

Delegated Report

Planning Ref: 24/00996/FUL

Applicant: Mostyn Gospel Hall Trust

Ward: Earl Shilton

Site: Swedish Cottage, Leicester Road, Earl Shilton

Proposal: Construction of meeting hall (Class F1) with associated works following the demolition of existing commercial building.



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 seeks the construction of meeting hall (Class F1) with associated works following the demolition of existing commercial building, to serve the Mostyn Gospel Hall Trust.

3. Description of the site and surrounding area

- 3.1. The site is located on Leicester Road, which is located within the Countryside. The existing site consists of a bungalow and an outbuilding which has been used as Class E, for the purposes of selling pet foods and products until 2022 when the use ceased. The building considered under this proposal was granted permission under reference 23/00596/FUL for the change of use to a meeting hall.

4. Relevant planning history

23/00596/FUL

Change of use and alteration to existing commercial building (Class E) to meeting hall (Class F1) with associated access, parking and ancillary works
Planning Permission
12.09.2023

24/00035/HYB

Residential development of up to 6 dwellings (outline -access only) and full application for change of use of commercial building (Class E) to meeting hall (Class F1) with associated parking
Withdrawn
29.08.2024

5. Publicity

- 5.1. The application has been publicised by posting a site notice within the vicinity of the site.
- 5.2. No responses have been received.

6. Consultation

- 6.1. HBBC Pollution: No objections.
- 6.2. Earl Shilton Town Council: No comments received.
- 6.3. HBBC Drainage: No objections, notes to applicant provided.
- 6.4. HBBC Waste: No objections.

- 6.5. LCC Highways: No objection, substantive response received, details conditions included at the end of this report.
- 6.6. Severn Trent Water: No objections subject to conditions and note to applicant.
- 6.7. LCC Ecology: No objections to the proposal subject to mandatory BNG conditions.

7. **Policy**

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interests
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM25: Community Facilities

7.2. **Earl Shilton and Barwell Area Action Plan (2014)**

- Policy 22: Development and Design
- Policy 24: Safeguarding Community Facilities

7.3. **Core Strategy (2009)**

- No relevant policies

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)

8. **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
- Biodiversity Net Gain

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), the Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016) and the Earl Shilton and Barwell Area Action Plan (2014) (AAP).
- 8.4. The application site is located within the countryside. Policy DM4 states that to protect its intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development.
- 8.5. According to Policy DM4 of the SADMP, development in the countryside will be considered sustainable where:
- a) It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
 - b) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or diversification of rural businesses; or
 - c) It significantly contributes to economic growth, job creation and/or
 - d) It relates to the provision of stand-alone renewable energy developments in line with Policy DM2: Renewable Energy and Low Carbon Development; or
 - e) It relates to the provision of accommodation for a rural worker in line with Policy DM5 -Enabling Rural Worker Accommodation.
- 8.6. Unlike the extant consent for the change of use of the existing building (23/00596/FUL) the current proposal does not relate to or comply with any of the criteria in Policy DM4 of the SADMP. However, this does not mean that the development is not sustainable. Importantly, Policy DM4 of the SADMP also requires that development meets five further requirements to be considered as sustainable development which are assessed elsewhere within the report but in summary it is considered that the development's impacts to the character of the countryside would not be detrimental, and that the existing building is of little value to the intrinsic beauty of the countryside.
- 8.7. Policy DM17(b) of the SADMP requires development proposals to be located where the need to travel will be minimised, and the use of sustainable transport modes can be maximised.
- 8.8. Policy DM25 of the SADMP and Policy 24 of the AAP relate to community facilities, and states that the Borough Council will seek to support the formation of new community facilities across the borough. To reduce reliance on the private car, where new facilities are to be established it should be demonstrated that they are accessible to the community which they intend to serve by a range of sustainable transport modes.
- 8.9. The application site is approximately 400m from a bus stop on High Street/Hill Top, Earl Shilton, which is a main bus route leading from Leicester to Coventry, via Hinckley and Nuneaton. The site is connected via a footpath along Leicester Road which provides accessibility from Earl Shilton and the wider public through public transport networks. In addition, the applicant has provided detailed information of the congregations travel patterns detailing existing car shares providing a more sustainable transport situation.

- 8.10. The site is therefore judged to be sustainable in terms of its location and access to sustainable transport modes.
- 8.11. Importantly there is an extant fall-back position for a meeting hall of a similar scale on site. In that regard, the impact on the countryside in terms of the principle of use and vehicle movements has been established and are material considerations that weigh in the developments favour.

Design and impact upon the character of the area

- 8.12. Policy DM4 of the SADMP seek to protect the intrinsic value, beauty, open character and landscape character of the countryside.
- 8.13. 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. Policy DM10 also seeks to safeguard the amenity of future occupiers of the development.
- 8.14. The proposal seeks the demolition of the existing commercial building on site and the erection of a replacement building to serve as a meeting hall. The existing building on site was subject to a previous approval for a change of use to a meeting hall, this application proposes a replacement unit which is small in scale and is considered to be improved from the previous approval visually.
- 8.15. The site is well screened, by existing mature hedgerow and vegetation, from public vantage points and is not highly visible. The proposal is therefore considered to have no detrimental impacts on the character of the area or the countryside and as such is considered to be in accordance with Policy DM4 and DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.16. 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. The policy also states that the amenity of the occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.
- 8.17. The existing building is not located within close proximity to any neighbouring properties other than the host bungalow. When considering the significant distance from the site to neighbouring properties it can be considered that there will be no detrimental impacts of the development in relation to neighbouring amenity.
- 8.18. The proposal is also not considered to have detrimental impacts upon the host bungalow at the site, when considering the existing commercial use which had been operating for 20+ years within close proximity. The new building would be less detrimental in terms of the number of visitors to the site daily and days operating.
- 8.19. As such it is considered that the proposal is in general accordance with Policy DM10 of the SADMP and the guidance set out within the Good Design Guide.

Impact upon highway safety

- 8.20. Policies DM17 and DM18 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety and requires new development to provide an appropriate/justified level of parking provision.
- 8.21. The proposal seeks to make amendments to the parking and access arrangements at the site, including the provision of a new access to serve the bungalow which

currently only has access through the commercial car park. Both proposals seek to include gates, the details of which will be secured via condition, set back 5m from the highway.

- 8.22. The development is not considered to cause detrimental impacts to highway safety nor vehicle parking and as such it is considered that the proposal is in general accordance with Policies DM17 and DM18 of the SADMP.

Biodiversity Net Gain and Ecology

- 8.23. Policy DM6 seeks to ensure that on site features are retained or included which safeguard and enhance biodiversity.
- 8.24. The development is not exempt from mandatory Biodiversity Net Gain (BNG). The statutory framework for BNG has been designed as a post-permission matter to ensure that the biodiversity gain objective of achieving at least a 10% gain in biodiversity value will be met for development granted planning permission. Once planning permission has been granted, a 'Biodiversity Gain Plan' must be submitted and approved prior to the commencement of this development. However the PPG is clear that BNG is not just a post-permission matter, it is a material consideration and that when determining a planning application LPAs need to consider whether the BNG condition is capable of being discharged successfully through the imposition of conditions and/or a legal agreement.
- 8.25. The relevant BNG metric was submitted as part of this proposal which indicated a net gain of over 10%. LCC Ecology have confirmed that they are satisfied with the proposal, the BNG scheme is considered to be feasible and can be provided for on site. BNG proposals include the planting of hedgerow on the site.
- 8.26. As above the application will be subject to the standard, mandatory BNG 'pre-commencement condition', in addition to that a condition is required seeking a 30-year Habitat Management and Monitoring Plan (HMMP) to evidence how the proposed habitats will be created, managed to the condition stated and monitored for the relevant 30 year period.
- 8.27. Subject to the mandatory BNG condition and condition requiring the HMMP the LPA are satisfied the proposal will achieve 10% BNG and that this will be created and managed for the relevant period. In addition no onsite features would be lost as a result of the development, the proposal therefore also complies with Policy DM6.

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 has limited impacts on the character of the area and countryside, neighbouring amenity and highways safety. The proposal therefore complies with Policies DM4, DM6, DM10, DM17, DM18 and DM25 of the SADMP.

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
Biodiversity Net Gain Report
Preliminary Ecological Appraisal
Location Plan Drg No. 23.4266
Proposed Floor Plans, Drg No. FE-10-01-A
Proposed Elevations, Drg No. FE-10-02-A
Proposed Block Plan, Drg No. 23_4266_23
Sections - Type 2 - Timber Drg No. 6011-WD-310
Roof Plan - Type 2 - Timber Drg No. 6011-WD-113
Topographical survey Drg No. 23_4266_01 A

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. The external materials to be used on the hereby approved meeting hall shall accord with the approved 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. No vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 5 metres of the highway boundary and any gates shall be hung to open away from the highway.

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 (2024).

5. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with the drawing titled 'Proposed Site Plan' drawing no. 23.4266.23. 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 (2024).

6. The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use. Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse available as an alternative, other sustainable methods should also be explored. If these are found unsuitable satisfactory evidence will need to be submitted before a discharge to the public sewerage system is considered. No surface water to enter the foul or combined water systems by any means.

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

8. No development shall take place (including ground works or vegetation clearance) until a Landscape Plan covering 30 years has been submitted to, and approved in writing by, the Local Planning Authority. This can take the form of a Habitat Management and Monitoring Plan (HHMP) and should include the following details:

- Description and evaluation of the features to be created and managed indicating planting schedules, species lists, and planting strategy including best practice guidance on appropriate spacing for planting trees; and
- Aims and objectives of management; and

- Appropriate management options for achieving aims and objectives; and
- Prescriptions for management actions; and
- Work schedules; and
- Species/ seed mixes to be planted/sown; and
- Ongoing monitoring and remedial measures.

The HHMP shall be in accordance with the Biodiversity Gain Plan for the development. The development hereby permitted shall then be implemented in strict accordance with the details of the approved Landscape Plan.

Reason: In order to protect the biodiversity and wildlife on site to accord with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

Notes to applicant

1. Your attention is drawn to the below **Biodiversity Net Gain** note on page 3 and 4 of this Decision Notice which explains that the development is subject to the statutory "biodiversity gain condition". A Biodiversity Gain Plan needs to be submitted to and approved in writing by Hinckley and Bosworth Borough Council prior to commencement of development.
2. 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.
3. The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance, or alternatively assembled from modular surface water storage/soakaway cell systems, incorporating silt traps. Design and construction of all types of soakaway will be subject to the approval of the Building Control Surveyor. Any proposed access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet (See Environment Agency guidance on the permeable surfacing of front gardens).
4. Severn Trent: Please note for the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contacting our Developer Services Team (Tel: 0800 707 6600). Before undertaking any work on site, all applicants must determine if Severn Trent has any assets in the vicinity of the proposed works. This can be done by accessing our records at www.digdat.co.uk. Severn Trent Water advise that even if our statutory records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer of Sewer

Regulations 2011. Public sewers and Water mains have statutory protection and may not be built close to, or diverted without consent, consequently you must contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the proposed building.