

Item No. 5**Application Reference Number:** P/23/2050/2**Application Type:** FULL **Date Valid:** 8th December 2023**Applicant:** Charnwood Borough Council**Proposal:** Conversion of existing Vehicle Showroom and Garage to create Cafe, 2 x Retail Units and Soft Play unit (Use Class E).**Location:** 14-18 Loughborough Road, Mountsorrel, LE12 7AT**Parish:** Mountsorrel **Ward:** Quorn and Mountsorrel Castle**Case Officer:** Jim Worley **Contact No:** 07591 947043**1.0 Background**

1.1 This application is referred to Plans Committee following call in by one of the Ward Councillors, Cllr Fox. Cllr Westley has confirmed that he supports the call in. The material considerations of concern are highway safety, traffic and parking issues and the effect on the Conservation Area. The need for it to be considered by the Committee are described as:

- Aggravating impact on an existing, significant, issue for residents such that it has become greater than a mere inconvenience or annoyance.
- Strength of local feeling - fulfilling and legitimising our role and function as elected representatives
- History of the site – maintaining public confidence in the ability of the system to fully scrutinise applications which have raised significant local concerns.

2.0 Description of the application site

2.1 The site consists of a large former Vehicle Showroom and Garage, with the River Soar to the north- east, a 3 storey dwelling to the North West, Loughborough Road to the South-west and a 2 storey dwelling and Public House to the South East.

2.2 The building is a mix of single and two storey and is positioned in approximately the centre of the site with a margin of land either side and to the rear used for parking and other ancillary functions. In front of the building is a forecourt used for parking and access. The property fronts Loughborough Road and has a dwarf wall with metal railing alongside the road, and two access points.

- 2.3 The site is within the Mountsorrel Conservation Area, area of archaeological alert and is within the vicinity of a number of listed buildings (which are all Grade II):
- 17 and 19 Loughborough Road.
 - 9, 9A and Wall (Opposite)
 - 7 Loughborough Road (Opposite)
 - 10 and 12 Loughborough Road, adjacent, to the South East
- 2.4 The site lies within flood zone 1. It slopes down from Loughborough Road to the River Soar at a modest gradient and the floodplain is on the lower, flat, land on the opposite side of the river.
- 2.5 Residential properties lie opposite and to the north of the site boundary with a mix of residential, commercial and retail uses elsewhere along this part of Loughborough Road.

3. Description of the proposal

- 3.1 This full planning application proposes conversion of the existing Vehicle Showroom and Garage to create a Cafe, 2 x Retail Units and Soft Play unit. These would be contained entirely within the built form of the existing building but, in contrast to the permission granted in 2023 (see section 6.1 below), would not involve extensions. The total floor area is 572m².
- 3.2 Physical alterations would be limited to the replacement of windows and doors within existing apertures, the blocking up of two larger vehicular doors in the rear elevation and removal of a lean to building on the north elevation and replacement by stairs to provide a further access into the building (i.e. as alternative to the front entrance facing Loughborough Road).
- 3.3 Internally, the layout of the building would be largely retained to allow for a café in the central part, to retail unit either side and a soft play area within the rear portion. Opening times are specified as from 8am to 6pm every day, including Sundays and Bank Holidays.
- 3.4 The land associated with the building would remain undeveloped. The forecourt would remain available for car parking and an 'in and out' access arrangement using both accesses would be retained. The land either side and to the rear of the building would be reserved for staff car parking and circulation only.
- 3.5 The application has been subject to amended documents and plans as the application has progressed. The application is supported by the following documents:
- Heritage Statement
 - Parking Statement

4. Development Plan Policies

4.0 The Development Plan comprises the Charnwood Local Plan Core Strategy (adopted 9 November 2015), the Borough of Charnwood Local Plan (adopted 12 January 2004) (saved policies), and the Minerals and Waste Local Plan (2019).

4.1 The policies applicable to this application are as follows:

4.2 [Charnwood Local Plan Core Strategy \(2015\)](#)

- Policy CS1 – Development Strategy
- Policy CS2 – High Quality Design
- Policy CS6 - Employment and Economic Development
- Policy CS14 – Heritage
- Policy CS16 – Sustainable Construction and Energy
- Policy CS17 – Sustainable Transport
- Policy CS25 – Presumption in Favour of Sustainable Development

4.3 [Borough of Charnwood Local Plan \(adopted 12 January 2004\) \(saved policies\)](#)

4.4 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
- Policy EV/1 – Design
- Policy TR/18 - Parking Provision in New Development

5. Other material considerations

5.1 [The National Planning Policy Framework \(NPPF 2023\)](#)

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

- Section 2 - Achieving sustainable development
- Section 4 - Decision making
- Section 8 - Promoting healthy and safe communities
- Section 9 - Promoting sustainable transport
- Section 12 - Achieving well-designed and beautiful places.
- Section 16 - Conserving and enhancing the historic environment

5.3 [Planning Practice Guidance](#)

5.4 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.

5.5 [National Design Guide](#)

- 5.6 This is a document created by Government which seeks to inspire higher standards of design quality in all new development.
- 5.7 The Planning (Listed Buildings and Conservation Areas) Act 1990.
- 5.8 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.
- 5.9 Design Supplementary Planning Document (SPD) (January 2020)
- 5.10 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.
- 5.11 Leicestershire Highways Design Guide
- 5.12 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 expected to be provided in new housing development and advice regarding the design of parking courts and waste collection.
- 5.13 Equality Act 2010
- 5.14 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.
- 5.15 The Draft Charnwood Local Plan 2021-37

This document sets out the Council's strategic and detailed policies for the Borough over the period 2021-37. The local plan was submitted for examination in December 2021 with hearings concluding in February 2024. The hearing sessions in February 2024 related to limited matters following on from the consultation on the post hearing submissions which closed on 8th November 2023. Following the further hearings, it is anticipated that the Inspectors will issue a letter setting out the requirement for main modifications to be made to make the plan sound. These modifications will be published for six weeks of public consultation so that the responses can assist the Inspectors in preparing their final report. The precise timings of these events are

dictated by the Inspectors although, subject to their report, it is anticipated the Local Plan will be adopted by the Council in Autumn 2024

5.16 In accordance with NPPF paragraph 48, the relevant emerging policies in the plan may be given weight in determining applications, according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater weight it may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- c) the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The following policies are considered applicable to this application, and the weight they can be assigned is addressed in the 'Planning Considerations' part of this report.

- Policy DS1 - Development Strategy
- Policy DS5 - High Quality Design
- Policy SC1 – Service Centres
- Policy EV8 – Heritage
- Policy T1 - Town Centres and Retail
- Policy T3 - Parking Standards
- Policy CC4 - Sustainable Construction
- Policy CC5 - Sustainable Transport

6.0 Relevant Planning History

6.1 There is planning history related to the former use of the site as a garage which is no longer considered relevant. However the following recent planning permission is considered relevant and provides the baseline and 'fall back' context for the current application :

Reference	Description	Decision & Date
P/23/0365/2	Conversion and extension of existing Vehicle Showroom and Garage to create Offices / Collaborative Spaces / Workshops and Cafe, and associated facilities	Approved – August 2023

7.0 Responses of Consultees & Other Comments Received

7.1 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
Leicestershire County Council – Highways (LHA)	<p>No objection – 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 115 of the National Planning Policy Framework (December 2023), subject to the conditions.</p> <p>Conditions recommended:</p> <ul style="list-style-type: none"> • Access arrangements prior to occupation • Parking to be provided in accordance with the plans and retained permanently • Cycle parking to be submitted, agreed and installed before occupation • The use to be operated only in accordance with the parking statement submitted with the application.
Charnwood Borough Council Design and Conservation Team	<p>No objection: The building is a utilitarian C20 structure that makes a neutral contribution to the streetscene of the Conservation Area.</p> <p>At present it is vacant and is suffering from a lack of maintenance, such as spalled render. The change of use will re-activate the frontage with the resultant benefit to the economic vibrancy of the area and the character of the conservation area.</p> <p>There is no detailed specification provided for the windows, but if they were uPVC this would not be supported – such a large expanse of uPVC glazing would be harmful to the character of the conservation area.</p> <p>Recommend conditions required to submit details of the new fenestration.</p>
Mountsorrel Parish Council	<p>Objects: Traffic and parking</p> <ul style="list-style-type: none"> • Noise • Impact on the character of the area • Increased opening hours <p>Reiterate original objections raised in response to P/23/0365/2 i.e.</p> <ul style="list-style-type: none"> - parking issues - insufficient parking for the proposed use - highway safety - proposed materials

Consultee		Response
		- impact on character or appearance of the area (Conservation Area)
Ward Councillor, Councillor Fox		<ul style="list-style-type: none"> • Highway Safety: Further to this being a very busy stretch of road, residents explain that there was a recent incident in which an ambulance on an emergency call was unable to park near a house in the near vicinity, due to unavailability of on or off-street parking in this section of Loughborough Road, Mountsorrel. • Traffic and parking issues: In addition to my understanding of local parking issues, aware of regular incidents of illegal parking along this stretch of Loughborough Road, due to a severe shortage of parking in this area. I also understand residents' concerns that the proposed on-site parking at the site does not appear to cater for the proposed use and increased turnover of customers and employees. • Effect on Conservation Area: the site lies within the Conservation Area of Mountsorrel and therefore its impact on the local area and surrounding neighbours should also be viewed in this light. • Impact on the community and local services : Please refer to the number of objections received from surrounding residents to the current proposed development.
Ward Councillor Councillor Westley	-	Reiterates and supports the issues raised by Cllr Fox above.

Responses to publicity	
Four letters of objection for nearby residents	<ul style="list-style-type: none"> • Work has commenced prior to obtaining planning permission • The impact on parking on the local area from such a venture is going to be very negative. There is currently huge problems with on street parking on Crown Lane, The Homestead and Windmill Close, as a result of local businesses not having sufficient parking. Parking is a problem for residents and the resulting additional parking blocks pavements, impedes junctions and creates access issues. • If this application is to proceed, the applicants need to provide sufficient parking or a permit system needs to be put in place for parking on the roads mentioned above, so that residents can always park and to prevent dangerous parking. • Congestion in the Loughborough Road area spills out onto Crown Lane and into The Homestead. At times

	<p>there is insufficient space to access these roads were emergency vehicles required to use the roads.</p> <ul style="list-style-type: none"> • The proposed 16 parking spaces are not detailed on the site plans provided. The previous planning application (P/23/0365/2) proposed 11 parking spaces which were bookable in advance following suggestions from Highways. This cannot be the case with the proposed change of use. The use of public transport is also less likely for a recreational site than a place of work or coworking space. • There is insufficient space within the site for queuing traffic trying to exit and access Loughborough Road. This will prevent access to onsite parking and disrupt the traffic on Loughborough Road waiting to enter the site. • The mini roundabout at Crown Lane/Loughborough Road is already a 'difficult' junction with motorists often driving straight through on Loughborough Road without giving way and poor visibility to the right when exiting the proposed site • the exterior refurbishment of the building has been downgraded to painted bricks (the developer having already removed the previous render). Is this a suitable long term finish for the conservation area • The 14 bicycle spaces proposed are more relevant to a co-working apace than retail units. For the type of retail units proposed (Florist and Baby Clothes/Accessories) it is highly unlikely that customers will transport the goods purchased home on a bicycle.
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8. Consideration of the Planning Issues

- 8.1 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 Development Plan for Charnwood which comprises the Core Strategy (2015), "saved" policies within the Borough of Charnwood Local Plan 1991-2026 (2004) which have not been superseded by the Core Strategy (2011-2028) and the Minerals and Waste Local Plan (2019).
- 8.2 The weight of the relevant policies listed above are addressed for their extent of compliance with national guidance in the report below, to consider whether there is reason for them to be given reduced weight. As the Development Plan is over 5 years' old, it is important to consider if the most policies most important to the determination of the application within the Development Plan are up to date in order to consider whether Paragraph 11dii) of the NPPF (the 'tilted balance') is engaged.

- 8.3 Amongst the material considerations are the emerging Charnwood Local Plan 2021-37 (ELP) and the National Planning Policy Framework (NPPF).
- 8.4 The main planning considerations applicable to this application are considered to be:
- Principle of Development
 - Design and impact on the street scene
 - Heritage
 - Residential Amenity
 - Highway and Parking

Key Issues

9.0 Principle of the Development

- 9.1.1 The application proposes to regenerate a disused building to provide a commercial enterprise.
- 9.1.2 Core Strategy Policy CS1 encourages development of all kinds within the built up areas of urban areas and 'service centres' including Mountsorrel. This is reflected in Policy DS1 of the emerging Local Plan, which retains the role of Mountsorrel as a service centre.
- 9.1.3 Adaption/addition to allow efficient and effective premises is encouraged by Core Strategy Policy CS6: 'Employment and Economic Development' and emerging Local Plan Policy E1. Policy CS6 is considered to accord strongly with the NPPF and as such their weight is not diminished however emerging Policy E1 is still subject to Examination so carries moderate weight. These policies identify the central area of Mountsorrel as a 'local centre' in which town centre development which supports their vitality and viability where it is physically integrated into the defined centre and of an appropriate scale for that centre, and apply the sequential test for uses outside the centre subject to their size.
- 9.1.4 Emerging Local Plan Policy SC1: Service Centres supports development which contributes to the vitality and viability of Mountsorrel and which builds upon the unique characteristics of service centres in terms of their heritage and their diversity of uses.
- 9.1.5 In terms of Planning policies contained in the Core Strategy that relate to the principle of development, Policy CS1 defines a hierarchy of settlements for the Borough. The Leicester Principal Urban Area is expected to provide for the majority of the growth which contributes towards meeting development needs, supports the strategic vision, makes effective use of land and is in accordance with the policies elsewhere in the Charnwood Core Strategy. However, Policy CS1 also identifies a role for Service Centres to accommodate development and provide facilities for their communities. Policy CS1 is considered to be up to date and has found to be so within recent appeal decisions (including most recently APP/X2410/W/23/3325902 Land north of Barkby Road, Syston 29.2.2024), and as such retains its weight.

- 9.1.6 The site lies outside, but immediately adjacent, to the 'local centre' (its south boundary forming the definition) which is applied by Core Strategy Policy CS6 and emerging local Plan policy E1. The proposed uses are 'town centre uses' and under these policies would ideally be located within the identified Local Centre boundary rather than at its edge. However, the site currently has permission for 'town centre uses' in the form of an office and café use arising from the 2023 permission (P/23/0365/2) which included extensions so was of significantly greater scale than the current proposal, and its most recent use was commercial (car sales and repair) which was also greater in scale as it utilised external space for the display of vehicles for sale. There are no clear opportunities for the development to be accommodated within the defined local centre and it is an existing building which currently makes no contribution to the area. Against this background, it is considered that there is justification for the uses at an 'edge of centre' location as the next most preferred location and exemption from the usually expected impact assessment under these policies arising from former use and existing permission.
- 9.1.7 The site lies within the built up area of Mountsorrel and as such is supported by Policy CS1 of the Core Strategy and DS1 of the emerging Local Plan. The location within the urban area of Mountsorrel is considered highly sustainable and the nature of the site will contribute towards sustainable travel choices in accordance with emerging Policy CC5: Sustainable Transport.
- 9.1.8 The repurposing and adaptation of the premises from its current condition accords with the ambition of Core Strategy Policy CS6: 'Employment and Economic Development' and emerging Local Plan Policy E1. It would also contribute to the vitality and viability of Mountsorrel in accordance with Emerging Local Plan Policy SC1.
- 9.1.9 The principle of the development is therefore considered to be supported by the existing and emerging Policies. Whilst there is departure from the policies in respect of the 'Local Centre' designation, the particular circumstances and background of the premises is considered to justify a modest departure from the detailed content of Core Strategy Policy CS6 and emerging Local Plan Policy E1.

9.2 Design and Impact on Character

- 9.2.1 Policy CS2 of the Core Strategy is concerned with ensuring new development respects and enhances the character of an area whilst reinforcing a sense of place and local distinctiveness through high quality design.
- 9.2.2 Saved Policy EV/1 of the Local Plan 2004 supports development that is of a design, scale, layout and mass compatible with the locality and which uses appropriate materials. It seeks positive and attractive built frontages to existing or proposed public spaces including roads, footpaths and areas of public open space.
- 9.2.3 These policies generally accord with the NPPF and National Design. As a result, it is not considered that there is a need to reduce the weight that should be given to them.
- 9.2.4 Emerging Local Plan Policy DS5 requires development to make a positive contribution to Charnwood by responding positively to local distinctiveness. The

emerging Local Plan is at an advanced stage, with limited contention, and this policy can be given moderate weight.

- 9.2.5 The character of the area is mixed in terms of scale and form with a variety of materials used. The existing design of the building is essentially functional and utilitarian. The building is red brick with cream render (recently removed), flat roofed and set back into its plot from the street frontage. It is out of keeping with its surroundings which are of more traditional design and arrangement fronting directly on to the road. Whilst the building is considered to be neutral in terms of its contribution to the Conservation Area (see comments from the Conservation Officer at section 7 above) it is considered to detract from the street scene and the Conservation Area within which it is located because of its vacant state and signs of deterioration until preparatory works started recently under the extant permission.
- 9.2.6 The proposals will not change the shape of the building or its position, but will 'refresh' and improve its appearance through painting and new windows providing renewal. Details of these finishes can be secured by condition to ensure they are appropriate to the location. The existing boundary wall and metal railings will be refurbished, with the unsightly metal security gates removed, which would further improve the street scene.
- 9.2.7 The details therefore accord with the relevant provisions of Policies CS2 of the Core Strategy, Saved Policy EV/1 of the Local Plan, Emerging Policy DS5, the NPPF and the Design SPD.

9.3 Heritage

- 9.3.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses, and s72 sets out the desirability of preserving or enhancing the character and appearance of a Conservation Area.
- 9.3.2 Policy CS14 (Heritage) of the Core Strategy seeks development to conserve and enhance historic assets in the Borough for their own value and the community, environmental and economic contribution they make, developments are expected to not only protect the assets, but also their setting. The policy accords with the content of the NPPF and as such retains full weight.
- 9.3.3 Emerging Local Plan Policy EV8 seeks to protect and enhance heritage assets, including non-designated heritage assets, and prevents harm to their significance and setting. Under the guidance of NPPF paragraph 48 it is considered that the emerging Local Plan is 'well advanced' having been subject to Examination and policies are consistent with the NPPF. Policy EV8 is largely uncontested and can therefore be afforded moderate weight.

- 9.3.4 The application is accompanied by a heritage assessment addressing the setting of nearby heritage assets. NPPF chapter 16 provides national guidance on consideration of heritage assets. This concludes that the nearby buildings have defined settings which will not be affected by the development and that the refurbishment of the premises will generally uplift the contribution of the building to the appearance of the Conservation Area.
- 9.3.5 The heritage assets that have the potential to be impacted upon by this proposal are clearly identified in the submitted heritage statement, as the nearby Grade II listed buildings and the Conservation Area generally:
- 17 and 19 Loughborough Road.
 - 9, 9A and Wall (Opposite)
 - 7 Loughborough Road (Opposite)
 - 10 and 12 Loughborough Road, adjacent, to the South East
- 9.3.6. The site is not specifically addressed within the Conservation Area Appraisal, the closest reference being the windows in no. 4. However, the overwhelming character of the area is the arrangement of buildings hard up to the pavement edge. The application site is a departure from that and is also a more recent architectural style than all of its neighbours, and as such is considered to be a neutral component at best, rather than a positive contribution, to the character of the area. This is exacerbated by signs of deterioration over recent years.
- 9.3.7 The development will not eliminate this but will not be harmful to the Conservation Area either, and the refurbishment of the premises will improve the visual quality and appeal of the building.
- 9.3.8 There are a number of listed buildings nearby including no 12 adjacent but they reside within their own strongly defined settings and they nor their settings would be detrimentally affected by development on this site.
- 9.3.9 The site lies within an archaeological alert area. However, the proposal is for change of use only and would not 'break ground', for example for foundations, and as such any archaeological remains would not be harmed.
- 9.3.10 Subject to conditions regarding final details of the replacement windows, the proposal is in accordance with Policy CS14 of the Core Strategy and Policy EV8 of the emerging Local Plan and the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990.

9.4 Residential amenity

- 9.4.1 Policies CS2 of the Core Strategy and EV/1 of the saved Local Plan seek to protect the amenity of existing and future residents. They require high quality design that does not impact on the amenity of adjacent properties or create poor standards of amenity for future occupiers.
- 9.4.2 Emerging Local Plan Policy DS5 states that new development will be required to protect the amenity of people who live or work nearby and those who live in the new development. The policy is at an advanced stage following hearing sessions in June

2022 and it is consistent with the NPPF but is subject to objections and can therefore carry moderate weight.

Existing residents

- 9.4.3 The closest residences are the adjacent property to the north 'Mill House' which is currently undergoing refurbishment and a substantial detached three storey dwelling no. 9A opposite. More widely, the area contains a mix of commercial and residential uses and roads connecting to Loughborough Road such as Crown Lane are residential in character.
- 9.4.4 , The proposed development would not involve new extensions or windows and as such would not create new sources of overlooking or overshadowing. It would however generate a different pattern of staff and visitor movements and noise from internal activities.
- 9.4.5 In terms of neighbour amenity, the site was a car showroom with little control over its activities including vehicle repair and preparation for sale. The building is detached with land around it and it is not considered that noise from internal activities would create an unacceptable impact.
- 9.4.6 The site lies adjacent to an identified 'local centre' within the emerging Local Plan and there are numerous businesses a little to the north and south, including a public house immediately south. It is located on Loughborough Rd which is the main north-south thoroughfare through Mountsorrel.
- 9.4.7 Within this context it is considered that noise and disturbance for staff and customers arriving and leaving would not introduce a source of disturbance not already present, including vehicular movement.
- 9.4.8 It should also be noted that the extant permission P/23/0365/2 incorporated a café in the same manner as that now proposed, and that proposal was a larger scale proposal owing to inclusion of extensions. Against this fall back position, the development is not expected to increase sources of disturbance significantly.
- 9.4.9 The proposed opening times are specified as from 8am to 6pm every day, including Sundays and Bank Holidays and as such would not extend into the evening. Within the area, other businesses (pubs, take aways, convenience shops) generate activity at and beyond these hours. These hours can be secured through use of a condition.
- 9.4.10 The café is small in terms of cooking facilities and capacity and is not prominently located. It will require approval under Food Hygiene Regulations which includes odour and noise controls from any extraction equipment (n.b. no external ducts or flues are proposed in this application- any such equipment affecting the external appearance of the building would require a further planning permission).

9.4.11 Overall, the proposed development is considered acceptable in this location and therefore accords with Policy CS2 of the Core Strategy, saved Policy EV/1 of the Local Plan and Emerging Local Plan Policy DS5.

9.5 Highway and Transport Matters

9.5.1 Policy CS2 of the Core Strategy requires new development to provide well defined and legible streets and spaces that are easy to get around for all. Policy CS17 makes provision to achieve a 6% shift from travel by private car to walking, cycling and public transport. Policy CS18 of the Core Strategy requires network improvements where necessary. These policies are not considered to be out of date and as such hold full weight.

9.5.2 The applicant has submitted a 'Parking Statement' in which the parking arrangement is described and the points are made that the site is in a highly sustainable location in transport terms, within walking distance of Mountsorrel village centre and there are regular bus services to Loughborough, Leicester and the neighbouring villages. The open frontage will enable visitors to enter the site and not have to wait on Loughborough Road.

9.5.3 The proposed development would make use of the existing access with a 'one way' in and out arrangement across the forecourt. A limited amount of parking for staff would be provided in the car park (four spaces), the remaining 3 for visiting customers. A further four staff car parking spaces would be available to the sides and rear of the building. Staff car parking would be assigned to individual businesses in the building and managed accordingly by them. This area contains trees at present and it is considered protective measures are necessary to prevent damage or their removal. A condition can be applied to that effect.

9.5.4 This represents a significant shortfall in provision particularly in respect of space for visiting customers of approximately 8 spaces. Representations received are particularly focussed on car parking in the area and described how it is heavily parked at present to the extent that residents can sometimes struggle to find parking space and obstructions occur. The Local Highway Authority conclude that it is under-provision but consider that when taking into account the sustainable location of the proposal, the availability of public transport and that the area is the subject of substantial parking controls at present that, on balance, the proposal would not be considered severe in the context of Paragraph 115 of the National Planning Policy Framework (December 2023) such that refusal could be justified.

9.5.5 Residents and the local representatives have also raised concerns regarding the junctions in the area and potential for traffic associated with the development to impact upon them. The site is located on Loughborough Road which is subject to a 30mph speed limit. The site comprises two existing vehicular points of access and from the proposed plans propose to retain the two points of access and remove the existing gates.

9.5.6 The application proposes to make the two accesses into a one-way system, this is to minimise conflict between pedestrians and vehicles. The positioning of the one-way system will prevent vehicles stopping close to the exit of the mini roundabout.

The Local Highway Authority consider the proposed access arrangements are acceptable, subject to conditions that suitable signage is placed behind the highway boundary to make the one-way system clear to visitors approaching the site, in order to prevent queuing on Loughborough Road.

- 9.5.7 Concerns had been raised regarding the conflict of soft play customers accessing via to the entrance onto the private drive along the side of the building. The applicant has amended the internal layout to make access to the soft play via the Coffee Shop. This is acceptable to the Local Highway Authority.
- 9.5.8 The Local Highway Authority advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided and subject to conditions, the development therefore does not conflict with paragraph 115 of the National Planning Policy Framework (2023).
- 9.5.9 Cycle parking facilities are indicated on the plans and the appearance of these can be the subject of a condition
- 9.5.10 The site can be provided with safe access as has been noted by the Local Highways Authority. It is in a highly sustainable location which encourages travel by means other than the car. The scale of the scheme is such that no infrastructure enhancements are required and therefore the application also accords with Policies CS2, CS17 and CS18 if the Core Strategy subject to conditions imposing the access arrangements, the provision of parking and the cycle storage facilities..

9 Conclusions

- 10.1 Decisions on applications must to be made in accordance with the adopted development plan policies unless material considerations indicate otherwise.
- 10.2 The application proposes a change of use that will regenerate a disused building and bring with it employment and economic development opportunity. The building is currently showing signs of deterioration and though not key to the Conservation Area in which it resides, its regeneration can only assist the appearance of the area.
- 10.3 The site lies in the commercial heart of Mountsorrel but there is no such definition within the adopted Development Plan. There are numerous other service-based businesses adjacent and in close proximity to north and south. It is immediately adjacent to the emerging 'local centre' boundary (as defined in the submitted Local Plan) identification and as an edge-of-centre location the use is appropriate. There are no clear opportunities for the development to be accommodated within the defined Local Centre and the position adjacent to it is regarded and the preferred alternative within the policy. The proposed use would supersede the extant use for a larger scale office and cafe use approved in 2023 and replace the former larger commercial use and as such a departure for the need for sequential and impact tests is considered to exist.

- 10.4 The use itself is not considered likely to be harmful to residential amenity, but concerns have been raised regarding traffic, and particularly, parking. The applicant has engaged with these matters with amendments and management proposals, and the concern has been resolved to the satisfaction of the Local Highways Authority.
- 10.5 In conclusion, it is considered that there are no impacts of the development of this site that cannot be mitigated and result in unacceptable harm. It is considered that the development satisfies the overall approach and intentions of policies of the adopted Development Plan and emerging Local Plan and as stated above the background to the site justifies departure from their more detailed requirements.. It is therefore considered that planning permission of this full application should be granted.

11. Recommendation

- 11.1 It is recommended that permission is granted subject to the imposition of the following planning conditions and reasons and that the Head of Planning and Growth be given delegated authority to determine the final detail of these planning conditions, in consultation with the Chair of the Plans Committee:

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

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

2. The development, hereby permitted, shall be carried out in accordance with the approved plans and documents listed in as:

- WAALTD122a - 10 rev D Proposed Site and Floor Plans Proposed Site Location Plan P100 received by the Local Planning Authority on 22 February 2024
- WAALTD122a - 15 rev A Proposed Elevations and Location Plan received by the Local Planning Authority on 8 December 2023
- WAALTD122a - Parking Statement submitted on 22 February 2024

REASON: To provide certainty and define the terms of the permission.

3. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Drawing LTD122a 10 Rev D Proposed Ground Floor and Site Plan have been implemented in full, including the removal of the gates and appropriate signage for the one-way system within the site.

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 (2023).

4. The development hereby permitted shall not be occupied until such time as the parking (and turning facilities) have been implemented in accordance with Drawing LTD122a 10 Rev D Proposed Ground Floor and Site Plan. Thereafter the onsite parking (and turning) provision shall be kept available for such use(s) in perpetuity.

REASON: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2023).

5. The development hereby permitted shall not be occupied until such time as secure cycle parking in accordance with Drawing LTD122a 10 Rev D Proposed Ground Floor and Site Plan has been provided. Thereafter the onsite cycle parking provision shall be kept available for such use in perpetuity.

REASON: To promote travel by sustainable modes in accordance with the National Planning Policy Framework (2023).

6. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and / or the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any orders revoking and re-enacting those Orders), the use of the site shall be operated in accordance with the 'Parking Statement'.

REASON: In the interests of general highways safety and in accordance with the National Planning Policy Framework (2023) as a more traffic-intensive development at this site would be inappropriate due to the limitations of the vehicular access and/or the local road network.

7. The uses hereby approved shall operate only within the hours as specified within the planning application as follows:
 - Start Time: 08:00 End Time: 18:00

REASON: To protect residential amenity from undue noise and disturbance in accordance with Policy CS2 of the Charnwood Local Plan 2011-2028 and Policy DS5 of the emerging Charnwood Local Plan 2021-37.

8. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), the existing access gates shall be removed prior to the use hereby removed commencing and subsequently no gates, barriers, bollards, chains or other such obstructions shall be erected to the vehicular access.

REASON: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with the National Planning Policy Framework (2023).

9. Prior to the construction of the car parking spaces to the rear of the building, a scheme for the protection of trees shall be submitted to and approved by the Local Planning Authority.

The scheme shall include measures the protection of trees, in accordance with BS 5837:2012, including a tree protection plan (TPP) and an arboricultural method statement (AMS) for protection during construction.

The development shall be implemented in full accordance with the approved scheme

REASON: To ensure that the trees within the site will not be damaged during construction, to protect and enhance the appearance and character of the site and locality in accordance with Policy CS2 of the Charnwood Local Plan Core Strategy 2015 and policy EV/1 of the Charnwood Local Plan 2004.

10. Prior to the use hereby approved commencing, details of the finish of the exterior of the building and of the window and door to be installed shall be submitted for the agreement of the Local Planning Authority. Only the materials agreed in writing by the Local Planning Authority shall be used in carrying out the development.

REASON: To ensure that the appearance of the completed development is satisfactory, in accordance with Policy CS2 and CS14 of the Charnwood Local Plan 2011-2028 Core Strategy, EV/1 of the adopted Charnwood Local Plan 2014 and Policy DS5 and EV8 of the emerging Charnwood Local Plan 2021-37

APPLICATION SITE

