

Delegated Report

Planning Reference 26/00442/FUL
Applicant Mr Anil Bhawsar
Ward Newbold Verdon with Desford and Peckleton



Hinckley & Bosworth
Borough Council

Application Site 23 Newbold Road, Desford

Proposal Proposed change of use from a retail store (Class E) to a medical and dental practice (Class E)(e) as well as external alterations to front and side elevations

Case Officer Sullivan Archer (Senior Planning Officer)

1. Recommendations

- 1.1. **Grant planning permission** subject to planning conditions detailed at the end of this Report.

2. Planning Application Description

- 2.1. This planning application seeks full planning permission for the change of use of an existing retail store (Use Class E(a)) to a five-surgery medical and dental practice (Use Class E(e)) at 23 Newbold Road, Desford. The proposal would operate 08:00 AM until 08:00 PM Monday to Friday and 08:00 AM to 02:00 PM on Saturdays. The scheme would generate employment opportunities for six full-time and four part-time roles.
- 2.2. To facilitate this change of use, the proposal would undertake external alterations to the front and western side elevations of the property, including the provision of six replacement condenser units on the western elevation, alongside the construction of a new plant store on the western side of the property, the provision of solar panels on the roof to the rear of the property, and internal alterations. No extensions are proposed as part of this development.
- 2.3. On the front elevation of the property, this would include reinstating the velux rooflight and replacing the existing windows with anthracite grey uPVC windows on the first floor, constructing a champagne coloured rendered finish, and providing new aluminium frame windows with natural stone surrounds and lbstock blue engineering brick plinths on the ground floor.

- 2.4. The external alterations to the western side elevation of the property include the replacement of two windows with one new window, and the replacement of a double door with a single door and new brickwork to match the existing.

3. Description of the Site and the Surrounding Area

- 3.1. The application site is on the southern side of Newbold Road, opposite the highway's junction with Lindridge Lane to the north of, and within Desford and its associated conservation area. The Desford Conservation Area Appraisal Map identifies the application site to be in a weak area of the Conservation Area, but all neighbouring properties immediately to the west of the site, and to the north on the opposite side of Newbold Road are identified as significant local buildings.
- 3.2. The application site consists of a two-storey property that was previously utilised as a shop operated by The Co-Operative Food, which has since closed. The property features a hipped roof and is constructed with red brick and a partial white rendered finish. The surrounding area predominantly comprises residential uses and features a variety of styles and designs. The application site is identified as within an area for swift nests, and a Mineral Safeguarding Area for sand and gravel.

4. Relevant Planning History

- 4.1 There is no relevant planning history within this application site that would be applicable to the current development proposals.

5. Publicity

- 5.1 The application has been publicised by sending out letters to local residents and a site notice was posted within the vicinity of the site. Two objections have been received from members of the public regarding highway safety and parking concerns. No further responses have been received.

6. Consultation

- 6.1 Desford Parish Council objected to the development regarding highway safety concerns due to increased traffic generation and insufficient parking and drop-off facilities, and concerns regarding whether the existing building would be structurally and practically suitable for the requirements of the proposed use. The Parish Council also highlighted that there was insufficient evidence within the application to demonstrate whether a new medical and dental practice was required in this location.

6.2 No objections have been received from the Council's Drainage or Environmental Health Departments, the Council's Conservation Officer, or Leicestershire County Council as the Local Highway Authority.

6.3 The Council's Ecology Department did not raise any objections to the development, subject to planning conditions.

6.4 No further responses have been received.

7. Policy

7.1 Core Strategy (2009):

- Policy 7: Key Rural Centres
- Policy 8: Key Rural Centres Relating to Leicester

7.2 Site Allocations and Development Management Policies Development Plan Document ('SADMP') (2016):

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3 Leicestershire Minerals and Waste Local Plan ('LMWLP') (2019):

- Policy M11: Safeguarding of Mineral Resources

7.4 Desford Neighbourhood Plan 2018 – 2036 ('DNP') (2021):

- Policy H1: Settlement Boundary
- Policy ENV3: Biodiversity General
- Policy ENV5: Local Heritage Assets
- Policy T1: Traffic Management
- Policy T3: Electric Vehicles
- Policy E2: Support for New Employment Opportunities

7.5 National Planning Policies and Guidance:

- National Planning Policy Framework ('NPPF') (2026)
- National Design Guide ('NDG') (2019)
- Planning Practice Guidance ('PPG')

7.6 Other Relevant Local Authority Guidance:

- The Council's Good Design Guide ('GDG') (2020)
- Desford Conservation Area Appraisal ('DCAA') (2010)
- Leicestershire Highway Design Guide ('LHDG') (2024)

8. Appraisal

8.1. The application site is within a sustainable location in the identified settlement boundary of Desford. In accordance with NPPF Policy S4, the development should therefore be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in the Framework. In light of this, the key issues in respect of this application would be:

- Design and impact upon the character of the area and the historic environment
- Impact upon residential amenity
- Impact upon parking provision and highway safety

Design and Impact upon the Character of the Area and the Historic Environment

8.2 NPPF Policy DP3(1) confirms that development proposals should respond to their context (the history, character and features of their site and its setting), so that they integrate with and enhance their surroundings.

8.3 Policy DM10(c) of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. Policy E2(b), (f), and (g) of the DNP supports new employment opportunities within the settlement boundaries of Desford where they are of a size and scale that would not adversely affect the character, infrastructure and environment of the Parish itself, it would contribute to the character and vitality of the local area and would be well integrated into and complement existing businesses, respectively.

- 8.4 In accordance with NPPF Policy HE4(1), development proposals which would affect the significance of heritage assets, including any contribution made by their setting should maintain or secure a use consistent with their conservation, and avoid (or if that is not possible, minimise) harm to the significance of heritage assets, and instead conserve this significance.
- 8.5 NPPF Policy HE9(1) states that development proposals within or affecting the significance of conservation areas should retain and conserve buildings and other features which make a positive contribution to the character or appearance of the conservation area where possible; and consider the area's special architectural or historic interest (as identified as part of the designation of the conservation area) in the design of development.
- 8.6 Policy DM11 of the SADMP states that the Borough Council will protect, conserve and enhance the historic environment throughout the Borough through the careful management of development that might adversely impact both designated and non-designated heritage assets. Policy DM12 of the SADMP requires development proposals to ensure that the significance of a conservation area is preserved and enhanced through the consideration and inclusion of important features. Policy ENV5 of the DNP requires development proposals that affect local heritage assets will be required to preserve and enhance their significance and their setting.
- 8.7 The proposed change of use between a commercial retail Use Class E(a) use and a commercial medical and dental practice Use Class E(e) use in itself would not be considered to result in any material impact upon the character of the street scene or the significance and appearance of the Desford Conservation Area.
- 8.8 The proposed replacement windows and the provision of the rendered finish and the brick plinth to the front of the property would remove the relatively modern shopfront of the site, which the Council's Conservation Officer advised would be likely to lead to a minor enhancement of the Conservation Area. The Council's Conservation Officer also confirmed that the installation of a roof light would be considered to have a neutral impact upon the character and appearance of the Conservation Area.
- 8.9 Ultimately, and in conjunction with the professional advice of the Council's Conservation Officer, by virtue of the limited amendments to the external elevations of the property and their proposed design and appearance, the scheme would be considered to complement the character of the surrounding area and would ensure that the significance of the Desford Conservation Area is preserved.

- 8.10 Given the above, the proposal would be considered to comply with NPPF Policies DP3, HE4 and H9, Policies DM10, DM11, and DM12 of the SADMP, and Policies ENV5 and E2 of the DNP.

Impact upon Residential Amenity

- 8.11 NPPF Policy P3 states that development proposals should be appropriate for their location, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, whether these effects are on or off-site; and whether this is as a result of the development itself or the product of preexisting conditions in its vicinity.
- 8.12 Policy DM10(a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site. Policy E2(d) of the DNP requires new employment development to not increase noise levels or light pollution or introduce any pollution to an extent that they would unacceptably disturb the occupants of nearby residential properties.
- 8.13 No new windows are proposed as part of this development, and therefore the scheme would not be considered to result in any material loss of privacy or overlooking impacts beyond the existing situation.
- 8.14 The application property has previously operated as a commercial Use Class E(a) retail use. It is not considered that the change of use of the property to a Use Class E(e) for a medical and dental practice would be considered to result in any increased noise pollution in comparison to the existing commercial use to the extent that would result in significant harm to the neighbouring residential properties.
- 8.15 The application was accompanied by a Noise Impact Assessment regarding the proposed external condenser units, which has been reviewed by the Council's Environmental Health Department. In light of these details, the Environmental Health Department raised no objections to the proposed scheme.
- 8.16 By virtue of these factors, the proposal would not be considered to result in any significant adverse impacts to neighbouring residential amenity in accordance with NPPF Policy P3, Policy DM10 of the SADMP and Policy E2(d) of the DNP.

Impact upon Parking Provision and Highway Safety

- 8.17 NPPF Policy TR6(4) states that development proposals should be refused if they would have a severe adverse impact on the transport network (in terms of capacity and congestion, including cumulative impacts), or an unacceptable impact on highway safety.
- 8.18 Policy DM17 of the SADMP states that development proposals need to demonstrate that there is not a significant adverse impact upon highway safety, and that the residual cumulative impacts of development on the transport network are not severe.
- 8.19 Policy T1(a) and (b) of the DNP requires commercial development to be designed to minimise additional traffic generation and movement through the villages and incorporate sufficient off-road parking in line with Policy H6 of the DNP respectively. Policy E2(e) of the DNP requires new employment opportunities to not generate unacceptable levels of traffic movement.
- 8.20 NPPF Policy TR4(1)(e) requires development proposals to provide a suitable number of parking spaces for a range of transport modes where appropriate, reflecting the location and nature of the development.
- 8.21 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision. Any reduction below minimum standards will require robust justification.
- 8.22 The proposal would utilise and would make no amendments to the existing site access arrangements onto Newbold Road, which is an unclassified public highway that is subject to a 30mph speed limit. Given the current commercial use of the application site, and the limited number of vehicles which could park in the area to the side of the building, Leicestershire County Council as the Local Highway Authority ('LHA') have confirmed that the access arrangements would be acceptable in these site-specific circumstances.
- 8.23 Based on available records to the LHA, there have been no Personal Injury Collisions ('PICs') recorded along the length of Newbold Road or Main Street, or within the vicinity of the site along Lindridge Lane within the last five years. The proposal would have an internal floor space of 278sqm which would be below Table 1 of the LHDG's requirement for a traffic impact assessment for this proposed use. Given the above, the LHA are satisfied that the development proposal would be unlikely to have a significant impact in terms of the capacity or operation of nearby junctions.

- 8.24 The submitted Application Form states that the proposal would benefit from three existing off-street vehicle parking spaces. Whilst this would be significantly below the 18 parking spaces required for a Use Class E(e) use by Figure 29(c) of the LHDG, the existing use of the property as a Use Class E(a) use would have required 31 parking spaces.
- 8.25 Given the above, the proposals would be likely to represent a reduction in the demand for off-street parking in the area by approximately 13 vehicles. Notwithstanding this, the LHA have no evidence to suggest that lack of off-street parking for the site would be problematic in this area.
- 8.26 As the proposed change of use between Use Class E uses could be undertaken without planning permission, the LHA did not consider the impacts of the development on highway safety to be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe.
- 8.27 By virtue of these factors, it is considered that proposal would not create an unacceptable impact on highway safety or the road network. Therefore, the scheme would be regarded as in accordance with NPPF Policies TR4 and TR6, Policies DM17 and DM18 of the SADMP, and Policies T1 and E2 of the DNP.

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 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission to be granted, subject to the imposition of appropriate conditions.

11. Recommendation

11.1 **Grant planning permission** subject to planning conditions 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 received by the Local Planning Authority as follows:

- Proposed Elevations (26017-04E) (submitted: 12.08.2026)
- Proposed Floor Plans (26017-03C) (submitted: 18.05.2026)
- Site Location Plan (submitted: 18.05.2026)

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. Prior to the first use of the development hereby permitted the four swift nesting boxes identified on the Proposed Elevations (26017-03E) (submitted: 12.08.2026) shall be installed onto the property. Once installed, the swift nesting boxes shall be maintained in perpetuity.

Reason: To conserve protected and priority species in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. The external elevations of the development hereby permitted shall be constructed in accordance with the materials detailed on the Proposed Elevations (26017-03E) (submitted: 12.08.2026)

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM10, DM11, and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. The six proposed external condenser units for the development hereby permitted identified on the Proposed Elevations (26017-03E) (submitted: 12.08.2026) shall be Daikin RXM25R condensers as specified at Paragraph 4.1.2 of the Noise Impact Assessment (submitted: 09.09.2026) and Page 10 of the Condenser Unit Fact Sheet (submitted: 09.09.2026).

Reason: As stated by Paragraph 5.1.5 of the Noise Impact Assessment (submitted: 09.09.2026) in order to protect the amenities of the occupiers of neighbouring residential properties from unsatisfactory noise and disturbance in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

a. 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 building.control@blaby.gov.uk or call 0116 272 7533.
2. The property may be suitable for roosting bats, which are protected by law from harm. It is the Applicant's responsibility to ensure that bat legislation is not breached, and therefore the Applicant may need to consult with a licenced bat ecologist prior to commencement to ensure that bats will not be impacted by the works. The Applicant should ensure that all contractors and individuals working on the property are aware of

this possibility, as works must cease if bats are found during the course of the works whilst advice from a bat ecologist is obtained. Bats are particularly associated with the roof structure of buildings, including lofts, rafters, beams, gables, eaves, soffits, flashing, ridge-tile, chimneys, the under-tile area, etc. but may also be present in crevices in stone or brickwork and in cavity walls.

3. Nesting birds and roosting bats are protected under the Wildlife & Countryside Act 1981) as amended); therefore, all removal of trees, shrubs, and hedges should take place outside the breeding season (March to August inclusive) unless carefully checked beforehand by a suitably qualified person.
4. All businesses have a duty of care to ensure that any waste is handled safely and within the law. Please ensure that there is adequate space on the property to store the waste containers for the business.

All waste produced by a business including (but not limited to) paper, cardboard, cans, retail packaging, and food wrappers/ waste is commercial waste. For this reason, it has to be legally discarded in a certain way via a trade waste service or transfer service and cannot be disposed of through the residential service. Bins should be maintained and stored so that they don't cause problems to neighbouring premises due to smells and should be stored correctly in a suitable container which needs to be closed or lidded.

Businesses should arrange their own business/ trade waste collection service. If you give your waste to someone else, you must be sure that they are authorised to take it, transport it, and recycle or dispose of it safely.