

Planning Committee 28 May 2019
Report of the Interim Head of Planning

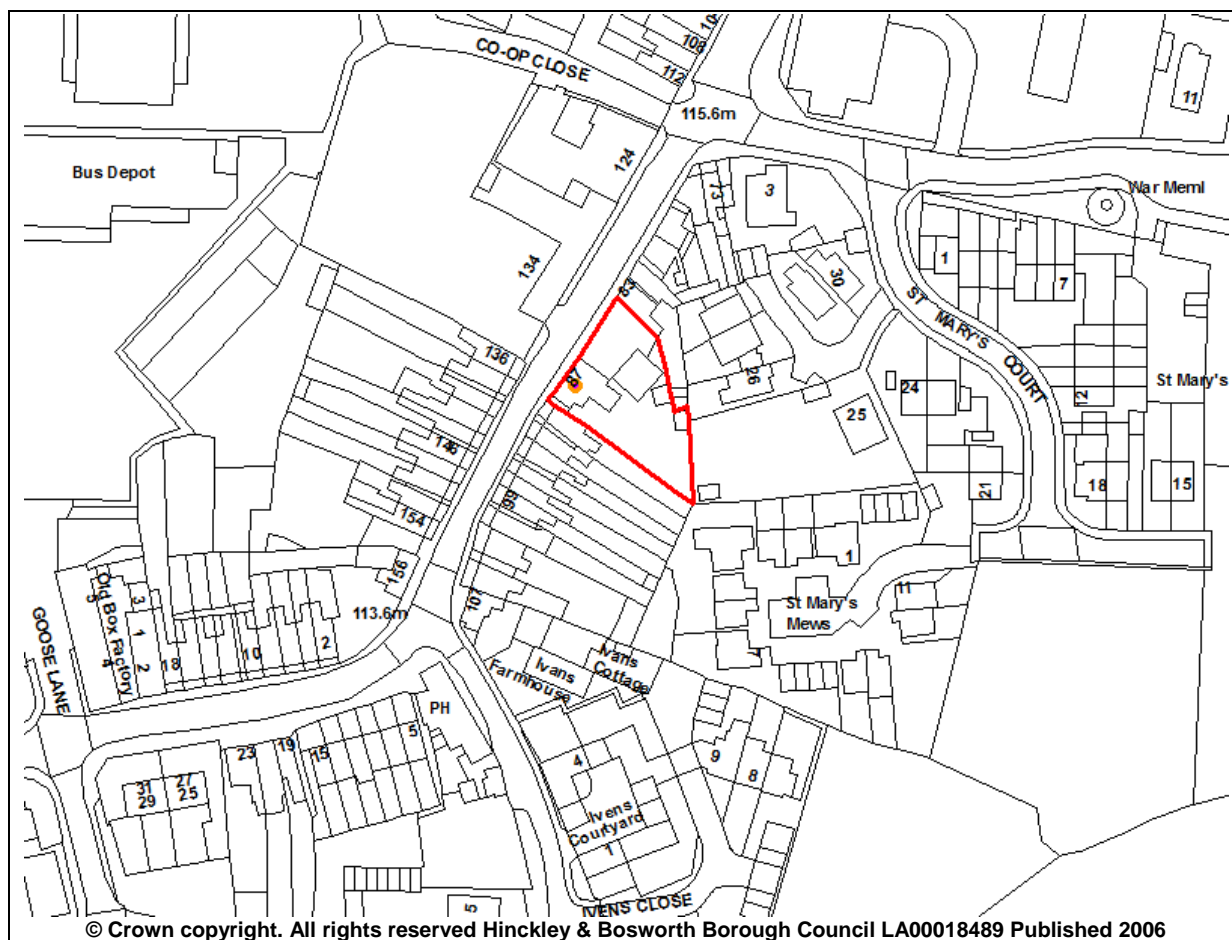
Planning Ref: 19/00049/FUL
Applicant: Vexford Homes Limited
Ward: Barwell



Hinckley & Bosworth
Borough Council

Site: 87 High Street Barwell

Proposal: Demolition of existing buildings and erection of 4 dwellings (revised scheme)



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

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

2. Planning Application Description

2.1. This application seeks full planning permission for the demolition of the existing building and the erection of 4, two storey dwellings.

2.2. The dwellings would be positioned slightly set back from the pavement to extend the existing linear form of development along High Street, the dwellings would

extend the terracing, with an undercroft to provide access to the proposed parking to the rear of the application site.

- 2.3. The dwellings would be 2 bedroomed dwellings, with plots 1-3 having a ground floor w.c and cloak room, with open plan kitchen dining space to the rear and living room to the front, and with two bedrooms above. Plot 4 would have a smaller ground floor footprint owing to the proposed undercroft, and as such the living area would be situated at first floor. Each dwelling would be provided with a rear private amenity space.

3. Description of the Site and Surrounding Area

- 3.1. The site is located to the east side of High Street within the settlement boundary of Barwell and within the Barwell Conservation Area. The two storey dwelling and retail building is a double fronted building with cream-painted render with slate roof. The building is located at the rear edge of the public footpath. To the north east of the building within the application site, is an existing large detached garage. The garage is also finished in cream-painted render with concrete roof tiles with a roller shutter doors within the front elevation, and set back from the highway approximately 8.5 metres, with an area of hardstanding for parking to the front for off street parking.
- 3.2. The garage and hardstanding is bordered by another, separately-owned, dwelling fronting the highway. The dwelling has a ground floor habitable room window in the ground floor and a first floor bedroom window overlooking the area hardstanding.
- 3.3. The application site is currently vacant and secured.

4. Relevant Planning History

94/00239/FUL	Erection of garage extension to shop/living accommodation	Approved	19.04.1994
08/00572/FUL	Erection of detached garage and canopy link	Approved	29.07.2008
08/00757/COU	Part change of use of a double garage to a class a1 retail unit and conversion of the existing retail unit to residential (re-submission of 08/00558/COU).	Approved	05.09.2008
15/01119/FUL	Extensions/alterations to existing 2 no. retail units and 1 no. residential unit to form 1 no. retail units and 5 no. self contained apartments	Approved	13.10.2016

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 and four letters of objection have been received raising the following objections:-

- 1) Concerned over lack of parking provision
- 2) This design reverts back to architecture seen everywhere, new buildings trying to look old
- 3) This development would exacerbate existing parking problems
- 4) Visibility would be limited when entering and existing the application site

6. Consultation

6.1. No objections, some subject to conditions, received from:-

Conservation Officer
Environmental Health (Pollution)
Environmental Health (Drainage)
Leicestershire County Council (Highways)
Leicestershire County Council (Archaeology)

6.2. Barwell Parish Council have objected on the following grounds:-

- 1) The description states four dwellings the plans show five
- 2) Inadequate parking
- 3) Design not in keeping with the street scene and conservation plan, contrary to Policies DM11 and DM12 of the SADMP.

7. Policy

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

- Policy 22 : Development and Design

7.2. Core Strategy (2009)

- Policy 3: Development in Barwell

7.3. 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 DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.4. National Planning Policies and Guidance

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

7.5. Other relevant guidance

- Barwell High Street Conservation Area Appraisal and Map

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Impact upon the character and appearance of the Barwell High Street Conservation Area
- Impact upon neighbouring residential amenity
- Impact upon highway safety

- Impact upon archaeology
- Contamination
- Drainage
- Infrastructure contributions
- Other matters

Assessment against strategic planning policies

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) 2019 states 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. Policy DM1 of the Site Allocations and Development Management Policies DPD (SADMP) sets out a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved without delay subject to other material planning considerations.
- 8.4. The relevant development plan documents in this instance consist of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies Development Plan Document (2016) (SADMP).
- 8.5. Policy 3 of the adopted Core Strategy seeks to support development within the Barwell settlement boundary for a minimum of 45 new dwellings and to ensure that there is a range of employment opportunities within Barwell. The policy also includes the allocation of land for a sustainable urban extension to include 2500 new dwellings and 15 hectares of employment land.
- 8.6. Due to the change in the housing figures required for the borough since those that were set out in the Core Strategy, paragraph 11 of the NPPF is triggered. Currently the Council's supply of deliverable housing land is less than 5 years. This is weighed in the balance of the merits of the application when considered with the policies in the Site Allocations and Development Policies DPD and the Core Strategy which are attributed significant weight as they are consistent with the Framework. Therefore, sustainable development should be approved unless other material considerations indicate otherwise.
- 8.7. The application site is situated within the settlement boundary of Barwell. The proposal seeks to demolish an existing house and retail unit, and erect 4 new dwellings. The application site is situated outside the district, local and neighbourhood centre. Policy 3 of the Core Strategy supports residential development within the settlement boundary. Policy DM1 of the SADMP provides a presumption in favour of sustainable development; the proposed development is in accordance with strategic development plan policies subject to all other planning matters being satisfactorily addressed.

Impact upon the character and appearance of the Barwell High Street Conservation Area (BHSCA)

- 8.8. The application site is situated within the BHSCA and is identified as being a Significant Local Building. Section 72 of the Planning (Listed Buildings and Conservation Area) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character and appearance of conservation areas.
- 8.9. Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraph 193 of the

NPPF 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.

- 8.10. Policies DM11 and DM12 of the adopted SADMP seek to ensure that the significance of a conservation area is preserved and enhanced through the consideration and inclusion of important features. Policy DM10 of the adopted SADMP requires development to complement or enhance the character of the surrounding area. Policy 22 of the adopted Earl Shilton & Barwell Area Action Plan DPD states that developments will be permitted provided that, amongst other matters, there would be no detriment to the character or appearance of the host building or the surrounding area and the development includes use and application of appropriate building materials.
- 8.11. Paragraphs 124 and 127 of the NPPF (2019) state that good design is a key aspect of sustainable development and planning decisions should ensure that developments: will function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character; optimise the potential of the site to accommodate an appropriate amount and mix of development and support local facilities and transport networks; create places that are safe, inclusive and accessible with a high standard of amenity for existing and future users.
- 8.12. The application site is situated within the Barwell High Street Conservation Area, and is a pair of mid-victorian cottages with one unit previously used as a retail unit. The pair of cottages retains some features of architectural interest, including a tall gable chimney stack, an interesting shop window surround and a traditional slate roof. However, the pair of mid-victorian cottages have been subject to various alterations to the fenestration and the addition of rendering. The building follows a traditional built form in the area being situated at the back edge of the pavement, however it does sit further forward of the building line of the dwellings either side of the site. Although the building is identified in the Conservation Appraisal as a significant local building within the conservation area, due to the significant alterations to the building, such as changes to fenestration, rendering of the building and painting to the building, it is not considered to be in its original form and is considered to provide a minor contribution to the Conservation Area. In addition to the terraces; there is a large modern detached garage on site, which is highly visible from the street scene but set back further into the site than the adjacent dwelling. The garage features large roller shutter doors and a concrete roof. This garage is not historic and detracts from the overall character and appearance of the Conservation Area and is considered to weaken this area of the Conservation Area.
- 8.13. The proposal seeks to demolish all the existing buildings which are situated within the application site and erect four dwellings. The four new dwellings seek to replicate the linear terraces which characterise this area of High Street Barwell, to the south and north of the application site. The proposed development would be of two storey scale and would have a similar eaves and ridge height to the neighbouring dwellings, which are of late Victorian build. The proposed terraces would be set back from the pavement to provide front boundary walls, which is a traditional characteristic of the area. Within the proposed row of terraces the end plot which resides to the north of the application site would span across at first floor, above the proposed undercroft and would be set back slightly from the three dwellings proposed to the south. The ridge height serving this section of the terrace would also be slightly set down, providing interest and relief within the street scene as well as maintaining an appropriate ridge level through the street scene.

- 8.14. The proposed terraces would be finished with a dual pitched roof, and each plot would be served with chimney stacks, which is consistent and reflective of the neighbouring terraced properties, with upper and lower floor windows, at regular intervals within the elevations. The fenestration detailing would include stonecast cills and keystone lintels to windows and doors as well as eaves detail. The proposed undercroft would provide vehicular access to the rear of the development, in a parking court. A projecting gable would be located above the archway of the undercroft adding interest to the proposed roofscape of terraces. This would be a modern addition to the street scene as this is not a feature usually found in the Conservation Area. However, this gable feature is considered to add interest to a large roof scape and provide a design setting to the undercroft access and would not detract from the overall character of the development. This element is also proposed to be rendered to distinguish this additional feature to the more traditional elements of the scheme.
- 8.15. A condition for the removal of permitted development rights for extensions and alterations would be reasonable and necessary in this case to ensure that the development within the conservation area of Barwell maintains and respects the appearance of the wider area in future. Furthermore the amenity space to serve the proposed properties although sufficient is small and therefore additional extensions could have an adverse impact upon the residential amenity of future occupiers.
- 8.16. The proposal seeks to demolish an existing Victorian building, which has a minor contribution to the significance of the Conservation Area, and its proposed demolition would have a minor adverse impact, causing a level of harm to this significance which is considered to be "less than substantial" in this case.
- 8.17. In accordance with Policy DM11 of the SADMP and paragraph 196 of the NPPF where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use. Public benefits could be anything that delivers economic, social or environmental progress as described in the NPPF. Public benefits may include heritage benefits as specified in the Planning Practice Guidance, such as:
- Sustaining or enhancing the significance of a heritage asset and the contribution of its setting
 - Reducing or removing risks to a heritage asset
 - Securing the optimum viable use of a heritage asset in support of its long term conservation
- 8.18. Of particular relevance in this application is the requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of the BHSCA, in accordance with the provisions of s.72 of the Planning (Listed Buildings and Conservation Area) Act 1990.
- 8.19. The non-heritage public benefits of this scheme include:
- Limited economic benefits during construction and towards the preservation of the facilities in the settlement and surrounding settlements.
 - Social benefits in a boost in housing. The council cannot demonstrate a 5 year land supply and therefore four additional dwellings would contribute to the boost of housing land within the borough.
 - The proposal would enhance the character of the area. This is discussed in further detail below.
- 8.20. Whilst the proposal would result in the loss of an identified significant building within the Conservation Area, this building has been subject to a number of modifications

and therefore its contribution is limited. In addition to this the site includes a modern garage and large area of hardstanding which is uncharacteristic of the area and is detrimental to the character and appearance of the Conservation Area. The loss of the terrace dwellings would cause less than substantial harm to the significance of the Conservation Area. The buildings proposed are of a design and scale that have strong characteristics of the surrounding properties in the Conservation Area. Additionally the dwellings would be set back further into the site providing small front gardens with low level boundary treatments, again in keeping with the adjacent properties to the south. The proposal would also result in the removal of the large garage and hardstanding, with the replacement of well designed dwellings providing a strong frontage to the site. The parking for the development is proposed to be to the rear of the site, through the undercroft, therefore removing the parking area from the street frontage. Whilst the removal of the Victorian terraces would cause less than substantial harm to the significance of the Conservation Area; the removal of the garage and hardstanding and due to the design and quality of the development would result in a positive benefit to the Conservation Area by enhancing its character and appearance.

- 8.21. The proposal would result in dwellings which are set back from the highway with low level boundary treatments, more in keeping with the building line and character of the surrounding properties. The design and scale of the proposals are similar to the neighbouring properties, as discussed earlier in the report. The proposal would also result in the removal of a modern garage building and area of hardstanding which detracts from the Conservation Area. Its replacement with the proposed development would provide a significant improvement to the character and appearance of this element of the Conservation Area. It is therefore concluded that whilst the building which is identified as a significant building in the Conservation Area will be lost, this adds limited value due to its significant alterations and the removal of the modern garage and a large amount of hardstanding would be a positive improvement. The development therefore has benefits to the historic environment.
- 8.22. Having taken into consideration the heritage and non heritage benefits as a whole the proposal is considered to provide a level of public benefit that would outweigh the less than substantial harm caused to the significance of the conservation area by the demolition of the Victorian building. As part of this assessment the great weight that should be given to the asset's conservation as required by paragraph 193 of the NPPF and the statutory duty of Section 72 of the Planning (Listed Building and Conservation Areas) act 1990 has been applied in the balancing exercise.
- 8.23. Therefore the proposal would enhance the character and appearance and thus significance of the Barwell (High Street) Conservation Area and would be in accordance with Policies DM11 and DM12 of the SADMP, Section 16 of the NPPF and the statutory duty of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 8.24. In light of the above, it is considered that the proposal would enhance the character of the conservation area. The proposal is therefore in accordance with Policies DM10, DM11 and DM12 of the SADMP.

Impact upon neighbouring residential amenity

- 8.25. Policy DM10 (criterion a) of the adopted SADMP require that development does not adversely affect the amenities or privacy of the occupiers of neighbouring properties. Policy 22 of the adopted Earl Shilton & Barwell Area Action Plan DPD states that developments will be permitted provided that, amongst other matters, it

does not adversely affect the privacy or amenity of nearby residents and occupiers of adjacent buildings including matters of visual intrusion and noise.

- 8.26. No.89 High Street is a two storey terraced dwelling situated to the south of the application site. The proposed scheme seeks to erect a terrace of 4 dwellings, which would set in from the shared boundary with No.89 by approximately 1.2 metres. The existing building, adjoins No.89 and projects approximately 1.7 metres beyond the front elevation of No.89 to abut the footpath. The front elevation of the proposed dwelling nearest to this property would be positioned approximately 0.3metres beyond the existing front elevation of No.89 and would extend back approximately 8.7 metres and would not extend beyond the rear wall of the neighbouring dwelling. Given the existing relationship of No.89 with the application site, and the proposed dwellings would be set away from No.89 and would not significantly beyond the elevations of No.89 and would therefore not result in any adverse impact in from the development in terms of overlooking nor overshadowing from this development.
- 8.27. The application proposes, 4 car parking spaces, adjacent to the boundary of No.89. The parking spaces would be situated approximately 0.5 metre increasing to 0.8 metres away from the common boundary. Given the low number of properties proposed, it is not considered that the development would result in any adverse impact in terms of noise from vehicle movements, due to the limited number of vehicular movements this development would produce. A condition for suitable boundary treatment is recommended to ensure adequate neighbouring residential amenity is maintained.
- 8.28. To the north east of the application is No.83, which is a two and half storey terraced property. There are three windows within the side facing elevation of No.83 which face towards the application site. These are secondary windows serving the property. There are no side facing windows proposed within the building which would oppose these existing windows. The proposed dwellings would be set away from the boundary by approximately 1.3 metres decreasing to abutting the boundary due to the angle of the north east facing boundary. The front elevation of the row of terraces would be set back from the pavement by approximately 2.9 metres, and therefore the existing secondary windows at ground and first floor would not be obscured by the proposed development. There is a further window within the second floor serving a loft conversion, which is also a secondary window, however an agreement between the land owner and this neighbouring dwelling has agreed that this window would be bricked up in exchange for a right of access to the rear of the property. However notwithstanding this agreement, having regard to this window serving as a secondary window, it would not be a reason for refusal and therefore would not be necessary to condition this agreement as part of this scheme. No. 83 has a large rear garden which is angled around the site; whilst the proposed dwelling nearest the existing garden would have some overlooking into it, due to the length of the existing garden and its angle it is not considered that this would have an overbearing impact or unacceptable loss of privacy to this rear garden. Therefore the proposed development would not result in any loss of privacy, overlooking or loss of light to No.83.
- 8.29. Given the above context, it is considered that the proposal would therefore be in accordance with Policy DM10 of the adopted SADMP and Policy 22 of the adopted Earl Shilton & Barwell Area Action Plan DPD.

Impact upon highway safety

- 8.30. Policies DM17 and DM18 of the adopted SADMP require adequate access and off-street vehicle parking facilities to be provided to serve developments.

- 8.31. Objections have been received in respect of the proposed access and parking facilities. Objections have also been received in respect of the lack of off-street parking and the narrowness of this section of High Street, Barwell.
- 8.32. The proposed scheme, would provide four spaces, one space per dwelling. The scheme would allow cars to enter and leave the site in a forward gear, removing the risk previously observed when the application site was in use, with reversing of cars, back into the highway. Given the proximity of the town centre of Barwell to the development site, and the range of sustainable modes of travels options in close proximity it is considered that one car parking space per dwelling would be adequate in this instance.
- 8.33. The proposed dwellings would be accessed via a classified C road which is subject to a 30mph speed limit, as such visibility splays of 43m from a 2.4metre setback are required in accordance with the Highways Design Guidance in the interests of Highway Safety. The proposed access out of site has demonstrated that this visibility splay is achievable.
- 8.34. Leicestershire County Council (Highways) has reviewed personal injury collision data for the latest 5 year period. Within 500 metres of the proposed site access there is evidence of 6 collisions, of which 3 are slight and 3 are serious, these collisions occurred between 2014 and 2018. The 3 serious collisions occurred between 2014 and 2018, all occurring during dry, daylight conditions. No pedestrians were involved in these incidents however there is evidence of collision in 2014 between a slow moving vehicle approaching a junction and a mobility scooter that was crossing the road. The remaining 2 serious collisions involved a motorcyclist clipping a parked car and consequently losing control and a vehicle failing to give way at the Stapleton Lane/High Street roundabout and colliding with a vehicle on the roundabout. Of the slight collisions, one involved a cyclist, in 2014 during dry daylight conditions on a pedestrian crossing near the site access. After this review, Leicestershire County Council (Highways) have assessed the scheme and do not object to the proposed development as it is not considered that the development would lead to any additional highway safety concerns, as sufficient measures are in place to ensure entry to the highway in a forward gear as well as there being sufficient visibility. Therefore, subject to the imposition of conditions relating to visibility, the provision of car parking prior to the first use of the development and the provision and maintenance of cycle parking the proposed development is considered to be acceptable in terms of highway safety, and would accord with Policies DM17 and DM18 of the adopted SADMP.

Impact upon archaeology

- 8.35. Policy DM11 and DM12 of the adopted SADMP seeks to ensure that development proposals shall protect, conserve and enhance the historic environment.
- 8.36. The application site is situated within an area of archaeological interest as identified within The Leicestershire and Rutland Historic Environment Record. The site is situated within the historic settlement core of medieval and post medieval Barwell (HER Ref: DLE6670) where there is potential for the presence of archaeological remains within the application area, which would be affected by the development. Archaeological evaluation and exaction undertaken in 2006 at St Marys Court, located to the south east of the application site, revealed post holes relating to the remains of a late prehistoric round house, an assemblage of Roman artefacts suggesting nearby settlement and a series of medieval boundary ditches in addition to the remains of a possible medieval fish pond. There is therefore potential for the

presence of archaeological remains within the application area, likely to be affected by the proposal.

- 8.37. Leicestershire County Council (Archaeology) do not object to the proposal. It seeks further information with regard to the archaeological evaluation of the site. This information can be secured by condition and is considered to be a reasonable approach to ensure that any archaeological remains present are treated appropriately. Subject to the inclusion of this condition the development would not have a detrimental impact upon the understanding of the significance of any heritage asset, and would therefore be in accordance with Policies DM11 and DM12 of the SADMP.

Contamination

- 8.38. Policy DM7 of the adopted SADMP seeks to prevent the risk of pollution resulting from development
- 8.39. Given the commercial history of the Environmental Health (Pollution) have requested that a land contamination report to be provided due to the potential risk of contamination it is considered that this condition is reasonable and necessary given the proposed residential use.

Drainage

- 8.40. Policy DM7 of the SADMP states that development proposals should provide satisfactory surface water and foul water drainage. In addition the NPPF sets out at Paragraph 100 that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.
- 8.41. Environmental Health (Drainage) has raised no objection to the application subject to the imposition of a condition which seeks that the drainage scheme to serve the proposed development is submitted to and agreed prior to development, to ensure adequate drainage provision is proposed. As such subject to this condition it is not considered that the proposal would lead to any harm in terms of flooding and therefore would be in accordance with Policy DM7 of the adopted SADMP and the relevant provisions of the NPPF.

Infrastructure contributions

- 8.42. Policy DM3 of the adopted SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities. Policy 19 of the adopted Core Strategy seeks to address existing deficiencies in the quality, quantity and accessibility of green space and children's play provision within settlements.
- 8.43. The request for any planning obligations (infrastructure contributions) must be considered against the requirements contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations require that where developer contributions are requested they need to be necessary to make the development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the development proposed. Where contributions are sought they must not be tariff based. In this instance it is not considered that this development would have a detrimental impact upon green open space and children's play provision in Barwell, significant to require contributions towards offsetting any adverse impact the proposal may have on play and open Space. Therefore in this instance contributions will not be sought.

Other matters

- 8.44. Comments have been received from the Parish Council For clarity the proposal does seek the erection of 4 dwellings, as determined by the proposed floor layout and proposed elevation drawing. The elevation drawing which fronts onto High Street, Barwell shows 4 front doors to serve each proposed dwelling, and the provision of an undercroft to the parking to the rear of the proposed properties.

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 concerns raised in response to local consultation have been carefully considered as part of the assessment of this application. However, the application site is in a sustainable location within the centre of Barwell, close to services and facilities and is acceptable in principle and would contribute to the overall supply and mix of housing within the Borough.

- 10.2. The proposed scheme would result in the removal of an identified significant building in the Conservation Area; however it would also result in the removal of a modern garage and large area of hardstanding which is detrimental to the character and appearance of the Conservation Area. The proposal is considered to have public benefits in the provision of housing, due to the council not being able to demonstrate a 5 year housing land supply, and also significant environmental benefits due to the design and scale of the scheme in keeping with the existing character and appearance which would mitigate the loss of the existing identified significant building which has been subject to a number of modern modifications which take away from its original character. The benefits of the scheme therefore outweigh the less than substantial harm caused by the loss of the two Victorian terraced buildings.

- 10.3. The scheme would not result in any significant adverse impact on the amenities of any neighbouring residential occupiers, and would provide adequate off street

parking and means of access. The scheme also removes the need for cars to reverse onto High Street, which is the situation at present and would therefore provide an improvement to highway safety. The proposal would not therefore result in any demonstrable adverse impacts on highway safety.

- 10.4. It is considered that the revised proposal, subject to conditions, would be in accordance with adopted policies DM1, DM3, DM10, DM11, DM12, DM13, DM17 and DM18, of the SADMP and Policy 22 of the adopted Earl Shilton and Barwell Area Action Plan. The assessment of the application has also had regard to the duty of the local planning authority to give special attention to the desirability of preserving or enhancing the character and appearance of that area in accordance with Section 72 of the Planning (Listed Buildings 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 Interim Head of Planning 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 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site location and block plan Dwg No. 7819-03-001, Proposed site plan Dwg No.7819-03-002, Proposed floor plan Dwg No. 7819-03-003 and proposed elevations and sections Dwg No. 7819-03-004 received by the Local Planning Authority on the 14 January 2019.

Reason: To ensure a satisfactory appearance and impact of the development to accord with Policies DM1, DM10 and DM11 of the adopted Site Allocations and Development Management Policies DPD.

3. Notwithstanding the submitted details, before development commences full details including samples of all external materials, including facing bricks, cill detail, roof tiles, details of proposed new windows and shop front detail and design shall be submitted to and approved in writing by the local planning and the scheme shall be implement in accordance with the approved details.

Reason: To ensure a satisfactory external appearance in the interests of visual amenity to protect and enhance the character and appearance of the building and surrounding Barwell High Street Conservation Area in accordance with Policies DM10 and DM11 of the adopted Site Allocations and Development Management Policies DPD.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking or re-enacting that order with or without modification) development within Schedule 2, Part1, Classes A, B, C, D, E and G shall not be carried out without the grant of planning permission for such development by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory external appearance and to ensure adequate outdoor private residential amenity space is retained for each dwelling to accord with Policies DM10 and DM11 of the Site Allocations and Development Management Policies DPD.

5. Notwithstanding the submitted plans no development shall commence until a scheme of hard and soft landscaping works, including boundary treatments, surfacing and proposed planting plans and management, for the site has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved landscaping scheme.

Reason: In the interests of visual and neighbour amenity, to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies DPD.

6. The approved Landscape scheme, required by condition 5, shall be carried out in accordance with the approved details, in the next available planting period following the completion of the development hereby approved. The soft landscaping 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 works are carried out within a reasonable time period and thereafter maintained to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

7. Notwithstanding the submitted plans, the proposed access shall have a width of a minimum of 5.25 metres, a gradient of no more than 1:12 for a distance of at least 5 metres behind the highway boundary and shall be surfaced in a bound material with a 5.5m dropped crossing (six dropped kerbs). The access once provided shall be so maintained at all times.

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

8. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 43 metres by 2.4 metres 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 and thereafter maintained in perpetuity.

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 Policy DM17 of the adopted Site Allocations and Development Management Policies DPD.

9. No part of the development hereby permitted shall be occupied until such time as 1.0 metre by 1.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway and, once provided, shall be so maintained in perpetuity.

Reason: In the interests of pedestrian safety in accordance Policy DM17 of the adopted Site Allocations and Development Management Policies DPD.

10. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with the proposed site plan, drawing number 7819-03-002. Once provided the parking and turning facilities shall be 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 to accord with Policies DM17 and DM18 of the adopted Site Allocations and Development Management Policies DPD.

11. No development shall commence until a programme of archaeological work (strip, plan and record excavation and Archaeological attendance) including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; an:

- The programme and methodology of site investigation and recording
- The programme for post investigation assessment
- Provision to be made for analysis of the site investigation and recording
- Provision to be made for publication and dissemination of the analysis and record of the site investigation
- Provision to be made for archive deposition of the analysis and record of the site investigation
- Nomination of a competent persons/organisation to undertake the works set out within the written scheme of investigation.

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

Reason: To ensure satisfactory archaeological investigation and recording in accordance with Policy DM13 of the Site Allocations and Development Management Policies DPD.

12. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (9) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure satisfactory archaeological investigation and recording in accordance with Policy DM13 of the Site Allocations and Development Management Policies DPD.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7

of the adopted Hinckley and Bosworth Site Allocations and Development Management Policies DPD.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the Hinckley and Bosworth Site Allocations and Development Management Policies DPD.

15. No development shall commence until drainage details for the disposal of surface water and foul sewage have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy DM7 of the adopted Hinckley and Bosworth Site Allocations and Development Management Policies DPD.

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.
2. The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance, or alternatively assembled from modular surface water storage/soakaway cell systems, incorporating silt traps. Design and construction of all types of soakaway will be subject to the approval of the Building Control Surveyor.
3. Any access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet (See Environment Agency guidance on the permeable surfacing of front gardens).