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Hinckley & Bosworth
Borough Council

Bill Cullen MBA (ISM), BA(Hons) MRTPI
Chief Executive

Date: 22 February 2021

To: Members of the Planning Committee

Cllr MJ Crooks (Chairman)	Cllr A Furlong
Cllr DJ Findlay (Vice-Chairman)	Cllr SM Gibbens
Cllr CM Allen	Cllr E Hollick
Cllr RG Allen	Cllr KWP Lynch
Cllr CW Boothby	Cllr LJ Mullaney
Cllr SL Bray	Cllr RB Roberts
Cllr DS Cope	Cllr H Smith
Cllr WJ Crooks	Cllr BR Walker
Cllr REH Flemming	

Copy to all other Members of the Council

(other recipients for information)

Dear member,

There will be a meeting of the **PLANNING COMMITTEE** on **TUESDAY, 2 MARCH 2021** at **6.30 pm** and your attendance is required. This will be a virtual meeting.

The agenda for the meeting is set out overleaf.

Yours sincerely

A handwritten signature in black ink, appearing to read 'R Owen'.

Rebecca Owen
Democratic Services Manager

PLANNING COMMITTEE - 2 MARCH 2021

A G E N D A

1. APOLOGIES AND SUBSTITUTIONS

2. MINUTES (Pages 1 - 4)

To confirm the minutes of the meeting held on 2 February 2021.

3. ADDITIONAL URGENT BUSINESS BY REASON OF SPECIAL CIRCUMSTANCES

To be advised of any additional items of business which the Chairman decides by reason of special circumstances shall be taken as matters of urgency at this meeting. Items to be taken at the end of the agenda.

4. DECLARATIONS OF INTEREST

To receive verbally from Members any disclosures which they are required to make in accordance with the Council's Code of Conduct or in pursuance of Section 106 of the Local Government Finance Act 1992. **This is in addition to the need for such disclosure to be also given when the relevant matter is reached on the agenda.**

5. QUESTIONS

To hear any questions in accordance with Council Procedure Rule 12.

6. DECISIONS DELEGATED AT PREVIOUS MEETING

To report progress on any decisions delegated at the previous meeting.

7. 20/01191/HOU - 59 CHURCH WALK, SHACKERSTONE (Pages 5 - 14)

Application for two storey side & rear extension with front porch.

8. 19/00464/OUT - FACTORY UNITS, 23 WOOD STREET, HINCKLEY (Pages 15 - 50)

Application for residential development of existing industrial site (outline – access, layout and scale only).

9. 20/01273/FUL - 142-144 FACTORY ROAD, HINCKLEY (Pages 51 - 56)

Application for change of use from sui generis (betting shop) to sui generis (Thai massage parlour).

10. 20/01230/HOU - 9 TOMMY BROWN CLOSE, EARL SHILTON (Pages 57 - 62)

Application for single storey extension at front, side and rear of house, alterations.

11. APPEALS PROGRESS (Pages 63 - 70)

To report on progress relating to various appeals.

12. MATTERS FROM WHICH THE PUBLIC MAY BE EXCLUDED

To consider the passing of a resolution under Section 100A(4) of the Local Government Act 1972 excluding the public from the undermentioned item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 3 and

10 of Schedule 12A of the 1972 Act.

13. APPEALS REPORT (Pages 71 - 78)

To consider forthcoming appeals.

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HINCKLEY AND BOSWORTH BOROUGH COUNCIL
PLANNING COMMITTEE
2 FEBRUARY 2021 AT 6.30 PM

PRESENT: Cllr MJ Crooks - Chairman
Cllr DJ Findlay – Vice-Chairman
Cllr CM Allen, Cllr RG Allen, Cllr SL Bray, Cllr DS Cope, Cllr WJ Crooks,
Cllr REH Flemming, Cllr A Furlong, Cllr SM Gibbens, Cllr E Hollick,
Cllr KWP Lynch, Cllr LJ Mullaney, Cllr RB Roberts, Cllr H Smith and
Cllr BR Walker

Also in attendance: Councillor DC Bill MBE, Councillor MC Sheppard-Bools,
Councillor R Webber-Jones and Councillor HG Williams

Officers in attendance: Matthew Bowers, Julie Kenny, Helen Knott, Rebecca Owen, Michael Rice, Nicola Smith and Grace Stevens

628 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillor Boothby.

629 MINUTES

It was moved by Councillor Findlay, seconded by Councillor Furlong and

RESOLVED – the minutes of the meeting held on 12 January be confirmed as a correct record.

630 DECLARATIONS OF INTEREST

Councillor R Allen declared that a member of his political group was a director of the company submitting application 20/00919/OUT and stated that members of the group would not take part in discussion or voting on the item. Councillor Williams, in attendance as ward councillor, stated that he would speak on behalf of residents on the application.

Councillors Flemming, Lynch and Walker declared that they were members of Burbage Parish Council where application 20/01111/REM had been discussed but they had not voted on the application and came to this meeting with an open mind.

631 DECISIONS DELEGATED AT PREVIOUS MEETING

It was reported that the decision in relation to application 20/00400/FUL had been issued and application 20/00937/FUL had been deferred at the previous meeting and was on the agenda for this meeting.

632 20/01111/REM - LAND AT REAR OF 125 - 131 LUTTERWORTH ROAD, BURBAGE

Application for approval of reserved matters (appearance, landscaping, layout and scale) of outline planning permission 19/01112/OUT for six dwellings.

It was moved by Councillor Gibbens and seconded by Councillor R Allen that permission be granted with an amendment to condition 4 to restrict gates along the entire length of the vehicular access

RESOLVED –

- (i) permission be granted subject to the conditions contained in the officers report and the abovementioned amended condition;
- (ii) the Planning Manager be granted delegated authority to determine the final detail of planning conditions in consultation with the ward councillors.

633 20/00919/OUT - 14 CHESTERFIELD WAY, BARWELL, LE9 8BH

Application for residential development for five dwellings (outline – access and scale).

Notwithstanding the officer's recommendation that permission be granted, it was moved by Councillor W Crooks and seconded by Councillor Bray that permission be refused due to having an adverse impact on neighbours due to the proximity of the new properties to the existing properties on Chesterfield Way, being detrimental to the character of the area and constituting over development contrary to policy DM10. Upon being put to the vote, the motion was CARRIED and it was

RESOLVED – permission be refused for the abovementioned reasons.

634 20/00937/FUL - LAND EAST OF PECKLETON LANE, DESFORD

Application for erection of five dwellings.

It was moved by Councillor R Allen and seconded by Councillor Findlay that permission be granted in accordance with the officer's recommendation. Upon being put to the vote, the motion was LOST.

It was subsequently moved by Councillor Bray and seconded by Councillor Furlong that permission be refused for the following reason:

“The reduction of the open landscaped area, which was previously approved, brings built development closer to the settlement edge which reduces the role the landscaped area played in setting built form away from the boundary with the countryside and providing a transition from open countryside to the residential development. This openness was important to the design of the previously approved scheme which retained the public footpath through the landscaped area. Whilst the footpath remains, the public will no longer enjoy an open landscaped setting which is considered poor design and will be detrimental to the visual amenities of the area. It is therefore contrary to DM10 part e of the Site Allocations and Development Management Policies DPD 2016.”

Upon being put to the vote, the motion was CARRIED and it was

RESOLVED – permission be refused for the abovementioned reasons.

635 20/01187/CONDIT AMBION COURT, SOUTHFIELD WAY, MARKET BOSWORTH, NUNEATON, CV13 0PP

Application for variation of condition 2 (approved plans) of planning permission 10/00625/DEEM to allow alterations to the elevations and external finishes, and vary conditions 3, 5, 9, 10, 12, 14, 15, 16, 18 and 20 to reflect a two phased development.

It was moved by Councillor W Crooks, seconded by Councillor Bray and

RESOLVED –

- (i) Permission be granted subject to the conditions contained in the officer's report;
- (ii) Authority be delegated to the Planning Manager to determine the final detail of planning conditions.

636 PLANNING ENFORCEMENT UPDATE

Members received an update on active and closed enforcement cases within the borough. It was moved by Councillor Findlay, seconded by Councillor R Allen and

RESOLVED – the report be noted.

637 APPEALS PROGRESS

Members received an update on the progress of various appeals.

RESOLVED – the report be noted.

638 APPEALS UPDATE - LAND OFF SKETCHLEY LANE, BURBAGE (19/00947/OUT)

Consideration was given to a report which informed members of amended plans which had been submitted to the Planning Inspector during the course of the appeal in relation to application 19/00947/OUT. Concern was expressed that the Inspector had instructed the authority to consider the amendment without being able to go through the process of public consultation and a full committee debate. It was moved by Councillor Findlay and seconded by Councillor W Crooks that the amendments to alter the size and approximate location of the buildings and the additional benefits would not alter their original consideration of the planning balance in the application.

Councillor Findlay, supported by a further five councillors, requested that voting on the motion be recorded. The vote was taken as follows:

Councillors C Allen, R Allen, Bray, Cope, J Crooks, W Crooks, Findlay, Flemming, Furlong, Gibbens, Hollick, Lynch, Mullaney, Roberts and Walker voted FOR the motion (15).

There were no votes against the motion. Councillor Smith was absent during the vote.

It was therefore

RESOLVED – following consideration of the amendments in terms of the illustrative masterplan and the changes to the affordable housing provision and the inclusion of self-build and reviewing all issues associated with the application, members remain unconvinced by the changes and the scheme itself and their original three reasons for refusal still stand.

(The Meeting closed at 8.45 pm)

CHAIRMAN

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Planning Committee 2 March 2021
Report of the Planning Manager

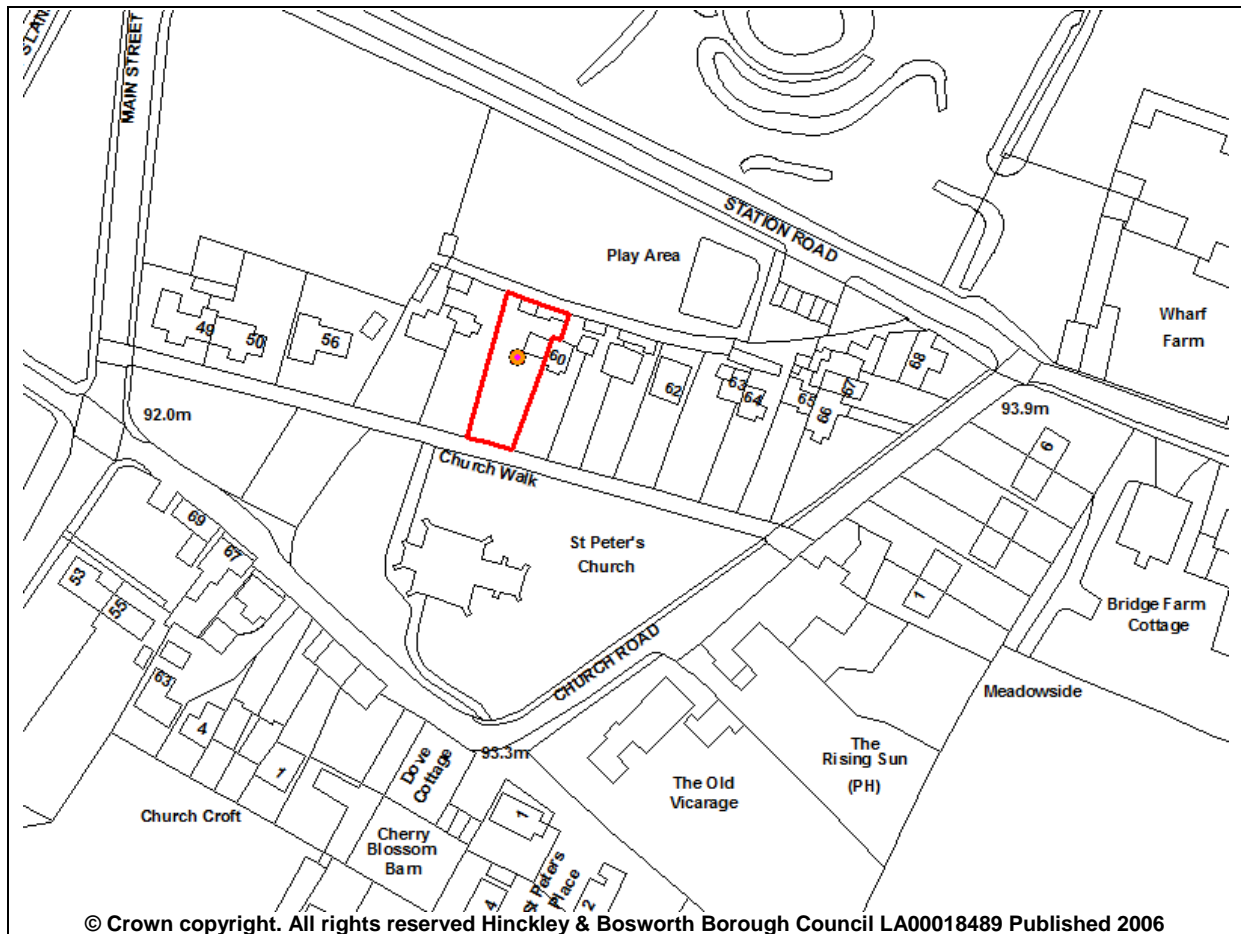
Planning Ref: 20/01191/HOU
Applicant: Mr & Mrs B & S Wilcox
Ward: Cadeby Carlton M Bosworth & Shackerstone



Hinckley & Bosworth
Borough Council

Site: 59 Church Walk Shackerstone

Proposal: Two storey side & rear extension, with front porch



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

1.2. That the Planning Manager be given powers to determine the final detail of planning conditions.

2. Planning application description

2.1. This application seeks planning permission for a two storey side and rear extension, the extensions include a front porch and bay window.

2.2. The side extension would have a width of roughly 4.1m, and a maximum depth of roughly 9.2m. The rear extension would have a maximum depth of 4.7m from the original rear elevation, and a maximum width of roughly 10.7m.

- 2.3. The eaves would be set at approximately 2.2m above ground level, with the ridge height to match existing at 7.2m.
- 2.4. The proposed brickwork and tiles are to match existing, with the proposed windows and doors of a traditional timber finish.

3. Description of the site and surrounding area

- 3.1. The semi-detached property is located within the cluster of former Gopsall Estate Cottages along Church Walk which were constructed in the 19th century in the Arts and Crafts style. The Shackerstone Conservation Area Appraisal (SCAA) (2009) identifies that these are very fine buildings of a quality design which is highly unusual for estate workers cottages. They were originally six pairs of single storey properties of a simple rectangular plan form and with bedrooms in the roof, though the majority have now seen significant alterations.
- 3.2. The cottages retain many original characteristics and features including steeply pitched roofs with clay tile roof covering, ridge top chimneys, projecting gables, and bay windows. No.59 demonstrates most of these features although it is slightly simpler in appearance with no projecting gables or bay windows.
- 3.3. The building is considered to be of historic and architectural interest and consequently it contributes positively to the character and appearance and thus significance of the Shackerstone conservation area.
- 3.4. No.59 is identified as an important historic building within the SCAA. Due to its historic and aesthetic value, the integrity of the original construction and its value as part of the group of estate workers cottages the building is of local significance and is considered to be a local heritage asset (a non-designated heritage asset in terms of the National Planning Policy Framework).

4. Relevant planning history

90/00052/4

- Extension to dwelling
Permission
12.03.1990

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. A site notice was also posted within the vicinity of the site.
- 5.3. A notice was displayed in the local press.
- 5.4. Representations were received from nine addresses raising the following concerns:
- 1) Character
 - 2) Impact on neighbours
 - 3) Sets a precedent
 - 4) Impact upon view of Saint Peter's Church
 - 5) Affecting a right of way

6. Consultation

- 6.1. Shackerstone Parish Council was consulted and object to the development.
- 6.2. HBBC Conservation Officer was consulted and supports the proposed works.

7. Policy

7.1. Core Strategy

- Policy 13: Rural Hamlets

7.2. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

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 area
- Impact upon neighbouring residential amenity
- Impact upon highway safety

Design and impact upon the character of the area

8.2 Policy DM10 of the adopted SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.

8.3 Policy 13 of the Core Strategy states that the council will require new development to respect the character and appearance of the relevant Conservation Area by incorporating locally distinctive features of the conservation area into the development.

8.4 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural and historic interest which it possesses. Section 72 of the Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

8.5 Section 16 of the National Planning Policy Framework provides the national policy on conserving and enhancing the historic environment. Paragraphs 193-196 of the NPPF require great weight to be given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have clear and convincing justification, and for that harm to be weighed against the public benefits of a proposal. Paragraph 197 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly

- non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 8.6 Policies DM11 and DM12 of the Site Allocations and Development Management Policies (SADMP) DPD seek to protect and enhance the historic environment. Development proposals should ensure the significance of a conservation area is preserved and enhanced. All proposals for development affecting the setting of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting.
- 8.7 The SCAA recognises that the spaces in between and around the estate workers cottages are key in allowing for an appreciation of their dispersed nature and overall character, and the space between no's 58 and 59 Church Walk allows for an incidental glimpse of the tower of the Church of St Peter, this being a grade II* listed building.
- 8.8 The extensions will reduce the space around the cottage but there remains separation from no.58 of roughly 2.6m, and the extent of the space to the front of the cottage remains unaffected so the dispersed nature of the cottages is considered to remain discernible, and not considered to result in overdevelopment of the site.
- 8.9 Due to the siting of the side extension there will be a minor reduction in the extent of the incidental view of the tower of the grade II* listed Church of St Peter from the park to the rear of the application site, however due to the orientation of the side extension and the associated steep angle of the pitched roof a view will remain and the significance of the church can continue to be appreciated. The proposal is located within the wider setting of the church but it is not considered to have any material adverse impact upon its significance.
- 8.10 The SCAA identifies factors that have a negative influence on the character of the conservation area and acknowledges that recent development includes a varied range of extensions, some of which are quite unsympathetic when added to modest cottages to meet the spatial demands of their owner-occupiers. Such modern extensions, which have in some cases considerably increased the size of the original cottage, can detract from their prevailing scale, form and design and reduce the space and views in between them.
- 8.11 The SCAA does acknowledge that although most of the Church Walk cottages have had large extensions they still retain many original characteristics and features.
- 8.12 The upper floors and roof scape of the rear elevations of the estate workers cottages are all visible from the recreational ground within the village, this also being a key space within the conservation area.
- 8.13 There is a staggered effect to the proposed rear elevation with the side extension projecting furthest followed by a smaller projection for the rear extension beyond the gabled rear wall of the adjoining property at no.60. The varied extent of these projections does add some variation to the design of the rear elevation with the proposed roof scape being evident from the recreation ground to the rear.
- 8.14 No.59 is one of the few cottages along Church Walk that has not seen the addition of a large extension, with the integrity of the original construction remaining clearly discernible. However, there is a small garden room located to the rear of the building, and given this in addition to the presence of many other large extensions upon the original cottages along Church Walk, it could be determined that a precedent has already been set for allowing extensions to the cottages.
- 8.15 The form of the proposed extensions is of a steep dual pitched roof with projecting gables to the rear. The gable facing the front elevation sits level with the existing

building line. The angle of roof pitch is slightly lower than the existing gables on the adjoining property (no.60) but they are steep and generally reflect the form of the roofs on the surrounding estate workers cottages. The steep angles also reduce the mass and density of the proposed extensions.

- 8.16 The gables are orientated at 90 degrees to the existing cottage, which would result in the extended cottage having a layout and form that largely reflects the arrangement of the paired cottages within Church Walk.
- 8.17 The existing tall chimney stack to the rear elevation which extends above the ridge line is to be retained as part of the proposal, as are the two larger windows and the door opening to the front elevation.
- 8.18 The door opening is proposed to be infilled with glazing and a new front door under a canopied porch set to the side of the proposed side extension is proposed. New window and door openings reflect the proportions and detailing of the existing and adjoining cottages and include hood mouldings, segmental brick arches and projecting cills. The style of the proposed windows and doors reflect the existing property and consist of a simple domestic casement window.
- 8.19 Bi-fold doors are proposed to the small rear projection and will be visible from the garden only. Two Velux roof lights are proposed to the side elevation, which due to their positioning in line with the windows below, orientation of this elevation not facing directly on to the street scene or recreation ground, and them being fitted flush to the plane of the roof ensures their visual impact will be very limited. Brick verge detailing, exposed rafter feet and black rainwater goods to match the existing are proposed for the roof.
- 8.20 Facing red brickwork, natural clay roof and ridge tiles, painted timber windows and doors are proposed for the construction materials for the extensions. These would match the existing materials on the cottage and are traditional materials that compliment those utilised in the local area. However due to the sensitive nature of the application site within a conservation area, a condition to provide material samples is considered necessary to ensure total coherence with the appearance of the surrounding area.
- 8.21 The proposal is not considered to reduce the appreciation of the significance of the nearby grade II* listed Church of St Peter to a level that would be considered adverse, it is therefore considered to be compatible with the significance of the building and would not be a harmful addition to its wider setting.
- 8.22 Although the extent of the proposed extensions compared to the size of the original cottage is considerable, due to the carefully considered layout, the resultant density form and mass of the extensions are considered to be wholly cohesive with the original dwellinghouse. The proposed extensions closely reflect the original characteristics the characterful features found throughout the former estate workers cottages of Church Walk.
- 8.23 It is considered that the proposal will have a negligible, not adverse, impact upon the character and appearance of the Shackerstone Conservation Area and its significance will be preserved. The proposed extensions are considered to respect the character and appearance of the area through the incorporation of the locally distinctive features of the conservation area into the development.
- 8.24 Overall the architectural features proposed are considered to reflect those of no.59 and they respect the character of the wider area. Therefore it is considered that the proposal complies with Policies DM10, DM11 and DM12 of the SADMP, section 16 of the NPPF and the statutory duties of Sections 66 and 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact upon neighbouring residential amenity

- 8.25 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.
- 8.26 The adjoining property, no.60, is situated to the east of the application site. This property has substantial extensions of its own, which follow the same design style of the conservation area with steeply pitched gables albeit using contemporary brickwork laid in stretcher course. This neighbouring property extends deeper into the plot than the existing dwelling at the application site.
- 8.27 The proposed extensions would extend beyond the rear elevation of this adjoining property by roughly 0.6m at its closest point. The extension would be set back by 0.3m from the boundary line to this neighbouring property allowing room for drainage and maintenance, without affecting the freehold of the adjacent property through any oversailing. At its greatest depth, the proposed extension would project roughly 1.3m beyond the rear elevation of the adjoining property. This depth is achieved at a distance over 5.0m from the boundary line. The rear elevation would be set back by roughly 2.5m from the large two storey rear extension at the adjacent no.58 Church Walk, resulting in a staggered and gently curved line of built form along the rear of these properties. It is therefore considered that the extension would not result in any further significant overshadowing to the amenity of the occupants of no.60 Church Walk.
- 8.28 There would be no conflict with the 45 degree rule as a result of the proposed development in relation to no.60 Church Walk. The properties along Church Walk benefit from a rear courtyard area and south facing front gardens laid to lawn which benefit from good levels of sunlight.
- 8.29 The adjacent property, no.58 Church Walk, is a heavily extended semi-detached cottage with a two storey rear extension spanning nearly the full depth of the rear courtyard space. There are three windows on the side of this neighbouring property. With the upstairs window obscurely glazed, acting as a secondary window to the south facing window on the front of the property. The windows on the ground floor serve the entrance hall.
- 8.30 Current boundary treatment between the two properties consists of a mixture of traditional brick wall, with trellis up to a height of roughly 1.5m. The proposed extension would be sited roughly 1.5m away from this boundary, and by virtue of the steeply pitched roof angle there is not considered to be any significant overshadowing to the adjacent property. The separation between the buildings would be approximately 2.6m, which is in excess of the desired 2.0m as set out in the HBBC Good Design Guide SPD (2020).
- 8.31 The proposed roof lights would be high level, and direct overlooking is limited due to the form of no.58 which has no clear glazed windows serving habitable rooms along this elevation, the private amenity space in the courtyard is hidden from view by the existing large two storey extension. Therefore it is considered that there would be no significant adverse impacts to the residential amenity of the occupants of this adjacent dwelling.
- 8.32 On the basis of the above assessment, the proposed development is considered to be in accordance with Policy DM10 of the SADMP in regard to impact on neighbouring residential amenity.

Impact upon highway safety

- 8.33 Policy DM17 of the SADMP seeks to ensure that development has no significant adverse impacts on highway safety. Policy DM18 of the SADMP seeks to ensure that an appropriate level of parking is provided.
- 8.34 The proposed development would see the addition of two bedrooms at the application site resulting in a three bedroom dwelling. Consequently two parking spaces would be required, the site benefits from a parking area adjacent to Church Walk and a long front garden, part of which has been previously used as a driveway. This is considered to be a more than adequate provision for the proposed development of the site.
- 8.35 Consequently the proposed development is considered to be in accordance with Policies DM17 and DM18 of the SADMP

Other matters

- 8.36 Concern was voiced by neighbours in regard to the right of way running along the rear of the properties along Church Walk. Each property along the walk has substantial boundary treatments, brick walls at 1.5m in height in the majority of cases with a small gate. The gate ensures the right of way at the rear of the application site would be retained as part of the proposals. The proposed extensions have a lesser depth to many found in the area. The right of way would be unaffected by the proposed development which leaves a minimum distance of roughly 3.5m to the northern boundary of the site.
- 8.37 Concern was raised in regard to the relocation of the oil tank that provides heating for the application site. At present, the oil tank is located in the north western corner of the site. By virtue of the ample courtyard size and distances to the site boundaries, the oil tank must, and has space to remain behind the principal elevation as set out in the GPDO 2015 (as amended).
- 8.38 Traffic and environmental disruption from the construction phase of development has been raised as an issue. Several properties have been extended in the past and there is direct access to the site from the public highway. A construction management plan is not considered reasonable or necessary for these householder extensions.

Equality implications

- 8.39 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.
- 8.40 Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 8.41 There are no known equality implications arising directly from this development.

8.42 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).

9. Conclusion

9.1 The application site is located within the settlement boundary of Shackerstone where there is a presumption in favour of sustainable development as set out in Policy DM1 of the SADMP and Paragraph 11 of the NPPF.

9.2 The proposed development is considered to fully appreciate and complement the character of the surrounding conservation area. As a result of the appropriate scale, siting, and design of the extensions, the development is not considered to result in any significant adverse impacts to the residential amenity of any neighbouring occupants. Therefore the application is considered to be in accordance with Policy DM10 of the SADMP and Policy 13 of the Core Strategy.

9.3 Ample parking would be provided at the application site, in accordance with Policies DM17 and DM18 of the SADMP. In regard to heritage impact, the proposed extensions comply with Policies DM11 and DM12 of the SADMP, section 16 of the NPPF and the statutory duties of Sections 66 and 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990.

9.4 Consequently the recommendation is to approve with conditions set out below.

10. Recommendation

11.1 **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report

11.2 That the Planning Manager be given powers to determine the final detail of planning conditions.

11.3 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 Plan & Location Plan - Drg. No. 01A - received 27 January 2021
Proposed Elevations and Floor Plans - Drg. No. 01A - received 27 January 2021.

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 development above foundation level shall commence on site until representative samples of the types and colours of materials to be used on the external elevations of the dwellings hereby permitted have been deposited

with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11.4 **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.

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Planning Committee 2 March 2021
Report of the Planning Manager

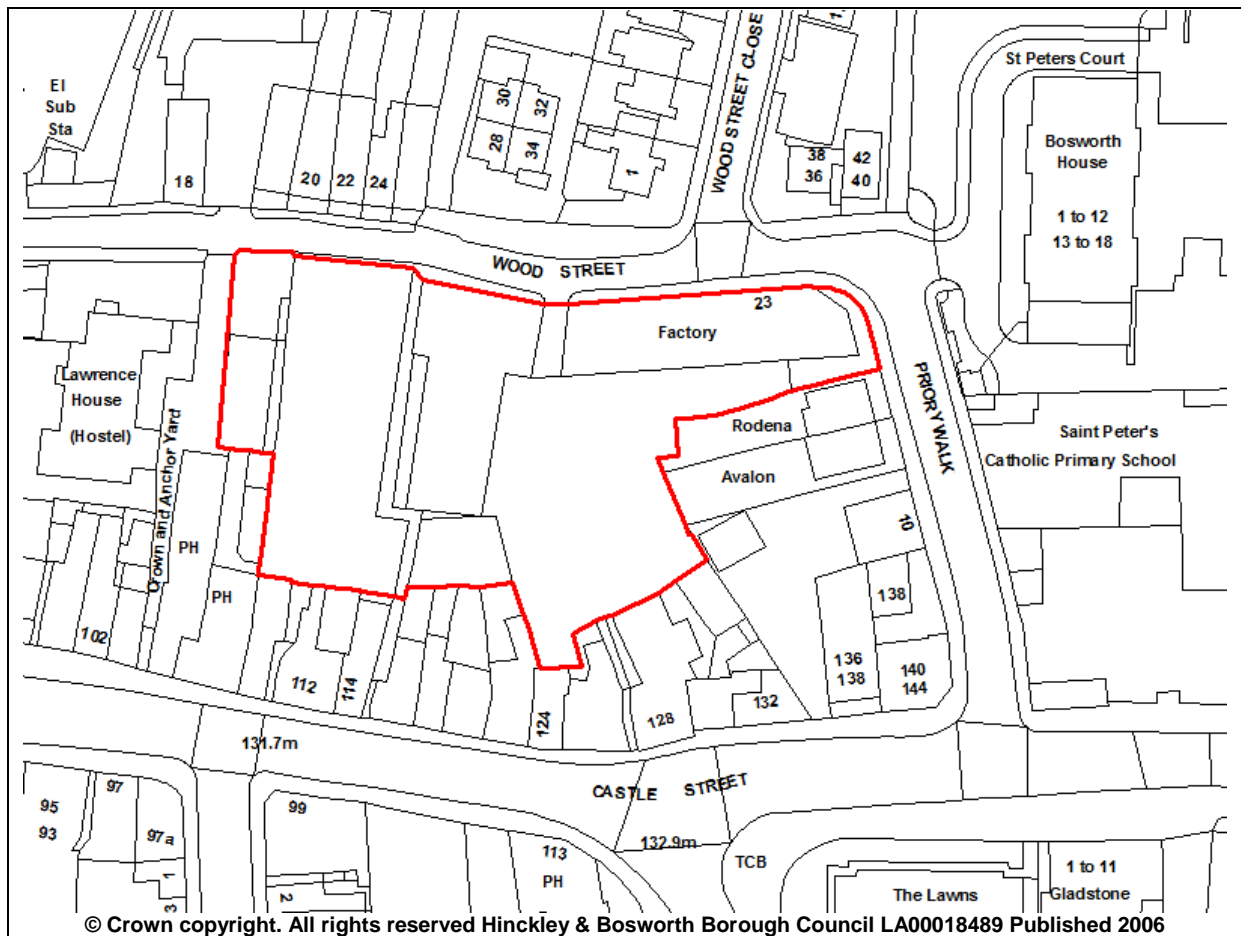
Planning Ref: 19/00464/OUT
Applicant: Onyxrose Ltd
Ward: Hinckley Castle



Hinckley & Bosworth
Borough Council

Site: Factory Units 23 Wood Street Hinckley

Proposal: Residential development of existing industrial site (Outline - access, layout and scale only)



1. Recommendations

1.1. Grant planning permission subject to:

- The completion within 3 months of this resolution a S106 agreement to secure the following obligations:
 - £72,113.00 as an off-site commuted sum for affordable housing
 - £1585.00 towards civic amenity facilities at Barwell
 - £970 towards library facilities at Hinckley Library
 - £19,400.40 towards the cost of providing additional health care accommodation for 85 patients in Hinckley
 - Off-site open space contribution towards the public open space at Hollycroft Park, Argents Mead and/or Queens Park of £37,697.10 and £20,017.20 for maintenance costs

- Planning conditions outlined at the end of this report
- 1.2. That the Planning Manager be given powers to determine the final detail of planning conditions.
- 1.3. That the Planning Manager be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

2. Background

- 2.1 This application was taken to Planning Committee on 8 December 2020. The previous report and late item report are attached to this report as Appendix A. Notwithstanding the officer's recommendation that permission be granted, members deferred from making a decision on the application. Concerns were raised regarding:
- The impact of allowing the development on the outlook of the occupiers of the residential properties on Wood Street and its compliance with Policy DM10 of the SADMP.
 - The loss of car parking on the site for neighbouring residents and whether the parking provision for the proposed residents is in compliance with Policy DM18 of the SADMP.
- 2.2 The proposed site layout has been altered by the applicant which seeks to address the concerns raised at the committee meeting. The amended site layout shows that Block A re-positioned some 2.3 metres into the site and so further away from Wood Street. In order to retain some street enclosure along this frontage a strong and definitive boundary treatment fronting the block is proposed being a brick wall and railings. The amended site layout plan also includes 3 additional car parking spaces within the site. Two covered cycle stores are also included on the plan.

3. Consultations

- 3.1. Three letters of objection have been received following a re-consultation exercise on the amended plan. They raise the following concerns:
- 1) Whilst the repositioning of Block A is definitely an improvement, concerns are raised that Block A would be 6 flats and so there is potential for daytime living accommodation at these flats to overlook the bedroom windows opposite
 - 2) The proposed bin store should be located within the car park and near Wood Street
 - 3) Whilst a redevelopment of the site is needed, tweaks should be made to the proposal
 - 4) Redevelopment of this site would result in the loss of car parking for residents. Would existing residents be able to have parking permits for B & Q?
 - 5) The proposal will restrict travel along Wood Street
- 3.2 HBBC's Conservation Officer has no objections to the amendments.

4. Appraisal

- 4.1. The re-siting of Block A into the site would result in the proposed building being positioned a further 3.6 metres further back into the site when compared to the original factory building which previously occupied the site. A small section of this factory building remains on site. The proposed scale of Block A would be of a similar scale to the original factory building. Through re-siting Block A there would be an intervening distance of 12 metres between this building and the properties in

Wood Street. As such there would be an improvement in the outlook of the properties in Wood Street when compared to their outlook as a result of the original planning proposal for Block A and from when the site was operational with a commercial building located along Wood Street.

- 4.2. The proposed set back of the building would create a distance of some 12 metres being achieved between the principal windows of the proposal and the existing residential properties on Wood Street. This distance is comparable with distances between similar properties in this urban setting. Concerns have been raised that some of these windows could serve lounges and so result in overlooking into the bedroom windows of the properties opposite the site. The Council's Good Design Guide (2020) states that the minimum distances laid out in this document are not applicable where principal windows are separated across a road as these windows are already overlooked within the public realm. A reserved matters application will be required to be submitted for the internal layout of the building. Residents would be consulted on any reserved matters proposals submitted for the site.
- 4.3. Based on the above, the amended proposal would not have a significant adverse impact on the residential amenity of either nearby residential properties or on the future occupiers of the site. The proposal would therefore be in accordance with Policies DM7 and DM10 of the adopted SADMP and advice in the Council's Good Design Guide SPD.
- 4.4. Concerns have been raised in the objection letters about the loss of car parking for neighbouring residents if the application site is redeveloped. The applicant's agent has confirmed that the current arrangement with the landowner to allow the residents to park on the site is informal. They have looked at including parking provision within the site for existing residents, however, to provide this would make the proposal unviable.
- 4.5. The amended site layout plan has increased the total number of off-street car parking spaces to 40. Three of the larger units would have 2 car parking spaces along with one car parking space for the other units and 2 visitor spaces. LCC as Highway Authority has previously confirmed that 37 car parking spaces being one space per dwelling plus two additional spaces is an acceptable parking provision in view of the sustainable location of the site and the on-street parking restrictions in the surrounding area which should ensure that the proposal would not have a detrimental impact on the public highway. The additional spaces provided in the amended site layout plan are welcomed.
- 4.6. HBBC Waste Services has previously confirmed that it is a requirement that the bin stores are located in close proximity to the public highway for collection. The proposed bin store near Wood Street would be located behind Block A and within a gated area and so would not be visible from Wood Street or the adjoining public footpath.
- 4.7. The amended site layout plan includes secure cycle parking provision for the site by way of two buildings. In accordance with the Leicestershire Highway Design Guide (LHDG) for residential developments with common facilities such as flats there is a need for one space for every 5 units to be provided which should be undercover and secure. Where spaces are allocated there should be one space for each unit. With regards to the flats proposed, secure cycle storage should be provided on site and this can be secured through an appropriately worded condition.
- 4.8. Therefore, the impacts of the development on highway safety would not be unacceptable and when considered cumulatively with other developments, the impacts on the road network would not be severe. The level of car parking proposed along with a condition requiring secure cycle storage would ensure that

the proposal is in general accordance with the requirements of Policy DM17 and DM18 of the SADMP.

5. Planning Balance and Conclusion

- 5.1 The site lies within Hinckley Town Centre's Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Policy 1 of the Core Strategy requires that development proposals should respect Hinckley's industrial heritage through sympathetic reuse of existing buildings unless it can be demonstrated that this is not achievable.
- 5.2 The redevelopment scheme would involve the demolition of the original 1903 factory. However, evidence has been submitted which demonstrates that its conversion remain unviable and its loss can be mitigated to a certain degree by the programme of recording its significance and the replacement building (Block B) closely reflecting its form, siting and scale. The loss of a small section of block E to allow for the majority of this building to be converted is considered to be a proportionate approach to retain its significance. The conversion of the 1930s extension along the street frontage of Wood Street is considered to retain the significance of this part of the factory complex.
- 5.3 The redevelopment proposal would provide a number of benefits towards achieving the objectives of sustainable development, including some short term employment during the construction of the redevelopment, a number of houses to meet the borough's housing supply and the use of local services by future occupants. The proposal would also involve the redevelopment of a derelict commercial site where buildings have been removed and those that remain have been vandalised which has a detrimental impact on the character of the area. Therefore, taking the balanced approach required by paragraph 197 of the NPPF the harm identified upon the local heritage assets identified as 9 Wood Street and Factories on Wood Street, is outweighed by the benefits of the scheme. Therefore, this element of the proposal complies with Policy 1 in the Core Strategy, Policies DM10, DM11 and DM12 of the SADMP and section 16 of the NPPF.
- 5.4 The proposal would not have a significant impact on residential amenity, flooding or highway safety and is therefore in accordance with Policy 1 of the Core Strategy and Policies DM7, DM10, DM17 and DM18 of the SADMP (2016) and advice in the Council's Good Design Guide SPD. Planning permission was granted in 2007 for the change of use of this employment site. The current residential proposal would be compatible with the requirements of Policy DM19 which require a more flexible approach to be taken to Category C employment sites.
- 5.5 Having regard to Policy DM1 of the SADMP and the presumption in favour of sustainable development along with taking into account the relevant Development Plan policies and material planning considerations, it is considered, on balance, that the proposed development constitutes sustainable development. Therefore, the proposal is recommended for approval subject to conditions.

6. Recommendation

- 6.1 **Grant planning permission** subject to:
- The completion within 3 months of this resolution a S106 agreement to secure the following obligations:
 - £72,113.00 as an off-site commuted sum for affordable housing.

- £1585.00 towards civic amenity facilities at Barwell.
 - £970 towards library facilities at Hinckley Library.
 - £19,400.40 towards the cost of providing additional health care accommodation for 85 patients in Hinckley.
 - Off-site open space contribution towards the public open space at Hollycroft Park, Argents Mead and/or Queens Park of £37,697.10 and £20,017.20 for maintenance costs.
- Planning conditions outlined at the end of this report
- 6.2 That the Planning Manager be given powers to determine the final detail of planning conditions.
- 6.3 That the Planning Manager be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

7. Conditions and Reasons

1. Application for the approval of reserved matters shall be made within 18 months from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. No development shall be commenced until plans and particulars of "the reserved matters" referred to in the above conditions relating to the:-
 - a) appearance of the development including the aspects of a building or place that determine the visual impression it makes, including proposed materials and finishes
 - b) landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard (boundary treatments) including walls and railings and soft measures and details of boundary planting to reinforce the existing landscaping at the site edges and character of the conservation area

have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM10, DM11 and DM12 of the Site Allocations and Development Management Policies Development Plan Document (2016).

3. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details as follows:
 - a) Site Location Plan Drg No: 19/28; Block Plan Drg No: 19/28 02; Street Elevation Drg No: 19/28 06A; and Concept Drawing Drg No: 19/28 07 received by the local planning authority on 14 June 2020.
 - b) Concept Site Layout Drg No: 19/28 05E received by the local planning authority on 21 January 2021.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM10, DM11 and DM12 of the SADMP (2016).

4. No more than 35 residential units shall be constructed on the site.

Reason: To ensure a satisfactory form of development in accordance with Policies DM10, DM11 and DM12 of the SADMP (2016).

5. Prior to the commencement of development, a scheme for the delivery of full fibre broadband connections to serve each dwelling on the application site shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full.

Reason: To ensure the provision of a high quality and reliable communications infrastructure network to serve the development to accord with paragraph 112 of the NPPF (2019).

6. Prior to the commencement of development surface water drainage details, incorporating sustainable drainage principles (SuDS) shall be submitted to the local planning authority for their approval in writing. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent any increase in flood risk, maintain the existing surface water runoff quality and to prevent damage to the final water management systems through the entire development construction phase in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD.

7. Prior to the commencement of development full details in relation to the management of surface water on site during construction of the development shall be submitted to the local planning authority for their approval in writing. The approved details shall then be implemented in full on site prior to any construction activity commencing.

Reason: To prevent an increase in flood risk, maintain the existing surface water runoff quality and to prevent damage to the final surface water management systems through the entire development construction phase in accordance with Policy DM7 of the SADMP (2016).

8. No occupation of the development hereby approved shall take place until such time as details in relation to the long-term maintenance of the surface water drainage system within the development has been submitted to the local planning authority for their approval in writing. The approved details shall then be implemented in full on site.

Reason: To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance both in terms of flood risk and water quality of the surface water drainage system in accordance with Policy DM7 of the SADMP (2016).

9. Prior to the commencement of development samples of the materials to be used in the construction of the external facing materials shall be submitted to and approved by the local planning authority in writing. Development shall be carried out in accordance with the approved sample details.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

10. No demolition/development shall take place/commence until a programme of archaeological work, commencing with an initial phase of trial trenching has been completed in accordance with a written scheme of investigation (WSI),

which has been submitted to and approved in writing by the local planning authority. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and:

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.
- The programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

No development shall then take place other than in accordance with the approved Written Scheme of Investigation.

Reason: To allow proper investigation and recording of the site, which is potentially of archaeological and historic significance in accordance with Policies DM11, DM12 and DM13 of the adopted Site Allocations Development Management Policies Development Plan Document (2016).

11. No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted in writing to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016)

12. If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted in writing to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the first dwelling being occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016)

13. No development shall take place until a scheme for the treatment of the Public Right of Way V8 have been submitted to and approved in writing by the local planning authority. Such a scheme shall include provision for management during construction, surfacing, width, structures, signing and landscaping in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers.

Reason: To improve connectivity of the site to the surrounding area and in the interests of amenity, safety and security of users of the Public Right of Way in accordance with Policy DM1 of the SADMP (2016) and paragraph 98 of the NPPF.

14. Prior to the commencement of development a Construction Environmental Management Plan shall be submitted to and agreed in writing by the LPA. The plan shall detail how, during the site preparation and construction phase of the development, the impact on existing and proposed residential premises and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light and land contamination. The plan shall detail how such controls will be monitored. The plan will provide a procedure for the investigation of complaints. The agreed details shall be implemented throughout the course of the development.

Reason: To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

15. No development shall commence on site until a scheme that makes provision for waste and recycling storage and collection across the site has been submitted in writing to and approved in writing by the Local Planning Authority. The details should address accessibility to storage facilities and adequate collection point space at the adopted highway boundary. The approved scheme shall be implemented in accordance with the agreed details.

Reason: To ensure the bin storage on site is not detrimental to the street scene and overall design of the scheme in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

16. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum, details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities and a timetable for their provision has been submitted to and approved in writing by the local planning authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area in accordance with Policy DM17 of the SADMP (2016).

17. No part of the development shall be occupied until such time as the offsite works to widen the existing access and widen the footway on Wood Street, shown on Drg No: 19/28 05A have been implemented in full.

Reason: To mitigate the impact of the development, in the general interests of highway safety and in accordance with Policy DM17 of the SADMP (2016).

18. No part of the development shall be occupied until such time as the offsite works to widen the existing access and widen the footway on Wood Street, shown on Drg No: 19/28 05E have been implemented in full.

Reason: To mitigate the impact of the development, in the general interests of highway safety and in accordance with Policy DM17 of the SADMP (2016).

19. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Drg No: 05E. Thereafter the onsite parking provision shall be so maintained 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 in the interests of highway safety to accord with Policy DM17 in SADMP.

20. The development hereby permitted shall not be occupied until such time as secure cycle parking has been provided on site in accordance with details and plans which have first been submitted to and agreed in writing by the local planning authority. Thereafter the cycle parking shall be maintained and kept available for use.

Reason: To promote travel by sustainable modes in accordance with Policy DM1 of the SADMP and advice in the NPPF.

21. Any reserved matters application relating to appearance shall show new or replacement windows and/or doors on the Wood Street frontage opening inwards so that they do not overhang the public highway. Such windows and doors shall thereafter be maintained as inward opening units in perpetuity.

Reason: In the general interest of highway safety in accordance with Policy DM17 of the SADMP (2016).

22. Any reserved matters application relating to appearance shall be accompanied by full details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings in relation to existing ground levels. The details shall be provided in the form of site plans showing sections across the site at regular intervals with the finished floor levels of all proposed buildings and adjoining buildings. The development shall be carried out in accordance with the approved levels.

Reason: To ensure that a satisfactory relationship is achieved between buildings in particular those along Wood Street in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway to accord with Policy DM17 of the SADMP.

7.1 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. Planning permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from LCC as local highway authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with LCC at the earliest opportunity to allow time for the process to be completed. The highway authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required

for the safe and satisfactory functioning of the highway. For further information please refer to the LHDG which is available at <https://resources.leicestershire.gov.uk/lhdg>.

3. Planning permission does not give approval to work on the public highway. Therefore, prior to carrying out 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.
4. Where soakaway drainage is initially proposed, the suitability of the ground strata for infiltration should be ascertained by means of the test described in BRE Digest 365, and the results submitted to the LPA and approved by the Building Control Surveyor before development is commenced. If the ground strata prove unsuitable for infiltration, alternative SuDS proposals will require the further approval of the LPA before this condition can be discharged.
5. The collection point for domestic recycling, garden waste and refuse will be from the adopted highway boundary and so the provision on site for the storage of containers as shown on the approved site plan should be provided.
6. Cadent has identified operational gas apparatus within the application site boundary. You should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

APPENDIX A

Planning Committee 8 December 2020
Report of the Planning Manager

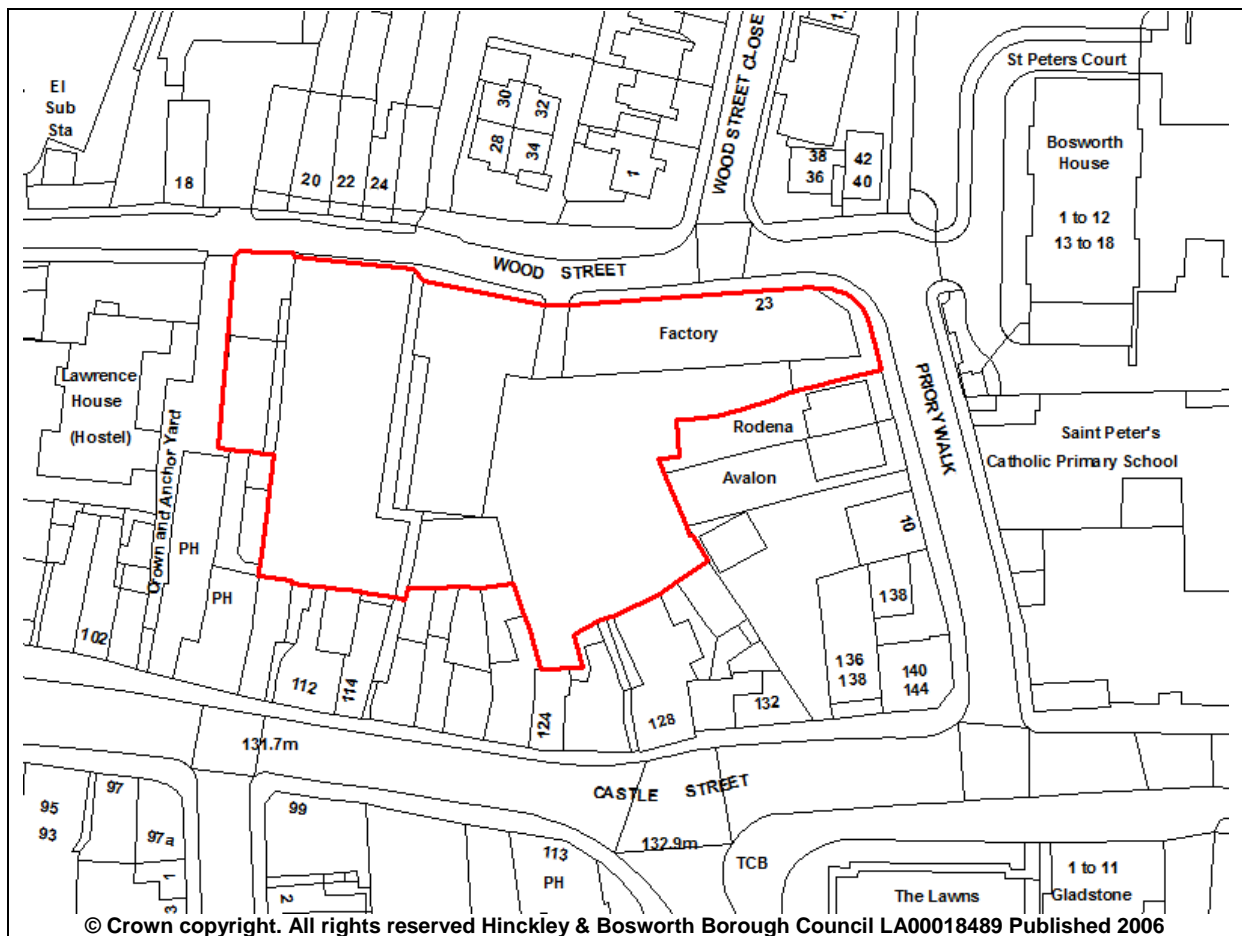
Planning Ref: 19/00464/OUT
Applicant: Onyxrose Ltd
Ward: Hinckley Castle



Hinckley & Bosworth
Borough Council

Site: Factory Units 23 Wood Street Hinckley

Proposal: Residential development of existing industrial site (Outline - access, layout and scale only)



1. Recommendations

1.1 Grant planning permission subject to:

- The completion within 3 months of this resolution a S106 agreement to secure the following obligations:
 - £72,113.00 as an off-site commuted sum for affordable housing
 - £1585.00 towards civic amenity facilities at Barwell
 - £970 towards library facilities at Hinckley Library
 - £19,400.40 towards the cost of providing additional health care accommodation for 85 patients in Hinckley

- Off-site open space contribution towards the public open space at Hollycroft Park, Argents Mead and/or Queens Park of £37,697.10 and £20,017.20 for maintenance costs
 - Planning conditions outlined at the end of this report
- 1.2 That the Planning Manager be given powers to determine the final detail of planning conditions.
- 1.3 That the Planning Manager be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

2. Planning application description

- 2.1. This application seeks outline planning permission for the redevelopment of an existing industrial site to provide residential accommodation comprising of 35 units of accommodation and 37 car parking spaces. All detailed matters are reserved for later determination, except access, layout and scale. A detailed access plan has been submitted which shows that the existing vehicular access onto Wood Street would be used to access the car parking area.
- 2.2. A concept drawing, concept site layout drawing and street elevation plan have been submitted with the application. These drawings show the retention, conversion and extension of the existing 2 storey factory building on the corner of Wood Street and Priory Walk into 14 units of accommodation (shown as Block C). An existing factory building along Wood Street would be demolished and replaced with a 3-storey building of similar scale to provide 6 units of accommodation (shown as Block B).
- 2.3. A new 2.5 storey building would be constructed in the north-western corner of the site alongside Wood Street to replace a commercial building which has already been demolished. Known as Block A, this building would provide 9 units of accommodation. Two pairs of 2 storey semi-detached houses would be constructed with a frontage onto Cross Keys Yard (Block D) along with the partial demolition and conversion of a commercial building facing onto the Crown and Anchor Yard to provide 2 units of accommodation (Block E).
- 2.4. The housing mix proposed comprises of: 5 x 1 bed apartments; 26 x 2 bed apartments; 2 x 2 bed houses; 2 x 3 bed houses.
- 2.5. Planning permission was granted in 2007 under ref: 07/00443/FUL for the demolition of an industrial building on the site and the construction of 12 apartments. This consent also included the conversion of an industrial building into 10 apartments. Since this planning permission was granted the industrial building approved for demolition has been removed from the site.
- 2.6. The application is supported by the following technical documents:-
- Design and Access Statement
 - Ground Investigation Report
 - Historic Building Report
 - Site Survey and Plans
 - Affordable Housing Statement
 - Photographs of the Building
 - Flood Risk Assessment

3. Description of the site and surrounding area

- 3.1. Having a site area of approximately 0.27 hectares, the application site lies to the south of Wood Street. The site forms the far eastern corner of the Hinckley Town Centre Conservation Area and contains one of the jitties which links Wood Street

with Castle Street along with the industrial buildings which mark the history of the town's hosiery industry. Identified within the Hinckley Town Centre Conservation Area Appraisal (2013) as unlisted buildings of local historic or architectural importance, the uniformity of building lines, building form, roofscape, fenestration and construction materials provide a consistency of character typical of a former hosiery factory complex located within Hinckley. The buildings contribute positively to the character and appearance and thus significance of the conservation area.

- 3.2. Located within a mixed use area including commercial premises, retail premises, hot food takeaways and residential properties the application site is allocated in the Site Allocation and Development Management Plan (SADMP) as an Employment Site (HIN147).

4. Relevant planning history

06/00472/CLU

- Certificate of lawfulness for an existing use for the carrying out of an Industrial process within Class B2 (General Industrial) of the Town and Country Planning (Use Classes) Order 1987 (as amended)
Certificate of Lawfulness granted
14.07.2006

07/00443/FUL

- Demolition of redundant Industrial/commercial buildings and erection of 12 apartments, conversion of existing commercial/Industrial building to form 10 apartments and ancillary works
Full planning permission
11.07.07

16/00883/COU

- Change of use to dog day care and grooming centre (retrospective)
Refused and Appeal Dismissed
12.04.17

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.

- 5.2. Letters from seven individual addresses have been received raising the following issues:

- 1) The proposal would involve the loss of land currently used as parking for the residents of Wood Street who pay a fee to the landowner
- 2) There is nowhere to park in the daytime for residents as Wood Street has parking restrictions so that vehicles cannot park between 8am – 6pm
- 3) The proposal should include greenery along Wood Street
- 4) Lack of car parking spaces proposed for the new residential properties
- 5) Potential for loss of privacy and loss of light to properties on opposite side of Wood Street in particular Block A
- 6) The proposal would lower the house values in the area
- 7) Houses should be built on the site instead of flats
- 8) How will the local infrastructure cope with the additional housing as there are issues with power cuts and low water pressure
- 9) The construction works would cause noise and dust pollution to surrounding residential properties

- 10) It is agreed that the proposal would enhance the area and preserve a historic building
- 11) The planned construction activity would have an adverse impact on the education and safety of pupils attending the nearby school

5.3. Two letters of support have been received raising the following areas of support:

- 1) The proposal would revitalize a run down area of Hinckley
- 2) The proposal would provide much needed housing on a brownfield site

6. Consultation

6.1. No objections have been received from:

- LCC Archaeology – subject to a pre-commencement condition
- LCC Public Rights of Way – subject to a pre-commencement condition
- Environment Agency – subject to a pre-commencement condition
- Cadent
- HBBC Environmental Services – subject to a pre-commencement condition
- HBBC Waste Services – subject to a pre-commencement condition
- Leicestershire Police
- LCC Ecology
- HBBC Conservation Officer
- LCC as Lead Flood Authority
- LCC as Highway Authority – subject to conditions
- HBBC Drainage – subject to a pre-commencement condition
- Severn Trent Water Ltd

6.2. No comments have been received from:

- Hinckley Area Committee
- HBBC Regeneration
- HBBC Town Centre Management
- Ramblers Association
- Cycling UK
- HBBC Building Regulations

6.3. LCC Developer Contributions request:

- £1585.00 towards civic amenity facilities at Barwell
- £970 towards library facilities at Hinckley Library

NHS West Leicestershire CCG request:

£19,400.40 towards the cost of providing additional accommodation for 85 patients in Hinckley.

6.4. HBBC Affordable Housing – requirement for 20% of the housing to be affordable. Based on the viability assessment submitted, the preference is for an off-site commuted sum for affordable housing.

6.5. S106 Monitoring Officer – requirement for an off-site contribution towards the public open space at either Argents Mead and/or Queens Park.

7. Policy

7.1. Core Strategy (2009)

- Policy 1: Development in Hinckley
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design

- Policy 19: Green Space and Play Provision
- 7.2. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM3: Infrastructure and Delivery
 - Policy DM7: Preventing Pollution and Flooding
 - Policy DM10: Development and Design
 - Policy DM11: Protecting and Enhancing the Historic Environment
 - Policy DM12: Heritage Assets
 - Policy DM13: Preserving the Borough's Archaeology
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
 - Policy DM19: Existing Employment Sites
- 7.3. Hinckley Town Centre Area Action Plan (2011)
- No relevant policies
- 7.4. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2019)
 - Planning Practice Guidance (PPG)
- 7.5. Other relevant guidance
- Good Design Guide (2020)
 - National Design Guide (2019)
 - HBBC Employment Land and Premises Review 2020
 - Hinckley Town Centre Conservation Area Appraisal 2013 (HTCCAA)
 - Leicester and Leicestershire Housing and Economic Development Needs Assessment (HEDNA)
 - Housing Need Survey (2019)
 - Affordable Housing SPD (2011)
 - Open Space and Recreation Study (2016)
 - Leicestershire Highways Design Guide

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon Hinckley Town Centre's Conservation Area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Other Matters

Assessment against strategic planning policies

8.2. Policy DM19 in the SADMP identifies the existing employment areas in the Borough. The application site lies within the Factory/Works south of Wood Street site (HIN147) which is a Category C site. Policy DM19 states that within Category C sites the Borough Council will take a more flexible approach for alternative uses, in accordance with the most up-to-date Employment Land and Premises Review and other Local Plan policies.

8.3. The proposal seeks permission for the change of use of the site to a residential use within Use Class C3. The applicant has submitted a Design and Access Statement which assesses the proposal against Policy DM19. The majority of the site has been vacant for a considerable length of time. Wood Street is a narrow road and any large commercial vehicles have to park on the road to service the site. The

buildings surrounding the site are predominantly residential properties and this can cause conflict with noise and disturbance.

- 8.4. Planning permission was granted in 2007 for the change of use of this employment site. The current residential proposal would be compatible with the requirements of Policy DM19 to take a more flexible approach to Category C sites.
- 8.5. However, the housing policies in the development plan are considered to be out-of-date as they focus on delivery of a lower housing requirement (450dpa) than required by the up-to-date figure using the standard methodology of 452 dwellings per annum. Notwithstanding the very limited change in housing requirements per year, the application should be determined against Paragraph 11(d) of the Framework whereby permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 8.6. Nevertheless, using the Standard Methodology set by MHCLG, as of the 1st April 2020 the Council is able to demonstrate 5.15 years of deliverable housing supply. Therefore, this is an up to date position demonstrating that the Council is planning for its most recently calculated housing need.
- 8.7. Using the standard method as outlined by MHCLG, Hinckley and Bosworth Borough is able to demonstrate five years of deliverable housing at 1st April 2020. Due to the change in the housing figures required for the borough, the housing policies in the plan are out of date and as such paragraph 11(d) of the NPPF is triggered. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. This is weighed in the balance of the merits of the application when considered with the policies in the Site Allocations and Development Policies DPD and the Core Strategy which are attributed significant weight as they are consistent with the Framework. Therefore, sustainable development should be approved unless other material considerations indicate otherwise.
- 8.8. The site lies within the settlement boundary for Hinckley. Policy 1 of the Core Strategy seeks to support residential development within the Hinckley settlement boundary to deliver a minimum of 1120 new dwellings. Policy DM1 of the SADMP which is in accordance with paragraph 11(d) of the NPPF, also seeks to support sustainable development. The site is in a sustainable location within the settlement boundary where there is generally a presumption in favour of residential development. In addition, the site is within a short walking distance of the services and facilities within Hinckley Town Centre and to good public transport links.
- 8.9. As such, the principle of residential development on the site would be acceptable in terms of Policy 1 of the Core Strategy and Policy DM1 of the SADMP, subject to all other planning matters being satisfactorily addressed.

Design and impact upon Hinckley Town Centre's Conservation Area

- 8.10. The application site lies within Hinckley Town Centre's Conservation Area, where, when determining planning applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance (NPPF paragraph 189). Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the

setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal (paragraph 190).

- 8.11. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 8.12. Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment.
- 8.13. Paragraph 192 of the NPPF states that in determining planning applications, local planning authorities should take account of:
 - a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) The desirability of new development making a positive contribution to local character and distinctiveness.
- 8.14. Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraphs 195 and 196 go on to distinguish between substantial and less than substantial harm to heritage assets. Where less than substantial harm has been identified this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 8.15. Paragraph 197 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 8.16. Local planning authorities should look for opportunities for new development within Conservation Areas, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably (paragraph 200).
- 8.17. Policy 1 of the Core Strategy requires that development proposals should respect Hinckley's industrial heritage through sympathetic reuse of existing buildings unless it can be demonstrated that this is not achievable and that new development should respect the character and appearance of the Hinckley Conservation Area.
- 8.18. Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD (SADMP) seek to protect and enhance the historic environment and heritage assets. Policy DM11 states that the Borough Council will protect, conserve and enhance the historic environment throughout the borough. Policy DM12 requires all development proposals to accord with Policy DM10: Development and Design. Development proposals should ensure the significance of a conservation area is preserved and enhanced through the consideration and inclusion of important features (as identified in Conservation Area Appraisals and Management

Plans). Policy DM12 also states that development proposals should make every effort to retain the significance of locally listed heritage assets. General guidance and an assessment of the character and appearance of the Hinckley Town Centre are contained within the HTCCAA. Guidance and a number of potential means of enhancing the character and appearance of the site area also provided in the Hinckley Town Centre Conservation Area Management Plan (2013).

- 8.19. The Council's Good Design Guide SPD sets out the process to be followed to ensure good quality design for new residential development.

Historic Context of the Buildings

- 8.20. A Historic Building Survey has been undertaken for the application site. This provides a summary of the historical background of the site. The standing buildings on the site were an addition to a pre-existing industrial site on Castle Street which dated from at least 1887. At the turn of the 20th century the site formed part of the Arthur Davenport and Sons hosiery factory complex, the Davenport family being an important local hosiery manufacturer. The pre-existing buildings on Castle Street were demolished in the latter half of the 20th century, leaving four standing buildings facing into Wood Street and Crown and Anchor Yard. Of these a further mid-20th century block towards the western end of the site was demolished as part of the permission reference 07/00443/FUL.
- 8.21. The site currently consists of three standing buildings. The original T-shaped factory comprises the central block. This was built around 1903 and is of two storeys, constructed in English bond orange brick with a Welsh slate pitched roof. The elevation fronting onto Wood Street forms the head of the T and is of five bays with cast iron framed casement windows set into segmental headed openings. The windows on the first floor are of a similar design but paired. There is a moulded string course at first floor level and a stepped eaves cornice, the string course continues around the western gable end. A six bay wing forming of the shaft of the T stretches back into the site interior.
- 8.22. Attached to the central block is a late 1930s extension which was added to the eastern gable wall of the original factory. A carriageway was formed to allow access into the rear yard which provides a clear break between the two phases of construction. The extension is of two storeys and 11 bays and faces directly onto Wood Street sited at the back edge of the pavement. The extension has a flat concrete roof concealed behind a parapet wall and has been constructed in a red brick laid in an English bond with vertical decorative brick panels and steel framed windows set in large rectangular openings with concrete cills and lintels.
- 8.23. The rear courtyard facing elevations of the original factory and the extension are simple with no particular architectural adornment, in addition to seeing changes as dictated by their functional operation, such as the insertion of a lift, toilet block and widened openings for access. The open nature of the rear courtyard does allow for views of the rear of the properties on Castle Street which includes the rare survival of a framework knitter's window on the first floor of no.124.
- 8.24. A small two storey structure (known as 9 Wood Street) remains on the western end of the site facing into Crown and Anchor Yard, separated from the main blocks by the recently cleared factory. This building appears to be a workshop dating from the late-19th century (its footprint is evident on the 1887 Ordnance Survey extract) and consists of five bays. It has a pitched roof laid with Welsh slates and has been constructed in an orange brick with a variety of openings for windows and doors.
- 8.25. Overall, the location of the industrial buildings and their extent along Wood Street, with a uniformity of building lines, building form, roofscape, fenestration and

construction materials provide a consistency of character typical of a former hosiery factory complex located within Hinckley, with each of the standing buildings contributing positively to the character and appearance and thus significance of the conservation area.

- 8.26. The buildings have been identified as unlisted buildings of local historic or architectural importance (9 Wood Street and Factories on Wood Street) in the HTCCAA (2013). For similar reasons these buildings should also be considered to be local heritage assets in their own right (non-designated heritage assets in terms of the NPPF), due to their architectural and illustrative historic interest, rarity as a hosiery complex once common in the town, landmark value and unity as a group of buildings. This assertion is made after assessing the buildings against the Borough Council's adopted selection criteria (2017) for identifying local heritage assets.
- 8.27. One lane (a "jitty"), known as Cross Keys Yard crosses the site north-south with a dog-leg adjacent to the original factory, and another jitty, known as Crown and Anchor Yard runs along the western boundary of the site. These provide an important link between the factories on Wood Street and the upper section of Castle Street and are a physical remnant of the historical development of Hinckley when industrial and domestic buildings were sited around them. They are narrow and in part are laid with a traditional blue clay paver, with these characteristics being typical of the wider network of jitties and yards running off main streets located throughout the town centre. Consequently they contribute positively to the character and appearance and thus significance of the conservation area, and are identified as being of special interest within the HTCCAA.

Development Proposed

- 8.28. The proposal seeks to end the existing employment uses on the site and redevelop it to provide a level of residential accommodation. A concept drawing, site layout and street elevation has been submitted which indicate the residential accommodation would be provided in five separate block across the site:
- Block A would comprise of a new T shaped plan two and a half storey block within the north-western section of the site occupying the approximate location of the northern section of the recently demolished factory.
 - Block B is a three storey building replacing the original factory and occupying the same footprint as the frontage range.
 - Block C would comprise of the conversion of the existing 1930s two storey building into apartments with the addition of a flat roofed penthouse storey. The current link between the original factory and the extension would be removed with vehicular access to parking in the rear yard in between block B and block C.
 - Block D would be a linear terrace to the rear of block A (and in the approximate location of the southern section of the recently demolished factory) that faces out into a slightly re-aligned Cross Keys Yard jitty.
 - Block E would comprise of part demolishing the northern bays of the late-19th century workshop (9 Wood Street) and the conversion of its central and southern bays to residential units.
- 8.29. The Historic Building Survey accompanying the application is considered to provide a proportionate level of detail to understand the significance of the application site and assist with assessing the impact of the proposal upon its significance. Therefore the requirements of Policy DM11 of the SADMP and paragraph 189 of the NPPF have been satisfied.

- 8.30. The proposal seeks to demolish the whole of the original 1903 factory and part of the late-19th century workshop. Given the largely positive contribution these buildings make to the conservation area their partial (9 Wood Street) and total (the original factory) loss is considered to have an adverse impact upon the significance of the conservation area and the assets themselves as local heritage assets.
- 8.31. The submitted documents allow for an assessment of the access, layout and scale of the proposed redevelopment of the site. In terms of access the position of the existing vehicular access is maintained with parking largely being retained within a rear courtyard, reflective of the current site circumstances. Cross Key Yard jitty is retained as a pedestrian access from Castle Street and Wood Street and despite a slight realignment the route and orientation of this historic thoroughfare remains clearly perceptible.
- 8.32. The layout of the new buildings, Blocks A, B and D, reflects the siting of previous historical industrial and domestic built form, and alongside the conversion of blocks C and E (partial) this ensures the development will maintain a uniformity of building line and reinstate the strong presence of buildings within the street scene with them being located at the back edge of the pavement.
- 8.33. The siting of the eastern elevations of Blocks A and D to face into Cross Keys Yard jitty will add an active edge to the route and provide a betterment of its environment.
- 8.34. The prevalent building scale on the site is of buildings of two storeys in height, although this scale does feel greater than the surrounding domestic development of two storeys due to the taller floors of these functional industrial buildings. There are limited instances of dormer windows within late-19th century terraced dwellings opposite the site and Priory Walk, opposite the site on the corner of Wood Street, is three storeys in scale. The redevelopment does increase the scale and mass of development, particular at the site frontage on Wood Street. However, the two and half storey scale of Block A does reflect that of the existing terrace block opposite the site.
- 8.35. Block B is to be rebuilt at a three storey domestic rather than industrial scale so the increase in the height of the building would be minimal. Due to the set back and flat roof of the additional floor for Block C this would reduce its visual impact and is not considered to detract from the form of the original 1930s building or have an overbearing impact upon the wider area.
- 8.36. For the above reasons the access, layout and scale of the proposed redevelopment is considered acceptable. The proposal also recognises the opportunities for enhancing the character and appearance of the site, as identified in the Conservation Area Management Plan, including addressing the vacancy of 9 Wood Street and removing the overgrown and derelict state of the site between 9 Wood Street and the original factory with the erection of Block A.
- 8.37. Whilst the proposal would result in the loss of some of the Industrial buildings, a justification has been submitted with the proposal demonstrating the reasons for the continued partial vacancy of the original factory and the practical difficulties of its conversion. The continued state of disrepair with the boarding up of the windows is also considered to have a detrimental impact on the appearance of the area. The total loss of the original factory building remains harmful; however its loss is mitigated to a certain degree by the recording of its significance as part of the Historic Building Survey. This recording can be achieved through the imposition of a pre-commencement condition which is necessary and proportionate.
- 8.38. The siting, scale and conceptual appearance of the proposed block B would also very closely replicate its existing characteristics.

- 8.39. Although not part of this outline application, the conceptual drawings indicate that the development would have a high quality appearance and utilise appropriate landscaping, such as the resurfacing of the jitties in blue clay pavers, which would respect the character of the area whilst also realising further opportunities for enhancement identified within the Conservation Area Management Plan. For any application seeking approval of these reserved matters these characteristics must be retained to ensure the desirability of new development making a positive contribution to local character and distinctiveness is achieved.

Summary

- 8.40. The loss of the original factory has an adverse impact upon the character and appearance of the conservation area. However, a justification has been provided for its loss and its significance has been recorded. The access, layout and scale of the proposed redevelopment across the site are considered acceptable and particular aspects of the proposal would provide an enhancement to the character of the area. On balance, it is considered that the net impact of the proposal upon the character and appearance of the area is neutral, and therefore the significance of the Hinckley Town Centre Conservation Area is preserved. For these reasons the proposal complies with Policy DM1, Policies DM11 and DM12 of the SADMP, section 16 of the NPPF and the statutory duty of Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

- 8.41. The total loss of the original factory, a non-designated heritage asset, remains harmful. This needs to be weighed against the merits of the scheme.

Impact upon neighbouring residential amenity

- 8.42. Policy DM10 of the SADMP seeks to ensure that development does not adversely affect the amenity of occupiers of neighbouring properties.
- 8.43. There are existing dwellings adjoining the site boundary. Concerns have been raised in the objection letters regarding the potential for overlooking and loss of privacy for the existing residents in Wood Street from Block A which would be located on the opposite side of the road. Block A would be constructed as a 2.5 storey terraced building with principal windows on the front elevation. Replacing an existing Industrial building the proposed block would be set back into the site by some 2 metres. The proposed set back of the building would create a distance of some 10 metres being achieved between the principal windows which are comparable with distances between similar properties in the locality. As such whilst there would be overlooking between the principal windows of the proposed units and the existing residential properties on Wood Street, the Council's Good Design Guide (2020) states that the minimum distances laid out in this document are not applicable where principal windows are separated across a road as these windows are already overlooked within the public realm. Examples are given in the Good Design Guide of similar street scenes in order to create enclosure of streets and spaces.
- 8.44. Concerns are also raised about the overbearing impact Block A would have on the surrounding residential properties. As discussed above, the Council's Good Design Guide provides examples of similar widths between mews streets along the street frontage to create a well defined and distinctive place. Block A being two and half storey in scale does reflect that of the existing terrace block opposite the site. Block B is to be rebuilt at a three storey domestic rather than industrial scale so the increase in the height of the building would be minimal. As such it is considered that the distances proposed and the scale of the building would not cause an overbearing impact on the residents of the properties opposite.

- 8.45. Concerns have also been raised regarding the proposed conversion of Block E to create two duplex units. This building lies opposite residential units along the Crown and Anchor Yard. The distances between the proposed windows and existing principal windows would be some 11 metres. However, within this separation distance is a wide public footpath/road of between 4 – 8 metres in width. As stated above, these windows in the residential units along the Crown and Anchor Yard are already overlooked within the public realm and so the Council's Good Design Guide (2020) states that the minimum distances laid out in this document are not applicable in these cases. In addition to this, the building already contains windows at first floor level which have a lawful commercial use.
- 8.46. The Good Design Guide states that reduced separation distances may be accepted in urban locations where issues of amenity and overlooking are dealt with by good design. The use of perimeter blocks along Wood Street, the Crown and Anchor Yard and Cross Keys Yard ensures that each block has been designed to minimise the impact of overlooking. The use of projecting stairwells to the rear of Block C would minimise overlooking into the residential garden of properties on Priory Walk. The existing blank eastern elevation of Block E would ensure that there is no overlooking into the private amenity space of the proposed residential properties formed through the construction of Block D.
- 8.47. The use of perimeter blocks would also provide some surveillance over public areas, parking forecourts and an area of open space which is welcomed by Leicestershire Police. This layout proposed would assist in providing security and so designing out crime in these areas in accordance with the advice in the Good Design Guide SPD.
- 8.48. The construction of the development would be temporary and would not result in any long term impacts on amenity. However, by virtue of the scale of development, the proximity to existing residential properties and potential duration of the construction phase, as recommended by the Council's Environmental Health (Pollution) a condition can be included on any consent granted to secure the submission of a Construction Environmental Management Plan for approval by the local planning authority prior to any construction work taking place to protect the amenities of neighbouring properties and minimise any adverse impacts.
- 8.49. Based on the above, the proposal would not have a significant adverse impact on the residential amenity of either nearby residential properties or on the future occupiers of the site. The proposal would therefore be in accordance with Policies DM7 and DM10 of the adopted SADMP and advice in the Council's Good Design Guide SPD.

Impact upon highway safety

- 8.50. Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision to serve the development proposed. Policy 109 of the Framework states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe.
- 8.51. The application site would be accessed from Wood Street which is a narrow residential/industrial access road subject to a 30mph speed limit and parking restrictions. Wood Street is one-way with traffic travelling from west to east.
- 8.52. There is an existing undercroft vehicle access on Wood Street which provides access to an internal courtyard area. This access is currently below highway standards in terms of width and visibility. The proposal is to retain a vehicular

access in this location, although with the demolition of the building to the west this would create a wider access with a footway and this access would no longer be an undercroft access. The proposed siting of Block B would improve visibility to the west of the access which is the direction of oncoming traffic. LCC as the local Highway Authority has commented on the application and confirm that they welcome the alterations proposed to the existing access. They confirm that there have been no recorded personal injury collisions on Wood Street within the last 5 years.

- 8.53. LCC Highway Authority also confirm that the widening of the footways to the front of the site proposed as detailed on the Concept Site Layout Drawing No. 5a would improve pedestrian links to the site which is welcomed.
- 8.54. Concerns have been raised in the objection letters about the loss of car parking for neighbouring residents if the application site is redeveloped. The application site does not have a lawful use as a public car park and the current arrangement with the landowner to allow the residents to park on the site is informal and could be removed at any time. A total of 37 off-street car parking spaces are proposed for the residential development. The layout of the spaces and manoeuvring space is considered acceptable. LCC Highway Authority has confirmed that this level of parking provision of one space per dwelling plus two additional spaces is acceptable in view of the sustainable location of the site and the on-street parking restrictions in the surrounding area which should ensure that the proposal does not have a detrimental impact on the public highway.
- 8.55. Bin stores are located in close proximity to the public highway for collection. However, the plans fail to include any cycle parking provision for the site. In accordance with the Leicestershire Highway Design Guide (LHDG) for residential developments with common facilities such as flats there is a need for one space for every 5 units to be provided which should be undercover and secure. Where spaces are allocated there should be one space for each unit. With regards to the flats proposed, secure cycle storage should be provided on site and this can be secured through an appropriately worded condition.
- 8.56. Public footpath V8 runs through the application site. The proposal is to straighten the route of this footpath. LCC Public Rights of Way has been consulted on the application and confirm that a diversion order would be required. However, they would support a diversion order which improves the alignment of public footpath V8 through straightening the route of the path. They request that planning conditions are imposed on any consent granted with regards to detail of the proposed route of this footpath and the material used in its construction.
- 8.57. Therefore, the impacts of the development on highway safety would not be unacceptable and when considered cumulatively with other developments, the impacts on the road network would not be severe. The improvements to the existing vehicular access are welcomed along with the improvements to public footpath V8. The level of car parking proposed along with a condition requiring secure cycle storage would ensure that the proposal is in general accordance with the requirements of Policy DM17 and DM18 of the SADMP.

Other Matters

- 8.58. Due to the contaminative Industrial uses of the site the Environmental Health (Pollution) team has recommended conditions to require the submission of a scheme for the investigation of any potential land contamination on the site together with any necessary remediation works for prior approval. A Ground Investigation Report has been submitted by the applicant to investigate any potential land contamination on site. The Environmental Health (Pollution) team state that

planning conditions should be imposed to ensure that its recommendations are carried out on site. The conditions would be reasonable and necessary to ensure safe development and to protect the health and amenity of future occupiers of the site in accordance with Policy DM7 of the adopted SADMP.

- 8.59. Street Scene Services (Waste) has recommended a condition in respect of storage and collection of waste and recycling. Two bin stores are shown for storage and for collection near to the highway boundary. A condition is reasonable and necessary to make the development acceptable in planning terms.
- 8.60. The applicant has provided an amended Flood Risk Assessment with calculations to show storage features are designed to the 1 in 100 year return period plus 40% allowance for climate change as well as a copy of the developer enquiry response from Severn Trent Water demonstrating that a connection to the third party system would be acceptable subject to a formal S106 agreement with STW. The Lead Local Flood Authority and HBBC Drainage raise no objections to drainage details provided subject to conditions requiring the submission of a surface water drainage strategy which will require full construction details. Therefore the proposed development is considered to accord with Policy DM7 of the SADMP and would not create or exacerbate flooding and the proposed development is located in a suitable location with regard to flood risk.
- 8.61. As a result of public consultation, objections have been received on the grounds of loss of property value; however, this is not a material planning consideration.

Infrastructure Contributions

- 8.62. Policy DM3 of the SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities.
- 8.63. The request for any planning obligations (infrastructure contributions) must be considered alongside the requirement contained within the Community Infrastructure Levy Regulations 2010 (As Amended) (CIL) and paragraph 56 of the Framework. The CIL Regulations and NPPF confirm that where developer contributions are requested they need to be necessary to make the development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the development proposed.

Affordable Housing

- 8.64. The requirement under Policy 15 is for 20% of the units to be affordable housing which would equate to 7 units. A Viability Appraisal commissioned by the local planning authority confirms that the complexity of the scheme and the unhelpful effects of COVID 19 on market sentiment now and possibly into the future mean that the scheme cannot contribute to the S106 obligations requested and provide 7 affordable units on site. Instead 3 units could be provided on site being a 1-2 bed unit for affordable rent and 2x1 bed units for shared ownership.
- 8.65. The Strategic Housing and Enabling Officer (SHEO) has confirmed that given the small quantum of units to be provided on site an entirely off site contribution to affordable housing should be sought. The Viability Appraisal concludes that the redevelopment scheme can support an off site contribution to affordable housing. This off site contribution is calculated by the cost of providing one affordable rented unit on site and 2 shared ownership units on site which gives a figure of £72,113.00. When the application was submitted in 2019 the SHEO confirms that there were 1626 households on the Council's housing register for Hinckley. Therefore the obligation is directly related to the proposed development. The extent of the

affordable housing obligation is directly related in scale and kind to the development having been calculated following a Viability Appraisal of the scheme.

Play and Open Space

- 8.66. Policy 19 of the Core Strategy identifies standards for play and open space within the borough. Developments should accord with the policy and provide acceptable open space within the development, or if that is not possible contribute towards the provision and maintenance of open space off site. The Open Space and Recreation Study 2016, updates these standards and also identifies the costs for off-site and on-site contributions. In line with the up to date standards identified in the 2016 study the table below identified the requirements for open space. There would also be a requirement for the maintenance of on-site open space provision for a 20 year period and for the maintenance of off-site open space provision for a 10 year period.

	Requirement of off-site open space for the proposed development of 35 dwellings (square metres)	Off-site Provision Contribution	Maintenance contribution per sq. m	Maintenance Contribution
Equipped Children's Play Space	126	£22,923.18	£87.80	£11,062.80
Casual/Informal Play Spaces	588	£2,610.72	£5.40	£3,175.20
Outdoor Sports Provision	1344	£12,163.20	£4.30	£5,779.20
Accessibility Natural Green Space Provision	0	0	£7.10	0
Total		£37,697.10		£20,017.20

- 8.67. The provision of Play and Open Space is required for compliance with Policies 1 and 19 of the Core Strategy and Policy DM3 of the adopted SADMP. These Policies are consistent with the NPPF in helping to achieve the social objective of sustainable development through promoting healthy and safe communities as addressed in section 8 of the NPPF. The provision of play and open space helps support communities health, social and cultural well-being and is therefore necessary. Core Strategy Policy 1 requires development in Hinckley to address existing deficiencies in the quality, quantity and accessibility of green space and play provision. Policy 19 sets out the standards to ensure all residents within the borough, including those in new development have access to sufficient high quality accessible green spaces.
- 8.68. Using the adopted Open Space and Recreation Study (2016) Queens Park (HIN104) and Argents Mead (HIN101) are within 400 metres of the application site and contain a formal park and children's play space. Hollycroft Park is within 600 metres of the application site and contains outdoor sports facilities. Therefore the obligations and contributions directly relate to the proposed development. The

extent of the Open Space and Recreation contribution and provision is directly related in scale and kind to the development and its impacts upon surrounding publicly accessible open spaces. The delivery of these obligations is policy compliant and has been applied fairly as with all development of this typology, the developer is not obligated to provide anything above policy compliant position and therefore the contribution relates in scale and kind.

NHS West Leicestershire CCG – Health Care

- 8.69. The West Leicestershire CCG has requested a contribution of £19,400.40 towards addressing the deficiencies in services at surgeries in Hill Street, Hinckley, which are GP practices within 0.2 miles of the development. All 3 practices are restricted within their current premises footprints and have confirmed they are working to full capacity. The practices have seen a 10% increase in patient registration over the past 5 years and they would need to undertake internal reconfiguration works to extend current clinical facilities. An increase of 85 patients from the proposal would significantly impact on patient demand in the area and internal reconfiguration works would be required.
- 8.70. The provision of a Health Care contribution is required for compliance with Policy DM3 of the adopted SADMP. The requirement of funding for Health Care Provision at identified local GP Surgeries, addresses the impacts of the development on existing and future need of this vital infrastructure provision, helping to meet the overarching social objectives contained within the NPPF in achieving sustainable development, thus making the obligation necessary. The identified increase in patients would have a direct impact on the local surgeries near the application site in Hinckley, as set out in the request, arising from the additional demand on services directly related to the population generated from the development. The extent of the Health Care contribution is directly related in scale and kind to the development, the obligation is calculated using population projections applied to all developments of this typology. The obligation sets out current capacity or otherwise of local services and how this proposal leads to direct impact, the developer is not obligated to provide contributions to address need in excess of that generated directly from the development, therefore the contribution fairly relates in scale and kinds to the development proposed.

Libraries

- 8.71. LCC Library services have requested a sum of £980 towards provision of additional resources at Hinckley Library, which is the nearest library to the development. The development is within walking distance of the Library. The contribution is calculated using a methodology that is attributed to all developments of this typology and has only been requested where there is a deficiency in stock level. Therefore the contribution relates fairly and reasonably in scale and kind.

Civic Amenity Facilities

- 8.72. The Director of Environment and Transport requests a contribution of £1585.00 towards the delivery of civic amenity services and facilities at the nearest site in Barwell to mitigate the impact of additional users from the development on the facility. The contribution is calculated using a methodology that is attributed to all developments of this typology and has only been requested where there is a deficiency in stock level. Therefore the contribution relates fairly and reasonably in scale and kind.

9. Equality implications

- 9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

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

- 10.1. The site lies within Hinckley Town Centre's Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Policy 1 of the Core Strategy requires that development proposals should respect Hinckley's industrial heritage through sympathetic reuse of existing buildings unless it can be demonstrated that this is not achievable.
- 10.2. The redevelopment scheme would involve the demolition of the original 1903 factory. However, evidence has been submitted which demonstrates that its conversion remain unviable and its loss can be mitigated to a certain degree by the programme of recording its significance and the replacement building (Block B) closely reflecting its form, siting and scale. The loss of a small section of block E to allow for the majority of this building to be converted is considered to be a proportionate approach to retain its significance. The conversion of the 1930s extension along the street frontage of Wood Street is considered to retain the significance of this part of the factory complex.
- 10.3. The redevelopment proposal would provide a number of benefits towards achieving the objectives of sustainable development, including some short term employment during the construction of the redevelopment, a number of houses to meet the borough's housing supply and the use of local services by future occupants. The proposal would also involve the redevelopment of a derelict commercial site where buildings have been removed and those that remain have been vandalised which has a detrimental impact on the character of the area. Therefore, taking the balanced approach required by paragraph 197 of the NPPF the harm identified upon the local heritage assets identified as 9 Wood Street and Factories on Wood Street, is outweighed by the benefits of the scheme. Therefore, this element of the proposal complies with Policy 1 in the Core Strategy, Policies DM10, DM11 and DM12 of the SADMP and section 16 of the NPPF.

- 10.4. The proposal would not have a significant impact on residential amenity, flooding or highway safety and is therefore in accordance with Policy 1 of the Core Strategy and Policies DM7, DM10, DM17 and DM18 of the SADMP (2016) and advice in the Council's Good Design Guide SPD. Planning permission was granted in 2007 for the change of use of this employment site. The current residential proposal would be compatible with the requirements of Policy DM19 which require a more flexible approach to be taken to Category C employment sites.
- 10.5. Having regard to Policy DM1 of the SADMP and the presumption in favour of sustainable development along with taking into account the relevant Development Plan policies and material planning considerations, it is considered, on balance, that the proposed development constitutes sustainable development. Therefore, the proposal is recommended for approval subject to conditions.

11. Recommendation

11.1 Grant planning permission subject to:

- The completion within 3 months of this resolution a S106 agreement to secure the following obligations:
 - £72,113.00 as an off-site commuted sum for affordable housing.
 - £1585.00 towards civic amenity facilities at Barwell.
 - £970 towards library facilities at Hinckley Library.
 - £19,400.40 towards the cost of providing additional health care accommodation for 85 patients in Hinckley.
 - Off-site open space contribution towards the public open space at Hollycroft Park, Argents Mead and/or Queens Park of £37,697.10 and £20,017.20 for maintenance costs.
- Planning conditions outlined at the end of this report
- That the Planning Manager be given powers to determine the final detail of planning conditions.
- That the Planning Manager be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

11.2 Conditions and Reasons

1. Application for the approval of reserved matters shall be made within 18 months from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. No development shall be commenced until plans and particulars of "the reserved matters" referred to in the above conditions relating to the:-
 - a) appearance of the development including the aspects of a building or place that determine the visual impression it makes, including proposed materials and finishes
 - b) landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard (boundary treatments) and soft measures and details of boundary planting to reinforce the existing landscaping at the site edges

have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM10, DM11 and DM12 of the Site Allocations and Development Management Policies Development Plan Document (2016).

3. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details as follows:

- a) Site Location Plan Drg No: 19/28; Block Plan Drg No: 19/28 02; Street Elevation Drg No: 19/28 06A; and Concept Drawing Drg No: 19/28 07 received by the local planning authority on 14 June 2020.
- b) Concept Site Layout Drg No: 19/28 05B received by the local planning authority on 7 August 2020.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM10, DM11 and DM12 of the SADMP (2016).

4. No more than 35 residential units shall be constructed on the site.

Reason: To ensure a satisfactory form of development in accordance with Policies DM10, DM11 and DM12 of the SADMP (2016).

5. Prior to the commencement of development, a scheme for the delivery of full fibre broadband connections to serve each dwelling on the application site shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full.

Reason: To ensure the provision of a high quality and reliable communications infrastructure network to serve the development to accord with paragraph 112 of the NPPF (2019).

6. Prior to the commencement of development surface water drainage details, incorporating sustainable drainage principles (SuDS) shall be submitted to the local planning authority for their approval in writing. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent any increase in flood risk, maintain the existing surface water runoff quality and to prevent damage to the final water management systems through the entire development construction phase in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD.

7. Prior to the commencement of development full details in relation to the management of surface water on site during construction of the development shall be submitted to the local planning authority for their approval in writing. The approved details shall then be implemented in full on site prior to any construction activity commencing.

Reason: To prevent an increase in flood risk, maintain the existing surface water runoff quality and to prevent damage to the final surface water management systems through the entire development construction phase in accordance with Policy DM7 of the SADMP (2016).

8. No occupation of the development hereby approved shall take place until such time as details in relation to the long-term maintenance of the surface water drainage system within the development has been submitted to the

local planning authority for their approval in writing. The approved details shall then be implemented in full on site.

Reason: To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance both in terms of flood risk and water quality of the surface water drainage system in accordance with Policy DM7 of the SADMP (2016).

9. Prior to the commencement of development samples of the materials to be used in the construction of the external facing materials shall be submitted to and approved by the local planning authority in writing. Development shall be carried out in accordance with the approved sample details.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

10. No demolition/development shall take place/commence until a programme of archaeological work, commencing with an initial phase of trial trenching has been completed in accordance with a written scheme of investigation (WSI), which has been submitted to and approved in writing by the local planning authority. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and::

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.
- The programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

No development shall then take place other than in accordance with the approved Written Scheme of Investigation.

Reason: To allow proper investigation and recording of the site, which is potentially of archaeological and historic significance in accordance with Policies DM11, DM12 and DM13 of the adopted Site Allocations Development Management Policies Development Plan Document (2016).

11. No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted in writing to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016)

12. If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is

submitted in writing to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the first dwelling being occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016)

13. No development shall take place until a scheme for the treatment of the Public Right of Way V8 have been submitted to and approved in writing by the local planning authority. Such a scheme shall include provision for management during construction, surfacing, width, structures, signing and landscaping in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers.

Reason: To improve connectivity of the site to the surrounding area and in the interests of amenity, safety and security of users of the Public Right of Way in accordance with Policy DM1 of the SADMP (2016) and paragraph 98 of the NPPF.

14. Prior to the commencement of development a Construction Environmental Management Plan shall be submitted to and agreed in writing by the LPA. The plan shall detail how, during the site preparation and construction phase of the development, the impact on existing and proposed residential premises and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light and land contamination. The plan shall detail how such controls will be monitored. The plan will provide a procedure for the investigation of complaints. The agreed details shall be implemented throughout the course of the development.

Reason: To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

15. No development shall commence on site until a scheme that makes provision for waste and recycling storage and collection across the site has been submitted in writing to and approved in writing by the Local Planning Authority. The details should address accessibility to storage facilities and adequate collection point space at the adopted highway boundary. The approved scheme shall be implemented in accordance with the agreed details.

Reason: To ensure the bin storage on site is not detrimental to the street scene and overall design of the scheme in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

16. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum, details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities and a timetable for their provision has been submitted to and approved in writing by the local planning authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to

ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area in accordance with Policy DM17 of the SADMP (2016).

17. No part of the development shall be occupied until such time as the offsite works to widen the existing access and widen the footway on Wood Street, shown on Drg No: 19/28 05A have been implemented in full.
Reason: To mitigate the impact of the development, in the general interests of highway safety and in accordance with Policy DM17 of the SADMP (2016).
18. No part of the development hereby approved shall be occupied until the access arrangements shown on Drg No: 05A have been implemented in full. The access once provided shall be so maintained at all times.
Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway and in the interests of highway safety to accord with Policy DM17 in the SADMP.
19. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Drg No: 05A. Thereafter the onsite parking provision shall be so maintained 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 in the interests of highway safety to accord with Policy DM17 in SADMP.
20. The development hereby permitted shall not be occupied until such time as secure cycle parking has been provided on site in accordance with details and plans which have first been submitted to and agreed in writing by the local planning authority. Thereafter the cycle parking shall be maintained and kept available for use.
Reason: To promote travel by sustainable modes in accordance with Policy DM1 of the SADMP and advice in the NPPF.
21. Any reserved matters application relating to appearance shall show new or replacement windows and/or doors on the Wood Street frontage opening inwards so that they do not overhang the public highway. Such windows and doors shall thereafter be maintained as inward opening units in perpetuity.
Reason: In the general interest of highway safety in accordance with Policy DM17 of the SADMP (2016).
22. Any reserved matters application relating to appearance shall be accompanied by full details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings in relation to existing ground levels. The details shall be provided in the form of site plans showing sections across the site at regular intervals with the finished floor levels of all proposed buildings and adjoining buildings. The development shall be carried out in accordance with the approved levels.
Reason: To ensure that a satisfactory relationship is achieved between buildings in particular those along Wood Street in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).
23. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order

2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of five metres of the highway boundary, nor shall any be erected within a distance of five metres of the highway boundary.

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway to accord with Policy DM17 of the SADMP.

24. Construction work of the development, hereby permitted, shall not take place other than between the hours of 07:30 hrs and 18:00 hrs on weekdays and 08:00 hrs and 13:00 hrs on Saturdays and at no time on Sundays and Public Holidays unless otherwise agreed in writing.

Reason: To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

11.3 Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. Planning permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from LCC as local highway authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with LCC at the earliest opportunity to allow time for the process to be completed. The highway authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the LHDG which is available at <https://resources.leicestershire.gov.uk/lhdg>.
3. Planning permission does not give approval to work on the public highway. Therefore, prior to carrying out 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.
4. Where soakaway drainage is initially proposed, the suitability of the ground strata for infiltration should be ascertained by means of the test described in BRE Digest 365, and the results submitted to the LPA and approved by the Building Control Surveyor before development is commenced. If the ground strata prove unsuitable for infiltration, alternative SuDS proposals will require the further approval of the LPA before this condition can be discharged.
5. The collection point for domestic recycling, garden waste and refuse will be from the adopted highway boundary and so the provision on site for the storage of containers as shown on the approved site plan should be provided.
6. Cadent has identified operational gas apparatus within the application site boundary. You should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

APPENDIX B

ITEM 07

19/00464/OUT

Onyxrose Ltd

Site:- Factory Units, 23 Wood Street, Hinckley, Leicestershire

Proposal:- Residential development of existing industrial site (Outline - access, layout and scale only)

Introduction:-

Following the publication of the committee report, concern has been raised by local residents that with the loss of the car parking provision on the site and the potential for additional car parking from future residents there is a need for parking permits to be introduced in the area.

Concern has also been raised whether each proposed unit would have adequate natural daylight into the habitable rooms.

It has been noted that the committee report contains an error in the figure for the off-site commuted sum for affordable housing.

Appraisal:-

Residential amenity of future residents

Condition 4 seeks to impose a maximum number of residential units on the site. An assessment will need to be made at the reserved matters stage to ensure that this number of units can be accommodated on the site and that provision can be made for each unit to have adequate useable floor space and natural daylight to all habitable rooms. Based on this assessment at reserved matters stage, a lower number of residential units may only be achievable on the site. A planning condition should be imposed to ensure that detailed floor plans and window details are submitted with the reserved matters for appearance.

Parking Provision

As discussed at paragraph 8.54 in the committee report, there are on-street parking restrictions during the daytime along the roads in the vicinity of the site. Whilst the site layout submitted with the outline application demonstrates that car parking provision could be achieved for 37 car parking spaces, condition 19 is recommended to be amended to allow an assessment of whether additional car parking provision can be provided within the site on areas shown for soft landscaping and to ensure appropriate parking is provided for the provision of housing to be accommodated on site.

Discussions have also been undertaken with the parking team responsible for the Council's car parks who has confirmed that parking permits for existing residents could be made available which would allow them to park in the daytime at the Alma Street and Druids Street Car Parks. There are no restrictions in the evening and overnight after 6pm to 8am on the surrounding streets.

Section 106 Agreement

The off-site commuted sum for affordable housing should read £48,708.00 instead of £72,113.00.

Recommendation:-

The recommendation contained in the Committee Report should be amended to read as follows:

- The completion within 3 months of this resolution a S106 agreement to secure the following obligations:
 - £48,708.00 as an off-site commuted sum for affordable housing.
 - £1585.00 towards civic amenity facilities at Barwell.
 - £970 towards library facilities at Hinckley Library.
 - £19,400.40 towards the cost of providing additional health care accommodation for 85 patients in Hinckley.
 - Off-site open space contribution towards the public open space at Hollycroft Park, Argents Mead and/or Queens Park of £37,697.10 and £20,017.20 for maintenance costs.
 - Planning conditions outlined at the end of this report
 - That the Planning Manager be given powers to determine the final detail of planning conditions.
 - That the Planning Manager be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

Condition 19 should be amended to read:

19. Notwithstanding the details hereby approved on the Concept Site Layout Drg No: 19/28 05B any reserved matters application relating to appearance or landscaping shall be accompanied by full details of the proposed car parking provision and turning areas to be provided on the site including the provision of additional car parking spaces, where feasible. Thereafter the onsite parking provision shall be so maintained 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 Policies DM17 and DM18 of the SADMP (2016).

An additional condition should be imposed:

25. Any reserved matters application relating to appearance shall be accompanied by detailed floor plans (drawn to scale) for each residential unit which demonstrate the usable floor space for each unit and how each habitable room would have adequate natural daylight.

Reason: To ensure that the proposal does not have a significant adverse impact on the residential amenity of future residents in accordance with Policy DM10 of the SADMP (2016).

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Planning Committee 2 March 2021
Report of the Planning Manager

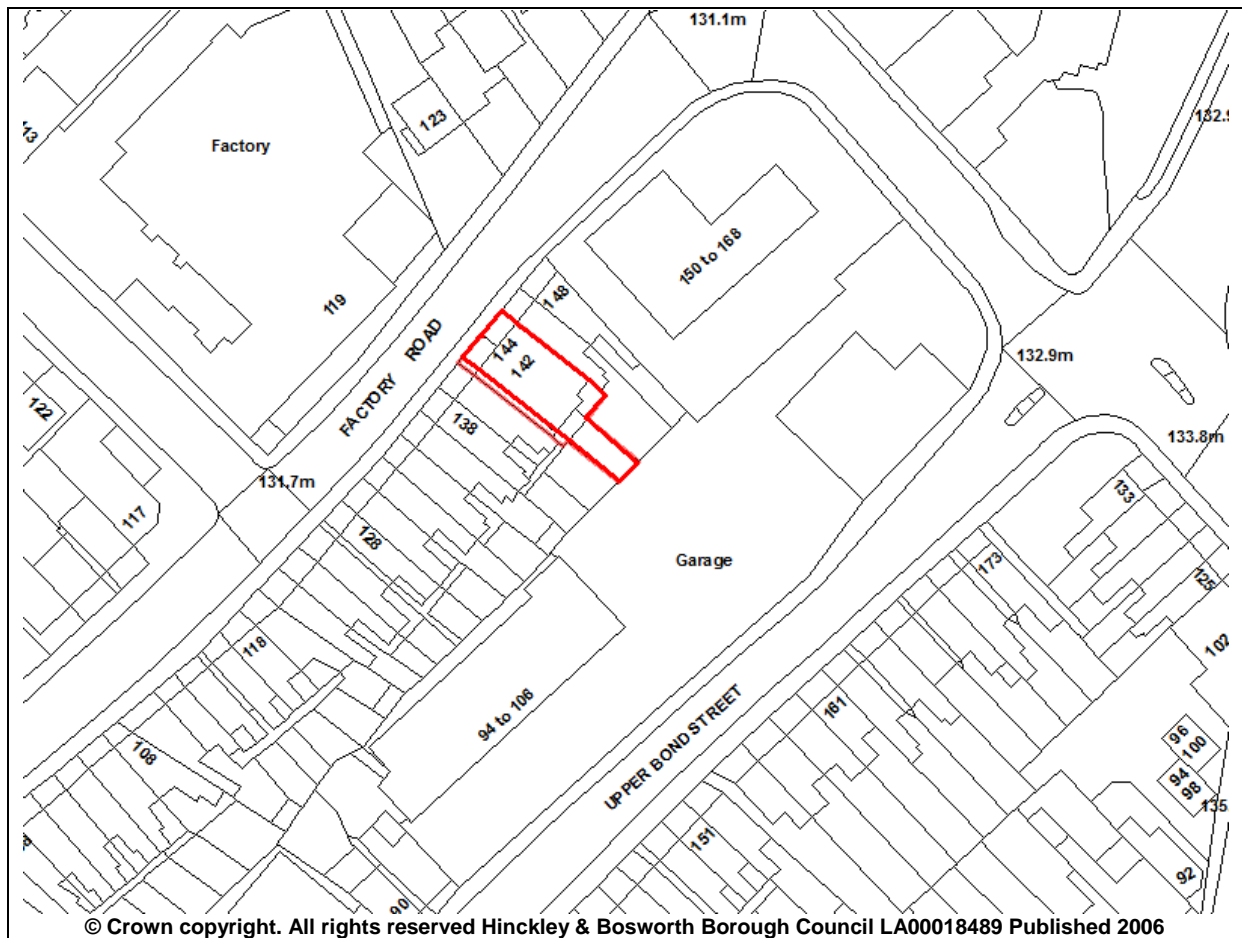
Planning Ref: 20/01273/FUL
Applicant: Mr Haughton
Ward: Hinckley DeMontfort



Hinckley & Bosworth
Borough Council

Site: Mark Jarvis 142 - 144 Factory Road Hinckley

Proposal: Change of Use from Sui Generis (Betting Shop) to Sui Generis (Thai Massage Parlour)



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

1.2. That the Planning Manager be given powers to determine the final detail of planning conditions.

2. Planning application description

2.1. This application seeks full planning permission for the change of use of the premises from a betting shop (sui generis) to a Thai massage parlour (sui generis).

2.2. The application building has a floorspace of approximately 105 square metres. There are no material changes to the external elevations of the shop and the access would remain the same. The business is proposed to be operational

between the hours of 09:00 and 18:00 Monday-Friday, 10:00 and 15:00 on Saturdays and 10:00 and 15:00 on Sundays.

- 2.3. The proposed business would have 5 to 6 clients per day with massages taking either 30 or 60 minutes. The application proposes no changes to the exterior of the building.

3. Description of the site and surrounding area

- 3.1. The site is within the settlement boundary of Hinckley and Hinckley Town Centre Area Action Plan Boundary. It is adjacent to an employment area. The premises is currently a vacant shop which is up for let. Within Factory Road there are both commercial and residential properties.

4. Relevant planning history

00/00010/COU

- Change of use of dwelling to betting shop with flat above and new shop front to 142 and 144 factory road
Permission
02.02.2000

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.

- 5.2. Seven letters of objection have been received regarding:

- 1) Inadequate parking
- 2) There are other vacant premises in the town centre which would be more suitable
- 3) Unsuitable use within residential street
- 4) No footfall within the area so business will not be viable
- 5) Operating hours trading will cause noise and disturbance to residents, particularly those with young children
- 6) The use is inappropriate for the area with lots of young families in the area
- 7) Value of neighbouring properties will decrease

6. Consultation

- 6.1. HBBC Pollution have no objections.
- 6.2. HBBC Waste have no objections subject to a condition.

7. Policy

- 7.1. Core Strategy (2009)

- Policy 1: Development in Hinckley

- 7.2. Hinckley Town Centre Area Action Plan (2011)

- No specific policies

- 7.3. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

- 7.4. National Planning Policies and Guidance

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

7.5. Other relevant guidance

- Good Design Guide (2020)

8. Appraisal

8.1. Key Issues

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

Assessment against strategic planning policies

8.2 The application is situated within the settlement boundary and therefore there is a presumption in favour of sustainable development under policy DM1 of the Site Allocations and Development Management Policies DPD (SADMP) as long as the proposal is in accordance with the relevant policies of the SADMP.

8.3 Policy 1 of the Core Strategy seeks to ensure there is a range of employment opportunities within Hinckley. Although this business would be small in scale it would require 3 employees and would diversify employment within the area.

8.4 The application site is within the Hinckley Town Centre Area Action Plan boundary however there are no directly relevant policies. Although the premises has had planning permission to operate as a betting shop since at least 2000 the site has not been allocated for retail use within the Core Strategy, AAP or SADMP.

8.5 Concerns have been raised in respect of the proposed use being unsuitable in a residential area. However, the premises already operates on a commercial basis as a betting shop. There are other commercial uses within the street scene and wider vicinity of the site – this is covered in more detail in the next section. It is therefore considered that the use is acceptable in principle, subject to all other planning matters being satisfactorily addressed.

Design and impact upon the character of the area

8.6 Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.

8.7 There are no external changes proposed to the application site which is an existing commercial premises. The character within the street scene is mixed use with both residential properties and commercial premises. There is a commercial premise directly opposite the application site. To the rear of the premises there is a designated employment area which fronts Upper Bond Street.

8.8 The statement submitted with the application states there would be 5 to 6 clients per day. Due to the premises already operating as a shop it is considered that there would be a decrease in the footfall that is currently experienced at the premises and therefore this would not have a material impact upon the character of the area. Further to this, the proposed hours of operation are contained within sociable hours and so the proposed use would operate at times of the day that would be compatible with the mixed use character of the area.

8.9 The change of use would not result in any physical alterations to the external fabric of the building and it is assumed that the footfall would decrease. As such it is not

considered that the proposal would have adverse impact upon the character of the area in accordance with Policy DM10 of the adopted SADMP.

Impact upon neighbouring residential amenity

- 8.10 Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighbouring properties.
- 8.11 Objections have been received on the grounds that the operational hours will cause noise and disturbance to residents, particularly those with young children. The proposed operating hours of the business are 09:00 – 18:00 Monday to Friday and 10:00 - 15:00 Saturdays and Sundays with a maximum of three members of staff on site at any one time.
- 8.12 The weekday hours mainly coincide with typical office working hours. It is proposed to operate for 5 hours per day at the weekend. It is considered that due to the appointment lengths of either 30 minutes or 1 hour and the cleanliness procedures that need to be undertaken between appointments clients will be limited on the weekend. The planning statement states 5 to 6 clients on a weekday so the number at the weekend will be significantly less. Notwithstanding this information it is considered, due to the reasons given above in regards to appointment lengths and cleanliness procedures, that even if this figure were to be exceeded it would not be exceeded significantly as to alter the assessment of impact upon neighbouring residential amenity.
- 8.13 It is also noted that the previous use was unrestricted in its opening times and therefore a limit to the opening hours could provide less impact and disturbance than the current permitted use.
- 8.14 Objections have been received regarding the use being an inappropriate use for the area which has young families due to the nature of some massage parlours. This application can only assess what has been applied for and therefore this application is recommending approval for a Thai massage parlour. If there is a material change of use further to the details submitted within this application this will need to be assessed in the future.
- 8.15 There are residential properties to the north-east and south-west of the site. The proposed use would not introduce anything which would cause any additional noise or disturbance to any neighbouring residential properties, from that which already exists.
- 8.16 Based on the submitted information, Environmental Health (Pollution) raises no objections to the proposal in terms of noise and disturbance caused to surrounding residents. Accordingly, based on the above, the proposal is considered to have no adverse effect on the residential amenity of the neighbouring dwellings and therefore complies with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.17 Policy DM18 of the SADMP states that proposals should ensure that there is adequate provision for on and off street parking for residents and visitors and there is no impact upon highway safety. Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety.
- 8.18 Objections have been raised in respect of there being inadequate parking provided for the business.
- 8.19 The Local Highway Authority (LHA) understands the access to the proposal is along Factory Road, which is an unclassified road subject to a 30mph speed limit. The LHA are aware that the proposal is not providing any car parking facilities. The LHA

would normally require a shop to provide car parking spaces to meet the guidance set out in the Leicestershire Highway Design Guide (LHDG).

- 8.20 However, the LHA understands the existing Betting shop also does not provide car parking facilities on the site and at the front of the shop, the highway is supported by a Traffic Regulation Order (TRO) to restrict inappropriate on street parking. Beyond the TRO at the front of the proposal, the LHA are aware vehicles park on-street due to the residential nature of the area.
- 8.21 The Applicant has also stated in a Cover Letter which can be viewed on the LPAs website dated 4th December 2020, that the proposal will provide 6 massages a day. Therefore the LHA understands that trips to the proposal per day are likely to be less than the existing business meaning that the proposal will not exacerbate the current situation.
- 8.22 Notwithstanding this the site is well served by public transport with bus stops and regular bus services within walking distance of the site. Therefore the LHA considers the impacts of the proposed development on the road network would not be severe in accordance with the NPPF (2019).
- 8.23 Overall, it is considered that the proposed use would not result in any severe impacts in terms of highway safety and as such the proposal is considered to be in accordance with Policies DM17 and DM18 of the SADMP.

Other issues

- 8.24 Objections have been received in regards to there not being much footfall within the area compared to the town centre and therefore the business not being viable. The viability of the business in this instance is not a material planning consideration.
- 8.25 Objections have been received in regards to there being other more suitable premises within the town centre. This application cannot determine if another site is more acceptable only whether the proposed site is acceptable for this proposed use.
- 8.26 Objections have been received in regards the business causing the value of neighbouring properties to decrease. This is not material planning consideration.

9. Equality implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 9.3 There are no known equality implications arising directly from this development.
- 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. By virtue of the specific nature and level of the proposal, it is not considered that the development would result in any materially adverse impacts on the residential amenity of surrounding dwellings, either by way of noise and disturbance associated with vehicle movements or the nature of the business. The proposal would also not result in any severe harm in terms of highway safety or impact on the character of the surrounding area. Therefore, the application is considered to be in accordance with DM1, DM10, DM17 and DM18 of the SADMP and is therefore recommended for approval subject to conditions and the wider policies of the NPPF. The proposal is therefore recommended for approval subject to the following conditions.

11. Recommendation

11.1 **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report

11.2 That the Planning Manager be given powers to determine the final detail of planning conditions.

11.3 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 Thai massage parlour shall not be open to the public outside the following times:-

09:00- 18:00 Monday - Friday

10:00 - 15:00 Saturday

10:00 - 15:00 Sunday

Reason: To protect the amenities of the occupiers of neighbouring residential properties from unsatisfactory noise and disturbance in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. No development shall commence on site until a scheme that makes provision for waste and recycling storage and collection across the site has been submitted in writing to and approved in writing by the Local Planning Authority. The details should address accessibility to storage facilities and adequate collection point space at the adopted highway boundary. The approved scheme shall be implemented in accordance with the agreed details.

Reason: To ensure the bin storage on site is not detrimental to the street scene and overall design of the scheme in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

Planning Committee 2 March 2021
Report of the Planning Manager

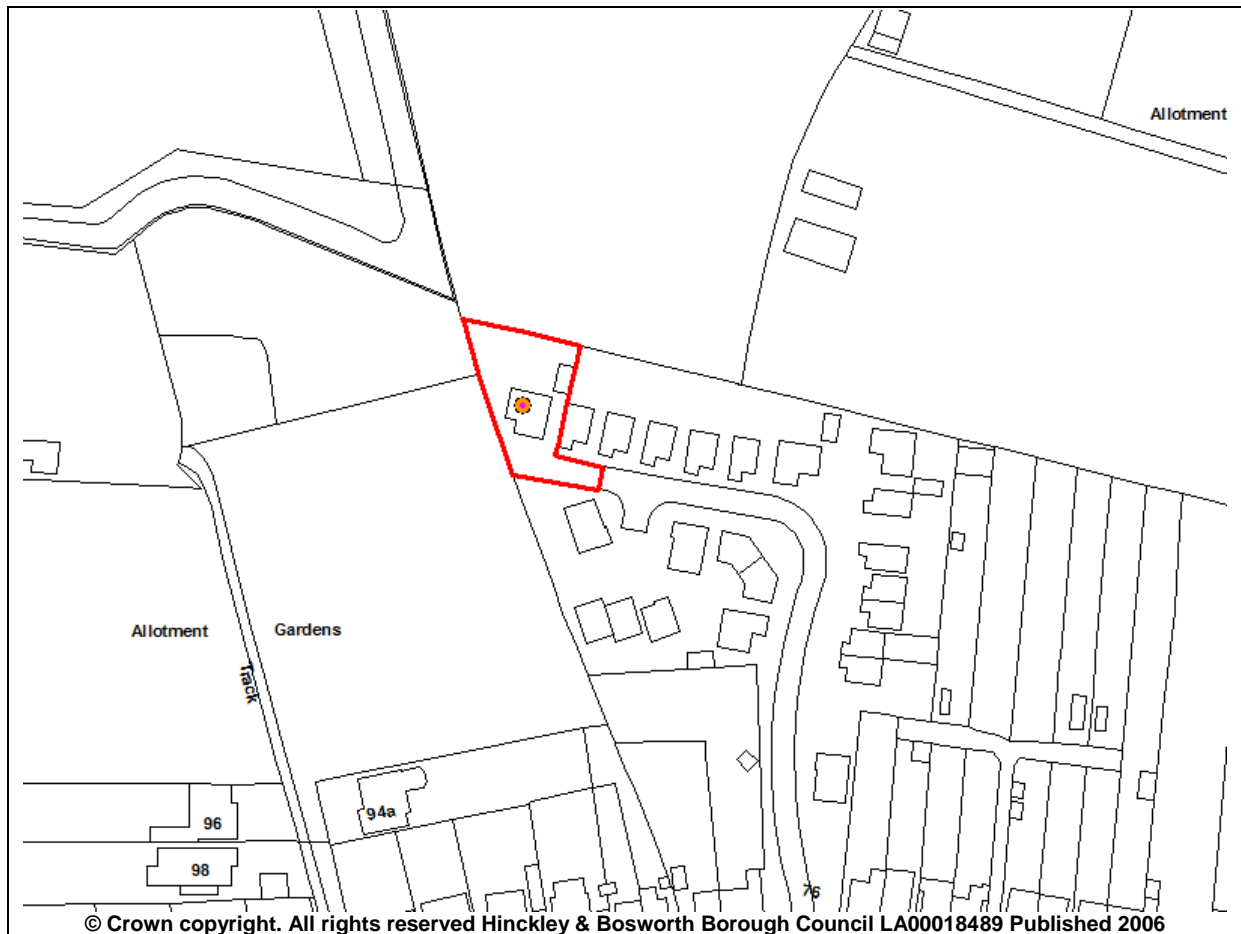
Planning Ref: 20/01230/HOU
Applicant: Mr James Griffin
Ward: Earl Shilton



Hinckley & Bosworth
Borough Council

Site: 9 Tommy Brown Close Earl Shilton

Proposal: Single storey extension at front, side and rear of house, alterations



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

1.2. That the Planning Manager be given powers to determine the final detail of planning conditions.

2. Planning application description

- 2.1. The application seeks full planning permission for a single storey extension at the front, side and the rear of the house to provide a garage, utility room, enlarged kitchen/dining room and office. The extension has a mono pitch roof and measures 3.9 metres in height to the ridge and 2.7 metres in height to the eaves. The extension projects 2.5 metres in depth from the rear of the existing house to connect to the existing garage at the rear.

- 2.2. The proposal has been amended by increasing the length of the extension at the side by 1.1 metres so it now projects in front of the house by 0.5 metres. The width has also increased by 0.3 metres. The increased size is to enable the garage to meet parking standards for a vehicle to park inside of it.
- 2.3. Materials proposed comprise brick and slate effect concrete tiles to match the existing house. The proposal would involve the removal of the carport and gate at the side of the house.
- 2.4. The proposal also involves converting the existing garage at the rear into a home office with the garage door removed, connecting to the rest of the extension and bi-fold doors added to the side elevation.

3. Description of the site and surrounding area

- 3.1. The site relates to a detached, modern, part brick and part rendered house with detached garage at the rear. It is located at the end of a row of residential properties along a cul de sac. The property is located outside of the settlement boundary for Earl Shilton therefore forming part of the countryside. Tommy Brown Close is an unadopted road located off Heath Lane.
- 3.2. To the rear (north) of the site is the Westfield Farm development with permission for up to 350 residential dwellings, with which construction work has begun. To the west of the site is a field within the open countryside.

4. Relevant planning history

15/00684/OUT

- Demolition of dwelling and erection of 26 No. dwellings (Outline - access only)
Outline Permission
14.06.2017

17/01185/REM

- Approval of reserved matters (appearance, layout, scale and landscaping) of outline planning permission 15/00684/OUT for residential development of 23 dwellings
Approve Reserved Matters
19.01.2018

20/00982/CLP

- Certificate of lawful proposed development for a single storey side extension and alterations to include existing garage as residential accommodation
Withdrawn
20.11.2020

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site. There have been 11 letters of objection received as a result of the publicity making the following points:
- 1) Not enough parking for the size of the development causing parking problems in the area
 - 2) Not enough turning space within the site
 - 3) Will result in an increase in traffic
 - 4) There is not a 1 metre gap between the proposed development and the neighbour at number 10 which is in breach of The Good Design Guide, Supplementary Planning Document
 - 5) Loss of light and overbearing

- 6) Will breach the 45 degree rule for new extensions
- 7) This will cause more unsightly mess or damage to neighbouring properties
- 8) Will make the properties look like semidetached/link detached houses
- 9) The lack of a gap between properties would create a transfer of noise from the proposed garage/storeroom door through to the living space next door.
- 10) Damage to the road from heavy goods vehicles

6. Consultation

- 6.1. No objection has been received from LCC Highways.
- 6.2. Earl Shilton Town Council requested that the contents of an objection letter are noted when assessing the application. Members of the Town Council recorded no comments.

7. Policy

- 7.1. Earl Shilton and Barwell Area Action Plan (ESBAAP) 2014
 - Policy 22: Development and Design
- 7.2. Core Strategy (2009)
 - Policy 2: Development in Earl Shilton
- 7.3. Site Allocations and Development Management Policies DPD (2016)
 - Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM4: Safeguarding the Countryside and Settlement Separation
 - Policy DM10: Development and Design
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
- 7.4. National Planning Policies and Guidance
 - National Planning Policy Framework (NPPF) (2019)
 - Planning Practice Guidance (PPG)
- 7.5. Other relevant guidance
 - Good Design Guide (2020)
 - National Design Guide (2019)

8. Appraisal

- 8.1. Key Issues
 - Design and impact upon the character of the area
 - Impact upon neighbouring residential amenity
 - Impact upon highway safety and parking

Design and impact upon the character of the area
- 8.2. The site is outside the defined settlement boundary of Earl Shilton and therefore Policy DM4 of the adopted SADMP applies to this site. Policy DM4 supports the extensions to existing buildings in the countryside in principle and requires that development in the countryside does not have an adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside.
- 8.3. Policy DM10 of the SADMP and policy 22 of the ESBAAP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and the use and application of building materials respects the materials of existing, adjoining/neighbouring buildings and the area generally.

- 8.4 The Good Design Guide SPD outlines that extensions should be subordinate to the main dwelling and be an appropriate height, width, depth, and complement the detailing and materials of the existing building.
- 8.5 The proposed single storey extension is small scale with the mono pitched roof design and materials in keeping with the existing house with the extension being an improvement visually on the existing carport. Whilst the extension now projects forward of the existing house this is only by 0.5 metres and not in front of the neighbouring property. The overall size and scale of the proposal would not over dominate the existing house.
- 8.6 Some of the objection letters received state that extensions should leave a 1 metre gap to the side boundary and that this is set out in the Good Design Guide SPD. Whilst the proposal would be close to the side boundary the Good Design Guide outlines that where single storey development is planned the extension may extend to the boundary of the property but in the spirit of good neighbourliness and adequate distance of 1 metre should be encouraged. It is therefore not a requirement to keep a 1 metre distance from all neighbours and in many cases single storey side extensions can be carried out as permitted development even if they are less than 1 metre to a neighbour's boundary.
- 8.7 The extension would be well screened from the wider open countryside to the side and rear by the existing property and by boundary trees along the western elevation and would clearly form part of the existing residential development.
- 8.8 Overall the proposal would not have a significant visual impact on the existing house, the street scene and the wider open countryside in compliance with policies DM4 and DM10 of the SADMP, policy 22 of the ESBAAP and the Good Design Guide SPD.
- Impact upon neighbouring residential amenity
- 8.9 Policy DM10 of the SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.10 The Good Design Guide SPD outlines that development will need to demonstrate that it will not result in loss of amenity to neighbouring properties by way of overlooking, overshadowing or noise.
- 8.11 The proposed extension would be located close to the neighbouring property at number 10 Tommy Brown Close. This neighbour has a principal rear window set in from the boundary by approximately 1 metre. The 45 degree line taken from the centre point of this neighbour's rear window is intersected by the existing garage. The proposal would extend to the rear by 2.5 metres, infilling the gap to the front of the garage. Whilst this would result in a large part of the common boundary being built development there is already built development along this boundary through the garage and carport. The proposal has been designed so it is its lowest point closest to the boundary with the neighbour only measuring 2.7 metres. Currently there is a 2 metre high timber fence in this gap between the side of the house and the garage therefore the extension will only project 0.7 metres above this fence for a length of 2.5 metres. The proposed side extension would run along the blank side elevation to this neighbour. Whilst the proposal now projects forward of the existing house close to this neighbour it is only by 0.5 metres and the principal front windows to this neighbour are set away from the boundary. The proposal is located away from other neighbouring residential properties.

- 8.12 There would be no loss of private, rear garden space as a result of the development with the property retaining in excess of 100sq metres of amenity space which is acceptable.
- 8.13 Overall the proposal would not have a significant impact on residential amenity in compliance with policy DM10 of the SADMP and the Good Design Guide SPD.
Impact upon highway safety and parking
- 8.14 Policy DM17 of the adopted SADMP supports development that seeks to ensure convenient and safe access and that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision.
- 8.15 Paragraph 109 of the NPPF (2019) outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.16 Many of the objection letters received raise concerns over parking. The proposal has been amended to increase the size of the proposed garage so that it now measures 6mx3m internally, which is the minimum size required for a car to fit inside. This now increases the parking provision to the property. In addition to the garage space now provided the parking plan shows three parking spaces to the front of the property. It is therefore considered that four spaces is suitable provision for the four bedroom property. The conversion of the garage into an office is for the occupiers only, not a separate business, so it is not expected that additional visitors will arrive at the property as a result of the proposal. The Local Highway Authority have been consulted on the application and they raise no objection to the proposal and refer to their standing advice.
- 8.17 Overall it is considered the proposal would not have a significant impact on parking or highway safety. The proposal would therefore be in accordance with Policies DM17 and DM18 of the adopted SADMP.

9. Equality implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 9.3 There are no known equality implications arising directly from this development.
- 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. Although the proposal is located outside the defined settlement boundary for Earl Shilton, it is an established residential property on a road with other residential properties. Policy DM4 of the adopted SADMP supports extensions to existing buildings in the countryside in principle. There is therefore a presumption in favour of sustainable development as set out in Policy DM1 and the wider policies of the NPPF.
- 10.2. The proposal would not have a significant impact on residential amenity. The proposal would not have a significant impact on the character and appearance of the existing house or the wider street scene. The proposal would not have a significant impact upon parking standards or highway safety. The proposal would therefore be in accordance with policies DM4, DM10, DM17 and DM18 of the SADMP, policy 22 of the ESBAAP and the Good Design Guide SPD.

11. Recommendation

11.1 Grant planning permission subject to:

- Planning conditions outlined at the end of this report

11.2 That the Planning Manager be given powers to determine the final detail of planning conditions.

11.3 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:
Amended plans and elevations and site location plan ref no 299/02 Rev D received 5th February 2021
Amended block plan 299/03 Rev B received 5th February 2021

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. The materials to be used on the external elevations of the proposed extension and alteration shall match the corresponding materials of the existing dwelling.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11.4 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.

PLANNING APPEAL PROGRESS REPORT

Situation as at: 19.02.21

WR – WRITTEN PRESENTATIONS

IN – INFORMAL HEARING

PI – PUBLIC INQUIRY

File Ref	Case Officer	Application No	Type	Appellant	Development	Appeal Status	Process Dates
	EC	20/00472/FUL (PINS Ref 3269215)	WR	Mr Graeme Ferriman 22 Main Street Newbold Verdon Leicestershire LE9 9NN	The Swan 22 Main Street Newbold Verdon (Change of use/conversion of public house (Use Class A4) to one dwelling (Use Class C3) including part demolition of existing structures and extensions and alterations)	Awaiting Start Date	
	GS	20/00370/HOU (PINS Ref 32690060)	WR	Mrs Angela Hollingworth 154 Sapcote Road Burbage HINCKLEY	154 Sapcote Road Burbage HINCKLEY (Detached garage)	Awaiting Start Date	
	SW	20/00678/FUL (PINS Ref 3268349)	WR	Mr Rob Nettleton 1 Dale End Close HINCKLEY	1 Dale End Close Hinckley (Proposed 2 storey dwelling)	Awaiting Start Date	
	GS	20/01082/CLP (PINS Ref 3267047)	WR	Mr Lee Smith 16 Ivy Close Stoke Golding Nuneaton	16 Ivy Close Stoke Golding (Conversion of existing garage into annexe)	Appeal Valid Awaiting Start Date	18.01.21
	GS	20/00992/FUL (PINS Ref 3266629)	WR	Mr Rodney Hill 2 Forest Road HINCKLEY	74A London Road Hinckley (Creation of a vehicular access)	Start Date Statement of Case Final Comments	08.02.21 15.03.21 29.03.21

	GS	20/00066/FUL (PINS Ref 3266622)	IH	Mr Rich Chapman Apricot CPS Ltd Luna View, Gorse Avenue Kingston Gorse Littlehampton West Sussex BN16 1SG	Burbage Hall 1 Aston Lane Burbage (Erection of x4 dwellings with associated landscaping, parking and alterations to existing access)	Appeal Valid Awaiting Start Date	09.02.21
	RH	19/01256/FUL (PINS Ref 3266505)	IH	Mr David Meehan Elgin Energy EsCo Limited C/O Agent Cirencester GL7 1RT	Hangmans Hall Farm Twenty Acre Lane Sutton Cheney (Construction of an 62 hectare solar park to include the installation of solar photovoltaic panels to generate electricity(35MW) with access from Wharf Lane and Stapleton Lane and associated substations, inverters, perimeter stock fencing, access tracks, CCTV and landscaping)	Appeal Valid Awaiting Start Date	01.02.21
	RH	20/00102/OUT (PINS Ref 3265133)	WR	Gladman Developments Ltd Gladman House Alexandria Way CONGLETON Cheshire	Land South Of Cunnery Close Barlestone (Residential development for up to 176 dwellings with public open space, landscaping and sustainable drainage systems (SuDS) (Outline - access only) resubmission of 19/01011/OUT)	Appeal Valid Awaiting Start Date	08.01.21
21/00003/PP	JB	20/00891/OUT (PINS Ref 3265042)	WR	Mr E Sykes The Bungalow Hydes Lane Hinckley Leicestershire	344 Coventry Road Hinckley (Erection of one dwelling (outline - access and layout))	Start Date Statement of Case Final Comments	04.02.21 11.03.21 25.03.21
21/00005/PP	OP	20/00353/FUL (PINS Ref 3264876)	WR	Mr David Miles The Old Rectory Main Street Swithland	The Reservoir Inn 286 Main Street Thornton (Change of use of public house (Class A4) to five self contained flats (Class C3), alterations)	Start Date Statement of Case Final Comments	04.02.21 11.03.21 25.03.21

21/00004/PP	OP	20/00867/FUL (PINS Ref 3264855)	WR	National Tyre Services Ltd Regent House Heaton Lane Stockport	Unit 3 Rainbow Way Burbage (Use of unit as vehicle repair and MOT testing centre (Class B2/Sui Generis), external alterations)	Start Date Statement of Case Final Comments	04.02.21 11.03.21 25.03.21
20/00041/PP	EC	20/00994/FUL (PINS Ref 3263497)	WR	Mr William Sutton 2 Brodick Close Hinckley	2 Brodick Close Hinckley (Erection of a boundary fence and change of use of land to residential curtilage (retrospective) (resubmission of 20/00152/FUL)	Start Date Awaiting Decision	15.12.20
20/00040/CLD	GS	20/00749/CLP (PINS Ref 3262446)	WR	Mr Rodney Rayner Hill Rise Station Road Desford	Hill Rise Station Road Desford (Certificate of Lawful Proposed Development for detached outbuilding)	Start Date Awaiting Decision	11.12.20
	RH	20/00068/FUL (PINS Ref 3261704)	IH	Mr Jason McDonagh c/o Agent	Allotment Gardens Newtown Linford Lane Groby (Erection of replacement dwelling)	Appeal Valid Awaiting Start Date	13.11.20
21/00002/PP	RH	19/01243/OUT (PINS Ref 3261386)	IH	Davidsons Developments Ltd c/o Agent	Ashfield Farm Kirkby Road Desford (Residential development of up to 120 dwellings (Outline - access only))	Start Date Statement of Case Hearing Date (TBA)	26.01.21 02.03.21
	SW	19/01405/OUT (PINS Ref 3265143)	IH	Davidsons Developments Ltd Wilson House 207 Leicester Rd Ibstock	Land North Of Deepdale Farm Lutterworth Road Burbage (Residential development of up to 135 dwellings (Outline- access only))	Appeal Valid Awaiting Start Date	06.01.21

20/00037/PP	OP	20/00525/OUT (PINS Ref 3261195)	WR	Mr David Freer 104 Heath Lane Earl Shilton Leicester LE9 7PD	Land to the North of Bardon View High Tor East Earl Shilton (Erection of two dwellings (Outline – access and layout))	Start Date Awaiting Decision	16.11.20
21/00001/PP	OP	20/00519/FUL (PINS Ref 3259539)	WR	Mr R Dolman 36 Main Street Carlton	36 Main Street Carlton (Erection of storage building, hardstanding)	Start Date Final Comments	04.01.21 22.02.21
20/00006/PP	GS	20/00321/FUL (PINS Ref 3256790)	WR	Mrs Rita Morley 5 White House Close Groby	5 White House Close Groby (Part demolition of existing dwelling and erection of a detached dwelling in side garden)	Start Date Statement of Case Final Comments	14.08.20 11.03.21 25.03.21
20/00038/PP	JB	19/01324/OUT (PINS Ref 3262295)	PI	Davidsons Developments Ltd	Land At Wykin Lane Stoke Golding (Residential development of up to 55 dwellings (Outline - access only))	Start Date Proof of Evidence Inquiry (4 days)	20.11.20 16.03.21 13.04.21
20/00034/PP	HK	19/00947/OUT (PINS Ref 3260227)	PI	Barwood Development Securities Ltd	Land Off Sketchley Lane Burbage (Development comprising of up to 140 dwellings and extension of Sketchley Meadows Business Park for up to 30,000 sq m (322,920 sq ft) gross external floor space for Class B2 General Industrial/Class B8 Warehousing and Distribution use with associated means of access from Watling Drive and Sketchley Lane, associated internal estate roads, parking, landscaping, open space and sustainable drainage (Outline - including access))	Start Date Inquiry Date (Duration 9 days)	10.11.20 09.03.21

20/00027/CLD	HK	19/01164/CLUE (PINS Ref 3246256)	WR	George Denny Old House Farm Sutton Lane Cadeby	The Old House Farm Sutton Lane Cadeby (Certificate of lawful use for the change of use from agricultural land to residential curtilage)	Start Date Awaiting Decision	17.08.20
20/00026/CLD	HK	19/00391/CLUE (PINS Ref 3238743)	WR	George Denny Old House Farm Sutton Lane Cadeby	The Old House Farm Sutton Lane Cadeby (Certificate of lawful use for the change of use from agricultural land to residential curtilage)	Start Date Awaiting Decision	17.08.20
20/00025/CLD	HK	18/01255/CLUE (PINS Ref 3238520)	WR	George Denny Old House Farm Sutton Lane Cadeby	The Old House Farm Sutton Lane Cadeby (Certificate of lawful use for the change of use from agricultural land to residential curtilage)	Start Date Awaiting Decision	17.08.20

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Decisions Received

20/00042/FTPP	GS	20/00762/HOU (PINS Ref 3261668)	WR	Mrs Johnson 1 Salisbury Close Desford	1 Salisbury Close Desford (Two storey side extension)	Dismissed	28.01.21
20/00031/PP	SW	20/00186/OUT (PINS Ref 3259615)	WR	Mr Bob Harvey Carlton Grange Carlton	Field Adjacent The Rectory Congerstone Lane Carlton (Four holiday units (Outline - all matters reserved))	Dismissed	25.01.21

20/00039/PP	SW	20/00611/OUT (PINS Ref 3260922)	WR	Ms Tina Powell 64 Lychgate Lane Burbage	64 Lychgate Lane Burbage (New detached dwelling (Outline - access to be considered))	Allowed	01.02.21
20/00035/PP	JB	20/00240/FUL (PINS Ref 3261112) Lead case	IH	Mr Gavin Ingrams Gnarley Farm Osbaston Hollow Osbaston Nuneaton CV13 0HP	Gnarley Farm Osbaston Hollow Osbaston Nuneaton CV13 0HP (Temporary siting of a prefabricated mobile home)	Allowed	04.02.21
20/00036/PP	JB	20/00552/FUL (PINS Ref 3261114)	IH	Mr Gavin Ingrams Gnarley Farm Osbaston Hollow Osbaston Nuneaton CV13 0HP	Gnarley Farm Osbaston Hollow Osbaston Nuneaton CV13 0HP (Change of use of the land for the siting of two caravans for residential use(retrospective application))	Allowed	04.02.21
20/00029/NONDET	EC	20/00702/OUT (PINS Ref 3259585)	WR	Mr Andy Armstrong 19 Shenton Lane Market Bosworth	Land Adjacent 73 Mill Lane Newbold Verdon (Erection of a single dwelling (outline - access only))	Allowed	17.02.21

20/00003/NONDET	HK	19/00253/CONDIT T (PINS Ref 3236523)	IH	Mr Gerry Loughran Poundstretcher Limited c/o Landmark Planning Ltd	Crown Crest PLC Desford Lane Kirby Muxloe Leicester (Variation of Condition 11 of planning permission 10/00332/FUL and planning permission 12/00313/CONDIT to extend the permitted days and hours during which deliveries can be taken at, or dispatched from, the site to: Mondays to Fridays (including Bank Holidays) 06.00 to 23.00; Saturdays 08.00 to 18.00 and Sundays 09.00 to 13.00.)	Dismissed	18.02.21
20/00030/PP	GS	20/00570/FUL (PINS Ref 3258978)	WR	Mr N Aponso 5 Queen Street Barwell	Land East of Higham Lane Stoke Golding (Erection of building and change of use of land to form a dog day care facility)	Dismissed	18.02.21
20/00033/PP	OP	20/00062/OUT (PINS Ref 3259380)	WR	Mrs A Kitching Home Farm Cottage 23 Barton Road Market Bosworth	Land South Of The Bungalow 1 Green Lane Barton In The Beans (Residential development for one dwelling (outline - access only))	Dismissed	18.02.21

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Designation Period 1 April 2019 - 31 March 2021

Appeal Decisions - 1 April 2019 – 31 January 2021 (Rolling)

Major Applications

No of Appeals Decisions	Allowed	Dismissed	Split	Withdrawn	Officer Decision			Councillor Decision			Non Determination		
					Allow	Spt	Dis	Allow	Spt	Dis	Allow	Spt	Dis
6	3	3	0	0	0	0	2	2	0	0	1	0	1

December – Total No of Major decisions made 76/Total No of appeals allowed 3 = 3.94%

January – Total No of Major decisions made 82/Total No of appeals allowed 3 = 3.65%

Minor/Other Applications

No of Appeals Decisions	Allowed	Dismissed	Split	Withdrawn	Officer Decision			Councillor Decision			Non Determination		
					Allow	Spt	Dis	Allow	Spt	Dis	Allow	Spt	Dis
41	12	29	0	0	9	0	28	3	0	0	0	0	1

December – Total No of all Minor/Other decisions made 1521/Total No of appeals allowed 12 = 0.79%

January – Total No of all Minor/Other decisions made 1574/Total No of appeals allowed 12 = 0.76%

Enforcement Appeal Decisions

No of Appeal Decisions	Allowed	Dismissed	Split	Withdrawn
6	0	6	0	0

By virtue of paragraph(s) 3, 10 of Part 1 of Schedule 12A of the Local Government Act 1972.

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