

Delegated Report

Planning Ref: 23/01030/FUL

Applicant: Mr and Mrs Green

Ward: Hinckley Castle

Site: 27 Regent Street, Hinckley

Proposal: Proposed Change of Use of first and second floor from office (use Class E) to residential (use Class C3) and replacement of windows.



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 change of use of the first and second floor from office (use Class E) to residential (use Class C3) and replacement windows.

3. **Description of the site and surrounding area**

- 3.1. Regent Street is a three-storey building set within a terrace of predominantly early-19th century development. The upper floors of the building have a late-19th century appearance, with timber sash windows of a style contemporary of this period, slate roof and tall gable chimney stack. The building has been significantly altered over time, including the installation of a 20th century shopfront of no particular interest and functional adaptations to the rear elevations. Despite these alterations the building is of some minor historic and architectural interest and consequently it makes a minor positive contribution to the character and appearance and thus significance of the Hinckley Town Centre Conservation Area, with it being identified as being a locally important building within the Hinckley Town Centre Conservation Area Appraisal (2013). It is located amongst residential, retail and hospitality uses.

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.
- 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 Waste Management: Condition recommended for pre-commencement on information surrounding bin storage area. The agent subsequently confirmed this would be afforded in the rear Courtyard as per neighbouring developments however no further information submitted. HBBC Waste re-consulted but no response received. Condition not necessary.
- 6.4. HBBC Drainage: No objections.
- 6.5. HBBC Pollution: No objections following additional information.

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)

- Policy 1: Development in Hinckley

7.3. Hinckley Town Centre Area Action Plan

- Policy 13- Hinckley Town Centre Shopping Areas

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)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area and Listed Building
- 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), the Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016) and Hinckley Town Centre Area Action Plan (2011).

8.4. The site is located in the town centre, a sustainable location with access to a number of facilities. Whilst the development will lead to a loss of office space, the ground floor unit will be retained. There is therefore no conflict with policy 1 of the CS and Policy 13 of the HTCAAP.

Design and impact upon the character of the area

- 8.5. 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.
- 8.6. 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.
- 8.7. 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.
- 8.8. 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.
- 8.9. The first and second floors of the building are currently unoccupied but were most recently in use as offices. This application seeks consent for the change of the use of these floors to residential use including the replacement of windows. The replacement of the existing windows are the only works to facilitate the change of use that would materially affect the appearance of the building.
- 8.10. It is proposed to replace all existing windows on the front and rear elevations with UPVC replacements. Given the existing windows to the rear elevation are functional in form and style it is considered that the replacements will have a neutral visual impact and cause no harm to the significance of the conservation area.
- 8.11. The existing sash windows on the front elevation are of some heritage interest. It is currently proposed to replace these of the same 'style' to match, although the effect on the character of the building will largely be determined by the specification of the replacement windows. Whilst it is considered that the replacements being a UPVC frame material would be an acceptable alternative to timber, in character and appearance terms a traditional sliding sash mechanism, as existing, would be preferable to alternatives such as top or middle hung casements which are not traditional in nature. It is noted however that such casements are now prevalent on other properties along Regent Street, so the preference for sliding sashes from a character and appearance point of view is perhaps considered a desirable objective.
- 8.12. The loss of the existing timber sash windows and replacement with UPVC sash windows (but operating as casements) would have a minor adverse impact upon the character and appearance of the property, but the impact on the conservation area as a whole would be negligible. The proposal would preserve the character and appearance and thus significance of the conservation area, therefore it 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

- 8.13. 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.
- 8.14. The existing ground floor uses below the proposed flats are of a retail nature. HBBC Pollution raised concerns regarding limiting noise impacts from the surrounding retail and hospitality uses. This was confirmed that this information would be secured by condition. However upon further discussion with the applicant, further information was provided and following a consultation with Environmental Health it has been confirmed that no condition is now necessary.
- 8.15. The proposed development is not considered to cause detrimental impacts upon neighbouring properties in terms of loss of light, overbearing impacts, loss of privacy or noise impacts due to the nature of the development and the limited external works.
- 8.16. As such it is considered that the proposal would be in accordance with Policy DM10 of the adopted SADMP.

Impact upon highway safety

- 8.17. Policies DM17 and DM18 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety and requires new development to provide an appropriate/justified level of parking provision.
- 8.18. 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, and given the location within Hinckley town centre, they are satisfied that the development will have no detrimental impact to highway safety or vehicular parking. Given the advice received from County Highways it is considered that the proposal is in general accordance with Policies DM17 and DM18 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. The site is in a sustainable town centre location, but would not lead to the loss of retail provision. It is considered that the proposal 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, Policy 1 of the Core Strategy and Policy 13 of the Hinckley Town Centre Area Action Plan and section 16 of the NPPF and the statutory duty of Sections 16, 66 and 72 of the 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:

Planning and Heritage Statement
Existing and Proposed Elevations and Plans Drg No. AVD-784-RSH-PL01
Rev A
Noise measures document ref: 784-RSH-SD (A)

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).

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.