

Delegated Report

Planning Ref: 23/00596/FUL

Applicant: MOSTYN GOSPEL HALL TRUST

Ward: Earl Shilton

Site: Swedish Cottage, Leicester Road, Earl Shilton

Proposal: Change of use and alteration to existing commercial

building (Class E) to meeting hall (Class F1) with associated access, parking and ancillary works.



Hinckley & Bosworth
Borough Council

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. The proposal seeks the change of use and alteration to an existing commercial building (Class E) to a meeting hall (Class F1) to serve the Mostyn Gospel Hall Trust. The proposal seeks to introduce an additional access to serve the host dwelling and parking and access improvements, including associated landscaping.

3. Description of the site and surrounding area

- 3.1. The site is located on Leicester Road, which is located within the Countryside. The existing site consists of a bungalow and an outbuilding which has been used as Class E, for the purposes of selling pet foods and products until 2022 when the use ceased. The building considered under this proposed change is steel framed, made up of blockwork and has a metal sheet roof. The site is distanced considerably from neighbouring properties.

4. Relevant planning history

99/00195/COU

CHANGE OF USE TO RETAIL SALES OF ANIMAL AND PET FOODS

Planning Permission

26.05.1999

5. Publicity

- 5.1. The application has been publicised by posting a site notice within the vicinity of the site.
- 5.2. No responses have been received.

6. Consultation

- 6.1. HBBC Pollution: Query raised regarding outdoor music and speeches, no objection.
- 6.2. Earl Shilton Town Council: No comments received.
- 6.3. LCC Tree Officer: No comments to make.
- 6.4. LCC Drainage: Standing advice.
- 6.5. HBBC Drainage: No objections, notes to applicant provided.
- 6.6. HBBC Waste: No objections.

6.7. LCC Highways: No objection, substantive response received, details conditions included at the end of this report.

7. **Policy**

7.1. **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 DM25: Community Facilities

7.2. **Core Strategy (2009)**

- No relevant policies

7.3. **National Planning Policies and Guidance**

- National Planning Policy Framework (NPPF) (2019)
- Planning Practice Guidance (PPG)

7.4. **Other relevant guidance**

- Good Design Guide (2020)
- National Design Guide (2019)

8. **Appraisal**

8.1. **Key Issues**

- Assessment against strategic planning policies
- Design and impact upon the character of the Conservation 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, 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 application site is located within the countryside. Policy DM4 states that to protect its intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development.

- 8.5. According to Policy DM4 of the SADMP, development in the countryside will be considered sustainable where:
- a) 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
 - b) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or diversification of rural businesses; or
 - c) It significantly contributes to economic growth, job creation and/or
 - d) It relates to the provision of stand-alone renewable energy developments in line with Policy DM2: Renewable Energy and Low Carbon Development; or
 - e) It relates to the provision of accommodation for a rural worker in line with Policy DM5 -Enabling Rural Worker Accommodation.
- 8.6. Policy DM4 of the SADMP supports development in the countryside where it is considered to be for the change of use, re-use or extension of existing building which lead to the enhancement of the immediate setting. The following sections of this report will assess the proposal in relation to its impacts upon the setting and as such will be assessed against Policy DM4 of the SADMP.
- 8.7. Policy DM15 relates to redundant rural buildings, and states that development outside the settlement boundary for the re-use and/or adaptation of redundant or disused rural buildings will be supported where; a) the applicant demonstrates the building is no longer viable in its current use, b) the applicant has adequately demonstrated that the building is structurally sound and capable of conversion without significant rebuild or alteration, c) any proposed extensions or alterations are proportionate to the original building.
- 8.8. The proposal and submitted information confirms that the previous business has ceased in 2022 and as such the building has remained empty and disused. The proposal does not seek to alter the original structure significantly and retains the size, scale, mass of footprint of the original building with minor external alterations, as such it is considered in general accordance with Policy DM15 of the SADMP.
- 8.9. Policy DM25 relates to community facilities, and states that the Borough Council will seek to support the formation of new community facilities across the borough. To reduce reliance on the private car, where new facilities are to be established it should be demonstrated that they are accessible to the community which they intend to serve by a range of sustainable transport modes.
- 8.10. The application site is approximately 400m from a bus stop on High Street/Hill Top, Earl Shilton, which is a main bus route leading from Leicester to Coventry, via Hinckley and Nuneaton. The site is connected via a footpath along Leicester Road which provides accessibility from Earl Shilton and the wider public through public transport networks. In addition, the applicant has provided detailed information of the congregations travel patterns detailing existing car shares providing a more sustainable transport situation.
- 8.11. Whilst it can be considered that the proposal location is not wholly sustainable, under Policy DM25, the proposal is considered to be acceptable under Policy DM4 (b) as it is for a conversion of an existing building. Overall, on balance, it is therefore considered to be an acceptable form of development.

Design and impact upon the character of the area

- 8.12. Policy DM4 of the SADMP seek to protect the intrinsic value, beauty, open character and landscape character of the countryside.
- 8.13. 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. Policy DM10 also seeks to safeguard the amenity of future occupiers of the development.
- 8.14. The proposal seeks to change the use of the existing commercial building on site to a meeting hall, serving a congregation. The overall design of the amendments to the structure are considered acceptable, retaining the form and scale of the building and retaining and accentuating such features are the sheet metal cladding. The building is located off Leicester Road and as such is not significantly visible to the extent that the amendments would cause significant detrimental impacts to the character of the area from public vantage points. This will be further supported through the addition of landscaping to the site frontage – indicative landscaping has been shown on the proposed plans however further detailed information will be secured by way of condition.
- 8.15. It is considered that the proposal would, in terms of design and impact of the character of the area and countryside, be acceptable, as such is considered to be in accordance with Policies DM4 and DM10 of the adopted SADMP.

Impact upon neighbouring residential amenity

- 8.16. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings. The policy also states that the amenity of the occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.
- 8.17. The existing building is not located within close proximity to any neighbouring properties other than the host bungalow. When considering the significant distance from the site to neighbouring properties it can be considered that there will be no detrimental impacts of the development in relation to neighbouring amenity.
- 8.18. The proposal is also not considered to have detrimental impacts upon the host bungalow at the site, when considering the existing commercial use which had been operating for 20+ years within close proximity. The newly proposed usage would be less detrimental in terms of the number of visitors to the site daily and days operating.
- 8.19. As such it is considered that the proposal is in general accordance with Policy DM10 of the SADMP and the guidance set out within the Good Design Guide.

Impact upon highway safety

- 8.20. Policies DM17 and DM18 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety and requires new development to provide an appropriate/justified level of parking provision.
- 8.21. The proposal seeks to make amendments to the parking and access arrangements at the site, including the provision of new access to serve the bungalow which currently only has access through the commercial car park. Both proposals seek to include gates, the details of which will be secured via condition, set back 5m from

the highway.

- 8.22. The development is not considered to cause detrimental impacts to highway safety nor vehicle parking and as such it is considered that the proposal is in general 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, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

- 9.3 There are no known equality implications arising directly from this development.

- 9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. **Conclusion**

- 10.1. It is considered that the proposal has limited impacts on the character of the area and countryside, neighbouring amenity and highways safety. The proposal therefore complies with Policies DM4, DM10, DM15, DM17, DM18 and DM25 of the SADMP

- 10.2. The application has been assessed on the basis that the site shall be used for Public worship or religious instruction (or in connection with this), which falls within Use Class F1. Other uses falling within Use Class F1 includes the provision of education, museums, public libraries etc. Such uses may have significantly different impacts in terms of the intensification of use and associated amenity impacts as well as highway impacts. For this reason a condition restricting the use of the site for public worship or religious instruction (or in connection with such use)- Use Class F1(f) only is judged to meet the required tests.

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 be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

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. 23.4266
Planning, Design and Access Statement
Proposed Block Plan Drg No. 23.4266.07
Proposed Site and Roof Plan Drg No. 23.4266.08A
Proposed Elevations Drg No. 23.4266.09
Proposed Ground Floor Plan Drg No. 23.4266.10

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on David Grainger drawing number 23.4266.08A have been implemented in full.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2023).

4. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 72 metres to the East and 2.4 metres by 48 metres to the West have been provided at the residential access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2023).

5. The development hereby permitted shall not be occupied until such time as the access drives have been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2023).

6. No vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 5 metres of the highway boundary and any gates shall be hung to open away from the highway.

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 in accordance with Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2023).

7. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with David Grainger drawing number 23.4266.08A. Thereafter the onsite parking and turning provision shall be kept available for such use in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally and to enable vehicles to enter and leave the site in a forward direction in the interests of highway safety and in accordance with Policy DM17 and DM18 of the Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2023).

8. The development hereby permitted shall not be occupied until such time as details of the proposed gates and boundary treatments, including landscaping are submitted to and approved by the Local Planning Authority.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

9. The development hereby permitted shall not be occupied until such time as details of the external lighting are submitted to and approved by the Local Planning Authority.

Reason: To safeguard neighbouring amenity and the appearance of the countryside in accordance with Policy DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

10. The premises shall be used as for public worship or religious instruction (or in connection with such use) (Use Class F1(f)) and for no other purpose including any other purpose in Class F of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: To ensure the proposed development is compatible with existing development in the locality and the countryside, to safeguard neighbouring amenity and in the interests of general highway safety in accordance with Policy DM4, DM10 and DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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.
2. Surface water should be managed by sustainable methods, preferably those which disperse runoff by infiltration into the ground strata: i.e. soakaways, pervious paving, filter drains, swales, etc. and the minimisation of paved area, subject to satisfactory porosity test results and the site being free from a contaminated ground legacy. If the ground strata are insufficiently permeable to avoid discharging some surface water off-site, flow attenuation methods should be employed, either alone or in combination with infiltration systems and/or rainwater harvesting systems.
3. Access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet (See Environment Agency guidance on the permeable surfacing of front gardens).
4. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.