

Delegated Report

Planning Reference: 25/00698/CONDIT
Applicant(s): Kullar
Ward: Hinckley Castle



Hinckley & Bosworth
Borough Council

Application Site: 8A Station Road, Hinckley

Proposal: Application to vary condition 2 of planning permission 22/00935/LBC. The roof covering to be repaired or replaced on a like for like basis.

Case Officer: Ashleigh Gade (Senior Planning Officer)

1. Recommendations

1.1. **Grant listed building consent for the variation of 22/00935/LBC** subject to:

- Planning conditions detailed at the end of this report.

2. Planning Application Description

2.1. Section 73 of the Town and Country Planning Act 1990 allows applications for planning permission to be sought for the development of land without complying with conditions that were imposed on a previous planning permission. Section 19 of the Planning (Listed Buildings and Conservation Areas) Act 1990 allows for the variation of conditions attached to a listed building consent.

2.2. The previous planning permission in this case is 22/00935/LBC which granted Listed Building Consent for internal alteration relating to the provision of six apartments on the first floor at 8A Station Road, Hinckley.

2.3. This Section 73 Application seeks permission for the variation of Condition 2 (Approved Plans) of listed building consent 22/00935/LBC to enable works to be undertaken to the roof of the building.

2.4. Condition 2 of 22/00935/LBC states:

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

- *Heritage Statement received by the Local Planning Authority 05.05.2023*
- *Schedule of Works received by the Local Planning Authority 05.05.2023*
- *Proposed plans and elevations Drg No. DSA-19056-PL-PRO-01-L*
- *Internal works plan Drg No. DSA-19056-PL-EXT-02*

- 2.5. The amendments comprise proposed works to the roof which include repair of the existing roof coverings and, where repair is not possible, the replacement of the existing roof coverings on a like-for-like basis. The proposed repair and replacement works extend to the battens, under-felt and the roof slates.

3. Description of the Site and the Surrounding Area

- 3.1. The application site is located within the settlement boundary and the Town Centre area of Hinckley. It is located within the Hinckley Town Centre Conservation Area.
- 3.2. The application site comprises the former Hinckley Constitutional Club. The Hinckley Constitutional Club building is a Grade II listed building of special historic and architectural interest.
- 3.3. The Hinckley Constitutional Club building is of brick construction with sandstone dressings and wrought iron railings. It has a slate roof. It is described in its official list entry in the National Heritage List for England as being Victorian eclectic in style with Queen Anne influences.
- 3.4. The building currently has retail shopfronts on the ground floor accessed from Station Road. It has planning permission granted through 20/01240/FUL for the conversion of the first floor to six apartments, and listed building consent through 22/00935/LBC to undertake associated internal alterations.
- 3.5. The application site is located on the western side of Station Road and is sited adjacent from the Grade II listed former Library and Council building. To the north-east is the Grade II* listed Church of the Assumption of St Mary.
- 3.6. The application site is located within Character Area 5 of the Hinckley Town Centre Conservation Area. The surrounding buildings along Station Road are typically of high architectural value, many of which are Victorian or Edwardian. Character Area 5 is considered to be one of the best within the wider Conservation Area, worthy of special protection.

4. Relevant Planning History

4.1 22/00935/LBC

- Internal alterations relating to the provision of six apartments on first floor
- Listed Building Consent
- 22.06.2023

4.2 20/01240/FUL

- Conversion of first floor to six flats
- Planning Permission
- 30.06.2023

5. Publicity

- 5.1. In accordance with Planning Practice Guidance (PPG), provisions relating to statutory consultation and publicity do not apply. However, local planning authorities have discretion to consider the scale or nature of the change warrants consultation. Therefore, the Local Planning Authority can choose how to inform interested parties.
- 5.2. In this instance, the application has been publicised by advertisement in the Hinckley Times, displaying a notice in vicinity of the site, and sending out letters to local residents.
- 5.3. No responses were received.

6. Consultation

- 6.1 In accordance with Planning Practice Guidance (PPG), provisions relating to statutory consultation and publicity do not apply. However, local planning authorities have discretion to consider the scale or nature of the change warrants consultation. Therefore, the Local Planning Authority can choose how to inform interest parties.
- 6.2 In this instance, Historic England and Hinckley and Bosworth Borough Council (HBBC)'s Conservation Officer were consulted.
- 6.3 Historic England advised that in this case they would not be offering advice.
- 6.4 HBBC's Conservation Officer acknowledged that the condition of the roof structure and slate covering of the building has with the passage of time deteriorated to the stage where repairs and refurbishment are required to make the building weathertight and to facilitate the conversion of the upper floor to residential use.

It was noted by the Conservation Officer that the proposal would involve replacement of existing roof slates where they were beyond viable reuse, and that this replacement would utilise natural roofing slates in the same colour, texture and profile as the existing.

HBBC's Conservation Officer advised that the repairs to the roof would ensure long-term conservation of the building's fabric and that where original slates could not be repaired and re-used then replacement with natural slates on a like-for-like basis is an acceptable solution that would maintain the character and special interest of the listed building. The proposal would therefore be compatible with the heritage significance of the Grade II listed building.

7. Policy

- 7.1 Core Strategy (2009):
 - N/A
- 7.2 Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016):
 - Policy DM11: Protecting and Enhancing the Historic Environment

- Policy DM12: Heritage Assets

7.3 National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (2024)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

7.4 Other Relevant Guidance:

- Good Design Guide (2020)
- Hinckley Town Centre Conservation Area Appraisal (2013)
- Planning (Listed Buildings and Conservation Areas) Act 1990

8. Appraisal

8.1. In accordance with Planning Practice Guidance, there is no statutory limit on the degree of change permissible to conditions under Section 73 applications, but the change must only relate to conditions and not to the operative part ('the description') of the permission.

8.2. The principle of the development has already been established through the earlier grant of the extant permissions on the site. Therefore, the key issue in respect of this application is:

- Impact upon the Listed Building and the Conservation Area
- Conditions

Impact upon the Listed Building and the Conservation Area

8.3 Paragraph 140 of the NPPF confirms that local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion as a result of changes being made to the permitted scheme; for example, through changes to approved details such as the materials used.

8.4 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the LPA when determining applications for development which affects a listed building to have special regard to the desirability of preserving the listed building or any features of special architectural and historic interest which it possesses. Section 72 of the Act states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

8.5 Section 16 of the NPPF provides the national policy on conserving and enhancing the historic environment. Paragraph 212 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be. This is irrespective of whether any potential harm

- amounts to substantial harm, total loss or less than substantial harm to its significance.
- 8.6 Paragraphs 213, 214 and 215 of the NPPF confirm that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification and that the level of harm to the significance of a designated heritage asset must then be weighed against the public benefits of the proposal.
- 8.7 The Planning Practice Guidance (PPG) and Historic England Advice Note 2 (HEAN2) Making Changes to Heritage Assets sets out how the policies of the NPPF are expected to be applied and includes guidance on the conservation of and making changed to the historic environment.
- 8.8 Policy DM11 and DM12 of the SADMP seek to protect and enhance the historic environment and heritage assets. Policy DM11 states that conservation and enhancement of the historic environment in the borough will be done through the careful management of development that might adversely impact both designated and non-designated heritage assets. Policy DM12 states that proposals for the alteration of a listed building will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting. Furthermore, development proposals should ensure the significance of a conservation area is preserved and enhanced.
- 8.9 The proposed variation seeks permission for the inclusion of repair and replacement works to the roof of the building. The works involve replacement of battens and provision of under felt and the repair and refurbishment of the existing slate roof covering. Where the existing roof slate cannot be repaired and re-used, it is proposed to be replaced.
- 8.10 The submitted plans state that existing slates that are beyond re-use will be replaced on a like-for-like basis with a natural slate of the same colour, texture and profile as the existing.
- 8.11 The proposal would result in the loss of some original historic fabric of the building through the loss of existing roof slates. Notwithstanding this, the refurbishment and replacement of roof slates is necessary to counter existing deterioration of the roofing and to ensure that the building is watertight. The replacement of any roof slates unable to be re-used with like-for-like slate replacements means that the external appearance of the building will remain fundamentally unchanged.
- 8.12 There would be limited to no perceivable visual impacts of the proposal to the building as viewed from Staton Road. The significance of the Grade II listed building and its positive contribution to the Hinckley Town Centre Conservation Area would therefore be maintained.
- 8.13 The proposed works to the existing roof covering will maintain the existing appearance of the building's roof, reutilising roof slates where possible and replacing with like-for-like replacements where refurbishment is not possible. The external

appearance of the building will therefore remain fundamentally unchanged by the proposal and the significance of the building maintained.

- 8.14 It is therefore considered that the proposal is compatible with the heritage significance of the Grade II listed building and would preserve the significance of the Hinckley Town Centre Conservation Area and complies with Policies DM11 and DM12 of the SADMP, Section 16 of the NPPF and the statutory duty under Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Conditions

- 8.15 Permission granted under Section 19 and 73 takes effect as a new independent permission to carry out the same development as previously permitted, subject to new or amended conditions. A new permission sits alongside the original permission, which remains intact and unamended. It is open to the Applicant to decide whether to implement a new permission or the one originally granted.
- 8.16 Therefore, in accordance with PPG, a Section 19 and 73 Decision Notice should set out all the conditions imposed on the new permission, and, for the purpose of clarity, restate the conditions imposed on earlier permissions that continue to have effect.
- 8.17 Listed building consent 22/00935/LBC was subject to three conditions.
- 8.18 The Application Form states that the development has not begun. As a Section 73 application cannot be used to vary the time limit for implementation, Condition 1 of the original permission will therefore remain unchanged.
- 8.19 Conditions 2 (Approved Plans) will be amended to refer to the amended plans submitted as part of this application.
- 8.20 Condition 3 (Secondary Glazing Details) has been discharged and therefore requires revision to ensure that it is implemented in accordance with the approved plans.
- 8.21 It is considered that an additional condition that will ensure the like-for-like material replacement of the roof slates is reasonable and necessary to ensure satisfactory development. As such, Condition 3 is to be reworded to cover the roof materials as well as the secondary glazing details to form an amalgamated materials condition.

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 has demonstrated sufficient compliance with all relevant national and local planning policies, and it is therefore recommended that listed building consent be granted, subject to conditions.

11. Recommendation

11.1 **Grant listed building consent for the variation of 22/00935/LBC** subject to:

- Planning conditions detailed at the end of this report.

11.2 Conditions and Reasons

1. The development hereby permitted shall be begun before 30 June 2026 (three years from the granting of original planning permission).

Reason: To conform with Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of 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:

- Heritage Statement (received: 05.05.2023)
- Schedule of Works (received: 05.05.2023)

- Internal Works Plan Drg No. DSA-19056-PL-EXT-02 (received: 05.05.2023)
- First Floor Plan, Drg No. 23047 DSA XX XX DR A 1001 Rev P01 (received: 08.09.2025)
- East, North Elevations, Drg No. 23047 DSA XX XX DR A 1002 Rev P04 (received: 08.09.2025)
- West Elevations, Drg No. 23047 DSA XX XX DR A 1004 Rev P03 (received: 08.09.2025)

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

3. The materials to be used on the external elevations of the development shall be in full accordance with the East, North Elevations and West Elevations submitted to the Local Planning Authority on 8 September 2025 and the Secondary Glazing Details submitted to the Local Planning Authority on 11 June 2025 which were approved by the Local Planning Authority on 8 August 2025 via Discharge of Conditions application 25/00571/DISCON.

Reason: To protect and enhance the character of the conservation area and integrity of the Grade II Listed Building, in accordance with Policies DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).