

Delegated Report

Planning Ref: 25/00970/FUL

Applicant: Mr Mohamed Patel

Ward: Barlestone Nailstone And Osbaston



Hinckley & Bosworth
Borough Council

Site: The Cinnamon Tree Wood Road Nailstone

Proposal: Relocation of main entrance from front to side elevation with level threshold, a small fixed canopy and a single-storey rear extension

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 application seeks full planning permission for the re-location of main entrance from the front to the side elevation, a small, fixed canopy and a single-storey rear extension at The Cinnamon Tree, Wood Road, Nailstone.
- 2.2. The existing entrance is to be re-located from the western to the southern elevation, with the insertion of a new timber personal fire door to the western elevation and the removal and insertion of dual-personal doors to the southern elevation. A proposed canopy porch would project outwards from the southern side elevation by 1.26 metres for a width of 3.62 metres. It would have a dual-pitched forward fronting gabled form constructed out of timber which would measure 1.84 metres to the eaves and 3.05 metres to the ridge. Additional works also include the blocking up of the existing ground floor window serving the existing hallway.
- 2.3. The proposed single-storey rear extension would project outwards from the existing north-east elevation of the kitchen by 14.11 metres for a width of 4.51 metres. It would have a dual-pitched/flat roof form as to replicate the existing roofscape. Minor enlargements are proposed to the eaves/ridge height. Additional works also include the installation of personal door and a set of bi-fold doors to the eastern elevation and the installation of window and a set of bi-fold doors to the northern elevation.
- 2.4. The proposed materials would match those of the existing building with the exception of aluminium to the bi-folds.
- 2.5. Amendments have been sought during the application process in the interests of good design. A re-consultation has been undertaken as part of this.

3. Description of the site and surrounding area

- 3.1 The application site, The Cinnamon Tree is a commercial public house and restaurant situated to the east of Wood Road within the countryside and the National Forest. Wood Lane is an adopted, classified 'B' road, that is subject to a 50mph speed limit. The building is two-storey in massing and utilises a render finish to the walls, with grey slates to the roof line and timber to the openings. The Cinnamon Tree has been subject to numerous extensions and alterations over the years.
- 3.2 A ribbon of residential development sits to the south of the site alongside commercial development to the far north. Agricultural fields surround the rest of the site. The village centre/main street is located to the south-west.

4. Relevant planning history

77/00055/4M

- Erection of covered way and alterations to public house
- Planning Permission
- 26.04.1977

90/00819/4A

- Illuminated advertisement
- Advertisement Consent
- 07.09.1990

87/00365/4

- Alterations to elevations extensions to public house and change of use of land coloured green on amended plan from grassed amenity strip agricultural field to use as part of car park
- Planning Permission
- 03.06.1987

88/00557/4

- Erection of car park lights retention of gas reservoir
- Planning Permission
- 23.08.1988

88/00558/4A

- Display off illuminated projecting sign
- Advertisement Consent
- 25.07.1988

90/01067/4

- Extensions and alterations
- Planning Permission
- 23.10.1990

07/00838/ADV

- Erection of two illuminated signs
- Advertisement Consent
- 30.01.2008

07/01027/FUL

- Erection of metal flue
- Planning Permission
- 30.01.2008

08/00520/FUL

- Proposed extensions and alterations to restaurant and creation of a car park area
- Refused
- 17.07.2008

08/01113/FUL

- Extension to restaurant and re-arrangement of existing covers
- Planning Permission
- 25.02.2009

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.
- 5.2. Following the publication no comments have been received.

6. Consultation

6.1. LCC Highways:

'Background

The Local Highway Authority (LHA) has been consulted by Hinckley & Bosworth Borough Council as the Local Planning Authority on a full application for the relocation of a main entrance from the front to side elevation with a level threshold, a small fixed canopy and a single-storey rear extension at The Cinnamon Tree, Wood Road, Nailstone, Coalville.

The LHA has reviewed the following documents submitted by the Applicant in support of the proposals:

- *Location Plan (Dated 6th October 2025); • Planning Statement; • Studio 98 drawing number A100 (Revision 1, Existing Floor Plan);*
- *Studio 98 Proposed Floorplan drawing; and • Studio 98 Parking Layout drawing.*

The LHA is aware of the following relevant previous applications at the site:

- **08/00520/FUL – Proposed Extensions and Alterations to Restaurant and Creation of a Car Park Area**

Planning permission was refused by the LPA on highway safety grounds, which were advised by the LHA. The LHA advised the proposals could result in an unacceptable increase in turning traffic onto or off a Class II road in an area remote from main development and where traffic speeds are generally high.

- **08/01113/FUL – Extension to Restaurant and Re-Arrangement of Existing Covers**

This was approved by the LPA and the LHA advised no objection subject to a condition in respect of parking. The LHA understands as part of the current application, the Applicant intends to bring the existing restaurant back into use following fire damage, with the proposed works to the building resulting in improvements to safety, accessibility and sustainability.

Site Access

Access to the site is via Wood Road, a B classified road (B585) subject to a 50mph speed limit. The LHA advise that the speed limit has been reduced from the national speed limit to 50mph since the previous applications were submitted in 2008. No amendments are proposed to the existing access arrangements.

The LHA advises this is accepted given the scale and nature of the proposals.

Highway Safety

The LHA holds PIC data up to the end of October 2025 and advises that one PIC has occurred within 500m either side of the existing accesses within the last five years. This occurred at the junction of Wood Road with Battram Road and was recorded as slight in severity. This involved two vehicles travelling in opposite directions and did not appear to involve a vehicle undertaking a turning manoeuvre at the junction.

On this basis, the LHA is satisfied the proposals are unlikely to exacerbate an existing highway safety concern.

Trip Generation

Given the nature of the proposals, a detailed assessment of the anticipated trip generation resulting from the development is not required.

Internal Layout

The LHA note that the extension appears to enable a larger kitchen to be provided, however the amendments to the internal layout do not appear to enlarge the existing public floorspace. The LHA therefore advise that no additional parking provision is required within the site.

The Studio 98 Parking Layout drawing details 14 car parking spaces within the site, including two accessible spaces. The submitted application form details that currently there are six car parking spaces within the site, therefore the proposals would result in an increase of eight spaces.

The LHA note that from historic applications and aerial photography that a greater number than the 14 parking spaces proposed were historically marked out within the site. Nevertheless, the LHA believes that several of the marked-out spaces would be difficult or impractical to use if other vehicles were parked in nearby spaces. On this basis the LHA considers the proposed layout, while detailing a reduced number of parking spaces to what has been marked out on the ground, is likely to reflect a more realistic, usable and practical layout than what has been on site before.

The LHA is also aware of a gravel area to the rear/ side of the site which appears to have historically been used for parking/ overflow parking for the existing restaurant. The LHA has liaised with the LPA on this area and whilst not shown for specifically for parking on the submitted drawings, and whilst the LHA advised refusal for this area to be used for parking in 2008, it is understood that there are currently no plans by the LPA to undertake enforcement action to remove the gravel area.

The LHA have estimated that based on the public floorspace alone of the existing restaurant, at least 35 car parking spaces would be required in accordance with Figure 29(c) of the Leicestershire Highway Design Guide. On this basis, the LHA would have no objection if the gravel area to the rear/ side of the property was used for additional/ overflow parking as this is likely to reduce any need for customers to park within the highway to visit the site, which in this case would be a B classified road subject to a 50mph speed limit and close to a bend in the road. Should the LPA be able to secure this area for parking, this would be welcomed by the LHA.

Condition

1. *The development hereby permitted shall not be occupied until such time as the parking (and turning facilities) have been implemented in accordance with Studio 98 Parking Layout drawing. Thereafter the onsite parking (and turning) provision shall be kept available for such use(s) 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 (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2024).'

- 6.2. Nailstone Parish Council;

'Nailstone Parish Council submits a comment of support for this proposal.'

- 6.3. National Forest;

'The site area is below the threshold requiring National Forest planting.'

7. Policy

- 7.1. Core Strategy (2009)

- Policy 12: Rural Villages
- Policy 21: National Forest

- 7.2. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

- 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)

8. Appraisal

- 8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety

Assessment against strategic planning policies

- 8.2. 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.

- 8.3 Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The three overarching objectives of sustainable development (economic, social, and environmental) are detailed within Paragraph 8 of the NPPF. Therefore, in accordance with Paragraph 11 of the NPPF, planning decisions should apply a presumption in favour of sustainable development.
- 8.4 However, 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. Where planning applications conflict with an up-to-date plan, development permission should not usually be granted unless other material considerations indicate otherwise.
- 8.5 The current Development Plan consists of the adopted Core Strategy and the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP). The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough.
- 8.6 Both the Core Strategy and the SADMP are over 5 years old and were adopted prior to the publication of the current NPPF. 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.
- 8.7 Nevertheless, in accordance with Paragraph 232 of the NPPF, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF. Due weight should be given to existing policies according to their degree of consistency with the NPPF. Ultimately, the closer the policies in the plan are to the policies in the NPPF, the greater weight they may be given. Therefore, this report sets out the relevant adopted Core Strategy and SADMP policies and refers to the NPPF and notes any inconsistencies between them.
- 8.8 Outside the defined settlement boundaries, the countryside is not regarded as a sustainable location for new development. Section 15 of the NPPF requires planning policies and decisions to conserve and enhance the natural and local environment. Paragraph 187(b) specifically highlights that this should be achieved by, *“Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.”*
- 8.9 This is supported by Policy DM4 of the SADMP, which states that the Council will protect the intrinsic value, beauty, open character, and landscape character of the countryside from unsustainable development. Policy DM4 of the SADMP only considers development in the countryside sustainable where:
- (a) It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
 - (b) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
 - (c) It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
 - (d) It relates to the provision of stand-alone renewable energy developments in line with Policy DM2: Renewable Energy and Low Carbon Development; or

- (e) It relates to the provision of accommodation for a rural worker in line with Policy DM5 - Enabling Rural Worker Accommodation.
- 8.10 The proposed development is for the extension of an existing building (b) and subject to the development achieving enhancement (assessed later in the report) the proposal is acceptable in principle. All other material planning matters are assessed in the forthcoming sections.

Design and impact upon the character of the area

- 8.11 Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.12 A proposed canopy porch would project outwards from the existing buildings southern side elevation by a modest 1.26 metres for a width of 3.62 metres as to not appear over dominant. It would have a dual-pitched forward fronting gabled form with an appropriate eaves and ridge height. The proposed canopy would serve the re-located entrance and would involve the insertion of new timber dual-personal doors to the building. The historic entrance whilst would no longer be in use, is to see the insertion of a new timber personal fire door to retain the buildings existing character and focal point when approaching from Wood Road to both the north and south. Both the canopy porch and the personal doors would be constructed out of timber of a corresponding timber finish and colouring of the existing fenestration to ensure a unified appearance.
- 8.13 The proposed single-storey rear extension would project outwards from the existing north-east elevation of the kitchen by 14.11 metres for a width of 4.51 metres to square off the existing built form which currently sits at an angle. It would have a dual-pitched/flat roof form as to replicate the existing roofscape with very minor enlargements proposed to the eaves/ridge height. The proposed extension would be predominantly screened from Wood Road, with the aspects which are viewable being softened by the proposed replication of the roofscape.
- 8.14 Additional works also include the installation of personal door and a set of bi-fold doors to the eastern elevation and the installation of window and a set of bi-fold doors to the northern elevation. The proposed materials would match those of the existing building with the exception of aluminium to the bi-folds. The bi-fold doors would nevertheless be due to their position not harm the character of the building or area.
- 8.15 As a result of their minor nature, design and appearance the proposed works does not have any adverse impact on the appearance of the site or the surrounding area and is therefore in accordance with Policy DM10 of the SADMP. Enhancements as required by Policy DM4 are limited, but can be attributed to bringing the building back into use and through the minor enhancements to the frontages of the building.

Impact upon neighbouring residential amenity

- 8.16 Policy DM10 of the SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings. The policy also states that the amenity of the occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.
- 8.17 The Councils Good Design Guide states that *'Habitable rooms within rear elevations of neighbouring properties should never be less than 21m apart.'*

- 8.18 The proposed canopy porch would be situated a minimum of 12.17 metres from the nearest neighbouring dwelling, 1 Wood Road not satisfying the Councils Good Design Guide. No openings are, however, present to the immediate side elevation of no.1 and the proposal would not extend forward of the building line. Furthermore, proposed rear extension would be screened from the neighbouring properties to the south by the existing building.
- 8.19 No additional glazed openings are proposed to the southern elevation of the application building.
- 8.20 Due to the nature of development being limited to the minor extension and alteration of the building, there is not considered to be an intensification of noise at the site. Any future issues could be controlled by them separately using statutory nuisance legislation.
- 8.21 By virtue of the above factors the proposal would satisfy Policy DM10 of the SADMP, and the Councils Good Design Guide.

Impact upon parking provision and highway safety

- 8.22 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. 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.
- 8.23 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.
- 8.24 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.25 Access to the site is via Wood Road, a B classified road (B585) subject to a 50mph speed limit. No amendments are proposed to the existing access arrangements. Given the nature of the proposals, a detailed assessment of the anticipated trip generation resulting from the development is not required.
- 8.26 Table 29 (c) Non-residential standards Class E of the LHDG states that Café/Restaurants should provide 1 customer space per 4sqm public area plus 1 staff space for each residential member of staff plus 1 staff space per 40sqm or 10 tables. There is no threshold for applying the standard.
- 8.27 The proposed works enable a larger kitchen to be provided, with no enlargements to the existing public floorspace. Based on the existing public floorspace the restaurant would therefore be required to show that at least 35 car parking spaces could be provided to satisfy Figure 29(c) of the LHDG.
- 8.28 The proposed Parking Layout received by the LPA on the 3rd December, details 14 car parking spaces within the site, including two accessible spaces falling short of the requirements by 21 spaces. From historic applications and aerial photography, it appears that a greater number than the 14 parking spaces proposed were historically marked out within the site. Nevertheless, the LHA believes that several of the marked-out spaces would be difficult or impractical to use if other vehicles were parked in nearby spaces. On this basis the LHA considers the proposed layout, while detailing a reduced number of parking spaces to what has been

marked out on the ground, is likely to reflect a more realistic, usable and practical layout than what has been on site before. The LHA therefore advise that no additional parking provision is required within the site and will not be seeking to resist the application on highways grounds.

- 8.29 Furthermore, the LHA and the LPA are both also aware of a gravel area to the rear/ side of the site which appears to have historically been used for parking/ overflow parking for the existing restaurant. Whilst not shown for specifically for parking on the submitted drawings, and whilst the LHA advised refusal for this area to be used for parking in 2008, the development would be exempt from enforcement action due to being in use for over a decade. The LHA also support its retention as it is likely to reduce any need for customers to park within the highway to visit the site, which in this case would be a B classified road subject to a 50mph speed limit and close to a bend in the road.
- 8.30 The LHDG requires that parking spaces have minimum dimensions of 2.40 metres in width by 5.50 metres in depth, and an additional 0.50 metres in width is required if the parking space is bounded by a wall, fence, hedge, line of trees or other similar obstruction on one side and an additional 1.00 metre in width where the space is bounded on both sides. The parking space dimensions would comply with the LHDG.
- 8.31 The proposed development would therefore not have any adverse impacts upon highways safety and would satisfy Policy DM17 and DM18 of the SADMP or the overarching principles of the NPPF.

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 is considered acceptable due to the limited impacts upon the character of the area, the amenity of adjacent buildings and parking provision/highway safety. It is considered that the proposed development would be in accordance with Policies DM1, DM4, DM7, DM10, DM17 and DM18 of the adopted SADMP, the LHDG, and the overarching principles of the NPPF. The proposal is therefore recommended approval subject to the below conditions.

11. Recommendation

11.1 Grant planning permission subject to:

- Planning 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 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 as received by the Local Planning Authority on the 6th October 2025.
- Proposed Elevations as received by the Local Planning Authority on the 2nd December 2025.

- Proposed Floor Plans
- Parking Layout
- Landscape Layout

All as received by the Local Planning Authority on the 3rd December 2025.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM4, DM7, DM10, DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

3. The materials to be used on the external elevations of the proposed extension and alteration shall match the corresponding materials of the existing building with the exception of the rear/side bi-fold doors which are to be aluminium.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

4. The materials to be used to the personal doors to the southern side and front elevations and canopy porch to the southern side elevation shall match the corresponding timber finish and colouring of the existing fenestration.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

5. The development hereby permitted shall not be occupied until such time as the parking (and turning facilities) have been implemented in accordance with

Studio 98 Parking Layout drawing. Thereafter the onsite parking (and turning) provision shall be kept available for such use(s) 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 (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with Policies DM17 and DM18 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

- a) 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.
- b) A separate consent may be required under the Town and Country Planning (Control of Advertisement) Regulations 2007 in respect of the display of advertisements on these premises. Advice may be sought from the Local Planning Authority.
- c) The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Mining Remediation Authority on 0345 762 6846 or if a hazard is encountered on site call the emergency line 0800 288 4242. Further information is also available on the Mining Remediation Authority website at: Mining Remediation Authority - GOV.UK.