

**Planning Committee 7<sup>th</sup> May 2024**  
**Report of the Head of Planning**

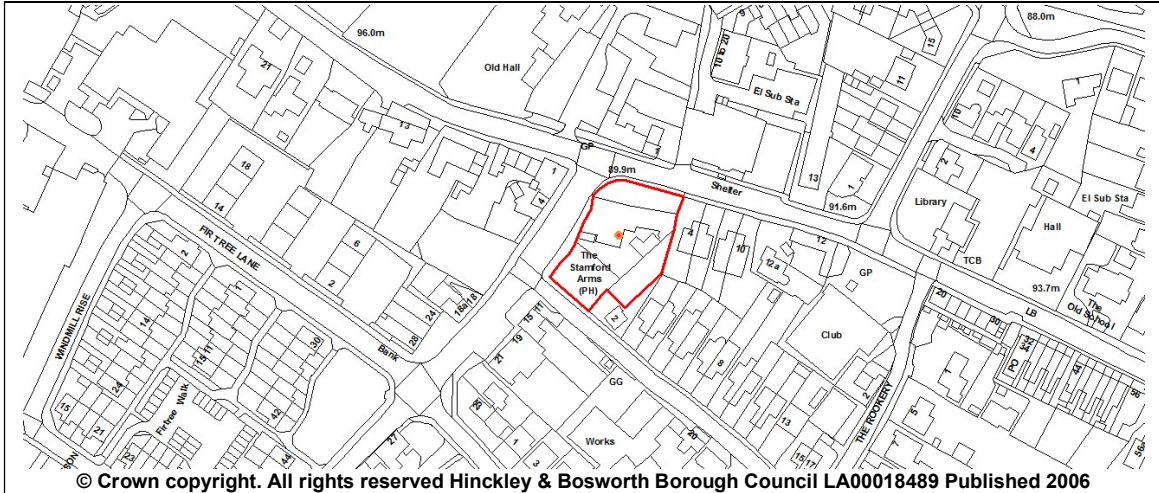
**Planning Ref: 24/00121/FUL**  
**Applicant: Mr Ian Everington**  
**Ward: Groby**



**Hinckley & Bosworth**  
**Borough Council**

**Site: Stamford Arms 2 Leicester Road Groby**

**Proposal: Proposed extension and alteration to existing public house to provide additional deli/coffee shop floorspace.**



**1. Recommendations**

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

- Planning conditions outlined at the end of this report.
- That the Head of Planning be given powers to determine the final detail of planning conditions.
- Confirmation of the acceptability of the External Cold Store from the Council's Pollution officer.

**2. Planning Application Description**

- 2.1.** This planning application seeks full planning permission for extensions and internal alterations to provide a new deli and coffee shop (Use Class E) on the eastern corner of the site into and within the existing external kitchen and compound of an existing Grade II Listed public house, The Stamford Arms, 2 Leicester Road, Groby. The new floorspace is part of the main pub and the space will operate as deli/coffee shop during the day but be part of the pub during the evening. The houses of operation shall be the same as for the existing pub.
- 2.2.** This proposal increases the public area of the application site from 227sqm to 354sqm and the footprint of the building 29sqm. To facilitate this development, the cold store is replaced, and relocated to the north of the property, but to the south of the beer garden, within the existing compound of the site.
- 2.3.** This development is associated with Listed Building Consent application 24/00122/LBC.

### **3. Description of the Site and the Surrounding Area**

3.1. The 2,262sqm application site is located on a prominent corner within the identified settlement boundary and historic core of Groby and the Groby Conservation Area respectively. The adopted Core Strategy (2009) classifies Groby as a Key Rural Centre. The application site itself comprises the Stamford Arms, which is an existing Grade II Listed public house. The Listed Building Entry (National Heritage List England (NHLE) Ref 116067) identifies the building as:

*“Public House. Late C18, raised and altered C20. Red brick in Flemish bond, slate roof with 2 brick gable stacks. 2 storey plus attics, 3 bay front having central C20 door in pedimented wooden surround with console brackets, flanked by single canted bay windows with hipped slate roofs and glazing bar casements with segmental arched heads. In the roof three C20 flat roofed casement dormers.”*

3.2. The Listing Description identifies that the significance of the building is predominantly inherent within the historic and architectural interest of the original late C18 building, which occupies the north-western corner the site.

3.3. The original building has been adapted and extended considerably to the side and rear over time to suit its use, and whilst such extensions predominantly have a traditional function, form, and appearance, which ensures they sit comfortably against it, they are of less heritage value than the original building itself.

3.4. Due to the dominant presence of the original building within the historic core of the village at the corner of Leicester Road and Ratby Road and its special historic and architectural interest, the Stamford Arms contributes positively to the character and appearance of the Groby Conservation Area.

### **4. Relevant Planning History**

#### **4.1 24/00122/LBC**

- Proposed extension and alteration to existing public house (Sui Generis) and change of use to deli/coffee shop (Use Class E)
- Awaiting Decision.
- TBD.

#### **4.2 19/00755/LBC**

- Replacement and new signs with associated lighting
- Permitted
- 12.11.2019

#### **4.3 19/00749/ADV**

- Replacement and refurbishment of existing signs, new signs and associated lighting
- Permitted
- 23.09.2019

#### **4.4 14/01152/FUL**

- Change of use of land from garden associated with 2 Rookery Lane and the creation of beer garden to The Stamford Arms and associated engineering works, including the removal of a wall.
- Permitted
- 06.02.2015

## **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 Six members of the public objected to the scheme for the following reasons:

- Highway safety concerns.
- Insufficient off-street vehicle parking.
- Monopolisation of the village.
- The use shall compete with other shops and facilities in the area including the Groby Library Café, and thereby reducing their viability and increasing the risk of the loss of amenities in Groby.

5.3 Several members of the public have expressed concerns regarding the scheme's financial impact on the viability of the Groby's Library's café. The café is one of the primary sources of funding for the library since Leicestershire County Council stopped funding the facility. As a result, there is a concern that any detrimental impact to the café is also likely to have a harmful impact to the viability of Groby Library.

*The Planning Officer notes that, whilst the Local Planning Authority appreciates the circumstances of Groby Library and its café, the Local Planning Authority are not able to demonstrate that the provision of a new café facility of this scale within an existing public house will result in the loss of Groby Library and its café. It is noted that alongside the Stamford Arms and the Library's café, Groby's Ex-Servicemen's Social Club currently offers hot food and drinks, and similar products can also be purchased at the Co-Operative Food store within the village.*

*Notwithstanding this, Local and National Policy states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Therefore, should any of the existing facilities mentioned above wish (particularly those of which that are considered to be community facilities such as the Stamford Arms) to expand or adapt, this is likely to be supported in principle, subject to the assessment of all other material considerations.*

5.4 No further 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 Drainage Officer
- HBBC's Environmental Services' Pollution Officer
- HBBC's Waste Management Officer
- Local Highway Authority (LHA)

6.2 Historic England did not comment on the scheme and Groby Village Society did not respond to the planning application.

### Groby Parish Council

6.3 Whilst not adverse in principle to the development, Groby Parish Council have expressed concerns regarding the overdevelopment of the site, and the insufficient parking in the area to accommodate the intensification of the use of the site. The

Parish Council have also expressed concerns that the Stamford Arms may lose its identity as a village public house.

### Pollution

- 6.4 The Council's Pollution Officer conducted a site visit to assess the potential impact from noise and odour. As the kitchen utilises the existing ventilation system, the Pollution Officer confirmed that they have no objection to the scheme in relation to its odour impact.
- 6.5 However, the Pollution Officer stated that it was not clear what proposals there are for the cold store, which is likely to be a noise source and requires confirmation.
- 6.6 The Applicant confirmed the specifications and the location of the external cold store on 18 April 2024.
- 6.7 At the time of writing this Report, these details are still awaiting assessment and approval from the Council's Pollution Officer. Nevertheless, it is considered that further works can be undertaken, where necessary, to ensure that the scheme is acceptable in this aspect prior to the issuing of a Decision Notice with support from the Pollution Officer.
- 6.8 No further responses have been received.

## **7. Policy**

- 7.1 Core Strategy (2009):
- Policy 7: Key Rural Centres
  - Policy 8: Key Rural Centres Relating to Leicester
- 7.2 Site Allocations and Development Management Policies Development Plan Document (SADMP) (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 DM13: Preserving the Borough's Archaeology
  - Policy DM17: Highways and Transportation
  - Policy DM18: Vehicle Parking Standards
- 7.3 National Planning Policies and Guidance:
- National Planning Policy Framework (NPPF) (December 2023)
  - Planning Practice Guidance (PPG)
  - National Design Guide (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:
- Principle of development
  - The impact upon the character of the area and the significance of the Listed Building and the Groby Conservation Area
  - Impact upon residential amenity
  - Impact upon parking provision and 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. The NPPF is a material planning consideration in planning decisions.
- 8.3 Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The three overarching objectives of sustainable development (economic, social, and environmental) are detailed within Paragraph 8 of the NPPF. Therefore, in accordance with Paragraph 11 of the NPPF, planning decisions should apply a presumption in favour of sustainable development.
- 8.4 However, Paragraph 12 of the NPPF confirms 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.
- 8.5 The current Development Plan consists of the adopted Core Strategy and the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP). The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough.
- 8.6 Both the Core Strategy and the SADMP are over 5 years old and were adopted prior to the publication of the current NPPF. 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.
- 8.7 Nevertheless, in accordance with Paragraph 225 of the NPPF, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF. Due weight should be given to existing policies according to their degree of consistency with the NPPF. Ultimately, the closer the policies in the plan are to the policies in the NPPF, the greater weight they may be given. Therefore, this report sets out the relevant adopted Core Strategy and SADMP policies and refers to the NPPF and notes any inconsistencies between them.
- 8.8 Section 6 of the NPPF states that planning decisions should help create the conditions in which businesses can invest, expand, and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 8.9 Policy 7 of the adopted Core Strategy stated that the Local Planning Authority shall support initiatives to establish local stores and facilities within Key Rural Centres.
- 8.10 The application site is within the identified settlement boundary of a Key Rural Centre and the proposal is to support the creation of a new deli/café that forms part of an existing public house.

- 8.11 Therefore, the development is considered to be 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.

*Impact upon the Character of the Area and Significance of the Listed Building and the Groby Conservation Area*

- 8.12 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the Local Planning Authority when determining applications for development which affects a Listed Building or its setting to have special regard to the desirability of preserving the Listed Building or its setting or any features of special architectural and historic interest which it possesses.
- 8.13 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.
- 8.14 Section 16 of the National Planning Policy Framework provides the national policy on conserving and enhancing the historic environment. Heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
- 8.15 Therefore, Paragraph 205 of the NPPF requires great weight to be given to the conservation of designated assets and the more important the asset, the greater the weight should be. Paragraph 206 of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification. The need for clear and convincing justification is re-iterated in Policy DM12 of the SADMP.
- 8.16 Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment and heritage assets. All proposals for extensions and alterations of listed buildings and development affecting the setting of Listed Buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting. Development proposals should ensure the significance of a conservation area is preserved and enhanced.
- 8.17 The Planning Practice Guide (PPG) and Historic England Advice Note 2 (HEAN2) Making Changes to Heritage Assets sets out how the policies of the NPPF are expected to be applied and includes guidance on the conservation of and making changes to the historic environment.
- 8.18 Section 12 of the NPPF confirms that good design is a key aspect of sustainable development, and the creation of high quality, beautiful, and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 135 of the NPPF details the six national policy requirements of development to ensure the creation of well-designed and beautiful places.
- 8.19 Paragraph 139 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.

- 8.20 Policy 8 of the adopted Core Strategy states that new development is required to respect the character and appearance of the Groby Conservation Area by incorporating locally distinctive features of the Conservation Area into the development.
- 8.21 Policy DM10(c) of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.22 The proposals are located within the eastern corner of the application site and the existing storage building, the external kitchen, and the associated compound are considered to be of limited heritage asset. Due to the siting, moderate size, and scale of the development, and the presence of the existing pub car park, the development is not considered to have a visible presence within the street scene of the Conservation Area.
- 8.23 The scheme does not extend beyond the existing building lines of the side and rear elevations of the property. Ultimately, it is considered that these works, and the internal alterations and works that form the arrangements for the deli/coffee shop, are considered to retain the plan form of the Listed Building.
- 8.24 The alterations to the fenestration to facilitate the new use are also considered to respect the character and appearance of the existing windows and doors across the building. As the character and appearance of the building is maintained and the arrangements of the existing development are not extended any closer to Leicester Road or Ratby Road, it is not considered that there is any adverse impact from the proposal upon the significance of the Groby Conservation Area.
- 8.25 For the reasons above, it is considered that the proposal is compatible with the significance of the Grade II Listed Building, the Stamford Arms, and it is likely to preserve the significance of the Groby Conservation Area. Therefore, the scheme is considered to be in accordance with Policies DM10, DM11, and DM12 of the SADMP, Section 16 of the NPPF, and the statutory duties of Section 16, 66, and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### Impact upon Residential Amenity

- 8.26 Paragraph 135(f) of the NPPF requires planning policies and decisions to ensure that developments create places that are safe, inclusive, and accessible, which promote health and well-being, and a high standard of amenity for existing and future users.
- 8.27 Policy DM10(a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.
- 8.28 The Good Design Guide requires the way buildings to relate to each other, and their orientation and separation distances, to provide and protect acceptable levels of amenity.
- 8.29 The Good Design Guide recommends that a principal window to a habitable room should ideally be no less than 8m from the blank side of a single storey neighbouring property, rising to 14m for a two-storey property.

- 8.30 In addition, the separation distance between two principal windows to habitable windows should be a minimum of 21m. However, the Good Design Guide also states that, *“An exception to this rule is in an urban location where it may be acceptable to have a reduced distance where issues of amenity and overlooking are dealt with by good design.”*
- 8.31 Notwithstanding this, these separation distances are the minimum standards that are required, and every application will be assessed on its own merits depending on the individual characteristics of the site such as orientation, ground levels, window positions, garden size, and shape.
- 8.32 The development is within an application site that benefits from an established public house. Given the small scale of the proposal, this new use is not considered to significantly intensify the use of the site to the detriment of neighbouring residential amenity as a result of air, light, or noise pollution.
- 8.33 Moreover, the scheme is provided within the existing compound of the public house and the works do not extend the footprint of the development towards the neighbouring residential properties to the east.
- 8.34 By virtue of these, the proposal is not considered to result in any significant no detrimental harm to neighbouring residential amenity, in accordance with Policy DM10 of the SADMP and the Good Design Guide.

#### Impact upon Parking Provision and Highway Safety

- 8.35 Section 9 of the NPPF promotes sustainable transport. Paragraph 114 of the NPPF states that planning decisions should ensure that developments provide appropriate opportunities to promote sustainable transport modes, given the type of development and its location and a safe and suitable access to the site for all users. Any proposal should ensure that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 8.36 Ultimately, development should on be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, in accordance with Paragraph 115 of the NPPF.
- 8.37 Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 8.38 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.39 Paragraph 3.151 (Quantum) of Part 3 of the LHDG requires three off-street vehicle parking spaces for four-bedroom dwellings. Paragraph 3.165 (Dimensions) of Part 3 of the LHDG requires minimum parking sizes to be 2.4m x 5.5m, and an additional 0.5m in width is required the parking space is bounded by a wall, fence, hedge, line



of trees or other similar obstructions on one side. This width increases to 1m if the parking space is bounded on both sides.

#### Site Access

- 8.40 No amendments are proposed to the existing vehicular access points and no new accesses are proposed.
- 8.41 Based on available records to the Local Highway Authority (LHA), there have been three Personal Injury Collisions (PICs) recorded on Ratby Road and Leicester Road within 500m of the Ratby Road/ Leicester Road/ Markfield Road junction during the last five years. One of the PICs was recorded as slight and two were recorded as serious.
- 8.42 Nevertheless, the LHA advised that there appears to be no patterns or causes in respect of the PICs and there is no specific cluster where they have occurred. On this basis, it is considered by the LHA that the proposals are unlikely to exacerbate an existing highway safety concern in the area.

#### Internal Layout

- 8.43 The development increases in a 127sqm increase in public floorspace within the site from 227sqm to 254sqm.
- 8.44 Based on the Highway Requirements for Development within the Leicestershire Highway Design Guide, a Class E Use (formally Use A1), the proposed use requires one off-street vehicle parking space per 50sqm of gross floor area up to 100sqm and an additional space at the rate of one per 100sqm, with a minimum provision of two spaces being provided. The LHA therefore required three additional off-street vehicle parking spaces for the proposal.
- 8.45 Notwithstanding this, the submitted Application Form details that there are currently 31 car parking spaces available and that there are no additional spaces proposed.
- 8.46 The LHA visited the site between 13:00 and 13:30 on a weekday, and it was noted that approximately 14 car parking spaces were still available in the two pub car parks during this time. In addition. There were several two-hour limited waiting bays that were vacant as well as unrestricted on-street parking spaces available in the area.
- 8.47 Given the surrounding road network is covered by a comprehensive package of Traffic Regulation Orders, including double and single yellow lines as well as time restricted off-street vehicle parking spaces, the LHA confirmed that it would be difficult to demonstrate that the proposal was likely to lead to inappropriate on-street parking in the surrounding area.
- 8.48 Furthermore, the site is located central to Groby, and within an 800m walk of the majority of the village. As such, it is considered that it would be difficult to resist the proposals on the grounds of a lack of off-street vehicle parking.
- 8.49 As a result of the size and scale of the scheme, the existing off-street parking provision for the site, and the presence of Traffic Regulation Orders within the area it is considered that the impacts of the development on highway safety are no unacceptable, and when considered cumulatively with other developments, the scheme's impacts on the road network are unlikely to be severe. Therefore, the scheme is regarded as in accordance with Policies DM17 and DM18 of the SADMP, and the LHDG.

## **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 Taking national and local planning policies into account, and regarding all relevant material considerations including those objections that have been received, 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.
- That the Head of Planning be given powers to determine the final detail of planning conditions.
- Confirmation of the acceptability of the External Cold Store from the Council's Pollution officer.

## **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 (submitted: 09.02.2024)
  - Existing Elevation (submitted: 09.02.2024)

- Existing Ground Floor (submitted: 09.02.2024)
- Location Plan (submitted: 09.02.2024)
- Proposed Block Plan (submitted: 09.02.2024)
- Proposed Dual Compartment Cold Room Floor Plan and Elevation (Rev A) (submitted: 18.04.2024)
- Proposed Elevation (submitted: 09.02.2024)
- Proposed Ground Floor Plan 3404-02 (Rev E) (submitted: 18.04.2024)

**Reason:** To ensure a satisfactory form of development in accordance with Policies DM1, DM10, DM11, and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).