

Delegated Report

Planning Reference: 25/00123/FUL
Applicant(s): Mr Kevin Downes
Ward: Hinckley Castle



Hinckley & Bosworth
Borough Council

Application Site: 1C New Buildings, Hinckley,
Leicestershire

Proposal: Proposed new Use Class E use and associated works
including new entrance door

Case Officer: Sullivan Archer (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 planning application seeks full planning permission for the provision a new 11.5sqm Use Class E (Commercial, Business, and Service) use for a nail bar at 1C New Buildings, Hinckley. The use employs up to three people and two dedicated off-street parking spaces are provided to the rear of the property for the use. The description of the proposal was amended to reflect the creation of a new commercial use within the property.
- 2.2. To facilitate this development, the proposal includes the replacement of an existing 1.5m wide and 2.1m high opaque glazed panel that is 0.7m above ground level with a 1.5m wide and 2.1m high entrance door and other associated internal works including three steps within the entrance foyer to the finished floor level of the unit.
- 2.3. A new non-illuminated signage is applied to the existing fascia panel immediately above the new entrance door. The entrance door and side panels are constructed in timber and finished in anthracite (RAL 7016) to reflect the finishes of the existing shopfronts.
- 2.4. The application site is under 25 square metres in size and is therefore subject to the biodiversity net gain de minimis exemption.

3. Description of the Site and the Surrounding Area

- 3.1. The application site is within the centre of Hinckley and is located on a corner plot adjoining Wood Street to the north and New Buildings to the west. Excluding the

application set, both sides of New Buildings are identified as Primary Shopping Areas within the Hinckley Town Centre Area Action Plan (HTCAAP).

- 3.2. The site surrounded by a mixture of properties with commercial ground floor uses and residential uses on upper floors. Due to the variety of styles and designs of buildings, there is no discernible unique character to the street scene. The site is within the Hinckley Town Conservation Area and the properties to the north of the site are important locally designated buildings.
- 3.3. The site was approved for the use as three retail units and eighteen residential apartments via planning application 04/01472/FUL. The application site is within Unit 3 of this approved development site, which is within a curved three-storey structure and is part of a wider two-storey terraced selection of buildings. The building is of no particular architectural interest and is considered to have a neutral contribution to the character, appearance, and thus significance of the Conservation Area. All the terraced buildings are constructed with a red brick finish, but the first and second floor of the curved structure have a white rendered finish. Immediately above the proposed new entrance door are two protruding square glazed Juliette balconies.

4. Relevant Planning History

4.1 07/00525/COU

- Change of use from A1 to A2
- Permitted
- 29.06.2007

4.2 04/01472/FUL

- Residential development of eighteen apartments and three retail units
- Permitted
- 29.04.2005

4.3 99/00347/CONDIT

- Renewal of planning consent 94/00372/FUL
- Permitted
- 30.06.1999

4.4 94/00372/FUL

- 3 storey office building and associated car park
- Permitted
- 15.06.1994

5. Publicity

- 5.1 The application has been publicised by sending out letters to local residents. Following the agreed revisions to the description of the planning application, letters were re-sent out to local residents, a site notice was published in the vicinity of the site and a notice was displayed in the local press.
- 5.2 No responses have been received.

6. Consultation

- 6.1 There have been no objections from the following consultants:
- Hinckley & Bosworth Borough Council (HBBC)'s Conservation Officer
 - HBBC's Environmental Services' Pollution Officer
- 6.2 The County Council as the Local Highway Authority confirmed that the proposal made no material impact on the public highway and therefore had no comments to make.

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 DM22: Vitalising District, Local, and Neighbourhood Centres
 - Policy DM23: High Quality Shop Fronts and Advertisements
- 7.3 Hinckley Town Centre Area Action Plan (HTCAAP) (2011):
- Policy 13: Hinckley Town Centre Shopping Areas
 - Policy 14: Retail Development Outside Hinckley Town Centre
- 7.4 National Planning Policies and Guidance:

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

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 therefore:

- Principle of development
- Design and impact upon the character of the area
- Impact upon residential amenity
- Impact upon parking provision and highway safety

Principle of Development

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. The current Development Plan consists of the adopted Core Strategy, the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP), and the adopted Hinckley Town Centre Area Action Plan (HTCAAP).

8.5 The Core Strategy, the SADMP, and the HTCAAP 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.

- 8.6 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.
- 8.7 Policy DM21 of the SADMP states that all applications for the provision of new main town centres uses will be required to adhere to the following sequential approach, which prioritises such uses for within Hinckley Town Centre, District Centres and Local Centres. Paragraph 15.2 of the SADMP confirms that main town centre uses includes retail development and leisure uses.
- 8.8 The proposal is a main town centre use within Hinckley Town Centre and therefore the scheme complies with Policy DM21 of the SADMP.
- 8.9 Given the above, the proposal is considered to be within a sustainable location in Hinckley Town Centre and in a suitable location for its proposed commercial use. Therefore, the proposal is considered to be acceptable in principle, subject to the assessment of all other material considerations. Other material considerations are set out within the next sections of the report.

Design and Impact upon the Character of the Area and the Historic Environment

- 8.10 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the Local Planning Authority when determining applications for development which affects a Listed Building or its setting to have special regard to the desirability of preserving the Listed Building or its setting or any features of special architectural and historic interest which it possesses.
- 8.11 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.
- 8.12 Chapter 16 of the National Planning Policy Framework provides the national policy on conserving and enhancing the historic environment. Heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Therefore, in determining applications, Paragraph 212 of the NPPF requires great weight to be given to the conservation of designated assets and the more important the asset, the greater the weight should be.
- 8.13 Paragraph 216 of the NPPF highlights that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

- 8.14 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.
- 8.15 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.
- 8.16 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.
- 8.17 The proposal creates one new commercial use within the site, which is currently utilised for Use Class E uses. Given the scale and type of the commercial use, the development is not considered to result in any significant adverse impacts to character of the area, or the significance of the Hinckley Town Conservation Area.
- 8.18 The works to facilitate the change of use that affect the external appearance of the building are limited to the replacement of an existing window with an entrance door and use of a small fascia above for a signage zone for the new use. The new door is considered to be proportionate in scale and have a form that respects the existing fenestration and fits comfortably on the front elevation of the building.
- 8.19 An unilluminated sign is proposed on top of the replacement entrance door, but no details are provided within this submission. This application cannot grant advertisement consent. Therefore, the Local Planning Authority draw the Applicant's attention to the limitations of Part 1 of Schedule 3 of the Town and Country Planning (Control of Advertisements) Regulations 1992.
- 8.20 In light of the above, the proposal is not considered to result in any adverse impacts to the character of the surrounding area or the significance of the Hinckley Town Conservation Area. Therefore, the proposal is in accordance with Policies DM10, DM11, and DM12 of the SADMP.

Impact upon Residential Amenity

- 8.21 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.
- 8.22 The development does not involve any extensions or exterior alterations with the exception of the replacement entrance door. This alteration is not considered to result in any significant harm to neighbouring residential amenity. The proposal creates one new commercial use within the site, which is currently utilised for Use Class E uses. No objections have been received from the Council's Environmental

Services Department. Given the above, the development is not considered to result in any significant adverse impacts to neighbouring residential amenity as a result of noise, light, or air pollution. By virtue of these factors, the proposal is not considered to result in any significant harm to neighbouring residential amenity in accordance with Policy DM10 of the SADMP and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.23 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 developments to demonstrate an adequate level of off-street parking provision. All proposals for new development and changes of use 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).
- 8.24 The proposal makes no amendments to the existing vehicular access to the site, which is to the rear of the site via Wood Street. Two dedicated off-street parking spaces are provided to the rear of the property, which have dimensions that are in accordance with the LHDG. The development is also in a sustainable location in Hinckley Town Centre and therefore the site can be accessed by other modes of transport than car. Based on the submitted details, the County Council as the Local Highway Authority confirmed that the proposal made no material impact on the public highway. Given the above, the proposal does not create an unacceptable impact on highway safety or the road network. Therefore, the scheme is regarded as in accordance with Policies DM17 and DM18 of the SADMP, and 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 to be granted, subject to the imposition of appropriate conditions.

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 received by the Local Planning Authority as follows:

- Existing Floor Plan (25 11 01) (submitted: 13.02.2025)
- Existing & Proposed Elevations (25 11 03A) (submitted: 21.02.2025)
- Proposed Floor Plan (25 11 02A) (submitted: 21.02.2025)
- Site Location & Block Plan (submitted: 16.04.2025)

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM10, DM11, and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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

Site Location & Block Plan (submitted: 16.04.2025). Thereafter the onsite parking (and turning) provision shall be kept available for such uses 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).

4. The materials to be used on the external elevations of the proposed development shall match the corresponding materials of the existing building.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM10, DM11, and DM12 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 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.