

## Item No. 1

**Application Reference Number** P/21/0119/2

<b>Application Type:</b>	Full	<b>Date Valid:</b>	03/02/2021
<b>Applicant:</b>	Trustees of JDC Sansom Companies Pension Ltd		
<b>Proposal:</b>	Single storey extension to front and side and change of use from a public convenience to an open use falling within class E (A , B and C) for the purposes of retail, financial and professional services and a café.		
<b>Location:</b>	Closed Public Toilets Stonehill Avenue Birstall Leicestershire		
<b>Parish:</b>	Birstall Watermead	<b>Ward:</b>	Birstall
<b>Case Officer:</b>	Joe Davies	<b>Tel No:</b>	07734334548

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### Background

This application has been brought to plans committee as the site is currently owned by Charnwood Borough Council. The application was also initially called into plans committee by Cllr Julian Howe. However, following amendments to the scheme, this call in has now been withdrawn.

### Description of the Application Site

The application site is 174 square metres in size and includes a disused public toilet block in the centre of Birstall. The toilet block is in the centre of the site, is single storey and constructed of brick under a pitched tile roof. To the south-west of the site are the properties at 97 and 97A Sibson Road, which are currently in use as a café and a retail unit. To the north of the site are the dwellings at 11 and 13 The Wayne Way. To the east of the site are residential garages, with the dwellings at 2, 2A, 4 and 6 Hill Rise and 2 Stonehill Avenue beyond these. To the south of the site is the public highway, with other retail units beyond this, on the opposite side of the road. The site is covered with hardstanding surrounding the building, with brick walls on the boundary. There is a tree on the site close to the boundary. However, this is not subject to a Tree Preservation Order.

The site is located within the defined District Centre of Birstall, as defined by policy CS9 of the Core Strategy.

### Description of the Proposal

This application seeks planning permission for the change of use of the toilet block to Class E (a, b and c) of the Use Classes Order. Use class E is commercial, business and service use and classes (a), (b) and (c) are for the following uses:

(a) for the display or retail sale of goods, other than hot food, principally to visiting members of the public,

(b) for the sale of food and drink principally to visiting members of the public where consumption of that food is mostly undertaken on the premises,

(c) for the provision of the following kinds of services principally to visiting members of the public –

(i) financial services

(ii) professional services (other than health or medical services), or

(iii) any other services which it is appropriate to provide in a commercial, business or service locality.

This would enable the premises to be used as either a retail unit, a café, or for the provision of professional and financial services. Use as a hot food takeaway was also initially proposed. However, this has been removed from the application following concerns from the Council's Environmental Health Team.

In addition to the change of use, a single storey extension to the front and side is also proposed. This extension would have a height of 2.76 metres and would extend beyond the front of the building by approximately 4.86 metres at its longest point including the roof overhang. It would also extend beyond the side of the existing building by approximately 3.4 metres at its widest point. It is shown on the application plans that signage would be included to the front of the building. However, this would be subject to a separate signage application and it is proposed to include an informative on any planning permission to ensure that the applicant is aware of this.

The extension would be finished in matching brickwork, with aluminium-framed windows.

### **Development Plan Policies**

Charnwood Local Plan Core Strategy (adopted 9 November 2015)

Policy CS1 – Development Strategy – Sets out a growth hierarchy for the borough that sequentially guides development towards the most sustainable settlements. This identifies Birstall as part of the Leicester Principal Urban Area and states that it will be one of the main focuses for both residential and employment development throughout the plan period.

Policy CS2 – High Quality Design – requires developments to make a positive contribution to Charnwood, reinforcing a sense of place. Development should respect and enhance the character of the area, having regard to scale, massing, height, landscape, layout, materials and access, and protect the amenity of people who live or work nearby.

Policy CS6 – Employment and Economic Development – Sets out the Council's strategy for the provision of employment land including aiming to provide opportunities for small-scale, high quality business units and offices; promoting business and employment regeneration opportunities that are accessible to the Priority Neighbourhoods.

Policy CS9 – Town Centres and Shops – States that for other District and Local Centres town centre development will be encouraged, which supports the centre’s vitality and viability where it is physically integrated into the defined centre and of an appropriate scale for that centre.

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 12 January 2004) (saved policies)

Where they have not been superseded by Core Strategy policies previous Local Plan policies remain part of the development plan. In relation to this proposal the relevant ones are:

Policy ST/2 Limits to Development – this policy sets out limits to development for settlements within Charnwood.

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. Developments should meet the needs of all groups and create safe places for people.

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

#### **Other material considerations**

##### The National Planning Policy Framework (NPPF 2021)

The NPPF sets out the Government’s view of what sustainable development means. It is a material consideration in planning decisions and contains a presumption in favour of sustainable development. For planning decisions this means approving proposals that comply with an up to date development plan without delay. If the Development Plan is silent or policies most relevant to determining the application are out of date permission should be granted unless protective policies within the NPPF give a clear reason for refusal or any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole.

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

##### Section 6: Building a strong, competitive economy

The NPPF states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving

innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.

#### Section 7: Ensuring the Vitality of Town Centres

Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

#### Section 8: Promoting healthy and safe communities

Planning decisions should promote a sense of community and deliver the social, recreational and cultural facilities and services that such a community needs.

#### Section 9: Promoting Sustainable Transport

Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable modes maximised (paragraph 105). Developments should be designed to give priority to pedestrian and cycle movements and create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians. Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts would be severe (paragraph 111).

#### Section 12: Requiring well-designed places.

The NPPF recognises that good design is a key aspect of sustainable development and that high quality and inclusive design should be planned for positively (paragraph 126).

Section 14: Meeting the challenge of climate change, flooding and coastal change  
New development should help reduce greenhouse gas emissions and energy efficiency improvements in buildings should be actively supported (paragraph 153). It should also take account of layout, landform, building orientation, massing and landscaping to minimise energy consumption (paragraph 157) and renewable and low carbon energy development should be maximised (paragraph 158).

#### Planning Practice Guidance

This national document provides additional guidance to ensure the effective implementation of the planning policy set out in the National Planning Policy Framework. The guidance sets out relevant guidance on aspects of flooding, air quality, noise, design, the setting and significance of heritage assets, landscape, contaminated land, Community Infrastructure Levy, transport assessments and travel plans, supporting the policy framework as set out in the NPPF.

### National Design Guide

This is a document created by government which seeks to inspire higher standards of design quality in all new development.

### Leicestershire Housing and Economic Development Needs Assessment (HEDNA) – 2017

HEDNA provides an up to date evidence base of local economic land needs across Leicestershire.

### Design Supplementary Planning Document (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.

### Leicestershire Highways Design Guide

This is a guide for use by developers and published by Leicestershire County Council, the local highway authority, and provides information to developers and local planning authorities to assist in the design of road layouts in new development. The purpose of the guidance is to help achieve development that provides for the safe and free movement of all road users, including cars, lorries, pedestrians, cyclists and public transport. Design elements are encouraged which provide road layouts which meet the needs of all users and restrain vehicle dominance, create an environment that is safe for all road users and in which people are encouraged to walk, cycle and use public transport and feel safe doing so; as well as to help create quality developments in which to live, work and play. The document also sets out the quantum of off-street car parking required to be provided in new housing development.

### Equality Act 2010

Section 149 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality.

### Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended)

As the application proposals are for urban development on a site of more than 0.5 hectares, the proposals fall under Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017. Such projects only require an EIA if the development is likely to have significant effects on the environment by virtue of factors such as its nature, size or location. Given the nature of the application proposals, it is not considered that the application would constitute EIA development.

## The Draft Charnwood Local Plan 2021-37

This document was submitted for examination in late 2021. It sets out the Council's draft strategic and detailed policies for the plan period 2019-36. This document carries limited weight at the current time.

### **Consultation Responses**

The table below sets out and summarises the responses that have been received from consultees with regard to the application. Please note that these can be read in full on the Council's website [www.charnwood.gov.uk](http://www.charnwood.gov.uk)

<b>Consultee</b>	<b>Response</b>
Charnwood Environmental Health	Raised concerns about the hot food takeaway use. Following the removal of this use, they stated they had no objections.
Charnwood Tree and Landscape Officer	While the tree is a significant landscape feature, its proximity to the boundary wall compromises its long term retention and the tree already has significant structural weaknesses  If possible redevelopment of the toilet should include the provision a suitable replacement tree or other natural living vegetated feature.
Leicestershire County Council (Local Highway Authority)	The Local Highway Authority Advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe subject to recommended conditions.
Birstall Parish Council	Initially objected to the application due to the impact of the takeaway use on traffic and parking and raised concerns about the impact of the existing tree on the boundary wall and drains. Following the removal of the hot food takeaway use, they stated they still had concerns regarding vermin from any other food uses.
Councillor Julian Howe	Sought to call in the application, citing concerns cover  Overlooking / loss of privacy Highway safety Traffic and parking issues Noise dust fumes etc Impact on community  Withdrew the call in request following the removal .of the hot food takeaway use
Councillor Shona Rattray	Raised the following concerns: <ul style="list-style-type: none"><li>- loss of public toilets</li><li>- Lack of extraction system details</li></ul>

	<ul style="list-style-type: none"> <li>- Parking provision</li> <li>- Conflict with bus route on site</li> <li>- Removal of the tree on the site, when there aren't many other trees locally. This should be replaced.</li> <li>- The applicant should provide something to compensate for the loss of the public toilets.</li> </ul>
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### **Other Comments Received**

Comments from two separate addresses have been received and raise the following issues:

- Loss of public toilet facilities;
- Parking;
- Noise and odour from food preparation in addition to existing premises
- Rats
- Noise from deliveries and waste collection
- Litter
- Number of other takeaways
- No site notices put up
- Disagree with Highways comments
- Happy with the removal of the hot food takeaway but still concerned with another food use in terms of noise and odour
- Traffic
- Rats
- Loss of amenity to rear garden area due to noise and odour.

### **Relevant Planning History**

- P/89/1783/2 - Erection of public conveniences fronting Stonehill Ave – Grant Conditionally (28.09.1989)

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

The starting point for decision making on all planning applications is that they must be made in accordance with the adopted Development Plan unless material considerations indicate otherwise. The most relevant policies for the determination of this application are listed above and are contained within the Development Plan for Charnwood which comprises the Charnwood Local Plan 2011-2028 Core Strategy (2015), those “saved” policies within the Borough of Charnwood Local Plan 1991-2026 (2004) which have not been superseded by the Core Strategy.

It is acknowledged that several of these plans are over 5 years old; therefore, it is important to take account of changing circumstances affecting the area, or any relevant changes in national policy. The relevant policies listed above are up to date and compliant with national advice. Accordingly, there is no reason to reduce the weight given to them.

The main issues are considered to be:

- The Principle of Development
- Design and Layout
- Impact on residential amenity
- Highway Matters
- Trees

### **The Principle of the Development**

The application site is located in the centre of Birstall which is one of the most sustainable locations for development in the Borough. Policy CS1 sets out a growth hierarchy for the borough that sequentially guides development towards the most sustainable settlements. This identifies Birstall as part of the Leicester Principal Urban Area and states that it will be one of the main focuses for both residential and employment development throughout the plan period. Policy CS6 sets out the Council's strategy for the provision of employment land including aiming to provide opportunities for small-scale, high quality business units and offices; promoting business and employment regeneration opportunities that are accessible to the Priority Neighbourhoods.

The site is located within the District Centre of Birstall. Policy CS9 states that in such locations town centre development will be encouraged, which supports the centre's vitality and viability where it is physically integrated into the defined centre and of an appropriate scale for that centre. The proposed uses are 'main town centre uses' as defined in the NPPF and are appropriate to a District Centre. Therefore, policies CS1, CS6 and CS9 all support the principle of the change of use of the site to commercial, business and service use. Sections 6 and 7 of the NPPF support the retention and development of accessible local services and support the role that town centres play at the heart of local communities.

Public comments have raised the concern that the public toilets will be lost. However, the toilets are closed and an appropriate alternative use for the building in the centre of Birstall is considered to be a positive benefit of the proposal.

The site is largely surrounded by other commercial uses and the provision of any of the uses proposed by the application would therefore not be out of keeping with the area. The principle of the proposed development is therefore considered to be acceptable and in accordance with both national and local policy subject to other material planning considerations.

### **Design and Layout**

Policy CS2 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, and protect the amenity of people who live or work nearby. Saved policy EV/1 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. Developments should meet



the needs of all groups and create safe places for people.

The existing building is currently vacant and is in a condition where it detracts from the street scene. The only external works to the building would be the single storey front and side extension, to enlarge the footprint of the building and provide separate kitchen and toilet facilities. The extension would have a flat roof and be constructed using matching brickwork. The design would include a large aluminium frame window to the front elevation. Although the flat roof contrasts the existing building, the extension is considered to be of a suitable scale and design for the site and the surrounding street scene.

The site plan shows a boundary wall to the adjacent access (adjacent to 97) will be increased in height. Final materials details can be secured by condition.

There would therefore be no significant impact in relation to design and visual amenity as a result of the proposed development and subject to conditions to secure final details of materials of the extension and boundary treatment, it is therefore considered to be in accordance with Policy CS2 of the Charnwood Local Plan Core Strategy 2015, Saved Policy EV/1 of the Borough of Charnwood Local Plan 2004 and the Council's Design SPD 2020.

### **Impact on Residential Amenity**

Policy CS2 of the Core strategy and EV/1 of the Local Plan seeks to protect the amenity of existing and future residents. The Charnwood Design SPD (2020) also provides spacing standards and guidance to ensure an adequate level of amenity.

The neighbouring uses of the site are a row of garages to the east and number 97 (café and retail) to the west) and the gardens of 11 and 13 the Wayne Way to the north.

In terms of the impact in relation to loss of light and overlooking, the proposed extension to the building would be small in scale and would be sited well away from any neighbouring residential properties (the nearest residential properties are 11 and 13 The Wayne Way to the north – whose gardens back onto the site, and 2A and 2-8 Hill Rise to the east). As a result there would be no significant impact arising from this extension on any neighbouring properties.

In terms of the impact of the proposed use on neighbour amenity, there were initially concerns regarding the impact on neighbours in relation to noise and odour with the proposed hot food takeaway use. Now that this use has been removed from the application. The remaining uses are considered not to have any significant impact in terms of noise and disturbance. Although a café use is one of the uses proposed, no information has been submitted regarding the type of food this would serve. If it was to prepare hot food though that would require an extraction flue then this flue would require a separate planning permission and the impact on noise and odour from any such installation would be assessed under this separate application. Noise from existing businesses is not considered to have any bearing on this application that would justify a refusal of planning permission and the impact in relation to the potential for rats is not a material planning consideration that could be taken into account when

determining an application or be used as a justification for refusal. Furthermore, the applicant's agent has confirmed the hours of operation that would be acceptable and Environmental Health have confirmed that these hours are acceptable and it is proposed that these hours would be conditioned as part of any planning permission.

In terms of bin storage, there is sufficient hardstanding on the site for this to be accommodated and sufficient hardstanding at the front for collection. Therefore this is not considered to represent a significant issue. The impact of the proposed development on bin storage and collection is therefore considered to be acceptable.

Therefore, the proposed retail or financial and professional services uses are considered to have a minimal impact on neighbours in relation to noise and disturbance and the impact on neighbour amenity is therefore considered to be acceptable and in accordance with Policy CS2 of the Charnwood Local Plan Core Strategy 2015 and Saved Policy EV/1 of the Borough of Charnwood Local Plan 2004.

### **Highway Matters**

Saved Policy TR/18 of the Local Plan seek to ensure that the impact in relation to parking provision and highway safety for new development is acceptable. Paragraph 110 of the NPPF seeks to promote sustainable travel choices. Paragraph 111 of the NPPF seeks to ensure that new development does not result in an unacceptable impact on highway safety, or a severe residual cumulative impact on the road network.

Whilst only 2 off-street parking spaces off Stonehill Avenue have been provided for the proposed development, the site is in a highly sustainable location, with good public transport links, close to other services and facilities. The Local Highway Authority have stated that they consider this amount of parking provision to be sufficient for a commercial building of this size. Furthermore, the parking restrictions on Stonehill Avenue, would prevent inappropriate parking in the road outside the site and there are public parking bays on Sibson Road in close proximity to the site. The Local Highway Authority have also stated that they do not consider the impact of the proposed development to be severe as required by Paragraph 111 of the NPPF and as a result it is considered that a refusal on highway safety grounds could not be justified. It is proposed however to condition as part of any planning permission that the on-site staff parking provision shall be provided prior to the occupation of the building and retained.

In terms of the impact of deliveries, the site is located within a town centre and there are a number of business uses near to the site that would also receive deliveries. As a result, it is considered that deliveries are anticipated in an area such as this and there has also been no concern raised by the Council's Environmental Health Team regarding deliveries and the impact of deliveries is therefore considered to be acceptable. With the aforementioned parking condition in place, the impact of the proposed development on highway safety and parking provision is considered to be acceptable and would be in accordance with Saved Policy TR/18 of the Borough of Charnwood Local Plan 2004.

### **Trees**

Policy EV/1 states new development should use the landform and existing features

such as trees or hedges on a site as the focus around which new development is designed.

The proposed development would result in the loss of a tree at the rear of the site. Whilst it is acknowledged that this is one of only a few trees in Stonehill Avenue, the Council Tree and Landscape Officer advises that the tree is in poor condition and is structurally weak with poor potential for long term retention, due to its proximity to the boundary wall. Furthermore there are no statutory protections on this tree as it is not within a Conservation Area or covered by a Tree Preservation Order. As a result, the loss of this tree is not considered to justify a refusal of planning permission. Although the prospect of replacement planting of this tree has been suggested, there would not be room for this on the site and any tree planted on the site is likely to encounter the same issues as the current tree. It could also not be conditioned that the applicant plants a replacement tree off the site on land they do not own.

A biodiversity loss/gain consideration is also not considered to be necessary on this application given that the site is currently entirely surfaced in concrete and the only vegetation is the tree which is to be removed.

The impact of the proposed development in relation to trees is therefore considered to be acceptable and as the loss of the tree is considered to be unavoidable, given its condition, the proposal on balance does not conflict with policy EV/1.

### **Other Issues**

In terms of other issues raised by consultees, whilst the loss of public toilets has been objected to. These public toilets have been vacant and unused for some time and there is no realistic prospect of them being re-opened to the public. As a result it is considered that the alternative to the building being re-developed for another use, is for the site to remain vacant. As a result it is considered that loss of a community facility would not be sufficient justification for a refusal of planning permission.

### **Planning Balance and Conclusion**

Overall, the proposal has been carefully assessed against the comments and consultation responses received and the policies of the Development Plan and the National Planning Policy Framework.

The principle of development is considered to be acceptable, being in a sustainable location and there would be no significant adverse impact on design and visual amenity, highway safety, neighbour amenity or trees resulting from the proposed development. As a result, the proposed development is considered to be compliant with all national and local planning policies and planning permission should therefore be granted subject to conditions.

### **RECOMMENDATION**

That planning permission be granted subject to the following conditions and notes:

1.	<p>The development, hereby permitted, shall be begun not later than 3 years from the date of this permission.</p> <p>REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2.	<p>No materials shall be placed on the site until such time as details of the type, texture and colour of the materials to be used on the external surfaces of the proposed development and the proposed boundary treatments, have been submitted for the agreement of the local planning authority. These details shall include the windows, roof materials and brick details. Only materials agreed in writing by the local planning authority shall be used in carrying out the development.</p> <p>REASON: To ensure the satisfactory appearance of the completed development in accordance with Policies CS2 of the Charnwood Local Plan Core Strategy 2015.</p>
3.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <ul style="list-style-type: none"> <li>- Location Plans and Site Plan 7636/01 received 23/2/22</li> <li>- Proposed GA Plans and Elevations – 7636/04 Rev A. received 23/2/22</li> </ul> <p>REASON: To provide certainty and define the terms of the permission</p>
4.	<p>The development hereby permitted shall not be occupied until such time as the parking has been implemented in accordance with GWH drawing number 7636/04 Revision A. Thereafter the onsite parking provision shall be so maintained in perpetuity.</p> <p>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 in the interests of highway safety and in accordance with policy TR/18 of the Borough of Charnwood Local Plan and the National Planning Policy Framework (2021).</p>
5.	<p>No use of the premises shall be carried out outside the following hours:</p> <ul style="list-style-type: none"> <li>- 08.30 to 17.30 Monday to Friday</li> <li>- 09.00 to 17.30 on Saturdays</li> <li>- 10.00 to 14.00 on Sundays</li> </ul> <p>REASON: The premises are close to residential property and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents, in accordance with Policy CS2 of the Charnwood Local Plan Core Strategy 2015.</p>

Informative Note(s):

1. Planning Permission has been granted for this development because the Council has determined that it is generally in accordance with the terms of Development Plan policies CS1, CS2, CS6, CS9, CS25, ST/2, EV/1 and TR/18, because the benefits of the proposal are not significantly and demonstrably outweighed by the harm identified. There are no other issues arising that would indicate that planning permission should be refused.
2. 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>
3. Care should be taken during site works to make sure that hours of operation, methods of work, dust and disposal of waste do not unduly disturb nearby residents.
4. 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.
5. The Applicant is requested to note that any signage to be installed on the building is likely to require a separate application for advertisement consent.
6. The applicant is requested to note that if any ventilation/flue is needed on the building in association with any uses permitted this may require separate planning permission.

