

Delegated Report

Planning Ref: 23/00234/FUL
Applicant: Mr Adrian McGreevy
Ward: Hinckley Castle



Hinckley & Bosworth
Borough Council

Site: 6 Castle Street Hinckley Leicestershire

Proposal: Changes to external finish of front elevation wall and entrance floor and alteration to building

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 full planning permission for alterations to the external finish of the front elevation wall and entrance floor, as well as internal alterations to 6 Castle Street, Hinckley.

2.2. The proposal includes the replacement of the grey ground floor wall and floor tiling with brick slips to match those on the flanking walls of the front elevation. The window frames on the first floor of the front elevation are retained and painted anthracite grey, and the existing single glazing within these windows is replaced with double glazing. A flat roof balcony is also proposed to the rear of the property on the first floor.

2.3. These alterations are intended to facilitate the property's conversion into a café (Use Class E(b)).

3. Description of the site and surrounding area

3.1. The 168sqm application site is located along the western end of Castle Street, which is predominantly commercial in character. Castle Street gradually slopes from London Road to the east down to the west leading onto The Borough. Within the Hinckley Town Centre Conservation Area, the application site has previously been used as a bank (Use Class E(c)(i)) but is currently being converted into a café (Use Class E(b)).

3.2. The property at 6 Castle Street dates back from the mid-20th century, and has a scale, form, appearance, and construction materials typical of a commercial property from this period, which is considered uncharacteristic with the traditional qualities of the Conservation Area. For these reasons, the building is identified as being part of a weak area within the Hinckley Town Centre Conservation Area Appraisal (2013), and, overall, the building is considered to make a minor negative contribution to the character and appearance, and thus significance, of the Conservation Area.

4. Relevant planning history

14/01124/FUL

- Partial replacement of the shopfront and revisions to pedestrian entrance
- Permitted
- 29.01.2015

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 No responses have been received.

6. Consultation

6.1 There have been no objections from the following consultants:

- Hinckley & Bosworth Borough Council (HBBC)'s Conservation Officer
- HBBC's Environmental Services' Pollution Officer (subject to conditions)

6.2 On 20 March 2023, the Council's Pollution Officer requested details of the kitchen extraction system, the proposed food operation, and the intended use of the balcony. On 25 April 2023, the Applicant stated that there are no external extraction units, and high-speed ovens with built in filtration and vapor control are utilised within the kitchen. The food offering includes sandwiches, pasties, cakes, and biscuits, and the balcony is utilised as a breakout area with some seating and tables. On 28 April 2023, the Council's Pollution Officer confirmed that, as the ovens do not require an external flue, odour and noise from that element are not considered to be an issue.

6.3 On 02 May 2023, the Council's Pollution Officer requested details on the operating hours of the application site. On 04 May 2023, the Applicant stated that the development was intended to be open between 8 AM and 6 PM Monday to Saturday, and between 8 AM and 4 PM on Sundays. These opening hours are to be the same for the outside decking area. Following this, the Council's Pollution Officer requested a planning condition to restrict the use of the development to the hours provided by the Applicant, and an additional planning condition to prevent music from being played externally.

6.4 However, as this application is only for changes to the external finish of the front elevation of the property, these conditions are not considered to be directly related to the development, nor necessary to make the development acceptable in planning terms. Consequently, these recommended planning conditions do not meet the planning obligation tests, as set out within Paragraph 57 of the National Planning Policy Framework (2021) and therefore they have not been applied to this application.

6.5 No further responses have been received.

7. Policy

7.1 Core Strategy (2009)

- Policy 1: Development in Hinckley

7.2 Site Allocations and Development Management Policies (SADMP) 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

- 7.3 National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2021)
 - Planning Practice Guidance (PPG)
 - National Design Guide (NDG) (2019)
- 7.4 Other relevant guidance
- Good Design Guide (2020)
 - Leicestershire Highway Design Guide (LHDG) (2022)

8. Appraisal

8.1. The key issues in respect of this application are therefore:

- Design and impact upon the character of the area
- Impact upon residential amenity
- Impact upon parking provision and highway safety

Design and Impact upon the Character of the Area

- 8.2 Policy DM10 of the SADMP requires new development to complement or enhance the character of the surrounding area with regards to scale, layout, density, mass, design, materials, and architectural features. Paragraph 134 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.
- 8.3 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.
- 8.4 Section 16 of the Nation Planning Policy Framework provides the national policy on conserving and enhancing the historic environment. When considering the impact of a proposed development on the significance of a designated historic asset, great weight should be given to the asset's conservation (Paragraph 193).
- 8.5 Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD seek to protect and enhance the historic environment. Development proposals should ensure the significance of a conservation area is preserved and enhanced, and proposals which seek to improve neutral and negative areas inside conservation areas, which also lead to the overall enhancement of the conservation area, will be supported.
- 8.6 The minor extent of the proposed works does not provide the opportunity for any particular enhancement to the character and appearance of the property, and the wider conservation area. However, the proposed alterations are considered to have a neutral impact on the character and appearance of the property, and the wider Hinckley Town Centre Conservation Area, thus preserving its significance.
- 8.7 Subsequently, the proposal complies with Policies DM10, DM11 and DM12 of the SADMP, Policy 1 of the adopted Core Strategy, Section 16 of the NPPF, and Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

Impact upon Residential Amenity

- 8.8 Paragraph 130(f) of the NPPF requires planning policies and decisions to ensure that developments create places that are safe, inclusive and accessible, and which promote health and well-being, with a high standard of amenity for existing and future users. Policy DM10 of the SADMP also states that proposals should not adversely affect the occupiers of the neighboring properties or the future occupiers of the property. The Good Design Guide SPD outlines that development will need to demonstrate that it will not result in loss of amenity to neighbouring properties by way of overlooking, overshadowing or noise.
- 8.9 The minor alterations to the property are not considered to have a material impact on any neighbouring residential amenity. However, to safeguard neighbouring residential amenity, planning conditions have been agreed to restrict the opening hours of the development, and to prevent music from being played externally. Therefore, the scheme is considered to be in accordance with Policy DM10 of the SADMP and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.10 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 level of parking provision to serve the development proposed. Paragraph 111 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 cumulative impacts on the road network would be severe.
- 8.11 Castle Street is a pedestrianised area of Hinckley Town Centre. The minor alterations to the property are not considered to have any material impact on highway safety or the road network in accordance with Policies DM17 and DM18 of the SADMP.

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 development is considered to be compliant with the relevant national and local policy as it:

- Is an appropriate scale and design.
- Does not have an adverse impact upon the character and appearance of the area.
- Does not have a significant adverse impact upon residential amenity.
- Does not have a significant adverse impact upon highway safety.

10.2 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission to be granted, subject to the imposition of appropriate 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 received by the Local Planning Authority as follows:

- Block Plan Dwg No.22/51 03 (submitted: 13.03.2023)
- Proposed (submitted: 15.03.2023)
- Site Location Plan Dwg No.22/51 04 (submitted: 13.03.2023)

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).

a. 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.