

## Item No. 4

### Application Reference Number P/22/0423/2

<b>Application Type:</b>	Full	<b>Date Valid:</b>	08/03/2021
<b>Applicant:</b>	Everard Brewery Ltd		
<b>Proposal:</b>	Reconfiguration and part conversion of existing pub car park. 21 spaces total to be retained as parking and erection of 3 x new four bedroom dwellinghouses (Class C3) and associated parking.		
<b>Location:</b>	Greyhound Inn Melton Road Burton On The Wolds Leicestershire		
<b>Parish:</b>	Burton on the Wolds	<b>Ward:</b>	The Wolds
<b>Case Officer:</b>	Joe Davies	<b>Tel No:</b>	07714 846497

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## Background

This application has been called to Plans Committee by Councillor Jenny Bokor due to concerns regarding highway safety, lack of amenity space, decreased car parking provision for the existing public house and increased traffic once the access to the nearby Poultry Farm development has been established. A reconsultation has recently been undertaken due to the Site Location Plan having to be amended, following the receipt of other amended plans earlier in the year, although there have been no further amendments to the proposal itself.

## Description of the Application Site

The application site comprises a pub car park on the corner of Melton Road and St Philips Road in Burton-on-the-Wolds. To the south of the site is the dwelling at 7 St Phillips Road, to the east is the Greyhound Public House and to the north and east of the site is the public highway, with residential properties on the opposite side of this.

The previous planning history at the site since 2012 includes planning permission being granted for a hotel under the reference P/19/0016/2 and two separate planning permissions being granted for 3x dwellings under the reference P/15/2118/2 and P/12/1665/2.

## Description of the Proposal

This application seeks planning permission for the construction of three dwellings at the site. The application has been amended part way through the process to reduce one of the dwellings from a 4 bedroom dwelling to a 3 bedroom dwelling and to address concerns from the Local Highway Authority. This has resulted in parking provision for plot 3 being moved to the side of the dwelling and the access being from the pub car park, rather than the front of the site.

The dwelling at plot 1 would be detached and to the south of the site. At first floor level, this would accommodate 4 bedrooms, a bathroom, an en-suite and a landing and at ground floor level, it would accommodate a kitchen, a family room/dining room, a WC, a lounge, a utility room, a hall and a cupboard for coat storage. The dwelling would have a length of 12.14 metres and a width of 6.74 metres. It would have a pitched roof with a maximum height of approximately 8.62 metres and a height to the eaves of approximately 5 metres. The dwelling would be finished in Oast Russet red bricks, with grey slate gemini roof tiles and white UPVC windows. It would also have stone grey cills, lintels and corbels with anthracite eaves, soffits and fascias. Plot 1 would also have a detached garage to the side/rear, which would have a height to the eaves of approximately 2.55 metres and a height to the ridge of approximately 4 metres. This would be finished in materials to match the host dwelling. The garage would have a width of 3.365 metres and a length of 6.74 metres.

Plots 2 and 3 would be semi-detached and would be to the north of the site. Plot 2 would have the same internal layout as plot 1 and would be finished in the same materials. It would have a height to the eaves of approximately 9.06 metres and a height to the eaves of approximately 5 metres, however this would be set down from plot 1, due to the change in site levels. It would have a length of approximately 11.24 metres and a width of 6.74 metres. Plot 2 would also have a store in the rear garden. This would have pitched roof, with a maximum height of 4 metres and a height to the eaves of 2.5 metres. It would have a floor area of 4.49 metres x 3.365 metres.

Plot 3 would have a height to the eaves of approximately 5 metres and a height to the ridge of approximately 9 metres. However, this would be set down significantly from plots 1 and 2 due to the difference in levels. This dwelling would also be finished in materials to match plots 1 and 2 but would have a hipped roof rather than a pitched roof. This dwelling would be 9.8 metres in length and 6.1 metres in width. At first floor level this would accommodate 3 bedrooms, a bathroom and an en-suite and at ground floor level, it would accommodate a sitting/breakfast/dining room, a kitchen, a hall, a utility room and a WC. All of the dwellings would have gardens to the rear.

## **Development Plan Policies**

Charnwood Local Plan Core Strategy (adopted 9 November 2015)

Policy CS1 – Development Strategy – Sets out a growth hierarchy for the borough that sequentially guides development towards the most sustainable settlements. This identifies East Goscote as an “other” settlement, (4th in a hierarchy of 5) where small scale development within limits to development is supported.

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, and protect the amenity of people who live or work nearby.

Policy CS3 Strategic Housing Needs - supports an appropriate housing mix for the Borough and sets targets for affordable homes provision to meet need.

Policy CS13 Biodiversity and Geodiversity - seeks to conserve and enhance the natural environment and expects development proposals to consider and take account of the impacts on biodiversity and geodiversity, particularly with regard to recognised features.

Policy CS16 Sustainable Construction and Energy - supports sustainable design and construction techniques.

Policy CS17 Sustainable Travel – Seeks to increase sustainable travel patterns and ensure major development is aligned with this.

Policy CS18 – The Local and Strategic Road Network – Seeks to maximise the efficiency of the road network by delivering sustainable travel.

Policy CS24 Delivering Infrastructure – is concerned with ensuring development is served by essential infrastructure. As part of this it seeks to relate the type, amount and timing of infrastructure to the scale of development, viability and impact on the surrounding area.

Policy CS25 Presumption in favour of sustainable development - echoes the sentiments of the National Planning Policy Framework in terms of sustainable development.

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

Where they have not been superseded by Core Strategy policies previous Local Plan policies remain part of the development plan. In relation to this proposal the relevant ones are:

Policy ST/2 Limits to Development – this policy sets out limits to development for settlements within Charnwood.

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

Policy TR/18 Parking in New Development - This seeks to set the maximum standards by which development should provide for off street car parking.

#### The Wolds Neighbourhood Plan 2021

This document sets out specific policies for the villages of Burton on the Wolds, Prestwold, Cotes and Hoton and forms part of the development plan for the determination of planning applications in these villages. The relevant policies in this document are set out below:

Policy WV5: Water Management - This policy states that new development should take full account of flood risk, especially from rivers, groundwater and overland flow.

Policy WV11: Housing Provision - This policy states within Burton on the Wolds limits to development, permission for housing development will be supported.

Policy WV13: Brownfield Land - This policy supports the redevelopment of previously developed land within the settlement boundary of Burton on the Wolds provided it safeguards and improves the environment, whilst ensuring safe and healthy living conditions.

Policy WV14: Housing Mix - This policy states that housing proposals should demonstrate regard for the most recent assessment of housing requirements and should pay special attention to the needs of older households and the need for smaller homes.

Policy WV16: Design - This policy states that development proposals must demonstrate regard, where appropriate to the guidance in the Burton on the Wolds Village Design Statement.

### **Other material considerations**

#### The National Planning Policy Framework (NPPF 2021)

The NPPF sets out the Government's view of what sustainable development means. It is a material consideration in planning decisions and contains a presumption in favour of sustainable development. For planning decisions this means approving proposals that comply with an up to date development plan without delay. If the Development Plan is silent or policies most relevant to determining the application are out of date permission should be granted unless protective policies within the NPPF give a clear reason for refusal or any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole.

The NPPF policy guidance of particular relevance to this proposal includes:

#### Section 5: Delivering a sufficient supply of homes

The NPPF requires local planning authorities to significantly boost the supply of housing and provide five years' worth of housing against housing requirements (paragraph 74). Where this is not achieved policies for the supply of housing are rendered out of date and for decision-taking this means granting permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, (paragraph 11d). Paragraph 14 sets out what the status of neighbourhood plans is where the presumption at paragraph 11d applies. Local planning authorities should plan for a mix of housing and identify the size, type, tenure and range of housing that is required and set policies for meeting the need for affordable housing on site (paragraph 62).

## Section 8: Promoting healthy and safe communities

Planning decisions should promote a sense of community and deliver the social, recreational and cultural facilities and services that such a community needs.

## Section 9: Promoting Sustainable Transport

All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment and a Travel Plan (paragraph 113). Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable modes maximised (paragraph 105). Developments should be designed to give priority to pedestrian and cycle movements and create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians and within large scale developments, key facilities should be located within walking distance of most properties (paragraph 106). Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts would be severe (paragraph 111).

## Section 12: Requiring well-designed places.

The NPPF recognises that good design is a key aspect of sustainable development and that high quality and inclusive design should be planned for positively (paragraph 126).

Section 14: Meeting the challenge of climate change, flooding and coastal change  
New development should help reduce greenhouse gas emissions and energy efficiency improvements in buildings should be actively supported (paragraph 153). It should also take account of layout, landform, building orientation, massing and landscaping to minimise energy consumption (paragraph 157) and renewable and low carbon energy development should be maximised (paragraph 158).

## Planning Practice Guidance

This national document provides additional guidance to ensure the effective implementation of the planning policy set out in the National Planning Policy Framework. The guidance 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.

## National Design Guide

This is a document created by government which seeks to inspire higher standards of design quality in all new development.

## Leicestershire Housing and Economic Needs Assessment (HENA) – 2022

HENA provides an up to date evidence base of local housing needs including an objectively assessed housing need figure 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.

#### Housing Supplementary Planning Document (adopted May 2017 – updated December 2017)

The SPD provides guidance on affordable housing to support Core Strategy Policy CS3.

#### Design Supplementary Planning Document (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.

#### Leicestershire Highways Design Guide

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.

#### Burton on the Wolds Village Design Guide 2006

This document sets out residents' aspirations for design within the village, it emphasises the need to protect the natural environment and work with the natural landscape 'bowl' that the village lies within. Smaller scale developments are supported that complement existing styles and materials and avoid monotony.

#### Technical Housing Space Standards (2015):

Seeks to encourage minimum space standards for housing. This document has not been adopted for the purposes of Development Management at Charnwood Borough Council, but is expressed in Policy H3 of the draft local plan and it is a material consideration that has weight.

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

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.

### Equality Act 2010

Section 149 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality.

### The Draft Charnwood Local Plan 2021-37

This document is currently undergoing examination. This document sets out the Council's draft strategic and detailed policies for the plan period 2019-37. This document generally carries limited weight at the current time although aspects that have not been contested through the Examination process may attract moderate weight.

### **Consultation Responses**

The table below sets out the responses that have been received from consultees with regard to the application. Please note that these can be read in full on the Council's website [www.charnwood.gov.uk](http://www.charnwood.gov.uk)

### Burton-on-the-Wolds Parish Council

Object to the application and expressed their desire to speak at Plans Committee  
There objections were on the following grounds:

- The driveways to the properties are on a junction and on a bend. The driveway to Plot C is on a blind corner and this is not safe.
- Plot C has inadequate amenity space both to the front and to the rear. We believe that this is an overdevelopment of the site and that the size of the garden to Plot C must be increased.
- The reduction of car parking spaces for pub users will lead to on-street parking on adjacent roads to the detriment of existing residents.
- If minded to approve this application, we request that a condition be imposed restricting any ancillary activities such as bouncy castles, fairground rides, etc. to be placed on the grassed areas or elsewhere, and not on the car park;
- The Parish Council would like to see the layout for the reconfigured car park due to concerns that the reduced space to manoeuvre in the car park with a very steep gradient will lead to accidents and damage.

In addition, the Parish Council would like to make reference to planning application P/21/0615/2 Sturdee Poultry Farm, LE12 5AL. This recently approved application for 60 dwellings will lead to a huge increase in traffic on St Phillips Road with up to an additional 150 vehicles using this road resulting in a potential

increase of 450 vehicle movements on this section of road per day. This will have a major impact on the safety of this highway.

Leicestershire County Council Highways (Updated comments following revised drawings being received)

The Local Highway Authority advises:

- 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 information provided, the development therefore does not conflict with paragraph 111 of the National Planning Policy Framework (2021), subject to the conditions and/or planning obligations outlined in this report.
- The LHA previously raised highway safety concerns in respect of the proposed access arrangements to Plot 3 which was proposed to be taken from the corner radii on St Philips Road.
- The Applicant's revised proposal demonstrates that Plot 3 will utilise the existing adjacent pub vehicular access which will then lead to the driveway of Plot 3. The existing pub access remains unaltered by the revised proposal. The LHA considers the revised access arrangements acceptable.
- The LHA previously deemed the access arrangements to Plots 1 and 2 acceptable in accordance to Part 3 of the Leicestershire Highway Design Guide (LHDG).
- The LHA previously requested the Applicant reconsider the proposed parking provision at the site in accordance to Paragraph 3.151 of the LHDG. From the revised proposed site plan (drawing number P02 Revision A), the Applicant proposes parking provision for three spaces for Plot 1, two spaces for Plot 2 and two spaces for Plot 3.
- The LHA advise that for the number of bedrooms (four) proposed for Plot 1, three parking spaces is acceptable.
- From drawing number P07 Revision A which demonstrates the proposed floor plans for Plots 2 and 3, Plot 2 will have four bedrooms and Plot 3 will have three bedrooms. The proposed parking provision therefore demonstrates a shortfall of one parking space at Plot 2. The LHA considers that a shortfall of one car parking space would not result in a severe impact on the road network in context of Paragraph 111 of the National Planning Policy Framework (2021) and the LHA would therefore not seek to resist the application on this basis.

A number of suggested planning conditions are made in their response.



## **Other Comments Received**

### Neighbours

The following neighbours made comments in response to the application:

- 4 St Phillips Road
- 7 St Phillips Road
- 9 St Phillips Road
- 12 Souters Lane
- Melton Road (number unspecified)

These comments raised the following issues

The houses are being built on a blind corner of St Philips Road, where there have already been crashes;

- Cars would exit their driveways close to and on the bend and vehicles would park there;
- Increased parking on St Phillips Road, St Andrews Close and the surrounding roads due to the loss of pub car parking, which would result in traffic and parking issues as well as noise and disturbance;
- Too much development already happening in the village;
- Loss of daylight/ sunlight, particularly to 4 St Phillips Road;
- Overbearing impact;
- Loss of privacy
- Parking restrictions are needed in St Phillips Road;
- Single storey buildings would be preferable;
- Visitor parking is likely to cause issues;
- More large lorries through the village;
- The proposed dwellings would look out of character;
- Loss of view; and
- Disturbance from construction works.

### **Relevant Planning History**

- P/19/0016/2 - Erection of two storey hotel (Class C1) and provision of car parking – Granted conditionally (03/10/2019)
- P/15/2118/2 - Erection of 3 x 2-storey dwellings (Revised scheme P/12/1665/2). – Granted conditionally (17/06/2016)
- P/12/1665/2 - Erection of 3 dwellings – Granted conditionally (25/10/2012)
- P/08/1410/2 - Erection of a Pergola and 2 Jumbrellas, enclosed with a low reclaimed wall, creation of new disabled access and padola to rear. – Withdrawn (30/03/2009)
- P/04/1971/2 - Change of use of land to provide replacement public house car parking – Granted conditionally (02/08/2004)
- P04/1489/2 - Site for the erection of 32 dwellings – Granted conditionally (11/08/2004)
- P/91/1103/2 - Kitchen and lounge extension to rear of public house – Granted conditionally (27/06/1991)

- P/85/0069/2 – Alterations and extension of car park and formation of access to new estate road.- Granted conditionally (01/04/1985)
- P/83/2675/2 – Extension for toilets, food, preparation, beer store and internal alterations – Granted conditionally (08/12/1983)

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

The starting point for decision making on all planning applications is that they must be made in accordance with the adopted Development Plan unless material considerations indicate otherwise. The most relevant policies for the determination of this application are listed above and are contained within the relevant parts of the Development Plan for Charnwood, notably the Charnwood Local Plan 2011-2028 Core Strategy (2015), those “saved” policies within the Borough of Charnwood Local Plan 1991-2026 (2004) which have not been superseded by the Core Strategy and the Wolds Neighbourhood Plan 2021. While the Neighbourhood plan is under 2 years old, the core strategy and local plan are both over 5 years old; therefore, it is important to take account of changing circumstances affecting the area, or any relevant changes in national policy. With the exception of those policies which relate to the supply of housing in the local plan and core strategy, the relevant policies listed above are up to date and compliant with national advice. Accordingly, there is no reason to reduce the weight given to them.

As the Core strategy is now five years old the Authority must use the standard method to calculate a housing requirement. In light of this, the Authority cannot currently demonstrate a 5 year supply of housing land, and as a result, any policies which directly relate to the supply of housing are out of date and cannot be afforded full weight in accordance with para 11 (d) of the NPPF.

The shortfall in the supply of deliverable housing sites also means that, in accordance with the presumption in favour of sustainable development (at para 11(d) (ii)), any adverse impacts caused by the proposal must significantly and demonstrably outweigh its benefits, for planning permission to be refused. When Para 11 (d) is engaged it is necessary to consider if Para 14 is also engaged given there is a made Neighbourhood Plan for the area. This says the adverse impacts of allowing development that conflicts with the Neighbourhood Plan is likely to significantly and demonstrably outweigh the benefits of the proposal when all of four criteria are met. While The Wolds neighbourhood plan is under 2 years old, it does not have an identified housing requirement or contain an allocation to meet one and cannot therefore benefit from para 14. This issue has been settled in previous decisions made by the Plans Committee following legal advice.

The main issues are considered to be:

- The Principle of Development and housing mix
- Design and Layout
- Impact on residential amenity
- Highway Matters
- Flooding and drainage
- Ecology and Biodiversity

## **The Principle of the Development**

The application site is located within the settlement boundary of Burton-on-the-Wolds, as established under “saved” Policy ST/2 of the Borough of Charnwood Local Plan 1991-2026. Policy CS1 of the Charnwood Local Plan Core Strategy designates Burton-on-the-Wolds as an “other settlement”. This policy is generally supportive of development within settlements such as Burton on the Wolds. Policy WV11 of the Wolds Neighbourhood Plan is supportive of developments within the defined limits to development. The housing mix of the proposed development has also been amended to change plot 3 to a 3 bedroom dwelling. This was originally proposed to have 4 bedrooms. With this amendment, the proposal is also considered to be compliant with Policy WV14 in relation to housing mix. Policy WV13 also supports the provision of residential development on Brownfield land such as the application site. The principle of development in this location is therefore considered to be acceptable and in accordance with these policies.

In addition, given the current lack of a 5 year supply of housing land, with the Council currently having a supply of 3.04 years, the Local Plan and Core Strategy policies must be considered to be out of date and the presumption in favour of sustainable development requires an assessment to be made as to whether there are any adverse impacts of granting permission that would significantly or demonstrably outweigh the benefits of the proposal.

Within this assessment, it should be recognised the proposal would result in the provision of three additional dwellings, at a time when the Local Planning Authority cannot demonstrate a five-year supply of housing land. Therefore, the Council’s housing land supply position further supports the principle of residential development in this location.

The principle of the proposed development is therefore considered to be acceptable, subject to other material considerations and would be in accordance with Policy CS1 of the Core Strategy and Saved Policy ST/2 of the Borough of Charnwood Local Plan.

## **Design and Layout**

Policy CS2 seeks high quality design for new development and Policy WV16 requires development to give regard to the guidance in the Burton on the Wolds Village Design Statement. These policies generally accord with the National Planning Policy Framework and do not frustrate the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them.

The proposed development is considered to be of high quality design, using high quality materials, which would be conditioned and would be in keeping with the street scene, stepping down as the ground level also steps down.

The design of the proposed development is therefore considered acceptable, and it is therefore considered that the proposed development would comply with Policies CS2 of the Core Strategy, WV16 of the Wolds Neighbourhood Plan and EV/1 of the Local Plan and national guidance in terms of design.

## **Impact on Residential Amenity**

Policy CS2 of the Core strategy and EV/1 of the Local Plan seeks to protect the amenity of existing and future residents. The Charnwood Design SPD (2020) also provides spacing standards and guidance to ensure an adequate level of amenity.

The properties on the opposite side of St Phillips Road are considered to be a sufficient distance away that there would be no significant impact in relation to loss of light or overlooking that would justify a refusal of planning permission. They are located west of the site and as such the development is advantaged by this orientation, as sunlight would not be affected for the overwhelming majority of the day. No 4 lies to the north and presents its front elevation towards the site, exposed to public view for users of St Phillips Rd. No. 7 St Phillips Road lies immediately adjacent to the south of the site. In terms of the impact on this property, it has no side windows that serve habitable rooms that would be impacted upon by loss of light or overlooking and orientation means there will be no obstruction of sunlight. The nearest dwelling at plot 1 would comply with the 45 degree rule in relation to loss of light to this property. Furthermore, the only side windows proposed facing this property serve a bathroom and a landing and it is proposed to impose a planning condition to ensure these are obscure-glazed. With this condition in place, the impact of the proposed development in relation to neighbour amenity is considered to be acceptable.

In terms of the amenity of future occupiers, the proposed dwelling would comply with national space standards and there would be sufficient amenity space provided. There would also be sufficient light provided to all of the habitable rooms of the proposed dwelling. The impact on the amenity of future occupiers is therefore also considered to be acceptable.

The proposal would therefore, comply with the provisions of policies CS2 and EV/1 along with the guidance set out in the Design and Housing SPD's to protect residential amenity.

## **Highway Matters**

Policies CS2 and CS18 of the Core Strategy and TR/18 of the Local Plan seeks to ensure safe access is provided to new development and policy CS17 is concerned with encouraging sustainable transport patterns. These policies generally accord with the National Planning Policy Framework and do not directly prevent the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them

Paragraph 110 of the NPPF seeks to promote sustainable travel choices. Paragraph 111 of the NPPF seeks to ensure new development does not result in an unacceptable impact on highway safety, or a severe residual cumulative impact on the road network.

The proposed development would accommodate at least 3 parking spaces for plot 1, which is in accordance with the requirement for 4 bedroom properties, there would also be 2 spaces for plot 3, which would be in accordance with the requirement for 3 bedroom properties. Although plot 2 would only have 2 spaces, which is 1 short of the requirement for 4 bedroom dwellings. However, the Local Highway Authority have

confirmed that they don't believe that a refusal on highway safety grounds would be justified as a result of this shortfall.

In terms of access, the Local Highway Authority have confirmed that they have no objection to the accesses for plots 1 and 2, subject to a planning condition being imposed regarding the provision of visibility splays. Although the LHA initially raised concerns regarding the access to plot 3, they have confirmed that they have no objection to the revised access.

Furthermore, the Local Highway Authority has also confirmed that 20 parking spaces are required for the existing public house as well as space for loading. The proposed development retains 21 spaces at the pub as well as sufficient space. The impact of the proposed development on the parking provision for the existing public house is therefore also considered to be acceptable.

It is therefore recommended that the planning conditions suggested by the Highway Authority are included as part of any planning permission. With these conditions in place, the impact of the proposed development on highway safety and parking provision would be acceptable and in accordance with policy.

### **Flooding and Drainage**

The site lies within Flood Zone 1 and currently comprises hardstanding, there would therefore be no significant impact in relation to flooding as a result of the proposed development and the impact of the proposed development on flooding is therefore considered to be acceptable and compliant with policy CS16 of the Core Strategy and the Framework.

### **Trees**

There are no trees at the site that would be lost or impacted upon by the proposed development and the impact on trees is therefore considered to be acceptable.

### **Ecology and Biodiversity**

Policy CS13 seeks to conserve and enhance the natural environment with regard to biodiversity and ecological habitats

There are not considered to be any ecological constraints at the site, with the site currently comprising an area of hardstanding used as a car park and there would therefore be no net biodiversity loss. The proposed development is therefore considered to be in compliance with policy CS13 of the Charnwood Local Plan Core Strategy.

### **Planning Balance and Conclusion**

The proposed development would comply with planning policy in principle and furthermore, as there is currently an insufficient supply of deliverable housing sites, this application would have to be determined on the basis of para 11d of the presumption in favour of sustainable development in the NPPF. This means that there

must be adverse impacts which would significantly and demonstrably outweigh the benefits for planning permission to be refused.

In this case the development would provide three dwellings to mitigate against this identified housing shortfall, on a site within the settlement boundary of a settlement where development is generally supported under Policy CS1 of the Core Strategy and WV11 of the Neighbourhood Plan. As a result, it is considered that the principle of the development is acceptable.

The proposed development is also considered to be of an acceptable design, there are no technical constraints relating to highways, or flooding and there would be no net loss of biodiversity. It is considered that there would also be no harm to neighbour amenity or the residential amenity of future occupiers of the development. The impact of the proposed development is therefore considered to be acceptable and it is recommended that planning permission should be granted, subject to planning conditions.

### **RECOMMENDATION:**

Planning permission be granted subject to the following conditions:

1.	<p>The development, hereby permitted, shall be begun not later than 3 years from the date of this permission.</p> <p>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.</p>
2.	<p>Only those materials specified in the application shall be used in carrying out the development hereby permitted.</p> <p>REASON: To ensure the satisfactory appearance of the completed development, in accordance with Policy CS2 of the Charnwood Local Plan Core Strategy 2016 and the Council's Design SPD 2020.</p>
3.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <ul style="list-style-type: none"> <li>- Location Plan – 1536 P01;</li> <li>- Proposed Site Plan – 1536 P02 A;</li> <li>- Plot 1 Floor Plans – 1536 P03 A;</li> <li>- Plot 1 Elevations – 1536 P04 A;</li> <li>- Proposed Plot 1 View – 1536 P05 A;</li> <li>- Plot 1 Garage – 1536 P06 A;</li> <li>- Plot 2 &amp; 3 Floor Plans – 1536 P07A;</li> <li>- Plot 2 &amp; 3 Elevations – 1536 P08 A;</li> <li>- Plot 2 Street View – 1536 P09 A;</li> <li>- Plot 2 Store – 1536 P10 A;</li> <li>- Plot 3 Street View – 1536 P11 A;</li> <li>- Elevation Materials – 1536 P12 A;</li> <li>- Proposed Visual Splays – 1536 P13 A;</li> <li>- Proposed Site Views – 1536 P14 A;</li> <li>- Proposed Site Views 2 – 1536 P15 A; and</li> </ul>

	<p>- Proposed Site Views 3 – 1536 P16 A.</p> <p>REASON: For the avoidance of doubt and to define the terms of the permission</p>
4.	<p>No part of the development hereby permitted shall be occupied until such time as 1.0 metre by 1.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway and, once provided, shall be so maintained in perpetuity.</p> <p>REASON: In the interests of pedestrian safety and in accordance with the National Planning Policy Framework (2021).</p>
5.	<p>No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Staniforth Architects drawing number P02 Revision A have been implemented in full.</p> <p>REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2021).</p>
6.	<p>The development hereby permitted shall not be occupied until such time as the parking facilities have been implemented in accordance with Staniforth drawing number P02 Revision A. Thereafter the onsite parking provision shall be so maintained in perpetuity.</p> <p>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 (2021).</p>
7.	<p>The first floor, south facing, side windows to plot 1, shown serving a landing and bathroom shall be obscure-glazed before occupation to Pilkington level 3 or equivalent and shall be non-opening below 1.7 metres above finished floor level. The obscure glazed windows shall be retained as such in perpetuity.</p> <p>REASON: In the interests of neighbour amenity in accordance with Policy CS2 of the Charnwood Local Plan Core Strategy 2015 and the Council's Design Supplementary Planning Document 2020.</p>

Informative Note(s):

1. Planning Permission has been granted for this development because the Council has determined that it is generally in accordance with the terms of Development Plan policies CS1, CS2, CS3, CS11, CS13, CS14, CS16, CS24, CS25 of the Charnwood Local Plan Core Strategy 2015, , ST/2, CT/1, CT/2, EV/1, TR/18 of the Borough of Charnwood Local Plan 2004 and WV11, WV13, WV14 and WV16 of the Wolds Neighbourhood Plan 2021 because the benefits of the proposal are not significantly and demonstrably outweighed by the harm

identified. There are no other issues arising that would indicate that planning permission should be refused.

2. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>
3. 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.
4. The Applicant is requested to note that this proposal may require separate consent under the Building Regulations and that no works should be undertaken until all necessary consents have been obtained. Advice on the requirements of the Building Regulations can be obtained from the Building Control Section, Charnwood Borough Council (Tel. 01509 634924 or 01509 634757). As such please be aware that complying with building regulations does not mean that the planning conditions attached to this permission have been discharged and vice versa.





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