

Delegated Report

Planning Reference 25/00752/FUL
Applicant(s) Mrs Jennifer Kirby
Ward Hinckley Castle



Hinckley & Bosworth
Borough Council

Application Site 7 Leicester Road, Hinckley

Proposal Change of use from commercial (Class E) to single residential dwelling (C3)

Case Officer Sullivan Archer (Senior Planning Officer)

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 a commercial property (Use Class E) to a residential use as a dwellinghouse (Use Class C3) at 7 Leicester Road, Hinckley. No external alterations are proposed to the property.

3. Description of the Site and the Surrounding Area

3.1. The application site is within Hinckley to the south of Leicester Road and to the east of Leicester Road's confluence with New Buildings, Hollier's Walk, and Derby Road. The site consists of a detached two-storey property that has been heavily extended to the rear. The studio to the rear of the site was extended via planning permission 02/00348/FUL, and a garage was also granted planning permission to the rear of the site via applications 09/00431/FUL and 12/00671/EXT, but this has not been constructed within the site. The site has been previously utilised as a residential property but was converted to commercial uses via planning applications 83/00733/4 and 87/00483/4. The property currently hosts a solicitor's firm, an accountancy firm and a shoe designer.

3.2. To the west of the site are commercial structures including B&Q and ATS Euromaster tyre shop. To the south of the site are several residential properties along Wood Street Close. Immediately to the east of the site are four terraced residential properties, and beyond this is Hinckley Fire and Rescue Station and the Mary Forryan Community Centre. To the north of the site on the opposite side of Leicester Road is several terraced residential properties as well as ETB Autocentres to the northwest and The New Plough Inn public house to the northeast.

4. Relevant Planning History

4.1 23/01100/FUL

- Change of use from offices Class E to 4no. flat unit (Class C3(A))
- Permitted
- 12.01.2024

4.2 98/00958/FUL

- Erection of two dwellings
- Refused
- 20.11.1998

4.3 98/00678/FUL

- Erection of two dwellings
- Refused
- 11.11.1998

5. Publicity

- 5.1 The application has been publicised by sending out letters to local residents. No responses have been received.

6. Consultation

- 6.1 The Council's Environmental Health Department had no objections to the development and Leicestershire County Council as the Local Highway Authority referred to standing advice. 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 DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- 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) (2024)
- National Design Guide (2019)
- Planning Practice Guidance (PPG)

7.4 Other Relevant Guidance:

- Good Design Guide (2020)
- Hinckley Town Centre Area Action Plan (HTC AAP) (2011)
- Leicestershire Highway Design Guide (LHDG) (2024)
- Technical Housing Standards – Nationally Described Space Standards (2015)

8. Appraisal

8.1. The application site is within a sustainable location in the identified settlement boundary of Hinckley and planning permission for the change of use of the structure for residential uses via application 23/01100/FUL remains extant. As a result, the provision of a residential property in this location is considered to be acceptable in principle, subject to the assessment of all other material considerations. The key issues in respect of this application are therefore:

- Housing land supply
- Design and impact upon the character of the area
- Impact upon residential amenity
- Impact upon parking provision and highway safety

Housing Land Supply

8.2 Chapter 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. The overall aim should be to meet an area's identified housing need, including an appropriate mix of housing types for the local community.

8.3 Paragraph 73 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, are essential for Small and Medium Enterprise housebuilders to deliver new homes, and are often built out relatively quickly.

8.4 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.

- 8.5 The Planning Policy team are currently reviewing the latest revisions to the NPPF within the 2024 version of the document and its implications for the Council's Five-Year Housing Land Supply. A revised position will be published by Winter 2025 once the monitoring for the 2024/25 year has been completed. It is however likely that, with the revised need figure of 682 dwellings (649dpa + 5% buffer as per Paragraphs 62 and 78(a) of the NPPF), that the Council will be unable to demonstrate a Five-Year Housing Land Supply once the revised position is published.
- 8.6 In light of this, and due to the age of relevant housing policies within the adopted Core Strategy, the 'tilted' balance in Paragraph 11(d) of the NPPF is triggered in accordance with Footnote 8 and Paragraph 11 of the NPPF. For decision-taking, 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 strong 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 having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 8.7 When the 'tilted' balance is engaged, Footnote 9 of the NPPF highlights eight key policy paragraphs to support the determination of planning applications. Key Policy Paragraphs 115, 129, 135, and 139 of the NPPF are applicable to the current development proposal in these site-specific circumstances.
- 8.8 Whilst it is unlikely that the Council are unable to deliver a five-year supply of land for housing, the benefit of providing one dwelling within this application site towards the Council's supply of housing is considered to attract limited weight in the planning balance.

Design and Impact upon the Character of the Area

- 8.9 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.
- 8.10 The application site is within a sustainable location within Hinckley and is immediately adjacent to multiple dwellings. The property has previously been utilised as a residential dwelling and has extant planning permission for its conversion back into a residential use. In light of this and given the fact that the current scheme does not propose any external alterations to the dwelling, the proposed change of use is considered to respect to the character of the site and the surrounding area in accordance with Policy DM10 of the SADMP.

Impact upon Residential Amenity

- 8.11 Key Policy 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.
- 8.12 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. The Good Design Guide requires the way buildings relate to each other, and their orientation and separation distances, to provide and protect acceptable levels of amenity.
- 8.13 There are no residential properties to the west of the site, and the dwellings to the north of the site are separated from the property by Leicester Road. The residential units to the south of the site are approximately 60m from the two-storey element of the existing built form within the site and no alterations or extensions are proposed to the external appearance of the existing structure. Therefore, the development is not considered to result in any adverse impacts to the neighbouring properties in these locations.
- 8.14 There are no windows on the two-storey western side elevation of 9 Leicester Road to the east of the site. Based on historic floor plans of this neighbouring property, the principal habitable window to the kitchen on the ground floor at the rear of the property faces towards the application site. The current development proposal includes two windows at first floor that face towards this neighbouring property, which are the principal habitable window for Bedroom 3 and the secondary window to Bedroom 4.
- 8.15 The position of these windows and their proposed use are likely to result in overlooking and loss of privacy to the detriment of the neighbouring property's residential amenity. In addition, the location of the principal habitable window to Bedroom 3 is not considered to provide a high level of amenity for the future occupiers of the scheme as a result of poor visual outlook and the overbearing impact of the blank two-storey side elevation of 9 Leicester Road, which is less than 7m from this principal habitable window. This is considered to result in significant harm to the residential amenity of the future occupiers of the scheme.
- 8.16 Given the window in Bedroom 4 is not the principal window to this habitable room, this window can be obscure glazed via planning condition. A planning condition can also be utilised to obscure glaze the window to the w/c on the ground floor. It is appreciated that the description of this application seeks planning permission for the change of use of a commercial property into a residential use, and notably not for a four-bedroom dwelling. Therefore, it is considered that planning conditions can be utilised to obscure glaze this window and prevent the room titled 'Bedroom 3' being occupied as a habitable room to protect the residential amenity of the occupiers of 9 Leicester Road and the future occupiers of the scheme.

- 8.17 To support the residential amenity of future occupiers of the scheme, one of the aims of Section 4 (New Residential Development) within The Good Design Guide is to ensure that new residential development exceeds the internal space standards set by the Nationally Described Space Standards (NDSS) (2015) wherever possible.
- 8.18 Based on the submitted details, the proposal complies with the minimum requirements of the NDSS.
- 8.19 To comply with the Good Design Guide, three-bedroom houses should also provide a minimum of 80sqm of private outdoor amenity space with a minimum length of 7m.
- 8.20 The property is provided with sufficient private outdoor amenity space to meet the minimum standards detailed within the Good Design Guide.
- 8.21 By virtue of these factors, and subject to planning conditions, the proposal is not considered to result in any significant adverse impacts to the residential amenity of neighbouring properties or the future occupiers of the scheme in accordance with Policy DM10 of the SADMP and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.22 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.
- 8.23 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision. Any reduction below minimum standards will require robust justification.
- 8.24 The proposal utilises, and makes no amendments to, the site's existing vehicular access onto Leicester Road, nor the site's provision of off-street vehicle parking. It is appreciated that the site is currently utilised for several commercial uses and the property benefits from an extant planning permission for the use of the property for four residential flats via 23/01100/FUL. It is therefore considered that the currently proposed use of the site is unlikely to intensify the use of the site or its vehicular access, and the site is large enough to provide an adequate level of off-street parking for this development. By virtue of these factors, it is considered that the proposal does not create an unacceptable impact on highway safety or the road network in accordance with Policies DM17 and DM18 of the SADMP.

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:

- First Floor 1:100 (submitted: 04.09.2025)
- Ground Floor Plan 1:100 (submitted: 04.09.2025)
- Site Location Plan (submitted: 26.08.2025)

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).

3. The windows on the eastern side elevation of the property that are utilised for WC on the ground floor, the window for the room titled 'Bedroom 3' and the window for Bedroom 4 on the first floor shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale and non-openable below 1.7m above the floor of the room. Once so provided the window(s) 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).

4. Notwithstanding the internal layout detailed within the First Floor 1:100 plan, the room titled 'Bedroom 3' shall not be utilised as a habitable room as defined by the Hinckley and Bosworth Borough's Good Design Guide (2020) at any time.

Reason: To protect the privacy and amenity of neighbouring dwellings and the future occupiers of the development hereby permitted in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

a. **Notes to Applicant(s)**

1. 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.
2. 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.