

Delegated Report

Planning Ref: 24/00389/FUL

Applicant: Green King

Ward: Hinckley



Hinckley & Bosworth
Borough Council

Site: Hansom Cab, Brookfield Road, Burbage, Hinckley

Proposal: Erection of new entrance porch, garden room, pergolas, timber cladding, window awnings, hard surfaces and other associated works

Recommendations

1.1. **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report

Planning application description

- 2.1. The application seeks planning permission for the Erection of new entrance porch, garden room, pergolas, timber cladding, window awnings, hard surfaces and other associated works.
- 2.2. The proposal comprises of various external alterations and additions to the property to facilitate the redevelopment of the site, upgrading the current facilities to create an attractive and inviting destination for patrons, helping to retain and attract new customers. This proposal will support the continued use of the public house to serve its local community.
- 2.3. For the avoidance of doubt, there will be no changes to the overall use of the site and the proposed scheme intends to provide a refurbishment and minor additions to update the current offer on site to support the financial viability of the Public House and in doing so, maintain the valuable service it provides to the local community.
- 2.4. Planning permission is sought for the following external alterations and additions: External Alterations to the Main Building (East).
 - Existing render repainted white colour to match RAL 9003 signal white
 - Masonry to be painted RAL 9003 signal white
 - Existing quoins detailing to be painted out as render colour
 - Ground floor level to be framed out and clad in composite cladding (oak colourway)
 - First floor window frames to be painted black, and Cill/heads to be painted light grey RAL 7035
 - Paint existing fascias light grey RAL 7035
 - New fabric awnings over ground floor windows
 - Break through existing wall to create access to food hut, with concrete step down
 - LED strips to be installed between a number of timbers on north facing wall
 - Remove existing porch and incorporate with new doorway within aluminium door in black
 - New aluminium door and new window facing into garden to match the existing profile

- New fire exit doors into the garden, manufactured in aluminium, doors and frames with toughened glass panels (coated in black)
- Rear elevation C – extend wall out to the existing roof edge, and clad in composite boards, to convert the smoking shelter into a 'Tots Area' New Front Porch
- New aluminium porch formed from 100 x 100mm aluminium posts securely fixed to sub structure
- Aluminium gutter to discharge into existing downpipe to side of porch • Aluminium doors and frames with toughened glass panels
- Finish RAL 7016 Buggy Park • Located off of the new porch (porch A)
- Maximum height of 1300mm, width of 2765mm and depth of 1200mm
- Glazing to be fixed with minimal fixings (contractor to confirm details) with graphics applied to the glazing.
- To be made of 30mm steel frame welded with no visible joints
- The buggy parks will feature signage fixed to the walls

External Garden Area

A total of three types of pergolas are proposed within the Garden Area and amongst the entry way – Pergola A, B, and C as well as the Garden Room

- Pergola A will measure 3500mm (H) x 6450mm (W) x 3100mm (D) and be fixed to the main building to the east in the outdoor seating area
- Pergola B will measure 2400mm (H) x 9100mm (W) x 2400mm (D) and be situated to the east of the site within the outdoor area
- Pergola C will measure 2600mm (H) x 3600mm (W) x 2400mm (D) and be situated to the east of the site within the outdoor area, adjacent to the Garden Room
- The Garden Room will measure 2700mm (H) x 9300mm (W) x 3000mm (D)

External Food Hut

- A new external food hut is to be located within the outdoor area against the eastern wall of the main building
- The food hut will have a maximum height of 2980mm, depth of 3400mm and width of 7500mm
- Break through of existing wall to create access into new food hut, with 2 serving hatches.

2.5 On 8th July the following amendments were made to the proposal:

- Pergola A and Porch B have a more integrated design to the existing building and will be finished in timber and cedar roof tiles.
- Pergola B has been omitted from the scheme.
- Pergola C (smoking shelter next to garden room) has been omitted.
- The location of the Garden Room has been moved slightly to the west to create a break between the road and the structure. The design now proposes a cedar cladding, timber framed double doors and site screens, and an asphalt roof covering finished in cedar tiles.
- The Kitchen Pod has been omitted from the scheme.

- 2.6 Final amended plans were received on 1 August 2024 which reduced the amount of proposed cladding and increased the amount of render for the proposal. Please see plans for more detail (Proposed Elevations Sheet 1 of 2 Drg No. 3562-07 Rev C & Proposed Elevations Sheet 2 of 2 Drg No. 3562-08 Rev C).

Description of the site and surrounding area

- 3.1. The application site comprises a two storey public house located on the corner of Copper Drive and Rugby Road (B4109). An outdoor seating area is located to the eastern side elevation of the property facing Rugby Road. The site benefits from two existing porches providing access to the front entrance and garden area at the side. The side garden features an existing equipped play area and outdoor seating fixtures throughout. The site is bounded by a low brick wall with metal railings along the eastern boundary adjacent to the outdoor seating area, and a brick wall on the northern boundary.
- 3.2. The site benefits from a generous car park to the north which provides 83 spaces including 3 accessible spaces. This wider carpark area has more landscaping around it.
- 3.3. The site falls within flood zone 2 as confirmed in Environment Agency correspondence relating to 14/01150/FUL. However, the site is not within the Burbage Conservation Area nor within the identified conservation areas of Hinckley. The site is not located or adjacent to any Local Wildlife Sites, with the closest being approximately 300m to the southeast

4.0 Relevant planning history

86/00784/4A	Display of illuminated fascia signs.	Permitted – 21.08.86
10/00518/OUT	Mixed Use Development, comprising up to 375 dwellings, employment use, local centre, live work units, work to Sketchley Brook Corridor, remodelling of land and associated open space, parking, and access.	Permitted – 30.08.11
14/01150/FUL	Erection of a restaurant and public housing with ancillary residential accommodation and associated external plan area, together with vehicular access provision, car parking, landscaping and ancillary works	Permitted – 13.02.15
15/00183/ADV	Display of internally and externally illuminated signage and non-illuminated signage.	Permitted – 23.04.15
15/00336/NOMAT	Non-material amendment to planning permission	Withdrawn – 07.04.15

	14/01150/FUL to allow minor repositioning and alterations of lobby, windows and doors due to internal layout changes and minor amendment to car park lighting.	
15/00411/CONDIT	Variation of Condition 2 of permission 14/001150 to amend approved elevations to accommodate internal layout alterations.	Permitted 03.06.15

Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site. No comments have been received as a result of the publicity.

Consultation

- 6.1. Burbage Parish Council has no objections to the proposal.
6.2. LCC Highways- No objections
6.3. HBBC Drainage- No objections
6.4. HBBC Waste- No objections
6.5. Environmental Agency- No objections
6.6. HBBC Pollution- With regard to cooking odours what foods are intended to be prepared/cooked in the outdoor kitchen? Please provide any details of the ventilation system including any odour control measures.

Further info was sent in by the agent on 30 May and the Pollution Officer was re-consulted. A response was received from the Pollution Officer on 31 May saying 'With regard to odour an assessment should be carried out using the guidance in the EMAQ guidance document "Control of Odour and Noise from Commercial Kitchen Exhaust Systems" to assess the risk of odour from the premises. This will inform any odour control measures necessary- or show that the proposed system is acceptable. Methods of odour control suitable for specific uses are described in the guidance.

The EMAQ guidance is available at: <https://ee.ricardo.com/downloads/air-quality/control-of-odour-and-noise-from-commercial-kitchen-exhaust-systems>

Once the details are available if the applicant could provide the external noise emissions from the system I will look at those

Additional information was submitted by the agent on 3 June and the Pollution Officer was again consulted.

Final comments received from the Pollution Officer on 6 June were: No objections. The ventilation system should incorporate the recommended measures in the risk assessment.

Policy

- 7.1. Burbage Parish Neighbourhood Plan
 - Policy 1: Settlement Boundary
 - Policy 2: Design and Layout
 - Policy 3: Business and retail
 - Policy 18: New Community Facilities
- 7.2. Core Strategy (2009)
 - Policy 1: Settlement Boundary
 - Policy 4: Development in Burbage
- 7.3. Site Allocations and Development Management Policies DPD (2016)
 - Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM10: Development and Design
 - Policy DM18: Vehicle Parking Standards
- 7.4. National Planning Policies and Guidance
 - National Planning Policy Framework (NPPF) (2023)
 - Planning Practice Guidance (PPG)
- 7.5. Other relevant guidance
 - Good Design Guide (2020)
 - National Design Guide (2019)

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 and parking

Assessment against strategic planning policies

- 8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF state that the development plan is the starting point for decision making and that the NPPF is a material consideration in determining applications.
- 8.3 The development plan in this instance consists of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016) and the Burbage Neighbourhood Plan (BNP).
- 8.4 There is a statutory presumption in favour of sustainable development as outlined in policy DM1 of the SADMP. Policy 1 of the Burbage Neighbourhood Plan supports development proposals within the settlement boundary for Burbage subject to compliance with the Development Plan. The proposal relates to a building to serve the existing public house. It is considered the principle of the development is acceptable subject to other material considerations.

Design and impact upon the character of the area

- 8.5 The Policy DM10 of the 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 the use and application of building materials respects the materials of existing, adjoining/neighbouring buildings and the area generally.
- 8.6 The proposed physical alterations to the building consist of a number of external alterations and redecoration of the main building to accommodate the proposed alterations. The amended proposal has scaled back the original level of development which was not attractive visually adjacent to such a busy roundabout. A small extension to the pub will add an internal 'tots area' to help compensate for the loss of the external childrens play area. The external alterations would respect the surrounding character and appearance of the area through a high quality, bespoke design that would replace the existing offer on site, improving the appearance of the property as an attractive destination in the community.
- 8.7 Replacement porches at the entrance of the building and to the outdoor seating area will respect the existing proportions of the porches currently present and provide modern additions that enhance the overall appearance of the building and positively contribute towards the local character. The amended proposal is considered to remain proportionate to the existing Public House with a more appropriate material & colour selection.
- 8.8 The proposal includes some external lighting between cladding, in the absence of the full details of this a condition is recommended requiring full details to be submitted prior to its installation. This should be low key and respectful of the residential setting of the site.
- 8.9 Overall, following the significant amendments, the proposal would have a minimal visual impact on the character and appearance of the existing public house and the wider street scene in compliance with policy DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.10 Policy DM10 of the SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.11 Given the extent of the external alterations proposed, it is considered that the built form will not have a different impact than what is existing upon the amenity/residential amenity in the area. The proposal sees the continued use of the site as a Public House which is acceptable within this location. In addition to this, this proposal will not result in any unacceptable impacts on the living conditions of neighbouring residents or users of the area.
- 8.12 The proposal is not considered to increase levels of noise pollution unacceptably or beyond the current levels given the use of the site as a Public House, it's location adjacent to the roundabout between Rugby Road and Copper Drive, and the surrounding retail use to the west of the site off Rainbow Way, as well as the car garages to the north of the site. The originally proposed outdoor kitchen has been removed so odour is no longer a potential issue. In any case the final comments from the LCC Pollution Officer were no objection subject to the ventilation system incorporating the recommended measures in the risk assessment. This will no longer form a condition, should permission be granted.
- 8.13 Within the NPPF, Chapter 12 seeks to achieve well-designed and beautiful places, with paragraph 135 setting out how developments can achieve this. Subparagraph f looks to create safe, inclusive and accessible with a high standard of amenity for

existing and future users. The amended design creates an aesthetically pleasing outdoor area that will be enclosed to create a safe environment for the users of the Hansom Cab to enjoy without fear of crime or disorder. The proposed garden room is now to be finished in cedar panels for the outer walls with an asphalt roof covering finished in cedar tiles which is more suitable than originally proposed. Furthermore, the area is designed in an accessible manner to allow for all existing and future users to use the space. A condition will be added to secure further detail on the proposed external lighting. Therefore, it is considered that the proposed development is in accordance with paragraph 135 of the NPPF.

- 8.14 Overall the proposed would not give rise to a significant impact on residential amenity in accordance with policy DM10 of the SADMP.

Impact upon highway safety and parking

- 8.15 Policy DM18 ensures that development provides appropriate parking provision.
- 8.16 Due to the site's location on the corner between Rugby Road and Copper Road, the site is easily accessible via car and public transport, with 83 parking spaces available onsite, of which 3 are accessible spaces.
- 8.17 The site will not result in the loss of any parking spaces, and also benefits from cycling spaces on site. The site will continue to remain accessible via public transport and through active travel means, with the closest bus stop being the Brookfield Road bus stop approximately 76m from the site and is approximately 550m walk from Hinckley Train Station via the Rugby Road Recreation Ground. Furthermore, there are numerous footways connected to the site providing access to the wider area between Hinckley and Burbage.
- 8.18 Given the location of the site is well connected for active travel and public transport opportunities, and there will be no loss of any car parking spaces to facilitate the alterations and additions it is not considered the proposals would create an unacceptable harm in highway safety or accessibility terms.
- 8.19 The proposal would therefore not have a significant impact on parking in compliance with policy DM18 of the SADMP.

Flood Risk

- 8.20 Policy DM7 of the SADMP seeks to prevent development from resulting in adverse impacts on flooding by ensuring that development does not create or exacerbate flooding.
- 8.21 Paragraph 167 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 175 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should take account of advice from the LLFA, have appropriate proposed minimum operating standards, have maintenance arrangements for the lifetime of the development and where possible provide multifunctional benefits.
- 8.22 From a review of Environment Agency correspondence relating to Planning Permission 14/01150/FUL, there is confirmation that the previous information provided demonstrates that the site lies outside of Flood Zone 3.
- 8.23 The site itself is considered to be a 'more vulnerable' use, as defined by the Environment Agency, as it consists of a Public House. As such, the Environment Agency advises that an Exception Test should be submitted to support proposed developments in these areas.

- 8.24 However, given that the only works within Flood Zone 2 relate to minor external works to elevations, and then minimal porches and open pergolas, it is considered to be a less vulnerable use.
- 8.25 HBBC Drainage have no objection on sustainable drainage grounds.
- 8.26 The Flood Statement provides assessment of the flood risk posed by the proposed development in line with this Standing Advice. In this regard, the proposed development would constitute a very small-scale development, as it consists of minor refurbishments to elevations and providing a garden room. This development would therefore not result in any addition to the large wider site associated with the pub.
- 8.27 Accordingly, it is considered that the proposed development would result in a very low additional flood risk to the site, due to its small scale and level standing for internal works only.
- 8.28 The following measures are also provided:

Flood Mitigation Measures

During extreme flood events, the area surrounding the site will be affected by flooding. The flood water will rise at a relatively slow rate, and it is considered that the predicted flood scenario and peak flood conditions can be appropriately managed by the implementation of many mitigation measures which are identified as follows:

- Met office warning;
- Raise electronic control units and sockets to a high level;
- Use stainless fixtures and fittings; and
- With the time afforded by advance warning, evacuation of external area to safe egress and removal from the structure can be implemented.

Flood Resilience Measures

Due to the nature of the proposal, it is considered that the alterations would accommodate any potential flooding. However, to limit any potential damage and danger, all electrical outlets, heaters, and lighting would be sited at a high level, substantially above the projected flood levels for the site.

Flood Evacuation Plan

The objective of a Flood Evacuation Plan is to raise awareness of the risk of flooding in the location under consideration, to detail the flood warnings and estimate the lead time available, and to detail how the plan is triggered by who and when, and what actions are required by those people in the area. The plan also describes the evacuation procedure and the need for safe refuge. The business will sign up for the Environment Agency Flood Advance warning alerts and implement a Flood Evacuation Plan. Safe Access Evacuation from the site will consist of moving north or northeast from the site to an area outside of Flood Zone 2, and within Flood Zone 1 which is considered to be at low risk of flooding according to the Environment Agency's Flood Maps. Given that the existing public house is within Flood Zone 2, as well as the associated car parks, a safe access which travels north and northeast of the public house into Flood Zone 1 is immediately available at Brookfield Road and Rugby Road.

In the event of a flood, safe refuge will be possible within the main building of the Hansom Cab. This is as the development proposal is situated at the public house, which is a building comprising of two floors; therefore, the upper floor level of the pub will be usable as the primary area of refuge.

The Environment Agency provides and operates a comprehensive flood forecasting and warning service. Areas at risk of flooding from rivers (fluvial) and the sea (tidal), which relies on direct measurements of rainfall, river levels, tide levels, in-house predictive models, rainfall data and information from the Met Office. This service operates 24 hours /day 365 days a year. If flooding is forecast, warnings are issued using a set of easily recognisable codes. Flood Procedure In the event of a serious flood event in the area the competent warning authority is the Environment Agency and a lead time of several hours in advance of flooding is provided, excluding potential breaches of defences. When a flood is expected Hinckley and Bosworth Borough Council, and the local emergency services will be responsible for public care and safety. It may be useful that the pub maintains a flood kit with items such as a flashlight, bottled water, useful telephone numbers and location and how to isolate the gas, electric and water services.

The application site is situated in Flood Zone 2 and relates to minor internal alterations and government guidance states that such proposals will only need to follow the Government Environment Agency's standing advice. This is the guidance we have therefore followed in preparing the Flood Risk Assessment for the proposal.

8.29 The proposed development will therefore satisfy policy DM7 and the NPPF.

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).

Conclusion

10.1. The proposal does not have a significant visual impact on the character and appearance of the site and the surrounding area and would not adversely impact upon residential amenity or parking. The proposal is therefore in compliance with policies DM10 and DM18 of the SADMP.

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:

Site Location Plan Drg No. 3562-10 received 22 April 2024

Proposed Site Plan Drg No. 3562-04 Rev A received 8 July 2024

Proposed Elevations Sheet 1 of 2 Drg no. 3562-07 Rev C received 1 August 2024

Proposed Elevations Sheet 2 of 2 Drg no. 3562-08 Rev C received 1 August 2024

Pergola Details Garden Room Drg No. 3562-12 Rev B received 8 July 2024

Buggy Store Sheet 1 of 2 received 22 April 2024

Buggy Store Sheet 2 of 2 received 22 April 2024

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 materials to be used on the external elevations of the proposed buildings shall match the materials details on the approved plans.

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).

- 4) Prior to the installation of any external lighting, lighting details shall be submitted to and approved in writing by the Local Planning Authority. Once approved this lighting shall be installed as per the approved scheme and thereafter so retained.

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).

- 5) The ventilation systems shall be in accordance with the submitted ventilation specification and Odour Risk Assessment.

Reason: To safeguard amenities of neighbouring properties in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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.