

Delegated Report

Planning Ref: 25/00588/FUL
Applicant: Mr Jacob Lennon
Ward: Hinckley Castle



Hinckley & Bosworth
Borough Council

Site: 27 Regent Street Hinckley Leicestershire

Proposal: Change of use from Class E (Retail) to Sui Generis (Tattoo Studio)

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

2.1. The application seeks full planning consent for the change of use of the ground floor of 27 Regent Street, Hinckley from a Class E (Retail) to Sui Generis (Tattoo Studio).

2.2. The application is for a change of use only and no external alterations are proposed.

3. Description of the site and surrounding area

3.1. 27 Regent Street is a three-storey building set within a terrace of predominantly early-19th century development. The upper floors of the building have a late-19th century appearance, with timber sash windows of a style contemporary of this period, slate roof and tall gable chimney stack. The building has been significantly altered over time, including the installation of a 20th century shopfront of no particular interest and functional adaptations to the rear elevations. Despite these alterations the building is of some minor historic and architectural interest and consequently it makes a minor positive contribution to the character and appearance and thus significance of the Hinckley Town Centre Conservation Area, with it being identified as being a locally important building within the Hinckley Town Centre Conservation Area Appraisal (2013).

4. Relevant planning history

86/00406/4

- Change of use from outbuildings to consultancy office
- Planning Permission
- 03.06.1986

02/00290/COU

- Change of use of premises to a3
- Planning Permission
- 18.07.2002

05/00887/FUL

- Installation of steel roller shutters and alterations to shop front
- Planning Permission

- 02.12.2005

23/01030/FUL

- Proposed Change of Use of first and second floor from office (use Class E) to residential (use Class C3) and replacement of windows.
- Planning Permission
- 01.02.2024

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.
- 5.2. Following the publication no comments have been received.

6. Consultation

- 6.1. HBBC Conservation Officer:

'No external changes are proposed to the building 27 Regent Street or within its surrounding plot as part of this application. Therefore, the proposal would have a neutral impact upon the Hinckley Town Centre Conservation Area, preserving its character and appearance and thus significance. Consequently, the proposal complies with Policies DM11 and DM12 the Site Allocations and Development Management Policies DPD, section 16 of the National Planning Policy Framework and the statutory duty of section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.'

- 6.2. HBBC Environmental Health – Pollution:

'No objection'

- 6.3. HBBC Waste:

- No comments have been received.

7. Policy

- 7.1. Hinckley Town Centre Area Action Plan (HTCAAP) (2011)
 - Policy 13: Hinckley Town Centre Shopping Areas
- 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 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
- 7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2024)
- Planning Practice Guidance (PPG)
- Planning (Listed Building and Conservation Areas) Act 1990

7.5. 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 and the Conservation Area
- Impact upon neighbouring residential amenity
- Impact upon highway safety

Assessment against strategic planning policies

8.2 Paragraph 2 of the National Planning Policy Framework (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. The NPPF is a material planning consideration in planning decisions.

8.3 Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The three overarching objectives of sustainable development (economic, social, and environmental) are detailed within Paragraph 8 of the NPPF. Therefore, in accordance with Paragraph 11 of the NPPF, planning decisions should apply a presumption in favour of sustainable development. Policy DM1 of the Site Allocations and Development Management Policies (SADMP) also provides a presumption in favour of sustainable development. Paragraph 12 of the NPPF states that the presumption in favour of sustainable development.

8.4 However, Paragraph 12 of the NPPF confirms 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, development permission should not usually be granted unless other material considerations indicate otherwise.

8.5 The current Development Plan consists of the adopted Core Strategy and the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP). The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough.

8.6 The Core Strategy, the SADMP and the HTCAAP are over 5 years old and were adopted prior to the publication of the current NPPF. Paragraph 34 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary.

8.7 Nevertheless, in accordance with Paragraph 232 of the NPPF, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF. Due weight should be given to existing policies according to their degree of consistency with the NPPF. Ultimately, the closer the policies in the plan are to the policies in the NPPF, the greater weight they may be given. Therefore, this report sets out the relevant adopted Core Strategy and

- SADMP polices and refers to the NPPF and notes any inconsistencies between them.
- 8.8 The site is situated within the settlement boundary of Hinckley and is identified as a sustainable location for development. Core Strategy policy 1 supports development within the Hinckley settlement boundary.
- 8.9 Policy 13 of the HTCAAP outlines that to ensure the continued vitality and retail integrity of the town centre's retail core, a mix of community and retail uses in this area will be supported. It also states that new development will retain, replace or create shop frontages as appropriate
- 8.10 Comprising a secondary shop frontage, the proposed tattoo parlour would not appear uncharacteristic in this shopping area of Hinckley. A tattoo studio is situated directly to the south-west of the site to 27 Regent Street, which could be viewed as an over proliferation of the use, but given that the tattoo studio is occupied by the applicants and the unit is to become vacant subject to planning permission being granted for the larger unit it is considered acceptable in this instance. It is noted that the extant sui generis use would remain lawful to 27 Regent Street, with a chance of the next occupiers reinstating a further tattoo studio therefore a condition has been implemented restricting the use of the application site to operate solely for the benefit of the applicant and when the premises ceases to be occupied by the applicant the use shall cease.
- 8.11 Whilst the proposal would result in the loss of a retail use, strategic planning policy 13 of HTCAAP sets out that secondary shop frontages should be characterised by a mix of uses. Introducing the proposed use into Regent Street would not result in a significant loss to retail uses within this area. It is therefore considered that the vitality and retail integrity of the town centre's retail core would be sufficiently retained in compliance with Policy 13 of the HTCAAP.

Design and impact upon the character of the area and Conservation Area

- 8.12 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 8.13 Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraphs 205-208 of the NPPF require great weight to be given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have clear and convincing justification, and for that harm to be weighed against the public benefits of a proposal.
- 8.14 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.
- 8.15 Policies DM11 and DM12 of the Site Allocations and Development Management Policies (SADMP) DPD seek to protect and enhance the historic environment. Development proposals should ensure the significance of a conservation area is preserved and enhanced.
- 8.16 The application site is situated within the secondary shopping centre of Hinckley. The proposal would introduce a use into the street scene that would be compatible with its existing mixed use character. 27 Regent Street likely dates from the mid-19th century. Its architectural interest is now limited due to many alterations including the installation of a 20th century shopfront of no particular interest and

functional adaptations to the rear elevations, but despite this the building is of some minor historic and architectural interest and consequently it makes a minor positive contribution to the character and appearance and thus significance of the Hinckley Town Centre Conservation Area, with it being identified as being a locally important building within the Hinckley Town Centre Conservation Area Appraisal (2013).

- 8.17 The proposal does not seek any alterations to the existing shop frontage or any of the unit's other external elevations. As such, the proposed development would not have any adverse visual impacts upon the surrounding commercial street scene and would preserve the character and appearance and thus significance of the conservation area.
- 8.18 The proposal would not have a significant impact on the character and appearance of the existing building and the wider commercial conservation area in accordance with Policy DM10, DM11 and DM12 of the SADMP, section 16 of the NPPF and the statutory duty of section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

Impact upon neighbouring residential amenity

- 8.19 Policy DM7 of the SADMP states that all reasonable steps should be taken through design, siting and technological solutions to ensure the abatement of obtrusive light to avoid sky glow, glare and light intrusion.
- 8.20 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. The policy also states that the amenity of the occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.
- 8.21 Due to the nature of development, it is necessary to assess the control of noise between the proposed sui generis use and residential accommodation to the first and seconds floors above. The proposed use would be small scale; having a total full-time equivalent of five employees within limited working hours. HBBC Environmental Health – Pollution have raised no objections to the proposal. Any future issues could be controlled by them separately using statutory nuisance legislation.
- 8.22 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. However, in the interests of residential amenity, it is necessary to condition the opening hours of the proposed use to control anti-social activity.
- 8.23 By virtue of the above, the proposed development would satisfy Policy DM7 and DM10 of the SADMP in this regard.

Impact upon highway safety

- 8.24 Policies DM17 and DM18 of the SADMP states that proposals should ensure that there is adequate provision for on and off street parking for residents and visitors and there is no impact upon highway safety.
- 8.25 The proposal does not provide any off street parking; however, the proposal is likely to attract a similar number of visitors to the existing lawful use. Formal on-street parking bays are located along Regent Street in the immediate vicinity of the application site and the Local Planning Authority are satisfied that this provision is

more than satisfactory for the demand resulting from the proposal, given the application site's town centre location.

- 8.26 The application site's town centre location also means that the application site has good access to public transport; 650 metres away from Hinckley train station and 100 metres away from bus stops.
- 8.27 The proposed development would not have any adverse impacts upon highways safety and therefore satisfies Policy DM17 and DM18 of the 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.

10. Conclusion

- 10.1. The proposal is located within the settlement boundary of Hinckley where there is a presumption in favour of sustainable development. The introduction of a sui generis use in a town centre location is acceptable in principle.
- 10.2. The proposed change of use would not have a significant visual impact upon the surrounding commercial street scene or wider conservation area and subject to an opening hours condition, would not result in a significant impact on residential amenity. The proposal would neither result in any adverse highways safety impacts.
- 10.3. The proposal would therefore be in compliance with Core Strategy Policy 1, Policy 13 of the HTCAAP and Policies DM1, DM10, DM11, DM12, DM17 and DM18 of the SADMP and the overarching principles of the NPPF and is recommended approval subject to the below conditions.

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 below submitted application details ;

- Existing, Proposed Landscaping and Biodiversity Plan, Drg No.04-2513-00
 - Existing, Proposed Parking Plan, Drg No.03-2513-00
 - Photographs, Drg No.03-2513 Rev A
 - Existing, Proposed Elevations, Drg No.02-2513 Rev A
 - Existing, Proposed Floor Plan, Drg No.01-2513 Rev A
 - Site Location Plan, Drg No.01-2513-00
- All as received by the Local Planning Authority on the 19th June 2025.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM4, and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. The use shall not take place other than between the hours:-

11:00 – 18:00 Monday - Friday

11:00 – 18:00 Saturday

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).

4. The ground floor of the building shall be used as a Tattoo Studio (Sui Generis use) and for no other purpose.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM4, and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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.
- b) A separate consent may be required under the Town and Country Planning (Control of Advertisement) Regulations 2007 in respect of the display of advertisements on these premises. Advice may be sought from the Local Planning Authority.