

Delegated Report

Planning Ref: 23/00243/FUL

Applicant: Miss Carolyn Eve Heigton

Ward: Newbold Verdon with Desford & Peckleton

Site: 20A Main Street, Newbold Verdon, Leicester

Proposal: Proposed change of use from shop to residential



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. This application proposes a change of use from retail to residential, on the part ground floor of 20A Main Street. The proposal does not include any external alterations.

3. Description of the site and surrounding area

- 3.1. The application site is located within the Conservation Area, and consists of 18, 20 and 20A Main Street, which have been combined to create a two storey dwelling. Part of the ground floor of the development site is retail, this unit has been closed and is not currently operating as a shop. The site is located on Main Street, Newbold Verdon, adjacent to Dragon Lane, which is made up of two storey dwellings, predominantly using brick and render.

4. Relevant planning history

None

5. Publicity

- 5.1. The application has been publicised by posting neighbour letters, an advertisement in the Leicester Mercury and posting a site notice within the vicinity of the site.
- 5.2. No comments have been received.

6. Consultation

- 6.1. HBBC Conservation Officer: No objections.
- 6.2. LCC Highways: No objections.
- 6.3. HBBC Pollution: No objections.
- 6.4. HBBC Waste: 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
- Policy DM22: Vitalising District, Local and Neighbourhood Centres

7.2. National Planning Policies and Guidance

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

7.3. 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. The 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).

8.4. Policy DM22 of the SADMP relates to retail provision within or adjacent to district, local and neighbourhood centres. The policy states that the change of use or loss of A1 or A1 uses within neighbourhood centres will only be permitted where it can be demonstrate that the loss would not reduce the community's ability to meet its day to day needs within a reasonable walking distance. The site is not within or adjacent to Newbold Verdon defined neighbourhood centres, being located approximately 260m from the closest point of the neighbourhood centre. The loss of the retail unit would therefore not conflict with policy DM22.

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. No.20a Main Street is located within the Newbold Verdon Conservation Area. It is a traditional property, likely dating from the early 19th century, which has been subdivided with no.20A most recently being in use as an office and shop. Despite a rather incongruous front extension the property is of some historic and architectural interest and it contributes positively to the character and appearance and thus significance of the conservation area. For these reasons it has been identified as an important historic building in the Newbold Verdon Conservation Area Appraisal (2009).

- 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.
- 8.9. 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.
- 8.10. No external changes are proposed as part of the application, so therefore the proposal would have a neutral impact on the conservation area, preserving its character and appearance and thus significance. Overall 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.
- 8.12. The development site consists of 18, 20 and 20A Main Street. The proposal seeks to convert the previous shop to residential. The proposed changes are internal and no external alterations are proposed under this application. When considering the proposed use, and the previous use, it is considered that the proposed change of use would have reduced impacts upon neighbouring amenity in terms of noise pollution. There impacts upon loss of privacy, overbearing or loss of light and therefore the proposal is considered to be in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.13. Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 of the SADMP requires new development to provide an appropriate/justified level of parking provision.
- 8.14. The proposals under this application are considered to not impact upon the existing parking provision within the bounds of the site, no additional bedrooms are proposed and in addition the proposals do not create any negative impact upon highway safety.
- 8.15. Overall the proposal would not result in adverse impacts upon highways safety and would be in accordance with Policies DM17 and DM18 of the adopted 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 proposal is for a change of use from a shop to residential for 20A Main Street, Newbold Verdon. The proposed changes are internal and no external alterations have been proposed. The proposal is considered acceptable due to the limited impacts upon the character of the conservation area and the amenity of adjacent buildings. The site is outside the Neighbourhood Centre and would not adversely impact the ability for residents to access day to day services.
- 10.2. It is considered that the proposed development would be in accordance with Policies DM10, DM11, DM12, DM17 and DM18 of the adopted SADMP.

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:

Design and Access Statement (April 2023)
Block Plan
Site Location Plan
Proposed Floor Plans and Elevations Drg No. PL101

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).

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.