

Item No. 1

Application Reference Number P/22/0136/2

Application Type:	Full	Date Valid:	25 th January 2022
Applicant:	Mr Stephens		
Proposal:	Retrospective planning application for covered outdoor seating area attached to the rear of the building.		
Location:	32 High Street Quorn Leicestershire LE12 8DT		
Parish:	Quorn	Ward:	Quorn and Mountsorrel Castle
Case Officer:	Jack Wilkins	Tel No:	07754256235

This item has been called in to Plans Committee at the request of Councillor Shepherd who has concerns about the proposal, further details are outlined later in this report.

Description of the Application

The application site relates to the White Hart Inn situated on the south western side of Quorn High Street. The host property falls within Quorn's development limits, as defined by ST/2, in the village's service centre. The surrounding area is mixed in use, with the grounds of the Quorndon Fox to the north and the residential units of 30 High Street adjoining the site, and Quorn Court. The application site's primary access is set to the front of the development, with parking provision to the side and rear.

The site falls within the Quorn Conservation Area, with two grade II listed buildings situated close to the site: The Quorndon Fox to the north and Quorn Court.

Proposal

Retrospective planning permission is sought for the erection of a partly covered outdoor seating area to the rear of the White Hart Inn. Works began to construct the proposed development on 01/04/20, with works completed by 24/07/20.

The structure as built measures 11.84m in length and 7.25m in width. The seating area's occupy either side of an uncovered walkway, with access to the rear of the public house. Above both seating areas are roofs with a slight monopitch, measuring 2.4m to the eaves and 2.76m to the ridge.

The external walls of the development have been constructed with unpainted timber horizontal planks and etched glazing with stainless steel clamps. The roof has been constructed using profiled aluminium insulated deck, coloured grey.

Two speakers are located to the rear of the structure, facing inwards towards the public house, these do not need planning permission.

Development Plan Policies

Charnwood Local Plan 2011-2028 Core Strategy

Policy CS2 – High Quality Design

Policy CS9- Town Centres and Shops

Policy CS14- Heritage

Borough of Charnwood Local Plan

Policy ST/2- Limits to Development

Policy EV/1 – Design

Policy TR/18 – Parking provision

Quorn Neighbourhood Plan

This was 'made' following a referendum in June 2019 and now forms part of the development plan. Relevant Policies are:-

Policy S1- Settlement Boundary

Policy S2- Design Standards

Policy ENV5- Sites of Historic Environmental Significance

Policy CF1- Retention of Particularly Valued Community Facilities

Policy CF2- New or Improved Community Facilities

Policy TT1- Traffic Management

Policy T2- Public Car Parking

Other material considerations

National Planning Policy Framework

The NPPF is a material consideration in planning decisions. The NPPF contains a presumption in favour of sustainable development.

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development and that there are 3 dimensions to this;

- 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 11 states that where the development plan is absent, silent or relevant policies are out-of-date, proposals should be granted permission unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the most important policies in this Framework taken as a whole; or
- Specific policies in this Framework indicate development should be restricted.

Section 12: Achieving well-designed places

Section 16: Conserving and Enhancing the Historic Environment

Planning Practice Guidance

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 guidance 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.

The National Design Guide

Seeks to encourage high quality design and sets out how this can be achieved.

Design Supplementary Planning Document (2020)

This document seeks to encourage, promote and inspire higher design standards in new development.

Leicestershire Highways Design Guidance

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.

Draft Charnwood Local Plan 2019-2036

This document was submitted for examination in December 2021. It sets out the Council's strategic and detailed policies for the plan period 2019-37. A number of hearing sessions have been held on some matters in June 2022. An adjournment of hearing sessions is underway to address the specific matter of Leicester's unmet need. Following the further consideration of this issue by the Council and the Planning Inspectorate it is expected that hearing sessions will resume later this year. At this stage the emerging Local Plan is given limited weight.

Quorn Conservation Area Character Appraisal

The purpose of this appraisal is to examine the historical development of the Conservation Area and to describe its present appearance in order to assess its special architectural and historic interest. The appraisal is to be used to inform the consideration of development proposals within the Area.

Relevant Planning History

P/11/1413/2- Erection of single storey extension for smoking shelter to rear of public house and insertion of french doors to rear, a canopy entrance to side, blocking up of a window to front and removal of canopy to front- **Granted Conditionally 03/08/11.**

P/22/0399/2- Proposed outdoor covered area to from WC provision, small pizza servery and outside bar with seating area to replace the two Marquees erected during the pandemic- **Withdrawn by Applicant.**

Responses of Consultees

Charnwood Borough Council Conservation Officer
No objections

Charnwood Borough Council Environmental Health
Two speakers are located to the rear of the application structure. They face the main building and are sufficiently sized to provide ambient background music within the structure. It is recommended that any consent be conditioned to ensure that use of the speaker provision to this application, does not cause amplified music to be detrimental to the amenity of nearby residential uses.

Councillor Shepherd (Call in to Plans Committee)
Reason for Call In- Issues of noise generation as a result of the proposed development.

Councillor Hunt-
In support of Cllr Shepherd's call in and objection.

Other Comments Received

11 letters received from nearby properties. The main points from these objections are as follows:

- Noise from live bands and DJs have had a detrimental impact to the lived experience of those living near the pub.
- If retrospective permission is granted it will increase the chances of noise disturbance.
- Loud music can be heard from Sanders Road, even through closed windows.
- Music should be limited to inside the building.
- Tranquility of gardens have been compromised.

Consideration of the Planning Issues

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

- Principle of development
- Design and the Impact on the Street Scene
- The Impact on Residential Amenity
- Highway Safety
- Impact on Heritage Assets

The Principle of the Development

The site has an existing use as a public house. This application is not seeking to establish a use and this application is to erect a structure in an existing beer garden. The key issues and planning considerations would therefore be the design, scale and positioning of any extensions and the resulting impact on the amenity of neighbouring properties, in relation to potential loss of daylight/sunlight, privacy and outlook, as well as the impact on the street scene and impact to the surrounding heritage assets.

Design and the Impact on the Character and Appearance of the Area

Policies within the saved Charnwood Local Plan and Core Strategy and Quorn Neighbourhood Plan, notably Policies CS2 and EV/1 and S2 and the NPPF and PPG advise that in order to meet the objectives of sustainable development new development should be well-designed and provide a safe built environment. Policies require that developments should function well and add to the overall quality of the area, that they are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and that they are sympathetic to local character, including the surrounding built environment and landscape setting.

The proposed development will be situated to the rear of the principle building, sitting flush with the north west elevation of the existing building, approximately 10.87m

from the northwest boundary. The structure remains subservient in height and mass when compared to the host building and is suitably positioned in relation to the existing built environment. The materials used, although different to the predominantly red brick appearance are sympathetic to the surrounding area and the structure will not dominate any existing buildings due to its modest height. Although visible from the street scene, the structure provides a clear contrast between the traditional and contemporary and therefore compliments the mixed built form of the area.

After reviewing the retrospective scheme submitted under the current application, it is considered that the design, scale, form and materials of the structure complies with Policies CS2 and EV/1, the Design SPD and Design Policy S2 of the Quorn Neighbourhood Plan.

The Impact on Residential Amenity

Core Strategy Policy CS2 and saved local plan policy EV/1 promote high quality design and layouts to preserve residential amenity of neighbouring properties and the future occupiers of new development. Further guidance on residential amenity is set out in the Design SPD

Significant concern from Councillors and Neighbours has been raised regarding the generation of noise, particularly on Friday and Saturday nights, from the outdoor areas of the Public House. In relation to this application, concern has been raised surrounding the structure's facilitation of the increase of this noise during these hours, from live music and DJs.

The use of the outside area for patrons of the public house is already established and is not a consideration of this application. Outdoor live music and DJ's could be accommodated within the beer garden without the structure without the need for planning permission due to the existing established use as a beer garden. There was a seating area present on the site where the structure is now erected prior to the 24th July 2020. This proposal simply provides cover for this area. It is acknowledged that the structure will allow the area to be used more frequently as it protects to some extent from the elements, however parasols and heaters could be brought onto the site without planning permission which could also extend the use of the outside space in the cooler months. No objections have been received from environmental health in regards to the structure.

Comments from Environmental Health have requested that a condition be placed on the application if approved to ensure the speaker provision does not cause amplified music to be detrimental to the amenity of nearby residents. The speakers within the structure do not require planning permission and therefore it is not reasonable to condition noise limits or other restrictions on the speakers.

Any noise issues as a result of the use of the outside area to the public house would be a matter for environmental health to investigate and cannot be controlled via this planning application.

The development is located centrally within the site, with the residential units within Quorn Court the only neighbouring properties in proximity to the development, to the south of the application site. With regard to the retrospective proposal's impact on privacy, dominance, sunlight and daylight upon neighbouring properties, the structure is considered to be of an appropriate size and positioning. It is therefore concluded that the structure does not detrimentally impact the residential amenity of neighbouring properties.

Given the above context, it is not considered that the proposal would have an adverse impact on neighbouring amenity. As such, the proposal accords with Core Strategy Policy CS2, saved local plan policy EV/1, the NPPF, the Design SPD and S2 of the Quorn Neighbourhood Plan.

Impact on Heritage Assets

Policy CS14 of the Core Strategy and ENV5 of the Quorn Neighbourhood Plan seeks to conserve or enhance the Borough and Quorn's historic assets, for their own value and community, environmental and economic contribution they make. Development proposals should protect heritage assets and their setting.

The NPPF requires local planning authorities to take into account the desirability of new development making a positive contribution to local character and distinctiveness and to seek positive improvements to the historic environment, advising that permission should be refused for development that fails to take the opportunities available for improving the character and quality of an area. Paragraph 199 of the NPPF specifically states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. In considering applications which affect the character, appearance or setting of a conservation area, listed building, or non-designated heritage asset, in accordance with paragraphs 194-206 of the NPPF, the local authority should have special regard to the desirability of preserving the asset by carefully considering the appropriateness of the proposal and details such as height, design and siting in order to preserve or enhance the character and appearance of the heritage asset.

The site falls within the Quorn Conservation Area. Approximately 60m to the north west of the site is the Grade II listed building The Quorndon Fox (46 High Street), with the Grade II listed Quorn Court (26 High Street) approximately 15-20m to the south west.

- **Quorn Conservation Area-** The townscape of the Quorn Conservation Area is described within the Quorn Conservation Area Character Appraisal as follows:
"The most important space in the Conservation Area is Quorn Cross which forms the focus for the village. Generally within the Area buildings are of two or three storey built close together to form continuous rows and close up to

the back of the pavement, with the roof ridge parallel to the street. There are exceptions which enhance the interest, such as the prominent gable of no. 18 High Street with its bull's head at the apex. From the crossroads going up High Street, the enclosure of the street appears tight even with the adjoining churchyard which is separated from it by a granite wall. It is part of the charm of the village that the houses of the High Street are so visible from the churchyard. The sense of enclosure changes where the High Street opens out at no. 26 set back on the left side and The Banks on the right. The opening out continues marked by the crest of the rise and the gardens of Rawlins and the Quorndon Fox. The tight enclosure of Meeting Street is created by a combination of the houses, often in terraced groups, with many gaps, along the back of the pavement, the granite walls forming the flood defences to the brook and the dense growth of trees overhanging the brook. Station Road is more open due to the broadness of much of the pavement, or small front gardens with low walls and a number of gaps in the continuous line of the houses where the open spaces are defined by rows of trees. The character of the churchyard is enhanced by the approach to it from the narrow streets of Nursery Lane and Church Lane, the latter of which is particularly enclosed. Footpaths crossing the churchyard provide valuable and well used routes between the streets. Two of the principal buildings in Quorn, namely Quorn Hall and Quorn House, both within the Conservation Area, play little part in the townscape of the Area. They are set within their own areas of parkland and are significant features of the village. The Conservation Area now forms an integral part of the modern village, encapsulating the sprawling historic settlement that existed at the turn of the 20th century. This historic core has been somewhat fragmented by several infill developments from late Victorian times to the present day and it is often difficult to identify well-defined boundaries to distinguish the historic core from the late 20th century developments. For example, along Leicester Road the original rows of cottages on the south side were demolished to improve the width of the main road. The redevelopment of a block of flats which face away from the street now makes an austere enclosure which detracts from the character of the Conservation Area. In addition, the broad grass verge between the flats and the roadway has little meaning."

- **The Quorndon Fox (46 High Street) (Grade II Listed Building)**- The Quorndon Fox's historical significance is described by Historic England as follows:
'Hotel, formerly house. Date 1742 and C20. Red brick and Swithland slate roof with brick right end stack. Cornice over first floor and eaves cornice. Three storeys of 5 sash windows 3/3 to 2nd floor and 6/6 to 1st floor. Thick glazing bars. Ground floor windows are early C20 renewals with mullions and transoms and large panes. All have painted stone cambered lintels with keystones and aprons. C20 central solid porch in similar style with fluted pilasters and entablature. C20 storey extension to left in similar style. On right end a C20 one storey extension with roof hipped to right. On beam in cellar the date 1742. Pevsner.'
The building sits within Quorn and its setting is within an urban area with highways and other buildings adjacent.

- **Quorn Court (26 High Street) (Grade II Listed Building)**- The Quorn Court's historical significance is described as follows:
'House, now subdivided into flats. Late C18. Red brick with bands, C19 stone modillion cornice and balustrade and Welsh slate roof to wing. Red brick and stone ornamental ridge and end projecting stacks. Three storeys of five sash windows: 3/3 on 2nd floor otherwise 6/6. Gauged brick lintels. Central section projects slightly. Here porch, with two Roman Doric columns, pilasters behind, and flat top with entablature and blocking course. Two leaved part glazed door. Extending from right end a two storey wing of five 6/6 sashes both floors.'
The building sits within Quorn and has its own large grassed area to the rear but is adjoined by highway and other buildings, therefore its setting is within an urban environment with a variety of buildings and uses.

Charnwood's Conservation Officer has been consulted in relation to this application and has raised no objections and states 'it is not considered that its form and scale adversely impacts on the character and appearance of Quorn Conservation Area or the setting to the adjacent listed building'.

The development uses high quality materials, particularly through the use of aluminium to create the roofing and will provide a clear contrast between the traditional red brick material of the principle building, which is a common feature within the street scene. Additionally, the scale of the structure is in keeping and subservient to the existing building. Due to its scale and siting it is not considered that the structure would impact the setting of either Quorn Court or Quorndon Fox.

Although the development is visible from the public realm, it would have a neutral impact upon the character and appearance of Quorn Conservation Area or the setting to the nearby listed buildings and therefore not cause harm to their significance and therefore complies with the provisions of CS14, ENV5 and chapter 16 of the NPPF.

Highway Safety

Paragraph 111 of the NPPF states that; new development should only be resisted on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe.

The retrospective development will not interfere with the existing and established parking provision for the site, which is situated to the side and rear of the structure. The access to the site remains as existing and has not been altered to accommodate the structure. As discussed the outdoor space was already in use for patrons of the public house and therefore this application would not result in an increase of users of the site and parking provision does not need to be revisited.

It is therefore considered that the development has no impact to highway safety and parking and accords with the National Planning Policy Framework, saved Policy TR/18 of the adopted Local Plan and Policies TT1 and T2 of the Quorn Neighbourhood Plan and Paragraph 111 of the NPPF .

Conclusion

Decisions on applications need to be made in accordance with the adopted development plan policies unless material considerations indicate otherwise.

The main issues to be considered in this case is the design of the structure, the impact on residential amenity, impact on heritage assets and highway safety.

The design of the constructed building is considered acceptable in design terms and would comply with Policies CS2, S2 and EV/1 and the Design SPD. The development does not form a dominating aspect of the street scene and the structure remains ancillary to the principle building in both design and use.

With regards to neighbouring amenity, the development complies with the provisions of policies CS2 and EV/1 along with the advice given in the Design SPD with regards to loss of light, privacy, outlook and noise. Whilst concerns have been raised with regards to the generation of adverse noise due to the use of the outside space and live events, this use is established and cannot be considered as part of this application.

The proposed development is considered to have a neutral impact upon the character, appearance and setting of the conservation area and nearby listed buildings and therefore not cause harm to their significance, in accordance with CS14, ENV5, the NPPF and Sections 66 and 72 of the Town and Country Planning Act 1990 (Listed Buildings and Conservation Areas).

The proposal will not interfere with existing parking provision, nor will it have any impact on the way in which vehicles enter or exit the site. The retrospective proposal therefore adheres to paragraph 111 of the NPPF.

Accordingly it is recommended having regard to the above considerations that planning permission is granted. As this is a retrospective application and the development is already complete there are no conditions required.

RECOMMENDATION:

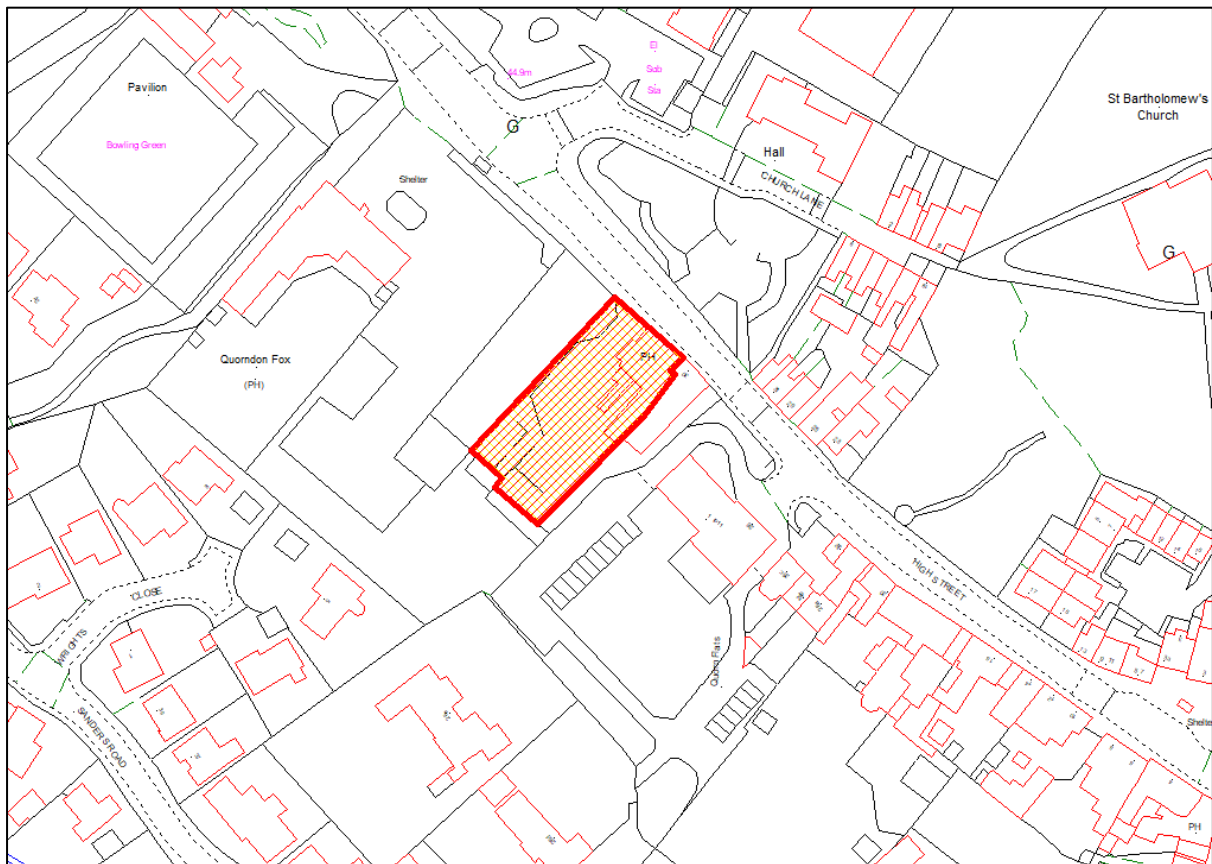
Grant Unconditionally

The following advice notes will be attached to a decision

1. DEVELOPMENT PLAN POLICIES RELEVANT TO THIS DECISION - Policies EV/1, H/17 and TR/18 of the Borough of Charnwood Local Plan (adopted 12th January 2004), CS2, CS9 and CS14 of the Core Strategy (adopted 9th November 2015) and S1, S2, ENV5, CF1, CF2, TT1 and T2 of the Quorn Neighbourhood Plan (adopted June 2019) have been considered in reaching a decision on this application. The proposed development complies with the requirements of these saved Local Plan policies and there are no

other material considerations which are of significant weight in reaching a decision on this application.

2. Planning permission has been granted for this development because the Council has determined that it is generally in accord with the terms of the above-mentioned policies and the Council's adopted Design Supplementary Planning Guidance.
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. The provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 have been taken into account in the assessment of this application.



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