

Delegated Report

Planning Ref: 25/00574/FUL
Applicant: Mrs Denise Manning
Ward: Hinckley DeMontfort



Hinckley & Bosworth
Borough Council

Site: 6-10 Stockwell Head, Hinckley

Proposal: Change of use from storage to commercial, business and service use (Class E)

Case Officer: Ashleigh Gade (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 application seeks full planning permission for the change of use of an existing storage building to use for a commercial, business and service use (Class E) at 6-10 Stockwell Head, Hinckley.
- 2.2. The existing building has a maximum width of 7.3 metres and a maximum depth of 5.5 metres with a total footprint of 36.27 square metres. It is of concrete block construction with rendered walls and corrugated metal roof sheets. It has an eaves height of 2.3 metres and a ridge height of 3.4 metres.
- 2.3. The proposal involves changing the use of the entirety of the building to a generic Class E use. No specific initiating Class E use has been specified. The application instead seeks permission for flexible use within the sub-uses of the entirety of Class E.

3. Description of the Site and the Surrounding Area

- 3.1. The application site is located within the settlement boundary of Hinckley. It is located within the Hinckley Town Centre area and the Hinckley Conservation Area, within the historic Brooke's Yard.
- 3.2. The application site comprises an existing storage building. The building is accessed from a doorway at the termination of a private alleyway to the rear of shopfronts on Stockwell Head and a neighbouring storage building. The alleyway is accessed from Brooke's Yard.
- 3.3. The site is located to the rear of Brooke's Yard and has no direct access from the yard outside of the alleyway. Brooke's Yard is identified in the Hinckley Town Centre

Conservation Area Appraisal as being the original location for the manufacturer of Brooke's bicycle saddles.

- 3.4. To the rear and side of the building are two trees identified within the Hinckley Town Centre Conservation Area Appraisal as being important trees, contributing to the visual character of the Conservation Area.
- 3.5. The site is neighboured to the south-east and south-west by buildings facing Stockwell Head and King Street. These buildings typically contain commercial spaces on the ground floor and storage areas or residential units on the first floor. A number of these residential units gain access from rear doorways accessed from Brooke's Yard.

4. Relevant Planning History

- **95/00653/TEMP**
- Retention of storage building
- Planning Permission
- 27.09.1995

- **90/00986/4**
- Erection of temporary storeroom
- Planning Permission
- 23.10.1990

5. Publicity

- 5.1 The application has been publicised by the posting of a site notice in the vicinity of the site, sending letters to neighbours, and an advertisement in the local press.
- 5.2 No responses have been received.

6. Consultation

- 6.1 Leicestershire County Council (LCC) Highways, the Local Highway Authority (LHA), have referred the Local Planning Authority (LPA) to standing advice.
- 6.2 Hinckley and Bosworth Borough Council's (HBBC) Conservation Officer has noted that the proposal involves no external changes to the storeroom building or within the surrounding plot. Therefore, HBBC's Conservation Officer has advised that the proposal would have a neutral impact on the Hinckley Town Centre Conservation Area.
- 6.3 HBBC Environmental Health (Pollution) have advised that there would be concerns with noise and odour from the site for certain Class E uses. Without the provision of noise assessment and consideration of odour control/ventilation, the use of the site should be limited to exclude Use Classes E(b), (d), (f) and (g).

Further to the above, HBBC Environmental Health also recommended conditioning the hours of use to those provided by the applicant.

7. Policy

7.1 Core Strategy (2009):

- Policy 1: Development in Hinckley

7.2 Site Allocations and Development Management Policies Development Plan Document (SADMP) (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
- Policy DM21: Locating Sustainable Town Centre Uses
- Policy 22: Vitalising District, Local and Neighbourhood Centres
- Policy 23: High Quality Shop Fronts and Advertisements

7.3 Hinckley Town Centre Area Action Plan (AAP) (2011)

- Policy 12: Hinckley Town Centre Shopping Areas

7.4 National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (2024)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

7.5 Other relevant guidance:

- Good Design Guide (2020)
- Hinckley Town Centre Conservation Area Appraisal (2013)
- Leicestershire Highway Design Guide (LHDG) (2024)

8. Appraisal

8.1 The key issues in respect of this application are:

- Assessment against strategic planning policies
- Design and impact upon the character of the Conservation Area
- Impact upon residential amenity
- Impact upon parking provision and highway safety

Assessment Against Strategic Planning Policies

8.1 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.

- 8.2 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.
- 8.3 The current Development Plan consists of the adopted Core Strategy and the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP). Both the Core Strategy and the SADMP are over 5 years old and were adopted prior to the publication of the current NPPF.
- 8.4 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. Nevertheless, in accordance with Paragraph 232 of the NPPF, due weight should be given to existing policies according to their degree of consistency with the NPPF.
- 8.5 Policy DM21 of the SADMP states that all applications for the provision of new main town centre uses will be required to adhere to a sequential approach which prioritises such uses for within the Hinckley Town Centre, District Centres and Local Centres.
- 8.6 Paragraph 15.2 of the SADMP confirms that main town centre uses include retail development and leisure uses.
- 8.7 The proposal is for a main town centre use within the Hinckley Town Centre.
- 8.8 It is therefore considered that the proposal is acceptable in principle, subject to the assessment of all other material considerations. Other material considerations are detailed in subsequent sections of this report.

Design and Impact upon the Character of the Conservation Area

- 8.9 The Planning (Listed Buildings and Conservation Areas) Act 1990 places duties on the Local Planning Authority when determining applications for development. Section 72 of the Act requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
- 8.10 Chapter 16 of the NPPF provides the national policy on conserving and enhancing the historic environment. Paragraph 219 of the NPPF states that local planning authorities should look for opportunities for new development within Conservation Areas and the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
- 8.11 Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment and heritage assets. Development proposals should ensure the significance of a Conservation Area is preserved and enhanced.

- 8.12 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.
- 8.13 Policy DM23 of the SADMP confirms that the Borough Council will grant planning permission for new and refurbished shop fronts, subject to seven requirements. Policy DM23(a) of the SADMP confirms that new shop fronts should reflect the local style and materials of the host building and the immediate area.
- 8.14 The proposed development involves the change of use of the application building without any external alterations. The building has no existing formal shopfront to Brooke's Yard and gains access to an existing door via an alleyway running to the rear of shopfronts along Stockwell Head. As such, the proposal would result in no change to the existing external appearance of the building.
- 8.15 Given that there would be no visible change to the existing building, HBBC's Conservation Officer has advised that in their opinion the proposal would have a neutral impact upon the Hinckley Town Centre Conservation Area, preserving its character and appearance and thus its significance.
- 8.16 It is therefore considered that the proposal would not result in any adverse impacts to the character of the surrounding area or to the appearance or significance of the Hinckley Town Centre Conservation Area, in accordance with Policies 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 Residential Amenity

- 8.17 Paragraph 135(f) of the NPPF requires that planning decisions ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 8.18 Policy DM10(a) and (b) of the SADMP state that 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.
- 8.19 The proposed development does not involve any extensions or external alterations to the existing building. The existing building does not have any windows and contains only one external door, accessed via an alleyway to the rear of shopfronts along Stockwell Head.
- 8.20 Notwithstanding this, the proposal involves a change of use from what is currently an empty storage building to a Use Class E use, with the initiating intended use within Class E not specified by the applicant.

- 8.21 Use Class E covers a wide range of commercial, business and services uses including the retail sale of foods, the sale of food and drink for consumption on premises, provision of professional or financial services, indoor sport or recreation including fitness, provision of medical or health services, a creche or day nursery, and uses which can otherwise be carried out in a residential area without detriment to amenity such as offices to carry out administrative functions, research and development of products or processes, and industrial processes.
- 8.22 The nearest residential properties to the application site are located within 3 metres and typically gain access from Brooke's Yard. Most of these residences are located on the first floor above commercial uses on the ground floor with access from Stockwell Head and King Street.
- 8.23 Notwithstanding the Town Centre location and that surrounding residences are within close proximity to a range of existing surrounding commercial uses, some uses within Use Class E have the potential to cause noise or odour impacts that would typically require specific mitigation.
- 8.24 HBBC Environmental Health have been consulted on the proposal and have advised that in the absence of details pertaining to noise management and odour control/ventilation, certain Use Class E uses would pose risk of adverse impact to surrounding residential uses. As such, without this information, HBBC Environmental Health have recommended that Use Class E (b), (d), (f) and (g) be excluded from any permission granted.
- 8.25 The Applicant has agreed to the limitation of uses within Use Class E in preference not to provide further noise management or odour control/ventilation details at this time. It would of course be possible for these details to be provided in future, should prospective occupiers of the premises wish to utilise the building for any of the precluded sub-uses within Class E.
- 8.26 It is noted that no objections were received from nearby properties.
- 8.27 It is therefore considered that the proposal, with appropriate limitation on the scope of Class E uses that could be undertaken on the site, would not have an adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, in accordance with Policy DM10 of the SADMP, Policy S8 of the SPNP, and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.28 Paragraph 115(b) of the NPPF states that planning decisions should ensure that developments provide safe and suitable access to the site for all users. In accordance with Paragraph 115(d) of the NPPF, any proposal should ensure that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.

- 8.29 Ultimately, development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios in accordance with Paragraph 116 of the NPPF.
- 8.30 To support this, 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. Policy DM18 of the SADMP requires that new development provide an appropriate level of parking provision.
- 8.31 All proposals for new development 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).
- 8.32 The proposal makes no amendments to the existing vehicular access to the site, which is through Brooke's Yard from Stockwell Head. The application site shares access via Brooke's Yard with other surrounding buildings fronting both Stockwell Head and Kings Road.
- 8.33 It is noted that while some ad-hoc parking does occur within Brooke's Yard, it is not intended to form a parking area and as such the existing site does not provide any off-street parking spaces.
- 8.34 The application site is sited directly adjacent the NCP Britannia Shopping Centre car park, 100 metres from the Lower Bond Street car park and 170 metres from Holliers Walk car park. The site is also considered to be in a sustainable location within Hinckley Town Centre where it has the benefit of access via transport modes other than a car.
- 8.35 It is therefore considered that the proposal would not have an unacceptable impact upon highway safety or the wider road network, consistent with Policies DM17 and DM18 of the SADMP, and the requirements of the LHDG.

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 be granted, subject to the imposition of appropriate conditions and obligations.

11. Recommendation

11.1 **Grant planning permission** subject to:

- Planning conditions detailed 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, as follows:

- Site Location Plan
- Elevations and Floor Plans

Both received by the Local Planning Authority on 11 November 2025.

Reason: To ensure a satisfactory form of development in accordance with Policy 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 following hours:

Monday – Saturday: 08:30 – 18:00

Reason: To protect the amenity of neighbouring residential occupiers from noise and disturbance in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. The building shall be used for Class E (a), (c) and (e) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 uses only and shall not be used for Class E (b), (d), (f) or (g) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (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 that the proposed development is compatible with existing development in the locality including protecting neighbouring residential occupiers from undue amenity impacts in accordance with Policies DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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. 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.