

Delegated Report

Planning Ref: 23/00247/FUL

Applicant: Mrs Sara Humphries

Ward: Hinckley Clarendon

Site: Unit 2, 22 Fieldfare Road, Hinckley

Proposal: New shopfront, two air conditioning condenser units, and two extract grilles.



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. The application is for a new shopfront, two air conditioning condenser units and two extract grilles serving the unit. The unit is to be occupied by Greggs PLC.

3. Description of the site and surrounding area

- 3.1. The site is located adjacent to the Bloor Homes development located off Normandy Way, Hinckley. The Unit is currently undergoing construction to serve the recently erected housing development.

4. Relevant planning history

None

5. Publicity

- 5.1. The application has been publicised by posting a site notice within the vicinity of the site.
- 5.2. No comments have been received.

6. Consultation

- 6.1. LCC Highways: Standing advice, no objections.
- 6.2. HBBC Waste Management: No objections.
- 6.3. HBBC Pollution: Following the submission of additional information regarding the air conditioning units, no objections.

7. Policy

7.1. 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 DM23: High Quality Shop Fronts and Advertisements

7.2. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2019)
- Planning Practice Guidance (PPG)

7.3. 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. Paragraph 81 of the National Planning Policy Framework (NPPF) states that planning policies and decisions should help create the conditions in which business 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.

8.3. 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.

8.4. The development plan in this instance consists of the Core Strategy (2009), and the Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016).

Design and impact upon the character of the area

8.5. 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.

8.6. Policy DM23 of the SADMP sets out the circumstances in which applications for new shop fronts would be acceptable. These conditions are that they reflect the local style and materials of the host building and immediate area, the fascia is of an appropriate scale in relation to the shop front and that industrial devices such as air conditioning and/or filtration units are integrated with the design and placed in the most visually unobtrusive location.

8.7. The proposal is for a new shop front, two air conditioning condenser units, and two extract grilles. It is considered that from the proposed plans that the shop front would not be out of keeping with the other recently approved units within this area of new development. The shop front would not be out of scale and character of the host building and the immediate setting, by design and materials used. In addition, the proposed air conditioning condenser units and extract grilles are located to the rear of the site, and as such are not considered to be visually obtrusive.

- 8.8. The proposed shop front and associated industrial devices would not be out of character with the existing unit and wider units located within the area in terms of its design and visual appearance. Therefore it is considered that the proposal is in accordance with Policies DM10 and DM23 of the SADMP.

Impact upon neighbouring residential amenity

- 8.9. 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.
- 8.10. The development site is located within the newly constructed retail unit as part of the Co-Op's New Local Centre, on Normandy Way. The proposal seeks to install a shop front, air conditioning condenser units and two extract grilles. Noise and smell impacts have been assessed by Hinckley & Bosworth Borough Councils Environmental Health Pollution department, who following consultation on the proposals, confirmed that they have no objections to the scheme. It is also considered given the location of the unit in relation to the existing residential development (Bloor Homes) that no residential amenity issues should arise as part of this proposal, in terms of loss of light, loss of privacy, overbearing or overshadowing impacts.
- 8.11. It is therefore considered that the proposal is in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.12. 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.
- 8.13. County Highways have been consulted as part of this application and have confirmed that the proposal would have no impact upon the highway with regard to highway safety or parking provision.
- 8.14. 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 to install a shop front, two air conditioning condenser units and two extractor grilles. The proposal is considered acceptable due to the limited impacts upon the character of the area and the amenity of adjacent buildings.

- 10.2. It is considered that the proposed development would be in accordance with Policies DM10, DM17 and DM18 of the adopted SADMP.

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:

Proposed Site Plan Drg No. 21087 Rev P04
Proposed Elevations Drg No. RCEN/S6216/02P Rev A
Proposed GA Plans Drg No, 21087 Rev P03
Design and Access Statement

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.