

Delegated Report

Planning Ref: 23/00216/FUL
Applicant: Mr Tarlochan Singh
Ward: Earl Shilton



Hinckley & Bosworth
Borough Council

Site: 9 Mill Lane Earl Shilton Leicester

Proposal: Proposed glazed shop front with new roller shutter, awning, and new illuminated signage, raising of flat roof height, new obscure window, door, cladding and alterations.

1. Recommendations

1.1. Grant planning permission subject to

- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. This application's proposes installation of a new shop front (steel window and door frames, colour blue), which includes an internally illuminated fascia sign (aluminium frame and acrylic fascia material). A steel roller shutter will replace a similar security shutter and will be used during non-opening hours of the retail business. To facilitate the installation of the proposed shop front (including new fascia signage) and provide extra height for retail space use, the existing flat roof above the existing single storey retail area is proposed to be raised by approximately 340mm to a height of 3285mm.
- 2.2. A tiled hipped roof is proposed to be constructed above the existing rectangular ground floor bay that fronts the residential dwelling element of the proposal site.
- 2.3. The existing rear elevation (as extended by height) is proposed to be clad in timber panels and include a small (obscure glazed) window opening.

3. Description of the site and surrounding area

- 3.1. 9 Mill Lane is a mixed use property, whereby a two storey detached (mid-20th Century) residential property has been part converted/extended to provide a single storey retail space (general store) under a flat roof. Both uses are internally interconnected and share the same rear garden space. The proprietors of the store also reside as a family unit within the associated dwelling house. The shop unit contains a public entrance located upon the highway (9 Mill Lane) whilst the dwelling house contains a private front entrance door and driveway space.
- 3.2. The proposal site is located within a row of dwellings built in the same period and architectural style, whilst Mill Lane is predominately linear in form. The property is located in a wider established residential area of Earl Shilton containing a mix of dwelling types in age and style. The Grade II* Listed Church of St Simon and St John and the local heritage asset: Earl Shilton Baptist Church (built Late C19) are both located at the western end of Mill Lane and can be viewed from the proposal site.

4. Relevant planning history

21/00798/FUL

- Demolition of existing garage and rear lean-to extension. Construction of single storey side extension to provide garage space and single storey rear extension to provide extended living accommodation and storage space/w.c for existing retail space. Construction of tiled parapet roof above existing shop unit's flat roof.
- PER
- 14.09.2021

90/01245/4

- ELEVATIONAL ALTERATIONS
- PER
- 22.01.1991

89/01375/4

- EXTENSION TO SHOP FRONT
- PER
- 19.12.1989

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. Verbal response received from adjoining neighbouring seeking clarification as to the application dimensions (in particular raised flat roof height above retail element). No further comments received.

6. Consultation

- 6.1. Earl Shilton Town Council: No Comment received
- 6.2. HBBC Waste: No Comment
- 6.3. HBBC Environment Services: Agree with case officer's suggestion to add conditions to approval of this application that restricts advert illumination to hours of opening. Env Officer agrees to planning condition that restricts internal fascia advert illumination to no more than 88 candelas per square metre.
- 6.4. Leicestershire Highways: No comments to make.
Policy

7.1. Earl Shilton and Barwell AAP

Site Allocations and Development Management Policies DPD (2016)

- 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
- Policy DM23: High Quality Shop Fronts and Advertisements

7.2. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2021)
- Planning Practice Guidance (PPG)

7.3. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)
- LCC Highway Design Guidance (2020)

7. Appraisal

8.1. Key Issues

- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Drainage

Design and impact upon the character of the area

7.2 This application's proposes installation of a new shop front, which includes an internally illuminated fascia sign. To facilitate the installation of the proposed shop front (including new fascia signage) and provide extra height for retail space use, the existing flat roof above the existing single storey retail area is proposed to be raised by approximately 340mm to a height of 3285mm.

7.3 Despite the proposed replacement materials to be used in the construction of the new shop front (blue coloured steel panels, steel roller shutter and aluminium framed fascia sign with Acrylic type material fascia (internal lighting system)); with the exception of the proposed internal illumination, the appearance of the proposed shopfront will not differ in style and appearance than the existing shop front. Moreover, in comparison to the physical condition of the existing shop front, the proposed shop front will improve the appearance of the unit and will in-turn add to the viability of the business (convenience store).

7.4 Furthermore, the proposed shop front and fascia sign – including the extended height of the ground floor retail unit and timber cladding attached to its extended rear elevation- will not introduce a feature within the surrounding streetscene from what can already be viewed by its users. Moreover, the proposal will not introduce a harmful, or indeed incongruent, feature within the surrounding streetscene.

- 7.5 The previously approved extension and alteration to this application (21/00798/FUL) included a proposal to construct a hipped roof above the entrance porch serving the residential dwelling element of the proposal site, which would wrap around/above the retail units existing flat roof. This application now proposes that a hipped roof is constructed only above the host dwelling's existing entrance porch and integrated front rectangular bay window (currently under a flat roof). However, I consider the proposed roof feature to be sympathetic to the host dwelling and will not introduce a incongruent or harmful feature within the street scene; moreover the proposed hipped roof retains a balance appearance between the dwelling's lower front elevation and the proposed shop front allegations/extension (under a flat roof).
- 7.6 Notwithstanding the above considerations, the proposed shopfront and extension can be glimpsed in view from the raised church yard belonging to the Grade II* Listed Saint Simon & Jude Church and the nearby Baptist Church (non designated heritage asset). However, given the distance between the two sites, and furthermore, given the design and scale of the proposal, I consider the proposed alterations and illuminated signage will not harm the historic setting of the important protected building and the heritage asset.
- 7.7 In view of the above therefore, all elements of the proposed replacement shop front associated illuminated signage and extension to the height of the retail unit are sympathetic to the design and scale of the host property, neighbouring dwellings and furthermore will not introduce a harmful feature within the surrounding streetscene. Therefore, the proposal accords with Policies DM10, DM11, DM12 & DM23 of the SADMP and Policy 22 of the Earl Shilton and Barwell Area Action Plan and the associated recommendations provided in the Good Design Guide SPD.

Impact upon neighbouring residential amenity

- 7.8 The proposed extension to the height of the flat roof above the existing retail unit (approx. 340mm) will be able to be viewed above the existing two metre boundary treatment -which is sited upon the common boundary located between the proposal site and the adjoining residential dwelling (Number 11 Mill Lane)- and at the point to where the element of the extended unit protrudes approx. 5 metre beyond the rear of the adjoining dwelling.
- 7.9 Despite the increase in height and its siting in relation to the adjoining dwelling, the proposed extension will not add any significant bulk or create a cumulative mass that will harm both the amenity and outlook afforded to rear living space windows and areas of rear outdoor amenity space most enjoyed by its occupants. Furthermore, the proposal does not propose the introduction of new window openings within the flank wall facing No.11.
- 7.10 The proposed fascia sign above the shop front will be internally illuminated. However, given both the siting and distance between the proposal and neighbouring dwellings, it is considered (by the case officer and HBBC Env Protection Officer), that on the provision that the hours of illumination (trading hours) and level of illumination are controlled by planning condition attached to the approval of this application, there would be no harm caused to the amenity afforded to the occupants of neighbouring dwellings.

- 7.11 Therefore, the proposed development is in accordance with Policy DM10 of the SADMP and the SPD as it safeguards residential amenity and the recommendations of the Good Design Guide and associated Policy 22 (Design and Development) of the Earl Shilton and Barwell Area Action Plan.

Impact upon highway safety

- 7.12 Policy DM18 of the SADMP requires new development to provide an appropriate level of parking provision to serve the development proposed. Due to the internal re-configuration of the existing shop unit, a larger retail floor space will be created. This proposed enlargement however is of a relatively minor scale that and will not generate vehicular traffic visiting the premises by any significant degree that will negatively impact upon the nearby highway network and the safety of its users.
- 7.13 The proposed illumination of the fascia sign could introduce a distraction to vehicles using the nearby highway. However, the LHA has not objected to the proposal, furthermore, on the provision that the hours of illumination (trading hours) and level of illumination are controlled by planning condition attached to the approval of this application, there would be no harm to the safety of the adjoining highway network and its users.
- 7.14 The previously approved side extension proposes a garage unit to accommodate space for a motor car and sufficient space will also be retained for an off –street parking space for one vehicle. Otherwise this proposal does not propose any extra bedroom spaces and therefore the retained off-street space accords with the requirements of The LCC Highway Design Guide. Therefore, in view of the above considerations the proposal complies with Policies DM17 and DM18 of the SADMP and the LHA Highway Design Guidance.

8. Equality implications

- 8.1 **Implications** 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.
- 8.2 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.
- 8.3 There are no known equality implications arising directly from this development.
- 8.4 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).

9. Conclusion

- 10.1. The proposal is located within the settlement boundary of Earl Shilton and therefore there is a presumption in favour of sustainable development as set out in Policy DM1 of the SADMP and the wider policies of the NPPF.
- 10.2. The application is in keeping with the existing dwelling and would not have an adverse visual impact on the area. Neither will the proposal harm the setting of the nearby protected building. Therefore, the proposal complies with Policies DM10, DM11, DM12, DM23 of the SADMP and advice provided within the Good Design SPD, and Earl Shilton and Barwell Area Action Plan (Policy 22). There would be no significant loss of residential amenity to any neighbouring properties or adverse implications on highway safety and therefore complies with Policies DM10 and DM18 of the SADMP.

10. 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 23_001_01, Proposed floor plans 23_001_05, Proposed elevations 23_001_06 Proposed sections 23_001_07, Parking Plan 23_001_08 all received by the Local Planning Authority 9th March 2023.

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 proposed extension and alteration shall match the corresponding materials of the existing dwelling. This is with the exception of those materials as per approved drawing No: Proposed elevations 23_001_06, received by the Local Planning Authority 9th March 2023 and details of the proposed illuminated Facia Sign received (via e-mail) from the applicant's agent on 9th June 2023.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. The sign permitted by this consent shall only be illuminated during the opening hours of the premises to which it relates.

Reason: To comply with the requirements of Schedule 2 Regulation 2(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

5. The fascia sign/projecting sign/illuminated advertisements hereby permitted shall only be statically illuminated and shall not have a degree of brightness exceeding 800 candelas per square metre.

Reason: In the interests of the visual amenities of the locality and the character and appearance of the area and so that drivers of vehicles on the highway are not dazzled or distracted in accordance with Policy DM23 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11.3 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.