

Delegated Report

Planning Ref: 24/00247/FUL

Applicant: Mr Simon Merry

Ward: Hinckley Trinity



Hinckley & Bosworth
Borough Council

Site: 114 Teign Bank Road Hinckley Leicestershire

Proposal: Proposed Change of Use from dwelling [C3(a)] to House in Multiple Occupation [Sui Generis] and associated access, landscaping, and parking

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 change of use of an existing dwellinghouse (Use Class C3) into an eight-person House in Multiple Occupation (HMO) (Sui Generis) and associated access, landscaping, and parking at 114 Teign Bank Road, Hinckley. To facilitate this development, the existing garage was originally to be converted into two new bedrooms. No further extensions are undertaken within this proposal. A seven-bay cycle storage shed is also proposed to the rear of the property.
- 2.2. Following concerns raised by the Planning Officer, the proposal to divide the garage into two bedrooms was amended so that it provides just a single larger room that is large enough for double occupancy and the additional parking to the rear of the site was removed at the request of the Local Highway Authority. A condition is attached preventing bedroom 7 being divided to form two separate rooms.
- 2.3. Land Registry documents and a revised Site Location Plan were also submitted to address the discrepancies in relation to the extent of the application site between the historic street scene images of the site and the current state of the site, and subsequently the discrepancy between the red line boundaries within the original Site Location Plan and the proposed plans.

3. Description of the Site and the Surrounding Area

- 3.1. The 727sqm application site is to the north of, but within the identified settlement boundary of, Hinckley, and consists of an existing dwelling, 114 Teign Bank Road.
- 3.2. 114 Teign Bank Road is a two-storey property that is constructed with a white rendered finish. The dwelling features a hipped roof and a front-facing gable that is above two bay windows on both floors of accommodation. The property benefits from a significant side extension that is set back from the main dwelling by 0.4m

from the front of the property and also utilises. The property also features an extensive garden that is 13.1m in width by 33.2m in depth.

- 3.3. Since May 2022, the property has been utilised as a HMO for six residents and is currently registered with Hinckley and Bosworth Borough Council. The Applicant is part of a HMO franchise company, Platinum Property Partners that currently owns and runs three other licenced HMOs.
- 3.4. 114 Teign Bank Road is on the southern side of the highway, and it is 51.7m northwest of the highway's confluence with Factory Road. Teign Bank Road and Factory Road are both adopted, but unclassified, roads that are both subject to a 30mph speed limit. Teign Bank Road is largely residential in character, but there is an existing commercial use to the north of the application site. Due to the variety of styles and designs of buildings along Teign Bank Road, there is no discernible unique character to the street scene.

4. Relevant Planning History

- 4.1 N/A.

5. Publicity

- 5.1 The application has been publicised by sending out letters to local residents.
- 5.2 Two objections from members of the public have been received from the same address regarding noise and air pollution, the location of the off-street parking provision, and the safety implications of this location.
- 5.3 One of these members of the public also highlighted concerns regarding the conifer tree at the bottom of the garden in relation to the number of pigeons that nest there.
- 5.4 No further responses have been received.

6. Consultation

- 6.1 There have been no objections from the following consultants:
- Hinckley & Bosworth Borough Council (HBBC)'s Drainage Officer
 - HBBC's Environmental Services' Pollution Officer
 - HBBC's Private Sector Housing
 - HBBC's Waste Management Officer (subject to conditions)

Highways:

- 6.2 On 26 March 2024, the Local Highway Authority (LHA) did not consider the planning application to fully assess the highway impact of the proposed development. This is because the LHA expressed concerns regarding the width of the proposed eastern access and its vehicular visibility splays. As a result, the LHA

have stated that they would prefer the additional parking to be removed so as to not intensify the use of a substandard access.

- 6.3 To address the LHA's concerns, the Applicant removed the proposed rear off-street parking.

Private Sector Housing

- 6.4 Whilst the Council's Private Sector Officer had no objections to the development, they have advised that a variation to the existing HMO licence is required and additional cooking facilities, including an additional sink the kitchen, are required in accordance with the varied conditions of the HMO licence.

Waste

- 6.5 The Council's Waste Management Officer requested a planning condition that secures the adequate provision of storage and collection of refuse and recycling containers.
- 6.6 No further responses have been received.

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 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) (December 2023)
 - Planning Practice Guidance (PPG)
 - National Design Guide (2019)
- 7.4 Other Relevant Guidance:
- Good Design Guide (2020)
 - Leicestershire Highway Design Guide (LHDG) (2022)
 - Technical Housing Standards – Nationally Described Space Standards (2015)

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.
- 8.3 The current Development Plan consists of the adopted Core Strategy and the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP). In accordance with Paragraph 225 of the NPPF, due weight should be given to existing policies according to their degree of consistency with the NPPF.
- 8.4 The application site is within the identified settlement boundary and therefore the principle of the development is acceptable, subject to the assessment of all other material considerations. All other material considerations are assessed further in this report.

Design and Impact upon the Character of the Area

- 8.5 Section 12 of the NPPF confirms that good design is a key aspect of sustainable development, and the creation of high quality, beautiful, and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 135 of the NPPF details the six national policy requirements of development to ensure the creation of well-designed and beautiful places.
- 8.6 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.
- 8.7 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.
- 8.8 The scheme does not include any extensions or external alterations to the property with the exception of the replacement of the existing garage door with a new window on the front elevation of the dwelling. This alteration is not considered to result in any significant harm to the character of the site, nor the surrounding area.
- 8.9 The change of use retains a residential use, which is in keeping with the character of the area and therefore, it is considered that the proposal respects the character of the existing dwelling and surrounding area and is in accordance with Policy DM10 of the SADMP, and the Good Design Guide.

Impact upon Residential Amenity

- 8.10 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.
- 8.11 No extensions or external alterations are proposed with the exception of the replacement of the garage doors on the front elevation of the property with a window.
- 8.12 As a result, it is not considered that the scheme causes any harm to neighbouring residential amenity in relation to overlooking or loss of privacy impacts, nor overbearing or loss of light impacts.
- 8.13 Furthermore, the application site currently facilitates a six-person HMO. In light of this, it is not considered that the provision of one additional double occupancy room within this HMO is likely to result in significant harm to neighbouring residential amenity due to noise and disturbance in these site-specific circumstances.
- 8.14 To support the residential amenity of future occupiers of the scheme, Regulation 2 of the Licencing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018 within the amended Schedule 4 of the Housing Act 2004 requires the floor area of any room in a HMO used as sleeping accommodation by one person over 10 years of age to be a minimum of 6.51sqm and 10.22sqm when any room in a HMO is used as sleeping accommodation by two persons aged over 10 years.
- 8.15 All bedrooms within the development are considered to comply with these requirements.
- 8.16 Furthermore, HMOs occupied by six to ten people within the Borough are required to have a kitchen with a minimum size of 10sqm, and there must be an additional living room or dining room with a minimum size of 16.5sqm. Alternatively, there must be a kitchen diner with a minimum size of 19.5sqm.
- 8.17 The kitchen/ dining/ living room within the development is 27.3sqm, which exceeds the requirements of the Council.
- 8.18 The Good Design Guide states that well designed internal and external space is critical to the quality of life of residents, and that ensuring adequate space between and around buildings is recognised as a core component of residential amenity. Therefore, residential properties with three bedrooms or more should provide a

minimum of 80sqm of private outdoor amenity space with a minimum length of 7m. Although this guidance applies to Use Class C3 dwellings, the principle of the necessity for a high standard of residential amenity is required by Paragraph 135 of the NPPF and Policy DM10 of the SADMP.

- 8.19 The proposal provides a private outdoor rear amenity area that has an area of 260.8sqm, which is compliant with the Good Design Guide.
- 8.20 By virtue of these factors, the proposal is not considered to result in any significant adverse impacts to the residential amenity of neighbouring properties or the future occupants of the scheme in accordance with Policy DM10 of the SADMP and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.21 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. 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)).
- 8.22 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.23 Following the Leicestershire County Council's advice, the proposal was revised to ensure that no amendments are proposed to the existing access to the site.
- 8.24 There has been one Personal Injury Collision (PIC) that has been recorded on Teign Bank Road within the most recent five-year period. The PIC was recorded as serious in severity and occurred approximately 350 metres away from the site. The Local Highway Authority (LHA) has given consideration to the circumstances of the PIC and does not consider that the development proposal would exacerbate the likelihood of further such incidents occurring.
- 8.25 The LHA acknowledge that HMO's do not have specific parking standards as detailed within the Leicestershire Highway Design Guide (LHDG). However, as per Section 3.151 of Part 3 of the LHDG, when assessing the proposals compared to a residential dwelling, the LHA would normally require three spaces for a dwelling with four or more bedrooms.
- 8.26 Whilst the scheme results in the loss of the existing garage, by virtue of its size, it is not considered that the garage was suitable to accommodate any off-street parking provision. Therefore, this is not considered to have any significant impact on the parking provision of the site.

- 8.27 Moreover, although the dimensions of the existing off-street parking provision are substandard in comparison to the requirements of Paragraph 3.165 of Part 3 of the LHDG, the property benefits from approximately four off-street parking spaces at the front of the property.
- 8.28 Given that this parking provision is existing, the substandard depth of these spaces is considered to be acceptable in these site-specific circumstances. Nevertheless, this provision of off-street vehicle parking spaces accords the quantum of off-street vehicle parking required by the LHDG.
- 8.29 Notwithstanding this, there are no on-street vehicle parking restrictions in the immediate vicinity of the site, and in the absence of any formal parking restrictions, motorists can legally park their vehicles on the street. Furthermore, the application site is situated in a sustainable location close to Hinckley Town Centre, which has the potential to promote the use of sustainable and active modes of travel in accordance with Policy DM17 of the SADMP. The use of sustainable and active modes of travel is also supported by the provision of a cycle shed within the development.
- 8.30 In summary, the property benefits from existing off-street parking spaces that are substandard in size. Nevertheless, in light of these existing off-street parking spaces, the lack of parking restrictions within the immediate vicinity of the site, the provision of cycle storage, and the sustainable location of the development, the proposal is not considered to 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 and Proposed Site Plan (submitted: 13.05.2024)
 - Proposed Floor Plans and Elevations (May '24) (submitted: 09.05.2024)
 - Site Location Plan (submitted: 27.06.2024)

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 secure cycle parking shall be provided in accordance with details first submitted to, and agreed in writing by, the Local Planning Authority. Thereafter, the cycle parking shall be maintained and kept available for use.

Reason: To promote travel by sustainable modes in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and Section 9 of the National Planning Policy Framework (December 2023).

4. Bedroom 7 of the development hereby permitted shall not be divided to form two separate bedrooms.

Reason: To protect the amenities of the occupiers of property in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the requirements of paragraph 135(f) of the National Planning Policy Framework.

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. With effect from 01 October 2018, all Houses in Multiple Occupation (HMO) that have five or more occupants from two or more separate households require to be licensed by Hinckley and Bosworth Borough Council. Please consult the Council's webpages for further information on how to make such an application.
3. Hinckley & Bosworth Borough Council's recycling and refuse collection services are from the boundary to the adopted highway and do not travel along, nor collect from private roads or driveways. Please refer to the policies within the Wheeled Bin and Container Policy (updated March 2018). It would be advisable to include an area near the roadside for the safe placement of the various containers on collection day. This will then keep the access clear to allow vehicular access. It will be the responsibility of the occupiers to ensure that all containers/wheeled bins are brought to the collection point.