

Delegated Report

Planning Ref: 25/00518/FUL
Applicant: Mrs Alison Money
Ward: Groby



Hinckley & Bosworth
Borough Council

Site: 9A Lawnwood Road, Groby

Proposal: Change of use of a residential flat (C3) to counselling/training rooms (E)(c)(ii) and use of outbuildings as counselling rooms and reception area (retrospective)

Case Officer: Ashleigh Gade (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 application seeks full planning permission for the retrospective change of use of an existing residential flat (Use Class C3) and associated outbuilding to use as counselling and training rooms (Use Class E(c)(ii)) at 9A Lawnwood Road, Groby.
- 2.2. The proposal does not involve any external alterations to the existing building. There have been no internal alterations undertaken to the layout of the first floor rooms, however internal alterations have been undertaken within the outbuilding to create three individual rooms.
- 2.3. The proposed change of use involves use of the former kitchen and living area on the first floor as a treatment and training room. The former first floor bedroom as well as two rooms within the former outbuilding are used as treatment rooms. The ground floor room to the rear of the existing building is used as a reception and waiting room area, providing access to both the ground floor rooms and to the stairs to the first floor rooms.
- 2.4. The business has one full-time employee and otherwise leases counselling room space to a further seven independent counsellors. The premises has a total of three counselling rooms and one training room.
- 2.5. The proposed operating hours would be 8:30am to 7:00pm Monday to Friday, and 8:30am to 1:00pm on Saturdays. The business does not operate on Sundays or Bank Holidays.

3. Description of the Site and the Surrounding Area

- 3.1. The application site is located within the settlement boundary and a neighbourhood centre area in Groby.
- 3.2. The application site comprises a two-storey terraced building with single-storey extension and associated attached outbuilding. The existing building is of red brick construction with a rendered first-floor on the principal elevation. It has a brown tiled roof.
- 3.3. The ground floor of the application building contains a hairdressing salon and a laser removal business. The first floor has previously been in use as a residential flat but has more recently been converted for the provision of therapy services. The ground floor rear extension and attached outbuilding have also been converted to provide therapy services.
- 3.4. The site is accessed from Lawnwood Road which is an adopted and unclassified road subject to a speed limit of 30mph. There are on-street car parking spaces adjacent the principal elevation of the building along Lawnwood Road and access to the rear via a private driveway located east of the terraced row.
- 3.5. The application site is immediately neighboured by buildings within the terraced row. These buildings have commercial uses on the ground floor and typically residential uses on the first floor.
- 3.6. The wider surrounding area is typically residential in character and comprises a mix of detached, semi-detached and terraced dwellings.

4. Relevant Planning History

- **09/00670/COU**
- Change of use of ground floor shop from Class A1 (retail) to Class B1(a) (offices)
- Planning Permission
- 25.11.2009

5. Publicity

- 5.1 The application has been publicised by the posting of a site notice in the vicinity of the site and sending letters to neighbours.
- 5.2 No responses have been received.

6. Consultation

- 6.1 Leicestershire County Council (LCC) Highways, the Local Highway Authority (LHA), have reviewed the Management Plan submitted in support of the application. They note that the business is appointment-only and does not accept walk-ins and would operate a maximum of three counselling rooms at any one time or a maximum of one small-group training room and one counselling room at any one time. The LHA also noted the 15-20 minute cooling off period between appointments.

The LHA have also noted that the proposal is retrospective and that they have no records of parking issues in the vicinity of the site. As such, the current level of activity would be acceptable to the LHA subject to the imposition of a suitably worded condition to limit the intensity of use of the premises to the levels as specified within the Management Plan.

6.2 Hinckley and Bosworth Borough Council's (HBBC) Environmental Services (Pollution) had no objection.

6.3 Groby Parish Council advised they have no objection in principle but raised concerns for neighbouring flats which appear to be residential and sought for the business to observe reasonable operational working days and hours.

7. Policy

7.1 Core Strategy (2009):

- Policy 8: Key Rural Centres Relating to Leicester

7.2 Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016):

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM22: Vitalising District, Local and Neighbourhood Centres

7.3 National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (2026)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

7.4 Other relevant guidance:

- Good Design Guide (2020)
- Leicestershire Highway Design Guide (LHDG) (2024)

8. Appraisal

8.1. The key issues in respect of this application are:

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon residential amenity
- Impact upon parking provision and highway safety

Assessment Against Strategic Planning Policies

- 8.1 Paragraph 3 of the National Planning Policy framework (NPPF) confirms that planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The national decision-making policies within the NPPF are a material consideration in making planning decisions and should be read alongside the policies in the Development Plan.
- 8.2 Paragraph 2 of Annex A of the NPPF confirms that development plan policies (or parts of those policies) which are materially inconsistent with national decision-making policies within the NPPF should be given very limited weight. Other development plan policies should not be given reduced weight simply because they were adopted prior to the publication of the NPPF.
- 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).
- 8.4 Paragraph 15 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development, by managing the use and development of land in the long-term public interest. Policy DM7(1) of the NPPF confirms that development proposals should be assessed on the basis of whether they would be an acceptable use of land.
- 8.5 Policy S4(1) of the NPPF states that development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in the NPPF.
- 8.6 Policy DM22 of the SADMP states that neighbourhood centres will be retained and enhanced wherever possible. The change of use or loss of A1 or A2 uses within these centres will only be permitted where it can be demonstrated that the loss would not reduce the community's ability to meet its day-to-day needs within a reasonable walking distance. The use of upper floors of retail premises within neighbourhood centres for residential use will be supported where they accord with other policies in the Local Plan.
- 8.7 It is noted that since the implementation of the SADMP there have been changes to the Town and Country Planning (Use Classes) Order whereby the old use classes including Class A uses, as referenced in Policy DM22, have been revoked. The old Class A1 and A2 uses have been effectively replaced by what is now Use Class E.
- 8.8 The application site is located within the settlement boundary of Groby and within a designated neighbourhood centre.
- 8.9 The proposal is for a change of use from residential to counselling and training rooms. While the proposed use may not have previously been considered a Class A1 or A2 use, it would now fall under the broader Use Class E.

- 8.10 Though the use of first floor spaces for non-residential use is not explicitly encouraged by Policy DM22, it is noted that the policy does not discourage such uses or identify them as being inappropriate in principle.
- 8.11 The proposal would not result in any loss of existing Class A1 or A2, now Use Class E, uses on the site.
- 8.12 Policy DM8(2) of the NPPF states that in cases of unauthorised development where consideration is being given to an application for retrospective planning permission, if it is concluded based on evidence that the unauthorised development was intentional, that fact should be given substantial weight in considering whether to grant planning permission.
- 8.13 The Local Planning Authority (LPA) has no evidence before it to conclude that the unauthorised development in this case, for which retrospective approval is being sought through this application, was intentionally undertaken without authorisation.
- 8.14 It is therefore considered that the proposed use is acceptable in principle within a neighbourhood centre, subject to the assessment of all other material considerations. Other material considerations are detailed in subsequent sections of this report.

Design and Impact upon the Character of the Area

- 8.15 Policy DP3(1) of the NPPF confirms that development proposals should respond to their context including the history, character and features of their site and its setting, so that they integrate with and enhance their surroundings; such as through the arrangement of development plots and buildings, the use of materials and architectural features, and the restoration, reuse and integration of heritage assets. Policy DP3(2) of the NPPF details the seven principles of well-designed places that development proposals should reflect as appropriate to the nature of the development and its location.
- 8.16 Policy DP3(3) of the NPPF states that development proposals should be refused if, without clear justification, they conflict with Policy DP3(1), or relevant aspects of the principles in Policy DP3(2), or with any explicit design standards set out in the development plan (including those in locally specific policies, guides, codes or masterplans). Substantial weight should be given to compliance with relevant development plan policies when assessing the design quality of proposals.
- 8.17 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.
- 8.18 The proposal is for the change of use of the application building without any external alterations. There are existing shopfronts for the building for the ground floor tenancies facing Lawnwood Road, but there would be no street-facing shopfront for the proposed use and no alteration to the existing shopfronts.

- 8.19 The proposal would therefore result in no change to the existing external appearance of the buildings.
- 8.20 The use of the building as a consulting room is consistent with other non-residential uses within the surrounding terraced buildings, including one other instance of a non-residential use at first-floor level within the terrace. As such, the proposed use would not be uncharacteristic to the locality.
- 8.21 It is therefore considered that the proposal would not result in any adverse impacts to the character of the surrounding area consistent with Policy DM10 of the SADMP and Policy DP3 of the NPPF.

Impact upon Residential Amenity

- 8.22 Policy P3(1) of the NPPF states that development proposals should be appropriate for their location, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, whether these effects are on or off-site; and whether this is as a result of the development itself or the product of pre-existing conditions in its vicinity.
- 8.23 Policy DM10(a) and (b) of the SADMP state that 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 proposed development does not involve any extension to or external alteration of the existing buildings. The existing terraced building has windows at the first floor level facing Lawnwood Road to the front and the private driveway to the rear. The existing windows on the outbuilding are at ground level and face internally to the site, separated from neighbouring plots by existing close-boarded timber boundary fencing.
- 8.25 The proposal involves the change of use of the first floor of the existing building as well as an existing ground floor level outbuilding to a Use Class E use as counselling rooms. The ground floor areas of neighbouring buildings are already in non-residential use, however the first floors of the immediately neighbouring buildings to the application building are residential flats.
- 8.26 The counselling business has three treatment rooms and one small-group training room. The business operates with a maximum of three treatment rooms in use at any one time, or when training sessions are being held a maximum of one training room and one treatment room at any one time.
- 8.27 Each counselling session is attended by one counsellor and one counselling attendee. In some cases, the attendee may also have a maximum of one parent in attendance. The maximum attendance for training sessions is seven trainees and one trainer. As such, the maximum persons on site at any one time is 11 when training sessions are being held and 9 when all three counselling rooms are in use.

- 8.28 The proposed hours of operation for the business are Monday to Friday 8:30am to 7:00pm and Saturday 8:30am to 1:00pm. The business does not operate on Sundays or Bank Holidays.
- 8.29 The proposed hours of operation are generally consistent with other non-residential uses within the row of terraced buildings that the application building is located within. This includes another building within the terrace with a non-residential use at first-floor level. The hours of operation avoid sensitive hours that would cause undue disruption to neighbouring residential occupiers.
- 8.30 It is noted that the application is retrospective and the use has been operating at the proposed capacity and opening hours for at least the past six months.
- 8.31 No objections were received from Council's Environmental Health Officers or from neighbouring residents to the proposal.
- 8.32 It is therefore considered that the proposal would not have an adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, in accordance with Policy DM10 of the SADMP and Policy P3 of the NPPF.

Impact upon Parking Provision and Highway Safety

- 8.33 Policy TR3 of the NPPF states that development should be located where it can support sustainable patterns of movement, enable good accessibility for different users and make the most of existing and proposed transport infrastructure. Any significant adverse impacts from development on the transport network in terms of capacity and congestion, or on highway safety, should be mitigated to an acceptable degree using a vision-led approach.
- 8.34 Policy TR6(4) of the NPPF confirms that where development proposals would have severe adverse impact on the transport network or an unacceptable impact on highway safety, taking into account any mitigation measures proposed as well as any wider network improvements, that they should be refused.
- 8.35 To support this, 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. Policy DM18 of the SADMP requires that new development provide an appropriate level of parking provision.
- 8.36 Policy TR4(1)(e) of the NPPF requires development proposals to provide a suitable number of parking spaces for a range of transport modes where appropriate, reflecting the location and nature of the development, including its connectivity, and any locally-set standards in the development plan.
- 8.37 Policy DM18 of the SADMP requires that new development provide an appropriate level of parking provision.

- 8.38 All proposals for new development 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).
- 8.39 The existing site has no off-street parking and the proposal therefore relies on on-street parking in the surrounding area along Lawnwood Road. This is consistent with the parking situation for other commercial uses within the neighbourhood centre area.
- 8.40 The Applicant has submitted a Management Plan in support of the application, detailing the operating hours and intensity of use of the building as part of the proposed use. The Management Plan confirms that the counselling business does not operate at maximum capacity across all operating hours.
- 8.41 The Management Plan states that the business is appointment only and does not accept walk-ins. All appointments are scheduled with a 15-20 minute cooling off gap to allow time for the previous attendee to leave prior to the arrival of the next attendee.
- 8.42 The Local Highway Authority (LHA) have reviewed the proposal and have advised that, given the details in the Management Plan and that there has been no record of parking issues in the vicinity during the months the business has already been operating, that the level of activity would be acceptable. Notwithstanding this, any increase in intensity of use may give rise to highways concerns and as such the LHA have requested the imposition of a suitably worded condition to limit the use of the proposal to the levels as per the submitted Management Plan.
- 8.43 It is therefore considered that the proposal would not have an unacceptable impact upon highway safety or the wider road network, consistent with Policies DM17 and DM18 of the SADMP, Policy TR3 of the NPPF, and the requirements of 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 be granted, subject to the imposition of appropriate conditions and obligations.

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 not be carried out otherwise than in complete accordance with the submitted application details, as follows:

- Site Location Plan (submitted: 23.05.2025)
- Proposed Layout (submitted: 28.07.2025)
- Management Plan (submitted: 01.07.2026)

Reason: To ensure a satisfactory form of development in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

2. The use shall not take place other than between the following hours:

Monday – Friday: 08:30 – 19:00

Saturday: 08:30 – 13:00

Reason: To protect the amenity of neighbouring residential occupiers from noise and disturbance in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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 building.control@blaby.gov.uk or call 0116 272 7533.
2. All businesses have a duty of care to ensure that any waste is handled safely and within the law. Please ensure that there is adequate space on the property to store the waste containers for the business.

All waste produced by a business including (but not limited to) paper, cardboard, cans, retail packaging, and food wrappers/ waste is commercial waste. For this reason, it has to be legally discarded in a certain way via a trade waste service or transfer service and cannot be disposed of through the residential service. Bins should be maintained and stored so that they don't cause problems to neighbouring premises due to smells and should be stored correctly in a suitable container which needs to be closed or lidded.

Businesses should arrange their own business/ trade waste collection service. If you give your waste to someone else, you must be sure that they are authorised to take it, transport it, and recycle or dispose of it safely.