

Our Ref: P8242/LS/hr
Date: 30th September 2025

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Development Management
Hinckley & Bosworth Borough Council
Hinckley Hub
Rugby Road
Hinckley
LE10 0FR

BY EMAIL ONLY: planning@hinckley-bosworth.gov.uk

Dear Sir / Madam

S73 Application to vary Condition 2 following the grant of planning permission (Ref: 18/00844/FUL)

Unit 6, Rainbow Way, Sketchley, Burbage, Hinckley, Leicestershire, LE10 2FR

Harris Lamb Planning Consultancy ("**HLPC**") are acting on behalf of our client, Heart of England Co-Operative Society Ltd ("**the Applicant**") in respect of the above site. Please find enclosed a S73 planning application to vary the approved drawings that are set out under Condition 2 of planning application 18/00844/FUL.

The Site

The site lies within the settlement boundary of Burbage and was designated for mixed use allocation as set out within the Hinckley and Burbage Policies Map on the Site Allocations and Development Management Policies DPD in 2016.

The site received full planning permission (under reference 18/00844/FUL) for the redevelopment of the site for mixed use (A1, A3 and B8), following the demolition of the existing buildings on site. The planning permission relates to 7 units in total across 3 separate buildings.

The site is easily accessible and well connected by public transport. Hinckley Train Station is located to the north-east of the site, approximately 9-minute walk and Brookfield Road Bus Stop is located 100ft from the site entrance. The site includes 53 car parking spaces and 10 cycle hoops.

The buildings on site are constructed of panel profile cladding and timber cladding elevational treatments with a curved roof.

The Proposed Development

Unit 6 was previously occupied by Topps Tiles who have now vacated the premises. The applicant is looking to re-let Unit 6 so the unit can be occupied by two businesses, a vape shop and a coffee shop. This will necessitate the unit being subdivided.



In order to facilitate the subdivision of the unit, a new entrance will be needed with additional glazing on the south elevation. There will be no changes to the north, east and west elevations. As such, the S73 application seeks to vary Condition 2 which relates to the previously approved plans to facilitate the changes for the proposed subdivision of Unit 6.

The previously approved plans are as follows:

- Site Location Plan - Drg No. 2097 P401 Rev B - received by the local planning authority on 5 November 2018
- Proposed Site Plan - Drg No. 2097 P400 Rev L - received by the local planning authority on 5 November 2018
- Demolition Site Plan - Drg No. 2097 P402 Rev B - received by the local planning authority on 5 November 2018
- Drainage Easement Zone Plan - Drg No. 2097 P403 Rev B - received by the local planning authority on 5 November 2018
- Proposed Boundary Treatments Plan - Drg No. 2097 P404 Rev B - received by the local planning authority on 5 November 2018
- Units 1 - 3 Floor Plans and Elevations - Drg No. P100 Rev F - received by the local planning authority on 23 August 2018
- Units 4 - 5 Floor Plans and Elevations - Drg No. P110 Rev E - received by the local planning authority on 23 August 2018
- Units 6 - 7 Floor Plans and Elevations - Drg No. P120 Rev B - received by the local planning authority on 23 August 2018
- Proposed Building Use Classes Drg No. 2097 P407 Rev A - received by the local planning authority on 25 January 2019
- Portacabin Location - Drg No. 2097 P408 Rev B- received by the local planning authority on 21 January 2019
- Portacabin Elevations - Drg No. 2097 P409 - received by the local planning authority on 14 September 2018

The previously approved Units 6-7 Floor Plan and Elevations Plan (Drg No. P120 Rev B) and Proposed Site Plan (Drg No. 2097 P400 Rev L) will be superseded by the following plans:

- BC08397-01 Floor Plans Existing and as Proposed
- BC08397-02 Elevations Existing and as Proposed
- P8242-01 Site Plan

Relevant Planning Policy

The National Planning Policy Framework states that planning decisions should help create conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account local business needs (paragraph 85).

The Site Allocations and Development Management Policies (SADMP) DPD was adopted in July 2016. Policy SA3 is relevant to the application as it sets out policies with regard to the development of the site. Policy SA3 states development proposals for the site Land at Brookfield Road and Sketchley Brook should ensure a mixed-use development which; retains existing employment uses on site and delivers a Neighbourhood Centre comprising of retail units (A1-A5).

Hinckley and Bosworth Borough Council adopted the Core Strategy Local Development Framework in December 2009. The site is located within the settlement boundary of Burbage where Policy 4 of the adopted Core Strategy seeks to support Hinckley's role as a sub-regional centre through the allocation of land for residential, employment and retail land uses.

Case for the Applicant

The Case Officer's planning committee report and the decision notice for 18/00844/FUL does not have any conditions attached that restrict the units being sub-divided. The permission also permits uses within A1, A3 and B8 (now Class E(a) and E(b)). It is considered that the proposed tenants, a vape shop and a coffee shop comply with the permitted uses on the permission. There are no conditions that restrict or prevent the unit being subdivided and the proposed uses fully accord with the permitted uses of the building. As such, there is nothing preventing the use or subdivision of the unit that is sought.

ft. The Applicant has interest from two tenants, who combined want all the available floorspace in Unit 6, provided that the unit can be subdivided to meet their individual requirements. The scheme will result in bringing a vacant unit back into use which will attract footfall and enhance the appearance of the area by having an active frontage. As a result of the proposal, the scheme will help maintain and enhance the vitality and viability of the Sketchley Brook site as set out within SA3 of the SADMP and Policy 4 of the adopted Core Strategy.

By subdividing the unit into two, the scheme will help provide a range of uses to support the local population by meeting the day-to-day needs of the local residents. The proposal will enhance the retail character of the area, thus complying with Policy SA3.

The proposal would result in external changes to the front of the unit by introducing a new entrance and changes to the shop frontages to advertise the new tenants. It is considered that the external changes would be minor and would not appear out of place within a retail centre. The signage is appropriate in scale and design, and suitable for its use of advertising the proposed tenant. The additional door would be similar in design to the existing and therefore would not appear as an incongruous addition to the unit. The changes to the shop front are proposed to be undertaken by amending the approved plans. Recent case law has confirmed that a Section 73 application to amend a permitted development is entirely appropriate as long as the changes do not alter the type of development that was originally permitted. This is the case here. The proposed change would still mean that the development sits within the description of development on planning permission 18/00844/FUL.

Unit 6 is approximately 104m from the nearest residential property. Due to the distance from residential properties and the proposed use of the unit, the S73 application is not considered to negatively impact upon the amenity of residential properties.

The coffee shop is proposed to employ a team of 10 people with a mix of full and part time roles. The vape shop will hire between 3-5 staff which will also have full and part time positions. The scheme will result in a benefit of creating jobs for the local community.

The site has existing park outside of the unit and within the retail park. The S73 proposes the same use as the existing and as such, it is considered that the existing parking spaces are considered acceptable.

Summary

The proposed sub-division of unit 6 complies with the permitted uses of the site. Furthermore, there are no conditions on the permission that restrict or prevent units being subdivided. The scheme is not considered to negatively impact upon the amenity of the closest residential properties. Furthermore, the proposal will support the vitality of the retail centre which contributes to the socio-economic benefits of the area including the creation of jobs and bringing a vacant unit back into use.

For the reasons set out within the letter, we consider that planning permission should be granted for the variation of Condition 2.

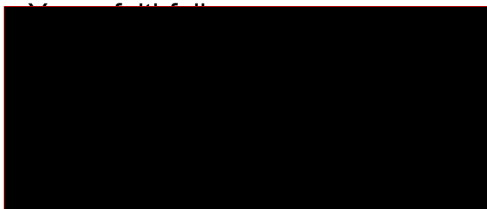
The application comprises the following documents:

- Completed application forms and ownership certificates.
- BC08397-01 Floor Plans Existing and as Proposed
- BC08397-02 Elevations Existing and as Proposed
- P8242-01 Site Plan
- Covering letter

The planning fee of £2,085 has been paid via the Planning Portal.

We trust that this application includes all of the documents you require, and that it will be validated and processed in the near future.

Yours faithfully



Emma Sutton (Planning) MSc

Planner

