

Delegated Report

Planning Ref: 24/00789/FUL

Applicant: Mr Pagett

Ward: Groby

Site: Groby Ex-Servicemens Social Club Ltd, 16 - 18 Leicester Road, Groby

Proposal: Creation of an external seating area within the existing car park including replacement of handrailing to the existing access



Hinckley & Bosworth
Borough Council

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 creation of an external seating area within the existing car parking and the replacement of a handrailing to the existing access.

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

- 3.1. The Groby Ex-Servicemen's Club is located within Groby Conservation Area. The building is of reasonable historical and architectural interest and it makes a positive contribution to the character and appearance and thus significance of the conservation area. There is a parking area set to the front of the building which covers a large area and is visually prominent within the street scene and wider conservation area.

4. **Relevant planning history**

16/00760/FUL

Timber framed smoking shelter

Planning permission

11.10.2016

17/00925/FUL

Alterations to smoking shelter roof

Planning permission

09.11.2017

17/01053/CONDIT

Variation of Condition 2 and 6 of planning permission 15/00430/FUL to alter the car parking scheme

Planning permission

12.12.2017

5. **Publicity**

- 5.1. The application has been publicised by posting a site notice within the vicinity of the site and letters sent out to neighbours. The application was also advertised in the Leicester Mercury.
- 5.2. Two objections have been received which raise concerns relating to:
- Noise and disturbance caused
 - Parking is already limited

6. **Consultation**

- 6.1. Groby Parish Council: Objection due to loss of parking spaces.

- 6.2. HBBC Conservation: No objections. Substantive response, included within the impact upon the character of the conservation area section of this report.
- 6.3. HBBC Pollution: No objections.
- 6.4. LCC Highways: No objection subject to the addition of one condition.

7. **Policy**

7.1. **Site Allocations and Development Management Policies DPD (2016)**

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.2. **Core Strategy (2009)**

- No relevant policies

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)
- National Design Guide (2019)

8. **Appraisal**

8.1. **Key Issues**

- Assessment against strategic planning policies
- Design and impact upon the character of the Conservation Area
- Impact upon neighbouring residential amenity
- Impact upon highway safety

Assessment against strategic planning policies

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 2 of the NPPF also identifies that the NPPF is a material planning consideration in planning decisions. Paragraph 12 of the NPPF states 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. Where planning applications conflict with an up-to-date plan, permission should not usually be granted unless other material considerations indicate otherwise.
- 8.3. The development plan in this instance consists of the Core Strategy (2009) and the Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016).

Design and impact upon the character of the area

- 8.4. Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.5. Policies DM11 and DM12 of the Site Allocations and Development Management Policies (SADMP) DPD seek to protect and enhance the historic environment. Development proposals should ensure the significance of a conservation area is preserved and enhanced.
- 8.6. 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.
- 8.7. Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraphs 205-208 of the NPPF 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.
- 8.8. The Groby Ex-Servicemen's Club is located within Groby Conservation Area. The building is of reasonable historical and architectural interest and it makes a positive contribution to the character and appearance and thus significance of the conservation area. The parking area set to the front of the building covers a large area and is visually prominent within the street scene and wider conservation area. This application seeks to create an external seating area within the car park with new handrailing and replacement of handrailing to the existing access.
- 8.9. The external seating area would cover a modestly sized area in front of the existing ramp and steps up to the club building. It would be constructed with a stone wall to match the existing boundary walls across the site and topped with a glass balustrade. A replacement glass balustrade is also proposed to the existing ramp. Minor sections of the existing wall to the ramp are to be removed to allow for access to the seating area.
- 8.10. The proposed seating area would be of an appropriate scale and appearance with the wall to the seating area being constructed of a local prevalent and characteristic material and the glazed balustrading and handrailing being functional in form. The proposal would therefore have a neutral impact upon the character and appearance of the Groby Conservation Area and would preserve its significance. Consequently, the proposal would comply with Policies DM10, DM11 and DM12 of the Site Allocations and Development Management Policies DPD, section 16 of the NPPF, and the statutory duty of Section 72 of the Planning (Listed Buildings and Conservations Areas) Act 1990.

Impact upon neighbouring residential amenity

- 8.11. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.12. The proposal includes the creation of an external seating area, which is raised slightly as it is located on the 'landing area' of the disabled access ramp to allow for this area to be accessible. Whilst this area is raised and would have a degree of overlooking to No.12 and 12a Leicester Road, when considering the existing access ramp, windows and doors associated with the site, the overlooking impacts are not considered to increase to a level which would be considered overly detrimental. In

addition, two objections to the proposal have been received, concerns relating to noise disturbance from the proposed outdoor seating area have been raised. Whilst it is acknowledged that there will be a degree of noise created from the outdoor seating area, it is not considered to be worsened significantly from the existing situation, whereby there is an outdoor smoking shelter within close proximity to the neighbouring boundary. HBBC Environmental Health were consulted as part of this proposal and raised no concerns.

- 8.13. As such the proposal is considered to be in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.14. Policies DM17 and DM18 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety and seek to ensure that developments have sufficient parking provisions.
- 8.15. The proposal does include the loss of 4 car parking spaces, which the Highways authority have confirmed is regrettable. LCC Highways have confirmed that whilst the loss of the 4 parking spaces is not ideal, that a refusal on the basis of lack of off-street car parking provisions would not be appropriate. In addition, LCC Highways confirmed that they have no concerns that the proposal will exacerbate any highways safety issues. The County Authority have recommended the inclusion of one condition relating to car parking, which has been included at the end of this report.
- 8.16. Overall the proposal is considered to be in accordance with Policy DM17 and DM18 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**

- 10.1. It is considered that the proposal is compatible with the character of the area and it would preserve the significance of the Groby Conservation Area. The proposal therefore complies with Policies DM10, DM11, DM12, DM17 and DM18 of the SADMP, section 16 of the NPPF and the statutory duty of Sections 16, 66 and 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990.

11. **Recommendation**

- 11.1 **Grant 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:

Design and Access Statement
Proposed Scheme Layout Drg No. 7956 / 02 Rev A
Proposed Site Layout Drg No. 7956 / 03
Existing Layout Drg No. 7956 / 01 Rev A

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

3. The materials to be used on the hereby approved outdoor seating area, proposed handrail and associated external walls shall be built in accordance with the materials detailed within the application form.

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).

4. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Proposed Site Layout, drawing number 7956 / 03. 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 the National Planning Policy Framework (December 2023).

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.