

## Delegated Report

**Planning Ref: 24/00273/CLP**

**Applicant: MRS PAYNE**

**Ward: Burbage Sketchley and Stretton**



Hinckley & Bosworth  
Borough Council

**Site: Britannia Buildings, Coventry Road, Burbage, Hinckley**

**Proposal: Use of showroom and retail with ancillary offices (Class E) to a crèche and day nursery (Class E)**

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### **1. Recommendations**

1. Issue a certificate of lawful proposed development for the use of showroom and retail with ancillary offices (Class E) to a crèche and day nursery (Class E).

### **2. Application description**

- 2.1. The application is for a Certificate of Lawful Proposed use for the showroom and retail with ancillary offices (Class E) to a crèche and day nursery (Class E). The application is made by Priesthills Nursery.

### **3. Description of the site and surrounding area**

- 3.1. The Britannia Buildings are located on Coventry Road, located closely to the west of the village centre and south of Hinckley town. The location is a mixture of both commercial and residential properties and is a short walk from the village centre.
- 3.2. The existing unit comprises of a show room and storage, the proposed internal arrangements include children's rooms and a staff room. One external change has been included with the proposed plans, creating a door on the side elevation, this external alteration has not been considered under this Certificate.

### **4. Relevant planning history**

**None**

### **5. Publicity**

- 5.1. None required.

### **6. Consultation**

- 6.1. None.

### **7. Policy**

- 7.1. The National Planning Policies and Guidance
- 7.2. The Town and Country Planning (Use Classes) Order 1987
- 7.3. The Town and Country Planning (Use Classes) Amendments 2020
- 7.4. The Town and Country Planning Act 1990

### **8. Appraisal**

- 8.1. The main consideration is whether the proposed use of the unit would constitute a change of use, and whether such a change would be a material change of use and require planning permission.
- 8.2. The Town and Country Planning (Use Classes) Order 1987 (as amended) sets out a number of standard Use Classes, some of these classes being split into sub-classes. In general terms, a change of use between sub-classes within a class would not be considered to represent a material change of use which requires

planning permission, although each case is to be judged on its own merits as a matter of fact and degree.

8.3. Use Class E is for commercial, business and service and within Class E the description of use, or part use relates to the following:

- a) For the display or retail sale of good, other than hot food, principally to visiting members of the public
- f) For a crèche, day nursery or day centre, not including residential use, principally to visiting members of the public

8.4. In this case, the existing lawful use of the unit is considered to be within Class E under section (a) as outlined above. The proposed use of the unit as a crèche and day nursery (Class E(f)) would not result in the units use falling outside of the Class E category.

8.5. The planning statement submitted as part of this application confirms that the previous use is evidenced and justified to fall within use Class E, with leasing details also provided. The LPA has no evidence to the contrary. As such it is considered that the proposed use of the unit as a crèche and day nursery does not constitute a material change of use and so would not require planning permission.

8.6. An external amendment to the unit has been suggested, changing a window to a door found within the side elevation. This has not been considered within this Certificate.

## **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 use of the unit as a crèche and day nursery (Class E) - does not constitute a material change of use and therefore a Certificate of Proposed Use can be issued.

## **11. Recommendation**

- **Issue certificate of lawful proposed development for the use of showroom and retail with ancillary offices (Class E) to a crèche and day nursery (Class E).**

## **11.2 Reasons**

The proposed use of the unit as a crèche and day nursery (Class E) - does not constitute a material change of use under The Town and Country Planning (Use Classes) Order 1987 (as amended).

The determination is based on the submitted details:

Application Form

Planning Statement

Lease Documentation