DELEGATED REPORT

Recommendation Made:

Reference:- 11/00728/FUL **Parish:- Hinckley**

Applicant:- Mr Ashley Hunt
29 Glenfield Frith Drive
Leicester
Leicestershire
LE3 8PU

Location:- 62 Castle Street Hinckley Leicestershire LE10 1DD

Proposal:- EXTENSION AND ALTERATIONS TO SHOP UNIT AND CREATION OF STAIRCASE TO PROVIDE RESIDENTIAL ACCOMMODATION ABOVE

Introduction:-

Planning permission is sought for a single storey rear extension, relocation of an approved external spiral staircase and alterations to the shop front at 62 Castle Street, Hinckley.

62 Castle Street, Hinckley is a retail unit located within the primary shopping frontage and Hinckley Town Centre Conservation Area. At present is it an empty unit formally used as a butchers.

Planning permission is sought for a single storey lean to extension to the rear of the existing shop to provide a WC. The proposed extension would project 2.353m from the rear elevation and 2.025m from the neighbouring property to the west. Due to the orientation of the buildings to each other the footprint of the proposed extension is asymmetrical.

The proposed extension has resulted in the relocation of a metal staircase being repositioned. The staircase would access first floor residential accommodation the principle of which was approved under application reference 11/00271/FUL.

Relevant Planning History

11/00271/FUL	Change of use of butchers to retail and assembly of kitchen units and office, erection of outbuildings and creation of first floor living.	Approved	22.06.11
94/00250/FUL	Installation of roller shutter	Approved	19.05.94
91/00486/4	Rear extension to shop	Approved	25.06.91

Consultations:-

No objection has been received from

- Director of Environment and Transport (Highways)
- Head of Community Services (Land Drainage)
- Head of Community Services (Pollution)
- Director of Environment and Transport (Rights of Way)

No response at the time of writing the report from the Ramblers Association

Development Plan Policies:-

Local Development Framework-
Core Strategy (2009)- Policy 1,

Hinckley and Bosworth Local Plan

Policy BE1- Design and siting of development.
Policy BE7 – Development in Conservation Areas
Policy BE9 – Shop fronts in Conservation Areas
Policy Retail 6- Shop fronts
Policy Retail 12- Use of upper floors

Hinckley Town Centre Area Action Plan

Supplementary Planning Document –Shopping and Shop fronts
Hinckley Town Centre Conservation Area Statement

Appraisal:-

The main issues for consideration are the impact of the extension on character and appearance of the conservation area and amenities of neighbouring residents, the impact of the relocation of the staircase on the character and appearance of the Conservation Area and amenities of neighbouring residents, and the impact of the proposed shop front on the character and appearance of the Conservation Area and the street scene.

Principle
The site is located within the Hinckley Settlement boundary as defined by the adopted Hinckley and Bosworth Local Plan. There is a presumption in favour of development within the settlement boundary and therefore the principle of development is acceptable subject to compliance with other local plan policies.

Extension
The extension to the rear would be visible from the footpath that connects Castle Street with Lily's Yard. However the proposal is small and located adjacent to corner of the return with the neighbouring property, 60 Castle Street. Its simple non–intrusive design is in keeping with the simple vernacular design and character of the main building. It is proposed to use reclaimed imperial bricks and natural slates as materials on the extension. The character of the conservation area here derives from the materials used and the simple architectural style applied to the rear of the commercial properties facing Castle Street. The proposal by taking the form of a simple lean to extension is in keeping with the appearance of the property and would not be detrimental to the character and appearance of the conservation area and is considered acceptable. Due to the height and location of the extension it is not considered that the proposal would not affect the footpath or amenities of neighbouring dwelling. It is therefore considered that the proposed extension complies with Policy BE1 and BE7.

Relocated Staircase
The principle of the staircase and conversion of the first floor to residential use was considered and found acceptable under planning reference 11/00271/FUL. This permission included the insertion of two roof lights into the rear roof slope and a pitched roof dormer gable over the new entrance door. These are also proposed as part of this application just sited more centrally within the elevation. A window to the rear elevation has been removed from the approved scheme. It is not considered that the relocation of the staircase or any of the proposed changes would have any detrimental impact on the character or appearance of the conservation area, or impact on the footpath.

A privacy screen is proposed to the right hand side of the proposed staircase at the request of the owners of the neighbouring flat to prevent overlooking. Whilst this was considered as not being significant by the previous proposal the planning authority have no objection to a screen being erected provided it is of appropriate design. As no details of have been submitted they will be requested as a condition.

Shop front
It is proposed to replace the existing shop front which consists of a mock stone effect stall raiser and aluminium framed windows. It is proposed to replace this with traditional timber pilasters, bases and capitols, with timber painted panels along the stall raiser. This is a traditional treatment and considered to be an improvement to the character and appearance of the conservation area. The alterations to the shop front are therefore considered acceptable.

Financial Contributions

Due to the residential element of the proposed flat, the development triggers a requirement for a contribution towards the provision and maintenance of play and open space in accordance with Policy REC3 supported by the Play and Open Space SPD. 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.

Policy REC3 supported by the SPD on Play and Open Space requires one bedroom flats to contribute 75% of the required provision towards open space facilities. However, the use of residential accommodation above shops is permitted development and does not usually require planning permission. Permission is required in this instance due to the degree of separation of the residential unit from the retail unit below and the external staircase. It is not considered that the residential unit proposed would have any greater impact on the local parks than a flat developed through PD and as such the development would not be able to satisfy the requirements of planning obligations and as such the scheme would not be CIL compliant.

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 by virtue of previous permissions, the scale, location design and proposed materials of the single storey rear extension and the design and appearance of the shopfront is considered to be an improvement to the character and appearance of the conservation area and therefore would be in accordance with the development plan.
Core Strategy (2009) :- Policy 1,

Hinckley & Bosworth Borough Council Local Plan (2001) :-

Policy BE1- Design and siting of development.
Policy BE7 – Development in Conservation Areas
Policy BE9 – Shop fronts in Conservation Areas
Policy Retail 2- Primary shopping frontages
Policy Retail 6- Shop fronts
Policy Retail 12- Use of upper floors

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:
B11/15/L01 _ B11/15/BL01A received 21.09.11
B11/15/E01A received 14.10.11
B11/15/P01D received 20.10.11

3 The single storey rear extension hereby approved shall be constructed from reclaimed imperial redbrick and natural slate.

4 Prior to commencement of works to the first floor residential unit, full details of the window and door styles, reveals, cills, header treatments and materials of construction are first submitted and approved in writing by the Local Planning Authority, the works shall then be implemented in accordance with the approved details.

5 The glazing within the first floor door serving the flat shall be fitted with obscure glass and retained this way thereafter.

6 The details of the proposed spiral staircase, including materials and finishes shall match those of the existing spiral staircase serving the flat above 60 Lilleys Yard.

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 to accord with policy BE1 and BE7 of the adopted Hinckley & Bosworth Local Plan.

4 To ensure the development has a satisfactory external appearance to accord with Policies BE1 and BE7 of the adopted Hinckley and Bosworth Local Plan.

5 To ensure that the development is not detrimental to the privacy and amenity if the neighbouring property to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

6 To ensure that the development has a satisfactory external appearance to accord with policies BE1 and BE7 of the adopted 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 permission does not convey any authority to enter onto land or into any building not within the control of the applicant except for the circumstances provided for in The Party Wall etc Act 1996.

6 The application site is adjacent to footpath V114. The applicant is responsible for ensuring the right of way is not affected by any operations associated with the development. Further information is available from the Rights of Way Inspector for the area (0116 305 0001).

Contact Officer:- Sarah Fryer Ext 5682