

Delegated Report

Planning Ref: 25/00465/FUL
Applicant: Michele Astley
Ward: Barwell



Hinckley & Bosworth
Borough Council

Site: Barwell Methodist Church, 25 Chapel Street, Barwell

Proposal: Erection of timber building to provide early years places for the day nursery and part retrospective change of use of Church building from Class F1 to Class E.

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. This application seeks full planning permission for the retrospective change of use of existing rooms and garden areas of an existing church (Class F) to use as a day nursery (Class E) and the construction of a detached timber building to provide further day nursery places at Barwell Methodist Church, 25 Chapel Street, Barwell.
- 2.2. The retrospective change of use involves the use of four rooms, a storage area and the side and rear garden space of the existing Barwell Methodist Church from Use Class F1(f) (public worship or religious institution) to Use Class E(f) (creche, day nursery or day centre). The rooms included in the retrospective change of use comprise two day nursery rooms, a kitchen, and toilets. The remainder of the building remains in use as a place of worship.
- 2.3. The proposed timber building has dimensions of 11.2 metres in length by 4.2 metres in depth with a total floor area of 47.04 square metres. It has a single pitch roof form and a maximum eaves height of 2.45 metres and maximum overall height of 2.65 metres. The building is of timber construction with glazed window and door units.
- 2.4. The day nursery facility currently operates with 45 places for children and a staff of 7 full-time employees. The proposed timber building would allow for 12 additional places and would require 2 additional full-time employees. The total capacity of the facility would then increase to 57 places for children with 9 full-time employees.
- 2.5. The existing operating hours of the facility would be maintained as existing, which are 7:30am to 5:00pm Monday to Friday.

3. Description of the site and surrounding area

- 3.1. The application site is located on Chapel Street within the settlement boundary of Barwell, approximately 200 metres away from the centre of Barwell.
- 3.2. The application site comprises the large Barwell Methodist Church building which is of brick construction with later additions in cement slate siding and a tiled roof, and front, side and rear garden areas with intermittent vegetation.
- 3.3. The site is located on the northern side of Chapel Street. It has no vehicle access from the highway but has two pedestrian access points to the front doors and the side garden. Chapel Street is an adopted and unclassified one-way street with parking on the southern side.

- 3.4. The church site is located directly opposite the Barwell Constitutional Club. To either side along Church Street the site is neighboured by residential development. To the rear of the church's side garden space is residential development with access from Shilton Road and to the rear of the church building is car parking and garden space associated with dwellings fronting Shilton Road.
- 3.5. The broader surrounding area comprises a mix of uses. The centre of Barwell is located to the east and north-east of the site and comprises a range of commercial and community uses. To the west and south-west the character of the area is predominantly residential but does include the George Ward Community Centre and the Cross Keys Inn.

4. Relevant planning history

Nil.

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. No responses were received.

6. Consultation

- 6.1. Barwell Parish Council have no objections.
- 6.2. Hinckley & Bosworth Borough Council (HBBC) Environmental Services – Pollution Officer has no objection.
- 6.3. Leicestershire County Council (LCC) Ecology have advised that they find the submitted revised BNG Metric to be acceptable, taking into consideration four trees on the application site and two trees which have already been removed.

LCC Ecology note that off-site habitat credits are being suggested and advise that they find this acceptable.

7. Policy

- 7.1. Core Strategy (2009)
- Policy 3: Development in Barwell
- 7.2. Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM6: Enhancement of Biodiversity and Geological Interest
 - Policy DM7: Preventing Pollution and Flooding
 - Policy DM10: Development and Design
 - Policy DM17: Highways and Transportation
- 7.3. Earl Shilton and Barwell Area Action Plan (AAP) (2014)
- Policy 22: Development and Design
- 7.4. National Planning Policies and Guidance

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

7.5. Other relevant guidance

- Good Design Guide (2020)
- Leicestershire Highway Design Guide (LHDG) (2024)

8. Appraisal

8.1. Key Issues

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

Assessment against strategic planning policies

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. 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.

8.3 The current Development Plan consists of the adopted Core Strategy and the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP). In accordance with Paragraph 232 of the NPPF, due weight should be given to existing policies according to their degree of consistency with the NPPF.

8.4 Paragraph 11 of the NPPF and Policy DM1 of the SADMP set out a presumption in favour of sustainable development. Policy DM17(b) of the SADMP requires development proposals to be located where the need to travel will be minimised, and the use of sustainable transport modes can be maximised.

8.5 Paragraph 100 of the NPPF states that it is important that a sufficient choice of early years, school and post-16 places are available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. It continues on to say that great weight should be given to the need to create, expand or alter early years, schools, and post-16 facilities.

8.6 The application site is located in a sustainable location within the settlement boundary of Barwell and is in close proximity to the centre of Barwell. It provides 45 early years places within the existing church building and an additional 12 places within the proposed building. Therefore, the development is considered acceptable in principle, subject to the assessment of all other material considerations. Other material considerations are set out within the next sections of the report.

Design and impact upon the character of the area

8.7 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.

- 8.8 The proposed retrospective change of use to the rooms within the church building does not involve any alteration to the external appearance of the existing building. It is therefore not considered that this element of the proposal would have any impact upon the character of the area.
- 8.9 The proposed timber building has dimensions of 11.2 metres in length and 4.2 metres in depth resulting in a total floor area of 47.04 square metres. It has a single pitch roof form and a maximum height of 2.65 metres. The building is of timber construction with glazed window and door units.
- 8.10 The proposed building would be located to the rear of the side garden area of the site, close to but detached from the church building. It is located adjacent an existing lean-to verandah structure attached to the western elevation of the church.
- 8.11 The siting and materials of the proposed building diverge from the primary built form along Chapel Street which consists of predominantly brick buildings with tiled roofing, located close to the highway.
- 8.12 It is considered that the scale of the building appropriately delineates it as subservient to the main church building. The siting and materials, where they differ from the primary built form along Chapel Street, assist to reinforce that the proposed building is an ancillary structure. The timber finishes are consistent with other smaller-scale structures within the side garden area including the boundary treatments, seating, play equipment and the verandah.
- 8.13 There are no alterations proposed to the existing church building and existing boundary treatments would be retained.
- 8.14 It is therefore considered that the development would complement the character of the surrounding area and comply with DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.15 Policy DM10 of the SADMP and Policy 22 of the Earl Shilton and Barwell AAP state that development should not adversely affect the privacy and amenity of occupiers of neighbouring properties, including matters of lighting and noise. DM10 further states that the amenity of occupiers of the proposed development should not be adversely affected by activities in the vicinity of the site.
- 8.16 The Council's Good Design Guide requires the way buildings relate to each other, and their orientation and separation distances, to provide and protect acceptable levels of amenity.
- 8.17 The proposed retrospective change of use to the rooms within the church building does not involve any alteration to the external appearance or outlook from that building. Therefore, these areas of the proposal do not increase any potential impacts of overlooking, loss of light, loss of privacy, or any overbearing impacts on neighbouring residential occupiers.
- 8.18 The proposed timber building is sited 3 metres from the primary length of the site's rear boundary and 1.5 metres from the point where the building's north-western corner is located adjacent the southern corner of the neighbouring property's private amenity space. It is located at the base of a small banked section of land which rises toward the rear fence up to the higher level of the dwelling and parking areas to the rear.
- 8.19 The proposed timber building has windows and doors on its front elevation which faces Chapel Street and no openings on any other elevation.

- 8.20 The nearest neighbouring dwelling is located to the rear along Chapel Mews. The neighbouring dwelling has two south-eastward facing windows looking toward the north-eastern corner of the existing church building and no windows on its southern elevation directly adjacent the proposed building. The private rear amenity space for the dwelling is located to the north-west of the proposed building. The amenity space has several large mature trees along the boundary with the application site and what appears to be an existing privacy screen running directly along the rear of the dwelling, adjacent the western extent of the proposed building.
- 8.21 The direction of views from the windows on the Chapel Mews dwelling are toward the south-east and as such the proposed building is not within direct line of sight. As the proposed building is set off the rear boundary of the application site, the separation distance between the nearest window and the building is 5 metres at a 40-degree angle. The potential for the proposed building to impact access to light for these windows is significantly reduced by the difference in ground level and the single storey height of the building. The building, as viewed from the windows of the Chapel Mews dwelling, would not appear any taller than a typical 2 metre fence.
- 8.22 The proposed building would remove 47.04 square metres of existing side garden space from the facility. This space is currently used for outdoor play. Notwithstanding this, the side garden area retains in excess of 350 square metres of outdoor play space and the site has further outdoor space to the rear of the church building.
- 8.23 The proposal seeks to retain the existing hours of operation for the facility, which is between 7:30am and 5:00pm, Monday to Friday. The capacity of the facility as it is currently operating is 45 children and this proposal would increase that capacity to 57 children. The staffing numbers for the facility would increase from 7 full-time staff to 9 full-time staff.
- 8.24 The nearest dwellings with potential to be impacted by noise from the day nursery facility are the dwellings located to the north-west along Chapel Mews and dwellings to the west of the site along Chapel Street. The rear amenity space of further dwellings along Shilton Road is also in proximity to the garden space of the facility.
- 8.25 Considering the proposed hours of operation, noise impacts arising from the facility would at most times of the year be confined to daylight hours. It is expected that the highest noise impacts would occur during outdoor play which is most likely to occur during central daytime hours with a high level of oversight from staff members. These hours are the least sensitive hours for surrounding residential amenity and would align with increased activity in the surrounding area considering the proximity to the centre of the Barwell settlement area.
- 8.26 It is noted that the Local Planning Authority (LPA) are not aware of any complaints received regarding noise impacts of the facility during the 5 years it has been in operation. There have also been no responses received from any neighbouring properties to the proposal. Furthermore, HBBC's Pollution Officer raised no concerns regarding potential noise impacts.
- 8.27 It is therefore considered that the proposal would not result in significant adverse impacts to the residential amenity of neighbouring residents, in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.28 Policy DM17 of the SADMP states that development proposals need to demonstrate that there is not a significant adverse impact upon highway safety, and that the residual cumulative impacts of development on the transport network are not severe. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highway authority. This is currently this is the Leicestershire Highway Design Guide (LHDG) (2024).
- 8.29 The site has no existing vehicular access and no on-site parking facilities. The on-street parking along Chapel Street and the public car park to the south at The George Ward Centre are utilised by both the church and the day nursery uses at the site. The Stanley Street car park is also in proximity to the site.
- 8.30 The change of use to the rooms within the existing church and provision of 45 nursery places is retrospective and the facility has been operating for over 5 years without any on-site vehicle access. No responses have been received raising any concerns with the traffic impacts of the existing operation.
- 8.31 The nature of a day nursery facility means that it is likely that visits to the site would be clustered during morning and afternoon peak times, however, are likely to be staggered dependent upon the time elected to drop-off or pick-up children from the facility. This would allow for some staggering of traffic movements.
- 8.32 The application site is located within the settlement boundary of Burbage close to the centre. The location is walkable for local residents and is within 100 metres of the nearest bus stop.
- 8.33 It is not considered that the addition of 12 further nursery places would increase vehicular traffic associated with the premises by such a degree that it would negatively impact upon the highway network, given the sustainable location of the site and the availability of nearby public car parking areas.
- 8.34 It is therefore considered that the proposal would not create an unacceptable impact upon highway safety or the road network in accordance with Policy DM17 and the LHDG.

Ecology and biodiversity

- 8.35 Paragraph 193 of the NPPF confirms that where significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 8.36 Policy DM6 of the SADMP states that developments must demonstrate how they conserve and enhance features of nature conservation and geological value including proposals for their long term future management. On site features should be retained, buffered and managed favourably to maintain their ecological value, connectivity and functionality in the long-term.
- 8.37 The application is subject to statutory Biodiversity Net Gain (BNG) requirements. The BNG statutory framework has been designed as a post-permission matter to ensure that the biodiversity gain objective of achieving at least a 10% gain in biodiversity value will be met for development granted planning permission. Notwithstanding this, the Planning Practice Guidance (PPG) is clear that BNG is a material consideration and that when determining a planning application LPA's need to consider whether the BNG condition is capable of being discharged successfully through the imposition of conditions and/or a legal agreement.

- 8.38 The Applicant submitted a BNG Metric which was subsequently revised in response to concerns raised by LCC Ecology during consultation. The revised BNG Metric demonstrates that in the absence of delivering a 10% biodiversity gain on site, off-site habitat credits will be purchased to meet the statutory obligations.
- 8.39 LCC Ecology have advised that they find the BNG Metric and proposal to purchase off-site credits to be acceptable.
- 8.40 The development will be subject to the mandatory Biodiversity Gain Plan condition.
- 8.41 It is therefore considered that the proposal complies with Paragraph 193 of the NPPF and Policy DM6 of the SADMP.

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.

10. Conclusion

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

11. Recommendation

11.1 **Grant planning permission** subject to

- Planning conditions outlined at the end of this report

11.2 Conditions and Reasons

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

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

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

- Proposed Block Plan (submitted: 08.05.2025)
- Floor Plan (submitted: 08.05.2025)
- Proposed Floor Plan, Elevations, Drg No. 01 (submitted: 08.05.2025)

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 materials on the external elevations of the proposed building shall accord with the details provided in the Application Form submitted 08.05.2025.

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

4. The use hereby approved shall be restricted to the following opening hours:

Monday to Friday – 07:30 to 17:00

Reason: To protect the amenity of occupiers of neighbouring residential properties from unsatisfactory noise and disturbance in accordance with Policies DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. The number of children attending the premises in connection with the use hereby approved shall not exceed 57 at any one time.

Reason: To ensure that the development does not have a detrimental impact upon highway safety and existing residential amenity in accordance with Policies DM10, DM17 and DM18 of the Site Allocations and Development Management Policies Development Plan Document (2016).

6. The timber building shall not be used other than for purposes falling within Class E (f): creche, day nursery or day centre (not including a residential use); of the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: This condition is required in this instance to ensure the proposed development is compatible with existing nearby residential development in the locality in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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 building.control@blaby.gov.uk or call 0116 272 7533.
2. Your attention is drawn to the Biodiversity Net Gain note within the Decision Notice. The development is subject to the Biodiversity Gain Condition. A Biodiversity Gain Plan needs to be submitted to, and approved in writing by, the Local Planning Authority prior to commencement of development. The application can be made online here: https://www.hinckley-bosworth.gov.uk/info/200249/view_planning_applications_and_decisions/1476/does_the_property_comply_with_planning_conditions