DELEGATED REPORT

Recommendation Made: 10 June 2011

Reference:- 11/00335/FUL **Parish:- Hinckley**

Applicant:- Mr Gill
50 Dysart Way
Leicester
LE1 2JY

Location:- 1 - 3 Regent Street Hinckley Leicestershire LE10 0AZ

Proposal:- CHANGE OF USE FROM RESTAURANT TO TWO RETAIL SHOPS, SIX FLATS AND EXTENSIONS AND ALTERATIONS

Introduction:-

This is an application for the creation of two A1 shop units at ground floor, together with a single storey extension to the rear to facilitate its conversion to a flat and associated alterations for the creation of a further five flats on all floors.

The existing site is occupied by a three storey property which previously had a restaurant located at ground floor level. There are existing flats at first floor and second floor levels. To the rear is a large single storey outbuilding. The site is accessed from street level on Regent and via a vehicular access from Trinity Lane to the rear. The building is constructed from a red brick and dark clay pantile with ridge detailing. The site is located within Hinckley Town Centre, within the Conservation Area. Neighbouring land uses are a public house and a vacant supermarket previously occupied by Kwik Save. The site has a double shop front onto Regent Street which is finished in a white aluminium colour.

An amended plan was received on 14 June 2011 showing the entrance doors to the replacement shop fronts being constructed from
timber.

Planning History- No relevant planning history.

Consultations:-

No objections received from:-

Head of Community Services (Land Drainage)
Director of Environment and Transport (Highways)
Head of Community Services (Pollution)
Conservation Officer

No objection subject to conditions:-

Waste Minimisation

A site notice was displayed. At the time of writing this report no comments have been received from:-

Neighbours
Ward Members

Development Plan Policies:-

National Planning Guidance:-

PPS4: Planning for Sustainable Economic Growth
PPS5: Planning for the Historic Environment

Adopted Core Strategy

Policy 1: Development in Hinckley
Hinckley Town Centre AAP (2011)- Policy 13

Adopted Local Plan

BE1: Design and Siting of Development
BE7: Development in Conservation Areas
BE9: Shop fronts in Conservation Areas
BE16: Archaeological Investigation and Recording
RETAIL 12: Use of Upper Floors
IMP1: Contributions towards the Provision of Infrastructure and Facilities
REC3: New Residential Development- Outdoor Space for Children

Supplementary Planning Guidance:-

Play and Open Space Guide SPD 2008.

Appraisal:-

The main issues in this case are the principle of the development, impact on neighbour amenity, impact on highway safety and impact of development upon the conservation area.

Principle of Development

The site is located within Hinckley Town Centre where A1 shop uses are considered to be the preferable use. The site is located within an area of secondary shopping frontages and in accordance with policy 13 of the Hinckley Town Centre AAP A1-A5 uses along Regent Street are considered acceptable. The proposed development will introduce two A1 shop units into the town centre, thereby meaning that the use is both preferable and acceptable in principle.

There are two existing flats on the upper floors of the building. The proposed development is for a further 2 flats on the first and second floors of the building which are not considered to be detrimental to the occupiers of neighbouring properties, one of which is a vacant retail unit, the other is a public house. These flats will not result in the requirement for an improved access or intensification of parking as the site is located within the town centre and there are public car parks within a short distance of the site. Therefore the use of the upper floors for non-retail floorspace is considered acceptable in principle.

Impact on neighbour amenity

Due to the immediate proximity of the site to the public house adjacent there is the potential for noise disruption to the tenants of the proposed flats. It is conceded that some of this noise disruption can be mitigated against through good building design methods and appropriate building layouts. However there is a requirement for a noise assessment to be undertaken or sufficient justification to be provided to address the potential noise impacts. This request was made to the applicants 10 June 2011, in line with the request for further information made by the Head of Community Sevices (Pollution). The applicant has since highlighted that provisions are made within their design and access statement for the building to be sound proofed in accordance with current building regulation guidance for flats- this information was considered to be satisfactory to meet the previous concerns raised by the Head of Community Services (Pollution).

Impact on the conservation area

The main impact upon the character and appearance of the conservation area is the creation of two new shop fronts to the front elevation of the building. At present the building has two shop fronts which are dominated by a series of folding timber doors with an acrylic sign above. There is a brick column partition between these two

shop fronts. It is proposed to introduce a full length shop window to the left hand side of the partition and a pair of double doors to be finished in aluminium. The retail unit to the right hand side of the brick partition will comprise of a pair of folding doors and a separate door which are to finished in aluminium. It is considered that the shop front changes will provide an improved and updated appearance to the front of the building, but the materials of construction are not acceptable. The shop front should be finished in timber to reflect the shop fronts of the public house and bank located to the south of the site. An amended plan was received on 16 June 2011 showing the shop fronts to be finished in timber and not in aluminium. This is considered to be an appropriate material finish within the conservation area and ensures the development is in keeping with the material finishes to adjacent shop fronts.

The insertion of two new window openings at first floor level into the rear wall will provide symmetry to the rear aspect as these windows will be located either side of the modern pitched roof extension at ground floor level. The creation of a window opening to serve flat 3 at first floor level will be screened behind the existing detached cellar building located to the rear of the site. The new openings proposed to the detached cellar building to create a flat will be functional, they will be created at ground levels and will be sited so that they face into the site, thereby having a limited impact upon the character of the conservation area. It should be noted that the rear of the site is largely screened by existing buildings and has a limited contribution towards the character of the conservation area in terms of its built form and views.

The proposed extension to the detached cellar building to form a flat will be single storey in construction, it will be constructed from similar materials and will be no higher in its ridge height. The extension will be less than half the depth of the existing cellar building. Therefore the proposed extension is considered to be subservient in its design and appearance and not detrimental to the character of the Hinckley Town Centre conservation area.

Due to the amount of internal alterations being proposed and the siting of this building within the conservation area there is the potential for features of architectural merit to be found within the fabric of the building. Initially a request for a historic building statement has been made by the council's conservation officer. Following a site visit by the case officer on 13 June 2011 where an internal inspection of the building was undertaken, it was noted that there may be some The council's conservation officer undertook a site visit with the applicant's agent on 27 June 2011 and has since confirmed via email that a watching brief condition should be imposed. In light of the potential for historic building remains to be found during building works a historic building survey condition will be imposed requiring the investigation, recording and incorporation of all historic structural remains to be submitted prior to development taking place.

Highway issues

The proposed development shows two parking spaces to the rear of the building. These are proposed to serve the ground floor flats. There is no requirement for further parking to be provided on site due to the town centre location. There are a number of public car parks within a short distance of the site. The Director of Environment and Transport (Highways) has raised no objections to the proposed development.

Other issues

The site is located within 400 metres of open space Trinity Vicarage (local open space). Due to the residential element of the development the proposal triggers a requirement for a contribution towards the provision and maintenance of play and open space in accordance with Policy REC3 supported by the Council's SPD on Play and Open Space.

The request for any developer must be considered alongside the guidance contained within Circular 05/05 and more recently in the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations confirm that where developer contributions are requested they need to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed.

Within the Green Space Strategy 2005-2010, Hinckley was found to have a deficiency of both equipped open space (-1.20) and outdoor sports (-12.50) for its population when compared with the National Playing Fields Standard.

The quality of the space has been considered within the Quality and Accessibility Audit of 2005 which awarded

Trinity Vicarage a low quality score of 27.4%. The Play and Open Space SPD sets out how the contribution is worked out in proportion to the size and scale of the development. As the scheme results in a net gain of 4 residential units a total figure of £5003.20 is sought for the provision and maintenance.

Conclusion

The proposed development would introduce two A1 shop units at ground floor level which is considered to be the most preferable use within Hinckley Town Centre. The proposed alterations, including the extensions are considered to be in keeping with the character of the building and with the character and appearance of the conservation area. The use of the upper floors and rear of the building for non-retail space will not result in the intensification of the existing vehicular access and will not conflict with adjoining land uses. Therefore the proposed development is recommended for approval subject to conditions.

RECOMMENDATION:- Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan, the proposed development would introduce two A1 shop units at ground floor level which is considered to be the most preferable use within Hinckley Town Centre. The proposed alterations, including the extensions are considered to be in keeping with the character of the building and with the character and appearance of the conservation area. The use of the upper floors and rear of the building for non-retail space will not result in the intensification of the existing vehicular access and will not conflict with adjoining land uses.

Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, BE7, BE9, BE16, RET12, IMP1, REC3

Hinckley _ Bosworth Borough Council Adopted Core Strategy (2009) :- Policy 1 and Policy 13 of Hinckley Town Centre Area Action Plan.

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: KMC-7017-1, KMC-7017-2 KMC-7017-3, KMC-7017-5 KMC-7017-6, KMC-7017-7 received on 18 May 2011 and amended plan KMC-7017-4 Revision A received on 14 June 2011.

3 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed extension and shop front shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.

4 No development shall take place until a programme of historic building investigation and recording detailed in a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions, and:

The programme and methodology of site investigation and recording;
The programme for post-investigation assessment;
Provision to be made for analysis of the site investigation and recording;
Provision to be made for publication and dissemination of the analysis and records of the site investigation;
Provision to be made for archive deposition of the analysis and records of the site investigation;
Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

5 No development shall take place until a scheme that makes provision for waste and recycling storage across the site has been submitted to and approved in writing by the Local Planning Authority. The scheme should address accessibility to storage facilities for both residents of the proposed flats and for refuse/recycling operators.

Reasons :-

1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2 For the avoidance of doubt and in the interests of proper planning.

3 To ensure that the development has a satisfactory external appearance within the Hinckley Town Centre conservation area to accord with policies BE1, BE7 and BE9 of the adopted Hinckley & Bosworth Local Plan.

4 To ensure satisfactory historic building recording, in accordance with the intentions and objectives of paragraph 55 of Circular 11/95 and Policy HE12 of PPS5 (Planning for the Historic Environment).

5 To ensure an appropriate method of refuse storage and collection, in the interests of visual and residential amenity in accordance with policy BE1 of the Hinckley and Bosworth Local Plan.

Notes to Applicant:-

1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.

2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.

4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

5 This planning application is subject to a legal agreement concerning financial contributions towards public open space.

Contact Officer:- Scott Jackson Ext 5929