

Delegated Report

Planning Ref: 25/00793/FUL
Applicant: Mr Ramanakanth Rajapoopathy
Ward: Barwell



Hinckley & Bosworth
Borough Council

Site: 3 Chapel Street Barwell Leicester

Proposal: Change of use from a wine bar (sui generis) with ancillary first-floor function room and second-floor manager's flat (C3) to a ground-floor retail shop (Class E(a)) with ancillary first-floor staff facilities and a retained second-floor manager's flat (C3)

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 seeks full planning permission to change the use of a wine bar with an ancillary first-floor function room and second-floor managers flat to a ground floor-retail shop with ancillary first-floor staff facilities and a retained second-floor managers flat at 3 Chapel Street, Barwell.
- 2.2. No amendments or alterations are proposed to the existing structure.

3. Description of the site and surrounding area

- 3.1. The application site comprises a two-storey building constructed in the late 19th century. The building comprises a mix of brick and render to the walls with anthracite painted timber cladding to the sill of the front canopy roof, and a mix of grey tiles and a felt like material to the hipped, pitched and flat roofs. Dormers sit to the front and side elevations which serve the second-floor managers flat.
- 3.2. The application building itself is situated to the corner of Chapel Street, a one way access road, with its northern elevation facing onto Shilton Road. This elevation adjoins onto Barwell Public Toilets alongside 1 Chapel Street which appears to be a storage unit.
- 3.3. The current use as a wine bar (Sui Generis) has been in operation since the late 90's, with the use prior being retail (Class E).

4. Relevant planning history

99/00602/COU

- Change of use of ground floor to wine bar and new shop front
- Planning Permission
- 15.09.1999

01/00981/COU

- Change of use of 1st floor to wine bar and second floor to living accommodation together with elevational alterations and alterations to the roof including the provision of dormer windows

- Planning Permission
- 08.11.2001

02/01064/COU

- Change of use of first floor to wine bar and second floor to living accommodation together with elevational alterations and alterations to roof including dormer windows (amended scheme)
- Planning Permission
- 24.10.2002

03/00764/FUL

- Variation of condition 3 of planning application 02/01064/COU to allow first floor use of extension as a restaurant and alterations to include rear enclosure of a beer garden and a kitchen flue
- Planning Permission
- 21.08.2003

05/00985/FUL

- Creation of first floor balcony
- Refused
- 30.11.2005

06/00761/FUL

- Installation of dormer window
- Planning Permission
- 16.08.2006

14/00421/FUL

- New external seating area, with balustrading and new bi-folding doors to Chapel Street elevation
- Planning Permission
- 08.08.2014

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. Following the publication no comments have been received.

6. Consultation

6.1. Barwell Parish Council;

'No objection to the change of use but would like to raise a concern regarding parking where this application is located.'

6.2. HBBC Environmental Health (Pollution);

'No objection.'

7. Policy

- 7.1. Earl Shilton and Barwell Area Action Plan (2014) (ESABAAP)
- Policy 22: Development and Design
 - Policy 26: Vitalising District, Local and Neighbouring Centres
- 7.2. Core Strategy (2009)
- Policy 3: Development in Barwell
- 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 DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
 - Policy DM22: Vitalising District, Local and Neighbouring Centres
- 7.4. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2024)
 - Planning Practice Guidance (PPG)
- 7.5. Other relevant guidance
- Good Design Guide (2020)
 - National Design Guide (2019)
 - Leicestershire Highways Design Guide (LHDG) (2024)

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. 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, the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP) and the Earl Shilton and Barwell Area Action Plan (2014) (ESABAAP). 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 ESABAAP 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, SADMP and ESABAAP policies 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. Policy 3 of the Core Strategy supports development within the Barwell settlement boundary.
- 8.9 The application site is located within a District Centre as defined within the Hinckley and Bosworth Town and District Centres Study (2017). Policy DM22 of the SADMP and Policy 26 of the ESABAAP outline that to ensure the continued vitality and viability of district centres the change of use from A1 (now F5/E), or A2 (now E) retail or loss of A1 or A2 retail uses within district centres will only be permitted where the proposal would not result in an over proliferation of any one use type in the centre, other than A1 retail, with particular reference to hot-food takeaways A5 (now Sui Generis).
- 8.10 The proposed change of use would reinstate the buildings historical retail (Class E) use within the district centre of Barwell, a development which is strongly welcomed by the Local Planning Authority (LPA). It is recognised that the district centre of Barwell already hosts a number of extant Class E businesses, nevertheless this use type is very common within a district centre. It is therefore considered that the proposed change of use would not result in an over proliferation of one use within the centre.

Design and impact upon the character of the area

- 8.11 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.
- 8.12 Policy 22 of the EABAAP seeks to ensure that developments do not have a detrimental impact upon the character or appearance of the host building or the surrounding area and respect the scale, proportions, height and materials of the existing building, neighbouring structures and overall street scene.
- 8.13 The proposal does not seek any alterations to the existing shop frontage or any of the buildings 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 of the area in accordance with Policy DM10 of the SADMP and Policy DM22 of the ESABAAP.

Impact upon neighbouring residential amenity

- 8.14 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.
- 8.15 Policy DM10 of the 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.
- 8.16 Policy 22 of the Earl Shilton and Barwell AAP seeks to ensure that developments do not adversely affect the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.17 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 be significantly less 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.
- 8.18 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.
- 8.19 By virtue of the above, the proposed development would satisfy Policies DM7 and DM10 of the SADMP and Policy 22 of the ESABAAP in this regard.

Impact upon highway safety

- 8.20 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.
- 8.21 Concerns have been raised regarding the lack of parking at the site.
- 8.22 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 Chapel 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.
- 8.23 The application site's district centre location 35.00 m away from bus stops also means that the application site has good access to public transport..
- 8.24 The proposed development would therefore not have any adverse impacts upon highways safety and would satisfy 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 Barwell where there is a presumption in favour of sustainable development. The re-introduction of a class E use in a district 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 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 3, Policy 22 and 26 of the EABAAP and Policies DM1, DM7, DM10, DM17, DM18 and DM22, 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 submitted plans received by the Local Planning Authority as follows:

- Site Location Plan

- Block Plan as received by the Local Planning Authority on the 29th August 2025.
- Proposed Floor Plans as received by the Local Planning Authority on the 29th September 2025.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM7, DM10, DM17, DM18 and DM22 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Policies 22 and 26 of the Earl Shilton and Barwell Area Action Plan (2014).

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

07:00 - 00:00 Monday - Sunday

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 occupation of the second-floor flat shall be restricted to persons associated with the operation of the business or people employed in the operation of the business.

Reason: To ensure the flat is not occupied as an independent unit of accommodation which may have additional impacts in accordance with Policies DM10, DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. The ground floor of the building shall be used for Class E(a) retail and for no other purpose including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any Statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To ensure the proposed development is compatible with existing development in the locality and to ensure the continued vitality of the district centre in accordance with Policy DM10 and DM22 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Policy 26 of the Earl Shilton and Barwell Area Action Plan (2014).

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.