

Delegated Report

Planning Ref: 25/00962/FUL

Applicant: Miss Alexandra Fidoe

Ward: Hinckley Castle



Hinckley & Bosworth
Borough Council

Site: 29B Regent Street, Hinckley, Leicestershire

Proposal: Change of Use from single dwellinghouse to two, one bed flats (retrospective)

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 is a retrospective, full planning application for the change of use of a two storey terraced property to form two, one bed flats. One flat covers the ground floor area of the building and the other flat covers the first floor. Both flats are for 1 person.
- 2.2. The application is accompanied by the following reports and documents:
 - Site Location Plan received 6 October 2025
 - Revised As existing retrospective elevation and floor plans received 19 November 2025
- 2.3. This is a retrospective application and so the conversion/change of use has already taken place. The application form states that the date the change of use occurred is unknown. The applicant purchased the building in its converted state.

3. Description of the site and surrounding area

- 3.1. The property is located within the Town Centre of Hinckley to the side/rear of a row of shop fronts and units located along Regent Street. It is accessed via a metal gate that fronts onto the Street within a small courtyard area. Further building/land lies to the rear of site which backs onto units along Trinity Lane.
- 3.2. The site is located within the Hinckley Town Centre Conservation Area but cannot be readily viewed from the street scene.

4. Relevant planning history

- 4.1. There is no relevant planning history.

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.
- 5.2. No comments have been received from local residents/neighbouring properties.

6. Consultation

- 6.1. No objection has been received from the following consultees:
 - HBBC Environmental Health
 - HBBC Drainage
 - HBBC Conservation Officer
 - HBBC Waste – subject to a condition
 - Local Highway Authority

7. Policy

7.1. Core Strategy (2009)

- Policy 1: Development in Hinckley

7.2. Site Allocations and Development Management Policies DPD (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

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)
- National Space Standards (2025)

7.4. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)
- Leicestershire Highway Design Guide
- Housing Needs Study (2024)

8. Appraisal

8.1. The following represent the key issues in this case:

- Principle of development
- Design and Layout
- Heritage Impacts
- Impact upon highway safety
- Residential amenity
- Flood risk and drainage
- Planning balance

Principle of development

8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) states 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 consideration in determining applications. 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.

8.3. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (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. The development plan in this instance consists of the adopted Core Strategy (2009) (CS) and the Site Allocations and Development Management Policies DPD (2016) (SADMP).

- 8.4. The Emerging Local Plan for 2024-45 reached Regulation 18 stage (July-September 2024) and thus can only be given limited weight at this stage as it has not been tested through examination in public. Since the Regulation 18 consultation, revised affordability ratios have been published, the Standard Housing Method housing figure for the Borough has changed, and the plan period has been extended. As set out in the Local Development Scheme the Borough Council will be going out for a further Regulation 18 consultation September 2025 with Regulation 19 Consultation taking place March/April 2026 with submission to the Secretary of State being November 2026. Therefore, little weight can be attached to the current Regulation 18 Local Plan.
- 8.5. The Core Strategy (CS) sets out the settlement hierarchy for the Borough. The application site is located within the settlement of Hinckley. This is the key location for development within the Borough.
- 8.6. Policy 1 of the Core Strategy states that the Council will seek to diversify the existing housing stock in the town centre in order to cater for a range of house types and sizes.
- 8.7. Housing in a town centre location is a sustainable form of development with good access to shops, services and facilities and key transport links.
- 8.8. The principle of development for two, one bed flats is therefore considered to be acceptable subject to material considerations set out below.

Design and Layout

- 8.9. Policy DM10 of the 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 the use and application of building materials of existing, adjoining/neighbouring buildings and the area generally and incorporates a high standard of landscaping.
- 8.10. Paragraph 139 of the latest NPPF states that:

'Development that is not well designed should be refused. Significant weight should be given to:

 - Development which reflects local design policies and government guidance on design, taking into account any local design guidance and SPDs such as design codes and/or*
 - Outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings'.*
- 8.11. This application is a retrospective application and so the works have already taken place. This application is therefore necessary to regularise the development. In this case, very little has changed from an external perspective and as such the property appears from the outside as a terraced house with added rear range/extension, but internally the building has been converted to two, one bed flats. There is no garden area for the flats but the site does have a courtyard area in front of the building and is accessed through a lockable gate via Regent Street. There is no requirement for one bed flats to have private amenity space/garden areas within the Council's design guide. The courtyard is a suitable area for bin and cycle storage and in close proximity to Regent Street.
- 8.12. National Space standards are relevant to this application. The NDSS, first introduced in 2015 and updated in 2025, is a nationally applicable benchmark for all new homes, whether through new build or conversion. This application seeks permission for two, one bed flats. In this case, clarification was sought from the applicant in order to establish whether the one bed flats were for one person or two people. Revised plans were requested to show

the overall dimensions of each flat and the gross internal floor space. In this case, the plans show that the flats had gross internal areas of 41.9 sq metres (ground floor flat) and 41.6 square metres (first floor flat).

- 8.13. National space standards state that the minimum size for a 1 bed, 1 person flat with a bath is 39sqm and with a shower is 37sqm. 50sqm is required for a 1 bed 2 person flat. As such the flats are only considered to be suitable if they accommodate 1 person. As such, it is considered that a condition is needed in this instance to ensure that the permission expressly states that the flats are one bed, one person flats.
- 8.14. The flats comprise a separate kitchen, living room and bedroom areas, shower/toilet facilities and storage areas.
- 8.15. Overall, the proposal is considered to be acceptable with respect to design and layout considerations and accords with Policy DM10 of the Site Allocations and Development Management Policies DPD 2016 and National Space standards for one bed, one person accommodation.

Heritage Impacts

- 8.16. Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD 2016 seek to protect heritage assets from development impact and seek to conserve and enhance the historic environment throughout the Borough. Policy DM12 states that development proposals should ensure the significance of a conservation area is preserved and enhanced through the consideration and inclusion of important features as identified in the Conservation Area Appraisal.
- 8.17. This application is situated within the Hinckley Town Centre Conservation Area.

- 8.18. The Conservation Officer has been consulted on the application. The response notes that there is no evidence to suggest that external changes to the rear range of 29 Regent Street were required to facilitate the creation of an additional residential unit. Therefore, the change of use has had a neutral impact upon the Hinckley Town Centre Conservation Area, preserving its character and appearance and thus significance. Consequently the proposal complies with Policies DM11 and DM12 the Site Allocations and Development Management Policies DPD, section 16 of the National Planning Policy Framework and the statutory duty of section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

Impact upon highway safety

- 8.19. 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 highways authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 8.20. Paragraph 116 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.
- 8.21. The local highway have been consulted on this application. They note that neither flat has off street parking. However, this is a town centre location within a highly sustainable location for transport links and access to public transport options. The LHA are also content that this application has no impact on the public highway. In this circumstance, the local highway authority have no objections in highway terms to this application.

8.22. No conditions have been requested by the LHA and it is therefore considered that this application accords with Development Plan Policy and the requirements of the NPPF with respect to highway considerations.

Impact upon neighbouring 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. The National Design Guide also promotes a healthy, comfortable and safe internal and external environment.

8.25. Paragraph 135 (f) of the NPPF states that decisions should 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

8.26. Paragraph 198 of the NPPF states that decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

8.27. The application details show that the flats are suitable as 1 bed, 1 person accommodation in accordance with the National Space Standards.

8.28. The Council's Environmental Health Team have been consulted on the application and raise no concerns or objections. It is an established residential use.

8.29. The Council's Waste team have requested a pre commencement condition to secure the provision and storage of waste facilities across the site. However, this is a retrospective application. The site benefits from a courtyard area where refuse and recycling from the flats can be stored which is in close proximity to Regent Street where the bins would be collected/emptied by the Council's waste team. In this instance therefore, a waste condition is not deemed necessary.

8.30. This site is a town centre location, in close proximity to services and facilities. It is a converted terraced property to the rear of shops along Regent Street. It is surrounded by an array of mixed uses appropriate for a town centre location. Residential uses are considered to be a suitable town centre use. The flats may experience noise and disturbance due to its central location but the development is set back to the rear of Regent Street and is protected at its entrance point by a lockable gate. It has a courtyard area in front of the building and is considered to be suitable accommodation relative to its context.

8.31. Therefore, this application is considered to be acceptable in amenity terms and in compliance with Policy 7, Policy DM10 a and b of the SADMP, The Good Design Guide SPD and the requirements of the NPPF.

Flood Risk and Drainage

8.32. 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.

- 8.33. Paragraph 181 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere.
- 8.34. The conversion of a terraced property to the provision of two, one bed flats is not considered to alter the impact the existing building would have on drainage or flooding considerations in this case. It is an established residential use.
- 8.35. The Council's drainage team have been consulted on the application and have raised no objections to the application and no conditions have been requested in respect of flooding or drainage matters.
- 8.36. Therefore the proposal is considered to satisfy Policy DM7 of the SADMP and the requirements of the NPPF.

Planning Balance

- 8.37. 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.
- 8.38. The proposal accords with development plan policy and is considered to be a suitable and acceptable form of development.

9. Equality implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

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. Officer have taken this into account and given due regard to this statutory duty in the consideration 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. Recommendation

- 10.1 **Approve Outline Planning Permission subject to Conditions.**

Conditions and Reasons

1. The development hereby permitted relates to the following agreed plans.
 - Location Plan received 6 October 2025
 - Revised As Existing Retrospective Drawing Number 05a received 19 November 2025

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).

2. The flats hereby permitted shall not be occupied by more than one person respectively.

Reason: To clarify the permission and ensure a satisfactory form of development in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the National Space Standards 2025.

Informatics:

In dealing with the application, through ongoing negotiation the local planning authority have worked with the applicant in a positive and proactive manner by offering a pre-application advice service and by seeking solutions to problems arising in relation to dealing with the planning application and this has resulted in the approval of the application. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).