

Delegated Report

Planning Ref: 24/00080/P3CMA

Applicant: Propsol Ltd

Ward: Hinckley Castle



Hinckley & Bosworth
Borough Council

Site: 21 Trinity Lane, Hinckley

Proposal: Change of use of existing ground floor shop/laundrette (sui generis) to flat (C3)

1. Recommendations

1.1. Grant permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. This is an application for prior notification under Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the change of use of the ground floor of 21 Trinity Lane, Hinckley from a ground floor shop/laundrette (sui generis) into the provision of one self-contained residential unit with the continuous use of the first floor as a flat.

3. Description of the site and surrounding area

- 3.1. The application building is a two-storey end of terrace building that has front and side access entrances.

4. Relevant planning history

97/00806/COU

- CHANGE OF USE FROM OFFICE TO A DWELLING. Permitted

00/01218/COU

- CHANGE OF USE OF GROUND FLOOR OF PREMISES TO LAUNDRETTE. Permitted

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. There have been no objections.

6. Consultation

- 6.1. No consultations were required.

7. Policy

- 7.1. Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2 Part 3 Class M

- 7.2. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2021)
- Planning Practice Guidance (PPG)

8. Appraisal

- 8.1. The main considerations in respect of this application are whether the proposed change of use meets the criteria for permitted development of Class M of the Town and Country Planning (General Permitted Development) Order 2015, which relates to development consisting of a change of use of a building and any land within its curtilage from a use as a launderette to a use falling within Class C3 (dwellinghouses) Schedule 1 to that Order.

M.1. – (1) Development is not permitted by Class M –

- (a) *if the building was not used as a launderette on 20 March 2013 or was not in that use when it was last used;*

The building's last use at ground floor was as launderette.

- (b) *n/a deleted*

- (c) *if the cumulative floor space of the existing building changing use under Class M exceeds 150 square metres;*

The cumulative floor space does not exceed 150sqm.

- (d) *if the development, together with any previous development under Class M, would result in more than 150 square metres of floor space in the building having changed use under Class M;*

There is no other floorspace in launderette use and no other space has changed use under Class M.

- (e) *if the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point:*

The dimensions of the building remain unaltered.

- (f) *If the development consists of demolition; or*

There is no demolition.

- (g) *if the building is—*

- (i) *within a conservation area;*
- (ii) *in a site of special scientific interest;*
- (iii) *in a safety hazard area;*
- (iv) *in a military explosives storage area;*
- (v) *a listed building; or*
- (vi) *a scheduled monument*

The building does not fall within any of these categories.

Conditions

M.2. – (1) Development under Class M is permitted subject to the following conditions

Before beginning development under Class M, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

- (a) *transport and highway impacts of the development,*

The site occupies a sustainable location within the settlement with access to public transport. Access to services and facilities are available on foot or by cycle.

The extant use comprises a retail unit and flat. The proposal would result in two flats. It is not considered the proposal would generate a material increase in traffic generation over the extant use. The premises provides safe access for pedestrians.

- (b) *contamination risks in relation to the building;*

The site is not on contaminated land, nor does the site have any historical uses which would have resulted to any type of contamination as described in 2A of the Environmental Protection Act 1990.

- (c) *flooding risks in relation to the building;*

The site lies within Flood Risk Zone 1 and no additional groundworks or extensions are proposed that may increase this risk.

- (d) *whether it is undesirable for the building to change to a use falling within Class C3 because of the impact of the change of use on adequate provision of services as a launderette, but only where there is a reasonable prospect of the building being used to provide such services;*

The change of use is not considered undesirable.

- (e) *the design or external appearance of the building.*

The proposed conversion would have a limited visual impact on the building and involves just swapping the positions of a window and a door.

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 application meets the conditions of Class M of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). It is considered that the application is acceptable and is in accordance with the conditions set out in the abovementioned legislation and subject to those added below.

11. Recommendation

- 11.1 **Prior approval required and granted** subject to:
Conditions outlined at the end of this report

11.2 Conditions and Reasons

1. The development must be completed within a period of three years starting from the date of this prior approval.

Reason: To comply with the requirements of Class M of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

2. The development hereby approved shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:
 - Site Location Plan;
 - Block Plan;
 - Elevations and Plans

All received on 22/01/2024.

Reason: To comply with the requirements of Class M of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

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.