

**Reference:** 15/00570/FUL

**Applicant:** Sachkhand Nanak Dham

**Location:** Stretton House Watling Street Burbage

**Proposal:** Change of use of residential to mixed use of premises to provide accommodation and meeting and teaching facilities, extensions and alterations, alterations to access and provision of associated car parking

**RECOMMENDATION:-** Grant subject to conditions and the provision of an Agreement or Unilateral Undertaking pursuant to section 106 of the Town and Country Planning Act 1990 to restrict the use of the premises and wider land holding, the numbers of people and vehicles entering the site and hours of use and subject to conditions.

**Introduction:-**

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as an elected member (Councillor Bray) has requested in writing that the application be referred to Planning Committee for determination to allow Members to consider the impact on neighbouring properties and highway safety issues. Furthermore, the application has attracted interest from the occupiers of five or more addresses, the views of which are contrary to the officer's recommendation.

**Application Proposal**

This application seeks full planning permission for a change of use from residential to a mixed use of the premises including retention of the existing residential use and the provision of meeting and teaching services and facilities. The application also includes extensions and alterations to the building for the proposed day centre type uses with ancillary administration and office space, alterations to the access and the provision of associated car parking.

The first floor would remain unchanged and would continue to provide bedroom accommodation for the existing occupiers and their guests. The ground floor would mainly be used for meetings, discussion groups, teaching and day centre uses to provide spiritual, social and cultural services to the community including spiritual teaching, yoga, language classes, music and meditation. There would also be reception rooms, child care, kitchens and dining area, together with office and administration rooms.

The application includes a single storey extension to the south elevation to provide approximately 110 square metres of additional meeting and day centre uses space. Two further single storey extensions on the east elevation are proposed to provide additional lobby space. The scheme includes the re-alignment of the access drive to provide a 4.5 metre width along its length and the provision of a total of 30 car parking spaces through alterations to the existing driveway and the formation of an additional area in the adjacent grassed paddock. The scheme also includes details for the provision of a new private sewage treatment plant in the field to the south to deal with foul water discharge rather than the continued use of the existing shared cesspit located in a field to the west of the site. A hedgerow maintenance regime at the junction with the A5 is proposed to ensure adequate visibility is maintained.

## The Site and the Surrounding Area

Stretton House lies in the countryside to the south of the A5 approximately 0.5 kilometres to the north west of junction 1 of the M69 motorway. It is a large eight bedroom dwelling of some architectural merit in extensive grounds comprising gardens, access and parking areas, outbuildings, grassed paddocks and woodland. The application relates to approximately 0.82 hectares of the larger (1.56 hectare) land holding. The site contains a large number of trees that are subject to a Tree Preservation Order. The land holding also includes a field to the south of the dwelling. Former single storey outbuildings adjacent to the dwelling to the north have been previously converted into five separate dwellings known as Stretton Court and share the vehicular access onto the A5 Watling Street. There are agricultural fields to the south and west. Land to the north of the A5 Watling Street benefits from an extant planning permission for residential development.

## Technical Documents submitted with the Application

The application is supported by a detailed Design & Access Statement and Planning Policy Statement, a Great Crested Newt Assessment and details of the proposed private sewerage treatment plant. A section 106 unilateral undertaking has also been submitted containing planning obligations with the aim of limiting the volume of vehicle and visitor numbers using the access in connection with the proposed mixed use, limiting the duration and hours of use and restricting the use of adjoining land in the applicant's ownership.

The planning obligations propose the following restrictions to visitor and vehicle numbers and hours of use:

a) In relation to services provided on weekdays:

- that not more than 15 people in total receiving the services at Stretton House shall attend on any one weekday, whether or not more than one of the services is being provided on that weekday
- that not more than 5 vehicles in total shall be admitted to Stretton House in respect of services provided on any one weekday
- that any services being provided at Stretton House on a weekday shall not be provided outside the hours of 10.00am to 9.00pm.

b) In relation to services provided on any Saturday:

- that no more than 50 people in total receiving the services at Stretton House shall attend on any Saturday, whether or not more than one of the services is being provided on that Saturday
- that not more than 20 vehicles in total shall be admitted to Stretton House in respect of services being provided on any Saturday
- that any services being provided at Stretton House on a Saturday shall not exceed 3 hours in duration and shall not be provided outside the hours of 10.00am to 3.00pm.

c) In relation to services provided on any Sunday:

- that no more than 80 people in total receiving the services at Stretton House shall attend on any Sunday, whether or not more than one of the services is being provided on that Sunday
- that not more than 30 vehicles in total shall be admitted to Stretton House in respect of any services being provided on a Sunday

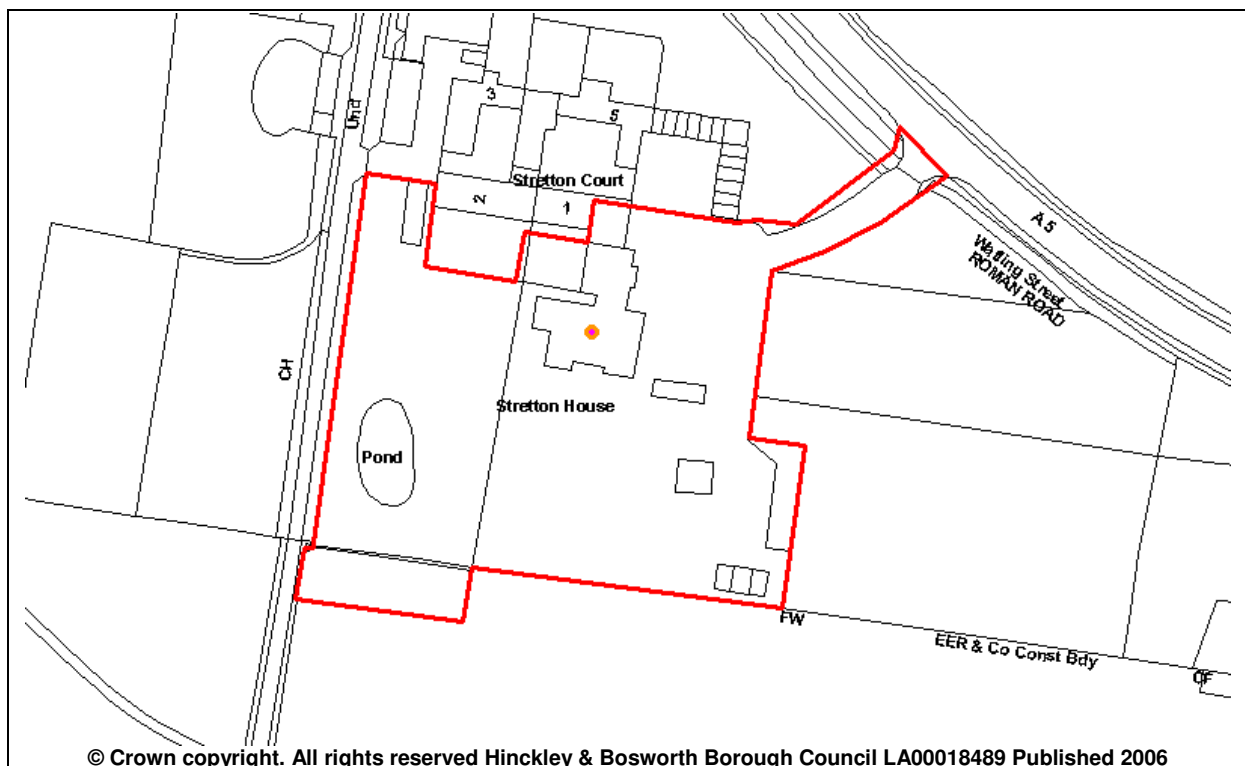
- that any services being provided at Stretton House on a Sunday shall not exceed 4 hours in duration and shall not be provided outside the hours of 10.00am and 3.00pm.
- d) That no events shall be held at Stretton House at any time involving more than 80 people.
- e) That the staging of 'special events' involving large numbers of people shall not take place at Stretton House or its surrounding grounds.

The supporting information confirms that 'special events' attracting large numbers of people of the nature that have been held at the premises in the past would be held at alternative venues away from Stretton House.

### Background Information

For Members information, a series of planning applications for change of use of the site have been submitted since 2008. Each application has sought to overcome reasons for refusal through: i) the removal of 'special' larger scale events in order to reduce noise and disturbance to neighbouring properties and reduce vehicle movements to and from the A5; ii) alterations to the driveway to improve access and egress to and from the site and iii) the provision of a private sewage treatment plant to overcome foul water disposal capacity issues.

A similar application to the scheme now proposed (11/00915/FUL) was refused by Planning Committee in March 2012 on the grounds that the proposal would be detrimental to highway safety. Although the subsequent appeal (APP/K2420/A/12/2177905) Inspector considered that a planning obligation would be necessary to ensure continued highway safety and that it would meet the statutory tests, the appellant failed to submit a suitable planning obligation (executed and certified) to control traffic generation to and from the site with the appeal and therefore the appeal was dismissed in January 2013.



## **Consultations:-**

No objection has been received from:-

Environment Agency  
Severn Trent Water Limited  
Leicestershire County Council (Ecology)  
Rugby Borough Council  
Environmental Health (Drainage)

No objection subject to conditions has been received from:-

Highways England  
Leicestershire County Council (Highways)  
Environmental Health (Pollution)  
Tree Officer

Burbage Parish Council raise objections to the application on the following grounds:-

- a) unsatisfactory relationship with nearby unrelated residential uses, detrimental to the amenities of the neighbouring occupiers due to loss of privacy, disturbance, emissions, overbearing effect, hours of working, noise and vehicular activity
- b) out of keeping with the character and appearance of this residential area located in the countryside
- c) toilet block is in an inappropriate location adjacent to kitchen of neighbouring dwelling and vents to neighbours garden
- d) detrimental impact on neighbours as a result of increase in vehicle movements on shared access drive
- e) access/egress to the A5 is hazardous and dangerous, unsuitable and inadequate for the proposed use and would be detrimental to highway and pedestrian safety
- f) A5 is a very busy road with a constant flow of heavy traffic which will increase over the next few years with a number of large scale developments (including MIRA Enterprise Zone, DPD Distribution Centre, Stretton Croft hotel and Business Park and major residential developments) already permitted nearby
- g) despite the proposed monitoring mechanism, it would be impossible to control or adequately or effectively monitor the number of vehicles attending events at the property
- h) inadequate parking provision therefore would have detrimental impact on existing residents
- i) should permission be granted it would be difficult to prohibit any subsequent increases in vehicular movements in relation to the use of the site
- j) wider consultation should be undertaken

Site notice posted and neighbours notified, letters have been received from the occupiers of nine separate addresses, eight objecting to the proposal on the following grounds:-

- a) the purpose of the organisation is to increase its following/worshippers therefore the suggested limit/control of numbers of vehicles and people would appear to be contrary to its aims
- b) the site has been operating as an international place of worship for seven years and the numbers of vehicles and people at events held at the site has been in excess of those stated causing problems for neighbouring residents
- c) it is impossible to control or effectively monitor numbers of people for a place of worship and invitations to events are on social media and the applicants website so how can the applicant know how many people or vehicles would turn up to the site

- d) detrimental to residential amenities of neighbouring dwellings due to noise and disturbance from amplified music and attendance of services including percussion instruments and chanting
- e) the applicant's website has advised visitors to park on the neighbouring residential estate (Three Pots) causing traffic/parking congestion and nuisance as a result of traffic movements and noise and disturbance to the residents of the estate
- f) adverse impact on neighbours amenities from smell from proposed toilet block/urinal window and cooking
- g) access/egress to and from the site is onto a hazardous and dangerous section of the busy A5 Trunk Road (Stretton bends) where there is a constant flow of HGV traffic and where traffic exceeds the speed limit therefore the significant proposed increase in vehicles entering and leaving the site would be detrimental to highway safety
- h) when parking in the nearby residential estate visitors have to cross the busy A5 and walk along a narrow footpath to enter the site which is detrimental to the safety of these pedestrians
- i) coaches also drop off visitors to the site further along the A5 and they walk along a narrow footpath to enter the site which is detrimental to the safety of these pedestrians
- j) significant increase in traffic causes congestion and queueing at the junction both on the A5 and within the site causing danger to highway users and inconvenience to the occupiers of the neighbouring dwellings in Stretton Court
- k) the proposed slight widening of the access drive is only an aesthetic improvement and would not improve access or egress to and from the site
- l) access for emergency vehicles would be limited
- m) the scheme is overbearing and detrimental to the character of area
- n) Stretton House has architectural merit and historical value and should be listed as a house of note in Hinckley
- o) works carried out to the house have been detrimental to the character of the building
- p) land ownership issue in respect of the grassed paddock to north.

The ninth letter states that a left turn in and left turn out for access/egress to and from the site or provision of a slip road should be used to make the proposal safer in respect of highway safety.

No response has been received at the time of writing this report from:-

Leicestershire County Council (Archaeology)  
 Leicestershire Fire and Rescue Service  
 Cyclists Touring Club.

**Policy:-**

National Policy Guidance

National Planning Policy Framework (2012)  
 National Planning Policy Guidance (2014)  
 Community Infrastructure Levy (CIL) Regulations (2010)

Hinckley & Bosworth Core Strategy 2009

None relevant.

Hinckley & Bosworth Local Plan 2001

The site is outside the settlement boundary of Burbage as defined on the adopted Hinckley and Bosworth Local Plan Proposals Map.

Policy BE1: Design and Siting of Development  
Policy NE5: Development in the Countryside  
Policy NE14: Protection of Surface Waters and Groundwater Quality  
Policy T5: Highway Design and Vehicle Parking Standards

### **Appraisal:-**

The main considerations with regards to this application are:-

- the principle of development
- impact on highway safety
- impact on the amenities of neighbouring properties
- design of the proposed extensions and impact on the character and appearance of Stretton House and the surrounding area
- disposal of foul water drainage
- other material considerations

### Principle of Development

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 applications for planning permission should be determined in accordance with the development plan unless other material planning considerations indicate otherwise. The development plan comprises the saved policies of the adopted Hinckley and Bosworth Local Plan (2001) and the adopted Local Plan 2006-2026 Core Strategy (2009).

The site is located outside the settlement boundary of Burbage in the countryside as defined in the adopted Hinckley and Bosworth Local Plan Proposals Map. Saved Policy NE5 of the adopted Local Plan states that the countryside will be protected for its own sake, however, the policy also states that planning permission will be granted for built and other forms of development in the countryside, including (criterion b) the change of use and extension of existing buildings subject to a number of specified design criteria.

The NPPF is a material consideration in the determination of the application and provides a presumption in favour of sustainable development. Paragraph 7 identifies the three roles of sustainable development as being social, economic and environmental. Paragraphs 17 and 70 support the re-use and conversion of existing buildings and seek to support the provision of community and cultural facilities and services to meet community needs and enhance the sustainability of communities. Paragraphs 17 and 34 seek to manage patterns of growth to make the fullest possible use of public transport and walking and cycling and maximise the use of sustainable transport modes. Paragraph 29 recognises that the opportunities to maximise sustainable transport solutions will vary from urban and rural areas.

The proposed change of use and extension of Stretton House would be acceptable in principle in respect of saved Policy NE5 (criterion b) of the adopted Local Plan. Notwithstanding that the location of the site does not encourage the use of sustainable transport modes, the proposal would contribute positively to the social role of sustainable development identified in the NPPF through the provision of a community facility offering cultural services to the community and to the environmental role through the provision of a sustainable foul water drainage system to serve the facility.

The proposal is therefore considered to be sustainable and acceptable in principle subject to all other planning matters being appropriately addressed.

## Highway Safety

Saved Policy NE5 (criterion iv) of the adopted Local Plan requires that development in the countryside will not generate traffic likely to exceed the capacity of the highway network or impair road safety. Saved Policy BE1 (criterion g) requires that development ensures adequate highway visibility for road users and adequate provision for off street parking for residents and visitors together with turning facilities. Saved Policy T5 of the adopted Local Plan refers to the application of appropriate standards for highway design and parking targets for new developments unless a different level of provision can be justified.

The NPPF in paragraph 32 states that decisions should take account of whether safe and suitable access to the site can be achieved for all people but also states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Objections have been received on highway safety grounds. Objectors consider that the A5 Watling Street is a very busy road with a constant flow of heavy traffic which regularly exceeds the 40 mile per hour speed limit and that the level of traffic will increase over the next few years with a number of large scale developments (including MIRA Enterprise Zone, DPD Distribution Centre, Stretton Croft Hotel and Business Park and major residential developments) already permitted nearby. Objectors consider that, notwithstanding the proposed alterations to the driveway, access and egress to the A5 from the application site is hazardous and dangerous, unsuitable and inadequate for the proposed use and would cause traffic congestion and queueing at the junction both on the A5 and within the site and therefore be detrimental to highway and pedestrian safety. Objectors also consider that notwithstanding the submitted planning obligation, it would be impossible to effectively control or effectively monitor numbers of people and vehicles attending services/meetings at Stretton House and should permission be granted it would be difficult to prohibit any subsequent increases in vehicular movements in relation to the use of the site.

The site is accessed directly off the south side of the A5 Watling Street Trunk Road, a single carriageway road with restrictions to overtaking to either side of the Stretton House access. There are bends to the north west of the access and a slight brow to the south east.

The proposal includes minor alterations to the internal access driveway to provide a minimum of 4.5 metres width and enable vehicles to pass each other within the site and avoid potential queuing on the A5, together with proposals for future maintenance of boundary hedgerow adjacent to the A5 highway to maintain visibility. The proposed provision of 30 vehicle parking spaces within the site to serve Stretton House would provide adequate car parking facilities to serve the proposed uses as limited by the submitted planning obligation and would not result in any obstruction of the parking areas of Stretton Court.

Leicestershire County Council (Highways) consider that the residual cumulative impacts of the current scheme can be mitigated and are not considered severe and therefore raise no objections to the scheme subject to conditions to ensure the provision of the proposed parking and turning areas and provision of cycle parking within the site.

Highways England are aware of the restrictions placed on the use of the premises in terms of maximum numbers of visitors and vehicles and raise no objections to the application as submitted in terms of highway safety subject to the completion of the proposed planning obligation to control the use of Stretton House and the wider land holding and to restrict the number of vehicles and people to Stretton House to those proposed within the scheme together with a condition to ensure maintenance of the highway boundary hedgerows to maintain visibility from the access at the junction with the A5 Trunk Road.

Notwithstanding the advice of Highways England (then Highways Agency), the previous 2011 application was refused on highway safety grounds for the following reason:

In the opinion of the local planning authority the proposed development, if permitted, would result in an intensification of use of the existing access and a material increase in traffic turning onto or off the A5 Watling Street Trunk Road in an area remote from main development where traffic volumes and speeds are generally high to the detriment of highway safety. The proposed development is therefore contrary to Policies NE5 and T5 of the adopted Hinckley and Bosworth Local Plan and Planning Policy Guidance 13: Transport.

The current scheme proposes a similar scale of use to the previous scheme. It should be noted that in paragraph 12 of the decision notice in respect of the subsequent planning appeal the Planning Inspector considered that: 'taking account of the form of traffic flow, the 40mph speed limit, the nature of this section of the road, and that, in practical terms, the visibility at the junction would extend beyond the 120 metre standard required, the traffic generation arising from the proposal based on the submitted details would not give rise to conditions that would be prejudicial to highway safety through the use of the existing access'. However, in addition the Inspector considered that: 'The degree of traffic generation must be subject to specific control, as any increase would need to be assessed on its relative merit to ensure continued highway safety.' In paragraph 14 of the appeal decision notice the Inspector considered that in order to control traffic generation a planning obligation would be necessary to ensure that highway safety could be protected and that 'such an obligation in this case would meet the statutory tests' of the CIL Regulations 2010.

Whilst a draft planning obligation to control vehicle and visitor numbers was submitted with the application, the applicant failed to submit a suitable (executed and certified) planning obligation with the appeal. As a matter of appeal procedure for written representation cases (paragraphs N.2.1 and N.2.2 of Annex A of The Planning Inspectorate Procedural Guide to Planning Appeals - England) the Inspector can only consider what is before him/her and will not delay the issue of a decision to wait for an obligation to be executed. Accordingly, the appeal was dismissed due to the lack of a suitable planning obligation to ensure highway safety.

The current application is supported by a planning obligation that limits the number of vehicles and people to the site and hours of operation in respect of the proposed change of use, contains a recording scheme to enable the local planning authority to monitor/enforce the planning obligation and prohibits the use of the land holding for events of over 80 people. The applicant proposes to control numbers of people attending services at Stretton House at source through the use of an invitation only system. The applicant proposes to maintain an up-to-date register of the names of each individual visitor to Stretton House, their main home address, date, time and duration of visit and mode of transport to the site and registration details of motor vehicles used. The register of information would be available at all reasonable times to the local planning authority to enable monitoring to be undertaken in respect of compliance with the planning obligation.

Concerns have been raised in respect of the acceptability and effectiveness of the planning obligation to control the number of people and vehicles to Stretton House and the proposed monitoring scheme which relies upon the applicant's own recording. Whilst there is sympathy with this view, the use of planning obligations and self-registers to monitor visitor numbers and other activity is not unique and such schemes are used for a variety of situations (e.g. to monitor the occupation of holiday lets in countryside or other sensitive locations). In the event the obligation was not complied with, the method for addressing this would be enforcement action through the courts, subject to satisfactory evidence to demonstrate non-compliance being available.



A left turn in and left turn out arrangement for access/egress to and from the site or provision of a slip road has been suggested in a neighbour consultation response to make the proposal safer in respect of highway safety. However, such an arrangement would not only compromise the occupiers of the existing residential properties in Stretton Court but would not be fairly or reasonably related to the scale of activities proposed by the application. In paragraph 11 of the appeal decision the Planning Inspector noted that the accident record along this section of Watling Street (seven) 'did not involve any vehicles using the [Stretton House] access'.

A neighbour consultation response raises an objection on the grounds that there would be limited access to the site for emergency vehicles however there is no evidence to suggest that this would be the case.

Notwithstanding the objections received and concerns raised in respect of highway safety, there is no technical support or evidence to demonstrate that the proposal as submitted would not achieve a safe and suitable access or that the residual cumulative impacts of development would be severe. Accordingly, subject to the completion of a satisfactory planning obligation to limit the number of vehicles/people to Stretton House, including the proposed monitoring scheme, the proposal would be in accordance with saved Policies NE5 (criterion iv), BE1 (criterion g) and T5 of the adopted Local Plan and paragraph 32 of the NPPF.

#### Neighbours Amenities

Saved Policy BE1 (criterion i) of the adopted Local Plan requires that development does not adversely affect the amenities or privacy of the occupiers of neighbouring properties.

Objections have been received that the proposal would result in adverse impacts on the amenities of neighbouring residential properties. These include overbearing effect, loss of privacy, smell from the proposed toilet block, noise and disturbance from amplified music, percussion instruments and chanting, hours of use and inconvenience, emissions and noise from additional vehicular activity and parking.

By virtue of their siting on the eastern and southern elevations of Stretton House, away from Stretton Court and their single storey scale, the proposed extensions and alterations would not result in any adverse impacts on residential amenity from any overbearing impact or loss of privacy from overlooking.

The proposal includes the removal and bricking up of existing windows facing towards the rear garden of the adjoining dwelling in Stretton Court to improve privacy and amenity of the occupiers. The proposed floor plan (Drawing No. 156-005B) also indicates that extraction from the toilet block would be directed away from the neighbouring property in Stretton Court and out through the east elevation of the building. Therefore the proposed toilet block would not result in any material adverse impacts on the amenities of the adjoining occupiers from noise or odour.

The scale of the proposed activities would be limited by the submitted planning obligation and are not considered to be unreasonable given the size of Stretton House and its gardens and the limited hours of use for the proposed community services. However, concerns have been raised that these uses could result in potentially noisy activities including amplified music, percussion instruments and chanting that would adversely affect the amenity of neighbouring occupiers particularly in summer months when windows and doors may be open.

The applicant's planning agent advises that the building has recently been fitted with double glazing throughout and has indicated that a condition to prohibit amplified music from being played to the external areas of the property would be acceptable to the applicant's. However, the agent considers that any condition which sought to require all windows and doors to be kept closed when music is being played indoors would be unreasonable as the premises retains a residential use and such a condition would not reasonably be imposed on a dwelling. Environmental Health (Pollution) considers that a condition to prevent the playing of amplified music in or to the external areas of Stretton House in connection with the meeting and teaching services would suffice and be reasonable to protect the residential amenity of neighbouring occupiers.

The kitchen is located on the east side of Stretton House rather than adjacent to the neighbouring properties in Stretton Court. The supporting information proposes the improvement of extraction and filtering equipment to the kitchen to minimise any impacts on the adjacent occupiers from smells, fumes and noise but no details have been submitted. Environmental Health (Pollution) considers that food preparation for up to 80 people would be more akin to a commercial scale rather than domestic. Although the hours of the proposed community type uses would be limited, the preparation of food could take longer and the preparation of food of a high odour content has the potential to have an impact on neighbouring occupiers. He therefore recommends a condition requiring the submission for prior approval of a scheme for extraction, filtering and ventilation of the kitchen which is considered to be reasonable and necessary to protect the amenities of the occupiers of Stretton Court. This is also considered to be reasonable in order to control the visual impacts of any extraction system on the appearance of Stretton House.

People attending Stretton House would use the existing shared access drive with Stretton Court and pass beyond to the existing and proposed additional parking areas which are located in excess of 45 metres from the neighbouring properties. The proposed scheme includes minor alterations to improve access and egress at the junction with the A5 Watling Street by providing a 4.5 metre wide drive to enable two vehicles to pass. Notwithstanding that the proposal would result in additional traffic using the access and as a result there may be small delays in exiting the site at peak times, by virtue of the limited numbers of vehicles allowed to enter the site and limited hours of use as submitted in the planning obligation the number of vehicle movements is unlikely to result in any significant adverse impacts on residential amenity from inconvenience or noise and disturbance from comings and goings.

Concerns have been raised that when larger events have been held at Stretton House in the past, the applicant's website has encouraged visitors to park on the neighbouring residential estate (Three Pots) causing traffic/parking congestion and nuisance as a result of traffic movements and noise and disturbance to the residents of the estate. However, the current scheme proposes that events would be by invitation only and the submitted planning obligation would prevent the larger type events previously held at the site and on the remainder of the land in the applicant's ownership.

The proposal would provide adequate parking facilities within the application site to accommodate the maximum of 30 vehicles detailed in the planning obligation. This should help to reduce the potential for vehicles needing to park elsewhere, such as near to houses on residential streets. The potential for this problem remains at times when the facility is being used to capacity. The applicant considers that the parking being provided within the site is sufficient for their needs and it is reasonable to assume that some visitors would car share, which would reduce the potential for off-site parking. On balance, with the controls in place to limit numbers of people using the site, this impact would not be so severe to justify a refusal.

It should be noted that in his decision notice in respect of the previous appeal the Planning Inspector considered that the extensions 'would not have an adverse impact on the living conditions of adjoining neighbours' and raised no concerns in relation to the scale of the proposed activities which were similar to those now proposed.

Notwithstanding the objections received, by virtue of the size of the premises, the scale of the proposed extensions and the proposed activities in terms of numbers of people, the limitations on the hours of use for those activities and separation distances to neighbouring properties, the proposal as submitted would be unlikely to result in significant adverse impacts on the amenities of neighbouring residents to an unacceptable degree and the proposal would therefore be in accordance with Saved Policy BE1 (criterion i) of the adopted Local Plan.

### Character and Appearance of Stretton House and Surrounding Area

Saved Policy NE5 (criteria i, ii and iii) of the adopted Local Plan requires that development does not have an adverse effect on the appearance or character of the landscape, is in keeping with the scale and character of the existing buildings and the general surroundings and is effectively screened by landscaping. Saved Policy BE1 (criteria a, b and c) require that development complements or enhances the character of the surrounding area with regard to scale, layout, design, materials and architectural features, avoids the loss of vegetation and features which contribute to the quality of the local environment and has regard to the safety and security of individuals and property.

Objections have been received on the grounds that Stretton House has architectural merit and historical value and should be listed as a house of note in Hinckley and that works carried out to the house have been detrimental to the character of the building. Whilst it is acknowledged that the house has some historical value through its association with the renowned Atkins family and some aesthetic value due to its architectural features, currently it is not a listed building or identified in any local listing. Repair and minor alterations and replacement of windows are not works that would require planning permission.

Objections have been received on the grounds that the proposal is detrimental to the character and appearance of this residential area and overbearing.

The property is a large detached dwelling and residential annex with a total of 8 bedrooms set within large grounds and is well screened from the highway by fencing and mature landscaping including a large number of trees that are subject to a Tree Preservation Order. The proposed change of use would, for much of the time, retain the appearance of the site as a large rural family dwelling in extensive grounds which are to be maintained as gardens, paddocks and woodland. Therefore no significant adverse impacts upon the appearance or character of the area would result from the proposed change of use.

The proposed single storey extension off the south elevation of Stretton House would project 6 metres and face the open countryside rather than any adjacent residential properties. It is designed with a flat roof with glazed roof lanterns and is proposed to be constructed in matching facing bricks and stone quoin and lintel details to respect the appearance of the existing building. The single storey lobby extensions on the east elevation would be sited in recesses facing the access drive and parking areas and are proposed to be constructed of matching external materials to respect the appearance of the existing building. The proposed lean-to roof lobby area would improve the appearance of the secondary entrance whilst the other lobby would provide internal access to the new toilet facilities. Whilst this would have a flat roof construction it would be well screened from the access drive by a brick wall and close boarded timber fencing of 2 metres in height and by tall, dense evergreen shrubs and therefore would not be a prominent feature. As a result of their siting, design and the use of

matching materials, the proposed extensions and alterations are considered to respect the scale, character and appearance of the existing building and would not have any significant adverse impact on the character or appearance of the site or surrounding landscape.

In his decision notice in respect of the previous appeal the Planning Inspector noted that Stretton House is a substantial country property and considered that the proposed extensions (which were similar to those now proposed) 'would be acceptable in terms of their impact on the character and appearance of the property and of this area of countryside'.

A total of 30 vehicle parking spaces would be created through alterations to the existing driveway area and part of the grassed paddock to the east of the driveway, including 5 overflow spaces within the paddock which would be surfaced in a Grasscrete paving system to minimise any impact on the appearance of the paddock particularly when the parking area is not in use. These spaces would be set well back from the highway and be well screened from public areas by fencing and mature trees and therefore would not have any material adverse impact on the overall character or appearance of the site.

The proposed minor alterations to/alignment of the internal access road to provide a 4.5 metre width and pedestrian footpath are to be constructed with the aim of improving the flow of traffic to and from the A5 junction and pedestrian safety. The alterations are proposed to be constructed with a no-dig method of construction and incorporate geo-textile separation filtration layers with granular fill to reduce impact and protect the root systems of protected mature trees adjacent to the access.

The Council's Tree Officer does not object to the scheme but considers that the proposed entrance drive re-alignment, alterations to the access road and parking spaces 10 - 14 will need to be constructed using a no-dig construction method to avoid any adverse impacts on the root systems of adjacent protected trees. A construction method statement could be secured for prior approval by the imposition of an appropriate planning condition should the application be approved.

Notwithstanding the objections received, the proposal would not result in any material adverse impacts on the character or appearance of Stretton House or the surrounding countryside and would therefore be in accordance with saved Policies NE5 (criteria i, ii and iii), BE1 (criteria a, b and c) of the adopted Local Plan.

### Drainage and the Environment

Saved Policy NE14 of the adopted Local plan states that planning permission will not be granted for development proposals which would adversely affect the water quality and ecology of watercourses and groundwater resources unless satisfactory arrangements are made for the disposal of foul sewage and surface water. Paragraph 109 of the NPPF seeks to prevent adverse impacts on the water environment.

Stretton House currently uses non-mains drainage in the form of a shared cesspit with limited capacity that services a number of unrelated properties and is located at some distance on third party land within an agricultural field used for growing crops to the west of the site. Access to the cesspit is therefore subject to third party control and can only be obtained prior to crop growth in the spring and even then is dependant upon prevailing ground conditions to allow the tanker to safely access the site. As a result, the application proposes the installation of a sustainable private sewage treatment system within the field to the south that would have adequate capacity to service the proposed uses of the building and to discontinue connection to the shared cesspit. The plant would discharge into an existing pond within the garden area as would storm water from Stretton House. The submitted Great Crested Newt Survey suggests that the pond is unlikely to support the species due to high

populations of fish and that water quality would not be significantly affected due to existing fouling by ducks and fish. Leicestershire County Council (Ecology) have assessed the report and raise no objection to the application. The Environment Agency, Severn Trent Water Limited and Environmental Health (Drainage) raise no objections to the proposed drainage system.

### Other Issues

Notwithstanding the comment from Burbage Parish Council, adequate consultation and publicity has been undertaken in respect of the application.

Land ownership issues are not a material planning consideration.

### Conclusion

Paragraph 14 of the NPPF establishes a presumption in favour of sustainable development. It states that for decision taking this means approving proposals that accord with the development plan without delay and where the development plan is absent, silent or out-of-date, granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole or specific policies in the Framework indicate development should be restricted.

The change of use and extension of existing buildings in the countryside is supported by adopted Local Plan Policy NE5 and the NPPF and is therefore acceptable in principle. Notwithstanding the objections received and concerns raised in respect of highway safety, there is no technical support or evidence to demonstrate that the proposal, as submitted, would not achieve a safe and suitable access or that the residual cumulative impacts of development would be severe. The applicant is willing to enter into a planning obligation to control and restrict the numbers of vehicles and people and hours of use and maintain a register to enable ongoing monitoring to be undertaken. In addition, events involving more than 80 people at the Stretton House landholding would be prevented and would be held elsewhere.

Highways England raise no objections to the application as submitted in terms of highway safety subject to the completion of the proposed planning obligation to control the use of Stretton House and the wider land holding and to restrict the hours of use and number of vehicles and people to Stretton House to those proposed within the scheme together with a condition to ensure maintenance of the highway boundary hedgerows to maintain visibility from the access.

Objections have been received in respect of potential adverse impacts on the amenity of neighbouring properties as a result of the increase in visitor numbers compared to the existing residential use. Notwithstanding this, by virtue of the size of the premises and grounds and separation distances the scale of the meeting and teaching activities as proposed would not give rise to significant or demonstrable adverse impacts on neighbours amenities and the previous appeal Inspector raised no concerns in this respect.

Concerns have been raised in respect of the future compliance with the restrictions within the submitted planning obligation and the ability of the local planning authority to effectively monitor and enforce the restrictions therein in terms of numbers of people and vehicles and the limitations on the hours of use. Notwithstanding this the previous appeal Inspector considered that a planning obligation was necessary and would meet the statutory tests.

Objections have been received in respect of potential adverse impacts on residential amenity as a result of noise and disturbance from activities and kitchen/food odours. However, such impacts can be mitigated through the use of planning conditions to prohibit the playing of amplified music to external areas in connection with the meeting and teaching activities and to require the submission of kitchen extraction, filtering and ventilation equipment for prior approval and subsequent installation.

By virtue of their siting, scale and design and subject to the use of sympathetic external materials, the proposed extensions and alterations would not result in any significant adverse impacts on the character or appearance of Stretton House, the privacy or amenity of any neighbouring properties, protected trees or the surrounding countryside. The provision of a private sewage treatment plant to serve Stretton House would result in a more sustainable foul drainage system and reduce the capacity pressures on the existing shared cesspit and reduce the possibility of pollution of the water environment.

The proposal would therefore be in accordance with saved Policies NE5 (criteria b, i, ii, iii and iv), BE1 (a, b, c, g and i), NE14 and T5 of the adopted Local Plan and the overarching principles of the NPPF and the application is therefore recommended for approval subject to conditions and the completion of a section 106 planning obligation.

**RECOMMENDATION:- Grant subject to conditions and the provision of an Agreement or Unilateral Undertaking pursuant to section 106 of the Town and Country Planning Act 1990 to restrict the use of the premises and wider land holding, the numbers of people and vehicles entering the site and hours of use and subject to conditions.**

In dealing with the application, through ongoing negotiation the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application.

**Conditions:-**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan drg. no. 156-001E, Proposed Site Layout Plan drg. no. 156-002H; Tree & Levels Site Survey drg. no. 156-012, Access Drive Re-Alignment & Footpath drg. no. 156-SK-A4a, Visibility Splays drg. No. 156-SK-A3a, Existing Ground Floor Plan drg. No. 156-004, Existing First Floor Plan drg. No. 156-011A, Proposed First Floor Plan drawing no. 156-006B, Existing East and South Elevations drg. No. 156-007, Proposed East and South Elevations drg. No. 156-009B received by the local planning authority on 19 May 2015 and Proposed Ground Floor Plan drg. no. 156-005C, Existing West and North Elevations drg. No. 156-008B and Proposed West and North Elevations drg. no. 156-010C received by the local planning authority on 1 October 2015.
- 3 The materials to be used on the external elevations of the proposed extensions and alterations shall match the corresponding materials of the existing building.
- 4 Before first use of the premises for the purpose hereby permitted the works for the disposal of surface water and the provision of the private sewage treatment plant for the disposal of foul water from the site shall be completed and fully operational in accordance with the submitted details and once provided shall be so maintained as such at all times thereafter.

- 5 Notwithstanding the submitted information, before development commences on site full details of: (i) the method of construction of the alterations to the existing access drive and new car parking area, including sections and levels; (ii) all proposed tree surgery works and (iii) a tree protection scheme during construction works, shall be submitted to and approved in writing by the local planning authority. The method of construction shall include a no-dig design and method statement and be carried out in accordance with the approved scheme.
- 6 Within three months of the implementation of this permission, a scheme for hedgerow management and boundary treatment at the junction of the site with the A5 Watling Street, as shown on the approved Proposed Site Layout Plan Drawing No. 156-002H, shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be maintained and managed in accordance with the approved scheme.
- 7 The change of use hereby permitted shall not take place until the 30 vehicle parking spaces and turning facilities have been constructed and marked out in accordance with the approved Proposed Site Layout Plan Drawing No. 156-002H and once provided the spaces shall be permanently retained for parking at all times thereafter.
- 8 The change of use hereby permitted shall not take place until a scheme for extraction, filtering and ventilation of the premises, which shall include installation method, maintenance and management, has been submitted to and agreed in writing by the local planning authority. The approved scheme shall be implemented in accordance with the agreed details before the premises are first used for the mixed sui generis use hereby permitted and shall be permanently so maintained and in use at all times thereafter.
- 9 There shall be no amplified music played in or to the external areas of the site in connection with the meeting and teaching services.

**Reasons:-**

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure that the development has a satisfactory external appearance to accord with Policy BE1 (criterion a) of the adopted Hinckley & Bosworth Local Plan.
- 4 To ensure that the development hereby permitted is provided with a satisfactory drainage system and to reduce the risk of pollution of the water environment to accord with Policy NE14 of the adopted Hinckley & Bosworth Local Plan.
- 5 The trees on this site are subject to a Tree Preservation Order and this condition is necessary to ensure that proper steps are taken to safeguard the trees at all times, in accordance with Policies BE1 (criterion b) and NE12 (criterion c) of the adopted Hinckley & Bosworth Local Plan.
- 6 To ensure that the A5 Trunk Road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980 in the interests of road safety in accordance with Policies NE5 (criterion iv), BE1 (criterion g) and T5 of the adopted Hinckley & Bosworth Local Plan.

- 7 To ensure that adequate vehicle parking and turning facilities are available to serve the development hereby permitted in the interests of highway safety to accord with Policies BE1 (criterion g) and T5 of the adopted Hinckley & Bosworth Local Plan.
- 8 To ensure the development does not result in any adverse impact on the amenities of neighbouring properties in terms of odour and noise to accord with Policy BE1 (criterion i) of the adopted Hinckley & Bosworth Local Plan.
- 9 To protect the amenities of the occupiers of neighbouring properties from noise and disturbance to accord with Policy BE1 (criterion i) of the adopted Hinckley & Bosworth Local Plan.

**Notes to Applicant:-**

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site [www.planningportal.gov.uk](http://www.planningportal.gov.uk).
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).
- 5 The applicant's is advised that separate consent will be required from the Environment Agency in respect of the proposed private sewerage treatment plant and the additional separate requirements of the agency.
- 6 The applicant's attention is drawn to the recommendations and suggestions within Section 5 of the submitted Great Crested Newt Assessment and to the consultation response of Leicestershire County Council (Ecology) in respect of any future external or internal works relating to the roof, chimneys, gables, ridge, eaves, soffits, bargeboards or internal roof spaces etc. and potential impact on protected species or their habitat, in particular bats.

**Contact Officer:-** Richard Wright      Ext 5894