

From: Neal Chantrill <Neal.Chantrill@leics.gov.uk>
Sent: 15 March 2024 14:27
To: David Spring
Cc: Planning Folder New; 'Tony Deakin'; Emma Baumber2
Subject: FW: 23/01112/FUL (Change of use from place of worship to a physioclinic)
Attachments: Response_23-01112-FUL.pdf

Good afternoon David

I trust you are well.

Many thanks for your email dated 13 March 2024 in relation to 23/01112/FUL - Change of use from place of worship to a physio clinic.

As you rightly point out within your email, the onus is on the Applicant to provide/mitigate the off-street car parking situation for the proposals.

From the Local Highway Authority (LHA) perspective, our observations (Attached) still apply. The Applicant indicated within their submitted documentation that there are no off-street car parking spaces associated with the extant use of the site, nor the proposals. The LHA stated within their observations that they would normally seek to resist proposals which would not provide sufficient off street parking in-line with 'Highway Requirements for Design Part 4 (HRfD4) design guidance. However, given the extant use of the site which could attract a large number of trips over a seven day period which is also not afforded off-street car parking, the LHA still do not consider they could defend a refusal at an appeal.

The LPA and Applicant will be aware that the extant use of the site comes under F1 of the 'Use Class Order 1987 (as Amended)' which can be found at <https://www.planningportal.co.uk/permission/common-projects/change-of-use/use-classes>

This incorporates the following:

- F1(a) - Provision of education
- F1(b) - Display of works of art (otherwise than for sale or hire)
- F1(c) - Museums
- F1(d) - Public libraries or public reading rooms
- F1(e) - Public halls or exhibition halls
- F1(f) - Public worship or religious instruction (or in connection with such use)
- F1(g) - Law courts

It should be noted that permission is not required to change between uses within Class F1. This demonstrates the building could change to any of the above listed categories without the requirement for a formal application and not be subject to any parking restrictions given the extant use.

In relation to proposed off-street car parking situation, the Applicant put forward a number of options, these were:

- The establishment of two marked bays in front of the premises for clients, however, this could not be supported by the LHA within the public highway, even if agreed to by the LHA, these would be public spaces and not reserved for the exclusive use of the business;
- Consideration of the establishment of two further off-street car parking spaces within the highway verge opposite the premises. This also could not be supported by the LHA, even if agreed to by the LHA, these would be public spaces and not reserved for the exclusive use of the business; and

- To investigate the possible use of private, unused daytime private spaces within the vicinity of the site. This however, would be a private arrangement between the Applicant and owners of any such spaces. It should also be noted that these spaces would rely on the goodwill of the land owner and could be revoked at any time.

Whilst the LHA are happy to assess any further information provided to the LPA by the Applicant, the Applicant is advised to seek the services of a highway consultant in the first instance.

Kind regards,

Neal Chantrill
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Please note that the contents of this email including any attachments are offered as my officer opinion and will not prejudice any future decision the Highway Authority may make in relation to this matter

From: David Spring <David.Spring@hinckley-bosworth.gov.uk>
Sent: 13 March 2024 10:01
To: 'Tony Deakin' <physiotony1966@gmail.com>; Neal Chantrill <Neal.Chantrill@leics.gov.uk>
Cc: Emma Baumber2 <Emma.Baumber@hinckley-bosworth.gov.uk>
Subject: RE: 23/01112/FUL (Change of use from place of worship to a physioclinic)

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Hi Tony & Neal,

Please see the email received from management this morning:

‘Cttee deferred the application last night and asked that we speak to the applicant and LCC highways to see if there was anything further that could be considered/done to provide parking or reduce the potential parking on Mill Lane.

Please could you let the applicants know that we’ll need further thought/action on that before we can take this back to cttee (hopefully in April). It’s going to be tricky as they don’t own any land to provide parking but they may be able to speak to other land owners or think about how they can organise the business to reduce number of vehicles. The main concern were the exercise classes’.

Tony as you said the application is pretty straight forward apart from the highways/ parking issue. It would be great to get this building back in use again and the proposed use as a physiotherapist clinic with exercise classes will be of benefit to the community but with no parking is proposed as part of the proposal & cars will have to park on the surrounding streets. This will impact residents & is the main and pretty much only concern of the nearby residents. It is hoped more can be done to alleviate their concerns.

Because of the previous use as a Church LCC Highways did not object to the proposal as they felt with this previous use in mind a refusal could not be realistically defended if this application went to appeal.

Committee members would like further thought/ action on the proposed parking in the hope the potential impacts on local residents is reduced should the proposal be approved.

Neal I hope the 3 of us can work together to see if something can be done about this but Tony the onus is on you as the applicant. You may have to hire a highways specialist to assess the situation and come up with potential options.

Happy to help in any way I can.

With regards,

David Spring
Planning

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