

Delegated Report

Planning Reference 25/00996/FUL
Applicant(s) Alexandra Fidoe
Ward Hinckley Castle



Hinckley & Bosworth
Borough Council

Application Site 29A Regent Street, Hinckley,
Leicestershire

Proposal Change of use of vacant commercial buildings (Class E) to residential (Class C3) including renovation of the existing buildings and infilling the existing courtyard area (revised scheme of 25/00621/FUL)

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 existing vacant commercial buildings into four one-bedroom flats at 29A Regent Street, Hinckley. The scheme would include the provision of new windows in the existing openings, solar panels and six new conservation-style rooflights, and the infilling of the existing courtyard to accommodate the kitchen to Flat 3. This is a revised scheme from the previously refused planning application 25/00621/FUL.

2.2. The development would be considered to meet the minimis exemption of the statutory Biodiversity Net Gain requirements.

3. Description of the Site and the Surrounding Area

3.1. The application site is located in Hinckley Town Centre within the Hinckley Town Centre Conservation Area on the western side of Regent Street, adjacent to its confluence with George Street. The western side of Regent Street is characterised by two- and three-storey terraced properties of a variety of styles and designs that are predominantly utilised for commercial purposes on the ground floor and residential accommodation above. On the opposite side of Regent Street are the Edwards Centre and the Highcross Building, which host a variety of commercial uses.

3.2. The application site itself forms part of Weightman's Yard, which is identified within the Hinckley Town Centre Conservation Area Appraisal, and consists of a two-storey property and associated single storey outbuildings that are constructed in red brick and painted white and are arranged around a courtyard. The structures are currently vacant but were formerly associated with a slaughterhouse.

- 3.3. The site is to the rear of 29 Regent Street, which is identified as ‘The Gravity’ and as an important local building within the Conservation Area Appraisal. 29 Regent Street likely dates from the mid-19th century, and its architectural interest is now limited due to many alterations including the addition of render and a modern shop front. Despite this, due to its age it is of some historic interest, the building makes a positive contribution to the significance of the Hinckley Town Centre Conservation Area. 29 Regent Street is currently being utilised as a tattoo parlour on its ground floor.

4. Relevant Planning History

4.1 25/00621/FUL

- Change of commercial (Class E) to four residential units (C3) including external alterations to the existing buildings
- Refused
- 25.09.2025

The application was refused for the following reason:

1. By virtue of the design and layout of the proposal, the scheme is contrived and represents the over development of the site. As a result, the proposal fails to provide a high level of residential amenity to the future occupiers of the scheme due to the subsequent inadequate provision of internal floor space, natural light, and visual outlook. This causes significant harm to the residential amenity of the future occupants of the scheme, which is contrary to, and in conflict with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Paragraph 135 of the National Planning Policy Framework (2024), the Nationally Described Space Standards (2015), and the Good Design Guide (2020). These significant adverse impacts significantly and demonstrably outweigh the potential benefits associated with the scheme in these site-specific circumstances.

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 No responses have been received.

6. Consultation

- 6.1 No objections have been received from the Council’s Conservation, Drainage or Environmental Health (subject to conditions) Departments, or from Leicestershire County Council as the Local Highway Authority (LHA) (subject to conditions).

- 6.2 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 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 Hinckley Town Centre Area Action Plan ('HTC AAP') (2011)

- There are no applicable planning policies within the HTC AAP for this proposal.

7.4 National Planning Policies and Guidance:

- National Planning Policy Framework ('NPPF') (2024)
- National Design Guide ('NDG') (2019)
- Planning Practice Guidance ('PPG')

7.5 Other Relevant Guidance:

- Good Design Guide (2020)
- Hinckley Town Centre Conservation Area Appraisal ('HTCCAA') (2013)
- 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. 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
- Impact upon the Significance of the Historic Environment
- Design and impact upon the character of the area
- Impact upon residential amenity
- Impact upon parking provision and highway safety
- Planning balance

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 125(c) of the NPPF states that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes, proposals for which should be approved unless substantial harm would be caused.
- 8.5 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.
- 8.6 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 early 2026 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.
- 8.7 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 would be 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.

- 8.8 Footnote 7 of the NPPF confirms that areas and assets of particular importance include, but are not limited to, designated heritage assets such as the Hinckley Town Centre Conservation Area. Key Policy Paragraphs 115, 129, 135, and 139 of the NPPF as defined at Footnote 9 of the NPPF would be applicable in these site-specific circumstances.
- 8.9 Whilst it is unlikely that the Council are unable to deliver a five-year supply of land for housing, the benefit of providing four residential units within this application site towards the Council's supply of housing would be considered to attract limited weight in the planning balance. However, substantial weight would be given to the use of the site as suitable brownfield land within Hinckley for new homes, subject to the assessment of all other material considerations. Other material considerations are set out within the next sections of this Report.

Impact upon the Significance of the Historic Environment

- 8.10 Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment and heritage assets. Development proposals should ensure the significance of a conservation area is preserved and enhanced.
- 8.11 Policy DM12 of the SADMP confirms that all developments affecting heritage assets and their setting will only be permitted where it is demonstrated that the proposals are compatible with their significance and their setting. Assets identified on the Locally Important Heritage Asset List should be retained and enhanced wherever possible.
- 8.12 The proposals would not involve any extensions or any external alterations to the property that affect the principal elevation of 29 Regent Street or the historic layout of Weightman's Yard, and none of the proposed works would be visually prominent from the public highway. Overall, it is considered that the proposed alterations to the application site would preserve the character and appearance, and thus significance, of the Hinckley Town Centre Conservation Area in accordance with Policies DM11 and DM12 of the SADMP.

Design and Impact upon the Character of the Area

- 8.13 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.
- 8.14 No extensions are proposed as part of this planning application, and the majority of the proposed external alterations to the existing property would include the provision of new windows in existing openings and the provision of new conservation-style rooflights. None of the proposed works would be visually prominent from the Regent Street, and it is not considered that any of the proposed alterations would be likely to result in any significant harm to the character of the site or the surrounding area. Given the above, the proposal is considered to comply with the requirements of Policy DM10 of the SADMP.

Impact upon Residential Amenity

- 8.15 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.
- 8.16 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.
- 8.17 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.
- 8.18 The Good Design Guide recommends that a principal window to a habitable room should ideally be no less than 8m from the blank side of a single storey neighbouring property, rising to 14m for a two-storey property. In addition, the separation distance between two principal windows to habitable windows should be a minimum of 21m. However, the Good Design Guide also states that an exception to this rule is in an urban location where it may be acceptable to have a reduced distance where issues of amenity and overlooking are dealt with by good design.
- 8.19 Notwithstanding this, these separation distances are the minimum standards that are required, and every application will be assessed on its own merits depending on the individual characteristics of the site such as orientation, ground levels, window positions, garden size, and shape.
- 8.20 No extensions would be proposed to the existing property, and therefore the scheme is not considered to result in any overbearing or loss of light impacts to neighbouring residential amenity. No windows would be proposed on the northern side elevation of the property, and the two windows on the western side elevation of the property would be high-level and obscure glazed, which can be secured via planning condition. There are no neighbouring residential properties to the south of the site within the 21m separation distance required by the Good Design Guide. Due to the layout of the wider site, the scheme would not be considered to result in any overlooking or loss of privacy to any neighbouring properties to the east of the site.
- 8.21 By virtue of these factors, the development would not be considered to result in any significant adverse impacts to neighbouring residential amenity in these site-specific circumstances, subject to planning conditions.
- 8.22 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.

- 8.23 Since the previously refused planning application, all four flats would now be one-bedroom residential units and additional rooflights would be included on the flats.
- 8.24 In accordance with the NDSS, proposals for one-bedroom, single storey dwellings should provide a minimum of 39sqm of floor space and 1sqm of built-in storage in accordance with the NDSS.
- 8.25 Based on the submitted plans and including all partitions, structural elements, cupboards, ducts, flights of stairs and voids above stairs in accordance with the NDSS, all the four proposed units would exceed 39sqm in size.
- 8.26 However, Paragraph 3 of the NDSS confirms that the Gross Internal Areas set out within Table 1 of the NDSS are organised by storey height to take account of the extra circulation space needed for stairs to upper floors. In addition, the NDSS does not provide guidance on two-storey one-bedroom properties.
- 8.27 Given that the minimum floorspace requirements within the NDSS increase as the massing of a property rises, it is considered that additional floor space above 39sqm is required to appropriately accommodate a one-bedroom property over two-storeys in comparison to a single storey one-bedroom residential unit in the interests of providing a high level of residential amenity in accordance with Key Policy Paragraph 135 of the NPPF.
- 8.28 In light of this, whilst Flat 3 would be proposed to have a minimum floor space of 40sqm, this would not be considered to meet minimum floor space standards, nor provide a high level of amenity to future occupiers of the scheme in these site-specific circumstances.
- 8.29 In addition to this, to facilitate the provision of four dwellings within the limitations of the existing building, Flats 2 and 3 would be provided with very small rooms. For example, excluding the area for the proposed kitchen cabinets, the floor space for the proposed kitchen for Flat 3 would only have an area of 2.5sqm and the maximum width of this room would vary from 2.5m down to 0.6m. This would be considered to be cramped and contrived and would not provide a level of residential amenity for the future occupiers of the scheme. This harm is heightened by the fact that this habitable room would only be served by a 0.6m wide window, which would not be considered to provide a sufficient level of natural light to this habitable room in these site-specific circumstances.
- 8.30 Based on the Proposed Elevations, the proposed fenestration serving the living rooms of Flats 2 and 3 would also only consist of timber panel doors with small, glazed side panels. Moreover, both main living areas of Flat 1 and Flat 4 would also only be served by one obscure glazed high-level window and one small principal habitable window. Therefore, habitable rooms within Flats 1, 2 and 3 would not be considered to provide a sufficient provision of natural light. As a result, the development fails to provide a high level of residential amenity to the future occupiers of the scheme in these site-specific circumstances.

- 8.31 Furthermore, all the principal habitable windows on the ground floor to Flats 2 and 3 would be less than 4m from the adjacent structures, including the bin store. The principal habitable window to the bedroom of Flat 1 would also be less than 3m from the proposed bin store for all four flats and is immediately adjacent to the cycle storage area. This would be considered to result in poor visual outlook and a loss of privacy to the future occupiers of this proposed flat in these site-specific circumstances. Whilst the constraints of the site are appreciated, the design of the scheme as currently submitted would not be considered to be provided with an adequate level of residential amenity to future occupiers of the scheme.
- 8.32 Although there is a communal courtyard for the development, no private outdoor amenity space would be provided for any of the residential units. However, it is noted that the Good Design Guide does not provide any minimum standards for amenity space for one-bedroom properties. It is also acknowledged that the application site is within Hinckley Town Centre and several areas of public open space are in the immediate vicinity of the site including Argents Mead to the east of the site, Granville Road Park to the south of the site, and Hollycroft Park to the north of the site, which are all within 190m to 550m of the site. Therefore, the absence of any private outdoor amenity space would not be considered to result in any significant harm to the residential amenity of the future occupiers of the development in these site-specific circumstances.
- 8.33 In summary, the development would fail to provide a high level of residential amenity to the future occupiers of the scheme by virtue of the cramped and contrived layout of habitable rooms, the lack of adequate natural light provision to habitable rooms, and the poor visual outlook to habitable rooms within all four proposed residential units. By virtue of these factors, the development would be considered to contrary to, and in conflict with, Key Policy Paragraph 135 of the NPPF, Policy DM10 of the SADMP and the Council's Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.34 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.
- 8.35 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).
- 8.36 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.
- 8.37 Whilst the site features an existing unamended access from Regent Street, no off-street vehicular parking provision would be provided as part of this development.

- 8.38 Notwithstanding this, the LHA note that the proposed development lies within Hinckley Town Centre where sustainable transport modes are available. In addition, there are public car parks available within a 300m walkable distance from the site and the nearest bus stops are located along the length of Regent Street. The scheme would also include six cycle parking places, which would be welcomed by the LHA in these site-specific circumstances.
- 8.39 In light of the presence of waiting and parking restrictions surrounding the site, the LHA is satisfied that the proposals do not lead to unacceptable or undesirable parking on the public highway and would therefore not seek to resist the application on this basis.
- 8.40 Given the above, the scheme is considered to be in accordance with Policies DM17 and DM18 of the SADMP, and the LHDG.

Planning Balance

- 8.41 To conclude, the 'tilted' balance in Paragraph 11(d) of the NPPF would be triggered within the determination of this planning application whereby planning permission should be granted unless 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. Key Policy Paragraphs 115, 129, 135, and 139 of the NPPF as defined at Footnote 9 of the NPPF would be applicable in these site-specific circumstances.
- 8.42 The development would fail to provide a high level of residential amenity to the future occupiers of the scheme by virtue of the cramped and contrived layout of habitable rooms, the lack of adequate natural light provision to habitable rooms, and the poor visual outlook to habitable rooms within all four proposed residential units. By virtue of these factors, the development would be considered to contrary to, and in conflict with, Key Policy Paragraph 135 of the NPPF, Policy DM10 of the SADMP and the Council's Good Design Guide. This would be considered to attract significant weight in the planning balance.
- 8.43 However, it is acknowledged that there are potential social benefits from the scheme such as providing housing for a range of occupants including families, and economic benefits associated with the construction of the dwelling and the future occupant's opportunity to act as new customers and employees for local businesses and services.
- 8.44 The benefit of providing four residential units within this application site towards the Council's supply of housing would be considered to attract limited weight in the planning balance. Notwithstanding this, in accordance with Paragraph 125(c) of the NPPF, the benefit of utilising this brownfield site within a sustainable town centre location for new homes would be considered to attract substantial weight in the planning balance. Crucially, Paragraph 125(c) of the NPPF states that such proposals should be approved unless substantial harm would be caused.

- 8.45 The scheme's lack of adverse impacts on the character of the area, the historic environment, neighbouring residential amenity and highway safety would be considered to attract neutral weight in the planning balance.
- 8.46 In comparison to the previously refused planning application, it is appreciated that the overall harm to the residential amenity would be reduced slightly through the provision of additional conservation lights and the removal of the wall between the kitchen and the living room in Flat 3. It is also acknowledged that these efforts could be improved and a planning condition could be utilised to ensure that design of the fenestration for the property, such as to the living rooms of Flats 2 and 3, are amended to provide additional light to the proposed habitable rooms within the development. This planning condition would be considered to also slightly reduce the detrimental impact of the development on the future occupiers of the scheme.
- 8.47 By virtue of these factors, such as the requirements of national planning policy, and subject to planning conditions, whilst significant harm would be caused to the residential amenity of the future occupiers of the development, on balance, this harm would not be considered to significantly and demonstrably outweigh the benefits of the development in these site-specific circumstances.

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 on 14 October 2025 as follows:

- Proposed Floor Plans, Drg No. 25/08 07
- Proposed Floor, Roof Plans, Elevations, Sections, Drg No. 25/08 03d
- Proposed Ground, First Floor, Roof Plan, Drg No. 25070-25-02
- Proposed Site Plans, Drg No. 25/08 06
- Site Location, Block Plan, Drg No. 25/08 04
- Topographical Plan, Drg No. 25070-25-01

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. If during development contamination not previously identified is found to be present at the site no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted in writing to, and approved in writing by, the Local Planning Authority, which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. Prior to the commencement of any works above foundation level, details of the amended fenestration for the development hereby permitted shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented in accordance with those details prior to the first occupation of the development.

Reason: To ensure that the future occupiers of the development are provided with a high level of residential amenity and an adequate level of natural light provision for all habitable rooms in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraph 135 of the National Planning Policy Framework (2024).

5. The development hereby permitted shall not be occupied until such time as secure cycle parking shall be provided in Hayward Architects drawing number 06. Thereafter the onsite cycle parking provision shall be kept available for such use(s) in perpetuity.

Reason: To promote travel by sustainable modes in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

6. Notwithstanding the provisions of Classes A, AA, B, C, and D of Part 1 of Schedule 2 of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwellings hereby permitted shall be carried out unless planning permission for such development has been granted by the Local Planning Authority.

Reason: To protect the character of the surrounding area and 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).

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.