

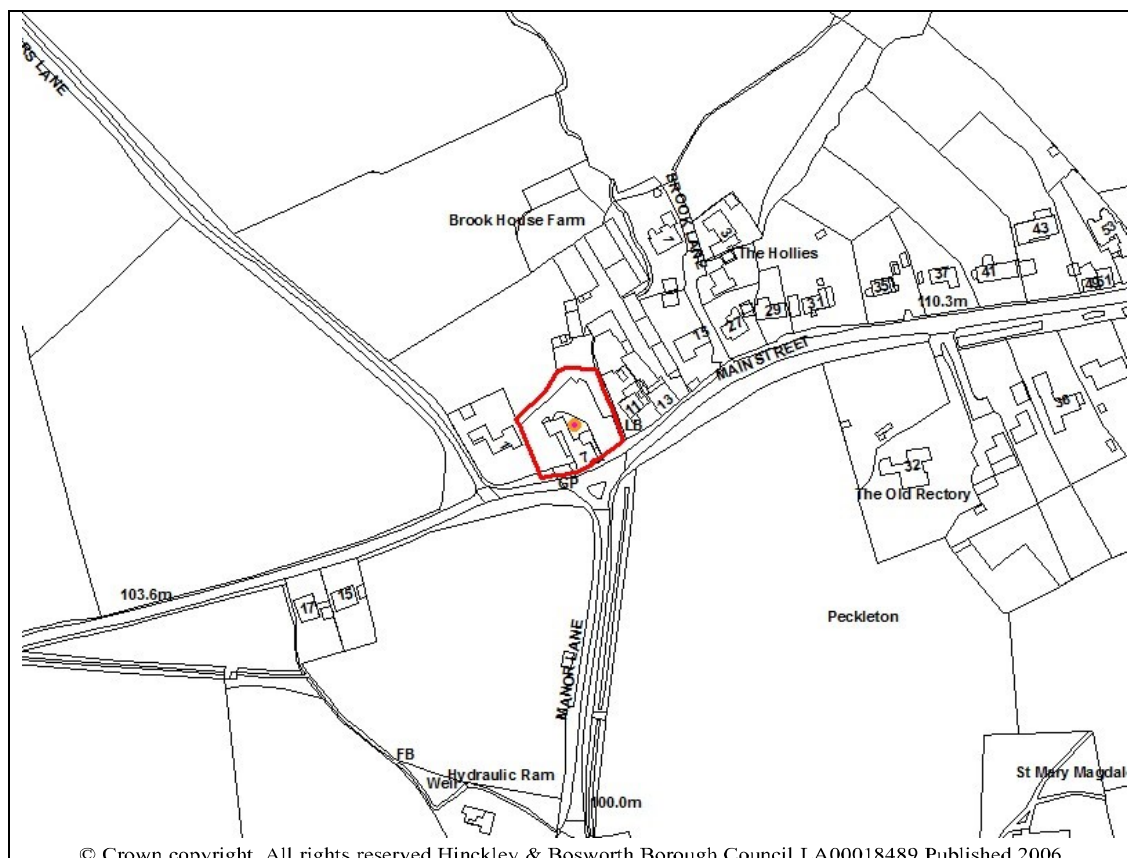
Planning Ref: 23/00761/FUL
Applicant: Mr Brooker
Ward: Newbold Verdon With Desford & Peckleton



Hinckley & Bosworth
Borough Council

Site: Little India 7 Main Street Peckleton

Proposal: Partial demolition and conversion of existing building to form a new dwelling and construction of 3 new dwellings



1. Recommendations

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

2. Planning application description

- 2.1. The proposed seeks planning permission for three new, detached, two storey dwellings to the rear of the site and also the conversion of part of the existing building on site (former public house) to a four bed dwelling. Four dwellings are therefore proposed in total.
- 2.2. The site benefits from an existing planning consent for residential development, ref. 21/00364/FUL, approved 19 April 2022 (Partial demolition and conversion of existing building to form new dwelling and

construction of 3 new dwellings). The submitted planning application seeks to amend the approved layout to create an improved scheme. The red line site boundary has been extended to include an additional area of land not included within the previous planning application. This has enabled the creation of a feature plot at the northern end of the site (Plot 1).

- 2.3. The proposed development comprises the following accommodation:
- Plot 1 – 5 bed dwelling – 173.8 m² + 37.8 m² double garage
 - Plot 2 – 4 bed dwelling – 141.6 m² + 18.3 m² single garage
 - Plot 3 – 4 bed dwelling – 141.6 m² + 18.3 m² single garage
 - Plot 4 (conversion of the existing building) – 4 bed dwelling – 162 m²
+ a 21.9m² single garage
 - Each dwelling will benefit from an additional 2 car parking spaces

2.4 The frontage of the existing building (Plot 4) will be retained with the extensions to the rear demolished to facilitate further development of the site. The dwellings will benefit from east facing rear gardens with car parking to the front. A bin collection point is located to the front of the site with the location adhering to required distances from the properties and the main road. The dwellings as shown on the proposed site plan are set back from the internal road with a landscaped area to the front as well as car parking. This will ensure the dwellings do not appear dominant. Each plot is appropriately sized, providing a generous rear garden, particularly Plot 1.

2.5 The existing western access into the site will be used for vehicular and pedestrian access, whilst the eastern access will be closed. The appropriate access widths can be delivered as per highway guidance.

2.6 Each plot benefits from car parking provision as follows:

Plot 1 – Double garage plus 2 parking spaces

Plot 2 – Single garage plus 2 parking spaces

Plot 3 – Single garage plus 2 parking spaces

Plot 4 – Single garage plus 2 parking spaces

In addition, there are a further 2 parking spaces provided on site.

3. **Description of the site and surrounding area**

- 3.1. The application site covers an area of approximately 0.49 acres (1,937 sq. m.) & is located at the edge of the village of Peckleton in large plot between No. 1 to the west & No 11 to the east. Main Street comprises a substantial mix of two and single storey buildings fronting right on to the footpath. A large proportion of the site is covered by building and hardstanding in the form of tarmac access and parking areas. There are currently two vehicular access points to the site. A small brook runs along the western boundary of the site.

- 3.2. Substantial hedges exist to the eastern, northern and western boundaries and ground level difference in this upward sloping site from front to rear is approx. one metre, with a modest fall from west to east. A hedge runs along the frontage boundary punctuated by the vehicular accesses and the front of the existing building.

4. **Relevant planning history**

09/00392/ADV

- Erection of advertisements
- Advertisement Consent
- 24.09.2009

09/00393/FUL

- Retention of extractor fan
- Planning Permission
- 17.07.2009

16/00619/FUL

- Single storey side extension (part retrospective)
- Planning Permission
- 06.09.2016

91/00026/4

- Alterations and extension to public house and creation of extra parking area
- Planning Permission
- 26.02.1991

21/00118/FUL

- Demolition of existing building and construction of 5 dwellings
- Application Returned
- 04.03.2021

21/00364/FUL

- Partial demolition and conversion of existing building to form new dwelling and construction of 3 new dwellings
- Planning permission
- 19/04/2022

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 and a notice was displayed in the local press.
- 5.2. No letters of representation have been received.

6. Consultation

- 6.1. LCC Highways - No objection subject to conditions.
- 6.2. HBBC Conservation Officer - Site context and significance
The footprint of the present building known as 7 Main Street and its associated rear range is evident on the earliest Ordnance Survey extract from 1885 with the main frontage building having a largely mid-19th century appearance. Given its location within the historic settlement core of Peckleton (Leicestershire Historic Environment Record MLE16887) development on the site may even have preceded this period and it is likely that any such development would have been for agricultural purposes given the proximity of the site to the countryside and farming being the predominant reason for the growth of Peckleton. Evidence suggests that since at least the turn of the 20th century that the buildings were in use as the Brown Horse Inn (an Inn is identified on Ordnance Survey extract from 1904) until their change of use to the Little India restaurant towards the end of the 20th century.

Taking into account the above it is considered that the building has an illustrative historic interest that contributes to the character of Peckleton by allowing people to understand the social, economic and cultural development of the settlement over time.

Paragraph: 006 Reference ID: 18a-006-20190723 of the Planning Practice Guidance (Historic Environment section) defines that heritage assets with historic interest can provide meaning for communities derived from their collective experience of a place. In addition to the historic interest offered by its former purposeful use as a public house and according to consultation comments received as part of the application a communal function had continued to be offered by its use as a restaurant, so up until the recent closure the building has been a source of social interaction for a considerable period of time, offering a communal value for the local community through their collective experience of the village. Given the limited number of public comments made on this aspect and the communal use being more closely associated with its former use as a public house rather than restaurant such communal value is considered to make a minor positive contribution to the historic interest of the building only.

The building does also have some limited aesthetic interest and retains some architectural features and construction materials typical from the mid-19th century including brick eaves detailing, glazing bar sash windows to the upper floors, a gable end stack and Welsh slate roof covering. Other features including its render finish and bay windows to the ground floor front elevation are likely later alterations and additions.

It is therefore considered that the building is of moderate historic value and some limited communal and aesthetic value ensuring it is of heritage interest. Despite some modern alterations and additions its limited aesthetic value remains appreciable, the attached rear range and its relationship to the main

building remains legible, and the position of the building at the back edge of the pavement and location on the main route through the village it has a visual prominence which singles out the building as a landmark within the local scene. Such integrity and landmark quality ensures that the local significance of the building is special and it stands out within the surrounding environment.

As a result 7 Main Street should be identified as a locally important heritage asset (a non-designated heritage asset in terms of the National Planning Policy Framework), with this conclusion being based on assessing the building against the Borough Council's adopted selection criteria for local heritage assets.

National and local policies

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 paragraph 197 of the NPPF and:

- 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.

Paragraph 203 states that “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.”

Policies DM11 and DM12 of the Site Allocations and Development Management Policies (SADMP) Development Plan Document 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

All development proposals affecting the significance of heritage assets and their setting will be assessed in accordance with Policy DM11 and will require justification as set out in this policy. Policy DM12 requires all development proposals to accord with Policy DM10: Development and Design. Policy DM12 also states that development proposals should make every effort to retain the significance of locally listed heritage assets.

Impact of the proposal

The proposal seeks to demolish the rear single storey range to 7 Main Street and convert the frontage range into a single dwelling. Three single detached dwellings are proposed to the rear of 7 Main Street on a similar north-south alignment to the range to be demolished. The existing vehicular access to the site is to remain with an access road serving the dwellings.

The attached rear range to the building is to be removed, although this is of far less interest than the frontage range so the impact of its removal is considered negligible. A timber lean-to of no interest upon the side elevation is also to be removed. Where the attached range is a replacement two storey range is proposed, rendered to match with a limited amount of appropriately styled fenestration proposed. Overall proposed alterations to the external elevations of 7 Main Street are limited so its associated historic and aesthetic value will largely be retained through the conversion and extension of the building into a dwelling.

In my opinion the three new proposed detached dwellings appear to be of an appropriate design and due to their siting along a similar linear orientation as the rear range to be demolished this follows the traditional urban grain of development upon the site, so overall the new dwellings will sit comfortably within the setting of the local heritage asset. Details should also be provided to secure additional planting and continuation of the front boundary hedgerow to ensure the presence of a high quality and traditional semi-rural characteristic feature within the street scene.

The permanent change of use of the original building to a residential use will result in the loss of the longstanding community value of the building, so it is considered that this aspect of the proposal would have an adverse impact upon its historic interest. Given the minor contribution the historic communal use of the building makes to the significance of the local heritage asset the level of adverse impact arising from this loss is also considered to be minor.

Summary

The permanent change of use of 7 Main Street resulting in the loss of its longstanding community use and associated historic interest does have an adverse impact upon its significance. Due to the minor contribution this aspect makes to the significance of the building the level of harm is also considered to be minor.

Paragraph 203 of the NPPF requires a balanced judgement when weighing applications that affect non-designated heritage assets, having regard to the scale of any harm or loss and the significance of the heritage asset. Policy DM12 of the SADMP states that development proposals should make every effort to retain the significance of locally listed heritage assets.

Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the NPPF (paragraph 8). Public benefits may include heritage benefits as specified in the Planning Practice Guidance (Conserving and enhancing the historic environment – paragraph 20), such as:

- Sustaining or enhancing the significance of a heritage asset and the contribution of its setting
- Reducing or removing risks to a heritage asset
- Securing the optimum viable use of a heritage asset in support of its long term conservation

Considerations to take into account in this judgement would be the minor of the harm to the significance of the heritage asset, the sustaining of many aspects of the significance of the heritage asset, and the likely non-heritage public benefits arising from the provision of dwellings to meet housing requirements and some short-term employment during construction. The above list is not exhaustive and additional social, environment and economic public benefits resulting from the proposed development could be identified. The previous consent for the conversion of the building is of course also likely to be a material consideration. The ultimate outcome of this overall judgement and a determination as to the whether the proposal complies with paragraph 203 of the NPPF and Policies DM11 and DM12 of the SADMP is one for the decision-taker.

6.3 Severn Trent Water – No comments received

6.4 HBBC Waste - If all or part of the new road to the new properties is to be private (unadopted) then consideration will need to be given to adequate and safe collection point space at the adopted highway boundary for the placement of all the containers on collection day (up to 2 bins per property at one time). It will be the responsibility of the occupiers to ensure that all containers/wheeled bins will be brought to the collection point. No objection subject to condition.

6.5 LCC Drainage – No comment. Refer to Standing advice

6.6 HBBC Drainage- No objection subject to a condition

6.7 HBBC Environmental Health (pollution) – No objection subject to conditions in relation to contamination and construction hours.

6.8 Environment Agency- No formal comments. The development falls within flood zone 1 and therefore we have no fluvial flood risk concerns associated with the Site.

6.9 LCC Tree Officer- 'As the proposed development does not impact any LCC TPO I have no comments to make that either support or oppose the development'.

6.10 LCC Ecology – No objection subject to a condition in relation the installation of bird and bat boxes on site

6.11 Peckleton Parish Council – No comments received.

6.12 LCC Archaeology- The 1st consultation response received was - *'Thank you for your consultation on this application. We recommend that you advise the applicant of the following archaeological requirements, for archaeological Attendance on groundworks for the development and the completion of the post-investigation programme for the historic building recording.'*

Previous archaeological advice has been offered in respect of the application site, those recommendations being secured by condition 11 on planning permission for 21/00364/FUL. In response to the granting of permission for the above site, the applicant commissioned ULAS to carry out the historic building recording. The fieldwork was undertaken in accordance with the Written Scheme of Investigation (WSI) submitted to the planning authority on 02/10/2023 in support of the current application. I can confirm that we have seen a satisfactory historic building report and have advised that the document should be formally submitted by the applicant to the LPA.

The further post-investigation requirements (report submission, archive deposition etc.) remain outstanding. As such, it is recommended that a condition is secured on any approval of the current planning application, to secure the completion of the post-investigation programme for the historic building recording.

The Leicestershire and Rutland Historic Environment Record (HER) shows that the application site lies in an area of archaeological interest, within the historic medieval and post medieval settlement core of Peckleton village. The villages of Leicestershire and the wider English Central Midlands, appear to have evolved alongside their open field systems, during the later 1st millennium AD. Buried archaeological evidence, constituting one or more as yet unidentified heritage asset(s) (National Planning Policy Framework (NPPF) Section 16, paragraph 194-195 and Annex 2), spanning the period from the earliest evolution of the village to its more recent past can be expected within the development area. Consequently, there is a likelihood that buried archaeological remains will be affected by the development.

In accordance with the NPPF (Section 16, paragraph 205), the Local Planning Authority should require a developer to record and advance the understanding

of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance.

To ensure that any archaeological remains present are dealt with appropriately, the applicant should provide professional archaeological Attendance for inspection and recording during the groundworks for the proposed development. A contingency provision for emergency recording and detailed excavation should be made, to the satisfaction of your authority in conjunction with your archaeological advisors in this Department's Historic & Natural Environment Team (HNET). HNET will provide a formal Brief for the work at the applicant's request.

If planning permission is granted the applicant must obtain a suitable written scheme for the investigation and recording from an archaeological organisation acceptable to the planning authority. This should be submitted to HNET, as archaeological advisors to your authority, for approval before the start of development.

The Specification should comply with the above mentioned Brief, with this Department's "Guidelines and Procedures for Archaeological Work in Leicestershire and Rutland" and with relevant Institute for Archaeologists "Standards" and "Code of Practice". It should include a suitable indication of arrangements for the implementation of the archaeological work, and the proposed timetable for the development.

We therefore recommend that any planning permission be granted subject to the following planning conditions (informed by paragraph 37 of Historic England's Managing Significance in Decision-Taking in the Historic Environment GPA 2), to safeguard any important archaeological remains potentially present.

Historic Building Recording

1. The programme for post-investigation publication, dissemination and deposition of material resulting from the investigation should be completed within 6 months of commencement of the development. This condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the approved written scheme of investigation (WSI - submitted 02/10/2023).

Reason: To secure appropriate understanding of the significance of any heritage assets affected by the development and to make this evidence publicly accessible.

Archaeological Buried Remains

2. No demolition/development shall take place/commence until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the

agreed WSI, which shall include the statement of significance and research objectives, and;

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works*

- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI*

Reason: To ensure satisfactory archaeological investigation and recording

The Written Scheme of Investigation (WSI) must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.

The Historic and Natural Environment Team, as advisors to the planning authority, will monitor the archaeological work, to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the planning authority.

Please will you ensure a copy of the Decision Notice is sent to us in due course, to enable us to continue to monitor and safeguard the archaeology of this site. Should you or the applicant have any further queries please do not hesitate to contact us’.

Following a number of consultations the final response received was no objections subject to the imposition of a condition, should permission be granted.

7. Policy

7.1. Core Strategy (2009)

- Policy 13: Rural Hamlets
- Policy 17: Local Needs

7.2. Site Allocations and Development Management Policies DPD (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 DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM13: Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2023)
- Planning Practice Guidance (PPG)

7.4. Other relevant guidance

- Good Design Guide (2020)
- Leicestershire Highway Design Guide
- National Design Guide (2019)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Heritage Impacts
- Archaeology
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Drainage
- Ecology
- Other matters

Assessment against strategic planning policies

8.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise.

8.3 Paragraph 2 of the National Planning Policy Framework (NPPF) (July 2021) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. 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.

8.4 Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) (CS) and the Site Allocations and Development Management Policies DPD (2016) (SADMP).

8.6 Using the standard method as outlined by MHCLG, Hinckley and Bosworth Borough is able to demonstrate 4.89 years of deliverable housing at 1st April 2022. The tilted balance is therefore engaged by reason of the lack of a five

year housing land supply for the purposes of footnote 8 and paragraph 11 (d) of the NPPF.

8.7 The Core Strategy sets out the settlement hierarchy for the Borough during the plan period 2006-2026. Peckleton is identified as a rural hamlet area which has limited if any services and relies on key rural centres or surrounding urban areas for schools, employment and provision of goods and services. The CS strategy notes that development for rural hamlets will be confined to infill housing development, local choice schemes and conversion of agricultural buildings to employment. Policy 13 of the CS states that rural hamlets will support housing development within settlement boundaries that provide for a mix of housing types and tenures and development that complies with Policy 17 – Local needs. Policy 17 states that development should be of a small scale and design which fully respects the character and appearance of the settlement concerned and the level of need identified. The site is contained within the existing settlement boundary for Peckleton and comprises a small scale development including the conversion of an existing building within the village. As such the application is considered to be acceptable in principle subject to material considerations set out below.

Design and impact upon the character of the area

8.8 Policy DM10 of the adopted 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 that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the local area generally. The Good Design Guide SPD provides guidance upon how to design an appropriate new residential development.

8.9 The main frontage of the former Public House/ Restaurant is to be retained and the mixture of extensions and outbuildings to the rear are proposed to be removed and replaced by three detached properties. The eastern vehicular access to the site is to be closed and the western access retained as the only access to the site. An unsightly out building attached to the western side of the former PH will be removed and the gable re-instated as will the hedgerow filling the gap of the secondary access fronting Main Street.

8.10 The new properties are of a traditional design using a combination of matching facing red brickwork and smooth render in conjunction with slate roof tiles to reflect the local character. All of the buildings proposed will be two storey. Double glazed timber windows are proposed as well as bi folding doors at the rear.

8.11 The mature tree and hedgerow along the eastern boundary is to be retained as part of the proposals which will help with the visual amenity and appearance of the site but in addition will also help to protect the private amenity of the adjacent neighbouring property No 11 Main Street. An acceptable tree protection plan and landscape plan have been submitted as part of this proposal.

8.12 The western boundary which is close to the existing brook course has been kept largely free of development. The proposed properties are orientated with the main living areas and rear gardens facing east.

8.13 The development proposed is considered to enhance the visual appearance of the site when compared to the existing site. Subject to conditions in relation to boundary treatment, landscaping and materials this application is considered to be acceptable with respect to design and impact upon the character and appearance of the area in accordance with DM10 of the SADMP and the Good Design Guide SPD.

Heritage Impacts

8.14 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 paragraph 197 of the NPPF and: - The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; - The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and - The desirability of new development making a positive contribution to local character and distinctiveness.

8.15 Policies DM11 and DM12 of the Site Allocations and Development Management Policies (SADMP) Development Plan Document 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.

8.16 The footprint of the present building known as 7 Main Street and its associated rear range is evident on the earliest Ordnance Survey extract from 1885 with the main frontage building having a largely mid-19th century appearance. Given its location within the historic settlement core of Peckleton (Leicestershire Historic Environment Record MLE16887) development on the site may even have preceded this period and it is likely that any such development would have been for agricultural purposes given the proximity of the site to the countryside and farming being the predominant reason for the growth of Peckleton. Evidence suggests that since at least the turn of the 20th century that the buildings were in use as the Brown Horse Inn (an Inn is identified on Ordnance Survey extract from 1904) until their change of use to the Little India restaurant towards the end of the 20th century.

8.17 The Conservation Officer does not object to the proposals but has noted that the building does have some limited aesthetic interest and retains some architectural features and construction materials typical from the mid-19th century including brick eaves detailing, glazing bar sash windows to the upper floors, a gable end stack and Welsh slate roof covering. Other features including its render finish and bay windows to the ground floor front elevation are likely later alterations and additions. It is therefore considered that the

building is of moderate historic value with some limited communal and aesthetic value ensuring it is of heritage interest. Despite some modern alterations and additions its limited aesthetic value remains appreciable and its relationship to the main building remains legible, and the position of the building at the back edge of the pavement and location on the main route through the village adds to its visual prominence which singles out the building as a landmark within the local scene. Such integrity and landmark quality ensures that the local significance of the building is special and it stands out within the surrounding environment. As a result, 7 Main Street should be identified as a locally important heritage asset (a non-designated heritage asset in terms of the National Planning Policy Framework).

8.18 Paragraph 203 of the NPPF requires a balanced judgement when weighing applications that affect non-designated heritage assets, having regard to the scale of any harm or loss and the significance of the heritage asset. Policy DM12 of the SADMP states that development proposals should make every effort to retain the significance of locally listed heritage assets.

8.19 As part of the proposals, the attached rear range of the building is to be removed, although this is of far less interest than the frontage range so the impact of its removal is considered negligible. A timber lean-to of no interest upon the side elevation is also to be removed. Where the attached range is to be removed the walls to the remaining rear elevation are to be infilled and rendered to match with a limited amount of appropriately styled fenestration proposed. A single set of patio doors is proposed in the position of the lean-to. A 2 storey rear extension is proposed which would provide an integral garage, accessed from the side elevation with an ensuite bedroom proposed for the 1st floor. No windows are proposed for this rear elevation. No other alterations to the external elevations of 7 Main Street are proposed so its associated historic and aesthetic value will largely be retained through the conversion of the building into a dwelling.

8.20 The three new proposed detached dwellings are of an appropriate design and due to their siting along a similar linear orientation as the rear range to be demolished this follows the traditional urban grain of development upon the site, so overall the new dwellings will sit comfortably within the setting of the local heritage asset. The additional planting and continuation of the front boundary hedgerow will also strengthen the presence of a high quality and traditional semi-rural characteristic feature within the street scene.

8.21 The permanent change of use of the original building to a residential use will result in the loss of the historic community value of the building, and it is considered that this aspect of the proposal would have an adverse impact upon its historic interest. However, given the minor contribution the historic communal use of the building makes to the significance of the local heritage asset, the level of adverse impact arising from this loss is considered to be minor.

8.22 In this case it is considered that the public benefits to this proposal include the provision of dwellings to meet housing requirements and some short-term employment during the construction of the development. The proposal is therefore considered to comply with Section 16, paragraph 203 of the NPPF and Policies DM11 and DM12 of the SADMP and is acceptable with respect to heritage impact considerations.

Archaeology

8.23 Policy DM13 of the SADMP states that where a proposal has the potential to impact a site of archaeological interest developers should provide an appropriate desk based assessment and where applicable a field evaluation. Paragraph 194 of the NPPF also reiterates this advice.

8.24 Appraisal of the Leicestershire and Rutland Historic Environment Record (HER) indicates the building is, or has the potential to constitute a heritage asset (or assets) with a significant archaeological and heritage interest (National Planning Policy Framework (NPPF) Section 16, paragraph 189 and Annex 2).

8.25 LCC Archaeology were re-consulted for the current application and had no objections subject to the imposition of a condition, should approval be granted. A satisfactory Written Scheme of Investigation was received by the Council on 8/12/2023. To ensure that any archaeological remains present are dealt with appropriately, the applicant should provide professional archaeological Attendance for inspection and recording during the groundworks for the proposed development.

8.26 The approved Written Scheme of Investigation (WSI) as conditioned must be implemented accordingly. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.

8.27 The Historic and Natural Environment Team, as advisors to the planning authority, will monitor the archaeological work, to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the planning authority

8.28 As a result the proposed is considered to be acceptable from an archaeological perspective and in accordance with Policy DM13 of the SADMP and Section 16 of the NPPF.

Impact upon neighbouring residential amenity

8.27 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 with in the vicinity of the site.

8.28 The Good Design Guide SPD outlines that development will need to provide high quality internal amenity space as this is critical to the quality of life of residents. 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.

8.29 A few changes have been made to the previous scheme which adds Plot 1 at the northern end of the site. As per the previous approved application the main building on site is to be retained. These changes have improved the layout of the proposal when compared to the existing situation which in turn has resulted in better private amenity provision for the future occupiers of the development and also the relationship of the proposed dwellings with existing neighbouring sites. All private gardens proposed on site are a good size and orientated to benefit from optimum sunlight/daylight. The proposed dwellings are positioned centrally on the application site apart from Plot 1 which, apart from the 2 bay integral garage on its western side, sits approx. 6m from this western boundary.

8.30 No objections have been received from neighbouring properties in relation to amenity concerns. The proposed site plan shows the proposed landscaping around the site and a well screened western boundary. The only west facing side window proposed for the new dwelling in plot 1 would be a 1st floor bathroom window which will be obscure glazed by condition. As a result it is considered the relationship between the proposed dwelling in plot 1 & the dwelling to the west, No. 1 would be acceptable from a residential amenity perspective. Plot 2, plot 3 & plot 4 are further away from No. 1 to the west and for this reason and the proposed boundary conditions on the western side of the site the relationship between the proposed and No. 1 would be acceptable. In terms of overlooking, it is noted that new dwellings are proposed on this site which will inevitably result in windows to habitable rooms looking out towards the site when currently there are none. However, the properties proposed face the side elevation of 11 Main Street and as a result there is no direct 'back to back' relationship with this existing neighbour. The distance between the proposed and No. 11 is also acceptable. Boundary treatment and landscape provision will help to minimise the level of overlooking permitted by the proposed dwellings and rear gardens for the proposed dwellings which are all in excess of 10 metres in depth to the boundary with 11 Main Street.

8.31 Overall, it is considered that the proposal is an acceptable development in terms of residential amenity considerations and subject to suitably worded conditions complies with Policy DM10 of the SADMP and the Good Design Guide.

Impact upon highway safety

8.32 The proposed development seeks to use the existing western access, stopping up the eastern access and restoring the pavement. The proposed vehicular access measures circa 6m in width. In accordance with the

Leicestershire Highway Design Guide (LHDG), a development of 2-5 dwellings requires a minimum effective width of 4.25m for a minimum distance of 5.0m behind the highway boundary. Notwithstanding the current guidance, the LHA welcome an increased access width due to location of proposed parking facilities. It is noted that Main Street is a 'C' classified route and therefore a dropped crossing provision is required comprising of 8 kerbs, measuring 7.3m. The LHA previously requested further information with regards to vehicular visibility at the site access. It is considered that the development of four private dwellings is not considered to result in a significant, if any, increase in two-way trips above the existing site use. No Personal Injury Collisions (PICs) have taken place within close proximity to the site. With due regard to the above, it is therefore considered that the site is not an intensification of use and as such it would be unreasonable to seek amendments to the site access.

8.33 The site currently maintains two access points on to the highway. As part of the proposals, the eastern access would become redundant and therefore closed with the footway, verge and kerbing reinstated in accordance with the existing provision along Kirkby Lane and Main Street. The local highway authority also consider that the erection of four dwellings would not cause a significant, if any, increase in two way trips beyond the extant use as a restaurant.

8.34 In parking terms the proposal requires 2 parking bays for a 3-bedroom dwelling and 3 bays for a 4-bedroom dwelling & 4 parking spots for a 5 bedroom dwelling. Parking spaces should measure a minimum of 2.4 x 5.5 metres. The local highway authority have confirmed that the proposed parking and turning is in general accordance with the Leicestershire Highway Design Guidance.

Drainage

8.35 Policy DM7 of the Site Allocation and Development Management Policies DPD 2016 requires that adverse impacts from pollution and flooding are prevented and mitigated for. Paragraph 167 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 169 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.

8.36 The site is located within Flood Zone 1 being at low risk of fluvial flooding but is adjacent to an ordinary watercourse with areas of the site at risk from surface water flooding as a result. The applicant has proposed to place residential units away from at risk areas. Surface water drainage is proposed to discharge into the adjacent ordinary watercourse limited to 5 l/s. The drainage team at LCC has no objection to the development proposals following re-consultation and the originally recommended condition has now been removed following the submission of satisfactory drainage information. Therefore, this application is considered to accord with Policy DM7 of the SADMP.

Ecology

8.37 Policy DM6 of the Site Allocation and Development Management Policies DPD 2016 states that development proposals must demonstrate how they conserve and enhance features of nature conservation and geological value including long term future management. Paragraph 174 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.

8.38 A Phase 1 habitat and external bat survey was submitted as part of the application submission and the findings found to be satisfactory by the Ecology Officer. A condition has been recommended to install bat and bird boxes on site. Subject to this condition the application is considered to be acceptable and compliant with Policy DM6 of the SADMP.

Other matters

8.39 For the previous application a decision was made to refuse to list the building as an asset on the Council's list of assets of community value. Therefore the site is not an Asset of Community Value (ACV) and as such this application can be considered on this basis. Had the bid for the building to be an ACV been accepted, this would not have impacted on the Council making a planning decision regarding the site. Instead had the bid been successful the owner would have to allow for a grace period for a local bid of the site prior to selling the site on the open market. As the bid was unsuccessful, this will not be the case.

8.40 T1, T2, T3 of TPO Plan No 23/00007/TPORD now have Tree Preservation Order Legal protection according to 'The Borough Council of Hinckley & Bosworth (Little India, 7 Main Street, Peckleton) (No. 7) Tree Preservation Order 2023.'

8.41 The recommend HBBC Waste Condition is no longer needed as amended plans now show an area for bin storage space for bin collection day which is acceptable.

8.42 The recommend HBBC Drainage Condition is no longer needed as further drainage information was submitted and HBBC Drainage removed the need for the originally recommended condition.

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.

9.2 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.

9.3 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. For the reasons set out above it is considered that this proposal is acceptable subject to conditions.

11. Recommendation

11.1 Grant planning permission subject to:

- Planning conditions outlined at the end of this report

11.3 Conditions and Reasons / 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, as follows:

- Proposed House Type A Dwg No. 1310.SS.23.005 Issue A
- Proposed House Type B Dwg No. 1310.SS.23.006 Issue A
- Proposed House Type C Dwg No. 1310.SS.23.008 Issue A
- Proposed Site Plan Dwg No. 1310.SS.23.002 Issue B
- Proposed First Floor S Plan Dwg No. 1310.SS.23.004
- Proposed Ground Floor S Plan 1310.SS.23.003, all received by the LPA on 04.08.2023

- Site Location Plan Dwg No. 1310.SS.23.001 received by the LPA on 02.10.2023
- External Materials Schedule received by the LPA on 15.08.2023

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. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Utopia Architectural Design Studio drawing number: 1310.SS.23.002, 'Proposed Site Plan', Issue B have been implemented in full.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2023).

4. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Utopia Architectural Design Studio drawing number: 1310.SS.23.002, 'Proposed Site Plan', Issue B. 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 (2023).

5. The western vehicular access hereby permitted shall not be used for a period of more than one month from being first brought into use unless the existing eastern vehicular access on Kirkby Lane / Main Street that becomes redundant as a result of this proposal have been closed permanently and reinstated in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of highway and pedestrian safety in accordance with the National Planning Policy Framework (2023).

6. If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted in writing to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the first dwelling being occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

7. Construction work of the development, hereby permitted, shall not take place other than between the hours of 07:30 hrs and 18:00 hrs on weekdays and 08:00 hrs and 13:00 hrs on Saturdays and at any time on Sundays and Bank Holidays unless other agreed in writing.

Reason: To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

8. The development hereby permitted shall be carried out with the following ecological enhancements: -Three bird boxes and 5 integrated bat boxes shall be installed in suitable locations as advised by a suitably qualified ecologist on the site prior to the occupation of the dwellings.

Reason: In order for ecological enhancement and protection purposes in accordance with Policy DM6 of the Site Allocation and Development Management Policies DPD 2016.

9. The development shall be undertaken in accordance with the Written Scheme of Investigation (WSI) (ULAS ref.: 23-355/date of submission 08.12.2023) approved by the planning authority, or any variation to the approved WSI submitted to and agreed in writing with the planning authority. The WSI defines:

- The programme and methodology of site investigation and recording, the nomination of a competent person(s) or organisation to undertake the agreed works; and,
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material.

This condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: To ensure satisfactory archaeological investigation and recording

10. The development hereby permitted shall not be occupied until a scheme for the installation of electric vehicle charging points has been submitted to and approved in writing by the local planning authority. All units are, as agreed, to benefit from electric charging points but full details of the location, fitting and timetable for installation of the units must be submitted.

Reason: To ensure that the proposals meet the requirements of Policy DM10 (g) of the Site Allocations and Development Management Policies DPD (2016) and Paragraph 112 (e) of the National Planning Policy Framework.

11. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no gates, barriers, bollards, chains or other such obstructions shall be erected to the vehicular access.

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

12. The approved hard and soft landscaping scheme shall be carried out in accordance with the approved Detailed Landscaping Proposals Dwg no. 23.1822.001; in the first planting season following the first occupation of the dwelling to which it relates. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reason: To ensure that the work is carried out within a reasonable period and thereafter maintained in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

13. The development hereby permitted shall be carried out in full accordance with the recommendations and mitigation strategy outlined in the Tree Protection Plan Drg. No Plan 01 submitted on 15/08/2023 & the Landscape Plan submitted on 07/12/2023. T2, T3 and T4 shall be protected as per their Tree Preservation Order Legal Status.

Reason: To ensure that the trees on site are to be retained and adequately protected during and after construction in the interests of the visual amenities of the area and biodiversity in accordance with Policy DM6 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 170 of the National Planning Policy Framework (2021).

16. Hard surfacing of the approved access should comprise of a bound material, for example, bituminous or block paving for at least the first 5.0m with suitable drainage facilities to ensure water does not run into the public highway.

Reason: For the purposes of highway safety in accordance with DM17 of the Site Allocations and Development Management DPD 2016.

Notes for 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. The collection point for recycling and refuse will be from the adopted highway boundary and so provision needs to be made on site for the storage of containers.
3. Any 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).
4. 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.
5. A number of trees on the eastern side of the site are to be granted Tree Preservation Order protection. This process takes up to 6 months. Please ensure that none of these trees are cut