which is for limited residential development, would accord with Policy S2 of the adopted Local Plan. The layout and access arrangements are considered to be acceptable and a scheme could be designed at the reserved matters stage(s) so that its appearance, scale and landscaping would have an acceptable impact upon design and heritage assets, neighbouring residential amenities, ecology and trees. The proposed access is also considered acceptable from a highway safety perspective. There are no other material impacts identified, that would indicate that the proposal is not in compliance with the NPPF or local development plan policies. Accordingly the application is recommended

for outline planning permission, subject to the imposition of planning conditions.

RECOMMENDATION - PERMIT, subject to the following condition(s):

- 1 Time limit
- 2 Reserved matters items
- 3 Levels
- 4 Approved plans
- 5 Land contamination
- 6 Boundary treatments
- 7 Construction management plan
- 8 Car parking
- 9 Gates set back
- 10 Turning facilities
- 11 Remain ancillary
- 12 Removal of permitted development rights

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