

Delegated Report

Planning Ref: 24/01082/CONDIT
Applicant: Mr Paul Adler
Ward: Barwell



Hinckley & Bosworth
Borough Council

Site: Unit 2, Arthur Street, Barwell, Leicester
Leicestershire, LE9 8GZ

Proposal: Application to vary condition 2 & 3 (materials) of planning permission 24/00253/FUL. Amendments to windows and doors, changes to roof tiles and addition of rooflights

Recommendations

- 1.1. **Grant planning permission** subject to the conditions at the end of this report

Planning Application Description

- 2.1. Application 24/00253/FUL for the 'Proposed two storey warehouse industrial unit' was granted approval on 10/05/2024.
- 2.2. Application 24/01082/CONDIT is for the variation of condition 2 (plans) & 3 (materials) of planning permission 24/00253/FUL. The proposed description was changed on 12/12/2024 as roof tiles are also part of the proposal
- 2.3. Plans submitted for the current application are:
- Plans Sections and Elevations Drg No. 0301 received on 26/11/2024
 - Block Plan Drg No. 1644/BP received on 26/11/2024
 - Site Location Plan Drg No. 1644/SL received on 26/11/2024
- 2.4. The proposal seeks minor material changes to permission 24/00253/FUL. The proposal is to make changes to windows and doors, changes to roof tiles and addition of rooflights.
- 2.5. The applicant requires the loading door to be relocated to the northern end of the front elevation and a second smaller door to be installed at first floor to allow equipment to be delivered/ repaired. Window layout is also to be adjusted to suit the internal layout. Pitched roof is now concrete tiles with 10 No. rooflights (5 each side) to allow additional natural light for staff.
- 2.6. The proposed would not result in a larger building or additional floors within the approved building.

Description of the Site and Surrounding Area

- 3.1. The application site is situated just outside of The Barwell Arthur Street Conservation Area. The site is within the settlement boundary of Barwell and 999sqm in size.
- 3.2. The site is occupied by a light industry/warehouse but this is currently vacant and dilapidated. The frontage of the building is set back from Arthur Street and there is another warehouse building to the rear of the site.
- 3.3. Entrance to the site for cars and HGVs is taken from Arthur Street.

- 3.4. There are residential dwellings with long narrow rear gardens immediately to the west of the site and the surrounding area is characterised by a mix of employment and residential uses, some of which are conversions.

4.0 Relevant planning history

22/00606/FUL- Proposed replacement two storey warehouse (following demolition of existing building) - Approved- 30.08.2022.

24/00253/FUL- Proposed erection of two storey warehouse- Approved 10/05/2024.

Publicity

- 5.1. Neighbouring properties have been notified of the application.
- 5.2. 1 Letter of representation has been received in response to the neighbour notification, objecting to the proposal. The reason provided was 'We were told this was going to be a 2 storey application, the builders have gone 3 storeys with widows put in. We are not happy as overlooks our property'.
- 5.3. Barwell Parish Council- No comment received

Consultation

- 6.1. All those consulted on the original full application (24/00253/FUL) have been re-consulted.
- 6.2. Conservation- No objections
- 6.3. S106 Officer- No objections

Policy

- 7.1. Core Strategy (2009)
- Policy 3: Development in Barwell
 - Policy 24: Sustainable Design and Technology
- 7.2. Earl Shilton and Barwell Area Action Plan (2014)
- Policy 23: Existing Employment Sites
- 7.3. 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 DM19: Existing Employment Sites
- 7.4. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2024)
 - Planning Practice Guidance (PPG)
- 7.5. Other relevant guidance
- Barwell Conservation Area Appraisal

Appraisal

- 8.1 This application should be read in conjunction with the previously approved application and in particular a comparison made between the 'Plans/ Elevations/ Sections Drg. No. 1644' associated with 24/00253/FUL & the amended proposed plans for the current proposal 'Plans Sections and Elevations Drg No. 0301 received on 26/11/2024.
- 8.2 The principle of development and highway matters were considered and accepted under application 24/00253/FUL and the amendments do not alter these considerations. The issues impacted by the proposed amendments and considered in this report are therefore:
- Impact upon the character of the area (including setting of the Conservation Area)
 - Impact on neighbouring residential amenity

Impact upon the character of the area (including setting of the Conservation Area)

- 8.3 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.
- 8.4 Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraph 204 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
- 8.5 Policy 1 of the Core Strategy seeks to ensure development respects Hinckley's industrial heritage through the sympathetic reuse of existing buildings. It also requires development to respect the character and appearance of Hinckley town centre conservation area.
- 8.6 Policy DM10 of the SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features with the intention of preventing development that is out of keeping with the surrounding area.
- 8.7 Policies DM11 and DM12 of the Site Allocations and Development Management Policies (SADMP) DPD seek to protect and enhance the historic environment. Development proposals should ensure the significance of a conservation area is preserved and enhanced and proposals which seek to improve neutral and negative areas inside conservation areas, which also lead to the overall enhancement of the conservation area, will be supported.
- 8.8 The adjacent Barwell Arthur Street Conservation Area has a predominantly industrial character consisting of historic boot and shoe factories and more recent brick built industrial buildings. The application site is a relatively poor presence in the setting of the conservation area (being identified as a weak area within the Barwell Arthur Street Conservation Area Appraisal (2010)) due to the palisade fencing around the frontage and its open car park, although the current building on the site is not a dominant presence due to its single storey scale and location away from the frontage.

- 8.9 The Council's Conservation Officer commented that in his opinion the minor material alterations to the fenestration and roofing materials would ensure that the proposed building has an appropriate appearance and would thus be a neutral presence within the immediate setting of the Barwell (Arthur Street) Conservation Area and not cause any harm to its significance. The proposal would therefore comply with Policies DM10, DM11 and DM12 of the SADMP DPD and Section 16 of the NPPF.

Impact on neighbouring residential amenity

- 8.10 Policy DM10 of the SADMP state that proposals should not adversely affect the occupiers of the neighbouring properties.
- 8.11 The application site is located within an area which is characterised by mixture of residential and commercial units. As set out above the amendments proposed would not alter the footprint of scale of the building and therefore would not result in additional overdominance or loss of light to surrounding residents.
- 8.12 The amendments do however include changes to the fenestration of the building and the addition of rooflights in both roof slopes. Concerns have been raised claiming impacts from a three storey building and loss of privacy. It is understood why there is the perception of the building being three storey due to the additional rooflights, but the proposals include only two storeys with a vaulted roof space with rooflights serving the approved first floor of the development. Neighbouring residential dwellings are at a minimum of 35m from the proposed building. Due to its existing use as an employment site and the distance between the proposed and these neighbouring dwellings it is not considered the amendments (including rooflights) would have a significant adverse effect on the privacy and amenity of nearby residents.
- 8.13 It is considered that due to the boundary treatments and separation distance there would be no adverse impact upon the residential amenity of any neighbouring dwelling in terms of overlooking, overbearing impact or loss of light. It is not considered that there are any other material considerations that are relevant to the determination of this application.
- 8.14 It is concluded that the proposed variation of condition 2 & 3 (materials) of planning permission 24/00253/FUL, consisting of amendments to windows and doors, changes to roof tiles and addition of rooflights is in accordance with national planning policy and guidance and Policies DM10 of the SADMP.

Equality Implications

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

- 9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.
- 9.3 There are no known equality implications arising directly from this development.
- 9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

- 10.1. The site is identified as a Category C employment site within the Employment Land Study, Policy DM19 of the SADMP allows for the proposals for the development of 'B' uses (including ancillary areas) within designated employment sites including Category C employment sites. The proposal is associated with the existing class B use of the site and is considered acceptable in principle.
- 10.2. The proposal would have a neutral presence within the immediate setting of the Barwell (Arthur Street) Conservation Area and not cause harm to its significance. The proposed would be adequately set back from Arthur Street to ensure that it does not have adverse impact on the street scene. The proposed amendments are considered to be minor and as outlined in the report would not result in adverse neighbouring amenity harm. The proposal would therefore comply with Policies DM10, DM11 and DM12 of the SADMP DPD and Section 16 of the NPPF.

11 Recommendation

- 11.1 **Grant planning permission** subject to the conditions below.

11.2 Conditions

Conditions

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 except in complete accordance with the details shown on the submitted plans and details:

- Proposed Block Plan Drg No. 1644/BP
 - Site Location Plan Drg. No. 1644/SL
 - Plans/ Elevations/ Sections Drg. No. 0301
 - Application Form
- all submitted on 26 November 2024

Reason: To ensure a satisfactory impact of the development to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies DPD.

3. Before the commencement of the above ground works, representative samples of the types and colours of materials to be used on the external elevations of the proposed development and boundary walls hereby permitted 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 and adjacent conservation area to accord with Policy DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Plan no. 1644/BP. Thereafter the onsite parking and turning provision shall be kept available for such uses in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally and to enable vehicles to enter and leave the site in a forward direction in the interests of highway safety and in accordance with the National Planning Policy Framework (2024).

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. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
3. Surface water should be managed by sustainable methods, preferably those which disperse runoff by infiltration into the ground strata: i.e. soakaways, pervious paving, filter drains, swales, etc. and the minimisation of paved area, subject to satisfactory porosity test results and the site being free from a contaminated ground legacy. If the ground strata are insufficiently permeable to avoid discharging some surface water off-site, flow attenuation methods should be employed, either alone or in combination with infiltration systems and/or rainwater harvesting systems.
4. Any proposed access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet (See Environment Agency guidance on the permeable surfacing of front gardens)

