

**Blaby District Council
Planning Committee**

Date of Meeting **27 October 2022**
Title of Report **Applications for Determination**
Report Author Group Manager – Planning & Strategic Growth

1. What is this report about?

- 1.1 To determine planning applications as listed in paragraph 3.2 below and detailed in the attached report.

2. Recommendation

- 2.1 That the recommendations listed within paragraph 3.2 below and detailed in the attached report be approved.

3. Matters to consider

- 3.1 To avoid unnecessary delay in the processing of planning applications, the recommendations included in this list must often be prepared in advance of the closing date for the receipt of representations. This list was prepared on **17 October 2022** and information of representations received will be updated at your meeting. This updating will also cover any other information which may come to hand in the intervening period. Closing dates are given where they fall on or after the day of preparation of the list.

3.2	Application No.	Page No.	Address	Recommendation
	22/0595/FUL	9	Land Southwest of Junction With Stanton Lane And Pingle Lane Potters Marston	Refuse
	22/0808/HH	21	10 Bute Way	Approve

3.3 Appropriate Consultations

Details of organisations / persons consulted in relation to the applications are included in the reports for each individual application. Members will be aware that full copies of correspondence received are available to view on the respective planning file and through the planning portal <https://w3.blaby.gov.uk/online-applications/>

3.4 Resource Implications

There are no specific financial implications arising from the contents of this report.

4. Other options considered

These are included where appropriate as part of the reports relating to each individual application.

5. Background paper(s)

Background papers are contained in files held in the Planning Division for each application being considered and are available for public inspection.

6. Report author's contact details

Ian Davies and Stephen Dukes Development Services Team Leaders
planning@blaby.gov.uk 0116 272 7705

22/0595/FUL

**Registered Date
11.07.2022**

Mr Sam Holt

Change of use of agricultural land to provide B8 use (storage and distribution) and installation of 110 storage containers as an extension to the existing site. Proposed extension of existing bund.

Land Southwest of Junction With Stanton Lane And Pingle Lane Potters Marston

**Report Author: Charlene Hurd, Senior Planning Officer
Contact Details: Council Offices. Tel: 0116 2503101**

RECOMMENDATION:

THAT APPLICATION 22/0595/FUL BE REFUSED FOR THE FOLLOWING REASONS:

1. The proposal would constitute development in open countryside, in an unsustainable location and would fail to accord with the strategy for locating new development in Policy CS1 of the Blaby District Local Plan (Core Strategy) Development Plan Document (2013), or for locating employment development in Policy DM3 of the Blaby District Local Plan (Delivery) Development Plan Document (2019), which directs employment to more sustainable locations within or on the edge of the built up area of higher order settlements.
2. The proposed development is not considered to be small-scale and would result in an extensive increase of industrial storage facilities in the open countryside, more than doubling the size of the site and increasing the number of storage containers by over 150%. Despite the increase in size, the development fails to demonstrate employment benefits with no increase in proposed employees through the expansion of the existing site. As such, the development is considered contrary to Policies CS6 and CS18 of the Blaby District Local Plan (Core Strategy) Development Plan Document (2013).
3. The proposed installation of an additional 110 storage containers will harm the rural environment and be visible from Huncote Road, and therefore would not be in accordance with Policy CS2 of the Blaby District Local Plan (Core Strategy) Development Plan Document (2013). The proposed development also has potential to impact upon the landscape and fails to protect the rural setting of Potters Marston and is not in accordance with the Blaby Landscape and Settlement Character Assessment and fails to comply with Policy DM2 of the Blaby District Local Plan (Delivery) Development Plan Document (2019).

NOTES TO COMMITTEE

Relevant Planning Policy

National Planning Policy Framework (NPPF) (July 2021)

National Planning Practice Guidance

Blaby District Local Plan (Core Strategy) Development Plan Document (2013)

Policy CS1 – Strategy for Locating new Development
Policy CS2 – Design of new development
Policy CS6 – Employment
Policy CS10 - Transport Infrastructure
Policy CS18 - Countryside
Policy CS19 – Biodiversity and geo-diversity
Policy CS24 – Presumption in Favour of Sustainable Development

Blaby District Local Plan (Delivery) Development Plan Document (2019)

Policy DM2 – Development in the Countryside
Policy DM3 – Employment Development on Unallocated Sites
Policy DM8 – Local Parking and Highway Design Standards
Policy DM14 – Hazardous Sites and Installations

Other supporting documents:

- Leicestershire Highways Design Guide
- Blaby Landscape and Settlement Character Assessment

Consultations

Stoney Stanton Parish Council - *“Objections raised were that the access is the emergency exit for Calor Gas, part of the site in question is inside the exclusion zone for Calor Gas and are there restrictions on the contents allowed within the containers.”*

Potters Marston Parish Council - No comments received.

Leicestershire County Council, Archaeology - No objections. The proposal will not result in a significant direct or indirect impact upon the archaeological interest or setting of any known or potential heritage assets and advises that the application warrants no further archaeological action (NPPF Section 16, para. 194-195).

Leicestershire County Council, Ecology - No objections. Comments that the ecological survey found that there is some potential for reptiles, amphibians and hedgehogs to be present. However, they are unlikely to be adversely impacted to an extent that would be of detriment to the local population. Mitigation and enhancement measures were recommended but given since the habitats being lost are not any particular value and the relocated bund will also most likely be a relatively temporary feature, it is not considered that ecological enhancements to achieve Biodiversity Net Gain are necessary.

Leicestershire County Council, Highways - No objections. 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.

National Grid Protection - No objections. An initial holding objection was placed upon the application, which was lifted..

Third Party Representations

None received.

Relevant Planning History

18/0589/FUL	Change of use of land, siting of 24 storage containers and associated parking and landscaping for storage business (Use Class B8).	Approved 15.03.2019
20/0725/FUL	Retention of amendments to landscaping bunds previously approved under 18/0589/FUL and proposed increased storage area and capacity from 24no. container units to 65.	Approved 16.10.2020

EXPLANATORY NOTE

The Site

The site is accessed off Pingle Lane, Potters Marston and is located to the north of Huncote Road and to the east of Stoney Stanton Calor Cylinder Distribution Centre. Planning Permission was granted through planning application reference 18/0589/FUL for the change of use of part of a field to B8 self-storage business use, including the siting of 24 storage containers, associated parking, access improvements and landscaping including an earth bund designed to provide screening of the site.

Following this application, permission was granted under application reference 20/0725/FUL for an increase in the number of storage containers on the site from 24-65, although the topographical survey shows siting of 69 storage containers. The increase in storage containers was achieved through the use of a narrower bund (altered following its construction), at the same height as that approved under application reference 18/0589/FUL. This application increased the available land for the storage containers within the original site layout, therefore enabling further units to be installed.

The site is an agricultural field in Potters Marston adjacent to eastern edge of the Calor Gas Works in land designated as countryside in the Policies Map of the Delivery DPD (2010).

The business and associated storage containers were previously located within the Dovecote Court Business Park 500 metres north-east of the site, but no planning permission had been granted for the operation of the business in this location. The location was considered unacceptable to the District Planning Authority in particular

due to the unacceptable harm to the heritage assets at Dovecote Court. As such the application 18/0589/FUL was submitted and subsequently approved for the relocation of the storage containers.

The Proposal

The current application seeks to extend the self-storage business into the field to the south with an increase in the area of the business and B8 use of 3,100 square metres (0.31 hectares). It is proposed to site a further 110 storage containers within the extended site, increasing the overall number of containers to 179. The bund to the south end of the existing site will be removed to allow access to the proposed extended area. The bund to the east of the site will be extended to the existing mature hedgerow at the south end of the proposed development site. To the west of the proposed extended development site, the mature hedge will remain in situ. The existing bund stands at 2.6m tall and it is expected that the continuation would match that in height.

The proposed extension to the storage container facility will utilise the existing hardstanding access and electric gated, controlled entrance. Nine car parking spaces will be provided within the whole site.

Each container will be the same size as those already on the site at 6.058m by 2.440m, with a height of 2.6m. The overall increase in storage/internal floor area on the site will be approximately 1626 square metres.

Planning Considerations

Blaby District Local Plan (Core Strategy) Development Plan Document (2013)

Policy CS1 – Strategy for Locating new Development

The policy supports sustainable development by directing most new housing and employment development towards locations within and adjoining the Principal Urban Area (PUA) of Leicester. Outside the PUA development it states that development will be focused towards Blaby (which has the District's only designated town centre) and the Larger Central Villages. Lower levels of growth will be allowed in the Rural Centre, Medium Central Villages and Smaller Villages where the scale of development will reflect the settlement's range of available services and facilities and public transport alternatives.

Following the approval of the previous applications the principle of the development in this location has been established to an extent, however this application considers the further expansion of the site through change of use of agricultural land to B8 storage and the erection of a further 110 storage containers increasing the existing number by over 150%. In terms of the settlement hierarchy, the site is located approximately 260 metres outside the settlement boundary of Stoney Stanton (measured by straight line), or approximately 1km by road. Stoney Stanton is categorised as a 'Rural Centre' where lower levels of growth will be allowed. However, despite the relative proximity to Stoney Stanton, the site is actually within the parish of Potters Marston, a very small village or hamlet where Policy CS1 does not envisage any growth or development. The location for the business therefore does not comply with the locational strategy of

the Local Plan.

Policy CS2 – Design of new development

Policy CS2 seeks to ensure that a high quality, safe and socially inclusive environment is achieved in all new development proposals, respecting distinctive local character and contributing towards creating places of high architectural and urban design quality. New development should also provide opportunities to enhance the natural and historic environment. Innovative design will be supported where it is appropriate to its context.

In terms of the overall development the design follows the same pattern of development and design as that of the existing B8 use on the site with containers of the same size and scale to those already existing. When viewing the existing site from the road from both Huncote Road and Pingle Lane, the existing storage containers are not visible to the public realm due to the raised bund, existing hedgerows and landscaping. However, when considering the proposed increase in units towards Huncote Road, the proposed development will likely have an impact upon the countryside and character of the landscape, with the site extending up to the railway line and bridge on Huncote Road. Notwithstanding the proximity to the Calor Gas site, the increased size of the site and the number of containers would extent the built up character of the site further into the undeveloped countryside, further urbanising the landscape.

Therefore, it is considered that the proposed development is not accordance with Policy CS2 of the Local Plan.

Policy CS6 – Employment:

Policy CS6 indicates that the District Council will work with employers to ensure that the District has a range of employment opportunities. The policy is underpinned by the objective of providing an appropriate quantity, quality and mix of employment opportunities to meet the needs of current and future populations.

The policy will seek to enable development of other small-scale employment uses in other settlements, beyond the Principal Urban Area. The scale and type of development will be determined by the needs of the area and the ability to accommodate employment growth in light of physical, policy or other constraints. It specifically references the 'Larger' and 'Medium' central villages and 'Rural Centre', and states that opportunities for employment development in these locations will be considered in the 'Delivery DPD'. The suitability of sites will be informed by their ability to accommodate employment growth:

- Without significant harm to amenity;
- Which are commercially attractive to the market;
- Which are on sites which can be satisfactorily accessed by commercial vehicles (for movement of goods);
- Which are accessible by sustainable modes of transport (including public transport) for employees.
- Which are not 'out of scale' with their host community in terms of the quantity

of additional employment land and the scale of new buildings.

The planning application forms confirm that the site has one existing employee and following the installation of 110 storage containers and additional 1626 square metres of storage space, the employee numbers will not be increased. It is therefore not considered that the development as proposed promotes local employment, nor provides new employment opportunities in the local area.

Policy CS10 – Transport infrastructure

Policy CS10 seeks to reduce the impact of new development on the highways network by locating new development so people can access services and facilities without reliance on private motor vehicles. Opportunities for safe sustainable and accessible transport modes (including walking, cycling and public transport) will be maximised.

The site is not located within any settlement confines or in an accessible location, meaning that both employees and customers would be required to travel from other settlements to access the site. However, due to the nature of the self-store business, it is likely that users of the site would be required to use private motor vehicles in any case if transporting large or bulky items for storage.

Policy CS18 – Countryside

The application site is located on land designated as Countryside where Policy CS18 of the Core Strategy applies.

Within areas designated as Countryside, planning permission will not be granted for built development, or other development which would have a significantly adverse effect on the appearance or character of the landscape. Planning permission will, however, be granted for limited small-scale employment and leisure development (including dwellings essential for these needs) subject to consideration of its impacts.

The need to retain Countryside will be balanced against the need to provide new development (including housing) in the most sustainable locations. The detailed boundaries of Countryside are shown on the Policies Map for the Delivery DPD and consists of those areas outside Settlement Boundaries, Green Wedges or Areas of Separation.

The development will form an extensive site area for a B8 use in the countryside and therefore is considered to go beyond that of small-scale employment development. The proposed new development extends further into land designated as countryside and further changes the character of the landscape through the extension of the hardstanding for storage container units, parking and turning along with the increase in vehicular movements to and from the site in a rural location.

It is considered that through the extensive expansion of the existing storage unit, the overall development will change the character of the area and will be beyond the small-scale use it was considered to be in previous applications. Furthermore, the site is not located in a sustainable location within the District so the balance would be in favour of retaining countryside, therefore this development fails to accord with Policy CS18.

Although the development is located adjacent to the Calor Gas site which is much larger in scale and extent, this is an established use in the Countryside. Furthermore, such a use is required to be located on the route of the high pressure gas pipelines, and would also not be an appropriate use in a built up area, close to residential properties. The self-storage use, by contrast, does not have the same locational requirements, and could reasonably be accommodated within an existing settlement. It is therefore considered that the significant expansion of the use by over 150% is not appropriate in this countryside location.

Policy CS19 – Biodiversity and geo-diversity

Policy CS19 indicates that important areas of the District's natural environment, landscape and geology will be protected and enhanced, where appropriate, and seeks to maintain and extend natural habitats where appropriate.

An ecology survey accompanied this planning application and the County Council's ecologist did not consider that ecological enhancements to achieve Biodiversity Net Gain were necessary and that the development would be unlikely to adversely impact local ecology to an extent that would be of detriment to the local population.

When considering the ecology survey and LCC comments received, the development therefore is in compliance with Policy CS19.

Policy CS24 – Presumption in Favour of Sustainable Development

Indicates that when considering development proposals Blaby District Council will take a positive approach that reflects the presumption in favour of sustainable development.

Blaby District Local Plan (Delivery) Development Plan Document (Delivery DPD) (2019)

Policy DM2 – Development in the Countryside

Policy DM2 states that in areas designated as Countryside, development proposals consistent with Core Strategy Policy CS18 will be supported where the following criteria are met

a) The development is in keeping with the appearance and character of the existing landscape, development form and buildings. Decisions in respect of impact on landscape character and appearance will be informed by the Blaby Landscape and Settlement Character Assessment, Leicestershire and Rutland Historic Landscape Characterisation Study, National Character Areas and any subsequent pieces of evidence; and,

b) The development provides a satisfactory relationship with nearby uses that would not be significantly detrimental to the amenities enjoyed by the existing or new occupiers, including but not limited to, consideration of:

- i. overdevelopment of the site due to factors including footprint, scale and mass;*
- ii. privacy, light, noise, disturbance and overbearing effect; and,*

iii. vibration, emissions, hours of working, vehicular activity.

c) The development will not undermine the vitality and viability of existing town, district and local centres

The above criteria are addressed in turn below:

a) The development is located within an area identified as Stoney Stanton Rolling Farmland in the Blaby Landscape and Settlement Character Assessment; land which is predominately arable agriculture as per this site and which has low-cut hedgerows and undulating landforms, resulting in relatively open views and a mixture of rural and urban influences. The Agricultural Land is mostly classified as Grade 3 (good to moderate quality agricultural land) with some limited areas of Grade 4 land (poor quality agricultural land). The Blaby Landscape and Settlement Character Assessment highlights key pressures/forces for change relating to the Stoney Stanton Rolling Farmland, of which, relevant concerns are:

- Further loss of already scarce hedgerow trees.
- Potential for further fragmentation of rural character by the pressure of increased urban influence on the fringes of villages which are already prominent in the landscape.
- Further amalgamation of fields which will alter the field pattern and reduce the presence of wildlife corridors through the landscape.
- Uncertain future for agriculture threatening the viability of farmed land.

The Blaby Landscape and Settlement Character Assessment also provides guidance and opportunities relating to development within this landscape character area which includes:

- Restoring the scarce hedgerow trees through allowing natural establishment and planting of appropriate new species such as ash and oak. Species chosen should reflect those present within the surrounding fields.
- Protecting the rural working agricultural setting the landscape provides to development.
- Ensuring any new development is sensitively sited, aiming to avoid significantly affecting areas of rural character with locally important levels of tranquillity.

b) i) In terms of overdevelopment of the site, it is considered that the expansion, intensification and overall massing of the development constitutes overdevelopment, where a large increase in the initially approved development is proposed.

ii) The application would not cause overlooking, light, noise or an overbearing effect to nearby uses and is unlikely to cause disturbance from users of the facility to the nearby residents of Hall Farm Cottages (some 198m away) and Stonebridge Cottage (some 146m away), although an increase of 110 storage containers will likely increase vehicular movements in the countryside and vicinity.

iii) The development is unlikely to be detrimental to nearby uses through vibration, emissions and working hours, however the vehicular activity will likely be increased through the expansion of the storage space and units on the site.

C) It is not considered that the development will undermine the vitality and viability of existing town, district, and local centres.

The development has the potential to impact upon the landscape as defined in the Blaby Landscape and Settlement Character Assessment through its failure to protect the rural landscape, an increase in vehicular movements within the rural setting, and extensive encroachment into agricultural land and open countryside.

Policy DM3 – Employment Development on Unallocated Sites

Policy DM3 states that proposals for new employment development will be directed to employment land allocations, Key Employment Sites and other suitable locations within the settlement boundaries. Where no suitable sites are available, proposals for new employment development (Use Classes B1b and B1c, B2 or B8) will be supported on unallocated sites on the edge of the built-up area of the Principal Urban Area, Blaby, the Larger Central Villages, the Medium Central Villages and the Rural Centre.

Although the application seeks to expand an existing use, it would no longer be considered small scale as a result of the expansion, and the application fails to demonstrate that the proposal cannot be reasonably accommodated on suitable alternative sites within settlement boundaries. Furthermore, being located in the parish of Potters Marston, and some distance outside the Settlement Boundary of Stoney Stanton, the site is not in any of the locations identified in Policy DM3 where employment development could be acceptable. Overall, the expansion of the site fails to accord with Policy DM3 relating to employment development on unallocated sites.

Policy DM8 – Local Parking and Highway Design Standards

Policy DM8 seeks to provide an appropriate level of parking provision which complies with Leicestershire Local Highway Guidance and is justified by an assessment of the site's accessibility, type and mix of housing and the availability of and opportunities for public transport.

Regarding parking and vehicle tracking, the Local Highway Authority is satisfied that the tracking drawings submitted demonstrate that it is possible for a large panel van to access the site, turn and egress the site in a forward gear. Although some slight conflicts between the tracking of vehicles and storage containers or parking spaces are identified, these are considered to be a site management issue.

Policy DM14 – Hazardous Sites and Installations

The site is within the consultation zones of the Calor Gas site and the High Pressure Gas Pipeline (which passes under the field and the driveway to the site). National Grid made no objection to the proposal. The applicant has previously provided assurances that the pipeline is suitably protected by a concrete slab and providing this protection

is demonstrated prior to implementation, the proposal does not pose a major risk to the pipeline.

Stoney Stanton Parish Council sought reassurance for restrictions for the goods/materials being stored in the containers, given the proximity to the Calor Gas site. However, it is noted that the proposal is predominantly a self-storage facility, rather than a commercial storage site, and in addition, there is other legislation which would apply for the storage of dangerous materials which would control this (e.g. the Dangerous Substances and Explosive Atmospheres Regulations 2002). As such, the proposal is not considered a hazard given the neighbouring site.

Material Considerations

National Planning Policy Framework (2021)

The National Planning Policy Framework establishes the key principles for proactively delivering sustainable development through the development plan system and the determination of planning applications. It sets out that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). These objectives are:

- An economic objective
- A social objective
- An environmental objective

For decision-taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. 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.

Leicestershire Highways Design Guide

The Design Guide sets out the County Council's principles and policies for highways development management. The guidance is intended to be used in the design development layouts to ensure they provide safe and free movement for all road users. It aims to:

- provide road layouts which meet the needs of all users and do not allow vehicles to dominate;
- 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.

Discussion

Planning applications must be determined in accordance with the provisions of the Development Plan unless there are material considerations which indicate otherwise. All material considerations must be carefully balanced to determine whether the negative impacts outweigh the positive impacts to such a degree that the adopted policies of the Development Plan should not prevail.

Taking into account the Development Plan Policies set out above the considerations relevant to the determination of this application are:

- The principle of the development
- The impact of the development on the amenity of nearby and future residents;
- The impact of the development on the surrounding highway network;
- Overall planning balance and conclusion.

The principle of the development

The principle of the development has been somewhat established in this location with the previous applications (18/0589/FUL and 20/0725/FUL), with the Officer writing in the delegated *report 'The small number of vehicular trips generated by the business and the minimal visual impact coupled with the extensive outside storage area of the adjoining Calor Gas site means that the proposed development is considered to, in this instance, be of limited small scale'*. However, these comments related to a much smaller scale operation (24 storage containers) and while, still smaller than the Calor Gas site the scale of development is proposed to be a much larger enterprise and intensification in the countryside. The application is no longer considered small-scale especially being a major application which proposes to provide B8 storage facilities over an area of 0.5 hectares, with increased vehicular movements and larger area of hardstanding.

The development therefore fails to accord with Policies CS1, CS6 and CS18 of the Core Strategy and Policies DM2 and DM3 of the Delivery DPD.

The impact of the development on the amenity of adjacent occupiers

The nearest occupants to the site are Calor Gas and residential dwellings sited some distance away. As there are no residential dwellings in close proximity, it is not considered there would be any additional harm to residential amenity. Hours of opening and lighting could be controlled by planning condition.

The impact of the development on the character and appearance of the area

The development consists of a large expansion to an existing storage container site in the countryside. Whilst the site is in close proximity to the extensive Calor Gas site (an existing site), further expansion of the self-storage facility would impact the open countryside.

The development therefore fails to accord with Policies CS2 and CS18 of Core Strategy and DM2 of the Delivery DPD.

The impact of the development on the surrounding highway network

The Local Highway Authority are satisfied that that the proposed development would not result in an increase of more than 30 two-way trips within the highway peak hours. It is considered that the trips generated by the proposed development would be unlikely to result in a severe impact of the existing highway network.

Overall Planning Balance and Conclusion

The proposed development would result in a large-scale increase to an industrial storage site, more than doubling the size of the site and increasing the number of storage containers by more than 150%. As such, the proposed use would no longer be considered 'small scale' and would also offer little benefit to local employment with no additional employees proposed. Although the site may offer benefits to local residents and businesses by providing a local storage facility, no consideration has been given to alternative sites in more sustainable locations within settlement boundaries.

Although the principle of the development has been established in this location, this was considered acceptable due to the small-scale nature business proposal, which has already been increased within the site. The previous expansion was moderate and did not expand beyond the boundaries of the site and did not impact upon the landscape. However, it is not considered that the proposed expansion could reasonably be considered moderate or small scale. The proposed storage facility was also previously approved in order to remove the storage containers from the setting of a heritage asset, which was achieved through the original application.

In conclusion, and for the reasons set out above, taking into account the principles set out in Local and National Policy and guidance including the three dimensions of sustainable development (economic, social and environmental) set out in the NPPF and policies in the adopted Development Plan, in addition to all other material considerations, the proposed development is considered to be on balance unacceptable.

Accordingly, this application is recommended for refusal subject to the reasons set out above.

22/0808/HH

**Registered Date
5 August 2022**

Mr J Odedra

Single storey front and side extension and alteration to front porch

10 Bute Way, Countesthorpe

**Report Author: Joe Fleetwood, Planning Officer
Contact Details: Council Offices. 0116 272 76542**

RECOMMENDATION:

THAT APPLICATION 22/0808/HH BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:-

1. 3 year time limit
2. Approved plans
3. Materials as specified on application form

NOTES TO COMMITTEE

This application has been brought before the Planning Committee as one of the immediate neighbours is an elected District Councillor.

Relevant Planning Policies

Blaby District Local Plan (Core Strategy) Development Plan Document (February 2013)

Policy CS2 - Design of New Development

Policy CS24 - Presumption in Favour of Sustainable Development

Blaby District Local Plan (Delivery) Development Plan Document (February 2019)

Policy DM1 - Development within the Settlement Boundaries

Policy DM8 - Local Parking and Highway Design Standards

Consultation Summary

Countesthorpe Parish Council has made the following comments: *“The Parish Council is aware of the history of the previous application for this site and would therefore ask that, prior to determination of the application, a Planning Officer carry out a site visit to thoroughly check the dimensions and measurements shown in the revised drawings to ensure that it fits within the boundary owned by the applicant and does not encroach*

onto neighbouring properties' land. The Parish Council would also ask that a Planning Officer attends the site to inspect the foundations before further building work is undertaken to confirm that it conforms with the planning application."

Third Party Representations

One representation has been received stating no objections.

Three representations have been received stating objections to the application on the following summary grounds:

- land ownership and boundary dispute issues.
- lack of a side elevation plan.
- Overbearing and privacy impacts including references to differences in ground levels
- Visual impact on neighbour property

Relevant Planning History

21/1474/HH – Single storey front and side extension – Approved 22/03/22

EXPLANATORY NOTE

The Site

No. 10 Bute Way is a semi-detached dwellinghouse situated within the Settlement Boundary of Countesthorpe. The property is located on a cul-de-sac and is set back from the highway by a driveway. The properties mostly date from the same era, although vary in terms of style and appearance. Land levels of the site are relatively flat and the site benefits from at least 2 off-street parking spaces available at the site frontage. The site has existing boundaries with properties on Rosebank Road, which is separated by a 1.8m wooden fence, it is noted that the properties on Rosebank Road are set at a lower land level to the properties on Bute Way.

The Proposal

The application seeks planning approval for a single storey front and side extension and alteration to front porch. The proposal seeks to provide a playroom and a downstairs shower room within the proposed extensions. As noted above, the site has previously been granted planning permission in March 2022 for a virtually identical extension. However, once the applicant commenced construction of the extensions it became apparent that the extensions would encroach onto neighbours land, and the Planning Department took action to ensure that the construction works ceased to enable a revised application be submitted that would redesign the proposed extension to ensure that it could be built within land solely owned by the applicant. The application currently before Members proposes the redesign of the extension as set out above.

Planning Considerations

Impact on the character and appearance of the area

Policy CS2 seeks to ensure that a high quality environment is achieved in all new development proposals, respecting distinctive local character and contributing towards creating places of high architectural and urban design quality. According to this policy, design should be appropriate in its context, and development proposals should demonstrate that they have taken account of local patterns of development, landscape and other features and views and are sympathetic to their surroundings.

The proposed development includes a single storey front and side extension and alteration to front porch. The proposed extensions are to be erected in matching materials to the existing property and is in keeping with the design of the properties on Bute Way. As such it is considered that the design of the proposed extensions is satisfactory.

The proposed single storey side element of the proposed development would not be overly visible from public vantage points. Notwithstanding this, it is considered that the proposal would accord with the established character and appearance of the existing property due to its design, matching materials and brick detailing.

By virtue of the size of the plot, it is considered that the proposed extensions would not constitute overdevelopment.

Residential amenity

Policy DM1 seeks to support development located within Settlement Boundaries, as set out on the Policies Map. The Policy seeks to ensure that development will provide a satisfactory relationship with nearby uses without significantly impacting the amenities enjoyed by the existing or new occupiers, including but not limited to, consideration of privacy, light, noise, disturbance and overbearing effect.

The proposed single storey front and side extensions are sited between the existing properties and neighbouring properties located on Rosebank Road. As mentioned earlier in this report, the properties along Rosebank Road are set at a lower land level than the development site, and are separated by a wooden boundary fence. The proposed extensions do not contain any side windows and as such should not cause any significant impacts upon privacy of the neighbouring properties. It is also recognised that the proposed front and side extensions are not expected to cause significant loss of light impacts, as the proposed extensions are single storey and located in line with the existing building form at the front and rear.

Concerns were raised by neighbours regarding overbearing impacts of the proposed extensions. It is important to understand the fallback position of the applicant who can erect a single storey side elevation measuring up to 4m in height, and to a width no greater than half the width of the original dwellinghouse, under Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015. Therefore whilst the proposed side extension element of the proposal may be considered to have elements of overbearing impacts, due to the

nature of the lower land levels, it is also considered acceptable as the applicant can erect a side extension of a similar nature under Permitted Development.

Off street parking provision

Policy DM8 seeks to provide a consistent approach to local car parking standards and highway design. It goes on to state that the Leicestershire Highways Design Guide sets out, amongst other things, standards and policies for parking and highway design that will need to be considered for all new development.

Since there would be no reduction to the number of parking spaces on site and there would be no increase in bedroom numbers, it is considered that no highway implications should arise as a result of the scheme.

Boundary Matters

Whereas it is noted that representations have been received concerning an on-going boundary dispute between the applicant and neighbours, Members need to be reminded that such disputes are ultimately private civil matters for resolution between the parties involved. It is not the role of the District Council to adjudicate in such matters. The applicant has submitted the appropriate ownership certificate to state that they are the sole owner of the land to which the application relates, and the plans demonstrate that the proposed extension has been set back off the site boundary to prevent any trespass.

Conclusion

Based on the above assessment, it is considered that the proposal is acceptable in planning terms and therefore the recommendation is to approve the application subject to the imposition of the stated conditions.
