

Retention of seven outbuildings

**Report Item No
A3**

**Ashby Woulds Residential Park Spring Cottage Road Overseal
Derby DE12 6ND**

**Application Reference
19/01255/FUL**

**Grid Reference (E) 430387
Grid Reference (N) 316182**

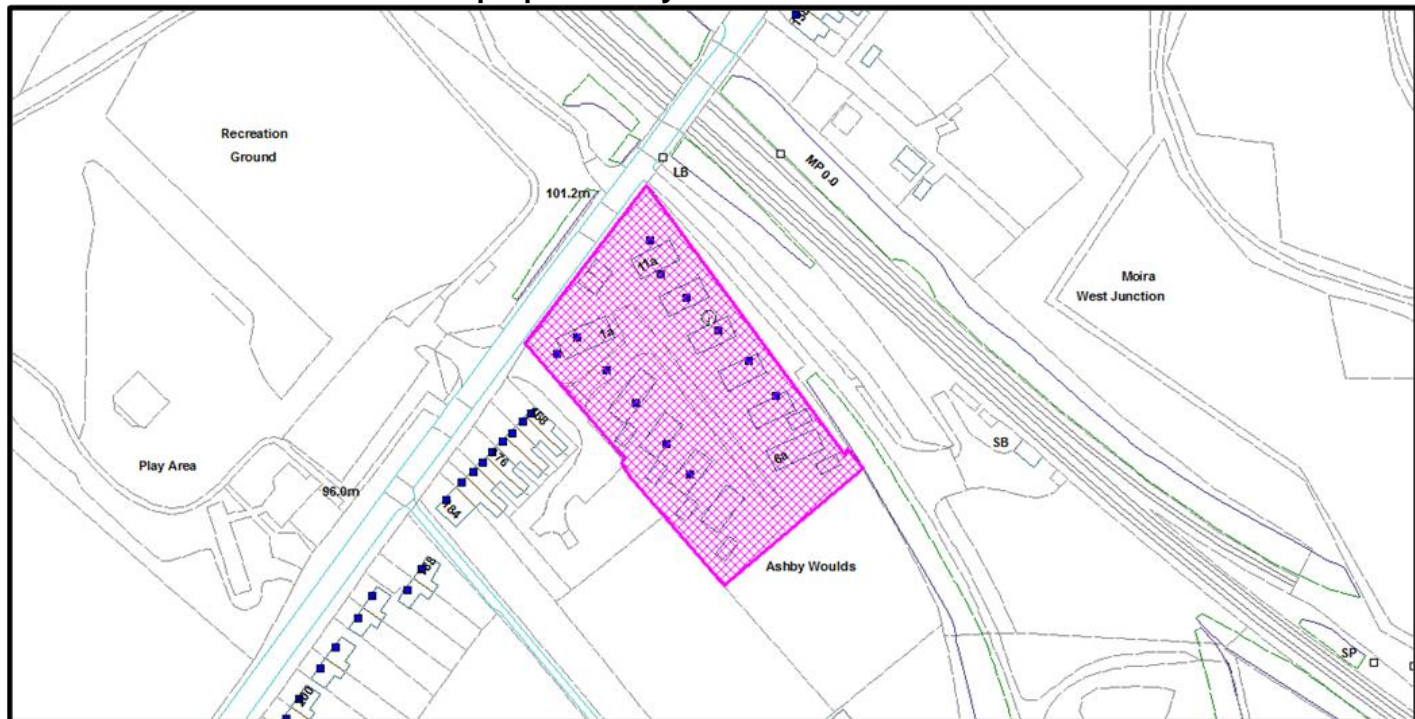
**Date Registered:
5 July 2019
Consultation Expiry:
9 August 2021
8 Week Date:
30 August 2019
Extension of Time:
None Agreed**

**Applicant:
Mr Tom Hartley**

**Case Officer:
Donnella Wood**

**Recommendation:
PERMIT**

Site Location - Plan for indicative purposes only



Reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office
©copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence LA 100019329

Executive Summary of Proposals and Recommendation

Call In

The application is brought to Planning Committee, at the request of Councillor John Bridges who raised concerns regarding residential amenity.

Proposal

Full permission is sought for the retention of seven outbuildings at Ashby Woulds Residential Park, Spring Cottage Road, Overseal.

Consultations

A total of 3 letters of objection from 3 local addresses have been received. Comments have been received by Ashby Woulds Town Council who requested advice on the use of the site. All other statutory consultees who have responded have raised no objections with no recommendation of conditions.

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 principle of the development is acceptable. The proposal is not considered to have any significant detrimental design, residential amenity or highway safety impacts and would not adversely impact the River Mease SAC. 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 adopted Local Plan, the advice in the NPPF and the Council's Good Design SPD. It is therefore recommended that the application be permitted.

RECOMMENDATION:-

PERMIT, SUBJECT TO CONDITIONS

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

MAIN REPORT

Planning permission is sought for the retention of seven outbuildings at Ashby Woulds Residential Park, Spring Cottage Road, Overseal.

The site currently houses 11 lodges. Under the proposal seven outbuildings would be retained for use in association with the lodges.

The application was submitted following the enforcement case E/18/00132/COU.

The site is also the subject of a separate undetermined application 20/00362/FUL for the continued use of the caravan site for a mixture of permanent residential accommodation and short term holiday accommodation.

The site is located outside of the Limits to Development, as defined by the Policy Map to the adopted Local Plan and is therefore deemed countryside.

Precise details of the proposal are available to view on the submitted plans.

The application was considered at the Planning Committee of 3 September 2020, where it was resolved that the application be deferred to allow discussions to take place between all the parties to come up with an acceptable proposal to be considered.

Relevant Planning History

14/00875/FUL Demolition of Public House and change of use of land to a residential mobile home park PER 09.01.2015

15/00716/VCU Removal of condition 9 attached to planning permission 14/00875/FUL to remove the requirement for coal site investigations PER 22.09.2015

15/00927/FUL Change of use of land to a residential mobile home park (Re-submission of 14/00875/FUL) to amend the site access PER 18.11.2015

20/00362/FUL Continued use of caravan site for a mixture of permanent residential accommodation and short term holiday accommodation PDE

2. Publicity

16 Neighbours have been notified.

3. Summary of Consultations and Representations Received

Statutory Consultees

Ashby Woulds Town Council - Requested further advice on the usage of the site. They were advised the suitability of the applicant submitting an application for a change of use of the site was being investigated by the NWLDC Legal Team. The application for the change of use has since been received, 20/00362/FUL which the Town Council have been consulted on.

Leicestershire County Highway Authority - No objection.

NWLDC Environmental Protection - No objection.

Third Party Representations

Three letters of representations has been received, which object on the following grounds:

- Use of the garages
- Use of the site
- Parking issues in relation to the use of the site

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

Only comments which raise material planning issues can be taken into account.

4. Relevant Planning Policy

National Planning Policy Framework 2021

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied.

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
- Paragraphs 38, 47 - Decision-making
- Paragraphs 55, 56 - Planning conditions and obligations
- Paragraph 84 - Supporting a prosperous rural economy
- Paragraphs 110, 111 - Promoting sustainable transport
- Paragraphs 129, 134 - Achieving well-designed places
- Paragraph 146 - The National Forest
- Paragraph 185 - Conserving and enhancing the natural environment

Adopted North West Leicestershire Local Plan (2021)

The North West Leicestershire Local Plan forms the development plan and the following policies of the Local Plan are relevant to the determination of the application:

- S1 - Future Housing and Economic Development Needs
- S2 - Settlement Hierarchy
- S3 - Countryside
- D1- Design of New Development
- D2- Amenity
- Ec13 - Tourism Development
- IF4- Transport Infrastructure and New Development
- IF7- Parking Provision and New Development
- En2- River Mease Special Area of Conservation
- En3 - The National Forest
- Cc3- Sustainable Drainage Systems

Other Guidance

Planning Practice Guidance

Leicestershire Highways Design Guidance (Leicestershire County Council)

Good Design for North West Leicestershire SPD - April 2017

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

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

River Mease Water Quality Management Plan - August 2011.

National Forest Tourism Growth Plan (2017-2027).

The North West Leicestershire: Local Growth Plan 2014-2018

5. Assessment

Principle of Development

The site is located outside of the Limits to Development as defined by the adopted Local Plan, however under the provision of Local Plan Policy S3 the principle of extensions and alterations to existing dwellings is acceptable, subject to all other planning matters (and including criteria (i) to (vi) of the policy) being addressed. Whilst the proposal is in effect proposing the retention of detached curtilage buildings rather than an extension, it is accepted that similar principles should also be applied. In addition, it is considered the use of the outbuildings in association with the tourism use would also be acceptable under the provision of Policy Ec13 relating to tourism development.

It has been advised that five of the outbuildings are used to house hot tubs and this usage may be temporary. It is considered this usage is incidental to the existing lodges and not something the Council would find necessary to control and as such, it is not considered reasonable to attach a time-related condition requiring the removal of the hot tubs in this instance. In addition, in an appeal relating to hot tubs an inspector concluded they do not constitute operational development. Appeal reference: APP/C1435/C/15/3131409.

Scale and Design

The application proposes the retention of seven outbuildings for use in association with the existing lodges within the site. The outbuildings are comprised of one large double outbuilding and six smaller outbuildings and are all constructed of timber.

The outbuildings are considered to be of a similar size and design to outbuildings which would be expected on a site of this nature and as such the outbuildings are not considered to result in harm to the character and appearance of the streetscene or locality.

Overall, the proposal is not considered to result in any negative visual impacts to the site itself, nor the surrounding streetscene. Given the above, the development is considered to be compliant with Policy D1 of the adopted Local Plan, the Council's Good Design SPD and the advice contained within the NPPF.

Impact upon Residential Amenity

During the course of the application, comments have been received from neighbouring properties located within the site, raising concerns in relation to the use of the site and the garages as well as parking issues in relation to the use of the site.

The use of the site and potential issues surrounding this use is the subject of a separate undetermined application 20/00362/FUL for the continued use of the caravan site for a mixture

of permanent residential accommodation and short term holiday accommodation and as such, it is not considered material to discuss the matter as part of this application which refers to the retention of seven outbuildings only.

Complaints were raised to the Council's Environmental Protection team in relation to potential noise and disturbance arising from the use of the outbuildings, in particular the buildings containing hot tubs. The outbuildings are single storey brick buildings clad with timber and due to their size and location within the site the outbuildings are not considered to cause undue impact to the neighbouring properties. In addition, after consultation with the Environmental Protection Team no objections to the outbuildings or their use were raised as such it is not considered a refusal on residential amenity grounds could be substantiated.

Given the above, it is not considered that the proposal would result in any unacceptable amenity impacts to neighbouring dwellings when having regard to overshadowing, overbearing or overlooking impacts. In view of the above, the proposal is considered to be in accordance with Policy D2 of the adopted Local Plan and the Council's Good Design SPD.

Highway Considerations

The Local Highway Authority were consulted on the application and had no objection, confirming that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. They noted, should the outbuildings be used for the storage of vehicles, the six smaller outbuildings comply with Highways Standing Advice for single garages. They further advised, should the outbuildings be used for purposes unrelated to parking there is sufficient parking provision available within the site.

Taking into account the existing parking to the site, the proposal is considered to be acceptable in relation to Policies IF4 and IF7 of the Local Plan, as well as the Leicestershire Highways Design Guide.

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

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

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

No additional bedrooms or sanitary provision is proposed to the site as part of this application. It is therefore not considered that the proposal would result in an increase in foul drainage discharge from the site.

Although the footprint of the built development would be increased, the proposal would be located on existing areas of hard surfacing. It is therefore considered that the scheme would not lead to an increased run-off, over and above that of the existing arrangement and as such it is not considered reasonable to attach a soakaway condition in this instance.

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

Therefore it can be ascertained that the proposal on the site will, either alone or in combination with other plans or projects, have no adverse effect on the integrity of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI.

Summary Reasons for Granting Planning Permission

The principle of the development is acceptable. The proposal is not considered to have any significant detrimental design, residential amenity or highway impacts and would not adversely impact the River Mease SAC. 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 adopted Local Plan and the advice in the NPPF. It is therefore recommended that the application be permitted.

RECOMMENDATION, PERMIT subject to the following conditions

- 1 Approved plans
- 2 Materials