

## Delegated Report

**Planning Ref: 23/00829/FUL**

**Applicant: One Stop Stores Limited**

**Ward: Hinckley Clarendon**

**Site: 268 Coventry Road, Hinckley**

**Proposal: Installation of air conditioning units, new fence and gate position, and alterations to the building**



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. This application proposes the installation of air conditioning units, a new fence and gate position and alterations to the building following the cease of use at the site from a mobility showroom to a One Stop store. This application is not assessing the change of use as this is within a permitted use class change.

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

- 3.1. The application site is located on the corner of Coventry Road and Beaumont Avenue, Hinckley. The site is a two storey unit, formerly used as a Mobility Showroom. The site has off-street customer car parking to the site frontage and a delivery area located to the rear. The unit is located in a residential area.

### 4. Relevant planning history

None

### 5. Publicity

- 5.1. The application has been publicised by posting neighbour letters and posting a site notice within the vicinity of the site.

- 5.2. Two objections have been received. The objections raise the following concerns:

- Increased traffic visiting the site is unsafe.
- Opening hours will cause increased disturbance.
- No details of fence, alterations or air conditions units provided.
- Description of previous use is misleading.
- Surface water and drainage concerns.
- Parking concerns.
- Waste collection concerns.

### 6. Consultation

- 6.1. HBBC Pollution: Initial concerns and request for information, following submission of additional information, objections lifted with condition recommended alongside request for information on replacement fence. Pre-commencement conditions included at the end of this report.

- 6.2. HBBC Drainage: No objections.

- 6.3. LCC Highways: No material impact on Highway, no objection.

- 6.4. HBBC Waste: 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. 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.

8.3. 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 seeks to make alterations to the existing shop front, remove an existing shed store and replace with a 2m screening fence, and install air conditioning units to the rear of the site. It is considered that the amendments are minor in nature, mainly consisting of altering the shop entrance, allowing for a new access ramp and steps and including additional windows at the ground floor level.

8.6. The proposed elevations detail the location of fascia signs and various advertisements, the details of which will be secured through an advertisement

consent application – which has been submitted during the consideration period of this application.

- 8.7. The proposed amendments alongside the provision of air conditioning units and a replacement fence are not considered to detrimentally impact the character of the area. It is acknowledged that no detail of the elevation for the fence has been provided however details to the materials, height and location have been provided and is therefore considered acceptable.
- 8.8. Due to the alterations being minor in nature, and having no detrimental impact on the character of the area, it is considered that the proposal would therefore be in accordance with Policy 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 proposal includes the provision of air conditioning units to the rear. There is a proposed 2m fence structure surrounding the air conditioning units, seeking to mitigate any detrimental noise impacts. The details of this fence are included within the acoustic report and on the proposed plans.
- 8.11. Objections have been received regarding the proposed opening hours, whilst none have been proposed as part of the application form, following a request for information from HBBC Pollution the applicant has confirmed they request the opening hours to be 7am-10pm Monday-Sunday. Currently there are no hours restrictions on the site and as such by allowing 7am-10pm 7 days a week, this would be a welcomed restriction.
- 8.12. It is considered that the proposed amendments and alterations would not cause detrimental impacts to neighbouring residents in terms of loss of light, loss of privacy or overbearing impacts. Overall it is considered that the proposal would be in general accordance with Policy DM10 of the SADMP.

#### **Impact upon highway safety**

- 8.13. 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.
- 8.14. The proposals under this application includes off-street customer parking to the front of the site, including a disabled parking bay. The proposal relating to the amendments to the shop frontage, gate position and air conditioning units is not considered to cause any detrimental impact upon the highway, further confirmed by LCC Highways consultation response.
- 8.15. Concerns have been raised within the neighbour objections which included a concern of increased traffic and a danger to pedestrian safety due to the change from the mobility showroom to the One Stop. This change does not form part of the consideration for this application as it is within the permitted use changes and as such does not require planning permission.
- 8.16. 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 air conditioning units, and include minor amendments to the unit. 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, DM18 and DM23 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:

Design and Access Statement  
Planning Statement  
Acoustic Report  
Delivery Management Schedule

**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).

3. Details of any external lighting of the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. This information shall include a layout plan with beam orientation and a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details.

**Reason:** To safeguard neighbouring amenity in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. The retail use shall not take place other than between the hours set out below:

Monday – Sunday: 07:00 – 22:00

**Reason:** To protect the amenities of the occupiers of neighbouring residential properties from unsatisfactory noise and disturbance in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies DPD (2016).

5. The delivery and despatch of goods relating to the retail unit shall be limited to the hours set out below (with the exception of deliveries from news suppliers which will be delivered to a holding box):

Monday – Sunday: 07:00 – 19:00

**Reason:** To protect the amenities of the occupiers of neighbouring residential properties from unsatisfactory noise and disturbance in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies DPD (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](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.