

Delegated Report

Planning Ref: 23/00537/FUL

Applicant: Casa Leicester Limited

Ward: Earl Shilton

Site: 22 Wood Street, Earl Shilton

Proposal: 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.



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 application proposed the conversion of the former bank to a retail shop and one self-contained flat to the ground floor and two studio flats at first floor level, including a single and two storey rear extension and alterations to the shop frontage.

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

None

5. Publicity

- 5.1. The application has been publicised by posting neighbour letters.
- 5.2. One objection was received which raised concerns relating to the external appearance of the building being compromised, disabled access and parking facilities not being considered.

6. Consultation

- 6.1. HBBC Pollution: No objections.
- 6.2. LCC Highways: No objections, condition suggested relating to cycle storage.
- 6.3. HBBC Drainage: No objections.
- 6.4. HBBC Waste: Notes to applicant and conditions recommended.
- 6.5. HBBC Conservation Area Officer: Whilst the site is not within the Conservation Area, the building is one of interest, and amendments have been sought to preserve the external appearance of the building. No objections.

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) (2019)
- 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. Footnote 8 of Paragraph 11 of the NPPF states that the housing policies are considered to be out-of-date where local planning authorities cannot demonstrate a five-year supply of deliverable housing sites. Using the standard method as outlined by the Ministry of Housing, Communities & Local Government (MHCLG), Hinckley and Bosworth Borough Council are able to demonstrate 4.89 years of deliverable housing on 1st April 2022. Due to this and the change in the housing figures required for the Borough, Paragraph 11(d) of the NPPF is triggered.

- 8.5. Therefore, this application should be determined in accordance with Paragraph 11(d) of the NPPF, whereby permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. This is weighed in the balance of the merits of the application when considered with the policies in the SADMP and the Core Strategy, which are attributed significant weight in accordance with Paragraph 219 of the NPPF as they are consistent with the NPPF. Therefore, sustainable development should be approved unless other material considerations indicate otherwise.
- 8.6. 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.
- 8.7. 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.
- 8.8. 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 A2), however, retains retail use at ground floor and would not lead to the over proliferation of residential use in the District Centre. The proposal would therefore also comply with Policy 26 of the AAP.
- 8.9. The principle of development is therefore acceptable and accords with the relevant policies of the Development Plan. A condition is recommended requiring that the use of the retail space is retained as retail space to ensure compliance with the aforementioned policies.

Design and impact upon the character of the area

- 8.10. 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.
- 8.11. Policy DM23 of the SADMP seeks to ensure that existing shop fronts of historic interest and significant will be retained wherever possible.
- 8.12. Policy 22 of the Earl Shilton 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.
- 8.13. The proposal seeks to make amendments to the existing frontage of the former bank building, retaining the existing pilasters but making amendments to the existing door which is proposed to serve the proposed residential units. The centre window will be extended alongside the window to the right hand side of the front elevation which will be amended to create an access door to the proposed retail unit. Whilst these amendments do alter the existing frontage, they are not considered unacceptable in their design, and they retain many of the existing features which is welcomed. The proposed rear extensions are not visible from the streetscene and will not impact upon the design and character of the area.

- 8.14. The proposed plan provides an indicative advertisement, which would be subject to advertisement consent and would be required to be of satisfactory design. A condition has been included at the end of this report requiring the submission of a subsequent advertisement consent application to finalise the details of any advertisement boarding and window vinyls.
- 8.15. Overall the proposal is considered to be acceptable in terms of design and it is not considered to have any detrimental impact on the character of the area. As such the proposal is in general accordance with Policies DM10 and DM23 of the adopted SADMP.

Impact upon neighbouring residential amenity

- 8.16. 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.
- 8.17. 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.
- 8.18. The proposed change of use and extensions are 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 scale and siting of the proposed extensions and surrounding land uses. Details have been provided of the relevant insulation, which in the view of HBBC Pollution, is adequate in effectively controlling noise pollution from the proposed retail unit.
- 8.19. The proposed residential units are small, yet each meet and exceed the nationally described space standards.
- 8.20. 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 retail units 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. A condition is recommended requiring that the use of the retail space is retained as retail space to ensure that the LPA can assess any potential change of use that could occur without planning permission and ensure this would not give rise to adverse neighbouring amenity impacts.

Impact upon highway safety

- 8.21. 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.
- 8.22. 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. A condition has been suggested regarding the cycle store facilities to the rear of the site which has been

included at the end of this report.

- 8.23. 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.

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 seeks the conversion of the former bank to a retail shop and one self-contained flat to the ground floor and two studio flats at first floor level, including a single and two storey rear extension and alterations to the shop frontage. The proposal is considered acceptable due to the limited impacts upon the character of the area, the amenity of neighbouring properties and highways safety/vehicle parking.
- 10.2. It is considered that the proposed development would be in accordance with Policies DM10, DM17, DM18, DM23, DM26 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 (minor positive weight) outweigh the benefits of the proposed development (which are limited).

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:

Design, Access and Planning Statement
Site Location Plan and Block Plan Drg No. 3891/01
Landscape Plan Drg No. 3891/03
Proposed Ground and First Floor Plan Drg No. 3891/03
Sectional Elevation Drg No. 3891/03
Existing and Proposed Front and Rear Elevations Drg No. 3891/04
Cycle Storage Plan Drg No. 3891/03
Installation Details Drg No. 9222 /04
Installation Details 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).

3. The development hereby permitted shall not be occupied until such time as secure and under cover cycle parking has been provided in accordance with approved the Cycle Storage Plan Drg No. 3891/03. Thereafter the onsite cycle parking provision shall be kept available for such use in perpetuity.

Reason: To promote travel by sustainable modes in accordance with Policy DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2023).

4. The development hereby permitted shall not be occupied until a scheme makes adequate provision for waste and recycling storage of containers and collection across the site which has been submitted to and approved in writing to the Local Planning authority. The details should address accessibility to storage facilities and confirm adequate space is provided at the adopted highway boundary to store and service wheeled containers. Thereafter the waste and recycling storage shall be retained in perpetuity.

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) and Policy 22 of the Earl Shilton and Barwell Area Action Plan (2014).

5. Prior to first use of the retail unit, an application for advertisement consent for any proposed advertisement or signage must be approved by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policy DM10 of the adopted Site Allocations

and Development Management Policies Development Plan Document (2016) and Policy 22 of the Earl Shilton and Barwell Area Action Plan (2014).

6. Prior to occupation the landscaping details included within the Landscape Plan Drg No. 3891/03 shall be implemented and shall be maintained for a period of 5 years from the date of planting. During this period any trees or shrubs which die or are damaged, removed or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Policy 22 of the Earl Shilton and Barwell Area Action Plan (2014).

6. The retail unit hereby approved shall be used as for the display or retail sale of goods, other than hot food (Use Class E(a)) and for no other purpose, including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: To ensure the proposed development is compatible with existing development in the locality and retains the vitality of the Local Centre and to safeguard neighbouring amenity in accordance with Policy DM10 and DM22 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Policy 26 of the Earl Shilton and Barwell Area Action Plan (2014).

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.
3. Operators should arrange their own business/trade waste collection service. If you give your waste to someone else you must be sure that they are authorised to take it and can transport, recycle or dispose of it safely.
4. All businesses have a duty of care to ensure that any waste produced is handled safely and within the law. All waste produced by a business including (but not limited to) paper, cardboard, cans, retail packaging, and food wrappers/waste, is commercial waste. For this reason, it legally has to be discarded in a certain way via a trade waste service or transfer station and cannot be disposed of through the residential service. Business operators should take steps to avoid their waste causing problems with rats, mice, insects and birds:

- Bins should be maintained and stored so that they don't cause problems to neighbouring premises due to smells
- Waste should be stored correctly in a suitable container which needs to be closed or lidded