

Item No. 1

Application Reference Number P/19/1281/2

Application Type:	Full	Date Valid:	18th June 2019
Applicant:	Charnwood Borough Council		
Proposal:	Change of use from dwelling (Class C3) to café & visitor centre (Mixed Use Class A3/D2) and single storey extensions to building.		
Location:	The Outwoods Country Park, Woodhouse Lane, Woodhouse Eaves, Leicestershire, LE11 3YG		
Parish:	Loughborough	Ward:	Loughborough Outwoods

Case Officer:	Louise Winson	Tel No:	01509 634742
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This application has been referred to the Plans Committee by the Head of Planning and Regeneration Services under the terms of the Council's Constitution which requires development proposals submitted by or on behalf of the Council to be referred to the Plans Committee where objections have been received.

Description of the Site

The circa 0.6h site forms part of the Borough Council's Outwoods Country Park, a 110 acre ancient woodland to the south of Loughborough. The park forms part of the Charnwood Forest Regional Park and the National Forest and consists of a number of different routes and walks for the general public to enjoy. The application site is situated at the eastern edge of the Park and forms the primary vehicular access and car parking for the Park.

The Park is an identified Site of Special Scientific Interest (SSSi) due to its biological and geological features along with breeding bird habitat. The current application site is however not within the SSSi area.

Loughborough is the nearest settlement, with its built edge approximately 1 mile away to the north east.

The built form on the site currently consists of a number of buildings and structures. These include the cottage building, toilet blocks and open sided timber building use for recreation purposes by visitors to the park. There is also an area of play equipment. These structures are situated on the north western edge of the site. The single storey cottage has a C3, (residential), use and was historically occupied by the Park Ranger. The cottage has however been unoccupied for a number of years. The remainder of the site is given over to car parking. Light refreshments, for visitors to the site, have been provided on the site via a double decker bus for approximately 2 years.

Vehicular access to the site would be achieved via the existing access to the Park which is off Woodhouse Lane.

Description of the Application

This application seeks full permission for a change of use of the cottage to a mixed use café and visitor centre (Class A3/D2). Along with internal alterations a pitched roofed extension to the south-eastern side of the building to provide increased floor space to serve as a seating/recreation area is proposed. The extension would be 5.1metres long x 6.9metres wide with a ridge height of 5metres. A further open sided pitched roof extension to the south eastern side of the building is proposed to serve as a covered outdoor seating area. This element would be 4.6metres long x 5.6metres wide with a ridge height of 4.5metres. The extensions would be constructed from materials to match the existing building.

The application also makes provision for improvements to the vehicular access into the site and for improvements to the car park area.

The application is supported by the following documents:

- Plans and Elevations
- Bat Emergence Survey
- Highways Impact Statement

Development Plan Policies and other material considerations

Charnwood Local Plan Core Strategy 2011- 2028 (Adopted November 2015)

Policy CS1 – Development Strategy sets out the development strategy and directions of growth for the Borough.

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 and provide attractive well managed public and private spaces.

Policy CS10 – Rural Economic Development seeks to maximise the potential of the rural economy by supporting tourism and leisure facilities.

Policy CS11 – Landscape and Countryside requires new development to protect landscape character and to reinforce a sense of place and local distinctiveness.

Policy CS12 - Green Infrastructure seeks to protect the Borough's green infrastructure assets for their community, economic and environmental values.

Policy CS13 – Biodiversity and Geodiversity requires development proposals to consider and mitigate any impacts on biodiversity and geodiversity to conserve and enhance the natural environment.

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

Borough of Charnwood Local Plan (adopted 12th 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 EV/1 - Design - This seeks to ensure a high standard of design and developments which respect the character of the area, nearby occupiers, and which are compatible in mass, scale, layout, whilst using landforms and other natural features.

Policy CT/1- General Principles for Areas of Countryside, Green Wedge and Local Separation. This policy sets out the criteria against which to assess proposals for development within a countryside location. This is limited to small scale developments and the re-use and adaptation of rural buildings for uses suitable in scale and nature.

Policy CT/2 – Development in the Countryside permits development in principle where it would not harm the character and appearance of the countryside.

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

National Planning Policy Framework (NPPF)

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

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

The Framework also seeks to promote the provision of healthy, active and inclusive places. Paragraphs 91 and 92 specifically support the provision of social and recreational opportunities such as green infrastructure developments that encourage walking and cycling.

Paragraph 170 of the Framework makes provisions for planning decisions to contribute and enhance the natural environment by protecting and enhancing valued landscapes through recognising the intrinsic character and beauty of the countryside.

Planning Practice Guidance

This web-based resource provides additional guidance to ensure the effective implementation of the planning policy set out in the National Planning Policy Framework.

National Design Guide

This guide illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice.

Leading in Design Supplementary Planning Document February (2006)

This encourages and provides guidance on achieving high quality design in new development. It indicates that the Council will approach its judgments on the design of new development against the following main principles:

Places for People – Successful developments contribute to the creation of distinctive places that provide a choice of housing and complementary facilities and activities nearby. Good design promotes diversity and choice through a mix of compatible developments and uses that work together to create viable places that respond to local needs.

Sustainable Places – Successful developments are able to adapt to improve their long-term viability and are built to cause the least possible harm to the environment. It also incorporates resource efficiency and renewable energy measures to take into account the long-term impact of a development.

Distinctive Places – Successful developments respond to their context.

Charnwood Landscape and Settlement Character Assessment - sets out a number of guidelines for the careful management of new developments within the Charnwood Forest to ensure compatibility with the unique and special character of the landscape.

Draft Supplementary Planning Document on Design (January 2020) - Cabinet has approved the Design Supplementary Planning Document, but at the time of writing this report the document is within the call in period. 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. In its draft form, the document carries some but not full weight. Members will be updated with regards to the document's status and weight in the Extras Report.

Relevant Planning History

None relevant to this proposal.

Responses of Statutory Consultees

The table below sets out a summary of the responses received from the Consultees and local organisations.

Response From	Comments
Leicestershire Highway Authority	The Local Highway Authority advises that the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe.
Woodhouse Parish Council	No objections raised in principle although concern is expressed regarding parking and the over commercialisation of the site.
The Woodland Trust	No objection.

Other Responses Received

The Woodhouse Parish Council Tree Officer Objects due to the impact on the adjacent mature tree potential impact on the SSSI.

Two letters of objection have been received from Borough residents. Objections raised are as follows:

- Highway Safety
- There is not the need for a food outlet in this location
- Impact on the SSSI
- Lighting and the impact on biodiversity

Full copies of the correspondence received are available on the Planning File and can be viewed online via planning explorer.

Consideration of the Planning Issues

The main planning considerations in the assessment of the proposal are as follows:

- Principle of the Development
- Design and the impact on the character of the open countryside
- Highway safety
- Ecology
- Impact on Trees

Principle of the Development

The starting point for decision making on planning applications is that they must be made in accordance with the development plan unless material considerations indicate otherwise. Policies in the adopted Charnwood Local Plan 2011-2028 Core Strategy and the saved policies of the Borough of Charnwood Local Plan (2004) provide the development plan context.

Policy CS10 is a significant consideration in the assessment of the proposal. This policy supports tourism and leisure facilities in the Borough particularly those which benefit the Charnwood Forest, amongst other locations. Provision is made for the development of rural tourism based on the enjoyment of the countryside, which could be supported by the provision of facilities such as cafés and restaurants. Policy CS11 seeks to support rural economic development in accordance with the provisions of policy CS10. Policies CS12 and CS15 are also of some relevance as they undertake to respond positively to new development which contributes to open space and recreation provision along with supporting the woodland economy.

Saved Policy CT/1 of the Local Plan provides further support for the proposal. This policy allows for small-scale new built development or the adaptation of existing buildings in the open countryside to provide improved recreation or leisure uses, provided there would be no adverse environmental impact.

The National Planning Policy Framework contains a presumption in favour of sustainable development. In order for a proposal to be sustainable it must perform an economic, social and environmental role. In this context it is considered that the proposal would provide employment at the site throughout the construction process and then during the operation of the use. This will contribute to the rural economy, thereby providing an economic role. The provision of a development which supports an existing recreation facility in the Borough is considered to provide a social role. The re-use of a redundant rural building for recreation purposes is considered to provide an environmental role. Specifically, relevant to this proposal, paragraphs 83 and 84 of the Framework makes provision for planning decisions to enable the development of sustainable rural tourism and leisure facilities which respect the character of the countryside.

Overall, the development will result in the re-use of a redundant rural building to improve leisure and recreation facilities at an existing Country Park. The development will replace the double decker bus on the site which has been providing refreshments at the site with a permanent facility where design, environmental and highway issues can be assessed. Policies CS1, CS10, CS11 and CS15 of the Strategy, saved policy CT/1 of the Local Plan along with the provisions of the Framework set out support for this countryside proposal. The proposal will make a positive contribution to the rural economy and contribute to the long term success of the Country Park. The development would also respond to the provisions of the Charnwood Forest Landscape and Settlement Character Assessment which seeks to promote sustainable leisure and tourism. Given this context is thereby considered that the development is acceptable in principle.

Design and the Impact on the Character of the Open Countryside

The site is situated in the open countryside and within the designated Charnwood Forest, part of the National Forest.

Policy CS2 of the Core Strategy requires new development to make a positive contribution to the environment, having regard, amongst other considerations, to scale, landscape, layout and materials, in order to respect and enhance the individual character of an area. With regard to the open countryside, Policies CS10, CS11 and CS12 seek to ensure that new development protects the individual landscape character of the area. Saved policies CT/1 and CT/2 allows for small-scale new built development in association with recreation or leisure uses, provided there would be no adverse environmental impact or harm to the character and appearance of the countryside. The Framework provides support for rural tourism development which respects the character of the countryside. Further design guidance can be found in the Borough Council's adopted Leading in Design SPD and the National Design Guide. Further to this, the Charnwood Forest Landscape Character Assessment sets out a number of guidelines for the careful management of new developments to ensure compatibility with the unique and special character of the landscape.

The proposal will involve the redundant building being renovated and brought back into use. This is considered to be an improvement to the visual amenity of the locality, as the alternative is the building remaining empty and potentially deteriorating over time. The proposed extensions to the building are in keeping with the existing linear form and are considered to be sympathetic to the rural character of the area. The fenestration details and rooflines reflect those of the existing building, with the use of matching materials also proposed. Samples of these materials can be secured via the recommended condition to ensure the development remains in keeping with the existing building and locality. The site also benefits from screening from existing mature trees to the northern, western and southern sides which will provide mitigation for the visual impact of the development.

Overall, in terms of design and the impact on the surrounding countryside landscape, it is considered that the proposal generally complies with policies CS2, CS10, CS11 and CS12 of the Core Strategy, saved policies EV/1, CT/1 and CT/2 of the Local Plan and the Framework. The development is also considered to respond to the quality aspirations set out in the Leading in Design SPD and the National Design Guide along with the provisions set out to protect the individual landscape in the Character Assessment

Highways

The Leicestershire County Highway Authority has reviewed the submitted plans and information and does not object to the principle of the development. It considers that the residual cumulative impacts of the development are not severe in accordance with Paragraph 109 of the NPPF. Its response covers the following areas:

Site Access: - The improvements to the access arrangements to the site are considered to be acceptable. Whilst the vehicular visibility splay to the north does not strictly comply with the Highways Design Guide given as this is an existing access

currently in use and that there have been no personal injury collisions recorded in the last 5 years the visibility for the access is acceptable.

Internal Layout: The scheme makes provision for some improvements to the existing informal parking area including the setting out of additional disabled parking spaces. These measures are considered to be acceptable given the proposal will continue an existing use, and, it is not anticipated that the demand for on-site parking will increase a significant amount.

Given the above position it is considered that the proposal would not result in harm in terms of highway safety and that an accessible development can be achieved by attaching suitable conditions. The proposal therefore complies with policy TR/18, the NPPF and the Leicestershire County Highway Authority Standing Advice.

Ecology

Policy CS13 of the Core Strategy along with the provisions of the National Planning Policy Framework requires new development proposals to consider and mitigate any impacts on biodiversity.

The application is supported a bat emergence survey. No bats were recorded entering or leaving the building during the period of the survey. However, bat mitigation measures are proposed as part of the construction of the development to encourage future bat activity in the area. Careful consideration over the lighting of the site should however be given to ensure the potential for artificial light to disturb bats or other wildlife is minimised. A condition securing the details of the lighting is therefore recommended. The Borough Council's Senior Ecologist has commented on the application and is satisfied that the nearby SSSI would not be impacted by the development. Whilst concern has been expressed regarding this issue, there is no evidence to suggest that the use, which is a continuation of an existing facility at the site, would cause harm to the SSSI.

It is overall considered that the development would have no unacceptable impact on biodiversity in the locality. In this regard the proposal complies with policy CS13 of the Core Strategy and the Framework.

Impact on Trees

There are a number of mature trees in and around the site. The proposed extension will fall within the root protection area of a mature oak tree on the south-eastern corner. The Borough Council's Senior Landscape Officer and the Woodhouse Parish Council Tree Warden have expressed concern regarding the impact of the proposed development on this tree.

However, the tree is not protected and could be pruned or removed at any time without needing any formal consent. The information submitted with the application confirms the construction of the development would be in accordance with the British Standard BS 5837:2012: Trees in Relation to Design, Demolition and Construction – Recommendations. The details regarding the design of the foundations can also be

secured via the recommended planning condition. This would ensure any impact of the tree can be mitigated to an acceptable level.

Overall, whilst the concern regarding the tree is noted within the planning balance, it is not considered that this concern alone could justify a reason to resist the proposal. It is considered that the public benefits of this proposal and contribution it would make to the rural economy and long term success of the Country Park would outweigh any harm to the unprotected tree. Additionally, given the woodland setting, any residual impact on this single tree would not have an impact on the wider landscape context.

Conclusion

There are no objections to the loss of the dwelling at the site. The provisions of the Development Plan provide support in principle for the change of use. The use would contribute to the continued success of the Country Park and surrounding rural economy, which, in turn would support the aspirations of the Charnwood Forest Landscape and Settlement Character Assessment.

Whilst the concern regarding the impact on the tree is noted, it is not considered in this case that the application could be resisted on these grounds. The identified benefits to the scheme are considered to outweigh any concerns regarding the tree in this case. There are no biodiversity grounds to oppose the proposal, nor is the scheme considered likely to result in a severe impact on the safe operation of the highway network.

The local concern expressed regarding the potential commercialisation of the site is noted. However, the development would provide for the continuation of an existing use at the Park. It is therefore not anticipated that the visitor numbers or activities at the park would significantly increase as a result of the development.

On balance, it is therefore considered there are no sustainable reasons for refusal, and, as such, planning permission should be granted.

RECOMMENDATION:

Grant Conditionally

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

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

- 2 The development shall be carried out only in accordance with the details and specifications included in the submitted application, and shown on the following drawings:
5548/1 - Existing Plans, Site Plan and Site Location Plan
5548/2 – Proposed Ground Floor Plan and Elevations
5548/3 – Drainage Plan

1:1250 at A2 – Visibility Splay Plan
Highway Impact Statement RT081175-149-01

REASON: To make sure that the scheme takes the form agreed by the authority and thus results in a satisfactory form of development.

- 3 No part of the development hereby permitted shall be occupied or brought into use until such time as vehicular visibility splays of 2.4 metres by 140 metres to the north and 2.4 metres by 240 metres to the south have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

REASON: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (2019).

- 4 Prior to the development reaching D.P.C level or above, details of the design for off-street highway as shown generally on drawing number 001 Access Design and Visibility Drawing shall be submitted into the local planning authority for approval. The proposed cafe/visitor centre shall not be operational until that scheme has been constructed in accordance with the approved details.

REASON: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2019).

- 5 Prior to the development reaching D.P.C level or above, samples of the facing bricks and any other materials to be used on the external walls and of the roofing slates, tiles and any other materials shall be submitted for the agreement of the local planning authority. Only materials agreed in writing by the local planning authority shall be used in carrying out the development.

REASON: To make sure that the appearance of the completed development is satisfactory.

- 6 Notwithstanding the submitted drawings, the development hereby permitted shall not be occupied or first used until such a time as the indicative parking layout submitted on drawing Indicative Parking Arrangement Drawing 002 by WYG Group Ltd has demonstrating 48 standard parking spaces and 3 disabled with associated turning has been provided. Thereafter the onsite parking and turning provision shall be so maintained in perpetuity.

REASON: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the

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

- 7 Notwithstanding the submitted details, no outdoor lighting shall be installed on the building without the previous written agreement of the local planning authority.

REASON: In the interest of biodiversity and the conservation of a protected species.

- 8 No development shall be carried out on the site unless it is fully in accordance with the bat mitigation strategies specified in the submitted Bat Roost Assessment and shown on the approved drawing no. 5548/2 approved as part of this application.

REASON: To ensure that important features of ecological interest are protected.

- 9 The development hereby permitted shall not be occupied or brought into use until such time as cycle parking is provided in accordance with details first submitted to and agreed in writing by the Local Planning Authority. Thereafter the cycle parking shall be maintained and kept available for use.

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

10. Within two months of the commencement of development, a scheme showing full design details of the bin storage facilities for the development shall be submitted to the local planning authority for approval. No occupation or use of the development shall take place until the bin storage facilities have been provided in accordance with the agreed details. The bin storage areas shall thereafter be maintained and retained at all times.

REASON: To ensure adequate refuse facilities are provided in the interests of maintaining the visual amenity of the open countryside.

11. No development, including site works, shall begin until the existing oak tree shown to be retained on the approved plan has been protected, in a manner which shall have first been submitted to and agreed in writing by the local planning authority. The tree 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.

REASON: The tree is an important feature in the area and this condition is imposed to make sure that it is properly protected while building works take place on the site. This condition requires discharge prior to development commencing as it requires measures to be installed before construction starts.

12. Notwithstanding the submitted details, no development, including site works, shall commence until such time as full details of the proposed foundations for the development have been submitted to and agreed in writing by the local planning authority. The submitted scheme shall be fully in accordance with the British Standard BS 5837:2012: Trees in Relation to Design, Demolition and Construction – Recommendations The agreed details shall be completed as part of the works hereby permitted.

REASON: To ensure the oak tree referred to in condition 11 above is properly protected while building works take place on the site. This condition requires discharge prior to development commencing as it may require measures to be taken before construction starts.

13. The building shall be used only for a cafe and visitor centre and for no other purpose, including any other purpose in Class A3 or D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), 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.

REASON: To ensure that the use remains compatible with the surrounding area.

The following advice notes will be attached to a decision

- 1 The Local Planning Authority acted pro-actively through positive engagement with the applicant at the pre-application stage and 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 and in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 2 DEVELOPMENT PLAN POLICIES RELEVANT TO THIS DEVELOPMENT - Policies CS2, CS10, CS11, CS12, CS13, CS15 and CS25 of the adopted Charnwood Local Plan 2011-2028 Core Strategy, saved policies EV/1, CT/1 and CT/2 of the Borough of Charnwood Local Plan (adopted 12th January 2004) and the provisions of the National Planning Policy Framework have been taken into account in the determination of this application.

- 3 Planning permission has been granted for this development because the Council has determined that, although representations have been received against the proposal and it does not fully accord with the terms of the above- mentioned policies and the Council's adopted Supplementary Planning Document 'Leading in Design', the degree of harm that might be caused to one or more of the issues arising under the policies is insufficient to warrant the refusal of planning permission.
- 4 Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>

