

Delegated Report

Planning Ref: 23/01100/FUL
Applicant: Mr Ku Akeredolu
Ward: Hinckley



Hinckley & Bosworth
Borough Council

Site: 7 Leicester Road, Hinckley, Leicestershire

Proposal: Change of use from offices class E to 4no. flat unit (Class C3(A))

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 planning application seeks full planning permission for the change from offices class E to 4no. flat units (Class C3(A)). Unit 1 (36 sqm) would be at the front of the ground floor and have a bedroom, a bathroom, a living room/ kitchen area. Unit 2 (44 sqm) would be at the rear of the courtyard and have 1 bedroom, a bathroom and a living room/ kitchen area. Unit 3 (36sqm) would have 1 bedroom (10.5 sqm), a living room/ kitchen and a bathroom. Units 1, 2 and 3 would be accessed from the courtyard on the western elevation. Unit 4 (71sqm) would be accessed from the front elevation & have 2 bedrooms, a bathroom and a living room/ kitchen area. No changes are proposed for the external elevations of the property.

- 3.1. The current parking area holds 8-10 cars and access is through a lane on the eastern side of the site. The parking area with the proposed change of use is to have 4 spaces and the provision for a secure cycle store on site. The existing bin storage area would be extended to cater for the 4 Units. The flats will be within easy walking to the town centre and are near bus stops. Amenity for the 4 Units would be the existing courtyard accessed from the western elevation.

3. Description of the Site and the Surrounding Area

- 3.2. The 2 storey property stands alongside Leicester road, Hinckley with 'B & Q' & the ATS Euromaster car park on the west and residential dwellings to the east, along with Hinckley Fire Station. The building has been used as offices since at least 1990. Since around 2002 the buildings were occupied by a firm of solicitors, an accountancy firm and shoe designers.
- 3.3. The applicants submission states that 'there were at that time 12-14 employees working onsite. However the use of the offices has decreased to where there is only one office occupied by the owners Antoinette Designs. One more office is occupied by a part time accountant. Both the persons are well over retirement age and wish to move on'.
- 3.4. The applicant says there is no market for these offices & so it has been decided to apply for the change of use to 4 no flat units. This requires minimum alterations to the building and has no effect to the external appearance. The proposed units also include a small office for use of the eventual owners of the building for management of the building when necessary.
- 3.5. The current owners would like to remain owners of the large garden area to the rear of the site as possible future development of some kind which may or may not be

allowed by the Council in the future. The present site is free from contamination and is not part of a flood zone.

- 3.6. The site lies outside of the defined Hinckley Town Centre boundary which lies to the south of the site, however, is within the Hinckley Town Centre Area Action Plan boundary.

4. Relevant Planning History

98/00678/FUL

- ERECTION OF TWO DWELLINGS
- Permitted
- 11.11.98

02/00348/FUL

- Extension to Studio
- Permitted
- 11.06.02

09/00431/FUL

- Erection of Garage
- Permitted
- 06.08.2009

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 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:

- HBBC's Drainage Officer
- HBBC's Environmental Services' Pollution Officer
- HBBC's Waste Management Officer- no comment received
- Local Highway Authority (LHA) (subject to conditions)

- 6.2 HBBC Housing Officer- Layout is acceptable subject to compliance with the Building Regulations for change of use relating in particular to noise and fire safety arrangements.

7. Policy

- 7.1 Core Strategy (2009)

- Policy 1: Development in Hinckley

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

- 7.3 Hinckley Town Centre Area Action Plan

- No relevant policies

- 7.4 National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2023)
 - Planning Practice Guidance (PPG)
 - National Design Guide (2019)
- 7.5 Other Relevant Guidance
- Good Design Guide (2020)
 - Housing Need Study (2019)
 - Leicestershire Highway Design Guide (LHDG) (2022)

8. Appraisal

- 8.1. The key issues in respect of this application are therefore:
- Principle of development
 - Housing land supply
 - Design and impact upon the character of the area
 - Impact upon residential amenity
 - Impact upon parking provision and highway safety
 - Flood Risk & Drainage

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, and that the NPPF is a material planning consideration in planning decisions.
- 8.3. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the adopted 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. Paragraph 12 of the NPPF states 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.
- 8.4. The current Development Plan consists of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016). The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough.
- 8.5. Both the adopted Core Strategy and the SADMP are over 5 years old, and Paragraph 33 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. Therefore, this report sets out the relevant adopted Core Strategy and SADMP policies and refers to the NPPF and notes any inconsistencies between them.

- 8.6. The development represents the change of use of an existing commercial property outside the defined limits of Hinckley Town Centre into a residential use within the identified settlement boundary of Hinckley. This is considered to be acceptable in accordance with Policy DM1 of the SADMP, and therefore 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.

Housing Land Supply

- 8.7. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 8.8. Paragraph 11(d) of the NPPF states that planning decisions should apply a presumption in favour of sustainable development where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date. Footnote 8 of Paragraph 11 of the NPPF highlights that housing policies are considered to be out-of-date where local planning authorities cannot demonstrate a five-year supply of deliverable housing sites.
- 8.9. Using the standard method as outlined by the Ministry of Housing, Communities & Local Government (MHCLG), Hinckley and Bosworth Borough Council are able to demonstrate 4.89 years of deliverable housing on 01 April 2022. In addition, both the adopted Core Strategy and the SADMP are over 5 years old, and Paragraph 33 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. Therefore, this report sets out the relevant adopted Core Strategy and SADMP policies and refers to the NPPF and notes any inconsistencies between them.
- 8.10. Given the above and the change in the housing figures required for the Borough, the 'tilted' balance in Paragraph 11(d) of the NPPF is triggered.
- 8.11. Paragraph 11 (d) of the NPPF requires planning permission to be granted unless:
- i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 8.12. Section 5 of the NPPF requires planning policies and decisions to deliver a sufficient supply of homes to support the Government's objective of significantly boosting the supply of homes without unnecessary delay.
- 8.13. Paragraph 70 of the NPPF states that small and medium sized sites, such as windfall sites, can make an important contribution to meeting the housing requirements of an area.
- 8.14. The development is for 4 Flats, and therefore Policy 15 (Affordable Housing) and Policy 16 (Housing Density, Mix and Design) of the adopted Core Strategy are not applicable for this scheme.

- 8.15. Whilst the provision of 4 Flats within this application site is unlikely to be a significant benefit to the housing land supply within the Borough, given the Council's failure to deliver a five-year supply of land for housing, it is considered that moderate weight should be given to the provision of the proposed dwelling.
- 8.16. The application site is located in a sustainable urban location within the settlement boundary of Hinckley as defined in the adopted SADMP and with reasonable access to a full range of services and facilities. The principle of residential redevelopment of the site would therefore be generally in accordance with the adopted strategic planning policies of the development plan.

Design and Impact upon the Character of the Area

- 8.18 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.
- 8.19 Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.
- 8.20 The change of use from the existing commercial office use to 4 Flats reinstates the original use of the property and blends well with the largely residential nature of this Street.
- 8.21 Although internal decoration and fittings are likely to be required to facilitate the change of use, such as plumbing for bathrooms and kitchens, there are no known features of an interest internally, and so it is not considered that the development has a detrimental impact upon the fabric of the building from such insertions and alterations.
- 8.22 There are also no alterations to the external elevations, and therefore the character of the area is unlikely to be affected. Bin storage is located within the rear yard away from the Highway and this area will be extended slightly to provide sufficient space for the 4 proposed flats. Therefore, the proposal is not considered to have a detrimental impact upon the character of area and complies with Policy DM10 in this regard.

Impact upon Residential Amenity

- 8.23 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.
- 8.24 Paragraph 135(f) of the NPPF requires planning policies and decisions to ensure that developments create places that are safe, inclusive and accessible, and which promote health and well-being, with a high standard of amenity for existing and future users.
- 8.25 The Good Design Guide SPD outlines that development will need to demonstrate that it will not result in loss of amenity to neighbouring properties by way of overlooking, overshadowing or noise.

- 8.26 No external alterations are proposed within this application, and therefore the development does not result in any significant overlooking, loss of light, overbearing or loss of privacy impacts in comparison to the existing use. Given the existing commercial office use of the site, the proposal's change of use to residential is not considered to cause any significant harm to residential amenity regarding light, noise, or air pollution.
- 8.27 Due to the size of the proposed flats Units 1, 2 & 3 must be for 1 person only as a flat would need to be at least 50sqm to offer sufficient space for 2 people. The proposal satisfies bedroom size for such units. Amenity is provided in the common courtyard area accessed on the western elevation from the pathway. Although not a large size it is considered acceptable in this instance due to the location of site, the access to nearby parks.
- 8.28 By virtue of these factors and the fact that there have been no objections to the scheme, the proposal does not result in any adverse overbearing or overshadowing impacts or any overlooking or loss of privacy to the neighbouring properties and provides sufficient amenity for future occupiers. Therefore is considered to be in accordance with Policy DM10 of the SADMP and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.29 Section 9 of the NPPF promotes sustainable transport. Paragraph 114 of the NPPF states that it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 115 of the NPPF outlines that 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 would be severe.
- 8.30 Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. 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)).
- 8.31 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.32 The existing access measures approximately 2.4 metres wide and leads out onto Leicester Road, a classified B road (B590) subject to a 30mph speed limit. Figure DG17 of Part 3 of the Leicestershire Highways Design Guide ([LHDG] available at <https://resources.leicestershire.gov.uk/lhdg>) states that for an access serving 2-5 dwellings - the access should be 4.25m wide for a minimum distance of 5m behind the highway boundary. The LHA are aware that 12-14 employees previously used the access to the site for employment purposes and therefore accept the change of use to 4 flat units would mean less vehicle traffic using the existing access.
- 8.33 There are no plans detailing vehicle or pedestrian visibility from the existing access point proposed by the applicant. The applicant should be aware of a highways tree that could affect visibility of traffic approaching from the eastern point of the access. However, the change of use is set to lead to less intensification than the previous use of the access, therefore the LHA have no objection.

- 8.34 The total provision proposed by the applicant within the submitted application form is for four parking spaces which equates to one parking space per flat. Based on Part 3, Para. 3.151 of the LHDG, the LHA deem this acceptable, given the site is located within walking distance of Hinckley Town Centre. There is also a comprehensive package of Traffic Regulation Orders such as single and double yellow lines within the vicinity of the site, which should prevent inappropriate on-street parking. In addition, bus stops serving regular services between Hinckley and Lutterworth preside within 50m of the site access point and the Applicant states they will provide secure cycle parking within the site. The LHA advise this should be secure and undercover. The LHA note that this offers residents the opportunity to utilise modes of sustainable transport to and from the site.
- 8.35 Given the above, in these site-specific circumstances, the Local Highway Authority consider the development to make no material impact on the public highway. Therefore, the scheme is regarded as acceptable, and in accordance with Policies DM17 and DM18 of the SADMP, and the LHDG.
- 8.36 *Flood Risk and Drainage*
Policy DM7 of the SADMP seeks to prevent development from resulting in adverse impacts on flooding by ensuring that development does not create or exacerbate flooding. Paragraph 173 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere.
- 8.37 The HBBC Drainage Officer has no objections and as such the development is considered to satisfy policy DM7 and 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.
- 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 proposed development is considered to be compliant with the relevant national and local policy as it:

- Is in a sustainable location
- Is an appropriate scale and design.
- Does not have an adverse impact upon the character and appearance of the area.
- Does not have a significant adverse impact upon residential amenity.
- Does not have a significant adverse impact upon highway safety.
- Provides sufficient vehicle parking spaces for off-street parking.

10.2 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.

10.3 As above the proposal complies with the relevant policies of the development plan which are attributed significant weight. Further positive weight is attributed to the provision of four dwellings to the Councils housing land supply alongside the social and economic benefits through the construction and occupation of the units, albeit the latter is limited owing to the scale of development. In applying paragraph 11d of the NPPF the benefits of the development clearly outweigh any harm.

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 received by the Local Planning Authority as follows:

- Proposed Plans Drg. No. ND/23/190/2 Rev B (submitted: 09.01.2024)
- Site Location Plan (submitted: 20.11.2023)

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).

3. The development hereby permitted shall not be occupied until such time as the parking facilities have been implemented in accordance with Nigel Dutton drawing number ND/23/190/2 Rev B. Thereafter the onsite parking provision shall be kept available for such use 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 Policy DM18 of the Site Allocations and Development Management Policies

Development Plan Document (2016) and the National Planning Policy Framework (2023).

4. The development hereby permitted shall not be occupied until such time as secure (and under cover) cycle parking has been provided in accordance with details first submitted to in writing and agreed in writing by the Local Planning Authority. Thereafter the onsite cycle parking provision shall be maintained and kept available for such use in perpetuity

Reason: To promote travel by sustainable modes in accordance with Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2023).

5. All bathroom windows shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale and non-openable. Once so provided the windows shall be permanently maintained as such at all times thereafter.

Reason: To safeguard the privacy and amenity of neighbouring dwellings from potential overlooking in accordance with Policy 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.
2. Hinckley & Bosworth Borough Council's recycling and refuse collection services are from the boundary to the adopted highway. It will be the responsibility of the occupiers to ensure that all containers/wheeled bins are brought to the collection point.