

Planning Committee 11 October 2016
Report of the Chief Planning and Development Officer



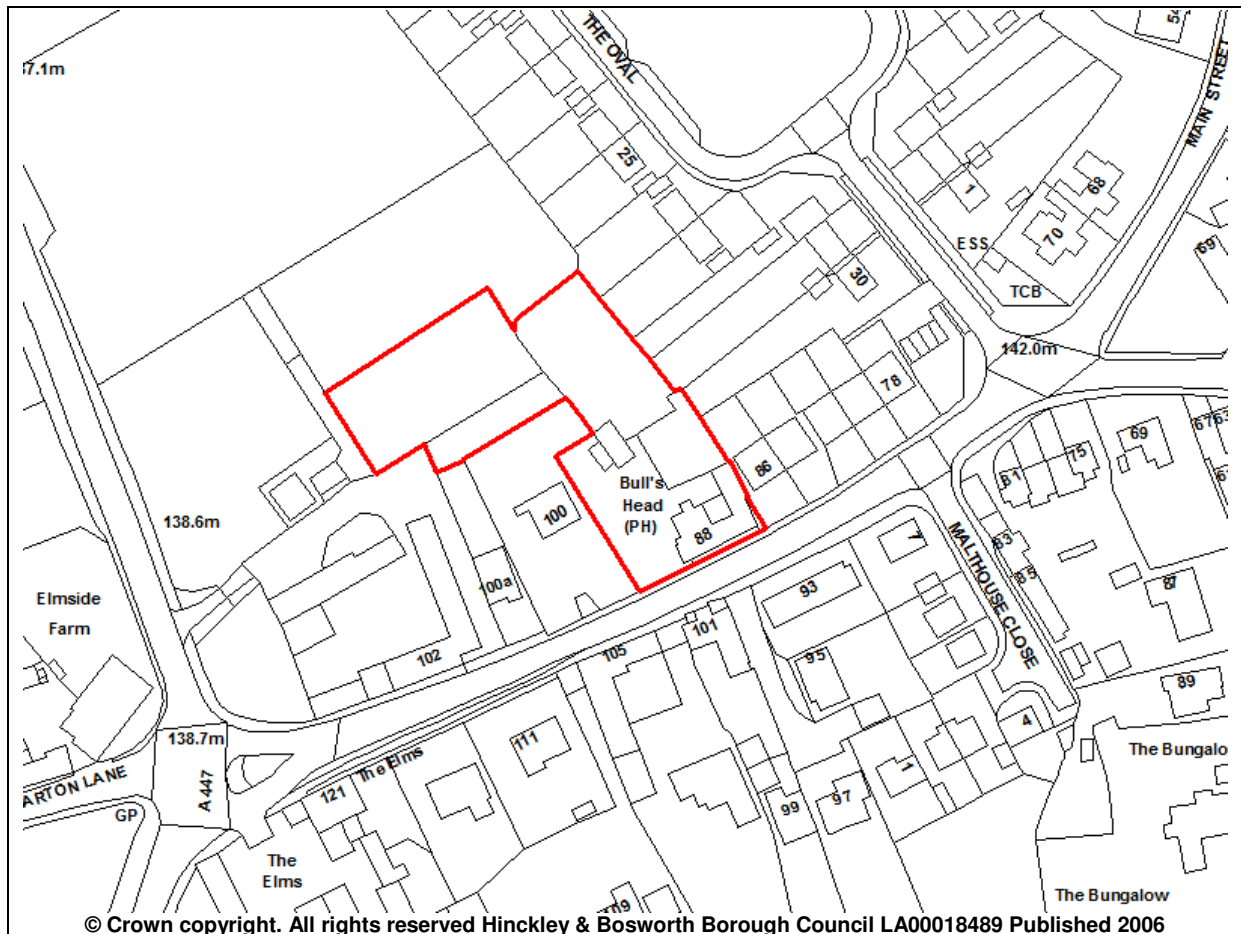
Hinckley & Bosworth
Borough Council

A Borough to be proud of

Planning Ref: 15/01202/FUL
Applicant: AKW Property Consultants
Ward: Barlestone Nailstone and Osbaston

Site: The Bulls Head 88 Main Street Nailstone

Proposal: Alterations to public house and erection 4 no dwellings



1. Recommendations

1.1. Grant planning permission subject to:

- The prior completion of a S106 agreement to secure the following obligations
 - Highways – to deliver a traffic calming scheme
- Planning conditions outlined at the end of this report.

2. Planning Application Description

2.1. This is a full planning application is for alterations to the public house and the construction of 4 four bedroomed detached dwellings with associated parking, landscaping and amenity space.

2.2. Access to the site is to be taken from Main Street, utilising the existing access to the site.

3. Description of the Site and Surrounding Area

- 3.1. The Bulls Head is an early 19th century public house, located on the north side of Main Street near the junction with the A447 Ibstock Road. To the rear of the pub is a car park, a detached single storey outbuilding and a grassed amenity area. The pub itself is modest in scale. To the east of the site are 1960's semi detached bungalows; to the west the neighbouring property is a modern detached bungalow. To the north of the site the remainder of the application site comprises a manege and a grassed paddock.
- 3.2. The public house and car park is within the Nailstone Conservation Area whilst the remainder of the site lies outside. The entire site is located within the settlement boundary of Nailstone which was amended following the adoption of the Site Allocations and Development Management Policies Development Plan Document (SADMP) in July 2016.
- 3.3. Access to the site is via the existing pub car park access.

4. Relevant Planning History

13/00030/PP	Demolition of existing public house and erection of three detached dwellings	Dismissed	28.02.2014
13/00458/FUL	Demolition of existing public house and erection of three detached dwellings	Refused	20.09.2013
78/01231/4M	Extensions and alterations to the bulls head inn	Permitted	22.08.1978

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.
- 5.2. Five letters of objection were received which make the following comments:
- 1) Houses are to be built on the greenbelt outside of the settlement boundary
 - 2) Poor access visibility
 - 3) Possible increase in on road parking
 - 4) Concern for children's safety when crossing the road
 - 5) Lack of village amenities
 - 6) Backland development
 - 7) A traffic census would be a good idea
 - 8) Loss of view and privacy from rear garden
 - 9) Garages at The Bulls Head have a preservation order – who gave permission for it to be demolished?
 - 10) Visibility splay is incorrectly drawn and does not comply with local/national guidelines
 - 11) No 100a isn't listed on the site plans (shown as no 102) even though it is directly affected by plots 3 and 4
 - 12) Site sections BB and CC incorrectly label 100a as a bungalow
 - 13) No consideration given to existing hedgerows/boundary walls
 - 14) Settlement boundary on existing site plan is incorrect; wording within Design and Access Statement is also misleading on this point
 - 15) Access to residential properties via a pub carpark is not common practice.

- 5.3. One letter was received commenting that it would be a shame to lose the pub as it is the only one remaining in the village. On the basis that the pub is retained and there is sufficient garden and car parking the proposed development is acceptable.
- 5.4. One letter of support was received which made the following comments:
- 1) Current entry and egress from the carpark is very wide, could consideration be made to putting in a small footpath parallel to parking space 7 and Main Street to ensure cars will not cut the corner of parking space 7 and allow maximum visibility.

6. Consultation

- 6.1. No objection, some subject to conditions have been received from:
- Leicestershire County Council (Highways)
Severn Trent Water Limited
HBBC Waste Services
HBBC Environmental Services (Pollution)
Leicestershire County Council (Archaeology)
HBBC Environmental Health (Drainage)
- 6.2. Concerns have been raised by the HBBC Commercial Environmental Health Officer regarding the pedestrian and public house visitors' safety from the access to the dwellings through the car park of the Bulls Head.
- 6.3. Comments were received from the HBBC Section 106 Officer and from HBBC's Strategic Housing and Enabling Officer. However, these comments were submitted prior to amendments to national planning guidance which means that infrastructure contributions should not be sought on schemes of this scale.

7. Policy

- 7.1. Core Strategy (2009)
- Policy 12: Rural Villages
- 7.2. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - 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 DM25: Community Facilities
- 7.3. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2012)
 - Planning Practice Guidance (PPG)
 - Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990
- 7.4. Other guidance
- Nailstone Conservation Area Appraisal and Management Plan (2015)

8. Appraisal

8.1. Key Issues

Assessment against strategic planning policies
Impact upon the character of the area
Impact upon neighbouring residential amenity
Impact upon the highway
Drainage

Assessment against strategic planning policies

- 8.2. Paragraph 11-13 of the National Planning Policy Framework (NPPF) states that the development plan is the starting point for decision taking. The NPPF is a material consideration in determining applications. The development plan in this instance consists of the Core Strategy (2009) and the Site Allocations and Development Management Policies Development Plan Document (SADMP).
- 8.3. Policy DM1 of the SADMP sets out a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved without delay unless material considerations indicate otherwise.
- 8.4. Nailstone is identified as a Rural Village within Policy 12 of the Core Strategy. The focus of such settlements is to support the existing services within these villages by supporting housing development within settlement boundaries that provides a mix of housing types and tenures as detailed in Policy 15 and 16. The application site is located within the settlement boundary of Nailstone as defined within the SADMP, as such the site is considered to be situated within a sustainable location.
- 8.5. Policy 12 of the Core Strategy seeks to allocate land for the development of a minimum of 20 new homes in Nailstone. The site is allocated within the SADMP for residential development up to 4 dwellings (allocation reference NAI09). This carries significant weight in the assessment of the application. Policy SA1 of the SADMP seeks to safeguard allocated sites for the same land uses, in this case this is safeguarding for residential use.
- 8.6. This application proposes to refurbish and retain The Bulls Head public house. Policy DM25 of the SADMP and the wider overarching policy within the NPPF supports the retention of community facilities in villages such as public houses and in order to stem their loss, they have been designated as community facilities within the SADMP. The public house is allocated as a community facility in the SADMP and this site would be retained as a result of the proposed development.
- 8.7. Given the above policy context, the application site is considered to be in a sustainable location and the refurbishment and retention of the public house and new residential development is acceptable in principle subject to all other planning matters being appropriately addressed.

Impact upon the character of the area

- 8.8. Policy DM10 of the SADMP requires development to complement and enhance the character of the surrounding area. Paragraph 56 of the NPPF states that good design is a key aspect of sustainable development and is indivisible from good planning and should contribute positively to making places better for people.
- 8.9. Policy DM11 of the SADMP requires development proposals which have the potential to affect a heritage asset or its setting to demonstrate an understanding of the significance of the asset and its setting; the impact of the proposal on the asset

including measures to minimise or avoid these impacts and how the benefits of the proposal will outweigh any harm caused and consider any impact on archaeology in line with Policy DM13. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that, when determining applications for development which affects any buildings or other land in a conservation area, a local planning authority shall pay special attention to the desirability of preserving or enhancing the character and appearance of that area.

- 8.10. Policy DM12 of the SADMP provides that development proposals should ensure the significance of a conservation area is preserved and enhanced through the consideration and inclusion of important features including appropriate boundary treatments which reflect the local style and materials which are characteristic of the conservation area.
- 8.11. Policy DM13 of the SADMP requires that where a proposal has the potential to impact a site of archaeological interest, developers to set out in their application an appropriate desk based assessment and, where applicable, results of a field evaluation detailing the significance of any affected asset.
- 8.12. The Leicestershire and Rutland Historic Environment Record (HER) notes that the Bulls Head and associated outbuildings appear on early Ordnance Survey maps of the 19th century. The Bulls Head is constructed from red brick in an unusual bond, it features a clay tiled roof, eyebrow dormer windows, gable end stacks and metal rise and fall gutter brackets. These architectural characteristics indicate that the building was constructed as part of the Gopsall Estate. The building is therefore considered to be a heritage asset in its own right, of local, if not regional significance which makes a positive contribution to the special character and appearance, and thus significance of the Nailstone Conservation Area.
- 8.13. With regard to the proposed alterations to the Bulls Head itself, the Conservation Officer considers that the proposal to remove the more modern and uncomplimentary additions to the pub accompanied with internal and external refurbishments will restore some of the building's local interest and enhance the character of the conservation area. A condition will be imposed to require a photographic record of the building prior to the works commencing should be undertaken. Further details of the external finishes to the Bulls Head as part of the works will also be conditioned.
- 8.14. The proposed development is located off one of the main roads into Nailstone and is characterised by traditional properties located on the back edge of the highway, with more modern properties set further back, resulting in no definitive building line. Traditional properties incorporate eyebrow dormers above first floor windows, a feature which has been replicated on some modern infill developments.
- 8.15. The proposed plans for the residential development incorporate 'Eyelid' roof upstands over the principal first floor windows, chimney stacks, projecting front porches and corbelled brickwork to the apex of the gable walls to reflect the local vernacular style.
- 8.16. The Conservation Officer considers that the design, form and materials of the proposed new dwellings reflect the local vernacular and are appropriate for a site located within the setting of the conservation area and preserve its special character.
- 8.17. All boundary fences are to be stained close boarded timber. A condition will be imposed to require the submission of a detailed hard and soft landscaping scheme to be approved by the Local Planning Authority.

- 8.18. Given the above, it is considered that the site has the potential to accommodate a high quality and sustainable residential development to take account of the site characteristics and the character of the local area in accordance with Policy DM1, DM10, DM11 and DM12 of the SADMP. In making the above assessment, special attention has been had to the provisions of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact upon neighbouring residential amenity

- 8.19. Policy DM10 of the SADMP seeks to ensure that development does not adversely affect the privacy or amenity of neighbouring properties.
- 8.20. To the west of the site, No 100 Main Street is a detached bungalow set back from the highway within a generous plot. There is mature planting to the front and eastern boundaries which adjoins the application site; the closest section of the development to this property will be the parking spaces to serve the public house. The front elevations to plots 3 and 4 will face the rear boundary of 100 Main Street; however separation distances and screening are considered adequate to avoid any adverse impact on neighbouring amenity.
- 8.21. To the east of the site No 86 is a semi detached bungalow, there are no windows or openings on the western elevation facing the site. The rear garden to no 86 will be adjacent to the pub garden. This is similar to the current relationship and it is not considered that there will be any additional significant adverse impact on the residential amenity of this property as a result of this proposal.
- 8.22. Windows are proposed in the east facing elevations to plots 1 and 2. Separation distances to neighbouring properties located on The Oval, which share a rear boundary with the application site, would be around 25 metres. This is considered adequate to avoid any significant overlooking of neighbouring gardens. Separation distances with the properties to the west are similarly considered adequate. All windows to the gable walls of the proposed new dwellings which face onto neighbouring properties would be obscurely glazed.
- 8.23. Policy DM10 provides that development will be permitted providing that the amenity of the occupiers of the proposed development would not be adversely affected by activities in the vicinity of the site. Plot 1 would be the closest property to the Bulls Head, sharing a boundary with the public house garden.
- 8.24. A dense landscaped barrier would be provided between the pub garden and Plot 1. A timber fence will also reduce sound levels between the pub garden and Plot 1. A landscaping scheme for the entire site, to be agreed by the Local Planning Authority, will be secured by condition. No objections to the proposed development have been received from the Environmental Health Officer.
- 8.25. Taking the above context into account, it is considered that the development will be in accordance with Policy DM10 of the SADMP with regard to impacts on neighbouring residential amenity and the amenity of occupiers of the proposed development.

Impact upon Highway Safety

- 8.26. Policies DM17 and DM18 of the SADMP require adequate access and off-street vehicle parking facilities to be provided to serve developments.
- 8.27. Vehicular and pedestrian access to the public house and new dwellings would be created from Main Street. Leicestershire County Council (Highways) considers that a traffic calming scheme is required in accordance with drawing 439-15-13 with the costs to be met by the applicant. This will be secured through a S106 agreement.

The traffic calming scheme would consist of the provision of speed cushions which would assist in reducing speeds on the approach to the site access from the west.

- 8.28. The Local Highway Authority is of the view that the provision of an additional four dwellings is unlikely to lead to any significant intensification of vehicles utilising this existing access, nor will the additional trips have a material impact on the capacity of the local road network. Given the above, the Local Highway Authority considers that the residual cumulative impacts of the development can be mitigated and are not considered severe in accordance with paragraph 32 of the NPPF.
- 8.29. 19 parking spaces are to be provided to serve the public house and each proposed dwelling would benefit from two parking spaces and a garage.
- 8.30. The appropriateness of access to the residential properties being provided through the pub car park has been raised by an objector to the scheme. However, neither Leicestershire County Council (Highways) nor the Environmental Health Officer has any objection to the arrangement submitted subject to the imposition of planning conditions. Given this context, the scheme is considered to be in accordance with Policies DM17 and DM18.

Other Matters

- 8.31. Concerns were raised that this land is Green Belt and lies outside of the settlement boundary. These observations are not correct as there is no Green Belt within the Borough and the whole site is located within the settlement boundary for Nailstone in the recently adopted. The section to the rear of the site (manege and paddock) did lie outside the settlement boundary when the application was originally submitted.
- 8.32. Concerns have been raised that the garage at The Bulls Head had a preservation order upon it and the objector has queried who gave permission for it to be demolished. The building in question was however demolished prior to the adoption of the Nailstone Conservation Area boundary and therefore was not subject to any designation at the time of demolition.
- 8.33. 100a Main Street is incorrectly labelled on the plans at 102 Main Street. This point is noted. However this property is clearly shown on the plans (albeit incorrectly numbered) and the impact on it has been assessed as part of the planning process as detailed above.

9. Equality Implications

- 9.1. Section 149 of the Equalities 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.

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

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

10. Conclusion

- 10.1. Overall, it is considered that this proposal will preserve and enhance the special character, and thus significance of the conservation area. The retention of the pub; which is a community facility as defined within the SADMP will contribute to the social well being of the village, and the provision of four new dwellings is in line with the allocation within the SADMP. The proposals accords with Policy 12 of the Core Strategy and Policies DM1, DM10, DM11, DM12, DM13, DM17, DM18, DM25 of the SADMP.

11. Recommendation

- 11.1. **Grant planning permission** subject to:

- The prior completion of a S106 agreement to secure the following obligations:
 - Highways – to deliver a traffic calming scheme
- 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 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

Proposed House Type (Plot 1) Plans and Elevations Drg No 439-15-09
Proposed House Type (Plot 2) Plans and Elevations Drg No 439-15-10
Proposed House Types (Plot's 3 and 4) Plans and Elevations Drg No 439-15-11

Received by the Local Planning Authority on 16 November 2015.

Proposed Plans and Elevations No 439-15-07A

Proposed Site Sections Drg No 439-15-08A

Received by the Local Planning Authority on 28 September 2016.

Proposed Site Plan Drg No 439-15-06D

Received by the Local Planning Authority on 29 September 2016.

Reason: To ensure a satisfactory appearance and impact of the development and to accord with Policies DM1, DM10 and DM12 of the Site Allocations and Development Management Development Plan Document (2016).

3. Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the dwellings and for the renovation of the Bulls Head public house shall be 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 to accord with Policy DM10 and Policy DM12 of the Site Allocations and Development Management Policies Development Plan Document.

4. No development shall commence on site until such time as the existing and proposed ground levels for the site, and proposed finished floor levels have been submitted in writing to and agreed in writing by the local planning authority. The development shall then be implemented in accordance with the approved proposed ground levels and finished floor levels.

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

5. No development shall commence until there has been submitted to and approved in writing by the Local Planning Authority, a scheme of hard and soft landscaping works for the site. All hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of a similar size and species.

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

6. All parking details of the proposed development shall comply with the design standards of Leicestershire County Council as contained within its current design standards document.

Reason: To prevent unacceptable on street parking in the vicinity of the development to the detriment of highways safety and to ensure compliance with Policies DM17 and DM18 of the Site Allocations and Development Management Development Plan Document.

7. The development hereby permitted shall not commence until drainage plans for the disposal of surface water, incorporating sustainable drainage principles (SuDS) and foul sewage have been submitted in writing to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating and exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document.

8. No development shall commence until a scheme that makes provision for waste and recycling storage and collection across the site has been submitted in writing to and approved in writing by the Local Planning Authority. The details should address accessibility to storage facilities and adequate collection point space at the adopted highway boundary.

Reason: In the interests of protecting the visual amenity of the area, in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document.

9. No demolition/development shall commence until a phased programme of historic building recording (Level 2) and archaeological investigation, informed by an initial phase of exploratory trial trenching, has been detailed within Written Schemes of Investigation, submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and:

- The programme and methodology of site investigation and recording (including the initial trial trenching, assessment of results and preparation of an appropriate mitigation scheme)
- The programme for post-investigation assessment
- Provision to be made for analysis of the site investigation and recording
- Provision to be made for publication and dissemination of the analysis and records of the site investigation
- Provision to be made for archive deposition of the analysis and records of the site investigation
- Nomination of a competent person or persons/organisation to undertake the works set out within the Written Schemes of Investigation

Reason: To ensure satisfactory historic building survey and archaeological investigation to record and advance understanding of the significance of the affected resource prior to its loss and to accord with Policies DM11 and DM12 of the Site Allocations and Development Management Development Plan Document.

10. No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 9.

Reason: To ensure satisfactory historic building survey and archaeological investigation to record and advance understanding of the significance of the affected resource prior to its loss and to accord with Policies DM11 and DM12 of the Site Allocations and Development Management Development Plan Document.

11. Prior to first use of the development hereby permitted, A Road Safety Audit Stage 1 shall be undertaken in accordance with DMRB HD 19/03 by a team independent of the design team.

Reason: In the interests of highway safety and to accord with Policies DM17 and Policy DM18 of the Site Allocations and Development Management Development Plan Document.

12. Prior to first use of the development hereby permitted, access shall be provided in accordance with Drawing 439-15-13. These shall be in accordance with the standards contained in the current County council design guide and shall thereafter be permanently so maintained. Nothing shall be allowed to grow above a height of 0.6 metres above ground level within the visibility splays.

Reason: To ensure that the development is provided with a satisfactory means of access and in the interests of general highway safety to accord with Policies DM17 and DM18 of the Site Allocations and Development Management Policies Development Plan Document.

13. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Schemes of Investigation approved under condition (8) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure satisfactory historic building survey and archaeological investigation to record and advance understanding of the significance of the affected resource prior to its loss and to accord with Policies DM11 and DM12 of the Site Allocations and Development Management Development Plan Document.

14. There shall be no occupation of the fourth dwelling authorised to be constructed pursuant to the planning permission unless and until the works of alteration and refurbishment to the Bulls Head public house have been completed in accordance with plans reference 439-15-07A & 439-15-08A.

Reason: To secure the enhancement of the conservation area in accordance with Policies DM11 and DM12 of the Site Allocations and Development Management Policies Development Management Plan.

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. Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.
3. Where a soakaway is initially proposed, the suitability of the ground strata for infiltration should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. If the ground strata prove unsuitable for infiltration, alternative SuDS proposals will require the further approval of the LPA.
4. The Developer will be required to enter into an agreement with the Highway Authority under Section 278 of the Highways Act 1980 for works within the highway and detailed plans shall be submitted and approved in writing by the Highway Authority. The Section 278 Agreement must be signed and all fees paid and surety set in place before the highway works are commenced.
5. All works within the limits of the highway with regard to the access shall be carried out to the satisfaction of the Highways Manager (telephone 0116 3050001).

