

Delegated Report

Planning Ref: 24/00145/FUL

Applicant: Rash Gill

Ward: Newbold Verdon with Desford and Peckleton

Site: Budgens, Eastwoods Service Station, Ashby Road, Stapleton

Proposal: Proposed change of use from B2 to mixed use B2 and 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. This application proposes the change of use from B2 to B2 and E for the purposes of having a furniture show room. The site is currently used for the storage and delivery of furniture items, the applicants are seeking to open a small outlet in order to sell any clearance stock to the local public.

3. Description of the site and surrounding area

- 3.1. The site and use consists of associated warehouse structures being used for storage, serving the wider business of the immediate area as is considered to be B2 usage. The site is located off Ashby Road, Stapleton and is located behind the existing Eastwoods Service Station. The site is accessed by a track to the East of the site.

4. Relevant planning history

23/00519/FUL

Proposed storage container site (B8) with replacement gate and wall, associated landscaping and 2 non-illuminated advertisement boards

Refused

19.10.2023

5. Publicity

- 5.1. The application has been publicised by posting neighbour letters 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.
- 6.3. LCC Minerals: No objections.

7. Policy

7.1. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.2. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2023)
- 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).

8.4. DM4 of the SADMP seeks to protect the intrinsic value, beauty, open character and landscape character, to safeguard the countryside from unsustainable development. Development in the countryside is considered sustainable where;

b) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or

c) It significantly contributes to economic growth, job creations and/or diversification of a rural business.

and:

i) It does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and

8.5. The proposal does include the change of use of a small section of the existing warehouse building within the site. The enhancement of the immediate setting is limited however, it is not considered to have a significant adverse effect of the intrinsic value, beauty, open character and landscape character of the countryside given the proposal does not propose any external amendments to the site. As such it is considered that the proposal is in general accordance with Policy DM4 of the SADMP.

Design and impact upon the character of the area

- 8.6. 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.
- 8.7. The proposal for the change of use does not include an external amendments to the existing warehouse and is located to the rear of the petrol/service station and is therefore not highly visible from public vantage points.
- 8.8. The development therefore would have no detrimental impact on the character of the area and is considered to be in accordance with Policy DM10 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. In addition, the amenity of occupiers of the proposed development would not be adversely affected by activities in the vicinity of the site.
- 8.10. The development site is in proximity to a number of neighbouring residential properties. The proposal does not propose any external amendments or alterations to the existing warehouse unit. It is considered that the change of use to include a small section of the existing storage warehouse would not cause detrimental impacts to neighbouring residents in terms of noise, loss of light, loss of privacy or overbearing impacts, when considering the existing activities on the site.
- 8.11. As such it is considered to be in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.12. 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.
- 8.13. Leicestershire County Council Highways were consulted as part of the application process, and have confirmed that there is no concern relating to highway safety, due to the proposed change of use having limited impacts on trip generation. The Highways Authority are also satisfied with the number of parking spaces afforded to the existing business and confirmed that no further parking spaces are required. No amendments to the access of the site are proposed.
- 8.14. In terms of locational sustainability the site has limited access to public transport or other sustainable transport means. However, the shop would in effect be ancillary to the existing business and as such the number of visiting public would be limited. A condition is recommended ensuring the Class E floorspace is limited to that shown on the floorplan and is only used in connection with the existing business.
- 8.15. 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 retrospective change of use from B2 to B2 and E, for the purposes of introducing a furniture outlet. The proposal is considered acceptable due to the limited impacts upon the character of the area and the countryside, the amenity of neighbouring properties and highways safety/vehicle parking.
- 10.2. It is considered that the proposed development would be in accordance with Policies DM4, DM10, DM17 and DM18 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:

Location and Block Plan Drg No. 10
 Existing and Proposed Elevations Drg No. 200
 Existing and Proposed Ground Floor Plan Drg No. 100 Rev A
 Planning Statement

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. The retail area (Class E) shall only serve the furniture outlet business and shall be limited to the 147sqm floor area as shown on the 'Existing and Proposed Ground Floor Plan Drg No. 100 Rev A'.

Reason: The site is within the countryside in an unsustainable location and to ensure the countryside and amenity of neighbouring residents is safeguarded from any future change of use within Class E, in accordance with Policy DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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

Monday - Friday: 10:00 – 18:00

Saturday: 11:00 – 14:00

Sunday and Bank Holiday: Non opening

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 or call 01455 238141.