

Planning Committee 30th July 2024
Report of the Head of Planning

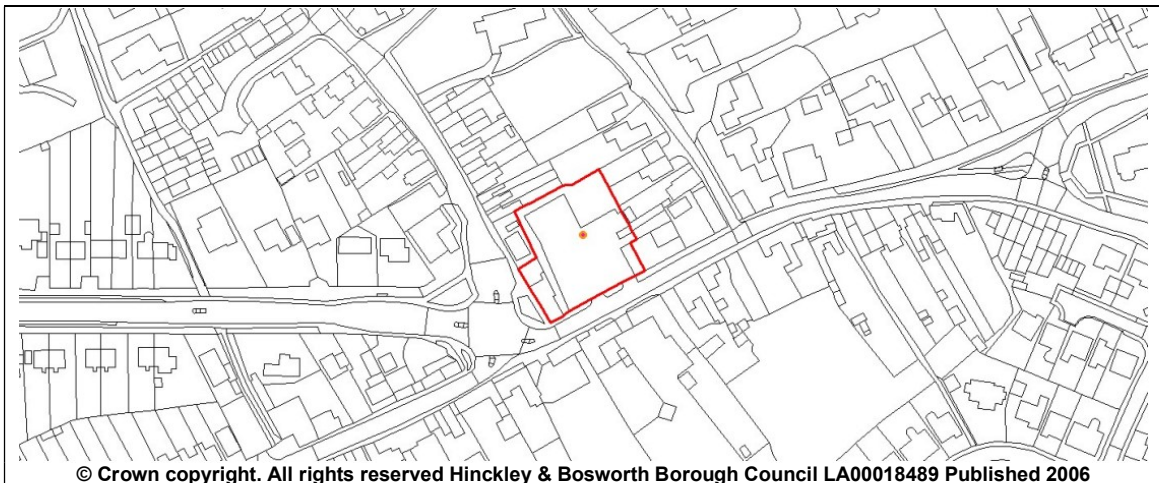


Hinckley & Bosworth
Borough Council

Planning Ref: 23/00711/FUL
Applicant: EVERARDS BREWERY & THE CENTRAL
ENGLAND COOPERATIVE
Ward: Newbold Verdon with Desford & Peckleton

Site: The Blue Bell Inn 39 High Street Desford

Proposal: Change of use from Café (Class E (b)) and residential (Class C3) to convenience foodstore (Class E (a)), construction of single storey side extension, two storey and single storey rear extension (following the demolition of existing single-storey element to rear of 37 High Street/2A Main Street and store to rear of public house) with associated landscaping and other works



1. Application 23/00711/FUL was deferred on Planning Committee on 7th May 2024 pending further investigative works in relation to highways and neighbouring amenity. The Applicant has since provided additional information as follows:
 - Noise Assessment Update dated 04 July 2024, prepared by Sharps Redmore;
 - Transport Note, prepared by ADL Traffic and Highways;
 - Historic England Pre-Application Advice; and
 - Proposed Roof Plan, drawing no. 006 rev. P4

Highways and Parking

- 1.1. After the first consultation comments received a response was prepared and submitted to the Council that included a Stage 1 Road Safety Audit, revised personal injury collision data, a re-assessment of TRICS data, PICADY junction capacity assessment, clarification on existing floor areas for the Bluebell Inn public house, and track analysis for a 12m rigid vehicle.
- 1.2. Following further consultations with LCC Highways, a re-designed access with a formal bell-mouth radii and dropped kerb together with tactile paving, included COVID uplift numbers and committed development traffic captured via revised

capacity assessments, and a revised Car Park and Delivery Management Plan including details on deliveries.

- 1.3. LCC responded to the information provided on 04 March 2024 and confirmed that there would be no highways objection subject to planning conditions, which have subsequently been included within the Committee Report for the application.
- 1.4. The work undertaken has demonstrated that, based on the revised capacity assessment, the proposals would not generate any queues or delays at the site access nor the surrounding network. The Stage 1 Road Safety Audit has demonstrated the acceptability of the design of the proposed access arrangements into the site and that the proposed pedestrian crossing point on High Street is acceptable with regards to pedestrian safety. The Car Parking and Delivery Management Plan will control the number of deliveries and visitors to and from the site, ensuring that traffic can safely enter and exit the site and that the number of deliveries per day can be managed for the purposes of highways safety and residential amenity.
- 1.5. The proposals will provide dedicated on-site parking, with the parking accumulation study demonstrating that the level of parking proposed on-site is satisfactory and will not require visitors to park on the highway network near to the site. The proposals are therefore in full accordance with Policy DM18 of the SADMP.
- 1.6. The proposals also allow for dedicated vehicle deliveries on-site. This will remove the requirement for delivery vehicles to wait on the adjacent highway or on the pavement, as per the current delivery arrangements for both the Newbold Road and Main Street stores.
- 1.7. LCC Highways were consulted on the latest transport note and maintain that they have no objections to the proposal subject to conditions.

Impact on residential amenity

- 1.8. Further to the request of Members at the 7th May Planning Committee regarding the potential impact of the proposals upon the amenity of the neighbouring property at 2 Main Street, the applicant instructed a Noise Assessment Update.
- 1.9. The update confirms that the plant to be installed will not exceed 34dB LA90 at night and 44 dB LA90 during the day at the boundary with 2 Main Street. This is based on typical background levels measured for the relevant period and demonstrates that the rating level of noise emitted by all fixed plant shall not exceed the representative background level, as determined at the nearest noise sensitive premises.
- 1.10. Furthermore, the applicant has provided an updated roof plan, which confirms that the plant that will be generating the noise has been relocated on the flat roof, further away from the neighbouring residential property than the previous arrangement.
- 1.11. The proposed delivery times have also been restricted to 0800 - 1800 Monday to Saturday, and 1000 - 1600 on Sunday. No evening deliveries are proposed. The previously proposed delivery hours were 0700 – 1800, 7 days per week.
- 1.12. The delivery bay remains in the original location after no feasible alternative was agreed upon.

- 1.13. HBBC Environmental Health were consulted on the latest revisions and confirmed that they have no objections and no further comments to add.

2. Recommendations

2.1. Grant planning permission subject to:

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

3. Planning Application Description

3.1. The application relates to a change of use and demolition/extensions on Land at The Blue Bell Inn (39 High Street) comprising its associated car park, and No's 37 High Street, Desford, Leicester.

3.2. The proposals comprise of the following elements;

- Demolition of existing single-storey element to rear of 37 High Street/2A Main Street;
- Demolition of store to rear of public house;
- Change of use from Café (Class E(b)) and Residential (Class C3 [37 High Street]) to Convenience Foodstore (Class E(a));
- Erection of single-storey side extension to 37 High Street/2A Main Street;
- Erection of two-storey rear and single-storey rear extensions to 37 High Street/2A Main Street;
- Alterations to the access, existing car park [increase from 33 to 38 parking spaces] and beer garden, and
- Public realm and landscaping

3.3. The proposed convenience store will have a gross area of 564m², with a sales area of 276m². This is below the threshold of 280m² established by the Sunday Trading Legislation and will therefore be able to trade on an unrestricted basis on Sundays as it constitutes a "small shop". The associated ground floor back of house area extends to 120m².

3.4. A single-storey (originally proposed to be two-storey) side extension is proposed to the northern elevation of 2A Main Street, with a single-storey rear extension proposed across the width of both buildings. This extension would house the delivery area, storage, and staff facilities.

3.5. The existing accesses would be utilised off High Street, taken from two locations along the southern boundary, providing direct access to the car park for the Blue Bell Inn which would be shared with the proposed store, with a total of 38 spaces including two disabled bays and cycle parking. The initial proposal has been amended to reduce the scale of the proposed two-storey side extension of 37 High Street to single storey, as well as removing the coloured vinyl advertising boards from the proposed shop frontages.

3.6. The application is accompanied by an Archaeological Desk Based Assessment, Arboricultural Impact Assessment, Biodiversity Net Gain Assessment, Design and Access Statement, Environmental Noise Report, Further Bat Roost Activity Survey,

Heritage Statement, Preliminary Ecological Appraisal and Preliminary Bat Roost Assessment, and a Transport Statement.

3.7. Following deferral of the application at Planning Committee on 7th May 2024, The Applicant has since provided additional information as follows:

- Noise Assessment Update dated 04 July 2024, prepared by Sharps Redmore;
- Transport Note, prepared by ADL Traffic and Highways;
- Historic England Pre-Application Advice; and
- Proposed Roof Plan, drawing no. 006 rev. P4

4. Description of the Site and Surrounding Area

4.1. The application site comprises the car park to the west of The Blue Bell Inn Public House and associated store, and a pair of semi-detached properties at 37 High Street and 2A Main Street, 2A currently Class E(b) café (“The Food Room”).

4.2. The site is located in a prominent location on the north side of High Street within the settlement boundary of Desford. Desford is a key rural centre relating to Leicester according to Policy 8 of the adopted Core Strategy and High Street is regarded as the historic core of the Desford Conservation Area. The pub has cream painted render walls and red plain clay tiles, and it is opposite a Grade II* Listed Building – (Old Manor House).

4.3. 37 High Street and 2A Main Street are two cottages of a linear plan form, facing the junction of High Street, Main Street and Manor Road, with pitched tiled roofs and a white stucco external finish.

4.4. Residential dwellings lie to the north of the site, with No. 2 Main Street neighbouring 2A and 37 Main Street. The northernmost boundary of the site contains a tree belt which separates the car park/pub garden area from the rear gardens of 4 and 6 Main Street.

5. Relevant Planning History

22/00448/ADV

- Proposed installation of illuminated and non-illuminated signage
- Permitted
- 02.09.2022

19/00162/FUL

- Demolish existing garage, new timber boarding, lean to canopy and sliding door to west elevation, extension of existing kitchen into external courtyard with replacement extraction system and 2 new patio doors to north elevation
- Permitted
- 02.05.2019

15/00623/FUL

- Proposed canopy porch to western side entrance
- Permitted
- 28.07.2015

5. Publicity

5.1. The application has been publicised by sending out letters to local residents. As a result of the publicity 11 objections and one letter in support have been received

during the initial notification period and a subsequent re-notification following amendments to the proposal. A summary of the comments made is below:

Objections:

- Access to the site is obscured and is unsafe for vehicles and pedestrians.
- Increase in traffic in the area.
- Harm to the character of the conservation area and listed building opposite.
- Increase in noise and disturbance for neighbouring residents.
- Insufficient parking provision.
- Brightly coloured advertising should be removed.
- Should be classified as a new development, not change of use as the development is disproportionate to the existing buildings.
- The only café in the village would be lost and is an important community facility.
- Development encourages car use instead of sustainable modes of transport.
- Proposed disabled parking not in compliance with Part M of the Equality Act.
- Increase in air pollution.
- Overbearing, loss of light and overshadowing impact on neighbouring dwelling.
- Design and scale of the development not in keeping with the village.

Support:

- The current location of the Co-op causes serious traffic problems with people illegally parking on double yellow lines.

6. Consultation

6.1. No objection has been received from:

HBBC Street Scene Services (Waste)

HBBC Drainage

HBBC Conservation Officer

LCC Ecology

6.2. Desford Parish Council –

19/10/23:

“The Parish Council support the principle of the development as we recognise that the village has a need for a retail facility in a central location and we acknowledge that this site is the most appropriate and in addition the two smaller outlets will be closing. However, we do still have concerns regarding highways safety which we understand from the representatives that they have engaged an independent specialist highways consultant. They have agreed to share the findings with the Parish Council when available. They have also agreed to review the main street frontage with a more sympathetic stucco finish to blend in. Lastly, they have agreed to rescue the historic front door and retain it and incorporate it and consider more sympathetic displays in the dummy windows”.

14/12/23:

1: *They are surprised that Leicestershire County Council have not asked for a speed survey to demonstrate vehicle speeds, as this would indicate whether the splay out of the access are appropriate. Especially given the concerns regarding visibility. The speed surveys would ascertain the measured speed of vehicles on each approach to the proposed access.*

2: *The Parking Management Plan also suggests that if two delivery vehicles arrive at the same time, one of them will be advised to leave and come back later, however if a second delivery vehicle arrives, then it will not be able to turn around within the site and will have to reverse back out on to High Street. In our view this would be dangerous.*

Following re-consultation (17/04/24): *“Councillors wish to comment that the proposed dropped kerb crossing on High Street is at a dangerous point, so close to the bend in the road.”*

6.3. Leicestershire County Council (Ecology) – Request for bat survey. Provided and considered acceptable.

6.4. LCC Archaeology – No objection subject to condition.
“To ensure that any archaeological remains present are dealt with appropriately, the applicant should provide for an appropriate level of archaeological investigation and recording. This should consist of a programme of archaeological work, to be conducted as an initial stage of the proposed development. It should include an archaeological soil strip of the development area; any exposed archaeological remains should then be planned and appropriately investigated and recorded. In addition, all services and other ground works likely to impact upon archaeological remains should be appropriately investigated and recorded. Provision must be made within the development timetable for archaeologists to be present during these works, to enable the required level of archaeological supervision.”

6.5. Leicestershire County Council (Highways) – No objection subject to conditions.
“The impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe.”

6.6. HBBC Environmental Health (Pollution) –

25/08/2023:

It needs to be noted that the intended use is likely to cause impact from noise on residential premises adjacent to the site and the proposal is quite different from the current use as a small café and pub car park. However, the use is typical for a small village location and so through careful assessment and mitigation and going forward, management of the site, it is possible that the impact will not be significant and so I do not wish to object to the proposal.

However, prior to final comment, I have the following queries on the noise report submitted which require clarification.

The report states that the nearest residential premises is 20m from the delivery area; it is my understanding that 2 Main Street is directly adjacent and so the conclusions will need to be reconsidered. It is stated within the report that a 2m fence is proposed, however, this is not shown on the plan. Based on my comment regarding 2 Main Street, is it being considered to erect a 2m fence along the

property boundary to mitigate the noise? Table 6 details noise levels as LaeqT and then Table 7 shows levels as Laeq1hr. I am concerned that this assessment does not show the true impact from noise as the impact will be lost as a 1hr average.

Regarding deliveries, is the applicant willing to condition the delivery times to 2 07:00-18:00 Mon-Fri, 08:00-13:00 Sat and 10:00-16:00 Sun?

In addition, it needs to be confirmed that there will be no cooking/baking on site. If it is, what means of ventilation are proposed? Finally, no lighting details and assessment of impact from light has been submitted.

6.7. Historic England (pre-application engagement with applicant)

Historic England have considered the proposals in accordance with Legislation, policy and guidance. We do consider that improvements could be made to the application to enhance the character and appearance of the conservation area, as detailed in our advice above.

The suggested improvements include:

- Use of Welsh late roof tiles
- Consideration of the scale of the extensions
- Landscaping to reduce extent of hardstanding.

7. Policy

7.1. Core Strategy (2009)

- Policy 7: Key Rural Centres
- Policy 8: Key Rural Centres Relating to Leicester

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 DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM21: Locating Sustainable Town Centre Uses
- Policy DM22: Vitalising District, Local and Neighbourhood Centres
- Policy DM23: High Quality Shop Fronts and Advertisements
- Policy DM25: Community Facilities

7.3. Desford Neighbourhood Plan (May 2021)

- Policy H1: Settlement Boundary
- Policy H7: Housing Design
- Policy ENV3: Biodiversity General
- Policy ENV5: Local Heritage Assets
- Policy F1: Retention of Existing Community Facilities
- Policy F2: New or Improved Community Facilities

- Policy T1: Traffic Management
- Policy T3: Electric Vehicles

7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (Dec 2023)
- Planning Practice Guidance (PPG)

7.5. Other relevant guidance

- Leicestershire Highways Design Guide
- Good Design Guide Supplementary Planning Document
- Desford Conservation Area Appraisal (DCAA)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon the Conservation Area and heritage assets
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Drainage
- Ecology
- Other matters

Assessment against strategic planning policies

8.2. Paragraph 11 of the National Planning Policy Framework (NPPF) states that the development plan is the starting point for decision making. The NPPF is a material consideration in determining applications. The development plan in this instance consists of the Site Allocations and Development Management Policies (SADMP) DPD (2016) and the Core Strategy (2009).

8.3. Policy DM1 of the adopted SADMP adopts a presumption in favour of sustainable development with planning applications that accord with the policies in the Development Plan and should be approved unless material considerations indicate otherwise.

8.4. Policy 7 of the Core Strategy aims to ensure that rural centres can meet the needs of their residents:

- "Support new retail development to meet local need within defined local centre boundaries in the Key Rural Centres providing it will have no detrimental impact on the Hinckley town centre; and

- Resist the loss of local shops and facilities in Key Rural Centres unless it is demonstrated that the business or facilities can no longer operate in a viable manner. Initiatives to establish local stores and facilities will be supported."

8.5. Policy 8 of the Core Strategy aims to support local services in Desford, including supporting additional employment provision to meet local needs, and support traffic management measures and additional car parking.

8.6. The site is located within the village centre where High Street and Main Street meet, and is therefore considered to be sustainable, in accordance with Policy 7 of the Core Strategy. Policy 7 specifically supports retail development within the defined

local centres of Key Rural Service Centres provided that there is no retail impact upon Hinckley Town Centre.

8.7. Policy DM21 requires a Retail Impact Assessment to be submitted for applications where over 2,500sq.m of floorspace is proposed for such uses outside of Hinckley Town Centre. The proposed development does not exceed this threshold, and therefore does not conflict with this objective of Policy DM21.

8.8. Policy F1 of the Desford Neighbourhood Plan (DNP) states that:

Desford Parish Council in conjunction with relevant bodies will:

a) Work with Sport in Desford to identify extra land for sport and recreation within the parish, with a view to purchase and to develop for further sports and recreation;

b) Renew efforts to contact the owner of Kirby Grange with a view to redeveloping the school building and eradicating the potential danger for some form of community use;

c) Make positive efforts to retain remaining Public Houses and restaurants and to register local pubs as assets of community value;

d) Strive to achieve enhancements to the present network of walking routes in the Parish including the provision of kissing gates to replace stiles wherever possible and to provide new cycle paths to link in with existing local cycle networks;

e) Update the community directory of local facilities and community groups;

f) Work with Leicestershire Highways to maintain and where possible improve the bus service through Desford.

8.9. The existing Co-op stores on both High Street and Newbold Road are to be consolidated into the proposed larger store, there is policy support for this consolidation under Policy F1 of the Neighbourhood Plan, and under Policy DM22 of the SADMP.

8.10. The applicant states within their planning statement that there are no suitable alternative existing premises within the Neighbourhood Centre that could accommodate the proposals. Furthermore, the existing Cooperative stores within Desford are stated to be inadequate for the present-day retail operations of the Cooperative, with both stores de-facto competing against each other despite being in common ownership. Additionally, due to the nature of the High Street Neighbourhood Centre boundary drawn, the only site to be considered as part of the sequential test for this proposal would be the Library (a designated Community Facility under Policy DM25 of the SADMP), and is not a feasible or acceptable site for redevelopment. The loss of the library community facility would not be supported by Policy 7 of the Core Strategy, Policy Dm25 of the SADMP, or Policy F1 of the Desford Neighbourhood Plan. At the time of the submission, the Applicant has expressed that no other commercial properties were available, nor of a suitable size to reasonably accommodate the proposals within Desford. Whilst the possible loss of the café and two smaller stores is regrettable, there is potential for a new café to replace one of the two potentially vacated Co-op stores in the future.

8.11. The proposals will be effectively replacing the Main Street Cooperative store, with the other existing store on Newbold Road, which is approximately 380m from the nearest Neighbourhood Centre of High Street. The proposals would therefore not

result in the loss of any Class A1 or A2 units (now Class E) within the Neighbourhood Centre, in accordance with Policy DM22.

- 8.12. Policy DM22 states that retail proposals will be supported where the retail frontage is retained and / or enhanced and would not result in a break in the continuous retail frontage. The existing café is an isolated outlet within the street scene and the High Street elevation of the proposals (the north-western elevation) have been designed to resemble a Cooperative store of high design quality. A faux entrance design has also been incorporated into the single storey extension, retaining and enhancing the understanding of the Desford Neighbourhood Centre as the primary retail location within the village.
- 8.13. The proposed development is further supported by paragraph 90 of the Framework, which states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management, and adaptation. The proposed development is for the provision of a new, larger convenience food store that will provide a larger net floorspace compared to the existing two smaller stores and will consolidate their offerings; the existing two stores have a combined sales floorspace of 196sq.m, whilst the proposed store has a sales floorspace of 276sq.m.
- 8.14. In summary, the proposal is considered to accord with Policies DM1, DM21, DM22, DM25 of the SADMP, Policies F1 and F2 of the DNP, and Paragraph 90 of the Framework, and is therefore considered acceptable in principle.

Design and impact upon the character of the area

- 8.15. Policy DM10 requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, mass, design, materials and architectural features.
- 8.16. Policy DM23 of the SADMP is specifically concerned with shopfronts and advertisements, and states that new and refurbished shopfronts will be approved where:
- a) *“They reflect the local style and materials of the host building and immediate area; and*
 - b) *The fascia is of an appropriate scale in relation to the shop front and upper floors; and*
 - c) *Signage illumination is of an acceptable luminosity and does not lead to obtrusive light in the form of sky glow, glare or light intrusion; and*
 - d) *Shop security features are appropriately designed to complement the host building and street scene. Shutters and grilles must allow for a degree of internal visibility; and*
 - e) *The design of blinds and canopies leave the street scene uncluttered, particularly out of hours; and*
 - f) *The main public entrance adds interest to the street scene and is on a human scale; and*
 - g) *Additional industrial devices, such as air conditioning and/or filtration units, are integrated with the design and placed in the most visually unobtrusive location, and*

are away from the public and neighbouring properties which may be affected by the noise and extracted fumes. Such devices may be situated on the primary elevation only where there is no other reasonable alternative”.

- 8.17. Policy H7 of the DNP states that new development should enhance and reinforce the local distinctiveness and character of the area in which it is situated, particularly within the Conservation Area. Care should be taken to ensure that the development does not disrupt the visual amenities of the street scene and impact negatively on any significant wider landscape views.
- 8.18. The proposed development is for the restoration and change of use of the existing buildings on site (37 High Street and 2A Main Street), alongside extensions to the side and rear to provide a functional level of convenience retail floorspace at ground floor level. The proposed extensions have been sympathetically designed, with the external works intended to reflect that of the historic form and appearance of other buildings within the Conservation Area. The two-storey rear extension proposed to the rear of these buildings incorporates retail floor space and will effectively reinstate the historic sense of enclosure along this stretch of High Street, recognised by Historic England and HBBC's Conservation Officer. The overall scale of the proposed extensions to the rear are large but are considered proportionate in terms of the space required and available space in the existing hardstanding car park area.
- 8.19. The side extension to the north of 2A Main Street follows the linear plan form of 37 High Street/2A Main Street and given its single storey height is subservient in scale to the main building. Rather than having a dual pitched roof, which is more prevalent in the area, the hipped roof form has been proposed in response to residential amenity concerns, and is considered to reflect the roof form of the larger store extension whilst also reducing the mass of the extension and allowing for the built form of 37 High Street/2A Main Street to remain the dominant presence when viewing the application site from the west. The proposed construction materials of render and slate and detailing of the 'false' windows and door to the extension closely match those on the existing elevations.
- 8.20. It is not clear from the proposed elevations if the existing windows and door to the south-west elevation of 37 High Street and 2A Main Street are to be retained with some form of screening applied to prevent internal views of the store, or if replacement fenestration is proposed. If the application is approved this detail will be confirmed and approval sought as part of a pre-construction materials condition.
- 8.21. The two-storey rear extension to 37 High Street would run parallel to the High Street and closely follows the position of historic built form previously on the site and would reinstate the traditional urban grain and sense of enclosure to a section of the High Street frontage.
- 8.22. The proposed development would also add visual interest with the inclusion of features such as gabled dormers, feature brickwork, mock timber barn doors and wrought iron barn ties to the elevations of the proposed extensions providing contextual features which activate the elevations and introduce high quality design features to the area.
- 8.23. The proposed materials include red brick with appropriate brick detailing, reflecting the predominant building material within the Desford Conservation Area. The existing buildings on-site, 2A High Street and 37 High Street are to be re-rendered, enhancing their appearance within the street scene and Conservation Area. Historic England and the HBBC Conservation Officer have requested high quality

(preferably Welsh slate) roof tiles, therefore all external materials are to be agreed prior to commencement with samples provided by the developer.

- 8.24. In summary, it is considered that the proposed design would have a positive impact on the character of the area and wider street scene. The proposal would therefore comply with Policy DM10 of the SADMP and Policy H7 of the DNP.

Impact upon the conservation area and heritage assets

- 8.25. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting, to have special regard to the desirability of preserving the listed building's setting and any features of special architectural and historic interest which it possesses. Section 72 of the Act 1990 places a duty on the local planning authority when determining applications for development which affect a conservation area to pay special attention to the desirability of preserving or enhancing the character and appearance of that area.
- 8.26. Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraphs 205-208 of the NPPF require great weight to be given to the conservation of a designated heritage asset 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.
- 8.27. Policy DM11 of the adopted SADMP seeks to protect, conserve and enhance the historic environment. All development proposals which have the potential to affect a heritage asset or its setting will be required to demonstrate an understanding of the significance of the heritage asset and its setting, the impact of the proposal on the significance of the asset and its setting, how the benefits of the proposal will outweigh any harm caused.
- 8.28. Policy DM12 states that 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, including the retention of key spaces, preservation or enhancement of key views and vistas, historic street pattern and plan form where feasible, the use of natural building materials and appropriate boundary treatments. Proposals that affect the setting of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting.
- 8.29. A detailed Heritage Statement has been submitted to accompany the application which ensures the significance of affected heritage assets is understood, and therefore this component of Policy DM11 and the requirements of paragraph 200 of the NPPF have been met. HBBCs Conservation Officer has been consulted and has no objections to the proposals subject to conditions. Their detailed comments have been incorporated into this section of the Officer report.
- 8.30. The DCAA identifies a view to be protected from the High Street over the application site. The importance of the view is not explained in any detail but judging from its direction and the guidance provided within the DCAA, it is assumed the view is deemed to be towards the grade II* listed building the Church of St Martin, which is approximately 100m to the north. The church dates from the late 13th century and has a tall spire making it a visible landmark within the village and its setting. There is a large cluster of vegetation along the northern boundary of the application site and within the gardens of residential properties in between the

public house car park and the church. As a result, the view of the church spire from High Street is not particularly clear when the vegetation is in full leaf, although visibility does increase when the vegetation is not in leaf. When positioned within its wider setting it is considered that the view over the car park does allow for a minor appreciation and understanding of the significance of the church.

- 8.31. The Old Manor House is an early 17th century grade II* listed farmhouse built in red brick in English bond. The property has sandstone ashlar quoins and dressings and a Swithland slate roof. The windows are stone mullioned with square leaded casements that have rectangular ashlar surrounds. To the left is a brick barn that has been converted into a dwelling and to the right, forward of the house, is an early 18th century service block built in Flemish bond. It was a working farm until the 1990's.
- 8.32. The Old Manor House is a particularly important building of more than special interest. It is an imposing, traditional vernacular building that has considerable historic interest due to its age and fabric, and as a high-status house in the village. It also has a degree of architectural interest in its form and internal features. Whilst the significance of the building is not directly impacted by the proposed development, there is the potential for an impact upon its significance resulting from change to its setting. Due to their local heritage interest and contribution towards defining the traditional streetscape of the historic settlement the Blue Bell Inn and 37 High Street/2A Main Street are considered to be a positive presence within the setting of The Old Manor House. As per its neutral contribution to the significance of the conservation area, the open car park is also considered to be neutral presence within the setting of The Old Manor House
- 8.33. The side extension to the north of 2A Main Street follows the linear plan form of 37 High Street/2A Main Street and is subservient in scale to the main building. The proposed replacement 'false' shop front to 2A Main Street has a traditional and historic form and would sit comfortably upon this elevation subject to no over proliferation of advertisements.
- 8.34. The rear 1.5 storey extension follows a linear plan form, limited depth, steeply pitched gable arrangement and construction materials of brick and slate reflect the traditional vernacular built form of the area, whilst its architectural detailing provides the extension with the appearance of a converted rural building, all of which are important characteristics of the conservation area as identified within the DCAA. Given its 1.5 storey height and slight set back from the pavement the extension is also considered to be subservient in scale to 37 High Street.
- 8.35. The extent of the space for car parking and landscaping will be moderately reduced in comparison to the existing arrangement, but it is considered that the volume and use of the space will remain clearly discernible as a functional area serving commercial uses in the historic core of the settlement. The character of the surface and boundary treatments proposed within the landscape masterplan respect the character of the site and the area more generally, but there are considerable opportunities to better define the beer garden area. This could be achieved via a traditional brick wall, (with these being the prevalent boundary treatments of the area), incorporating a cobbled surface treatment close to the entrance to reflect historic surface treatments on the site (see the evidence within the Heritage Statement) whilst allowing for any LCC Highways requirements, and to ensure that the heritage interpretation board is reinstated in a suitable location within the application site. If the application is approved these details should be confirmed and approval sought as part of a pre-construction landscaping condition.
- 8.36. Due to the retention of the space for car parking and a continuation of a wide open frontage across the eastern section of the site the seasonal view of the church from

the High Street (the view to be protected identified within the DCAA) will remain, ensuring that the minor appreciation and understanding of the significance of the grade II* listed Church of St Andrew will be maintained from this position within its wider setting. From the open areas of the application site the fine front elevation and significance of the grade II* listed The Old Manor House could also continue to be appreciated.

- 8.37. In summary it is considered that the scale, siting, design, architectural detailing and proposed construction materials (subject to a planning condition) of the extensions are acceptable and would maintain the character and appearance of the conservation area. The alterations to 37 High Street and 2A Main Street are considered to be acceptable and would ensure that the positive contribution these unlisted buildings of local importance make to the Conservation Area and the setting of the grade II* listed building The Old Manor House would be maintained. The extent, functional character and use of the space for the car park would largely remain as a neutral presence within the Conservation Area and the setting of the Old Manor House, and the surfacing and boundary treatments to this space would generally maintain the character of the area (although some amendments are requested which could be secured with a planning condition). The retention of an open frontage to the eastern section of the application site also ensures that the minor appreciation and understanding of the significance of the grade II* listed Church of St Andrew will be maintained when positioned within its wider setting.
- 8.38. For these reasons it is considered that the proposal would have a neutral impact upon the character and appearance of Desford Conservation Area, thus preserving its significance, and the proposal would be compatible with the significance of the grade II* listed buildings the Church of St Martin and The Old Manor House due to it being an appropriate development within their settings. Consequently, the proposal complies with Policies DM11 and DM12 of the SADMP, section 16 of the NPPF and the statutory duties of Sections 66 and 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact upon neighbouring residential amenity

- 8.39. Policy DM10 of the adopted SADMP requires that the amenities of the occupiers of proposed developments would not be adversely affected by activities within the vicinity of the site.
- 8.40. Objections have been received expressing concerns regarding unacceptable levels of noise and disturbance that would be created due to the proposed location of the delivery area, which is to be located within a service yard directly adjoining the boundary with No. 2 Main Street to the west.
- 8.41. The applicant has submitted an Environmental Noise Report which concludes that given the existing noise climate and extant use of the site, the proposed store can be developed as outlined within the report without causing significant impact or disturbance to local residents, subject to conditions.
- 8.42. Officers acknowledge that there would be some additional noise and disturbance as a result of the proposed location of the delivery area, and the associated increase in activity (moving trolleys, delivery vans arriving and unloading etc.). Officers asked the applicant to consider re-locating the delivery area, however it was expressed that this would not be feasible due to the layout and orientation of the existing building. It must also be acknowledged that the site is an existing public house and car park that has no restrictions on trading or delivery hours, and that noise from car parking will be no greater than the existing site as the quantum of parking is reduced overall.

- 8.43. HBBC Environmental Health (Pollution) has no objection, and expressed in their consultation responses that:
- “...the intended use is likely to cause impact from noise on residential premises adjacent to the site and the proposal is quite different from the current use as a small café and pub car park. However, the use is typical for a small village location and so through careful assessment and mitigation and going forward, management of the site, it is possible that the impact will not be significant and so I do not wish to object to the proposal.”*
- 8.44. The Officer recommended imposing conditions regarding delivery times to the store, and a scheme for protecting nearby dwellings from noise from the proposed mechanical plant. Additionally, the submitted noise report indicates that a 2m close boarded boundary fence has been included in these calculations to provide in the region of 10dB attenuation. The inclusion of this fence is not clear on the submitted plans, therefore a ‘prior to occupation’ condition has been included to ensure that this fence is installed and maintained in perpetuity to mitigate noise from the proposed development.
- 8.45. Objections were also received regarding overbearing, loss of light and over dominant impacts of the proposed two-storey side extension to 2A Main Street. Following lengthy negotiation and discussion with Officers, the Applicant agreed to reduce the scale of this extension to single storey. This has significantly reduced the prominence of the extension and whilst there would be some degree of additional overbearing impact by virtue of the proximity and height of the side extension, Officers consider that there would be an acceptable relationship between this building and neighbouring 2 Main Street.
- 8.46. Further to the request of Members at the 7th May Planning Committee regarding the potential impact of the proposals upon the amenity of the neighbouring property at 2 Main Street, the applicant instructed a Noise Assessment Update.
- 8.47. The update confirms that the plant to be installed will not exceed 34dB LA90 at night and 44 dB LA90 during the day at the boundary with 2 Main Street. This is based on typical background levels measured for the relevant period and demonstrates that the rating level of noise emitted by all fixed plant shall not exceed the representative background level, as determined at the nearest noise sensitive premises.
- 8.48. Furthermore, the applicant has provided an updated roof plan, which confirms that the plant that will be generating the noise has been relocated on the flat roof, further away from the neighbouring residential property than the previous arrangement.
- 8.49. The proposed delivery times have also been restricted to 0800 - 1800 Monday to Saturday, and 1000 - 1600 on Sunday. No evening deliveries are proposed. The previously proposed delivery hours were 0700 – 1800, 7 days per week.
- 8.50. The delivery bay remains in the original location after no feasible alternative was agreed upon.
- 8.51. HBBC Environmental Health were consulted on the latest revisions and confirmed that they have no objections and no further comments to add.
- 8.52. Overall, it is considered that the development would have an acceptable impact on residential amenity subject to the conditions proposed, in accordance with policy DM10 of the SADMP.

Impact upon highway safety

- 8.53. Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 of the adopted SADMP requires new development to provide an appropriate level of parking provision.
- 8.54. Objections have been received relating to the safety of the existing access points, and the inadequate parking provision proposed as part of this development.
- 8.55. The applicant has submitted a Transport Statement and a subsequent addendum following the initial consultation response from the LHA which requested:
- Road Safety Audit
 - Clarification in respect of PIC data
 - Further consideration of the TRICs trip rates for a cafe and a convenience store
 - A review of the parking accumulation studies following provision of updated trip rates, clarification as to why the public house parking accumulation assessment was not undertaken on a Friday
 - A capacity assessment of the site access and further clarity in respect of how deliveries/ refuse collection would be undertaken for the public house, as well as staff parking.
- 8.56. The LHA notes that the site access is acceptable, whilst also agreeing that the Applicant's submitted data for trip generation is acceptable.
- 8.57. In terms of junction capacity, previously the LHA requested the Applicant apply Covid-19 uplift factors and committed development to the traffic counts, review traffic growth factors and undertake a sensitivity test of live developments. The Applicant has now retrospectively applied for a survey permit and applied Covid-19 uplift factors to the baseline traffic data. In terms of growth factors, the LHA state that increase in vehicle trips is minimal on each arm and below 30 two-way trips. Given the results of the capacity assessment, the LHA does not consider it necessary for a revised capacity assessment to be undertaken under the site-specific circumstances.
- 8.58. The Applicant has also included traffic generated by application reference 22/01227/OUT (120 dwellings, Ashfield Farm, Kirkby Road, Desford), and Application 23/00061/OUT (100 dwellings, Land Adjacent to Lockey Farm Hunts Lane Desford) which have both been allowed at appeal. These have been considered as part of 2025 Proposed Flows scenario. Ratio of Flow to Capacity (RFC) is a term used in Transport Modelling to assess the operation of a junction. The result provides an indication of the likely junction performance, with a value of 1 implying that the demand flow is equal to the capacity. Typically, a value of 0.85 is seen as the practical capacity, with results higher than this more likely to experience queuing or delay.
- 8.59. The RFC of the site access junction is not proposed to exceed 0.85 with the development in place in 2025 in the weekday AM and PM peak scenario, as well as the Saturday weekend peak. In addition, queueing would be minimal at the junction. The LHA is therefore satisfied the site access junction will operate within capacity.

	2025 Total Scenario					
	Weekday AM Peak		Weekday PM Peak		Saturday Peak	
	RFC	Q	RFC	Q	RFC	Q
Site Access – Exit	0.09	0.1	0.12	0.1	0.09	0.1
B582 – Right in	0.04	0.0	0.10	0.2	0.06	0.1

Q: Number of Vehicles Queueing
RFC: Ratio of Flow

Table 1: PICADY Results: Site Access.

- 8.60. The LHA advised that the internal layout and proposed parking arrangement for 38 vehicles is acceptable. The previously requested Car Park & Delivery Management Plan has been provided and is acceptable to the LHA. It is to be adhered to in perpetuity and is included as a planning condition.
- 8.61. The Applicant provided an additional Transport Note following the deferral of the application, with some members requesting further clarification regarding highway safety.
- 8.62. The work undertaken throughout the determination process has demonstrated that, based on the revised capacity assessment, the proposals would not generate any queues or delays at the site access nor the surrounding network. The Stage 1 Road Safety Audit has demonstrated the acceptability of the design of the proposed access arrangements into the site and that the proposed pedestrian crossing point on High Street is acceptable with regards to pedestrian safety. The Car Parking and Delivery Management Plan will control the number of deliveries and visitors to and from the site, ensuring that traffic can safely enter and exit the site and that the number of deliveries per day can be managed for the purposes of highways safety and residential amenity.
- 8.63. The proposals will provide dedicated on-site parking, with the parking accumulation study demonstrating that the level of parking proposed on-site is satisfactory and will not require visitors to park on the highway network near to the site. The proposals are therefore in full accordance with Policy DM18 of the SADMP.
- 8.64. The proposals also allow for dedicated vehicle deliveries on-site. This will remove the requirement for delivery vehicles to wait on the adjacent highway or on the pavement, as per the current delivery arrangements for both the Newbold Road and Main Street stores.
- 8.65. LCC Highways were consulted on the latest transport note and maintain that they have no objections to the proposal subject to conditions.
- 8.66. In summary, the revised proposal would not result in an unsafe access arrangement for pedestrians or vehicles and demonstrates an acceptable parking and turning arrangement in accordance with policies DM17 and DM18 of the SADMP.

Drainage

- 8.67. Policy DM7 of the adopted SADMP requires that development does not create or exacerbate flooding.
- 8.68. The site is located within flood zone 1 indicating there is a low risk of flooding in the area. The application site does not exceed the thresholds requiring a site-specific FRA and is not in an area identified as being a critical drainage area.
- 8.69. HBBC Drainage have no objection to the proposal, therefore, the application is considered to be acceptable in accordance with Policy DM7 of the SADMP.

Ecology

- 8.70. Policy DM6 of the adopted SADMP states that development proposals must demonstrate how they conserve and enhance features of nature conservation.
- 8.71. The Applicant submitted a Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment (PRA) and a Bat Emergence and Re-entry survey as part of this proposal.
- 8.72. The County Ecologist states that the PEA and PRA are both sufficient as preliminary assessments. The appraisal identified that the site is generally of low ecological value with the exception of 37 and 2A Main Street having low bat roost potential and therefore further survey effort was recommended. This resulted in the subsequent Bat Emergence and Re-entry surveys. The additional recommended bat survey did not identify an active roost on site and therefore there is no further requirement for mitigation. LCC Ecology therefore have no objections to the proposals subject to conditions and informatives as outlined in the recommendations within the submitted reports (lighting strategy and provision of 2no bird boxes & native species planting).
- 8.73. In summary, the application is in accordance with Policy DM6 of the SADMP subject to conditions.

Other matters

- 8.74. The LPA was made aware of an application to Historic England to add 37 High Street and 2A Main Street to the List of Buildings of Special Architectural or Historic Interest. The applicant engaged with Historic England as part of their pre-application engagement, and the LPA has consulted with HBBCs Conservation Officer throughout the determination of this application, concluding that there are no objections subject to conditions.

9. Equality Implications

- 9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2. Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.
- 9.3. There are no known equality implications arising directly from this development.
- 9.4. The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and

family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

- 10.1. The site is located within the settlement boundary, in the centre of Desford and is accessible by a range of transport modes for all residents. The principle of the development is therefore acceptable in accordance with Policies DM1, DM21, DM22, DM25 of the SADMP, Policies F1 and F2 of the DNP, and Paragraph 90 of the Framework, and is therefore considered acceptable in principle.
- 10.2. The proposed design would have a positive impact on the character of the area and wider street scene. The proposal would therefore comply with Policy DM10 of the SADMP and Policy H7 of the DNP.
- 10.3. Furthermore, it is considered that the proposal would have a neutral impact upon the character and appearance Desford Conservation Area, thus preserving its significance, and the proposal would be compatible with the significance of the grade II* listed buildings the Church of St Martin and The Old Manor House due to it being an appropriate development within their settings. The proposal complies with Policies DM11 and DM12 of the SADMP, section 16 of the NPPF and the statutory duties of Sections 66 and 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 10.4. There would be some degree of additional noise and disturbance to neighbouring residences, however it is considered that this would not amount to unacceptable levels of harm to amenity subject to the conditions imposed, therefore the proposed development is considered acceptable and in accordance with policy DM10 of the SADMP.
- 10.5. There is no identified harm to highway safety, ecology / biodiversity, flooding / drainage, or archaeology, and the proposal is therefore in accordance with Policies DM7, DM13, DM17 and DM18 of the SADMP.

11. Recommendation

11.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

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, as follows:

Site Location Plan – 5166/JP/21/001 Rev P1
Proposed Site Plan - 5166/JP/21/005 – Rev P2
Proposed Elevations – 5166/JP/21/007 – Rev P4
Proposed Floor Plans – 5166/JP/21/006 – Rev P3

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM10, and DM12 of the Site Allocations and Development Management Policies Development Plan Document (2016).

3. No development above foundation level shall commence on site until representative samples of the types and colours of materials to be used on the external elevations of the dwellings hereby permitted have been deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

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

4. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

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.

5. No part of the development hereby permitted shall be occupied until such time as the access arrangements and off-site works (uncontrolled pedestrian crossing point on High Street) shown on ADL drawing number 5428-06 have been implemented in full.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, to mitigate the impact of the development in the interests of general highway safety and in accordance with the National Planning Policy Framework (December 2023).

6. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres x 33 metres to the west and 2.4 metres x 43 metres to the east have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (December 2023).

7. The development hereby permitted shall not be occupied until such time as the parking (and turning facilities) have been implemented in accordance with Corporate Architecture Limited drawing number 5166/JP/21/005 Rev. P2. Thereafter the onsite parking (and turning) provision shall be kept available for such use(s) 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).

8. Deliveries to/ from the site and car parking shall be undertaken in accordance with the Car Park & Delivery Management Plan (Reference: ADL/AM/5428/26A, dated January 2024).

Reason: To reduce the possibility of the proposed development leading to large vehicles loading, unloading and turning in the highway, in the interests of highway safety and in accordance with the National Planning Policy Framework (December 2023).

9. The development hereby permitted shall not be occupied until such time as secure cycle parking shall be provided in accordance with details first submitted to and agreed in writing by the Local Planning Authority. Thereafter the onsite cycle parking provision shall be kept available for such use(s) in perpetuity.

Reason: To promote travel by sustainable modes in accordance with the National Planning Policy Framework (December 2023).

10. The development hereby permitted shall not be occupied until such time as the access drive (and any turning space) has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 10 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with the National Planning Policy Framework (December 2023).

11. The new vehicular access hereby permitted shall not be used for a period of more than one month from being first brought into use unless any existing vehicular accesses on High Street that become redundant as a result of this proposal have been closed permanently and reinstated in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of highway and pedestrian safety in accordance with the National Planning Policy Framework (December 2023).

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

Reason: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with the National Planning Policy Framework (December 2023).

13. Notwithstanding the submitted plans, any new / replacement windows and/or doors within 0.5 metres of the Main Street/ High Street frontage / footway

shall not open so to overhang the public highway and shall thereafter be maintained in perpetuity.

Reason: In the general interest of highway safety in accordance with the National Planning Policy Framework (December 2023).

14. 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 the National Planning Policy Framework (December 2023).

15. No development shall take place beyond foundation level until a scheme of hard and soft landscaping works, including boundary treatments, for the site, including an implementation scheme, has been submitted in writing to and approved in writing by the local planning authority. The scheme shall be carried out in full accordance with the approved landscaping scheme and new tree and shrub planting will comprise native species. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM4, DM10 and DM12 of the Site Allocations and Development Management Policies Development Plan Document (2016).

16. Delivery times to proposed store shall be limited to the following times:

Monday – Saturday 8am - 6pm
Sunday – 10am - 4pm

Reason: To ensure that the development does not cause unacceptable levels of noise and disturbance to neighbouring dwellings in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

17. Development shall not begin until a scheme for protecting nearby dwellings from noise from the proposed mechanical plant has been submitted to and approved by the Local Planning Authority. All works which form part of the scheme shall be completed before the permitted development first comes into use.

Reason: To ensure that the development does not cause unacceptable levels of noise and disturbance to neighbouring dwellings in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

18. No demolition/development shall take place/commence until a written scheme of investigation (WSI) has been [submitted to and] approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI

Reason: To ensure satisfactory archaeological investigation and recording in accordance with Policy DM12 of the Site Allocations and Development Management Policies Development Plan Document (2016).

19. Within 3 months of the first occupation of the development hereby approved, the Main Street and Newbold Road Co-op stores are to be vacated and made available for alternative retailers to occupy.

Reason: To ensure that neighbourhood centres are retained and enhanced in accordance with Policy DM22 of the Site Allocations and Development Management Policies Development Plan Document (2016).

20. Prior to first use of the development hereby approved a low impact lighting strategy shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented on site prior to first use of the development and retained as such thereafter.

Reason: In the interests of the amenity of neighbouring dwellings and to ensure that overspill lighting does not harm roosting, foraging or commuting habitats adjacent to the site, in accordance with Policies DM6 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

21. Prior to the first occupation of the dwelling hereby approved, details regarding the location and specification of:

- 2 x bird boxes to be incorporated on or within the building/extension;

shall be submitted to and approved in writing by the local planning authority. This shall include photos showing the boxes in situ.

Reason: To ensure that the development makes adequate provision for enhancements to the habitats of protected species in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD 2016 and Government guidance contained within the National Planning Policy Framework.

11.3. 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) Surface water should be managed by sustainable methods, preferably those which disperse runoff by infiltration into the ground strata: i.e. soakaways, pervious paving, filter drains, swales, etc. and the minimisation of paved area, subject to satisfactory porosity test results and the site being free from a contaminated ground legacy. If the ground strata are insufficiently permeable to avoid discharging some surface water off-site, flow attenuation methods should be employed, either alone or in combination with infiltration systems and/or rainwater harvesting systems.
- 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) To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
- 5) All proposed off site highway works, and internal road layouts shall be designed in accordance with Leicestershire County Council's latest design guidance, as Local Highway Authority. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>
- 6) Shrub clearance or pruning should be undertaken outside the period of 1st March to 31st August. If this timeframe cannot be avoided, a close inspection of the vegetation should be undertaken immediately, by qualified ecologist, prior to the commencement of work. All active nests will need to be retained until the young have fledged.
- 7) In the unlikely event that a bat or evidence of bats is discovered during the development all work must stop and a bat licensed ecologist contacted for further advice.
- 8) All businesses have a duty of care to ensure that any waste produced is handled safely and within the law. All waste produced by a business including (but not limited to) paper, cardboard, cans, retail packaging, and food wrappers/waste, is commercial waste. For this reason, it legally has to be discarded in a certain way via a trade waste service or transfer station and cannot be disposed of through the residential service.

- 9) Bins should be maintained and stored so that they don't cause problems to neighbouring premises due to smells and should be stored correctly in a suitable container which needs to be closed or lidded.
- 10) Operators should arrange their own business/trade waste collection service. If you give your waste to someone else you must be sure that they are authorised to take it and can transport, recycle or dispose of it safely.
- 11) As part of the hard and soft landscaping scheme, it is requested that the details incorporate a brick wall around the beer garden area, cobbled surface materials where possible within the site, and the reinstatement of the heritage interpretation panel currently in situ.