

Delegated Report

Planning Reference 25/00621/FUL
Applicant(s) Alexandra Fidoe
Ward Hinckley Castle



Hinckley & Bosworth
Borough Council

Application Site 29A Regent Street, Hinckley,
Leicestershire

Proposal Change of use from commercial (Class E) to four residential units (C3) including external alterations to the existing buildings

Case Officer Sullivan Archer (Senior Planning Officer)

1. Recommendations

1.1. Refuse planning permission subject to:

- Planning reasons 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 an existing commercial property (Use Class E) into four one-bedroom residential units (Use Class C3) at 29A Regent Street, Hinckley. To facilitate this development, external alterations are proposed to the existing property including restoring the existing building fabric, the provision of replacement heritage uPVC windows, and new conservation style rooflights.
- 2.2. Amendments were made to the planning application, including the provision of new rooflights, following concerns raised by the Case Officer in relation to the scheme's potential harm to the residential amenity of the future occupiers of the scheme.

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.
- 3.2. 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.

- 3.3. 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.
- 3.4. 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 There is no relevant planning history within this application site that is applicable to the current development proposals.

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. 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). 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 (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 key issues in respect of this application are therefore:

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

Principle of Development

8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF is a material planning consideration in planning decisions. Paragraph 3 of the NPPF confirms that it should be read as a whole.

8.3 In accordance with Paragraph 11 of the NPPF, planning decisions should apply a presumption in favour of sustainable development. However, 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.

8.4 The current Development Plan consists of the adopted Core Strategy and the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP). In accordance with Paragraph 232 of the NPPF, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF. Due weight should be given to existing policies according to their degree of consistency with the NPPF.

- 8.5 The application site is within a sustainable location in Hinckley and therefore the principle of the conversion of the site into a residential use is acceptable, subject to the assessment of all other material considerations. Other material considerations are set out within the next sections of the report.

Housing Land Supply

- 8.6 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.
- 8.7 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.
- 8.8 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.
- 8.9 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 Autumn 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.
- 8.10 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.

- 8.11 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 are applicable in these site-specific circumstances.
- 8.12 The development is for four residential units, and therefore Policy 15 (Affordable Housing) and Policy 16 (Housing Density, Mix and Design) of the adopted Core Strategy are not applicable for this scheme.
- 8.13 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 is considered to attract limited weight in the planning balance.

Impact upon the Significance of the Listed Building and the Hinckley Town Centre Conservation Area

- 8.14 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.
- 8.15 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.
- 8.16 The proposals do 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 are visually prominent from the public highway. Overall, it is considered that the proposed alterations to the application site 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

- 8.17 Key Policy Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design (as contained in the National Design Guide and National Model Design Code), taking into account any local design guidance and supplementary planning documents such as design guides and codes.
- 8.18 Chapter 12 of the NPPF confirms that good design is a key aspect of sustainable development, and the creation of high quality, beautiful, and sustainable buildings and places is fundamental to what the planning and development process should achieve.

- 8.19 Key Policy Paragraph 135 of the NPPF details the six national policy requirements of development to ensure the creation of well-designed and beautiful places.
- 8.20 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.
- 8.21 No extensions are proposed as part of this planning application, and the majority of the proposed external alterations to the existing property include the provision of new windows in existing openings and the provision of new conservation-style rooflights. None of the proposed works are visually prominent from the Regent Street, and it is not considered that any of the proposed alterations are 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

- 8.22 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.
- 8.23 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, air quality, noise vibration, and visual intrusion, and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.
- 8.24 The Good Design Guide requires the way buildings to relate to each other, and their orientation and separation distances, to provide and protect acceptable levels of amenity. Notwithstanding this, the separation distances set out in the Guide 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.
- 8.25 No extensions are 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 are proposed on the northern side elevation of the property, and the two windows on the western side elevation of the property are 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 is not considered to result in any overlooking or loss of privacy to any neighbouring properties to the east of the site. By virtue of these factors, the development is not considered to result in any significant adverse impacts to neighbouring residential amenity in these site-specific circumstances, subject to planning conditions.

- 8.26 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.
- 8.27 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. This increases to 58sqm of floor space and 2sqm of built-in storage for two-storey, two-person, one-bedroom properties.
- 8.28 The Proposed Layout and Elevations Plan confirms that Flat 1 is a single storey, one-bedroom property with a floor area of 39sqm, Flat 2 is a two-storey, two-bedroom property that has a floor area of 54sqm, Flat 3 is two-storey, one-bedroom property that has a floor area of 40sqm, and Flat 4 is a two-storey, two-bedroom property that has a floor area of 52sqm.
- 8.29 Given the above, Flat 1 is 39sqm and meets the minimum floor space requirements for a single storey one-bedroom residential unit. However, Flat 2 as a two-storey property, does not meet the minimum floor space requirements of the NDSS. Whilst Flat 4 is proposed to be 52sqm, based on the submitted plans, only 40.5sqm of this floor area is one storey, and therefore, it is not considered that Floor 4 meets the minimum floor space requirements of the NDSS. As a result, the development fails to provide a high level of amenity to future occupiers of Flats 2 and 4 of the schemes in these site-specific circumstances.
- 8.30 Importantly, the NDSS does provide guidance on two-storey one-bedroom properties. 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. Notably, the Applicant has failed to provide any justification to depart from this position. In light of this, whilst Flat 3 is proposed to have a minimum floor space of 40sqm, this is not 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.
- 8.31 In accordance with Paragraph 10(c) of the NDSS, to provide one bed space, a single bedroom should have a floor area of at least 7.5sqm, and a width of at least 2.15m. In order to provide two bed spaces, a double or twin bedroom should have a floor area of at least 11.5m, and a width of 2.75m for the master bedroom, and a width of 2.55m for every other bedroom in accordance with Paragraphs 10(d) and (e) of the NDSS.
- 8.32 The bedrooms for Flats 2 and 4, which serve two-people, do not meet the minimum floor space standards required by the NDSS. The development therefore fails to provide a high level of amenity to future occupiers of Flats 2 and 4 of the schemes in these site-specific circumstances.

- 8.33 Given the above, the scheme fails to meet the minimum floor space standards as detailed within the NDSS. Therefore, the scheme is considered to be contrived and overdevelops the site, which fails to provide a high level of residential amenity to the future occupiers of the scheme.
- 8.34 The cramped and contrived nature of the development is exacerbated by the layout of the development and the very small rooms proposed to facilitate the four flats. For example, the proposed kitchen area of Flat 3 has an area of 2.5sqm that a person can manoeuvre around, the maximum width of this room varies from 2.5m down to 0.6m. This fails to provide a high level of residential amenity to the future occupiers of the scheme.
- 8.35 In addition, the long and narrow layout of this habitable room in Flat 3 is served by a 0.6m wide window, which is not considered to provide a sufficient level of natural light in these site-specific circumstances. Both main living areas of Flat 1 and Flat 2 are also only served by one small obscure glazed high-level window and one small principal habitable window. These are not considered to provide a sufficient provision of natural light, nor an appropriate level of visual outlook for the future occupiers of the scheme. Therefore, the development fails to provide a high level of residential amenity to the future occupiers of the scheme.
- 8.36 This can also be seen by the fact that the principal habitable windows to the bedrooms of Flats 2 and 3 are 0.8m and 0.4m in width respectively and only reach a height of 1m above the first-floor level. This is not considered to provide an appropriate level of visual outlook, nor a high level of residential amenity for the future occupiers of the scheme.
- 8.37 Furthermore, all the principal habitable windows on the ground floor to Flats 2 and 3 are less than 4m from the adjacent structures, including the bin store. The principal habitable window to the bedroom of Flat 1 is also less than 3m from the proposed bin store for all four flats and is immediately adjacent to the cycle storage area, which is considered to result in poor visual outlook and a loss of privacy in these site-specific circumstances. Whilst the constraints of the site are appreciated, the design of the scheme as currently submitted, is not considered to provide an adequate level of residential amenity to future occupiers of the scheme in accordance with Key Policy Paragraph 135 of the NPPF.
- 8.38 Although there is a communal courtyard for the development, no private outdoor amenity space is provided for any of the residential units. It is noted that the Good Design Guide does not provide any minimum standards for amenity space for one-bedroom properties. Nevertheless, it is 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 is not considered to result in any significant harm to the residential amenity of the future occupiers of the development in these site-specific circumstances.

By virtue of these factors, the development fails to provide residential units that accord with the minimum standards detailed within the Nationally Described Space Standards, and the design and layout of the scheme fails to provide these units with an appropriate level of natural light provision or visual outlook. Given the above, and the considerably small nature of the rooms provided for Flats 2 and 3, the development is contrived and represents overdevelopment of the site, which fails to provide a high level of residential amenity to the future occupiers of the scheme. The proposal is, therefore, contrary to, and in conflict with, Policy DM10 of the SADMP, Key Policy Paragraph 135 of the NPPF, the Nationally Described Space Standards, and the Good Design Guide. This detrimental impact is considered to significantly and demonstrably outweigh the potential planning benefits associated with the scheme.

Impact upon Parking Provision and Highway Safety

- 8.39 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.
- 8.40 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).
- 8.41 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.
- 8.42 Whilst the site features an existing unamended access from Regent Street, no off-street vehicular parking provision is provided for the development. However, the scheme includes six cycle parking places, but no car parking spaces are proposed. Given the site-specific location of the development, the LHA welcomes the proposed cycle spaces.
- 8.43 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.
- 8.44 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.
- 8.45 Given the above, the scheme is considered to be in accordance with Policies DM17 and DM18 of the SADMP, and 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 is refused.

11. Recommendation

11.1 **Refuse planning permission** subject to:

- Planning reasons detailed at the end of this report.

11.2 Reasons

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.

a. **Notes to Applicant**

1. The application has been determined in accordance with the following submitted details:

- Application Form (submitted: 25.06.2025)
- Block & Site Location Plan (08 04) (submitted: 25.06.2025)
- Design and Access, Heritage Statement (submitted: 25.06.2205)
- Existing Elevations (03B) (submitted: 25.06.2025)
- Existing Layout Plans (02) (submitted: 25.06.2025)
- Proposed Layout & Elevations (08 03C) (submitted: 16.09.2025)
- Proposed Site Plan (08 05) (submitted: 25.06.2025)
- Topographical Plan (25 01) (submitted: 25.06.2025)