

Delegated Report

Planning Ref: 23/01009/FUL

Applicant: Mr Ram Odedra

Ward: Ratby, Bagworth and Thornton

Site: 329A Station Road, Bagworth

Proposal: Installation of Canopy and Ventilation Flue to Restaurant (Class E)



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 proposal is for the installation of a canopy and ventilation flue to restaurant (Class E). The existing use of the site is a shop (Class E) and therefore a change of use to restaurant does not require planning permission.

3. Description of the site and surrounding area

- 3.1. The development site consists of a two storey block, with commercial premises on the ground floor and residential on the first floor. The site is located on Station Road, Bagworth which consists of residential properties. The block in which the development site is contained within is isolated away from residential development excluding the first floor accommodation and benefits from off-street parking serving the Nisa Local and a layby to the site frontage.

4. Relevant planning history

None

5. Publicity

- 5.1. The application has been publicised by posting letters to neighbours, and a site notice posted within the vicinity of the site.
- 5.2. No comments have been received.

6. Consultation

- 6.1. HBBC Pollution: No objections.
- 6.2. LCC Highways: 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

7.2. Core Strategy (2009)

- Policy 10: Key Rural Centres within the National Forest

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2023)
- Planning Practice Guidance (PPG)

7.4. **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 and Listed Building
- Impact upon neighbouring residential amenity
- Impact upon highway safety

Assessment against strategic planning policies

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. 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) and the Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016).

Design and impact upon the character of the area

8.4. 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.

8.5. The proposal relates to the installation of canopy and ventilation flue to the restaurant. The proposed works are mainly contained within the unit itself with the exception of the flue which will protrude from the existing roof, and sit 1m above the existing ridge height. It is considered that the introduction of this would not cause significant detrimental impacts to the visual amenity or character of the area when considering the retail/commercial nature of the isolated block on Station Road.

8.6. As such it is considered that the proposal is in accordance with Policy DM10 of the adopted SADMP.

Impact upon neighbouring residential amenity

8.7. 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. The policy also states that the amenity of the occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.

- 8.8. The proposal to introduce the canopy and flue ventilation flue is unlikely to cause detrimental impacts to the neighbouring residential properties located on Station Road given the distance and separation from the development site.
- 8.9. HBBC Environmental Health Pollution were consulted on the application, and have confirmed that the details provided of the installation methods and ventilation details submitted are considered acceptable, as to not cause detrimental impacts to the residential accommodation above the restaurant or other neighbouring residential properties in the vicinity of the site.
- 8.10. The proposed external changes are also considered to not have any detrimental impacts on neighbouring residential amenity in terms of loss of light, loss of privacy, overshadowing or overbearing impacts by way of design and the nature of the flue.
- 8.11. As such the proposal is considered to be in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.12. Policies DM17 and DM18 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety and requires new development to provide an appropriate/justified level of parking provision.
- 8.13. LCC Highways were consulted as part of the application process and confirmed they have no objections to the proposal. The access is in accordance with Leicestershire Highway Design Guidance and it is confirmed by LCC Highways that there would not be any significant detrimental parking issues as a result of this proposal.
- 8.14. As such it is considered that the proposal is in accordance with Policies DM17 and DM18 of the 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. It is considered that the proposal would not have detrimental impacts on the character of the area, neighbouring residential amenity or highway safety. The proposal therefore complies with Policies DM10, DM17 and DM18 of the 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:

Block and Location Plan Drg No. 2405/01/100
Proposed GA Plans Drg No. 2405/01/300
Proposed Elevations Drg No. 2405/01/350
Extraction System Summary
Extraction System Assessment
Acoustic Ceiling Details
Activated Carbon Panels Details
Ducting Details
Contra Rotating Cased Axial Fans Details
Mesh Grease Filter Details

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).

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. Any future proposed advertisement or hoarding will be require advertisement consent and a formal application shall be made to the Local Planning Authority.