

Delegated Report

Planning Ref: 24/00114/FUL

Applicant: Mrs Sara Humphries

Ward: Hinckley Castle

Site: 3 Castle Street, Hinckley

Proposal: Installation of shopfront, awning, roller shutters, air conditioning condenser units and extract vents, and outside seating area



Hinckley & Bosworth
Borough Council

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. The proposal is for the installation of a shopfront, awning, roller shutters, air conditioning condenser units and extract vents, alongside an outside seating area.

3. Description of the site and surrounding area

- 3.1. These applications are for alterations to the front elevation (including advertisements) and rear elevation of 3 Castle Street to facilitate a new commercial use. The building is located within the Hinckley Town Centre Conservation Area. The property dates from the late-20th century and has a scale, form, appearance and construction materials typical of a commercial property from this period which do not respect the traditional qualities of the conservation area. For these reasons the building is identified as being part of a weak area within the Hinckley Town Centre Conservation Area Appraisal (2013), and overall the building is considered to make a negative contribution to the character and appearance, and thus significance, of the conservation area.

4. Relevant planning history

None

5. Publicity

- 5.1. The application has been publicised by posting a site notice within the vicinity of the site and letters sent out to neighbours. The application was also advertised in the Hinckley Times.
- 5.2. No comments were received.

6. Consultation

- 6.1. LCC Highways: No objections, note to applicant included.
- 6.2. HBBC Conservation: No objections. Substantive response, included within the impact upon the character of the conservation area section of this report.
- 6.3. HBBC Pollution: No objections.

7. Policy

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM17: Highways and Transportation

- Policy DM18: Vehicle Parking Standards

7.2. **Core Strategy (2009)**

- No relevant policies

7.3. **National Planning Policies and Guidance**

- National Planning Policy Framework (NPPF) (2023)
- Planning Practice Guidance (PPG)

7.4. **Other relevant guidance**

- Good Design Guide (2020)
- National Design Guide (2019)

8. **Appraisal**

8.1. **Key Issues**

- Assessment against strategic planning policies
- Design and impact upon the character of the Conservation Area
- Impact upon neighbouring residential amenity
- Impact upon highway safety

Assessment against strategic planning policies

8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 2 of the NPPF also identifies that the NPPF is a material planning consideration in planning decisions. Paragraph 12 of the NPPF states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where planning applications conflict with an up-to-date plan, permission should not usually be granted unless other material considerations indicate otherwise.

8.3. The development plan in this instance consists of the Core Strategy (2009) and the Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016).

Design and impact upon the character of the area

8.4. Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.

8.5. Policies DM11 and DM12 of the Site Allocations and Development Management Policies (SADMP) DPD seek to protect and enhance the historic environment. Development proposals should ensure the significance of a conservation area is preserved and enhanced.

8.6. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

8.7. Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraphs 205-208 of the NPPF require great weight to be given to the conservation of designated

heritage assets when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have clear and convincing justification, and for that harm to be weighed against the public benefits of a proposal.

- 8.8. To facilitate the new operator of the building on the front elevation it is proposed to replace the existing shop front, insert a new fascia panel and internally illuminated signs, install a new roller shutter to the doors, and erect an awning to facilitate outside customer seating (as has also been provided at the adjacent property). To the rear a replacement staff door is proposed, in addition to the installation of air conditioning condensers and extract grilles for the operation of the commercial unit.
- 8.9. The replacement shop front would be of suitable proportions and have a form that is consistent with the character of the existing building. The use of roller shutters can have a detrimental impact upon the character of the conservation area but there is a precedent for their use on this building as part of its previous commercial activity, and the current proposal is for shutters over the entrance doors only so this would limit their visual impact. There is also precedent for awnings along the frontage. The new signage for the commercial operation is considered to be appropriately positioned and scaled and visually acceptable in terms of imaging, font and colours, and would not result in an over-proliferation of signs upon the front elevation. The proposals to the rear of the building are minimal in extent and nature so would have no adverse impact upon the character and appearance of the conservation area.
- 8.10. The proposal does not provide the opportunity for any particular enhancement to the character and appearance of the building and the wider conservation area, however, the proposed alterations and advertisements are considered to have neutral impact on the character and appearance of 3 Castle Street and the wider Hinckley Town Centre Conservation Area, thus preserving its significance. Subsequently the proposal complies with Policies DM10, DM11 and DM12 the SADMP, section 16 of the NPPF and the statutory duty of section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

Impact upon neighbouring residential amenity

- 8.11. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings. The policy also states that the amenity of the occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.
- 8.12. The proposal is located within the former Caves Fruit Shop, and is located on Castle Street, Hinckley. Castle Street consists of a retail units with some first and second floor residential units above. HBBC Pollution have been consulted as part of this application and following a review of the submitted information have no objection to the proposal.
- 8.13. It is noted that the site is also located within close proximity of other hot and cold food takeaways along this section of Castle Street. As such it is considered that the proposal would not cause significant detrimental impact to the residential amenity of neighbouring residents. The proposal is therefore in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.14. Policies DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety.

8.15. The County Highways department were consulted as part of the application, and have confirmed that they do not have any objections to the proposed scheme. It was noted that within the proposal outdoor seating is proposed – a note to applicant has been included regarding this matter.

8.16. The application can therefore be considered to be in accordance with Policy DM17 of the SADMP.

9. **Equality implications**

9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

9.3 There are no known equality implications arising directly from this development.

9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. **Conclusion**

10.1. It is considered that the proposal is compatible with the character of the area and it would preserve the significance of the Hinckley Town Centre Conservation Area. The proposal therefore complies with Policies DM10, DM11, DM12, DM17 and DM18 of the SADMP, section 16 of the NPPF and the statutory duty of Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

11. **Recommendation**

11.1 **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report

11.2 **Conditions and Reasons**

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

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

Site Location Plan Drg No. TQRQM24022143453792
Block Plan Drg No. TQRQM24033124441430
Proposed External Seating Drg No. RCEN/S6414/12
Existing, Proposed Elevations, Drg No. RCEN/S6414/04P
Existing, Proposed Sections, Drg No. RCEN/S6414/03P
Proposed Ground Floor Plan, Drg No. RCEN/S6414/02P
Shop Front Elevation, Sections, Drg No. RCEN/S6414/01A
Design and Access Statement
Noise Data and Ratings
Odour Impact Assessment
Product Details - Power Inverter Heat Pump

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. The retail use shall not take place other than between the hours set out below:

Monday - Saturday: 06:30-21:00
Sundays and Bank Holidays: 06:30-21:00

Reason: To protect the amenities of the occupiers of neighbouring residential properties from unsatisfactory noise and disturbance in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies DPD (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.
2. The applicant should note that as the proposal includes seating within the public highway, a café license would need to be obtained from Local Highway Authority. Please contact Leicestershire County Council on 0116 305 0001.