

Delegated Report

Planning Reference 25/00944/DGDO
Applicant(s) My Gary Upton
Ward Earl Shilton



Hinckley & Bosworth
Borough Council

Application Site 9 Peggs Close, Earl Shilton

Proposal Notification to determine if prior approval is required for demolition of 3 blocks of flats containing No 9-41 Peggs Close and a community room within one of the blocks

Case Officer Sullivan Archer (Senior Planning Officer)

1. Recommendations

1.1. Grant Prior Approval

2. Planning Application Description

2.1. This application seeks to confirm whether prior approval is required for the demolition of the three blocks of flats, which include a community room and flats 9 to 41 Peggs Close, Earl Shilton. This confirmation is required in accordance with Class B of Part 11 of Schedule 2 of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) in relation to the method of demolition and any proposed restoration of the site.

2.2. The Applicant stated that the proposed demolition is required because the buildings are empty and are beginning to deteriorate, and the proposed works shall enable the site to be redeveloped for residential use. The proposed works shall be undertaken via mechanical demolition methods, which involves the use of heavy machinery to systematically break down and remove structures.

2.3. The proposed works are due to be completed by the end of November 2025. All the works are to be undertaken in accordance with the relevant health, safety, and environmental regulations, which shall be monitored by an appointed contractor. The disposal of spoil and rubble is still to be removed in accordance with statutory requirements.

3. Description of the Site and the Surrounding Area

3.1. The application site is to the south of Earl Shilton. The application site consists of a three, three-storey blocks of residential flats that are constructed in red brick. The ground floor of the southern-most block of flats received a change of use to community facilities via application 07/00744/DEEM.

- 3.2. The site is bounded by Astley Road to the east, Candle Lane to the south, and Peggs Close and Public Footpath T90 to the west, and the surrounding area is predominantly characterised by residential properties. St. Simon and St. Jude Primary School is located to the north of the site.

4. Relevant Planning History

4.1 07/00744/DEEM

- Change of use of ground floor to community facilities
- Resolution under Regulation 3
- 01.08.2007

4.2 06/00597/DEEM

- Conversion and alteration of flats into a managed single accommodation facility comprising 22 bedsits with shared facilities
- Resolution under Regulation 3
- 19.07.2006

4.3 01/01200/DEEM

- Removal of parapet walls
- Resolution under Regulation 3
- 04.02.2002

5. Publicity and Consultation

- 5.1. There is no statutory requirement to consult third parties on an application for a lawful development certificate.
- 5.2. However, the Council's Environmental Health confirmed that they had no objections to the proposed method of demolition in these site-specific circumstances because the proposed works are required to be undertaken in accordance with national health and safety and construction legislation. Any complaints in relation to the proposed works can be dealt with under the requirements of statutory nuisance, which are covered by the Environmental Protection Act 1990.
- 5.3. The Council's Arboricultural Officer considered the proposed works to be acceptable.
- 5.4. No further comments have been received.

6. Policy

- 6.1 Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('GPDO').

7. Appraisal

- 7.1 Section 57 of the Town and Country Planning Act 1990 directs that all operations or work falling within the statutory definition of 'development' require planning permission. However, there are different types of planning permission such as national grants of permission by the Permitted Developments Rights, which allows certain buildings works and changes of use to be carried out without having to make a planning application. Permitted Development Rights are set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('GPDO').
- 7.2 Permitted Development that requires prior approval means that a developer has to seek approval from the Local Planning Authority that specified elements of the development are acceptable before work can proceed. The matters for prior approval vary depending on the type of development and these are set out in full in the relevant parts in Schedule 2 of the GPDO. A local planning authority cannot consider any other matters when determining a prior approval application.
- 7.3 The Applicant has sought prior approval for the demolition of a building. Class B of Part 11 of Schedule 2 of the GPDO enables any building operation consisting of the demolition of a building to be considered as Permitted Development, subject to the following limitations and conditions.

Limitations of Class B of Part 11 of Schedule 2 of Article 3 of the GPDO

- 7.4 The limitations of Permitted Development Rights for the demolition of a building are detailed at Paragraphs B.1(a) to B.1(e) inclusively of Class B of Part 11 of Schedule 2 of the GPDO.
- 7.5 The application is not within a conservation area, nor does it feature non-designated or designated heritage assets. The building has not been rendered unsafe or otherwise uninhabitable by the action or inaction of any person having an interest in the land on which the building stands, and it is practicable to secure safety or health by works of repair or works for affording temporary support.
- 7.6 The application site comprises several residential flats and a community facility. The site has not been used for a purpose falling within Article 3(6)(p) (drinking establishments) or Article 3(6)(q) (drinking establishments with expanded food provision) of the Town and Country Planning (Use Classes Order) 1987 (as amended), nor for the purpose of a concert hall, a venue for live music performance, or a theatre. The proposed demolition works do not relate to a statue, memorial or monument ('a commemorative structure').
- 7.7 Given the above, the proposal complies with the limitations of Class B of Part 11 of Schedule 2 of the GPDO.

Conditions of Class B of Part 11 of Schedule 2 of Article 3 of the GPDO

- 7.8 The conditions of Permitted Development Rights for the demolition of a building are detailed at Paragraphs B.2(a) and B.2(b) of Class B of Part 11 of Schedule 2 of the GPDO.
- 7.9 The Applicant has not stated that the proposed demolition is urgently required in the interests of safety or health, nor that the measures immediately necessary are in such interests. Therefore, Paragraph B.2(a) of Class B of Part 11 of Schedule 2 of the GPDO is not applicable.
- 7.10 Paragraph B.2(b)(i) of Class B of Part 11 of Schedule 2 of the GPDO requires the Applicant to apply to the Local Planning Authority for a determination as to whether the prior approval of the Authority will be required as to the method of demolition and any proposed restoration of the site.
- 7.11 The Applicant has confirmed that the proposed demolition works shall be undertaken via mechanical demolition methods, which involves the use of heavy machinery to systematically break down and remove structures. It is appreciated that such works must comply with several laws and regulations outside of the planning process including the Health and Safety at Work etc Act 1974, the Construction (Design and Management) Regulations 2015 ('CDM 2015'), the Control of Asbestos Regulations 2012, the Building Act 1984, and the Environmental Protection Act 1990. In conjunction with the professional advice of the Council's Environmental Health Department, it is considered that the proposed demolition works are acceptable in these site-specific circumstances.
- 7.12 In accordance with Paragraph B.2(b)(ii) of Class B of Part 11 of Schedule 2 of the GPDO, the Applicant has provided a written description of the proposed development, and a statement that a notice has been posted in accordance with B.2(b)(iv) of Class B of Part 11 of Schedule 2 of the GPDO, and paid the required fee to the Council. In accordance with Paragraph B.2(b)(iv) of Class B of Part 11 of Schedule 2 of the GPDO, the Applicant has displayed a site notice by site display in the vicinity of the application site.
- 7.13 Given the above, the proposal complies with the conditions of Class B of Part 11 of Schedule 2 of the GPDO, and it is recommended that prior approval is granted in these site-specific circumstances.

8. Equality Implications

- 8.1 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; and
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

8.2 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.

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

8.4 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).

9. Conclusion

9.1 In summary, it is considered that the proposed demolition of three blocks of flats, which include a community room and flats 9 to 41 Peggs Close, Earl Shilton complies with the conditions and limitations of Class B of Part 11 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('GPDO'), and it is recommended that prior approval is granted in these site-specific circumstances.

9.2 This conclusion is made on the basis of details provided by the Applicant, and as shown on the following documents received by the Local Planning Authority:

- Application Form (submitted: 01.10.2025)
- Asbestos Report M200240/1 issue no.1 (submitted: 29.10.2025)
- Arboricultural Impact Assessment, Method Statement, and Tree Protection Plan June 2025 (submitted: 01.10.2025)
- Bat Emergence Survey Report (submitted: 01.10.2025)
- BS5837 Tree Report June 2025 (submitted: 01.10.2025)
- Demolition Notice Photograph (submitted: 01.10.2025)
- Existing Site Plan Dwg 2724/P101 (submitted: 01.10.2025)
- Location Plan Dwg 2724/P100 (submitted: 01.10.2025)
- Photos of Existing Site 2724/ P103 (submitted: 01.10.2025)
- Tree Protection Demolition Phase Dwg EEARB0135.1 (submitted: 01.10.2025)

10. Recommendation

10.1 Grant Prior Approval