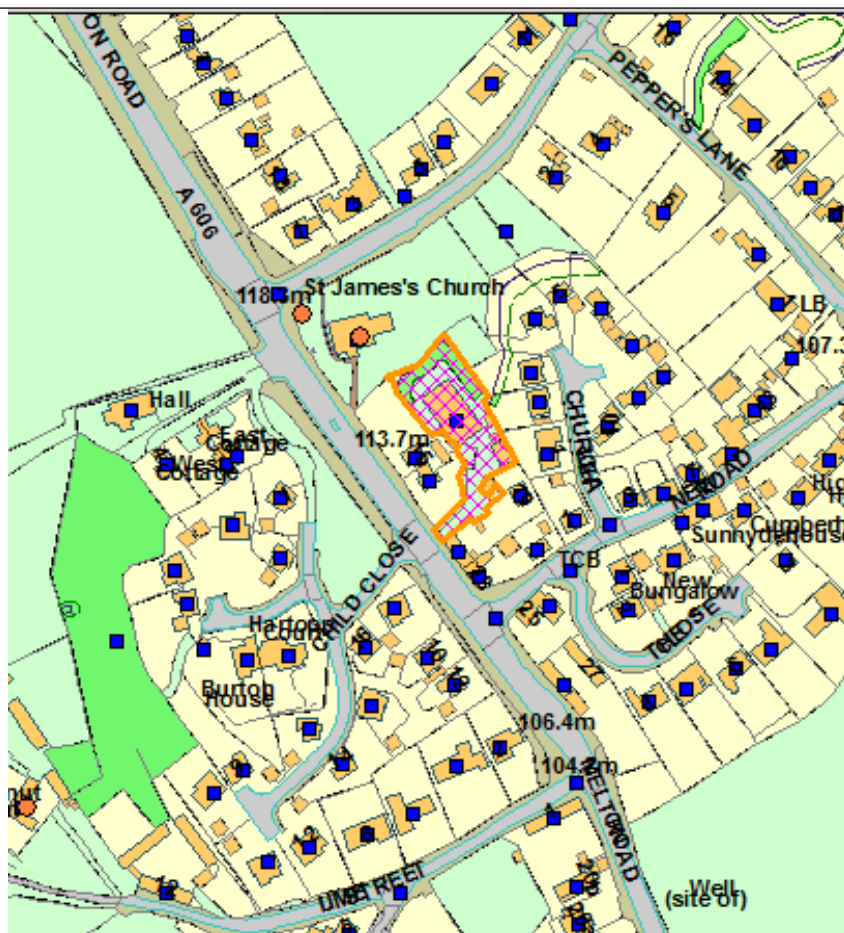


19/01030/FUL: 19 Melton Road, Burton Lazars, Melton Mowbray, LE14 2UR

Retrospective Application for Retention of Timber Framed Extension to Workshop.

1. Summary:



The submission comprises a retrospective application for an extension of the existing premises at 19 Melton Road Burton Lazars following the amalgamation of two sites to one. The existing use of the unit is Class B, light industry.

Re-configuration of the existing unit and the partially constructed extension has

resulted in the extension being used for the painting and assembly of the manufactured goods at the site.

The extension measures 7 metres in length and 12 metres in width, 24 metres of the propose 60 metre extension were already in place and it was necessary to demolish an existing part of the industrial unit to allow for the extension.

The application site is located within a predominantly residential area to the east of the A606, the main road which links the towns of Melton Mowbray and Oakham.

The A606 rises to the brow of the hill, the Grade I Church of St James being a prominent feature in this location. The road falls away just beyond the brow of the hill, the site sitting in a depression before the road levels out.

2: Recommendations:

It is recommended that planning permission is APPROVED, subject to conditions.

3: Reasons for Recommendation:

In the opinion of the Local Planning Authority the proposal represents a proportionate addition to an existing well established business.

The proposal not considered to unduly impact upon the street scene due to its positioning and is not considered to cause significant impact to nearby residential dwellings due to the quality of the proposed extension providing a better level of acoustic performance than that of existing.

The majority of the noise generating machinery and operational processes are existing at the site and therefore the including of assembling and painting of manufactured goods is not likely to significantly increase the level of noise at present, with the construction of the extension actually minimising noise breakout and mitigating the reduction in separation distance between source and receiver.

Whilst there would be some disturbance created from this proposal this can be managed effectively by the inclusion of operating hours conditions, and the correct materials and insulation being used to mitigate the noise impact.

4: Key factors:

Reason for Committee Determination

The application is required to be presented to the Committee due to the level of representation received both in support and against the proposal.

Relevant Policies

The Melton Local Plan 2011-2036 was adopted on 10th October 2018 and is the Development Plan for the area.

- **No inconsistency with the NPPF has been identified that would render Local Plan policies ‘out of date’.**

Please see Appendix D for a list of all applicable policies

Main Issues

The main issues for this application are considered to be:

- Principle of development/policy compliance
- Character of the site and scale of proposal
- Impact
- Impact upon neighbouring amenity
- Highway safety
- Flood Risk
- Retrospective application

5: Report Detail:

5.1 Principle of development/policy compliance

This submission comprises a retrospective application for an extension to the existing premises at the site following the amalgamation of two sites to one, the painting and finishing of the manufactured goods previously undertaken at leased premises on Lime Street, Burton Lazars. The storage of goods and some materials was also associated with the Lime Street site. The unit has an existing established industrial use (class B1).

The business has operated as such since 1959 and has an established client base, providing bespoke sporting equipment. The applicant has confirmed that due to the competitiveness of the current market, financially it is not viable to retain the two sites which has given rise to the current application to expand the footprint of the unit at Melton Road, thereby reducing overheads making the business more competitively viable.

Current levels of employment are 4 full time members of staff and one casual

worker. Hours of work are Monday – Thursday 7am to 4pm, Friday 7am to 12 noon. Saturday working is occasional, subject to demand, but historically has taken place between the hours of 7am and 12 noon. Much of the residential development surrounding the site having taken place within subsequent years.

Policy EC2 of the adopted Melton Plan encourages Employment Growth in the Rural Area (Outside Melton Mowbray) in specific relation to rural employment proposals which create or safeguard jobs and the expansion of existing rural business is considered to meet the ambitions of this policy.

The policy is caveated that proposals should be of an appropriate scale for its location and having sufficient accessible off road car parking provided on site or in the nearby vicinity to cater for the use proposed. The Local Planning Authority consider that the proposal meets with these two caveats and this is explained individually in further detail later in the report under paragraphs 5.3, 5.4 and 5.5.

5.2 Character of the site and scale of proposal

The proposed extension has a limited footprint and the height of the building is lower than the existing unit at the site and therefore appears subordinate in terms of mass and scale. The extended building is closer to the existing dwellings to the east of the site but due to the established screening and lower roof height of the existing unit appears subordinate in terms of mass and scale.

Due to the established screening and lower roof height the proposal is not considered unduly visible from outside the confines of the site. The road falls away just beyond the brow of the hill, the site sitting in a depression before the road levels out. The site is screened from the highway by dwellings to the south-west and there are further dwellings to each boundary of the site. Located off the main road the site is accessed via a driveway which opens into a parking and turning area to the front of the unit which is set to the northern edge of the site. Beyond to the northern boundary is a wildlife corridor owned by the applicant and the Garden of Remembrance beyond. Due to the topography of the area the building is set down from the properties along the eastern boundary as is much lower than the land level to the rear of the site.

The proposed extension harmonises with the existing built form and would not appear alien in its context, materials are appropriate for the proposal and it is considered that the proposal conforms to Policy EN1 and D1 of the Melton Local Plan

5.3 Impact upon Heritage assets : Listed Church, Monument and their Setting

Section 66 of the Planning (listed Buildings and Conservation Areas) Act 1990 states in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses

The site lies next to St James Church which is a Grade I listed building and

prominent feature in this location. The site is not visible in the same vantage points as the Church due to the differing land levels and the proposal is not deemed to have an adverse impact upon the designated heritage asset.

In a similar respect the visitors of the Church will not be significantly impacted by any further noise created from the proposal as this would be buffered by the wildlife corridor which exists between the sites.

The Grade II* Squires Monument is located 5 Metres North West Of Church Of St James and is also a prominent feature within the streetscene. It is not considered the proposal would cause harm to the setting of the Monument and will not be visible within this location.

As such, the proposal would not be harmful to the setting of the listed building or Monument and the requirements of section 66 are considered to be met.

The proposal therefore complies with Policy EN13, the NPPF and the above mentioned Act in terms of impacts on heritage assets and their settings.

5.4 Impact upon neighbouring amenity

Policy D1 of the Local Plan states that the amenity of neighbours and neighbouring properties should not be compromised. Currently there are no restrictions on the hours of work associated with the site. Any associated noise from the site in terms of restricting working hours will be in the interest of those nearby residential properties.

Nearby properties have complained with regards to smoke emissions from the site. The premises have an aged wood burning heating system (incinerator) which the applicant uses to burn “clean wood “at the site. Environmental Health have investigated the concerns raised and discussed with the applicant the type of material which can be burned, this education to the applicants will ensure that emissions are reduced and managed in line with the appropriate regulations some of which fall outside of the realm of Planning.

Therefore, given the existing authorised use of the site and the proposed limited expansion of the business, it is not considered that the proposal would have a significant negative effect on the amenity of any neighbouring properties and complies with Policy D1 of the Local Plan.

5.5 Highway safety

Policy IN2 of the Melton Local Plan is relevant, Burton Lazars is located to the south of the town with good transport routes, the main A606 running through the centre of the village. The location is considered sustainable in terms of accessibility by local highway and footpath networks with sufficient parking within the site. Overall vehicular movements to and from the Lime Street site will not be necessary and employees will also not be required to travel between the two sites. Deliveries to the site will increase with one delivery anticipated per working day which would otherwise have delivered to the Lime Street premises.

Consultation with Leicestershire County Council Highway confirms that the existing arrangement is acceptable and meets the Leicestershire Highway Design Guide.

No objection is raised on highway grounds and the proposal complies with the above policies and guidance.

5.6 Flood Risk

At present full details of the potential run off is unknown, given there is existing drainage on the site and the limited nature of the extension, it is unlikely that the proposal would cause significant increase in run off, however as this is unknown the Local Planning Authority have requested by condition full details of the proposed drainage to be submitted in writing and will consider these accordingly.

Subject to the submission of further details the proposal is considered acceptable in terms of Flood Risk and Policy EN11 of the Melton Local Plan.

5.7 Retrospective application

This application has been made retrospectively in accordance with s.73A of the Town and Country Planning Act 1990 which makes provision specifically for development carried out without planning permission. The application was invited following the report of an unauthorised structure under construction at the site. Upon initial contact with the Applicant work ceased on the partially constructed extension, the applicant confirming he had believed the extension to fall within the scope of Permitted Development. A retrospective application was invited to consider the proposal against the relevant policies as detailed within this report and full consultation in respect of the proposal.

Consultation & Feedback

A site notice was posted and neighbouring properties consulted in respect of the application. As a result 11 letters of objection were received and 9 letters have been received in support.

Financial Implications:

There are no financial implications identified.

Background Papers:

None

Appendices:

A: Consultation responses
B: Representations received
C: Recommended conditions
D: Applicable Development Plan Policies

Report Timeline:

Assistant Director Approval

14th January 2020

Report Author: Sarah Matthews, Planning Technician, Development Management

☎: 01664 502440

Appendix A : Consultation replies summary

LCC Highway Authority

Response; There would appear to be no material impact on the public highway, the Local Highway Authority refers the Local Planning Authority to current standing advice provided by the Local Highway Authority dated September 2011, therefore the Local Highway Authority has no comments to make.

Environmental Health

Note that whilst the proposal represents a consolidation of the business with the closure of the annex site, bringing some manufacturing activities closer to the adjacent residential dwellings, the bulk of manufacturing and power tool usage occurs in the main building. Also noted the main building was acoustically poor the proposed extension (upon completion) would provide a good level of acoustic performance.

It was also concluded, based on observation, that a significant adverse impact on local residential amenity is not foreseen when considering the extension in isolation.

The majority of the noise generating machinery and operational processes are existing at the site. The assembly and painting of the manufactured goods within the extended development is unlikely to generate significant noise...construction of the extension will minimise noise breakout and mitigate the reduction in separation distance between source and receiver”.

It is acknowledged that the business as a whole does have an affect on adjacent residents and that some noise would be experienced from time to time. It is also noted that residents may experience some odour from the incinerator, in particular when during start up and re-fuelling.

Conclusion: The extension and associated activities relocated to Melton Road will not add significantly to the current state of affairs. Whilst mindful of the changed character of the area which has become largely residential it is understood there has also been sustained business continuity at the Melton Road for quite some time. This has created a land use conflict which understandably is of concern to some residents.

Appendix B : Summary of representations received

Summary of objections received

- Tons of soil has been dug out from the back of my garden fence
- Damage to the integrity of my property and that of my neighbours
- A large mature tree and much shrubbery was cut down
- Trees absorb water from the soil and help to prevent flooding, while their roots spread out over a wide area and help to keep soil together
- The large extension with a concrete base will create a great increase in run-off water
- The side wall of the extension is far too close to my boundary so I should like it taken back further into the applicant boundary
- The height of the roof of the extension is higher than the boundary fence and close to it
- I feel my privacy should be protected
- If my hedge dies then all I would see is the extension side wall way over the top of the boundary fence
- Following the sale of the unit off Lime Street the amount of noise has increased considerably

- The noise comes not only from the workshop, but also when the men work outside in good weather
- Increase in Lorries backing in with their safety beepers going, delivering materials and then taking away goods.
- Work often starts before 7.30am
- Work before 9am and after 5pm is incompatible with a residential area
- The smoke and acrid smell from whatever toxic waste is being burned, continues to plague residents and is considered a health hazard
- The extension has doubled the size of the workshop
- It is understood that the unit was sold so therefore the move was of his own choice and for financial benefit, but not in co-operation with local residents
- A wall has been created of railway sleepers to hold back the sheer “cliff” formed by the digging out of the slope where the tree had been
- Another wall of railway sleepers has been created which has severely affected the fence behind no. 3.
- One tree has been removed from the wildlife area which comes down from the garden of Remembrance, as well as various shrubs and bushes, this is an area which foxes, rabbits and birds inhabit
- I imagine the soakaway is the original one dug when the workshop was set up in the 1950’s and consequently will be inadequate.
- A soakaway will be insufficient and a building this size should be connected to main drainage.
- Having closed a unit and placing all work at this workshop the amount of waste generated will obviously increase.
- The extension allows storage of greater amounts of materials, permitted hours and days of work, as well as permitted hours for deliveries and for Lorries going in and out of the site, need to be agreed and enforced.
- Local residents must have protection from work being carried out at weekends, early in the morning, late at night and on Bank Holidays.
- Work and Lorries going in and out should not start before 9am or go on after 5pm in a residential area.
- Mr West states that the extension will be an assembly area. However, there

is still the noise of hammering and drilling when work is being assembled, which can go on through the day, in good weather this can take place outside.

- The extension was put up without applying for, or gaining planning permission
- Dates provided of noise and smell nuisance ranging from January to October 2019 36 in total
- The noise has increased markedly and has prevented people being able to enjoy sitting in their back gardens in good weather.
- I don't know if there were any when Church Lea was developed, but the business would have been much smaller then and there would not have been a multitude of large electrical tools in use.
- Please could you tell me what regulations are now in place and whether businesses are allowed to extend their workshops near to the boundary of a residential area.
- I would like to know who owns the land leading from the Garden of Remembrance towards the workshop which used to be a nature area for wildlife.
- I used to be able to get into my back garden by walking down from the Garden of Remembrance, but this is no longer possible.
- I am disappointed to note that the applicant has taken it upon himself to proceed with this development prior to receiving planning permission.
- The planning process is an integral part of local democracy and there can be no justification for seeking to circumvent this process
- The Melton Local Plan 2011-2036 recognises the importance of rural enterprises and at paragraph 6.9.3 encourages them "where this can be achieved without any significant adverse impacts on the environment, local infrastructure and amenity."
- Before the unlawful development took place there was an existing buffer between the site's original workshop and the residential properties to the east. This was an important setback that was often successful in balancing the competing demands of different land uses thereby reducing the potential for conflict.
- Since the unlawful development was completed the site's operations have been intensified with additional smoke, smell, light and noise pollution being produced.
- The planning application is in conflict with the Local Plan by its significant

adverse impacts on the local environment and residential amenity, in particular the compromising impact upon neighbours.

- The applicant states “the new timber floor stand on concrete strip foundations as the building is not intended to be in place for a long period of time”. It appears that the applicant is actually seeking temporary planning permission, and I would be grateful if you could confirm this is the case.
- If the statement is correct then I trust the application will be re-consulted upon with the proposed duration of the temporary planning permission as that can have a material impact on the views of local residents.
- Should the application be permitted, a suitably worded planning condition be imposed to ensure that the site is returned to its original condition once the extension has been removed after the expiry of the temporary permission.
- It is disappointing that the applicant has failed to engage with paragraph 128 of the National Planning Policy Framework, and has not sought the views of local neighbours prior to the design of the current development.
- The applicant has also disregarded the National Planning Guidance “before submitting an application”.
- Whilst it is noted that the applicant has had pre-application discussions, this should carry limited weight in light of the unauthorised development and the continued lack of engagement with the local community.
- There are no material considerations to depart from the development plan
- This is a residential area with little or no industrial involvement
- The previous operations of the business have been tolerated but extending the business will have an increased impact on not only the village but adjoining properties, the church, the church yard and the memorial garden.
- I didn’t realise a full time industrial operation could be allowed to move into a village location causing yet more problems for the local inhabitants
- Maybe all the local residents should be looking for a council tax rebate for the last 20 years of smoke and disruption.
- St James Church, graveyard and garden of remembrance should be maintained as peaceful and quiet places for personal reflection, contemplation and mourning without interruption from the noise of machinery without interruption from the noise of machinery or emissions.
- If you grant the planning application it would destroy the peace we believe people have the right to expect in St James’ Graveyard and Garden of

Remembrance.

- St James continues to be a working cemetery with burials and committal services happening at regular intervals it is important that mourners are not subject to loud noise or emissions.
- We do have a number of visitors wanting to visit the Grade II listed monument that also should be conducive to welcoming visitors.
- The larger premises would be better suited on a light industrial estate.
- Considering the lie of the land and sloping ground involved, the proposal would create a possible landslip situation.

Summary of support received

- The new extension does not compromise the amenities of the neighbours and neighbouring properties
- Not visible to existing neighbours
- The new extension is substantially lower than the existing workshop
- The materials used in the extension are modern and have greater insulation and sound proofing
- The buttress wall against the bank is good practice and future proofs the stability of the bank.
- The heating of the workshop is by way of a wood burning stove and only used during winter months
- The business is renowned for high quality bespoke products
- Their products are to be found in the most prestigious sporting venues in the country and are a credit to the village of Burton Lazars
- Some of the objector's letters are littered with inaccuracies and mistruths
- Most of the objectors would have been fully aware of the existence of the business when they chose to make their homes in and around the established premises
- The layout and materials used in this new extension are sympathetic to the character of the area and will have little impact against that which already exists on the site.

- The site has had business use as far back as the 19th century
- Existing houses have been developed on previous employment land
- The character of the village has changed around the workshop, but the workshop has remained a thriving business in the midst of it
- The site has provided employment for a number of years and I feel this should not be overlooked
- The new extension has allowed machinery to be moved further away from that side of the building, which surely should lead to a reduction in noise levels.
- I have been aware from time to time of the sounds from the site, from the ring of the blacksmith's anvil in the forge in the past through to the sounds from the carpentry workshop
- The biggest increase in noise over the years has come from the sounds of traffic on the main Melton Road not from the sounds of the workshop
- The development of the business from the early days was officially supported via grants from COSIRA (The Council for Small Industries in Rural Areas)
- The extension is to rationalise the business and, as the new extension is to allow the painting side of the business to be done on the same site, it is not going to create any noise – more likely to buffer against it.
- I am the closest neighbour to the business and there has been no perceptible increase in noise.
- The business has been part of the fabric and narrative of Burton Lazars for 60 years.
- The location of the workshop boundary, while in technical breach of proximity guidelines, does not in any way detract from the value or amenity of the principal complainant.
- This business is a proud legacy and something which residents of the village should support, not obstruct because of a trivial breach of an overly simplistic planning guideline.
- I hope the committee will see sense and pass the retrospective consent.
- Collectively we have worked for the company for many years starting at 16 and serving 45 years
- We enjoy interesting and sometimes prestigious jobs in the sports industry

and the country

- People objecting to this application are doing so on the basis of pure self interest
- We too have an interest in that our livelihoods depend on the extra space created by this extension, which will ensure the continuing viability of the business.
- We have made the business work in one location since April and believe with zero impact on neighbours.
- We object to the way the business is being portrayed in these objections as some kind of uncaring ruthless business with no concern for its neighbours or the local environment.
- The workshop has always been an open house for village people to call in to get odd jobs done or have a piece of wood cut up, we've always helped if we could
- We feel our concerns should also be heard as some of the objections made seem to be so obviously antagonistically motivated and we fear may receive undue consideration.

Appendix C: Recommended Conditions

1. The development shall be begun before the expiration of three years from the date of this permission.

2. The development shall be carried out in accordance with the following plans:

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3. The external materials to be used in the development hereby permitted shall be in strict accordance with those specified in the application unless alternative materials are first agreed in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details

4. The hours of operation of the business shall be limited during weekends between the hours of 7am and 1pm on Saturdays and there shall be no working on Sundays or Bank Holidays.

5. No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by, the local planning authority.

Reasons:

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. To ensure a satisfactory standard of external appearance.
4. To safeguard the occupiers of neighbouring dwellings.
5. To ensure existing drainage within the site is sufficient to receive the additional surface water discharge as a result of the proposed development.

Appendix D : Applicable Development Plan Policies

Local Plan

- Policy SS1 Presumption in Favour of Sustainable Development.
- Policy EC2– Employment Growth in Rural Area
- Policy D1: Raising the Standard of Design.
- Policy EN1 Landscape
- Policy EN13 Heritage Assets

Other

Section 66 of the Planning (listed Buildings and Conservation Areas) Act 1990 states in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.