

Delegated Report

Planning Ref: 25/00087/REM
Applicant: Mr Karl Maughan
Ward: Hinckley Castle



Hinckley & Bosworth
Borough Council

Site: Factory Units, 23 Wood Street, Hinckley, Leicestershire, LE10 1JQ

Proposal: Approval of reserved matters (landscaping and layout) of outline planning permission 22/00695/HYB for the demolition of existing factory building and erection of a residential building comprising up to 12 residential units

1. Recommendations

- 1.1. That the application be approved subject to:
- Conditions outlined at the end of this report

2. Planning Application Description

- 2.1. The application is a reserved matters application following approval of hybrid planning application 22/00695/HYB. The Hybrid application included outline permission for the demolition of an existing factory building and erection of a residential building comprising up to 12 residential units, with access, appearance and scale approved and landscaping and layout matters reserved for consideration under this application. Alongside full planning permission for the change of use of the other existing factory building to residential use, including the addition of an extra storey, comprising 14 residential units. As detailed matters were approved for this element this is not considered under this reserved matters application.
- 2.2. Considering most matters were assessed under the Hybrid application the proposal only differs limitedly to what was considered at outline stage. The existing factory building along the western boundary as well as the extension over the existing access point is to be demolished as approved and the building is proposed to be replaced with a building of a similar scale and architectural style.
- 2.3. Only the landscaping and layout of the development is to be considered under this reserved matters application. The external layout remains as considered at outline stage with the access taken from Wood Street between the converted building and new apartment building considered here. As fixed at outline, 12 apartments are proposed within the proposed building which is arranged in a T shape with the main frontage to Wood Street. The internal layout includes four, one bedroom flats on each of the three floors of the proposed building. Parking is as considered at outline and would be sited to the rear of the site and comprised of 29 spaces.
- 2.4. Hard landscaping includes permeable paving to the parking areas. Boundary treatments at the rear of the site would be kept as existing except along the rear western boundary where the existing close boarded fence would be replaced with a replacement close boarded fence. The remaining western boundary wall and railings would be demolished and a replacement boundary built in the same style. In addition a new 1.65m high brick wall is proposed in the centre of the site to screen views from the access towards the parking area. Soft landscaping details are limited but include shrub planting around the buildings and tree planting within the car park.

- 2.5. While not specified in the description of development, this is a reserved matters for planning permission 22/00695/HYB as amended by the non-material amendment permission 25/00520/NMA.

3. Description of the Site and Surrounding Area

- 3.1 The application site relates to an existing factory unit located to the south of Wood Street and east of Cross Keys Yard with a site area of approximately 0.18ha. Whilst the majority of the area is predominantly residential in nature the application site is allocated in the Site Allocation and Development Management Plan (SADMP) as an Employment Site (HIN147). However, much of the site has been vacant for a considerable length of time.
- 3.2 The site forms the far eastern corner of the Hinckley Town Centre Conservation Area and is identified within the Hinckley Town Centre Conservation Area Appraisal (2013) as unlisted buildings of local historic or architectural importance. The uniformity of building lines, building form, roofscape, fenestration and construction materials provide a consistency of character typical of a former hosiery factory complex located within Hinckley.
- 3.3 The existing buildings dominate the site frontage and immediate street scene with the buildings contributing positively to the character and appearance and thus significance of the conservation area. To the rear of the buildings is a large parking/servicing area. One lane (a "jitty"), known as Cross Keys Yard runs along the western boundary of the site and has a dog-leg adjacent to the original factory. The jitty provides an important historic link between the factories on Wood Street and the upper section of Castle Street.

4. Relevant planning history

25/00520/NMA

- Non Material Amendment to planning application 22/00695/HYB . Amendment to external elevations of proposed new flats to add 2no. AOV's over the stairwells
- Approved 16.06.2025

25/00173/DISCON

- Application to discharge condition 30 (WSI) attached to planning permission 22/00695/HYB
- Pending decision (approval)

22/00695/HYB

- Hybrid planning application comprising: Outline application (access, appearance and scale to be considered) for the demolition of existing factory building and erection of a residential building comprising up to 12 residential units; a Full application comprising the change of use of the existing factory building to residential including the addition of an extra storey and comprising 14 residential units
- Approved 28.08.2024

21/00692/OUT

- Redevelopment of existing site to residential

- Not validated
- The applicant appealed against the non-determination of the application.
- Appeal Dismissed 26.01.2022
- The appeal was dismissed with the Inspector concluding that the Council was correct in not validating the application. It should be noted the Council's Statement of Case concluded it would have accepted the application had it been a valid planning application.

19/00464/OUT

- Residential development of existing industrial site (Outline - access, layout and scale only)
- Refused 04.03.2021
- Appeal Dismissed 04.05.2022

07/00443/FUL

- Demolition of redundant industrial/commercial buildings and erection of twelve apartments, conversion of existing commercial/industrial building to ten apartments and ancillary works
- Approved 11.07.2007

06/01423/FUL

- Demolition of industrial building and erection of apartments, conversion of existing industrial building to form apartments
- Withdrawn 19.03.2007

5. Publicity

5.1. The application has been publicised by sending out letters to the occupiers of 60 neighbouring properties. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.

5.2. No comments have been received

6. Consultation

6.1 **LCC Highway Authority** – No objections subject to conditions

6.2 **LCC Ecology** – No objections/conditions

6.3 **Lead Local Flood Authority** – No objections/conditions

6.4 **HBBC Conservation** – I note that the matters for determination are the layout and landscaping for the demolition of existing factory building and erection of a residential building comprising up to 12 residential units. The layout of the proposed new residential building is as per the indicative plans approved as part of 22/00695/HYB and would continue to be sited in the same location and have a similar (although slightly reduced) footprint compared to the existing historic factory building. The new building would have a uniformity of building line and maintain the strong presence of traditional built form at the back edge of the pavement on Wood Street in addition to continuing to define the eastern extent of Cross Keys Yard. This aspect of the proposal would preserve the character and appearance and thus significance of the Hinckley Town Centre Conservation Area.

In terms of landscaping details of the surface materials for the interior courtyard and parking area are unclear, and the proposal does not seem to have much further detail than the approved concept layout. I note condition 34 of 22/00695/HYB requires submission and discharge of a scheme of soft and hard landscaping works including boundary treatments. No such scheme seems to have been submitted for this matter and details are limited to what is proposed on the site layout (reserved matters) plan and the as proposed elevations plan, from which this confirms the brick wall and railings along the western boundary of the site to Cross Keys Yard are to be appropriately rebuilt. This aspect of the proposed landscaping of the scheme would preserve the character and appearance and thus significance of the conservation area.

The Conservation Officer also provided advice on matters relevant to discharge separate conditions.

6.5 **HBBC Environmental Health** – No objection-Condition 25 of 22/00695/HYB will need to be considered as this may affect use of the site, particularly soft landscaped areas

6.6 **NHS England** – No comments

6.8 **HBBC Affordable Housing** – Comments provided however affordable housing matters were resolved under the outline permission. Owing to the viability of the site no affordable housing is required.

6.9 **HBBC Compliance and Monitoring** – No comments

7. **Relevant Planning Policy and Guidance**

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 DPD (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 DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM19: Existing Employment Sites

7.3 Hinckley Town Centre Area Action Plan (AAP)

- Policy 15- Transport Infrastructure Delivery and Developer Contributions

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
- The Green Infrastructure Strategy (2020)
- Open Space and Recreation Study (2016)
- Heritage Strategy (2020)
- Housing Needs Study (2024)
- Leicestershire and Rutland Historic Environment Record
- Hinckley Town Centre Conservation Area Appraisal (HTCCAA) (2013)

8. Appraisal

8.1. The application is a reserved matters application where only layout and landscaping matters are to be considered. The principle of development, access, appearance and scale of the development has been established under the outline consent.

8.2. The following represent the key issues:

- Housing Mix
- Impact upon Highway Safety
- Impact on the Character and Appearance of the Area and Heritage Assets
- Residential Amenity
- Flood Risk and Drainage
- Ecology and Biodiversity
- Planning Balance

Housing Mix and Supply

8.3. Policy 16 of the CS requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings, taking account of the type of provision that is likely to be required, based upon table 3 in the CS and informed by the most up to date housing needs data. All developments of 10 or more dwellings are also required to meet a 'very good' rating against Building for Life, unless unviable. A minimum density of 40 dwellings per hectare is required in Hinckley, a lower density may be required where individual site circumstances dictate and are justified.

8.4. The Good Design Guide SPD advocates the use of the Building for Life assessment.

8.5. All 12 units are proposed to be one bed apartments unlike the indicative plans at outline stage which included some 2 bed apartments. Notwithstanding this, the submitted plans demonstrate compliance with the Nationally Prescribed Space Standards, something which would be unachievable for 2 bed apartments within the confines of the approved plans/scale at the outline stage. Whilst the mix is not ideal, considering the urban nature of the site a scheme of solely 1 bed dwellings is judged to be appropriate in this circumstance. The "full element" of the original hybrid application approving the conversion of the adjacent building secures 8, 2 bed units and there is therefore some variety across the site as a whole.

8.6. An acceptable Building for Life assessment has been submitted with the application.

- 8.7. Under the terms of the hybrid application no affordable housing is to be provided due to viability issues for the development.
- 8.8. Overall, the proposal is judged to comply with policy 16 of the CS.

Impact upon Highway Safety

- 8.9. Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. 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)).
- 8.10. Policy DM18 requires all proposals for new development to provide an appropriate level of parking provision justified by an assessment of the site location, type of housing, other modes of transport available and appropriate design. Developments within Hinckley Town Centre should demonstrate that they would not exacerbate existing problems in the vicinity with increase on-street parking.
- 8.11. Policy DM10(g) states that where parking is to be provided, charging points for electric or low emission vehicles should be included, where feasible.

Site Access

- 8.12. The site access is the same arrangement previously approved under the hybrid application

Internal Layout

- 8.13. Whilst the mix of one and two bedrooms dwelling differs from the outline application the off-street parking requirement remains the same. 29 off-street parking spaces would be provided within the site. This is the same as per the previous arrangement and considered acceptable to the LHA.

Public Rights of Way

- 8.14. The western boundary of the intended construction site adjoins public right of way Footpath V8 which is an urban alley between Wood Street and Castle Street. Compared to the original 22/00695/HYB application, the submitted layout has more detail on the intended western boundary. In general, the intention is to replace fencing and walls on a like-for-like basis.
- 8.15. Overall, the Local Highway Authority has no objections to the application and subject to conditions, it is considered that the proposals accord with the requirements of the NPPF and Policy DM10, DM17 and DM18 of the SADMP.
- 8.16. Conditions requiring the submission of a scheme and timetable for delivery for the treatment of Public Right of Way V8 during construction and other highway related conditions are contained in the Hybrid consent.

Impact on the Character and Appearance of the Area and Heritage Assets

Relevant Policy/Guidance

- 8.17. Policy DM10(c), (d) and (e) 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 and the use and application of building materials respects the materials of existing,

adjoining/neighbouring buildings and the area generally and incorporates a high standard of landscaping.

- 8.18. Policy 1 of the Core Strategy requires that development proposals should respect Hinckley's industrial heritage through sympathetic reuse of existing buildings unless it can be demonstrated that this is not achievable and that new development should respect the character and appearance of the Hinckley Conservation Area.
- 8.19. The NPPF states development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance. Local policy is considered to accord with the NPPF.
- 8.20. The Council's Good Design Guide (2019) sets out the process to be followed to ensure good quality design for new residential development.
- 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. Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. In determining planning applications, local planning authorities should take account of:
 - a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) The desirability of new development making a positive contribution to local character and distinctiveness.
- 8.39 The NPPF requires that great weight is given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have clear and convincing justification, and for that harm to be weighed against the public benefits of a proposal.
- 8.40 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 affect directly or indirectly 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. 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.
- 8.41 Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD (SADMP) seek to protect and enhance the historic environment and heritage assets. Policy DM11 states that the Borough Council will protect, conserve and enhance the historic environment throughout the borough. This will be done through the careful management of development that might adversely impact both designated and non-designated heritage assets. All development proposals which have the potential to affect a heritage asset or its setting will be required 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
 - d) Any impact on archaeology in line with Policy DM13
- 8.42 Policy DM12 requires all development proposals to accord with Policy DM10. Development proposals should ensure the significance of a conservation area is preserved and enhanced through the consideration and inclusion of important features (as identified in Conservation Area Appraisals and Management Plans). Policy DM12 also states that development proposals should make every effort to retain the significance of locally listed heritage assets.
- 8.43 General guidance and an assessment of the character and appearance of the Hinckley Town Centre are contained within the HTCCAA. Guidance and a number of potential means of enhancing the character and appearance of the site provided in the Hinckley Town Centre Conservation Area Management Plan (2013).

Assessment

- 8.44 The standing buildings on the site were an addition to a pre-existing industrial site on Castle Street which dated from at least 1887. At the turn of the 20th century the site formed part of the Arthur Davenport and Sons hosiery factory complex, the Davenport family being an important local hosiery manufacturer. The pre-existing buildings on Castle Street were demolished in the latter half of the 20th century, leaving four standing buildings facing into Wood Street and Crown and Anchor Yard. Of these a further mid-20th century block towards the western end of the site was demolished as part of the permission reference 07/00443/FUL. The buildings facing into Crown and Anchor Yard have recently been redeveloped and do not form part of the application site.
- 8.45 Overall, the location of the industrial buildings and their extent along Wood Street, with a uniformity of building lines, building form, roofscape, fenestration and construction materials provide a consistency of character typical of a former hosiery factory complex located within Hinckley, with each of the standing buildings contributing positively to the character and appearance and thus significance of the conservation area. The buildings have been identified as unlisted buildings of local historic or architectural importance (Factories on Wood Street) in the adopted Hinckley Town Centre Conservation Area Appraisal (HTCCAA) (2013). For similar reasons these buildings should also be considered to be local heritage assets in their own right (non-designated heritage assets in terms of the NPPF), due to their architectural and illustrative historic interest, rarity as a hosiery complex once common in the town, landmark value and unity as a group of buildings. This assertion is made after assessing the buildings against the Borough Council's adopted selection criteria (2017) for identifying local heritage assets.
- 8.46 One lane (a "jitty"), known as Cross Keys Yard runs along the western boundary of the site and has a dog-leg adjacent to the original factory. The jitty provides an important historic link between the factories on Wood Street and the upper section of Castle Street and is a physical remnant of the historical development of Hinckley when industrial and domestic buildings were sited around them. The jitty is narrow and in part is laid with traditional blue clay pavers, with these characteristics being typical of the wider network of jitties and yards running off main streets located throughout the town centre. Consequently, the jitty contributes positively to the character and appearance and thus significance of the conservation area and is identified as being a feature of special interest within the HTCCAA.

- 8.47 The principle of the demolition of the original 1903 factory has been established under the outline consent. With the adverse impact of its loss being outweighed by the public benefits of the development. The appearance and scale of the development was also approved under the outline consent. The western section of the site under consideration here would consist of a three storey building of a T-shaped plan replacing the original factory and occupying approximately the same footprint as the existing frontage range and a slightly reduced footprint as the existing perpendicular rear range. The western elevation of this block would also face into the Cross Keys Yard jitty.
- 8.48 In terms of the proposed layout, this is unchanged from the plans considered at outline stage. The access is in the position of the existing vehicular access with parking being retained within a rear courtyard, reflective of the current site circumstances. Cross Key Yard jitty is retained as a pedestrian access from Castle Street and Wood Street and will be used for access to the new building, adding some activity back to this historic route.
- 8.49 The layout reflects the siting of previous historical industrial and domestic built form, and alongside the conversion of block B this ensures the development will maintain a uniformity of building line and maintain the strong presence of buildings within the street scene with them being located at the back edge of the pavement.
- 8.50 As per the comments from the Conservation Officer this aspect would preserve the character and appearance and thus significance of the Conservation Area and the layout is acceptable in general design terms.
- 8.51 The landscaping details are limited and add little to consider beyond the outline proposals. Nonetheless condition 34 of 22/00695/HYB requires submission and discharge of a scheme of soft and hard landscaping works including boundary treatments. Whilst no such scheme has been submitted for this matter and details are limited to what is proposed on the site layout (reserved matters) plan and the elevations plan, this confirms the brick wall and railings along the western boundary of the site to Cross Keys Yard are to be appropriately rebuilt. This aspect of the proposed landscaping of the scheme would preserve the character and appearance and thus significance of the conservation area. Furthermore the proposed location and quantum of planting within the car parking area will help soften and enhance the appearance of what is currently an area almost devoid of green infrastructure.
- 8.52 For the above reasons the layout and landscaping of the development are judged to be acceptable.
- 8.53 The total loss of the original factory remains harmful; and would have an adverse impact upon the character and appearance of the conservation area causing harm to this designated heritage asset. The level of harm upon the conservation area is considered to be less than substantial. The harm was judged to be outweighed by the public benefits of the development at outline stage. The detailed layout and landscaping matters are largely as proposed at outline stage and therefore the proposal continues to comply with policies DM11 and DM12 of the SADMP and section 16 of the NPPF. Furthermore, the proposal is considered to complement and in part enhance the character of the surrounding area, the development is also therefore in compliance with Policy DM10(c), (d) and (e) of the SADMP and Policy 1 of the Core Strategy.

- 8.54 Conditions requiring the submission of and approval of levels, materials and architectural detailing, full landscaping details and a landscape management plan and details of waste and recycling are included in the hybrid consent and therefore will not be repeated for this reserved matters permission.

Impact upon Residential Amenity

Policy/Guidance

- 8.55 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.
- 8.56 The Good Design Guide SPD outlines that development will need to provide high quality internal amenity space, including that wherever possible internal space standards for new development should aim to exceed those set by the Housing Standards' (2015). The guide states that new developments should meet minimum standards of garden sizes and separation distances between dwellings. The National Design Guide also promotes a healthy, comfortable and safe internal and external environment.

Assessment

- 8.57 A number of residential properties adjoin the site. This includes properties to the north, 28-42 Wood Street, the front elevation of these properties face the site. No.1 Wood Street Close is also located to the north of the site, the blank side elevation of this dwelling faces the site. 'Rodena' and 'Avalon' are a pair of semi-detached, two storey dwellings on Priory Walk which are sited to the east of the site and immediately to the south of Block B. Further residential properties are located to the south and south east of the site on Priory Walk and Castle Street.
- 8.58 With regards to the overbearing impact upon existing residential properties in Wood Street. The scale and increased height of the new building has been established at outline stage where it was determined the increase in scale would be minimal and it was not considered that the minor addition in the height of this building would cause additional overbearing impact or loss of light to surrounding residential dwellings.
- 8.59 The redevelopment of the site and new building will introduce residential use and change the character of the site for surrounding residents in respect of overlooking. Considering the separation distance, intervening road and the window to window viewing angles between the buildings and properties on Wood Street, the proposal is unlikely to lead to the significant loss of privacy to these properties. The separation distance between the proposed building and other surrounding residential properties to the south and east is significant and mitigates adverse amenity harm in respect of loss of light, overbearing impacts and loss of privacy.
- 8.60 Whilst the internal layout of the new building was a reserved matter, an assessment could be made on the relationship between Block A and B based on the submitted and approved elevation drawings at outline stage. The relationship between the buildings was and is judged to be acceptable and complies with the Good Design Guide. The internal floorspace of the apartments complies with NPSS and all units are afforded appropriate windows and access to natural light.

- 8.61 Therefore, it is considered that the proposed development is in compliance with Policy DM10 a and b of the SADMP, The Good Design Guide SPD and the requirements of the NPPF.

Flood Risk and Drainage

- 8.62 Policy DM7 of the SADMP seeks to prevent development from resulting in adverse impacts on flooding by ensuring that development does not create or exacerbate flooding.
- 8.63 The site lies within Flood Zone 1 on the Environment Agency Flood Maps for Planning being at low risk of fluvial flooding and is not identified as being at risk of surface water flooding.
- 8.64 Following revised plans ensuring that the parking area would be constructed with porous paving the LLFA have raised no objections to the development. The surface water drainage scheme, management and maintenance of surface water is subject to conditions and/or was resolved at outline stage. Therefore the proposed development would satisfy Policy DM7 of the SADMP and the NPPF.

Ecology and Biodiversity

- 8.65 Policy DM6 of the SADMP states that development proposals must demonstrate how they conserve and enhance features of nature conservation and geological value including long term future management. Paragraph 180 of the NPPF states that development proposals should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity.
- 8.66 The County Ecologist has assessed the site and information and has not requested any ecology surveys, however, has required swift boxes/bricks to be placed within the development. This has been secured via condition at outline stage and the proposals show the required swift boxes/bricks can be implemented.
- 8.67 Therefore, the application complies with Policy DM6 of the SADMP.

Conclusions and Planning Balance

- 8.68 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.69 The principle of development was established at outline stage where it was determined that the development utilised brownfield land in a highly sustainable location. The proposal would cause less than substantial harm to the Conservation Area through the total demolition of the existing factory. This harm was/is considered to be at the lowermost end of this spectrum of harm. The proposal can demonstrate a minor heritage benefit in bringing one of the buildings back into use and appropriate landscaping. Furthermore, the building's loss is mitigated to a certain degree by the recording of its significance as part of the Historic Building Survey and the siting, scale and appearance (subject to the submission of further details conditioned at outline) of the proposed building very closely replicating its existing characteristics. Overall, the benefits outweighed the harm.

- 8.70 The detailed layout and landscaping matters largely replicate the details approved at outline stage and as outlined above would complement the character of the area, would not lead to adverse neighbouring amenity, highway, ecological or flooding impacts and as such the proposal accords with the relevant policies of the Development Plan.

9. Equality implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

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 in the consideration 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. Recommendation

- 10.1 That the application be Approved subject to the conditions set out below:

- 10.2 Conditions:

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:
 - As proposed- plans, Dwg. No. 24/110 02a
 - As proposed- elevations, Dwg. No. 24/110 03b
 - Site Layout_Reserved Matters, Dwg. No. 24/110 04c

Reason: To ensure a satisfactory form of development and satisfactory external appearance in accordance with Policies DM1, DM6, DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

Notes to Applicant

1. You are reminded of the requirements of the conditions of application 22/00695/HYB many of which require discharge prior to the commencement of development.
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. The Public Right(s) of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.
4. The Public Right(s) of Way must not be further enclosed or made narrower in any way without undertaking discussions with the Highway Authority (0116) 305 0001. • If the developer requires a Right of Way to be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to networkmanagement@leics.gov.uk at least 12 weeks before the temporary diversion is required.
5. Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.
6. Nesting birds and bats, their roosts and their access to these roosts, are protected under the Wildlife and Countryside Act 1981 and the Conservation (Natural Habitat etc) Regulation 1994. Therefore, should birds or bats be present, works should be deferred until the late summer/autumn.