Item: **04**

Reference: **11/00271/FUL**

Applicant: **Mr Roy Hartley**

Location: **62 Castle Street Hinckley**

Proposal: **CHANGE OF USE FROM BUTCHERS TO RETAIL AND ASSEMBLY OF KITCHEN UNITS AND OFFICE, ERECTION OF OUTBUILDINGS AND CREATION OF FIRST FLOOR LIVING ACCOMMODATION**

Target Date: **30 May 2011**

Introduction:-

This application is to be considered at Planning Committee at the request of a local ward member.

Application Proposal

Planning permission is sought for the change of use from a butchers shop to retail and assembly, for the sale of kitchen units and creation of first floor living accommodation and erection of external staircase. Permission is also sought for the erection of two extensions and conversion of outbuildings to create a reception area, display area and assembly of kitchen units, with office use above.

Members are advised that this application is read in conjunction with planning application ref: 11/00363/CON for Conservation Area Consent to demolish an existing garage to the rear of the site, fronting Stockwell Head.

The current use of the site is a butchers shop known as 'Richardsons' and outbuildings to the rear of the site served as cold rooms used in conjunction with the butchers shop. The site has been vacant since 2007.

The proposal seeks to retain the shop along Castle Street and create living accommodation for one flat above, accessed through the erection of an external spiral staircase. Through the passageway into Lilley's Yard a single storey mono pitch extension is proposed to create a reception area in lieu of existing roller shutter doors. The two storey building currently standing vacant is set to be converted to a display area with offices above. The existing flat roof cold store is intending to be constructed with a pitched roof and will be converted into an assembly unit. To the rear, a single storey pitched roof with an arched entrance facing Stockwell Head is proposed to be used as a kitchen assembly unit and loading area.

The unit would consist of a mix of A1, C3 and B1(a) and B1 (c) uses. The shop front would remain an A1 (Use Class) with residential C3 (Use Class) above and the proposed use of the outbuildings to the rear would fall within an A1 and B1 and B8 (Use Class); A1 for retail and display of kitchen units, B1(a) (Use Class) for offices and B1 (c) (Use Class) for the assembly of kitchen units.

It is intended to assemble, display and sell kitchen units, employing 4 full time members of staff. The hours of opening for the shop and display area are 9-6 Monday to Saturday and the hours of opening of the assembly units are 8-5 Monday to Friday and 8-12 on a Saturday.

Following concerns raised by officers, amended plans have been received showing a section depicting the surrounding neighbouring windows, the bricking up of a doorway, re-hanging of an existing doorway inwardly and obscure glazed windows to the first floor windows proposed to serve the office, and additional information setting out that 1-2 deliveries will be made on average, daily in 'transit' type vans. Re-consultation has been undertaken with surrounding neighbouring residents.

For the avoidance of doubt, the Noise Report is based on the findings, prior to the request for amended plans to show the re-hanging of a doorway inwardly; bricking up of an existing doorway and obscure glazed window units.

Following a request, the applicant has also provided additional information justifying the lack of parking on the site, and re-consultation has been undertaken with the Director of Environment and Transport (Highways).

For the avoidance of doubt permission was originally sought for the demolition of an existing garage; however
the applicant has been informed that separate Conservation Area Consent will be required, and therefore the demolition does not form part of this application. An application for Conservation Area Consent (ref 11/00363/CON) has now been submitted for the demolition of the garage and is subject to a separate report.

No alterations are proposed to the shop front and separate consent will also be required for any future advertisements.

The Site and Surrounding Area

Adjacent to the shop front is a covered passageway that leads to Lilley's Yard which forms a footpath through to Stockwell Head. The site is located within Hinckley Town Centre, and within Hinckley Town Centre Conservation Area, as defined by the adopted Hinckley and Bosworth Local Plan.

Technical Document submitted with application

The Design and Access Statement emphasises that the use of the business is not industrial, as chipboard sheets are cut to size prior to the assembly and that hand tools and a circular saw will only be used intermittently for a maximum of 2 hours a day and therefore describes this as 'assembly' of kitchen units and not the 'manufacturing' of kitchen units..

The Marketing Report states that the site has been marketed both on a leasehold retail and freehold basis. The site has been on the market since between March 2007 and November 2010, ranging from between £195,000 to £325,000. Despite the reductions in price this did not generate any further interest and no formal offers were made. Due to little interest the possibility of letting parts of the property separately was considered but this would have been difficult due to the size and lack of the toilet facilities within the shop at Castle Street.

The Noise Assessment includes details of noise surveys and external wall and room finishes and makes a number of recommendations.

The Protected Species Report concluded that the site had not been used by bats or birds, nor did seem the potential to do so, and that there are no other indications of any other protected species on site.

History:-

11/00363/CON	Demolition of garage	Pending	
94/00250/FUL	Installation of roller shutters	Approved	19.05.94
91/00486/4	Rear extension to shop	Approved	25.06.91
89/00416/4	Installation of satin silver anodises security shutters	Approved	23.05.89
86/00286/4	Extension to rear of shop premises	Approved	29.04.86
76/01016/4M	First floor extension to accommodate staff room and repair workshop	Approved	24.08.76



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Consultations:-

No objections/comment from:-

Directorate of Chief Executive, LCC (Ecology)
Director of Environment and Transport (Rights of Way)
Director of Environment and Transport (Highways)
Head of Community Services (Land Drainage)
Ramblers Association.

Head of Community Services (Pollution) states that the submitted noise report contains recommendations for the proposed building and these should be adhered to and would like to see confirmation that the works have been completed to these standards.

Six letters of objection have been received raising concerns on the following grounds:-

a) Residential and commercial area, not manufacturing.
b) going against the agreed Master plan for Hinckley Town Centre to secure retail and residential
c) overlooking and loss of privacy; proximity to bedroom windows.
d) loss of peace and quiet; nuisance and disturbance
e) use of power drills; banging; high level noise; dusty; doors left open?
f) no prior notice of this development
g) works being carried out all hours of the day, night and weekends
h) heavy duty delivery services; HGV's blocking the lane.
i) flat too small
j) entrance to the flat positioned close to kitchen window
k) entrance for flat used for smokers.

Policy:-

National Policy Guidance

Planning Policy Statement 1 (PPS1): 'Delivering Sustainable Development' refers to the delivery of sustainable development through the planning system. It advises that planning policies should protect and enhance the environment, promote high quality design and reinforce local distinctiveness.

Planning Policy Statement 4 (PPS4) 'Planning for Sustainable Economic Growth' sets out the Government's objectives for prosperous economies which include improving the economic performance of both rural and urban areas, promoting regeneration and tackling deprivation, delivering more sustainable patterns of development, reducing the need to travel and promoting the vitality and viability of town and other centre uses. Policy EC2.1(d) seeks to make the most efficient and effective use of land, prioritising previously developed land which is suitable for re-use and reflects the different location requirements of businesses, such as the size of site required, site quality and access. EC10: Determining Planning Applications for Economic Development" which supports applications which secure sustainable economic growth

Planning Policy Statement 5 (PPS5): 'Planning and the Historic Environment' sets out how applications affecting heritage assets should be determined; it requires Local Planning Authorities to assess impacts on the historic environment.

Regional Policy

The Court of Appeal, in May 2011, gave judgment on an appeal by CALA Homes in relation to their continuing challenge to the SoS's proposal to abolish regional strategies. The Court confirmed that the Government's proposal to abolish regional strategies is a material planning consideration, but that is up to the LPA to decide what weight to give to the proposal in considering planning applications. The Localism Bill is still going through the Parliamentary process and the SoS has now confirmed that the actual revocation of any regional strategy will be subject to a

Strategic Environmental Assessment. The view taken currently is that little if any weight should be given to the proposal to abolish regional strategies. This advice may change as the Bill progresses and officers will monitor the progress and report appropriately to committee.

East Midlands Regional Plan

This is the Regional Spatial Strategy for the East Midlands and provides a broad development strategy for the East Midlands. The following relevant policies apply to this proposal:

This is the Regional Spatial Strategy for the East Midlands and provides a broad development strategy for the East Midlands. The following relevant policies apply to this proposal:

Policy 1 seeks to secure the delivery of sustainable development.

Policy 3 directs development towards urban areas with Hinckley being defined as a Sub-Regional Centre and the main focus for development at the local level. Policy 3 also states that in assessing the suitability of sites for development priority should be given to making the best use of previously developed land in urban or other sustainable locations.

Local Development Framework Core Strategy 2009

Spatial Objective 11: 'Built Environment and Townscape Character' states that the borough's distinctive built environment including Conservation Areas, Listed Buildings and historic industries should be safeguarded, enhanced and where necessary regenerated.

Policy 1: 'Development in Hinckley' seeks to ensure that there is a range of employment opportunities within Hinckley and requires new development to respect the character and appearance of the Hinckley Conservation Areas by incorporating locally distinctive features of the Conservation Area into the development.

Hinckley and Bosworth Local Plan 2001

The site is within the settlement boundary of Hinckley as defined in the adopted Hinckley and Bosworth Local Plan.

Policy Retail 2: 'Primary Shopping Frontages, Hinckley Town Centre' states that development or change of use of ground floors will be restricted to shops (Use Class A1) and the retention of a continuous window display frontage is considered important to the continued success of the pedestrianised area. Saved Policy Retail 2 also states that favourable consideration will be given to the development of offices to the rear of shops in Castle Street, and areas fronting on to Stockwell Head, provided satisfactory arrangements are retained for access, servicing and parking in relation to properties fronting onto Castle Street.

Policy Retail 4: 'Shopping Areas, Hinckley Town Centre' supports A1, A2, A3 and D2 Uses providing that the development does not have a seriously detrimental effect on the amenities enjoyed by the occupiers of adjoining residential property; generate additional traffic which would be detrimental in terms of highway safety or capacity; be detrimental to the visual amenities of the area; result in an under provision of off street parking, access and servicing facilities and removal an existing shop frontage.

Policy Retail 12: 'Use of Upper Floors' supports the use of residential accommodation above shops within the town centre, providing this does not have an adverse impact upon neighbouring residential properties or involve the intensified use or creation of a new access.

Policy BE1: 'Design and Siting of Development' seeks to safeguard and enhance the existing environment and states that planning permission will be granted where the development: complements or enhances the character of the surrounding area with regard to scale, layout, mass, design, materials and architectural features; is not adversely affected by activities within the vicinity of the site which are likely to cause a nuisance to the occupiers of the proposed development; does not adversely affect the occupiers of neighbouring properties.

Policy BE7: 'Development in Conservation Areas' states that primary planning policy will be the preservation or enhancement of their special character. Planning permission for proposals which would harm their special character or appearance will not be granted.

Policy T5: 'Highway Design and Vehicle Parking Standards' refers to the application of appropriate standards for highway design and parking provision for new development.

Other material policy guidance

The Hinckley Town Centre Area Action Plan (AAP) was adopted through Full Council on 21st March 2011, as such, it currently forms a formal development plan document for Hinckley Town Centre as part of the Local Development Framework. The application site falls within the Hinckley Town Centre Area Action Plan boundary.

Spatial Objective 3 of the AAP seeks to increase and improve the range of retail provision in the town centre to support Hinckley's role as a sub regional centre.

Spatial Objective 4 of the AAP seeks to enhance Hinckley Town Centre's image to developers, retailers, residents and visitors by ensuring high quality, safe and well designed, environmentally friendly development in the town centre.

Spatial Objective 8 of the APP seeks to retain and enhance employment opportunities in the Hinckley Town Centre Area Action Plan boundary.

Policy 13: 'Hinckley Town Centre Shopping Areas' states that ground floor development along Primary Shopping Frontages will be restricted primarily to A1 uses to protect the vitality and retail integrity of town centre's retail core, and A1-5 and D2 uses will be acceptable in the rest of the town centre.

Appraisal:-

The main considerations in the determination of this application relate to the principle of development, impact on residential amenity, design and impact upon the character and appearance of the Conservation Area, highway considerations and other issues.

Principle of Development

The site falls within the settlement boundary of Hinckley and within the Town Centre Boundary. The Town Centre Boundary within the Hinckley Town Centre Area Action

Plan (AAP) also reflects that of the Local Plan, and as such the sites fall within the Town Centre on both accounts.

The site is located within the settlement boundary of Hinckley where there is a presumption in favour of development subject to all other planning matters being appropriately addressed. For the reasons discussed later in this report it is considered that the development is in compliance with development plan policy.

The APP recognises that there is a need for a range of employment opportunities in the town centre and a particular need for significantly increased office provision. The AAP also confirms that Hinckley lacks suitable and available premises to accommodate interested retailers, as revealed with the Retail Capacity Study (2007).

This scheme has a number of distinct physical elements; the retention and use of the shop front to Castle Street, the first floor accommodation above and the extensions and use of the buildings to the rear.

Shop Unit on Castle Street

The shop unit fronting Castle Street is afforded designation though Saved Local Plan Policy Retail 2. It is considered that the retention of the shop and continuous window display on Castle Street, ensures that A1 uses remain within the primary shopping frontages of Hinckley Town Centre. As such, the proposal would be in accordance with Policy Retail 2 of the adopted Local Plan and Policy 13 of the AAP.

First Floor accommodation

The application also proposes first floor accommodation above the shop unit. Saved Local Policy Retail 12 supports the use of residential accommodation above shops, providing this does not have an adverse impact upon neighbouring residential properties or involve the intensified use or creation of a new access. As such, there is no in principle objection to the use of the site above the shop for residential accommodation, providing that there are no other material impacts identified.

Use of the Buildings to the Rear

The outbuildings to the rear fall within an area designated as Policy Retail 4 in the adopted Local Plan. Saved Policy Retail 4 of the adopted Local Plan supports Use Classes A1, A2, A3 and D2 on ground floors, subject to certain criteria. In addition, Policy 13 of the AAP also states that A1-A5 and D2 (Use Classes) will be acceptable in the rest of the town centre. Saved Policy Retail 4 also states that within this area, proposals for shopping, financial and professional uses, food and drinks and assembly and leisure uses will be considered favourably, although particular regard will be given to the effect of assembly and leisure proposals (Use Class D2) which can create noise and disturbance on adjoining residential areas. For the avoidance of doubt, whilst the applicant has provided accompanying documentation stating that the use of the site is for kitchen unit assembly and not manufacturing, it is considered that the use of the proposed use would fall under Use Class B1.

In the absence of specific policy support, evidence is required to support any proposed change. The application has been accompanied by a marketing assessment to demonstrate that the site has been adequately marketed for four years without success. On this basis and to ensure that the town centre remains attractive and inviting, alternative uses should be considered. Providing that there are no significant material impacts identified (particularly upon residential amenity) within

this location the use would be considered acceptable in the interests of strengthening the viability of the site, which consequently would contribute to the local economy in accordance with the aspirations of the AAP and overarching intentions of PPS4.

Saved Policy Retail 2 also states that favourable consideration will be given to the development of offices to the rear of shops in Castle Street, and areas fronting on to Stockwell Head, provided satisfactory arrangements are retained for access, servicing and parking in relation to properties fronting onto Castle Street. As such, there are considered no in-principle objections to the use of the offices to the rear of the site, subject to access, servicing and parking being considered acceptable. It is also the intention through this policy to ensure that there are no rear shopping frontages, or that shopping frontages are not formed onto Stockwell Head. It is considered that the erection of a single storey extension to create a reception area, leading into a display area, would be sited to the front of the site, accessed from Castle Street and as such a shopping frontage will not be formed onto Stockwell head and the main shop unit will be retained within 62 Castle Street.

In summary, the application site affords specific retail designation and as such there is identified policy support for the retail shop, office use and residential use, within both the adopted Local Plan and Hinckley Town Centre Area Action Plan. Whilst the proposed B1 (Use Class) kitchen assembly use does not afford specific policy support, (Use Classes A1-A5 and D2 only) it is considered that subject to satisfying the potential impacts as appraised below in this report, the wider benefits that this development could bring to the local economy is considered consistent with the intentions of the Hinckley Town Centre Area Action plan and the overarching intentions of national planning policy PPS4.

Impact upon Residential Amenity

Whilst Castle Street is predominantly occupied with commercial uses, the rear of the site through Lilley's yard is interspersed with both commercial and residential uses.

There is first floor residential accommodation (5 flats) located to the west of the site, along Lilley's Yard which have first floor habitable windows located within their western elevations and there is a also a balcony which would be directly located over the proposed assembly unit.

Noise from Assembly

As previously stated the outbuildings to the rear fall within an area designated as Policy Retail 4 in the adopted Local Plan which supports alternative non-retail uses, providing there are no significant impacts upon residential amenity.

Objections have predominantly been raised on the loss of peace and quiet and the proposed manufacturing in this location not being suitable, as it would give rise to high level noise and banging.

The accompanying documentation states that the proposal involves the intermittent use of a circular saw, purposely proposed within the new assembly unit which is to provide sound insulation to the roof and ceilings. The Noise Impact Assessment concludes that in a worst case scenario locating the circular saw in the new structure with built-in noise attenuation measures means this proposal will not adversely affect surrounding neighbours. The Assessment recommends that the ceiling / roof construction includes either slate or tiles on the pitched roof and that the ceiling consists of 2 layers of 12.5mm Fireline plasterboard (or similar). It is also

recommended that the external wall is of similar construction to one of the three options described in Section 7 of the Assessment.

The Noise Impact Assessment has been considered by the Head of Community Services (Pollution) whom has agreed with the recommendations set out for the proposed new building, and would like to see that the recommendations are adhered to. As such, it is considered necessary to attach appropriate conditions to ensure these recommendations.

Following concerns raised by officers the existing door serving the cold store is to be bricked up to ensure that there are minimal openings to mitigate against noise being omitted from the site and this has been reflected within the submission of an amended plan. The door to be bricked up is intending to operate as an assembly area and as such it is considered that the level of noise as a result of this amendment is likely to be reduced.
In respect of the opening of the door and loading bay, it is considered that further details are required regarding the proposed loading doors through the imposition of a planning condition in the interests of mitigating against any potential noise and odour upon nearby residential accommodation. The accompanying Noise Impact Assessment also recommends that the equipment should never be used while the loading bay doors are open and as such a condition is suggest to ensure this.

Due to the assembly of the products, the proposed change of use is likely to increase the level of noise over and above that of the previous use of the cold stores. However, on the basis that the development can be conditioned to control the recommendations submitted within the Noise Impact Assessment, it is not considered that the proposed noise would be detrimental to the occupiers of surrounding residential flats.

General Disturbance (Comings and Goings)

It is also necessary to consider the associated comings and goings likely to be experienced as a result of this use, in line with the hours of operation proposed.

It is considered that there is a level of background noise in this location with the retail area from Castle Street and a level of activity from the road and uses within Stockwell Head, however this noise is likely to quieten in the evening in line with the normal working period. The hours of use are considered acceptable for this setting and will be controlled by the imposition of a planning condition. It is acknowledged that there is a residential element proposed which will involve comings and goings, however the net gain of one flat is unlikely to lead to a significant increase in the level of disturbance to the area over and above that exerted by the other residential accommodation within the area.

A letter of objection has also been raised regarding the nature of deliveries and use of HGV vehicles. The applicant has provided additional information which states that the number of deliveries will be one or two per day on average and the number of goods out movements will be one per day and that all deliveries in and goods out will be in transit sized van. This is considered acceptable given that Stockwell head is characterised by other uses which require deliveries, as such it is not considered that the level of deliveries would be over and above that of the previous use or significantly over and above that of surrounding commercial premises.

Overshadowing, Overlooking and Overbearing impacts

Neighbouring letters of objection have also raised concerns regarding overlooking, loss of privacy and proximity to bedroom windows.

The majority of the development seeks to retain the existing building and the proposed single storey rear extension to create the kitchen assembly unit is set to measure 3 metres to the eaves and 4.6 metres to the ridge. There is an existing neighbouring balcony which is positioned 3.6 metres from ground level and is positioned approximately 4.1 metres away from the proposed extension. By virtue of the scale of the single storey extension, positioned lower than the existing balcony and habitable windows it is not considered that there would be any significant overshadowing or overbearing impacts.

In addition, amended plans have now been received which show that all first floor side windows serving the proposed office will be fitted with obscure glass, to ensure that there is no overlooking or looking directly into adjacent habitable windows. A condition is suggested to secure this.

Other Impacts upon Residential Amenity

In respect of the proposed living accommodation (flat), a new window and new roof over the door are proposed along with an external staircase, which are not considered to give rise to any significant impacts due to the siting. In response to a letter of objection, the use of the spiral staircase for entering and leaving the flat would not give rise to any direct overlooking, given the nature of the staircase and the minimal time spent using it. In addition, the fact that the entrance may be used for smokers by any potential future occupiers is not a material planning consideration. It is, however it is considered necessary to attach a condition to ensure that the full external details of this staircase are first submitted to and approved in writing by the Local Planning Authority.

In addition to the developments appraised above, it is not considered that there will be any impacts as a result of the retention of the shop unit in Castle Street, over and above those exerted from previous A1 (Use Class).
Furthermore, given the minor modifications to create a pitched roof, on the current flat roof this is not considered to give rise to any significant impacts.

In response to other objections raised not addressed above, it is not common practice or a requirement to consult surrounding residential premises, until such a time as a formal planning application is first submitted to the Local Planning Authority. For the avoidance of doubt, the neighbouring resident whom has raised this concern has been formally consulted on this application by letter and a site notice has also been displayed on site.

In summary, it is considered that the nature and hours of assembly, number of employees, and frequency of deliveries have all been carefully considered and are not considered to give rise to any significant material impacts upon residential amenity. The proposed extensions and alterations are considered minimal and are not considered detrimental to the amenities of surrounding residential accommodation. As such, the scheme is considered to be in accordance with Saved Policy BE1 and Saved Retail Policies 4 and 12 of the adopted Local Plan.

Design and Impact Upon the Conservation Area

The proposal is located within Hinckley Town Centre Conservation Area. It is a statutory requirement that any new development should at least preserve the character of the Conservation Area.

It is considered by virtue of the small scale and design of the proposed extensions to create a reception area and assembly unit that scheme would at least preserve the character of the Hinckley Town Centre Conservation Area.

The scheme proposes minimal alterations to the exterior of the other buildings and through the imposition of a planning condition to secure acceptable samples of facing materials, the scheme will be of a satisfactory external appearance for this Conservation Area setting. In addition further details of the external appearance of the proposed staircase will also be required and a condition is suggested to secure this. The rare glazed brick interior is set to be retained.

In summary, the scheme is considered to preserve the Conservation Area in accordance with Saved Policy BE7 of the adopted Local Plan.

Highway Considerations

The garage, which has not been used for vehicular parking is intending to be demolished under Conservation Area Consent application (ref: 11/00363/CON) . The scheme does not propose any car parking provision, with the exception of the service bay area within the site. Following concerns raised by officers, the applicant has provided further justification for this, stating that there is no official parking provision to replace but that this is a town centre location and there are other public parking facilities in the vicinity. In addition, it also states that a small development such as this would not compromise the town centre parking provision. Re-consultation has been undertaken with the Director of Environment and Transport (Highways) whom has confirmed that whilst replacement parking would be preferable, it is not considered that a reason for refusal could be substantiated given this town centre location and as such has no objection to the scheme.

In respect of the proposed first floor accommodation, access is achieved by an external circular staircase and new door, in the same manner that an existing first floor flat is accessed. Saved Local Policy Retail 12 acknowledges that the occupiers of such properties are usually young single persons who have limited requirements for parking and amenity space. There are other examples of first floor accommodation above shop units within Castle Street, and there are not clear designated parking for these residential units. It is considered that by virtue of the size of the unit that this would only be suitable for a single person, and given the sites location within the town centre that the lack of parking would be acceptable in this instance.

The proposed siting of the reception area has been designed to ensure that it does not encroach upon the designated footpath running through Lilley's Yard. The Director of Environment and Transport (Rights of Way) has no objection to the scheme. Following the submission of amended plans the two existing ground floor double doors within the western elevation have been altered so that one is to be bricked up and the other now opens inwardly to avoid any future issues with pedestrian's rights of way.

In summary, it is not considered that there would be any significant impacts upon highway safety. Accordingly the development accords with Saved Policy T5 of the Local Plan.

Other Matters

Ecology

The accompanying ecology report does not identify the presence of any protected species on the site. The Directorate of Chief Executive, (Ecology) accepts the report submitted with the application and concludes that this application will have no impact on any designated sites of ecological importance. Accordingly, it can be concluded that the proposal will not have any adverse impacts upon protected species.

Financial Contributions

Due to the residential element of the proposed flat, the development triggers a requirement for a contribution towards the provision and maintenance of play and open space in accordance with Policy REC3 supported by the Play and Open Space SPD. The request for any developer must be considered alongside the guidance contained within Circular 05/05 and more recently in the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations confirm that where developer contributions are requested they need to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed.

Given that the flat is one bedroomed, it is not considered that the size of the unit would appeal to families and as such it is not considered that the proposal is related in scale and kind to the development proposed. Therefore the development would not be able to satisfy the requirements of planning obligations and as such the scheme would not be CIL compliant.

Conclusion

In principle, the scheme affords policy support for many of the proposed uses. The proposed assembly of kitchen units does not afford specific policy support, although it is not considered to give rise to any significant material impacts, and therefore there is no objection to the scheme which is proposed to utilise a vacant site and lead to the vitality and vibrancy of Hinckley Town Centre. The scheme does not give rise to any significant material harm to neighbouring dwellings, highway safety or protected species and is considered to preserve the Conservation Area. Accordingly the application is recommended for planning permission, subject to the imposition of planning conditions.

RECOMMENDATION:- Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as it is considered largely characteristic of the surrounding area and would not be detrimental residential amenity, highway safety protected species and preserves the character and appearance of the Conservation Area.

Hinckley & Bosworth Local Plan (2001):- Policies Retail 2, Retail 4, Retail 12, BE1, BE7, T5.

Hinckley & Bosworth Borough Council Local Development Framework: Core Strategy (2009):- Policy 1, Area Action Plan (2011) Policy 13

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

2 The development hereby permitted shall be carried out in complete accordance with the details: OS Site Plan (1:1250) received by the Local Planning Authority on 4 April 2011 and amended details: Drawing No B10/13/P01F received by the Local Planning Authority on 9 May 2011.

3 No development shall commence until representative samples of the types and colours of materials to be used on the external elevations of the proposed assembly unit and reception area shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with the approved materials.

4 No development shall commence until full details including materials and finishes of the proposed spiral staircase are first submitted to and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with the approved details.

5 No development shall commence until full details of the window and door styles, reveals, cills, header treatments and materials of construction are first submitted to and approved in writing by the Local Planning Authority, the works shall then be implemented in accordance with the approved details.

6 No development shall commence until full details of the eaves and verge treatment, guttering and down pipe (including materials and method of fixing) are first submitted to and approved in writing by the Local Planning Authority and the works shall be implemented in accordance with the approved details.

7 The windows serving the proposed office at first floor level in the west elevation shall be fitted with obscure glass and shall be retained this way thereafter.

8 No development shall commence until full details of the proposed folding timber doors are first submitted to and approved in writing by the Local Planning Authority and the works shall be implemented in accordance with the approved details.

9 The loading bay doors shall be kept closed during the operation of any powertools.

10 No development shall commence until a scheme of noise attenuation is first submitted to and agreed in writing by the Local Planning Authority and the works shall be implemented in accordance with the approved details.

11 No development shall take place until a timetable for the scheduling of demolition and construction works has been submitted to and agreed in writing by the Local Planning Authority and the works shall be implemented in accordance with the approved details.

12 No part of the development, other than that proposed in the approved plan Drawing No B10/13/P01F, received by the Local Planning Authority on 9 May 2011, shall be used for the assembly of kitchen units.

13 No use of the assembly units, hereby approved shall be carried out other than between 8 am to 5 pm Monday to Friday and 8 am to 12 noon Saturdays and at no time on Sundays or Public Holidays.

14 No use of the reception area, display area and offices, hereby approved shall be carried out other than between 9 am to 6 pm Monday to Saturday and at no time on Sundays or Public Holidays.

Reasons:-

1 To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 For the avoidance of doubt and in the interests of proper planning.

3-6 To ensure that the development has a satisfactory external appearance to accord with Policy BE1 and BE8 of the adopted Hinckley & Bosworth Local Plan.

7 To ensure that the development is not detrimental to the privacy and amenity of the neighbouring property, to accord with Policy BE1 of the adopted Hinckley & Bosworth Local Plan.

8 In the interests of protection of amenity from noise and odour of nearby residential accommodation to accord with Policy BE1 of the adopted Hinckley & Bosworth Local Plan.

9 The premises are close to residential dwellings and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents accord with Policy BE1 of the adopted Hinckley & Bosworth Local Plan.

10 In the interests of protection of amenity from noise of nearby residential accommodation to accord with Policy BE1 of the adopted Hinckley & Bosworth Local Plan.

11 To protect the character and appearance of the Conservation Area in the interests of visual amenity to accord with Policy BE7 of the adopted Hinckley & Bosworth Local Plan.

12 The premises are close to residential dwellings and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents accord with Policy BE1 of the adopted Hinckley & Bosworth Local Plan.

13&14 The premises are close to residential dwellings and a limit on the hours of use is needed to prevent a nuisance or annoyance to nearby residents accord with Policy BE1 of the adopted Hinckley & Bosworth Local Plan.

Notes to Applicant:-

1 Bats, nesting birds, great crested newts and certain other species are

protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.

2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.

4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

5 Should permission be granted, you are reminded to comply with the conditions of Conservation Area Consent: 11/00363/CON.

6 This permission does not convey any authority to enter onto land or into any building not within the control of the applicant except for the circumstances provided for in The Party Wall etc Act 1996.

Contact Officer:- Ebbony Mattley Ext 5691