

Item No. 6

Application Reference Number P/19/2111/2

Application Type:	Full Planning Permission	Date Valid:	10/10/2019
Applicant:	Mrs G Pepper		
Proposal:	Change of use of agricultural barn to residential dwelling (Use Class C3) and associated external alterations.		
Location:	Tithe Farm 160 Nottingham Road Barrow Upon Soar Leicestershire LE12 8JA		
Parish:	Barrow Upon Soar	Ward:	Barrow & Sileby West
Case Officer:	Jeremy Eaton	Tel No:	01509 634692

This item is referred to Plans Committee given that it comprises a departure from the Development Plan.

Description of the Application Site

The application site relates to land associated with Tithe Farm, No. 160 Nottingham Road, which is located outwith the Development Limits to the village of Barrow Upon Soar, Leicestershire, within the open countryside.

The site is situated to the eastern side of Nottingham Road, and includes an internal access road and land located adjacent to the farmhouse of Tithe Farm. The site is occupied by a single storey detached barn, which is understood to be vacant, and comprises a redundant agricultural building. It was previously used as a milking parlour.

The host building is of a single storey, constructed of a mixture of red brick and render to the walls with a mixture of slate tiles and metal corrugated sheeting to the roof. The fenestrations (windows) and doors comprise a mixture of timber and uPVC.

Adjoining all boundaries of the application site is land and agricultural buildings associated with Tithe Farm, which is understood to be largely occupied in connection with an established agricultural use.

Vehicular/pedestrian access to the site is directly achieved via an existing vehicular access off of Nottingham Road.

The application site is located within Flood Zone 1.

Background Information

The Government published the revised National Planning Policy Framework (NPPF) in 2018, (more recently replaced by the 2019 NPPF), following the Housing White Paper

in 2017 and the document represented the most significant change to planning policy since the original NPPF was published in 2012. This was swiftly followed by the Ministry for Housing, Communities and Local Government (MHCLG) issuing a statement in March 2018 which advised communities should be given more options to convert agricultural buildings to homes in order to help meet rural housing needs.

The prior notification procedure was formally incorporated into planning legislation as Part 3 and Class Q to Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 1992 (as amended) and was originally introduced in 2014. It allowed agricultural buildings to be converted to create up to 3 dwellings, where specific criteria were met.

Revised regulations came into effect on 6th April 2018 which allow the conversion of agricultural buildings to create up to 5 dwellings on a single agricultural unit provided specific criteria are met. The revised regulations also increased the footprint of the buildings which could benefit from the 'permitted development' from 450 sqm. to 465 sqm again, provided all the criteria are met.

In each application under the 'prior notification' procedure, upon confirming whether the proposal is in fact permitted development, the local planning authority is limited to what it can consider, These applications are simply to consider transport impacts, noise impacts, contamination risks, flooding risks, location of the building and design and external appearance, (the latter only if there are alterations).

Because of the nature and location of such rural sites, it is inevitable that they will lie in countryside locations, often remote from services and facilities and be in what would ordinarily be considered unsustainable locations. This means that the suitability of the location of the building is not typically a reason to refuse such a prior notification application.

However, Class Q does not allow for the extension of buildings as part of the conversion process and these proposals would need to be the subject of applications for planning permission.

In this case, a significant material consideration relates to Permitted Development Prior Notification application reference P/19/1995/2, which related to the proposed change of use of the existing building on-site from agricultural use (Sui Generis Use Class) to residential use (Use Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended)). This established that to change the use to a dwelling was permitted development and that there were no reasons to refuse prior permission under the limited grounds listed above.

Whilst the principle of the proposed change of use of the agricultural building to create a residential dwelling has been established under P/19/1995/2, this latest application proposes an extension together with other associated internal and external alterations and change of use. These works to extend the building mean that it cannot fall under class Q and that it is not permitted development. This means planning permission is required and leads us to this application which is now before the Plans Committee.

Application Proposals

This application seeks Full Planning Permission for the proposed change of use of the host building, from agricultural use (Sui-Generis) to residential use (Use Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended), together with associated conversion works, including the extension of the host building and internal/external alterations, in order to create a dwelling.

With regard to the proposed extension, this will be located to the rear of the building and will have a built footprint of approximately 1.9m width x 15.3m length. This element will also incorporate alterations to the existing roof of part of the host building, to include the raising of the ridge height, from approximately 3.8m to 4.2m above ground level; however, the eaves height will remain as existing, approximately 2.53m above ground level. The roof is also proposed to be re-clad with new slate roof tiles to match that existing.

With regard to the proposed external alterations, these include the following: installation of new timber cladding to the gable end elevations; the infilling of existing window/door openings with materials to match that existing and the creation of new window/door openings, and the installation of solar panels on the westerly roof slope.

The resultant dwelling would comprise a modest 2-bedroom dwelling with all accommodation set at ground floor level. It would sit within a defined residential curtilage, incorporating a courtyard which would include private amenity space provision (approximately 87 sq.m. in extent) and area of hardstanding which would provide off-street vehicular parking and turning facilities.

The proposed dwelling would be occupied by the daughter of the applicant, who is registered as being disabled, and her carer. The proposed dwelling has been designed as a bespoke purpose-built dwelling for this purpose.

The application has been accompanied by the following planning drawings which provide further context:

- Drawing No. 7949-03-01 Rev – (Existing Site Location Plan & Site Plan);
- Drawing No. 7949-03-02 Rev – (Existing Plans and Elevations); and
- Drawing No. 7949-03-12 Rev – (Proposed Barn Conversion – Planning).

In addition, this application has been accompanied by the following supporting information:

- Application Form; and
- Planning Statement.

Development Plan Policies

Charnwood Local Plan Core Strategy 20011-2028 (Adopted 9th November 2015)

The policies relevant to this proposal include:

Policy CS1 - Development Strategy - sets out the development strategy for the Borough, including a settlement hierarchy. Barrow Upon Soar is identified as Service Centre, along with a further six villages, whereby provision will be made within and adjoining such Service Centres for at least 3,000 new homes and sustainable development which contributes towards meeting the Council's remaining development needs, supports the Council's strategic vision and makes effective use of land.

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 CS11 – Landscape and Countryside – seeks to support and protect the character of the local landscape and countryside.

Policy CS13 – Biodiversity and Geodiversity - seeks to conserve and enhance the natural environment and to ensure development takes into account impact on recognised features.

Policy CS16 – Sustainable Construction and Energy - supports sustainable design and construction techniques. It also encourages the effective use of land by reusing land that has been previously developed.

Policy CS25 – Presumption in Favour of Sustainable Development – sets out a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

Borough of Charnwood Local Plan 1991-2026 (adopted 12 January 2004) (saved policies)

The policies relevant to this proposal include:

Policy ST/2 – Limits to Development – Aims to confine development to land within the Limits to Development identified on the Proposals Map.

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

Policy CT/1 - General Principles for Areas of Countryside, Green Wedge and Local Separation - states that development in these areas will be strictly controlled. Planning permission will be granted for the re-use and adaptation of rural buildings for uses suitable in scale and nature and small-scale built development where there would not be a significant adverse environmental impact and the proposal would (inter alia) be essential for the efficient long- term operation of agriculture, horticulture or forestry.

Policy CT/2 - Development in the Countryside - In the countryside, development which is acceptable in principle will be permitted 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 dependent on floorspace or dwelling numbers.

Barrow Upon Soar Neighbourhood Plan 2016-2028 (adopted 8th February 2017)

Policy BuS1 - Ecology and Biodiversity - seeks to conserve and enhance existing ecological corridors and landscape features for biodiversity.

Policy BuS4 – Design - Seeks to ensure a high standard of design for developments which reflect the design guidance contained within the Barrow Upon Soar Village Design Statement contained within the Neighbourhood Plan.

Policy BuS16 - Housing Provision - Aims to confine residential development to land within the Limits to Development identified on the Proposals Map. Development should be in keeping with the scale, form and character of its surrounding context, it should not result in any significant adverse effects on the residential amenities of neighbouring occupants and should ensure safe and suitable access.

Policy BuS17 - Meeting the Housing Needs of Older People – Seeks to provide a mix of housing types within residential development proposals based on up-to-date evidence of housing need.

Other material considerations

The National Planning Policy Framework 2019 (NPPF)

The NPPF is a material consideration in planning decisions. The NPPF seeks to achieve sustainable development that fulfils economic, social and environmental objectives.

Paragraph 11 states that where development accords with an up to date Development Plan it should be granted planning permission but that where relevant policies are absent or the policies which are most important for determining the application are out of date permission should be granted unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- policies in the NPPF that protect areas or assets of importance provide a clear reason for refusal.

Footnote 7 makes it clear that where applications for housing are being considered if a 5 year supply of housing land cannot be demonstrated or the housing delivery test indicates that the level of delivery of housing is less than 75% of the housing

requirement over the last 3 years that housing supply policies should be considered to be out of date.

Paragraph 12 adds further emphasis to the primacy of the development plan stating that where proposals don't accord with an up to date plan they should normally be refused unless material considerations indicate otherwise.

In terms of the remainder of the NPPF, sections relevant to the consideration of this application include the following:

Paragraph 59 makes it clear that the needs of groups with specific housing requirements should be addressed.

Paragraph 61 states that planning policies should consider the need for housing for different groups in the community, including those people with disabilities.

Paragraph 77 outlines that in rural areas, planning decisions should be responsive to local circumstances and support housing developments that reflect local needs.

Paragraph 78 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

Paragraph 79 outlines that the development of isolated homes in the countryside should be avoided unless there is an essential need for a rural workers dwelling, the development would represent the optimal viable use of a heritage asset, the development would re-use a redundant or disused building and enhance its immediate setting, the development relates to the sub-division of an existing dwelling or the design is of exceptional quality.

Paragraph 108 outlines that development proposals would need to ensure safe and suitable access to the application site can be achieved for all users.

Paragraph 109 states that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impact on the road network would be severe.

Paragraph 117 promotes an effective use of land in meeting the need for homes and other uses.

Paragraph 118 promotes the development of under-utilised land and buildings, especially where this would help to meet identified needs for housing.

Paragraph 127 seeks to foster high quality design.

Paragraph 130 outlines that planning permission should be refused for development of poor design that fails to take opportunities available to improve the character and quality of an area and the way it functions.

Paragraph 163 states that planning decisions should ensure that flood risk is not increased elsewhere.

Paragraph 170 outlines that planning decisions should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes and minimising impacts on and providing net gains for biodiversity.

National Planning Practice Guidance (NPPG)

This was launched as a web-based resource and replaces a list of previous practice guidance documents and notes, as planning guidance for England and consolidates this guidance on various topics into one location and condenses previous guidance on various planning related issues.

National Design Guide (2019)

This document sets out the Central Government's design guidance which is intended to encourage, promote and inspire a higher standard of design in respect of development proposals.

Leading in Design Supplementary Planning Document (February 2006)

This document encourages and provides guidance on achieving high quality design in new development. Appendix 4 sets out spacing standards for new housing developments to ensure that overlooking and over dominance do not occur and that a good quality design is achieved.

Housing Supplementary Planning Document (2017)

Adopted in May 2017, the SPD provides guidance to support the Local Plan Core Strategy and the saved policies of the Borough of Charnwood Local Plan.

Leicestershire Highways Design Guide

This document sets out the Local Highways Authority's design guidance in respect of highway matters.

Charnwood Landscape Character Assessment (2012)

This document identifies the distinct landscapes within the Borough by describing their key characteristics and natural, historical and cultural features. It defines six distinct landscape character areas, of which the site is located within the Soar Valley Landscape Character Area.

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

The application site has been the subject of the following relevant planning history:

- P/19/1995/2 – Change of use from agricultural building to dwelling (Use Class C3) (Prior Notification) – Prior Approval Granted (10.12.2019).

Response of Statutory Consultees

Charnwood Borough Council (Environmental Health)

No objection.

Leicestershire County Council (Local Highway Authority)

The Local Highway Authority advise that, in their 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 Planning Conditions being imposed upon any grant of planning permission (as per those outlined within their consultation response), the development therefore does not conflict with paragraph 109 of the National Planning Policy Framework.

Barrow Upon Soar Parish Council

No objection.

Third Party Representations

None received.

Consideration of the Planning Issues

This application is for full planning permission and the key material planning considerations are:

- The principle of the proposed development;
- Design and visual impact on the countryside;
- Impact on residential amenity;
- Impact on ecology;
- Flood risk/drainage; and
- Highway matters.

Principle of the proposed development

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 Development Plan for Charnwood comprises the Charnwood Local Plan 2011-2028 Core Strategy (2015), those “saved” policies within the Local Plan which have not been superseded by the Core Strategy, and the Barrow Upon Soar Neighbourhood Plan 2016-2028.

Policy CS1 outlines the development strategy for the Borough which seeks to direct development to sustainable locations which are serviced by a good range of facilities and public transport. Policy ST/2 of the Borough of Charnwood Local Plan also seeks to limit development to within defined settlement boundaries and whilst this policy is more than 5 years old, it still carries some weight. The review into settlement Limits which forms part of the emerging replacement local plan would still place the application site within the countryside, and although this document carries no weight at present, the restrictive approach would gather weight as the local plan progresses through its adoption stages. In these ways, the proposal would fail to comply with Policies CS1 of the adopted Charnwood Local plan Core Strategy, ST/2 of the Borough of Charnwood Local Plan and Policy BuS16 of the Barrow Upon Soar Neighbourhood Plan.

Policy CS11 of the Core Strategy and the relevant provisions of the National Planning Policy seek to resist isolated new homes in the countryside unless they have a strong relationship with the operational requirements of agriculture, horticulture, forestry or other land based industry and also contributes to a low carbon economy. The proposal would result in an open market dwelling which would not be required for agricultural purposes and in this way, the proposal would not therefore accord with this element of Policy CS11.

However, a significant material planning consideration is the fact a dwelling, (albeit without the extension), could be created in this location using the Prior Approval legislation under Part Q of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as explained above. Indeed, such a Prior Approval has already been secured and could be implemented without regard for adopted restrictive policies. It is considered that this is an example of where a material consideration indicates that development should be considered favourably, contrary to the provisions of the development plan. For this reason, it is considered, on balance that the principle of the proposed dwelling is acceptable. It must be made explicit however that allowing development in such specific circumstances does not undermine or set a precedent for the application of the usual development plan policies elsewhere in the Borough or in the future.

Design and visual impact on the countryside

Policies CS2 of the Charnwood Local Plan 2011-2028 Core Strategy and “saved” Policy EV/1 of the Charnwood Local Plan seek to ensure high quality design and layout, which respect the character and appearance of the host dwelling and are compatible with the street scene and wider built context.

Policy CS11 of the Charnwood Local Plan 2011-2028 Core Strategy and “saved” Policy CT/2 of the Charnwood Local Plan seek to protect the character of the local landscape and the countryside.

Policy BuS4 of the Barrow Upon Soar Neighbourhood Plan 2016 – 2028 outlines that development proposals will be required to reflect the design guidance contained within the Barrow upon Soar Village Design Statement.

The application site is outside the identified Limits to Development for Barrow upon Soar, within the open countryside. The site falls within the Soar Valley Landscape Character Area.

The proposed extension, and many of the proposed external alterations, would be sited within an enclosed area of the application site, enclosed by virtue of either the walled-enclosure around the perimeter of the building or by the adjoining agricultural building to the north-east, or otherwise located in position whereby they would be screened by adjoining buildings located outside the application site within the immediate locality of Tithe Farm. In this case, it is considered that the only alterations which would be visible from outside the application site and the immediate area of Tithe Farm are those proposed to the western elevation. However, even then, by virtue of the minor nature of the proposed alterations to this elevation, which are in any case considered to be in keeping with the character and appearance of the host building and in light of the distance of the building from Nottingham Road, (+200m), it is considered that the proposed alterations would not be overly prominent from within the public realm, or within the immediate landscape context.

Accordingly, it is considered that the proposed development would not result in an incongruous form of development. The proposed development would sit well in terms of its existing rural context and would not result in any adverse harm to the character and appearance of the surrounding natural/built environment.

In view of the above, it is considered that the proposed development would be in accordance with the relevant provisions of Policies CS2 and CS11 of the Charnwood Local Plan (Core Strategy), “saved” Policies EV/1 and CT/2 of the Charnwood Local Plan and Policy BuS4 of the Barrow Upon Soar Neighbourhood Plan. Furthermore, it is considered that the proposed development would be in accordance with the relevant provisions of the NPPF, notably Paragraphs 127 and 130.

Residential amenity

Policies CS2 of the Charnwood Local Plan 2011-2028 Core Strategy and saved Policies EV/1 and H/17 of the Charnwood Local Plan 2011-2028 Core Strategy seek to protect the amenities of nearby properties.

In order to objectively assess the impact of the proposed development upon existing residential amenity, the Council has adopted Supplementary Planning Document/Guidance (SPD/G), which relate to matters of design and residential amenity.

The guidance outlines that there are three main ways in which development can impact upon residential amenity:

- Loss of light (overshadowing);
- Loss of privacy (overlooking); and
- The erection of an over dominant or overbearing structure (outlook).

The neighbouring residential property which would potentially be affected by the proposal includes the adjoining farmhouse to Tithe Farm (No. 160 Nottingham Road). This property has main habitable room windows which are in close proximity to the southern elevation of the barn. As there would be no increase in building height there would be no material loss of light or outlook. There is the potential for increased overlooking of 160. However, those windows within the proposed southern elevation are high level and do not serve main habitable rooms, where they are in direct alignment with 160. As a result, this property would not experience a material loss of privacy although it may be necessary to impose a condition preventing any alteration to these windows or additional windows. It is considered there would be no material loss of amenity by way of overbearing impact, loss light or loss of privacy.

There are no other adjoining or nearby residential properties which would experience a material impact on amenity.

It is not considered that the proposed development itself would be adversely affected by reason of noise and general disturbance associated with the established agricultural use of the adjoining farm. Charnwood Borough Council's Environmental Health officers do not raise any objection in this respect.

In addition, the property has an internal floor area in excess of the national space standard of 61 sqm for dwellings of this type including a twin room in excess of 11.5 sqm. It is also considered that a good-sized amenity space would be afforded for the proposed dwelling, which would be commensurate with the size of the property. This means that a good standard of amenity for future occupiers would be provided in accordance with policy CS2.

In view of the above, and subject to planning conditions, it is considered that the proposed development would not harm the residential amenities of the adjoining occupants, those of No. 160 Nottingham Road, or those of the proposed dwelling, in which case the proposed development would be in accordance with the relevant provisions of Policy CS2 of the Charnwood Local Plan (Core Strategy) and "saved" Policy EV/1 of the Charnwood Local Plan 2004. Furthermore, it is considered that the proposed development would be in accordance with the relevant provisions of Paragraph 127 of the NPPF.

Impact on Ecology

Policy CS13 of the Charnwood Local Plan 2011-2028 Core Strategy seeks to ensure protected species are not harmed as a result of development proposals and wherever possible enhance the potential through landscaping and drainage solutions to provide development that promotes ecological benefit.

Policy BuS1 of the Barrow Upon Soar Neighbourhood Plan outlines that new development will be expected to maintain and where possible enhance existing ecological corridors and landscape features for biodiversity, thus demonstrating overall net-gain.

No ecological survey and accompanying report has been submitted in support of this application; however, it is not expected that the proposed development would give rise to any adverse harm in respect of biodiversity. Notwithstanding this, Informative Notes are suggested to remind the applicant that a precautionary approach should be taken in this regard (See Informative Notes 3 and 4, below).

In view of the above, it is considered that the proposed development would not give rise to any adverse harm in respect of biodiversity, in accordance with the relevant provisions of Policy CS/13 of the Charnwood Local Plan (Core Strategy) and Policy BuS1 of the Barrow Upon Soar Neighbourhood Plan. Furthermore, it is considered that the proposed development would be in accordance with the relevant provisions of the NPPF.

Flood risk/drainage

Policy CS16 of the Charnwood Local Plan 2011-2028 Core Strategy encourages sustainable design and construction and seeks to direct development to locations within the Borough at the lowest risk of flooding, supporting developments which reduce flood risk elsewhere, and requiring new developments to manage surface water run off with no net increase in the rate of surface water runoff for Greenfield sites.

Policy CS2 of the Charnwood Local Plan 2011-2028 Core Strategy seeks to ensure that development proposals reduce their impacts upon and be resilient to the effects of climate change in this context in accordance with Policy CS16.

Paragraph 163 of the NPPF requires local planning authorities to ensure that, when determining planning applications, flood risk is not increased elsewhere and to only consider development in areas of flood risk where, informed by a site-specific flood risk assessment and will not put the users of the development at risk.

The site is within flood zone 1 where residential development is generally acceptable. Additionally, Prior approval was granted for the change of use which included an assessment of flooding risks on the site. Accordingly, there is no risk of flooding within the site that would conflict with Policies CS2 and CS16 of the Charnwood Local Plan (Core Strategy), and the relevant provisions of the NPPF.

The applicant proposes that the site is drained by way of soak aways and the existing package treatment plant. This is considered to be acceptable, subject to relevant building regulations approvals.

In view of the above, it is considered that the proposed development would be in compliance with the relevant provisions of Policies CS2 and CS16 of the Charnwood Local Plan (Core Strategy), and the relevant provisions of the NPPF.

Highway matters

“Saved” Policy TR/18 of the Charnwood Local Plan relates to requirement for development proposals to incorporate appropriate levels of off-street vehicular and cycle parking provision in line with those standards outlined within Appendix 1 of the Local Plan.

Paragraph 108 of the NPPF outlines that development proposals would need to ensure safe and suitable access to the application site can be achieved for all users.

Paragraph 109 of the NPPF outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

Leicestershire County Council (Highways) were consulted in connection with this planning application. The consultation response received outlines that the Local Highways Authority raise no objection in respect of the proposed development, although they have requested that a Planning Condition be imposed upon any grant of planning permission in connection with securing, and maintaining, the required level of off-street vehicular parking provision.

The proposed dwelling will comprise a 2-bedroom dwelling, although would have potential to be converted to a 3-bed dwelling if the office space were converted to a bedroom. In line with “saved” Policy TR/18 and the guidance contained within the ‘Leicestershire Highways Design Guide’, a minimum of 2 no. off-street vehicular parking spaces would be required to serve a two or three-bedroom dwelling, subject to them being designed in accordance with the design standards outlined within the Design Guide.

The ‘Leicestershire Highways Design Guide’ outlines that parking spaces should be 2.4m wide x 5.5m depth as a minimum. In addition, if the parking space is to be bounded by wall/fence/hedge/trees or similar obstruction on one side, the width of the parking space should be 2.9m as a minimum. In the case that the parking space is bounded on both sides the parking space should be 3.4m wide.

There is ample space within the site to achieve the required parking provision and to allow turning. To ensure this provision is secured it is suggested that an appropriate Planning Condition is imposed upon any grant of planning permission. Accordingly, the necessary vehicular parking provisions will be met.

The existing vehicular access off of Nottingham Road would be utilised to serve the proposed development without modification.

Whilst this access would not meet the design standards of the Leicestershire Highways Design Guide, by reason of access width and visibility splays, in consideration that this is an existing vehicular access and the proposal would result in only a minor intensification of this access, it is not considered that the proposed

development would result in any unacceptable highway impact. This is a viewpoint that the Local Highway Authority share. It should also be noted that previously prior approval was given for the conversion and that this concluded there was no reason for refusal based on transport and highways.

In view of the above, and subject to Planning Conditions, it is considered that the proposed development will not give rise to material harm in respect to matters of highway safety. Accordingly, it is considered that the proposed development would be in accordance with the relevant provisions of Paragraphs 108 and 109 of the NPPF, Policy CS2 of the Charnwood Local Plan (Core Strategy), and the guidance contained within the Leicestershire Highways Design Guide.

Conclusion

With regard to the principle of the proposed development, whilst the proposed development would be contrary with the relevant provisions of “saved” Policies ST/2, CT/1 and CT/2 of the Charnwood Local Plan 2004, Policy CS1 of the Charnwood Local Plan (Core Strategy) and Policy BuS16 of the Barrow Upon Soar Neighbourhood Plan, there are material planning considerations that override this conclusion. In this case, the change of use of an agricultural building to a dwelling is permitted under Part 3 Class Q to Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), as confirmed by virtue of the Local Planning Authority’s decision taken in respect of Permitted Development Prior Notification application reference P/19/1995/2. This means that the change of use itself is acceptable in principle and that and the physical extensions to this are what stand to be considered.

The extensions would be acceptable on design, residential amenity, ecology, flood risk/drainage and highway grounds, in accordance with the relevant provisions of “saved” Policies CT/2, EV/1 and TR/18 of the Charnwood Local Plan 2004, Policies CS2, CS11, CS13, CS16 and CS25 of the Charnwood Local Plan (Core Strategy) and Policies BuS1, BuS4 and BuS17 of the Barrow Upon Soar Neighbourhood Plan. Furthermore, the proposed development would be in accordance with the relevant provisions of the NPPF, including Paragraphs 108, 109, 127, 130, 155 and 163.

In view of the above, it is recommended that Planning Permission be granted.

RECOMMENDATION

Approval of Planning Permission subject to the following Planning Conditions and Informative Notes.

Planning Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing No. 7949-03-01 Rev – (Existing Site Location Plan & Site Plan),
Drawing No. 7949-03-02 Rev – (Existing Plans and Elevations), Drawing No.
7949-03-12 Rev – (Proposed Barn Conversion – Planning)

REASON: For the avoidance of doubt.

3. The development hereby permitted shall be constructed entirely of the materials specified within Question 7. Materials on the Application Form, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of visual amenity and the character and appearance of the area and to accord with the Policies CS2 and CS11 of the Charnwood Local Plan (Core Strategy), “saved” Policy EV/1 of the Charnwood Local Plan and Policy BuS4 of the Barrow Upon Soar Neighbourhood Plan.

4. No external lighting shall be installed on the building, unless details of any proposed external lighting are first submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall be implemented fully in accordance with the approved details and retained in perpetuity.

REASON: To prevent intrusive light pollution that is out of keeping with the character of the area and to accord with Policies CS2 and CS11 of the Charnwood Local Plan (Core Strategy), “saved” Policy EV/1 of the Charnwood Local Plan and Policy BuS4 of the Barrow Upon Soar Neighbourhood Plan.

5. Notwithstanding the drawings submitted in support of the application, the development hereby permitted shall not be occupied until such times as 2 no. vehicular (car) parking spaces and the associated turning facilities have been provided within the application site and made available for use. The parking and turning provision so provided shall not be obstructed, and shall, thereafter, be permanently so maintained.

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 to accord with the National Planning Policy Framework, Policy TR/18 of the Charnwood Local Plan and the Leicestershire Highways Design Guide.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additional windows, other than those expressly authorised by this permission, shall be added to the southern elevation and no alterations shall be made to those windows shown on the approved drawing. REASON: To ensure that there is no overlooking of

160 Nottingham Road in the interest of ensuring good standards of amenity in accordance with policy CS2 of the development plan.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Schedule 2 Part 1, Classes A-E and G shall take place on the new dwelling hereby permitted or within its curtilage.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements and to accord with Policies CS2 and CS11 of the Charnwood Local Plan (Core Strategy), "saved" Policy EV/1 of the Charnwood Local Plan and Policy BuS4 of the Barrow Upon Soar Neighbourhood Plan.

Informative Notes:

1. The Applicant is requested to note that this proposal may require separate consent under the Building Regulations and that no works should be undertaken until all necessary consents have been obtained. Advice on the requirements of the Building Regulations can be obtained from the Building Control Section, Charnwood Borough Council (Tel. 01509 634924 or 01509 634757). As such please be aware that complying with building regulations does not mean that the planning conditions attached to this permission have been discharged and vice versa.
2. The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence. If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.
3. All bats species and their roosts are legally protected under the Conservation of Habitats and Species Regulations 2010 (as amended). Should bats be found during the course of development work, work should immediately stop and advice from Natural England should be obtained and fully implemented before work can resume. Natural England's Bat line can be contacted on 01509 672772.
4. Nesting birds are protected under the Wildlife & Countryside Act 1981 (as amended), therefore should nesting birds be present in the existing building subject to the consent, building work should be deferred until the young birds have fledged. The nesting bird period is considered to take place between March to August inclusive, but may start earlier and extend later. For advice, please contact Charnwood Borough Council's Senior Ecologist on 01509 634729.

5. Discussion with the applicant to seek an acceptable solution was not considered necessary in making this decision. The Local Planning Authority has therefore acted pro-actively 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.

6. Planning permission has been granted for this development despite the conflict with “saved” Policies ST/2, CT/1 and CT/2 of the Charnwood Local Plan, Policies CS1 and CS11 of the Charnwood Local Plan (Core Strategy) and Policy BuS16 of the Barrow Upon Soar Neighbourhood Plan as this conflict was outweighed by virtue of Prior Notification Approval reference P/19/1995/2 which formed a material consideration in the assessment of the principle of development. The development was acceptable in all other respects, in terms of design, residential amenity, ecology, flood risk/drainage and highway grounds, in accordance with the relevant provisions of “saved” Policies CT/2, EV/1 and TR/18 of the Charnwood Local Plan 2004, Policies CS2, CS11, CS13, CS16 and CS25 of the Charnwood Local Plan (Core Strategy) and Policies BuS1, BuS4 and BuS17 of the Barrow Upon Soar Neighbourhood Plan. Furthermore, the development was in accordance with the relevant provisions of the National Planning Policy Framework.

