Delegated Report

Planning Ref: 26/00324/CONDIT
Applicant: Mr Robert Morris
Ward: Hinckley DeMontfort

Hinckley & Bosworth Borough Council

Site: Land Adj 46 Upper Bond Street Hinckley

Proposal: Variation of condition 3 attached to 90/00683/4 to allow for the storage of motor vehicles, bikes, vehicle parts and not for the carrying out of trade or business from such premises.

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1. Recommendations

1.1. **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

2.1. Section 73 of the Town and Country Planning Act 1990 allows applications to be made for permission to develop without complying with a condition previously imposed on a planning permission. In this case, planning permission reference 90/00683/4 granted full planning permission for the erection 15 garages at Land adjacent to 46 Upper Bond Street, Hinckley.

2.2. Condition 3 of planning permission 90/00683/4 required that the garage is not used for trade or business purposes.

2.3. This application seeks planning permission for the variation of condition 3 (Restricted Use) to allow for the storage of motor vehicles, bikes and vehicle parts.

3. Description of the site and surrounding area

3.1. The application is situated within the settlement boundary of Hinckley and is characterised by 13 garages upon an area of enclosed hardstanding, which further serves 8 off-street parking spaces.

3.2. The garages line the south-eastern and north-western boundaries and date back to the 1990's. They have a flat roof form albeit with a minor slope from the rear to front. Each garage has a pebble dash finish and is further served by a up and over metal door.

3.3. The surrounding area varies between commercial and residential, with the applicant's ownership extending to the building to the north-east serving Pamella Mann, a hosiery business.

4. Relevant planning history

74/00635/4

- Retention of garage and cycle shed
- Planning Permission
- 29.10.1974

76/00445/4M

- Erection of prefabricated storage hut
- Planning Permission
- 26.05.1976

90/00683/4

- Erection of 15 garages
- Planning Permission
- 24.07.1990

90/00916/4

- Variations of conditions 6, 8, 9 to 90/00683/4
- Planning Permission
- 08.10.1990

5. Publicity

5.1. The application has been publicised by sending out letters to local residents.

5.2. Following the publication, no representations have been received.

6. Consultation

6.1. HBBC Environmental Health (Pollution):

- No objection.

6.2. LCC Highways:

- No objection – The Local Highway Authority's comments have been summarised within the below report.

7. Policy

7.1. Hinckley Town Centre Area Action Plan (HTCAAP) (2011)

- Policy 12a – Area of Mixed Uses, Upper Bond Street

7.2. Core Strategy (2009)

- Policy 1: Development in Hinckley

7.3. 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

7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2026)
- Planning Practice Guidance (PPG)

7.5. Other relevant guidance

- Good Design Guide (GDG) (2020)
- National Design Guide (NDG) (2019)

8. Appraisal

8.1. Key Issues

- Principle of development
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety and parking provision
- Conditions

Principle of development

8.2 The sustainable principle of development was established under the extant 1990 permission.

Design and impact upon the character of the area

8.3 Policy DP3 (1) of the NPPF 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; such as through the arrangement of development plots and buildings, the use of materials and architectural features, and the restoration, reuse and integration of heritage assets. This should not preclude innovation or change where appropriate, especially where an increased scale or density of development is justified in accordance with Policies L2 and L3 of the NPPF.

8.3 To create well-designed places, Policy DP3 (2(c) of the NPPF states that development proposals should also create visually attractive, distinctive and characterful development to establish or maintain a strong sense of place and pride, including through the use of a coherent palette of materials, design features and planting.

8.4 Policy DP3 (3) of the NPPF states that development proposals should be refused if, without clear justification, they conflict with NPPF Policy DP3(1) or relevant aspects of the principles in Policy DP3 (2) of the NPPF, or with any explicit design standards set out in the development plan (including those in locally specific policies, guides, codes or masterplans). Substantial weight should be given to compliance with relevant development plan policies when assessing the design quality of proposals.

8.5 Policy DP3 (4) of the NPPF highlights that the principles set out in the Design and Placemaking Planning Practice Guidance should be used to inform how this policy is applied in the absence of locally produced design policies, guides, codes or masterplans.

8.4 Policy DM10 of the adopted SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and the use and application of building materials respects the materials of existing, adjoining/neighbouring buildings and the area generally.

8.5 The proposed development is limited to the variation of condition 3 (Restricted Use) to allow for the storage of bikes and vehicle parts as well as the existing storage of motor vehicles. As such, the proposed development would not have any adverse visual impacts upon the surrounding street scene and would preserve the character and appearance of the area in accordance with Policy DM10 of the adopted SADMP, and Policy DP3 of the NPPF.

Impact upon neighbouring residential amenity

8.6 Policy P3 (1) of the NPPF 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. In assessing the potential effects of pollution, consideration should be given to the potential sensitivity of the site, and its intended occupiers and users, as well as that of the environment and population in the surrounding area (including where certain groups could be particularly vulnerable to its effects, such as children and older people).

8.6 In accordance with Policy P3(2)(a) and (b) of the NPPF, development proposals should therefore:

(a) Provide healthy living conditions for occupiers and users in terms of adequate access to light and avoiding exposure to levels of air, noise, artificial light or other sources of pollution which could have an unacceptable adverse effect on health and the quality of life. Where necessary suitable mitigation measures should be incorporated to secure acceptable living conditions;

(b) Not give rise to, or contribute to, an unacceptable level of access to daylight and sunlight for neighbouring residents and occupiers, or unacceptable levels of air, noise, artificial light, water, soil or other forms of pollution on or beyond the site. Adverse impacts of this nature should be avoided where possible, or else mitigated to an acceptable degree. Where possible, opportunities should be taken to reduce pollution affecting the wider area (such as through traffic and travel management or improved external lighting);

8.7 Policy DM7 of the adopted SADMP seeks to ensure that development does not cause noise or vibrations of a level which would disturb areas that are valued for their tranquillity in terms of recreation or amenity.

8.8 Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the amenity of nearby residents and occupiers of adjacent buildings and the amenity of occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.

8.9 Due to the nature of development, it is necessary to assess the control of noise between the proposed use and the surrounding residential accommodation. The proposed use by virtue of its minor nature is not considered to be more impactful than the existing lawful use. HBBC Environmental Health – Pollution have raised no objections to the proposal. Any future issues could be controlled by them separately using statutory nuisance legislation.

8.10 As the applicant only seeks permission for the change of use of the existing premises, there would be no overlooking, overbearing or overshadowing impacts upon neighbouring residential properties in the vicinity.

8.11 By virtue of the above, the proposed development would satisfy Policies DM7 and DM10 of the adopted SADMP and Policy P3 of the NPPF in this regard.

Impact upon highway safety and parking provision

8.12 Section 15 of the NPPF promotes sustainable transport. Policy TR2 of the NPFF states that development should be located where it can support sustainable patterns of movement, enable good accessibility for different users and make the most of existing and proposed transport infrastructure, development proposals should reflect the following principles, taking into account the vision for the site, the type of development and its location:

8.13 Ultimately, development should on be prevented or refused on highways grounds 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; taking into account any mitigation measures proposed as well as any wider network improvements, including measures to support sustainable patterns of movement in accordance with Policy TR6 (4) of the NPPF.

8.14 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.

8.15 All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the

relevant highway authority. Currently this is the Leicestershire Highway Design Guide (LHDG) (2024).

8.16 The site is currently occupied by 13 garages and eight off-street parking spaces, the garages which are available for private hire. This application seeks to change the use of the garages to afford renters the chance to store things within the garages other than motor vehicles. The garages appear to be associated with the factory situated to the north-east of the site. The Applicant has stated within the 'Application Form' that the number of car parking spaces within the site associated with the factory will remain the same.

8.17 Having scaled from the 'Block Plan' the LHA have taken into consideration that the garages do not comply with the section of the LHDG titled 'Garages and Gated Accesses' in terms of length or width.

8.18 The LHA have also taken into consideration the following:

- There is evidence of on street parking within the area;
- That there are Traffic Regulation Orders (TROs) in and around the area in the form of double and single yellow lines to deter inconsiderate parking on and around junctions and;
- There is time restricted parking between the hours of 09:00hrs and 17:00hrs.

8.19 The LHA are also aware that a self-storage unit is likely to produce less trips on the public highway than a garage.

8.20 For the reasons set out above, the LHA would not seek to resist the proposal. As such the proposed development would satisfy Policies DM17 and DM18 of the adopted SADMP and Policy TR2 of the NPPF in this regard.

Conditions

8.21 The previously approved planning permission 90/00683/4 was subject to 11 conditions.

8.22 Condition 1 (Time) is no longer necessary as the development has been implemented.

8.23 Condition 2 (Samples) is no longer necessary as the development has been implemented.

8.24 Condition 3 (Restricted Use) remains reasonable and necessary in the interests of residential amenity but would need to be amended to define the new permission.

8.25 Condition 4 (Storage) remains reasonable and necessary in the interests of visual amenity.

8.26 Condition 5 (Surfacing) is no longer necessary as the development has been implemented.

8.27 Condition 6 (Access Gates) remains reasonable and necessary but would need to be amended to define the new permission.

8.28 Condition 7 (Gradient of Access) remains reasonable and necessary in the interests of highway safety.

8.29 Condition 8 (Visibility Splays) is no longer necessary as the development has been implemented.

8.30 Condition 9 (Walls, Planting and Fences) remains reasonable and necessary in the interests of highway safety

8.31 Condition 10 (Visibility Splays) is no longer necessary as the development has been implemented.

8.32 Condition 11 (Landscaping) is no longer necessary as the development has been implemented.

8.33 Condition 12 (Landscaping) is no longer necessary as the development has been implemented for more than four years.

8.34 No additional conditions are considered reasonable or necessary.

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.

10. Conclusion

10.1. The variation to the previously approved scheme is considered to be acceptable. It would bear no adverse impacts upon the character of the area, would respect the residential amenity of the neighbouring properties and the highway safety and parking provision at the site. The proposal would therefore adhere to Policies DM10, DM17 and DM18 of the adopted SADMP, Policies DP3, P3, TR2 and TR6 of the NPPF, and the LHDG.

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 use of the garages shall remain at all times for the parking of motor vehicles; storage of bikes and vehicle parts and the site shall not be used for trade or business.

   Reason: 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) and Policy P3 of the National Planning Policy Framework (2026).

2. There shall be no storage of materials, plant, oil drums, tyres of waste materials of any description on the open area of the site.

   Reason: In the interests of visual amenity and to ensure compliance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan (2016) and Policy DP3 of the National Planning Policy Framework (2026).

3. Any proposed vehicular access gates shall be set-back a minimum distance of 5.00 metres from the highway boundary and shall be sliding or made to open inwards only.

Reason: In the interests of general highway safety in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies (2016), Policies TR2 and TR6 of the National Planning Policy Framework (2026), and the Leicestershire Highway Design Guide (2024).

4. The gradient of the access for the first 5.00 metres from the highway boundary shall not exceed 1:20 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of general highway safety in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies (2016), Policies TR2 and TR6 of the National Planning Policy Framework (2026), and the Leicestershire Highway Design Guide (2024).

5. No walls, fences or planting shall be erected or allowed to grow on the highway boundary exceeding 0.90 metres in height above the level of the adjoining carriageway.

Reason: In the interests of general highway safety in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies (2016), Policies TR2 and TR6 of the National Planning Policy Framework (2026), and the Leicestershire Highway Design Guide (2024).

11.3 **Notes to applicant**

a) 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.