

## Item. 02

### Application Reference Number P/20/0834/2

|                          |  |                    |                      |
|--------------------------|--|--------------------|----------------------|
| <b>Application Type:</b> | Full   | <b>Date Valid:</b> | 18/05/2020           |
| <b>Applicant:</b>        | Ms M. Batley   |                    |                      |
| <b>Proposal:</b>         | Change of use from storage building (use class B8) to a mixed use of shop (use class A1) and cafe (use class A3) including outdoor seating area. |                    |                      |
| <b>Location:</b>         | Land and building to rear of 15-17 High Street<br>Barrow upon Soar<br>LE12 8PY   |                    |                      |
| <b>Parish:</b>           | Barrow upon Soar   | <b>Ward:</b>       | Barrow & Sileby West |
| <b>Case Officer:</b>     | Deborah Liggins  | <b>Tel No:</b>     | 01509 634733         |

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This item is referred to Plans Committee at the request of Councillors Fryer and Ranson who share concerns about the limited access of the site, the impact of the proposal on other residents, the development not being in character with the High Street and the lack of dedicated car parking.

### Description of the Application Site

The proposal relates to a detached brick building to the rear of the main retail high street of Barrow on Soar and is accessed on foot only through a narrow passage between No's 15 & 17 High Street. The building had, for many years been in a dilapidated state but was refurbished, in 2016, including roof repairs. Since then, the western gable of the building has been rebuilt with an opening for the double doors as shown on the plan and a ceiling has been installed and plastered. The building has also been repaired and refurbished internally and externally, with new horizontal sliding plain glazed windows replacing the original ones on the southern elevation.

The building has a lawful storage use following the grant of a Certificate of Lawfulness under P/16/0165/2. Planning permission was granted under P/16/2262/2 for the use of the building as a shop (A1) and café (A3) but the use was not commenced and that consent has now expired.

Although not listed, it is believed the building was originally a framework knitter's workshop and local residents have previously commented that it's the last such building in the village. The site lies within the Barrow-on-Soar District Centre and Barrow- on -Soar Conservation Area.

The site is flanked by No. 15, which is a gift shop with a self-contained flat above (No. 15a). The flat is accessed via an external staircase at the rear of the shop. No. 17 is a florist shop and all occupiers use the gated pedestrian passageway between the two buildings.

A 1.8m fence exists on the southern and western boundaries of the site. To the west is a rectangle of private land between the site and the health centre car park.

## **Description of the Proposals**

The proposal seeks planning permission to change the use of the premises to a mixed retail A1 and café A3 use. The roof has been repaired since the expired change of use consent in 2016 and the western gable of the building has been rebuilt with an opening for the double doors and a ceiling been installed and plastered.

The previous planning permission granted under P/16/2262/2 required the windows in the southern elevation to be obscure glazed in order to protect the privacy of nearby occupiers. It is now proposed that this be glazed with plain glass. However, an email from the agent dated 10<sup>th</sup> June confirmed the applicant would be willing to accept a condition requiring the topmost panes to be obscure-glazed because it is considered that the existing fence screens views out from the other panes at ground level.

An external seating area is proposed to provide up to 12 covers on tables to the rear of the building. Condition No. 5 of the previous planning permission limited the sale and consumption of food and drink to within the building.

Opening hours have previously been granted as between 1100 hours and 1600 hours on any day. The proposed hours now are Monday-Saturday 0900-1700 hours with no openings on Sundays or Bank Holidays.

The application is accompanied by a Planning and Heritage Statement which describes the site and its surroundings and includes an assessment of the impact on heritage assets. This document describes the existing shops adjacent to the site to have similar opening hours to those proposed and states that the patio area would be restricted to 8 customers at any one time (although seating is provided for 12). The document sets out that securing a viable use of the building will secure its long term preservation.

## **Development Plan Policies**

### Charnwood Local Plan 2011-2028 Core Strategy

Policy CS1 – Development Strategy – sets out the housing directions for growth over the plan period and establishes a settlement hierarchy of locations in terms of their sustainability

Policy CS2 – High Quality Design – requires new developments to make a positive contribution to Charnwood resulting in high quality inclusive design which responds positively to its context and results in places where people would wish to live. New developments should respect and enhance the character of the area, having regard to scale, density, massing, height, landscape, layout, materials and access arrangements. The policy also requires new development to protect the amenity of people who live and work nearby and those who will live in the new development.

Policy CS9 – Town Centres and Shops - sets out that town centre development will be encouraged for District and Local Centres where it supports their viability and vitality and where it is physically integrated into the defined centre and of an appropriate scale for that centre.

Policy CS14 - Heritage – aims to ensure that development proposals protect heritage assets and their setting.

Policy CS25 – Presumption in Favour of Sustainable Development – sets out that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It pledges to work proactively with applicants to jointly find solutions to approve development wherever possible to secure improvements to the economic, social and environmental conditions in an area. Planning applications that accord with the policies in the Core Strategy will be approved without delay unless material considerations indicate otherwise.

### Borough of Charnwood Local Plan

Policy EV/1 – Design - seeks to ensure a high standard of design and sets out nine design criteria which new developments should satisfy. These include the requirement for new development to respect and enhance the local environment, including the scale, location, character, form and function of settlements. Development should be of a design, layout, scale and mass which is compatible with the locality and neighbouring buildings. It should also safeguard the amenities of adjoining properties, particularly the privacy and light enjoyed by adjoining residents.

Policy TR/18 – Parking in New Development indicates that planning permission will not be granted for development unless off-street parking for vehicles, including cycles, and servicing arrangements are included to secure highway safety and minimize harm to visual and local amenities. The guidance indicates that a dwelling of up to 3 bedrooms should be provided with 2 car parking spaces and those dwellings with more should be provided with 3. The policy does however clearly state that these standards should be used as the starting point in assessing the level of provision and represent the maximum level. The quantity of parking allowed should reflect the proposed use and the location of development, the availability of public off - street parking; the current or potential accessibility by non-car modes and the scope for practical measures to significantly reduce the use of private car trips to and from a site.

### **Adopted Neighbourhood Plan**

Barrow upon Soar Neighbourhood Plan has now been 'made' and forms part of the Development Plan for the Borough. Relevant policies to the proposal are:

#### Policy BuS4: Design

New development will be required to reflect the guidance in the Barrow upon Soar Village Design Statement.

#### Policy BuS7: Village Centre

Barrow upon Soar Village Centre, as defined on the Policies Maps, is a District Centre that serves a local catchment area. Planning applications that ensure that the Village Centre continues to provide a diverse range of Village Centre Uses\* which appeal to a wide range of age and social groups will be supported. The modernisation and improvement of Village

Centre shops, facilities and services that ensure that they are retained for the benefit of the community will be supported.

A sequential test will be applied to planning applications for main Village Centre Uses\* that are not within the Village Centre. Proposals for main Village Centre Uses\* should be located in the Village Centre, then in edge of Village Centre locations and only if suitable sites are not available should out of Village Centre sites be considered.

Except where changes of use are allowed through permitted development, Class A1 Shops should remain the dominant use in the Village Centre. Development leading to an over-concentration of any other one use will not be permitted and planning applications for uses other than Village Centre Uses\* will not be supported.

\*The main Village Centre Uses are classes A1 Shops, A2 Financial and Professional Services, A3 Restaurants and Cafes, A4 Drinking Establishments, A5 Hot Food Takeaways, C1 Hotels, and D1 Non-residential Institutions of the Town and Country Planning (Use Classes) Order 1987 (as amended).

#### Policy BuS8: Village Centre Car Parking

Additional off-street car parking is essential to maintain the vitality and viability of the Village Centre. The extension and improvement of existing off-street car parks to provide additional spaces and cycle parking to serve the Village Centre will be supported. The loss of Village Centre car parking will not be supported unless it is replaced by equivalent or better car parking provision in terms of quantity, quality and location.

New developments within or on the edge of the Village Centre should incorporate additional car parking spaces in accordance with the parking requirements set out in Appendix 4, unless it can be demonstrated that it would not be practical and the development would not add significantly to the demand for parking space.

#### **Other material considerations**

##### Planning Practice Guidance

The National Planning Practice Guidance (PPG) reinforces and provides additional guidance on the policy requirements of the Framework and provides extensive guidance on design and other planning objectives that can be achieved through getting good design. These include the consideration of local character, landscaping setting, safe, connected and efficient streets, crime prevention, security measures, access and inclusion, efficient use of natural resources and cohesive and vibrant neighbourhoods.

ID 26 - Paragraphs 001-003 states that good design matters and what this can achieve through good plan making. Paragraph 004 notes that weight can be given to outstanding or innovative design and developments of poor quality design should be refused. Paragraph 007 states that planning should promote local character. New development should be integrated within existing surroundings.

##### National Design Guide (2019)

The National Planning Policy Framework makes clear that creating high quality buildings and places is fundamental to what the planning and development process should achieve. This design guide, the National Design Guide, illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice. It forms part of the Government's collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools.

As well as helping to inform development proposals and their assessment by local planning authorities, it supports paragraph 130 of the National Planning Policy Framework which states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

#### Planning (Listed Building and Conservation Areas) Act 1990 (as amended)

This consolidates previous legislation relating to special controls in respect of buildings and areas of special architectural or historic merit. The legislation gives Local Planning Authorities a statutory duty to give special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

#### The National Planning Policy Framework (NPPF) 2019

The National Planning Policy Framework (NPPF) is a material consideration in planning decisions. The NPPF contains a presumption in favour of sustainable development.

Paragraph 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development.

Paragraph 8 explains that achieving sustainable development means that the planning system has 3 overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. The overarching aims are:

- An economic objective – 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 objective – 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 objective – contributing to protecting and enhancing our natural, built and historic environment.

Paragraph 10 states at the heart of the Framework is a presumption in favour of sustainable development.

Paragraph 11 sets out the presumption in favour of sustainable development and makes it clear that where there is an under-supply of housing land, the most important policies for the determination of housing proposals would be considered out of date.

Paragraphs 15-33 set out that the planning system should be genuinely plan-led and that succinct and up-to-date plans should provide a positive vision for the future of each area; a

framework for addressing housing needs and other economic, social and environmental priorities and a platform for local people to shape their surroundings. Paragraph 31 states that the preparation and review of all policies should be underpinned by relevant and up-to-date evidence.

Paragraph 38 indicates that local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers should seek to approve applications for sustainable development where possible.

Paragraph 47 of the NPPF states that planning law requires that applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.

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

Chapter 12 of the NPPF concerns itself with achieving well-designed places and sets out that good design is a key aspect of sustainable development. The use of visual tools and design codes is encouraged as is the development of design policies alongside local communities and neighbourhood plans.

Paragraph 180 requires that decisions on planning applications should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, including mitigating noise.

Paragraph 184 states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

Paragraph 185 indicates that plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
- the desirability of new development making a positive contribution to local character and distinctiveness; and
- opportunities to draw on the contribution made by the historic environment to the character of a place.

Paragraph 189 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.

Paragraph 190 states that local planning authorities should identify and assess the particular significance of any heritage asset affected by a proposal, including any development affecting its setting, taking account of the available evidence and any necessary expertise in order to minimize any conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 193 sets out that in considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 196 provides that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Paragraph 197 states that the effect of a proposal on the significance of non-designated heritage assets should also be considered in the determination of applications and that a balanced judgement would be required having regard to the scale of harm or loss and the significance of the heritage asset.

### Barrow on Soar Conservation Area Appraisal

Barrow upon Soar Conservation Area was designated in January 1976. It covers an area of about 29.8 ha (71 acres). The purpose of this appraisal is to examine the historical development of the Conservation Area and to describe its present appearance in order to assess its special architectural and historic interest. The appraisal is then used to inform the consideration of management and development proposals within the Area.

Within the Conservation Area there is a widespread use of local Charnwood granite and Swithland slate along with locally produced Barrow-on-Soar lime-mortar which contribute much to the particular character and appearance of the village. Red brick is now the predominant building material in the village, together with render. Welsh slate is the predominant roofing material although clay tiles and pantiles also feature within the Conservation Area.

The main contributions to the special character of Barrow upon Soar Conservation Area are:

- Church Street and Beveridge Street with their wealth of listed buildings;
- The changing views provided by the gently curving streets;
- The roundhouse on Church Street;
- The focal point of Jerusalem Island;
- The number of traditional shopfronts on High Street which are still intact;
- The two alms-houses, and their continuing use, with their associations to the village and its history;

- The Grand Union Canal and its associated open spaces, which is an integral part of Barrow upon Soar;
- The diversity of wildlife associated with the wetlands adjacent to the canal;
- The riverside scene at Barrow Boating and at Barrow Bridge.

The Crime and Disorder Act 1998

This places a duty on the local planning authority to do all that it reasonably can to prevent crime and disorder in its area. The potential impact on community safety is therefore a material consideration in the determination of planning applications.

The Leicester and Leicestershire Strategic Growth Plan 2018

This document is a non-statutory plan but has been prepared and adopted by 10 partner organisations in Leicester and Leicestershire to provide a vision to address the challenges of the region until 2050. It identifies broad locations where development should take place and the infrastructure needed to deliver it which is envisaged to be delivered through local plans.

The Leicestershire Highways Design Guide (2018)

This is a guide for use by developers and published by Leicestershire County Council and provides information to developers and local planning authorities to assist in the design of road layouts. 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; and help create quality developments in which to live, work and play. The document also sets out the quantum of off-street car parking required to be provided in new housing development.

Supplementary Planning Document - Charnwood Design (January 2020)

This document sets out the Borough Council’s expectations in terms of securing high quality design in all new development. Schemes should respond well to local character, have positive impacts on the environment and be adaptable to meet future needs and provide spaces and buildings that help improve people’s quality of life. The document is a material consideration in the determination of planning applications.

Draft Charnwood Local Plan 2019-2036

The Draft Local Plan sets out the Council’s preferred options for draft policies which are yet to be tested through an Examination in Public before they can become part of the development plan for Charnwood. The policies therefore carry limited weight at the current time.

**Relevant Planning History**

| Reference | Description | Decision & Date |
|-----------|-------------|-----------------|
|-----------|-------------|-----------------|

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|--------------------|--|--|
| <b>P/16/1607/2</b> | Change of use from storage (Class B8) to café (Class A3)   | withdrawn<br>6/10/2016                     |
| <b>P/16/0165/2</b> | Certificate of lawfulness of existing use as storage (Class B8)  | Granted unconditionally<br>21/03/2016      |
| <b>P/16/2262/2</b> | Change of use from storage building (Use Class B8) to shop (Class A1) and café (Class A3)                                  | Granted conditionally<br>28/11/2016        |
| <b>P/20/0422/2</b> | To amend or remove conditions 4,5, and 6 of P/16/2262/2 (relating to change of use from B8 storage to A1 shop and A3 café) | Withdrawn as consent expired<br>01/06/2020 |

## Responses of Consultees

The Council's Environmental Health Team has no objections to the principle of the development and notes that no kitchen extraction system is proposed. It recommends that if planning permission is granted, a similar restriction to Condition No. 3 of planning permission P/16/2262/2 should be imposed to limit the type and range of food which is available. This condition would be to prevent potential odour nuisance to nearby residents. The service also recommends that the number of customers using the outside seating area be restricted to 8 but this may be further limited through current social distancing requirements. This is in order to limit noise nuisance.

Borrow up on Soar Parish Council - objects to the proposal on the grounds that the access is not suitable for a public building and the change of use would cause privacy issues for the neighbours.

## Other Comments Received

Councillor Fryer and Councillor Ranson have both raised concerns about the limited access of the site, the impact of the proposal on other residents, the development not being in character with the High Street and the lack of dedicated car parking.

Comments have been received from the occupiers and owners of 15 and 15a High Street and 17 Cotes Road

These can be read in full on the Council's website but are summarised below:-

- Noise nuisance from external customer seating area which is adjacent to a residential garden serving 15a High Street and noise would be disruptive to shift worker sleep patterns.
- The narrow passageway between providing access will impede social distancing arrangements.
- The use of clear glazing would result in loss of privacy
- The proposed business hours are considered excessive and should remain as previously approved.
- The gated access has always been locked – keeping it open during business hours would compromise security to the rear of the shops and flats above.
- No cooking of food should be allowed on the site to avoid smell nuisance.
- Any equipment to extract cooking odours would be noisy
- Food waste may attract vermin
- The building is not suitable for the proposed use.

In addition 3 letters of support have been received including comments that:

- The proposal would be a fantastic addition to the High Street & will enhance choice for customers visiting other shops and outlets
- The proposal, because of its location will offer a relaxed retreat
- The building has been beautifully renovated
- The use would complement other High Street shops
- The café would help bring the community together in difficult circumstances
- The proposed use would support a local family business

### **Non-Material Considerations which have been raised.**

The access rights of passageway users are a private matter between all users and is not a relevant issue in the consideration of the planning application.

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

The main issues to be considered in the determination of this application are:

1. Principle of Development
2. Impact on amenities in terms of noise, privacy & odour.
3. Impact on Heritage Assets
4. Car Parking

#### Principle of Development

The starting point for decision making on all planning applications is that they must be made in accordance with the development plan unless material considerations indicate otherwise. Policies in the adopted Core Strategy and the saved policies in the Borough of Charnwood Local Plan are therefore the starting point for consideration.

Policy CS9 encourages town centre development which supports the vitality and viability of District and Local Centres where it is physically integrated into the defined centre and of an appropriate scale for that centre. The proposed use is considered to be compatible with and complementary to the existing range of shops and services within the village centre.

The site is located within Barrow upon Soar which is identified as a Service Centre within the adopted Core Strategy settlement hierarchy. As such, the village has a number of key services and facilities and good public transport links which allows it to provide for the daily needs of the people living there as well as supporting nearby communities. The site lies within the village centre, to the rear of the High Street frontage and the proposed use is considered to be a main village centre use as defined in and compatible with the adopted neighbourhood Plan.

The proposal therefore accords with Policies CS1, CS9 and Policy BuS7 of the Neighbourhood Plan. The principal of the development is therefore acceptable.

#### Impact on amenities in terms of noise, privacy & odour

Policies EV/1 and CS2 of the Development Plan seek to ensure development is not harmful to the amenity of adjacent occupiers. The main impacts of this change of use in terms of amenity are considered to be those relating to noise, privacy and odour.

It is acknowledged that the public use of the building would draw customers into what is effectively a private space although it is material to note that the same use has previously been found to be acceptable in this location, given the small scale of the proposal and its lawful use as a commercial store. However it is important to note the current proposal now includes an external seating area and slightly extended opening hours. The proposed opening hours are similar to those of other premises in the locality and it is considered that both placing a limit on these and restricting the use of the outside seating to 8 persons (as recommended by CBC environmental Health) will ensure that the use of the outdoor space remains compatible with the area and that noise and disturbance to local residents, especially the occupiers of No. 15a is kept to a minimum.

Because the proposal is close to residential properties there is the potential for cooking odours to impact on the amenity of these residents. The Council's Environmental health department has indicated that an external extraction system would have difficulty in achieving minimum standards because of the single storey nature of the building, with 2 storey buildings adjacent. A condition restricting the type of food which can be sold would also result in the reduction/elimination of cooking odours to acceptable levels, especially in the absence of an extraction flue to deal with these. As a result it is suggested that such a condition should be attached to any approval.

Owing to its historic use, the building has a very long window in its southern elevation which is close to the boundary of No. 15 and the garden used by the occupiers of the flat above. This window is currently wholly clear glazed and close to the external staircase to the rear of the shop which is used to access the flat. There is concern from the occupiers of No. 15a that privacy would be compromised when they use the staircase – i.e. from people looking up from below; and it is therefore recommended in the event planning permission is granted, a condition be imposed requiring the obscure glazing of the top half of the middle and the entire top row of glazed panes in the window on the southern side of the building. This will ensure that there is no overlooking to the stairs and private garden of No. 15a.

In these ways, the development would comply with policies CS2 and EV/1.

#### Impact of the proposal on heritage assets

The site lies within the Conservation Area but the building is not readily visible from public vantage points. The Conservation Area Character Assessment alludes to a history of framework knitting within the village during the first half of the 18<sup>th</sup> century but does not specifically mention the application site although it notes that outworkers from factories principally located in Leicester often worked within their own homes or in purpose built workshops to their rear. The elongated windows on both sides of the building suggest that it was previously used as a knitting workshop and is therefore a significant part of the heritage of the village. The building is not statutorily listed but could be regarded as a 'non-designated' heritage asset as described in Paragraph 197 of the National Planning Policy Framework because of its historic associations. However, the building has been repaired and refurbished with the configuration of its original windows being retained.

Because of its position within the street scene and Conservation Area, the building does not make a significant contribution to its character and appearance. It is therefore concluded that the proposal would cause no harm to the significance of the Conservation Area or its setting. As such, the public benefits of the proposal do not fall to be weighed in accordance with Paragraph 196 of the NPPF.

The proposal therefore accords with Policy CS14 of the Core Strategy and the proposal would at least preserve the character and appearance of the Conservation Area as set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### Car parking

Policy BuS8 of the adopted Neighbourhood Plan states that new developments within or on the edge of the Village Centre should incorporate additional car parking spaces in accordance with the parking requirements set out in Appendix 4 of that document, unless it can be demonstrated that it would not be practical and the development would not add significantly to the demand for parking space. In this case the property lies to the rear of existing shop frontages where pedestrian access only is available and in common with many other shop premises there is no additional space to provide car parking. It is considered that the use would complement the range of uses on the High Street and within the village centre and would attract people already visiting for other purposes. It is considered therefore that the proposed use alone would not attract significant numbers of car-borne customers.

Policy TR/18 indicates that planning permission will not be granted for development unless off-street parking for vehicles, including cycles, and servicing arrangements are included to secure highway safety and minimise harm to visual and local amenities. The policy promotes standards for various types of development but also accepts that these are to be a starting point for assessing the level of provision and represent the maximum level. The quantity of parking allowed should reflect the proposed use and the location of development, the availability of public off - street parking; the current or potential accessibility by non-car modes and the scope for practical measures to significantly reduce the use of private car trips to and from a site.

The application scale and type is such that the standing advice of the local Highway Authority would usually apply with parking standards set out in the Leicestershire Highways Design Guide and these are a starting point for assessing the requirement for on-site car parking. Policy TR/18 also sets out that the quantity of parking allowed will reflect the proposed use and the location of the development, the availability of public off-street parking and also refers to the potential accessibility of the site by non-car modes.

There is no dedicated off-street car parking associated with the proposed use and this is not unique to the application site. However, the building is sustainably located, on the High Street of the village, where there is good access to public transport including the train station, local bus services and a medium sized public car park within easy walking distance. The highway impacts of the development are not therefore considered to be 'severe' as defined in paragraph 109 of the NPPF and there is no highway related reason to support a refusal of planning permission. The proposal therefore accords with Policy TR/18 and it is considered that the residual cumulative impacts of the development would not be 'severe'

and that the development would not increase highway dangers and would accord with Paragraph 109 of the NPPF (2018).

## **Conclusion**

Decisions on applications need to be made in accordance with the adopted development plan policies unless material considerations indicate otherwise.

The proposed mixed A1/A3 use is considered to be compatible in the District Centre of Barrow on Soar and would not harm the significance of heritage assets and would be acceptable in highway safety terms and these factors have weight in the planning balance. It is considered that amenity harms can be satisfactorily mitigated through the imposition of planning conditions and it is material that there was a previous grant of planning permission for the same use in 2016.

Accordingly, and on balance having regard to the above considerations, it is recommended that planning permission is granted conditionally.

## **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, as shown on the approved drawings below:

A1200 P001 - 1:500 scale site location plan  
A1200 P003 - elevation and floor plans

REASON: For clarity and the avoidance of doubt and to define the terms of the permission.

- 3 The food and drink for consumption at the premises shall be limited to that of a tea shop including hot and cold drinks, bakery products, sandwiches and snacks and shall exclude food requiring frying or deep fat frying.

REASON: The proposal excludes any provision for a mechanical fume and grease filtration and extraction system and the design of such a system for this specific site would give rise to visual and functional concerns. A restriction on the type of food available is necessary in order that odour nuisance to adjacent residential properties does not take place and that policies CS2 and EV/1 are met.

- 4 No use of the premises shall be carried out other than between 0900 hours and 1700 hours Monday-Saturday. There shall be no opening on Sundays or Bank Holidays.

REASON: The premises are close to residential property and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents and that policies CS2 and EV/1 are met.

- 5 Notwithstanding the submitted plans, the consumption of food and drink outdoors on the premises shall be limited to 8 customers at any one time.

REASON: The premises are close to residential property and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents and that policies CS2 and EV/1 are met.

- 6 Prior to the commencement of the use hereby permitted, the top row of glazed panes and the top half of the middle row of glazed panes in all windows in the southern elevation shall be fitted internally with obscured glazing or obscuring film to the existing glazing equivalent of Privacy Level 3 or above on the Pilkington scale of privacy and which shall thereafter be retained at all times. No changes shall be made to these windows nor shall any additional windows be inserted in this elevation thereafter.

REASON: To minimise the effect of the development on the privacy and amenities of nearby residents.

The following advice notes will be attached to a decision

- 1 DEVELOPMENT PLAN POLICIES RELEVANT TO THIS DEVELOPMENT - Policies CS2, CS9, CS14 and CS25 of the Charnwood Local Plan 2011-2028 Core Strategy and Policies EV/1 and TR/18 of the Borough of Charnwood Local Plan and the Policies of the adopted Neighbourhood Plan have been taken into account in the determination of this application. The proposed development complies with the requirements of these policies and there are no other material considerations which are of significant weight in reaching a decision on this application.
- 2 Planning permission has been granted for this development because the Council has determined that, although representations have been received against the proposal, it is generally in accord with the terms of the above-mentioned policies and, otherwise, no harm would arise such as to warrant the refusal of planning permission.
- 3 In addition, as the proposed development is located within a conservation area, the Council has considered whether it would enhance or preserve its character and appearance. Planning permission has been granted on the basis of the Council's opinion that the development would, at least, preserve that character.



