

Delegated Report

Planning Ref: 24/00315/FUL
Applicant: Mr Utkarsh Thakkar
Ward: Hinckley Castle



Hinckley & Bosworth
Borough Council

Site: 18 Market Place Hinckley Leicestershire

Proposal: Change of use of first floor and loft space from pub (Sui Generis) to four flats (C3) and side/rear extension and new roof dormers

1. Recommendations

- 1.1. **Refuse planning permission** subject to:
- Planning reasons outlined at the end of this report.

2. Planning Application Description

- 2.1. This planning application seeks full planning permission for the change of use of the first floor and loft space of an existing public house (Sui Generis) to four flats at 18 Market Place, Hinckley. Flat 1 is a two-bedroom apartment, whereas the remaining flats only benefit from one bedroom.
- 2.2. To facilitate this development, a two-storey, 7.2m high, flat-roofed side and rear blank extension is provided to accommodate a new access to the flats. The extension is 9m in width, which includes 1.4m in width beyond the existing western side elevation, and 1.5m to the rear of the property. No further external alterations are proposed.
- 2.3. Following concerns raised by the Conservation Officer in relation to the development's impact on the historic environment, the dormer windows within the scheme have been removed and replaced with roof lights.
- 2.4. Further concerns relating to residential amenity and subsequent requests for revisions to the development have been raised by the Case Officer since 02 July 2024, but no response has been received to these matters.

3. Description of the Site and the Surrounding Area

- 3.1. The 765sqm application site is located within the centre of Hinckley on the southern side of Market Place within the Hinckley Town Centre Conservation Area and the Secondary Shopping Frontage Area of the Primary Shopping Area in the Hinckley Town Centre Area Action Plan (HTCAAP) (2011). The site itself consists of The Bounty, which is a two-storey, terrace-end public house. The application site previously featured a coaching inn, known as the George Inn, which was demolished in 1959.

- 3.2. The present building within the site was built to reflect a traditional character, form, and detailing including red brick facing walls, clay tile dual pitched roof, timber sash windows under gauged brick headers, and a stone door surround. Whilst the property is not a historic building, due to its architectural detailing and landmark status, it contributes positively to the character, appearance, and thus significance of, the Hinckley Town Centre Conservation Area.
- 3.3. The site itself is surrounded by a variety of buildings that benefit from commercial uses on their ground floor and residential uses above. A nightclub is located to the rear of the application site.
- 3.4. The Hinckley Town Centre Conservation Area Appraisal (HTCCAA) (2013) highlights that a protected view (The Market Place from Station Road/Lancaster Road) heads eastwards along Market Place in front of the application site. The HTCCAA states that this protected view represents the best surviving elements of the late 19th and early 20th century commercial core of the town with a variety of highly characteristic architectural details. 19 Castle Street is adjacent to the site, which is a Grade II Listed, three-storey property that is constructed with a red brick and concrete roof tiles.
- 3.5. Although Market Place is the focal point of the town and the Conservation Area, the HTCCAA states that its appearance fails to match its importance and is identified as being in urgent need of major refurbishment. The special interest of Market Place is its sloping streetscape, its tight well-defined boundaries, and its views of St. Mary's Church spire. Ultimately, one of the main vulnerabilities of the Conservation Area is the use of insensitive alterations to existing buildings, especially on street-facing elevations.

4. Relevant Planning History

- 4.1 N/A.

5. 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 and a notice was displayed in the local press.
- 5.2 Two objections were received from members of the public.
- 5.3 One member of the public stated that they had a holding objection to the development until it is confirmed that the development does not hinder the legal right of way to the rear of 16 Market Place.
- 5.4 *The Planning Officer notes that legal rights of way are not a planning matter and must be resolved outside of the planning process. Nevertheless, this concern was raised to the Applicant.*

5.5 A further objection has been received on behalf of the local branch of the Campaign for Real Ale (CAMRA) for the following reasons:

- Loss of a community facility and its ancillary areas.
- Loss of dedicated residential accommodation, specifically provided for the efficient and sustainable operation of the public house.

This member of the public has also referred to the loss of The Dog and Gun public house following the conversion of the upper floors of the property to independent residential accommodation.

5.6 *The Planning Officer notes that, contrary to the assertions of one member of the public, Policy DM24 of the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016) refers to resisting the loss of cultural and tourism facilities including their ancillary areas, whereas Policy DM25 of the SADMP, which refers to community facilities such as public houses, does not make reference to the loss of ancillary areas of these facilities. Ultimately, the Local Planning Authority cannot demonstrate that the conversion of the upper floors of the public house are likely to result in the loss, nor any detrimental impact, to the operation of the existing community facility.*

5.7 No further responses have been received.

6. Consultation

6.1 There have been no objections from the following consultants:

- Hinckley & Bosworth Borough Council (HBBC)'s Conservation Officer
- HBBC's Drainage Officer
- HBBC's Waste Management Officer (subject to conditions)

6.2 The Council's Hinckley Town Centre Management Department, the Hinckley Area Committee, nor the Hinckley Castle Ward responded to the planning application.

Pollution:

6.3 On 16 April 2024, the Council's Pollution Officer advised that the submitted Noise Impact Assessment is for a separate building and the sound Insulation Advice document makes recommendations to upgrade the insulation at the premises.

6.4 Moreover, the Pollution Officer noted that no details regarding noise impact from external noise, such as the pub garden/smoking area, street noise, or any external plant noise, have been considered. This information was required prior to the determination of the application.

6.5 No details have been provided by the Applicant to address these issues.

Waste:

6.6 The Council's Waste Management Officer requested a planning condition that secures the adequate provision of storage and collection of refuse and recycling containers.

6.7 No further responses have been received.

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 DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3 Hinckley Town Centre Area Action Plan (HTCAAP) (2011):

- Policy 13: Hinckley Town Centre Shopping Areas

7.4 National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (December 2023)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

7.5 Other Relevant Guidance:

- Good Design Guide (2020)
- Hinckley Town Centre Conservation Area Appraisal (HTCCAA) (2013)
- Leicestershire Highway Design Guide (LHDG) (2022)
- Technical Housing Standards – Nationally Described Space Standards (2015)

8. Appraisal

8.1. The key issues in respect of this application are therefore:

- Principle of development
- Housing land supply
- Design and impact upon the character of the area and the historic environment
- Impact upon residential amenity
- Impact upon parking provision and highway safety

Principle of Development

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.

8.3 The current Development Plan consists of the adopted Core Strategy and the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP). In accordance with Paragraph 225 of the NPPF, due weight should be given to existing policies according to their degree of consistency with the NPPF.

8.4 Paragraph 31.3 of the HTCCAA states that the use of upper storeys for residential accommodation within the Hinckley Town Centre Conservation Area should be promoted.

8.5 In light of this, the development is within a sustainable location in the centre of Hinckley and therefore the proposal is considered to be acceptable in principle, subject to the assessment of all other material considerations. Other material considerations are set out within the next sections of the report.

Housing Land Supply

8.6 The development is for four residential flats within Hinckley Town, and therefore Policy 15 (Affordable Housing) and Policy 16 (Housing Density, Mix and Design) of the adopted Core Strategy are not applicable for this scheme.

8.7 Using the standard method as outlined by the Ministry of Housing, Communities & Local Government (MHCLG), Hinckley and Bosworth Borough Council are able to demonstrate 5.6 years of deliverable housing on 29 July 2024.

8.8 However, due to the age of relevant housing policies within the adopted Core Strategy, the 'tilted' balance in Paragraph 11(d) of the NPPF is triggered in accordance with Footnote 8 and Paragraph 11 of the NPPF.

- 8.9 Paragraph 11(d)(ii) of the NPPF requires planning permission to be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 8.10 In light of the above, the provision of four flats to the Borough's supply of land for housing is considered to attract very little weight within the planning balance.

Design and Impact upon the Character of the Area and the Historic Environment

- 8.11 Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment and heritage assets. Development proposals should ensure the significance of a conservation area is preserved and enhanced.
- 8.12 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.
- 8.13 Policy 13 of the HTCAAP states that new development along Primary and Secondary Shopping Frontages must retain, replace, or create shop frontages as appropriate to support the character and vitality of Hinckley Town Centre.
- 8.14 The proposed roof lights that serve the accommodation in the existing floor space are spaced out across the roof on the front elevation and are aligned vertically to the position of the fenestration on the floors below. The roof lights are timber framed, being a traditional construction material, conservation-style being flush to the roof, and have a central vertical glazing bar to divide the extent of glazing.
- 8.15 It is therefore considered that the roof lights on the front elevation have no more than a negligible and no adverse impact upon the fabric of the building, its character and appearance, nor the character of the wider area or the Conservation Area.
- 8.16 Four roof lights are also proposed across the roof on the rear elevation. Given the visual containment of the rear of the application site, these roof lights are not considered to result in any adverse impact upon the character and appearance of the area or the Conservation Area.
- 8.17 Although the two-storey extension is predominantly to the rear of the building, it does feature a short projection beyond the side elevation of the property. The extension is constructed out of red brick to match the existing facing walls of the building, and its flat roof form sits below the existing eaves level of the host property.
- 8.18 Considering this and the fact the extension is set back from the front elevation of the building, it is considered that the extension would not have an adverse impact on character and appearance of the property, the surrounding area, or the Conservation Area.

- 8.19 For the reasons above, it is considered that the proposal is likely to have a neutral impact upon the character and appearance of the Hinckley Town Centre Conservation Area, and thus preserve its significance. As a result, the proposal is considered to comply with Policies DM10, DM11, and DM12 of the SADMP.

Impact upon Residential Amenity

- 8.20 Paragraph 135(f) of the NPPF requires planning policies and decisions to ensure that developments create places that are safe, inclusive, and accessible, which promote health and well-being, and a high standard of amenity for existing and future users.
- 8.21 Policy DM10(a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.
- 8.22 Policy DM7 of the SADMP states that adverse impacts from pollution will be prevented by ensuring that development proposals demonstrate that it would not cause noise or vibrations of a level that would disturb areas that are valued for their tranquillity in terms of recreation or amenity.
- 8.23 The Good Design Guide requires the way buildings to relate to each other, and their orientation and separation distances, to provide and protect acceptable levels of amenity.
- 8.24 The windows on the rear of 18 Market Place are 25.8m from the rear of 4 The Horsefair, which are compliant with the requirements of the Good Design Guide. Although the visual outlook from these windows is unlikely to provide a high level of residential amenity to the future occupiers of the scheme, it is not considered that this visual outlook is likely to be so substandard that it results in significant harm to the residential amenity of these future residents in these site-specific circumstances.
- 8.25 Furthermore, whilst the windows on the front of 18 Market Place are less than 21m from the properties on the opposite side of Market Place, it is noted that these windows are separated by a road, and therefore these distances are not considered to result in any significant adverse impacts to the residential amenity of neighbouring properties or the future occupants of the scheme in accordance with the Good Design Guide in these site-specific circumstances.
- 8.26 Notwithstanding this, the Applicant has not provided any details in relation to the noise impacts of the existing pub and its associated pub garden and smoking area, the nightclub that is in close proximity to the site, nor any external noise or any external plant noise on the future occupants of the scheme.

- 8.27 The Applicant has also failed to demonstrate how the development shall protect the future occupants of the scheme from these noise impacts, which are likely to have a significant adverse effect on the future occupants of the scheme.
- 8.28 To support the residential amenity of future occupiers of the scheme, one of the aims of Section 4 (New Residential Development) within The Good Design Guide is to ensure that new residential development exceeds the internal space standards set by the Technical Housing Standards (THS) (2015) wherever possible.
- 8.29 Every flat is proposed with a double bed in everyone bedroom, which can each accommodate two-persons. No details have been provided by the Applicant to suggest that the development shall not be used by more than one person.
- 8.30 Therefore, in accordance with the THS, proposals for one-bedroom, one-person single storey accommodation should provide a minimum floor space of 39sqm and 1sqm of built-in storage. This increases to 50sqm for a one-bedroom, two-person single storey residential property. In addition, schemes for a two-bedroom, three-person single storey dwelling should provide 61sqm of floor space and 2sqm of in-built storage. This increases to 70sqm for four-person, two-bedroom, single storey residential properties.
- 8.31 Flat 1 does not provide sufficient floor space or in-built storage for a single storey, two-bedroom, four-person property. In addition, excluding the 6sqm of storage, which is above the stairs that lead onto this floor, Flat 2 does not comply with the minimum floor-space requirements of the THS for a single-bedroom two-person single storey residential property.
- 8.32 Due to the restricted floor to ceiling heights within Flats 3 and 4, it is not considered that these two properties meet the THS floor space requirements for single-storey, one-bedroom, two-person residential properties serving two people. As a consequence of the restricted ceiling heights, the bedroom for Flat 3 only has a width of 1.4m with a floor-to-ceiling height of 2m or above, which is not considered to provide a high level of residential amenity.
- 8.33 As a result, the development is not considered that any of the proposed flats provide a high level of residential amenity for the future occupants of the scheme.
- 8.34 Whilst none of the flats are provided with private outdoor amenity space, the proposal is for the part-change of use of an existing commercial building and the application site is within 180m of public open space at The Mead. Therefore, this lack of private outdoor amenity space is not considered to be unacceptable in these site-specific circumstances.
- 8.35 By virtue of these factors, the development fails to appropriately demonstrate that the future occupants of the scheme won't be adversely affected by noise pollution from activities within the vicinity of the site. In addition, the proposal does not provide sufficient floor space and in-built storage for any of the flats, which are currently all below the minimum requirements of the Technical Housing Standards.

As a result, the development is considered to have a significant adverse impact on the residential amenity of the future occupants of the scheme. Therefore, the proposal is contrary to, and in conflict with, Policy DM10 of the SADMP, Paragraph 135(f) of the NPPF, and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.36 Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety.
- 8.37 All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 8.38 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.39 No off-street vehicle parking is proposed for the development. Nevertheless, the application is within the centre of Hinckley Town Centre in a highly sustainable location with close access to public transport services. Therefore, the proposal does not create an unacceptable impact on highway safety or the road network. Therefore, the scheme is regarded as in accordance with Policies DM17 and DM18 of the SADMP, and the LHDG.

Planning Balance

- 8.40 Paragraph 11(d)(ii) of the NPPF requires planning permission to be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 8.41 The development fails to appropriately demonstrate that the future occupants of the scheme won't be adversely affected by noise pollution from activities within the vicinity of the site. In addition, the proposal does not provide sufficient floor space and in-built storage for any of the flats, which are currently all below the minimum requirements of the Technical Housing Standards. As a result, the development is considered to have a significant adverse impact on the residential amenity of the future occupants of the scheme. Therefore, the proposal is contrary to, and in conflict with, Policy DM10 of the SADMP, Paragraph 135(f) of the NPPF, and the Good Design Guide. This is considered to attract significant weight in the planning balance.
- 8.42 Whilst it is acknowledged that there are potential social benefits from the scheme such as providing housing for a range of occupants, and economic benefits associated with the future occupants' opportunity to act as new customers and employees for local businesses and services, the benefits when associated with four flats are modest and are not considered to maintain or enhance the local

community. The Local Planning Authority can also demonstrate a five-year supply of land for housing. In addition, there are no planning benefits such as affordable housing or essential infrastructure provision as identified within Paragraph 12.13 of the SADMP.

- 8.43 Given the above, it is considered that the adverse impacts of the development significantly and demonstrably outweigh the potential benefits of the scheme. In accordance with Paragraph 11(d)(ii) of the NPPF, it is considered that the proposal should be refused.

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 planning permission to be refused.

11. Recommendation

- 11.1 **Refuse planning permission** subject to:
- Planning reasons outlined at the end of this report

11.2 Reasons

1. The development fails to appropriately demonstrate that the future occupants of the scheme won't be adversely affected by noise pollution from activities within the vicinity of the site. In addition, the proposal does not provide sufficient floor space and in-built storage for any of the flats, which are currently all below the minimum requirements of the Technical Housing Standards. As a result, the development is considered to have a significant adverse impact on the residential amenity of the future occupants of the scheme. Therefore, the proposal is contrary to, and in conflict with, Policy DM10 of the adopted Site Allocations Development Management Policies Development Plan Document (2016), Paragraph 135(f) of the National Planning Policy Framework (December 2023), and the Good Design Guide (2020).

a. Notes to Applicant:

1. The application has been determined in accordance with the following submitted details:
 - Application Form (submitted: 03.04.2024)
 - Drainage Strategy Report (submitted: 03.04.2024)
 - Existing & Proposed Elevations VD22575 A-02 02 (submitted: 26.06.2024)
 - Existing & Proposed Floor Plans VD22575 A-01 02 (submitted: 26.06.2024)
 - Heritage Impact Assessment (Draft) (submitted: 03.04.2024)
 - Proposed Site Plan VD22575 A-03 02 (submitted: 26.06.2024)
 - Sound Insulation Advice 2766 (March 2023) (submitted; 26.06.2024)