

Delegated Report

Planning Ref: 25/00671/FUL
Applicant: Mrs Dorothy M Kallika
Ward: Barwell



Hinckley & Bosworth
Borough Council

Site: 85 Shilton Road Barwell Leicester

Proposal: Rear extension to existing pre-school

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 application seeks full planning permission for the extension of an existing pre-school, Lynton Childcare, at 85 Shilton Road, Barwell.
- 2.2. The proposed extension would project outwards from the existing rear elevation by 3.60 metres for a width of 6.72 metres and would have a flat roof form which would have an overall height of 2.80 metres. It would be finished in red brick to the walls, rubber to the roof, and a mix of white PVC and aluminium to the openings.
- 2.3. The submitted Project Plan confirms that the proposed works are required to increase the capacity of the use to support an additional eight to ten children whilst also generating additional employment opportunities at the site. Despite this the Local Planning Authority (LPA) have worked with the applicant to agree that the number of children at the site shall be restricted to a maximum of 18 in conformance with the previous permissions, to ensure that the proposed use does not become a source of annoyance to nearby residents.

3. Description of the site and surrounding area

- 3.1. The application site is located within the centre of Barwell on the northern side of Shilton Road. The site adjacent to residential properties to the east, south, and west, and a series of employment and retail uses are located to the north of the site along Kingsfield Road. Due to the variety of styles and designs of properties along Shilton Road, there is no discernible unique character to the street scene.
- 3.2. The application consists of 85 Shilton Road, which is a two-storey semi-detached property that is constructed with a hipped roof, a red brick finish on the ground floor, and a pebble dash rendered finish on the first floor. The Applicant states that both 85 Shilton Road and the attached property, 83 Shilton Road, are occupied by the owners of the childcare facility and utilise the two driveways to the respective properties from Shilton Road as in/out vehicular accesses to the childminding facility.
- 3.3. The ground floor of the property within the application site was approved for a temporary change of use to a childminding facility for up to 12 children until 25 December 2001 in 2000 via planning application 00/000815/COU.
- 3.4. This childminding use, now established as Lynton Childcare, was made permanent by planning permission 02/01359/CONDIT and Condition 01 of this permission increased the capacity of the use from 12 to 18 children at any one time. Condition 04 of this permission limited the use of the childminding facility to between 07:30 and 18:00 on Mondays to Fridays.

- 3.5. The approved use was amended by two further Section 73 Applications (13/00890/CONDIT, and 14/00682/CONDIT). In addition to the two conditions detailed above, Condition 02 of the latest planning permission, 14/00682/CONDIT, limited the use of the rear garden of the property for children's recreation between 09:00 and 09:30 to a maximum of eight children, and to a maximum of 12 children between 09:30 and 16:30.

4. Relevant planning history

77/01717/4M

- Erection of garage and utility room
- Planning Permission
- 24.01.1978

91/00177/4

- Extensions to dwelling
- Planning Permission
- 16.05.1991

98/00557/FUL

- Extension to dwelling to provide additional living accommodation
- Planning Permission
- 10.08.1998

00/00815/COU

- Change of use to childminding facility for up to 12 children
- Planning Permission
- 11.10.2000

02/00090/CONDIT

- Continued use of property for childminding purposes and increase in number of children accommodated from 12 to 24
- Refused
- 24.04.2002

02/00973/CONDIT

- Continued use of property for childminding purposes increasing the number of children accommodated from 12 to 18
- Refused
- 07.11.2002

02/01359/CONDIT

- Continued use of property for childminding purposes with an increase in number of children accommodated from 12 to 18
- Planning Permission
- 27.02.2003

13/00890/CONDIT

- Variation of condition 3 of planning permission 02/01359/CONDIT to extend children's recreation in the rear garden from 1 to 2hrs per morning and afternoon.
- Planning Permission
- 18.12.2013

14/00682/CONDIT

- Variation of condition 2 and 3 of planning permission 13/00890/CONDIT to allow a maximum of 8 children in the rear garden between the hours of 0900 and 0930 and extend children's recreation in the rear garden from 0930 to 1630 for a maximum of 12 children
- Planning Permission
- 05.02.2015

25/00172/CLP

- Certificate of proposed lawful development to extend existing pre-school.
- Refusal of Certificate of Lawful Proposed Use
- 17.04.2025

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. Following the publication one objection has been received which has been summarised below;
- The extra amount of children proposed will create extra screaming and general noise;
 - Vehicles already park in front of neighbouring drives obstructing the view of the highway;
 - An increase in cars collecting children from the school could make the existing parking situation even worse.

6. Consultation

- 6.1. Barwell Parish Council;
*'No objections with the following concerns:
DM17 - parking at the pre-school is currently a road safety issue and this extension allowing more pre-school places will impact on this.'*
- 6.2. HBBC Pollution (Environmental Health);
'No objections.'
- 6.3. LCC Highways;
- No comments have been received.

7. Policy

- 7.1. Earl Shilton and Barwell Area Action Plan (ESABAAP) (AAP) 2006-2026

- Policy 22: Development and Design
- 7.2. Core Strategy (2009)
 - Policy 3: Development in Barwell
- 7.3. Site Allocations and Development Management Policies DPD (2016)
 - Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM7: Preventing Pollution and Flooding
 - Policy DM10: Development and Design
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
- 7.4. National Planning Policies and Guidance
 - National Planning Policy Framework (NPPF) (2024)
 - Planning Practice Guidance (PPG)
- 7.5. Other relevant guidance
 - Good Design Guide (2020)
 - National Design Guide (2019)
 - Leicestershire Highways Design Guide (2024)

8. Appraisal

- 8.1. Key Issues
 - Design and impact upon the character of the area
 - Impact upon neighbouring residential amenity
 - Impact upon highway safety and parking provision

Design and impact upon the character of the area

- 8.2 Policy DM10 of the SADMP requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, mass, design, materials and architectural features and for building material to respect existing/neighbouring buildings and the local area generally.
- 8.3 Policy 22 of the ESBAAP seeks to ensure that new development is not detrimental to the character and appearance of the host dwelling or surrounding area and respects the scale, proportions, height and materials of the existing buildings, neighbouring structures and overall street scene.
- 8.4 The Council's Good Design Guide states that *"Rear extensions should be designed to be clearly subordinate to the main dwelling. They should be an appropriate height, width, depth and reflect or complement the detailing and materials of the original building."*
- 8.5 The Council's Good Design Guide states that *"Flat roofs on extensions will not normally be considered appropriate where they do not form part of the original design of the house, however in some circumstances where they are not visible from the public realm and the use of a flat roof may result in a reduced visual impact, they may be considered acceptable, particularly if designed with a contemporary aesthetic style."*
- 8.6 The proposed extension would extend outwards from the existing rear elevation by a modest 3.60 metres. It would sit within the confinements of the existing building line and would extend for a width of 6.72 metres as to replicate the existing pre-school rooms width. A flat roof form is proposed which would replicate the eaves of

the existing single-storey element which along with the appropriate footprint would ensure the extension appears subordinate to the main dwelling.

- 8.7 It should be noted that a flat roof is not usually a welcomed addition as they do not represent a traditional roof form prevalent in the Borough, however, as proposal would be single storey, of a subordinate scale and positioned entirely to the rear of the dwelling screened by the existing dwelling, the addition is not considered to bear any additional detrimental impacts upon the character of the area. The proposed use of sympathetic materials would further ensure a unified appearance
- 8.8 By virtue of the above, the proposal is therefore considered to be in accordance with Policy DM10 of the SADMP, Policy 22 of the EABAAP and the general principles of the Councils Good Design Guide.

Impact upon neighbouring residential amenity

- 8.9 Policy DM7 of the SADMP requires that development does not cause noise or vibrations of a level which would disturb areas that are valued for their tranquillity in terms of recreation or amenity.
- 8.10 Policy DM10 of the SADMP requires that development would not have a significant adverse effect on the privacy and/or amenity of nearby residents and occupiers of adjacent buildings.
- 8.11 Policy 22 of the EABAAP seeks to ensure that new development does not adversely affect the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.12 The Councils Good Design Guide seeks to ensure that *'the 45 degree rule is applied for planning applications for new buildings and extensions to existing properties which might affect the outlook from or daylight to a neighbouring property. This rule ensures consistency and fairness between applicants and their neighbours.'*
- 8.13 Whilst originally perceived to significantly exceed the 45 degree rule to the west, given the identification and inclusion of the new substantial extensions to no.83 to the block plan the LPA can confirm that the extension would comply with the 45 degree rule not affecting the outlook of no.83. No windows are either proposed to the immediate side elevation bearing no impact upon the owners/occupiers in terms of loss of privacy.
- 8.14 The proposal would not affect the outlook to the neighbouring property to the east due to being screened by the existing building/structures. A window is proposed to the extensions immediate side elevation, nevertheless it is to face directly onto the blank façade of the existing neighbouring outbuilding whilst being set away from the boundary by 5.65 metres bearing no impact upon the owners/occupiers in terms of loss of privacy.
- 8.15 An objection has been received that the extra amount of children proposed will create extra screaming and general noise affecting the amenity of the nearby residents.
- 8.16 Despite the minor increase in floorspace the applicant has confirmed that they are happy for the LPA to re-impose the previous restrictions (imposed under 14/00682/CONDIT) on the number of children and hours of use of the premises both inside and outside. As a result, the extension is not considered to result in the intensification of noise at the site and should the applicant wish to vary/remove these conditions a further application will be required to ensure that a proper assessment of the potential impacts occurs. HBBC Environmental Health (Pollution)

have raised no objections to the proposal. Any future issues could be controlled by them separately using statutory nuisance legislation.

- 8.17 By virtue of the above, the proposal is therefore considered to be in accordance with Policy DM7 and DM10 of the SADMP, Policy 22 of the EABAAP and the general principles of the Councils Good Design Guide.

Impact upon highway safety and parking provision

- 8.18 Paragraph 115 (b) of the NPPF states that planning decisions should ensure that developments provide safe and suitable access to the site for all users. In accordance with Paragraph 115(d) of the NPPF, any proposal should ensure 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 through a vision-led approach.
- 8.19 Ultimately, 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, following mitigation, would be severe, taking into account all reasonable future scenarios in accordance with Paragraph 116 of the NPPF.
- 8.20 To support this, Policy DM17 of the SADMP states that development proposals need to demonstrate that there is not a significant adverse impact upon highway safety, and that the residual cumulative impacts of development on the transport network are not severe. 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) (2024).
- 8.21 The LHDG seeks to ensure that use class E (f) sites provide 1 space per staff member plus 1 space per shift changeover.
- 8.22 The pre-school currently employs 6 full-time and 3 part-time staff, equvalating to 7.50 full-time staff members in total with a existing/resulting parking provision for 10 vehicles.
- 8.23 As this application does not seek to increase the number of children previously permitted at the nursery it is not considered that the proposed extension would result in additional impacts in this respect. Moreover, no objections have been received from the Local Highways Authority.
- 8.24 By virtue of the above, the proposal is therefore considered to be in accordance with Policy DM17 and DM18 of the SADMP and the LHDG.

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.

10. Conclusion

- 10.1. The application is considered to be acceptable in terms of its impacts on the character of the area and have no detrimental impact on neighbouring amenity or highway safety. As a result, the proposal is considered to be in accordance with Policies DM7, DM10, DM17, DM18 of the SAMDP, Policy 22 of the ESABAAP, the LHDG, and the general principles of the Councils Good Design Guide and the scheme is therefore recommended for approval subject to conditions.

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 materials to be used externally shall accord with the approved application form, as received by the Local Planning Authority on the 9th July 2025.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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

- Site Location Plan, Drg No. K062025/4 as received by the Local Planning Authority on the 9th July 2025.
- Proposed Floor Plan, Drg No. Drg No. K062025/1
- Proposed Elevation and Section, Drg No. K062025/2
- Proposed Elevation and Section, Drg No. K062025/4 as received by the Local Planning Authority on the 27th July 2025.
- Block Plan as received by the Local Planning Authority on the 17th September 2025.

Reason: To ensure a satisfactory form of development in accordance with Policy DM10, DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. No more than 18 children shall be childminded on the site at any one time.

Reason: To ensure that the proposed use does not become a source of annoyance to nearby residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. The rear garden of the property shall only be used for children's recreation between the hours of 09:00am and 09:30am for a maximum of 8 children and a maximum of 12 children between the hours of 09:30am and 16:30pm.

Reason: To ensure that the proposed use does not become a source of annoyance to nearby residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. The child minding facility hereby approved shall not be in use outside the hours of 07:30am and 18:00pm Monday to Friday.

Reason: To ensure that the proposed use does not become a source of annoyance to nearby residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11.3 Notes to applicant

- a) The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at building.control@blaby.gov.uk or call 0116 272 7533.