

Planning Committee 20 November 2018  
Report of the Interim Head of Planning

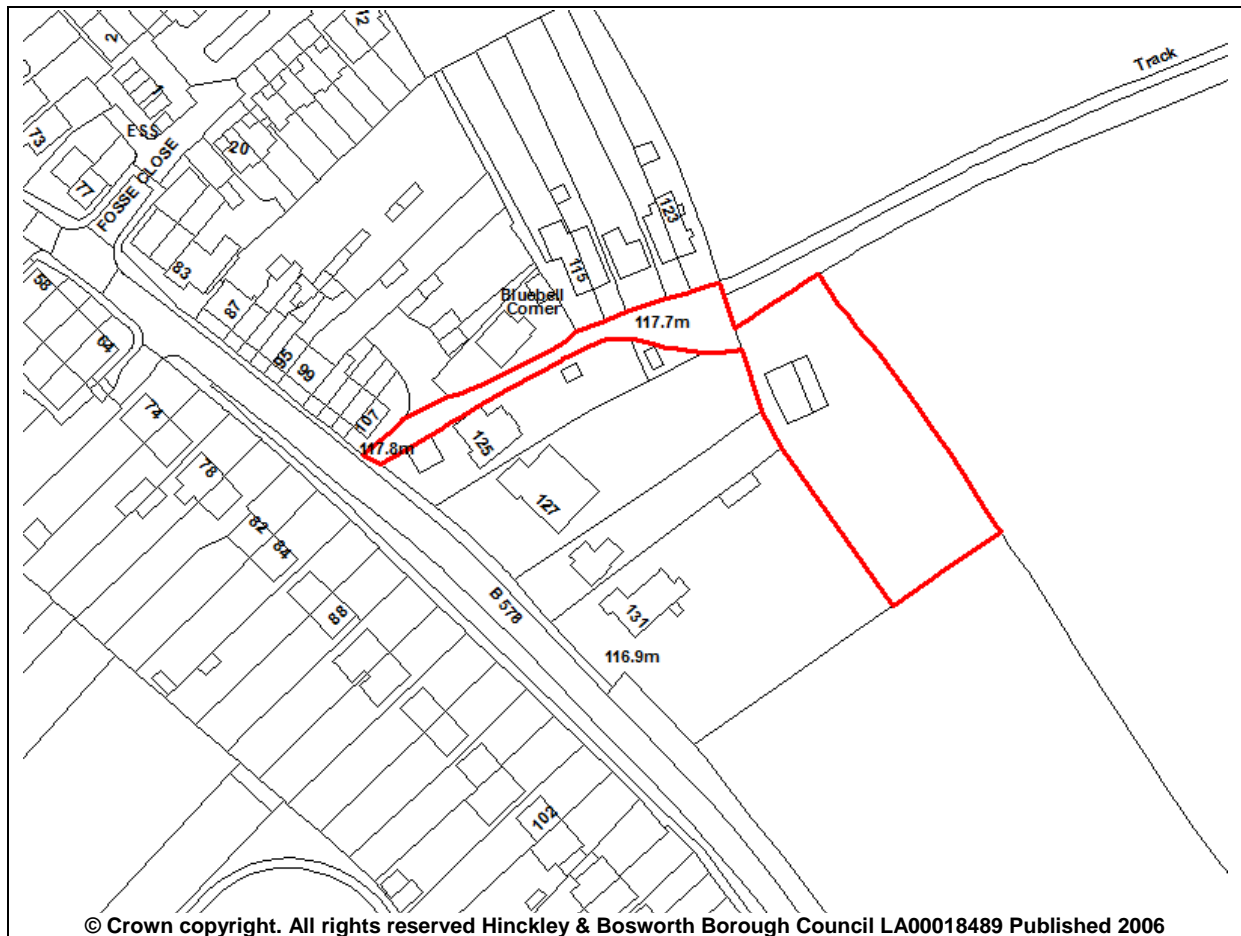


Hinckley & Bosworth  
Borough Council

Planning Ref: 18/00643/FUL  
Applicant: JM Knapp & Sons Ltd  
Ward: Burbage Sketchley & Stretton

Site: Land Rear Of 125 - 131 Lutterworth Road Burbage

Proposal: Change of use of building to light industrial (B1c) and raising of roof and extension to existing building



**1. Recommendations**

1.1. **Refuse planning permission** for the reasons set out at the end of this report.

**2. Planning Application Description**

2.1. This application seeks full planning permission for the change of use of the existing building (which has no defined use, as outlined below) to light industrial (use class B1c) and raising of the roof along with associated extensions and alterations to the existing building on land rear of 125-131 Lutterworth Road, Burbage.

2.2. The proposal involves the demolition of the existing lean to structure to the north eastern side of the building and the provision of a new external brick wall and a new roof to form a dual pitched building measuring approximately 5 metres in height to the ridge. The overall footprint of the building is not proposed to be increased.

- 2.3. Further information has been provided by the applicant regarding the previous and proposed use of the site, proposed hours of use and staff numbers. A structural report has also been submitted with the application.
- 2.4. The application description has been amended during the course of the proposal to include the change of use within the submission. The previous application (reference 15/00949/OUT) granted approval for the subdivision of the existing residential curtilage at no. 131 Lutterworth Road and the erection of one dwelling. The building which is the subject of this application was included within this previous application and therefore it is considered that the building was ancillary to the residential property.
- 2.5. Following this previous permission, the existing property (no. 131) has been demolished and the building and the land will soon be subdivided from the new dwellings facing onto Lutterworth Road. It is therefore considered that the building is no longer tied to the residential property and the land and the building has no defined use. A full reconsultation was undertaken following the change in description.

### **3. Description of the Site and Surrounding Area**

- 3.1. The application site consists of a parcel of land located to the rear of nos.125 to 131 Lutterworth Road. Access to the site is from an existing private access track located between nos. 107 and 125 Lutterworth Road.
- 3.2. The site is located adjacent to but outside of the settlement boundary of Burbage and as such, within land designated as the countryside
- 3.3. A gate is located at the entrance to the site with a private right of way running across the front of the site providing access to open fields to the east. The building itself currently comprises a single storey brick built building with a lean to section constructed from metal cladding and with timber doors which provides a storage area. The property has an existing asbestos roof.
- 3.4. The application building is not highly visible from the surrounding area, given the siting immediately behind a dense hedgerow which separates the application site from the rear gardens of no. 127 and 129 Lutterworth Road.
- 3.5. Three new dwellings are currently under construction on Lutterworth Road to the south west of the site.

### **4. Relevant Planning History**

18/00300/FUL	Demolition of existing workshop and erection of a new dwelling	Withdrawn	01.06.2018
15/00949/OUT	Subdivision of existing residential curtilage and erection of one dwelling (outline - all matters reserved)	Outline Planning Permission	26.10.2015
17/00631/FUL	Demolition of existing dwelling and erection of 3 new dwellings with access and parking	Withdrawn	17.08.2017

17/01124/FUL

Demolition of existing dwelling and erection of 3 new dwellings and associated access

Permission

21.12.2017

## **5. Publicity**

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.
- 5.2. Objections have been received from five separate addresses raising the following concerns:
- 1) Building not been used previously for a considerable amount of time
  - 2) Intensification of an un-adopted road and associated highway/pedestrian safety issues
  - 3) Limited visibility onto Lutterworth Road
  - 4) Would not lead to the enhancement of the immediate setting
  - 5) Out of character with the style, design and character of the surrounding area
  - 6) Impact upon residential amenity in respect of overbearing, overlooking, noise and disturbance
  - 7) Lack of information regarding proposed use/operation
  - 8) Potential to develop the land for residential dwellings, as previously proposed
  - 9) Adversely impacting upon the character of the countryside by way of size, overbearing impact, loss of views and noise and disturbance
- 5.3. No further comments were received as a result of the change of description.

## **6. Consultation**

- 6.1. Burbage Parish Council object to the proposal as it is considered to be an unsuitable location for use as a workshop, overbearing and with the potential to impact adversely on neighbouring properties in terms of noise and intensification of use of a private road with lack of parking and visibility onto Lutterworth Road.
- 6.2. Councillor Wright has concerns for the following reasons – no detail of workshop usage, insufficient access arrangements, pedestrian/highway safety with lack of visibility.
- 6.3. Councillor Lynch has concerns for the following reasons – unsuitable access and an extension outside of the settlement boundary.
- 6.4. No objections from the following:
- HBBC Waste
  - HBBC Drainage
  - HBBC Environmental Health
  - LCC Ecology
- 6.5. LCC Highways refer to standing advice.
- 6.6. Notes to applicant provided by Cadent Gas.

## **7. Policy**

- 7.1. Core Strategy (2009)
- Policy 4: Development in Burbage
- 7.2. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development

- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM10: Development and Design
- Policy DM15: Redundant Rural Buildings
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM20: Provision of Employment Sites

### 7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2018)
- Planning Practice Guidance (PPG)

### 7.4. Other relevant guidance

- Emerging Burbage Neighbourhood Plan (2018)

## 8. Appraisal

### 8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Other issues

#### Assessment against strategic planning policies

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 2 of the NPPF also identifies that the NPPF is a material planning consideration in planning decisions. Paragraph 12 of the NPPF states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan permission should not usually be granted unless other material considerations indicate otherwise.
- 8.3. The development plan in this instance consists of the Core Strategy (2009) 2006-2026 and the Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016).
- 8.4. The application site is located outside the settlement boundary of Burbage (except the access) and is on land designated as countryside within the SADMP.
- 8.5. This application seeks planning permission for the change of use of an existing building to a light industrial use (B1c). As detailed above, the existing building currently has no defined use. The proposal would involve the substantial alteration and extension of the existing building with a large proportion of the existing building unsuitable for conversion.
- 8.6. Policy DM20 of the SADMP states that new employment sites for B class uses that stand outside settlement boundaries (and on Greenfield sites), would need to demonstrate that there are no suitable alternative sites identified sequentially in the following locations:

- a) within settlement boundaries;*
- b) on previously developed land;*
- c) adjacent to existing employment areas;*

*d) adjacent to settlement boundaries.*

- 8.7. The application as submitted has not demonstrated compliance with the above sequential test and has not identified any buildings that are available within any of the sequentially identified locations within Policy DM20 of the SADMP. As such, it is considered that the proposal would be in significant conflict with this adopted strategic planning policy.
- 8.8. Policy DM1 of the adopted SADMP provides a presumption in favour of sustainable development. Policy DM4 of the adopted SADMP states that to protect its intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development. The policy goes on to list a number of categories of development that would be considered sustainable in the countryside subject to meeting a number of other criteria.
- 8.9. One form of development that would be considered sustainable as per Policy DM4 is criteria b)
- b) The proposal involves the change of use, re-use or extension of existing buildings which would lead to the enhancement of the immediate setting*
- 8.10. Policy DM15 of the SADMP goes beyond Policy DM4 and provides criteria against which proposals for development outside settlement boundaries for the re-use and/or adaption of redundant or disused rural buildings should be assessed in order to be supported. Policy DM15 states that developments will be supported where:
- a) The applicant demonstrates the building is no longer viable in its current use; and*  
*b) The applicant has adequately demonstrated the building is in a structurally sound condition and is capable of conversion without significant rebuild or alteration; and*  
*c) Any proposed extension(s) or alterations are proportionate to the size, scale, mass and footprint of the original building and situated within the original curtilage; and*  
*d) The proposed development accords with Policy DM10: Development and Design and relevant design guidance, DM11: Protecting and Enhancing the Historic Environment and DM12: Heritage Assets.*
- 8.11. Given the proposed employment use of the development within the least sequentially preferable location with little supporting information, it is considered that the development of a B use class within the countryside would be contrary to Policy DM20 of the SADMP. Consideration regarding the potential harm to the intrinsic value and character of the countryside and rural character of the building is considered in the next section.
- 8.12. The emerging Burbage Neighbourhood Plan is still in development, not yet having been submitted to the Local Planning Authority for comment prior to Examination by an Inspector and subsequent referendum. Therefore; only very limited weight can be afforded to this document at this time.
- Design and impact upon the character of the area
- 8.13. Policy DM4 of the adopted SADMP requires that development in the countryside does not have a significant adverse effect on the open character or appearance of the surrounding landscape and countryside.
- 8.14. Policy DM10 of the adopted SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and the

use and application of building materials respects the materials of existing, adjoining/neighbouring buildings and the area generally.

- 8.15. Policy DM15 of the SADMP seeks to ensure that any proposed extensions or alterations are proportionate to the size, scale, mass and footprint of the original building and situated within the original curtilage and that the building leads to an enhancement of the immediate setting.
- 8.16. Although the applicant has indicated that the footprint of the building would not be increased, a considerable amount of the building is not suitable for retention with a large proportion of the building additional built form within the countryside.
- 8.17. The application site comprises a single storey detached building located to the rear of nos. 125-131 Lutterworth Road. The proposed works involve the removal of the existing asbestos roof and the demolition of the existing metal cladding, lean to side extension. A new brick built extension is then proposed to be sited in the place of the existing lean to and a new associated dual pitched roof measuring approximately 5.2 metres in height to the ridge with tiles and matching brick works.
- 8.18. The height of the building would be increased by approximately 1.7 metres and due to the large extension to the existing building would appear unduly prominent within the surrounding area. An external storage area is proposed and has been indicated on the plan to be sited immediately adjacent to the building. Although this is limited in size and could be conditioned, it is considered that the use of the open countryside for storage in conjunction with a proposed B class use would be out of character with the open and rural nature of the surrounding countryside. Overall, due to the size, height and massing of the proposed extensions and provision of external storage area, the proposed development would significantly affect the intrinsic value and open character of the countryside.
- 8.19. Currently openings are limited to the front, rear and side (west facing) elevation. The proposal would replace the existing timber openings with double glazed UPVC windows that have a large amount of glazing bars. Rooflights are also proposed on both roof slopes. The proposed openings are not reflective or relate to the existing openings of the building and result in the building appearing domestic, and would not appear as a rural building in keeping with the countryside, and as such would impact upon the character of the existing building.
- 8.20. Policy DM15 states in the supporting text that buildings in the rural area are often attractive, frequently constructed from local materials and often reflect the local vernacular. The submitted structural report identifies that the main walls of the building are in a sound condition and in a good state of repair. However the existing lean to metal sheeting side extension is not suitable for conversion and the existing roof to the main part of the building also needs to be replaced. As such, there is a very limited amount of the existing building that is to be retained and with a large increase in height and associated extensions to the existing building.
- 8.21. It should also be highlighted that it is unlikely that the building was ever intended to be a stand alone feature and was always used an ancillary building to the residential dwelling that the building related to. The applicant has submitted information that the building was used in connection with a fish tank business, however, this was the business of the occupier of the residential property, and therefore, it is deemed that this was ancillary to the property. The building is not an attractive rural building that merits retention for its external appearance. Now the building has been severed from the residential use, this should not automatically mean that the building is suitable to be used as an independent unit.
- 8.22. The building is currently being used as storage in connection with the building works that are being carried out in association with the implementation of

application 17/01124/FUL, The Council does not consider that this gives the building a B1 use as this is temporary in connection with development.

- 8.23. Criteria ii) to v) of Policy DM4 are not relevant as the proposal would not undermine the perceived separation between settlements, does not exacerbate ribbon development and is not located within a green wedge or the National Forest.
- 8.24. As such, it is considered the proposal would have a significant adverse effect on the intrinsic value, beauty and open character of the countryside and would not lead to an enhancement of the immediate setting, contrary to Policy DM4, DM10 and DM15 of the SADMP.

#### Impact upon neighbouring residential amenity

- 8.25. Policy DM10 of the SADMP state that proposals should not adversely affect the occupiers of the neighbouring properties.
- 8.26. The building is currently located at the far end of the rear gardens of properties on Lutterworth Road.
- 8.27. No. 123 Lutterworth Road is located over 30 metres to the north west of the site and separated by the access track. As such, there would be no adverse impact upon the occupiers of this property by way of an overbearing nature.
- 8.28. Given the significant distance (over 40 metres) to the dwellings to the south west, the siting away from the nearest private amenity space and the extensive length of the gardens, the increase in height would not result in any adverse impacts upon the occupiers of nos. 125-131 Lutterworth Road in respect of overbearing nature or loss of privacy. In addition, a mature hedgerow separates the site from these properties.
- 8.29. The development also includes the provision of a new use, light industrial class B1c. Although uses falling within this use class are considered to be compatible with surrounding residential properties, little information has been submitted about how the proposed development would operate.
- 8.30. The development could result in vehicles accessing the site at all times of the day. The vehicles would use the existing private access drive which serves a number of dwellings.
- 8.31. The proposal would result in a number of vehicular movements passing in very close proximity to the side elevations of Bluebell Corner (111 Lutterworth Road) and 125 Lutterworth Road. Although the applicant has stated there would be minimal vehicle movements to the building, there would be no restriction over the amount of movements to the buildings. It would not be enforceable to condition the volume of vehicle comings and goings to the site and as such it has not been adequately demonstrated that the location of the access to the building and the movements associated with an employment/workshop use would not result in significant noise and disturbance impacts to the aforementioned properties.
- 8.32. As such, it is considered that the proposal could result in significant adverse impacts upon residential amenity as a result of the vehicle movements associated with the proposed use. The development would therefore be in conflict with Policy DM10 of the SADMP.

#### Impact upon highway safety

- 8.33. Policies DM17 and DM18 of the SADMP states that proposals should ensure that there is adequate provision for on and off street parking for residents and visitors and there is no impact upon highway safety.

- 8.34. The application site is accessed by way of a private un-adopted road which is not publicly maintained. It is considered that approximately 10 residential properties use this private track, as well as the agricultural users of the fields to the east. The site is served by this road until it meets Lutterworth Road via an existing access.
- 8.35. Parking would be provided to the front of the building with associated turning space allowing vehicles to leave the site in a forward gear.
- 8.36. It is not considered that the development would result in use of the access to the detriment of highway safety.
- 8.37. Concerns have arisen regarding inadequate visibility onto Lutterworth Road. Although the site access falls short of current highway standards, the proposed development would not alter the existing access arrangements.
- 8.38. All disputes in respect of rights of access along this road are civil matters between the applicant and the owners of the road.
- 8.39. The development is therefore in accordance with Policies DM17 and DM18 of the SADMP.

#### Other issues

- 8.40. Loss of view from neighbouring properties is not a material planning consideration.

### **9. Equality Implications**

- 9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2. Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 9.3. There are no known equality implications arising directly from this development.

### **10. Conclusion**

- 10.1. It has not been demonstrated in relation to the proposed introduction of a workshop use within a countryside location and outside the settlement boundary that there are no suitable alternative sites identified sequentially in accordance with DM20 and the proposal is therefore in conflict with Policy DM20 of the SADMP.
- 10.2. In addition, the proposed development would result in the provision of a large extension to the existing building and a significant increase in roof height and associated bulk and mass of development. The openings proposed are unreflective of and do not relate to the existing character of the building. It is considered that the proposed use and alterations would not be proportionate to the size, footprint and scale of the existing building and would have a significant adverse effect on the character of the area.
- 10.3. By virtue of the use proposed, it is considered that the proposed development could result in noise and disturbance impacts from vehicles upon the occupiers of the



adjacent dwellings. It would not be enforceable to place a condition on the scheme which limits the quantity of vehicles using the access track.

- 10.4. The proposal is therefore in conflict with Policies DM1, DM4, DM10, DM15 and DM20 of the adopted SADMP.

## **11. Recommendation**

- 11.1. **Refuse planning permission** for the reasons set out at the end of this report.

### **11.2. Reasons**

1. The proposed development would result in the provision of an employment site outside of the settlement boundary of Burbage. The applicant has failed to identify and discount any suitable buildings within the settlement boundary, on previously developed land or adjacent to an existing employment area and as such the application site is considered the least sequentially preferable. As such, the use of the building as a workshop would be considered unsuitable and therefore unsustainable for new employment provision and would be contrary to Policy DM20 of the Site Allocations and Development Management Policies Development Plan Document (2016).
2. By virtue of the size, scale and mass of the proposed extensions and alterations and due to the domestic appearance of the building, the proposal would be detrimental to the rural and countryside setting and would fail to complement the character and appearance of the application site and surrounding landscape. The proposed scheme would therefore be in conflict with Policies DM1, DM4, DM10 and DM15 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the overarching principles of the National Planning Policy Framework (2018).
3. It has not been demonstrated that due to the proposed use of the building and associated vehicle movements along the access track, the development would not have a significant adverse impact upon the amenity of existing residents at Nos. 111 and 125 Lutterworth Road, Burbage. The development would therefore be contrary to Policies DM1 and DM10 of the Council's Adopted Site Allocations and Development Management Policies Development Plan Document (2016).

### **11.3. Notes to Applicant**

1. This application has been determined having regard to the following documents and plans submitted with the application:

Additional Information received on 24 July 2018 and 6 August 2018

Structural Survey received 3 September 2018

Amended Application Form received 12 October 2018

Proposed Floor Plans and Elevations Drg. No. AVD-331-LURB-PL02 Rev. A

Existing Floor Plans and Elevations Drg. No. AVD-331-LURB-PL01 Rev. B

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