

Delegated Report

Planning Ref: 24/01025/FUL

Applicant: Casa Leicester Limited

Ward: Earl Shilton

Site: 22 Wood Street, Earl Shilton

Proposal: Conversion of ground floor retail unit to a self-contained 1 bed flat (retrospective)



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 planning application seeks retrospective planning permission for the conversion of the ground floor retail unit to a self-contained 1 bedroom flat.

3. Description of the site and surrounding area

- 3.1. The application site is located on Wood Street, Earl Shilton and was a former bank building. The building is located within the town centre of Earl Shilton, amongst a range of retail and commercial units, such as Age UK, Gearys Discount Store and Shilton Fish Bar. A number of the neighbouring business have residential units above the ground floor retail unit.

4. Relevant planning history

23/00537/FUL

The conversion of the former bank to a retail shop at the ground floor level and with 1 self-contained flat at ground floor level, 2 studio flats at first-floor level including a single and a second-storey, rear extensions plus alterations to the shop front

Planning Permission

14.09.2023

5. Publicity

- 5.1. The application has been publicised by posting neighbour letters.
- 5.2. No comments received.

6. Consultation

- 6.1. HBBC Pollution: Initial query regarding noise mitigation, following discussion no objections.
- 6.2. LCC Highways: No objections, standing advice.
- 6.3. HBBC Drainage: No objections.
- 6.4. HBBC Waste: No objections.
- 6.5. Earl Shilton Town Council: No comments received.

7. Policy

7.1. Core Strategy

- Policy 2: Development in Earl Shilton

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

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

- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM22: Vitalising District, Local and Neighbourhood Centres
- Policy DM23: High Quality Shop Front and Advertisements

7.3. **Earl Shilton and Barwell Area Action Plan (2014)**

- Policy 19: Regeneration of the District Centres
- Policy 22: Development and Design
- Policy 26: Vitalising District, Local and Neighbourhood Centres

7.4. **National Planning Policies and Guidance**

- National Planning Policy Framework (NPPF) (2024)
- Planning Practice Guidance (PPG)

7.5. **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 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), the Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016) and Earl Shilton and Barwell Area Action Plan (2014).
- 8.4. Policy 2 of the Core Strategy supports development within Earl Shilton settlement boundary in principle to deliver a minimum of 10 new residential dwellings. The SADMP confirms that as of September 1 2014 there is no residual housing requirement for Earl Shilton.
- 8.5. Policy 26 of the Earl Shilton AAP state that to ensure the continued vitality and viability of District Centres the change of use from or loss of A1 or A2 retail will only be permitted where the proposal would not result in an over proliferation of any one use type in the centre other than A1 retail. Policy DM22 of the SADMP also contains a similar requirement with regards to the proliferation of uses.

- 8.6. The site lies within the Earl Shilton settlement boundary and therefore the additional housing units comply in principle with Policy 2 of the Core Strategy. The proposal would result in the loss of some Class E floor space (formally A1), however, this is not considered to detract from the vitality of the centre nor create an undue over-proliferation of residential units within this centre, given that the unit itself already contains one ground floor flat and two first floor flats.
- 8.7. The principle of development is therefore acceptable and accords with the relevant policies of the Development Plan

Design and impact upon the character of the area

- 8.8. 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.
- 8.9. Policy DM23 of the SADMP seeks to ensure that existing shop fronts of historic interest and significant will be retained wherever possible.
- 8.10. Policy 22 of the Earl Shilton and Barwell AAP contains a number of criteria with regards to design including that development should not detriment the character or appearance of a host building or the surrounding area.
- 8.11. The proposal seeks retrospective planning permission for the change of use of the ground floor retail unit to a residential flat. The unit itself fronts the highway and is considered highly visible from public vantage points and within the street scene. The main external amendments relate to the site frontage which is proposed to have minor amendments to the windows at ground floor level. The alterations do appear residential in character, creating a change from the former windows serving the retail unit/former bank, however this is not considered to be of unacceptable design and would not create detrimental impacts to the character of the area or visual amenity of the area.
- 8.12. As such the proposed retrospective alterations are considered acceptable and in accordance with Policy DM10 and DM23 of the SADMP and Policy 22 of the Earl Shilton and Barwell AAP.

Impact upon neighbouring residential amenity

- 8.13. 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. In addition, the amenity of occupiers of the proposed development would not be adversely affected by activities in the vicinity of the site.
- 8.14. Policy 22 of the Earl Shilton AAP states that the amenity of occupiers of proposed development should not be adversely affected by activities in the vicinity of the site. Furthermore, development should not adversely affect the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.15. The proposed change of use is considered to have no detrimental impact upon neighbouring properties in terms of loss of light, overbearing impacts of loss of privacy, nor through noise or other pollution owing to the nature of the proposal and limited external alterations. The impact of noise to future occupiers was raised by HBBC Environmental Health however following discussions and when considering the other residential units within the building and their relationship with neighbouring

business, it is not considered to create significant detrimental impacts to warrant a refusal of planning permission.

- 8.16. The proposed residential unit are small, yet each meet and exceed the nationally described space standards for a 1 bedroom unit.
- 8.17. The development site is located within an existing retail area, and is not considered to create any further detrimental impacts nor will future residents of the residential unit experience adverse harm from the surrounding uses. The proposals submitted under this application will cause no increased impacts upon the neighbouring units and as such it is considered to be in accordance with Policy DM10 of the SADMP and Policy 22 of the ES&BAAP.

Impact upon highway safety

- 8.18. 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.
- 8.19. Leicestershire County Council Highways were consulted as part of the application process, and have confirmed that there is no concern relating to highway safety. As the application site is located in a town centre location, and given the previous usage as a bank, no off-street parking facilities are required.
- 8.20. 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.

Biodiversity Net Gain

- 8.21. Policy DM6 seeks to ensure that on site features are retained or included which safeguard and enhance biodiversity.
- 8.22. The development is exempt from mandatory Biodiversity Net Gain (BNG). The application for retrospective planning permission does not meet the 25m2 criteria and does not impact a priority habitat.

Waste Management

- 8.23. Details relating to waste management have been provided under this application, following concerns raised by HBBC Waste Management following the unauthorised change of use at the site. The details submitted under this retrospective application have been reviewed and agreed with HBBC Waste Management, who now have no objection to the proposal. Whilst it is considered that the dragging distances for residential waste bins are quite significant under this proposal, this is not considered significant enough to warrant a refusal of planning permission, and on this basis, on balance, the proposal is considered acceptable.

9. Planning Balance

- 9.1 Currently the 'tilted' balance in paragraph 11(d) of the NPPF applies and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

- 9.2 No detrimental impacts have been identified as a result of the proposal and as such the proposal is considered acceptable and is granted planning permission.

10. Equality implications

- 10.1 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.
- 10.2 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.
- 10.3 There are no known equality implications arising directly from this development.
- 10.4 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).

11. Conclusion

- 10.1. The proposal seeks permission for the retrospective conversion of the ground floor retail unit to a residential flat, the proposal is considered acceptable due to its limited impacts on the character of the area, neighbouring amenity and highway safety.
- 10.2. It is considered that the proposed development would be in accordance with Policies DM10, DM17, DM18, DM23, of the adopted SADMP, Policy 2 of the Core Strategy and Policies 19, 22 and 26 of the Earl Shilton and Barwell Area Action Plan (2014).
- 10.3. In adopting the planning balance, the proposals conformity with the Development Plan is attributed significant weight and minor contribution to housing and associated economic and social benefits.

12. 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 not be carried out otherwise than in complete accordance with the submitted application details, as follows:

Design and Access, Planning Statement

Waste Management Plan
Existing, Proposed Elevations, Drg No. 9222/05
Block, Site Location Plan, Drg No.9222/01
Existing, Proposed Floor Plans, Drg No. 9222/02
Existing, Proposed Elevations, Drg No. 9222/04
Existing, Proposed Roof Plans, Drg No. 9222/03

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.
2. All our collection services are from the boundary to the public highway which will be Wood Street. Please ensure there is adequate space on the property to store the various containers for the residential properties and the business and also space at the kerbside (where the properties meet the public highway) for the placement of the containers on the collection day.