

Planning Committee 21 January 2025
Report of the Head of Planning



Hinckley & Bosworth
Borough Council

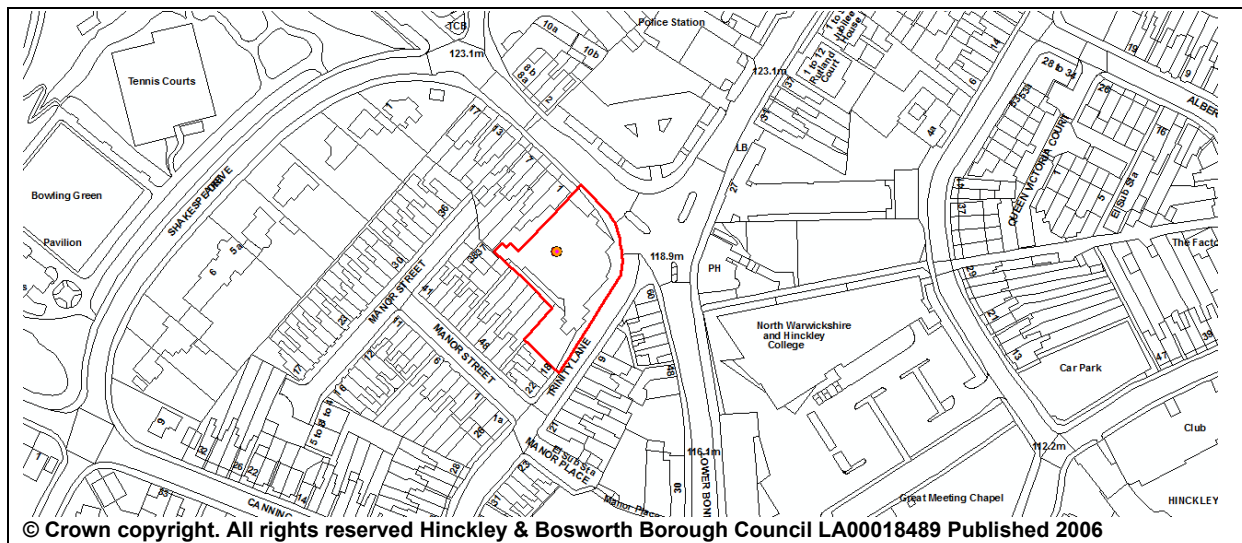
Planning Ref: 23/01182/FUL

Applicant: Mr Chima

Ward: Hinckley Castle

Site: Allbar Sports, Trinity Lane, Hinckley

Proposal: Change of use from cinema (Sui Generis) to 40 one-bedroom apartments
Use Class C3) with associated car parking and landscaping



1. Recommendations and Preamble

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report; and
- The entering into of a S106 Agreement relating to affordable housing, highway improvements, open space provision and management and the financial contributions detailed above; and
- That the Head of Planning be given powers to determine the final detail of planning conditions and S106 obligations.

1.2. The planning application was deferred at Planning Committee on 17 December 2024 to allow for further discussions with the Applicant in relation to parking provision for the proposal. This Committee Report has been revised to include the further details, which have been discussed with the Applicant, which are from Paragraph 8.79 of this Report.

1.3. Additional revisions to the Report have been made in light of the updates to the National Planning Policy Framework and the Leicestershire Highway Design Guide.

Leicestershire County Council as the Local Highway Authority have been re-consulted on the application in light of the revisions to these documents and the details of their response to the current planning application shall be included within the Late Items Report ahead of the Planning Committee.

2. Planning Application Description

- 2.1. This planning application seeks full planning permission for the conversion of a former cinema into a residential building accommodating 40 one-bedroom build-to-rent apartments over five-floors of accommodation with associated landscaping at Allbar Sports, Trinity Lane, Hinckley. The proposal is provided with 13 off-street vehicle parking spaces and 50 cycle storage spaces.
- 2.2. To facilitate this, a new floor of accommodation is proposed that is set back by 1m from the Hollycroft, Trinity Lane, and Manor Street facing elevations. The Hollycroft and Trinity Lane facing elevations of this fourth floor are constructed with standing seam zinc metal cladding panels. The Manor Street facing rear elevation of the property is demolished and reconstructed in Ibstock Common Red Brick. The height of the existing parapet roofs of the property are retained.
- 2.3. 21 new 1.2m wide and floor-to-ceiling in height anthracite PVC windows are proposed on the rear Manor Street facing elevation of the property, 30 new 1.2m wide and 1.9m high powder-coated aluminium windows are proposed on the front Hollycroft-facing elevation of the structure, and 8 1.2m wide and 1.3m high powder-coated aluminium windows are proposed on the Trinity Lane facing side elevation of the development.
- 2.4. The scheme features 1.2m boundary treatment along the frontage of the site, which consists of a 0.3m high brick wall and 0.9m high metal railings alongside a low maintenance hedging.
- 2.5. Following extensive discussions with the Local Planning Authority, the proposal has been revised several times to address the Council's concerns in relation to potential adverse impacts to residential amenity, the character of the surrounding area, and the historic environment. Originally, the application sought permission for 36 one-bedroom apartments over four floors of accommodation.
- 2.6. The application is accompanied by the following reports and documents:
 - Design and Access Statement
 - Heritage Assessment
 - Highway Impact Assessment & Addendums
 - Planning Statement
 - Preliminary Roost Assessment
- 2.7. This application was submitted prior to the implementation of the mandatory biodiversity net gain requirements.

3. Description of the Site and the Surrounding Area

- 3.1. The 1,450sqm application site is located on a prominent corner just beyond the northern edge of Hinckley Town Centre but within the identified boundaries of the Hinckley Town Centre Area Action Plan (HTC AAP) (2011) and is immediately to the west of the confluence of Trinity Lane, Hollycroft, Lower Bond Street, and Upper Bond Street, which is referred to as 'Bond Street Circus.' Bond Street Circus is a principal route into Hinckley Town Centre. Hollycroft and Trinity Lane bound the northern and north-eastern, and south-eastern and southern boundaries of the site respectively.
- 3.2. Upper Bond Street and Lower Bond Street are classified 'B' roads, whereas Trinity Lane is a classified 'C' road, and Trinity Lane is an adopted, but unclassified public highway. All these identified roads are subject to a 30mph speed limit.
- 3.3. The application site and Bond Street Circus are located at the eastern entrance to, and are located within, the Hollycroft Conservation Area. Notably, the land to the rear of the existing structure within the application site adjacent to 18 Trinity Lane is not within the Conservation Area. The eastern entrance to the Conservation Area is defined by a group of striking interwar buildings, including the former cinema, the former police station, the former offices of Leicester and Warwickshire Electric Power Company, and the Grade II Listed Hollybush public house, that are distributed around Bond Street Circus. This eastern entrance is considered to be one of the Conservation Area's five distinct character areas, which includes a protected view immediately to north of the application site along Hollycroft that faces towards the Holly Bush and Bond Street Circus.
- 3.4. The application site is bounded by terraced housing to the northwest, west, and south of the site. The properties to the northwest of the application site, No. 1 – 17 Hollycroft, are identified as Unlisted Buildings of Local Historic or Architectural Importance within the HCAA.
- 3.5. The application site itself features a 1930s Art Deco landmark building that is identified as a non-designated heritage asset within the Hollycroft Conservation Area Appraisal (HCAA) (2011) due to the significant historical and architectural interest of the property that positively contributes to the character of the Conservation Area.
- 3.6. The cinema building's principal façade faces southeast and features a curved single storey concrete entrance porch. The porch has a coffered frieze and a moulded stepped cornice that recedes as the porch meets the rest of the building behind. Behind the porch, the rest of the building is constructed out of brick in Flemish bond. The building has a decorative stepped brick cornice with the parapet topped with sections of blue brick and reconstituted stone.
- 3.7. The northeast elevation of the existing structure faces onto Hollycroft and contains two projecting brick blocks which originally housed the cinema's screen within. The

southeast elevation faces onto Trinity Lane and contains a stair tower at its western end. Five large window openings with curved brick reveals and stepped cills are located in the centre of this elevation, which originally lit the cinema's main foyer. The fifteen-pane windows survive but they have been boarded up. Beneath the windows is a decorative brick band which continues around the foyer.

- 3.8. The south-western rear elevation contains a number of window openings within the main block, containing metal casements that have been boarded up. There are ten regularly spaced openings at first floor level with two further small openings at the top of the building. The northwest elevation is partially visible from Manor Street and does not feature any opening.
- 3.9. The HCAA notes that both internally and externally, the non-designated heritage asset suffers, "*Badly from lack of maintenance.*"
- 3.10. Originally, the structure was used as a cinema, called the 'Danilo Cinema,' which was built to the designs of Ernest S Roberts in 1937 on a former hosiery factory site and functioned as a cinema until 1993 under different ownerships and names. This development is noted as being the last super cinema to be constructed in Hinckley. The lower levels of the building were then utilised as a sports bar from 1997 to 2004, and the property has been vacant since.
- 3.11. In recent years, the building has become partially derelict and in 2023 the property was stripped of the majority of its fixtures and fittings, including the removal of the roof, and the interior was stripped back to brick.

4. Relevant Planning History

4.1 16/00503/FUL

- Demolition of cinema and erection of mixed-use development including 29 flats. The building use will be made up of retail units and residential access at ground floor, with residential to the three levels above.
- Not Proceeded With
- 29.03.2018

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. A further round of public consultation was undertaken in light of the latest revised plans.
- 5.2 On the first round of public consultation, a Borough Councillor called the proposal into Planning Committee on the grounds of parking and the scheme's impact on neighbouring amenity. 20 letters of objection were received from 14 separate addresses.

5.3 An online petition was also created and, as of 02 December 2024, this was signed by 44 people in objection to the scheme due to insufficient parking provision. A further paper petition was created and 52 people signed in objection to the scheme due to insufficient parking provision.

5.4 On the second round of public consultation, 10 letters of objection were received from nine separate addresses, three of which had not previously commented on the proposal. The following reasons were identified within the objections from members of the public in both rounds of consultation:

- Drainage concerns
- Ecology
 - The ivy on the property is a nesting ground for many native bird species
- Harm to the character of the area
 - The development is not in keeping with the existing historic buildings in the area.
 - Harm to the Hollycroft Conservation Area
 - Indiscriminate parking resulting in harm to the character of the Hollycroft Conservation Area
 - Minimal proposed planting and landscaping
 - New metalwork shall detract from the protected view within the Conservation Area
 - Overdevelopment of the site
- Highway safety
 - Absence of a safety assessment
 - Bin collection and management
 - Errors in the Highway Impact Assessment
 - Failure to include a serious accident in the vicinity of the site in the Personal Injury Collision data analysis
 - The highway infrastructure cannot cope with a minimum of 36 additional cars
 - Inadequate visibility splays
 - Increased congestion
 - Increased likelihood of collisions
 - Pedestrian safety
- Inappropriate use of the site
 - The building should be used for leisure purposes and public use
 - There are already a lot of flats in the area

- Infrastructure
 - Increased demand on existing infrastructure
 - One-bedroom market apartments does not align with the housing needs of Hinckley
- Parking
 - Car clubs are ineffective
 - Car clubs contribute to parking issues
 - Exacerbation of existing on-street parking problems
 - Exacerbation of existing indiscriminate parking problems
 - Inappropriate proposed off-street parking provision on Hollycroft
 - Indiscriminate on-street parking
 - Insufficient parking provision
 - Insufficient parking for construction vehicles
- Neighbouring residential amenity
 - Air pollution from additional traffic
 - Boundary treatment concerns
 - Construction impacts
 - Devaluation in property prices
 - Disturbance of the structural integrity of neighbouring properties
 - Increased litter
 - Loss of light and overbearing impacts
 - Noise and disturbance from 36 additional neighbours
 - Noise pollution from traffic
 - Odours due to proximity of bins to neighbouring properties
 - Overlooking and loss of privacy impacts to neighbouring properties and their gardens
- Residential amenity of future occupants
 - Cramped development
 - Lack of amenity space
 - Lack of privacy
 - The development does not meet the minimum Nationally Described Space Standards
 - Too many flats are proposed
- Unsustainable location for development

5.5 Members of the public also raised concerns about access to their property being required during construction and the dismantling of their fence adjacent to the site.

The Case Officer notes that the Applicant cannot enter or utilise third-party land as part of their construction works without the consent of the owner. Should this be required, or if a fence that is not within the ownership of the Applicant is required to be dismantled, this will require agreement from the owner of the land.

- 5.6 Based on the 2021 Census, one member of the public confirmed that only 12.7% of households in Hinckley and Bosworth had no access to a car.

The Case Officer notes that as the largest town in the Borough with the greatest number of services it would be expected that car ownership within Hinckley was lower than other locations within the Borough.

- 5.7 No further responses have been received.

6. Consultation

- 6.1 Statutory consultees were reconsulted following the provision of the latest revised plans. There have been no objections from the following consultants:

- Cinema Theatre Association (CTA)
- Hinckley & Bosworth Borough Council (HBBC)'s Conservation Officer (subject to conditions)
- HBBC's Drainage Officer
- HBBC's Environmental Services' Pollution Officer (subject to conditions)
- HBBC's Waste Management Officer
- Leicestershire County Council (LCC)'s Archaeology Department (subject to conditions)
- LCC's Ecology Unit (subject to conditions)

- 6.2 Historic England did not comment on the planning application. The Hinckley Area Committee did not respond to the planning application.

Archaeology:

- 6.3 The County Council's Historic and Natural Environment Team (HNET) recommended that a Level 2 'Descriptive Survey' level of building recording, as specified within *Historic England's Understanding Historic Buildings: A Guide to Good Recording Practise* (2016), is required, and secured via planning condition, to record and advance the understanding of the potential heritage asset.

- 6.4 LCC HNET confirmed that the exterior and the interior of the building should be investigated, described, and photographed. The examination of the building should produce an analysis of its development and use, and the record should include the conclusions reached. The survey should result in the preparation of accurate plans, elevations, and/or sections, where applicable utilising available survey data or plan records.

Cinema Theatre Association (CTA)

- 6.5 Originally, the Cinema Theatre Association (CTA) confirmed that the proposed use of the building represented a good attempt to bring the property back into an economic use whilst retaining as much of its architectural quality as possible.
- 6.6 However, the CTA requested five design recommendations including the retention of the exterior brick envelope and the unique quarter-circle entrance feature, as well as ensuring that all new brickwork and window surround details exactly match the original brickwork and that smaller windows are utilised for bathrooms on the retained outer walls.
- 6.7 Upon re-consultation on 06 December 2024, the Cinema Theatre Association (CTA) welcomed the latest version of the scheme and overall supported the proposal. The CTA also highlighted that the quarter-circle entrance feature of the non-designated heritage asset is unique in the UK, and careful treatment of the window openings on the Trinity Lane frontage is important.

Conservation:

- 6.8. Although the building was purpose-built as a cinema, given the economic context of this use, the general condition of the building with most of its interior being stripped out, and its long-term vacancy, the Council's Conservation Officer considered that an alternative use for the site was likely to be acceptable and may provide the investment required for the long-term conservation of the built fabric of the building.
- 6.9. Overall, the Conservation Officer considered that the proposal preserved the significance of the Conservation Area and is compatible with the significance of the Listed Buildings located within its setting, subject to planning conditions that secure details of the proposed aluminium windows, the construction materials, a detailed soft and hard landscaping scheme including boundary treatments, and the implementation of the repairs and maintenance schedule.

Drainage:

- 6.10. The County Council as the Lead Local Flood Authority (LLFA) confirmed the change of use of the building is not considered to have an impact on surface water and therefore the LLFA referred to standing advise.

Ecology:

- 6.11. The County Council's Ecology Department confirmed that, whilst the Preliminary Roost Assessment did not record any potential roosting features, care should be taken during works and if any bats are found works should stop and an ecologist

should be contacted. LCC Ecology requested a planning condition that ensures bat boxes and bird boxes are incorporated into the scheme.

Highways:

- 6.12. On 29 April 2024, the Local Highway Authority (LHA) advised that in its view, 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, subject to four planning conditions and planning obligations.
- 6.13. Following re-consultation on the revised scheme, the LHA requested that the site plan was amended so the proposed car club parking bay became a regular parking bay. The LHA also requested clarity on the scheme's cycle storage provision and advised that the provision of 50 'Cardiff' style cycle rack spaces was the most preferable.
- 6.14. The LHA highlighted that the proposed increase in apartment numbers reduced the off-street-parking-to-bedroom-number ratio to 0.3. Whilst this would be lower than that permitted for the nearby Hinckley Police Station via 15/00942/FUL, which the LHA calculated to have a ratio of 0.37, given the sustainable location of the site in conjunction with the on-street parking restrictions in the vicinity, the LHA was content that 12 off-street parking spaces and one off-street disabled parking bay would be sufficient for the development.
- 6.15. On 26 November 2024, the Applicant submitted revised plans that converted the car club parking space into a regular off-street vehicle parking space and provided further clarification that 40 'Cardiff' style cycle rack spaces are provided behind the off-street parking spaces, and an additional 10 'Sheffield' style cycle rack spaces are provided at the base of the southern stairwell.
- 6.16. On 11 December 2024, the Local Highway Authority welcomed the removal of the proposed car club scheme and were content with the provision of 40 'Cardiff' style cycle racks and 10 'Sheffield' style cycle racks within the site. Overall, the Local Highway Authority advised that 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.
- 6.17. As a result, based on the information provided, the Local Highway Authority did not consider the development to conflict with Paragraph 115 of the National Planning Policy Framework, subject to four conditions and planning obligations for travel packs and two six-month bus passes per apartment.

Waste

- 6.18. The Council's Waste Management Officer confirmed that the bin store area is in a suitable location and meets the Council's policy.

6.19. No further responses have been received.

7. Policy

7.1 Core Strategy (2009):

- Policy 1: Development in Hinckley
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 19: Green Space and Play Provision

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- 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

7.3 National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (2024)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

7.4 Other Relevant Guidance:

- Affordable Housing Supplementary Planning Document (2011)
- Good Design Guide (2020)
- Hinckley Town Centre Area Action Plan (HTC AAP) (2011)
- Hollycroft Conservation Area Appraisal (HCAA) (2011)
- Leicestershire Highway Design Guide (LHDG) (2024)
- Open Space and Recreation Study (2016)
- 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

- Housing land supply
- Design and impact upon the character of the area and the significance of the Hollycroft Conservation Area
- Impact upon residential amenity
- Impact upon parking provision and highway safety
- Infrastructure and development contributions

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. The NPPF is a material planning consideration in planning decisions.
- 8.3. Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The three overarching objectives of sustainable development (economic, social, and environmental) are detailed within Paragraph 8 of the NPPF. Therefore, in accordance with Paragraph 11 of the NPPF, planning decisions should apply a presumption in favour of sustainable development.
- 8.4. However, Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.
- 8.5. The current Development Plan consists of the adopted Core Strategy and the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP). Both the Core Strategy and the SADMP are over 5 years old and were adopted prior to the publication of the current NPPF. Paragraph 34 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary.
- 8.6. Nevertheless, in accordance with Paragraph 232 of the NPPF, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF. Due weight should be given to existing policies according to their degree of consistency with the NPPF.
- 8.7. Paragraph 125(c) of the NPPF states that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused.
- 8.8. Policy 1 of the Core Strategy states that the Council will allocate land for the development of a minimum of 1,129 new residential dwellings within Hinckley. One of the opportunities for the enhancement of the Hollycroft Conservation Area is the re-use of redundant historic buildings. Specifically, a suitable use and renovation of the cinema is encouraged by the Hollycroft Conservation Area Appraisal (HCAA).

- 8.9. The development is within the identified settlement boundary and represents the beneficial use of brownfield land for the re-use of the former cinema building, which is supported by Policy 1 of the adopted Core Strategy, Paragraph 125(c) of the NPPF, and the ambitions of the HCAA. Given the above, the proposal is acceptable in principle and attracts substantial weight in the planning balance, subject to the assessment of all other material considerations. Other material considerations are set out within the next sections of the report.

Housing Land Supply:

- 8.10. Chapter 5 of the NPPF requires planning policies and decisions to deliver a sufficient supply of homes to support the Government's objective of significantly boosting the supply of homes without unnecessary delay. The overall aim should be to meet an area's identified housing need, including an appropriate mix of housing types for the local community.
- 8.11. Paragraph 73 of the NPPF states that small and medium sized sites, such as windfall sites, can make an important contribution to meeting the housing requirements of an area, are essential for Small and Medium Enterprise housebuilders to deliver new homes, and are often built out relatively quickly.
- 8.12. Paragraph 11(d) of the NPPF states that planning decisions should apply a presumption in favour of sustainable development where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date. Footnote 8 of Paragraph 11 of the NPPF highlights that housing policies are considered to be out-of-date where local planning authorities cannot demonstrate a five-year supply of deliverable housing sites.
- 8.13. Using the revised standard method in national planning practice guidance as required by Paragraph 62 of the NPPF, Hinckley and Bosworth Borough Council are unable to demonstrate a five-year supply of land for housing. In light of this, and due to the age of relevant housing policies within the adopted Core Strategy, the 'tilted' balance in Paragraph 11(d) of the NPPF is triggered in accordance with Footnote 8 and Paragraph 11 of the NPPF.
- 8.14. Paragraph 11(d)(ii) of the NPPF requires planning permission to be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 8.15. For decision-taking, Paragraph 11(d) of the NPPF requires planning permission to be granted unless:

- i. The application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
 - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 8.16. Footnote 7 of the NPPF confirms that areas and assets of particular importance include designated heritage assets (and other heritage assets of archaeological interest referred to in Footnote 75 of the NPPF), amongst others.
- 8.17. Footnote 9 of the NPPF confirms that these key policies include Paragraphs 66 and 84 of Chapter 5 (Delivering a Sufficiently Supply of Homes), 91 of Chapter 7 (Ensuring the Vitality of Town Centres), 110 and 115 of Chapter 9 (Promoting Sustainable Transport), 129 of Chapter 11 (Making Effective Use of Land), and 135, and 139 of Chapter 12 (Achieving Well-Designed Places).
- 8.18. The Hinckley Town Centre Area Action Plan (HTC AAP) highlights that the market for one- and two-bedroom apartments within Hinckley is saturated, especially in terms of buy-to-let. Therefore, one of the key objectives of the HTC AAP is to ensure an appropriate range and mix of housing types. However, it is appreciated that the HTC AAP is over ten years old and is considered to be out of date.
- 8.19. In summary, as the Council is not able to deliver a five-year supply of land for housing, the provision of 40 one-bedroom flats within this application site is considered to attract significant weight in the planning balance.

Design and Impact upon the Character of the Area and the Significance of the Hollycroft Conservation Area:

- 8.20. 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 or its setting or any features of special architectural and historic interest which it possesses.
- 8.21. 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.
- 8.22. Chapter 16 of the National Planning Policy Framework provides the national policy on conserving and enhancing the historic environment. Heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their

significance so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

- 8.23. Therefore, in determining applications, Paragraph 212 of the NPPF requires great weight to be given to the conservation of designated assets and the more important the asset, the greater the weight should be.
- 8.24. Paragraph 216 of the NPPF highlights that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 8.25. Paragraph 213 of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification. The need for clear and convincing justification is re-iterated in Policy DM12 of the SADMP.
- 8.26. Nevertheless, Paragraph 219 of the NPPF confirms that local planning authorities should look for opportunities for new development within Conservation Areas, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
- 8.27. The Planning Practice Guide (PPG) and Historic England Advice Note 2 (HEAN2) Making Changes to Heritage Assets sets out how the policies of the NPPF are expected to be applied and includes guidance on the conservation of and making changes to the historic environment.
- 8.28. Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment and heritage assets. Policy DM11 of the SADMP requires all developments proposals which have a potential to affect a heritage asset or its setting to demonstrate:
- (a) An understanding of the significance of the heritage asset and its setting; and
 - (b) The impact of the proposal on the significance of the asset and its setting, including measures to minimise or avoid these impacts; and
 - (c) How the benefits of the proposal will outweigh any harm caused; and
 - (d) Any impacts on archaeology in line with Policy DM13 of the SADMP.
- 8.29. Policy DM12 of the SADMP confirms that all developments affecting heritage assets and their setting will only be permitted where it is demonstrated that the proposals are compatible with their significance and their setting. Assets identified on the

Locally Important Heritage Asset List should be retained and enhanced wherever possible.

- 8.30. 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.
- 8.31. Given the significant length of time the building has been vacant and its deteriorated state, it is considered that the property is extremely unlikely to be viable to operate as a cinema. Therefore, the conversion of the building to a residential use is acceptable in principle to enable the retention and conservation of the remaining historic value and fabric of the building.
- 8.32. The existing architectural features of the building that are to be retained or repaired are detailed within the Repair and Maintenance Schedule. To ensure these works are undertaken, and given the deteriorating state of the building, a planning condition can be utilised to ensure that the completion of these works is undertaken prior to the occupation of the development. A planning condition can also be utilised to secure the details of a hard and soft landscaping scheme for the site.
- 8.33. No extensions into the grounds of the application site are proposed to facilitate the conversion of the building into a residential use and therefore the scale and mass of the non-designated heritage asset is retained. Although the massing of the structure is increased due to the provision of an additional floor of residential accommodation, this new level does not exceed the existing ridge height of the building.
- 8.34. In addition, the existing stepped brick parapet walls to the roof structure facing the Trinity Lane are retained and the new fourth floor elevation is clad in a standing seam zinc material on the Trinity Lane elevation, behind this parapet wall, and across the entire Hollycroft elevation. This allows for the appearance of the modern fourth-floor intervention to be differentiated from the existing original building, which ensures that the historic construction of the non-designated heritage asset remains discernible. The details of the materials of the new fourth-floor can be secured via planning condition.
- 8.35. Therefore, the increased massing via the flat-roofed fourth floor is not considered to adversely affect the original design composition of the building or have an overbearing impact upon the building or the wider street scene.
- 8.36. The proposal retains the five tall, corbelled brick window openings on the Trinity Lane elevation. However, given the poor condition of the existing windows, the windows are not viable for retention and are consequently replaced with aluminium framed windows that feature the same reveal and match the 15-pane arrangement as the existing windows as well as a spandrel panel to conceal the internal development between the floors of the development.
- 8.37. The new windows on the Hollycroft, Trinity Lane, and Manor Street facing elevations to serve the internal accommodation are arranged in regular intervals

across their respective elevations and are considered to have appropriate proportions to provide a visually pleasing and traditionally characteristic solid-to-void ratio, which ensures that they sit comfortably on each elevation. This is particularly important given that the original design of the building was not intended to feature fenestration.

- 8.38. The style of the windows to the Hollycroft and Trinity Lane elevations follows a typical inter-war period design consisting of slim glazing bars with both a horizontal and a vertical emphasis. The new windows feature an aluminium frame material, which respects traditional characterises and allows for the slim slight lines required to ensure that the windows have an acceptable appearance.
- 8.39. Given the difficulties of creating a corbelled or similar detailed brick reveal within the currently blank brick elevations, the reveals for the new windows are lined with an aluminium strip finished in anthracite grey to match the colour and material of the window frames. This is considered to provide an appropriate architectural detail to the windows that results in a satisfactory appearance to the development, and the details of the fenestration materials can be secured via planning condition.
- 8.40. In comparison to the more textured brick used in the construction of the Hollycroft and Trinity Lane elevations, the existing rear-facing south-western elevation of the building is currently constructed with a common brick. The proposal rebuilds this rear wall in the same common brick and features new windows that are of a simpler and more contemporary appearance in comparison to the other elevations. This is considered to be an appropriate design approach given its lower position in the design hierarchy of the elevations of the building and its limited visibility from the wider area including the street scene of the Conservation Area.
- 8.41. In summary, the proposed conversion of the non-designated heritage asset into residential accommodation would result in the retention of its historic value. By virtue of the scheme's scale, massing, design, construction materials and architectural features, the proposal is considered to respect the architectural value of the building and preserve the heritage significance of the non-designated heritage asset. Given the above, the development is considered to ensure that the existing building continues to contribute positively to the character and heritage significance of the Hollycroft Conservation Area whilst maintaining the group value with the collection of other inter-war buildings located within its setting, including the Grade II Listed Hollybush public house. The proposal is therefore considered to be in accordance with Policies DM10, DM11, and DM12 of the SADMP, Chapter 16 of the NPPF and the statutory duties of Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

Impact upon Residential Amenity:

- 8.42. Paragraph 135(f) of the NPPF requires planning policies and decisions to ensure that developments create places that are safe, inclusive, and accessible, which

promote health and well-being, and a high standard of amenity for existing and future users.

8.43. 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.

8.44. The Good Design Guide requires the way buildings to relate to each other, and their orientation and separation distances, to provide and protect acceptable levels of amenity.

Neighbouring Residential Amenity:

8.45. To protect neighbouring residential amenity, the Council's Pollution Officer has requested that a Construction Environmental Management Plan be submitted for approval and that limitations on site preparation and construction hours are secured via planning condition.

8.46. No extensions are proposed beyond the walls of the existing structure. However, a fourth floor of accommodation is proposed, which increases the height of the rear Manor Street facing elevation. However, the new fourth floor does not exceed the existing total ridge height of the structure, and it is set back from the existing third floor by 1m. In addition, the height of the third floor is reduced from 12.8m to 11.5m due to the proposed replacement of the rear wall.

8.47. In light of these factors, it is not considered that the development increases any overbearing or loss of light impacts to neighbouring residents to the degree that it results in significant adverse impacts to their residential amenity.

8.48. There are no windows on the north-western elevation of the property. In addition, the windows on the northern Hollycroft-facing elevation of the scheme are approximately 24m from the principal windows to the habitable rooms of the apartments within the former Police Station on the opposite side of Hollycroft. This exceeds the separation distances within the Good Design Guide and therefore the proposal is not considered to result in any adverse impacts to residential amenity on this elevation.

8.49. Properties No. 9 to No. 21 Trinity Lane are located beyond the rear elevation of the building and therefore the new windows within the scheme are not considered to increase in any adverse impacts such as overlooking or loss of privacy.

8.50. However, it is noted that there are some principal windows to habitable rooms on the rear of the properties No. 50 to 60A Lower Bond Street.

8.51. The rear window to No. 58 Lower Bond Street is approximately 15.6m from the southern side elevation of the development. Whilst this is below the 21m separation

distance between principal habitable windows advised within the Good Design Guide, the Good Design Guide confirms that:

“An exception to this rule is in an urban location where it may be acceptable to have a reduced distance where issues of amenity and overlooking are dealt with by good design.”

In light of this and the orientation of the Lower Bond Street properties in comparison to the development, the proposal is not considered to result in any adverse impacts to the residential amenity of these properties as a result of overlooking or loss of privacy.

- 8.52. The windows on the rear elevation of the scheme are between 13m and 22.7m to the rear elevations of the properties along Manor Street and only 1.6m of this distance is not directly into the rear gardens of these properties. This is below the separation distances within the Good Design Guide and is likely to result in loss of privacy to the private outdoor amenity space and the habitable rooms on the rear elevation of the properties along Manor Street.
- 8.53. However, following discussions with the Local Planning Authority, the windows on the rear of the development are now obscure glazed and non-openable to a height of 1.7m. This is considered to address any overlooking or loss of privacy impacts of the development to the neighbouring residents along Manor Street.
- 8.54. By virtue of these factors, the proposal is not considered to result in any significant adverse impacts to the residential amenity of neighbouring residents.

Future Occupant Residential Amenity:

- 8.55. Following revisions in light of the Local Planning Authority’s concerns, each habitable room is provided with a minimum of 1.2m wide externally facing window. The windows to the flats on the rear of the property are floor-to-ceiling in height, whereas those on the Trinity Lane south-eastern elevation are 1.3m in height, and the windows on the Hollycroft northern elevation are 1.9m high. These are considered to provide adequate visual outlook and natural light provision for each apartment to protect the residential amenity of the future occupiers of the scheme.
- 8.56. As mentioned at Paragraph 8.44 of this Report, the windows on the rear elevation of the scheme are obscure glazed and non-openable to a height of 1.7m, which is secured via condition. Whilst the windows on the rear elevation are not obscured above 1.7m in height, given the height of the neighbouring dwellings, this is considered sufficient, to prevent any overlooking or loss of privacy impacts to existing neighbouring residential amenity and the residential amenity of the future occupiers of the scheme.
- 8.57. At the request of the Local Planning Authority, two eight-person lifts have also been provided to ensure that the development is inclusive and accessible.

- 8.58. To support the residential amenity of future occupiers of the scheme, one of the aims of Section 4 (New Residential Development) within The Good Design Guide is to ensure that new residential development exceeds the internal space standards set by the Nationally Described Space Standards (NDSS) (2015) wherever possible.
- 8.59. Proposals for two-person one-bedroom, single storey dwellings should provide a minimum of 50sqm of internal floor space and 1.5sqm of built-in storage in accordance with the NDSS. This reduces to 39sqm of internal floor space and 1sqm of in-built storage for one-person, one-bedroom, single storey dwellings.
- 8.60. Following discussions with the Local Planning Authority, all apartments within the proposal now comply with the minimum bedroom size standards of the NDSS.
- 8.61. In accordance with Paragraph 10(c) of the NDSS, to provide one bed space, a single bedroom should have a floor area of at least 7.5sqm, and a width of at least 2.15m. In order to provide two bed spaces, a double or twin bedroom should have a floor area of at least 11.5m, and a width of 2.75m for the master bedroom, and a width of 2.55m for every other bedroom in accordance with Paragraphs 10(d) and (e) of the NDSS.
- 8.62. Following discussions with the Local Planning Authority, all bedrooms within the scheme now comply with the minimum bedroom size standards of the NDSS.
- 8.63. Although the proposal does not offer any private outdoor residential amenity for its future occupants, it is noted that the site is in a sustainable edge of town centre location within 100m of Hollycroft Park. Therefore, this lack of private outdoor amenity space is not considered to be unacceptable in these site-specific circumstances.
- 8.64. Given the above, the development is considered to protect the residential amenity of the future occupants of the scheme.

Summary:

- 8.65. In summary, it is considered that the proposal does not result in any significant adverse impacts to the residential amenity of neighbouring residents or the future occupants of the scheme. Therefore, the development is considered to be in accordance with Policy DM10 of the SADMP and the Good Design Guide.

Impact upon Parking Provision and Highway Safety:

- 8.66. Paragraph 115(b) of the NPPF states that planning decisions should ensure that developments provide safe and suitable access to the site for all users. In accordance with Paragraph 115(d) of the NPPF, any proposal should ensure that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.

- 8.67. Ultimately, development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios in accordance with Paragraph 116 of the NPPF.
- 8.68. 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.
- 8.69. 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)) (2024).

Highway Safety:

- 8.70. The Applicant's submitted Highway Impact Assessment Addendum provided a detailed Personal Injury Collision (PIC) appraisal within 200m of the site between 2017 and 2023, based on data provided by the LHA. This appraisal identified 15 PICs, of which 12 resulted in 'slight' injuries and three resulted in 'serious' injuries.
- 8.71. The LHA reviewed this appraisal, and concurred with the conclusion that there are no trends / patterns in the observed data which could represent an existing highway safety issue. As a result, and in conjunction with the LHA, it is considered that the proposed development would not have any significant impacts on the transport network in terms of highway safety.

Trip Generation:

- 8.72. Whilst the submitted HIA was not considered to be provide an accurate comparative trip generation assessment, this was acknowledged within the document.
- 8.73. Nevertheless, given the scale and type of development, in conjunction with the quantum of proposed off-street vehicle parking, the LHA did not consider it necessary to request an amended trip generation amendment in this instance because the LHA did not consider that the level of vehicular trips that would be generated by the scheme in the network peak hours to have a material impact on the performance of any nearby junctions in terms of capacity.

Site Access:

- 8.74. The submitted Highway Impact Assessment indicates that 85th percentile vehicle speed data at the site access is not possible as the location is unsuitable for an ATC survey or radar survey due to the high degree of on-street parking, the proximity of the junction located on the access approach and the absence of

suitable locations to secure equipment. On this basis, given the nature of the road (i.e. a narrow, one-way street with significant amounts of on-street parking) the LHA considered vehicular visibility splays that were designed for 20mph speeds to be acceptable in these site-specific circumstances.

- 8.75. The Proposed Site Access Visibility Assessment (Rev C) within the Proposed Access Drawings (HAS/23-071) (Rev C) also indicates that a 2.4m by 25.5m vehicular visibility splay is achievable to the southwest of the access in accordance with the LHDG, and this would also be sufficient for 85th percentile vehicle speeds of 20mph. The above plan also satisfactorily demonstrates that 2 metre by 2 metre pedestrian visibility splays can be provided on both sides of the site access.

Off-Site Implications:

- 8.76. Within Appendix C, the Highway Impact Assessment (HIA), the Applicant has queried Leicestershire County Council's position of the highway boundary, which does not show an adequately wide footpath at the site frontage within Trinity and Hollycroft, which indicates that highway incursions have occurred into the private site.
- 8.77. The LHA have looked into this matter and notes an inaccuracy in their Ordnance Survey overlay. Therefore, they have responded with a revised drawing that indicated the LHA's understanding of the approximate position of the carriageway limit on the ground.
- 8.78. Notwithstanding this, the LHA notes that there appears to be incursions into the Applicant's land. Therefore, the LHA agree to the Applicant's proposals to realign the highway boundary.

Internal Layout:

- 8.79 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.80 Table 28 (Residential Parking Standards) of the LHDG states that dwellings with up to three bedrooms should provide a minimum of two off-street parking spaces but the table does not differentiate between a three-bed dwelling in a rural hamlet and a one bed apartment on the edge of Hinckley's town centre.
- 8.81 The LHDG confirms that visitor parking is required for residential developments of more than 10 dwellings on a basis of 0.25 spaces per dwelling. In apartment developments, visitor parking should be provided by additional spaces within the allocated parking area. Table 27 (Minimum Cycle Parking Provision) of the LHDG confirms that Use Class C3 uses should provide one secure and under cover cycle parking space for every bedroom.
- 8.82 Any reduction below these minimum standards requires robust justification that is discussed with the Local Highway Authority. Table 26 of the LHDG confirms that

this justification can be based on factors such as the location of the proposal. However, given the rural nature of Leicestershire, Table 26 (Parking Standard Types) of the LHDG confirms that 'car free' developments (i.e., with no car parking spaces) or only very limited parking are unlikely to be acceptable outside of built-up town centres with excellent levels of sustainable accessibility and/or local employment opportunities.

- 8.83 Based on Tables 27 and 28 of the LHDG, and not taking account of Table 26 which implies that developments with limited or no car parking may be acceptable in town centre locations, the updated LHDG would require 80 off-street vehicle parking spaces, one additional visitor parking space, and 40 cycle parking spaces. Clearly, this takes no account of the fact that the application relates to the conversion of an existing locally listed building within a conservation area, and it is important to reiterate that the Local Highway Authority considers the parking provision to be acceptable as set out at Paragraph 6.14.
- 8.84 40 cycle storage spaces within a 'Cardiff'-style cycle rack are proposed within the rear courtyard of the development and an additional 10 cycle storage spaces are provided at the base of southern stairwell in a 'Sheffield'-style cycle storage rack.
- 8.85 Whilst Figure 43 of the LHDG prefers the use of Sheffield stands, it is noted that that the provision of 50 cycle spaces complies with the minimum quantum guidance contained within Table 27 of the LHDG. It is therefore considered that this provision of cycle parking is acceptable in these site-specific circumstances.
- 8.86 The development provides 13 off-street vehicle parking spaces within the site, which all comply with the dimension requirements of Figure 44 of the LHDG. Five of these spaces are located within the grounds of the site and the remaining eight spaces are located within the ground floor of the structure.
- 8.87 This provision of parking spaces is below the minimum requirements detailed within the LHDG. However, based on calculations derived from the Department for Communities and Local Government (DCLG) research paper on residential car parking, the Applicant has stated that only between 18 to 25 off-street parking spaces should be provided for the development. The LHA has not sought to disagree with this estimate. Nevertheless, this still represents a shortfall of between 5 and 12 spaces.
- 8.88 To justify this shortfall in parking provision, the Applicant has submitted a Highways Impact Assessment (HIA). The HIA highlights that the application site is within a sustainable location in transport terms.
- 8.89 This can be seen by the fact that the application site is located on the edge of Hinckley Town Centre, in walking distance to a variety of services. For example, the site is within a seven-minute walk (550m) of The Crescent, a ten-minute walk (700m) of Hinckley Leisure Centre, and a 15-minute walk (1km) of Hinckley Train Station, which provides hourly services to Leicester and Birmingham. The entirety

of Hinckley and Burbage are also within a 5km cycling distance of the application site.

8.90 It is also noted that the application site is within a one-minute walk (120m) of four bus services. The Hollycroft Bus Stop is 33m away from the application site and accommodates Bus Services 7 and 7A between Burbage and Nuneaton. As of 06 January 2025, this service runs from The Crescent Bus Station on Mondays to Fridays between 07:25 AM and 07:20 PM. The Well Lane Bus Stop, which accommodates Arriva Bus Service 158 and Stagecoach Bus Service 148 that run between Leicester and Nuneaton are 150m from the application. As of 06 January 2025, the 158 Bus Service runs from The Crescent Bus Station on Mondays to Fridays between 05:20 AM and 11:37 PM. All four of these bus services also stop at the Upper Bond Street Bus Stop, which is 120m from the application site.

8.91 Furthermore, there are several car parks within the vicinity of the site, which include:

- Lower Bond Street (150m)
- Hollier's Walk (190m)
- Mansion Street (190m)
- Rear of Castle Street (400m)
- Stockwell Head (400m)
- Trinity Vicarage Road (500m)
- Church Walk (550m)
- St. Mary's Road (600m)
- Hill Street (650m)

Parking charges only apply in these locations between 8 AM and 6 PM on Mondays to Saturdays and therefore evening and overnight parking could be accommodated within these locations at no cost to any future resident.

8.92 The Local Planning Authority are currently in discussion with the Council's Street Scene Services Department and the Applicant to review whether car parking permits at the car park on Lower Bond Street can be secured via Section 106 Agreement for the future occupants of the scheme, should they request a permit.

8.93 Ultimately, this is a conversion of an existing building that does not remove parking spaces from existing residents and the scheme is only for rented one-bedroom accommodation.

8.94 In light of this and given the extent of the existing on-street parking issues in the area, it is considered that any potential resident that requires off-street parking provision is unlikely to rent an apartment within this development.

8.95 Furthermore, had the building remained in operation as a cinema, that previously had 1,250 seats, it is considered that this would generate significantly more parking and significantly greater impacts on parking on the local highway network than the current proposal.

- 8.96 In addition, it is noted that a sufficient package of on-street parking controls is in place in the vicinity (including 'no waiting at any time' restrictions) to prevent unsafe or undesirable on-street parking. The proposed planting to the Hollycroft frontage is also welcomed by the LHA to prevent informal parking to the rear of the footway. Therefore, the proposal is not considered to result in an unacceptable impact on highway safety due to a shortfall in off-street parking.
- 8.97 The HIA indicates that the parking spaces within the site are all allocated and controlled, with residents being given the option of purchasing a car parking permit for the site when taking up residence on a 'first come, first served' basis. The allocation of parking spaces is welcomed by the LHA and a Parking Management Plan can be secured via planning condition to ensure that the development does not exacerbate existing parking problems in the area.
- 8.98 In light of the parking concerns raised by members of the public and the Planning Committee, the Applicant has explored alternative opportunities to address the scheme's shortfall in off-street parking provision. For example, the Applicant contacted two car club promoters to provide membership to the application site. Both of the promoters declined the opportunity to create a car club in this location, and one of the promoters confirmed that it is highly unlikely that a car club at this application site would be commercially viable.
- 8.99 Following discussions with the LHA, the Applicant has agreed to provide one travel pack for each apartment and two six-month bus passes for each apartment via a Section 106 Agreement to inform new residents of, and to encourage them to utilise, sustainable modes of transport that are available in the surrounding area. The LHA have confirmed that this is appropriate.
- 8.100 Furthermore, the Applicant has compared the proposal to the conversion of Hinckley Police Station into flats via planning application 15/00942/FUL, which only had an off-street parking to bedroom number ratio of 0.37 per bedroom. It is noted that the current planning application has a slightly lower ratio of 0.3 spaces per bedroom.
- 8.101 Nevertheless, the Applicant has highlighted that the footprint of the former cinema means that there is very limited scope to provide further parking spaces within the site. In addition, any reduction in the number of flats within the scheme is likely to threaten the financial viability of the proposal, which preserves the existing historic fabric of the non-designated heritage asset.
Summary:
- 8.102 In summary, the application does not provide a sufficient amount of off-street parking spaces on-site to accommodate the future occupants of the scheme. Based on the estimates of the Applicant which are not contested by the LHA, the proposal has a shortfall of between 5 and 12 parking spaces. Whilst the bedroom to parking space ratio similar to that of the approved scheme at the Hinckley Police Station, the current development still provides less parking spaces than this comparative development.

- 8.103 However, the application site is within a highly sustainable location adjacent to Hinckley Town Centre that is within close proximity to amenities, bus and train services, car parking, and is surrounded by a sufficient package of on-street parking controls (including 'no waiting at any time' restrictions) to prevent unsafe or undesirable on-street parking. Despite the challenges of the limited space within the application site for parking spaces and the financial viability of the proposal, the Applicant has explored several opportunities to address concerns regarding insufficient parking, has provided a site-specific parking assessment and has agreed to provide a Parking Management Plan via planning condition as well as travel packs and bus passes via a Section 106 Agreement to mitigate these issues.
- 8.104 The Local Planning Authority are also currently in discussion with the Council's Street Scene Services Department and the Applicant to review whether car parking permits at the car park on Lower Bond Street can be secured via Section 106 Agreement for the future occupants of the scheme, should they request a permit.
- 8.105 Taking Paragraph 116 of the NPPF, the LHA's advice and all the above into account, it is not considered that the proposed shortfall in off-street vehicle parking is likely to result in an unacceptable impact on highway safety. Therefore, the proposal accords with Policies DM17 and DM18 of the SADMP, Paragraphs 115 and 116 of the NPPF, and the LHDG.
- 8.106 Overall, it is considered that, in accordance with the professional advice of the Local Highway Authority and the requirements of Paragraph 116 of the NPPF, the impacts of the development on highway safety are not unacceptable, and when considered cumulatively with other developments, the impacts on the road network are not severe, subject to four planning conditions. Therefore, the scheme is regarded as acceptable in accordance with Policies DM17 and DM18 of the SADMP, and the LHDG.

Infrastructure and Development Contributions:

- 8.107 Policy DM3 of the adopted SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities.

Affordable Housing:

- 8.108 Policy 15 of the adopted Core Strategy states that developments in urban areas, including Hinckley) that provide 15 dwellings or more should allocate 20% of its units towards affordable housing. Given the development's proposed tenure is wholly build-to-rent, the Council's Affordable Housing Officer has confirmed that the scheme should provide eight affordable or social rent units.

Infrastructure Contributions:

8.109 The following infrastructure contributions totalling £79,633.27 have been requested by the County Council, the Council's Section 106 Monitoring and Compliance Officer, and NHS England:

- Healthcare (NHS England) (£19,200.00)
- Libraries (Hinckley Library) (£603.95)
- Off-Site Public Open Space Contributions (£9,767.32)
- Off-Site Public Open Space Maintenance (£9,006.80)
- Six-Month Bus Passes (two per dwelling) (£36,960.00)
- Travel Packs (£52.85 per pack) (£2,114.00)
- Waste (Barwell Household Waste and Recycling Centre) (£1,981.20)

Highways:

8.110 To comply with Government guidance in NPPF and commensurate with Leicestershire County Council Planning Obligations Policy, the Local Highway Authority confirmed that the following contributions would be required in the interests of encouraging sustainable travel to and from the site, achieving modal shift targets, and reducing car use:

1. Travel Packs, one per dwelling; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack).

Justification: To inform new residents from first occupation what sustainable travel choices are available in the surrounding area.

2. Six-month bus passes, two per dwelling (two application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at the current cost of £462.00 per pass).

Justification: To encourage new residents to use bus services as an alternative to the private car to establish changes in travel behaviour from first occupation.

8.111 In total, these highways contributions equate to £39,074.00 (£36,960.00 for the Travel Packs and £2,114.00 for the six-month bus passes).

Public Open Space (POS):

8.112 Policy 1 of the adopted Core Strategy asserts that the Council will address the existing deficiencies, quantity and accessibility of green space and play provision

within Hinckley. New green space and play provision will be provided where necessary to meet the standards set out in Policy 19 of the adopted Core Strategy.

8.113 Policy 19 of the Core Strategy identifies standards for play and open space within the Borough. Developments should accord with this Policy and provide acceptable open space within the development, or if that is not possible contribute towards the provision and maintenance of open space off site. The Open Space and Recreation Study 2016 updates these standards and identifies the costs for off-site and on-site contributions.

8.114 Following discussions with the Council's S106 Monitoring and Compliance Officer, it was confirmed that contributions should be secured towards off-site casual, informal, outdoor sports, and accessible natural green space by way of provision and maintenance sums. Given the scheme is for one-bedroom apartments, the contribution calculations have been reduced to reflect the appropriate provision for one person per dwelling. Therefore, the following off-site public open space provisions are therefore required:

Off-Site Public Open Space (POS) Provision Requirements			
POS Type	Casual / Informal Space (C/ I S)	Outdoor Sports Provision	Accessible Natural Green Space (ANGS)
Provision per Dwelling (1 Person per Dwelling)	7	16	16.7
No. of Dwellings	40	40	40
Sqm to Provided	280	640	668
Off-Site Provision (per sqm)	£4.44	£9.05	£4.09
Provision Contribution	£1,243.20	£5,792.00	£2,732.12
Maintenance Contribution per sqm (Based on 20 Years)	£5.40	£4.30	£7.10
Maintenance Contribution	£1,512.00	£2,752.00	£4,742.80
	£9,767.32		

POS Provision Total:	
POS Maintenance Total:	£9,006.80

Summary

8.115 In light of the above, planning obligations totalling £79,633.27 have been requested. All the above contributions are considered to meet the tests for planning obligations and should therefore form part of the Section 106 legal agreement to be formulated should the application be approved. Therefore, subject to the above contributions, the development is considered to comply with Policy DM3 of the SADMP, and Policy 19 of the Core Strategy

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 In conclusion, the development is within the identified settlement boundary and represents the use of brownfield land for housing, which is supported by Policy 1 of the adopted Core Strategy and offered substantial weight in the planning balance by Paragraph 125(c) of the NPPF. The recently revised NPPF states that proposals that use suitable brownfield land for new homes should be approved unless substantial harm would be caused. As the Council is not able to deliver a five-year supply of land for housing, and in light of this and the latest NPPF's requirement to support the Government's objective of significantly boosting the supply of homes, the provision of 40 one-bedroom flats within this application site is considered to attract significant weight in the planning balance.
- 10.2 By virtue of the scheme's scale, massing, design, construction materials and architectural features, the proposal is considered to respect the architectural value of the building and preserve the heritage significance of the non-designated heritage asset, which ensures that the existing building continues to contribute positively to the character and heritage significance of the Hollycroft Conservation Area. The proposal is therefore considered to be in accordance with the HTCAAP, Policies DM10, DM11, and DM12 of the SADMP, Chapter 16 of the NPPF and the statutory duties of Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 10.3 In addition, it is considered that the proposal does not result in any significant adverse impacts to the residential amenity of neighbouring residents or the future occupants of the scheme, and the impacts of the development on highway safety are not unacceptable, and, when considered cumulatively with other developments, the impacts on the road network are not severe, subject to conditions. Therefore, the development is considered to be in accordance with Policies DM10, DM17, and DM18 of the SADMP, the Good Design Guide, and the LHDG.
- 10.4 Taking national and local planning policies into account, and regarding all relevant material considerations, including the 'tilted' balance, it is recommended that planning permission to be granted, subject to the imposition of appropriate conditions and the entering into of a Section 106 Agreement relating to affordable housing, highways, open space provision and management, and the financial contributions detailed above.

11 Recommendation

- 11.1 **Grant planning permission** subject to:
- Planning conditions detailed at the end of this report; and
 - The entering into of a S106 Agreement relating to affordable housing, highways, open space provision and management, and the financial contributions detailed above; and
 - That the Head of Planning be given powers to determine the final detail of planning conditions and S106 obligations.

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 Elevations 07B (submitted: 08.11.2024)
- Existing First Floor Layout (submitted: 22.07.2024)
- Existing Ground Floor Layout (submitted: 22.07.2024)
- Existing Second Floor Layout (submitted: 22.07.2024)
- Existing Roof Layout 20D (submitted: 06.11.2024)
- Existing Third Floor Layout (submitted: 22.07.2024)
- Proposed Access Drawings (HAS/23-071) (submitted: 11.03.2024)
(Rev C)
- Proposed Demolition and Maintenance Elevations 15 (submitted: 08.11.2024)
- Proposed Demolition Ground Floor Plan 17A (submitted: 06.11.2024)
- Proposed Elevations 08E (submitted: 08.11.2024)
- Proposed First Floor Plans 02D (submitted: 06.11.2024)
- Proposed Fourth Floor Plan 01E (submitted: 08.11.2024)
- Proposed Ground Floor Plan 01 (Rev F) (submitted: 26.11.2024)
- Proposed Landscaping Plan 10 (Rev C) (submitted: 26.11.2024)
- Proposed OS Plan 09 (Rev B) (submitted: 26.11.2024)
- Proposed Replacement Window Details 28C (submitted: 06.11.2024)
- Proposed Roof Layout 16C (submitted: 08.11.2024)
- Proposed Second Floor Layout 03D (submitted: 06.11.2024)
- Proposed Site Plan 06 (Rev C) (submitted: 26.11.2024)
- Proposed Third Floor Layout 04D (submitted: 06.11.2024)
- Site Location Plan 23-848-09 (submitted: 05.12.2023)

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 be constructed with the following materials in accordance with the Proposed Elevations 08E (submitted: 08.11.2024), Alitherm Heritage Windows Brochure (submitted: 08.11.2024), Alitherm Heritage Windows Data Sheet (submitted: 08.11.2024), and Proposed Replacement Window Details 28C (submitted: 06.11.2024):

Trinity Lane and Hollycroft Facing Elevations

- Grey, double glazed, slimline square profile PC aluminium-framed, Smart Alitherm windows (150mm window reveal with powder coated aluminium flashings)
- Standing seam zinc metal cladding panels on fourth floor.

Rear Manor-Street Facing Elevation

- Ibstock Common Red Brick
- Anthracite PVC double glazed slimline windows (150mm window reveal) with aluminium flashing and 25mm front lip

Rainwater Goods:

- Aluminium drainage pipes
- Cast aluminium hopper heads

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity in accordance with Policies DM10, DM11, and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. No demolition/development shall take place/commence until a Written Scheme of Investigation (WSI) has been submitted in writing to, and approved in writing by, the Local Planning Authority. For the land and structures that are 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 a satisfactory historic building survey and to record and advance understanding of the significance of the affected resource prior to its loss in accordance with Policies DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and Section 16 of the National Planning Policy Framework (2024).

5. Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The plan shall detail how, during the site preparation and construction phase of the development, the impact on existing and proposed residential premises and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light, and land contamination. The plan shall detail how such controls will be monitored. The plan will provide a procedure for the investigation of complaints. The agreed details shall be implemented throughout the course of the construction.

Reason: To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. The development hereby permitted shall not be occupied until such time as the access arrangements shown on Proposed Access Drawings (HAS/23-071) (Rev C) (submitted: 11.03.2024) 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, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2024).

7. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with the Proposed Site Plan 06 (Rev C) (submitted: 26.11.2024). Thereafter the onsite parking (and turning) facilities 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 (2024).

8. The development hereby permitted shall not be occupied until such time as the cycle parking facilities have been implemented in accordance with the plan named Proposed Ground Floor 01 (Rev F) (submitted: 26.11.2024) and the Cycle Storage Details (submitted: 26.11.2024). Thereafter the onsite parking (and turning) provision shall be kept available for such uses in perpetuity.

Reason: To promote travel by sustainable modes in accordance with the National Planning Policy Framework (2024).

9. The development hereby permitted shall not be occupied until such time as a Parking Management Plan, which minimises the need for residents to park on the local road network has been submitted in writing to, and approved in

writing by, the Local Planning Authority. The use and operation of the development shall thereafter be carried out in accordance with the approved details at all times.

Reason: To ensure that the development does not exacerbate existing parking problems in the area in accordance with Policies DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and the National Planning Policy Framework (2024).

10. The development hereby permitted shall not be brought into first use 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 in the first planting and seeding seasons following the first occupation of the development or the completion of the development, whichever is sooner. 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 DM10, DM11, and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11. The development hereby permitted shall not be brought into first use until details of the bird box and bat boxes to be installed onto the building have been submitted to, and approved in writing by, the Local Planning Authority. Details should include the type of boxes and their positioning. Any boxes need to be shown on all relevant submitted plans and elevations. The bird and bat boxes shall be installed in accordance with the approved details prior to first occupation of the development.

Reason: In order to protect the protected wildlife species and their habitats that are known to exist on site to accord with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

12. The development hereby permitted shall not be brought into first use until full details of the external lighting to be incorporated within the development, have been submitted to, and approved in writing by, the Local Planning Authority. This information shall relate to all pedestrian and vehicular routes and shall include a layout plan with beam orientation and a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles.) The approved lighting shall be installed prior to first

occupation of the development and maintained and operated in accordance with the approved details thereafter.

Reason: In the interests of the amenity of future occupiers, to protect the appearance of the area, and to protect neighbouring residents from nuisance from artificial light in accordance with Policies DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

13. The development hereby permitted shall not be brought into first use until the repairs and maintenance works as detailed within the Proposed Demolition and Maintenance Elevations 15A (submitted: 08.11.2024) and the Repairs and Maintenance Schedule (submitted: 25.10.2024) have been implemented in full.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM10, DM11, and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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 (2024).

15. The windows on the rear elevation of Proposed Elevations 08E (submitted: 08.11.2024) hereby permitted shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale and non-openable to a minimum height of 1.7m from the floor of their respective room. Once so provided the window(s) shall be permanently maintained as such at all times thereafter.

Reason: To safeguard the privacy and amenity of neighbouring dwellings from potential overlooking in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

16. Site preparation and construction shall be limited to the following hours:

Monday – Friday 07:30 – 18:00

Saturday 09:00 – 14:00

No working on Sundays and Bank Holidays

Reason: To protect the amenities of the occupiers of neighbouring residential properties from unsatisfactory noise and disturbance in accordance with

Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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 building.control@blaby.gov.uk or call 0116 272 7533.
2. This decision is conditional upon the terms of the planning agreement, which has been entered into by the developer and the Council under Section 106 of the Town and Country Planning Act 1990 (as amended.) The Agreement runs with the land and not to any particular person having an interest therein.
3. The Council requires monitoring fees for each planning obligation that is secured within a Section 106 Agreement, which include the following:
 - 11 to 50 dwellings or 1,000 to 3,000sqm gross floor space: (£419 per obligation).
 - Site Inspection Fee (minimum of 2): (£219 per visit).
 - Approval of Details/ Documents: (£327 per document).
 - Deed of Variation: (£649 per Section 106 topic).
4. The Written Scheme of Investigation must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.
5. The County Council's Historic and Natural Environment Team, as advisors to the Planning Authority, will monitor the archaeological work, to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the Planning Authority. The 'Programme of work' in this instance refers to the historic building survey recording during development, in accordance with the Specification to be agreed.