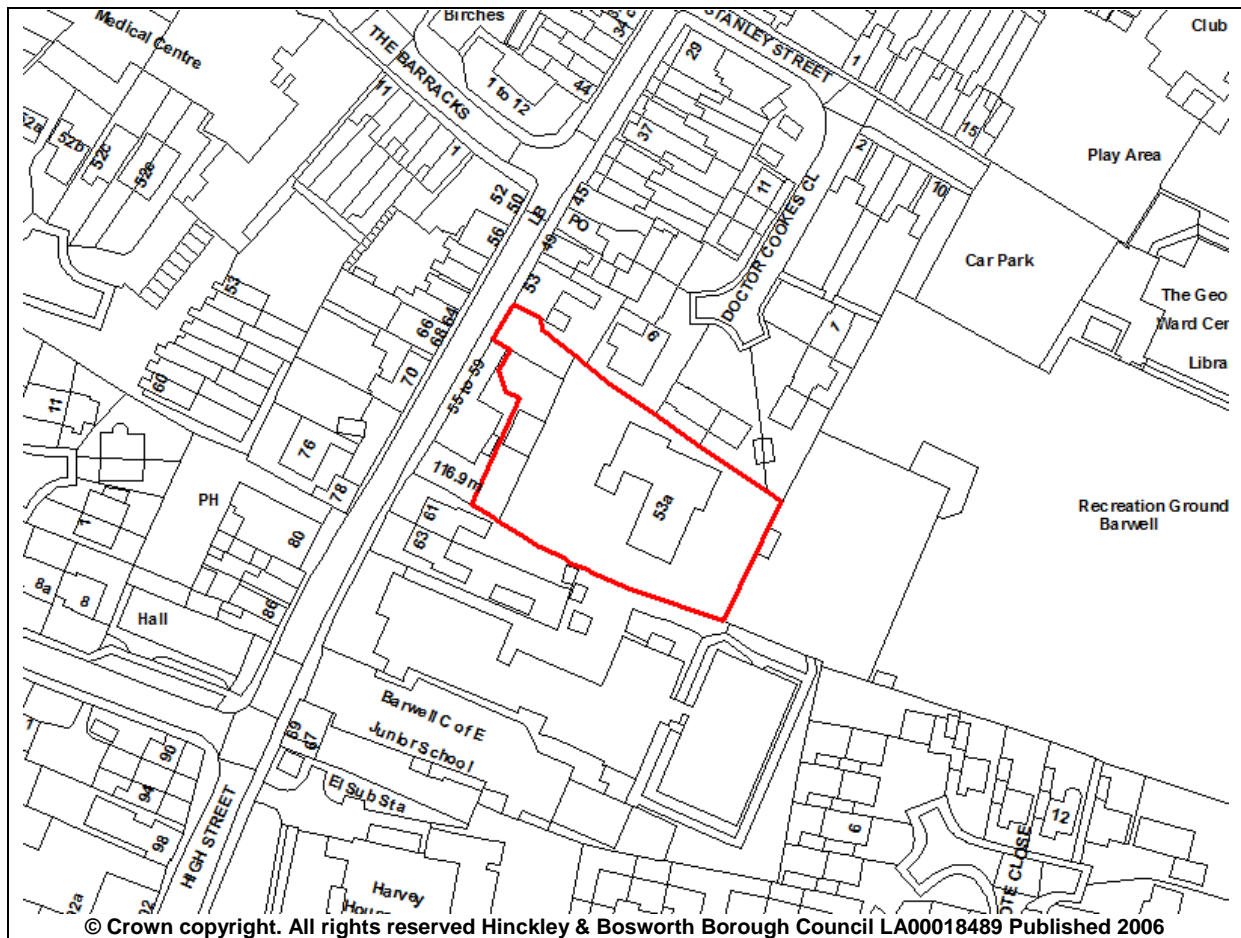




Planning Ref: 21/00540/FUL
Applicant: Dr Mark Findlay
Ward: Barwell

Site: Land To The Rear Of 59 High Street Barwell

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



1. Recommendations

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

2. Planning application description

2.1. The proposed enquiry relates to a two storey medical centre located to the rear of 59 High Street, a detached residential property. The proposal is to provide a replacement medical centre to the existing premises serving Barwell located on Jersey Way which are deemed inadequate to serve the local population. Access would be to the side of no. 59.

2.2. There are 52 parking spaces shown of which 3 are disabled bays and 6 are electrical charging spaces. Cycle parking is also proposed within the site the north of the building. Lighting columns around the car park are provided as well as bollards at the front of the building. Bin Stores and an ASHP enclosure (medical

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

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

3. Description of the site and surrounding area

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

4. Relevant planning history

11/00901/EXT

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

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.
- 5.2. 5 objections have been received from 4 separate addresses regarding:
- 1) The pedestrian visibility splay in cut off by the neighbouring takeaway building
 - 2) Danger to pedestrians from proposed access
 - 3) Removal of the boundary hedge will result in loss of privacy and ecological value
 - 4) Loss of a valuable habitat for wildlife within a densely developed village centre
 - 5) Loss of privacy for surrounding dwellings
 - 6) Cars leaving the medical centre will not be able to see oncoming cars or pedestrians without pulling out
 - 7) Traffic impact assessment was undertaken partly within the school holidays and therefore is not a true representation of the impact
 - 8) The peak hour does not take into account school traffic times within the transport assessment
 - 9) The one hour parking spaces outside the adjacent takeaway has not been addressed within the transport assessment

6. Consultation

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

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

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

6.3. No response received from:

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

7. Policy

7.1. Core Strategy (2009)

- Policy 3: Development in Barwell

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM22: Vitalising District, Local and Neighbourhood Centres
- Policy DM25: Community Facilities

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

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

7.4. National Planning Policies and Guidance

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

7.5. Other relevant guidance

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

8. Appraisal

8.1. Key Issues

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

- Drainage
- Land contamination
- Ecology
- Other matters

Assessment against strategic planning policies

- 8.2 The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. Policy 3 of the core Strategy identifies Barwell as a sub-regional centre which provides local facilities to its population, however, the local centre of Barwell is in need of regeneration, therefore the policy seeks to support the regeneration of Barwell through a range of opportunities identified through the Earl Shilton and Barwell Area Action Plan (AAP).
- 8.3 Policy 24 of the Earl Shilton and Barwell AAP encourages the design formation of new community facilities where it can be demonstrated the facility meets the needs of the community and is within reasonable distance of the community it serves. Policy DM25 of the Site Allocations and Development Management Policies DPD also supports the formation of new community facilities where it is demonstrated that they are accessible to the community by a range of sustainable transport modes.
- 8.4 The proposal is in a sustainable location in the centre of Barwell. It would provide a community facility to meet the needs of the local community and would not result in the loss of any retail facility or allocated employment facility and would utilise an existing brownfield site.

Design and impact upon the character of the area and conservation area

- 8.5 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 8.6 Section 16 of the National Planning Policy Framework provides the national policy on conserving and enhancing the historic environment. Paragraphs 193-196 of the NPPF require great weight to be given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have clear and convincing justification, and for that harm to be weighed against the public benefits of a proposal.
- 8.7 Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD seek to protect and enhance the historic environment and heritage assets. Development proposals should ensure the significance of a conservation area is preserved and enhanced.
- 8.8 Policy DM10 of the SADMP seeks to ensure that new development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.9 Policy 22 of the ESBAAP seeks to ensure there is no detriment to the character or appearance of the surrounding area and that the siting, density, local distinctiveness, scale, fenestration and landscaping complements the local character.
- 8.10 This proposal is for the demolition of existing workshops and stores and construction of a new medical centre with associated parking and landscaping.
- 8.11 The proposed medical centre would be approximately 8 metres in height to the highest point with a mono-pitched roof. The proposed materials are PPC aluminium windows, aluminium spandrel and louvred wall panels, pressed aluminium fascia,

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

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

Impact upon neighbouring residential amenity

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

Impact upon highway safety

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

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

- 8.27 Policy 22 of the ESBAAP identifies that a minimum of one charging point for electric/low emissions vehicles is included per development scheme.
- 8.28 A number of revisions to the site layout and transport documents supporting this application have been made following discussions with the local highway authority, the most up to date transport documents are:
- Transport Note received 22nd September 2021
 - Transport Letter received 13th September 2021
 - Travel Plan received 27 April 2021
 - Highways Access Plan received 4th October 2021
 - Vehicle Tracking Plan - Fire Appliance received 4th October 2021
 - Swept Path Analysis - Large Car Drg No: C21029-ATP-DR-TP-001 received 13th September 2021.
- 8.29 The site is currently vacant but has been used as a HGV haulage operation previously. There have been previous planning applications granted on the site.
- Site Access
- 8.30 Access to the site is proposed off High Street, a C classified road subject to a 20mph speed limit. The access is located between speed tables, with a junction table approximately 25m to the northeast of the access.
- 8.31 Details of the site access arrangements have been provided on Expedite drawing number SK02.10 Rev P4. The Applicant has proposed a 5.4m wide access (3m wide lane on entry and 2.4 m wide lane on exit to avoid vehicular conflict) with kerbed radii of 2.4 and 3.5 metres either side.
- 8.32 The Applicant refers to Manual for Streets guidance in respect of reduced corner radii, however the LHA would expect the access to be of suitable width for this to be considered. The Applicant has stated consideration of the most recent five years of data is standard and accepted practice when considering road safety issues. While this is accepted by the LHA, the Applicant previously stated in respect of the site access in Paragraph 2.1.4 of the 29 July 2021 technical note that "...this is an existing vehicle crossover, with no evidence of any safety issue." While the LHA have not requested the Applicant consider Personal Injury Collisions over 5 years old, it is emphasised that over the most recent 5 year study period, the site access may not have been used to its full potential given the site is vacant and has been since 2015. In addition it was considered it was unlikely it would have been used to the intensity it could be as a result of the proposed development.
- 8.33 The LHA consider that the proposals are likely to considerably intensify the use of the access in comparison to the extant use. Given the above and the fact the site is located in a busy village centre location a Road Safety Audit was requested. This was submitted along with amended plans and a designer's response. The LHA agreed with the RSA that the on-street parking spaces should be removed/ relocated. The submitted drawing details a fire engine turning left in to the site with a vehicle parked in the on-street parking space.
- 8.34 The revised site access drawing details that an existing street lighting column would be re-located outside of the pedestrian/ vehicular visibility splays with a location determined at detailed design and confirms that the on-street parking spaces would be relocated as part of a Traffic Regulation Order (TRO). The LHA would welcome re-location of the street lighting column which would need to be done at the full cost to the developer. The LHA has previously confirmed that the re-location of on-street

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

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

Highway Safety

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

Trip Generation/Junction Capacity Assessments

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

Existing trip generation

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

Proposed trip generation

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

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

Net change in trip generation/ Capacity assessment

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

Internal Layout

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

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

Transport Sustainability

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

Highways Conclusion

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

Drainage

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

Land Contamination and Pollution

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

Ecology

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

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

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

Other matters

8.76 HBBC Waste have no objections to the proposal.

9. Equality implications

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

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2 Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.

9.3 There are no known equality implications arising directly from this development.

9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

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

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

11. Recommendation

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

11.2 **Reasons**

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

11.3 Notes to applicant

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

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