

**Planning Committee 18 December 2018
Report of the Interim Head of Planning**

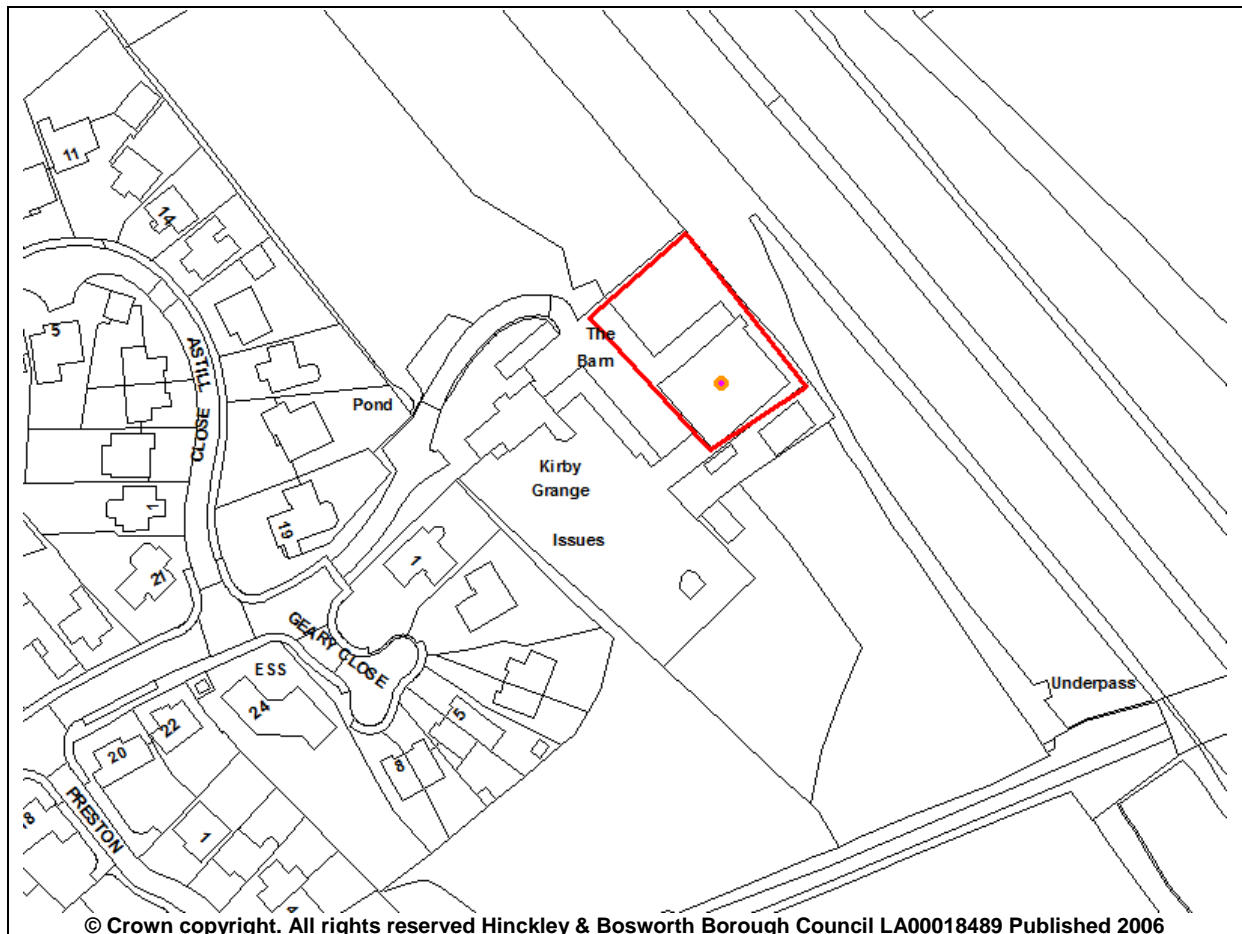


Hinckley & Bosworth
Borough Council

Planning Ref: 18/01034/FUL
Applicant: Lloyd
Ward: Ratby Bagworth And Thornton

Site: Kirby Grange Farm Taverner Drive Ratby

Proposal: Change of use to vehicle repair garage (Use Class B2)



1. Recommendations

1.1. Grant planning permission subject to

- Planning conditions outlined at the end of this report.

2. Planning Application Description

- 2.1. Planning permission was granted under ref: 09/00042/FUL in 2009 for the construction of a replacement building and its use as a B8 storage unit which was tied to the existing office use building on the site. The proposal seeks the change of use of this existing storage building for the servicing, MOT and repair of motor vehicles under Class B2 (General Industrial). The only alterations proposed to the building would be internal alterations to house the lifts and MOT testing and servicing equipment.

- 2.2. The proposal would involve 5 members of staff working within the building along with 3 members of staff working in the existing office building to the south west of the site. The working hours proposed would be the same as those contained within condition 6 of planning permission ref: 09/00042/FUL being between the hours of 0730 and 1730 Monday to Friday with no working on Saturdays, Sundays or Statutory Bank Holidays. Additional information has been submitted by the applicant's agent that confirms that the applicant would occupy the whole of the Kirby Grange Farm site. They are prepared to accept a condition which restricts the use of the building to a car repair garage as the applicant is the owner of a garage called Farriers Automotive Ltd who specialise in the maintenance and repair of Jaguar and Land Rover vehicles.
- 2.3. The proposal also relates to the creation of additional car parking within the site boundary approved under ref: 09/00042/FUL. These additional spaces would involve the cutting back of existing foliage to create an additional 12 car parking spaces so that a total of 20 car parking spaces would be provided. An amended site layout plan has been submitted showing additional tree planting along the northern boundary with the field.
- 2.4. Access to and from the site would be from Taverner Drive. The layout of the access and the site would remain largely unaltered and the existing drop off and delivery space would be retained. The application is accompanied by a Transport Statement and a Design and Access Statement.

3. Description of the Site and Surrounding Area

- 3.1. The application site is located between the eastern edge of Ratby and the M1 motorway. The site lies outside of the settlement boundary of Ratby which is located some 40 metres to the west and lies within a semi-rural area. The existing storage building has a gross internal floor space of some 370 square metres and comprises a block work building with vertical timber cladding above the eaves and a sedum green roof. A metal roller shutter door provides the main access and security for the building.
- 3.2. An earth bund separates the site from the adjoining motorway along with a considerable amount of mature landscaping around the site particularly to the north west and south east boundaries along the motorway which provides screening to the site.
- 3.3. The overall site includes a dwelling which is intended to be occupied by the applicant, together with an "L" shaped single storey office building, various storage sheds and agricultural and equestrian land with loose boxes.

4. Relevant Planning History

95/00612/TEMP	Siting of mobile home/caravan for temporary period of 12 months	Withdrawn	02.11.1995
95/00822/COU	Rebuilding and change of use of disused barn to form offices construction of access drive and car parking spaces	Refused	10.01.1996
95/00823/COU	Change of use of site to landscape contractors base	Refused	10.01.1996

	including parking areas access road and the conversion of outbuildings to offices and storage		
96/00970/FUL	Rebuilding of existing barn for use in association with adjacent residential property	Granted Permission	26.02.1997
97/00186/FUL	Extension to dwelling to form dining room and guest wing	Granted Permission	22.04.1997
97/00630/COU	Change of use of residential wing of existing farmhouse into offices and formation of access	Refused	20.08.1997
08/00957/CLU	Certificate of lawful existing use of buildings and land for class B1 (offices) and class B8 (storage) along with access and parking	Certificate of Lawfulness Granted	26.11.2008
09/00042/FUL	Erection of replacement storage building	Granted Permission	25.03.2009
76/01887/4	Use of farm buildings as builders store and carpenter and joiners workshop	Refused	22.02.1977
88/00194/4	To site a mobile home for residential use	Refused	26.04.1988
92/00827/4	Alterations and change of use of outbuildings to offices	Granted Permission	28.10.1992

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. 5 letters of objection from different residential addresses have been received from local residents raising the following issues:-
- 1) Access to this site would involve a residential road with small cul de sacs off housing families with young children;
 - 2) There are already a lot of parked cars along Taverners Drive and near to the access of the site;
 - 3) This proposal would lead to more parking within the public highway;

- 4) Would this proposal lead to additional development of the surrounding “green, undeveloped” areas around the site in the future?
- 5) This use would involve other vehicles such as spare parts distributors and breakdown vehicles;
- 6) Not enough residents were consulted on this application;
- 7) The traffic generation for this change of use would increase by 300%;
- 8) The garage has the potential to generate noise pollution in this quiet residential area;
- 9) This use will effect the residents of the bungalow occupied by disabled persons;
- 10) This proposal will affect the value of the properties in the area.

5.3. 2 letters of comment have been received from local residents raising the following questions:-

- 1) What will the applicant’s existing garage premises be used for?
- 2) The vegetation on the site should be retained as this acts as a buffer between the developed area and the motorway.

6. Consultation

6.1. No objections have been received from:

HBBC Environmental Health (Pollution)

6.2. LCC as Local Highway Authority has referred the LPA to current standing advice and in particular: access width, surfacing, pedestrian visibility, vehicular visibility, parking and gates.

6.3. No comments have been received from:

Leicestershire Fire and Rescue Service
 Severn Trent Water Limited
 Ratby Parish Council

7. Policy

7.1. Core Strategy (2009)

- Policy 8: Key Rural Centres Relating to Leicester

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 DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance

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

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

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 planning applications conflict with an up-to-date plan, development 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) and the Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016).
- 8.4. The site is situated outside of the defined settlement boundary of Ratby which lies some 40 metres to the west. Policy DM4 of the SADMP is therefore applicable and states that the countryside will first and foremost be safeguarded from unsustainable development. However, development in the countryside will be considered sustainable where:-
- It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
 - The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
 - It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
 - It relates to the provision of stand-alone renewable energy developments in line with policy DM2: Renewable Energy and Low Carbon Development; or
 - It relates to the provision of accommodation for a rural worker in line with Policy DM5: Enabling Rural Worker Accommodation.
- and:
- It does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and
 - It does not undermine the physical and perceived separation and open character between settlements; and
 - It does not create or exacerbate ribbon development;
- 8.5. The development does fall under one of the categories of sustainable development as identified in Policy DM4 in that a change of use is accepted in this countryside location subject to the proposal leading to the enhancement of the immediate setting and not having a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside. The impact on the character of the area will be assessed below.

Design and impact upon the character of the area

- 8.6. Policy DM4 of the SADMP requires that change of use proposals should lead to the enhancement of the immediate setting. Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.7. The existing storage building is sited within a semi-rural area to the rear of a large detached residential property known as Kirby Grange Farm and its associated

outbuildings which includes an “L” shaped office building. The storage building is not prominent in the landscape being screened from the residential properties by the existing buildings and landscaping on site to the west and being of a similar height to the earth bund and fence alongside the motorway. Having a sedum green roof with timber cladding above the eaves ensures that the building is not visually dominant in the landscape.

- 8.8. No external alterations are proposed to the existing building. However, the proposal does involve the cutting back of the existing foliage to create additional car parking spaces. The mature trees along the motorway and along the northern boundary with the adjoining field would remain. As such, the landscaping on site would continue to act as a screen between the open land to the north of the site and the application site.
- 8.9. There are no restrictions on the use of the land around the existing building which is included in the planning permission for a B8 use. The proposal to create car parking spaces where the storage of goods presently takes place would remove this storage use in the countryside. This would lead to the enhancement of the immediate setting.
- 8.10. The proposal relates to the removal of vegetation on the site to facilitate additional car parking. An amended site layout plan has been submitted showing additional landscaping along the north-western boundary of the site to screen the site from views from the open countryside. The retention and additional landscaping of the site can form part of an appropriately worded condition.
- 8.11. Based on the above assessment the change of use would not unacceptably harm the character or appearance of the area and would accord with Policies DM4 and DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.12. Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighbouring properties.
- 8.13. The property of Kirby Grange Farm and its residential curtilage does lie in close proximity to the existing storage building. This property has been included within the land which the applicant intends to own. Environmental Health (Pollution) has confirmed that they have no objections to the proposal for a car repairs use. The working hours proposed would be the same as those contained within condition 6 of planning permission ref: 09/00042/FUL being between the hours of 0730 and 1730 Monday to Friday with no working on Saturdays, Sundays or Statutory Bank Holidays. As such it is not considered that the proposal would cause undue noise and disturbance to the occupiers of this dwelling who would be in control of the operation of the use.
- 8.14. The dwellings on Geary Close are some 50 metres away to the south west and separated by private gardens and the existing single storey office buildings. Concerns have been raised about the potential for the proposed use to cause noise and disturbance to the occupiers of this residential area. However, the application site lies within an area where the noise levels are already very high from the traffic using the adjoining motorway. Environmental Health (Pollution) has confirmed that they have no objections to the proposal. In view of the distances involved, the intervening land uses and the high levels of background traffic noise, the proposal would not adversely affect the amenity of the occupiers of the residential properties with regards to noise and disturbance from the operation of the garage.
- 8.15. Concerns have also been raised regarding the noise generated by large commercial vehicles using Taverner Drive to access the site. The lawful use of the

building is as a storage building under Use Class B8 and this use has been in existence for some 9 years. The Traffic Statement contains information on the traffic generation for a use within a B8 Class which has the potential to generate 22 car movements per day and 8 HGV movements per day. This compares to the traffic generation for the proposed B2 use which has the potential to generate 66 car movements per day and 2 HGV movements per day. The working hours proposed would be daytime hours from Monday to Friday with no working on Saturdays, Sundays or Statutory Bank Holidays.

- 8.16. It is agreed that the proposed change of use has the potential to generate additional car movements per day during the hours of working at an average of 6.6 movements per hour. However, a B2 use would generate on average 6 fewer HGV movements per day when compared to the existing B8 lawful use. This reduction in HGV movements along this residential road would benefit the area and so any potential for noise and disturbance from these large vehicles would be significantly reduced by the proposal.
- 8.17. In light of the above it is considered that the proposal would be in accordance with Policy DM10 of the SADMP in terms of residential amenity.

Impact upon highway safety

- 8.18. Policy DM17 of the SADMP states that all new development should be in accordance with the highway design standards. Policy DM18 ensures that development provides appropriate parking provision.
- 8.19. Taverner Drive provides access to the application site and runs from the mini roundabout with Station Road to the site. The road is subject to a 30mph speed limit and the carriageway width varies between 6.5m to 7m. Lit footways are provided along both sides of the carriageway. The Transport Statement accompanying the application assesses the current traffic generation for a building of 370m² within Use Class B8 (Warehousing and Storage). As stated above, the proposed change of use has the potential to involve up to 66 car movements per day which is higher than the lawful use. However, only 2 HGV movements per day are likely to visit the site compared to up to 8 HGV movements per day from the existing B8 use.
- 8.20. The impact of the proposal on the junction with Station Road would be significantly less than 30 two-way vehicle movements per hour or 100 two-way vehicle movements per day, which in accordance with the NPPF is not considered to be significant and would not have a 'severe' impact on the local highway network. The Highway Authority confirms that they have no objections to the proposal. However, in their response they do make reference to current standing advice and the need to ensure that the following issues are addressed:-
- Sufficient access width for the largest vehicle visiting the site and that passing places are provided so that two vehicles can pass;
 - Hard surfacing along the access track;
 - Pedestrian visibility provided onto Taverner Drive;
 - Vehicular visibility provided onto Taverner Drive as this road does have a speed limit of 30mph;
 - Sufficient parking provision for the proposal; and
 - No gates to be hung close to the highway boundary.
- 8.21. The existing hard surfaced private access drive into the site has a minimum width of between 4.4m – 4.6m wide with soft landscaping on both sides. The drive also has a 15 metre passing place as well as a passing place opposite the access to Kirby Grange Farm where the total access width is between 10m and 12m. There is

space for two vehicles to pass at either end of the access road onto Taverner Drive without having to reverse back onto the public highway.

- 8.22. Being located at the end of Taverner Drive, the speed limit within the vicinity of the access is likely to be low. Vehicle tracking for the largest vehicle visiting the site has been provided in the revised Transport Statement. As such, it is considered that the existing access is in general accordance with the Highway Authority's standing advice.
- 8.23. The parking standards in the Leicestershire Highway Design Guide (2018) are for 11 car parking spaces to be provided for the proposed change of use and the existing office use. The site layout plan includes 20 car parking spaces which exceeds these parking standards. In view of this additional parking provision and the distance of the building to the public highway, it is unlikely that vehicles would park along Taverner Drive to use the car repairs business.
- 8.24. Overall, the proposed access width, geometry and visibility is considered to be acceptable and the parking provision, dimensions and on-site turning would be acceptable. Indeed, the site is located in a sustainable location on the edge of Ratby which is identified in the Core Strategy as a key rural centre relating to Leicester. The site is located within 350 metres of public transport services.
- 8.25. The condition restricting the use to a car repairs use would also ensure that the building could not be used for another use within Class B2 without the need for planning permission. This would ensure that the movements and types of vehicle accessing the site could be controlled. As such the proposed development would not result in severe highway impacts and would be in accordance with Policies DM17 and DM18 of the SADMP.

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. The application site is located outside of the settlement boundary of Ratby. However, Policy DM4 of the SADMP states that development in the countryside will be considered sustainable where inter alia the proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting. Therefore, the principle of the proposed change of use is acceptable.
- 10.2. The proposal would not unacceptably harm the character or appearance of the area. In addition, the proposal would not have any significant adverse impacts upon

residential amenity, or on vehicular or pedestrian safety. It is considered that the proposed development would be in accordance with Policies DM1, DM4, DM10, DM17 and DM18 of the SADMP.

- 10.3. Having regard to Policy DM1 of the SADMP and the presumption in favour of sustainable development along with taking into account the relevant Development Plan policies and material planning considerations, it is considered, on balance, that the proposed development constitutes sustainable development. Therefore, the proposal is recommended for approval subject to conditions.

11. Recommendation

11.1. Grant planning permission subject to

- Planning conditions outlined at the end of this report.

11.2. Conditions and Reasons

1. The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the submitted details: Drws No: L.18.01.P001 and P002 received by the local planning authority on 12 October 2018 and Drw No: L.18.01.P003 Rev A received by the local planning authority on 28 November 2018.

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The application site shall only be used as a car repair garage with ancillary parking and shall not be used for any other purposes falling within Class B2 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: To ensure that the use remains compatible with the surrounding area to accord with Policies DM10 and DM17 of the SADMP.

4. The building subject of this application shall only be used between the hours of 07.30 to 17.30 Monday to Friday and at no time on Saturdays, Sundays or Public Holidays.

Reason: To ensure that the proposed use does not become a source of annoyance to nearby residents to accord with Policy DM10 of the SADMP.

5. No part of the development hereby approved shall be occupied until the access, parking, turning area and layout arrangements as shown on approved drawing no: L.18.01.P003 Rev A received by the local planning authority on 28 November 2018 have been implemented in full. Thereafter, the onsite parking provision shall be maintained for such use at all times.

Reason: In the interests of highway safety.

6. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of five metres of the highway boundary, nor shall any be erected within a distance of five metres of the highway boundary.

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway.

7. All planting, seeding or turfing comprised in the approved details of landscaping as shown on Drw No: L.18.01.P003 Rev A received by the local planning authority on 28 November 2018 shall be carried out in the first planting and seeding seasons following the occupation of the building and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of preserving the character and appearance of the area.

11.3 **Notes to Applicant**

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.