

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

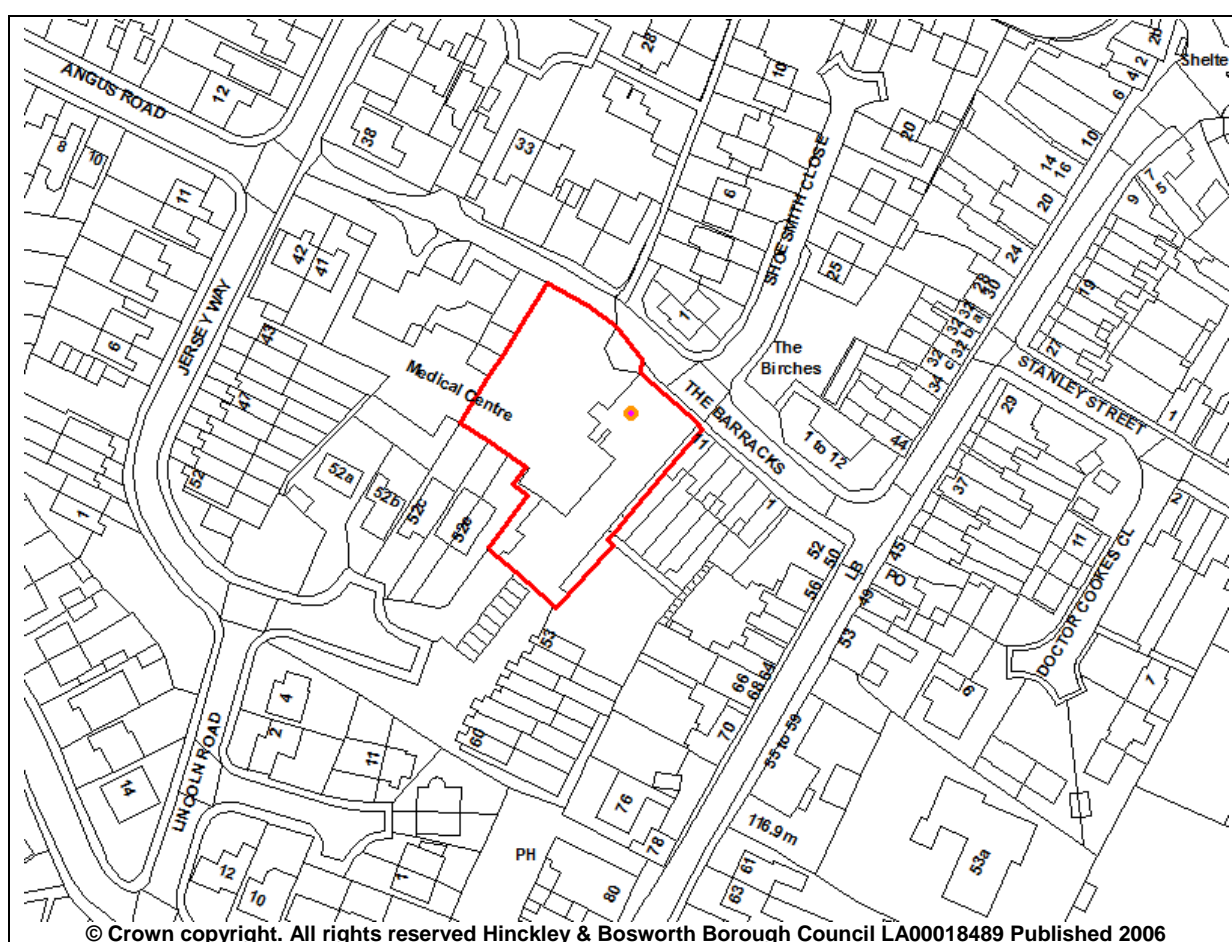
Planning Ref: 18/01266/FUL
Applicant: Mr Nirad Solanki
Ward: Barwell



Hinckley & Bosworth
Borough Council

Site: Barrack House The Barracks Barwell

Proposal: Part demolition and conversion of existing factory to 4 apartments
and erection of 4 new houses and 9 new apartments



This application was taken to the previous Planning Committee on 19 March 2019. The previous report and accompanying late items are attached to this report as Appendix A and B.

1. The application seeks full planning permission for part demolition and conversion of a factory to 4 two bedroom apartments and the erection of 4 new two bedroom houses and 9 new two bedroom apartments.
2. The conversion scheme, four new two storey houses and four of the new apartments would form a terrace fronting onto The Barracks, a new two storey block with accommodation in the roof space would accommodate the remaining five apartments at the rear of the site. Each of the four new houses would have a private garden at the rear. The layout includes 26 vehicle parking spaces along with cycle

storage areas, communal planted amenity areas and a refuse collection area. A new 6 metre wide access to the site is proposed off The Barracks.

3. There is an extant planning permission on the site (reference 15/00638/OUT) for part demolition and conversion of the factory to four apartments and the erection of 12 new houses. The outline planning permission included the approval of access, layout, scale and appearance with only landscaping being a reserved matter. The layout and position of the access is generally similar to the extant scheme.
4. The minutes of the planning committee state for this application:

'Notwithstanding the officer's recommendation that permission be granted subject to a section 106 agreement and conditions, some members felt that the design and layout was inappropriate contrary to policy DM10 of the SADMP and had concern with highway safety contrary to policy DM17 and DM18 of the SADMP. It was moved by Councillor Roberts and seconded by Councillor Smith that members be minded to refuse permission.'

Upon being put to the vote:

'The motion was declared CARRIED and it was RESOLVED - the committee be minded to refuse permission and the application be brought back to a future meeting for determination.'

5. Notwithstanding the feedback from Members at Planning Committee, by virtue of the lack of any objection from the Local Highway Authority on any highway safety grounds and the extant planning permission on the site for a similar development and access arrangements, no amendments have been submitted for the scheme. The applicant has now lodged a valid appeal for non-determination in respect of this application and a start date for the appeal has been received. The appeal statement is due on 11 June 2019.
6. As the application is now subject to appeal for non-determination, it cannot now be determined or a decision notice issued by the local planning authority. However, it is necessary for the application to be considered by the Planning Committee to confirm what decision would have been taken in the event that the appeal had not been submitted so that this can be included within the local planning authority's appeal statement of case.
7. The officer's recommendation to approve the application subject to conditions remains as outlined in Appendix A to this report as amended by the late items note in Appendix B to remove the requirement for a section 106 agreement to secure developer contributions. This follows the outcome of the independent viability appraisal of the scheme which confirms the scheme cannot support any such contributions and remain viable.

APPENDIX A

Planning Committee 19 March 2019
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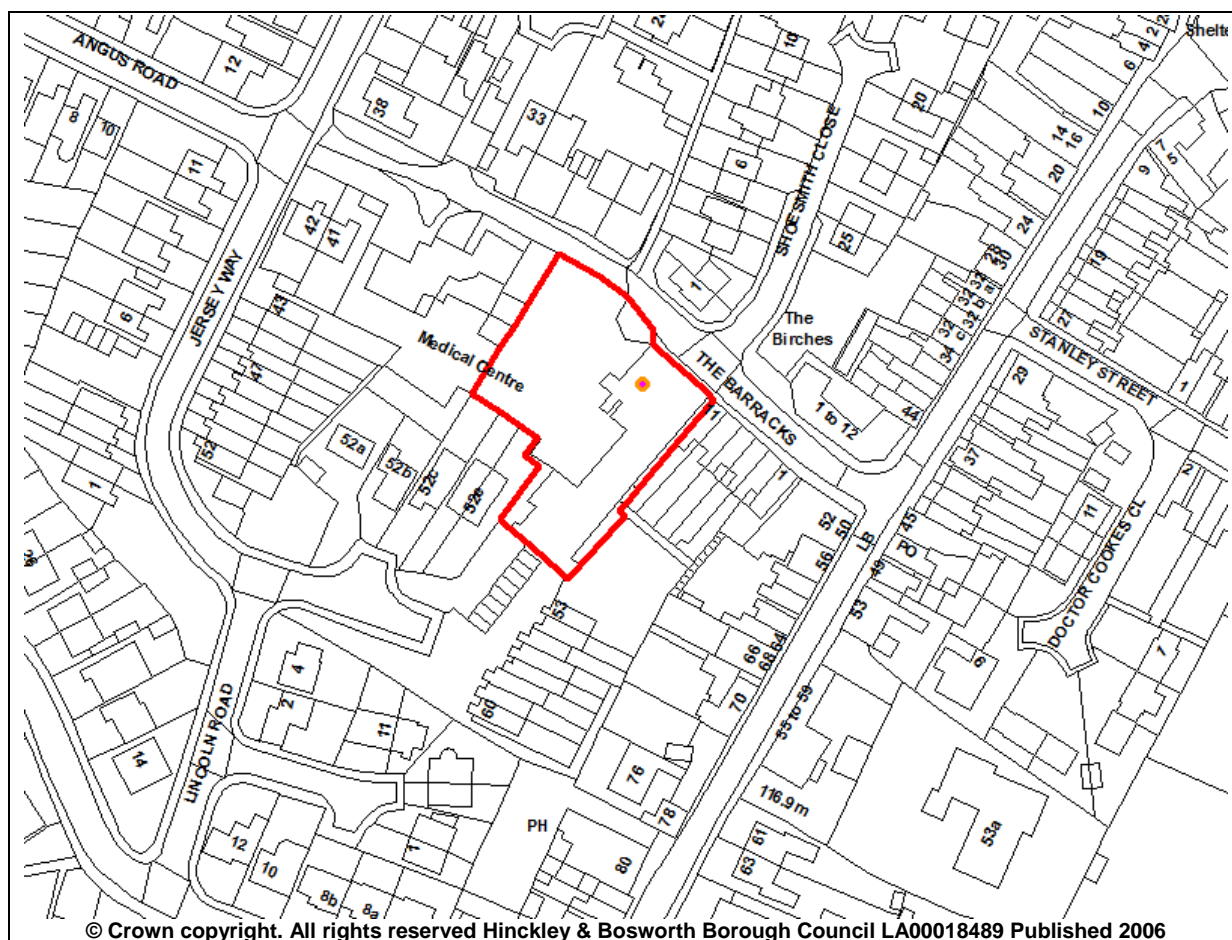
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1. Recommendations

1.1 **Grant planning permission** subject to there being no significant new material planning issues being raised prior to the expiry of the consultation period on 19 March 2019 and:

- The prior completion of a S106 agreement to secure the following obligations subject to development viability assessment, the outcome of which will be reported as a late item to this agenda:
 - The provision of four affordable housing units or a suitable commuted sum towards off-site affordable housing provision;

- A contribution of £25,681.92 towards local education services and facilities (primary school sector);
 - A contribution of £34,078.20 towards local public play and open space facilities;
 - 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.
 - 1.3. That the Interim Head of Planning be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

2 Planning Application Description

- 2.1 This application seeks full planning permission for part demolition and conversion of a factory to 4 two bedroom apartments and the erection of 4 new two bedroom houses and 9 new two bedroom apartments.
- 2.2 The conversion scheme, four new two storey houses and four of the new apartments would form a terrace fronting onto The Barracks, a new two storey block with accommodation in the roof space would accommodate the remaining five apartments at the rear of the site. Each of the four new houses would have a private garden at the rear. The layout includes 26 vehicle parking spaces along with cycle storage areas, communal planted amenity areas and a refuse collection area. A new 6 metre wide access to the site is proposed off The Barracks.
- 2.3 A Design and Access Statement, a Historic Building Photographic Survey, Highways Assessment, Geo-Environmental Assessment/Screening Report, Asbestos Survey, Drainage Assessment, Tree Impact Assessment, Affordable Housing Viability Report and Construction Management Plan have been submitted to support the application.
- 2.4 Amended plans have been submitted to address issues raised during the course of the application in terms of window design, impact on neighbours privacy and access design raised by the Local Highway Authority.
- 2.5 There is an extant planning permission on the site (reference 15/00638/OUT) for part demolition and conversion of the factory to four apartments and the erection of 12 new houses. The outline planning permission included the approval of access, layout, scale and appearance with only landscaping being a reserved matter. The layout and position of the access is generally similar to the extant scheme.

3 Description of the Site and Surrounding Area

- 3.1 The application site measures just under 0.2 hectares and is located off The Barracks to the west of High Street close to the centre of Barwell. It comprises a two storey former Victorian boot and shoe factory constructed of red bricks with slate roof and two concrete framed 1930's additions. It is served by an extensive block paved parking and turning area with 2.4 metre high metal palisade security fencing and double access gates to The Barracks. There are a number of trees adjacent to the rear boundary of the site which is defined by 2 metre high metal palisade fencing and 2 metre high close boarded timber panel fencing.
- 3.2 The south east half of the site, which includes the factory, is within the Barwell High Street Conservation Area and the factory is identified within the appraisal as a 'key local building'. Important trees are indicated adjacent to the rear boundary of the site.

4. Relevant Planning History

92/00112/4	Extension to factory	Permitted	24.03.1992
15/00588/COU	Change of use to doctors surgery (Class D1) and associated pharmacy	Permitted	15.01.2016
15/00638/OUT	Part demolition of existing factory and conversion to 4 x two bedroom houses and erection of 12 x two bedroom houses (outline - access, appearance, layout and scale)	Permitted	16.11.2016

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.
- 5.2. No responses have been received as a result of public consultation.

6. Consultation

- 6.1. No objection has been received from:-
Leicestershire County Council (Archaeology)
Leicestershire County Council (Ecology)
Severn Trent Water Limited
Environmental Health (Drainage)
Leicestershire Police
Tree Officer
- 6.2. No objection subject to conditions has been received from:-
Leicestershire County Council (Highways)
Environment Agency
Environmental Health (Pollution)
Street Scene Services (Waste)
- 6.3. Councillors Roberts and Williams raise objections to the application on the grounds of 1. Design and Layout and 2. Highways. They consider that the proposed design and layout of the site and position of the new access would result in serious pedestrian/cyclist safety conflict (including school children and elderly) with the vehicular use of the new access.
- 6.4. Barwell Parish Council agree in principle to the demolition and conversion of the factory but raise concerns regarding the positioning of the entrance to the site with inadequate pedestrian footpath as the road is well used by residents and school children to access the doctors surgery, the centre of the village and schools. It is also considered that the proposal would result in overdevelopment of the site with inadequate parking.
- 6.5. Leicestershire County Council (Developer Contributions) request the following infrastructure contributions:-
- 1) Director of Children and Family Services requests a total contribution of £25,681.92 towards the provision of education facilities to mitigate capacity issues in local schools resulting from the proposed development (Primary School Sector);

- 2) Library Services (Locality Manager) requests a contribution of £510.00 towards the provision of library facilities to mitigate additional demands on Earl Shilton Library as a result of the proposed development.
 - 3) No contributions are sought towards Civic Amenity services or facilities.
- 6.6. The National Health Service does not seek any contributions towards local health care facilities by virtue of the low number of dwellings proposed.
- 6.7. No responses have been received at the time of writing this report from:-
- Leicestershire County Council (Drainage)
Leicestershire County Council (Public Rights of Way)
Ramblers Association
Leicestershire Fire and Rescue Service

7. Policy

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

- Policy 23: Existing Employment Sites

7.2. Core Strategy (2009)

- Policy 3: Development in Barwell
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 19: Green Space and Play Provision

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM19: Existing Employment Sites

7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2019)
- Planning Practice Guidance (PPG)
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Community Infrastructure Levy (CIL) Regulations (2010)

7.5. Other relevant guidance

- Barwell High Street Conservation Area Appraisal and Map (2010)
- Employment Land and Premises Review (2013)
- Affordable Housing SPD (2008)
- Open Space and Recreation Study (2016)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character and appearance of the Barwell (High Street) Conservation Area

- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Drainage
- Land contamination
- Affordable housing/Viability
- Infrastructure contributions
- Other issues

Assessment against strategic planning policies

- 8.2. The development plan in this instance consists of the adopted Core Strategy (2009), the Earl Shilton and Barwell Area Action Plan (ESBAAP) Development Plan Document (2014) and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016).
- 8.3. Barwell forms part of the urban area of the Borough and has a full range of services and facilities. The application site lies within the settlement boundary of Barwell in close proximity to the centre of the village where there is easy access to facilities by sustainable transport means. The site is sustainable for additional housing.
- 8.4. The application site is identified in the ESBAAP as an existing employment site (reference BRW03: Factory off The Barracks). The latest Employment Land and Premises Review concludes that the site has a minor employment role and its loss would be insignificant. The review recommends that the site be classified as a category 'C' site where 100% alternative uses should be considered due to its isolated village centre location surrounded by residential areas with limited commercial demand and poor access. Policy 23 of the adopted ESBAAP and Policy DM19 of the adopted SADMP both support a more flexible approach to alternative uses of Category 'C' sites in accordance with the most up-to-date Employment Land and Premises Study and other Local Plan policies.
- 8.5. This strategic stance in support of an alternative use of the site and the principle of residential development of the site has already been established by the extant planning permission for residential development of the site for 16 dwellings (reference 15/00638/OUT). The loss of the employment site remains acceptable by virtue of the conclusions within the latest Employment Land and Premises Review and the proposal would therefore be acceptable in terms of Policy 23 of the adopted ESBAAP and Policy 19 of the adopted SADMP.

Design and impact upon the character and appearance of the Barwell (High Street) Conservation Area

- 8.6. The proposal affects the former Bennett & Co. boot and shoe factory on The Barracks. The original part of the factory dates from the early-20th century and is a traditional built factory building for the boot and shoe industry. It was later extended in the post-WWII period in a modernist style which creates a visually interesting building complex which illustrates the evolution of small scale regional manufacturing. The gable end of the original building faces on to The Barracks and has a dual pitched roof with a Welsh slate covering. It is constructed of a traditional red brick and despite being a functional building it retains some features of interest including decoration at the verges, a circular glazed pitching eye and regular openings for fenestration with segmental brick arches and canted blue brick sills. Some further external features of interest remain such as the first floor lifting crane situated on the right-hand side post-WWII extension. Overall the building is considered to be of historic and architectural interest and it makes a positive contribution to the character and appearance and thus significance of the Barwell (High Street) Conservation Area. The building is identified as a 'key local building' in the Barwell Conservation Area Appraisal (BCAA) (2010).

- 8.7. Immediately adjacent and to the north-west of the factory is a block paved car parking and servicing yard. The area is bound from The Barracks by 2.4 metre high metal palisade security fencing. This part of the site is not within the conservation area boundary but it is within its immediate setting. Currently this section of the site has a poor appearance and an appropriate development within this setting would provide an opportunity to enhance the character and appearance of this part of the conservation area.
- 8.8. The current proposal seeks to part demolish and convert the existing factory to form 4 apartments and the erection of 4 new houses and 9 new apartments on the land to the side and the rear of the retained/converted part of the factory building.
- 8.9. Section 72 of the Planning (Listed Buildings and Conservation Area) Act 1990 places a duty on the local planning authority in respect of conservation areas in the exercise of planning functions to require special attention to be paid to the desirability of preserving or enhancing the special character or appearance of conservation areas.
- 8.10. Section 16 of the NPPF provides national guidance 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.
- 8.11. Policies DM11 and DM12 of the adopted SADMP seek to protect, conserve and enhance the historic environment. Development proposals should ensure the significance of a conservation area is preserved and enhanced through the consideration of important features identified in the relevant Conservation Area Appraisal and Management Plan.
- 8.12. Policy DM10 of the adopted SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the local area generally.
- 8.13. A small section of the original early-20th century building and both post-WWII extensions are proposed to be demolished. These elements of the factory building proposed for demolition are of limited significance. Although, ideally, all of the factory complex would be retained for conversion, there would be considerable practical difficulties in achieving this due the poor condition of sections of the building and its method of construction. The overall delivery of the proposal ensures that the focus can be on preserving and enhancing the most significant element of the factory, that being the gable ended section that faces on to The Barracks. A suitable Historic Building Photographic Survey has been undertaken and submitted by the applicant that provides a permanent visual record of the buildings in their current states. The survey has been deposited to the Leicestershire Historic Environment Record and is considered to provide a satisfactory level of recording that would successfully mitigate for the loss of those elements of the building with limited significance. Leicestershire County Council (Archaeology) has confirmed that the survey is satisfactory.
- 8.14. The remaining section of the original early-20th century building is to be converted to form 4 apartments. The conversion mainly comprises of internal works but is also to be facilitated by some external improvements. On the front elevation two blocked up windows to the ground floor are to be re-opened and all other existing openings are to be utilised for windows and a door. On the side elevations some existing openings are to be used alongside new openings which match the style and proportions of the existing. The newly created rear elevation seeks to closely

replicate the style and form of the front elevation which regular window openings. The majority of the existing windows on the building are of a modern timber or plastic material not in an industrial style, this includes all of the openings to The Barracks. Only a few original multi-paned cast iron windows remain across the building. Amended plans have been submitted which demonstrates that the proposal seeks to install grey aluminium windows with internal glazing bars to closely reflect an industrial style. Composite panelled black doors are also proposed. The proposed treatments for the doors and windows of the conversion element of the scheme are considered appropriate and will provide a minor enhancement to the character and appearance of the conservation area. Further works include the installation of three roof light windows to the left-hand side elevation. Due to the angle of the roof pitch and set back from the street scene visibility of the roof lights will be extremely limited and therefore they are not considered to have an adverse impact on the character and appearance of the conservation area. Where gaps need to be filled in the original structure it is proposed to re-use the facing bricks from the demolished former attached sections and this is considered to be an appropriate solution.

- 8.15. In the cleared section to the rear of the original building it is proposed to erect a 2 storey dual pitched block including accommodation in the roof space to house a total of 5 new apartments. It has a predominantly simple form and appearance with regular window openings other than a dormer window arrangement on the rear roof elevation. A simple red brick and tiled roof is to be used as materials for its construction. Although the block is within the conservation area boundary its location to the rear of the retained section of the original factory means visibility from the street scene will be extremely limited and its appropriate design ensures that it will have no adverse impact on the character and appearance of the conservation area.
- 8.16. Attached to the conversion scheme is to be an L-shaped wing comprising 4 new houses and 5 new apartments. The design of this wing seeks to reflect the traditional characteristics of a terrace of late-19th to early-20th century dwellings as found elsewhere on The Barracks and the wider conservation area. The end section of the wing has a gable end facing on to The Barrack and has a similar form and design to the gable end of the retained factory at the opposite end of the terrace. The scale of the terrace is two storeys in height which reflects that of the wider area. The ridge height of the terrace sits lower than that of the original building and terminates at the apex of the new apartments; this ensures that the terrace will remain subservient to the significant original factory building. The terrace is located at the back edge of the pavement which follows the traditional building line and layout of the area. The terrace has a predominantly domestic design which ensures that it does not detract and remains distinctive from the industrial building, whilst following the general characteristics of domestic terraces found elsewhere on The Barracks and within the conservation area. It has a simple arrangement of windows and doors, a pitched roof punctuated with occasional chimney stacks, and simple architectural detailing at eaves and verges. Simple materials have been chosen for the construction of the terrace including a modern tile that provides the roof with the appearance of a blue clay tile, red and blue engineering brick, and a cream or similar colour render which replicates the use on similar properties on The Barracks and distinguishes from the red brick of the original factory. All of these proposed construction materials are considered appropriate. A composite door and same window style as for the conversion is proposed, these styles are also considered suitable for a domestically styled terrace and will provide the elevations of the terrace with an appropriate appearance.

- 8.17. Overall it is considered that the demolition of the least significant elements of the former Bennett & Co boot and shoe factory can be satisfactorily mitigated by the completed historic building photographic recording. The most significant section of the factory is to be retained and sensitively converted into 4 apartments with enhancements to its elevations including the elevation facing on to The Barracks. The new build block to the rear of the retained factory has an appropriate form and design. Consequently it is considered that the scheme has a neutral impact and the character and appearance and thus significance of the Barwell (High Street) Conservation would be preserved. Due to the appropriate scale, layout, design, materials and architectural features of the new terrace it is considered that this will provide an improvement to the immediate setting of the conservation area that enhances its character and appearance. For these reasons it is considered that the proposal complies with Policies DM10, DM11 and DM12 the adopted 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

- 8.18. 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 that the amenity of the future occupiers of the site would not be adversely affected by activities in the vicinity.
- 8.19. The existing two storey factory building currently extends from the highway boundary on The Barracks to almost the full depth of the site and there are numerous first floor windows that are in close proximity to, and face towards, neighbouring gardens.
- 8.20. The demolition of large parts of the factory would significantly reduce the mass of buildings along the south east boundary of the site with resulting improvements to the visual outlook of a number of neighbouring dwellings.
- 8.21. The proposed retained section of the factory would extend only approximately 6 metres beyond the rear elevation of the nearest neighbouring property (11 The Barracks), a reduction of 33 metres, and would therefore reduce impacts on the adjacent neighbouring dwelling. Only one window at first floor would be retained in the side elevation of the proposed conversion scheme facing towards the rear garden area of the adjacent neighbouring dwelling, the other would face towards a blank gable. It is intended that the retained first floor window is to be obscurely glazed and fitted with an opening restriction such that only the right hand light (viewed from outside) would be openable for fire escape purposes to comply with Building Regulations. By virtue of the existing situation with numerous factory windows at first floor facing towards the rear garden, the proposal would not result in any additional overlooking or loss of privacy to the adjacent occupiers.
- 8.22. The proposed two storey 5 unit apartment block with accommodation within the roof space located towards the rear of the site would replace part of the demolished factory but would be set in from the site boundaries. By virtue of its siting and scale, it would not result in any additional or significant overbearing or overshadowing impacts on any existing neighbouring properties on Jersey Way. No windows are proposed in either side elevation of the apartment block and the dormer windows in the rear roof slope face towards a communal garage site and open front gardens where they would not result in any significant loss of privacy to any neighbouring occupiers. First floor windows in the front elevation of the block would face into the proposed communal parking area rather than directly towards any existing private garden areas and would be at an adequate separation distance from the rear elevation windows in existing neighbouring properties and other units within the proposed scheme.

- 8.23. The proposed two storey 'L' shaped terrace of four new houses and four new apartments would provide adequate separation distances to all existing neighbouring properties on The Barracks, Shoesmith Close and Jersey Way and would not result in any significant adverse overbearing or overshadowing impacts or loss of privacy from overlooking.
- 8.24. No objections have been received from any neighbouring residential properties.
- 8.25. Communal amenity areas of approximately 140 square metres are proposed around the rear apartment block. The proposed four new terraced houses would each be provided with approximately 28 square metres of garden space which is less than former adopted standards for a two bedroom dwelling. However, the extant approved scheme was also deficient in amenity space and consideration was given to the proximity of the site to the centre of Barwell and the proximity of nearby public play and open space and equipped children's play areas within walking distance of the site. The deficiency in amenity space needs to be balanced against the positive aspects of the scheme in terms of preservation and enhancement of the Barwell (High Street) Conservation Area and the effective re-use of a brown-field site.
- 8.26. By virtue of the siting, layout, scale and design of the scheme, the proposal would not result in any significant adverse impacts on the residential amenity or privacy of any neighbouring properties and would provide satisfactory amenity facilities for future occupiers. The proposal would therefore be in accordance with Policy DM10 of the adopted SADMP.

Impact upon highway safety

- 8.27. 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.
- 8.28. A Highways Assessment and amended detailed access design plans have been received to support the proposal.
- 8.29. The scheme includes the proposed relocation of the site access closer to the north west boundary of the site in a similar position to the approved extant scheme. The proposed access would have a width of 6 metres, be designed such that no vehicle could turn left towards the public right of way to/from Jersey Way at the end of The Barracks and be provided with a speed table immediately within the site to slow vehicles at the access junction. A new pedestrian footway and crossing point would be provided across the site frontage. The amended plans indicate the provision of forward visibility splays of 2.4 metres x 80 metres in an south easterly direction towards High Street and 2.4 x 11 metres in a north westerly direction towards the public right of way.
- 8.30. Two local members raise objections on highway and pedestrian safety grounds. They consider that the proposed design and layout of the site and position of the new access would result in serious pedestrian/cyclist safety conflict (including school children and elderly) with the vehicular use of the new access in close proximity to the public right of way to and from Jersey Way. Barwell Parish Council raises similar concerns in respect of the position of the proposed new access and consider that that there would be an inadequate pedestrian footway and inadequate off-street parking to serve the development.
- 8.31. The Highways Assessment and amended site layout and access plans have been assessed by Leicestershire County Council (Highways). The Local Highway Authority raise no objections to the position of the proposed new access or site

layout and would not seek to resist the application on highway safety grounds or, when comparing the proposals to the existing permitted factory use, in terms of impacts on the local highway network. The amended plans address the detailed design/adoption issues raised by the Local Highway Authority in their initial consultation response and the access is now considered to be acceptable. No response has been received from Leicestershire County Council (Public Rights of Way). Any response received will be reported as a late item.

- 8.32. The proposed new access is located in a similar position and is not materially different to that already approved under the previously approved and extant scheme. By virtue of the comments contained within the consultation response from the Local Highway Authority, it is considered that the site layout and proposed new access position would provide safe and satisfactory access to the site to serve the quantum of development proposed and the scheme would not warrant refusal on highway or pedestrian safety grounds. By virtue of the location of the site in close proximity to the centre of Barwell and the services and facilities therein, the small shortfall in off-site parking spaces is also considered to be acceptable in this case. A Construction Management Plan has been submitted to support the application and is acceptable. Therefore, notwithstanding the objections received, the proposal is not considered to result in any significant adverse impacts on highway safety or on-street parking and would therefore be in accordance with Policies DM17 and DM18 of the adopted SADMP.

Drainage

- 8.33. Policy DM7 of the adopted SADMP seeks to prevent development from resulting in adverse impacts on flooding by ensuring that development does not create or exacerbate flooding by being located away from areas of flood risk unless adequate mitigation is provided in accordance with National Policy.
- 8.34. A Drainage Assessment including micro-drainage calculations have been submitted to support the application. This includes the proposed the use of soakaways and permeable paving to mitigate surface water drainage from the site.
- 8.35. Severn Trent Water Limited and Environmental Health (Drainage) have assessed the scheme and raise no objections to the submitted drainage proposals. No response has been received at the time of writing this report from Leicestershire County Council (Drainage) and any response will be reported as a late item to this agenda.
- 8.36. Subject to the scheme being implemented in accordance with the approved drainage details, the proposal would not result in the creation or exacerbation of flooding and would therefore be in accordance with Policy DM7 of the adopted SADMP.

Land contamination

- 8.37. Policy DM7 of the adopted SADMP seeks to prevent any adverse impacts from pollution by ensuring that development proposals demonstrate that appropriate remediation of contaminated land in line with minimum national standards will be undertaken.
- 8.38. A Geo-Environmental Assessment, Screening Report and Asbestos Survey have been submitted to support the application together with a Construction Management Plan and additional clarification and details in a separate letter from the agent.
- 8.39. The submitted documents have been assessed by the Environment Agency and the Council's Environmental Health (Pollution) team. Subject to the development being carried out in accordance with the submitted details and in accordance with separate national legislation, it is considered that the development scheme would

not result in any significant adverse impacts on the environment or future occupiers from pollution. However, conditions are recommended to ensure satisfactory investigation and remediation of any contamination found during the construction phase that has not been previously identified and for verification of imported soils to garden areas to protect controlled ground water receptors and the amenity of future occupiers of the site.

- 8.40. Subject to the scheme being implemented in accordance with the submitted details, the proposal would not give rise to any adverse impacts on the environment or amenities of the future occupiers of the site from pollution and the proposal would therefore be in accordance with Policy DM7 of the adopted SADMP.

Affordable housing

- 8.41. Policy 15 of the adopted Core Strategy seeks the provision of 20% affordable housing on all sites in urban areas of 15 dwellings or more or 0.5 hectares or more with a tenure split of 75% for social rent and 25% for intermediate tenure.
- 8.42. The policy requirement for the proposed scheme would therefore be for 4 units of affordable housing to be provided in this case. However, the application is supported by an Affordable Housing Viability Report. This suggests that it is unlikely that a Registered Provider would be interested in taking such a low number of units on the site and therefore that any such obligation would need to be delivered as a commuted sum payment towards offsite affordable housing in this case. The report concludes that, even without any affordable housing (or any other infrastructure) contributions, the development shows a viability deficit and for the site to come forward the developer will need to take a view to accept a lower than normal profit level in developing the site in the manner proposed.
- 8.43. The scheme and the Affordable Housing Viability Report is currently being assessed by an independent viability consultant and the outcome of the assessment and the ability of the scheme to provide any affordable housing and other infrastructure contributions will be reported as a late item to the agenda.

Infrastructure contributions

- 8.44. 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.
- 8.45. 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.
- 1) Public play and open space
- 8.46. Policies 3 and 19 of the adopted Core Strategy seek to address existing deficiencies in the quality, quantity and accessibility of green space and children's play provision within Barwell. The Open Space and Recreation Study (2016) provides further advice on the quality of facilities at each designated public open space.
- 8.47. In this case, the site is located within the 300 metres catchment area of Boston Way Recreation Ground (reference BRW28) which provides amenity green space and equipped and casual/informal children's play space with a quality score of just 72%.

The site is also within the 600 metre catchment area of Dovecote Way Sports Park (reference BRW34) which provides formal outdoor sports facilities and has a quality score of just 78%.

8.48. In order to mitigate the impact of additional users of the play and open space and recreation facilities as a result of the proposed development, a contribution of £34,078.20 has been identified using the figures provided in the Open Space and Recreation Study. This equates to £2004.60 per dwelling and could be used towards schemes aimed at improving the range of public open space, recreation and children's play facilities within the vicinity of the site.

8.49. As a result of consultation the following infrastructure contributions have been identified to mitigate the impacts of the proposed development:

2) Education facilities

8.50. The Director of Children and Family Services requests a contribution of £25,681.92 towards education facilities in Barwell to mitigate the impact of additional users from the development on the Primary School Sector where deficits have been identified and additional facilities are required to meet increased demand from the development. No contributions are requested for the Secondary School Sector, Post 16 Sector or Special Schools Sector.

3) Library facilities

8.51. The Library Services Locality Manager requests a contribution of £510.00 towards the delivery of library services and facilities at Earl Shilton Library to mitigate the impact of additional users from the development on the facility. Notwithstanding the details submitted by the Library Services Locality Manager, due to the small scale of the estimated impact from the development on the library, it is considered that the impact would not be so significant to justify mitigation by way of a financial contribution from the development. In this instance the contribution is not considered to be CIL compliant and therefore is not requested from the developer.

4) Civic amenity facilities

8.52. The Director of Environment and Transport considers that the Civic Amenity Site at Barwell will be able to meet the demands of the proposed development within the current site thresholds without the need for further development and therefore no contribution is required on this occasion.

5) Healthcare facilities

8.53. NHS England considers that due to the low number of new dwellings proposed by the development, no contribution will be necessary in this case to mitigate any impacts from additional demand on local healthcare facilities.

8.54. The infrastructure contributions identified above, with the exception of library facilities, are considered 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 and therefore CIL compliant. The contributions could be secured through the completion of a suitable section 106 planning obligation if supported by the ongoing viability assessment, the outcome which will be reported as a late item to this agenda.

Other issues

8.55. There are a number of trees located adjacent to the rear boundaries of the site that are covered by a Tree Preservation Order (reference 87/00010/TPORD). A Tree Impact Assessment including an Arboricultural Method Statement has been submitted to support the application. A number of the Poplar trees included in Group G1 of the order and individual tree T8 (Horse Chestnut) are located outside

the site boundary and are proposed to be retained. Five of the Group G1 trees located within the site have been assessed as either dead or in poor health and are therefore proposed to be removed and replaced with more suitable species. The Council's Tree Officer has assessed the trees and considers that the assessment is valid, that the replacement tree species are acceptable and that the more important trees that are being retained would have suitable protection.

- 8.56. Street Scene Services (Waste) recommend the imposition of a condition to require the submission of a scheme for refuse and recycling collection and storage across the site. The submitted plans indicate the provision of suitable communal facilities inside the site close to the highway boundary. A condition is therefore unnecessary in this case.

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 principle of the redevelopment of this brownfield category C employment site for residential development has been established through the previous extant planning permission. The scheme retains and reuses the most significant part of the existing factory building, would result in enhancements to its appearance and would secure its viable future use. Satisfactory historic building recording has been undertaken. By virtue of the layout, scale, design and appearance the scheme would preserve the character and appearance of the Barwell (High Street) Conservation Area and would not result in any significant adverse impacts on the privacy or amenities of any neighbouring properties. The proposal would provide safe and satisfactory access to the site and off-street parking to serve the development given its location close to the centre of Barwell and services and facilities. Satisfactory details have been submitted to address issues relating to land contamination, drainage, construction management and tree protection.

- 10.2. The scheme attracts a requirement for contributions towards the provision of affordable housing and infrastructure contributions towards education facilities and public play and open space facilities. However, the application is supported by an Affordable Housing Viability Report that suggests that the scheme would be unviable if any scheme contributions were included. The Viability Report is currently being assessed and the outcome will be reported as a late item to this agenda.
- 10.3. Subject to the satisfactory resolution of the outstanding matters highlighted in this report, the outcome of which will be provided as a late item to this agenda, the proposed scheme would be in accordance with Policy 23 of the Earl Shilton and Barwell AAP, Policies 3, 15, 16 and 19 of the adopted Core Strategy, Policies DM1, DM3, DM7, DM10, DM11, DM12, DM17, DM18 and DM19 of the adopted Site Allocations and Development Management Policies DPD, the overarching principles of the National Planning Policy Framework (2019) and the statutory requirements of section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

11. Recommendation

- 11.1. **Grant planning permission** subject to there being no significant new material planning issues being raised prior to the expiry of the consultation period on 19 March 2019 and:

- The prior completion of a S106 agreement to secure the following obligations subject to development viability assessment, the outcome of which will be reported as a late item to this agenda:
 - The provision of four affordable housing units or a suitable commuted sum towards off-site affordable housing provision;
 - A contribution of £25,681.92 towards local education services and facilities (primary school sector);
 - A contribution of £34,078.20 towards local public play and open space facilities;
- 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. That the Interim Head of Planning be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

11.4. 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 Plan Drawing No. VD/NS/001/FP/019
- Demolition Plan Drawing No. VD/NS/001/FP/022
- CMP Phase 1 Demolition Plan Drawing No. VD/NS/001/FP/013
- CMP Phase 2 Construction Plan Drawing No. VD/NS/100/FP/014
- Units 13 - 17 Floor Plans Drawing No. VD/NS/100/FP/003 Rev A
- Root Protection Areas Drawing No. VD/NS/100/FP/012
- Cycle Storage Details Drawing No. VD/NS/100/FP/018
- Drainage Assessment

- Geo-Environmental Assessment by Ecologia (Ref: 18.062.1) dated 18 April 2018
- Construction Management Plan dated December 2018
- Tree Impact Assessment & Arboricultural Method Statement by RJ Tree Services Limited (Ref: TheBarracks_Barwell/01) dated October 2018
- External Construction Materials details dated December 2018

all received by the local planning authority on 4 January 2019;

- Ecologia Screening Criteria
- Asbestos Survey by Clearview Environmental Limited (Ref: J015578 issue 1) dated 9 August 2016
- Letter from Vickers Developments Limited dated 29.01.2019 regarding Bin Storage, Construction, Asbestos and Land Contamination

all received by the local planning authority on 29 January 2019;

- Units 1 -12 Elevations Drawing No. VD/NS/100/FP/004 Rev B
- Units 13 - 17 Elevations Drawing No. VD/NS/100/FP/005 Rev A
- Landscaping Plan Drawing No. VD/NS/100/FP/008 Rev A

all received by the local planning authority on 20 February 2019;

- Units 1 - 12 Ground Floor Plan Drawing No. VD/NS/100/FP/001 Rev B
- Units 1 - 12 First Floor Plan Drawing No. VD/NS/100/FP/002 Rev B

both received by the local planning authority on 21 February 2019;

- Proposed Site Plan Drawing No. VD/NS/100/FP/009 Rev B
- Proposed Highway Design Drawing No. VD/NS/100/FP/011 Rev B
- Revised Site Access Drawing No. VD/NS/001/FP/023 Rev C
- Drainage Layout Drawing No. VD/NS/100/FP/010 Rev A
- Paving Overlay Drawing No. VD/NS/001/FP/020 Rev A
- Paving Plan Drawing No. VD/NS/001/FP/015 Rev B

all received by the local planning authority on 28 February 2019.

Reason: To define the permission and ensure satisfactory impact of the development to accord with Policies DM1, DM7, DM10, DM11, DM12, DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. If, for any reason, the approved redevelopment of the site does not commence within 6 months of the commencement of any demolition works, a scheme for the remediation of the retained building and site to enhance their visual appearance and an implementation timetable shall be submitted to and approved in writing by the local planning authority. The scheme shall then be implemented in accordance with the approved details and timetable and thereafter maintained until redevelopment takes place.

Reason: To preserve the character and appearance of the Barwell High Street Conservation Area in the interests of visual amenity to accord with Policies DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. The demolition works and residential redevelopment works hereby permitted shall be implemented in full accordance with the details submitted within the Construction Management Plan (dated December 2018), Demolition Plan

Drawing No. VD/NS/001/FP/022, CMP Phase 1 Demolition Plan Drawing No. VD/NS/001/FP/013, CMP Phase 2 Construction Plan Drawing No. VD/NS/100/FP/014 and details within the letter from Vickers Developments Limited dated 29.01.2019 regarding amended Saturdays construction hours for the full duration of the proposed demolition and construction works.

Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area and to protect the residential amenity of neighbouring occupiers in accordance with Policies DM17 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2019).

5. No part of the development hereby permitted shall be occupied until such time as the access, parking, turning and layout arrangements shown on Revised Site Access drawing VD/NS/001/FP/023 Rev C received by the local planning authority on 28 February 2019 have been implemented in full. Thereafter the onsite parking provision shall be permanently so maintained at all times thereafter.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner; that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally; to enable vehicles to enter and leave the site in a forward direction in the interests of general highway safety and in accordance with Policies DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2019).

6. No part of the development shall be occupied until such time as the offsite highway works shown on Revised Site Access drawing VD/NS/001/FP/023 Rev C received by the local planning authority on 28 February 2019 have been implemented in full.

Reason: To mitigate the impact of the development in the general interests of highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2019).

7. 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 gates, barriers, bollards, chains or other such obstructions shall be erected to the vehicular access.

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 National Planning Policy Framework (2019).

8. The development hereby permitted shall be implemented in accordance with the submitted Geo-Environmental Assessment by Ecologia (Ref: 18.062.1) dated 18 April 2018, Ecologia Screening Criteria, Asbestos Survey by Clearview Environmental Limited (Ref: J015578 issue 1 dated 9 August 2016

and additional information within the letter from Vickers Developments Limited regarding Construction, Asbestos and Land Contamination dated 29.01.2019.

Reason: To ensure safe development of the site and to safeguard the health and residential amenities of the future occupiers of the site in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

9. 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 remediation works so approved shall be carried out prior to the site first being occupied.

Reason: To ensure safe development of the site and to safeguard the health and residential amenities of the future occupiers of the site in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

10. All garden areas shall be filled with imported soil to a depth of 600 millimetres. Prior to the soil being imported onto site, a report validating and detailing the source of all imported soil shall be submitted to and approved in writing by the local planning authority and a subsequent further report shall be submitted to the local planning authority validating the imported soil depth in each garden.

Reason: To ensure safe development of the site and to safeguard the health and residential amenities of the future occupiers of the site in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11. The development hereby permitted shall be implemented in accordance with the submitted Drainage Assessment Rev A, Micro-drainage calculations, Drainage Layout Drawing No. VD/NS/100/FP/010 Rev A, Paving Overlay Drawing No. VD/NS/001/FP/020 Rev A and Paving Plan Drawing No. VD/NS/001/FP/015 Rev B received by the local planning authority on 28 February 2019 and the approved drainage system shall be completed and fully operational prior to first occupation of any of the dwellings hereby permitted and permanently so maintained at all times thereafter.

Reason: To ensure that the development is provided with a satisfactory means of surface water drainage to prevent flooding and minimise the risk of pollution by ensuring the satisfactory storage and disposal of surface water from the site in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

12. The development hereby permitted shall be implemented at all times in complete accordance with the tree works, tree protection measures and tree mitigation and management measures detailed within the submitted Tree Impact Assessment, Arboricultural Method Statement and Tree Protection Plan by RJ Tree Services Limited (Ref: TheBarracks_Barwell/01) dated October 2018 received by the local planning authority on 4 January 2019.

Reason: To ensure that existing trees that are to be retained are adequately protected before, during and post construction in the interests of visual amenity and biodiversity in accordance with Policies DM6 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

13. The development hereby permitted shall be implemented in accordance with the ground and finished floor levels submitted on Drainage Layout Drawing No. VD/NS/100/FP/010 Rev A received by the local planning authority on 28 February 2019.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity to accord with Policies DM10 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

14. The materials to be used on the external elevations of the dwellings and boundary walls hereby permitted shall be in accordance with the details submitted within the approved External Construction Materials letter dated December 2018 received by the local planning authority on 4 January 2019 and Units 1 -12 Elevations Drawing No. VD/NS/100/FP/004 Rev B and Units 13 - 17 Elevations Drawing No. VD/NS/100/FP/005 Rev A received by the local planning authority on 20 February 2019.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity to accord with Policies DM10 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11.5. 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. Application forms to discharge conditions and further information can be found on the planning portal website www.planningportal.gov.uk
3. 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 Leicestershire 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>
4. The proposed road layout does not conform to an acceptable standard for adoption and therefore it will not be considered for adoption and future maintenance by the Local Highway Authority. The Local Highway Authority will, however, serve Advance Payment Codes in respect of all plots served by (all) the private road(s) within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the Advanced Payment Code may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details please email road.adoptions@leics.gov.uk. Signs should be erected within the site at the access advising people that the road is a private road with no highway rights over it.

5. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
6. The applicant/developers attention is drawn to the advice provided by the Environment Agency in respect of land contamination, groundwater protection and waste in their consultation response letter dated 16 January 2019.
7. In relation to condition 9, advice from Environmental Health should be sought via esadmin@hinckley-bosworth.gov.uk to ensure that any investigation of land contamination is in accordance with their policy.

APPENDIX B

ITEM 08

18/01266/FUL

Mr Nirad Solanki

Site:- Barrack House, The Barracks, Barwell, Leicester

Proposal:- Part demolition and conversion of existing factory to 4 apartments and erection of 4 new houses and 9 new apartments

Appraisal:-

Affordable Housing and Infrastructure Contributions

Lambert Smith Hampton have undertaken an independent valuation analysis of the financial viability assessment submitted to support the proposed scheme. Their report concludes that the scheme cannot support any affordable housing or Section 106 contributions and that such an obligation would prejudice the delivery of the proposed 17 residential units.

As a result and in order to enable the site to come forward, the recommendation has been amended to reflect the outcome of the independent valuation analysis of the scheme and the completion of a section 106 agreement to secure affordable housing and infrastructure contributions is no longer required.

Recommendation:-

Amend Recommendation to:

Recommendation

Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

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