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Hinckley & Bosworth
Borough Council

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

Date: 08 November 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 L Hodgkins
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** in the De Montfort Suite, Hinckley Hub on **TUESDAY, 16 NOVEMBER 2021** at **6.30 pm** and your attendance is required.

The agenda for the meeting is set out overleaf.

Yours sincerely

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

Rebecca Owen
Democratic Services Manager

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- **Do not** use the lifts.
- **Do not** stop to collect belongings.

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Thank you

PLANNING COMMITTEE - 16 NOVEMBER 2021

A G E N D A

1. APOLOGIES AND SUBSTITUTIONS

2. MINUTES (Pages 1 - 8)

To confirm the minutes of the meeting held on 19 October.

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. 21/00664/FUL - CROWN FARM BAGWORTH ROAD NAILSTONE (Pages 9 - 22)

Application for proposed Change of Use from Agricultural to Storage and Distribution (Class B8)

8. 21/00523/HOU - 53 CHURCH LANE, RATBY, LEICESTER (Pages 23 - 30)

Application for single story extension to the front and rear of the property, including demolition of existing porch and chimney breast and relocation of main entrance door to side of property.

9. 21/00540/FUL - LAND TO THE REAR, OF 59 HIGH STREET, BARWELL (Pages 31 - 46)

Application for demolition of existing workshops and stores and construction of new Medical Centre with associated parking and landscaping

10. APPEALS PROGRESS

To report on progress relating to various appeals.

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HINCKLEY AND BOSWORTH BOROUGH COUNCIL

PLANNING COMMITTEE

19 OCTOBER 2021 AT 6.30 PM

PRESENT: Cllr MJ Crooks - Chairman

Cllr DJ Findlay – Vice-Chairman

Cllr CM Allen, Cllr RG Allen, Cllr CW Boothby, Cllr SL Bray, Cllr MA Cook (for Cllr RB Roberts), Cllr WJ Crooks, Cllr REH Flemming, Cllr A Furlong, Cllr SM Gibbens, Cllr DT Glenville (for Cllr L Hodgkins), Cllr KWP Lynch, Cllr LJ Mullaney, Cllr BR Walker and Cllr P Williams (for Cllr DS Cope)

Officers in attendance: Matthew Bowers, Rhiannon Hill, Rebecca Owen, Michael Rice and Nicola Smith

180 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Cope, Hodgkins, Roberts and Smith with the following substitutions authorised in accordance with council procedure rule 10:

Councillor Cook for Councillor Roberts

Councillor Glenville for Councillor Hodgkins

Councillor P Williams for Councillor Cope.

181 MINUTES

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

RESOLVED – the minutes of the meeting held on 21 September be confirmed as a correct record.

182 DECLARATIONS OF INTEREST

Councillors C Allen and R Allen declared that they were members of Earl Shilton Town Council's Planning Committee but had not voted on application 21/00607/FUL at that meeting.

Councillor Cook declared that she had previously expressed an opinion on applications 20/01357/FUL and 20/01378/LBC but the application had since been amended and she came to the meeting with an open mind.

Councillors Flemming and Lynch declared that they were members of Burbage Parish Council's Planning Committee but had not participated in discussion on applications 21/00400/HOU and 20/00632/CONDIT. Councillor Walker stated that he was also a member of Burbage Parish Council's Planning Committee and had commented on application 20/00632/CONDIT but having now undertaken a site visit he had come to the meeting with an open mind. Councillor P Williams stated that he had discussed and voted on these two applications at Burbage Parish Council's Planning Committee and said he would abstain from voting on them.

183 DECISIONS DELEGATED AT PREVIOUS MEETING

It was reported that all decisions had been issued with the exception of those that had been deferred and were therefore on the agenda for this meeting.

184 20/01357/FUL - THISTLE COTTAGE 8 MARKET PLACE MARKET BOSWORTH

Application for replacement velux and dormer windows on main roof and roof alterations to rear extension including velux window (retrospective).

This application was presented and debated in conjunction with the following application (20/01378/LBC).

The objector, the applicant and a representative of Market Bosworth Parish Council spoken on this application.

Councillor Bray proposed that permission be granted but subsequently withdrew the motion.

Councillor Cook, seconded by Councillor R Allen, proposed that permission be refused as the development did not complement or enhance the character of the surrounding area and did not mirror the historic street pattern or plan form. Upon being put to the vote, the motion was LOST.

It was then moved by Councillor Bray and seconded by Councillor Flemming that permission be granted with an additional condition that the applicant be allowed six months to apply a weathering solution and carry out works to the chimney. Upon being put to the vote, the motion was CARRIED and it was

RESOLVED –

- (i) Permission be granted subject to the conditions contained in the officer's report and an additional condition to allow the applicant six months to apply a weathering solution and carry out works to the chimney;
- (ii) The Planning Manager be granted powers to determine the final detail of the planning conditions.

185 20/01378/LBC - THISTLE COTTAGE 8 MARKET PLACE MARKET BOSWORTH

Application for replacement velux and dormer windows on main roof, roof alterations to rear extension including velux window, chimney alteration and internal alterations (retrospective).

This application was presented and debated in conjunction with the previous application (20/01357/FUL).

The objector, the applicant and a representative of Market Bosworth Parish Council spoken on this application.

Councillor Bray proposed that permission be granted but subsequently withdrew the motion.

Councillor Cook, seconded by Councillor R Allen, proposed that permission be refused as the development did not complement or enhance the character of the surrounding

area and did not mirror the historic street pattern or plan form. Upon being put to the vote, the motion was LOST.

It was then moved by Councillor Bray and seconded by Councillor Flemming that permission be granted with an additional condition that the applicant be allowed six months to apply a weathering solution and carry out works to the chimney. Upon being put to the vote, the motion was CARRIED and it was

RESOLVED – Listed building consent be granted subject to the conditions contained in the officer's report and an additional condition to allow the applicant six months to apply a weathering solution and carry out works to the chimney.

186 21/00379/FUL - SEDGEMERE, STATION ROAD, MARKET BOSWORTH

Application for residential development of 73 dwellings with associated access and public open space (resubmission of 20/00131/FUL).

The agent and a representative of Market Bosworth Parish Council spoke on this application.

It was moved by Councillor Cook and seconded by Councillor Findlay that permission be granted with any changes to the S106 contributions being brought back to the Planning Committee for consideration. Upon being put to the vote, the motion was CARRIED and it was

RESOLVED –

- (i) Permission be granted subject to:
 - a. The completion within three months of this resolution of a S106 agreement to secure the following obligation:
 - 40% affordable housing with a split of 75% affordable rented and 25% of the units shared ownership
 - £3,616 towards civic amenity
 - £378,438.32 - £537,491.12 towards primary and secondary education in Market Bosworth
 - Provision of bus stop improvements to the two nearest bus stops on Station Road
 - Travel packs (one per dwelling)
 - Six month bus passes (two application forms per dwelling to be included in travel packs and funded by the developer)
 - £236,590 for play and open space
 - £2,210 for libraries
 - £36,960.81 towards the cost of providing additional accommodation for 176 patients at Market Bosworth GP surgery
 - b. The conditions contained in the officer's report;
- (ii) The Planning Manager be granted powers to determine the final detail of the planning conditions;

- (iii) The Planning Manager be granted powers to determine the terms of the S106 agreement including trigger points and claw back periods;
- (iv) Any changes subsequently proposed to the developer contributions be brought back to Planning Committee for consideration.

187 21/00427/FUL - STARTIN TRACTORS, 2 ASHBY ROAD, TWYCROSS

Application for erection of a new workshop and ancillary services building, new wash bay building and change of use of land to create an agricultural machinery display area.

An objector, the applicant and agent spoken on this application.

It was moved by Councillor R Allen, seconded by Councillor Boothby and

RESOLVED –

- (i) Permission be granted subject to the conditions contained in the officer's report and late items;
- (ii) The Planning Manager be granted powers to determine the final details of the planning conditions.

188 21/00400/HOU - 1 GREENMOOR ROAD, BURBAGE

Application for external step lift.

An objector spoke on this application.

It was moved by Councillor R Allen, seconded by Councillor C Allen and

RESOLVED –

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

189 21/00607/FUL - LAND WEST OF BREACH LANE, EARL SHILTON

Application for erection of nine dwellings.

An objector and the applicant spoke on this application.

Notwithstanding the officer's recommendation that permission be granted, it was moved by Councillor R Allen and seconded by Councillor C Allen that the development would not complement and enhance the character of the area and was detrimental to highway safety and should therefore be refused. Upon being put to the vote, the motion was LOST.

It was subsequently moved by Councillor Flemming, seconded by Councillor Lynch and

RESOLVED –

- (i) Permission be granted subject to:
 - a. The completion of a legal agreement to secure off site play and open space contributions
 - b. The conditions contained in the officer's report
- (ii) The Planning Manager be granted powers to determine the final detail of the planning conditions and legal agreement.

190 21/00656/OUT - STOKE FIELDS FARM, HINCKLEY ROAD, STOKE GOLDING

Application for residential development of up to 70 dwellings with associated access, landscaping, open space and drainage infrastructure (outline – access to be considered).

An objector, the agent and a representative of Stoke Golding Parish Council spoke on this application.

It was moved by Councillor Boothby and seconded by Councillor R Allen that the application be deferred for further discussion with the applicant. Following further discussion, the motion was withdrawn.

It was moved by Councillor Bray and seconded by Councillor Walker that permission be granted. Upon being put to the vote, the motion was CARRIED and it was

RESOLVED –

- (i) Permission be granted subject to:
 - a. The completion within three months of this resolution of a S106 agreement to secure the following obligations:
 - On-site open space minimum requirement of 1176sqm casual/informal play spaces and a 20 year maintenance cost (minimum of £12,700.80), a minimum of 2800sqm of natural green space along with a 20 year maintenance cost (minimum of £39,760.80);
 - Off-site equipped children's play space contribution of £45,846.36 towards site SGT10 and 10 year maintenance of £22,125.60 and outdoor sports provision contribution of £24,326.40 towards site STG10 and 10 year maintenance contribution of £11,558.40
 - 40% affordable housing (28 units) with a split of 75% of the units as social/affordable rented and 25% of the units as intermediate tenure
 - Affordable rented mix shall comprise: 6 x 1 bedroomed two person maisonettes or quarter houses, 8 x 2 bed four person houses and 7 x 3 bedroomed five person houses

- The intermediate tenure should consist of a mixture of two and three bedroomed houses
- Local connection requirement for the affordable housing and cascade mechanism
- £3,467 civic amenity contribution towards Barwell household waste recycling centre
- £2,120 towards provision of additional resources at Hinckley library, Lancaster Road, Hinckley
- £417,039.41 towards education facilities (St Margaret's Church of England Primary School, Stoke Golding £306,432.00, Redmoor Academy £65,962.44 and Hinckley Academy and John Cleveland Sixth Form Centre £44,645.37)
- 1 x travel pack per dwelling along with provision of application forms for 2 x 6 month bus passes (currently Arriva)
- Replacement flags at the nearest two bus stops on Hinckley Road opposite Greenwood Road and outside number 87 (IDs 2571 and 2566)
- £35,441.87 for NHS West Leicestershire CCG to improve and increase clinical services at the Stoke Golding surgery to meet the needs of the identified population

b. Planning conditions contained in the officer's report;

- (ii) The Planning Manager be granted powers to determine the final detail of planning conditions;
- (iii) The Planning Manager be granted delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

191 21/00765/HOU - 5 CHAMBERS CLOSE, MARKFIELD, LE67 9NB

Application for two storey front extension.

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

RESOLVED –

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

192 21/00169/CONDIT - LAND EAST OF LEICESTER ROAD, BARWELL

Application for variation of conditions 2 (plans) of planning permissions 18/00751/DEEM to amend internal road layout, attenuation pond design, increased service yard and plant room, increased administration building and elevation changes to the ceremonial hall.

Councillor Boothby left the meeting at 9.18pm.

It was moved by Councillor Bray, seconded by Councillor R Allen and

RESOLVED –

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

193 20/00632/CONDIT - 339 RUGBY ROAD, BURBAGE

Application for variation of condition 2 (plans) attached to planning permission 19/00413/FUL.

It was moved by Councillor Flemming, seconded by Councillor Walker and

RESOLVED –

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

Councillors Bray and Furlong were absent for the vote on this item.

194 APPEALS PROGRESS

Members received an update on progress in relation to appeals.

(The Meeting closed at 9.26 pm)

CHAIRMAN

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Planning Committee 16 November 2021
Report of the Director Environment and Planning

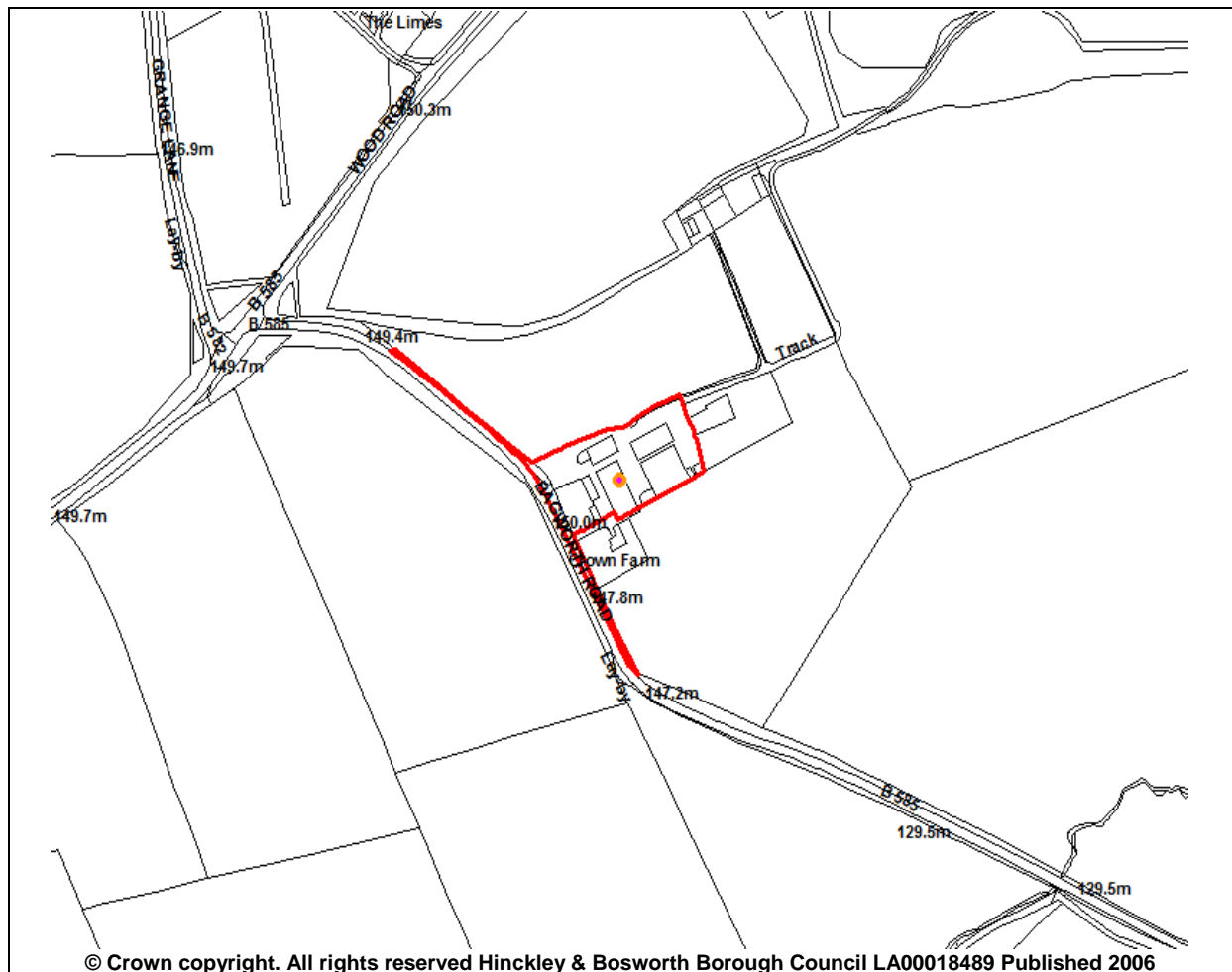
Planning Ref: 21/00664/FUL
Applicant: Mr J Fernandez
Ward: Barlestone Nailstone And Osbaston



Hinckley & Bosworth
Borough Council

Site: Crown Farm Bagworth Road Nailstone

Proposal: Proposed Change of Use from Agricultural to Storage and Distribution
(Class B8)



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:
 - Off-site landscaping in accordance with Drawing 21.1568.001 rev B
- Planning conditions outlined at the end of this report

1.2. That the Planning Director 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.

2. Planning application description

- 2.1. The application proposes the change of use of modern farm buildings to storage and distribution (use class B8). No additional built development is proposed. There are six buildings totalling 2,581sqm of floorspace. The applicant operates a stone importing business and are currently based on two sites elsewhere in Leicestershire totalling 1,670sqm. The relocation of the company to Crown Farm would allow improved efficiency and expansion of the business. Up to 18 employees would be based at Crown Farm.
- 2.2. A previous application for a larger proposal relating to 7 buildings and an outside storage area was submitted in 2020 but withdrawn due to lack of information regarding addressing the highway safety concerns. The current proposal omits the outside storage and the floor area of the change of use is reduced by 697sqm. Additional highways appraisals have also been carried out, including a speed survey and safety audit.
- 2.3. The proposal retains the boundary hedge to the north of the site and provides additional planting, including a National Forest native planting area of 260sqm to the north western corner. In addition, the plans show new native hedgerows to the western and southern boundaries of the adjacent agricultural field and to the southern boundary of the adjacent silage storage area.
- 2.4. Improvements to the access comprising widening and hard surfacing are proposed and the relocation of the existing gates 30m back from the carriageway to allow HGVs to pull clear of the highway. The amended site layout provides 22 car parking spaces (including four with electric charging points), a 6 cycle storage area and HGV parking / unloading areas.

3. Description of the site and surrounding area

- 3.1. Crown Farm is currently a mixed arable and cattle operation, with 108 acres of arable land surrounding the farmhouse owned by the applicants and a further 225 acres of grazing on licence at Theddingworth in the Welland valley. The cattle are housed at Crown Farm over the winter and grazed at Theddingworth over the summer. The remainder of the modern agricultural buildings at Crown Farm are used for farm machinery and storage.
- 3.2. At present Crown Farm is a working farm but due to the ill health, the intended retirement of the owner and the lack of family to continue with the farm, it is proposed to dispose of the surrounding farmland and so the buildings would become redundant. The stock would also be sold.
- 3.3. The site is accessed from the B585 Bagworth Road which is subject to the national speed limit (60mph). The village of Nailstone lies approximately 0.5 miles to the west. A public bridleway and Nailstone Wood lie to the north of the application site. There is a further public footpath to the south of Crown Farm (Ivanhoe Way).

4. Relevant planning history

05/00656/GDO

- ERECTION OF GENERAL PURPOSE AGRICULTURAL BUILDING
Prior approval not required
06.07.2005

06/00112/GDO

- ERECTION OF GENERAL PUROPSE AGRICULTURAL BUILDING

Prior approval not required

07.03.2006

07/00119/FUL

- EXTENSION AND ALTERATIONS TO DWELLING
Permitted
13.03.2007

07/00737/FUL

- ERECTION OF AGRICULTURAL BUILDING
Permitted
08.08.2007

10/00543/GDO

- ERECTION OF AN AGRICULTURAL BUILDING.
Prior approval not required
29.07.2010

19/00421/GDO

- Storage building
Prior approval not required
12.06.2019

20/01290/FUL

- Change of Use to Storage (Class B8)
Withdrawn
19.04.2021

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. Objections were received from 14 local residents on the following grounds:

- 1) Highway safety and increased traffic
- 2) Increased number of HGVs in the village / current weight limit is ignored
- 3) Noise and light pollution
- 4) Does not create employment as it consolidates existing sites
- 5) Sets a precedent for future applications at Crown Farm
- 6) Village should have 20mph speed limit
- 7) Should be a contribution to traffic calming
- 8) Public right of way has been blocked

5.2. Letters of support were received from 6 local residents noting the following:

- 1) The storage of tiles etc is suitable as an alternative and clean use
- 2) Changes are minimal
- 3) Unlikely to generate additional levels of traffic in the village
- 4) The farm is not viable and not suitable for agricultural purposes
- 5) The site is not in the village and can provide local employment without the noise and traffic impacting residential areas
- 6) Additional planting will screen the buildings and improve the landscape
- 7) Improvements to the access
- 8) Buildings will become redundant and should be re-purposed

6. Consultation

6.1. Objection from Nailstone Parish Council on the following grounds:

- 1) The site is unsustainable as there is no access on foot or by public transport
 - 2) Detrimental to rural character and the conservation area
 - 3) Contrary to HBBC Local Plan
 - 4) Light and noise pollution
 - 5) Lack of accurate highways impact assessment
 - 6) Unclear what will happen to the remainder of the farm
 - 7) Need traffic management plan
- 6.2. No objections to the plans as amended from National Forest Planning
- 6.3. No objections from HBBC Environmental Services
- 6.4. No objections from HBBC Waste Services
- 6.5. No objections from LCC Highways subject to conditions relating to provision of the access improvements, visibility splays, parking, gates, drainage and surfacing.
- 7. Policy**
- 7.1. Core Strategy (2009)
- Policy 12: Rural Villages
 - Policy 21: National Forest
- 7.2. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM4: Safeguarding the Countryside and Settlement Separation
 - Policy DM6: Biodiversity and Geological Interest
 - Policy DM7: Preventing Pollution and Flooding
 - Policy DM10: Development and Design
 - Policy DM15: Redundant Rural Buildings
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
 - Policy DM20: Provision of Employment Sites
- 7.3. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2021)
 - 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
 - Impact upon the character and appearance of the area
 - Impact upon neighbouring residential amenity
 - Impact on ecology
 - Impact upon highway safety
 - Drainage and Pollution
- Assessment against strategic planning policies
- 8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) (2021) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications.

Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.

- 8.3 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. The development plan in this instance consists of the adopted Core Strategy (2009) and the Site Allocations and Development Management Policies DPD (2016).
- 8.4 Policy 12 of the Core Strategy identifies Nailstone as a Rural Village and supports small scale employment uses within Rural Villages, however the application site is detached from the village and resides within the countryside.
- 8.5 Policy DM20 of the SADMP indicates that new employment for B8 uses outside allocated employment areas will be supported where they stand within settlement boundaries or on previously developed land. However, agriculture is defined as greenfield land, and therefore not considered as previously developed land.
- 8.6 The proposed site lies outside of any settlement boundary or employment site allocation. As such, Policy DM4 in the SADMP applies to this site in the countryside. This policy allows for sustainable development within the countryside providing it meets certain criteria. The criterion which could apply for this commercial use would be:
- DM4c) the proposal would significantly contribute to economic growth, job creation and/or diversification of rural businesses.
- 8.7 In addition, Policy DM4b) states that sustainable development in the countryside would include the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting.
- 8.8 In addition, Policy DM15 of the SADMP does allow the re-use and / or adaptation of redundant rural buildings outside settlement boundaries, provided the building is no longer viable in its current use, it is structurally sound and capable of conversion and any proposed extensions are proportionate to the size, scale mass and footprint of the original building and situated within the original curtilage. All development proposals for the re-use of rural buildings should result in an enhancement of its setting.
- 8.9 At present Crown Farm is a working farm but as explained in Section 3 of this report, due to the ill health, the intended retirement of the owner and the lack of family to continue with the farm, it is proposed to dispose of the surrounding farmland. However, the size of the holding at Crown Farm being 108 acres (43.7 hectares) it is unlikely to be viable as a stand-alone modern agricultural unit. Whilst there has been some interest in the land from neighbouring farms in order to improve the viability of their own holding, there is little benefit for them in obtaining additional remote buildings, and so the outbuildings at Crown Farm will become redundant. The stock will also be sold on. As can be seen from the Planning history the buildings are relatively recent, in good condition and capable of re-use. No extensions or additional buildings are proposed and an enhancement of the setting is provided by additional landscaping, including 260 sqm of native planting close to the road.
- 8.10 In terms of rural development, paragraph 84 of the NPPF indicates that the rural economy can be supported by the growth of business in rural areas through conversion of existing buildings and the development and diversification of

agricultural businesses. It advises that Planning Authorities should recognise that sites to meet local business needs in rural areas may have to be found beyond existing settlements and in locations that are not well served by public transport. Such developments should ensure that development is sensitive to its surroundings and does not have an unacceptable impact on local roads.

- 8.11 The application site is allocated as countryside. It is not located adjacent to an employment site allocation for the purposes of Policy DM20. As such whilst the creation of an employment site in this location would be contrary to the criteria in Policy DM20 of the SADMP, the principle of the proposed change of use would be being accepted under criteria b) and c) of Policy DM4 and Policy DM15, in that the proposal would seek to reuse existing buildings, subject to the enhancement of the immediate setting. Taking into consideration these policies and advice in the NPPF, there are no in principle objections to the re-use of the buildings at Crown Farm for B8 purposes, subject to an enhancement of the setting and consideration of detailed impacts as a result of the development, such as the visual impact on the countryside and the impact on highway safety.

Impact on the character and appearance of the area

- 8.12 Policy DM10 of the SADMP indicates that development will be permitted providing it meets good standards of design including that it would complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.13 Policy 21 of the Core Strategy states that within the National Forest, new developments will be required to reflect the Forest context in their accompanying landscape proposals.
- 8.14 Policy DM4 of the SADMP states that to protect the intrinsic value, beauty, open character and landscape character, the countryside will be safeguarded from unsustainable development. DM4(b) and DM4(c) identifies the change of use of existing buildings and development that contributes to economic growth as sustainable development, subject to enhancement of the setting and provided it does not have a significant adverse effect or does not undermine the physical and perceived separation and open character between settlements.
- 8.15 The site lies in open countryside, some 0.5 miles from the village of Nailstone. The application is accompanied by a Landscape Appraisal which assesses the site in its context and makes recommendations to enhance its setting with new landscaping. The buildings would not be extended or altered. The planting of new native hedgerows and trees would strengthen the local landscape character and support the objectives of the National Forest. National Forest Planning have acknowledged this and made recommendations which have been incorporated into the amended plans, including an area of new native planting close to the entrance into the site of around 260sqm.
- 8.16 There would be no implications on the physical or perceived separation and open character between settlements as a result of the change of use of the existing buildings and there would be enhancements to its setting as a result of new planting, including views from the nearby public rights of way. Some of the proposed planting to link the site with Nailstone Wood and provide screening from the bridleway is outside the application site, and would therefore require a Section 106 Agreement to secure it. However, the landscaping of the application site itself, including tree planting to the front of the buildings and the 260sqm new native planting can be secured through a condition of any permission granted.

- 8.17 The proposal is therefore considered to comply with the requirements of Policies DM4 and DM10 of the SADMP and Policy 21 of the Core Strategy and would not have an adverse impact on the character and appearance of the area.
- Impact on neighbouring residential amenity
- 8.18 Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy or amenity of nearby residents and occupiers of adjacent buildings and the amenity of occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site
- 8.19 There are no non-ancillary dwellings in the immediate area and Nailstone village is approximately 0.5m away. It is considered that there would be no direct impact on neighbouring residential amenity in terms of loss of light, privacy, noise and odour as a result of the development of a B8 use at Crown Farm. The majority of local objections relate to traffic, noise and pollution etc. Highways issues and the visual impact on the countryside are discussed elsewhere in this report. The proposal therefore complies with Policy DM10 of the SADMP in terms of its impact on neighbouring residential amenity.
- Impact on ecology
- 8.20 Policy DM6 of the SADMP requires development proposals to demonstrate how they conserve and enhance features of nature conservation. If the harm cannot be prevented, adequately mitigated against or appropriate compensation measures provided, planning permission will be refused.
- 8.21 The proposal is for the re-use of modern agricultural buildings which are not suitable habitat for protected species such as bats. The remainder of the site is largely hard surfaced. The proposal retains the native hedgerow to the northern boundary and this could be secured by a condition. In addition, further planting is proposed through additional landscaping of the site, including tree planting in front of the buildings and a new 260sqm native species planted area adjacent to the paddock between the site and Nailstone Wood.
- 8.22 New hedgerows on the surrounding land would strengthen the wildlife corridor between this area and Nailstone Wood, although this planting is outside the site area and will require a legal agreement to secure it. However, in the absence of suitable features of habitat and the enhancement of biodiversity through the additional landscaping, it is considered that biodiversity would be enhanced and the proposal therefore complies with Policy DM6 of the SADMP.
- Impact upon highway safety
- 8.23 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. Paragraph 111 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.
- 8.24 The site is situated on Bagworth Road which is a Class B road from Newbold Verdon to Ellistown. The road is subject to the National speed limit of 60mph. the access at present is 5m wide with metal gates. Visibility of 2.4m x 156m to the left and 2.4m x 213m to the right is available. The site access would be widened to 7.3m wide as well as providing a hard bound surface and set back of the existing gates to 30m from the highway. This would allow large vehicles including HGVs to pull clear of the highway. At present the access is used by agricultural vehicles /

trailers etc. and the applicants have indicated this use produces approximately 9 arrivals and 9 departures per day, although this can be significantly higher at certain times of the year. The applicants have confirmed that alternative access to the surrounding agricultural land will not be required once the new use commences.

- 8.25 The existing two sites operated by the applicants generate average daily vehicle movements in the region of 34 – 46 trips or approximately 70 vehicle movements per day. Some of these trips are between the two sites. The floor area as a result of the proposal at Crown Farm would increase by around 57% and it is anticipated by the applicants that the proposal would generate 70 vehicle movements per day including two pre booked customer visits. It is estimated that 8 of these trips are in respect of HGV (or 14 HGV vehicle movements) per day. There would be no requirement for HGVs to access the site via Nailstone village, which is subject to a weight restriction. Breaches of the weight restriction are a police matter.
- 8.26 The application provides a Transport Statement and TRICS data relating to typical B8 uses, which the applicant states is likely to be in excess of their operating requirements as the stone storage facility is for their own purposes rather than as an external distribution centre. However, it should be noted that the permission if granted would allow an alternative B8 use to operate from the site.
- 8.27 Based on the application form the site could employ up to 18 members of staff and due to the location of the site it is likely that these would arrive via private car. Customers are also able to book visits to the site. However, the amended plans provide cycle parking and electric vehicle charging points. In terms of its location and the re-use of redundant (or soon to be redundant) buildings in the countryside, it is acknowledged by paragraph 84 of the NPPF that Planning Authorities should recognise that sites to meet local business needs in rural areas may have to be found beyond existing settlements and in locations that are not well served by public transport.
- 8.28 The Local Highway Authority (LHA) initially responded to the current application by requesting a speed survey and a stage 1 Road Safety Audit, which has been provided. They further noted that whilst some tracking drawings of a HGV were provided, they do not show either vehicles entering and exiting the site in both directions. It appeared that in some cases the vehicle was shown as exiting the site on to the wrong side of the carriageway or crossing the centre line of the carriageway when entering/exiting the site from the northwest which was of concern. Further clarification was also requested on vehicle movements and the information in paragraph 8.25 of this report has been provided through discussions between the applicant's agent and the LHA.
- 8.29 A speed survey was carried out in response to the request from the LHA to establish actual vehicle speeds, bearing in mind the visibility currently afforded would not accord with their requirement of 2.4m x 215m splays within a 60mph limit. The survey indicates 85%ile speeds of 43.4mph travelling north west and 39.8mph travelling south east. The LHA states that the Leicestershire Highways Design Guide would therefore indicate reduced splays would be acceptable, although it is noted by the LHA that a hand held speed survey was carried out which can be less reliable than other methods. However, in their latest response the Highway Authority note that the proximity of the bend to the south is likely to act as a physical constraint on vehicle speeds and appropriate visibility could be achieved in accordance with the Leicestershire Highway Design Guide and in accordance with the submitted handheld radar survey. A condition is proposed to this effect.
- 8.30 Following receipt of the audit, speed survey and updated drawings, including tracking, the LHA have no objections to the proposal. They advise that whilst the access arrangements could be over-engineered for the scale of development

proposed, ultimately the vehicle tracking is acceptable and could cater for the type of vehicles which could be accessing/egressing the site. Therefore, the LHA have no objections to the site access arrangement. In the view of the LHA the impacts of 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.

- 8.31 Therefore, subject to conditions relating to the provision of access in accordance with the plans, parking, visibility splays, gates and surfacing there would be no significant adverse impact on highway safety as a result of the development and it does not conflict with paragraph 111 of the NPPF (2021). The proposal therefore complies with Policies DM17 and DM18 of the SADMP.

Drainage and Pollution

- 8.32 Policy DM7 states that development should not create or exacerbate flooding by being located away from areas of flood risk unless adequately mitigated against.
- 8.33 Policy DM7 states that adverse impacts from pollution and flooding will be prevented by ensuring that development proposals will not adversely impact on water quality, ecological value or drainage function, avoid obtrusive light intrusion, noise pollution and air quality and should not create or exacerbate flooding by being located away from areas of flood risk unless adequately mitigated against. Appropriate containment solutions for possible contaminants and remediation of contaminated land in line with minimum national standards should be undertaken.
- 8.34 The site is within Flood Zone 1 (low risk) and the proposal is for the re-use of existing buildings and so does not raise issues of flooding or drainage. A B8 Storage and Distribution use is unlikely to result in excessive noise or pollution as a result of industrial processes. Lighting in rural areas needs particularly careful consideration but this could be controlled by a condition, requiring the approval of details of any additional lighting. No objections to the proposal have been received from HBBC Environmental Services.
- 8.35 The proposal would not have an adverse impact on flood risk or pollution risk and so complies with Policy DM7 of the SADMP.

9. Equality implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 9.3 There are no known equality implications arising directly from this development.
- 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. The application site is located outside the settlement boundary of Nailstone and it is not located adjacent to an employment site allocation for the purposes of Policy DM20. As such whilst the creation of an employment site in this location would be contrary to the criteria in Policy DM20 of the SADMP, Policy DM4 of the SADMP identifies that the re-use of the buildings for commercial purposes can be considered sustainable development under criteria b) and c) and the proposal can also be supported under Policy DM15, in that the proposal would seek to reuse existing buildings, subject to the enhancement of the immediate setting. The proposal would enhance the immediate setting of the site through additional landscaping secured through a condition (on site enhancements) and through a Section 106 Agreement (off site enhancements). It therefore represents an acceptable re-use of an existing building in the countryside and the development would not adversely impact upon the rural character and appearance of the area, biodiversity, flood risk and pollution or neighbouring residential amenity. There would be no significant adverse impact on highway safety subject to conditions. The proposal complies with Policies DM1, DM4, DM6, DM7, DM10, DM15, DM17 and DM18 of the Site Allocations and Development Management Policies DPD (2016) and advice within the NPPF.

11. Recommendation

- 11.1 **Grant planning permission** subject to the following conditions and subject to a Section 106 Agreement to secure off site landscaping in accordance with drawing 21.1568.001 rev B.
- 11.2 That the Planning Director be given powers to determine the final detail of planning conditions.
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:
Landscape and Visual Appraisal by Ian Stemp received 20/5/21
Highways Report by Edwards and Edwards received 20/5/21
Planning Statement by Landmark Planning received 20/5/21
Stage 1 Road Safety Audit by Edwards and Edwards reference 21-1181-RSA1 received 11/8/21
Amended Site Plan Drawing 3525-01 rev i received 15/9/21
Amended Landscape Drawing 21.1568.001 rev B received 16/9/21
Drawings TRCK/01 rev A and TRCK/02 rev A received 18/10/21
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 approved hard and soft landscaping scheme shall be carried out in accordance with Landscape Drawing 21.1568.001 rev B in the first planting season following the first occupation of any building for the approved use.

The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reason: To ensure that the work is carried out within a reasonable period and thereafter maintained in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. The hedgerow along the northern boundary of the site shall be retained so long as the development hereby approved remains and none of the existing trees or hedges on the site shall be cut down, uprooted or destroyed, nor shall be topped or lopped other than in accordance with the approved plans, without the written approval of the Local Planning Authority. If any of the trees or hedges to be retained are removed, uprooted or destroyed or dies, a replacement shall be planted at the same place and that tree or hedge shall be of such size and species, and shall be planted at such time, as maybe specified in writing by the Local Planning Authority.

Reason: To ensure that the existing hedgerows on the site are retained and protected in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. There shall be no storage of materials, plant, oil drums, tyres or waste materials of any description on the open area of the site, unless otherwise indicated on the approved plan.

Reason: In the interests of visual amenity in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. No external lighting of the site shall be installed until details have been submitted to and approved in writing by the Local Planning Authority. This information shall include a layout plan with beam orientation and a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: To protect the appearance of the area, the environment and local residents from nuisance from artificial light in accordance with Policies DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

7. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on The Drawing Room drawing no 3521-01 rev i have been implemented in full.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the NPPF (2021).

8. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with The Drawing Room drawing number 3525-01 rev i. 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 Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the NPPF (2021).

9. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4m x 160m to the south east and 2.4m x 200m to the north west have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2021).

10. The development hereby permitted shall not be occupied until such time as the existing gates to the vehicular access have been permanently removed. 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 20m of the highway boundary, nor shall any be erected within a distance of 20m of the highway boundary unless hung to open away from the highway.

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the NPPF (2021).

11. No part of the development hereby permitted shall be occupied until such time as site drainage details have been provided to and approved in writing by the Local Planning Authority. Thereafter surface water shall not drain into the Public Highway and thereafter shall be so maintained.

Reason: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the NPPF (2021).

12. The development hereby permitted shall not be occupied until such time as the access drive (and any turning space) has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 20m behind the highway boundary and, once provided, shall be so maintained in perpetuity.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the NPPF (2021).

11.3 Notes to applicant

1. 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 Leicester shire County Council 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 Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local 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 Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>

To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).

All proposed off site highway works, and internal road layouts shall be designed in accordance with Leicestershire County Council's latest design guidance, as Local Highway Authority. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>

2. 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 16 November 2021
Report of the Director Environment and Planning

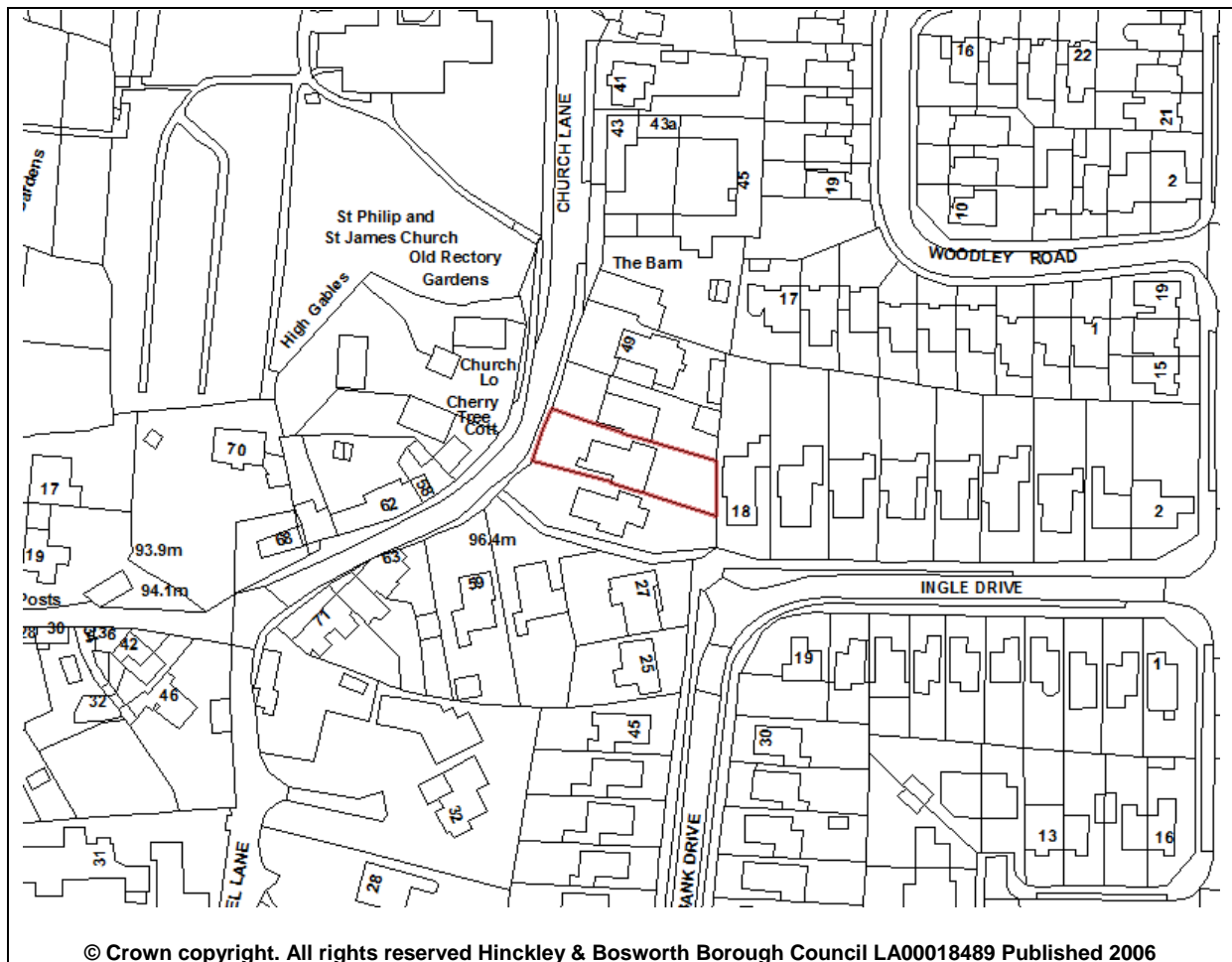
Planning Ref: 21/00523/HOU
Applicant: Mr Mick Mullings
Ward: Ratby Bagworth And Thornton



Hinckley & Bosworth
Borough Council

Site: 53 Church Lane Ratby

Proposal: Single storey extension to the front and rear of the property, including demolition of existing porch and chimney breast and relocation of main entrance door to side of property.



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

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

2. Planning application description

2.1. The planning application seeks permission to erect single storey rear and front extensions to the property. The single storey front extension would involve the

replacement of the existing porch and removal of the chimney breast to the front of the property and relocation of the main entrance door to the side of the property.

- 2.2. The rear extension would project out from the rear of the property by 3 metres and be 7.7 metres in width. It would be 4.9 metres to the ridge and 2.7 metres to the eaves. The rear extension floor levels would drop by 0.6 metres. The front extension would be 4.3 metres to the ridge and 2.5 metres to the eaves and would project from the original front elevation by 1.8 metres. This would not project beyond the existing front porch and would measure 6.7 metres in width. The proposed extension would use existing brickwork to match the surrounding dwellings and Redland mini stonewold concrete slate tiles.

3. Description of the site and surrounding area

- 3.1. 53 Church Lane is a single storey detached dwelling located in an established residential area within the settlement boundary of Ratby. It is situated within the Ratby Conservation Area.
- 3.2. It is surrounded on all sides by other residential dwellings. The dwelling is one of 4 similarly designed dwellings on Church Lane. Off-street parking is located to the side and front of surrounding dwellings.

4. Relevant planning history

02/01053/TPO

- Removal of one cherry tree
Permit Conservation Area TPO Works
16.10.2002

76/01362/4M

- Erection of porch and extension to dwelling
Planning Permission
03.11.1976

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 of representation were received from four different addresses on the following grounds:
- 1) Concern over removal of the Chimney breast.
 - 2) Concern over the proposed white rendering and the impact upon the street scene and conservation area.
 - 3) Concern over the size of the fence to the rear of the property.
 - 4) Concern over the roof materials.

6. Consultation

- 6.1. LCC Highways were consulted and did not object
- 6.2. The HBBC Conservation Officer was consulted and considered the application.
- 6.3. LCC Ecology requested a bat survey who commented that no bats or evidence for bats was found. They noted that there was low potential for roosting bats and no further survey work is required or ecology mitigation planning conditions are required.
- 6.4. Ratby Parish Council have objected on the following grounds:-

- 1) The property has already been extended, and is situated in a Conservation area, another extension would not enhance the area and it would be virtually a complete rebuild.

7. Policy

7.1. Core Strategy (2009)

- Policy 8: Key Rural Centres to Leicester

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 DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2021)
- Planning Practice Guidance (PPG)

7.4. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)
- Ratby Conservation Area Appraisal (2014)

8. Appraisal

8.1. Key Issues

- 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 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 that area.

8.3 Section 16 of the NPPF provides the national policy on conserving and enhancing the historic environment. Paragraph 199 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 196 states that where less than substantial harm is identified, this should be weighed against the public benefits of the proposal.

8.4 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.

8.5 Policy DM10 of the adopted SADMP seeks to ensure that development would not have a significant adverse effect on the character of the surrounding area.

8.6 The application site is situated within the Ratby Conservation area, and is a collection of similar designed bungalows positioned on the eastern side of Church Lane. This collection of bungalows and immediate area are identified within the Ratby Conservation Area Appraisal (2014) as a weak area as they do not follow the traditional building form, scale and characteristics of the Conservation Area and are

of no special historical or architectural interest. Accordingly it is considered that these dwellings including the application site make a negative contribution to the character and appearance of the conservation area.

- 8.7 The proposed single storey rear extension would be similar in design and style to the existing property and would make use of existing materials to retain the character of the existing dwelling despite its more contemporary appearance and result in an overall larger footprint. The original scheme contained rendering however amendments during the course of the application at the request of the planning officer to provide a more sympathetic finish were received which removed the rendering. The rear extension would not be viewable from the street scene and consequently would have little impact upon the surrounding area. Nevertheless the rear extension has been designed to reflect the character of the existing dwelling as the extension retains the same roof pitch, ridge height and eaves of the main dwelling, providing a complementary appearance to that of the original dwelling. The main roof tiles would be replaced fitted with Redland mini stonewold concrete slate to match properties opposite. The use of the materials, would ensure that the proposed extension would complement the existing street scene and reflect the character of the existing dwelling.
- 8.8 The proposed front extension would lead to the loss of the chimney breast at the front of the property. While the immediate properties flanking the application site have been designed featuring identical chimney breasts, this isn't deemed to be intrinsic to the character of the conservation area as it is situated within a weak part of the conservation area, as identified within the Ratby Conservation Area Appraisal (2014). The single storey extension to the front would project from the principal elevation, however it would maintain the proportions of the original dwelling. The proposed front extension would result in the existing dwelling projecting beyond the principal elevations of the neighbouring dwellings, however it is not considered to result in an adverse impact upon the street scene. As the dwelling would maintain its characteristic set back from the highway and furthermore the existing dwellings along this eastern edge of Church Lane having a slight variant to the building line.
- 8.9 Accordingly having regard the proposed development, it is not considered that the extension would impact upon any key characteristics of the Ratby Conservation Area, as such the significance would be preserved. In addition there are no opportunities arising from the proposed development to enhance the character of and appearance of the area. Overall the proposal is considered to have no adverse impact on the character and appearance of existing building and the wider Ratby Conservation Area. Therefore the proposal would preserve the significance of the conservation area and subsequently complies with Policies DM10, 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.

Impact upon neighbouring residential amenity

- 8.10 Policy DM10 of the SADMP seeks to ensure that development proposals shall not harm the amenity of neighbouring residential properties.
- 8.11 Objections have been received during the course of the application in relation to the proposed 1.8 metre fence to the rear of the property. However, as the fence is not adjacent to a highway it can be up to 2.0 metres in height without requiring planning permission, and is therefore not a matter requiring planning permission and is therefore does not form part of this application.
- 8.12 The proposed single storey rear extension would project out from the rear of the property by 3 metres and would measure 4.9 metres in height. Under permitted development, the rear extension of a detached property can extend 4 metres from

the rear of the property and be up to 4 metres in height. This proposal seeks to extend beyond the rear wall of the dwelling by 3 metres, with an overall height of 4.9 metres. The proposed extension would be finished with a shallow pitched roof. The proposal would also not impede the 45 degree line to either No.51 or No.55. Therefore given the roof would pitch away from the neighbouring properties No.51 and No.55, combined with the limited depth and its relationship to the neighbouring dwellings, it is not considered that the proposed rear extension which would have a ridge height of 0.9 metres over the fall-back position under permitted development rights, would be adverse in terms of loss of light or overshadowing to either No.51 or No.55 which are situated north and south of the application site.

- 8.13 The rear of the single storey extension has grey upvc windows, bifold doors and with apex glazing to provide additional light into the proposed open plan kitchen. The distance from the rear elevation to the rear side window of no.18 Ingle Drive would be approximately 13 metres. By virtue of the height of these apex windows, they would not provide any additional views into 18 Ingle Drive as they are primarily for allowing light into the property because the open plan kitchen would drop down by a total of 600mm. The upvc windows and bifold doors would not lead to any views not already available from the existing rear windows. The proposed boundary treatment of a 1.8 metre fence would further reduce any limited views into no.18's side window and therefore it would not impact their private amenity.
- 8.14 The single storey front extension would project forward by 1.8 metres in line with the existing porch. It would measure 4.3 metres in height to the ridge and 2.5 metres to the eaves, in line with the existing roof of the property. The proposed front extension would follow the existing small porch positioned on the existing dwelling and would extend away from No.51. The extension is set in from the boundary by approximately 3.8 metres, and it does not infringe the 45 degree rule of the habitable rooms at the front of no. 51. There would be some overshadowing in the latter half of the day but this would not be significant because of the separation distance between the two properties and the 45 degree rule from the front windows not being infringed.
- 8.15 There would not be any loss of sunlight or overshadowing to no. 55 to the south of the property as it is set in 4.0 metres from the shared boundary and does not impede the 45 degree line on the front windows. The proposed front extension would not project any further out than the existing porch on the southern end of the front elevation and therefore there would be no additional impact arising from this development on no. 55.
- 8.16 Overall it is considered that the proposed development would therefore satisfy Policy DM10 in this regard.

Impact upon highway safety

- 8.17 Policy DM18 seeks to ensure that development would provide an appropriate level of parking provision.
- 8.18 The proposed front extension would not impact the amount of parking available. The proposed development does not increase the number of bedrooms, they have remained at two and as such there is no increased demand for additional parking.
- 8.19 The extension of an existing dwelling is unlikely to result in any significant adverse impact upon the relevant off-street parking provision. Policies DM18 of the SADMP can therefore be complied with in this instance.

9. Equality implications

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

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.
- 9.3 There are no known equality implications arising directly from this development.
- 9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).
- 10. Conclusion**
 - 10.1. The proposal is located within the settlement boundary and conservation area of Ratby and therefore there is a presumption in favour of sustainable development as set out in Policy DM1 of the SADMP and the wider policies of the NPPF.
 - 10.2. The proposed development would respect the scale and character of the existing dwelling and street scene, retain adequate private amenity within the curtilage and would not adversely affect the amenities of the occupiers of neighbouring properties. In addition sufficient off-street parking provision would be available on the site. On this basis, the proposal is therefore considered to be in accordance with Policies DM1, DM10, DM11, DM12 and DM18 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 and is recommended for approval subject to conditions.
- 11. Recommendation**
 - 11.1 **Grant planning permission** subject to:
 - Planning conditions outlined at the end of this report
 - 11.2 That the Planning Director 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:
Proposed Plans and Elevations Drg no. 2021-11-PL-02 rev 1 (Received 23rd June 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 accord with the approved plans:
Proposed Plans and Elevations Drg no. 2021-11-PL-02 rev 1 (Received 23rd June 2021)

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM10, DM11 and DM12 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 16 November 2021
Report of the Director Environment and Planning

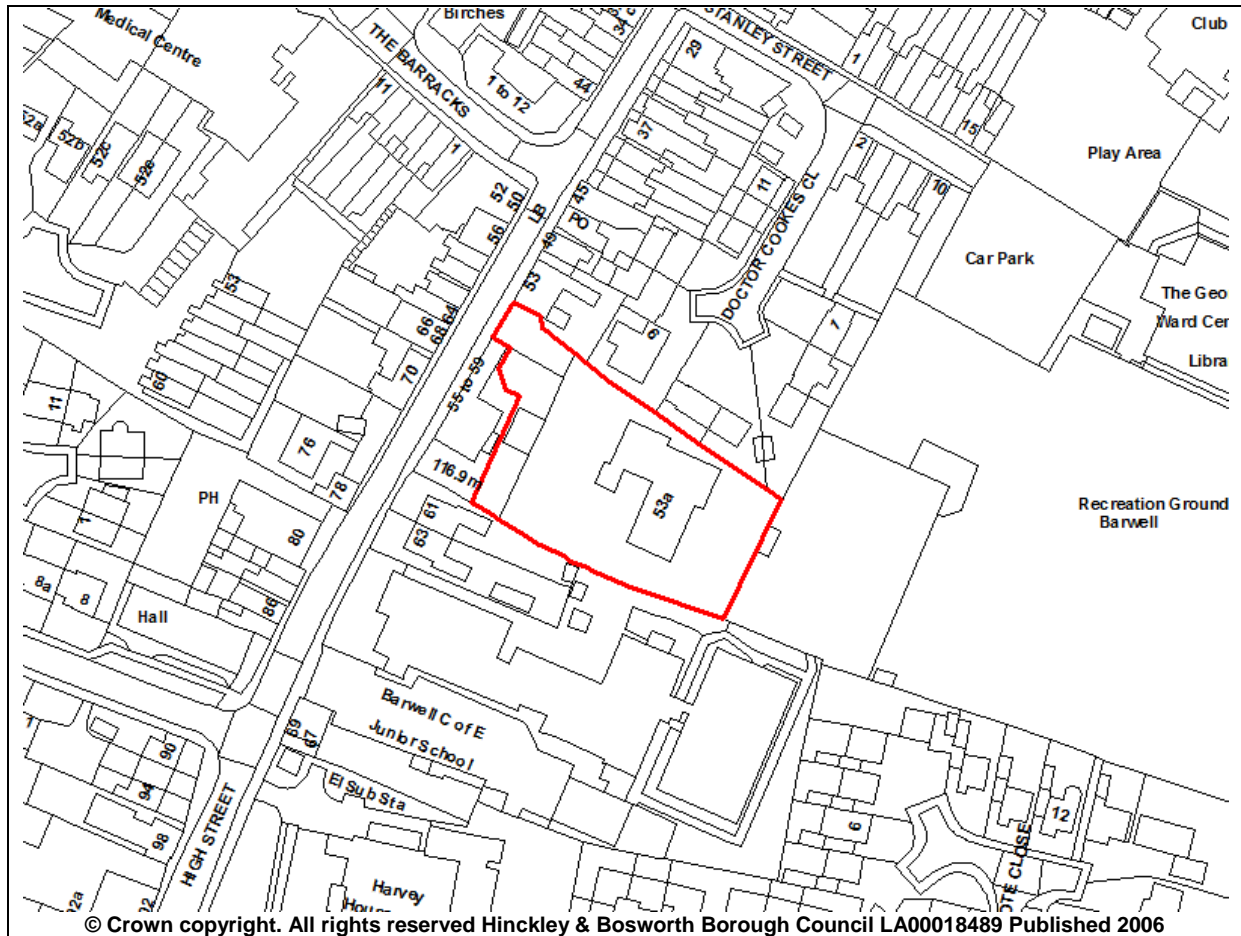
Planning Ref: 21/00540/FUL
Applicant: Dr Mark Findlay
Ward: Barwell



Hinckley & Bosworth
Borough Council

Site: Land To The Rear Of 59 High Street Barwell

Proposal: Demolition of existing workshops and stores and construction of new Medical Centre with associated parking and landscaping



1. Recommendations

1.1. **Refuse planning permission** subject to the reasons at the end of this report.

2. Planning application description

- 2.1. The proposed enquiry relates to a two storey medical centre located to the rear of 59 High Street, a detached residential property. The proposal is to provide a replacement medical centre to the existing premises serving Barwell located on Jersey Way which are deemed inadequate to serve the local population. Access would be to the side of no. 59.
- 2.2. There are 52 parking spaces shown of which 3 are disabled bays and 6 are electrical charging spaces. Cycle parking is also proposed within the site the north of the building. Lighting columns around the car park are provided as well as bollards at the front of the building. Bin Stores and an ASHP enclosure (medical

waste) is also included within the site. A 2 metre close boarded fence is proposed to the boundaries of the site with the existing conifer hedge to the southern boundary being retained in part.

- 2.3. In terms of building layout the ground floor shows a large waiting area behind the entrance lobby and includes consulting rooms, treatment rooms and staff facilities. The first floor shows consultation examination rooms, staff rooms and training rooms with a smaller waiting area. The proposal would involve the demolition of the existing industrial building.
- 2.4. Amendments have been submitted following officer concerns surrounding landscaping, residential amenity and site access.

3. Description of the site and surrounding area

- 3.1. The site is located within the centre of Barwell. High Street comprises a mix of uses including residential, commercial and some industrial uses. There are residential properties to the front and side with a large boundary hedge to the northern elevation. To the rear is a playground and public open space. The site is located just outside of the Barwell High Street Conservation Area. The site is within the settlement boundary of Barwell and within the district, local and neighbourhood centre for Barwell.

4. Relevant planning history

11/00901/EXT

- Extension of time of planning permission 08/01022/FUL for demolition of existing workshop and erection of a1 use retail store and ten apartments with associated car parking, landscaping and access
Permission
13.02.2012

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. 5 objections have been received from 4 separate addresses regarding:
- 1) The pedestrian visibility splay in cut off by the neighbouring takeaway building
 - 2) Danger to pedestrians from proposed access
 - 3) Removal of the boundary hedge will result in loss of privacy and ecological value
 - 4) Loss of a valuable habitat for wildlife within a densely developed village centre
 - 5) Loss of privacy for surrounding dwellings
 - 6) Cars leaving the medical centre will not be able to see oncoming cars or pedestrians without pulling out
 - 7) Traffic impact assessment was undertaken partly within the school holidays and therefore is not a true representation of the impact
 - 8) The peak hour does not take into account school traffic times within the transport assessment
 - 9) The one hour parking spaces outside the adjacent takeaway has not been addressed within the transport assessment

6. Consultation

- 6.1. LCC Highways have objected to the application and recommended refusal of planning permission.

6.2. No objections (some subject to conditions) received from:

- Barwell Parish council
- HBBC Pollution
- LCC Drainage
- HBBC Waste
- HBBC Drainage
- LCC Ecology
- HBBC Conservation

6.3. No response received from:

- NHS England
- Severn Trent Water
- LCC Social and Health
- HBBC Arboricultural Officer
- Environment Agency

7. Policy

7.1. Core Strategy (2009)

- Policy 3: Development in Barwell

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- 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
- Policy DM22: Vitalising District, Local and Neighbourhood Centres
- Policy DM25: Community Facilities

7.3. Earl Shilton and Barwell Area Action Plan (2014)

- Policy 22: Development and Design
- Policy 24: Safeguarding Community Facilities

7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2021)
- Planning Practice Guidance (PPG)

7.5. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)
- Barwell (High Street) Conservation Area (2010)
- Leicestershire Highways Design Guide

8. Appraisal

8.1. Key Issues

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

- Drainage
- Land contamination
- Ecology
- Other matters

Assessment against strategic planning policies

- 8.2 The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. Policy 3 of the core Strategy identifies Barwell as a sub-regional centre which provides local facilities to its population, however, the local centre of Barwell is in need of regeneration, therefore the policy seeks to support the regeneration of Barwell through a range of opportunities identified through the Earl Shilton and Barwell Area Action Plan (AAP).
- 8.3 Policy 24 of the Earl Shilton and Barwell AAP encourages the design formation of new community facilities where it can be demonstrated the facility meets the needs of the community and is within reasonable distance of the community it serves. Policy DM25 of the Site Allocations and Development Management Policies DPD also supports the formation of new community facilities where it is demonstrated that they are accessible to the community by a range of sustainable transport modes.
- 8.4 The proposal is in a sustainable location in the centre of Barwell. It would provide a community facility to meet the needs of the local community and would not result in the loss of any retail facility or allocated employment facility and would utilise an existing brownfield site.
- Design and impact upon the character of the area and conservation area
- 8.5 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.
- 8.6 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.
- 8.7 Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD seek to protect and enhance the historic environment and heritage assets. Development proposals should ensure the significance of a conservation area is preserved and enhanced.
- 8.8 Policy DM10 of the SADMP seeks to ensure that new development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.9 Policy 22 of the ESBAAP seeks to ensure there is no detriment to the character or appearance of the surrounding area and that the siting, density, local distinctiveness, scale, fenestration and landscaping complements the local character.
- 8.10 This proposal is for the demolition of existing workshops and stores and construction of a new medical centre with associated parking and landscaping.
- 8.11 The proposed medical centre would be approximately 8 metres in height to the highest point with a mono-pitched roof. The proposed materials are PPC aluminium windows, aluminium spandrel and louvred wall panels, pressed aluminium fascia,

cream textured cement render wall and red leicestershire brick wall, dark stained timber cladding and a PCC aluminium glazed canopy. The building has been designed for function however the use of various materials adds interest and depth to the building. There is also a proposed balcony to the front of the building.

- 8.12 The design represents a contemporary approach, using a mix of brick, render and cladding which are commonly used building materials and common in the surrounding area. The building height is two storey and would be in keeping with the scale of buildings in surrounding area.
- 8.13 A soft landscaping plan has been submitted as part of the application which shows the existing hedge to be retained to the southern boundary of the site. A landscaped area will also be situated to the north of the building and the main access road and footpath into the site will be tree lined. This plan will be conditioned.
- 8.14 The site access and no.59 High Street are located within the Barwell (High Street) Conservation Area. No.59 High Street is a former farmhouse to what was known locally as Jiggy Greens farm. In general former farms add considerably to the character of the conservation area reflecting Barwell's agricultural origins. They are distinctive buildings and in this instance the farm is a simple two storey building with a long frontage situated at the back edge of the pavement. The farm building has suffered from inappropriate changes to its appearance over many years, including a poorly designed shopfront, replacement windows and extensions to the rear. However, despite these alterations the building is considered to be of historic and some minor architectural interest and it contributes positively to the character and appearance and thus significance of the Barwell (High Street) Conservation Area. The building is identified as a significant local building within the Barwell (High Street) Conservation Area Appraisal (2010).
- 8.15 To the rear of the former farmhouse and site access are a number of workshops and stores located on a large plot. These buildings and the majority of the application site are located outside of the conservation area boundary; the buildings are generally low scale and have a neutral presence within the immediate setting of the conservation area.
- 8.16 The former farm building is situated within the blue edge of the application site and is to be retained. To the rear the insignificant stores and workshops are to be demolished. A relatively tall two storey medical centre building is to be erected towards the rear of the application site set back a considerable distance from the street scene. In between the new medical building and retained farmhouse is a large surface level car park and associated landscaping.
- 8.17 As the former farm building is to be retained the positive contribution it makes to the significance of the Barwell (High Street) Conservation Area will be preserved. due to the scale, siting, form, appearance and proposed construction materials for the new medical centre it will have a largely inconspicuous presence in the street scene on High Street, from where the significance of the conservation area can be best appreciated, and where it can be glimpsed it will have an appropriate appearance that will not have any adverse impact upon the character of the area. The proposed building is considered to be an appropriate development situated within the setting of the conservation area. For the above reasons the proposal will preserve the significance of the Barwell (High Street) Conservation Area and it therefore complies with Policies DM10, DM11 and DM12 of the SADMP, section 16 of the NPPF and the statutory duty of Section 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact upon neighbouring residential amenity

- 8.18 Policy DM10 of the SADMP identifies that development 'would not have a significant adverse effects on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting, air quality (including odour), noise, vibration and visual intrusion.
- 8.19 Policy 22 of the ESBAAP seeks to ensure that development does not affect the privacy and amenity of nearby residents within the vicinity of the site.
- 8.20 The properties to the north on Dr Cookes Close have small rear amenity spaces and are located close to the site boundary. These dwellings currently have a 4-5 metre mature boundary hedge to their rear gardens. This is proposed to be removed and replaced by a 2 metre boundary fence. The removal of the hedge in this location is considered to be beneficial to these neighbouring dwellings as it will increase the light to the rear of the dwellings. These dwellings are bungalows and set approximately 1-2 metres higher than application site. The proposed building would be set away from the boundary with these dwellings. The balcony on the first floor would be facing the rear of these dwellings and would only be 17.5 metres from the rear elevations of these dwellings. Due to this the screen height has been increased and an opaque glass will be conditioned to prevent overlooking. Due to the separation distance between the proposed building and the boundary, the scale of the building and the levels difference it is not considered that the proposal will have an adverse impact in terms of being overbearing upon these neighbouring dwellings. It is considered the Due to the condition that will be imposed it is considered that there would be no adverse impact upon the residential amenity of these neighbouring dwellings.
- 8.21 To the east of the site lies a school which wraps round part of the southern boundary of the site as well.
- 8.22 The existing residential property to the front of the site will be retained. The proposed building is set significantly away from this neighbouring dwelling. Potential noise impact will be dealt with later in this report.
- 8.23 The hedge between the site and the dwelling to the south-east on High Street is to be retained at the request of the property owner. There would be no change to the boundary treatments in this location and the building would be set a significant distance away from this neighbouring property.
- 8.24 Overall, it is considered that the proposal would have no adverse impact upon residential amenity in terms of overlooking, loss of light and overbearing impact subject to conditions in line with Policy DM10 of the SADMP and Policy 22 of the ESBAAP.

Impact upon highway safety

- 8.25 Policy DM17 and DM18 of the SADMP states that proposals ensure that there is adequate provision for on and off street parking for residents and visitors and there is no impact upon highway safety.
- 8.26 Paragraph 110 of the NPPF states that development should ensure appropriate opportunities to promote sustainable transport modes can be or have been taken up; a safe and suitable access to the site can be achieved for all users; and any significant impacts from the development on the transport network, or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 111 of the NPPF states that development should only be prevented or refused on

highways ground if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 8.27 Policy 22 of the ESBAAP identifies that a minimum of one charging point for electric/low emissions vehicles is included per development scheme.
- 8.28 A number of revisions to the site layout and transport documents supporting this application have been made following discussions with the local highway authority, the most up to date transport documents are:
- Transport Note received 22nd September 2021
 - Transport Letter received 13th September 2021
 - Travel Plan received 27 April 2021
 - Highways Access Plan received 4th October 2021
 - Vehicle Tracking Plan - Fire Appliance received 4th October 2021
 - Swept Path Analysis - Large Car Drg No: C21029-ATP-DR-TP-001 received 13th September 2021.

- 8.29 The site is currently vacant but has been used as a HGV haulage operation previously. There have been previous planning applications granted on the site.

Site Access

- 8.30 Access to the site is proposed off High Street, a C classified road subject to a 20mph speed limit. The access is located between speed tables, with a junction table approximately 25m to the northeast of the access.
- 8.31 Details of the site access arrangements have been provided on Expedite drawing number SK02.10 Rev P4. The Applicant has proposed a 5.4m wide access (3m wide lane on entry and 2.4 m wide lane on exit to avoid vehicular conflict) with kerbed radii of 2.4 and 3.5 metres either side.
- 8.32 The Applicant refers to Manual for Streets guidance in respect of reduced corner radii, however the LHA would expect the access to be of suitable width for this to be considered. The Applicant has stated consideration of the most recent five years of data is standard and accepted practice when considering road safety issues. While this is accepted by the LHA, the Applicant previously stated in respect of the site access in Paragraph 2.1.4 of the 29 July 2021 technical note that "...this is an existing vehicle crossover, with no evidence of any safety issue." While the LHA have not requested the Applicant consider Personal Injury Collisions over 5 years old, it is emphasised that over the most recent 5 year study period, the site access may not have been used to its full potential given the site is vacant and has been since 2015. In addition it was considered it was unlikely it would have been used to the intensity it could be as a result of the proposed development.
- 8.33 The LHA consider that the proposals are likely to considerably intensify the use of the access in comparison to the extant use. Given the above and the fact the site is located in a busy village centre location a Road Safety Audit was requested. This was submitted along with amended plans and a designer's response. The LHA agreed with the RSA that the on-street parking spaces should be removed/ relocated. The submitted drawing details a fire engine turning left in to the site with a vehicle parked in the on-street parking space.
- 8.34 The revised site access drawing details that an existing street lighting column would be re-located outside of the pedestrian/ vehicular visibility splays with a location determined at detailed design and confirms that the on-street parking spaces would be relocated as part of a Traffic Regulation Order (TRO). The LHA would welcome re-location of the street lighting column which would need to be done at the full cost to the developer. The LHA has previously confirmed that the re-location of on-street

parking could be dealt with by means of a £7,500 contribution towards amending the existing TROs as part of a Section 106 agreement.

- 8.35 The Applicant has detailed visibility splays of 2.4 x 25 metres in each direction from the site access which would be suitable for vehicle speeds of between 16-20mph in accordance with Part 3, Table DG4 of the Leicestershire Highway Design Guide (LHDG). It should be noted that the LHA accept visibility splays measured to a 1m offset from the kerbline as detailed in Part 3, Figure DG2a of the LHDG and therefore visibility splay could be extended in both directions by the Applicant.
- 8.36 Pedestrian visibility splays of 2.0 x 2.0m to the south and 1.75m x 1.75m to the north can be achieved. The LHA maintain that 2.0 x 2.0 metre pedestrian visibility splays measured from the back of the footway in to the site, as per Part 3, Figure DG23 of the LHDG have not been demonstrated and given the location of the site, such visibility splays are required.
- 8.37 A 2.0m wide pedestrian footway is also proposed in to the site on the southern side of the proposed access. 2.0 x 2.0 metre pedestrian visibility splays measured from the back of the footway in to the site as detailed in Part 3, Figure DG23 of the LHDG do not appear to be achievable due to existing buildings. It is noted that the existing building to the southwest falls within land under the Applicant's control, however the existing building to the north appears to be third party land. The LHA previously advised of application reference 08/01022/FUL simply as a potential solution for the site access, which could be considered by the Applicant and may resolve the LHA's concerns.
- 8.38 The Applicant has made reference to accesses at the Barwell Academy, a residential access road immediately south of the Barwell Academy, the Queens Head Public House and the Saffron House Care Home access. The Applicant has stated none of these accesses have a pedestrian visibility splay to the back of the footway of 2m x 2m on both sides and all operate with no evidence of a road safety issue. While there is no evidence of an existing road safety issue at any of the accesses specified, these all appear to have greater pedestrian visibility in at least one direction. In addition, the LHA consider that these access points are unlikely to be used to the intensity of which the proposed medical centre access could be.
- 8.39 The Applicant has submitted vehicle tracking of a fire engine and a large car turning left in to and right out of the site. Tracking detailing vehicles turning left in to the site has been provided on the basis that a vehicle is parked in the nearby on-street parking space. The vehicle tracking submitted on Apex drawing number C21029-ATP-DR-TP-001 Rev P01 remains of concern, as it details vehicles turning left in to the site travelling towards the centre line of High Street before turning left in to the site. It is considered that in reality, drivers are unlikely to head towards the opposing carriageway prior to turning left and given the narrow width of the access and tight junction radii, there is a risk that drivers could over-run the footway, particularly if a driver is waiting to exit the site. In addition the tracking detailing vehicles turning left in to the site had been provided on the basis that a vehicle is parked in the nearby on-street parking space and it should also be provided detailing vehicles turning left in to the site on the basis that the on-street parking spaces are empty.
- 8.40 Based on the submitted evidence that has been reviewed by the Local Highway Authority it is considered that a safe and suitable access could not be provided in this instance due to the pedestrian visibility splays and the high footfall along High Street,

Highway Safety

- 8.41 The Applicant has obtained Personal Injury Collision (PIC) data from Crashmap for between 1st January 2015 up to an undisclosed date in 2020. This has indicated two PIC's have occurred on High Street between the junctions of High Street/ Stapleton Lane/ Shilton Road/ Chapel Street and High Street/ Church Lane.
- 8.42 The first PIC occurred in 2018 and was recorded as serious. This involved a single motorcycle and occurred on High Street, close to its junction with The Barracks. The second PIC occurred in 2019 and was recorded as slight. This occurred on the High Street/ Stapleton Lane/ Shilton Road/Chapel Street mini roundabout and involved two vehicles.
- 8.43 Overall, while the PIC's are regrettable, the LHA accepts the Applicant's conclusions within the TS that there are no common causes, specific patterns or clusters of PIC's in the study area and therefore the proposals are unlikely to exacerbate an existing road safety concern.
- 8.44 The LHA has also studied its own records for PICs within the Applicants study area up to the 2nd June 2021 and can advise that no further PIC's have been recorded, therefore no further consideration of PIC data is required.

Trip Generation/Junction Capacity Assessments

- 8.45 The Applicant has considered the level of trips the proposed medical centre would generate and compared this with the level of trips the extant use of the site could generate using the industry standard database TRICS.

Existing trip generation

- 8.46 The LHA would usually expect the vehicular trip generation for the existing site to be based on actual data. However given the site is currently vacant, the use of TRICS to ascertain trip rates is considered acceptable.
- 8.47 The vehicular trip rates for the existing site, which are based on an industrial unit are detailed in Table 1 of the Transport Assessment. The LHA consider these trip rates to be acceptable.
- 8.48 The Applicant states that based on the TRICS trip rates the site could generate approximately four HGV trips per day, however given the site was previously used as a haulage firm it is likely the number of HGV trips generated by the site could be higher. As the site has been vacant for a number of years, the LHA considers the TRICS figures are most appropriate to be considered. Furthermore, tracking of an HGV entering, turning and exiting the existing site has not been provided and given the constraints of the existing site and access, it is unclear how this could be undertaken and therefore what the appeal of the site would be for a business generating a large volume of HGV's.

Proposed trip generation

- 8.49 The proposed level of vehicular trips the medical centre would generate are detailed in Table 2 of the Transport assessment. After studying the proposed trip rates, the LHA consider these to be low and should be re-considered. It is noted the Applicant states that some practices adopted during the Covid-19 pandemic are anticipated to be adopted going forward, meaning the proposed TRICS trip rates obtained prior to the Covid-19 pandemic could be an overestimate and a worst case scenario. The LHA have no guarantee that this would be the case however, and the scale of the development proposed is clearly still required regardless of the Covid-19 pandemic.
- 8.50 While it is understood the proposals would result in the closure of the existing Barwell Medical Centre and therefore a relocation of staff and existing patients to the proposed site, it is unclear as to the internal floorspace of the existing medical

centre. The Applicant has stated that the majority of trips to the site on the network would not be new given the closure of the existing facility, however clarification is needed on the scale of the existing facility for this to be verified by the LHA.

Net change in trip generation/ Capacity assessment

- 8.51 The Applicant has also subtracted the number of trips the extant use of the site could generate to demonstrate the net change in trips as shown in Table 3 of the Transport Assessment. The Applicant has stated that the net change in trips results in 28 new (two-way) trips at the site access during the AM peak hours, and therefore does not require a capacity assessment to be undertaken. Given the LHA consider the proposed trip rates to be low, and the proposals would represent a considerable increase in the level of trips at peak times in comparison to the extant development, the LHA request that a capacity assessment is undertaken at the site access.
- 8.52 The Applicant has stated that the junction would operate well within capacity given the minimal traffic flows into and out of the access and on High Street past the site and that the model showed that no queuing would occur in any period. It is stated increased growth rates or minor increases in background traffic resulting from committed developments would make no difference to this conclusion.
- 8.53 While the LHA accept that the modelling indicates spare capacity at the junction, the modelling was based on data partially undertaken during the Leicestershire school summer holidays and did not include Covid-19 uplift factors, which were referred to in the LHA's initial observations dated 1 July 2021. As a matter of course, the LHA would expect the Applicant to consider any committed developments in the area as part of a capacity assessment. On this basis, detailed checks of the junction modelling have not been undertaken by the LHA. Unless there are site specific circumstances which have been agreed with the LHA, capacity assessments based on data undertaken during school holidays are not accepted given that lower peak hour traffic levels are usually evident on the network. Currently, this is also the case in the absence of Covid-19 uplift factors.
- 8.54 The LHA would therefore require an updated capacity assessment based on data outside of the school holidays and covid-19 uplift factors to provide robust evidence that the junction would operate within capacity.
- 8.55 Updated assessments have been received based on a worst case scenario approach and shows there to be no severe impact upon the network. This is currently under review by the LHA and will be reported within the late item

Internal Layout

- 8.56 The LHA has studied JTP Architects drawing number 101_d Rev D, which provides details of the internal layout of the site in respect of the car park. Based on guidance within the LHDG, the proposals require one car parking space per member of staff employed plus two car spaces per consulting room/ surgery.
- 8.57 The Applicant has stated the proposals would accommodate up to 20 members of staff on-site at any time and that there would be 16 clinical/ treatment rooms. On this basis, there is a requirement for 52 parking spaces on-site. The Applicant has detailed 52 car parking spaces on-site, including two disabled bays. A cycle parking area has also been detailed on the plan which could accommodate up to six cycles and there appears to be sufficient space for vehicles to manoeuvre and turn within the site. Overall, the internal layout of the site is therefore considered acceptable to the LHA, and it is considered that it would be unlikely that the proposed development would generate on-street parking issues in the surrounding area.

- 8.58 The LHA notes that there is an existing building, labelled in some documents as an existing residential property that fronts the site and falls under the blue line boundary. The LHA request clarification as to the use of this building and what parking arrangements are currently in place for the building as it appears the proposals may remove any existing off-street parking which is currently available. Should parking provision be removed, clarification as to where alternative parking is proposed should be provided, as the proposals do not appear to provide any replacement off-street parking for this building.

Transport Sustainability

- 8.59 While the Applicant has submitted a Travel Plan in support of the proposals, based on Part 2, Table PDP1 of the LHDG, the proposals are not of the scale to require a Travel Plan. Nevertheless, the LHA welcomes the submission of the document and while it is unable to condition the Travel Plan, would advise that the measures to encourage sustainable travel to and from the site are taken forward by the Applicant.
- 8.60 The site is located towards the centre of Barwell and within an approximate 200m walk from regular bus services between Leicester, Nuneaton and Hinckley. Cycle parking is also proposed within the site, which is welcomed by the LHA as per the internal layout section above.

Highways Conclusion

- 8.61 Notwithstanding the above, the LHA advise that its previous concerns in respect of the site access design remain in full and the junction modelling/ capacity assessments that have been updated have not been fully reviewed. The LHA therefore still maintain their objection and recommend refusal of the application.

Drainage

- 8.62 Policy DM7 of the SADMP seeks to ensure that surface water and groundwater quality are not adversely impacted by new development and that it does not create or exacerbate flood risks.
- 8.63 The application has been accompanied with a Flood Risk Assessment and Drainage Strategy. The application site is situated within Flood Zone 1 (Low risk of fluvial flooding) and at a low to very low risk of surface water flooding. The site has been designed to ensure that the development is not at risk of flooding from storms up to a 1 in 100 year (+40% climate change) event. On site testing has showing that infiltration is not a viable method of surface water disposal and therefore would be collected, attenuated and discharged off site to the public surface water sewer at a restricted rate. The strategy would include a crated attenuation tank and flow control device to restrict runoff for all storm events up to and including 100 year (+40% climate change) critical storm event.
- 8.64 The surface water strategy has been designed to reduce the flood risk to downstream properties through reducing the off site runoff rates, and the proposal would also remove the existing surface run off to the public foul sewer within High Street, and instead would connect the flows to the dedicated public surface water sewer network. During the course of the application the Lead Local Flood Authority and HBBC (Drainage) have considered the application and have no objection to the proposed development subject to the imposition of conditions to ensure that the development does not commenced until a suitable drainage scheme has been agreed which accords with the Drainage strategy and subsequently implemented. Therefore the proposed development is considered to accord with Policy DM7 of the SADMP and would not create or exacerbate flooding and is located in a suitable location with regard to flood risk.

Land Contamination and Pollution

- 8.65 Policy DM7 of the SADMP seeks to ensure that adverse impacts from pollution are prevented, this include impacts from noise, land contamination and light.
- 8.66 The application has been accompanied by a Phase II assessment, which found no contaminant of concern above the guideline levels. Environmental Health (Pollution) have therefore no objections to the proposed development subject to requiring a watching brief is kept.
- 8.67 Within the proposed development external lighting is proposed to serve the building and the car park where necessary. The lights have been positioned and design to minimise spill into the sky and adjacent neighbouring properties. To ensure that the lighting, particularly those columns along the boundary, especially to the north, which are 6metres high HBBC (pollution) have considered the impact of this lighting and consider it necessary that outside operating hours these lights would be turned off, to ensure the amenity of neighbouring properties is maintained, which is considered reasonable and necessary.
- 8.68 The proposed medical centre would also support the use of associated plant equipment necessary for the running of the building. An environmental noise assessment submitted with the application recommends noise limits for plant of 38dBL_{aeq} (Daytime) and 31dBL_{aeq} (night time). These noise rating levels of the proposed development should be conditioned to ensure that the assessment levels are met and not exceeded to secure an appropriate level of amenity.
- 8.69 Given the scale of development, which would be in proximity to the adjoining settlement boundary, Environmental Health (Pollution) have also requested a further condition for the submission of a Construction Environment Management Plan, to detail the site preparation and construction and how the impact of this would be mitigated and prevented. It is considered when having regard to the surrounding residential dwellings that this is reasonable and necessary and should be imposed should permission be granted.
- 8.70 Accordingly subject to the imposition of conditions, the proposed development would not give rise to any adverse impacts from pollution and is therefore in accordance with Policy DM7 of the SADMP.

Ecology

- 8.71 Policy DM6 of the SADMP states that major developments must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services. On-site features should be retained, buffered and managed favourably to maintain their ecological value, connectivity and functionality in the long-term.
- 8.72 The application has been accompanied by an Ecology survey which has been supported in support of the application, the contents of which has been considered by LCC (Ecology) during the course of the application.
- 8.73 The Ecology survey included a roost assessment of the building proposed to be demolished, which was identified as being of moderate bat potential. A dusk emergence and a dawn re-entry survey were also carried out which recorded no bats using the building, therefore no further survey is considered necessary for this application, subject to a condition which requires development to be carried out in accordance with the recommendation contained within the report. This is considered necessary to ensure that the proposed development incorporates enhancements for both bats and nesting birds.

8.74 The proposed development also includes the provision of native planting within the landscaping plan, which ensures that as well as the mitigation measures and enhancements to the bats and nesting birds that the proposed development would provide a net gain in biodiversity, in line with the NPPF (2021)

8.75 Therefore accordingly subject to conditions the development would be in accordance with Policy DM6 of the adopted SADMP by securing biodiversity enhancements.

Other matters

8.76 HBBC Waste have no objections to the proposal.

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. The application site is within the settlement boundary of Barwell and would provide a new community facility. The parking provision is acceptable. It would have no adverse impact upon ecology, pollution, drainage, the character of the area and conservation area or neighbouring residential amenity and therefore complies with Policy 3 of the Core Strategy, Policies DM1, DM6, DM7, DM10, DM11, DM12, DM18 DM22 and DM25 of the SADMP and Policies 22 and 24 of the ESBAAP, Section 16 of the NPPF and the statutory duty of Section 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990.

10.2. The proposal has failed to demonstrate a safe and suitable access can be achieved for all highways users, in particular pedestrians therefore the application is contrary to Policy DM17 of the SADMP and the wider policies of the NPPF and therefore is recommended for refusal.

11. Recommendation

11.1 **Refuse planning permission** subject to the reasons at the end of this report.

11.2 **Reasons**

1. The Applicant has failed to demonstrate that a safe and suitable site access can be achieved for all highway users, contrary to paragraph 110 of the National Planning Policy Framework (2021), Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the Leicestershire Highway Design Guide.

11.3 Notes to applicant

1. This application has been determined having regard to the following documents and plans submitted with the application and consultation responses received during the course of the application:-
 - Highways Access Plan
 - Vehicle Tracking Plan - Fire Appliance received by the Local Planning Authority on the 4th October 2021.
 - Transport Note received by the Local Planning Authority on the 22nd September 2021.
 - Transport Letter
 - Swept Path Analysis - Large Car Drg No: C21029-ATP-DR-TP-001 received by the Local Planning Authority on the 13th September 2021.
 - Ecological Impact Assessment received by the Local Planning Authority on the 17th August 2021.
 - Proposed Site Section A-A Drg No: 107
 - Proposed Site Plan Drg No: 101 Rev: G received by the Local Planning Authority on the 3rd August 2021.
 - Drainage Plan - Overall Drg No: 03.00
 - Typical Formpave Details - Sheet 1 Drg No: 31.01
 - Highways Technical Note received by the Local Planning Authority on the 29th July 2021.
 - Visuals - Street View of the Building - Approach of Walkway Drg No: 118
 - Visuals - Street View of the Building - Car Park Drg No: 119
 - Proposed Elevations (North & West) Drg No: 110 E
 - Pilkington Optifloat Opal Glazing Spec
 - Visuals - Bird's Eye View of the Site Drg No: 115
 - Visuals - Bird's Eye View of the Building Drg No: 116
 - Visuals - Street of the Building - Approach Road Drg No: 117 received by the Local Planning Authority on the 28th July 2021.
 - Typical Formpave Details - Sheet 1 Drg No: 31.01 received by the Local Planning Authority on the 28th July 2021.
 - Soft Landscaping Plan Drg No: R3-4460321-03-LA01 Rev: A received by the Local Planning Authority on the 14th July 2021.
 - External Lighting Statement received by the Local Planning Authority on the 13th July 2021.
 - Proposed Elevations - South & East Drg No: 111 D received by the Local Planning Authority on the 15th June 2021.
 - Road Safety Audit Designers Response
 - Road Safety Audit received by the Local Planning Authority on the 10th June 2021.

- Environmental Noise Assessment
- Demolition and Site Plan Drg No: 100
- Proposed Ground Floor Plan Drg No: 102-E Rev: E
- Proposed First Floor Plan Drg No: 104- G Rev: G
- Ground Investigation Report
- Phase 1 Contaminated Land Desk Study Report
- Application Form
- Planning Statement
- Transport Statement
- Travel Plan
- Design and Access Statement
- Flood Risk Assessment and Drainage Strategy
- Preliminary Ecological Appraisal and Bat Roost Assessment
received by the Local Planning Authority on the 27th April 2021.

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