

Delegated Report

Planning Ref: 23/01194/P3CT
Applicant: Mrs Karen Wicks
Ward: Hinckley Castle



Hinckley & Bosworth
Borough Council

Site: Unit 5 Carr House, Hawley Road, Hinckley

Proposal: Change of use from office space (Class E) to provision of education (Class F1a)

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 is an application for prior notification under Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the change of use of the ground floor of 160 High Street, Earl Shilton from office space (Class E) to provision of education (Class F1a).

3. Description of the site and surrounding area

- 3.1. The application building is a two-storey terraced commercial building, with the main access from the car park to the east. The change of use involves no external works.

4. Relevant planning history

- 4.1 None.

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents and with a site notice. There have been no objections.

6. Consultation

- 6.1. No consultations were required.

7. Policy

- 7.1. Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2 Part 3 Class T
- 7.2. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2021)
 - Planning Practice Guidance (PPG)

8. Appraisal

- 8.1. The main considerations in respect of this application are whether the proposed change of use meets the criteria for permitted development of Class T of the Town and Country Planning (General Permitted Development) Order 2015, which relates to development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B1 (business), Class C1 (hotels), Class C2 (residential institutions), Class C2A (secure residential institutions) or Class D2 (assembly and leisure) of the Schedule to the Use Classes Order, to use as a state-funded school or a registered nursery.

T.1. – Development is not permitted by Class T if—

- (a) *permission to use the site for a use falling within Class D2 (assembly and leisure) of the Schedule to the Use Classes Order has been granted only by virtue of Class J of this Part;*

Permission to use the site has not been granted for a use falling within Class D2 (assembly and leisure) of the Schedule to the Use Classes Order has been granted only by virtue of Class J of this Part.

- (b) *the site is, or forms part of, a military explosives storage area;*

The site is not part of a military explosives storage area.

- (c) *the site is, or forms part of, a safety hazard area*

The site is not part of a safety hazard area.

- (i) *the building is a listed building or a scheduled monument.*

The building is not listed or a scheduled monument.

Conditions

T.2. – (1) *Development under Class T is permitted subject to the following conditions*

- (a) *the site is to be used as a state-funded school or, as the case may be, as a registered nursery and for no other purpose, including any other purpose falling within Class D1 (non-residential institutions) of the Schedule to the Use Classes Order, except to the extent that the other purpose is ancillary to the primary use of the site as a state-funded school or, as the case may be, as a registered nursery;*

The site is to be used as a state-funded school.

- (b) *before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the local planning authority will be required as to—*

- (i) *transport and highways impacts of the development;*
(ii) *noise impacts of the development; and*
(iii) *contamination risks on the site,*

and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

The transport and highway impacts and noise impacts are considered to be acceptable and it is not considered that there are any contamination risks.

- (2) *Subject to sub-paragraph (3), development under Class T must begin within a period of 3 years starting with the prior approval date.*

No comment from planning officer necessary.

- (3) *Where, in relation to a particular development under Class T, planning permission is granted on an application in respect of associated operational development before the end of the period referred to in sub-paragraph (2), then development under Class T must begin within the period of 3 years starting with the date that planning permission is granted.*

No comment from planning officer necessary.

- (4) *For the purposes of sub-paragraph (3), “associated operational development” means building or other operations in relation to the same building or land which are reasonably necessary to use the building or land for the use proposed under Class T.*

No comment from planning officer necessary.

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. The application meets the conditions of Class MA of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as

amended). It is considered that the application is acceptable and is in accordance with the conditions and the provision of Paragraph W of the General Permitted Development Order (2015) (as amended).

11. Recommendation

11.1 Prior approval required and granted subject to:

- 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 prior approval.

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:

- Block Plan - Drg No. TQRQM23342121601287. Received on 08/12/2023.

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).

a. 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.