

Joe Fleetwood
Planning Department
Hinckley Hub
Rugby Road
Hinckley
LE10 0FR



Landmark Planning Ref: 24073
Hinckley and Bosworth Borough Council Ref: 24/01025/FUL

Date: 7th January 2025

Dear Mr. Fleetwood,

**Conversion of ground floor retail unit to a self-contained 1 bed flat
(retrospective): Compliance with Policies Protecting Local Centres (Policy DM22
and Policy 26)**

Following your email to Mr. Taruvunga dated 28th November 2024 I have been asked to assist with your request, requiring 'a statement and evidence, which provides details of how the change of use from the retail use at the site would not detract from the vitality or viability of the Local Centre, in terms of the loss of this retail unit.' As noted, this is required to satisfy Policy DM22 of the adopted Site Allocations and Development Management Policies DPD (2016), and Policy 26 of adopted Earl Shilton and Barwell Area Action Plan (2014).

Having reviewed the above documents and the AAP Policy Map, it appears that the site is located within the EAR53D *District* Centre, rather than *Local* Centre. This slightly alters the requested requirements, as per the relevant sections of policies DM22 and Policy 26 which both read as follows:

'To ensure the continued vitality and viability of district centres the change of use from A1, or A2 retail or loss of A1 or A2 retail uses within district centres will only be permitted where the proposal would not result in an over proliferation of any one use type in the centre, other than A1 retail, with particular reference to hot-food takeaways (A5).'

For the purposes of this assessment, the existing retail use, while currently Class E, would most closely relate to Class A1 under the previous Use Classes Order, to which the policies refer.

The proposal seeks a ground floor C3 dwelling. In order to address and evidence that the proposed change of use would not result in an over proliferation of such uses in the District Centre, this statement assesses the other uses C3 present within the site's local centre (Referenced as EAR53D in the Area Action Plan Map). It is considered appropriate to base the search around ground floor C3 units, rather than upper floor C3 units, as the proposal to a ground floor residential conversion. Within a District Centre, this is a fundamentally different principle to an upper floor dwelling, which safeguards ground floor retail function.

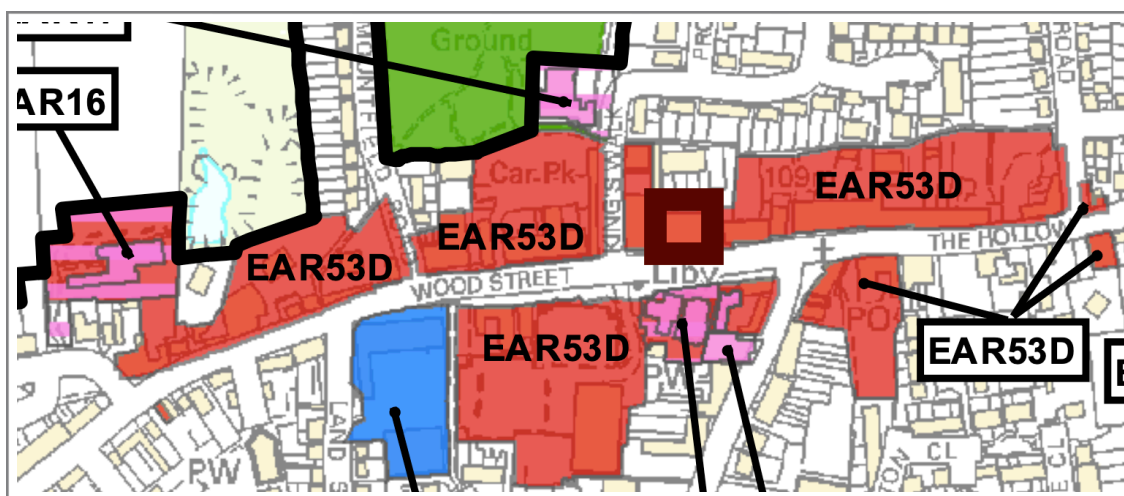


Figure 1: EAR53D District Centre with Approx. Site Area in Dark Red

The review of uses was conducted using Google Earth street view imagery dated July 2023. The LPA's planning application map was also reviewed to account for all applications in the last 5 years which could result in a change of use after the July 2023 imagery.

The assessment, illustrated in figure 2 found 12 existing ground floor dwellings plus 2 sites which have been approved for ground floor residential use, but were not in use as such in July 2023. While a large number of retail units with upper floors which appear likely to be in residential use were evident, this is considered less relevant to the requirements of Policy DM22 and Policy 26 for the reasons given above. Such residential use is commonplace in retail centres. Indeed, NPPF Paragraph 90(f) recognises the importance of residential use in retail centres.

The proposal will increase the number of ground floor C3 sites from 12 (+2 approvals) to 13 (+2 approvals). In a District Centre of c. 15 acres and 200+ addresses, this cannot be considered an over proliferation of C3 uses in the area.



Figure 2: Dwellings in the Local Centre

Retail uses remain thoroughly dominant, and there is no indication of any change (or acceleration in change) which is likely to threaten that.

Is it also noted that paragraph 8.8 of the 23/00537/FUL Delegated Report accepts that the previous C3 conversion for the upper floor of the development site 'would not lead to the over proliferation of residential use in the District Centre'. Clearly, the Council drew the same conclusions in 2023 as I draw now.

Although not directly related to the requirements of the subject policies, my assessment also noted that the development site is one of few properties in the District Centre which features individual ground floor windows, rather than a fully glazed shopfront. Due to its age, the appearance of the site lends itself to a potential dwelling, unlike most other frontages in the area.

Yours sincerely,

Harry Fowler
Principal Planner