

Item No. 5

Application Reference Number P/22/0694/2

Application Type:	Full	Date Valid:	08/04/2022
Applicant:	Mr Tristan John		
Proposal:	Change of use of residential dwelling to soft play cafe at rear with function room to front, creation of 1-bed apartment on first floor together with single storey extensions to side and rear relating to cafe use; alterations to front elevation, including addition of fascia sign, and changes to fenestration on building (Revisions to P/21/0579/2).		
Location:	28/30 High Street Quorn Leicestershire LE12 8DT		
Parish:	Quorn	Ward:	Quorn and Mountsorrel
Case Officer:	Wendy Lewis	Tel No:	07864 603389

This application has been referred to the Plans Committee in accordance with the Council's Scheme of Delegation following a 'Call-in' request from Ward Councillor Shepherd. The concerns raised by Councillor Shepherd relate to:

1. Traffic issues/highway safety
2. Impact on residential amenity of neighbours
3. Permanent noise issues if granted
4. Concern about contamination
5. Possible odour issues if granted
6. Loss of privacy
7. Loss of daylight/sunlight
8. Design

Background

Application P/21/0579/2 was granted planning permission for the soft play café use and a two storey 2 bedroom residential unit (Plans Committee Report 17th June 2021 refers).

This latest proposal relates to amendments to the earlier approved scheme, namely:

- The addition of a function room to the soft play café
- Elevational changes to the front and side (western) elevations
- Residential use of the first floor only (1 bedroom)

The fact that the site has extant planning permission for the soft play café use is significant, as this is the fall-back position in the consideration of this application now before the Committee.

Description of the Site

The application site is located on the south-western side of High Street, Quorn. The site is a narrow plot and contains a 1.5 storey semi-detached building that is currently occupied as a 2 bedroom dwelling and a narrow length of garden the side (south-east) and rear (south-west). The building sits adjacent to the back of the pavement with bow windows and dormer windows facing High Street. The site has dropped kerb access to the side. The pedestrian entrance to the property is to the side (west).

The existing building is 1.5 storey to the front and has a single storey extension to the rear (an area with a ridged roof and has a depth of 14m and then an attached workshop building that is 4m in length). This rear section includes living accommodation that is adjoined to the rear by a double garage and workshop. To the side (south-east) is a small existing porch with a gable roof. The property has a paved courtyard to the rear with a depth extending 28m beyond the rear of the existing building.

Surrounding land uses are as follows:

Boundary	Adjacent land use
Front (north-east)	The front of the building faces onto High Street. On the opposite side of the street is The Banks, a landscaped open space. To the east of The Banks are a row of dwellings (a row of terraces at 29-33 High Street), which are 2-storey dwellings which have direct frontage onto the street.
Side (north-west)	The White Hart PH building and car park adjoins the 28-30 High Street. The PH currently has 2 marquees and a horse box within the rear part of the site and is adjoined to the north by an area of car parking to the pub. The boundary is marked by a close-boarded fence above a low wall.
Rear (south-west)	The rear of the site backs onto the grounds of the Quorndon Fox PH which also adjoins the rearmost part of the boundary of Quorn Court. To the rear the boundary is marked by a brick wall.
Side (south-east)	Quorn Court is a detached building containing 11 apartments. The building is Grade II listed. An access road runs around the site separating the building at Quorn Court from the side boundary of the application site. The front elevation of Quorn Court is set back from the road frontage and level with the rear part of the application building. Quorn Court includes a detached garage building (9 garages) to the rear and a communal garden/patio area. The ground levels at Quorn Court are noticeably higher than that of the application site at 28/30 High Street, Quorn. The side boundary with Quorn Court is marked by a mix of fencing and brick wall. The side (west) boundary is marked towards the front by a low wall above which a 2m fence has been placed which is currently the subject of Enforcement action. A fence extends along the boundary for 25m before a brick wall runs the remainder of the site boundary. The wall measures a minimum of 1.2m high at the application site but 2.2m on the Quorn Court side.

The site has previously had a mixed residential and commercial use. The property was originally a Doctor's surgery. The building on the site is separated from the mutual side boundary with Quorn Court by an area of cobbles that has a maximum width of 4.7m. The rear of the building has a minimum width of 3m from the side boundary. There is currently 1 car parking space to the side.

The site is situated within the Limits to Development of Quorn and within Quorn Conservation Area and the Archaeological Alert Zone. Quorn Court to the south-east is a Grade II Listed Building.

Description of the Application

Planning permission was granted in June 2021 for the change of use of the property from residential dwelling to a property with separate soft play cafe at the rear and 2 bedroom dwelling to the front. The permission included single storey extensions to the side and rear relating to the café/soft play use (planning application P/21/0579/2 refers).

The current proposal seeks an alternative to that extant permission. The soft play café area is still to be located to the rear, with the ground floor storage/office/kitchen/toilet positions amended (resulting in external alterations to the side elevation) and an activity room/community room is now proposed to the ground front room facing High Street. The garden area is proposed to be a play area; the same as previously approved under P/21/0579/2. The first floor is now proposed to be a separate one bedroom flat, accessed from a new door from High Street. The internal layout changes have resulted in changes to the proposed front elevation, which is proposed to include two large windows and a door. The scale/footprint of the rear and side extensions proposed are the same as those approved under P/21/0579/2.

The proposed operating hours are 9am and 6pm Monday to Friday, 9am to 6pm Saturdays, with no opening on Sundays. This is the different to the approved development P/21/0579/2 which had approved opening hours of 9am to 5pm Tuesday to Friday and 9am to 6pm Saturday and Sunday. The café intends to serve pre-made / pre-baked goods bought in (not prepared on site). Staffing levels are likely to involve 7 or 8 adults in total on rotation with 3-4 members of staff present per shift.

A Good Neighbour Policy was submitted by the applicant with the previous application and the current application. The revised document sets out more detail of the proposed use with a particular emphasis on how noise and litter will be kept to a minimum, to minimise disturbance to neighbours. Outside children's play equipment will largely consist of interactive and skill-based games. Whilst some form of traditional external play equipment is to be available, the intention is to minimise the size to minimise children engaging in noisy play. Examples include large chalk boards, puzzles, magnetic maze games, activity boards, motor skills boards and other such play panels.

The approved application included the erection of an acoustic fence along the western boundary of the site (for the first 11m of the site at 0.6m height and then becoming an acoustic fence 2.1m high, reducing to 1.4m high to the rear of the site). The current application proposes to revise these details to a 1m high timber fence for the first 6m,

retaining the 2.1m high acoustic fence which will reduce in height to 1.4m high to the rear of the site, as previously approved.

A wall and planter are proposed at the front of the site that will be parallel with High Street that will prevent vehicles entering onto the site.

The revised proposal now includes a function room in the front part of the ground floor. The applicant has described this as follows:

“The small activity room will be utilised on an irregular basis for community-based events or occasional activities only. The agreed existing café area is not large enough to allow occasional seasonal activities without disrupting standard day to day café use and as such for us to offer a whole host of community-based meetings, a separate, intended activity room is required utilised for this purpose only. The proposed activity room will not operate in the same way as the main café seating area and will be used on an infrequent basis for such occurrences as follows; baby yoga, OAP coffee mornings, seasonal based events, sensory play, donation drives, music class, book swap.”

“Our vision for the café with soft play was always to provide a few additional, smaller services or activities to the local area alongside the general day to day use, and with the inclusion of a purpose-built small function room designed specifically to cater for small activities will no doubt be a welcomed addition within our community. The main café business will operate as originally intended - a small, family friendly coffee shop with a small soft play section.... The small function room is not large enough to hold big events and by default will have a comfortable capacity of circa 16 people or less, mainly being used for small groups of up to 10 on an infrequent basis.”

The proposed function room measures approx. 24 sq m and is to be accessed through the same entrance as the café use at the rear and will not therefore be through the new door to the side of the building nearest to Quorn Court. The applicant states that the room will not be available for hire.

At first floor level the one-bedroom apartment retains the same elevational treatment to the existing approved proposal.

The documents submitted with the application comprise:

- Application Form rec'd 8th April 2022
- Drg ref 881-001 Existing floor plans, site block and OS plans rec'd 8th April 2022
- Drg ref 881/002 Existing elevations rec'd 8th April 2022
- Drg ref 881/003 rev T Proposed floor plans rec'd 15th August 2022
- Drg ref 881/004 rev R Proposed elevations rec'd 21st June 2022
- Drg ref 881-005 rev C Location Plan, Block Plan, Site Plan rec'd 7th October 2022
- Drg ref 881-006 rev A Proposed site plan and site sections rec'd 7th October 2022
- Good Neighbour Policy dated 10th March 2021, rec'd 8th April 2022
- Contaminated Land Survey – Stubton Properties Ltd Jan 2021 rec'd 8th April 2022
- Tree survey and Arboricultural Impact Assessment – AT2 Tree Surveys 18th Jan 2021 rec'd 8th April 2022
- Tree Protection Plan Rev A rec'd 8th April 2022

- Noise impact assessment – Acute Acoustics Ltd dated March 2021 rec'd 8th April 2022 and Technical Note dated 11th May 2021
- Owner and Operator Statement for the inclusion of a "Function room" (revised) dated 10th June 2022 rec'd 21st June 2022
- Design, Access and Heritage Statement rec'd 8th April 2022.

Development Plan Policies

Charnwood Local Plan Core Strategy (adopted 9 November 2015)

The following policies are relevant to this application:

Policy CS1 – Development Strategy - sets out the development strategy for the Borough and places emphasis on Loughborough and Shepshed for delivering much of the Borough's growth in the plan period. Quorn is identified as a Service Centre because of its good access to services and facilities, employment and educational establishments. Approximately 3,000 homes are expected to be provided within Service Centres within the plan period.

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 – 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 CS9 - Town Centres and Shops – Encourages town centre development in local centres such as Quorn which supports vitality and viability where it is physically integrated into the defined centre and of an appropriate scale for that centre.

Policy CS14 – Heritage - states that we will conserve and enhance historic assets for their own value and requires that proposals protect heritage assets and their settings.

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)

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 policies are:

Policy ST/2 – Limits to Development seeks to restrict development to within the existing settlement limits to ensure that development needs can be met without harm to the countryside or other rural interests. The Limits to Development distinguish between areas of development and development potential, and areas of restraint.

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

Quorn Neighbourhood Plan (made 6 June 2019, referendum 3 May 2019)

This document has now been ‘made’ and its policies form part of the Development Plan. Relevant policies comprise:

Policy S1 Settlement Boundary - states that development proposals within the Neighbourhood Plan area will be supported on sites wholly within the settlement boundary where the proposal fully complies with all of the policies in the Neighbourhood Plan.

Policy S2 Design Guidance - states that new development should reflect the guidance of the Quorn Village Design Statement (Appendix E) and that new development will be supported where it respects the character or appearance of the neighbourhood area and, where appropriate, incorporates vernacular building materials.

Policy H3 Housing Mix – states that any new housing development should provide a mixture of house types specifically to meet identified local needs in Quorn. Support will be given to dwellings of 1, 2, or 3 bedrooms and to homes suitable for older people and those with restricted mobility. Dwellings with 4+ bedrooms may be included in the mix of dwellings and where they are included, they should be a clear minority to the number of smaller homes.

Policy H5 Windfall Development - sets out how windfall developments should be considered and states that small residential development proposals within the Settlement Boundary will be supported where they are well-designed, and comply with the relevant requirements set out in other policies in the Development Plan and where such development meets all of five criteria

Policy ENV4 Trees, Woodland and Hedges - states that developments which result in unacceptable adverse impact on trees, woodland and hedges of environmental (biodiversity, historical, arboricultural) significance or of landscape or amenity value will not be supported.

Policy ENV5 Sites of Historic Environment Significance – Identifies sites of historic environment significance on Figure 11. Development that would have a detrimental impact on a site of historic environment significance will not be supported, unless the benefit outweighs the loss.

Policy CF2 New or Improved Community Facilities – Supports proposals that improve the range and/or quality of community facilities, where 4 criteria are met a) to d).

Policy E1 Employment and Business Development – Supports proposals for employment related development where it can be demonstrated that the development will not generate unacceptable disturbance, noise, fumes, smell or traffic; has appropriate off-road parking; that will respect and be compatible with local character and surrounding uses and will protect residential amenity.

Policy TT1 Traffic Management - Development proposals that would result in an increase in vehicular traffic on the rural highway network should meet 4 criteria.

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).

Section 16: Conserving and enhancing the historic environment

Conservation of heritage assets should be afforded great weight. Harm to, or loss of, the significance of a designated heritage asset including by development within its setting, should require clear and convincing justification and be weighed against public benefits.

S66 (1) Planning (Listed Buildings and Conservation Areas) Act 1990

The Planning (Listed Buildings and Conservation Areas) Act 1990 provides a statutory duty for local authorities to have special regard to Listed Buildings and Conservation Areas. Section 66 (1) of the Act refers to the desirability of preserving Listed Buildings, the setting of Listed Buildings and the features of special architectural and historic interest which it possesses whilst Section 72(1) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

DLUHC Technical Housing Standards – nationally described space standard (March 2015)

These standards deal with internal spaces within new dwellings and sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling heights. The standard sets out the minimum space requirements dependent on different combinations of single and double/twin bedrooms. These standards are not yet embodied within any Charnwood development plan policies and are regarded as guidance at present. However, the standards have some weight in the planning balance.

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.

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.

National Planning Practice Guidance (PPG)

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.

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.

Quorn Village Design Statement (2008)

This document seeks to record the natural and built features of Quorn that are valued by its residents with the purpose of safeguarding and enhancing the village with appropriate and contextually sympathetic development. This document states that new development should respect the diverse origins of the village and avoid uniformity. Variety and innovative contemporary design is encouraged subject to harmonizing with the scale and character of the immediate locality and the village as a whole. The document seeks to ensure that future developments preserve the essential character of Quorn and to suggest opportunities for appropriate restoration or enhancement. The aim of the document is to safeguard the integrity and independence of the village so that succeeding generations will continue to enjoy, understand and defend its historic foundation.

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.

Leicester and 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 the most up to date analysis of demographic changes.

Housing Supplementary Planning Document (July 2018)

This document sets out the Council's goals for the delivery of housing and how it will deal with applications for new development. The document seeks to provide clarity for those who live in the Borough and for the developers who deliver the new homes. It includes guidance on affordable housing, houses in multiple occupation and purpose built and campus student accommodation. The SPD will be a material consideration in the determination of planning applications in the Borough. It should be noted that the SPD cannot and does not propose new policy; rather it explains how Policies CS3, CS4, H/12 and CS23 will be used.

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.

The Charnwood Local Plan: Pre-submission Draft (July 2021) 2021-37

The emerging Local Plan was submitted for examination in December 2021. It sets out the Council's strategic and detailed policies for the plan period 2021-37. 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 housing need. Following the further consideration of this issue by the Council and the Planning Inspectorate it is expected that hearing sessions will resume in October 2022. At this stage the emerging Local Plan is given limited weight.

Relevant Planning History

Ref.	Description	Decision & Date
P/76/1015/2	Garage and workshop	Refused 05.08.1976
P/79/0120/2	Change of use from doctor's surgery to retail arts/ crafts shop	Refused 08.03.1979
P/79/2078/2	Conversion of existing commercial/ retail premises into self-contained dwelling	Conditional Approval 11.10.1979
P/17/2355/2	Removal of Catkin bush (Conservation Area Notice)	A Tree Preservation Order is not considered appropriate 22.12.2017
P/20/1938/2	Change of use from residential dwelling to soft play cafe at rear and duplex apartment to front together with single storey extensions to side and rear relating to cafe use.	Withdrawn 09.03.2021
P/21/0579/2	Change of use from residential dwelling to soft play cafe at rear and duplex apartment to front together with single storey extensions to side and rear relating to cafe use. (Resubmission of withdrawn app P/20/1938/2)	Conditional Approval 22.06.2021

Responses of Statutory Consultees

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.

Consultee	Response
Environmental Protection - CBC	<p>Concerns were originally raised regarding the use of the function room/community room and potential noise impacts, as no details were provided of the proposed hours of operation, need for external plant or use of amplified music for example.</p> <p>Following further clarification of the proposed function room as a room incidental to the main café use (and not available for private hire other than those using the café), the Environmental Health team confirmed on 28th July 2022 that the coming and goings of between 10 to 16 additional people would not have any significant impact in terms of noise nuisance or justify further conditions in addition to those limiting hours of operation to daytime only, restrict type of use and the restriction of additional external plant.</p>
Leicestershire County Council, (LCC) - Highways	<p>The Local Highway Authority advise that the residual cumulative impacts of the development could be severe in accordance with the National Planning Policy Framework (2021) and they advise the Local Planning Authority to consider refusal on transport/highway grounds because the proposals could result in on-street parking in a location where parking is restricted, which could be detrimental to highway safety and hence contrary to paragraphs 110 and 111 of the National Planning Policy Framework (2021).</p>
Ward Councillor Shepherd	<p>Has called the application to Plans Committee, the reasons include:</p> <ul style="list-style-type: none"> • Traffic issues/highway safety • Impact on residential amenity of neighbours • Permanent noise issues if granted • Concern about contamination • Possible odour issues if granted • Loss of privacy • Loss of daylight/sunlight • Design.
Quorn Parish Council	<p>Quorn Parish Council raised objections to this plan in its original form. The lack of on-site parking will exacerbate the parking problem in Quorn as well as increasing highway safety dangers near the site itself.</p>

Other Comments Received

18 letters of objection have been received from 10 properties. Full copies of representations are available to view on the Council's website; however, the objections have been summarised below:

Principle	<ul style="list-style-type: none"> ➤ Reduction from 2 bed to 1 bed dwelling ➤ There are already cafes in Quorn ➤ Quorn already has a number of function rooms i.e. Village Hall, Church Rooms, Old School, The Manor and this would be in competition with them ➤ No mention of staffing to run the community centre.
Highways	<ul style="list-style-type: none"> ➤ Highways safety in the locality (heavy use of cars, buses, cyclists and pedestrians). ➤ Parking/drop-off - no safe access for disabled people or deliveries and is on double yellow lines, will cause disruption and traffic dangers along an already busy road ➤ Local parking facilities are full to capacity ➤ No parking for the extra people for the function room on top of the 60+ already planned for. ➤ Proposed wall to the front of the site only leave 1.5m opening - too narrow and will cause a danger to pedestrians and patrons. ➤ Front door onto a very narrow pavement in a busy part of the village. ➤ Application is being recommended for approval despite the advice of the Highway Authority ➤ There is no barrier planned to keep children safe to the front ➤ Access to the Function Room is only through the play area entrance and will cause queues onto the very narrow pavement area on the High Street.
Amenity	<ul style="list-style-type: none"> ➤ Noise and disturbance to local residents ➤ Noise assessment bears no relation to the realities of the site at Quorn Court, especially in relation to garden and seating areas ➤ Noise and contamination reports submitted with the application are not impartial ➤ Noise from older kids at weekends and during school holidays. ➤ Lack of through ventilation ➤ Odours from on-site cooking and use of function room. ➤ Noise from large industrial air conditioning units close to neighbouring flat ➤ Noise from the garden will affect all Quorn Court residents. ➤ The opening hours for the approved use do not recognise noise disturbance made prior to opening and closing. ➤ Lower fence will allow views into the neighbouring flat.

	<ul style="list-style-type: none"> ➤ Loss of light as a result of proposed increased height of building and the proposed acoustic fence. ➤ Contamination issues as the site had an engineering use in the past. ➤ Fence on western boundary is owned by Quorn Court
Heritage impacts	<ul style="list-style-type: none"> ➤ The addition of the function room will result in a significant overbearing business scheme in a Conservation Area and the Grade II Listed Building next door (Quorn Court). ➤ Concern about the loss of cobbles and impact on appearance of Conservation Area
Design	<ul style="list-style-type: none"> ➤ The frontage of a fine old building will be destroyed affecting the appearance of High Street, replacing wonderful bay windows with a flat window and door.
Application process	<ul style="list-style-type: none"> ➤ A neighbour has raised concerns regarding consideration of the previous application P/21/0579/2 stating issues of contamination and noise were not adequately or independently assessed, and concerns regarding proximity of wildlife, car parking and loading were ignored.

Consideration of the Planning Issues

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

- Principle of Development
- Design and impact on the character and appearance of the street scene and the local area
- Impact on Residential Amenity
- Impact on Heritage assets
- Impact on Highway Safety
- Impact on trees
- Other matters

Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications must be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan policies relevant to this application have been detailed above. Although the relevant policies in the Core Strategy and the saved Local Plan are in plans that are over 5 years old they are generally compliant with the advice within the National Planning Policy Framework and there is no reason to reduce the weight given to them in this instance.

However the housing supply policies of the Development Plan are out of date as the Core Strategy is more than five years old and the Local Planning Authority can currently demonstrate only 3.04 years housing land supply (at 31/3/22) . However, the presumption in favour of sustainable development (NPPF paragraph 11d) is not considered to apply as the housing policies are not the most important policies for determining this application and

although the application involves the provision of housing, the application site currently contains a dwelling and a dwelling is proposed to be retained on site so there is no net change.

Quorn is designated within the settlement hierarchy set out in Policy CS1 of the Charnwood Core Strategy as a 'service centre' where the Council will plan positively through providing new homes and employment land, safeguarding services and facilities and responding positively to sustainable development.

The Quorn Neighbourhood Plan echoes the Core Strategy with the vision for the village being one that continues to be an attractive, thriving and sustainable place for people to live and work, while keeping its character as a beautiful rural village of historic significance. Policies S1 and H5 support development within the settlement boundary where the proposal fully complies with the policies in the Neighbourhood Plan. The site lies to the south of High Street within the settlement boundary of the village defined by policy S1 of the Neighbourhood Plan and is considered to be a sustainable location for new development.

Policy H3 of the Neighbourhood Plan supports the provision of 1, 2 and 3 bedroom homes. The proposal includes a 1 bed flat and is considered to comply with this policy.

Policy CF2 of the Neighbourhood Plan states that proposals that improve the quality and/or range of community facilities will be supported where 4 criteria are met. The criteria are as follows:

- a) Will not result in unacceptable traffic movements or other disturbance to residential properties;
- b) Will not result in unacceptable traffic movements that generate increased levels of noise, fumes, smell or other harmful disturbance to residential properties including the need for additional parking which cannot be catered for within the curtilage of the property;
- c) Is of a scale appropriate to the needs of the locality and conveniently accessible for residents of the village wishing to walk or cycle; and
- d) Takes into account the needs of people with disabilities.

The café/soft play use has already been approved, this application seeks to add a function room to the front (ancillary to the café/soft play use) and provide a one bed flat on the first floor.

The applicant has described the function room as being suitable for accommodating 10 -16 additional people and to offer a host of community-based meetings such as for baby yoga, OAP coffee mornings and workshops based around seasonal based events. It will not operate separately from the already approved café/soft play use and is to be used by the café business only and not available for hire. The proposal is considered to meet parts c) and d) of policy CF2 as the scale of the proposal is limited to the existing building and its extension. It is material to note that the scale of the extension proposed is the same as that already approved under P/21/0579/2.

Policy E1 of the Neighbourhood Plan supports employment-related development where the development will not generate unacceptable disturbance, noise, smell or traffic, has

appropriate off-road parking and respects and is compatible with the local character and surrounding uses and protects residential amenity.

As a community use with residential apartment above it is considered that the proposal accords with the strategic hierarchy set out in Core Strategy policy CS1 and Neighbourhood Plan policies S1, H3, H5 and Policy CF2 parts c) and d). The principle of the proposed development is therefore acceptable. The proposal is also required to meet all relevant policies in the Neighbourhood Plan (as required by policy S1), and policy CF2a) and b) and E1 in respect of highways and amenity impacts and all other material considerations, which are addressed in following paragraphs.

Design and impact on the character and appearance of the street scene

Policy CS2 and Policy EV/1 require that new development respects and enhances the character of the area in terms of scale, density, massing, height, landscape, layout, materials and access arrangements. Proposals should respond positively to their context and reinforce a sense of place, respecting and enhancing the local environment including the scale, location, character, form and function of existing settlements.

Policy S2 of the Neighbourhood Plan states new development will be supported where it respects the character or appearance of the neighbourhood area, reflects the Quorn Village Design Statement and where appropriate includes vernacular building materials.

Paragraph 130 of the NPPF outlines that planning decisions should ensure that developments 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 and history, including the surrounding built environment and landscape setting.

The external appearance/design of the current proposal is largely the same as has previously been approved under P/21/0579/2. The extant permission P/21/0579/2 is considered to be a material consideration in favour of the proposal. The only changes to the design are:

- Insertion of 1 window and a door to the side (south-west) elevation to serve the service area of the café/soft play use
- Amendments to the front elevation to provide 2 large windows and a front door to the first floor flat
- Window/door design and materials amended

Whilst changes are proposed to the side elevation of the building the proposal includes the retention of 2 existing doors rather than the creation of new ones and the design of window is considered appropriate. Given that the building is within the High Street of Quorn and adjacent to the White Hart Public House it is considered that the changes are appropriate provided that the signage is of a traditional design (signage will require an application for Advertisement Consent) so that it will not harm the character and appearance of the wider area.

The extant permission P/21/0579/2 approved smooth render to the front of the building with timber windows and doors. The extension was to be constructed of red brick and a slate

tile roof, with black timber cladding to the rear elevation, timber windows and doors and black timber fascias. The current application proposes smooth render to the front with powder coated aluminium casement windows and door details are not specified. The extension materials are the same as previously, but it is not stated what materials are proposed for all windows and doors. Final materials details can be secured by condition to ensure they are appropriate for the building and the Conservation Area.

It is noted that a tree survey and Arboricultural impact assessment have been submitted as part of the application since there are trees on the side boundary of the site which are within the Conservation Area and therefore have the benefit of protection. The amendments now proposed to the earlier scheme would not affect the trees and therefore the same conditions are proposed as imposed on P/21/0579/2.

Overall, the scale of the extensions and alterations are considered to be in keeping with the appearance of the existing building and the wider area which includes a variety of building style including the variety of shopfronts in the retail units to the west of Quorn Court. Subject to the imposition of conditions to secure final materials details and tree protection, the proposal therefore accords with Policy EV/1, Policy CS2 and Policies S1 of the Quorn Neighbourhood Plan, the Council's SPD on Design, and the NPPF.

Impact on heritage assets

The Planning (Listed Buildings and Conservation Areas) Act 1990 provides a statutory duty for local authorities to have special regard to Listed Buildings and Conservation Areas. Section 66 of the Act refers to the desirability of preserving Listed Buildings, the setting of Listed Buildings and the features of special architectural and historic interest which it possesses whilst Section 72(1) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

Policy CS14 of the Core Strategy states that we will conserve and enhance historic assets for their own value and requires that proposals protect heritage assets and their settings.

Paragraph 199 of the NPPF 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.

In this case the application site affects 3 heritage assets – Quorn Conservation Area, the neighbouring Grade II Listed Building at Quorn Court and the Archaeological Alert Zone.

The nearby St Bartholomew's Church is a Grade I Listed Building, however this is 32m from the nearest part of the application site and on the opposite part of High Street set behind the churchyard with a wall marking the front boundary and so is not considered to have a close relationship with the application site. Thereby, policy ENV5 of the Neighbourhood Plan does not apply to this property.

Although not listed, the existing building on the application site is of a heritage value and the site is in the historic heart of the village. The adjacent White Hart public house is shown on the 1883-86 Ordnance Survey map and the application building itself appears on the OS map of 1903. Proposals are required to ensure that they do not harm the setting, character or appearance of these assets.

Impact on Quorn Conservation Area

The Conservation Area Appraisal examines the historical development of the Conservation Area and describes its present appearance in order to assess its special architectural and historic interest. The Appraisal notes that High Street is one of the 4 principal roads from the staggered crossroads at Quorn Cross. There is a broad range of residential and commercial development within this historic core that is representative of Quorn from the medieval period through to the Victorian and Edwardian expansion of the village in the late 19th century High Street had become part of the turnpike connecting Leicester with Loughborough Road, and ultimately London with the North West.

High Street, the old A6 from Loughborough to Leicester, is important in the plan form of the village given that it is one of the two routes that came together to form a crossing around which the core of the village of Quorn is based. The enclosure of the street by properties from the crossroads going up High Street is recognised in the Appraisal as being an important feature of this part of Quorn. The Appraisal goes on to point out that the most prevalent materials in the Conservation Area are red brick and slate.

The main contributions to the special character of Quorn Conservation Area are:

- the variety and contrast between the tightly enclosed buildings against the streets with the many public and private open spaces;
- the many views of the church tower;
- the proximity to the river soar, Buddon Brook and their associated woods and meadows with opportunities for wildlife and the expansive vistas beyond the village;
- the importance of Quorn hall and Quorn house as individual buildings in their own parkland settings.
- the history of the parish church and its churchyard, with their approaches by footpaths and the narrow streets of Church lane and Nursery lane;
- the landmark of Quorn Mill as a reminder of the industrial heritage of the village.

The proposed changes to the front elevation in particular have been considered by the Council's Senior Conservation Officer who has advised that the proposals do not differ greatly when compared to the approved application and it is not considered that the changes to the application would adversely impact on the Quorn Conservation Area.

The previous proposal included the erection of an acoustic fence along the boundary with Quorn Court and the loss of the existing cobbles. Whilst the loss of cobbles is regrettable it is recognised that these could be removed without the need for planning permission. The Conservation Officer considers that replacing the cobbles with an alternative natural stone is appropriate. No details are provided on the submitted plans for this current proposal and full details can be secured by condition.

The site is within an Archaeological Alert Zone, but the rear of the property has been the subject of alterations over the years. As with the previously approved application it is noted that no desktop assessment has been included within the Heritage statement submitted as part of the application. It is therefore recommended that a condition be added so that a watching brief on archaeology be undertaken when the cobbles are removed.

It is recognised that the use will bring more visitors to the property and that the use of the function room would increase this over and above the café/soft play use already approved. However, given that the site lies to the south of the High Street within an existing vibrant area in close proximity to other community uses including Rawlins High School and 2 pubs it is not considered that the proposal will adversely affect the character and appearance of the Conservation Area.

It is be noted that the existing fence between 28/30 High Street and the neighbouring apartments at Quorn Court was the subject of a refused application (ref P/21/1438/2 refers) for “Retention of timber fence on NW side boundary measuring 1 metre high for the forward most 2 metres and 1.8 metres high for the remaining 7.5 metres length (Retrospective)”. The application was refused because the fence would result in less than substantial harm to the Grade II Listed Building at Quorn Court and the Quorn Conservation Area that would not be outweighed by public benefit. That application is currently at planning appeal. The applicant to that application has been advised that a 1m fence to a depth of 6m would be acceptable in terms of the impact on heritage assets, and the plans associated with application reflect this.

The boundary fence to Quorn Court proposed by this application is 1.0 tall for the first 6.0m from the highways boundary and this is considered acceptable. The remainder of the boundary fence will be 2.1m tall, lowering to 1.4m to reflect the site levels. Objections have been received that note that the fence is not within the ownership of 28/30 High Street. The fence could be provided adjacent to the existing fence (i.e. within the site) if boundary ownership were to be an issue.

In conclusion, subject to conditions to secure material details, the proposal would not be visually incongruous or prominent in the street scene of High Street and would not harm the significance of the Conservation Area or the setting of the Grade II Listed Building at Quorn Court. The proposal therefore meets the test in para 195 of the National Planning Policy Framework so that it will not result in any harm to designated heritage assets. The proposal also meets the requirements of Policy CS14 and the requirements in respect of Listed Buildings and Conservation Areas set out in the Planning (Listed Buildings and Conservation Areas) Act 1990,

Impact on the residential amenity of adjacent properties

Policy CS2 and saved Policy EV/1 seek to protect the amenity of existing residents and require that new developments should consider the amenity of adjacent and future occupiers in terms of privacy (overlooking), light (overshadowing) and over dominance (outlook). Criterion e) of QNP Policy H5 makes a similar requirement. The Council’s SPD on Design supports these policies and sets out how impact on these will be determined objectively.

The NPPF states that planning decisions should ensure new development is appropriate for its location, and avoid noise giving rise to significant adverse impact on health and quality of life.

Objections have been received in relation to noise, odour, contamination and overlooking.

The café and soft play use has been approved already under P/21/0579/2. Therefore, only the additional impacts arising from the proposed changes from the approved scheme are to be considered. There will be no additional cooking facilities other than the existing kitchen and the applicants have confirmed that the café will be concentrating on selling pre-made / pre-baked goods bought in ready to serve and not prepared on site. These goods will therefore be unlikely to result in odours.

The matters in terms of loss of light as a result of the extensions and contamination were considered previously and there are no changes that would affect these as a result of the new proposal, given the scale of the extension is the same as approved.

Overlooking

The current application proposes windows to the side (south-east) elevation that were not part of the approved development P/21/0579/2. The new ground floor office window and the fire exit door is proposed from the community room will face the proposed 1.0m boundary fence. The office window and fire door will not face the side elevation of Quorn Court, which contains large bedroom windows, as that building is set back into the plot. Therefore, there will be no undue overlooking arising from these proposed openings.

Noise and disturbance

The nearest residential properties are in Quorn Court, a residential building of 11 units which residents have commented they appreciate for the peace and tranquility that it offers. However, it is located to the south of the old A6 on High Street; a busy and bustling part of the village centre.

The site adjoins 2 neighbouring public houses to the east, the White Hart PH and the Quorndon Fox. The White Hart PH currently has 2 marquees in the rear garden and a horse box and both pubs generate activity that means there is noise into the evening.

The application is supported by a Noise Impact Assessment (NIA) dated March 2021, supplemented by a technical note responding to issues raised by the Environmental Team, (these were also submitted with the previous application) and an Owners and Operator Statement (revised June 2022). The Noise Impact Assessment has been written by a qualified member of the Institute of Acoustics and Acoustic and Noise Consultants in accordance with the guidance in British Standards. The potential impact from customer noise and children playing on external play equipment was assessed by comparison with the measured ambient noise level. The report suggested that levels of noise resulting from the soft play café would be commensurate with existing daytime levels and is therefore likely to be completely masked by road traffic and other existing noise sources. It was considered overall that the proposal would not result in an unacceptable amount of noise and disturbance to neighbouring residents at Quorn Court but planning conditions such as the restriction of opening hours were imposed to mitigate any resulting effects of noise. The Technical Note (11/5/21) provides explanation regarding the performance of the acoustic fence given variances in site levels.

The Noise Impact Assessment has been assessed by the Council's Environmental Health team who advise that the assessment methodology is generally sound and is in line with appropriate technical guidance, namely BS4142:2014 "Methods for Rating and Assessing

Industrial and Commercial Sound” and BS8233 “Guidance on sound insulation and noise reduction for buildings”. The acoustic report is considered to provide a fair assessment of the potential impact of operational noise arising from the proposed external air conditioning plant, rear garden play area, and noise break-out from the café on existing ambient noise levels and nearby residents.

A Good Neighbour Policy (March 2021) was submitted and approved with the previous application and has been updated for this current proposal. The Good Neighbour Policy gave consideration to customer capacity, internal/ external layout, hours of operation, CCTV, boundary screening, appropriate signage, provision of supervision and the nature of play equipment to be provided. The policy suggested that disruptive children/clients would be discouraged and that play equipment would be more skill based rather than traditional play equipment which could generate louder noise. The policy also suggested that numbers would be limited.

The approved P/21/0579/2 proposal included planning conditions securing compliance with the plans showing the acoustic fence and the Noise Impact Assessment and Good Neighbour Policy, opening hours, external lighting, details of extraction/ventilation equipment, closure of side elevation ground floor windows and doors and no outdoor play equipment over 1.0m in height without approval.

It is noted that the scheme now intends to retain existing doors in the side elevation nearest to the mutual boundary with Quorn Court, to add an additional window and to replace the existing windows with openers. The doors will only have limited use and it is recommended that they be the subject of planning condition to ensure that they do not result in additional noise and disturbance to local residents. The windows are to the storage area and the office and therefore children will not be using these rooms so that any impact on residential amenity by way of noise will be minimal.

The current proposal has also been considered by the Council’s Environmental Health team. Whilst there was concern originally about the definition of the ‘function room’ further information was provided in the revised Owner and Operator Statement. The Statement is clear that the room is an incidental part of the café/soft pay business and will enable the business to “*provide the odd, occasional activity for all demographics in a small and controlled way specific to our ideas as and when needed. It will not be available for hire as it is intended for our own use*”. It states that the number of people that will be using the facility will be limited as a result of the size of the room (24m²). The proposed activity room will not operate in the same way as the main café seating area and will be used on an infrequent basis for such occurrences as baby yoga, OAP coffee mornings, seasonal based events etc. The statement describes each of these as having a very low clientele with the size of the room limiting numbers to up to 16 people including children. The room is stated to have a maximum capacity of 24 people.

The Council’s Environmental Health team advise that the coming and goings of between 10 to 16 additional people would not have any significant impact in terms of noise nuisance to neighbouring residents at Quorn Court, subject to conditions. The application site is location within the High Street and is not an area where quiet and peacefulness would always be expected and it is considered that a refusal on this basis could not be justified.

In conclusion it is considered that subject to planning conditions, the proposal will not result in material harm to the amenities of the occupants of neighbouring residential properties and will not result in an unacceptable amount of noise and disturbance to neighbouring residents at Quorn Court. Therefore, the proposal complies with saved Policy EV/1, Policy CS2 and Policies S1, S2 and CF5 of the Quorn Neighbourhood Plan and the Council's SPD on Design and the NPPF.

Impact on Highway Safety

Policy CS2 requires new development to provide well defined and legible streets and spaces that area easy to get around for all. Policy TR/18 requires off-street parking to be provided for vehicles and cycles to secure highways safety and minimise harm to visual and local amenities. Adopted standards are provided as a starting point to assess the level of provision (Leicestershire Highway Design Guide). Policy CF2 of the Neighbourhood Plan states that new community facilities will be supported where the development will not result in unacceptable traffic movements or other disturbance to residential properties and will not result in unacceptable traffic movements that generate increased levels of noise, fumes or other harmful disturbance to residential properties including the need for additional parking which cannot be catered for within the curtilage of the property. Policy T11 of the Neighbourhood plan provides 4 criteria that should be met by proposals that increase vehicular traffic on the rural highway network.

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 impact on highway safety and the highway network was considered at length in the approved P/21/0579/2 application for the café/soft play use and the dwelling. It was acknowledged that the staff and customers would be primarily from Quorn but recognised that the proposed facility will be likely to be used by customers from a wider catchment area than just the village. The approved P/21/0579/2 was acknowledged to be contrary to policy TR/18 and the Neighbourhood Plan, but it was concluded that, given the location of the application site within Quorn and within close proximity to public bus routes, the proposal would not cause unacceptable harm to highway safety nor would the cumulative impact be severe when taking into account paragraph 111 of the NPPF. The loss of the existing parking space on the site was accepted as the visibility was very restricted. In terms of highway safety and impact on highway network therefore the application was considered to be acceptable.

Site access

The site is located on a classified C road subject to a 30mph speed limit in the village centre of Quorn opposite Rawlins Academy. There is a comprehensive package of on-street parking restrictions in the form of double yellow lines in the immediate vicinity. The proposal includes no parking provision.

As with the extant permission, deliveries and servicing will be undertaken from High Street to the front of the property, where there were no loading restrictions associated with the double yellow line markings at this location, and so this is legally permitted. This is more acceptable in terms of highway safety than the existing sub-standard access which has no

turning head. The site access will be blocked with a wall and planter and will be used solely for pedestrian access and bin storage.

The Local Highways Authority (LHA) do not raise any concerns regarding the proposed access and servicing arrangements.

Road Safety

Six personal injury collisions (PICs) have been recorded in the most recent five year period for which data is available within 500m of the site. Of the four PICs occurring on Loughborough Road or High Street, one on High Street took place on 26 March 2021, and involved a cyclist overtaking a parked vehicle as the vehicle moved off. This was close to the junction of High Street with Meeting Street, some 175m from the site, and was classified as involving 'slight' injury. The Highway Authority advised the case officer that although there is not a pattern of accidents in this area, the 2021 incident is indicative that on-street parking can cause safety issues.

Parking

No off-road parking is proposed. The mixed café/soft play and residential use has previously been approved with no off-road parking, and this is a material consideration.

The Highway Authority considers the addition of an activity room to be material with respect to highway matters when compared to the approved development proposals, as it would generate a further demand for parking associated with the site. The Highway Authority has visited the site and reviewed all the information submitted by the applicant. They note the size of the activity room and that up to 24 people could use it. They consider that the use of the activity room cannot be controlled by planning condition (as this would likely not be enforceable) and that the room could be used for a wider range of uses than the application states; uses such as business meetings or conferences. They note that even if only 50% of the 24 people drive to site, this could create a parking demand for 12 vehicles. The Highway Authority advise that the function room attendees could be attracted from further afield, making car use more likely. The LHA consider that an activity room used for meetings would increase parking demand at specific meeting times, and be different to the parking demand of the café/soft play centre which is likely to be spread throughout the day.

The Highway Authority advise that the addition of an activity room is overdevelopment of the site, given that it has no on-site car parking provision. They consider that this is likely to lead to a level of on-street parking and drop-off and pick-up movements on High Street, which when combined with the soft play centre, could result in an unacceptable impact on highway safety. The Highway Authority consider that the residual cumulative impacts of the development are severe in accordance with the NPPF (2021) and advise the Planning Authority to consider refusing the application on transport/highway grounds because the proposals could result in on-street parking in a location where parking is restricted, which could be detrimental to highway safety and hence contrary to paragraphs 110 and would be contrary to para 111 of the National Planning Policy Framework (2021).

The conclusions of the Highway Authority are noted; however, the proposed activity room would be incidental to the café/soft play area use and would be open at the same times and the room cannot be accessed independently. The opening hours and access could be

controlled by planning condition and the design of the proposal (i.e. by allowing only a fire exit and no independent access point separate from the main use). The Highway Authority acknowledge that the use will generate a maximum of 24 additional people and acknowledge that these may travel from further afield, potentially by car. It is noted that there is a public car park on Station Road, close to the site approx. 110 metres away. The Highway Authority advise that the proposal 'could' be detrimental to highway safety, but the policy test in paragraph 111 of the NPPF is whether there 'would be an unacceptable impact on highway safety' and as with all reasons for refusal, this would need to be demonstrable and supported by evidence. Whilst the objection from the Highways Authority is a material planning consideration it needs to be balanced against Development Plan policy which supports community uses and the location of the facility in the village centre.

The 4 criteria of policy TT1 have been assessed as follows:

Policy criteria	Officer assessment
a) Be designed to minimise additional traffic generation and movement;	The location of the site minimises additional traffic generation and movement, so a) is considered to be satisfied.
b) Incorporate sufficient off-road parking;	The site does not incorporate off-road parking. The policy does not specify what is 'sufficient off-road parking' and the Highway Authority advice does not specify a required number of spaces generated by this function room proposal. The criteria is not considered to be met.
c) Provide any necessary improvements to site access and the highway network either directly or by financial contributions.	No improvements are sought, the criteria is satisfied.
d) Provide any necessary improvements to site access and the highway network either directly or by financial contributions.	No improvements are sought, the criteria is satisfied.

In conclusion, TR/18 requires off-street parking, but the policy states this is to be determined through negotiation and the Highway Authority have not stated that the proposal does not accord with their Highways Design Guide. Policy TT1 requires sufficient off-road parking and none is provided, but the policy is not clear as to what is meant by 'sufficient'. The proposal is located in a sustainable location accessible by bus and with public car parking available nearby. The Highway Authority do not object to the proposal in relation to unacceptable traffic movements or raise concerns regarding disturbance to residential neighbours from traffic movements. It is therefore considered on balance that the proposal would be able to function without an unacceptable impact on highway safety and the proposal accords with policies CS2, TR/18 and CF2 a) and b) and the NPPF and the extant permission P/21/0579/2 are material considerations in favour of the proposal.

Other matters

Many issues have been raised relating to the proposed management and operation of the proposed café; however, many of these issues extend beyond the remit of planning legislation. All objections however have been passed to the applicant to consider as issues that will need to be addressed in the running of the proposed use.

Concerns have been raised, similar to that in 2021, that the proposal will result in competition with other cafes in Quorn. However, competition is not a material planning consideration.

Concerns about the numbers of people that will use the premises and any resultant fire risk together with accessibility of the building for the disabled are the subject of legislation relating to Building Control and the licensing of the premises for the proposed use.

The query regarding the ownership of the boundary fence with Quorn Court is noted. The ownership of the fence is irrelevant to the determination of the application.

For the reasons set out above these concerns are therefore not considered to be issues that would warrant the refusal of this application.

Conclusion

In conclusion, for the reasons set out above, it is considered that the proposal would be acceptable in principle and accords with the relevant Development Plan Policies. The 2021 approval has already given approval to the café use with residential unit, which provides the fallback position in this application since the applicant could implement this without the need for any further permission. This is a material consideration in favour of the proposal. The proposal would provide a use that would assist in creating a sustainable inclusive and mixed community that would benefit young families in particular.

The proposal is located within the centre of a vibrant village and it is not considered that the proposed use will have a harmful impact on the character and appearance of the street scene, the nearby heritage assets or their respective settings (subject to conditions).

The development would not affect residential amenity in terms of overlooking or loss of light, and in the context of its village-centre location it is considered that the potential for increased activity would not result in undue harm in terms of noise and disturbance.

The site does not include off-road parking. However, public car parking is available in close proximity and given its location the proposal provides a sustainable development within the village that would not result in an unacceptable impact on highways safety and the residual cumulative impacts on the road network would not be severe. The proposal does not comply with policy TT1b), but it is not clear what 'sufficient off-road parking' is required.

Accordingly, the proposal accords with planning policy both at national and district level – in particular Policies CS1, CS2, CS3 and CS25 of the Charnwood Local Plan 2011 - 2028 Core Strategy, saved policies EV/1 and TR/18 of the Borough of Charnwood Local Plan (adopted 12th January 2004), policies S1, S2, H3, H5, ENV5, CF2 and E1 of the Quorn Neighbourhood Plan, the Council's SPD on Design, and the national guidance given in the

National Planning Policy Framework and the National Design Guide. It is therefore recommended that the application be approved. Since the application includes the previous scheme the conditions from that permission need to be imposed again with the addition of new conditions relating to the proposed changes.

RECOMMENDATION:

That 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>The development hereby permitted shall be carried out in accordance with the following approved plans and documents:</p> <p>Drawings:</p> <ul style="list-style-type: none"> • Drg ref 881-001 Existing floor plans, site block and OS plans rec'd 8th April 2022 • Drg ref 881/002 Existing elevations rec'd 8th April 2022 • Drg ref 881/003 rev T Proposed floor plans rec'd 15th August 2022 • Drg ref 881/004 rev R Proposed elevations rec'd 21st June 2022 • Drg ref 881-005 rev C Proposed floor plans, site block and OS plans rec'd 7th October 2022 • Drg ref 881-006 rev A Proposed site plan and site sections rec'd 7th October 2022 <p>Documents:</p> <ul style="list-style-type: none"> • Good Neighbour Policy dated 10th March 2021 rec'd 8th April 2022 • Contaminated Land Survey – Stubton Properties Ltd Jan 2021 rec'd 8th April 2022 • Tree survey and Arboricultural Impact Assessment – AT2 Tree Surveys 18th Jan 2021 rec'd 8th April 2022 • Tree Protection Plan Rev A rec'd 8th April 2022 • Noise impact assessment – Acute Acoustics Ltd dated March 2021 rec'd 8th April 2022 and Technical Note dated 11th May 2021 • Owner and Operator Statement for the inclusion of a “Function room” dated 10th June 2022 rec'd 21st June 2022 • • Design, Access and Heritage Statement rec'd 8th April 2022. <p>REASON: To define the terms of the planning permission.</p>
3.	<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 and CS14 of the Core Strategy (2015), Policy EV1 of the Charnwood Local Plan (2004) and Policies S2 and ENV5 of the Quorn Neighbourhood Plan.</p>

4.	<p>Notwithstanding condition 3, no works shall begin on windows and doors until details of the design, materials of construction and finish of all new window and door openings have been submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out only in accordance with the agreed details.</p> <p>REASON: To ensure the satisfactory appearance of the completed development in accordance with Policy CS2 of the Core Strategy (2015), Policy EV1 of the Charnwood Local Plan (2004) and Policies S2 and ENV5 of the Quorn Neighbourhood Plan.</p>
5.	<p>The rear of the ground floor of the premises shall be used only for a soft play cafe and for no other use within Class E(b) and E(f) of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2000, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, without the prior consent of the Borough Council.</p> <p>REASON: To ensure that the use remains compatible with the surrounding area in accordance with Policy CS2 of the Core Strategy (2015), Policy EV1 of the Charnwood Local Plan (2004) and Policy CF2 of the Quorn Neighbourhood Plan.</p>
6.	<p>The function room hereby approved shall only be used as a facility for local community use as specified in the Owner and Operator Statement for the inclusion of a "Function room" (revised) dated 10th June 2022 rec'd 21st June 2022</p> <p>REASON: To ensure that the use remains compatible with the surrounding area in accordance with Policy CS2 of the Core Strategy (2015), Policy EV1 of the Charnwood Local Plan (2004) and Policy CF2 of the Quorn Neighbourhood Plan.</p>
7.	<p>The function room hereby approved shall only be used on an ancillary basis to the soft play facility and shall not be used or let for use independently from the soft play facility.</p> <p>REASON: To ensure that the use remains compatible with the surrounding area in accordance with Policy CS2 of the Core Strategy (2015), Policy EV1 of the Charnwood Local Plan (2004) and Policy CF2 of the Quorn Neighbourhood Plan.</p>
8.	<p>There shall be no amplified music played so that it will be heard beyond the external walls of the function room hereby approved.</p> <p>REASON: The use is close to residential property and a limit on the noise level is needed to prevent a nuisance or annoyance to nearby residents in accordance with Policy CS2 of the Core Strategy (2015), Policy EV1 of the Charnwood Local Plan (2004) and Policy CF2 of the Quorn Neighbourhood Plan.</p>
9.	<p>No use of the premises shall be carried out other than between 0900 hours and 1800 hours on Monday to Fridays, and 0900 hours and 1800 hours on Saturdays, and at no time on Sundays. There shall be no deliveries or waste collections before 0800 hours or after 2100 hours.</p> <p>REASON: The premises are close to residential property and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents in accordance with Policy CS2 of the Core Strategy (2015), Policy EV1 of the Charnwood Local</p>

	Plan (2004) and Policy CF2 of the Quorn Neighbourhood Plan.
10.	<p>No lighting shall be placed externally within the site without the prior permission of the Local Planning Authority. Full details of the method of illumination of the external areas of the site shall be submitted to and approved in writing by the local planning authority and the lighting shall only be implemented wholly in accordance with the approved details. Any lighting scheme shall be designed and operated in such a manner as to comply with the Institute of Lighting Engineers 'Guidance notes for the Reduction of Obtrusive Light'.</p> <p>REASON: In the interests of the amenities of the neighbouring residents in accordance with Policy CS2 of the Core Strategy (2015) and Policy EV1 of the Charnwood Local Plan (2004).</p>
11.	<p>There shall be no deep fat frying, charcoal grilling or wood burning ovens used at these premises.</p> <p>REASON: The premises are close to neighbouring dwellings and a satisfactory extraction system would be necessary in these circumstances to prevent nuisance or annoyance to nearby occupiers in accordance with Policy CS2 of the Core Strategy (2015) and Policy EV1 of the Charnwood Local Plan (2004).</p>
12.	<p>The door to the function room shall only be used in emergency and the door to the south of the entrance to the soft play café in the western side elevation shall only be used by staff. These doors shall not be used for any other reason.</p> <p>REASON: In order to safeguard the amenities of neighbouring residents and to ensure that noise and disturbance will not be caused to nearby occupiers in accordance with Policy CS2 of the Core Strategy (2015), Policy EV1 of the Charnwood Local Plan (2004) and Policy CF2 of the Quorn Neighbourhood Plan.</p>
13.	<p>All demolition works shall take place in accordance with the submitted Contamination report. A watching brief should be maintained during the groundwork phase of the construction. Should any suspect, fibrous, discoloured or odorous material be encountered within the ground, work in that area must be suspended pending specialist inspection and assessment.</p> <p>a. Any additional or unforeseen contamination encountered during the development of the site shall be notified to the Council as soon as practicable. Subsequently a scheme to deal with this contamination shall be submitted to and approved in writing by the Planning authority and shall be undertaken to the satisfaction of the Council.</p> <p>b. If deemed necessary any capping materials, which are imported from other sites, should be sampled and tested prior to importation to ensure it is suitably clean.</p> <p>c. During construction all operations which generate dust derived from potentially contaminated ground should be effectively controlled.</p> <p>REASON: To make sure that the site, when developed is free from contamination, in the interests of public health and safety in accordance with Policy CS2 of the Core Strategy (2015) and Policy EV1 of the Charnwood Local Plan (2004).</p>
14.	<p>No external extraction/ventilation equipment shall be operated at the premises unless and until details of such plant are first submitted to and agreed in writing</p>

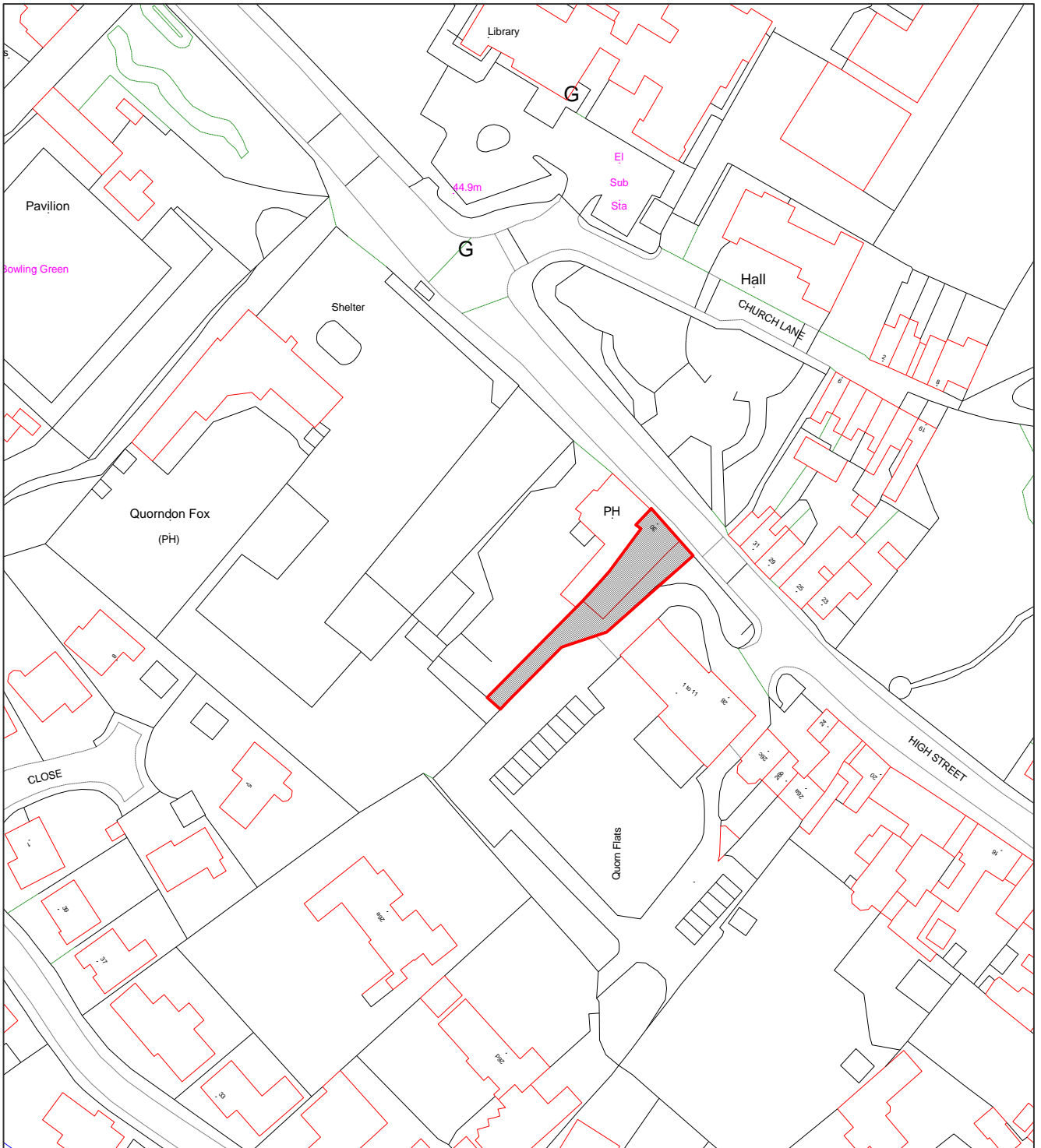
	<p>by the local planning authority. The plant equipment shall be implemented in accordance with the approved details.</p> <p>REASON: The premises are close to existing residential dwellings and a limit on the use is needed to prevent a nuisance or annoyance to neighbouring occupiers in accordance with Policy CS2 of the Core Strategy (2015) and Policy EV1 of the Charnwood Local Plan (2004).</p>
15.	<p>The works hereby granted consent shall be carried out in accordance with British Standard Recommendations for Tree work - BS 3998:2010 and in accordance with the Tree Survey and Arboricultural Impact Assessment carried out by AT2 Tree Surveys and dated 18th January 2021.</p> <p>REASON: To make sure that the works are carried out in a way which safeguards the health and amenity of each tree in accordance with Policies CS2 and CS11 of the Core Strategy (2015), Policy EV1 of the Charnwood Local Plan (2004) and Policy ENV4 of the Quorn Neighbourhood Plan.</p>
16.	<p>No development, including site works, shall begin until the trees shown to be retained on the tree survey plan have been protected in accordance with the above Arboricultural Impact Assessment. The trees shall be protected in the agreed manner for the duration of building operations on the application site. Within the areas agreed to be protected, the existing ground level shall be neither raised nor lowered, and no materials or temporary building or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.</p> <p>REASON: The trees are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site in accordance with Policies CS2 and CS11 of the Core Strategy (2015), Policy EV/1 of the Charnwood Local Plan 2014 and Policy ENV4 of the Quorn Neighbourhood Plan.</p>
17.	<p>No removal of cobbles shall take place until the applicant or developer has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification, which shall be submitted to and approved in writing by the Local Planning Authority. The statement shall include details of existing and proposed ground levels and layout and depths of all foundations, service trenches, drains, landscaping and other ground works.</p> <p>REASON: The site is likely to contain important archaeological remains. Full details of the works are needed so that an assessment of the impact of those works on the archaeological potential of the site can be made in accordance with the NPPF. The materials details are</p>
18.	<p>This permission is for a soft play centre including the provision of outdoor play equipment. In order to protect the privacy of neighbouring properties no climbing equipment above 1m in height shall be installed or replaced without the prior approval of the Council.</p>

	REASON: To ensure that the proposed development does not result in any unacceptable loss of privacy will result to the amenities of the occupants of the neighbouring residential properties in accordance with Policy CS2 of the Core Strategy (2015) and Policy EV/1 of the Charnwood Local Plan 2014.
19.	<p>Full details of the proposed hard surfacing materials to replace the cobbles shall be submitted to and approved in writing by the Local Authority prior to their installation. The hard surfacing shall be implemented in accordance with the approved details.</p> <p>REASON: To ensure the satisfactory appearance of the completed development in accordance with Policy CS2 of the Core Strategy (2015), Policy EV1 of the Charnwood Local Plan (2004) and Policies S2 and ENV5 of the Quorn Neighbourhood Plan.</p>

The Following Advice notes will be attached to the decision

1.	DEVELOPMENT PLAN POLICIES RELEVANT TO THIS DEVELOPMENT - Policies CS1, CS2, CS3, CS14 and CS25 of the Charnwood Local Plan 2011 - 2028 Core Strategy, saved policies EV/1 and TR/18 of the Borough of Charnwood Local Plan (adopted 12th January 2004), policies S1, S2, H3, H5, ENV4, ENV5, CF2, E1 and TT1 of the Quorn Neighbourhood Plan (made 6th June 2019) have been taken into account in the determination of this application. The proposed development complies with the requirements of these Development Plan policies and there are no other material considerations which are of significant weight in reaching a decision on this application.
2.	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.
3.	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.
4.	<p>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. The construction work shall pay attention to the following recommendations:</p> <ol style="list-style-type: none"> 1. There shall be no burning of waste on the site. 2. All demolition/construction work should be carried out in such a manner as to minimise the risk of dust nuisance to neighbouring residential properties. Application of standard dust control measures as detailed in the Building Research Establishment (BRE) document "Control of Dust from Construction and Demolition Activities" 2003 should be followed. 3. To minimise the risk of noise nuisance, all work should follow good practice guidance such as those detailed in BS5228 "Noise control on construction and open sites" 2009. 4. There shall be no audible demolition/construction noise beyond the site boundary before 07.30 or after 18.00 hours Monday to Friday or between 0800 and 1300

	hours on Saturdays, with no working on Sundays or Bank Holidays.
5.	This permission does not give any legal right for any work affecting neighbouring property, including buildings, walls, fences and vegetation within that property. The responsibility for meeting any claims for damage to such features lies with the applicant.
6.	All works should comply with BS3998:2010 Recommendation for Tree Work, in the interests of good arboricultural practice. Please contact the Council's Senior Landscape Officer on 01509 634766 for further advice.
7.	The demolition of the garage and workshop should be carried out in such a way as to ensure that any asbestos contained within the structure is removed and/or dismantled in a safe manner. Precautions should be taken to ensure that any asbestos is removed by an authorised contractor and disposed of at a Licensed Waste Management Facility. Before any works commence the developer is advised to contact the Health & Safety Executive, tel no 01604 738300 for further information.
8.	Notwithstanding the details shown on the application plans this permission does not give any consent needed to display any advertisements.



This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of His Majesty's Stationery Office, © Crown Copyright.