

Delegated Report

Planning Ref: 23/00624/FUL

Applicant: Mr J Walker

Ward: Barwell



Hinckley & Bosworth
Borough Council

Site: 2B Stafford Street Barwell Leicester

Proposal: Proposed three storey apartment block comprising 9 one-bed apartments and 5 two-bed apartments with associated parking, landscaping and charging points

1. Recommendation

- 1.1. **Refuse planning permission** subject to the reasons at the end of this report.

2. Planning application description

- 2.1. Whilst it is noted that the application was described as comprising "7 no. x 1 bed and 7 no x 2 bed apartments", the drawings show a three storey building containing 9 no x 1 bed and 5 no x 2 bed apartments. The description of development has been amended accordingly. A communal bin store is proposed to be provided inside the property with direct access onto Stafford Street.
- 2.2. 21 car parking spaces are proposed to be provided on site with 6 no. x electric vehicle charging points. A secure cycle and buggy store is shown at ground floor level.
- 2.3. Landscaping and communal gardens are provided. A flat roof is proposed to allow for the installation of PV panels to charge a battery storage system used to provide electricity to the communal areas, internal and external lighting. The proposed building is orientated 90 degrees to Stafford Street. The building is set back from Stafford Street with a landscape strip separating the public and private domain.
- 2.4. The proposed materials comprise a mix of traditional facing brickwork with feature soldier course banding in a contrasting brick. The use of timber cladding is also proposed to provide some contrast.

3. Description of the site and surrounding area

- 3.1. The application site measures 0.15 hectares and is located close to the centre of Barwell. It forms part of a designated employment site (reference BRW05) within the Earl Shilton and Barwell Area Action Plan. It is a vacant plot following demolition of the former factory building(s). The site now comprises concrete floor slab and yard areas. It is enclosed by a commercial factory to the east, a 2.4 metre high brick garden wall to the north and 1.7 metre high metal railing security fencing to the west and south.
- 3.2. To the west fronting Stafford Street there are two storey Victorian terraced houses back of pavement. To the north are the rear gardens of two storey terraced houses from ting onto Stapleton Lane. To the east and south there are commercial factories and associated offices

4. Relevant planning history

98/00933/FUL - Rebuilding part of fire-damaged industrial unit - Approved 06.01.99

02/00067/FUL - Erection of building for glass cutting, storage and boiler room - Approved 05.03.02

02/00587/FUL - Erection of building for glass cutting, storage and boiler room (amended scheme) - Approved 02.07.02

07/00767/FUL - Demolition of existing factory units and erection of nine dwellings – Refused 02.08.07

07/01299/FUL – Demolition of existing factory units and erection of 8 dwellings – Approved 07.12.07

18/00347/FUL - Residential development of eight dwellings – Approved 02.07.2018

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. 2 letters of objection have been received in response to the publicity surrounding this application. The concerns raised can be summarised as follows:

- Loss of privacy
- Loss of light
- Proposed building out of character/ out of keeping
- Congestion
- Insufficient car parking
- Use of pesticides
- Disturbance during construction

- 5.2. 2 letters have also been received from the same addressed where the response raises queries and or can be categorised as neutral. The comments can be summarised as follows:

- Site clearance should take place outside bird nesting season
- Queries number of units shown on the plans
- Suggests use of / queries the suitability of bird/bat boxes

6. Consultation

- 6.1. The following section summarises the consultation responses that have been received. Where appropriate the responses are expanded upon in the body of this report.

Barwell Parish Council – objects:

- Site very over developed
- Out of character for the area
- Insufficient Parking
- Congestion

Highway Authority – requests amended access arrangement

LCC Developer Contributions – requests contributions to waste services and libraries and monitoring contributions

LLFA – requests Surface Water Drainage Strategy

HBBC Drainage – requests Surface Water Drainage Strategy

HBBC Waste Services – No objection

HBBC Environmental Health – No objection subject to conditions

HBBC Affordable Housing – No objection – no affordable housing required

7. Policy

Earl Shilton & Barwell Area Action Plan (ESBAAP)(2014)

- Policy 23: Existing Employment Sites

Core Strategy (2009)

- Policy 3: Development in Barwell
- Policy 19: Green Space and Play Provision

Site Allocations and Development Management Policies (SADMP) DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM19: Existing Employment Sites

National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2012)
- Planning Practice Guidance (PPG)

Other relevant guidance

- Employment Land and Premises Review (ELPR)(2013)
- Emerging Employment land and Premises Study (ELPS)

Appraisal

8.1. Key Issues:

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Land contamination
- Drainage
- Infrastructure contributions

Assessment against strategic planning policies

- 7.2 Paragraph 2 of the National Planning Policy Framework (NPPF) (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. The development plan in this instance consists of the adopted Core Strategy (2009), the Earl Shilton and Barwell Area Action Plan (ESBAAP) Development Plan Document (2014) and the Site Allocations and Development Management Policies DPD (2016) (SADMP).
- 7.3 Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the 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.
- 7.4 The Council acknowledges that it cannot currently demonstrate a 5-year housing land supply. As a result of this some of the development plan housing policies most relevant for this proposal are considered to be out-of-date and paragraph 11(d) of the NPPF is triggered. This means that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This is a material consideration to weigh in the context of the statutory requirement to determine applications and appeals in accordance with the Development Plan unless considerations indicate otherwise.
- 7.5 Policy 3 of the adopted Core Strategy seeks to support development within the Barwell settlement boundary for a minimum of 45 new dwellings and to ensure that there is a range of employment opportunities within Barwell. The policy also includes the allocation of land for a sustainable urban extension to include 2500 new dwellings and 15 hectares of employment land
- 7.6 The application site forms part of a designated employment site (reference BRW05) within the adopted Earl Shilton and Barwell Area Action Plan. Policy 23 of the adopted Earl Shilton and Barwell Area Action Plan and Policy DM19 of the adopted SADMP states that a more flexible approach will be taken for alternative uses within category 'C' employment sites and in accordance with the most up to date Employment Land and Premises Review and Local Plan policies.
- 7.7 The most up to date Employment Land and Premises Review (2020) identifies the wider employment site as 'Works off Bank Terrace North' and as a category 'C' employment site where 100% of the site could be considered for alternative uses. The proforma for the area which includes the site describes this employment area as comprising "*Outdated isolated buildings (size and configuration) in a village*

centre location, with relatively limited commercial demand and poor access. Their loss would have little impact on the land supply of Barwell and the Borough.. As this site has remained derelict for a number of years (unit now demolished) and given the evidence from the emerging ELPS and it's current employment categorisation of 'C', There would subsequently be no strategic policy objection to the loss of this part of the existing employment site.

- 7.8 It should also be noted that planning permission was granted in 2018 for the change of use of the application site to residential. Whilst this permission has now expired, there has been no change in circumstances that would warrant a different conclusion being taken in respect of the principle of the change of use from employment to residential. Rather the housing land supply position weighs in favour of this change.
- 7.9 It can be concluded that the site is located within a sustainable urban location within the settlement boundary of Barwell where there is generally a presumption in favour of such development. The site has reasonable access to a full range of services and facilities within the nearby local centre and is accessible via public transport and other alternative sustainable means. The proposal would be acceptable in terms of adopted strategic planning policies and would result in a sustainable development that would contribute to the housing supply in Barwell.
- 7.10 The social and economic benefits associated with the development arising from the supply of new homes, the increase in population and construction industry benefits are held in moderate weight due to the scale of the development proposed.

Design and impact upon the character of the area

- 7.11 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.
- 7.12 Paragraph 130 of the NPPF sets guidance against which planning decisions should be assessed with the objective of achieving well designed places. It provides (inter alia) that decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment, establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.
- 7.13 Paragraph 134 of the NPPF Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
- 7.14 The site lies within a mixed use area and forms an interface between the two storey residential terraces and the employment area which comprises commercial/industrial premises and offices. The application site is currently vacant has been cleared of demolition materials other than the concrete floor slabs and hardstanding.
- 7.15 There is currently no building on-site and whilst the lapsed permission is a material consideration, the vacant land is the starting point for the assessment of the appropriateness of the development proposals and its impact. It is considered that

the proposed building is harmful to the character of the area and represents a missed opportunity to enhance this corner plot.

- 7.16 Whilst it is understood that the T-shaped form has been chosen to break up the massing of the proposed building, this is not successfully achieved due to the width and depth of the building combined with its lack of boundary separation on the east and west boundary. The building has a monolithic appearance. Whilst there are examples of large flat roofed buildings in the site's surrounding there are characterful examples due to the choice of materials, detailing, form and pattern of fenestration.
- 7.17 The proposed building appears monolithic and institutional and this is exacerbated by the quantity, size and form of the openings. Some elevations have very few openings which results in the appearance of an oversized, oppressive elevation with little relief and interest. Where there are openings, the size of these openings are diminutive relative to the elevations and this is evident by the brick to opening ratio. The use of patio-door style opening is also out of character with their surroundings. The form of the openings are not reflective of any example found in the site's surroundings and this is regrettable due to characterful design cues that could be drawn from its context.
- 7.18 The three storey building is sited very close to the public highway. The elevation fronting Stafford Street is three storeys in height and runs approximately 23 metres. This coupled with the separation of just 1 metre from the public highway will make the building appear cramped in its plot and unsympathetic the diminutive two storey terraced houses located to the west. 11 metres separation is considered to be insufficient and harmful to the character of the area.
- 7.19 The orientation and siting of the proposed building is also unsympathetic to the pattern of surrounding built form. The proposed building appears to have been located with little consideration for its surroundings and how it would relate to the built form in its context.
- 7.20 It is acknowledged that application reference 18/00347/FUL granted planning permission for three storey dwelling houses fronting Stafford Street, yet the approved dwellings were set further back from the highway compared to the current proposal and the dwelling comprised two floors with accommodation in the roofspace. The roofs were pitched which, in effect moved the massing at second floor level away from the street, increasing separation at this level between the development and the two storey terraced houses located opposite. This scheme was less impactful in this regard. Furthermore the approved dwellings were semi-detached and linked-semidetached – link by garages with accommodation in the roofspace – which further provided relief and reduced the bulk and massing of the development.
- 7.21 In summary the proposed development represents a poor standard of design which is harmful to the character and appearance of the area. This is due to the siting, scale, form and massing of the building together with the proposed openings that are disproportionate to their elevations and not characteristic of their surroundings. The development proposals are contrary to SADMP policy DM10 and the advice contained in the NPPF which promotes a high standard of design and this policy conflict is held in significant weight in the planning balance.

Impact upon neighbouring residential amenity

- 7.22 Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighbouring properties. The NPPF in paragraph 17 seeks to

ensure a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.

- 7.23 At 11 metres there is considered to be insufficient separation between the three storey west elevation of the proposed building and the two storey terraced dwelling houses at 20-32 Stafford Street. This will result in an overbearing impact an unacceptable increase in the sense of enclosure experienced by the occupiers of these properties.
- 7.24 Only the ground floor level window in the west elevation of the proposed building is annotated as obscure glazed. Irrespective of whether these windows are obscure glazed, there will be at least be a perceived loss of privacy experienced by the occupiers of 20-32 Stafford Street due to the close relationship between the opposing windows in the existing and proposed building(s).
- 7.25 If the windows above ground floor level in the west elevation of the proposed buildings are not obscure glazed there will be mutual overlooking which will also harm the amenities of future occupiers of the building. It is noted that the ground floor level window that is indicated to be obscure glazed on the elevational drawing is the only window serving a living/kitchen/dining room. The lack of outlook and reduced light arising from the obscure glazing would not provide an appropriate standard of living for future occupiers. This arrangement is not acceptable. The same concern applies if the intention is for all windows in this elevation to be obscure glazed.
- 7.26 There is sufficient separation between the proposed northern elevation and the dwellings located to the north so as not to pose a threat to the occupiers of the dwellings to the north, subject to the use of appropriate boundary treatment.
- 7.27 Notwithstanding the issue regarding the obscure glazing, the flats are all of a reasonable size, have built-in storage and access to some communal outdoor amenity space. These elements of the scheme are acceptable.
- 7.28 In summary, the proposed development would be overbearing, increase the sense of enclosure and compromise the levels of privacy enjoyed by the occupiers of the terraced dwellings on Stafford Street representing an unacceptable impact on the amenity of these occupiers. The use of obscure glazing on the west elevation of the proposed building would result in a sub-standard of living to the future occupiers of the development whereby the only living space would be poorly lit and have no outlook. On this basis the development proposals are contrary to SADMP policy DM10 and the advice contained in the NPPF. The harm arising from the development in this respect is held in significant weight due to the number of existing and future residents who would be adversely affected by the development.

Impact upon highway safety & Car parking

- 7.29 Policy DM17 of the adopted SADMP identifies a number of criteria which development should meet and requires proposals to demonstrate that there would not be a significant adverse impact on highway safety and that proposals reflect the latest highway authority design standards. The current highway design standards are the 6C's Design Guide. Policy DM18 requires new development to provide an appropriate level of parking provision taking into account the sites location, type of housing and other modes of transport available.
- 7.30 Paragraph 110 of the NPPF requires the assessment of development proposals to ensure that appropriate opportunities to promote sustainable transport modes can be taken up; safe and suitable access to the site can be achieved for all users; the design of streets, parking areas, other transport elements reflects current national;

and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 111 of the NPPF clarifies that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe. Paragraph 112 of the NPPF.

Site Access

- 7.31 The drawings show the re-use of two of the three existing points of access onto the public highway with the 3rd access permanently closed and fully reinstated. The accesses lead onto Stafford Street which is an adopted, unclassified road that is subject to a 30 mph speed limit. The application drawings show one access close to the northern boundary of the site and a second access close to the southern boundary of the site. Each access is shown as measuring six metres in width for at least the first five metres from the highway and that these areas are to be surfaced with tarmac. The Highway Authority welcomes the reduced number of accesses. However in the interests of highway safety for all the Highway Authority seeks to limit the number of accesses onto the highway. A safer arrangement would be for the applicant to consider providing a single point of access to serve all of the parking spaces. The utilisation of the northern access would be preferable as the southern access is close to the bend visibility is restricted. The proposed trees on this corner could also further restrict available visibility around the bend. In order to be in accordance with Part 3, Table DG17 of the Leicestershire Highway Design Guide (LHDG) the LHA are willing to accept an unbound access that is a minimum of 4.8 metres wide for the first five metres from the public highway.

Highway Safety

- 7.32 Based on available records to the LHA, there have been no recorded Personal Injury Collisions along Stafford Street or Bank Terrace within the last five years.

Internal Layout

- 7.33 The drawings show the provision of 21 parking spaces to serve 14 one and two bedroom dwellings. Each of the spaces are shown to measure 5 metres by 2.4 metres. Part 3, Paragraph 3.165 states that parking spaces should be at least 5.5 metres in length however the Highway Authority is willing to accept the proposed spaces. The LHA welcome that a six metre aisle width has been provided.
- 7.34 The Highway Authority has also noted that the site is suitably located to provide good access to services and sustainable transport methods.
- 7.35 The proposed secure, undercover cycle parking facilities and electric vehicle charging points are welcome.

Highways Summary

- 7.36 Whilst officers note the Highway Authority's concerns about the use of the two accesses, the proposed arrangement is not considered to represent an unacceptable impact particularly given that the accesses are existing. The NPPF makes clear that development should only be refused on highways grounds if the risk to safety is unacceptable. On this occasion this is not considered to be the case. If an amended scheme were to be submitted, a more preferable access arrangement could be negotiated yet on this occasion this matter is not considered to warrant the refusal of the planning application. Furthermore, whilst the residents' concerns are noted, the addition of 14 dwellings is not considered to represent a severe cumulative impact on the highways network and no mitigation is sought on this basis.

- 7.37 Based on the remarks and assessment above the development proposals are considered to accord with SADMP policy DM17 and DM18 and the advice contained in the NPPF.

Drainage

- 7.38 Policy DM7 of the SADMP seeks to ensure that development does not create or exacerbate flooding. Paragraph 159 of the NPPF requires inappropriate development in areas at risk of flooding to be avoided by directing development away from areas at highest risk. Paragraph 167 continues by explaining that, when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 169 of the NPPF requires major developments to be served by drainage strategies based on sustainable drainage principles.
- 7.39 The application site is located in flood zone 1 and is at low risk of fluvial and surface water flooding. Whilst it is acknowledged that the LLFA and HBBC Drainage Team have requested a surface water strategy based on sustainable drainage principles pre-determination, this was secured by condition in the context of planning application reference 18/00347/FUL. There appears to be no reason why a different approach should be taken in the context of the current application.
- 7.40 If this application were to be approved a condition would be imposed to secure a drainage scheme based on sustainable drainage principles that would be required to achieve a discharge rate of 5 l/s. With the use of such a condition the development proposals would comply with SADMP policy DM7 and the advice contained in the NPPF.

Land Contamination

- 7.41 Policy DM7 of the adopted SADMP seeks to prevent any adverse impacts from pollution by ensuring that development proposals demonstrate that it will not adversely impact water quality (including ground water) and that appropriate remediation of contaminated land in line with minimum national standards will be undertaken
- 7.42 In the context of 18/00347 it was noted that by virtue of the previous commercial/industrial uses of the site and underlying minor aquifer, investigation of potential land contamination, risks to surface water and groundwater quality and the submission of a scheme for any necessary remedial works would be required to be submitted for approval. Such works are considered to be reasonable and necessary to ensure safe development of the site and to protect the water environment and amenities of the future occupiers of the site and could be secured by the imposition of conditions.
- 7.43 If this application were to be approved the conditions to deal with contamination risks, as recommended by the Environmental Health Officer, would be applied. Subject to the use of such conditions to secure satisfactory investigation and necessary remediation of the site, the proposal would be in accordance with Policy DM7 of the adopted SADMP.

Infrastructure Contributions

- 7.44 Due to the scale of the proposal developer contributions are required to mitigate the impact of the proposed development upon community services, facilities and infrastructure. Policy DM3 of the adopted SADMP requires development to

contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities.

- 7.45 Policies 2-5 and 19 of the Earl Shilton and Barwell Area Action Plan (AAP) requests a number of contributions to be sought from developments within the settlement boundary of Barwell and Earl Shilton and the SUE's. The need arising from the SUEs as outlined in the AAP can be used as an evidence base to calculate the necessary contributions sought for this scheme.
- 7.46 The general approach to developer contributions must be considered alongside the requirements contained within the Community Infrastructure Levy Regulations 2010 (CIL). The regulations confirm that where developer contributions are requested they need to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed.

Waste Services

- 7.47 A contribution would be required to ensure that the local waste facilities can continue to maintain the existing level of service and capacity for the residents of the proposed development. This would be provided through the development of additional capacity and infrastructure to handle the waste and vehicles delivering in/out as a result of the proposed development at the local waste facilities.
- 7.48 Existing local waste facilities, including HWRC and waste transfer sites have a finite capacity in terms of, but not limited to, overall waste capacity, the facilities to maintain existing recycling and reuse performance and also in the number of residents that can utilise the site safely at any one time. Hence current waste inputs and waste generated from new residential developments being delivered to the existing site may not easily be accommodated where one or more of these elements are already at capacity.
- 7.49 The County Council's Waste Management Team considers the proposed development is of a scale, type and size which would not be able to be accommodated at the existing waste facilities and be able to maintain the existing service levels. Accordingly a contribution of £693.42 has been requested by Leicester County Council to be directed towards site reconfiguration and/or development of waste infrastructure to increase the capacity at Barwell Household Waste and Recycling Centre. The need for the contribution arises from the additional household waste that will arise from the new homes on the development.

Libraries

- 7.50 The need for library facilities contributions are outlined in the Leicestershire Planning Obligation Policy (adopted 10th July 2019). The County Council consider the proposed development is of a scale and size which would have an impact on the delivery of library facilities within the local area. The nearest library to this development is Earl Shilton Library and it is estimated that the total assumed occupancy of 32 arising from the development will create additional pressures on the availability of the facilities at that library, and others nearby. The Department for Culture Media & Sport sets out that the standard provision of library materials (lower threshold) should be 1.157 items of stock per 1,000 population. The average price per item added to stock in Leicestershire libraries (June 2017) is £8.70. A contribution to Earl Shilton Library's stock of £317.08 is therefore requested to mitigate the development's impact on this service.

Open Space, Sport & Recreation

- 7.51 Policy 19 of the Core Strategy requires developments to provide on-site open space. The requirements are calculated using an average household size of 2.4 based upon the Census 2011 data for Hinckley and Bosworth Borough. The requirements of open space per dwelling are set out on page 225 of the Open Space and Recreation Study October 2016 and are as follows:

Open Space Typology Open Space requirements per dwelling

- Equipped Children's Play Space - 3.6 sqm
- Casual/informal Play Space - 16.8 sqm
- Outdoor Sports Provision - 38.4 sqm
- Accessibility Natural Green Space - 40 sqm

- 7.52 Had this application been recommended for approval, contributions to the various typologies of open space referenced above would have been sought based on the methodology provided in the Open Space and Recreation Study.

Public Realm Improvements

- 7.53 Policy 19 of the AAP seeks to secure the enhancement of the public realm, through physical development and / or developer contributions which conform to the respective public realm. The policy specifically relates to developments within the settlement boundary, which the application site sits outside of but it is adjacent to the settlement boundary. The AAP policy is supported through Policy 3 of the Core Strategy which seeks to support the regeneration of Barwell Centre; including public realm improvements and Policy 5 of the Core Strategy which seeks to deliver high quality pedestrian and cycle linkages. Given the information above, it is considered that a contribution towards improvement of the public realm is applicable and in accordance with Policy DM3 of the Site Allocations and Development Management Policies DPD (2016).
- 7.54 Appendix 4 of the AAP identifies a number of public realm improvement projects to be delivered in Barwell. The contributions identified for public realm improvements for the Barwell SUE are £402 per dwelling (page 81). This figure is considered to be relevant and appropriate to the appeal scheme as it is directly related to public realm improvements within Barwell. Whilst the proposal is smaller in scale than the SUE it is a policy requirement that all development contributes towards the enhancement of Barwell's public realm.

Affordable Housing

- 7.55 It is noted that the policy requirement set out in the Core Strategy is for the provision of 20% affordable housing on sites of 15 dwellings or more, or 0.5 hectares or more. The number of dwellings on this site does not cross the threshold of unit numbers that would trigger a requirement for affordable housing. The application states the site is 0.1462 hectares and that is also below the policy threshold. There is therefore no request for any affordable housing to be delivered on this development.

Skills Development

- 7.56 Policy 20 of the Earl Shilton and Barwell Area Action Plan identify that commitments from developers will be negotiated to provide employment and training opportunities within construction. Wording to ensure skills development during the construction of a development has been developed and is included within Section 106 agreements. This will ensure that the proposed development would enable benefits to the economy through employment and training opportunities to local people.

Monitoring

- 7.57 The Community Infrastructure Levy (Amendment) (England) (No.2) Regulations 2019 allow for a sum to be paid in respect of the cost of monitoring planning obligations. In this respect the county council charges £300.00 or 0.5% depending upon which is the greatest for each planning obligation. The Borough Council would also seek to secure monitoring fees of £349 per obligation.

Planning Obligations Summary

- 7.58 As set out above there is a need for the development to mitigate its impact on infrastructure and services arising from the increased demands arising from the development. Each obligation is necessary, directly related and fairly and reasonably related in scale and kind to the development proposed. If the development were to be approved a S106 Agreement would have been drafted to secure the necessary obligations. On this occasion it is recommended that the planning application is refused and no mechanism has been provided to secure the required contribution. On this basis a reason for refusal is recommended and is included in section 10 below.

Other Matters

- 7.59 It is noted that the Council's waste team observe that the proposed bin store meets their requirements.
- 7.60 A letter written in response to the application consultation questions the suitability of the use of bat and bird boxes on the proposed building. If this application were to be approved such details would be secured by condition. With such a condition securing appropriate provision for wildlife, the development proposals would accord with Policy DM6 of the SADMP which requires development proposals to demonstrate how they conserve and enhance features of nature conservation and paragraph 174 bullet "d" of the NPPF requires planning decisions to contribute to and enhance the natural and local environment by (inter alia) minimising impacts upon and providing net gains for biodiversity.

8. Equality implications

- 8.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (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.
- 8.2 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.
- 8.3 There are no known equality implications arising directly from this development.

9. Planning Balance & Conclusion

- 9.1 This report has assessed the development proposals against the presumption that planning permission should be granted for sustainable development unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits. This report has demonstrated that that proposals do not constitute sustainable development.
- 9.2 The development would make a contribution to the supply of housing although this benefit would be tempered to moderate weight in the planning balance given the small number of units proposed. There would also be economic benefits in terms of the construction of the development, and those associated with the resultant increase in local population; although such positive weight would again be limited to moderate weight due to the small scale of the number of units proposed.
- 9.3 There are a number of areas of compliance with development plan policies including matters surrounding highway and car parking, drainage and environmental health which are not considered benefits as such and are subsequently held in neutral weight when considering the overall benefits of the scheme.
- 9.4 The benefits and adverse impacts are carefully weighed in the planning balance and it is considered that the moderate public benefits of the scheme identified above would not outweigh the significant harm arising from the poor design which fails to take opportunities to enhance and is ultimately harmful to the character and appearance of the area and the significant harm apportioned to the harm the development would cause to the amenities of neighbouring and future occupiers of the development.
- 9.5 The harm arising from the development proposals is considered to significantly and demonstrably outweigh the moderate public benefits identified. Weighing all the above factors into the planning balance, and having regard to the NPPF as a whole, all relevant policies of the Development Plan, in applying paragraph 11 of the NPPF, it is considered that the adverse impacts significantly and demonstrably outweigh the identifiable benefits of the proposal as a whole. The development proposals cannot be regarded to represent a sustainable form of development and it is recommended that the planning application is refused.

10. Recommendation

10.1 Refuse planning permission for the following reasons:

1. Due to the scale, siting, and design of the proposed building the development proposals represent a poor standard of design that fails to take opportunities to enhance the character of the area. The development proposals would be harmful to the character and appearance of the area and are contrary to Site Allocations and Development Management Policies DPD (2016) policy DM10 and the advice contained in the NPPF.

2. Due to its scale and siting the proposed development would be overbearing, increase the sense of enclosure and compromise the levels of privacy enjoyed by the occupiers of neighbouring dwellings representing an unacceptable impact on the amenity of these occupiers. The use of obscure glazing in the west elevation of the proposed building would result in a sub-standard of living for the future occupiers of the development. When considering the amenity of existing and future occupiers the development proposals are contrary to Site Allocations

and Development Management Policies DPD (2016) policy DM10 and the advice contained in the NPPF.

3. In the absence of any mechanism to secure contributions to infrastructure and services for which additional need arises from the development the development proposals are contrary to Core Strategy Policy 5 and Policy 19; Site Allocations and Development Management Policies DPD (2016) policy DM3; the Earl Shilton and Barwell Area Action Plan; and the advice contained in the NPPF.