

Delegated Report

Planning Ref: 24/01056/FUL
Applicant: Ms Joanne Copeman
Ward: Hinckley Castle

Site: 7A Church Walk, Hinckley

Proposal: Change of use from office to drama academy



Hinckley & Bosworth
Borough Council

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 seeks planning permission for the change of use from offices to a drama academy for the first floor premises at 7A Church Walk, Hinckley. The premises are currently vacant but were most recently used as a taxi booking office. The change of use also includes internal alterations involving the removal of one dividing wall between two existing rooms, to make one larger room suitable for holding drama classes.
- 2.2. The layout of the first floor premises remains as existing with the exclusion of the internal wall removal mentioned above. The existing kitchen, reception area and recently refurbished toilets are to remain as existing. Five of the existing office rooms are to be changed for use as four drama studio rooms, accounting for the removal of the internal wall to create the larger studio room. One existing office room is to remain as existing and be used as the drama academy's main office.
- 2.3. The premises will continue to be accessed via the internal stairs immediately leading up from the Church Walk entrance. The existing ground floor shop directly to the right of the internal stairs is to remain in use as a shop, selling drama academy merchandise.
- 2.4. It is proposed that the premises would operate between 9:00am and 4:00pm on any day for administrative purposes, and be open to the public for classes between 4:00pm and 9:00pm on weekdays. The premises would not be open on Bank Holidays.
- 2.5. The staffing levels for the drama academy would be a maximum of ten persons. The maximum number of students to be accommodated at any one time would be twenty-five. The drama academy proposes to offer both one-on-one and group classes.
- 2.6. No external changes are proposed.

3. Description of the Site and Surrounding Area

- 3.1. The development site is located within the Hinckley Town Centre boundary and is within the Hinckley Town Centre Conservation Area. The development site fronts Church Walk approximately 30 metres south of the pedestrianised section of Castle Street and is located adjacent the entrance to Church Walk Car Park.
- 3.2. The ground floor frontage is a single storey brick building previously painted and rendered in a black and white colour scheme, with existing black double door and a black shuttered window. The first floor area forms part of attached two storey brick

buildings which share one ground floor entrance to two different tenancies. There is a historic staircase link between the ground floor tenancies and the first floor that forms part of this application, however there are currently locks on that staircase and therefore no access between the ground floor of the two storey buildings and the development site. None of the buildings comprising the development site are listed.

- 3.3. The development site is accessed through the single storey frontage to Church Walk, which leads directly to an internal staircase that provides access to the first floor space. To the right of the staircase is stepped access to an existing ground floor shop space. The first floor space is located across the first floor of two buildings adjoining the staircase, directly above two tenancies on the ground floor of those buildings. The adjacent ground floor tenancies are currently occupied by a hairdresser and a shop.

4. Relevant Planning History

- 4.1. No relevant history.

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.
- 5.2. No comments were received.

6. Consultation

- 6.1. Environmental Health (Pollution) raise no objection but recommend conditioning the hours for classes as per the responses provided by the applicant.
- 6.2. HBBC Conservation Officer raises no objection.
- 6.3. Leicestershire County Council (Highways) raises no objection to shortfalls in information normally required, given the sustainable location, strict local parking controls, and the availability of the public car park nearby.

7. Policy

- 7.1. Core Strategy (2009)
- Policy 1: Development in Hinckley
- 7.2. 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 DM25: Community Facilities
- 7.3. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2024)
 - Planning Practice Guidance (PPG)
- 7.4. Other relevant guidance
- Good Design Guide (2020)
 - National Design Guide (2019)
 - Leicestershire Highway Design Guide (2024)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Impact upon the character of the Conservation Area
- Impact upon neighbouring residential amenity
- Impact upon highway safety

Assessment against strategic planning policies

- 8.2. Policy 1 of the Core Strategy sets out that development in Hinckley should seek to support the creative industries job market. This application for a drama academy is considered to address this by providing both employment and training opportunities within a creative industry.
- 8.3. The proposal is located within the Hinckley Town Centre boundary and therefore is considered to be within a sustainable location as set out in Policy DM1 of the Site Allocations and Development Management Policies Development Plan Document (SADMP) and sought by the wider policies of the NPPF.
- 8.4. Paragraph 17.4 of the SADMP identifies educational facilities as a community facility. Policy DM25 states that the Borough Council will seek to support the formation of new community facilities across the borough, provided they can demonstrate they are accessible to the community by a range of sustainable transport modes. The development site's town centre location places it in proximity to appropriate means of sustainable transport.
- 8.5. The development provides a new community facility within a sustainable town centre location. It is therefore considered that the development is acceptable in principle when considered against strategic planning policies, subject to consideration of further material considerations set out in the following sections of the report.

Impact upon the character of the Conservation Area

- 8.6. 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.
- 8.7. Section 16 of the NPPF provides the national policy on conserving and enhancing the historic environment. Paragraphs 212-215 of the NPPF require great weight to be given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have clear and convincing justification, and for that harm to be weighed against the public benefits of a proposal.
- 8.8. Policies DM11 and DM12 of the Site Allocations and Development Management Policies (SADMP) seek to protect and enhance the historic environment. Development proposals should ensure the significance of a conservation area is preserved and enhanced. Policy DM10 of the SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features with the intention of preventing development that is out of keeping with the surrounding area.

- 8.9. HBBC's Conservation Officer was consulted and commented that: "No external changes are proposed to the building 7A Church Walk as part of this application. Therefore, this proposal would have a neutral impact upon the Hinckley Town Centre Conservation Area, preserving its character and appearance and significance. Consequently, the proposal complies with Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD, section 16 of the National Planning Policy Framework and the statutory duty of section 72 of the Planning (Listed Building and Conservation Areas) Act 1990."
- 8.10. The proposal is not considered to have any adverse effect upon the character and appearance of the Hinckley Town Centre Conservation Area given that no external works are proposed. The neutral impact of the proposal therefore preserves the significance of the conservation area and complies with the relevant policies as outlined above.

Impact upon neighbouring residential amenity

- 8.11. Policy DM10 of the Site Allocations and Development Management Policies (SADMP) states that proposals should not adversely affect the privacy and amenity of occupiers of neighbouring properties.
- 8.12. There is not considered to be any visual amenity impacts arising from the development as the proposal does not involve any exterior alterations to the building.
- 8.13. It is not anticipated that any music be frequently played in association with the use. The applicant has confirmed that only low level, infrequent music would be utilised in association with the drama classes. There is no use of instruments or dancing proposed.
- 8.14. HBBC Environmental Health Officer (Pollution) was consulted and is satisfied that the level of noise arising from the use would not be of concern to the amenity of neighbouring properties, having no objections subject to a condition enforcing hours of operation.
- 8.15. The proposed development is therefore not considered likely to cause adverse impact upon neighbouring amenity, subject to the inclusion of a condition appropriately limiting the hours during which classes will be held.

Impact upon highway safety

- 8.16. Policy DM17 of the Site Allocations and Development Management Policies (SADMP) seeks to ensure new development would not have an adverse impact upon highway safety. Policy DM18 of the SADMP requires that development provide an appropriate level of parking.
- 8.17. Policy DM25 of the SADMP states that the formation of new community facilities is to be supported where new facilities can demonstrate that they are accessible to the community which they intend to serve by a range of sustainable transport modes.
- 8.18. No on-site parking provision is possible due to the layout of the development site. There are double yellow lines along Church Walk forward of the development site preventing on-street parking in the immediate area.

- 8.19. The development site is located adjacent the Church Walk Car Park, a short-stay paid car park comprising 82 standard bays, 7 disabled bays and 1 motorcycle bay. The maximum stay at Church Walk Car Park is 3 hours. There is also a loading bay located on Church Walk north of the development site, within reasonable proximity to the development site.
- 8.20. Leicestershire County Council (Highways) raise no objection to the proposal on highway safety grounds, their response having made particular note of the context of the immediate locality and the close availability of the short-term car park and delivery bay.
- 8.21. The proposal is proximate to adequate parking provision and is otherwise accessible from a range of sustainable transport modes due to its town centre location. There is adequate access to delivery bays where required, with the need to access this likely to be very low. The proposal is therefore considered not to have an adverse impact upon highway safety.

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 to change the use of the development site from offices to a drama academy would not have an unreasonable impact on the locality. The character of the Conservation Area would be preserved and there would be no adverse impact to the amenity of occupiers of neighbouring properties. The proposal maintains highway safety. The application is considered to be in accordance with DM1, DM10, DM11, DM12, DM17, DM18 and DM25 of the SADMP and is therefore recommended for approval subject to conditions.

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:

- Site Location Plan
 - Proposed Floor Plans
- both received by the local planning authority on 19 November 2024

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

3. The drama academy hereby permitted shall be open to the public between the hours of 4:00pm and 9:00pm on weekdays only and at no time on Bank Holidays, unless otherwise agreed in writing.

The office hours for the academy shall be between 9:00am and 4:00pm Monday to Sunday and at no time on Bank Holidays, unless otherwise agreed in writing.

Reason: To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. No amplified music shall be played in the premises unless details of the amplified music and any noise mitigation measures have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall accord with the approved details in perpetuity.

Reason: To ensure that the proposed use does not become a source of annoyance or disturbance to nearby residents in accordance with Policy 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.