

Delegated Report

Planning Ref: 23/01127/CLP
Applicant: Pet at Home Limited
Ward: Hinckley Castle



Hinckley & Bosworth
Borough Council

**Site: Pets At Home Ltd 5 Hawley Road Hinckley Leicestershire
LE10 0PR**

Proposal: Lawful Development Certificate for use of premises (Unit 3), including additional floorspace at mezzanine level, as retail shop and pet care and treatment centre (Class E)

1. Recommendations

- 1.1. **Grant Certificate of Proposed Lawful Use** subject to the reasons at the end of this report.

2. Planning application and site description

- 2.1. This is an application for a certificate of proposed lawful use of premises as retail shop and pet care and treatment centre. It includes increasing the floor space of the mezzanine level.
- 2.2. The site relates to unit 3 of the wider retail location on Hawley Road. It is currently occupied by Pets at Home Ltd, operating as a retail pet shop (Class E). Planning application 15/00760/CLUP granted permission for the partial use of unit 3 for care and treatment facilities as an ancillary use for the retail pet shop.
- 2.3. The shop currently has two floors. The proposal is for the use of the additional floor space at the mezzanine level as pet care and treatment centre. This will create an overall mezzanine floor space of 438 square metres following planning permission to increase the mezzanine floorspace from 232.3 square metres to 281.2 square metres (15/00856/CONDIT).

3. Relevant planning history

Application	Proposal	Decision	Date
14/01066/FUL	Erection of class A1 retail development with associated access, servicing, car park and landscaping (resubmitted scheme).	Planning Permission	27.03.2015
15/00760/FUL	Partial use of the site for pet care and treatment facility as an ancillary use of the existing A1 (Retail) pet store	Certificate of Lawful Proposed Use	10.07.2015
15/00856/CONDIT	Variation of condition 2 of planning permission 14/01066/FUL (approved plans) to extend internal mezzanine for unit 3	Planning Permission	06.10.2015

4. Publicity/Consultation

- 4.1. None required for this type of application.

5. Policy

- 5.1 Town and Country Planning Act 1990 (As amended)
- 5.2 Planning Practice Guidance (PPG)

6. Appraisal

- 6.1 Section 55 of the Town and Country Planning Act 1990 and the PPG both confirm that planning permission is only needed where there is a material change in use.
- 6.2 The application is for the use of the premises (Unit 3), including the additional floor space at the mezzanine level, as retail shop and pet care and treatment centre. The proposed use fall under Class E of the Use Classes Order. The existing ground floor space and mezzanine is currently operating as retail shop and a partial ancillary use as pet care and treatment facility. The existing use also falls under Use Class E.
- 6.3 The proposal does not alter the character of the development as no alteration externally is proposed, therefore there is a minimal impact on amenity surrounding amenities.
- 6.4 No planning restriction relating to the use and extension of the floor space.
- 6.5 Therefore there is no material change of use to Unit 3, 5 Hawley Road.

7. Equality implications

- 7.1 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.
- 7.2 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.
- 7.3 There are no known equality implications arising directly from this development.
- 7.4 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).

8. Conclusion

- 8.1. The proposed used falls in line with the existing use class. The proposal does not constitute a material change of use and therefore a Certificate of Proposed Use under the Town and Country Planning (Use Classes) Order 1987 (as amended).

9. Recommendation

9.1 Grant Certificate of Lawful Proposed Use

9.2 This application has been determined with consideration to the following submitted documents:

- Application Form
- Covering letter
- Site Location Plan Drawing Number 6815/32
- Proposed Floor Plan Drawing Number 6815/31

Received by the Local Planning Authority on 27.11.2023.