



**PLANS COMMITTEE**

This meeting will be recorded and the sound recording subsequently made available via the Council's website: [charnwood.gov.uk/pages/committees](http://charnwood.gov.uk/pages/committees)

Please also note that under the Openness of Local Government Bodies Regulations 2014 that other people may film, record, tweet or blog from this meeting. The use of any images or sound recordings is not under the Council's control.

To: Councillors Bentley (Vice-Chair), Campsall, Capleton, Charles, Forrest, Fryer (Chair), Grimley, Lowe, Ranson, Savage, Tassell, Tillotson and Ward  
(For attention)

All other members of the Council  
(For information)

You are requested to attend the meeting of the Plans Committee to be held in Virtual Meeting - Zoom on Thursday, 24th September 2020 at 5.00 pm for the following business.

Chief Executive

Southfields  
Loughborough

16th September 2020

**AGENDA**

1. APOLOGIES
2. MINUTES OF PREVIOUS MEETING 3 - 5

The Committee is asked to confirm as a correct record the minutes of the meeting held on 27th August 2020.

3. QUESTIONS UNDER COMMITTEE PROCEDURE 12.8

No questions were submitted.

4. DISCLOSURES OF PECUNIARY AND PERSONAL INTERESTS

5. PLANNING APPLICATIONS

6 - 87

The list of planning applications to be considered at the meeting is appended.

6. LIST OF APPLICATIONS DETERMINED UNDER DELEGATED POWERS

88 - 101

A list of applications determined under powers delegated to officers for the period from 24th August 2020 to 11th September 2020 is attached at page 88.

## PLANS COMMITTEE 27TH AUGUST 2020

PRESENT: The Chair (Councillor Fryer)  
The Vice Chair (Councillor Bentley)  
Councillors Campsall, Capleton, Charles, Forrest,  
Grimley, Lowe, Ranson, Savage, Tassell, Tillotson  
and Ward

Group Leader Development Management  
Team Leader Development Management (KB)  
Principal Solicitor - Planning, Property and  
Contracts  
Information Development Manager  
Principal Planning Officer (LM)  
Democratic Services Officer (NA) and Democratic  
Services Officer (SW)

The Chair stated that the meeting would be recorded and the sound recording subsequently made available via the Council's website. She also advised that, under the Openness of Local Government Bodies Regulations 2014, other people may film, record, tweet or blog from this meeting, and the use of any such images or sound recordings was not under the Council's control.

### 17. MINUTES OF PREVIOUS MEETING

The minutes of the meeting held on 16th July 2020 were confirmed as a correct record and signed.

### 18. QUESTIONS UNDER COMMITTEE PROCEDURE 12.8

No questions were submitted.

### 19. DISCLOSURES OF PECUNIARY AND PERSONAL INTERESTS

The following disclosures were made:

- (i) By Councillor Tassell in relation to application P/20/0109/2 as the application was in Shepshed but she advised the Committee that she came to the application with an open mind.
- (ii) By Councillor Savage in relation to application P/20/0109/2 as he was the Ward Councillor for the application, but he advised the Committee that he came to the application with an open mind.
- (iii) By Councillor Ranson in relation to application P/19/2430/2 as her son was the Chairman for Loughborough Dynamo Football Club who were one of

the objectors to the application. However, she advised the Committee that she came to the application with an open mind.

- (iv) By Councillor Bentley in relation to application P/20/0089/2 as he had a personal interest leading to bias. He advised the Committee that he would withdraw from the discussion of the application.

## 20. PLANNING APPLICATIONS

Reports of the Head of Planning and Regeneration, setting out applications for planning permission, were submitted (items 1 to 4 in the appendix to the agenda filed with these minutes). Additional Items reports in respect of applications P/20/0089/2, P/20/0109/2 and P/19/2430/2 were also submitted (also filed with these minutes).

In accordance with the procedure for public speaking at meetings, the following objector, applicants or their representatives and representative of a parish council attended the meeting and expressed their views:

- (i) Councillor Elizabeth Astill (Sileby Parish Council) in respect of application P/20/0089/2;
- (ii) Mr Oliver Freer (agent) in respect of application P/20/0109/2;
- (iii) Mr Geoff Brookes (objector) and Mr Justin Smith (agent) in respect of application P/19/2430/2.

In accordance with the procedure for Borough Councillors speaking at Plans Committee meetings, the following Councillors attended the meeting and expressed their views:

- (i) Councillor Paling in respect of application P/20/0089/2;
- (ii) Councillor Popley in respect of application P/20/0109/2;

Having made a disclosure under the Planning Guide of Good Practice Councillor Bentley withdrew from the virtual meeting during the consideration of application P/20/0089/2.

### **RESOLVED**

1. that, in respect of application P/20/0089/2 (Peashill Farm, Ratcliffe Road, Sileby), planning permission be granted subject to the conditions, reasons and advice notes set out in the report of the Head of Planning and Regeneration and an additional condition be added to state that:

“A demolition method statement be submitted for approval in relation to the adjoining walls between the barns to be retained and demolished”.

2. that, in respect of application P/20/0109/2 (38 Charnwood Road, Shepshed), planning permission be granted subject to the conditions, reasons and advice notes set out in the report of the Head of Planning and Regeneration as well as include the amended wording to condition 2 as set out in the extras report;

3. that, in respect of application P/19/2430/2 (Land adjacent to Nanpantan Sports Ground, Watermead Lane, Nanpantan, Loughborough), planning permission be granted subject to the conditions, reasons and advice notes set out in the report of the Head of Planning and Regeneration.
4. that, in respect of application P/20/1020/2 (19A Church Road, Wanlip), planning permission be granted subject to the conditions, reasons and advice notes set out in the report of the Head of Planning and Regeneration.

21. LIST OF APPLICATIONS DETERMINED UNDER DELEGATED POWERS

A list of applications determined under powers delegated to officers for the period from 13th July 2020 to 14th August 2020 was submitted (item 6 on the agenda filed with these minutes).

NOTES:

1. No reference may be made to these minutes at the next Council meeting unless notice to that effect is given to the Democratic Services Manager by five members of the Council by noon on the fifth working day following publication of these minutes.
2. These minutes are subject to confirmation as a correct record at the next meeting of the Plans Committee.

## Charnwood Borough Council

### Plans Committee – 24 September 2020

#### Index of Committee Items

| Item | Application No | Applicant and Location, Description  | Recommendation      | Page |
|------|----------------|--|---------------------|------|
| 1    | P/20/1079/2    | Mr M Fisher<br>Hoton Store<br>Wymeswold Road<br>Hoton<br>Loughborough<br><br>Retention of use of building as warehousing/storage use (Use Class B8) without compliance with Conditions 2 and 3 of planning permission reference P/02/2587/2 relating to who can operate the site and the storage of goods on open areas.   | Grant Conditionally | 08   |
| 2    | P/20/0829/2    | Mr Zak Toomassi<br>11 Windmill Rise<br>Woodhouse Eaves<br>Leicestershire<br>LE12 8SF<br><br>Single storey extension to north side of dwelling, two storey extension to west side and raising of roof by 0.77m to resultant dwelling. Erection of replacement single garage.  | Grant Conditionally | 26   |
| 3    | P/20/0721/2    | Aldi<br>1169 Melton Road<br>Syston<br>LE7 2JT<br><br>Hybrid Planning Application consisting of: Full planning application for extensions to existing supermarket together with the creation of additional car parking and associated landscaping to include demolition of industrial works at 33 Albert Street; and Outline planning application with all matters reserved for the erection of 6x residential dwellings. | Grant Conditionally | 40   |

|   |             |   |                     |    |
|---|-------------|---|---------------------|----|
| 4 | P/20/1161/2 | R Patel<br>18 Byron Street Extension<br>Loughborough<br>LE11 5HE<br><br>Change of use from dwelling house (Use Class C3) to a house in multiple occupation (Use class C4) | Grant Conditionally | 68 |
| 5 | P/20/1027/2 | Mrs Karen Marriott<br>45 Seagrave Road<br>Sileby<br>Leicestershire<br>LE12 7TN<br><br>Extend existing dropped kerb to create vehicular access to front of dwelling.       | Grant Conditionally | 82 |

## Item No. 1

### Application Reference Number P/20/1079/2

**Application Type:** Full **Date Valid:** 07/07/2020  
**Applicant:** Mr M Fisher  
**Proposal:** Retention of use of building as warehousing/storage use (Use Class B8) without compliance with Conditions 2 and 3 of planning permission reference P/02/2587/2 relating to who can operate the site and the storage of goods on open areas.  
**Location:** Hoton Store  
Wymeswold Road  
Hoton  
Loughborough  
**Parish:** Hoton **Ward:** The Wolds  
**Case Officer:** Deborah Liggins **Tel No:** 07864 603401

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This item is referred to Plans Committee at the request of Councillor Bokor who has a number of concerns regarding, lack of highway safety, lack of cyclist safety and, increase in large logistic HGV movements as the access only through the narrow village streets in Hoton & Wymeswold. She feels this would be an inappropriate development in open countryside which would change of visual landscaping from A6006.

### Description of the Site

The application site is a former agricultural building which now operates as a warehouse/storage use, following the grant of planning permission under reference P/02/2587/2. The site is located approximately 1.3km from the centre of Hoton and is within countryside between Hoton and Wymeswold. The application building is a large permanent structure located 430m from and north of Wymeswold Road and which is accessed via a shared driveway which also serves rural dwellings. A separate access drive approximately 170m to the east serves the showman's storage site and associated residential caravan 'Hoton Park' site to the south east of the application building.

| <b>Boundary</b>   | <b>Adjacent land use</b>   |
|-------------------|--|
| South             | New Covert Farm House approximately 170m from the front of the application building. On the intervening land are rows of metal storage containers, a bund and landscaping, which appear to be on land outside the applicant's control and which are the subject of separate investigations by the Council's Planning Enforcement Team. |
| North             | Woodland and agricultural land beyond  |
| East & South-east | Hoton Park residential caravan site and showman's storage land and yard.   |
| west              | New Covert Barn dwelling and agricultural land   |



The site features a large concrete apron used for parking of staff vehicles and as a turning area for lorries and to the eastern boundary are portacabins used as offices. The temporary planning permission for these expired at the end of March 2020 and the applicant is aware that the 2 remaining office buildings (1 x single storey and 1 x 2 storey office building) are unauthorised. It is anticipated an application to retain these will be submitted shortly.

The site frontage also features a regular stack of around 20 empty pallets which are surplus to requirements following loading and unloading of goods and at present, this is the only storage which takes place on the open areas of the site in breach of Condition 3 of P/02/2587/2.

### **Description of the Application**

The application is for the retention of use of building as warehousing/storage use (Use Class B8) without compliance with Conditions 2 and 3 of planning permission reference P/02/2587/2 relating to who can operate the site and the storage of goods on open areas.

Planning permission was granted by Plans Committee for the change of use of the building from an agricultural grain and timber store to a general warehousing/storage use under application reference P/02/2587/2. At the time members considered the circumstances of the applicant – a Mr I Fisher. The committee report set out the history of the site and the expected traffic movements to and from the site on a typical day were reported to be those arising from 3 staff vehicles and up to 8 additional vehicles, including cars, vans and lorries per day. Both Hoton and Wymeswold Parish Councils had no objection in principal to the proposal at that time but were concerned that if ownership changed, traffic movements could increase. It was considered at the time that, because of its previously unrestricted agricultural use, the imposition of a condition limiting the number of vehicles which could travel to and from the site would not meet the legal tests for imposing conditions. Instead, Condition 2 was imposed on the planning permission to limit it to the benefit of the applicant only instead of running with the land as this would provide an opportunity for the local planning authority to re-assess the situation should it occur. Condition No. 3 was also imposed to prevent any open storage of any description from taking place on the open land within the curtilage of the site in order that the site did not fall into an untidy condition, and in the interests of the character and appearance of the countryside.

Since that planning permission was granted, it has transpired that the unit has been internally subdivided to enable 2 businesses to operate from the building, none of which are owned or operated by Mr Fisher. One half of the building houses a business storing books for supply to discount book shops and the other half is a business supplying foodstuffs and products to the hot-food takeaway or catering businesses. Both units are operated as warehouses with goods being delivered for later distribution to smaller outlets. There is no retail activity from the site and no opportunity for sales direct to the public.

The main powers granted to local planning authorities to impose conditions are set out in sections 70, 72, 73, 73A, and Schedule 5 of the Town and Country Planning Act 1990. Section 70(1)(a) of the Act enables the local planning authority, in granting planning permission, to impose “such conditions as they think fit”. This power needs to be interpreted in light of material considerations such as the National Planning Policy Framework, this supporting guidance on the use of conditions, and relevant case law.

The applicant is therefore seeking permission to allow the B8 use of the building to be operated by others and to allow some outside storage to take place.

This application is made under section 73a of the Town and Country Planning Act 1990; which allows for the retention of development that is not in compliance with conditions upon which planning permission was previously granted. Any application granted under section 73 takes effect as a new independent permission. Members are reminded that whilst the application seeks to remove or vary 2 planning conditions, the opportunity exists to impose additional conditions to ameliorate any harms arising from their removal/variation or to address any material changes, (such as to policy), since the original consent was given. It is not, however, an opportunity to impose new unrelated conditions. Planning conditions therefore need to meet the necessary legal tests in operation as set out in legislation.

The application is accompanied by a supporting statement from the applicant's agent setting out that Conditions 2 and 3 of the original planning permission are not considered to be reasonable or necessary in that they no longer meet the legal tests as re-iterated in the Planning Practice Guidance that accompanies the National Planning Policy Framework. These tests require planning conditions to be:-

- Necessary
- Relevant to planning
- Relevant to the development to be permitted
- Enforceable
- Precise and
- Reasonable in all other respects.

The applicant considers that the if planning permission is granted and limited to a particular company, this would be inappropriate as its shares could be transferred to other persons without affecting the legal personality of the company but which could then, presumably operate quite differently to the original beneficiary. In this case planning permission was granted to an individual who has chosen to subdivide the unit and let it to 2 unrelated businesses over which he has no interests extending beyond landlord concerns.

The application is also accompanied by a Transport Technical Note which sets out typical expected trip generation arising from the use on a typical business day and based on averages taken from existing comparable premises around the country. This document concludes that sufficient parking provision exists within the site and that the existing access provides a safe and suitable access to serve activities which would not give rise to severe impacts to the surrounding highway network. The document explains that 24 car parking spaces are provided within the site and, based on the size of the unit, this would accord with the Leicestershire Highways Design Guide. There is also unmarked parking provision for circa 3 HGV's to park overnight. The document explains that under the previous agricultural use and during peak season, the site could have generated over 100 daily vehicle movements including staff cars and HGVs. Following the grant of P/02/2587/2, the applicant operated the site with around 10 office staff and 14 warehouse staff resulting in up to 24 two-way daily vehicle trips at peak times. In addition around 3 containers would be unloaded each day which resulted in around 10 two way HGV movements per day.

The potential traffic movements to and from the site, based on the submitted TRICS data are anticipated to be 17 two way trips in the morning peak and 12 two way trips in the

evening peak, demonstrating an overall reduction in vehicular activity over the consented use.

In terms of the previous limitations on outside storage, the applicant's statement describes the site as being visually well contained, owing to mature vegetation and strong boundary treatments, and when coupled with the adjacent land uses, any open storage on the site would not be incongruous or out of character with the context of the site. It is also noted that the site is not covered by any landscape quality designations. A plan received on 8<sup>th</sup> September 2020 limits the area of storage to around 110 sq.m to the eastern side of the site, which the applicant indicated would be flexibly used for outside storage, parking or circulation space as required, and if acceptable, a condition could be attached to any grant of planning permission, limiting the outside storage to this area and a suggested height limit of 3m is also acceptable to the applicant.

The statement concludes that the applicant considers these conditions are a hindrance to rural economic activity when national policy seeks to support it and that the conditions would eliminate current barriers to development which would otherwise allow the site to continue to provide employment opportunities.

The proposal therefore seeks planning permission to continue the use of the building as a general warehouse/storage use but without compliance with Conditions 2 and 3 which would allow anyone to benefit from the planning permission with outside storage restricted to a small part of the overall site.

## **Development Plan Policies**

Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material planning considerations indicate otherwise. The development plan for Charnwood currently comprises the Charnwood Local Plan (2011-2028) Core Strategy and the saved policies of the Borough of Charnwood Local Plan. The policies below are considered relevant to the determination of

### Charnwood Local Plan 2011-2028 Core Strategy (adopted 9 November 2015)

Policy CS1 - Development Strategy - sets out the development strategy for the Borough. This focuses housing development in locations around the Leicester Principal Urban Area and Loughborough and Shepshed with three Sustainable Urban Extensions.

Policy CS2 – High Quality Design requires developments to make a positive contribution to Charnwood, reinforcing a sense of place. Development should respect and enhance the character of the area, having regard to scale, massing, height, landscape, layout, materials and access; protect the amenity of people who live or work nearby, provide attractive well managed public and private spaces; well defined and legible streets and spaces and reduce their impact on climate change.

Policy CS10 – Rural Economic Development – sets out how the Borough Council will seek to maximise the potential of the rural economy. This involves the provision of new employment land and supporting the sustainable growth and expansion of businesses in rural areas both through the conversion of existing buildings and well-designed new

buildings and where the proposal is small scale and would not cause harm to the character and appearance of the countryside.

Policy CS11 – Landscape and Countryside - requires new development to protect landscape character and reinforce a sense of place. It supports rural residential development where it has a strong relationship to the operational requirements of agriculture, horticulture or forestry.

Policy CS17 – Sustainable Transport - seeks a 6% shift from travel by private car to sustainable modes by requiring major developments to provide access to key facilities by safe and well-lit routes for walking and cycling that are integrated with the wider green infrastructure network and by securing new and enhanced bus services where new development is more than 400m walk from an existing bus stop.

Policy CS25 – Presumption in Favour of Sustainable Development – sets out that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It pledges to work proactively with applicants to jointly find solutions to approve development wherever possible to secure improvements to the economic, social and environmental conditions in an area. Planning applications that accord with the policies in the Core Strategy will be approved without delay unless material considerations indicate otherwise.

#### Borough of Charnwood Local Plan (adopted 12 January 2004 (saved policies))

The saved policies relevant to this proposal include:

Policy ST/2 – Limits to Development - States that built development will be confined to allocated sites and other land within the Limits to Development identified on the proposals map, subject to specific exceptions.

Policy CT/1 – General Principles for Areas of Countryside, Green Wedge and Local Separation – states that development in these areas will be strictly controlled. Planning permission will be granted for the re-use and adaptation of rural buildings for uses suitable in scale and nature and small-scale built development where there would not be a significant adverse environmental impact and the proposal would (inter alia) be essential for the efficient long-term operation of agriculture, horticulture or forestry.

Policy CT/2 – Development in the Countryside – In the countryside, development which is acceptable in principle will be permitted where it would not harm the character and appearance of the countryside.

Policy EV/1 – Design - seeks to ensure a high standard of design for developments, which, inter alia, respects and enhances the local environment, is of a design, layout, scale and mass compatible with the locality and utilises materials appropriate to the locality

Policy TR/18 - indicates that planning permission will not be granted for development unless off-street parking for vehicles, including cycles, and servicing arrangements are included to secure highway safety and minimize harm to visual and local amenities. The policy promotes residential parking standards to be used as the starting point in assessing the level of provision and represent the maximum level. The quantity of parking allowed

should reflect the proposed use and the location of development, the availability of public off-street parking; the current or potential accessibility by non-car modes and the scope for practical measures to significantly reduce the use of private car trips to and from a site.

## **Other Material considerations**

### National Planning Policy Framework (2019)

This confirms that planning applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The National Planning Policy Framework (NPPF) is a material consideration in planning decisions. The Framework contains a presumption in favour of sustainable development and defines 3 roles a development must fulfil in order to be sustainable:

- An economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places to support growth and innovation
- A social role – supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations, and by creating a high quality built development with accessible local services
- An environmental role – contributing to protecting and enhancing our natural, built and historic environment

Paragraph 8 identifies the economic and social roles of the planning system, both to build a strong responsive economy by ensuring land (and presumably buildings) are available in the right place at the right time, and supporting the health of the community by ensuring housing for present needs that has a high quality built environment, which encompasses social and cultural well-being.

Paragraph 10 states at the heart of the Framework is a presumption in favour of sustainable development.

Paragraph 11 sets out the presumption in favour of sustainable development and makes it clear that where there is an under-supply of housing land, the most important policies for the determination of housing proposals would be considered out of date.

Paragraphs 15-33 set out that the planning system should be genuinely plan-led and that succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities and a platform for local people to shape their surroundings. Paragraph 31 states that the preparation and review of all policies should be underpinned by relevant and up-to-date evidence.

Paragraph 38 indicates that local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers should seek to approve applications for sustainable development where possible.

Paragraph 47 of the NPPF states that planning law requires that applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.

Paragraph 54 sets out that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

Paragraph 55 states that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

Paragraph 80 states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.

Paragraph 83 sets out how planning policies and decisions should support a prosperous rural economy and states that planning policies and decisions should enable the development and diversification of agricultural and other land-based businesses and sustainable tourism and leisure developments which respect the character of the countryside.

Paragraph 85 sets out that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances, it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable. The use of previously developed land, and sites that are physically well-related to existing settlements should be encouraged where suitable opportunities exist.

Paragraph 109 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 180 requires that decisions on planning applications should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, including mitigating noise.

The Framework requires the planning decisions should, inter alia, create places that are safe, inclusive and accessible which promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other, are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.

In considering development proposals, it should be ensured that sustainable transport modes can be taken up, and that safe and suitable access to the site can be achieved for all users. Development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

#### Noise Policy Statement for England (2010)

The Noise Policy Statement for England was published on 15 March 2010. It sets out the long term vision of government noise policy, to promote good health and a good quality of life through the management of noise.

#### The Leicestershire Highways Design Guide (2018)

This is a guide for use by developers and published by Leicestershire County Council, the local highway authority, and provides information to developers and local planning authorities to assist in the design of road layouts in new development. The purpose of the guidance is to help achieve development that provides for the safe and free movement of all road users, including cars, lorries, pedestrians, cyclists and public transport. Design elements are encouraged which provide road layouts which meet the needs of all users and restrain vehicle dominance, create an environment that is safe for all road users and in which people are encouraged to walk, cycle and use public transport and feel safe doing so; as well as to help create quality developments in which to live, work and play. The document also sets out the quantum of off-street car parking required to be provided in new housing development.

#### The Crime and Disorder Act 1998

This places a duty on the local planning authority to do all that it reasonably can to prevent crime and disorder in its area. The potential impact on community safety is therefore a material consideration in the determination of planning applications.

#### The Draft Wolds (Burton on the Wolds, Cotes, Prestwold and Hoton) Neighbourhood Plan.

This is at an advanced stage and once 'made' the document will have statutory status and will form part of the development plan. The document covers the 2 parishes of Burton on the Wolds, Cotes and Prestwold and Hoton and sets out the key aspirations for the communities of those settlements in terms of preserving what it considered to be important and guiding new development up to 2028. The application site is included within the Plan area of the Neighbourhood plan.

It is considered that the document has considerable weight in decision making as it has been determined that the plan can now proceed to referendum. The Government has specifically altered the PPG to account for such instances where the plan can proceed to referendum but this is not possible due to Covid 19:

**“What changes have been introduced to neighbourhood planning in response to the coronavirus (COVID-19) pandemic?”**

The government has been clear that all members of society are required to adhere to guidance to help combat the spread of coronavirus (COVID-19). The guidance has implications for neighbourhood planning including: the referendum process; decision-making; oral representations for examinations; and public consultation. This planning guidance supersedes any relevant aspects of current guidance on neighbourhood planning, including in paragraphs 007, 056, 057, 061 and 081 until further notice.

Referendums: All neighbourhood planning referendums that have been recently cancelled, or are scheduled to take place, between 16 March 2020 and 5 May 2021 are postponed in line with the Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020 until 6 May 2021.

Decision-making: Where the local planning authority has issued a decision statement (as set out under Regulation 18 of the Neighbourhood Planning (General) Regulations 2012) detailing its intention to send a neighbourhood plan to referendum, that plan can be given significant weight in decision-making, so far as the plan is material to the application.”

Relevant policies in relation to the appeal proposal are:-

Policy WV1 – Landscape Character and Locally important views. This policy sets out that in the countryside, new development should conserve or enhance the character of the local landscape. Development proposals must demonstrate a number of criteria as appropriate, one of which is that landscape character has been protected with key landscape characteristics and sensitivities having been identified and addressed by the proposals. The policy goes on to identify important viewpoints within the villages, none of which are impacted by the proposal.

#### Planning Practice Guidance (2012) (as amended)

This was launched as a web based resource, and replaces a list of previous practice guidance documents and notes, as planning guidance for England and consolidates this guidance on various topics into one location and condenses previous guidance on various planning related issues. The document also sets out relevant guidance on aspects of flooding, air quality, noise, design, the setting and significance of heritage assets, landscape, contaminated land, Community Infrastructure Levy, transport assessments and travels plans, supporting the policy framework as set out in the NPPF.

#### Landscape Character Assessment (2012)

The Borough of Charnwood Landscape Character Assessment 2012 explains that the Charnwood Forest Area of Landscape Character is the most complex of the landscape character areas in the Borough such that five sub-areas were identified within the Borough in the 2008

Hoton falls within the Wolds Landscape Character Area and this is an elevated gently rolling countryside of mixed farmland with small villages and isolated farms scattered across the landscape. The landscape, often uninterrupted by hedgerows often enables long reaching views from straight roads between villages and the lack of woodland and tree cover reinforces the landscapes expansive quality. It is a largely arable landscape that has been altered by modern farming practices, leading to loss of ridge and furrow field systems and hedgerows. There is limited woodland cover. This combined with the large field systems



and managed hedgerows, creates an expansive character with often long views from ridges between settlements. Wide grass verges are characteristic of this landscape.

#### Draft Charnwood Local Plan 2019-2036

The Draft Local Plan sets out the Council's preferred options for draft policies which are yet to be tested through an Examination in Public before they can become part of the development plan for Charnwood. The policies therefore carry limited weight at the current time. These include policies which would seek to protect the intrinsic beauty and character of the countryside and direct developments to appropriate locations.

#### **Relevant Planning History**

| <b>Reference</b> | <b>Description</b>  | <b>Decision</b>       | <b>Date</b> |
|------------------|---|-----------------------|-------------|
| P/94/1301/2      | Retention of use of former grain store for the storage of timber and forestry and agricultural products | Granted conditionally | 23/06/1994  |
| P/02/2587/2      | Change of use of building from agricultural grain and timber store to general warehousing/storage use   | Granted conditionally | 12/11/2002  |
| P/08/2295/2      | Retention of 4 portacabins on a temporary basis (5 years) on warehouse site                             | Granted conditionally | 08/10/2008  |
| P/10/0459/2      | Removal of condition 2 of planning permission P/02/2587/2   | Withdrawn             | 07/06/2010  |
| P/14/2391/2      | Retention of three portacabins on a temporary basis (5 years)   | Granted conditionally | 27/01/2015  |

#### **Responses of Statutory Consultees**

Hoton Parish Council objects to the proposed removal of either of the conditions stating the location is not suitable for business traffic as it lies on a weight restricted road. The site is also unsustainably located in transport terms with staff having to rely on the private car. The proposal would lead to significantly more HGV's using the site. There would be severe impact to the safety of the surrounding highway network and the requirement for a safe and suitable access should not only be applied to the existing access road and junction with Wymeswold Road but should also include an assessment of how vehicles will reach that point and the entrance to the yard to the front of the warehouse. No analysis has taken place about the suitability of the junction of Wymeswold Road with the A60 in Hoton village, where large vehicles often mount the pavement, jeopardizing the safety of pedestrians, horse riders and cyclists and causing amenity issues in terms of noise and vibration for householders.

The Parish Council considers that the proposal would be prejudicial to the safety of the occupiers of New Covert dwelling which has a garden and curtilage open to the access drive serving the site. The Parish Council also considered that the submitted information about trip generation is inaccurate in that the possible 157 trips per day does not indicate how many of these would be HGV's and that agricultural trip generation from nearly 25 years ago should not be compared to today where roads are more heavily used. The proposal

would, because of its poor access to public transport, be contrary to the Council's strategy to reduce carbon emissions. Planning permission was originally granted because of the small scale of operations at the time which did not adversely impact on the area, neighbouring villages and roads. The proposal now would lead to unrestricted use of the site with no limit on vehicular activity or the type of vehicles involved and the Parish Council considers that the use would be more appropriately located on an industrial estate.

The Parish Council also contends that the entrance to the actual yard lacks visibility for other users of the private road where children may play. It also correctly states that if unrestricted outside storage is permitted, this will impact on the availability of parking and maneuvering space and also represent an unwarranted intensification of development that has an adverse impact on the intrinsic character of the countryside. The applicant has provided no details of what they intend to store in the open areas, nor to what extent or height.

Allowing the removal of Condition 3 would lead to the open storage of unspecified materials which would be unsightly and damaging to the appearance of the countryside.

The Council's Environmental Health Service – comments that although a complaint was received in 2019 about HGV movement noise from a resident of Hoton Park, this appears to be unrelated to the application site. However, given the nature of the locality, the proposed activities and the proximity of residential uses it would be prudent to secure planning conditions that would minimize potential or actual noise impacts. It is therefore recommended that an hours restriction be placed to regulate HGV movements and activities, including the operation of associated vehicle mounted chiller plant, vehicle loading or unloading (including the operation of audible movement alarms) to between the hours of 0600-2100 hours on any day.

The Local Highway Authority - has no objections to the removal of Condition 2 and makes no comment on the removal of Condition 3.

### **Other Comments Received**

Councillor Bokor – has raised a number of concerns which are summarised below;

- Lack of highway safety
- Lack of cyclist safety
- Increase of large logistic HGV movements with access only through narrow village streets in Hoton & Wymeswold
- Inappropriate development in open countryside
- Change of visual landscaping from A6006

Councillor Bokor suggests that the position of the site makes activities there less obvious and more difficult for the Council to monitor and considers that it would have been preferable if the application had come forward as a new planning application rather than a variation of an existing planning permission and associated conditions.

Concerns have been received from a number of local residents from the addresses detailed below;

Hoton Park – 6, 7, 20

Wymeswold Road, Hoton – 1, 3, 5, 7, 18, 23, 25, 28, 29

+ 3 others (address not supplied)

These local residents have raised a number of concerns which have been summarised below:-

- Noise from the site including in the night and loud vehicle reversing warnings at all times of the day or night.
- Noise from refrigeration units parking overnight and from slamming doors
- Activities could operate 24/7
- Loss of light to house windows arising from HGV vehicles paused within Wymeswold Road whilst allowing oncoming traffic to pass & associated loss of privacy from the height of passing lorry cabs.
- Increase in heavy goods vehicles using Wymeswold Road in Hoton and the junction with the A60 & associated noise and pollution. The road here is narrow with vehicles frequently mounting the pavement and poor forward visibility.
- Wymeswold Road in Hoton village is not suitable for additional heavy goods vehicle use and additional lorries would cause increased dangers to pedestrians, cyclists and horse riders.
- The site is unsustainably located in terms of alternative modes of transport with no facilities for workers within Hoton.
- Wymeswold Road is a weight restricted road to 7.5 tonnes with no footway between the villages of Hoton and Wymeswold.
- Wymeswold Road would become blocked to emergency services through increased HGV's using it.
- Misdirected lorries using the access drive to Hoton Park instead
- Increased soil compaction on the site
- Risk of bird strike from lorries
- The site is visible from the elevated A6006 between Rempstone and Wymeswold and by walkers on the long distance footpath, the Cross Britain Way.
- The site appears to be used as a cash and carry
- Outside storage of items may cause smell or hazards to health and safety if chemicals are involved.

**Any non-planning matters which have been raised:**

- Existing speed and weight restrictions on Wymeswold Road are not observed – the local planning authority is not responsible for enforcing these matters.
- Speed bumps or cameras should be installed in the village – this is not within remit of the local planning authority to provide and would be disproportionate works for the applicant to be required to provide and such a condition would not meet the necessary legal tests.
- Damage to property caused by vibrations of heavy goods vehicles travelling through Hoton – this is a private matter, possibly resolved through the involvement of relevant insurers.
- The proposal would devalue homes – this is not a planning consideration which is determinative in the consideration of the current proposal.
- Alternative premises would be more suitable – this is not the proposal before the Council for consideration.

- There is no grit bin in the centre of Hoton and pavements become hazardous in wintry weather – this is unrelated to the proposal.
- Retrospective planning applications should not be approved – applications should be determined on their merits.

## **Consideration of the Planning Issues**

The key issues in considering this application are considered to be:

- The principle of the Development
- Impact on Landscape Character
- Highways and Parking
- Impact on Amenities

### The principle of the Development

The starting point for decision making on all planning applications is that they must be made in accordance with the development plan unless material considerations indicate otherwise. Policies in the adopted Core Strategy and the saved policies in the Charnwood Local Plan are therefore the starting point for consideration.

The site is located in the countryside in what might be regarded as an unsustainable location in transport terms and already benefits from a general warehousing/storage (B8 use) following the grant of planning permission under P/02/2587/2. The relevant planning policy has changed since the previous planning permission was granted in 2002 but guidance in the National Planning Policy Framework and Policy CS10 support the diversification of the rural economy and promote the sustainable growth and expansion of rural businesses, provided that in all cases the scale and character of the development is designed and operated so as to cause no detriment to the character and appearance of the countryside.

The existing B8 use (although now operated by 2 businesses) is therefore still considered acceptable in this location and a change of use and additional building footprint is not proposed and the development is acceptable in principle subject to consideration of the impact on the character and appearance of the countryside below.

### Impact on Landscape Character

Policies CS1 and ST/2 place the site outside the Limits to Development and within the countryside. Policies CS11 and CS/1 seek to protect the character and appearance of the undeveloped countryside but allows for small-scale development which meet specific criteria. Policy C10 supports the growth and expansion of businesses in rural areas and sets out that in all cases, the scale and character of the development is designed and operated so as to cause no detriment to the character and appearance of the countryside.

The internal subdivision of the unit did not require planning permission and did not result in any external alterations to the appearance of the building. An element of the proposal seeks the removal of the current prohibition on the use of outside areas for open storage within the application site area. Inevitably, the nature of the use is such that disused or surplus pallets have been stored temporarily in a small area of the site and this is in breach of

Condition 3 of planning permission P/02/2587/2. To not restrict outside storage at the site at all could result in unlimited outdoor storage of any description and it is considered that this could present not only visual impacts to the character and appearance of the countryside, but could also reduce the space available for car or lorry parking and turning.

It is therefore considered necessary to limit the scope of any outside storage and the plan received on 8<sup>th</sup> September shows this proposed to a small area of the site (approximately 110 sq.m.) located close to the building and opposite the existing office structures. This area is screened from views from outside of the site by woodland to the north and east and is significantly distanced from any permanent dwellings. It is material to note that to the east is a large showman's site with extensive areas of outdoor storage of large equipment, vehicles and caravans and it is arguable that the limited storage proposed by the applicant would have no worse an impact on landscape character than the adjacent land use.

It is considered that the total removal of Condition 3 of the original planning permission would result in unrestricted outdoor storage which could be visually harmful to the character and appearance of the countryside. It is therefore recommended that the imposition of a new planning condition which would limit the height and area of storage to be permitted would be reasonable, would ensure sufficient car and lorry space is retained and would meet the necessary legal tests. Such a condition is set out in the recommendations section of this report and in this way, it is considered that the proposal would accord with Policies CS11, CS1 and CS2 of the Core Strategy (2015), Saved Policies EV/1 and CT/2 of the local Plan (2004) and Policy WV1 of the draft neighbourhood plan.

### Highways and Parking

The site is accessed via a 23.5m wide simple bell mouth junction, and is then served by a 4.5m wide access road. The access as it currently stands can be considered to be substandard when compared to standards listed in Table DG2 of Part 3 of the Leicestershire Highways Design Guide.

However, the Highway Authority has reviewed the submitted information and made comparisons between trips likely to be associated with the already consented B8 warehouse and the potential trip generation assessments in the submitted data. The consented trip rates resulted in up to 24 two-way staff vehicle trips during the morning and evening peak periods. In addition 3 containers would typically be unloaded each day which would result in 10 two-way HGV movements per day.

The local highway authority is therefore satisfied with the criteria selected by the applicant as part of interrogating the TRICS (Trip Rate Information Computer System) database. Based on the submitted data, the proposal would be likely to generate 17 two way trips in the morning peak and 12 two-way trips in the evening peak and this equates to a net reduction of 7 two way trips in the morning peak and 12 two way trips in the evening peak as compared to when permission was granted originally, on a personal basis.

Consequently, given the anticipated net reduction in vehicle movements to and from the site, the local highway authority does not seek any improvements to the current access junction with Wymeswold Road or the access road itself.

In terms of the quantum of car parking, there is a total of 24 car parking spaces provided on site with unmarked parking provision for circa 3 HGV's to park overnight and these are considered to accord with standards set out in the Leicestershire Highways Design Guide. In this way, the proposal also accords with Policy TR/18 of the Borough of Charnwood Local Plan.

Whilst local residents express concerns about the possibility of increased heavy goods vehicles through Hoton, the applicant has demonstrated to the satisfaction of the local highway authority that the proposal would not result in residual cumulative highway impacts that could be regarded as 'severe' and the proposal would therefore accord with Paragraph 109 of the National Planning Policy Framework.

Having regard to the above, it is considered that the proposal accords with the National Planning Policy Framework and saved Policy TR/18 of the adopted Local Plan and that severe highway impacts as described in Paragraph 109 of the National Planning Policy Framework would not be caused by the development.

The National Planning Policy Framework requires that safe and suitable access to the site can be achieved for all users and that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe. Given the characteristics of the local road network and the application site, together with the convenient location of the property to facilities and services, it is considered that the existing on-site parking and turning provision would not be contrary to the National Planning Policy Framework or saved Policy TR/18 of the adopted Local Plan.

### Impact on Amenities

The current B8 use at the site is unrestricted in terms of hours of operation or the type and frequency of vehicle movements. When determining the original application in 2002 it was considered that the imposition of a condition which limited the number of vehicles visiting the site, would not meet the necessary legal tests, given the site's previous unrestricted agricultural use. Instead, it was considered that a personal permission would provide a means of restricting the use and would afford the local planning authority to review the situation, should it arise. The applicant is therefore seeking to remove the personal condition previously imposed to allow operation of the use by any persons or company, within the scope of the B8 use category. Indeed, the occupation of the units by other companies is currently in breach of Condition 2 of the 2002 planning permission.

Whilst the building continues to be used as 2 warehouse/storage units (the authorised use), and the highway authority is satisfied about the traffic impacts of the proposal. Residents raise concerns that the new businesses have caused some additional amenity impacts to near residential neighbours that were not originally envisaged. In particular, residents of Hoton Park complain of noise through the night from vehicle reversing warnings and from refrigeration units attached to lorries which are left running overnight and which generate noise. The Council's Environmental Health Service recommends that the imposition of a planning condition limiting the hours of heavy goods vehicle movements and associated noise be limited to between 0600 and 2100 hours on any day. Such a condition is therefore produced as Condition 3 below and it is considered that this would be sufficient to overcome

existing noise issues. In this way, the proposal accords with Policies CS2 and EV/1 which seeks to safeguard the amenities of adjoining properties.

## **Conclusion**

Accordingly, having regard to Policies CS1, CS10, CS11, EV/1, ST/2 and TR/18, it is concluded that the proposal, would be acceptable in highways, amenity and appearance terms and that any harms could be mitigated by the suggested conditions. It is recommended that planning is granted conditionally.

## **RECOMMENDATION:-**

Grant Conditionally

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:  
SK01 - Proposed block plan received 8th September 2020.

REASON: To define the terms of the planning permission.

- 2 The storage of materials, products or waste items shall be limited to the hatched area of the site as shown on drawing No. SK01 received by the local planning authority on 8th September 2020 and at a height not exceeding 3 metres at any time.

REASON: To make sure that the use does not become unsightly and/or a source of annoyance to nearby residents.

- 3 There shall be no heavy goods vehicle movements to, from or within the site or loading/unloading activities, including the operation of associated vehicle mounted chiller plant or audible movement alarms, other than between 0600-2100 hours on any day.

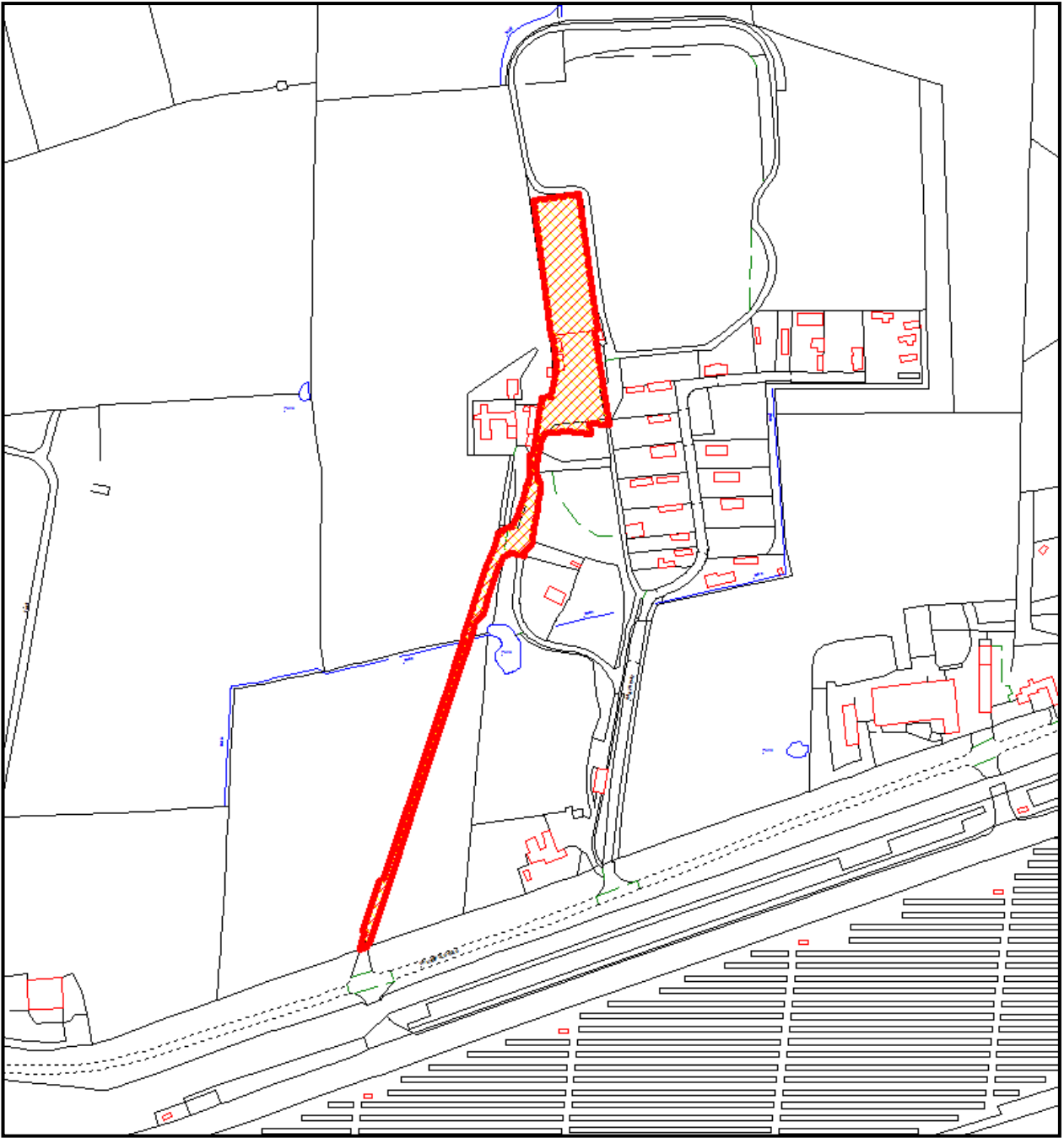
REASON: In order that the use does not become a source of annoyance to nearby residents; in the interests of residential amenity.

The following advice notes will be attached to a decision

- 1 DEVELOPMENT PLAN POLICIES RELEVANT TO THIS DEVELOPMENT - Policies CS1, CS2, CS10, CS11, CS17, and CS25 of the Charnwood Local Plan (2011-2028) Core Strategy and Policies ST/2, CT/1, CT/2, EV/1 and TR/18 of the Borough of Charnwood Local Plan have been taken into account in the determination of this application. The proposed development complies with the requirements of these policies.

- 2 Planning permission has been granted for this development because the Council has determined that, although representations have been received against the proposal, it is generally in accord with the terms of the above-mentioned policy/ies and, otherwise, no harm would arise such as to warrant the refusal of planning permission.
- 3 The Local Planning Authority acted pro-actively through positive engagement with the applicant during the determination process. This led to improvements to the scheme to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 4 Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.





## Item No. 2

### Application Reference Number P/20/0829/2

**Application Type:** Householder                      **Date Valid:** 09/06/2020  
**Applicant:** Mr Zak Toomassi  
**Proposal:** Single storey extension to north side of dwelling, two storey extension to west side and raising of roof by 0.77m to resultant dwelling. Erection of replacement single garage.  
**Location:** 11 Windmill Rise  
Woodhouse Eaves  
Leicestershire  
LE12 8SF  
**Parish:** Woodhouse                      **Ward:** Forest Bradgate  
**Case Officer:** Deborah Liggins                      **Tel No:** 07864 603401

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This item is referred to Plans Committee at the request of Councillor Snartt who is concerned about the impact of the proposal on the amenities of neighbours.

### Description of the Site

The application site is a detached gabled bungalow located at a corner position on the southern side of the street where it turns south to serve other dwellings. Dwellings to the east are similar scaled gabled dwellings with No. 9 occupying a position approximately 6m forward of No. 11. There is an existing single garage located to the south of the dwelling adjacent to No. 13 and this is to be removed as part of the proposal. As the name suggests, Windmill Rise elevates steeply to the west with all dwellings generally being of single storey origin – some now with dormer or Velux additions to their roofs. There is an approximate 1m difference between the levels of No's 9 & 11.

The existing 2 bed dwelling has a footprint of 6.8m x11m and has a rendered and tiled finish. The existing dwelling has a ridge height of 5m.

| Boundary     | Adjacent land use   |
|--------------|---|
| To the west  | Windmill Rise and the extended and elevated No. 26 Windmill Rise  |
| To the north | Windmill Rise and the large plot containing No 12 Windmill Rise   |
| To the south | 13 Windmill Rise – single storey dwelling with a high level window in its northern elevation serving a lounge |
| To the east  | The significantly lower single storey dwelling of No 9 Windmill Rise.   |

The site lies outside the designated Conservation Area with the Conservation Area boundary coinciding with the rearmost boundary of Main Street dwellings 20m to the east.

### Description of the Application

The original proposal was to extend the dwelling to the south with an extension to also include accommodation within the roof and raising the roof to 5.84m high with a series of roof lights and dormers in the roof, including a Juliet balcony in the eastern elevation. However, the plans have been significantly revised and subject to further consultation.

The revised proposal as shown on drawing No. 002 Rev C received on 7<sup>th</sup> September 2020 shows a 3.6m deep single storey extension to the northern side of the dwelling to provide a bedroom and study, elevational changes to the existing eastern and southern sides of the house and a two storey extension to the western side to provide a bathroom and hall entrance and bedroom above. The roof of the dwelling is also proposed to be raised to 5.75m with a dormer window and roof light in the western roof plane and 4 roof lights in the eastern plane. These works would facilitate to use of the roof space as bedrooms and allow for a reconfiguration of internal accommodation. The resultant dwelling would have 3 bedrooms.

The proposal includes fenestration alterations to all sides with facing materials being white render and roof tiles to match the existing ones. Windows would be grey UPVC.

The resultant dwelling would have a footprint of 6.8m (+2m for the porch/bathroom) x 14.65m.

The plan also shows a slight repositioning of the proposed single garage to a position 0.5m from the boundary with No. 13 Windmill Rise to ensure that soffits and eaves are entirely contained within the application site. In addition to the garage, 2 additional off-street car parking spaces are to be provided to its frontage with the existing vehicular access being retained but with approximately a 3m length of hedge being removed in order to access these spaces more easily.

## **Development Plan Policies**

### Charnwood Local Plan 2011-2028 Core Strategy (adopted 9 November 2015)

The following policies are relevant to this application:

Policy CS2 – High Quality Design – requires new developments to make a positive contribution to Charnwood resulting in high quality inclusive design which responds positively to its context and results in places where people would wish to live. New developments should respect and enhance the character of the area, having regard to scale, density, massing, height, landscape, layout, materials and access arrangements. The policy also requires new development to protect the amenity of people who live and work nearby and those who will live in the new development.

Policy CS14 – Heritage – this requires development to conserve and enhance historic assets for their own value and the community, environmental and economic contribution they make. This will be achieved by requiring development to protect heritage assets and their setting; supporting development which prioritises the refurbishment and re-use of disused or under-used buildings of merit; supporting development that is informed by and reflects relevant Landscape and Conservation Area Character Appraisals and Village

Design Statements; and development that incorporates Charnwood's distinctive local building materials and architectural details.

Policy CS25 – Presumption in Favour of Sustainable Development – sets out that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It pledges to work proactively with applicants to jointly find solutions to approve development wherever possible to secure improvements to the economic, social and environmental conditions in an area. Planning applications that accord with the policies in the Core Strategy will be approved without delay unless material considerations indicate otherwise.

#### Borough of Charnwood Local Plan (adopted 12 January 2004 (saved policies))

The saved policies relevant to this proposal include:

Policy EV/1 – Design - seeks to ensure a high standard of design for developments, which, inter alia, respects and enhances the local environment, is of a design, layout, scale and mass compatible with the locality and utilises materials appropriate to the locality.

Policy H/17 – Extensions to Dwellings (including garages) – states that planning permission will be granted provided the development meets specific criteria relating to the scale, mass, design and use of materials with the original dwelling etc.

Policy TR/18 indicates that planning permission will not be granted for development unless off-street parking for vehicles, including cycles, and servicing arrangements are included to secure highway safety and minimize harm to visual and local amenities. The quantity of parking allowed should reflect the proposed use and the location of development, the availability of public off-street parking; the current or potential accessibility by non-car modes and the scope for practical measures to significantly reduce the use of private car trips to and from a site.

#### **Material considerations**

##### The National Planning Policy Framework (2019)

The National Planning Policy Framework (NPPF) is a material consideration in planning decisions. The NPPF contains a presumption in favour of sustainable development.

Paragraph 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development.

Paragraph 8 explains that achieving sustainable development means that the planning system has 3 overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. The overarching aims are:

- An economic objective – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places to support growth and innovation

- A social objective – supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations, and by creating a high quality built development with accessible local services;
- An environmental objective – contributing to protecting and enhancing our natural, built and historic environment.

Paragraph 10 states at the heart of the Framework is a presumption in favour of sustainable development.

Paragraphs 15-33 set out that the planning system should be genuinely plan-led and that succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities and a platform for local people to shape their surroundings. Paragraph 31 states that the preparation and review of all policies should be underpinned by relevant and up-to-date evidence.

Paragraph 38 indicates that local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers should seek to approve applications for sustainable development where possible.

Paragraph 47 of the NPPF states that planning law requires that applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.

Paragraph 109 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraphs 124-131) of the NPPF concern achieving well-designed places and sets out that good design is a key aspect of sustainable development. The use of visual tools and design codes is encouraged as is the development of design policies alongside local communities and neighbourhood plans.

Paragraph 180 requires that decisions on planning applications should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, including mitigating noise.

#### National Design Guide (2019)

The National Planning Policy Framework makes clear that creating high quality buildings and places is fundamental to what the planning and development process should achieve. This design guide, the National Design Guide, illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice. It forms part of the Government's collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools.

As well as helping to inform development proposals and their assessment by local planning authorities, it supports paragraph 130 of the National Planning Policy Framework which states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

#### Planning Practice Guidance

ID 26 - Paragraphs 001-003 states that good design matters and what this can achieve through good plan making. Paragraph 004 notes that weight can be given to outstanding or innovative design and developments of poor quality design should be refused. Paragraph 007 states that planning should promote local character. New development should be integrated within existing surroundings.

#### The Leicestershire Highways Design Guide (2018)

This is a guide for use by developers and published by Leicestershire County Council and provides information to developers and local planning authorities to assist in the design of road layouts. The purpose of the guidance is to help achieve development that provides for the safe and free movement of all road users, including cars, lorries, pedestrians, cyclists and public transport. Design elements are encouraged which provide road layouts which meet the needs of all users and restrain vehicle dominance, create an environment that is safe for all road users and in which people are encouraged to walk, cycle and use public transport and feel safe doing so; and help create quality developments in which to live, work and play. The document also sets out the quantum of off-street car parking required to be provided in new housing development.

#### The Crime and Disorder Act 1998

This places a duty on the local planning authority to do all that it reasonably can to prevent crime and disorder in its area. The potential impact on community safety is therefore a material consideration in the determination of planning applications.

#### Supplementary Planning Document - Charnwood Design (January 2020)

This document sets out the Borough Council's expectations in terms of securing high quality design in all new development. Schemes should respond well to local character, have positive impacts on the environment and be adaptable to meet future needs and provide spaces and buildings that help improve people's quality of life. The document is a material consideration in the determination of planning applications.

#### Draft Charnwood Local Plan 2019-2036

The Draft Local Plan sets out the Council's preferred options for draft policies which are yet to be tested through an Examination in Public before they can become part of the development plan for Charnwood. The policies therefore carry limited weight at the current time.

#### Woodhouse Eaves Village Design Statement

This is an advisory document adopted by the Council in 2006 and also describes the distinctive character of Woodhouse Eaves village and summarises its historical development, landscape, buildings and wildlife. It was produced by local people with the aim of promoting good design and to ensure that new developments are designed in harmony with identified village characteristics identified as being of value to those residents.

### **Relevant Planning History**

None

### **Responses of Statutory Consultees**

Councillor Snartt is concerned about the impact of the proposal on the privacy and amenity of nearby neighbours.

Woodhouse Eaves Parish Council objected to the original scheme for the following reasons:

- An over development of a small two bedroom bungalow on a small plot where the increase in the ridge height is not in keeping with the surrounding houses.
- The overlooking and light issues for immediate neighbours.
- The village has a need for affordable bungalows and this conversion reduces the villages supply.
- Parking ratio to the size of the bungalow is too small.
- The issues raised by the neighbours are fully supported by this Parish Council.

In respect of the revised plans it considers the building will be too close to the neighbours properties and will be overbearing. The proposal also removes privacy and natural light and the design does not follow the Woodhouse Eaves Village Statement.

### **Other Comments Received**

Comments have been received from the nearby residents detailed below;

Windmill Rise – 3, 5, 9, 13, 22, 23, 24, 26, 34

Main Street – 55a

+ 2 others (address not supplied)

The neighbouring residents identified above, have raised a number of concerns which are summarised below:-

- Loss of privacy arising from dormer additions to the rear, worsened by the elevated position of the dwelling and their overbearing impact
- The resultant dwelling would be oversized and detrimental to the character of the area and street scene
- The proposed extensions are out of scale with the original dwelling
- The proposed alterations/extensions would harm visual amenity
- There is an existing parking problem on Windmill Rise as many driveways are too small meaning many people park on the road
- The submitted plans are inaccurate in terms of boundary distances and the position of the existing garage

- Existing hedges, the access drive, visibility splays, dropped kerbs and surface materials are not shown on the plans.
- There is no vehicle turning space within the plot
- The new ground floor windows on the rear elevation would significantly overlook neighbouring dwellings because of ground levels changes and could not be mitigated by fencing.
- Loss of light as a result of the increased roof height and massing of the dwelling
- Proposed garage would accommodate 1 vehicle and therefore insufficient car parking to serve development.
- Impact on existing hedges and trees within the garden and resultant impact on wildlife
- The resultant dwelling would lack private outside amenity space
- The void above the proposed garage could become a further bedroom.
- No proposed landscaping scheme has been submitted
- The development would remove a bungalow from the Woodhouse Eaves housing stock

Specifically relating to the revised plan, the following comments have been received:

- The series of roof lights in the eastern elevation could result in loss of privacy to No. 9, exacerbated by the change in ground levels.
- If to be granted planning permission, a condition should be imposed to remove permitted development rights for further insertions in the roof or eastern wall.
- Loss of light through the raising of the roof affecting lower properties to the east
- The closeness of the buildings to neighbouring properties
- The proposal would not be in keeping with the street scene
- The proposal would not accord with the village design statement
- The proposal would not accord with adopted SPD on Design.
- Loss of privacy to principal rooms of No. 26 and its garden

### **Any non planning matters that have been raised:**

The proposal includes guttering/soffits which may overhang boundaries.  
 The increased roof height would cause a loss of outlook/view over the valley of the village  
 Contractor vehicles parking in the street already causes a highway hazard.  
 An existing right to light would be breached by the proposal.

### **Consideration of the Planning Issues**

The key issues in considering this application are considered to be:

- The design and visual impact of the proposal in the street scene
- Impact on Residential Amenities
- Impact on Heritage Assets
- Highways and Car Parking
- Other matters

### The Design and visual impact in the street scene



No's 1-9 Windmill Rise are single storey dwellings generally set back from each other in the street scene and with a relatively uniform appearance in terms of their front gables and use of materials. Dwellings at the top of the hill and turning south into the cul-de-sac have a less uniform appearance in terms of the position of dwellings, their types and more eclectic mix of materials. The application property is therefore positioned at the corner where this character transitions to a more varied mix of house types. Generally detached bungalows retain gables to the street frontage and semi-detached bungalows have dormers or roof features of various designs and sizes. Materials in dwellings are a mix of render, brick, stone and timber cladding with tiled roofs. No's 13-21 Windmill Rises have a similar perpendicular set back in the street scene but the remainder of the dwellings are varied in terms of frontage depths and orientation.

The application property has a northern elevation already set back 6m from the front elevation of No. 9 and it is considered that the proposed single storey 4.6m extension to the northern side of the dwelling would still sit well behind the front elevation of No. 9 and maintain the general set back arrangement of this street scene.

In terms of the two storey extension on the western side of the dwelling, this would project 2m beyond the informal 'building line' and front elevations of No's 13-21m. However, that extension would be positioned 4.1m from the western property boundary and occupy a floor level lower than the level of the adjacent carriageway and it is considered that the proposal would not be visually prominent or incongruous in the street scene in terms of its form and massing. The gabled design of the extension and the proposed use of materials would also not appear out of character in the street scene. In these ways, it is considered that the proposal would accord with Policies CS2, EV/1 and H/17 and the adopted SPD on Design.

Neighbours consider that the proposal would not accord with the Woodhouse Eaves Village Design Statement. This document is an advisory document which aims to promote good design and to ensure that new development, including extensions to existing properties are designed in harmony with the character of the village. Whilst the general tenet of the guidelines in the Design Statement is towards carefully considered and unobtrusive additions, high quality and contemporary design is welcomed. The Statement also sets out that stone, slate, rough textured render and brick are the main materials in the village and that materials proposed for extensions should be chosen to enhance and compliment adjacent buildings. It is considered that the design of the proposal retains the original form of the dwelling, but raises its roof by less than a metre. The use of roof lights, forward projecting gables and render already feature in the street and in these ways, it is considered that the proposal would accord with the village design statement.

Impact on Residential Amenities

| <b>Property</b> | <b>Distance &amp; Relationship</b>                                 | <b>Guide (if applicable)</b> | <b>Notes</b>  |
|-----------------|--|------------------------------|---|
| No. 11          | 6m forward of the application property and 1m lower                | n/a                          | This dwelling has principal windows in its front and rear elevations              |
| No. 13          | Flanking elevation approx.. 1m from southern boundary of app site. | n/a                          | Gable fronted dwelling with high level principal window in its northern elevation |

|    |   |     |   |
|----|---|-----|---|
| 26 | 24m to the west and having a floor level approximately 1.5m higher than the adj carriageway | n/a | This extended and heightened dwelling contains dormer windows, roof lights and principal ground floor windows in its eastern elevation with the road intervening. |
|----|---|-----|---|

Loss of Light – The proposal involves the increase in the height of the roof of the property by 0.75m with the position of the ridge line being retained. The existing position of the application dwelling is such that it already conflicts with the 45 degree ‘angle of light’ rule when measured horizontally in relation to the rear of No. 9, but the proposal, when measured vertically would not conflict. It is therefore considered that the increase in height, together with the orientation of the dwellings and the distance from No. 9 in particular, is such that no significant losses of light would be experienced to the occupiers of that or other dwellings.

In terms of loss of light to No. 13 Windmill Rise arising from the erection of the garage, there is an existing pitched roof garage which would be removed and replaced with a new pitched roof garage in a revised position such that more of the existing principal window to No. 13 would be obscured. The existing garage is located between 1.5 and 2.3m from the boundary and positioned 3m off the eastern boundary of the site, with a ridge height of 3.3m and an eaves height of 2.2m. The proposal is for a garage positioned parallel with and 0.5m distant from the southern boundary and between 1.4m and 2.2m from the western site boundary. The proposed height of the garage would be 2.2m to eaves and 4m to the ridge. The garage would lie due north of the existing high-level lounge window in the side of No.13 and the occupiers are concerned about a significant loss of light to that room.

In assessing loss of light, it is important to consider what is already existing and what could be erected under ‘permitted development’ rights. The proposed garage would be closer to the boundary and would have a higher ridge height than the existing garage. It would also be positioned parallel and closer to the boundary, where a garage could be erected on the boundary under permitted development provided it did not exceed 2.5m in height. (i.e. 0.3m higher and significantly closer). Clearly these parameters are exceeded and the garage proposed requires planning permission. However, because of the position of the proposed garage, off-set from the boundary and its pitched roof design (sloping away from the boundary) and the orientation of the garage and existing neighbouring window, it is considered that the proposal would not result in a significant reduction of light to the degree that planning permission should be refused. The occupier of the adjacent dwelling is aware that if a ‘right to light’ is claimed, this should be pursued privately through civil legal channels, the grant of planning permission would not over-ride any such private legal right if one were to exist.

Loss of Privacy – The proposal introduces first floor bedroom accommodation which is serviced by a range of roof lights in the eastern roof plane and the 2 storey and dormer extensions to the western side. Additional glazing is proposed to all elevations including the eastern elevation at ground floor level. This would see the insertion of a window which could be carried out under ‘permitted development’ and which would be partially obscured by the existing boundary treatment. Submitted plans indicate that the lower cill of the proposed roof lights would be 1.7m above floor level and the four roof lights in the eastern elevation would therefore be positioned in the roof to prevent views to neighbouring dwellings including No. 9. The additional first floor windows in the western elevation would

serve bedrooms and these are not considered to be principal rooms within the dwelling and the roof light here would be positioned lower and at such a height that a view out would be possible, as would be the case with the proposed first floor windows in the dormer and the 2 storey extension. Whilst the occupiers of No. 26 claim these would cause a loss of privacy to their garden and main room windows, an overlooking situation already exists between the principal windows in No. 26 due to its elevated position. It is considered that the proposal would not exacerbate this.

Furthermore, it is considered that the imposition of a planning condition to prevent future insertions of windows in the roof or eastern wall of the dwelling would be appropriate, given its elevated position in the street scene and the significant alterations which might otherwise be able to be undertaken without the need for planning permission.

In these ways it is considered that the proposal would not significantly reduce light or privacy to unacceptable levels and that the proposal would accord with Policies CS2, EV/1 and H/17 and the adopted SPD on Design.

#### Impact on Heritage Assets

The application site is some distance from the Conservation Area with the nearest properties within the Conservation Area being large detached post-war houses set back from Main Street. Due to the distance from significant features within the Conservation Area or any listed buildings, it is considered the proposal would not result in harm to significance of the Conservation Area or its setting. In this way the proposal would at least preserve the character and appearance of the Conservation area and accord with Policy CS14 and Section 70(2) of the Planning (Listed Building and Conservation Areas) Act 1990.

#### Highways and Car Parking

Whilst the Leicestershire County Highway Authority was not consulted on the application, the proposed development is of a type where its standing advice would usually apply in terms of access width and geometry, car parking requirements etc.

The proposal would utilise an existing access and would result in a 3 bed dwelling with the potential for the ground floor study to be flexibly used as an additional bedroom. The proposal provides for a garage and 2 additional off-street car parking spaces can be accommodated within the site, utilising the existing access and dropped kerb. The proposal therefore accords with current guidance of the highway authority as set out in the Leicestershire Highways Design Guide. The use of the site would remain as residential and it is considered that the proposal would not result in 'severe' cumulative impact or introduce significant highways harms to warrant a refusal of planning permission. The development would generally accord with the provisions of Policy TR/18 and paragraph 109 of the National Planning Policy Framework.

#### Other matters

Although the Parish Council objects to the loss of the existing bungalow because there is an identified need for such dwellings in the locality, the proposal is to extend the existing dwelling only and is not for the erection of a replacement dwelling. The purpose of the housing needs survey was not to act as a barrier to people extending their homes but to

identify the sort of new housing required locally. The proposal relates to an existing dwelling and does not reduce the overall quantum of housing in the village. The proposal is therefore acceptable in principle.

The originally submitted plans were found to be inaccurate in terms of the relationship of the proposal with neighbouring property boundaries and inaccuracies have been addressed in the amended plans. Although the existing hedge is not shown on the submitted plans, this is not a protected feature and the property owner is at liberty to remove some or all of it as they see fit and this could have a small impact on nesting birds and other wildlife. However, the indicated plans show an intent to remove only a small part of the hedge to facilitate easier access into the proposed car parking spaces. Other legislation exists to protect nesting birds and the impact on wildlife is therefore considered to be acceptable.

Although neighbours comment that there is no turning space within the site, so vehicles can emerge in a forward direction, this is not uncommon for residential properties and there are many properties within Windmill Rise where a turning space is not available and this is not a reason to refuse planning permission. Likewise, the proposal seeks to utilise an existing vehicular access and it would be unreasonable to insist that improved visibility splays, width and dropped kerb's be required to serve this small-scale proposal which is to provide extensions to the home and a new garage.

Neighbours are concerned that the void above the garage could become a further bedroom but this is unlikely due it having no internal or external access, its limited size and limited headroom. Other neighbours are concerned that the extensions would leave little outdoor amenity space and would be overdevelopment of the plot. However, officers consider that ample garden space would remain to 3 sides of the dwelling to serve the recreational and amenity needs of occupiers.

Other neighbours comment that the proposal is not accompanied by a comprehensive landscaping scheme and it is considered that such a requirement would be too onerous for the scale of the development proposed – a householder extension – and would not meet the legal tests for imposing such conditions.

## **Conclusion**

Decisions on applications need to be made in accordance with the adopted development plan policies and the material considerations that support them.

The proposal would not introduce a visual adverse impact to the street scene and would be acceptable in design, amenity and highway terms and would accord with policies CS2, CS14, EV/1, H/17, and TR/18.

## **RECOMMENDATION:-**

Grant Conditionally

- 1 The development, hereby permitted, shall be begun not later than 3 years from the date of this permission.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:  
002 Rev C - Proposed elevations, section, floor plans, block plan and site location plan

REASON: To define the terms of the planning permission.

- 3 Only those materials specified in the application shall be used in carrying out the development hereby permitted.

REASON: To ensure the satisfactory appearance of the completed development.

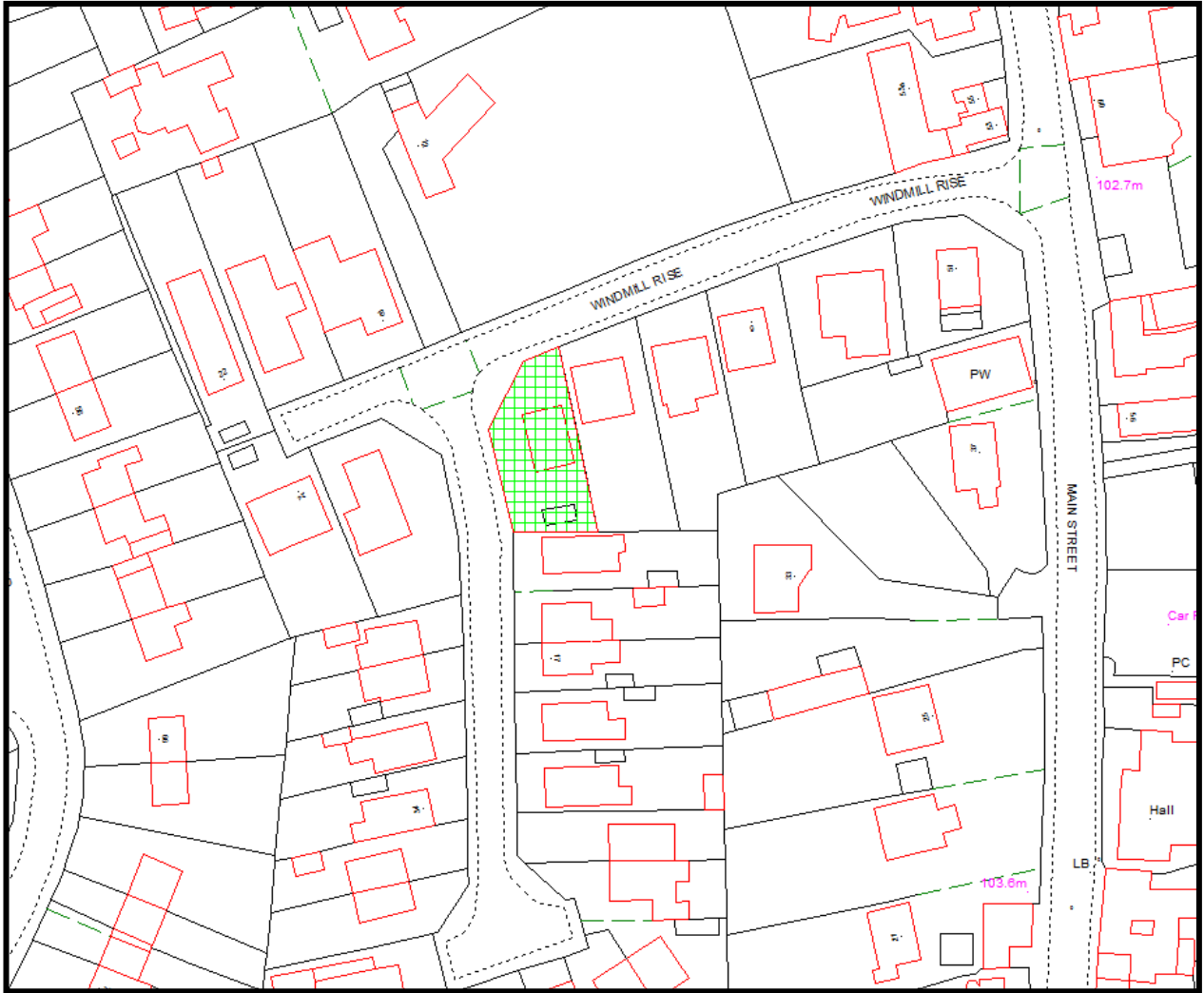
- 4 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking and re-enacting that Order, with or without modifications), no openings or windows other than those shown on the approved plans shall be inserted in the western elevation of the building, at either first floor or roof level or in the eastern elevation of the building at ground floor, first floor or roof level.

REASON: To prevent undue overlooking of nearby dwellings, in the interests of the privacy of nearby residents.

The following advice notes will be attached to a decision

- 1 DEVELOPMENT PLAN POLICIES RELEVANT TO THIS DECISION  
- Policies CS2 and CS25 of the Charnwood Local Plan (2011-2028) Core Strategy and Policies EV/1, H/17 and TR/18 of the Borough of Charnwood Local Plan have been considered in reaching a decision on this application. The proposed development complies with the requirements of these policies.
- 2 Planning permission has been granted for this development because the Council has determined that, although representations have been received against the proposal, it is generally in accord with the terms of the above-mentioned policies and the Council's adopted Supplementary Planning Guidance on House Extensions and, therefore, no harm would arise such as to warrant the refusal of planning permission.
- 3 The Local Planning Authority acted pro-actively through positive engagement with the applicant during the determination process. This led to improvements to the scheme to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015.

- 4 Care should be taken during site works to make sure that hours of operation, methods of work, dust and disposal of waste do not unduly disturb nearby residents.



### Item No. 3

**Application Reference Number** P/20/0721/2

**Application Type:** Hybrid Planning **Date Valid:** 15/05/2020  
Permission  
**Applicant:** Aldi  
**Proposal:** Hybrid Planning Application consisting of: Full planning application for extensions to existing supermarket together with the creation of additional car parking and associated landscaping to include demolition of industrial works at 33 Albert Street; and Outline planning application with all matters reserved for the erection of 6x residential dwellings.  
**Location:** 1169 Melton Road  
Syston  
LE7 2JT  
**Parish:** Syston **Ward:** Syston East  
**Case Officer:** Deborah Liggins **Tel No:** 07864 603401

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This item is referred to Plans Committee at the request of the Head of Planning and Regeneration as Ward Councillors have declared personal interests in the development and the application is of wider public interest.

#### **Description of the Application Site**

The application site is the current Aldi store located on the eastern side of Melton Road and also manufacturing premises located on the corner of Victoria Street and Albert Street, with the manufacturing buildings proposed to be almost wholly demolished. The overall and combined site amounts to approximately 8094 sq.m. The existing store, granted planning permission under reference P/05/1099/2, is served by 60 car parking spaces including 8 parent and 4 wheelchair accessible spaces. The store comprises warehouse space, a plant room, staff welfare facilities, retail floor space of 858 sq.m. and a loading bay located to the eastern end of the building and accessed from the north. The existing store is open between the hours of 0800-2200 Mon-Sat and 1000 until 1600 hours on Sundays and there are no proposed changes to these hours.

The site is located entirely within Flood Zone 1, this being land at least risk of fluvial flooding and is not within a Conservation Area. The site is at the southern edge of Syston District Centre as identified on the Proposals Map of the Borough of Charnwood Local Plan and approximately 500m from the train station and situated on a regular bus route running between Leicester and Melton Mowbray.

Public footpath J38 runs along the northern boundary of the site between Melton Road and Victoria Street and is unaffected by the proposal. The proposal involves new black metal railings adjacent to the path to continue the existing boundary treatment bounding the proposed extended car park.

To the south of the site is the mixed housing of Albert Street which is an older one-way street accessed off Melton Road and which serves a wider housing area and remaining



employment uses located on Victoria Street and Cross Street. The one way route is completed utilising Nelson Street and Wellington Street which runs parallel to the south.

The application is a hybrid proposal which includes full consideration of an extension to the store and the associated reconfiguration and landscaping of its car park. The application also seeks outline planning permission with all matters reserved for six dwellings fronting Albert Street, positioned to the south of the application site, which would back onto the car park of the proposed extended retail store.

### **Description of the Proposals**

As mentioned, the application includes 2 elements:- a full application for the extension and alteration of the store to include the following elements:-

- An extension of the retail area of the store from 1369 to 1858 sq.m by extending the building eastwards (by 24.8m including new plant room).
- New refrigeration plant to the eastern extension
- New areas of warehousing and cold rooms
- A new and enlarged ramped loading bay located to the eastern end of the building and accessed from the east. This would allow reversed lorries to deliver direct to the warehouse at the same level with a curtain around the rear of the vehicle to reduce noise.
- A relatively small extension to the Melton Road elevation to provide relocated welfare facilities
- Improved customer toilets
- 119 space car park including 6 parent and 7 wheelchair accessible spaces. Retention of existing cycle parking facilities.
- New external 6m high columns and wall mounted lighting and provision of hard and soft landscaping
- Vehicular access to the site will remain unaltered.

And;

An outline proposal for the erection of up to 6 dwellings accessed off Albert Street, for which all matters are reserved for future consideration. This element covers approximately 1014 sq.m. of land which is currently designated as 'Primarily Employment Land' within the Borough of Charnwood Local Plan.

The existing industrial buildings are substantial brick and slate buildings which border the highway boundary and which contain a number of window and door openings on the boundary. An existing car park/service yard for the units is located off Albert Street.

Because of a levels difference of around 1.2m between the northern boundary of the site and the southern boundary with the rear of Albert Street dwellings, it will be necessary to create a retaining structure between the southern edge of the car park and the proposed residential garden boundary to the new dwellings. A 2.4m high acoustic fence is also proposed along a 70m section of the southern boundary of the site including to the rear of the new dwellings and 19-23 Albert Street.

Although an indicative layout of 6 dwellings including car parking for each unit is provided, this is illustrative only.

The application is accompanied by the following documents:-

- Planning Statement prepared by Turley Planning (April 2020) – this document sets out the history and context of the site. It also describes the trading philosophy of the store and sets out that unlike some other larger supermarkets which operate 24/7, Aldi stores operate between 0800 and 2200 hours Mon-Saturday and for 6 hours between 1000 and 1800 hours on Sundays to accord with Sunday trading laws. The statements also explain that the Melton Road store is substantially smaller than the standard size store Aldi now builds and since it was built, its product range has increased to around 200 lines. Whilst the existing store can accommodate that number of lines, its smaller retail space and narrower aisles gives a cramped appearance to the store and impedes customer movement around the store and the restocking of shelves. The store is also deficient in car parking.
- Drainage Strategy prepared by Inspire Design and Development (April 2020) – this sets out that the site falls approximately 2m from +55.5m AOD in the south to +53.5m AOD in the north – representing a gradient of around 1 in 70. 94% of the site is currently covered with buildings and hard-standing with the remaining 6% being soft landscaping. Barkby Brook lies 50m to the east. Mains combined public sewers are located in Melton Road, Albert Street and Victoria Street. The document assesses the flood risk of the proposal stating the site, being within Flood Zone 1 is at low risk of fluvial flooding but that Environment Agency mapping indicates some low to medium risk around the existing car park and store of surface water flooding. However, as the impermeable area of the proposed development will be similar to that of the existing site, there is not anticipated to be a significant change in surface water run-off and associated flood risk. The proposed drainage system would collect surface water run-off into an underground storage tank with the attenuated flow discharging to the sewer via a flow control device at a standard rate of 5l/s as opposed to the current rate of 25l/s. A separate application is expected to be made to Severn Trent for consent to discharge foul and surface water into the existing public sewer system.
- Transport Assessment prepared by Connect Consultants (April 2020). – This provides information about the transport context of the site and the proposal and assesses the vehicular attraction of the proposed extension and its effects on the highway network. The report also analyses the capacity of the existing junction with Melton Road and finds that the site is accessible by a choice of transport modes and will reduce reliance on the private car. The proposed car parking and existing access arrangement accord with local standards and service and delivery arrangements can be accommodated within the site alongside customer traffic. The report concludes that the proposal would have a negligible traffic effect which would not materially worsen highway safety, or collision incidents.
- Design and Access Statement prepared by STOAS Architects (April 2020) in relation to the store extension – This sets out that following the demolition of the existing factory buildings, the existing building façade to Victoria Street will be retained as boundary walling to the site by reducing the gable walls of the buildings to various

heights and bricking up of existing windows and door openings as shown on drawing number C15A140-P006. In this way, the historic industrial heritage of the site would be recognised. Proposed materials, boundary treatments and landscaping are all described within this document. The document also addresses how waste from both the development and the ongoing operations of the store will be disposed of or re-used and how the development follows 'Secured by Design' principles around crime reduction and prevention.

- Design and Access Statement prepared by SOAS Architects (April 2020) in relation to the residential element of the proposal – This sets out that the site is well related to local services and facilities and that the development would be of a similar character to surrounding dwellings, with off-road car parking for each plot. There are a number of different property styles in the vicinity from semi-detached to terraced two storey dwellings. The majority of these are of red brick construction. It is anticipated that each dwelling would have a private rear garden and that dwellings would typically be 2 storey.
- Travel Plan prepared by Connect Consultants (April 2020) – This is mainly directed towards staff employed at the site and sets out a strategy to reduce dependence on transport to and from work in the private car. It includes the promotion of alternative modes of transport and monitoring and review opportunities to benefit both workers within and operators of the business.
- Ecological Report – Preliminary Bat Roost Assessment prepared by Middlemarch Environmental (March 2020) – this assesses the potential of existing buildings and trees on the site to support roosting bats and is based on a survey carried out in early March. In summary, the existing Aldi store and its delivery area were found to have negligible potential for bat roosts, with buildings at the Syston Doors site also undergoing detailed survey. Buildings here were found to have negligible or low potential but with one building having high potential due to gaps in its brickwork, missing half bricks and gaps in the roofing tiles. It was therefore recommended that several buildings be subject to at least three further dusk emergence and /or dawn re-entry surveys during the optimum season to determine the presence or absence of protected species. All trees on the site were considered to have negligible potential for roosting bats. The report also advises on new external lighting and comments that it should be carefully designed to minimize potential impact to bats.
- Preliminary Ecological Appraisal prepared by Middlemarch Environmental (March 2020) – this report sets out that the application site is within 2km of an SSSI and 2 non-statutory sites within 1 km. The report makes several recommendations including biodiversity enhancement measures, lighting, habitat retention, excavations, nesting birds and roosting bats.
- Noise Impact Assessment prepared by Noise Solutions Ltd (16<sup>th</sup> March 2020) – this relates to proposed external plant and deliveries to the reconfigured and extended store and seeks to assess the resulting impact in terms of noise emissions when compared to existing noise levels. The survey examines noise emissions from the proposed plant in addition to that of commercial lorries based on up to 3 deliveries by articulated lorries in any 24 hour period and between the hours of 0630 and 2300 hours Monday to Saturday or between 0800 and 1700 hours on Sundays. The

assessment is based on both the existing dwelling occupiers as the nearest sensitive receptors and also future occupiers of the proposed dwellings which form part of the application. The results of the assessment demonstrate that the noise impact associated with deliveries to the store will be below the level at which a 'low impact' is expected, when assessed in accordance with BS4142:2014. The proposed external plan also meets the Council's usual requirements and noise levels would be within acceptable limits.

## **Development Plan Policies**

Relevant policies relate to both commercial development and the provision of new housing and are as follows:-

### Charnwood Local Plan 2011-2028 Core Strategy

Policy CS1 – Development Strategy – sets out the housing directions for growth over the plan period and establishes a settlement hierarchy of locations in terms of their sustainability.

Policy CS2 – High Quality Design – requires new developments to make a positive contribution to Charnwood resulting in high quality inclusive design which responds positively to its context and results in places where people would wish to live. New developments should respect and enhance the character of the area, having regard to scale, density, massing, height, landscape, layout, materials and access arrangements. The policy also requires new development to protect the amenity of people who live and work nearby and those who will live in the new development.

Policy CS3 – Strategic Housing Needs – seeks to manage the delivery of the Borough's housing need and ensure a good mix of house types, tenures and size of properties, having regard to identified housing needs and the character of the area.

Policy CS6 – Employment and Economic Development – sets out how the economic needs of the community might be met, including the provision of opportunities for manufacturing businesses to develop, re-locate and expand and the provision of small-scale, high-quality business units and offices.

Policy CS9 – Town Centres and Shops - sets out that town centre development will be encouraged for District and Local Centres where it supports their viability and vitality and where it is physically integrated into the defined centre and of an appropriate scale for that centre.

Policy CS13 – Biodiversity and Geodiversity - seeks to conserve and enhance the natural environment and which protects, enhances or restores biodiversity.

Policy CS16 – Sustainable Construction and Energy – encourages sustainable design and construction and the provision of renewable energy including supporting developments that reduce waste, provide for the suitable storage of waste and allow convenient waste collections.

Policy CS25 – Presumption in Favour of Sustainable Development – sets out that the Council will take a positive approach that reflects the presumption in favour of sustainable

development contained in the National Planning Policy Framework. It pledges to work proactively with applicants to jointly find solutions to approve development wherever possible to secure improvements to the economic, social and environmental conditions in an area. Planning applications that accord with the policies in the Core Strategy will be approved without delay unless material considerations indicate otherwise.

#### Borough of Charnwood Local Plan

Policy ST/2 – Limits to Development - States that built development will be confined to allocated sites and other land within the Limits to Development identified on the proposals map, subject to specific exceptions.

Policy EV/1 – Design - seeks to ensure a high standard of design and sets out nine design criteria which new developments should satisfy. These include the requirement for new development to respect and enhance the local environment, including the scale, location, character, form and function of settlements. Development should be of a design, layout, scale and mass which is compatible with the locality and neighbouring buildings. It should also safeguard the amenities of adjoining properties, particularly the privacy and light enjoyed by adjoining residents.

Policy E/7 – Control of Employment Uses in Primarily Employment Areas – sets out how applications for development in identified Primarily Employment Areas will be considered, particularly in relation to proposed changes of use. The policy states that planning permission will be granted for business and industrial uses (Classes B1 and B2) provided that in locations adjacent to existing or proposed residential areas, residential amenities can be protected by appropriate measures. The supporting text for this policy explains that the Primarily Employment Areas comprise the main employment areas in the plan area where business, industry and warehousing will remain the dominant activities. In all new development, the Council is anxious to encourage compatible patterns of land use to safeguard neighbouring amenities and environmental quality and to ensure an adequate range of employment opportunities in areas of need. The policy therefore seeks to encourage such provision in appropriate locations.

Policy TR/18 – Parking in New Development indicates that planning permission will not be granted for development unless off-street parking for vehicles, including cycles, and servicing arrangements are included to secure highway safety and minimize harm to visual and local amenities. The guidance indicates that a dwelling of up to 3 bedrooms should be provided with 2 car parking spaces and those dwellings with more should be provided with 3. The policy does however clearly state that these standards should be used as the starting point in assessing the level of provision and represent the maximum level. The quantity of parking allowed should reflect the proposed use and the location of development, the availability of public off - street parking; the current or potential accessibility by non-car modes and the scope for practical measures to significantly reduce the use of private car trips to and from a site.

Policy TR/21 – Planning Criteria for the Design and Layout of new Car Parks. This sets out the criteria against which proposals for new car parks will be assessed and includes a requirement to provide lighting, accessible spaces and landscaping.

## Leicestershire Minerals and Waste Local Plan (Up to 2031)

This plan was adopted in 2019 and forms part of the Development Framework for Charnwood. The document includes the County Council's spatial vision, spatial strategy, strategic objectives, and core policies which set out the key principles to guide the future winning and working of minerals and the form of waste management development in the County of Leicestershire over the period to the end of 2031. The Development Management Policies set out the criteria against which planning applications for minerals and waste development will be considered and a monitoring framework is included to examine the efficacy and effects of those policies.

In terms of Charnwood, Policy M11 seeks to safeguard mineral resources including sand, gravel, limestone, igneous rock, surface coal, fireclay, brick clay and gypsum. The policy sets out that planning permission will be granted for development that is incompatible with safeguarding minerals within a Mineral Safeguarding Area provided certain criteria are met.

Planning applications for non-mineral development within a Mineral Safeguarding Area should be accompanied by a Mineral Assessment of the effect of the proposed development on the mineral resource beneath or adjacent to it.

### **Other material considerations**

#### Planning Practice Guidance

The National Planning Practice Guidance (PPG) reinforces and provides additional guidance on the policy requirements of the Framework and provides extensive guidance on design and other planning objectives that can be achieved through getting good design. These include the consideration of local character, landscaping setting, safe, connected and efficient streets, crime prevention, security measures, access and inclusion, efficient use of natural resources and cohesive and vibrant neighbourhoods.

ID 26 - Paragraphs 001-003 states that good design matters and what this can achieve through good plan making. Paragraph 004 notes that weight can be given to outstanding or innovative design and developments of poor quality design should be refused. Paragraph 007 states that planning should promote local character. New development should be integrated within existing surroundings.

#### National Design Guide (2019)

The National Planning Policy Framework makes clear that creating high quality buildings and places is fundamental to what the planning and development process should achieve. This design guide, the National Design Guide, illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice. It forms part of the Government's collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools.

As well as helping to inform development proposals and their assessment by local planning authorities, it supports paragraph 130 of the National Planning Policy Framework which states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

## The National Planning Policy Framework (NPPF) 2019

The National Planning Policy Framework (NPPF) is a material consideration in planning decisions. The NPPF contains a presumption in favour of sustainable development.

Paragraph 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development.

Paragraph 8 explains that achieving sustainable development means that the planning system has 3 overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. The overarching aims are:

- An economic objective – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places to support growth and innovation
- A social objective – supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations, and by creating a high quality built development with accessible local services;
- An environmental objective – contributing to protecting and enhancing our natural, built and historic environment.

Paragraph 10 states at the heart of the Framework is a presumption in favour of sustainable development.

Paragraph 11 sets out the presumption in favour of sustainable development and makes it clear that where there is an under-supply of housing land, the most important policies for the determination of housing proposals would be considered out of date.

Paragraphs 15-33 set out that the planning system should be genuinely plan-led and that succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities and a platform for local people to shape their surroundings. Paragraph 31 states that the preparation and review of all policies should be underpinned by relevant and up-to-date evidence.

Paragraph 38 indicates that local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers should seek to approve applications for sustainable development where possible.

Paragraph 47 of the NPPF states that planning law requires that applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.

Paragraph 59 states that to support the government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward

where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

Paragraph 61 sets out that the size, type and tenure of housing need for different groups in the community should be assessed and reflected in planning policies (including but not limited to, those who require affordable housing, families with children older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes.

Paragraph 68 explains that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built out quickly. The paragraph then goes on to explain how such sites might be promoted.

Paragraph 73 sets out that local planning authorities are expected to maintain a 5 year housing land supply and should identify and annually update their supply of specific deliverable sites as measured against the overall housing requirement for the plan period. This should include a buffer and in Charnwood this is an additional 5% in order to ensure choice and competition in the market for land.

Paragraph 80 states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.

Paragraph 85 states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation and sets out how planning policies should do this.

Paragraph 86 states that local 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. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

Paragraph 89 relates to applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date local plan, local planning authorities should require an impact assessment if the development is over a proportionate locally set threshold or default threshold of 2500m<sup>2</sup>.

Chapter 8 of the NPPF relates to the promotion of healthy and safe communities and sets out how planning policies and decisions should aim to achieve healthy, inclusive and safe places.

Paragraph 109 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.



Paragraph 111 states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.

Chapter 12 (Paras 124-131) of the NPPF concerns itself with achieving well-designed places and sets out that good design is a key aspect of sustainable development. The use of visual tools and design codes is encouraged as is the development of design policies alongside local communities and neighbourhood plans.

Paragraph 131 states that, in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

Paragraph 170 states that the planning system should contribute to and enhance the natural and local environment by

- Protecting and enhancing valued landscapes, site of biodiversity or geological value and soils;
- 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 agricultural land, and of trees and woodland.
- Maintaining the character of the undeveloped coast, while improving public access to it where appropriate.
- Minimising impacts on and providing net gains for biodiversity including by establishing coherent ecological networks that are more resilient to current and future pressures.
- Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and
- Remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Paragraph 175 states that in determining applications for planning permission, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- If significant harm cannot be avoided, adequately mitigated or, as a last resort, compensated for, then planning permission should be refused
- If a SSSI is likely to be adversely affected, development should not be permitted. Where an adverse impact on the SSSI's notifiable species is likely, an exception should only be made if the benefits of the development would clearly outweigh local and national impacts
- Development where the primary objective is to conserve or enhance biodiversity should be supported
- Opportunities to incorporate biodiversity should be encouraged
- Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of

ancient or veteran trees, unless the need for development in that location clearly outweigh both its likely impact on the features of the site which make it special and any broader impacts on the national network of SSSI's

Paragraph 180 requires that decisions on planning applications should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, including mitigating noise.

#### The Crime and Disorder Act 1998

This places a duty on the local planning authority to do all that it reasonably can to prevent crime and disorder in its area. The potential impact on community safety is therefore a material consideration in the determination of planning applications.

#### The Leicester and Leicestershire Strategic Growth Plan 2018

This document is a non-statutory plan but has been prepared and adopted by 10 partner organisations in Leicester and Leicestershire to provide a vision to address the challenges of the region until 2050. It identifies broad locations where development should take place and the infrastructure needed to deliver it which is envisaged to be delivered through local plans.

#### Leicestershire Housing and Economic Development Needs Assessment (HEDNA) – 2017

HEDNA provides an up to date evidence base of local housing and employment needs including an objectively assessed housing need figure to 2036 based on forecasts and an assessment of the recommended housing mix based on the expected demographic changes over the same period. The housing mix evidence can be accorded significant weight as it reflects known demographic changes.

#### The Leicestershire Highways Design Guide (2018)

This is a guide for use by developers and published by Leicestershire County Council and provides information to developers and local planning authorities to assist in the design of road layouts. The purpose of the guidance is to help achieve development that provides for the safe and free movement of all road users, including cars, lorries, pedestrians, cyclists and public transport. Design elements are encouraged which provide road layouts which meet the needs of all users and restrain vehicle dominance, create an environment that is safe for all road users and in which people are encouraged to walk, cycle and use public transport and feel safe doing so; and help create quality developments in which to live, work and play. The document also sets out the quantum of off-street car parking required to be provided in new housing development.

#### Supplementary Planning Document - Charnwood Design (January 2020)

This document sets out the Borough Council's expectations in terms of securing high quality design in all new development. Schemes should respond well to local character, have positive impacts on the environment and be adaptable to meet future needs and provide

spaces and buildings that help improve people's quality of life. The document is a material consideration in the determination of planning applications.

#### Housing Supplementary Planning Document

Adopted in May 2017, the SPD provides guidance to support the Local Plan Core Strategy and the saved policies of the Borough of Charnwood Local Plan.

#### Conservation of Habitat and Species Regulations 2010 (as amended)

These Regulations contain certain prohibitions against activities affecting European Protected Species, such as bats.

The Council as local planning authority is obliged in considering whether to grant planning permission to have regard to the requirements of the Habitats Directive and Habitats Regulations in so far as they may be affected by the grant of permission. Where the prohibitions in the Regulations will be offended (for example where European Protected Species will be disturbed by the development) then the Council is obliged to consider the likelihood of a licence being subsequently issued by Natural England.

#### Draft Charnwood Local Plan 2019-2036

The Draft Local Plan sets out the Council's preferred options for draft policies which are yet to be tested through an Examination in Public before they can become part of the development plan for Charnwood. The policies therefore carry limited weight at the current time. These include policies which would seek to make provision for at least 19,716 homes between 2019 and 2036 and require these to be delivered to a high standard of design quality.

#### The Community Infrastructure Levy Regulations 2010 (CIL) (as amended)

The Regulations set out the process and procedure relating to infrastructure requirements. Regulation 122 states that it must relate in scale and kind to the development. Regulation 123 precludes repeat requests for funding of the same items (pooling). The Community Infrastructure Levy (CIL) places the Government's policy tests on the use of planning obligations into law. It is unlawful for a planning obligation to be a reason for granting planning permission when determining a planning application for a development, or part of a development, that is capable of being charged CIL, whether or not there is a local CIL in operation, if the obligation does not meet all of the following tests:

1. necessary to make the development acceptable in planning terms;
2. directly related to the development; and
3. fairly and reasonably related in scale and kind to the development.

#### S106 Developer Contributions Supplementary Planning Document (2007)

This supplementary planning document (SPD) sets out the circumstances which might lead to the need for a contribution to the provision of infrastructure, community services or other facilities. However, recent appeal decisions have confirmed that

Inspectors will not support obligations (even if agreed by the appellant) unless the planning authority can demonstrate that they are specifically related to the proposed development. Regulation 122 of the CIL Regulations introduced on the 6 April 2010 prescribes the limitations on the use of planning obligations. Accordingly it is unlawful for a planning obligation to be taken into account when determining a planning application for a development that does not meet all of the following tests:

1. It is necessary to make the development acceptable in planning terms
2. It is directly related to the development
3. It is fairly and reasonably related in scale and kind to the development

### Relevant Planning History

| Reference   | Description  | Decision & Date                     |
|-------------|--|-------------------------------------|
| P/90/1987/2 | Syston Rolling Shutters – Erection of a storage building to rear of premises                                 | Granted conditionally<br>12/09/1990 |
| P/05/1099/2 | Erection of a food retail store (Use Class A1 – 1364 sq.m.) with associated car parking                      | Granted conditionally<br>27/03/2006 |
| P/06/0136/2 | Display of 3 internally illuminated shop signs   | Granted conditionally<br>27/03/2006 |
| P/12/0611/2 | Variation to Condition 17 of planning permission P/05/1099/2 to extend opening hours until 9.00 p.m. Mon-Sat | Granted conditionally<br>19/04/2012 |
| P/13/1767/2 | Variation of Condition 17 of planning permission P/05/1099/2 to extend opening hours until 10.00p.m. Mon-Sat | Granted conditionally<br>10/10/2013 |
| P/16/1541/2 | Variation of Condition 2 of planning permission P/13/1767/2 to allow opening on Bank Holidays                | Granted conditionally<br>23/08/2016 |

### Responses of Statutory Consultees

Leicestershire County Council Minerals Officer – comments that the proposed development lies within a Sand and Gravel Mineral Consultation Area and that Policy M11 of the Leicestershire Minerals and Waste Local Plan aims to protect potential mineral reserves from being sterilized by non-mineral development. However, due to the site being located in a built-up area it is unlikely that any mineral present at the site could be realistically worked. There are therefore no waste implications as a result of the proposal and no objection is raised by the Minerals Planning Authority.

#### Leicestershire County Council as Local Highway Authority

initially commented that the proposal did not fully assess the highway impact of the proposed development, but upon being supplied with additional information has revised its comments. The Highway Authority is now satisfied that 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. Based on the submitted information, the proposal would accord with Paragraph 109 of the NPPF, subject to the imposition of highway related conditions as set out below.

Charnwood Borough Council's Environmental Protection Team

comment that the premises are currently located in an Air Quality Management Area declared for likely breach of the nitrogen dioxide (annual average) objective of the Air quality Regulations (England and Wales) 2000. No air quality assessment was initially provided but this was submitted on 31<sup>st</sup> July 2020.

The application includes additional external lighting but submitted details do not indicate whether this is to be switched off overnight and information accompanying the application does not contain vertical illuminance predictions to demonstrate if light would fall onto the windows of the nearest residential properties. The findings of the submitted Noise Impact Assessment are generally accepted although as it was based on a number of assumptions, it is recommended that several planning conditions be imposed in the event permission is granted. These would require external plant emissions to not exceed the limits set out in Table 11 of the acoustic report; an hours limit on deliveries and waste collections; vehicle mounted refrigeration units to be switched off when making deliveries; reversing warning signals on lorries to be disabled when headlights are switched on so there are no audible warnings at night; and the completion of the acoustic fence prior to the new delivery bay being operated.

**Other Comments Received**

Councillor S Bradshaw

shares the concerns of neighbours regarding the proposal in terms of losses of light, privacy, noise and dominance. Highway safety and the issues regarding car parking for the new residential development on Albert Street and all the other concerns expressed by neighbours are supported.

Several residents have objected to the proposal as follows:

19, 23, 32, 40 Albert Street  
3 Langham Close  
24 Wellington Street  
+ 4 others (Address not supplied)

The above residents have raised a number of concerns which are summarised below:-

- Loss of privacy to the rear of Albert Street dwellings
- Loss of daylight/sunlight and overshadowing and resulting impact on mental health & fuel bills. The scale and dominance of the extension is therefore unacceptable.
- Increased noise, dust and fumes from relocated loading bay and additional cars
- Noise from the construction process
- Increased noise from heavy rain on the extended metal roof of the building
- Increased noise from relocated external plant and refrigeration units
- There is no need for the development
- The development will add to pressures on the current sewerage system
- The proposal will result in additional highway dangers and congestion within Melton Road
- Additional staff will park on neighbouring residential streets
- Trees with nesting birds will be removed from the site.
- Motorists already do not observe the zebra crossing near the site entrance.

- The location of the bin store will cause odour and vermin issues
- The submitted noise assessment is flawed
- The loss of jobs from the demolition of the existing manufacturing use.
- Syston does not need another large supermarket
- The proposed dwellings are not in keeping with other dwellings on the street
- Insufficient car parking to meet demands of proposed residential development
- Tandem parking for dwellings will not work and cars will not be able to reverse off drives because of on-street cars parked opposite.
- The residential development will cause additional congestion within Albert Street and additional waits at the junction of Melton Road and Wellington Street
- Additional dwellings within the town would put pressure on schools and medical services.
- Albert Street already experiences problems of speeding traffic and goods vehicles being impeded by parked cars.

In addition, the application is accompanied by 3 letters of support which welcome the additional car parking space and the opportunity to provide further jobs in the area. The proposal, with the re-location of Syston Doors, would also remove a number of large vehicle movements from Albert Street where conflict with residential parking has been an issue.

### **Non-Planning Considerations which have been raised.**

A neighbour on Albert Avenue refers to loss of a view as the store extension would be directly to the rear and the view of the existing open car parking area would be lost. Property values are also feared to decrease as a result of the development. The development may result in damage or subsidence to older properties within Albert Street particularly if piled foundations are proposed to any part of the development.

### **Consideration of the Planning Issues**

The main issues to be considered in the determination of this application are:

1. Principle of the Development – Retail & Residential
2. Loss of Employment Land
3. Design
4. Ecology
5. Residential Amenity
6. Highways and Car Parking
7. Landscaping

### Principle of Development

The starting point for decision making on all planning applications is that they must be made in accordance with the development plan unless material considerations indicate otherwise. Policies in the adopted Core Strategy and the saved policies in the Borough of Charnwood Local Plan are therefore the starting point for consideration.

**Retail** – The National Planning Policy Framework requires an assessment of town centre uses, (bar small scale rural offices or rural development), in terms of the sequential suitability of the site and, if an out of centre site is acceptable, in terms of its impact on existing and planned retail.

#### *Sequential test*

The development site falls outside the current Syston District centre as was defined by the former and now unsaved Policy CA/8 of the Borough of Charnwood Local Plan. The policy was replaced by CS9 of the Core Strategy which has similar policy aims of protecting and supporting the vitality and viability of town centres. This policy approach is considered to be consistent with Chapter 7 of the National Planning Policy Framework which concerns town centres.

The application is seeking permission to extend a food retail store (Class A1). A1 use is a 'town centre' use as defined by Policy CS9 and confirmed though the National Planning Policy Framework and Planning Policy Guidance note. Where town centre uses are proposed outside of established town centres, local planning authorities are required to apply a sequential test to the planning application. The sequential test requires that town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period), should out of centre sites be considered. The site is an edge of centre location in that it immediately abuts the District Centre boundary as established by the former Policy CA/8.

However, whilst the site was located at the edge of the identified District Centre the policy which defined those limits is no longer saved or part of the Development Plan. It is officer's opinion that the site is now functionally integrated within the District Centre when you consider the site and its locality currently. This was also explicitly recognised in the White Young Green "Charnwood Retail and Town Centres" Study which forms part of the evidence base for the emerging replacement Local Plan. Paragraph 4.4.27 of that study states that the ALDI store is a "key strength" of Syston District Centre and Paragraph 10.4.10 specifically recommends the sites inclusion within a revised District Centre boundary. Although this document forms part of the evidence base to the new local plan and is a material planning consideration, the current draft policies of the Emerging Local Plan can be afforded only limited weight in decision-making.

The applicant considers it would also not be appropriate to pursue the erection of a whole new additional purpose built store to achieve the desired increase in retail floor space. Other options have therefore been assessed and dismissed by the applicant, and found the current site to be sequentially preferable, because of the specific locational requirements of the proposal, (extension to an existing store), and the unique way that ALDI fit their delivery vehicles to loading bays, extensions to another available building, if there was one, would not be suitable.

On balance, and as it is considered by officers that the site now forms part of the district centre, the requirement to undertake a comparison of alternative sites, within the District Centre, as set out by Policy CS9, has been met and it is considered that this site is sequentially acceptable for the development proposed.

### *Retail Impact*

Policy CS9 sets out that proposals adding more than 500 square metres of gross floor space should be subject to an impact test. The submitted Design and Access Statement and plans indicate that the existing Gross External Area (GEA) of store is 1386.4m<sup>2</sup>, and the proposed GEA of store will be 1935.0m<sup>2</sup>. This is an increase of 548.6m<sup>2</sup> (of which 511 sq.m. would be retail floor space), and so the impact test is triggered.

The applicant, in the submitted Planning Statement, suggests that existing product lines would not be increased as a result of the development and that additional operational space is sought to improve the customer experience and to facilitate easier stock replenishment during store opening times through the widening of aisles and the shortening of till queues.

The Planning Policy Guidance note also indicates that the “application of the test should be proportionate and appropriate for the given proposal” Given that the site is an existing supermarket, that there is no increase in retail offer beyond existing products, the proposed increase is only marginally above the retail impact threshold, and considering also the likelihood the site will be included within the defined boundary of the District Centre in the future, and already acts as part of the functioning District Centre, it is concluded that the requirement for a formal retail impact assessment should be dispensed with on this occasion

It is therefore concluded that the retail element of the proposal is sequentially acceptable and that it would not be likely to impact on existing, committed or planned retail facilities in the district centre. In this regard it meets the sequential and impact tests, set out within both the National Planning Policy Framework and CS9, and is acceptable in principle.

**Residential** – Syston is defined in the Settlement Hierarchy of the Charnwood Local Plan 2011-2028 Core Strategy as a ‘Service Centre’. It is a location which has a population of at least 3,000 people and a good range of services and facilities and good transport links to provide for the day to day needs of its residents. The supporting text to policy CS1 is clear that small scale development within settlement limits and within the built up area of the settlement will be supported. Six units in the context of Syston is considered to be small scale. It is therefore considered to be a sustainable location for new residential development and the proposal therefore accords with Policy CS1 of that document. The Council considers that new housing development is acceptable in principal within the defined limits to development for Syston.

On 31<sup>st</sup> March 2020 the Council published figures to demonstrate a 5.52 year supply of housing land availability. Its policies within the Core Strategy are also less than 5 years old and therefore considered to be up-to-date and carry full weight. The proposed development, including up to 6 dwellings would therefore contribute towards the Borough’s Housing land supply and assist in meeting the need for smaller homes.

Based on the above, the principle of residential development is considered to accord with Policy CS1 of the adopted Core Strategy.

### Loss of Employment Land



The proposal to extend the retail food store and car parking, and the delivery of six open market residential dwellings, requires the demolition of industrial buildings and the loss of employment land. The extension to the east and south-east of the site would see the loss Syston Doors, an industrial door supplier. The site occupied by Syston Doors is designated as part of the primary employment area within Syston, defined by saved Policy E/7 of the Borough of Charnwood Local Plan (2004). The proposal would, therefore, result in the loss of employment land and buildings from the primary employment area.

However, Policy E/7 is more than 5 years old and is not entirely consistent with Chapters 6 and 7 of the National Planning Policy Framework and Policy CS6 which seeks to provide opportunities for manufacturing businesses to develop, re-locate and expand. Paragraph 6.26 of the Core Strategy also sets out that some of our employment sites are not located in the right place and that some of our aging premises will need to be redeveloped for employment or other uses. Paragraphs 120-121 of the National Planning Policy Framework sets out that planning policies and decisions need to reflect changes in the demand for land and that regular reviews of land allocated for development in plans and land availability should be undertaken. Local planning authorities are also encouraged to take a positive approach to applications for alternative uses of land and in particular use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres. As a result of this the weight to be ascribed to policy E/7 should be reduced.

It is also worth noting that Charnwood does not have any policies which protect the loss of employment sites. Policy E/8 “Safeguarding of Employment Land and Buildings” of the Borough of Charnwood Local Plan sought to resist the development of employment land for alternative uses, but this policy was not saved.

The Charnwood Employment Land Study (2018) has reviewed the status of the employment site, and whilst noting some constraints associated with access and proximity to residential areas, concludes that the site should be safeguarded for employment use.

The proposal will however generate positive economic and social benefits through both construction period and subsequent site operation (although the number of new jobs and economic impacts is not specified the expansion of the store will allow it to remain viable preserving existing jobs). However, this is considered to be a positive benefit of the scheme. An additional benefit arising from the proposed residential development is the removal of those commercial vehicle manoeuvres associated with the current manufacturing premises from this relatively narrow and predominantly residential street.

Taking all these factors into account, it is concluded that the loss of this older employment site would not be at odds with the most relevant and up to date policies regarding employment land.

### Design

Policy CS2 requires new development to be of high quality design that is in context with its surroundings. The proposed store extension would follow the form of the existing building with no increase in its roof height and would retain its curved roof and horizontally laid grey and silver coloured cladding panels. The proposed materials are to match the existing structure but all windows and doors are to be Anthracite Grey in colour. The existing high level windows on the northern elevation of the building are to be lowered to achieve a new

ceiling to the retail area. The proposed materials are specified in the application and any grant of planning permission can be conditioned to secure this. A free-standing glazed canopy is to be installed to provide a sheltered link between the store entrance and the extended car parking area. Overall, it is considered that the scale and appearance of the extension are appropriate.

Whilst, the assortment of buildings on the existing manufacturing site, are not considered to be a local or non-designated heritage asset, there are some historic features which will be retained in the proposal. The proposed boundary wall to the eastern side of the site and fronting Victoria Street will be derived from the existing factory building and will be retained at various heights between 2 and 4m. The walls will be finished with a brick corbel course and copings to match the existing factory building and all existing windows and doors will be removed and openings infilled with salvaged brick from the demolition works and set back to existing reveals, leaving some of the architectural legacy of the factory buildings which are of some heritage quality. It is believed that the H Garner and Son depicted in the brickwork of the factory building was a Victorian shoe maker. It is recommended that a condition is imposed to secure the completion of proposed boundary treatments prior to the store extension being brought into use.

The proposal indicates areas of new hard and soft landscaping and precise details can be secured by planning condition. Overall it is considered that the design of the store extension would be in keeping with the scale and materials of the existing store and the locality and would accord with Policies CS2 and EV/1 of the adopted Development Plan.

Details of the housing element of the application are in outline only. However, it is also likely that, given the quantum of development, the location and size of the site for the proposed housing and the mixed types and ages of dwellings in Albert Street, that a suitable housing development could be delivered that would be compliant with policies which seek high quality design and which also could accord with Policies CS2 and EV/1.

## Ecology

The submitted ecological report concluded that further investigations were required in terms of confirming the absence or presence of bats at the site. Further emergence surveys have been commissioned and undertaken; two of three emergence surveys with the applicant's agent reporting initial findings that there is no presence of roosting bats. A final survey is planned for the week commencing 14<sup>th</sup> September and findings will therefore be reported verbally to the Plans Committee or feature in the extras report. The applicant has indicated that it is not desirable to delay the consideration of the application pending these outcomes as the timing of the application's determination is critical to the re-location of the existing business and the securing of alternative premises. It is therefore considered, on the basis of the 2 surveys that the proposal would not detrimentally impact protected species. If the results of the third survey are provided in advance of the Plans Committee meeting, these will feature in the extras report or be reported verbally. Therefore, it is recommended that if mitigation measures are required to be provided, the applicant can be required to provide bat boxes or enhanced planting of tree/shrub species which enhance the attraction of the site for invertebrate species, through the imposition of additional conditions. It is therefore considered that the proposal could accord with Policy CS13 and the National Planning Policy Framework in this regard.

## Residential Amenity

The proposed store extension will be no closer to the boundary of Albert Street properties than the existing store and would add 6m to the width of the store immediately to the rear of No. 19 Albert Street with the loading bay being positioned to its east and to the rear of 21 and 23 Albert Street. To the north of the loading bay the store would be extended in width by almost 25m.

**Light** - The retail site is located to the north of existing dwellings and whilst the scale of the building is significantly greater than nearby dwellings, the proposed distance, height, roof design and orientation of the properties are such that the extension to the store is unlikely to cause significant loss of light to the rear principal windows of Albert Street properties. The massing of the proposal would also appear reduced due to ramped access to the loading bay and the slightly higher ground levels of the Albert Street dwellings.

In terms of the proposed dwellings, details have not been submitted but there is an indication within the submitted Design and Access Statement that these would be 2 storey. No 23 Albert Street has a blank eastern 2 storey gable with a 2 storey outrigger to its rear and is unlikely to experience losses of light from the residential development of the adjacent land. Details of the design and layout of the development are not known at present but the future submission of reserved matters will afford the local planning authority an opportunity for a detailed assessment regarding potential losses of light but the possible layout as shown on the submitted plans demonstrates that dwellings could be provided that would avoid significant losses of light to existing occupiers.

**Privacy** – The proposal includes no additional windows on the southern side of the store extension and no additional loss of privacy would occur as a result of the development of the store and car park. No details have been submitted for consideration in relation to the proposed dwellings although it is likely that eventual dwellings may be two storey and with principal windows in their front and rear elevations, in common with other dwellings in Albert Street. There is every possibility that dwellings could be designed to retain the privacy of existing residential neighbours and the design and layout of the proposed dwelling would be subject to the considerations of any subsequent reserved matters application

**Odour and Light Nuisance** – the proposed bin store is located to the rear of 21 Albert Street at a distance of 24m from the rear windows of that dwelling and situated below ground level within the retaining wall of the ramped access to the loading bay. This would be a covered and caged receptacle for non-recyclable waste. There are 3 external wall mounted lights proposed on the northern side of the loading bay which would be opposite the rear of Albert Street dwellings. These lights are directional LED lights and point towards the floor and there is unlikely to be any glare or nuisance from their use. The applicant has also confirmed that all external lighting is extinguished at night within an hour of store closure and re-lit an hour before the store opens the following morning. It is therefore concluded that the proposal would not cause significant odour or light pollution to existing neighbouring occupiers.

**Construction disturbance** – It is inevitable that there will be some construction disturbance throughout the works and when the dwellings are eventually built. The Government has granted special powers to several public bodies recently to enable them to provide a swift

and robust response to the recent COVIDv-19 outbreak. This includes the granting of some emergency powers and new advice for use by local planning authorities in order to make it easier to use the planning system. On 13<sup>th</sup> May 2020 the government published a written ministerial statement on planning and construction working hours. This statement expects local planning authorities to accept extended working hours temporarily to ensure safe working of construction sites in line with social distancing, unless there are very compelling reasons against this. Where restrictions are already imposed by planning conditions, central government has made it clear that developers should expect their local planning authority to grant temporary changes to construction working hours until 9.pm or later, 6 days a week, wherever possible. The statement does not distinguish between large or small construction sites. Therefore, whilst members might usually wish to consider imposing a condition relating to construction hours, this would be contrary to the latest government advice. In making their decision local planning authorities may consider where there are unreasonable impacts but there needs to be very compelling reasons for imposing restrictions on construction times. It is the opinion of your officers that whilst there are residential properties nearby, a condition seeking to control construction hours would not be reasonable given the store already opens until 2200 hours. In addition, If a significant noise or dust issue occurs throughout the construction period, other legislative controls exist to control this.

**Operational noise** – The proposal includes the relocation of the goods loading bay to the rear of the site and additional car parking closer to residential occupiers than at present. The submitted noise report demonstrates that the provision of the proposed acoustic fence along the southern boundary of the site can mitigate noise from delivery vehicles and customer cars to acceptable levels and it is also recommended that an additional planning condition be imposed to limit delivery times and the collection of waste materials to less noise sensitive hours. Condition No. 12 therefore seeks to limit deliveries to and dispatches and waste collections from the site to between 0700 and 2200 hours on Mondays to Saturdays with a shortened hours until 1900 hours on Sundays and Bank Holidays. In addition, although the store would increase in size, this is to facilitate easier circulation space inside the store and does not necessarily demonstrate a wider range of stock would be available or any significant increase in footfall to the site. If a significant increase in custom arises as a result of the development, the store entrance is to remain in its current position, well away from Albert Street dwellings and it is considered that no significant additional noise would be generated to residents as arising from an increased number of shoppers arriving on foot.

In terms of noise from operational plant, the submitted acoustic report sets out appropriate limits on noise emissions and it is recommended that a condition be imposed to ensure these are not exceeded, in the interests of residential amenity and this is cited below as condition 13.

**Other matters** –Local residents object to the proposal citing a loss of a view or loss of outlook as the existing overflow car park would be where the extension is proposed and housing would be proposed where the existing factory stands. The loss of a view is not a material consideration in the determination of planning applications and similarly, perceived decreases in property values cannot be considered.

In conclusion, it is considered that the proposed store extension and residential development would accord with Policies C2 and EV/1 which seek to protect the amenities of people who live and work nearby.

### Highways and Car Parking

Policy TR/18 indicates that planning permission will not be granted for development unless off-street parking for vehicles, including cycles, and servicing arrangements are included to secure highway safety and minimise harm to visual and local amenities. The policy promotes standards for various types of development but also accepts that these are to be a starting point for assessing the level of provision and represent the maximum level. The quantity of parking allowed should reflect the proposed use and the location of development, the availability of public off - street parking; the current or potential accessibility by non-car modes and the scope for practical measures to significantly reduce the use of private car trips to and from a site.

Melton Road is a public Class C highway subject to a 30 mph speed limit. The vehicular and pedestrian access to the store is to remain as existing. The proposed residential development will be accessed off Albert Street which is an unclassified road also subject to a 30 mph speed limit. The local highway authority has accessed its personal injury records and considers that whilst there have been a number of incidents in the locality in the period between 2013 and 2019, the Local Highway Authority is satisfied that the proposed development would not exacerbate highway safety concerns.

The highway authority has also assessed the submitted Transport Assessment including the capacity of the junctions at the site access, Albert Street and Wellington Street and based on traffic flows at peak and non-peak times, and taking account of growth rates for the next 5 years, these are considered to be satisfactory, with no adjustments to the junctions being required based on expected additional traffic flows as a result of the development.

The local highway authority is satisfied with the revised site layout plan received on 30<sup>th</sup> June 2020 which demonstrates the provision of an addition 61 spaces and 7 accessible spaces in accordance with highway authority standards. The proposed quantum of parking and the size of spaces accords with the Leicestershire Highways Design Guide and the swept path analysis of articulated goods vehicles demonstrates that such a vehicle would be able to enter and exit the site in forward gear.

The site is considered to be sustainably located with good access to public bus and train transport links with the shops and other services within Syston being reasonably accessible by cycling and walking.

The submitted Travel Plan aims to reduce the rate of single occupancy vehicle journeys onto the site and this is achieved by the promotion of and uptake of alternative modes of transport than the private car. The submitted document is in need of refinement and a revised travel plan which incorporates the recommendations of the highway authority is therefore to be secured by planning condition.

In summary, the highway impacts of both elements of the development are considered to not be 'severe' as defined in paragraph 109 of the NPPF. The proposed additional car

parking and circulation space around it and the new loading bay are considered to be acceptable and the proposed housing development would be able to provide car parking to meet its own needs. There is therefore no highway related reason to support a refusal of planning permission. The proposal therefore accords with Policy TR/18 and the provisions of the Leicestershire Highways Design Guide.

Although the Highway Authority advises that the developer should enter into a Section 106 agreement to secure travel packs at a cost of £52.85 per pack per employee, and 6 month bus passes (1 per employee) this is considered to be disproportionate to the development applied for. Given that the store, employing several members of staff is existing the requirement for travel packs, to be related to the development could, in any event, only apply to additional staff employed as a direct result of the store extension and at present, it is not known if any additional staff will be engaged. In terms of the residential development, the application seeks to provide up to 6 units and as a 'minor' development, there would be no reasonable basis to seek or secure developer contributions as required. The Highway Authority has also requested a developer contribution of £6,000 as a fee for it monitoring the requested Travel Plan but it is not considered that this is CIL compliant given the scale of the proposed development. The Travel Plan can also be secured via condition.

### Landscaping

The proposal indicates that new areas of tree and shrub planting will be provided and areas of hard landscaping are also included in the scheme. It is considered that it would be appropriate to impose a planning condition to require a detailed landscaping scheme to be submitted for approval and a further condition requiring its implementation within a reasonable time. Details of this landscaping could, if shown to be necessary, include details of shrub/tree species which attract invertebrate species.

### **Conclusion**

Decisions on applications need to be made in accordance with the adopted development plan policies and the material considerations that support them, including in this case the adopted SPD on Design. It is considered that the proposed store extension and additional dwellings are acceptable in principle, acceptable in highway safety, ecology and amenity terms and would accord with the policies and guidance as set out above. It is further considered that any harms could be mitigated by the imposition of the recommended planning conditions and that there is no tenable reason to support a refusal of planning permission.

Accordingly, having regard to the above considerations, it is recommended that planning permission is granted conditionally.

### **RECOMMENDATION:-**

Grant Conditionally

- 1 The development, hereby permitted, shall be begun not later than 3 years from the date of this permission or before the expiration of two years from the date of approval of the first of the reserved matters, whichever is the later.  
REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
  
- 2 The first application for approval of reserved matters shall be made within three years of the date of this permission and the development shall be begun not later than two years from the final approval of the last of the reserved matters.  
REASON: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
  
- 3 The residential development as indicated on Albert Street and on drawing No. C15A140-P003 Rev B received by the local planning authority on 30<sup>th</sup> June 2020 shall not commence until approval of the following reserved matters has been obtained in writing from the local planning authority:- a. layout, b. scale, c. appearance, d. access and e. landscaping.  
REASON: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004
  
- 4 The retail development hereby permitted shall be carried out in accordance with the following approved plans:  
  
  - C15A140-P001 Rev A - 1:1250 scale site location plan
  - C15A140-P002 - Existing site plan
  - C15A140-P004 - Existing site sections
  - C15A140-P005 - Existing boundary elevations
  - C15A140-P201 - Existing floor plan
  - C15A140-P202 Rev A - Existing elevations
  - C15A140-P203 - Existing roof plan
  - C15A140-P204 Rev A - Proposed floor plan
  - C15A140-P205 Rev A - Proposed elevations
  - C15A140-P206 - Proposed roof plan
  - C15A140-P003 Rev B - Proposed site plan - revised plan received 30th June 2020
  - C15A140-P006 - Proposed boundary elevations
  - C15A140-P007 - Proposed lighting column
  - P186-458 - Proposed external lighting layout
REASON: To define the terms of the planning permission.
  
- 5 The retail development hereby permitted shall not be brought into use until such time as the parking and turning facilities have been implemented in accordance with drawing number C15A140 Rev B. Thereafter the onsite parking provision shall be so maintained in perpetuity.  
REASON: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to

enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2019).

- 6 No part of the retail development hereby permitted shall be first occupied until a an amended framework/full Travel Plan which sets out actions and measures with quantifiable outputs and outcome targets has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed Travel Plan shall be implemented in accordance with the approved details.  
REASON: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework (2019).
- 7 No above ground works (including demolition) shall commence on the site until such time as a construction traffic management plan, including as a minimum details of the routing of construction traffic, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.  
REASON: To ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area.
- 8 In respect of the retail development, only those materials specified in the application as pertaining to the retail development, shall be used in carrying out the development hereby permitted.  
REASON: To ensure the satisfactory appearance of the completed development.
- 9 The store extension hereby permitted shall not be brought into use until such time as the scheme for boundary treatments as shown on approved drawing NO. C15A140-P006 and including the acoustic fence has been fully completed. Once completed, these boundary fences and walls should remain and be maintained in perpetuity.  
REASON: To ensure the satisfactory, overall appearance of the completed development and to protect the amenity of nearby residential properties
- 10 No above ground works, (excluding demolition), shall begin until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the local planning authority:
  - i) the treatment proposed for all ground surfaces, including hard areas;
  - ii) full details of tree planting;
  - iii) planting schedules, noting the species, sizes, numbers and densities of plants;
  - iv) finished levels or contours;
  - v) any structures to be erected or constructed;
  - vi) functional services above and below ground; and
  - vii) all existing trees, hedges and other landscape features, indicating clearly those to be removed.REASON: To make sure that a satisfactory landscaping scheme for the development is agreed.



11 The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting and seeding seasons following the first occupation of any part of the development or in accordance with a programme previously agreed in writing by the local planning authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

REASON: To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

12 No deliveries shall be taken at or despatched from the site and no collections of waste shall be made outside the hours of 0700 and 2300 hours Mondays to Saturdays or outside the hours of 0800 to 1900 hours on Sundays and Bank Holidays.

REASON: The store is located close to residential property and a restriction on the hours that deliveries or collections can take place is needed to prevent a nuisance or annoyance to nearby residents; in the interests of residential amenities.

13. Any installation of external plant shall operate within the plant emissions limits given in Table 11 of the submitted Noise Impact Assessment report by Noise Solutions Ltd dated 16<sup>th</sup> March 2020.

REASON: The store is located close to residential property and a restriction on noise emissions from external plant is needed to prevent a nuisance or annoyance to nearby residents; in the interests of residential amenities.

The following advice notes will be attached to a decision

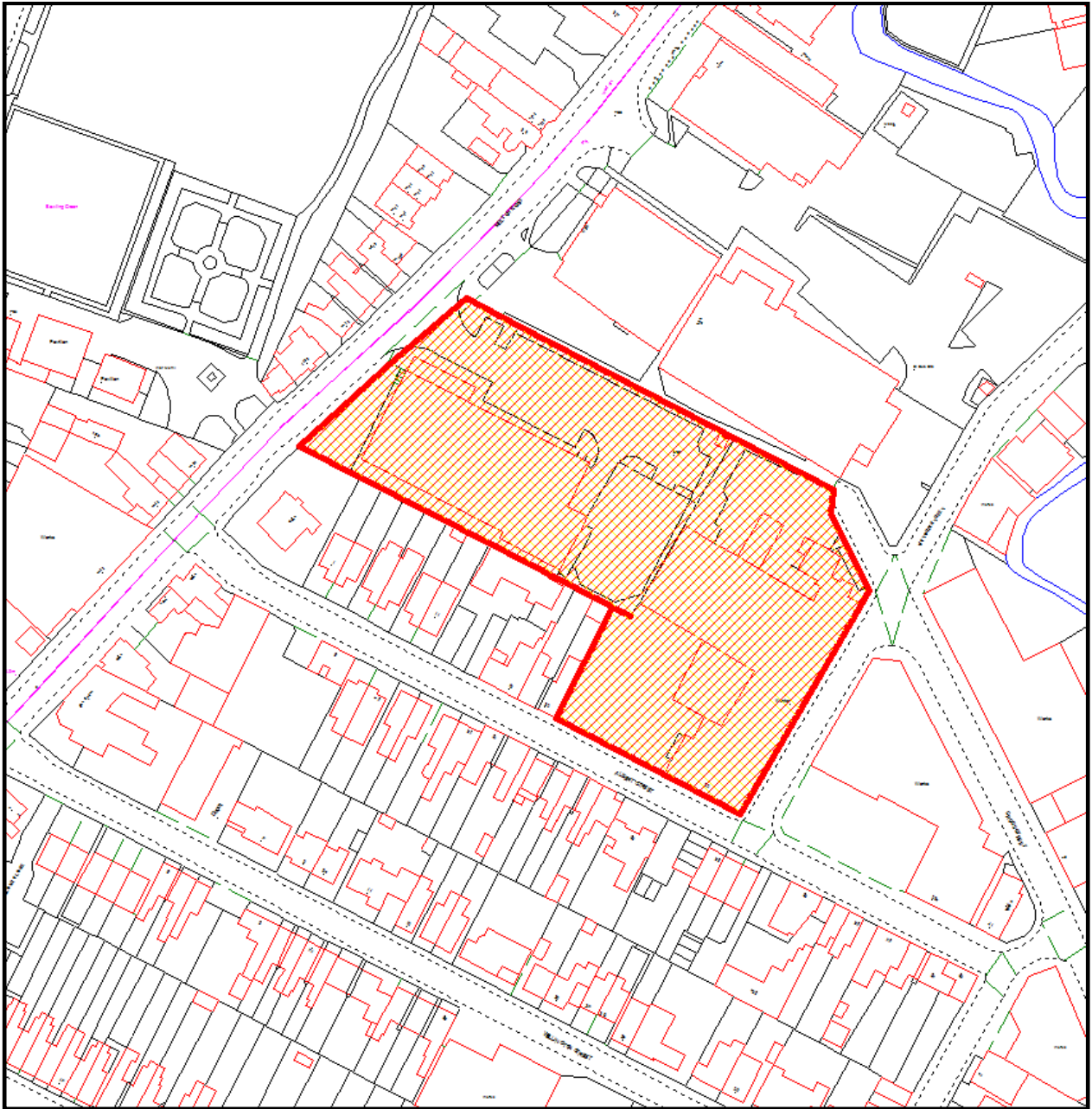
1 DEVELOPMENT PLAN POLICIES RELEVANT TO THIS DEVELOPMENT - Policies CS1, CS2, CS3, CS6, CS9, CS13, CS16 and CS25 of the Charnwood Local Plan (2011-2028) Core Strategy and Policies ST/2, EV/1, E7, TR/18 and TR/21 of the Borough of Charnwood Local Plan have been taken into account in the determination of this application. The proposed development complies with the requirements of these policies.

2 Planning permission has been granted for this development because the Council has determined that, although representations have been received against the proposal, it is generally in accord with the terms of the above-mentioned policies and, otherwise, no harm would arise such as to warrant the refusal of planning permission.

3 The decision has been reached taking into account paragraph 38 of the National Planning Policy Framework and in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015.

4 All bats species and their roosts are legally protected under the Conservation of Habitats and Species Regulations 2010 (as

amended). Should bats be found during the course of development work, work should immediately stop and advice from Natural England should be obtained and fully implemented before work can resume. Natural England's Batline can be contacted on 01509 672772.



## Item No. 4

### Application Reference Number P/20/1161/2

**Application Type:** Full **Date Valid:** 08/07/2020  
**Applicant:** R PATEL  
**Proposal:** Change of use from dwelling house (Use Class C3) to a house in multiple occupation (Use class C4).  
**Location:** 18 Byron Street Extension  
Loughborough  
LE11 5HE  
**Parish:** Loughborough **Ward:** Loughborough Storer  
**Case Officer:** Deborah Liggins **Tel No:** 07864 603401

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This item is referred to Plans Committee at the request of Councillor Forrest who is concerned about parking and the impact of the change of use on the daily lives of permanent residents.

### Description of the Site

The application site is located on the southern side of the street which is in a Primarily Residential Area as identified in the Borough of Charnwood Local Plan. The property is a detached hipped roof brick and tile house with an entirely tarmacked driveway and frontage and a 30m long garden to the rear. The dwelling is bounded the highway with a low brick wall

| <b>Boundary</b> | <b>Adjacent land use</b>   |
|-----------------|--|
| South           | 21 Knightthorpe Road at a distance of 61m  |
| North           | Byron Street extension 7m wide carriageway beyond which is an electrical substation at the rear of the Range store |
| East            | No. 16 Byron Street Extension – a semi-detached Class C3 dwelling  |
| west            | No. 20 Byron Street Extension – a semi-detached Class C3 dwelling  |

### Description of the Application

The initial proposal was to change the use of the property to a 4 bedroom house in multiple occupation with 2 bedrooms to each floor and a small shared conservatory style lounge to the rear. However, a revised drawing received on 19<sup>th</sup> August shows one of the ground floor rooms being retained for a communal lounge, reducing the number of bedrooms at the property to 3. No changes are proposed to be made to the external appearance of the dwelling or its frontage or access.

Driveway parking to the front of the house provides 2 off-street car parking spaces with the entire frontage of the property also being hard-surfaced and suitable for additional car parking, if required.

## **Development Plan Policies**

Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material planning considerations indicate otherwise. The development plan for Charnwood currently comprises the Charnwood Local Plan (2011-2028) Core Strategy and the saved policies of the Borough of Charnwood Local Plan. The policies below would be relevant to the determination of any planning application relating to a change of use of the property to a house in multiple occupation:

### Charnwood Local Plan 2011-2028 Core Strategy (adopted 9 November 2015)

The following policies are relevant to this application:

Policy CS2 – High Quality Design requires developments to make a positive contribution to Charnwood, reinforcing a sense of place. Development should respect and enhance the character of the area, having regard to scale, massing, height, landscape, layout, materials and access; protect the amenity of people who live or work nearby, provide attractive well managed public and private spaces; well defined and legible streets and spaces and reduce their impact on climate change.

Policy CS3 – Strategic Housing Needs states that the Council will manage the delivery of at least 13,940 new homes between 2011 and 2028, seeking an appropriate mix of types, tenures and sizes of homes, having regard to identified housing needs and the character of the area.

Policy CS4 – Houses in Multiple Occupation is concerned with managing the proportion of houses in multiple occupation. It states that the Council will support the well-being, character and amenity of communities by managing the proportion of houses in multiple occupation that, either in themselves, or cumulatively with other houses in multiple occupation, damage the social and physical character and amenity of a street or area, generate noise and disturbance which is detrimental to amenity, or generate increased demand for on-street car parking which would prejudice the safe operation of the highway or cause detriment to amenity. The policy explains that further policy and guidance will be prepared in respect of HMOs. In this regard, the Council has adopted its Housing SPD which is also a material consideration in determining the application.

Policy CS16 – Sustainable Construction and Energy – encourages sustainable design and construction and the provision of renewable energy including supporting developments that reduce waste, provide for the suitable storage of waste and allow convenient waste collections.

Policy CS25 – Presumption in Favour of Sustainable Development – sets out that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It pledges to work proactively with applicants to jointly find solutions to approve development wherever possible to secure improvements to the economic, social and environmental conditions in an area. Planning applications that accord with the policies in the Core Strategy will be approved without delay unless material considerations indicate otherwise.

## Borough of Charnwood Local Plan (adopted 12 January 2004 (saved policies))

The saved policies relevant to this proposal include:

Policy ST/2 – Limits to Development - States that built development will be confined to allocated sites and other land within the Limits to Development identified on the proposals map, subject to specific exceptions.

Policy EV/1 – Design - seeks to ensure a high standard of design for developments, which, inter alia, respects and enhances the local environment, is of a design, layout, scale and mass compatible with the locality and utilises materials appropriate to the locality

Policy TR/18 - indicates that planning permission will not be granted for development unless off-street parking for vehicles, including cycles, and servicing arrangements are included to secure highway safety and minimize harm to visual and local amenities. The policy promotes standards that would require 2 parking spaces for a dwelling with 3 or less bedrooms and 4 spaces for a dwelling with 4 or more bedrooms although it states that this will be used as the starting point in assessing the level of provision and represent the maximum level. The quantity of parking allowed should reflect the proposed use and the location of development, the availability of public off-street parking; the current or potential accessibility by non-car modes and the scope for practical measures to significantly reduce the use of private car trips to and from a site.

### **Other Material considerations**

#### Article 4 Direction

Local Government Circular 08/2010 'Changes to Planning Regulations for Dwelling houses and Houses in Multiple Occupation' recognises that a high concentration of shared homes can sometimes cause problems, especially if too many properties in one area are let to short-term tenants with little stake in the local community. As such, local authorities are able to apply for an Article 4 Direction to remove permitted development rights for new HMOs in defined areas.

The Secretary of State granted an Article 4 Direction for Loughborough in recognition of the issues in the town and this was introduced in February 2012 and which removes the rights to change the use of Class C3 dwellings to Class C4 Houses in Multiple Occupation in Loughborough without the need for planning permission. These are dwellings where between 3 and 6 unrelated persons, sharing basic amenities could occupy a property without the need for planning permission - whereas, the Article 4 Direction limits this to occupation by a family or up to 2 unrelated persons (or 3 or where one is the owner of the property) living as a single household. Planning permission is required for the occupation of dwellings by residents in excess of these numbers.

#### National Planning Policy Framework (2019)

This confirms that planning applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The National Planning Policy Framework (NPPF) is a material consideration in planning decisions. The Framework contains a presumption in favour of sustainable development and defines 3 roles a development must fulfil in order to be sustainable:

- An economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places to support growth and innovation
- A social role – supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations, and by creating a high quality built development with accessible local services
- An environmental role – contributing to protecting and enhancing our natural, built and historic environment

Paragraph 8 identifies the economic and social roles of the planning system, both to build a strong responsive economy by ensuring land (and presumably buildings) are available in the right place at the right time, and supporting the health of the community by ensuring housing for present needs that has a high quality built environment, which encompasses social and cultural well-being.

Paragraph 10 states at the heart of the Framework is a presumption in favour of sustainable development.

Paragraph 11 sets out the presumption in favour of sustainable development and makes it clear that where there is an under-supply of housing land, the most important policies for the determination of housing proposals would be considered out of date.

Paragraphs 15-33 set out that the planning system should be genuinely plan-led and that succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities and a platform for local people to shape their surroundings. Paragraph 31 states that the preparation and review of all policies should be underpinned by relevant and up-to-date evidence.

Paragraph 38 indicates that local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers should seek to approve applications for sustainable development where possible.

Paragraph 47 of the NPPF states that planning law requires that applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.

Paragraph 53 states that the use of Article 4 directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the well-being of the area (this could include the use of Article 4 Directions to require planning permission for the demolition of local facilities). Similarly, planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so.

Paragraph 61 sets out that the size, type and tenure of housing need for different groups in the community should be assessed and reflected in planning policies (including but not limited to, those who require affordable housing, families with children older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes.

Paragraph 109 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 180 requires that decisions on planning applications should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, including mitigating noise.

The Framework requires the planning decisions should, inter alia, create places that are safe, inclusive and accessible which promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other, are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.

In considering development proposals, it should be ensured that sustainable transport modes can be taken up, and that safe and suitable access to the site can be achieved for all users. Development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Planning decisions should ensure that developments (inter alia) create places that promote health and well-being, with a high standard of amenity for existing and future users.

Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

#### The Leicestershire Highways Design Guide (2018)

This is a guide for use by developers and published by Leicestershire County Council, the local highway authority, and provides information to developers and local planning authorities to assist in the design of road layouts in new development. The purpose of the guidance is to help achieve development that provides for the safe and free movement of all road users, including cars, lorries, pedestrians, cyclists and public transport. Design elements are encouraged which provide road layouts which meet the needs of all users and restrain vehicle dominance, create an environment that is safe for all road users and in which people are encouraged to walk, cycle and use public transport and feel safe doing so; as well as to help create quality developments in which to live, work and play. The document also sets out the quantum of off-street car parking required to be provided in new housing development.

#### Housing Supplementary Planning Document (HSPD) May 2017



A Housing Supplementary Planning Document was adopted on the 11<sup>th</sup> May 2017 which provides guidance when dealing with Houses in Multiple Occupation proposals in the context of adopted Core Strategy Policy CS4.

Section 4 of the Housing SPD provides guidance for assessment of applications that propose small or large houses in multiple-occupation. Small HMOs are defined as shared houses or flats occupied by between 3 and 6 unrelated individuals who share basic amenities and large HMO's are for more than 6 occupiers and are a 'sui generis' use. i.e. they do not fall into any existing class in the Town and Country Planning (Use Classes) Order. These proposed changes of use do not benefit from being 'permitted development' in Loughborough due to the Article 4 directive which was granted by the Secretary of State in 2012 in recognition of these issues associated with a concentration of HMOs.

The SPD provides a methodology (at HSPD11) for assessing the concentration of Houses in Multiple Occupation against the criteria of Core Strategy Policy CS4 as part of understanding the potential for cumulative impacts. The methodology assesses the concentration of HMOs within 100m of the application site as a proportion of the total number of residential dwellings. Halls of Residence and purpose built student accommodation will not be included in the calculation. However, any Halls of Residence and purpose built accommodation will be considered as part of the overall decision making process in terms of their impacts.

The SPD accepts that HMO's help to meet local housing requirements and can be an important type of accommodation for a range of people including those on low incomes and young people (para 4.1) and it also repeats the objectives of Core Strategy Policy CS4 that seeks to support the well-being, character and amenity of local communities by managing the proportion of HMO's.

The methodology is under current review in preparation of the new replacement local plan and is in its early consultation stage. Early indications are that the policy would include a methodology that reduces the current 20% threshold to 10%. The replacement Local Plan remains in its early stages and can therefore be attributed little weight at this time, however, the most up-to-date evidence prepared to support the emerging Local Plan is of relevance to this proposal and this includes the Charnwood Houses in Multiple Occupation Assessment 2019.

The SPD also provides guidance in respect of the Policy CS4 criteria for considering the potential impact on the social and physical character and amenity (HSPD12), amenity space (HSPD 13), noise insulation (HSPD 14) and parking (HSPD 15).

The Council has used a threshold of 20% in decision making and therefore changes of use from Class C3 dwellings to Class C4 dwellings have usually been resisted in principle where the percentage of houses in multiple-occupation exceeds 20% in a particular area. This approach has been accepted in all appeal decisions since the adoption of the Housing SPD, with the exception of one. The calculation of the household percentage is the subject of a methodology specified in the SPD that uses data held by the University and College, the Electoral Register, the HMO Licensing Register and planning data and it is considered that collectively, this gives the best indication available of the relevant household situation and the most accurate picture of local balance and amenity.

## The Crime and Disorder Act 1998

This places a duty on the local planning authority to do all that it reasonably can to prevent crime and disorder in its area. The potential impact on community safety is therefore a material consideration in the determination of planning applications.

## Draft Charnwood Local Plan 2019-2036

The Draft Local Plan sets out the Council's preferred options for draft policies which are yet to be tested through an Examination in Public before they can become part of the development plan for Charnwood. The policies therefore carry limited weight at the current time. These include policies which would seek to make provision for at least 19,716 homes between 2019 and 2036 and require these to be delivered to a high standard of design quality. This document also includes Draft Policy LP9 which seeks to support the well-being, character and amenity of our communities by managing the proportion of houses in multiple occupation. This would adopt a threshold approach of 10% within a 100m area of an application site and also prevent a Class C3 dwelling from becoming sandwiched between proposed and existing HiMO's.

### **Relevant Planning History**

None

### **Responses of Statutory Consultees**

Councillor Forrest is concerned that the proposal would exacerbate an already difficult parking situation, increase anti-social behaviour that already impacts the lives of locals. Councillor Forrest is also concerned that the Storer ward is already saturated with homes in multiple occupation and that Byron Street Extension is unsuitable for such a property.

### **Other Comments Received**

The Council's Housing Standards Officer comments that all bedrooms meet the minimum bedroom sizes and there are adequate bathing facilities to meet standards set out in housing legislation. If no communal internal space or inadequate communal space were to be provided, bedroom sizes would need to be enlarged. Recommendations are made about fire safety of which the applicant is aware.

Concerns have been received from the following addresses:-  
Byron Street Extension – 12, 14, 16 (representing 13 residents)

Concerns include:-

- The street is congested with commuter cars and heavy lorries
- The area is family occupied with a good sense of community
- The proposal would permanently damage the character of the area by causing noise, disturbance and additional refuse litter and vermin issues.
- The proposal will result in the permanent loss of a family home for which there is a need in the area.
- Car parking is inadequate in the street and the proposal would exacerbate this

- High saturations of HiMO's are correlated with high levels of anti-social behavior.
- There is no need for the change of use, given the amount of purpose built student accommodation in the town.

## **Consideration of the Planning Issues**

The key issues in considering this application are considered to be:

- The principle of the Development
- Evidence
- The effect on the character and amenities of the area: community balance
- Anti-social behaviour and noise and disturbance
- Bin Storage
- Visual Amenity
- Car parking

### The principle of the Development

The starting point for decision making on all planning applications is that they must be made in accordance with the development plan unless material considerations indicate otherwise. Policies in the adopted Core Strategy and the saved policies in the Charnwood Local Plan are therefore the starting point for consideration.

The supporting text to Policy CS4 states that HiMO's provide accommodation for a group of tenants who do not live together as a family and who share basic amenities such as a kitchen, and bathroom facilities but have separate bedrooms. It acknowledges that HiMO's help to meet local housing requirements and can be an important type of accommodation for a range of people including those on low incomes and young people. In Loughborough, a large number of HiMO's are occupied by students in further and higher education.

The supporting text goes on to state that, whilst the Council values Loughborough University and Loughborough College and the significant economic, social and cultural contributions the student population brings to Loughborough, a negative impact has been experienced in some neighbourhoods because of the over concentration of HiMO's. It is noted that these impacts have affected some community facilities, the character and appearance of the area and caused disturbance and parking problems. In response to this, the Council has developed a strategy for managing the proportion of HiMO's in Loughborough, particularly where it is demonstrated that there are associated adverse impacts.

The application site is within the main urban area of Loughborough and, whilst the principle of development is acceptable as the property remains in residential use and would contribute to the mix of tenures of homes in the area (thus complying with Policy CS3), the proposal needs to be considered against Policy CS4 and whether a change of use to a HiMO will support the well-being, character and amenity of the community and other relevant policies and detailed planning considerations as assessed below.

In terms of the proposed change of use, the Council is able to identify that there are 37 residential properties within 100m radius of the application site, only 1 of which is known to be a house in multiple occupation. This equates to 2.7% which is significantly below the

20% threshold set out in the SPD. Whilst not in itself a determinative factor, it is important to also consider the fact there are at least 2 other houses in multiple occupation just outside the 100m radius. It is also important to consider the location of the property, in an established residential area with no nearby purpose built student accommodation or Halls of Residence.

It is also important to note that HiMO's are not always occupied by students but evidence in a recent study commissioned by the Council and undertaken by Loughborough University (December 2018) found that more mixed HiMO markets are forming that include both students and other social groups including working professionals, international migrant workers, low-skilled workers, benefit recipients and divorcees. This document forms part of the evidence base for the emerging replacement local plan.

The adopted Housing SPD identifies that where there is a high proportion of HiMOs in student occupation, this can lead to a sharp contrast between busy term times and a sense of abandonment during the holidays which impact on social interactions, surveillance and local services and facilities. Essentially this can lead to the loss of community spirit as permanent populations are replaced by transient ones and this is supported by evidence in the Study of Houses in Multiple Occupation Dec 2018. Given the low number of other houses in multiple occupation within the 100m radius of the application site, the location of the property and the predominantly residential surroundings of the site, it is considered that the current saturation and distribution of HiMO's would not be exacerbated by the proposal.

However, the issue is not confined to the mathematics of the case and the other individual considerations must be assessed and a judgment reached as to whether the level of harm that would be caused would be sufficient to dismiss the appeal or whether the impact would be so limited as to indicate that planning permission should be granted. These matters are considered below.

#### The effect on the character and amenities of the area: community balance

The 20% threshold allows for consistency in decision-making on proposals for changes of use to HiMO's and has been recognised by appeal inspectors as the level above which the problems associated with higher concentrations could occur.

Recent appeal decisions relating to Class C4 changes of use at Ashleigh Drive, Grange Street, Derby Road, Park Road, Frederick Street, Ashby Road, and Goldfinch Close (all within the built-up area of Loughborough) accept this threshold approach and attach weight to its use. Several relevant appeals have been dismissed since the Housing SPD was adopted in May 2017

The Council considers that the current low concentration of existing houses in multiple occupation in this desirable location is such that community balance and the availability of family housing in the local area would not be significantly harmed to the detriment of the social character and general amenities of the area. The property is within the Storer ward which, taken as a whole has a history of higher concentrations of houses in multiple accommodation, often above the 20% threshold, but the 100m radius threshold approach is based on a smaller output area in order to identify the more localised harms a proposal might present. In these ways and based on the adopted threshold approach, the proposal

would accord with Policy CS4 of the Core Strategy, the adopted SPD on Housing and the National Planning Policy.

In terms of the application property, the current saturation rate of HiMO's within 100m is just 2.7%.

In terms of neighbour amenity, Paragraph 4.9 of the Housing SPD states, "*It is important to note however that we will not adopt a rigid approach to decision making. The threshold will provide one material consideration to be considered alongside a number of other matters identified in Policy CS4 and the SPD related to the impact on the character and amenity of the area and safe operation of the highway.*"

There are other considerations which need to be assessed and a judgement reached as to whether the level of harm that would be caused, whether individually or cumulatively, to support a refusal of planning permission or whether the impact would be limited so as to indicate that planning permission should be granted. These are discussed below.

#### Anti-social behaviour and noise and disturbance

Noise in HiMO's can often be a concern for objectors because of the number of people who are living independently within the property which can be considered to adversely affect the amenity of neighbouring properties. The adopted Housing SPD acknowledges that where there is a high proportion of HiMO's it can often result in a higher incidence of anti-social behaviour, particularly at unsociable hours and increases in crime and fear of crime. Permitting an additional house in multiple occupation to an area with an existing high concentration of such properties would be likely to cause unacceptable harm to the living conditions of local residents and the amenity of the local area. This would be in conflict with Policies CS2 and CS4 HSPD 12 and Paragraph 127 of the National Planning Policy Framework. However, the immediate area to the application site has a very low concentration of HiMO's and it is considered that the living conditions and amenity of the local area would not be adversely affected and that the proposal would accord with Policies CS2 and CS4.

Information from the Borough Council's Community and Partnerships Department shows that over the past year, there have been 27 recorded incidents relating to anti-social behaviour on Brisco Avenue, Byron Street Extension, Derby Road and Knightthorpe Road. Incidents included acts directed at people, misuse of public space, a disregard for community or personal well-being or environmental damage. This indicates that the existing residents already experience a degree of disturbance incidents which may affect their domestic lives although it is acknowledged that Derby Road and Knightthorpe Road are very long streets and incidents may have occurred some distance from the application site.

The adopted Housing SPD acknowledges that where there is a high proportion of HMOs it can often result in a higher incidence of anti-social behaviour, particularly at unsociable hours, and increases in crime and fear of crime. However, there is a low concentration of HiMO properties within 100m of the application site and incidents of anti-social behaviour relating to such would therefore be proportionately diluted. It is considered that the proposal would not result in significant increases in anti-social behaviour.

In addition, HMOs can often be noisier than a family home because of the number of people who are living independently within the property which can adversely affect the amenity of neighbouring properties. In this case, the proposed 3 bedroom use is likely to be as intensively occupied as the previous C3 use and the number of bedrooms is proposed to be limited by planning condition. The position of the property, within the established residential area and its detached nature mean that any potential noise increases are likely to be less disruptive to existing neighbouring occupiers.

Having regard to the above, it is concluded that there is insufficient justification to refuse the application on the basis of the noise and disturbance that the existing HMOs in this area and the proposal is likely to have an acceptable impact on the character and appearance of the area. It is considered that the proposal therefore accords with Policies CS2 and CS4, saved Policy EV1 and the adopted SPD.

### Bin Storage

In terms of amenity space for the storage of refuse/recycling containers, there is adequate provision for such storage within the rear garden which would be secure, unobtrusive and accessible to residents. In terms of storage of refuse/recycling storage and the potential for its negative impact, the proposal accords with HSPD12 and 13 and CS16 of the Core Strategy.

### Visual Amenity

This application is for a change of use only and there are no proposed alterations to the external appearance of the property.

The perceived poorer maintenance and repair of the property potentially arising from the proposed change of use is raised by a neighbour. However, there is no evidence that this would occur. Given that the proposed Class C4 use would be similar in scale to the existing Class C3 use, it is considered that it would be difficult to demonstrate that this potential issue would be likely to have a damaging impact on the appearance of the area, such that it provides reasonable grounds for refusing the application.

Taking account of the above, the proposal is assessed to accord with Policy CS3 of the Core Strategy, saved Policy EV/1 of the adopted Local Plan and the adopted SPD on Housing.

### Highways and Car Parking

The existing property currently has a driveway accessed off the public highway and hard-standing to accommodate at least 3 vehicles. The Highway Authority has not commented on the application as standing advice would usually relate to proposals of this nature. To refuse a planning application on highway safety grounds it must be demonstrated that there is severe residual cumulative impacts resulting from the proposal or that there would be increased highway dangers posed by the proposal.

In this case, highway standards expect 3 bedroom dwellings to be provided with a maximum of 2 off-street car parking spaces and these can be provided within the application site. It is therefore unlikely that the proposal would lead to indiscriminate parking within the street, to the detriment of highway safety.

Having regard to the above, it is considered that the proposal accords with the National Planning Policy Framework and saved Policy TR/18 of the adopted Local Plan and that severe highway impacts as described in Paragraph 109 of the NPPF would not be caused by the development.

The National Planning Policy requires that safe and suitable access to the site can be achieved for all users and that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe. Given the characteristics of the local road network and the application site, together with the convenient location of the property to facilities and services, it is considered that the proposed on-site parking provision would not be contrary to the National Planning Policy or saved Policy TR/18 of the adopted Local Plan.

## **Conclusion**

For the reasons given above, it is considered that the proposed change of use would not result in an overconcentration of HiMO's in the area that would result in a community imbalance. Furthermore the proposal would not result in harm to the residential character and amenity of the area or be detrimental to highway safety. It would therefore comply with Policies CS2, CS4 and CS16 of the Core Strategy, and Policies EV/1 of the Local Plan and the Housing SPD. It is acknowledged that in terms of on-site vehicle parking provision, it does not accord with saved Policy TR/18 however this does not outweigh the benefits of the scheme.

Whilst the Housing SPD does acknowledge that there may be situations where permitting a HiMO in an area where there is low proportion of HMOs may be judged to be so significant under the provisions of Policy CS4, it is not considered that the circumstances are such in this case.

Accordingly, having regard to the above considerations, it is recommended that planning is granted conditionally.

## **RECOMMENDATION:-**

Grant Conditionally

- 1 The development, hereby permitted, shall be begun not later than 3 years from the date of this permission.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:  
1:1250 scale site location plan  
2192 Rev B - Revised proposed floor plan received 19th August 2020

REASON: To define the terms of the planning permission.

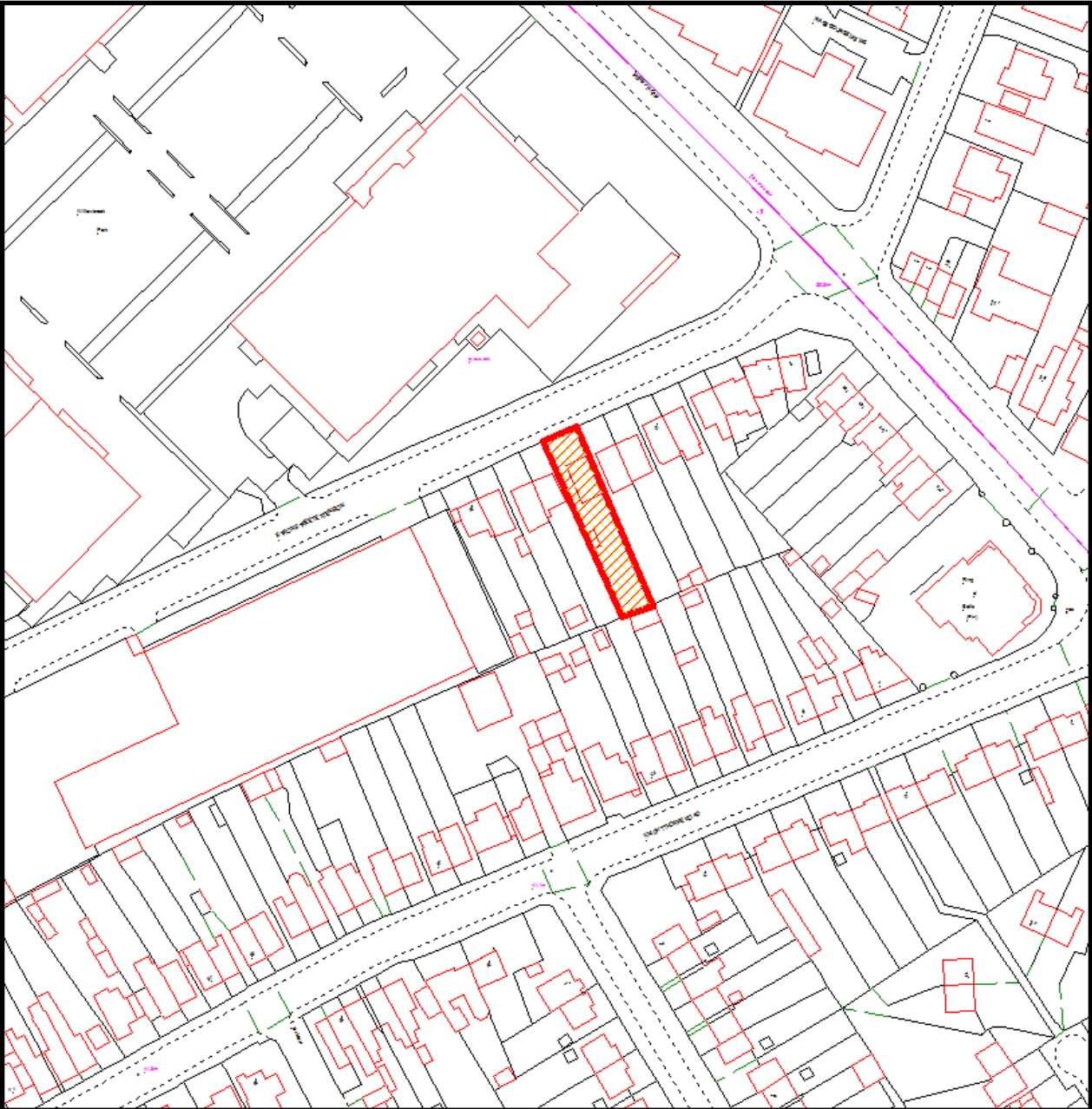
- 3 The use hereby permitted shall be limited to 3 bedrooms only as shown on the revised plan received by the local planning authority on 19th August 2020.

REASON: For the avoidance of doubt and to ensure adequate internal communal living space is provided.

The following advice notes will be attached to a decision

- 1 DEVELOPMENT PLAN POLICIES RELEVANT TO THIS DEVELOPMENT - Policies CS2, CS3, CS4, CS16 and CS25 of the Charnwood Local Plan (2011-2028) Core Strategy and Policies EV/1 and TR/18 of the Borough of Charnwood Local Plan have been taken into account in the determination of this application.
- 2 Planning permission has been granted for this development because the Council has determined that, although representations have been received against the proposal, it is generally in accord with the terms of the above-mentioned policy/ies and, otherwise, no harm would arise such as to warrant the refusal of planning permission.
- 3 The Local Planning Authority acted pro-actively through positive engagement with the applicant during the determination process. This led to improvements to the scheme to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 4 In order to arrange for the delivery of the necessary equipment for participation in the refuse and recycling service and to ensure that the properties receive a collection service as appropriate, please contact Environmental Services on 01509 634538 or [recycle@charnwood.gov.uk](mailto:recycle@charnwood.gov.uk), before the first property is completed.





**Item No. 5**

**Application Reference Number P/20/1027/2**

**Application Type:** Householder                      **Date Valid:** 13/07/20  
**Applicant:** Mrs Karen Marriott  
**Proposal:** Extend existing dropped kerb to create vehicular access to front of dwelling.  
**Location:** 45 Seagrave Road  
Sileby  
Leicestershire  
LE12 7TN  
**Parish:** Sileby                                      **Ward:** Sileby  
**Case Officer:** Manju Mistry                      **Tel No:** 01509 634772

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This application is referred to Plans Committee in accordance with exceptions contained within the Council's scheme of sub-delegation to Heads of Service embedded within the Constitution.

**Description of the Site**

45 Seagrave Road is a two-storey semi-detached property, which is located within the Development Limits of Sileby. Currently to the front of the property there is a gravel area and a telegraph pole is located on the public highway between No.'s 45 and 47 Seagrave Road.

Surrounding land uses are as follows:

| <b>Boundary</b> | <b>Adjacent land use</b>                |
|-----------------|---|
| Northeast       | 47 Seagrave Road – residential dwelling |
| West            | 43 Seagrave Road - residential dwelling |
| Northwest       | Gardens                                 |
| South           | Seagrave Road                           |

**Description of the Application**

Permission is sought to extend the existing dropped kerb by 5.5m to create improved vehicular access to the front of the property.

Planning permission is required as Seagrave Road is on a classified road.

The existing gravel area would then accommodate parking for 2 vehicles to the front of the property.

The following documents and plans accompany the application:

- Site location plan – Scale 1:1250,
- 2 Block plan – Scale 1:200,
- Photos – received 09/09/20

## **Development Plan Policies**

### Charnwood Local Plan Core Strategy (adopted 9 November 2015)

The following policies are relevant to this application:

Policy CS2 – High Quality Design requires developments to make a positive contribution to Charnwood, reinforcing a sense of place. Development should respect and enhance the character of the area, having regard to scale, massing, height, landscape, layout, materials and access; protect the amenity of people who live or work nearby, provide attractive well managed public and private spaces; well defined and legible streets and spaces and reduce their impact on climate change.

### Borough of Charnwood Local Plan (adopted 12 January 2004) (saved policies)

The saved policies relevant to this proposal include:

Policy EV/1- Design- Seeks to ensure a high standard of design for developments which respect the character of the area, nearby occupiers, and is compatible in mass, scale, layout, whilst using landforms and other natural features. It should meet the needs of all groups and create safe places for people.

Policy TR/18 - Parking Provision in New Development notes that planning permission will not be granted for development, unless off-street parking for vehicles, including cycles, and servicing arrangements are included, to secure highway safety and minimise harm to visual and local amenities.

## **Material considerations**

### The National Planning Policy Framework (2019)

The National Planning Policy Framework is a material consideration in planning decisions. The National Planning Policy Framework contains a presumption in favour of sustainable development.

Chapter 12 of the National Planning Policy Framework concerns itself with achieving well-designed places and sets out that good design is a key aspect of sustainable development.

Paragraph 109 requires 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.

Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between the permission and completion, as a result of changes being made to the permitted scheme.

Paragraph 180 requires that decisions on planning applications should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, including mitigating noise.

#### National Planning Practice Guidance

This sets out relevant guidance on aspects of design, and heritage assets, supporting the policy framework as set out in the National Planning Policy Framework.

#### National Design Guide (2019)

The National Planning Policy Framework makes clear that creating high quality buildings and places is fundamental to what the planning and development process should achieve. This design guide, the National Design Guide, illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice. It forms part of the Government's collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools.

#### Supplementary Planning Document - Charnwood Design (January 2020)

This document sets out the Borough Council's expectations in terms of securing high quality design in all new development. Schemes should respond well to local character, have positive impacts on the environment and be adaptable to meet future needs and provide spaces and buildings that help improve people's quality of life. The document is a material consideration in the determination of planning applications.

### **Responses of Consultees**

Sileby Parish Council have raised no objection to the proposal.

The Local Highway Authority confirms Seagrave Road is a classified road and it has no objection to the proposal. It is the Local Highway Authority's opinion that due to the existing vehicular accesses in the immediate vicinity and the wide pavement, this proposed vehicular access would be no worse in this particular circumstance. It has highlighted that if the existing telegraph pole and service chambers need to be relocated this would be at the full cost of the applicant.

### **Consideration of the Planning Issues**

The key issues in considering this application are considered to be:

- Impact on the character and appearance of the street scene;
- Impact on the amenity of occupiers of neighbouring properties; and
- Impact on highway safety.

#### Impact on the character and appearance of the street scene

Neighbouring properties have a range of vehicular accesses and dropped kerbs on Seagrave Road.

This application proposes to extend an existing adjacent dropped kerb to the front of the dwelling in order to cover the whole width of the frontage (5.5m), to allow car parking to the front. It is considered that this would have very little impact upon the character and appearance of the area, given presence of the other dropped kerb in the locality.

As such, it is considered would not have a detrimental impact on the character of the area or street scene and the proposal would comply with policies CS2 of the Core Strategy and EV/1 of the Local Plan and the National Planning Policy Framework.

#### Impact on the amenity of occupiers of neighbouring properties

The dropped kerb would provide increased off road car parking for No. 45. It is considered the provision of the proposed kerb would have no discernible impact upon any neighbours, given the distance from these neighbours and the nature of the proposed development.

Accordingly, it is considered that with regards to neighbouring amenity, the works would have not significant detrimental impact on residential amenity and the proposal would comply with policy CS2 of the Core Strategy and policy EV1 of the Local Plan.

#### Impact on highway safety

The dropped kerb and vehicular access would increase the off road parking provision for No.45, the host property. Given neighbouring properties on Seagrave Road have similar dropped kerbs ranging in different lengths, and given the distance of approximately 22 metres from the junction of Greedon Rise, it is considered that the proposal would not have a detrimental impact on highway safety.

Therefore, it is considered that the proposal would comply with paragraph 109 of the National Planning Policy Framework, in that there would be no unacceptable impact on highway safety, or the residual cumulative impact would not be severe.

The proposal would not have a detrimental impact on highway safety and therefore, the application complies with policy TR/18 of the Borough of Charnwood Local Plan.

#### Conclusion

The development is considered to be acceptable in terms of its design and appearance and impact on the street scene. The proposal is not considered to have a detrimental impact to the amenities of neighbouring properties. The proposal has no detrimental impact on highway safety. The application would comply with policy EV/1 and TR/18 of the Borough of Charnwood Local Plan and Policy CS2 of the Charnwood Local Plan Core Strategy, and the National Planning Policy Framework.

The application is therefore recommended for approval.

#### **RECOMMENDATION:-**

Grant Conditionally

- 1 The development, hereby permitted, shall be begun not later than 3 years from the date of this permission.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following plans:  
Site location plan – Scale 1:1250,  
2 Block plan – Scale 1:200,  
Photos – received 09/09/20

REASON: To define the terms of the planning permission.

The Following Advice notes will be attached to the decision

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- . The development hereby permitted will respect the character and appearance of the host dwelling and application site, and will not result in any adverse harm upon the character and appearance of the local area, including the streetscene to Seagrave Road. Furthermore, the proposal would not lead to unacceptable amenity relationships for neighbouring occupants/residents, and would not harm general amenities in the area, nor would any adverse impact arise in respect of the matter of highway safety. Accordingly, the proposal accords with the up-to-date elements of Policy CS2 of the Charnwood Local Plan (Core Strategy), and "saved" Policies EV/1, and TR/18 of the Charnwood Local Plan 2004; and no other material considerations indicate that the policies of the Development Plan should not prevail. Furthermore, the decision has been reached taking into account Paragraph 38 of the National Planning Policy Framework.

Discussion with the applicant to seek an acceptable solution was not considered necessary in making this decision. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015.

All works within the highway must have separate consent from Local Highway Authority at Leicestershire County Council. All works within the limits of the highway with regard to access shall be carried out to the satisfaction of the County Council's Highway Manager and a Vehicle Access Application must be sought. Further advice can be obtained on 0116 305 0001.



## Delegated planning decisions made by Charnwood Borough Council since the last Plans Committee report

| Application number | Application type                     | Location   | Proposal  | Decision   | Decision date | Ward                    |
|--------------------|--------------------------------------|--|---|--|---------------|-------------------------|
| P/20/0966/2        | Householder                          | 21 Kitchener Road<br>Anstey<br>Leicestershire<br>LE7 7EA | Replacement of existing side extension to create an attached garage with pitched roof together with a dropped kerb to the front of drive and garage.                            | GTDCON, Permission be granted subject to the following conditions: | 21-Aug-2020   | Anstey                  |
| P/20/0502/2        | Full                                 | 21 Kitchener Road<br>Anstey<br>LE7 7EA                   | Erection of new detached dwelling to side of existing dwelling following demolition of existing garage  | REF, Permission be refused for the following reasons:              | 21-Aug-2020   | Anstey                  |
| P/20/1130/2        | Householder                          | 263 Link Road<br>Anstey<br>LE7 7ED                       | Erection of single storey extensions to side and rear of dwelling.  | GTDCON, Permission be granted subject to the following conditions: | 27-Aug-2020   | Anstey                  |
| P/20/1094/2        | Householder<br>Prior<br>Notification | 87 Falcon Road<br>Anstey<br>Leicestershire<br>LE7 7GW    | The erection of a single storey rear extension extending beyond the rear wall of the original house by 3.71m, with a maximum height of 3.89m, and height to the eaves of 2.55m. | PRINOT, Prior approval from the Council is not required            | 28-Aug-2020   | Anstey                  |
| P/20/1110/2        | Householder                          | 52 Edward Street<br>Anstey<br>LE7 7DR                    | Infill extension to rear/side of dwelling with alterations to existing conservatory and installation of three roof lanterns.  | GTDCON, Permission be granted subject to the following conditions: | 10-Sep-2020   | Anstey                  |
| P/20/1058/2        | Householder                          | 33 Welland Road<br>Barrow Upon Soar<br>LE12 8NA          | Erection of two storey extension to side, installation of timber cladding and alterations to front fenestration.  | GTDCON, Permission be granted subject to the following conditions: | 17-Aug-2020   | Barrow & Sileby<br>West |
| P/20/0989/2        | Householder                          | 113 Sileby Road<br>Barrow Upon Soar<br>LE12 8LW          | Erection of two storey side extension and single storey rear extension. Revised scheme P/18/1677/2 refers).   | GTDCON, Permission be granted subject to the following conditions: | 18-Aug-2020   | Barrow & Sileby<br>West |



| <b>Application number</b> | <b>Application type</b>              | <b>Location</b>  | <b>Proposal</b>  | <b>Decision</b>  | <b>Decision date</b> | <b>Ward</b>          |
|---------------------------|--------------------------------------|--|--|--|----------------------|----------------------|
| P/20/1068/2               | Householder                          | 10 Branston Avenue<br>Barrow Upon Soar<br>Leicestershire<br>LE12 8XL | Single storey side extension to dwelling house.  | GTDCON, Permission be granted subject to the following conditions: | 26-Aug-2020          | Barrow & Sileby West |
| P/20/0713/2               | Full                                 | 45 Beveridge Street<br>Barrow Upon Soar<br>LE12 8PL                  | Erection of 5 no. dwellings following the demolition of existing buildings   | REF, Permission be refused for the following reasons:              | 04-Sep-2020          | Barrow & Sileby West |
| P/20/1039/2               | Householder                          | 201 Harrowgate Drive<br>Birstall<br>LE4 3GT                          | Two storey side extension including alterations to existing garage to create additional ground floor living accommodation.   | GTDCON, Permission be granted subject to the following conditions: | 19-Aug-2020          | Birstall Wanlip      |
| P/20/0824/2               | Householder                          | 4 Dale Close<br>Birstall<br>LE4 3LE                                  | Single storey rear extension to dwelling   | GTDCON, Permission be granted subject to the following conditions: | 26-Aug-2020          | Birstall Wanlip      |
| P/20/1257/2               | Householder<br>Prior<br>Notification | 67 Greengate Lane<br>Birstall<br>Leicestershire<br>LE4 3JG           | The erection of a single storey rear extension extending beyond the rear wall of the original house by 8.0m, with a maximum height of 3.0m, and height to the eaves of 2.5m. | PRIREF, The prior approval of the Council is refused               | 27-Aug-2020          | Birstall Wanlip      |
| P/20/0716/2               | Householder                          | 44 Fielding Road<br>Birstall<br>LE4 3AL                              | Proposed single and two storey extensions to rear and side of dwelling.  | GTDCON, Permission be granted subject to the following conditions: | 04-Sep-2020          | Birstall Wanlip      |
| P/20/1156/2               | Householder                          | 77 Moorgate Avenue<br>Birstall<br>LE4 3HJ                            | Proposed two & single storey side extensions and single storey front porch extension (revised scheme, P/20/0753/2 refers).   | REF, Permission be refused for the following reasons:              | 04-Sep-2020          | Birstall Wanlip      |
| P/20/1026/2               | Householder                          | 19 Wellgate Avenue<br>Birstall<br>Leicestershire<br>LE4 3HS          | Single storey front and side extension to dwelling.  | GTDCON, Permission be granted subject to the following conditions: | 07-Sep-2020          | Birstall Wanlip      |

| <b>Application number</b> | <b>Application type</b>              | <b>Location</b>   | <b>Proposal</b>  | <b>Decision</b>  | <b>Decision date</b> | <b>Ward</b>           |
|---------------------------|--------------------------------------|---|--|--|----------------------|-----------------------|
| P/20/0960/2               | Householder                          | 35 Roman Road<br>Birstall<br>LE4 4BB                              | Erection of porch to front of dwelling.  | GTDCON, Permission be granted subject to the following conditions: | 20-Aug-2020          | Birstall<br>Watermead |
| P/20/0318/2               | Householder                          | 13 Hollytree Avenue<br>Birstall<br>LE4 4LG                        | Retrospective application for single storey extension to side and rear, roof alterations to porch with canopy to front of dwelling.  | REF, Permission be refused for the following reasons:              | 24-Aug-2020          | Birstall<br>Watermead |
| P/20/1115/2               | Householder                          | 41 The Crossways<br>Birstall<br>LE4 4ED                           | Proposed canopy to front, two storey side and rear extension to dwelling.  | REF, Permission be refused for the following reasons:              | 26-Aug-2020          | Birstall<br>Watermead |
| P/20/1141/2               | Householder<br>Prior<br>Notification | 3 Russet Way<br>Birstall<br>Leicestershire<br>LE4 4GX             | The erection of a single storey rear extension extending beyond the rear wall of the original house by 4m, with a maximum height of 2.7m, and height to the eaves of 2.4m.   | PRINOT, Prior approval from the Council is not required            | 26-Aug-2020          | Birstall<br>Watermead |
| P/20/0980/2               | Householder                          | 649 Loughborough Road<br>Birstall<br>LE4 4NJ                      | Demolition of existing single-storey garage outbuilding, the erection of a single-storey side/rear extension (including canopy to the rear) and the erection of a canopy to the front elevation of the host dwellinghouse. | GTDCON, Permission be granted subject to the following conditions: | 27-Aug-2020          | Birstall<br>Watermead |
| P/20/0795/2               | Householder                          | 11 Curzon Avenue<br>Birstall<br>Leicestershire<br>LE4 4AE         | Proposed first floor side extension of dwelling.   | GTDCON, Permission be granted subject to the following conditions: | 28-Aug-2020          | Birstall<br>Watermead |
| P/20/0814/2               | Householder                          | 190 Long Furrow<br>East Goscote<br>LE7 3SU                        | Erection of 2.14m high timber fence to boundary of dwelling.   | REF, Permission be refused for the following reasons:              | 03-Sep-2020          | East Goscote<br>Ward  |
| P/20/0925/2               | Householder                          | Acorn Cottage<br>25 Maplewell Road<br>Woodhouse Eaves<br>LE12 8RG | Demolition of existing garage and erection of timber garage & workshop outbuilding with new vehicular access and gates to rear of property.  | GTDCON, Permission be granted subject to the following conditions: | 20-Aug-2020          | Forest Bradgate       |

| Application number | Application type                | Location  | Proposal   | Decision   | Decision date | Ward                  |
|--------------------|---------------------------------|---|--|--|---------------|-----------------------|
| P/20/1252/2        | Agricultural for Prior Approval | Ulverscroft Lodge Farm<br>Priory Lane<br>Ulverscroft<br>Markfield<br>Leicestershire<br>LE67 9PB | Erection of steel-framed agricultural building for use as storage and workshop.  | NRQ, The submission of details are not required for consideration. | 21-Aug-2020   | Forest Bradgate       |
| P/20/0940/2        | Householder                     | 13 Victoria Road<br>Woodhouse Eaves<br>LE12 8RF   | Erection of single storey rear extension to dwelling, creation of raised platform and alterations to existing garage.                  | GTDCON, Permission be granted subject to the following conditions: | 25-Aug-2020   | Forest Bradgate       |
| P/20/0843/2        | Householder                     | Hillview House<br>Benscliffe Road<br>Newtown Linford<br>LE6 0AG                                 | Single storey extension to rear of detached dwelling.  | GTDCON, Permission be granted subject to the following conditions: | 28-Aug-2020   | Forest Bradgate       |
| P/20/1048/2        | Householder                     | 20 Rosehill<br>Loughborough<br>Leicestershire<br>LE11 4SS                                       | Two storey and single storey extensions to rear of detached dwelling.  | GTDCON, Permission be granted subject to the following conditions: | 17-Aug-2020   | Loughborough Garendon |
| P/20/0159/2        | Full                            | Land to West of Aumberry Gap<br>Aumberry Gap<br>Loughborough<br>LE11 1BG                        | Variation of conditions 18 and 19 of approved planning application P/18/2067/2   | GTDCON, Permission be granted subject to the following conditions: | 25-Aug-2020   | Loughborough Hastings |
| P/19/2304/2        | Full                            | 7 The Coneries<br>Loughborough<br>LE11 1DZ  | Variation of condition 10 to application P/17/0647/2 to include B1 (Business) and D2 (Assembly and Leisure) uses to ground floor unit. | GTDCON, Permission be granted subject to the following conditions: | 27-Aug-2020   | Loughborough Hastings |
| P/19/2564/2        | Full                            | Fielding Court<br>1 1-24 Fielding Court<br>Loughborough<br>LE11 1AH                             | Replace existing concrete flat roof & raise roof height by 125mm.  | GTDCON, Permission be granted subject to the following conditions: | 04-Sep-2020   | Loughborough Hastings |

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| P/19/1787/2        | Full             | 44-46 Moira Street<br>Loughborough<br>LE11 1AX                             | Replace existing concrete flat roof & raising height of two parapet walls 125mm.   | GTDCON, Permission be granted subject to the following conditions: | 04-Sep-2020   | Loughborough Hastings          |
| P/20/0651/2        | Full             | Land to the West of Aumbery Gap<br>Loughborough<br>Leicestershire          | Variation of condition 2 of P/18/2067/2 to amend the green roofs.  | GTDCON, Permission be granted subject to the following conditions: | 08-Sep-2020   | Loughborough Hastings          |
| P/19/2628/2        | Full             | 2 De Montfort Close<br>Loughborough<br>LE11 4RL                            | Variation of Condition 3 of application P/18/2156/2 (Erection of single storey extension to church and associated work).   | GTDCON, Permission be granted subject to the following conditions: | 25-Aug-2020   | Loughborough Hathern & Dishley |
| P/20/0975/2        | Full             | 151 Derby Road<br>Loughborough<br>LE11 5HJ                                 | Change of use of shop (Class A1) to hot food takeaway (Class A5), alterations to shop front and erection of covered bin store and installation of flue to rear of end-terraced property. (P/19/2212/2 refers). | GTDCON, Permission be granted subject to the following conditions: | 27-Aug-2020   | Loughborough Lemyngton         |
| P/20/0979/2        | Full             | Unit 3 Charnwood Trade Park<br>Clarence Street<br>Loughborough<br>LE11 1FW | Change of use of existing unit from class B8 (Storage & Distribution) to gym & personal training studio (use class D2 - Assembly & Leisure).   | GTDCON, Permission be granted subject to the following conditions: | 04-Sep-2020   | Loughborough Lemyngton         |
| P/20/1136/2        | Full             | 17 - 18 Baxter Gate<br>Loughborough<br>Leicestershire<br>LE11 1TG          | Change of Use of first floor (above existing drinking establishment) to a 5-bed residence in multiple occupation (use class C4).   | GTDCON, Permission be granted subject to the following conditions: | 07-Sep-2020   | Loughborough Lemyngton         |
| P/20/0867/2        | Householder      | 13 Farndale Drive<br>Loughborough<br>LE11 2RG                              | Single storey rear and side extension together with a raised decking area to rear of dwelling.   | GTDCON, Permission be granted subject to the following conditions: | 27-Aug-2020   | Loughborough Outwoods          |

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| P/20/1225/2               | Householder             | 14 Outwoods Road<br>Loughborough<br>Leicestershire<br>LE11 3LY             | Erection of two storey extensions to front, rear and side of dwelling including loft conversion and raising of roof height (revised scheme P/19/1388/2 refers).   | GTDCON, Permission be granted subject to the following conditions: | 08-Sep-2020          | Loughborough<br>Outwoods    |
| P/20/0984/2               | Householder             | 51 Holt Drive<br>Loughborough<br>LE11 3HZ                                  | Single storey side extension.   | GTDCON, Permission be granted subject to the following conditions: | 08-Sep-2020          | Loughborough<br>Outwoods    |
| P/20/1238/2               | Householder             | 12 Pantain Road<br>Loughborough<br>LE11 3NA                                | Single storey extensions to side and rear of detached house.  | GTDCON, Permission be granted subject to the following conditions: | 10-Sep-2020          | Loughborough<br>Outwoods    |
| P/20/1116/2               | Householder             | 12 Beacon Drive<br>Loughborough<br>LE11 2BD                                | Installation of dormer window to side and two roof lights to front and rear of dwelling. Erection of single storey extension to rear and two storey extension to side of dwelling (revised scheme P/19/1629/2 refers).                    | GTDCON, Permission be granted subject to the following conditions: | 25-Aug-2020          | Loughborough<br>Shelthorpe  |
| P/20/1023/2               | Householder             | 293 Park Road<br>Loughborough<br>Leicestershire<br>LE11 2HF                | Extend existing dropped kerb by 3.6m to front of dwelling.  | GTDCON, Permission be granted subject to the following conditions: | 10-Sep-2020          | Loughborough<br>Shelthorpe  |
| P/20/0869/2               | Full                    | Loughborough Police Station<br>Southfield Road<br>Loughborough<br>LE11 2XF | Creation of front desk and public entrance to existing police station together with alterations to car park layout and the installation of 2.4 metre high paladin fencing..   | GTDCON, Permission be granted subject to the following conditions: | 18-Aug-2020          | Loughborough<br>Southfields |
| P/20/0962/2               | Full                    | 12A Swan Street<br>Loughborough<br>Leicestershire<br>LE11 5BJ              | Installation of new shop front and change of use of premises to a mixed use comprising retail (use class A1) at ground floor level and an eight bedroom house in multiple occupation (sui generis use) on first, second, and third floor. | GTDCON, Permission be granted subject to the following conditions: | 18-Aug-2020          | Loughborough<br>Southfields |

| Application number | Application type | Location  | Proposal   | Decision   | Decision date | Ward                     |
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| P/20/0855/2        | Householder      | 84 Castledine Street<br>Loughborough<br>Leicestershire<br>LE11 2DX                        | Single storey side infill extension and single storey rear extension to dwelling, with new pitched roof over single storey section to the side. Partial demolition of existing single storey rear extension and re-building. | GTDCON, Permission be granted subject to the following conditions: | 25-Aug-2020   | Loughborough Southfields |
| P/20/0873/2        | Householder      | 30 Granville Street<br>Loughborough<br>LE11 3BN   | Single storey extension to rear of existing house in multiple occupation (part retrospective).   | GTDCON, Permission be granted subject to the following conditions: | 28-Aug-2020   | Loughborough Southfields |
| P/20/1215/2        | Full             | Loughborough Crown House<br>Southfield Road<br>Loughborough<br>Leicestershire<br>LE11 2TT | Removal of redundant entrance and installation of glazed window & dwarf wall   | GTDCON, Permission be granted subject to the following conditions: | 07-Sep-2020   | Loughborough Southfields |
| P/20/1209/2        | Householder      | 4 Caldwell Street<br>Loughborough<br>Leicestershire<br>LE11 3BB                           | First floor rear extension to an existing home in multiple occupation.   | REF, Permission be refused for the following reasons:              | 08-Sep-2020   | Loughborough Southfields |
| P/20/1145/2        | Householder      | Croft House<br>25 Burton Street<br>Loughborough<br>LE11 2DT                               | Erection of two storey extension to side and single storey extension to rear of dwelling.  | GTDCON, Permission be granted subject to the following conditions: | 11-Sep-2020   | Loughborough Southfields |
| P/20/0859/2        | Householder      | 39A Rosebery Street<br>Loughborough<br>Leicestershire<br>LE11 5DX                         | Single storey rear extension and loft conversion including provision of roof lights to existing house in multiple occupation.  | REF, Permission be refused for the following reasons:              | 18-Aug-2020   | Loughborough Storer      |
| P/20/0227/2        | Householder      | 16 Alan Moss Road<br>Loughborough<br>LE11 5LX   | Installation of dropped kerb and hard standing to front of property.   | GTDCON, Permission be granted subject to the following conditions: | 27-Aug-2020   | Loughborough Storer      |

| Application number | Application type          | Location   | Proposal   | Decision   | Decision date | Ward                       |
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| P/20/1163/2        | Full                      | 99 Ashby Road<br>Loughborough<br>LE11 3AB              | Proposed conversion and change of use of premises from ground floor osteopath clinic (Use Class D1) with first & second floor living accommodation (Use Class C3) to 3x self-contained flats (Use Class: C3) including replacement of door with window to rear ground floor. | GTDCON, Permission be granted subject to the following conditions: | 02-Sep-2020   | Loughborough Storer        |
| P/20/0991/2        | CL (existing)             | 9 Oxford Street<br>Loughborough<br>LE11 5DP            | Certificate of Lawfulness (Existing) for use of property as a house in multiple occupation (Use Class C4).   | GTD, Permission be granted unconditionally                         | 08-Sep-2020   | Loughborough Storer        |
| P/20/1236/2        | Householder               | 120 Paget Street<br>Loughborough<br>LE11 5DU           | Single storey extension to rear of existing house in multiple occupation (Revised Scheme P/20/0602/2 refers).  | GTDCON, Permission be granted subject to the following conditions: | 09-Sep-2020   | Loughborough Storer        |
| P/20/0702/2        | CL (existing)             | Chestnut Farm<br>Barkby Road<br>Beeby<br>LE7 3BQ       | Certificate of lawful use (existing) for an agriculturally restricted residential dwelling to be used as a C3 residential dwelling   | GTD, Permission be granted unconditionally                         | 08-Sep-2020   | Queniborough               |
| P/20/1013/2        | CL (existing)             | Yard to the north of Lane<br>End<br>Beeby              | Certificate of Lawful Development: Existing use of land for the storage of industrial vehicles (land use class B8 - Storage & Distribution).   | GTD, Permission be granted unconditionally                         | 10-Sep-2020   | Queniborough               |
| P/20/1283/2        | Equipment PD Notification | 45A Barrow Road<br>Quorn<br>Leicestershire<br>LE12 8DH | Installation of 1 x 9m high wooden pole (7.2m above ground).   | MNAAU, The application be agreed without conditions.               | 17-Aug-2020   | Quorn & Mountsorrel Castle |
| P/20/0837/2        | Full                      | 202 Loughborough Road<br>Mountsorrel<br>LE12 7AX       | Variation of conditions 6, 8 and 11 of application P/19/0686/2 (In regard to submission of details re: boundary treatment, landscaping plan and bin storage).  | GTDCON, Permission be granted subject to the following conditions: | 25-Aug-2020   | Quorn & Mountsorrel Castle |

| Application number | Application type | Location   | Proposal   | Decision   | Decision date | Ward                       |
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| P/20/1009/2        | Full             | 16 High Street<br>Quorn<br>LE12 8DT                          | Alterations to front elevation - door and window relocation to include the installation of 2x larger windows. (Revised scheme P/20/0417/2 refers). | GTDCON, Permission be granted subject to the following conditions: | 25-Aug-2020   | Quorn & Mountsorrel Castle |
| P/20/1128/2        | Householder      | 3 Poulteney Drive<br>Quorn<br>LE12 8EY                       | First floor side and rear extension and canopy to front elevation (revised scheme - P/20/0419/2 refers)  | GTDCON, Permission be granted subject to the following conditions: | 27-Aug-2020   | Quorn & Mountsorrel Castle |
| P/20/0643/2        | CL (existing)    | 1A Chestnut Close<br>Quorn<br>Leicestershire<br>LE12 8AE     | Certificate of lawful development (existing) for the conversion of an integral garage into a habitable room  | GTD, Permission be granted unconditionally                         | 08-Sep-2020   | Quorn & Mountsorrel Castle |
| P/20/0880/2        | Householder      | 38 Rectory Lane<br>Thurcaston<br>LE7 7JQ                     | First floor extension to side and single and two storey extension to rear of detached dwelling.  | GTDCON, Permission be granted subject to the following conditions: | 27-Aug-2020   | Rothley & Thurcaston       |
| P/20/0917/2        | Householder      | 9 All Saints Road<br>Thurcaston<br>Leicestershire<br>LE7 7JD | Proposed single storey extension to side and rear, and porch to front of dwelling.   | GTDCON, Permission be granted subject to the following conditions: | 28-Aug-2020   | Rothley & Thurcaston       |
| P/20/1091/2        | Householder      | 9 Furrow Close<br>Rothley<br>LE7 7RQ                         | Erection of single storey extension to side of garage.   | GTDCON, Permission be granted subject to the following conditions: | 28-Aug-2020   | Rothley & Thurcaston       |



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| P/20/0610/2               | Outline Planning Permission | South off Farmers Way,/Brookfield Road Rothley Leicestershire | Erection of new detached school building to rear of existing primary school including relocation of hard ball court, additional staff parking & extension to drop off car park with extended access (full application) and erection of up to 80 dwellings including landscaping, drainage infrastructure & access to existing allotments with all matters reserved except access (outline permission). | REF, Permission be refused for the following reasons:              | 28-Aug-2020          | Rothley & Thurcaston |
| P/20/0825/2               | Full                        | APAC Group Ltd Loughborough Road Rothley Loughborough LE7 7NL | Erection of warehouse (use class B8) including associated parking provision, servicing and landscaping.  | GTDCON, Permission be granted subject to the following conditions: | 04-Sep-2020          | Rothley & Thurcaston |
| P/20/0950/2               | Householder                 | 115 Swithland Lane Rothley Leicestershire LE7 7SH             | Single storey side extension together with alterations to ground floor rear elevation.   | GTDCON, Permission be granted subject to the following conditions: | 04-Sep-2020          | Rothley & Thurcaston |
| P/20/1164/2               | Full                        | 49 North Street Rothley LE7 7NN                               | Retention of extraction flue, extension of associated ducting including encasement with brick cladding and raising of rear parapet wall by 300mm.  | GTDCON, Permission be granted subject to the following conditions: | 11-Sep-2020          | Rothley & Thurcaston |
| P/20/0985/2               | Householder                 | 7 Spring Lane Shepshed LE12 9JE                               | Erection of detached garage to rear of dwelling.   | GTDCON, Permission be granted subject to the following conditions: | 17-Aug-2020          | Shepshed East        |
| P/20/0267/2               | Full                        | Iveshead Lodge Farm Iveshead Road Shepshed LE12 9ER           | Retention of use of agricultural hardstanding for the storage of motorhomes (Class B8 Storage)   | GTDCON, Permission be granted subject to the following conditions: | 21-Aug-2020          | Shepshed East        |

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| P/20/1006/2               | Householder             | 55 Leicester Road<br>Shepshed<br>Leicestershire<br>LE12 9DF        | Erection of conservatory to rear of dwelling.  | GTDCON, Permission be granted subject to the following conditions: | 24-Aug-2020          | Shepshed East |
| P/19/1997/2               | Full                    | Shepshed Service Station<br>Leicester Road<br>Shepshed<br>LE12 9DQ | Variation of Condition 5 of application P/92/1709/2 to amend operational hours for the car wash facility.                                | GTDCON, Permission be granted subject to the following conditions: | 28-Aug-2020          | Shepshed East |
| P/20/1179/2               | Householder             | 60 Iveshead Road<br>Shepshed<br>Leicestershire<br>LE12 9ER         | Installation of hipped and pitched roof to existing flat roofed side extension of dwelling.  | GTDCON, Permission be granted subject to the following conditions: | 08-Sep-2020          | Shepshed East |
| P/20/0999/2               | Householder             | 12 Daisy Lane<br>Shepshed<br>LE12 9FX                              | Single storey side extension.  | GTDCON, Permission be granted subject to the following conditions: | 24-Aug-2020          | Shepshed West |
| P/20/1127/2               | Householder             | 60 Hathern Road<br>Shepshed<br>LE12 9RP                            | Two storey extensions to rear of detached dwelling   | GTDCON, Permission be granted subject to the following conditions: | 26-Aug-2020          | Shepshed West |
| P/20/1142/2               | Full                    | Land adj. 6 Glenmore Avenue<br>Shepshed<br>LE12 9LH                | Erection of one detached dwelling. (Revised scheme P/19/2221/2 refers).  | REF, Permission be refused for the following reasons:              | 08-Sep-2020          | Shepshed West |
| P/19/2579/2               | Householder             | 7 Mountsorrel Lane<br>Sileby<br>LE12 7NF                           | Proposed dropped kerb to the front of dwelling including partial removal of stone wall in order to provide vehicular access to property. | REF, Permission be refused for the following reasons:              | 20-Aug-2020          | Sileby        |
| P/20/1059/2               | Householder             | 14 Cauby Close<br>Sileby<br>LE12 7PQ                               | Proposed porch to front of dwelling  | GTDCON, Permission be granted subject to the following conditions: | 03-Sep-2020          | Sileby        |

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| P/20/0977/2               | Reserved Matters                | Land to rear of 137 Seagrave Road Sileby                                     | Reserved Matters (scale, appearance, layout and landscaping) of approved application P/19/0314/2 for erection of 3 no. dwellings and associated works.                          | GTDCON, Permission be granted subject to the following conditions: | 08-Sep-2020          | Sileby      |
| P/20/1135/2               | Full                            | 1 High Street Sileby Leicestershire LE12 7RX                                 | Change of use from retail shop (use class: A1) to beauty salon (use class: Sui Generis).  | GTDCON, Permission be granted subject to the following conditions: | 09-Sep-2020          | Sileby      |
| P/20/1247/2               | Householder                     | 148 Cossington Road Sileby Leicestershire LE12 7RT                           | Retention of single storey extensions to side and rear of semi-detached dwelling. (Retrospective application)   | GTDCON, Permission be granted subject to the following conditions: | 10-Sep-2020          | Sileby      |
| P/20/0804/2               | Householder                     | 44 Brookfield Street Syston LE7 2AD  | Single storey extension to side of existing dwelling and conversion of existing outbuilding to living accommodation.  | GTDCON, Permission be granted subject to the following conditions: | 25-Aug-2020          | Syston East |
| P/20/0738/2               | Full                            | 69 Sandford Road Syston LE7 2JZ  | Alterations and change of use of domestic garage to facilitate online pharmacy business. Mixed use class C3 (Residential) and B8 (Storage & Distribution).                      | GTDCON, Permission be granted subject to the following conditions: | 28-Aug-2020          | Syston East |
| P/20/1100/2               | Householder Prior Notification  | 16 Priory Close Syston Leicestershire LE7 1RY                                | The erection of a single storey rear extension extending beyond the rear wall of the original house by 4.97m, with a maximum height of 3.26m, and height to the eaves of 2.52m. | PRINOT, Prior approval from the Council is not required            | 28-Aug-2020          | Syston West |
| P/20/1180/2               | Agricultural for Prior Approval | Manor Lodge Farm Nottingham Road Burton On The Wolds Leicestershire LE12 5TP | Proposed agricultural building for livestock and storage of fodder and implements.  | NRQ, The submission of details are not required for consideration. | 20-Aug-2020          | The Wolds   |

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| P/20/0633/2        | Householder                          | 3 The Willows<br>Burton On The Wolds<br>LE12 5AP                          | Erection of 1.5 storey extension to the side and rear of dwelling to include demolition of existing garage.   | GTDCON, Permission be granted subject to the following conditions: | 26-Aug-2020   | The Wolds       |
| P/20/1123/2        | Householder                          | 11 Hollytree Close<br>Hoton<br>LE12 5SE                                   | Erection of two storey side extension and single storey extension to other side and front of detached dwelling.   | GTDCON, Permission be granted subject to the following conditions: | 27-Aug-2020   | The Wolds       |
| P/20/0888/2        | Householder                          | 4 The Stockwell<br>Wymeswold<br>LE12 6UF                                  | Erection of retaining wall to front garden (Retrospective).   | GTDCON, Permission be granted subject to the following conditions: | 28-Aug-2020   | The Wolds       |
| P/20/1170/2        | Householder<br>Prior<br>Notification | 56 Pinewood Avenue<br>Thurmaston<br>Leicestershire<br>LE4 8HZ             | The erection of a single storey rear extension extending beyond the rear wall of the original house by 6m, with a maximum height of 3.85m, and height to the eaves of 3m. | PRINOT, Prior approval from the Council is not required            | 18-Aug-2020   | Thurmaston      |
| P/20/1233/2        | Equipment PD<br>Notification         | O/S 597 Melton Road<br>Thurmaston<br>Leicestershire<br>LE4 8EB            | Installation of 9m wooden pole (7.2m above ground). (broadband electronic communications apparatus)   | MNAAU, The application be agreed without conditions.               | 19-Aug-2020   | Thurmaston      |
| P/20/0614/2        | Full                                 | 75 Church Hill Road<br>Thurmaston<br>LE4 8DF                              | Proposed single storey front and side extensions to dwelling.   | GTDCON, Permission be granted subject to the following conditions: | 28-Aug-2020   | Thurmaston      |
| P/20/1201/2        | Householder                          | 53 Southdown Drive<br>Thurmaston<br>LE4 8HX                               | Proposed two storey extensions to rear and side, porch to the front and single storey extension to rear of dwelling. (Revised scheme - P/20/0700/2 refers).               | GTDCON, Permission be granted subject to the following conditions: | 07-Sep-2020   | Thurmaston      |
| P/20/0733/2        | Householder                          | The Laurels<br>Old Gate Road<br>Thrussington<br>Leicestershire<br>LE7 4TN | Two storey extension to rear of detached dwelling.  | GTDCON, Permission be granted subject to the following conditions: | 27-Aug-2020   | Wreake Villages |

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| P/20/1360/2               | Agricultural for Prior Approval | Land at Main Street<br>Ratcliffe on the Wreake<br>Leicestershire                     | resurfacing of existing site access track to agricultural unit.  | AGDR, Prior Approval of details are required in accordance with Part 6 of the Town and Country Planning (General Permitted Development ) Order 1995 (agricultural development) | 27-Aug-2020          | Wreake Villages |
| P/20/1222/2               | Advert Consent                  | Football Training Ground<br>Park Hill Lane<br>Seagrave<br>Leicestershire<br>LE12 7NG | Advertisement consent for signage to entrance to training centre | GTDCON, Permission be granted subject to the following conditions:   | 11-Sep-2020          | Wreake Villages |