

Delegated Report

Planning Ref: 25/01225/FUL
Applicant: Mr Sidharth Joshi
Ward: Hinckley Castle



Hinckley & Bosworth
Borough Council

Site: Pet Supplies 45 Castle Street Hinckley

Proposal: Change of use of first floor commercial premises into residential studio/apartment with separate access

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 change of use of the first-floor of 45 Castle Street from commercial (Class E) to a studio/apartment (Class C3).
- 2.2. The external alterations are limited to the installation of two high-level windows to the south-west (side) elevation.

3. Description of the site and surrounding area

- 3.1. 45 Castle Street is located within the Hinckley Town Centre Conservation Area. The property dates from the latter half of the 20th century and has a form and appearance typical of this period which is considered uncharacteristic with the traditional qualities of the conservation area. For these reasons the building is identified as being part of a weak area within the Hinckley Town Centre Conservation Area Appraisal (2013), and overall, the building is considered to make a negative contribution to the character and appearance, and thus significance, of the conservation area.

4. Relevant planning history

87/00437/4

- Construction of shopfront
- Planning Permission
- 29.05.1987

87/00781/4

- Shopfront alterations
- Planning Permission
- 21.09.1987

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. Following the publications, one representation has been received which is summarised below;

- Concern over losing fire escape to ground floor or over unauthorised access – **Officer comment – While not a material planning consideration, the Local Planning Authority (LPA) have worked with the applicants agent to address this concern. An additional fire door is to be placed between the existing retail unit and lobby. The proposed floor plans have been updated accordingly.**

6. Consultation

6.1. HBBC Conservation Officer:

Comments received have been incorporated into the body of this report.

6.2. HBBC Drainage:

'No objection on sustainable drainage grounds'

6.3. HBBC Environmental Health (Pollution):

Comments received have been incorporated into the body of this report.

6.4. HBBC Waste:

- No comments have been received.

6.5. LCC Highways:

'There would appear to be no material impact on the public highway and therefore the Local Highway Authority has no comments to make.'

7. Policy

7.1. Hinckley Town Centre Area Action Plan (HTCAAP) (2011)

- No relevant policies.

7.2. Core Strategy (2009)

- Policy 1: Development in Hinckley

7.3. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- 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 DM22: Vitalising District, Local and Neighbourhood Centres

7.4. National Planning Policies and Guidance

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

7.5. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)
- Leicestershire Highways Design Guide (LHDG) (2024)
- Hinckley Town Centre Conservation Area Appraisal (2013)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies

- Design and impact upon the character of the area and the conservation area
- Impact upon neighbouring residential amenity
- Impact upon highway safety and parking provision
- Impact upon waste

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. Policy DM1 of the adopted SADMP also provides a presumption in favour of sustainable development. Paragraph 12 of the NPPF states that the 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 The Core Strategy, the adopted 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.
- 8.7 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 the adopted SADMP policies and refers to the NPPF and notes any inconsistencies between them.
- 8.8 Policy DM22 of the adopted SADMP seeks to ensure that the use of upper floors of retail premises (Use Class A1-A5 now Use Class E) within the district, local and neighbourhood centres, for residential use, will be supported where they accord with other policies in the Local Plan.
- 8.9 The site is situated within the settlement boundary of Hinckley, a district centre which is identified as a sustainable location for development. The change of use of upper floors of retail premises to residential is further supported by Policy DM22 of the adopted SADMP. Therefore, the development is 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 conservation area

- 8.10 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.
- 8.11 Section 16 of the National Planning Policy Framework (NPPF) (2024) provides the national policy on conserving and enhancing the historic environment.
- 8.12 Policy DM10 of the adopted SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and that the use and application of building materials respect the materials of existing adjoining/neighbouring buildings and the local area generally
- 8.13 Policies DM11 and DM12 of the adopted SADMP seek to protect and enhance the historic environment. Development proposals should ensure the significance of a conservation area is preserved and enhanced.
- 8.14 This proposal is for the change of use of the first floor from commercial premises into residential studio/apartment with separate access. External alterations to facilitate the change of use are limited to the insertion of two small windows at first floor level on the side elevation of the building only. The windows would be inserted into existing brick infills on the side elevation which would match the form and appearance of the windows on the rear elevation of the building.
- 8.15 Overall, it is considered that the addition of the two windows would have a neutral impact upon the character and appearance of the building and the wider Hinckley Town Conservation Area, thus preserving its significance. The proposal therefore complies with Policy DM10, DM11 and DM12 of the adopted SADMP, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act and Section 16 of the NPPF.

Impact upon neighbouring residential amenity

- 8.16 Paragraph 135(f) of the NPPF requires planning policies and decisions to ensure that developments create places that are safe, inclusive, and accessible, which promote health and well-being, and a high standard of amenity for existing and future users.
- 8.17 Policy DM7 of the adopted SADMP requires that development do not cause noise or vibrations of a level which would disturb areas that are valued for their tranquillity in terms of recreation or amenity; It would not cause noise or vibrations of a level which would disturb areas that are valued for their tranquillity in terms of recreation or amenity.
- 8.18 Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy or amenity of nearby residents and occupiers of adjacent buildings and the amenity of occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.
- 8.19 No extensions are proposed and therefore there would be no adverse impacts upon the surrounding neighbouring properties in regard to loss of light. Two additional windows are proposed to the south-west (side) elevation; these openings are nonetheless to be high level to ensure the privacy of the neighbouring properties is retained.

- 8.20 To support the residential amenity of future occupiers of the scheme, one of the aims of Section 4 (New Residential Development) within the Councils Good Design Guide is to ensure that new residential development exceeds the internal space standards set by the Technical Housing Standards (THS) (2015) wherever possible.
- 8.21 The bedroom meets the size requirements for a double bedroom. This means that national space standards suggest the dwelling has capacity for 2-person occupancy, nevertheless nothing has been submitted to otherwise suggest that the flat would not be single occupancy.
- 8.22 The THS seeks to ensure that proposals for a one-bedroom, one-person single-storey accommodation should provide a minimum floor space of 39.00sqm and 1.00sqm of built-in storage and that proposals for a one-bedroom, two-person single-storey accommodation should provide a minimum floor space of 50.00sqm and 1.50sqm of built-in storage.
- 8.23 The proposal would have a floor space of 42.19sqm satisfying the THS for one-person occupancy, however falling short of the THS for two-person occupancy. The LPA would not, however, seek to resist this application on this basis alone as albeit not high consider that the proposal would have an adequate level of residential amenity and the scheme would be approved without hesitation if of a single-person occupancy alone.
- 8.24 The Councils Environmental Health Officer has raised concerns regarding the ventilation of the openings, so to further ensure the residential amenity of future occupiers a condition is considered necessary ensuring that any habitable rooms shall have some form of mechanical ventilation.
- 8.25 The Councils Good Design Guide states that 'Gardens are an important part of the quality of life afforded by a house. Over-development leaving a significantly reduced garden area can affect its appeal in the longer term. Homeowners should ensure that a single extension or cumulative smaller extensions do not result in a significant loss of total garden space as this can render the plot out of keeping with its context.
- A general guideline for garden sizes is:
- A minimum garden length of 7m
 - 80sqm: three bedroom house
 - 60sqm: two bedroom house.
- 8.26 The proposal would not provide a private amenity space, but the site is located directly within Hinckley Town Centre which has access to multiple shops and services, educational facilities and recreational facilities including nearby parks. Furthermore, the site is within 120.00 metres of bus stops with frequent services to Leicester and Nuneaton.
- 8.27 In light of the above, despite falling short of the THS for two-person occupancy the reasons outlined above level of amenity it hosts for future occupiers is considered to be acceptable on balance in this case. The proposal would further protect the residential amenity of the surrounding residents in accordance with Policies DM7 and DM10 of the adopted SADMP, Paragraph 135(f) of the NPPF and the Councils Good Design Guide.

Impact upon highway safety and parking provision

- 8.28 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.

- 8.29 To support this, Policy DM17 of the adopted 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.
- 8.30 Policy DM18 of the adopted SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.31 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).
- 8.32 While there is off-street parking available to the rear of the site, there would be no designated parking. But as the application site is located in a town centre location and given the extant uses to the ground/first floors no off-street parking facilities would be required.
- 8.33 Overall, the proposal would not result in adverse impacts upon highway safety or parking provision.

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 located within the settlement boundary of Hinckley where there is a presumption in favour of sustainable development. The change of use of the upper-floor of a class E use in a district centre location is acceptable in principle.
- 10.2. The proposed change of use would not have a significant visual impact upon the character of the area or Conservation Area, would not result in a significant impact on residential amenity for neighbouring or future occupiers. The proposal would neither result in any adverse highways safety impacts.
- 10.3. The proposal would therefore be in compliance with Policies DM7, DM10, DM11, DM12, DM17, DM18 and DM22 of adopted SADMP, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act, the Councils Good Design Guide, the Leicestershire Highways Design Guide, Section 16, Paragraph 135(f), 115(b) and 116 of the NPPF and is 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 materials to be used externally shall accord with the approved application form, as received by the Local Planning Authority on the 23rd December 2025.

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), Section 72 of the Planning (Listed Buildings and Conservation Areas) Act and Section 16 of the National Planning Policy Framework (2024).

3. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

- Site Location Plan
- Existing, Proposed Block Plan, Drg No. 45-CS-103 as received by the Local Planning Authority on the 23rd December 2025.
- Floor Plans, Drg No. 45-CS-101 as received by the Local Planning Authority on the 6th March 2026.
- Elevations, Drg No. 45-CS-102 as received by the Local Planning Authority on the 17th March 2026.

Reason: To ensure a satisfactory form of development in accordance with Policies DM7, DM10, DM11, DM12, DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Section 72 of the Planning (Listed Buildings and Conservation Areas) Act and Section 16, Paragraph 135(f), 115(b) and 116 of the National Planning Policy Framework (2024).

4. Notwithstanding the submitted plans, prior to first use of the accommodation all habitable rooms shall be provided with some form of mechanical ventilation. Thereafter the mechanical ventilation shall be retained and maintained in perpetuity.

Reason: To safeguard the amenity of future occupants in accordance with Policies DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraph 135(f) of 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.

