

Delegated Report

Planning Ref: 23/00719/FUL
Applicant: Mr Farhad Tailor
Ward: Earl Shilton



Hinckley & Bosworth
Borough Council

Site: 160 High Street, Earl Shilton

Proposal: Alterations to building (following approval under Part MA (23/00053/P3CMA) to convert the building into two flats)

1. Recommendations

- 1.1. **Grant planning permission** subject to:
- Conditions outlined at the end of this report.

2. Planning application description

- 2.1. Application 23/00053/P3CMA allowed for the conversion of the retail unit into a flat on the ground floor and the continued use of the first floor flat. This approval only applied to the change of use, this application seeks planning permission for external alterations.
- 2.2. The external alterations include new composite front doors, enlarged and reduced grey UPVC windows, external lighting, new timber boarding, removal of existing signage and the bricking up of a door with bricks to match existing. The existing shop window would be slightly reduced in size by raised it and two existing high level windows at ground floor on the side elevation would be increased in size.

3. Description of the site and surrounding area

- 3.1. The application building is a two-storey end of terrace building on the junction of Main Street and Tower Road that has front and side access entrances.
- 3.2. The site is located within Earl Shilton Town Centre. The application property is a mixed use building, currently with a vacant retail unit at ground floor with a flat on the first floor. The building has light brown bricks, a flat felt roof and white uPVC window frames.

4. Relevant planning history

23/00053/P3CMA

- Proposed conversion of retail unit into a flat and continued use of the first floor as a flat
- Permitted June 2023

5. Publicity

- 5.1. The application has been publicised by sending out letters to the occupiers of neighbouring properties. There have been no objections.

6. Consultation

- Earl Shilton Town Council – No response.
- HBBC Drainage – No objection.
- HBBC Pollution – See advisory note and condition.
- LCC Highways – No comment.
- HBBC Waste– See condition.

7. Policy

Core Strategy (2009)

- Policy 2: Development in Earl Shilton

7.2. Site Allocations and Development Management Policies DPD (SADMP) (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2021)
- Planning Practice Guidance (PPG)
- Nationally Described Space Standards

7.4. Earl Shilton and Barwell Area Action Plan (ESBAAP)

- Policy 22

7.5. Other relevant guidance

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

8. Appraisal

- 8.1. Earl Shilton is recognised as a sub-regional centre that supports Hinckley in paragraph 4.18 of the adopted Core Strategy. As stated in Policy 2 of the Core Strategy, development in Earl Shilton will be supported within the settlement boundary. The application is therefore in a sustainable location for new development and is acceptable in principle in accordance with Policy DM1 of the SADMP. Therefore, in respect of this application it is considered that the key issues are:

- Design and impact upon the character of the area
- Impact upon residential amenity

Design and impact upon the character of the area

- 8.2 Policy DM10 of the SADMP indicates that development will be permitted providing it meets good standards of design including that it would complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and would not have a significant adverse effect on the privacy and amenity of nearby residents.
- 8.3 Policy 22 of the ESBAAP states that developments will be permitted providing that it does not adversely affect the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting, air quality (including odour), noise, vibration and visual intrusion.
- 8.4 Given the scale and appropriate design of the changes there will be no adverse impact on the street scene. The proposal complies with Policy 22 of the ESBAAP, Policy DM10 of the SADMP and the GDG.

Impact upon residential amenity

- 8.5 Paragraph 130f of the NPPF states planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 8.6 Policy DM10 requires that development would not have a significant adverse effect on the privacy and amenity of neighbouring residents and occupiers of adjacent buildings.
- 8.7 By virtue of the design of the changes, they are not considered to have a significant detrimental impact on the residential amenity of the occupiers of the neighbouring properties.
- 8.8 The proposed windows to each habitable room are considered to be of sufficient size such that there are no issues regarding residential amenity for the future occupants.
- 8.9 In light of the above, the proposal complies with the NPPF, Policy 22 of the ESBAAP, Policy DM10 of the SADMP and the GDG.

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.

10. Conclusion

- 10.1. The application is considered to be acceptable in design terms and to be acceptable with regards to both the amenity of neighbours and the amenity of future occupiers. The proposed development is considered to be acceptable in all respects and to have no significant detrimental effects with regard to any interests of acknowledged importance.

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:
 - Block Plan, Site Location Plan, Site, Roof Plan, Street Scene - Drg No. 22.4252.04 (received 21/07/2023)
 - Proposed Floor Plans - Drg No. 22.4252.06 (received 01/08/2023)
 - Proposed Elevations - Drg No. 22.4252.05 (received 01/08/2023)

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).

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. A Noise Impact Assessment was submitted under application reference 23/00053/P3CMA. The internal noise levels will be high with windows open. The proposed ventilation is trickle vents which will provide background ventilation. It is reasonable to expect that occupants would wish to regulate temperature by opening windows particularly during warmer months. Should occupants of the proposed flats wish to open windows to regulate temperature during the summer months they could experience higher than desirable levels of noise intrusion- if they were solely reliant on the ability to open windows to assist with the thermal control of their properties.

In light of the above it would be appropriate to make provision for mechanical ventilation of the flats that would protect future residents from the existing noise from the road.