

## Delegated Report

**Planning Ref: 26/00404/FUL**  
**Applicant: Mr James Clark**  
**Ward: Hinckley Clarendon**



Hinckley & Bosworth  
Borough Council

**Site: Unit 2 Nutts, Lane Industrial Estate, Nutts Lane, Hinckley**

**Proposal: Change of use from a car sales showroom (Sui Generis) to a community martial arts gym (Class E(d))**

### 1. Recommendations

- **Grant planning permission** subject to planning conditions outlined at the end of this report

### 2. Planning application description

- 2.1. Planning permission for the change of use of the site from a car sales showroom to an independent and community martial arts gym, with provision for off-street parking.

### 3. Description of the site and surrounding area

- 3.1. The application site comprises an employment unit located within the Nutts Lane industrial estate. The site forms part of a row of 4 similar single storey units to the north of the estate. The site has forecourt parking, with additional parking spaces to the side. The wider industrial estate comprises a mixture of B2 and B8 uses.

### 4. Relevant planning history

No recent relevant history.

### 5. Publicity

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

### 6. Consultation

- 6.1. No objections have been received from:
- LCC Highways (LHA)
  - LCC Ecology
  - HBBC Drainage
  - HBBC Waste Management
  - Canal & River Trust

### 7. Policy

#### 7.1. Core Strategy (2009)

- Policy 1: Development in Hinckley

#### 7.2. 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
- Policy DM19: Existing Employment Premises
- Policy DM21 Locating Sustainable Town Centre Uses

### 7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2024)
- Planning Practice Guidance (PPG)

### 7.4. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)
- Employment Land Review 2024

## 8. Appraisal

### 8.1. Key Issues

- Assessment against strategic planning policies
- Impact upon highway safety

#### Assessment against strategic planning policies

- 8.2 Core Strategy Policy 1 expects development to respect Hinckley's industrial heritage through sympathetic reuse of existing buildings unless it can be demonstrated that this is not achievable.
- 8.3 The application site forms part of a designated employment site within the adopted SADMP. The current Employment Land Review and Premises Review identifies the site as a category 'A' site – Key / flagship employment areas to be retained.
- 8.4 SADMP Policy DM19 only allows non-B class uses in Category A sites in exceptional circumstances. Proposals must demonstrate that they would not have a significant adverse impact on surrounding employment uses.
- 8.5 NPPF paragraph 91 and SADMP Policy DM21 require applications for main town centre uses which are not located in a Town Centre, a District or Local Centre to be accompanied by a sequential site assessment.
- 8.6 The existing car showroom is a non-B class use and appears to have been in use at the site for several years and without planning permission.
- 8.7 The proposed use is for an independent community gym. The applicant states that the proposal would introduce a dedicated sports therapist and serve as a business incubator for independent instructors, such as yoga and Pilates practitioners; provide a venue for local martial arts clubs and independent fitness instructors; offer structured activities for all age groups, from children's development classes to adult physical conditioning; and serve as a disciplined outlet through schools. Proposed opening hours would be 0700-2100 Monday to Friday and 0800-1800 at weekends. However, the applicant states that peak use of the gym is outside typical 9-5 working hours.
- 8.8 A sequential test has been undertaken by the applicant. The assessment demonstrates that no suitable sites are available within the Primary Shopping Area or edge-of-centre locations within a reasonable timescale. Furthermore, any available units identified were found to be unsuitable and/or unviable for the proposed use. It is therefore considered that the proposal satisfies the requirements of the sequential test.
- 8.9 The proposal would re-use an existing building and proposes no external alterations. The application is supported by an adequate sequential assessment. The proposed use and operation of the site as an independent community gym, providing a wide

range of health and wellbeing facilities available to the local community, is considered an exceptional case due to the overall wider community and economic benefits. The overall use of the site and peak time operation would ensure that the proposal would not have a significant adverse impact on the existing surrounding employment uses. The proposal is therefore in accordance with Core Strategy Policy 1, SADMP Policies DM19 and DM21 and the NPPF.

Impact upon highway safety

- 8.10 Policies DM17 and DM18 of the SADMP require development to accord with adopted highway design and vehicle parking standards to ensure that there is adequate highway visibility for road users and adequate provision of off-street parking and manoeuvring facilities.
- 8.11 The LHA previously advised it had calculated the internal floorspace of the building to be approximately 260 sqm excluding the toilets and office area. Based on Figure 29(c) of the LHDG, for an E(d) use class with an internal floorspace of up to 1,000 sqm, one parking space per 5sqm is required. This would result in 52 parking spaces being required for the site. Based on Table 29(a) of the LHDG, the current B8 use would require one space per 100sqm.
- 8.12 The LHA advised it was unclear how many people could be on-site at any one time and suggested the Applicant should confirm the maximum number of people (including staff and participants) which would be on-site, along with how the tandem parking area would operate.
- 8.13 There are no specific parking space requirements within the LHDG for the existing car showroom (suri generis) use.
- 8.14 The submitted information details that there would be four members of staff at the site with two of these living at the same address and two living locally and likely to walk. Staff parking would be at the rear/ side of the building leaving space to the front/side of the building. In terms of participants, it is stated there are currently 20 active members across adults and juniors. Start times would be staggered with a 10-minute time slot to allow for changeovers in sessions. The maximum peak accumulation of people onsite at any single given time is therefore stated to be 24.
- 8.15 In addition to the above, the Applicant has highlighted that the core operating hours fall outside of the standard operating hours typical of the wider industrial estate as peak times do not coincide with neighbouring premises. During the morning and early afternoon weekday periods, site activity would be lower and restricted to one-to-one personal training and single client sports therapy sessions. The peak hours of the business are from 15:00 onwards, this is due to the finishing of school and work hours for members.
- 8.16 It is stated that currently approximately 50% of members are local residents who walk, cycle or use public transport. In addition, several members car share. The Applicant has also stated that they have built up a good relationship with the business opposite the site and that both are satisfied neither will cause disruption to daily business functions.
- 8.17 Overall, given the above, the LHA is satisfied the proposals are unlikely to result in parking on the adopted highway. Furthermore, on the basis peak activity is likely to happen outside of normal business hours for the remaining industrial estate, there may be some parking available at the end of the non-adopted carriageway to the east of the site. The LHA does however advise that secure, undercover cycle parking is provided within the site as this does not currently appear to be available. This is to be secured by an appropriately worded condition.

- 8.18 Subject to the addition of a condition for the provision of secure cycle parking, the proposal would not result in any adverse impact on parking and highway safety and in accordance with NPPF paragraph 116 and policies 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 would not result in any external alterations. The application is supported by an adequate sequential assessment. The proposed use is considered an exceptional case and would not adversely impact the existing surrounding uses. The proposal would not result in any adverse impact on parking and highway safety.
- 10.2. It is therefore considered that the development is in accordance with Core Strategy Policy 1, Policies DM17, DM18, DM19 and DM21 of the Site Allocations and Development Management Policies DPD and the NPPF.

## **11. Recommendation**

**Grant planning permission** subject to:

- Planning conditions outlined at the end of this report

### **11.2 Conditions and Reasons / 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, as follows:
  - Location Plan, received 01 May 2026
  - Proposed Floor Plan, received 07 May 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. The development hereby permitted shall not be occupied until such time as the facilities have been implemented in accordance with the Proposed Floor Plans drawing received by the Local Planning Authority on 7th May 2026. Thereafter the onsite parking provision shall be kept available for such use in perpetuity.

**Reason:** To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally in the interests of highway safety and in accordance with the National Planning Policy Framework (2024).

4. The development hereby permitted shall not be occupied until such time as secure cycle parking shall be provided in accordance with details first submitted to and agreed in writing by the Local Planning Authority. Thereafter the onsite cycle parking provision shall be kept available for such use in perpetuity.

**Reason:** To promote travel by sustainable modes and in accordance with Policy DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

5. The premises shall be used as a community gym only under Use Class E(d) and for no other purpose (including any other purpose in Schedule 2 to the Town & Country Planning (General Permitted Development) Order 2015), 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 in accordance with Policies DM19 and DM21 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

### 11.3 Notes to applicant

#### 1. Advertisements

A separate consent under the Town and Country Planning (Control of Advertisement) Regulations 2007 will be required for the following advertisements shown on the drawings.