

Delegated Report

Planning Ref: 23/00713/FUL
Applicant: Ruth Cassidy
Ward: Earl Shilton



Hinckley & Bosworth
Borough Council

Site: 10 The Hollow, Earl Shilton

Proposal: Proposed new apartment to include 4 self-contained flats with associated amenity space and parking

1. Recommendations

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

2. Planning application description

- 2.1. The application seeks full planning permission for a new L shaped apartment block. It measures 16.8m deep and 17.2m wide. The taller part of the apartment block will be 8.4m to the ridge and 5.3m to the eaves. The shorter part will be 5.7m to the ridge and 2.6m to the eaves.
- 2.2. The ground floor will contain two one-bed studio apartments and one two bed apartment. The first floor will comprise of one-one bedroom apartment.
- 2.3. The proposal will be finished in light brown brick with white render in places, grey UPVC windows and doors and grey roof tiles.
- 2.4. The application has been significantly revised since it was first submitted to both improve the siting and layout of the proposal to provide greater amenity space for future residents and to improve the internal layout to improve the amenity of future occupiers.

3. Description of the site and surrounding area

- 3.1. The site is located to the rear of numbers 8-14 The Hollow, commercial properties that front the main shopping area. The site is currently a car park, accessed via an undercroft between numbers 8-10 The Hollow. It contains a single storey commercial building and an outbuilding, both of which are to be demolished.

4. Relevant planning history

- 4.1. None

5. Publicity

- 5.1. Neighbours were notified of the application. Concerns have been raised from two neighbours regarding parking, access, highways safety and overlooking.

6. Consultation

- Earl Shilton Town Council – No response.
- HBBC Pollution – Conditions recommended.
- HBBC Waste– See advisory notes.
- LCC Highways – No objection, conditions recommended.
- HBBC Drainage – No objection, conditions recommended.

7. Policy

- 7.1. Core Strategy (2009)

- Policy 2: Development in Earl Shilton
- 7.2. Site Allocations and Development Management Policies DPD (SADMP) (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM10: Development and Design
 - 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)
 - Nationally Described Space Standards
- 7.4. Earl Shilton and Barwell Area Action Plan (ESBAAP)
- Policy 22
- 7.5. Other relevant guidance
- Good Design Guide (GDG) (2019)
 - National Design Guide (2019)

8. Appraisal

- 8.1. Earl Shilton is recognised as a sub-regional centre that supports Hinckley in paragraph 4.18 of the adopted Core Strategy. As stated in Policy 2 of the Core Strategy, development in Earl Shilton will be supported within the settlement boundary. The application is therefore in a sustainable location for new development and is acceptable in principle in accordance with Policy DM1 of the SADMP. Therefore, in respect of this application it is considered that the key issues are:
- Design and impact upon the character of the area
 - Impact upon residential amenity
 - Impact upon highway safety

Design and impact upon the character of the area

- 8.2 Policy DM10 of the SADMP indicates that development will be permitted providing it meets good standards of design including that it would complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and would not have a significant adverse effect on the privacy and amenity of nearby residents.
- 8.3 Policy 22 of the ESBAAP states that developments will be permitted providing that it does not adversely affect the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting, air quality (including odour), noise, vibration and visual intrusion.
- 8.4 The proposal has taken into consideration comments provided at the pre-application stage with regards to design and massing. Following amendments to the originally submitted scheme to address issues regarding siting and landscaping it is considered that the proposal is appropriately designed and will have no adverse impact on the character of the site and surrounding area. The proposal complies with Policy 22 of the ESBAAP, Policy DM10 of the SADMP and the GDG.

Impact upon residential amenity

- 8.5 Policy DM10 of the SADMP states that proposals should not affect the occupiers of neighbouring properties and that the amenity of occupiers of the proposed development would not be adversely affected by activities in the vicinity of the site.
- 8.6 Paragraph 130 of the NPPF requires that development should ensure that a high standard of amenity is provided for existing and future users.
- 8.7 The Nationally Described Space Standards set out government requirements for minimum floorspace in new dwellings.
- 8.8 The proposal has taken into consideration comments provided at the pre-application stage with regards to separation distances and massing. It is considered that the spacing between habitable room windows and neighbouring properties is now considered sufficient.
- 8.9 By virtue of the height, siting and design of the proposal, and following the submission of amended plans to address concerns regarding the amenity of future occupiers it is considered the proposed development does not have any significant detrimental impact on the residential amenity of the occupiers of the neighbouring properties and that it provides appropriate levels of amenity for the future occupants.
- 8.10 The proposal therefore complies with Policy 22 of the ESBAAP, Policy DM10 of the SADMP, the GDG and the NPPF.

Impact upon highway safety

- 8.11 Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Paragraph 111 of the Framework states 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.
- 8.12 LCC Highways have recommended five conditions and state:
"The Local Highway Authority Advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 111 of the National Planning Policy Framework (2021), subject to the conditions and/or planning obligations outlined in this report."
- 8.13 The site lies in a highly sustainable town centre location. There are no objections on highway grounds and the proposed development is considered to accord with the requirements of policies DM17 and DM18 of the Site Allocations and Development management policies Development Plan Document 2016.

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. By virtue of the appropriate scale, layout, form, design and proposed construction materials, it is considered that the proposed development complies with Policies DM1, DM10, DM17 and DM18 of the SADMP, Policy 22 of the ESBAAP and the GDG.

11. Recommendation

11.1 **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report

11.2 Conditions and Reasons / Reasons

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

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

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

Site Layout Plan Drg No. 487/002 Rev F (Received on: 13/02/2024)

Proposed Floor Plans, Elevations, Drg No. 487/001 Rev D (Received on: 14/01/2024)

Site Location Plan (Received on: 19/07/2023)

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

3. 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 prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site to accord with Policy DM7 of the adopted Site Allocations and Development Management Policies DPD.

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

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

5. No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted in writing to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.

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

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

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

7. The development hereby permitted shall not be occupied until such time as the existing gates to the vehicular access have been permanently removed. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no gates, barriers, bollards, chains or other such obstructions shall be erected to the vehicular access.

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with the National Planning Policy Framework (2023).

8. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Perfect Planning drawing number 487/002 Rev. C. Thereafter the onsite parking and turning provision shall be kept available for such use in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally and to enable vehicles to enter and leave the site in a forward direction in the interests of highway safety and in accordance with the National Planning Policy Framework (2023).

9. 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 in perpetuity.

Reason: To promote travel by sustainable modes in accordance with the National Planning Policy Framework (2023).

10. Prior to construction, any changes to the existing boundary treatment currently separating the application site from Public Footpath U87, must be approved by the Local Planning Authority in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers.

Reason: In the interests of protecting and enhancing Public Rights of Way and access in accordance with Paragraph 100 of the National Planning Policy Framework (2023).

11. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of 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.

11.3 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. Please ensure adequate space on property to store the various containers and also space at the kerbside (where the properties meet the public highway) for the placement of the containers on the collection day.
3. It will be the responsibility of the occupiers to ensure that all containers/wheeled bins will be brought to the collection point, please ensure occupiers are advised of the procedure and bin collection points.
4. Prior to construction, measures should be taken to ensure that users of Public Footpath U87 are not exposed to any elements of danger associated with construction works.
5. Public Footpath U87 must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.
6. Public Footpath U87 must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.

7. If the developer requires Public Footpath U87 be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to networkmanagement@leics.gov.uk at least 12 weeks before the temporary diversion is required.
8. Any damage caused to the surface of Public Footpath U87, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.
9. No new gates, stiles, fences or other structures affecting Public Footpath U87, of either a temporary or permanent nature, should be installed without the written consent of the Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way and the County Council may be obliged to require its immediate removal.