

**Planning Committee 30<sup>th</sup> July 2024**  
**Report of the Head of Planning**

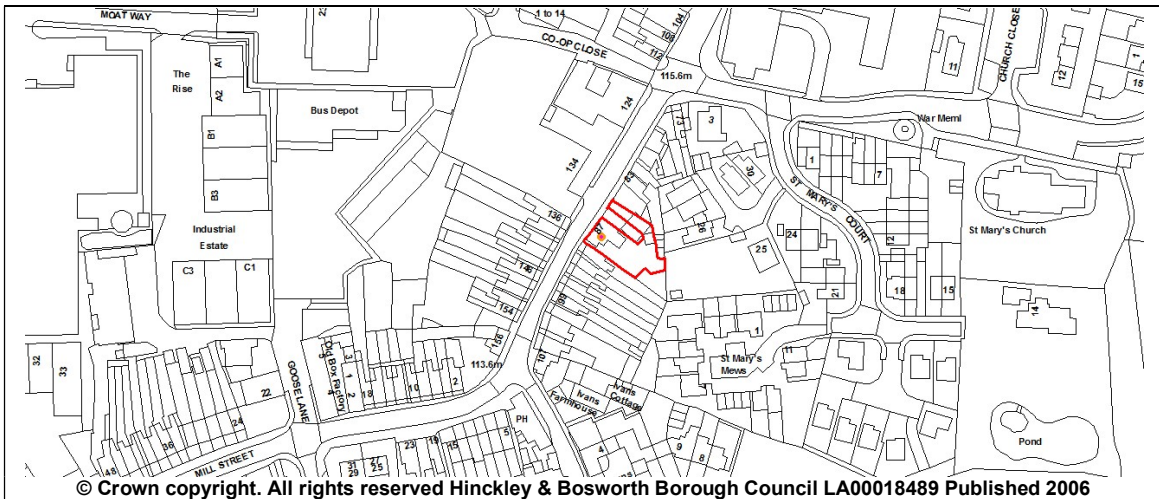
**Planning Ref: 24/00476/FUL**  
**Applicant: Mr Hussein Essajee**  
**Ward: Barwell**



**Hinckley & Bosworth**  
**Borough Council**

**Site: 87B And 87C High Street Barwell**

**Proposal: Change of use from two dwellinghouses Class C3 to Children's Care Home Class 2**



**1. Recommendations**

**1.1. Grant planning permission subject to:**

- Planning conditions detailed at the end of this report.
- That the Head of Planning be given powers to determine the final detail of planning conditions.

**2. Planning Application Description**

2.1. This planning application seeks full planning permission for the change of use of two dwellinghouses (Use Class C3) into a children's care home (Use Class C2) at 87B and 87C High Street, Barwell. No external alterations are proposed to the application site and the development retains two off-street parking spaces in total for the use.

2.2. The property will provide care for four children under the age of 18 and there will be at least one support worker and one team leader at the premises during the day, and one support worker overnight. Visiting hours shall be between 9 AM and 6 PM and any visits outside of these shall be pre-arranged by the management team. The application makes clear though that staffing levels will depend on the needs of the service users.

- 
- 2.3. The development is exempt from biodiversity net gain because it does not impact a priority habitat, nor 25sqm of on-site habitat.

### **3. Description of the Site and the Surrounding Area**

- 3.1. The 688sqm application site currently comprises two Use Class C3 residential properties, 87B and 87C High Street to the southwest of, but within, the identified settlement boundary of Barwell and the Barwell High Street Conservation Area. The application site is on the southern side of High Street, which is an adopted and classified 'C' road that is subject to a 30mph speed limit.
- 3.2. The application site features two two-storey, two-bedroom, terrace and terrace-end residential properties that were constructed in 2023 after receiving planning permission alongside two additional two-storey, two-bedroom, terrace dwellings via application 19/00049/FUL.
- 3.3. The wider area is predominantly residential and characterised by two-storey, terraced, residential properties, but there is evidence of commercial uses opposite the site including a convenience store, an Indian restaurant, and an industrial chemicals wholesaler.

### **4. Relevant Planning History**

#### **4.1 19/00049/FUL**

- Demolition of existing buildings and erection of 4 dwellings (Revised Scheme)
- Permitted
- 04.07.2019

### **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 A Borough Councillor called the application into Planning Committee due to the scheme's impact on neighbouring residential amenity, the safety of future occupants, and insufficient off-street parking provision.
- 5.3 Three members of the public has objected to this planning application for the following reasons:
- Damage to neighbouring properties.
  - Harm to Barwell High Street Conservation Area.
  - Harm to neighbouring residential amenity.
  - Inappropriate location for the development of a children's care home.
  - Inappropriate location for vulnerable children.
  - Inappropriate location due to it being too close to a primary school.

- 
- Inappropriate location due to its proximity to a public house.
  - Increased anti-social behaviour.
  - Insufficient private outdoor amenity space.
  - Concerns regarding the management of the children.
  - Insufficient parking.
  - Staffing concerns.
  - There are already too many youths in Barwell.

*The Case Officer notes that Barwell Infant School is within 700m of the application site.*

5.4 No further responses have been received.

## **6. Consultation**

6.1 Barwell Parish Council have objected to the development due to highway safety and insufficient parking concerns, and the scheme's harm to the character of the area.

6.2 There have been no objections from the following consultants:

- Hinckley & Bosworth Borough Council (HBBC)'s Conservation Officer
- HBBC's Drainage Officer
- HBBC's Environmental Services' Pollution Officer
- HBBC's Waste Management Officer
- Local Highway Authority (LHA) (subject to conditions)

6.3 Leicestershire County Council (LCC) as Lead Local Flood Authority (LLFA) did not comment on the planning application.

6.4 No further responses have been received.

## **7. Policy**

7.1 Core Strategy (2009):

- Policy 3: Development in Barwell

7.2 Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016):

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

- 
- 7.3 Earl Shilton and Barwell Area Action Plan 2006 – 2026 (ESBAAP) (2014):
- Policy 22: Development and Design
- 7.4 National Planning Policies and Guidance:
- National Planning Policy Framework (NPPF) (December 2023)
  - Planning Practice Guidance (PPG)
  - National Design Guide (2019)
- 7.5 Other Relevant Guidance:
- Barwell High Street Conservation Appraisal (2010)
  - Good Design Guide (2020)
  - Leicestershire Highway Design Guide (LHDG) (2022)
  - Technical Housing Standards – Nationally Described Space Standards (2015)

## **8. Appraisal**

- 8.1. The key issues in respect of this application are therefore:
- Principle of development
  - Design and impact upon the character of the area and the historic environment
  - Impact upon residential amenity
  - Impact upon parking provision and highway safety

### Principle of Development

- 8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 8.3 The current Development Plan consists of the adopted Core Strategy, the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP), and the Earl Shilton and Barwell Area Action Plan (ESBAAP). In accordance with Paragraph 225 of the NPPF, due weight should be given to existing policies according to their degree of consistency with the NPPF.
- 8.4 Policy DM17(b) of the SADMP requires development proposals to be located where the need to travel will be minimised, and the use of sustainable transport modes can be maximised.
- 8.5 The development is located in a sustainable location within the identified settlement boundary of Barwell. It is considered appropriate that children that are in need of care are provided with that care in small facilities such as this rather than being

---

looked after in large institutions remote from a local community. Therefore, the development is acceptable in principle, subject to the assessment of all other material considerations. Other material considerations are set out within the next sections of the report.

#### Design and Impact upon the Character of the Area and the Historic Environment

- 8.6 Policy DM10(c) of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.7 Policies DM11 and DM12 of the SADMP 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 22(b) and (c) of the ESBAAP require developments to ensure that there is no detriment to the character or appearance of the host building or the surrounding and that that the siting and density of the proposal respects the character and layout of the area respectively.
- 8.9 Whilst the development changes the use of the property from Use Class C3 to Use Class C2, it is not considered that the change of use of two residential properties to one residential institution of the same capacity is likely to result in any significant adverse impacts to character of the surrounding area.
- 8.10 There are no external changes proposed to 87B and 87C High Street, Barwell. Therefore, the development is considered to have a neutral impact upon the character of the area and the Barwell High Street Conservation Area, which subsequently preserves its character, appearance, and thus significance. Given the above, the development complies with Policies DM10, DM11, and DM12 of the SADMP.

#### Impact upon Residential Amenity

- 8.11 Policy DM10(a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.
- 8.12 Policy 22 of the ESBAAP requires development to ensure that it does not adversely affect the privacy and amenity of nearby residents, and that the activities in the vicinity of the site do not adversely affect the amenity of the occupiers of the proposed scheme.
- 8.13 No amendments are made to the external appearance and outlook of the existing structures. Therefore, the development does not increase any potential impacts of

---

overlooking, loss of light, loss of privacy, or any overbearing impacts to neighbouring residential properties.

- 8.14 The application site also benefits from planning permission for a residential use, and therefore the development is unlikely to be adversely affected by activities in the vicinity of the site.
- 8.15 Whilst the proposal includes an additional bedroom for a member of staff, the proposal only results in four children and one member of staff being permanently based at the site at any time. Therefore, the proposed capacity of the development is likely to be less than the capacity of the structures' existing Use Class C3 uses, which can collectively accommodate up to eight permanent residents in their current form. In light of the existing use of the site, the development is not considered to result in any significant adverse impacts to neighbouring residential amenity as a result of noise pollution or light pollution.
- 8.16 In response to the concerns raised by members of the public, the Applicant advised that the proposal is for children with special educational needs who require support with day-to-day living. As a result, these children will only leave the premises when they are accompanied by an adult for purposes such as attending school, participating in sports and leisure activities, and other general everyday activities such as shopping.
- 8.17 The Applicant also raised the fact that any concerns regarding staffing levels and the general management of the property are not dealt with by the planning process and are controlled via other public bodies such as Ofsted and the local Social Care Services.
- 8.18 The two structures feature a total private outdoor amenity area that is 6.6m in depth with a total footprint of 69.5sqm. This is less than the minimum private outdoor amenity standards detailed within the Good Design Guide for two separate two-bedroom properties and one four-bedroom home.
- 8.19 However, this outdoor amenity area was approved via planning application 19/00049/FUL and it is noted that Boston Park is 500m from the application site. Therefore, the under provision in private outdoor amenity space is not considered to result in a significant adverse impact to the residential amenity of the future occupants of the scheme in these site-specific circumstances.
- 8.20 By virtue of these factors, the proposal is not considered to result in any significant adverse impacts to the residential amenity of neighbouring residents, nor the future occupiers of the scheme in accordance with Policy DM10 of the SADMP and Policy 22 of the ESBAAP.

#### Impact upon Parking Provision and Highway Safety

- 8.21 Policy DM17 of the SADMP states that development proposals need to demonstrate that there is not a significant adverse impact upon highway safety, and

---

that the residual cumulative impacts of development on the transport network are not severe. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)).

- 8.22 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.23 The site is served by an existing dropped kerb access that was approved under planning application 19/00049/FUL. This access has been reviewed by the Local Highway Authority (LHA) who have confirmed that it is in accordance with Figure DG17 of Part 3 of the LHDG and is therefore suitable to serve the proposed change of use.
- 8.24 There have been three Personal Injury Collisions (PICs) that have been recorded on High Street within the last five years. The LHA have considered the circumstances of these PICs, and it does not consider that the development is likely to exacerbate the likelihood of further PICs occurring.
- 8.25 For Use Class C2 properties, the Highway Requirements Part 4 of the LHDG requires one off-street vehicular parking space per three-bedrooms, plus one additional space for each staff member on site. In light of this, the LHA consider the development to require one additional off-street vehicular parking space.
- 8.26 Notwithstanding this, in light of the existing approved use of the site, the nature of the proposed development, and the existing parking restrictions on High Street, the LHA do not consider the shortage of one parking space to lead to an increase in indiscriminate parking in the vicinity of the site in these specific circumstances. Whilst the depth of the two off-street parking spaces is substandard within the submitted plans, it is considered that an additional depth of 0.5m for each space can be achieved on site.
- 8.27 By virtue of these factors, the proposal does not create an unacceptable impact on highway safety or the road network in accordance with Policies DM17 and DM18 of the SADMP, and the LHDG.

## **9. Equality Implications**

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states: -
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
    - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
    - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

---

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

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

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

## **10. Conclusion**

10.1 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission to be granted, subject to the imposition of appropriate conditions.

## **11. Recommendation**

11.1 **Grant planning permission** subject to:

- Planning conditions detailed at the end of this report.
- That the Head of Planning be given powers to determine the final detail of planning conditions.

### **11.2 Conditions and Reasons**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**Reason:** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details received by the Local Planning Authority as follows:
  - Existing Layout and Elevations 141-01 (submitted: 15.05.2024)
  - Proposed Layout and Elevations 141-02A (submitted: 15.05.2024)
  - Proposed Site Location and Block Plan 131-03A (submitted: 01.07.2024)



---

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

3. The development hereby permitted shall not be occupied until such time as the parking facilities have been implemented in accordance with the Proposed Site Location and Block Plan 131-03A (submitted: 01.07.2024). Thereafter, the onsite parking provision shall be kept available for such uses in perpetuity.

**Reason:** To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (December 2023).

a. **Notes to Applicant:**

1. Hinckley & Bosworth Borough Council's recycling and refuse collection services are from the boundary to the adopted highway and do not travel along, nor collect from private roads or driveways. Please refer to the policies within the Wheeled Bin and Container Policy (updated March 2018). Please include an area near the roadside for the safe placement of the various containers on collection day. It will be the responsibility of the occupiers to ensure that all containers/wheeled bins are brought to the collection point.