

Delegated Report

Planning Ref: 24/00469/FUL
Applicant: Mr Roy Hartley
Ward: Hinckley Castle



Hinckley & Bosworth
Borough Council

Site: 64A Castle Street Hinckley Leicestershire

Proposal: Change of use from storage unit (B8) to form 1 flat (C3)

Recommendations

1.1. **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report.

Planning Application Description

- 2.1 The application seeks permission for Change of use from storage unit (B8) to form 1 flat (C3).
- 2.2 Several amendments were made to this proposal. Originally a 1st floor for a 2nd flat was proposed but finding a balance between limiting impact on the conservation area and satisfying internal space requirements proved difficult and eventually the proposal was reduced to just 1 flat.
- 2.3 The applicant has proposed to change the use of an existing storage unit to create 1no. flat. The property would be upgraded with a new flat roof covering and rendered to match the existing surrounding buildings. Existing shutters to the windows will be removed and new window and doors formed as shown on the proposed elevations. Overall, the building will be improved aesthetically.
- 2.4 Gutters, rain water pipes and eaves fascia will be to match existing features. Bin space for 1no. 240L and 1no. cycle hoop has been designated on the opposite side of the building as edged red on the site plan. This building is also owned by the applicant therefore no notices are required. The current external lighting attached to the façade will also be retained.
- 2.5 The proposed would not be extended and internally would form a bathroom, a bedroom and an open plan lounge and kitchen area. The proposed would have a width of 12m and a depth that varies from 2.5m on the southern end to 3.4m on the northern end.

Description of the Site and Surrounding Area

- 3.1 The existing single storey brick built storage building is currently vacant. The application property is located to the rear of 64A Castle Street, Hinckley, which is a pedestrianised street with limited vehicle access.
- 3.2 The existing building has a flat roof and can be accessed off Stockwell Head and from Castle Street via a passageway adjacent to 64 Castle Street. The surrounding properties are of similar construction with a mixture of flats and commercial uses and various similar size flats for the rental market.
- 3.3 The property is located within the Hinckley Town Centre Conservation Area. Wood Street, according to the Hinckley Town Centre Conservation Area Appraisal (2013,) is in effect a back lane to the upper part of Castle Street and only the south side is within

the conservation area. Several important jitties link it and the factories directly to Castle Street. It is important that these are retained.

4.0 Relevant Planning History

None relevant

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 and a notice was displayed in the local press.

5.2. There have been no third party representations received.

6. Consultation

6.1. The following consultees have no objection to the proposal:

HBBC Drainage

LCC Highways

HBBC Waste

HBBC Environmental Services (Pollution)

6.2. Conservation Officer- no objections on heritage grounds but recommends conditions Regarding materials.

6.3. No comments have been received from Hinckley Area Committee, the Town Centre Officer or LCC Highways

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 DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2023)
- Planning Practice Guidance (PPG)

7.4. Other relevant guidance

- Hinckley Town Centre AAP

8. Appraisal

8.1. Key Issues

- Principle of development
- Housing Land Supply

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

Principle of Development

- 8.2. Paragraph 2 of the National Planning Policy Framework (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, and that the NPPF is a material planning consideration in planning decisions.
- 8.3. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the adopted SADMP set out a presumption in favour of sustainable development, and state that development proposals that accord with the Development Plan should be approved unless other material considerations indicate otherwise. 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, development permission should not usually be granted unless other material considerations indicate otherwise.
- 8.4. Policy 1 of the Core Strategy relates to development in Hinckley. The town has good access to facilities, services, employment and sustainable modes of transport and therefore new residential development is considered to be acceptable in-principle within the settlement boundary, subject to satisfying all other relevant policies and material planning considerations.
- 8.5. The current Development Plan consists of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016). The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough.
- 8.6. Both the adopted Core Strategy and the SADMP are over 5 years old, and Paragraph 33 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. Therefore, this report sets out the relevant adopted Core Strategy and SADMP policies and refers to the NPPF and notes any inconsistencies between them.
- 8.7. The development represents the change of use of an existing commercial property within the Hinckley Town Centre Boundary into a residential use. This is considered to be acceptable in accordance with Policy DM1 of the SADMP, and therefore acceptable in principle, subject to the assessment of all other material considerations. Other material considerations are set out within the next sections of the report.

Housing Land Supply

- 8.8. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning

permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

- 8.9. Paragraph 11(d) of the NPPF states that planning decisions should apply a presumption in favour of sustainable development where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date. Footnote 8 of Paragraph 11 of the NPPF highlights that housing policies are considered to be out-of-date where local planning authorities cannot demonstrate a five-year supply of deliverable housing sites.
- 8.10. The Council has published an updated 5yr housing land supply calculation on 29th July. This updates the 5yr housing land supply position from March 2023 to March 2028 and demonstrates a 5.6yr supply of housing, with a surplus supply of 145 dwellings over the five year period.
- 8.11. For decision taking, a 5yr housing land supply is a material consideration in all relevant applications for dwellings in the Borough. Despite being able to demonstrate a housing land supply, due to the age of relevant housing policies in the Core Strategy, in accordance with paragraph 11(d) of the NPPF, the Council should still grant permission for housing unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.
- 8.12. Given the above and the change in the housing figures required for the Borough, the 'tilted' balance in Paragraph 11(d) of the NPPF is triggered.
- 8.13. Paragraph 11 (d) of the NPPF requires planning permission to be granted unless:
The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 8.14. Section 5 of the NPPF requires planning policies and decisions to deliver a sufficient supply of homes to support the Government's objective of significantly boosting the supply of homes without unnecessary delay.
- 8.15. Paragraph 71 of the NPPF states that small and medium sized sites, such as windfall sites, can make an important contribution to meeting the housing requirements of an area.
- 8.16. The development is for 1 Flat, and therefore Policy 15 (Affordable Housing) and Policy 16 (Housing Density, Mix and Design) of the adopted Core Strategy are not applicable for this scheme.

Design and impact upon the character of the Conservation area

- 8.17. 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.
- 8.18. Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraph 201 of the NPPF states that when considering the impact of a proposed development on the

significance of a designated heritage asset, great weight should be given to the asset's conservation.

- 8.19. 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.
- 8.20. Policy DM10 of the adopted 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 and that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the area generally.
- 8.21. The HBBC Conservation Officer commented that:

'This revised proposal seeks to convert a current single storey storage unit located to the rear of 64 Castle Street, Hinckley, to form 1 flat. The description of the proposal will require amending accordingly. The application building is flanked by two historic yards; Varnon's Yard to the east and Lilley's Yard (with adjacent built form) to the west. The building is located within the Hinckley Town Centre Conservation Area, however it is not historic but instead consists of a mid-20th century construction of red brick, shallow pitched sheet roof, and with simple openings facing into Varnon's Yard. The building is of a largely functional appearance and is of no particular historical or architectural interest, and it is therefore considered at best to make a neutral contribution to the significance of the conservation area.

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.

Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraphs 205-208 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.

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.

To create the flat no extension to the footprint of the existing building is proposed. Alterations to the external appearance of the building are limited to a replacement flat roof, some minor alterations to the fenestration consisting of blocking up a doorway and reducing the size of window openings and installing new appropriately styled casement windows and a planked door. The windows would sit over blue canted brick cills which reflect historic architectural detailing prevalent in the area. The facing walls to the building would continue to be brickwork to match the existing or a new white render, both options of which would reflect the wall materials and finishes within the surrounding context of the application site and be characteristic of the wider area.

Overall, the proposal is considered to have a neutral impact on the character and appearance of existing building and the wider Hinckley Town Centre Conservation Area. Therefore, the proposal will preserve the significance of the conservation area and subsequently it complies with Policies DM11 and DM12 of the SADMP, section 16 of the NPPF and the statutory duty of section 72 of the Planning (Listed Building and Conservation Areas) Act 1990'.

- 8.22. As the proposed in a conversion with no extension proposed it is considered the proposal will have a neutral impact on the significance of the conservation area and therefore it complies with Policies DM11 and DM12 of the SADMP, section 16 of the NPPF and the statutory duty of section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 8.23. In this regard, the proposal complies with Policies DM10, DM11 and DM12 of the SADMP.

Impact upon neighbouring residential amenity

- 8.24. 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. The NPPF seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.
- 8.25. The adjacent property to the west in Lilleys Yard is occupied by 2 flats approved under 20/00333/FUL. Across the alley to the east comprises a tattoo shop.
- 8.26. In this regard it is not considered that the proposed residential use would cause loss of residential amenity to the occupiers of the existing flats adjacent through noise or disturbance. The proposed is a ground floor conversion and would not result in overlooking or a loss of privacy for neighbouring dwellings.
- 8.27. It is not considered that the proposed development of 2 residential flats would have any undue impact on the adjacent uses and in this regard the proposal complies with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.28. Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate/justified level of parking provision. Paragraph 109 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.
- 8.29. There is no parking provision included with the proposal but there are multiple car parks in the area. Due to its sustainable central location with excellent access to the town centre shops and services and transport links it is considered that the lack of parking provision for the proposed one bedroom unit is acceptable. The proposal accords with the provisions of Policies DM17 and DM18 of the SADMP.

Other Matters

- 8.30. Permitted development, householder and change of use applications are exempt from the formal BNG requirements.

Planning Balance

- 8.31. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.32. Paragraph 11 of the NPPF applies a presumption in favour of sustainable development. As the development plan policies are out-of-date part d) of paragraph 11 requires that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 8.33. As above the proposal complies with the relevant policies of the development plan which are attributed significant weight. Further positive weight is attributed to the provision of a one bedroom flat to the Councils housing land supply alongside the social and economic benefits through the construction and occupation of the unit, albeit the latter is limited owing to the scale of development. In applying paragraph 11d of the NPPF the benefits of the development clearly outweigh any harm.
- 8.34. As such the application is viewed favourably and subject to necessary conditions is recommended for approval.

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 proposed change of use from storage unit (B8) to form a flat (C3) is an appropriate use for this site within this sustainable location and the proposed would be in keeping with the mixed use of the immediate area. Although the site is within the Conservation Area, the alterations are considered to improve the character and

appearance of the building and the wider Hinckley Town Centre Conservation Area subject to details secured by a Condition. The change of use from storage rooms to a residential flat would have no adverse impact on adjacent occupiers. Although there is no parking provision included within the proposal, due to its central location this is acceptable. Therefore the proposal complies with Policies DM1 of the Core Strategy, Policies DM1, DM10, DM11, DM12, DM17 and DM18 of the SADMP, section 16 of the NPPF and the statutory duty of section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

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 and Proposed Site Plan, Dwg No. A302 PL 02A Received by the Local Planning Authority on 06 August 2024.

Proposed Elevations and Floor Plans, Dwg. No. A302 PL 03 E Received by the Local Planning Authority on 14 October 2024.

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. Replacement and new windows are to be casement style windows with canted blue brick cills and doors are to be a vertical planked style. Full details regarding windows, doors and architectural detailing must be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The works shall be implemented in accordance with the approved details.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM10 and DM11 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. Prior to first occupation, a scheme that makes provision for waste and recycling storage and collection across the site shall be submitted in writing to and approved in writing by the Local Planning Authority. The details should address accessibility to storage facilities and adequate collection point space at the adopted highway boundary. The approved scheme shall be implemented in accordance with the agreed details.

Reason: To ensure the bin storage on site is not detrimental to the street scene and overall design of the scheme in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. The development hereby permitted shall not be occupied until such time as secure cycle parking shall be provided in accordance with details first submitted to and agreed in writing by the Local Planning Authority. Thereafter the cycle parking shall be maintained and kept available for use.

Reason: To promote travel by sustainable modes in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD (2016) and Paragraphs 112 and 114 of the National Planning Policy Framework (2023).

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.
2. Prior to construction, measures should be taken to ensure that users of the Public Rights of Way are not exposed to any elements of danger associated with construction works.
3. A Public Right of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.
4. Public Rights of Way must not be further enclosed in any way without undertaking discussions with the local Highway Authority (telephone 0116 305 0001).
5. If the developer requires a Public Right of Way to be temporarily diverted or closed, for a period of up to six months, to enable construction works to take place, an application should be made to roadclosures@leics.gov.uk at least 8 weeks before the temporary diversion/closure is required.
6. Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Local Highway Authority.
7. No new gates, stiles, fences or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Local Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way and Leicestershire County Council as Local Highway Authority may be obliged to require its immediate removal.