

Delegated Report

Planning Ref: 24/00028/FUL

Applicant: Mr Chawda

Ward: Hinckley Castle



Hinckley & Bosworth
Borough Council

Site: Regent Court, Regent Street, Hinckley

Proposal: Change of use from a garage (Sui Generis) to workshop (Class E)

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 proposal seeks the change of use from a garage (Sui Generis) to a workshop to be used for manufacture of artificial teeth and dental aids. The only external amendments to the building are to replace the garage doors with matching brickwork and upvc windows, with a new composite entrance door.

3. Description of the site and surrounding area

- 3.1. The site sits to the rear of Regent Court which can be accessed from Regent Street or via Blockleys Yard in Hinckley's town centre, falling within the Hickley Town Centre Conservation Area.
- 3.2. The existing building consists of a single storey shallow mono-pitched 3-bay garage building dating from the mid to late-20th century. The application site is close to other retail and commercial businesses. The existing garages consist of brickwork, blockwork, and a tiled lean-to roof.

4. Relevant planning history

None

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. No public comments have been received.

6. Consultation

- 6.1. No objections have been received from:
- HBBC Environmental Services Pollution – No objections following the provision of information regarding the specific use of the workshop.
 - HBBC Waste Management – No objections
 - HBBC Conservation Officer – No objections.
 - LCC Highways – No objections, standing advice and informatives.

7. Policy

- 7.1. Core Strategy (2009)
- No relevant policies
- 7.2. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development

- 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

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2023)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

7.4. Other relevant guidance

- Good Design Guide (2020)

8. Appraisal

8.1. Key Issues

- Principle of development
- Design and impact upon the character of the area
- Impact on heritage assets
- Impact upon neighbouring residential amenity
- Impact upon highway safety

Principle of Development

8.2 Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) (CS) the Site Allocations and Development Management Policies DPD (2016) (SADMP).

8.3 The site is located within Hinckley town centre and is not currently used for a retail use. Policy DM22 of the SADMP seeks to maintain the vitality of district, local and neighbourhood centres, and it is considered that the change from sui generis to commercial use (Class E) would support the vitality and viability of the town centre. There are a mix of uses in the immediate area and the proposed development is considered to be in a suitable location for the proposed commercial activity. Therefore, the application is considered acceptable in principle.

Design and impact upon the character of the area

8.4 Policy DM10 of the SADMP requires proposals to complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.

8.5 The proposal does not seek to make any significant external amendments, with only replacements to the existing garage doors with windows, and a new entrance door proposed. Matching brickwork is proposed and there is provision for refuse bins as outlined on the submitted plans. Therefore, the proposed change of use is not considered to have any detrimental impacts on the design or character of the area.

As such it is considered that the proposal would be in accordance with Policy DM10 of the SADMP.

Impact on heritage assets

- 8.6 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.
- 8.7 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.
- 8.8 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.
- 8.9 External changes to the garage to facilitate the proposed change of use are limited to infilling of the garage door openings across the yard frontage with facing brick, upvc windows, and a single door. It is considered that these limited alterations will largely maintain the existing character and form of the property and it will remain well screened visually within the conservation area due to the siting and scale of surrounding buildings. For these reasons the proposal will have a neutral impact on the character and appearance of the Hinckley Town Centre Conservation Area and will preserve its significance. The proposal therefore complies with Policies 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

- 8.10 Policy DM10 (a) and (b) of the SADMP states 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.
- 8.11 The proposal seeks the change of use to a workshop for the manufacturing of dental equipment. The external amendments proposed do not include any extensions and proposed windows would not result in any loss of privacy. As such it is considered that no detrimental impacts upon neighbouring amenity, in terms of loss of light, loss of privacy or overbearing impacts, are to occur as part of this proposal.
- 8.12 In terms of potential noise and disturbance caused from the use as a workshop, HBBC Environmental Health Pollution were consulted as part of the application consultation. The applicant confirmed that the workshop would be used for the manufacturing of artificial teeth and dental aids, where the equipment used are very small precision instruments with limited noise emissions. It was confirmed by Environmental Health that due to the activities proposed within the planning statement, that there would not be detrimental noise impacts caused by the proposed change of use.

- 8.13 As such, it is considered that the proposal is in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.14 Policy DM17 of the SADMP seeks to ensure new development would not have an adverse impact upon highway safety. Policy DM18 of the SADMP seeks to ensure parking provision appropriate to the type and location of the development.
- 8.15 The proposal is not anticipated to have any material impact upon the highway or the existing parking facilities, and when considering the existing and proposed use, there is not an expected significant increase in the number of visits to and from the site. Therefore, the proposal would be in accordance with Policies DM17 and DM18 of the adopted SADMP.

Equality implications

- 8.16 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.
- 8.17 Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 8.18 There are no known equality implications arising directly from this development.
- 8.19 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).

9. Conclusion

- 9.1 The application for the change of use from a garage to workshop is considered to result in an acceptable design and appearance, and have no detrimental impact on the character of the area and conservation area, neighbouring amenity or highway safety. As a result, the proposal is considered to be in accordance with Policies DM10, DM17 and DM18 of the adopted SAMDP, and the scheme is therefore recommended for approval subject to conditions.

10. Recommendation

Grant planning permission **subject to:**

- Planning conditions outlined at the end of this report

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:

Existing / Proposed Plans and Elevations Drawing No. AVD-797-RCH-PL01

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 premises use and deliveries shall not take place other than between the hours set out below:

08:00 – 18:00

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

11.3. 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 buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. All businesses have a duty of care to ensure that any waste produced is handled safely and within the law. 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 legally has to be discarded in a certain way via a trade waste service or transfer station 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. Operators 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 and can transport, recycle or dispose of it safely.
3. Where work is on or near public rights of way, the applicant needs to aware that:

- a) Prior to construction, measures should be taken to ensure users of the Public Right(s) of Way are not exposed to any elements of danger associated with construction works.
- b) Public Rights of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.
- c) If there are any Public Rights of Way the applicant considers impracticable to retain on their existing lines, a separate application for diversion is needed. It should be submitted under the Town and Country Planning Act 1990 to the Local Planning Authority. The applicant is not entitled to carry out any works directly affecting the legal line of a Public Right of Way until a Diversion Order has been confirmed and become operative.
- d) If the developer needs a Right of Way to be temporarily diverted, for up to six months, so construction works can take place, at least 12 weeks before the temporary diversion is required, application should be made to networkmanagement@leics.gov.uk.
- e) Public Rights of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.
- f) Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.
- g) No new gates, stiles, fences or other structures affecting a Public Right of Way, either temporary or permanent, should be installed without written consent from the Highway.