

Delegated Report

Planning Ref: 24/00366/FUL
Applicant: Mr A Reid
Ward: Hinckley DeMontfort



Hinckley & Bosworth
Borough Council

Site: Former Factory Works, Upper Bond Street,
Hinckley

Proposal: Demolition of the Laban Tansey building, erection of new apartment building and associated landscaping works and parking on land between Druid Street and Upper Bond St, Hinckley (Resubmission 23/00383/FUL)

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 proposal is for the demolition of the Laban Tansey building and the erection of a replacement three storey building containing 9 apartments (6 x 1-bedroom, 3 x 2-bedroom), with associated landscaping and parking.

3. Description of the Site and Surrounding Area

- 3.1. The application site is located within the town centre of Hinckley, and within the Druid Street Conservation Area (DSCA) which has been designated in recognition of the special interest of the hosiery industry within Hinckley and the role it plays in Hinckley's heritage.
- 3.2. The Laban Tansey building was a former needle factory constructed during the late-19th century with later adaptations and additions. This frontage is largely unchanged, retains its original steel windows and entrance gate. The interiors have been extensively changed.
- 3.3. The Laban Tansey building forms part of a wider complex of historic factories, all of which are important local buildings within the Druid Street Conservation Area Appraisal. It abuts the Puffer's Unique Hosiery Works to the southwest, constructed in 1911, which stands at the corner of Neal's Yard and Druid Street. The three-storey scale of the Puffer Works means it is the dominant building on the wider site and the Laban Tansey building is subservient to it in scale. Adjoining the Puffer Works is the two storey Ghia factory which was constructed in the 1870s and fronts both Upper Bond Street and Neal's Yard. Both the Puffer Works and Ghia Factory are within the ownership of the applicant and are included within the blue line of this application. They are also both predominantly vacant and in a poor state of repair.
- 3.4. The former Brocklehurst factory (Bond Street Distillery) on Upper Bond Street is a gabled three storey brick building with a slate roof and lies adjacent (northwest) of the site. This factory has recently been converted into a commercial use and it shares an open courtyard area accessed from Upper Bond Street that is currently used for car parking for the wider complex. This car park is under the ownership of the applicant and is the proposed parking area for this application. To the east of the courtyard (north of the site) is a row of terraced properties 135 – 153 Upper Bond Street. Neighbouring to the east is a car repair/MOT garage, and to the

southeast on the opposite side of Druid Street, are residential properties 77 - 81 Druid Street.

4. Relevant Planning History

08/00037/FUL	Demolition of existing building and conversion of remaining industrial buildings to form B1 Office Use and 17 Apartments	Permission	28.03.2008
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5. Publicity

5.1. The application has been publicised by sending out letters to the occupiers of 24 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. One objection received making the following comments:

- This is a vital part of heritage in the Druid Quarter.
- One of the first and earliest factory premises to have been built and to survive to the present day.
- Important to the heritage context in the wider town centre.

6. Consultation

6.1. No objections have been received from:

- HBBC Environmental Health (subject to conditions)
- HBBC Conservation Officer (subject to conditions)
- HBBC Drainage (subject to conditions)
- LCC Ecology (subject to conditions)
- LCC Highways (subject to conditions)
- LCC Archaeology (subject to conditions)

7. Policy

7.1. Core Strategy (2009)

- Policy 1: Development in Hinckley
- Policy 16: Housing Density, Mix and Design

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: Preserving the Borough's 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
- Heritage Strategy (2020)
- Housing Needs Study (2019)
- Hinckley Town Centre Area Action Plan (2011)
- Hinckley Druid Street Conservation Area Appraisal (HTCCAA) (2013)
- Heritage Strategy (2020)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area and heritage assets
- Impact upon residential amenity
- Impact upon highway safety
- Flood risk and drainage
- Ecology and Biodiversity

Assessment against strategic planning policies

- 8.2. 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. Paragraph 2 of the National Planning Policy Framework (NPPF) repeats this and states 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.
- 8.3. Paragraph 11 of the 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), the Site Allocations and Development Management Policies DPD (2016) (SADMP) and Hinckley Town Centre Area Action Plan (AAP) (2011).
- 8.4. The Emerging Local Plan for 2020-2041 is currently at Regulation 18 stage, with the public consultation running from 31st July to 27th September 2024. The latest Local Development Scheme (LDS) was published on 8th February 2024. The update revises the timetable for production of the Local Plan and establishes key milestones for public consultations, including the Regulation 19 Consultation which is not scheduled until January-February 2025. Given the early stage of the Emerging Local Plan and outstanding evidence, the emerging policies are attributed very limited weight.
- 8.5. The Council has published an updated 5-year housing land supply calculation (Monday 29th July 2024). This updates the 5-year housing land supply position from

March 2023 to March 2028 and demonstrates a 5.6-year supply of housing, with a surplus supply of 145 dwellings over the five-year period.

- 8.6. For decision taking, a 5-year housing land supply is a material consideration in all relevant applications for dwellings in the Borough. Despite being able to demonstrate a housing land supply, due to the age of relevant housing policies in the Core Strategy, in accordance with paragraph 11d) of the NPPF, the Council should still grant permission for housing unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole. Therefore, sustainable development should be approved unless other material considerations indicate otherwise.
- 8.7. Paragraph 60 of the NPPF sets out that “it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay”.
- 8.8. Paragraph 124 of the NPPF states that decisions should “...(c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure); and e) support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers.”
- 8.9. The CS sets out the Spatial Strategy for the Borough with Hinckley identified as the sub regional centre and the key focus for new development within the Borough. To support Hinckley’s role as a sub-regional centre, Policy 1 of the adopted CS seeks to allocate land for the development of 1120 new residential dwellings for Hinckley, diversify the existing housing stock in the town centre, support the sympathetic reuse of existing buildings and require new development to enhance the public realm within the town centre.
- 8.10. In 2008 the Borough Council granted permission for the demolition of the Laban Tansey building and the conversion of the Puffer and Ghia buildings to form 17 apartments and office space with associated car parking (08/00037/FUL). The 2008 permission was a comprehensive redevelopment of the wider site (which is now within the ownership and control of the applicant). The conservation area consent (as required at the time) was granted for the demolition of the Laban Tansey building due to the loss of the building being acceptable to ensure the continued survival of the remaining more significant (due to their scale and architecture) Puffer and Ghia buildings. As this proposal does not include proposals to restore the adjacent Puffer and Ghia Buildings, the justification for the demolition of the Laban Tansey building in 2008 does not apply for this proposal in its current form, and this application is assessed on its own merits.
- 8.11. The site is within the settlement boundary within a sustainable location in terms of the proximity to facilities and services within Hinckley. Furthermore, the proposal

seeks to redevelop previously developed/brownfield land which in accordance with the NPPF is given substantial weight. Lastly, the site is underutilised presently, with the building becoming dilapidated through lack of use for many years. The principle of development is therefore acceptable in accordance with the relevant policies of the Development Plan and NPPF, subject to the application complying with all other material considerations.

Design and impact upon the character of the area and heritage assets

- 8.12. 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.
- 8.13. 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.
- 8.14. Paragraph 134 of 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, considering any local design guidance. Local policy is considered to accord with the NPPF.
- 8.15. The Council's Good Design Guide (2020) sets out the process to be followed to ensure good quality design for new residential development.
- 8.16. 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.
- 8.17. 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.
- 8.18. Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment.
- 8.19. Paragraph 203 states that 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.

- 8.20. Paragraphs 205-208 require great weight to be 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.
- 8.21. Paragraph 209 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.
- 8.22. 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 (paragraph 206).
- 8.23. 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.
- 8.24. General guidance and an assessment of the character and appearance of the Hinckley Town Centre are contained within the HTCCAA. Guidance and several potential means of enhancing the character and appearance of the site are provided in the Hinckley Town Centre Conservation Area Management Plan (2013).
- 8.25. The form, appearance, and overall design of the replacement building is heavily influenced by the adjacent Puffer building, the proposed design maintains a consistency of character within this part of the street scene and Conservation Area. The proposal consists of a building of an L-shaped plan form which continues to abut against the Puffer building. The layout of the proposed building is altered from the existing arrangement within its front elevation sitting slightly behind the front building line of the Puffer building. The replacement building is of a greater scale (height) than the Laban Tansey building, with the eaves position being at the same level as the Puffer building, albeit with a lower roof ridge height.
- 8.26. There is a consistent design approach across each elevation of the replacement building with the design comprising of a series of recessed vertical bays with large industrial style windows set under brick window arches and sills. The facing walls would be constructed of red brick laid in a Flemish bond and a fibre cement slate roof. Further traditional detailing includes corbelled brick along the eaves and the use of cast iron effect rainwater goods. A contrast to the predominantly traditional design approach is the more contemporary styled central access door and oriel windows with aluminium framing on the front elevation facing into Druid Street, and the access door with same framing on the rear courtyard parking elevation. The incorporation of this contemporary style is supported as it retains the high-quality design, whilst ensuring that the proposed building is read within its historical context rather than appearing as a pastiche to the remaining industrial buildings.

- 8.27. The redevelopment does increase the scale and mass of development through the inclusion of a third storey. However, the proposed building would remain subservient to the neighbouring Puffer Building with the ridge being set down, and the front elevation set further back than the existing building, increasing the openness and separation from Druid Street.
- 8.28. The existing open courtyard area accessed from Upper Bond Street is proposed to be extended to provide a new parking area to the rear of the proposed replacement building. The existing courtyard access from Druid Street is proposed to be retained and divided from the site by a close boarded fence. 1.2m high metal park fencing is proposed to the front and rear elevations of the replacement building; this boundary treatment would reflect the current fencing on the front elevation of the building and evidence suggests a historic precedent for its use.
- 8.29. The total loss of the Laban Tansey building remains harmful and would have an adverse impact upon the significance of the conservation area, with the level of harm considered to be less than substantial (NPPF paragraph 208). Given the positive contribution the building makes to the conservation area and its total loss it is considered that the adverse effects of the proposal would be positioned at the middle end of this spectrum of harm. The loss of the building mitigated somewhat 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) of the proposed replacement building.
- 8.30. Pre commencement conditions have been recommended regarding the materials to be used for the construction of the external elevations of the replacement building, as well as details of the features upon it (e.g. window reveals) to ensure that it has a satisfactory appearance which preserves the significance of the conservation area. Furthermore, a hard and soft landscaping scheme including boundary treatments has been requested to ensure that the site has a satisfactory appearance which preserves the significance of the conservation area.
- 8.31. The redevelopment proposal provides a number of benefits towards achieving the objectives of sustainable development (paragraph 8 of the NPPF), including some short-term employment during the construction of the redevelopment, the provision of dwellings and their contribution to meeting the Borough's housing supply and the use of local services by future occupants. According to the owner, the conversion of the building would be unviable, although limited evidence has been provided to demonstrate that this is the case. The loss of the building would be mitigated to a degree by the programme of recording its significance and careful consideration for the design and architectural detailing of the replacement building (subject to the submission of further details).
- 8.32. Taking the above into account and the balanced approach required by paragraph 203 of the NPPF the proposal is not considered to have an unacceptable impact upon the local heritage asset identified. The public benefits of the development identified above and explored further within the report conclusion are considered on balance to outweigh the less than substantial harm identified and therefore the proposal complies with policies DM11 and DM12 of the SADMP and section 16 of the NPPF. Furthermore, the proposal is considered to complement and 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.

Impact upon residential amenity

- 8.33. Policy DM10 (a) and (b) of the SADMP states development will be permitted if 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.
- 8.34. 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.
- 8.35. Paragraph 191 of the NPPF states that decisions should ensure that new development is appropriate for its location considering the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
- 8.36. Several residential properties neighbour the site, with the closest in proximity and with potential to experience amenity impacts being 135 – 139 Upper Bond Street to the north of the site, and 77 – 81 Druid Street to the southeast on the opposite side of Druid Street.
- 8.37. Regarding potential overbearing impacts upon neighbouring properties, whilst the increased height would create a more dominant structure, the design has been set back from the existing perimeter of the building, and the separation distances are adequate. The close relationship with the immediate neighbouring dwellings is acknowledged, however as outlined in the Good Design guide, it may be acceptable to have a reduced separation distance in urban locations where issues of amenity and overlooking are dealt with by good design. It is considered that the proposed design achieves this.
- 8.38. The proposed bedrooms on the rear elevation of the building (western wing) would be separated by 21m to the rear elevations of 135 – 139 Upper Bond Street, and this relationship is therefore considered acceptable. The proposed bedrooms on the rear elevation on the eastern wing (projecting gable) are separated by 20m, however the relationship between these windows is oblique (approx. 45° angle), and therefore the relationship is considered acceptable and there would be no unacceptable loss of privacy.
- 8.39. To the north, the dwelling directly opposite (77 Druid St) is a bungalow and would be separated by 14m from the proposed front elevation. 79 Druid Street would experience an oblique relationship in terms of facing windows, at a distance more than 14m, and this is therefore considered acceptable and there would be no unacceptable loss of privacy.
- 8.40. The internal floorspace of the apartments comply with the technical housing standards outlined by DLUHC, with the three proposed 2-bed apartments measuring 79.5m², and the six one-bed apartments measuring 50m².

- 8.41. The rear of the site features two areas of lawned amenity space, one measuring 80m², and one 30m². Acknowledging the urban location of the site and the proximity to nearby Hollycroft Park (500m), the provision of outdoor amenity space is considered acceptable.
- 8.42. HBBC Environmental Health have requested a scheme for protecting the proposed dwellings from noise from the adjacent commercial/industrial premises to be submitted to and approved by the Local Planning Authority.
- 8.43. Additional information with respect to a Construction Management Plan is recommended via condition as are restrictions on construction hours.
- 8.44. In summary, 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.

Impact upon highway safety

- 8.45. 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)).
- 8.46. 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.
- 8.47. Policy DM10(g) states that where parking is to be provided, charging points for electric or low emission vehicles should be included, where feasible.
- 8.48. Paragraph 114 of the NPPF states that it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 115 of the NPPF outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 116(e) of the NPPF states development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 8.49. The development would use the existing vehicle access to the rear courtyard via Upper Bond Street, which is considered acceptable by the LHA. The parking courtyard would provide 9 parking spaces (one per apartment), which is considered acceptable given the sustainable location of the site within the town centre.
- 8.50. Regarding the internal layout, the LHA previously requested additional information in respect of the parking arrangements given that application 19/00183/FUL (Change of use to distillery – Brocklehurst Factory) required parking is provided for that development in the same area. The Applicant has stated within an e-mail dated 30th April 2024 that the incorrect certificate was served as part of application

19/00183/FUL, and that the land where the parking for the proposed development is under the ownership of the current Applicant.

- 8.51. The LHA advise that, on balance, should parking for application 19/00183/FUL be displaced as a result of the proposals, given the location of the site close to Hinckley town centre, the proximity of nearby public car parks and on the basis that there are Traffic Regulation Orders in force which should prevent inappropriate parking on surrounding roads, notably Upper Bond Street (B4667), the LHA would not be able to demonstrate that the proposals could result in a severe detriment to highway safety.
- 8.52. Overall, the Local Highway Authority has no objections to the site access arrangements and internal layout. Therefore, 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.

Flood Risk and Drainage

- 8.53. 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.
- 8.54. Paragraph 173 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere.
- 8.55. 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.
- 8.56. HBBC Drainage advise that the proposals are acceptable subject to conditions to secure a surface water drainage scheme, management and maintenance of surface water. Subject to the suggested conditions, it is considered that the proposed development would satisfy Policy DM7 of the SADMP and the NPPF.

Ecology and Biodiversity

- 8.57. 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.
- 8.58. The County Ecologist assessed the initial submission and confirmed that the development is below a de minimis threshold for biodiversity net gain. County Ecology did however have a holding objection pending the submission of:
- A preliminary roost assessment,
 - A site plan showing mitigation and enhancements for bats, and
 - A lighting plan showing the location and specification for any proposed lighting on site.
- 8.59. This information has been provided, as well as a Bat Dusk Survey report after the preliminary roost assessment identified bat roosts in the building. Both the 'Internal

/External Bat Survey' completed by Stefan Bodnar, and the 'Bat Dusk Survey Report' dated August 2024 completed by Croft Ecology are acceptable. The single nocturnal survey did not indicate the presence of an active roost and therefore no further surveys are required.

- 8.60. Recommendations have been made to provide biodiversity enhancement through the provision of 3no bat box and 3no bird box (Swift boxes) on the new building by condition. In addition, external lighting should be restricted and should conform with latest industry guidelines. The provision of these ecological enhancements are to be illustrated on a plan with the makes, models and appropriate locations, and submitted to the LCC Ecology department for approval and discharge.
- 8.61. Overall, subject to conditions the application is considered to be acceptable with respect to ecology and biodiversity matters and complies with Policy DM6 of the SADMP.

9. Equality Implications

- 9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
 - (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2. Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.
- 9.3. There are no known equality implications arising directly from this development.
- 9.4. The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion and Planning Balance

- 10.1. 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.
- 10.2. The housing policies in the adopted Core Strategy and the housing policies of the adopted SADMP are out of date as they focused on delivery of a lower housing requirement than is now required. It is necessary therefore to consider that the 'tilted' balance in paragraph 11(d) of the NPPF applies and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

- 10.3. Overall, the application accords with the development plan and is acceptable in principle. The provision of 9 dwellings, in this highly sustainable location, is a benefit of the proposal, which coupled with the use of underutilised brownfield land is given moderate weight in favour of the scheme.
- 10.4. The proposed development is not considered to have a significant harmful effect on the character and appearance of the area. In this regard it would be acceptable and consistent with the requirements of Policy DM10 of the SADMP.
- 10.5. The effects of this proposed development are not considered to pose an unacceptable impact on highway safety or biodiversity, in accordance with the requirements of Policies DM6, DM17 and DM18 of the SADMP.
- 10.6. The proposed development would not result in unacceptable impact on neighbouring or prospective occupier's residential amenity and would therefore be in accordance with the requirements of Policy DM10 of the SADMP and the Good Design Guide.
- 10.7. The proposal would cause less than substantial harm to the Conservation Area through the total loss of the Laban Tansey building, which is identified as an important local building that contributes positively to the character and historic interest of the Druid Street Conservation Area. Weighing up the positive contribution the building makes to the conservation area against its total loss, it is considered that the adverse effects of the proposal would be positioned at the middle end of this spectrum of harm.
- 10.8. The building's loss is mitigated somewhat by the recording of its significance as part of the Historic Building Survey and the quality of design and appearance (subject to conditions). These benefits are attributed minor positive weight. Other non-heritage related public benefits such as the provision of housing, short term employment during the construction of the redevelopment, and the use of local services by future occupants exist. These benefits are attributed moderate weight. Overall, it is considered on balance that the benefits outweigh the harm, and the proposal therefore complies with Policies DM10, DM11 and DM12 of the SADMP, Policy 1 of the Core Strategy and section 16 of the NPPF.
- 10.9. In conclusion, it is considered that the adverse impacts of the proposed development would not significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF when taken as a whole. Therefore, under the tilted balance, planning permission should be granted in these circumstances.

11. Recommendation

11.1. Grant outline planning permission subject to:

- Planning conditions outlined at the end of this report.

11.2. Conditions and Reasons

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

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

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

- Site Location Plan – Drawing No. 8613-03-001

- Proposed Demolition Plan – Drawing No. 8613-03-003
- Proposed Site Block Plan – Drawing No. 8613-03-004
- Proposed Ground Floor Plan – Drawing No. 8613-03-005
- Proposed First and Second Floor Plan – Drawing No. 8613-03-006
- Proposed Roof Plan – Drawing No. 8613-03-007
- Elevations Sheet 1 - Drawing No. 8613-03-008
- Elevations Sheet 2 - Drawing No. 8613-03-009
- Proposed Parking Provision and Tracking - Drawing No. 8613-03-014

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 development above foundation level shall commence on site until representative samples of the types and colours of materials to be used on the external elevations of the building hereby permitted have been deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

Additionally, prior to the commencement of development above foundation level, details outlining:

- Brick details (including material, colour and bond). The brick shall be laid in Flemish bond.
- Roof tile (including material and colour)
- Windows and doors (including style, specification, frame material, finish, colour, reveal, cill and header treatments)
- Rainwater goods (including style, specification, frame and colour)

shall be deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with these approved details.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity and the conservation of historic and architectural interest, in accordance with Policies DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. No development shall take place until a scheme of hard and soft landscaping works, including boundary treatments, for the site, including an implementation scheme, has been submitted in writing to and approved in writing by the local planning authority. The scheme shall be carried out in full accordance with the approved landscaping scheme. 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 development has a satisfactory external appearance in accordance with Policies DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning

Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. The development hereby permitted shall not be occupied until such time as the parking (and turning facilities) have been implemented in accordance with HSSP drawing number 8613- 03-014. Thereafter the onsite parking (and turning) provision shall be kept available for such use(s) 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 Policy DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (December 2023).

7. The development hereby permitted shall not be occupied until such time as secure cycle parking shall be provided in accordance with details first submitted to and agreed in writing by the Local Planning Authority. Thereafter the onsite cycle parking provision shall be kept available for such use(s) in perpetuity.

Reason: To promote travel by sustainable modes in accordance with Policies DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (December 2023).

8. The development hereby permitted shall not be occupied for a period of more than one month from being first brought into use unless the existing vehicular access on Druid Street that becomes redundant as a result of this proposal has 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 Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (December 2023).

9. Prior to occupation of the building, 3x bat boxes and 3x swift nest bricks are to be integrated into the structure of the new building. The locations, makes, models and photographic evidence of the boxes are to be provided to the Local Planning Authority.

Reason: To ensure the protection of protected wildlife species and their habitats in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies DPD (2016).

10. No external lighting of the site shall be installed until details have been submitted to and approved in writing by the Local Planning Authority. This information shall include a layout plan with beam orientation and a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles).

The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: To protect the appearance of the area, the environment and local residents from nuisance from artificial light in accordance with Policies DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11. Development shall not begin until surface water drainage details, incorporating sustainable drainage principles (SuDS) have been submitted to and approved by the Local Planning Authority, and the scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with policy DM7 of the adopted Site Allocations and Development Management Policies Plan Document (2016).

12. No demolition/development shall commence until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For the land and structures that are 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 a satisfactory historic building survey and to record and advance understanding of the significance of the affected resource prior to its loss in accordance with policies DM11 and DM12 of the adopted Site Allocations and Development Management Policies Plan Document (2016).

13. Development shall not begin until a scheme for protecting the proposed dwellings from noise from the adjacent commercial/industrial premises has been submitted to and approved by the Local Planning Authority. All works which form part of the scheme shall be completed before any of the permitted dwellings are first occupied.

Reason: To ensure that the development does not cause unacceptable levels of noise and disturbance to neighbouring dwellings in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

14. No demolition works to which the planning permission relates shall commence until a contract has been let to carry out the building operations permitted under this permission (or any superseding consent as first agreed in writing by the Local Planning Authority) has been submitted to and approved by the Local Planning Authority.

Reason: To avoid premature demolition which would be harmful to the character and appearance of the Hinckley Town Centre Conservation Area and to safeguard the local environment and in accordance with the aims and objectives of the National Planning Policy Framework and in accordance with Policies DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

15. Prior to commencement of development a Construction Environmental Management Plan shall be submitted to and agreed in writing by the LPA. The plan shall detail how, during the site preparation and construction phase of the development, the impact on existing and proposed residential premises and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light and land contamination. The plan shall detail site preparation and construction hours. The plan shall detail how such controls will be monitored. The plan will provide a procedure for the investigation of complaints. The agreed details shall be implemented throughout the course of the development.

Reason: To ensure that the development does not cause unacceptable levels of noise and disturbance to neighbouring dwellings in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

16. No development shall commence until full details of the finished levels, above ordnance datum, of the floors of the proposed building in relation to existing ground levels have been submitted to and approved in writing by the Local Planning Authority. The details shall be provided in the form of site plans showing sections across the site at regular intervals with the finished floor levels of the proposed buildings and adjoining buildings. The development shall be carried out in accordance with the approved levels.

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

17. No development shall commence on site until a scheme that makes provision for waste and recycling storage and collection across the site has been submitted in writing to and approved in writing by the Local Planning Authority. The details should address accessibility to storage facilities and adequate collection point space at the adopted highway boundary. The approved scheme shall be implemented in accordance with the agreed details.

Reason: To ensure the bin storage on site is not detrimental to the street scene and overall design of the scheme in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. 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.

3. Application forms to discharge conditions and further information can be found on the planning portal website www.planningportal.gov.uk.
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. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).