

Delegated Report

Planning Reference 25/00923/CONDIT
Applicant Mr Imran Khan
Ward Hinckley DeMontfort



Hinckley & Bosworth
Borough Council

Application Site The Hollybush Restaurant, Upper Bond Street, Hinckley

Proposal Application to vary condition 2 (approved plans) and 3 (materials) of planning permission 18/01142/LBC to allow the selective removal of benches, section of the bar and other fabrics to meet operational needs and permit the use of more appropriate heritage materials.

1. Recommendations

1.1. **Grant Listed Building Consent for the variation of 18/01142/LBC** subject to:

- Planning conditions detailed at the end of this report.

2. Planning Application Description

- 2.1. Section 73 of the Town and Country Planning Act 1990 allows applications for planning permission to be sought for the development of land without complying with conditions that were imposed on a previous planning permission. Section 19 of the Planning (Listed Buildings and Conservation Area) Act 1990 allows variation of conditions attached to a Listed Building Consent.
- 2.2. In this case, planning permission for application 18/01142/LBC granted Listed Building Consent at The Hollybush Restaurant, Upper Bond Street, Hinckley for alterations to the existing public house to form three flats on the ground floor, including replacement of all existing windows, replacement external rendering, erection of bin stores and the provision of steps and a ramp, and the preservation of all internal bench seating. The application was associated with full planning application 18/01141/FUL, which also included the erection of a new building consisting of offices with eight flats above.
- 2.3. This Section 19 Application seeks Listed Building Consent for the variation of Condition 2 (Approved Plans) and Condition 3 (Materials) of that Listed Building Consent to enable the development to revise the ground floor plan to allow the selective removal of the original fixed benches, architraves and dados, wall tiling in the toilets, and a section of the bar to facilitate the functional change of use of the building to a residential purpose and to comply with operational factors including Building Regulations requirements.

- 2.4. The Section 19 Application also seeks to vary the approved external materials of the development in favour of more appropriate heritage materials such as a traditional sand, cement, lime render finish to the fabric of the building, and the provision of slim horizontal glazing bars within the approved aluminium framed windows.

3. Description of the Site and the Surrounding Area

- 3.1. The Hollybush Restaurant is a Grade II Listed Building in the Hollycroft Conservation Area in Hinckley, which faces west towards the confluence of Upper Bond Street, Lower Bond Street, Trinity Lane, and Hollycroft. The Grade II listed Building is a detached, late 1930s, Art-Deco style, public house that closed in the early 2000s and has been subject to long periods of vacancy.

- 3.2. The Listed Building Entry (1391310) for the Listed Building states:

“Public house. Late 1930's, probably on older foundations. Brick, rendered and painted, with flat roofs behind decorative parapet and low side stacks. Art Deco style. Single and two storeys following rise in street, and cellar. Three stepped ranges the highest to left having a 2-light over a 3-light window, then a lower range with wider windows and then, to centre and right, a long single-storey range with the main entrance. Various small windows with, to right, a long horizontal window which curves round the right corner where there are further windows and another entrance. All these windows are set in a band of painted brick with a projecting lintel. There are similar projecting lintels to the other windows in the 2-storey ranges. The parapets to the front and sides of the various ranges have Art Deco fluting. INTERIOR. This survives remarkably little-altered. There are two rooms plus an offsaes with access to the servery which also serves a fourth space, a drinking lobby. A further public room leads off the lobby. There are curved bar fronts, original brick and tiled fireplaces, original part-glazed doors with diagonal handles and decorative door-heads, and original fixed benches, architraves and dados. Original tile floors in one bar and in toilets which also have original wall tiling. The brick-vaulted cellar also has a brick floor and thrawls and probably pre-dates the rest of the building. This public house has a carefully designed and stylish exterior which is matched by a remarkably unaltered interior.”

4. Relevant Planning History

4.1 23/00147/CONDIT

- Variation to condition 2 of planning permission 18/01141/FUL. Amendment for the partial removal of basement, removal of platform lift and repositioning of external staircase
- Permitted
- 20.07.2023

4.2 21/01489/NMA

- Non material amendment to planning permission 18/01141/FUL to replace the proposed side access ramp and steps, giving access to the apartment block to the rear of Hollybush, with a new set of ambulant steps and an external grade platform lift
- Permitted
- 09.06.2022

4.3 18/01142/LBC

- Alterations to public house to form 3 flats on the ground floor, demolition of outbuilding and alterations to internal and external boundary treatments
- Listed Building Consent
- 21.02.2020

Condition 3 (Materials) was discharged, and Condition 6 (Historic Building Survey) was partially discharged for commencement purposes via application 22/01123/DISCON.

4.4 18/01141/FUL

- Existing building converted to 4 flats, demolition of existing outbuilding and erection of new building consisting of offices with 8 flats above
- Permitted
- 11.02.2020

Conditions 8 (Drainage), 9 (Longterm Maintenance of Drainage), and Condition 10 (Landscaping) of this full planning permission were discharged by application 22/01179/DISCON. Condition 3 (Materials) and 4 (Refurbishment Method Statement) were discharged and Condition 12 (Archaeology) was partially discharged for commencement purposes via application 22/01096/DISCON.

4.5 17/00965/LBC

- Insertion of partition wall on ground floor and insertion of a new window on first floor and installation of services (retrospective)
- Listed Building Consent
- 14.02.2018

5. Publicity

- 5.1. In accordance with Planning Practice Guidance (PPG), provisions relating to statutory consultation and publicity do not apply. However, local planning authorities have discretion to consider the scale or nature of the change warrants consultation. Therefore, the Local Planning Authority can choose how to inform interest parties.

5.2. In this instance, the application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site, and a notice was displayed in the local press.

5.3. No responses have been received to this scheme.

6. Consultation

6.1 In accordance with Planning Practice Guidance (PPG), provisions relating to statutory consultation and publicity do not apply. However, local planning authorities have discretion to consider the scale or nature of the change warrants consultation. Therefore, the Local Planning Authority can choose how to inform interest parties.

6.2 In this instance, the Local Planning Authority informed the Council's Conservation Officer.

6.3 The Council's Conservation Officer confirmed that the revised details were considered to preserve the special interest of the Grade II Listed Building in accordance with the statutory duty of Section 16 of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended).

7. Policy

7.1 Core Strategy (2009):

- Policy 1: Development in Hinckley

7.2 Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016):

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM13: Preserving the Borough's Archaeology

7.3 National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (2024)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

7.4 Other Relevant Guidance:

- Hollycroft Conservation Area Appraisal (2011)
- Planning (Listed Buildings and Conservation Areas) Act 1990

8. Appraisal

8.1. In accordance with Planning Practice Guidance (NPPG), there is no statutory limit on the degree of change permissible to conditions under Section 19 and 73 applications, but the change must only relate to conditions and not to the operative part of the permission. The operative part of the planning permission being the description of the development.

8.2. The principle of the development has already been established through the earlier grant of the extant Listed Building Consent on the site. Therefore, the key issues in respect of this application are:

- Design and impact upon the character of the area
- Conditions

Design and Impact upon the Character of the Area

8.3 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the Local Planning Authority when considering whether to grant Listed Building Consent to have special regard to the desirability of preserving the building or its setting or any special features of special architectural and historic interest which it possesses.

8.4 Chapter 16 of the National Planning Policy Framework provides the national policy on conserving and enhancing the historic environment. Heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

8.5 Paragraph 140 of the NPPF confirms that local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion as a result of changes being made to the permitted scheme; for example, through changes to approved details such as the materials used.

8.6 Policy DM10(c) of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.

8.7 Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment and heritage assets. All proposals for extensions and alterations of listed buildings and development affecting the setting of Listed Buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting.

8.8 The proposed internal alterations are required to facilitate the functional change of use of the building to a residential purpose and to comply with operational factors including Building Regulations requirements.

- 8.9 In light of this justification for the selective removal of internal historic fabric, the Conservation Officer has confirmed that the plan form and former function of the building remain discernible, and all the internal works set out within the Conservation Management Statement are considered to be compatible with the significance of the Listed Building and ensure its long-term conservation.
- 8.10 The proposed slim horizontal glazing bar details of the approved replacement aluminium framed windows are considered match the style of the original steel windows of the building. This is considered to positively enhance the character of the building and reflects the details of the original architectural composition of the building.
- 8.11 A sand/ cement/ lime render mix is now proposed, which is considered to be a more traditional mix that is compatible with the fabric of the building. The Conservation Officer has confirmed that the proposed external works set out within the Conservation Management Statement are considered to be compatible with the significance of the Listed Building and ensure its long-term conservation.
- 8.12 By virtue of these factors, the proposed amendments to the 18/01142/LBC are considered to preserve the special interest of the Grade II Listed Hollybush Restaurant in accordance with Policies DM10, DM11, and DM12 of the SADMP, Chapter 16 of the NPPF, and the statutory duty of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Conditions

- 8.13 Permission granted under Section 19 and 73 takes effect as a new independent permission to carry out the same development as previously permitted, subject to new or amended conditions. A new permission sits alongside the original permission, which remains intact and unamended. It is open to the Applicant to decide whether to implement a new permission or the one originally granted.
- 8.14 Therefore, in accordance with PPG, Section 19 and 73 Decision Notice should set out all the conditions imposed on the new permission, and, for the purpose of clarity, restate the conditions imposed on earlier permissions that continue to have effect.
- 8.15 Planning permission 18/01142/LBC was subject to six planning conditions.
- 8.16 The Application Form suggests that the works commenced on site on 10 February 2023. As the development has been implemented, Condition 1 (Time) can be removed.
- 8.17 Conditions 2 (Approved Plans) and 3 (Materials) require amendment to refer to the latest proposed revisions to the development within this application. Condition 3 shall be made into two planning conditions that secure the necessary window details and the details within the Construction Method statement to ensure that the special interest of the Listed Building is preserved and in the interests of clarity.

- 8.18 Condition 4 (Construction Work) remains reasonable and necessary to minimise disruption to neighbouring residents in accordance with Policies DM7 and DM10 of the SADMP.
- 8.19 Condition 5 (No Overhanging Fenestration) remains reasonable and necessary in the general interests of highway safety in accordance with Policy DM17 of the SADMP.
- 8.20 Condition 6 (Historic Building Survey) was partially discharged for commencement purposes via application 22/01123/DISCON and is still outstanding. To fully discharge this condition the final Historic Building Reports have been submitted to, and approved in writing by, the Local Planning Authority to ensure the proper recording of the site, which is potentially of archaeological and historical significance in accordance with Policies DM11, DM12, and DM13 of the SADMP.
- 8.21 All the conditions therefore remain reasonable and necessary to ensure satisfactory development of the site. No additional conditions are considered to be necessary.

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 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that Listed Building Consent is granted, subject to amended conditions. No additional conditions are considered necessary.

11. Recommendation

- 11.1 **Grant Listed Building Consent for the variation of 18/01142/LBC** subject to:

- Planning conditions detailed at the end of this report.

11.2 Conditions and Reasons

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, received by the Local Planning Authority as follows:

- Existing Ground Floor for Conservation Dwg no. 18102-C102-C00 (submitted: 26.09.2025)
- Existing Ground Floor Plan of The Hollybush, Drg No. A200 (submitted: 04.12.2018)
- Existing North Elevation of The Hollybush, Drg No. A118 (submitted: 04.12.2018)
- Existing and Proposed Side and Rear Elevations of The Hollybush, Drg No. A119 (submitted: 04.12.2018)
- Proposed First Floor Plan Dwg no. 18102-C-202 (submitted: 26.09.2025)
- Proposed Ground Floor Plan Dwg no. 18102-C-202 (submitted: 26.09.2025)
- Proposed Street Elevation of the Hollybush, Drg No. A110 Rev B (submitted: 01.03.2019)
- Site Location Plan, Drg No. A001 (submitted: 04.12.2018)

Reason: To preserve the special interest of the Listed Building in accordance with the requirements of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with Policies DM11 and DM12 of the Site Allocations and Development Management Policies Development Plan Document (2016).

2. The development hereby permitted shall be constructed in strict accordance with the details within the Task Description Section on Pages 6 to 8 of the Conservation Method Statement (submitted: 26.09.2025).

Reason: To preserve the special interest of the Listed Building in accordance with the requirements of Section 16 of the Planning (Listed buildings and Conservation Areas) Act 1990 and in accordance with Policies DM11 and

DM12 of the Site Allocations and Development Management Policies Development Plan Document (2016).

3. The proposed replacement windows on the front western elevation and southern side elevation of the Listed Building shall be Sheerline aluminium and finished in white, and shall have the same number and positioning of glazing bars as identified in Figures 1 and 2 of the Window Frame Images (submitted: 26.09.2025).

Reason: In accordance with the Conservation Method Statement (submitted: 26.09.2025), and to preserve the special interest of the Listed Building in accordance with the requirements of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with Policies DM11 and DM12 of the Site Allocations and Development Management Policies Development Plan Document (2016).

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 Public Holidays unless other agreed in writing.

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

5. Notwithstanding the submitted plans, any new or replacement windows and/or doors within 0.5 metres of the Upper Bond Street frontage or footway shall not open so to overhang the public highway and shall thereafter be maintained in perpetuity.

Reason: In the general interest of highway safety in accordance with Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document (2016).

6. Prior to the commencement of any internal works for the development hereby permitted, a report containing the details of the fieldwork, dissemination, and archive deposition undertaken in accordance with approved Programme of Historic Building Recording Level (submitted: 20.12.2022) shall be submitted to, and approved in writing by, the Local Planning Authority in writing.

Reason: To allow proper investigation and recording of the site, which is potentially of archaeological and historic significance in accordance with Policies DM11, DM12 and DM13 of the adopted Site Allocations Development Management Policies Development Plan Document (2016).

a. **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 building.control@blaby.gov.uk or call 0116 272 7533.