

Delegated Report

Planning Ref: 26/00380/FUL
Applicant: Mr Davie Vive-Kananda
Ward: Hinckley DeMontfort



Hinckley & Bosworth
Borough Council

Site: The Limes, Derby Road, Hinckley

Proposal: Proposed change of use from a House in Multiple Occupation (Sui Generis) to Residential Care Home (Use Class C2).

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 change of use of an existing House in Multiple Occupation (HMO) (Sui Generis) to use as a Residential Care Home (Use Class C2) at The Limes, Derby Road, Hinckley.
- 2.2. The existing building has an internal floor area of 1815 square metres and currently operates as a 40-bedroom HMO.
- 2.3. The proposed change of use is for the entirety of the existing building to be used as a 40-bedroom care home.
- 2.4. The residential care home would operate with 24-hour staffing across three shifts. The morning and afternoon shifts would have a maximum of 6 staff on site, while the night shift would have a maximum of 3 staff on site.
- 2.5. There are no external alterations proposed to the building to facilitate the change of use.

3. Description of the Site and the Surrounding Area

- 3.1. The application site is located within the settlement boundary of Hinckley, to the north of the settlement.
- 3.2. The application site comprises an existing two storey building most recently in use as a House in Multiple Occupation. The existing HMO building has two primary wings linked by a central connection surrounding an enclosed courtyard. The existing car parking areas are located to the north and south of the site.

- 3.3. The application building is constructed of brown facing brick with areas of wooden feature cladding. It has a predominantly gable roof form with brown roof tiles, as well as flat roof sections to the north.
- 3.4. The site has existing access from Derby Road which is an adopted and classified 'C' road subject to a speed limit of 30mph.
- 3.5. The surrounding area is primarily residential in character with a mix of generally two storey detached, semi-detached and terraced properties. The non-residential uses surrounding the site include a range of commercial premises including the Weavers Arms public house, hot food takeaways, and an electrical services business.

4. Relevant Planning History

- **23/00625/FUL**
 - Increase the number of occupants from 23-bed HMO (sui generis) to 40-bed HMO (sui generis) with associated works
 - Planning Permission
 - 07.09.2023
- **22/00611/FUL**
 - Change of use of premises from a care home (Use Class C2) to 23-bed HMO (sui generis) with associated works for the provision of staff accommodation for senior care home employees
 - Planning Permission
 - 20.12.2022
- **15/01199/FUL**
 - Proposed extensions and alterations to create 6 additional bedrooms, new support facilities, entrance porch and part change of use from day care centre (D1) to residential care home (C2)
 - Planning Permission
 - 25.02.2016
- **14/00570/FUL**
 - Extensions and alterations to premises
 - Planning Permission
 - 01.08.2014

5. Publicity

- 5.1 The application has been publicised by 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), advised that the proposal would not have an unacceptable impact upon highway safety nor would the cumulative impacts of the development on the road network be severe.

The LHA noted that the proposal consists of 40 bedrooms with 23 parking spaces, and that this represents no change to the existing building and parking arrangements. They noted that the Applicant had confirmed that a total of 6 staff members would be present on site at any one time, with brief overlap during shift changeover times.

In accordance with Table 29 of the Leicestershire Highway Design Guide (LHDG) (2024) the proposal would be required to provide 16 parking spaces. The LHA are therefore satisfied that the site provides sufficient parking provision.

- 6.2 Hinckley and Bosworth Borough Council's (HBBC) Drainage had no objection to the proposal.
- 6.3 HBBC Environmental Health (Pollution) had no objection to the proposal.
- 6.4 No response was received from HBBC Waste.

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 DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
- 7.3 National Planning Policies and Guidance:
- National Planning Policy Framework (NPPF) (2024)
 - 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 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.
- 8.2 Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.
- 8.3 The current Development Plan consists of the adopted Core Strategy and the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP). Both the Core Strategy and the SADMP are over 5 years old and were adopted prior to the publication of the current NPPF.
- 8.4 Paragraph 34 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. Nevertheless, in accordance with Paragraph 232 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 located within the settlement boundary of Hinckley in proximity to the boundary of the Hinckley Town Centre area. The location is therefore appropriate for a care home use given the sustainable location with a range of services and facilities within walking distance.
- 8.6 It is therefore considered that the proposal is acceptable in principle, 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

- 8.7 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, taking into account any local design guidance and supplementary planning documents such as design guides and codes.
- 8.8 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. Paragraph 135 of the NPPF details the six national policy requirements of development to ensure the creation of well-designed and beautiful places.

- 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 proposed development does not involve any external alterations to the existing building. Its external appearance would thus remain unchanged as a result of the proposed change of use.
- 8.11 It is therefore considered that the proposal would not result in any adverse impacts to the character of the surrounding area in accordance with Policy DM10 of the SADMP and Chapter 12 of the NPPF.

Impact upon Residential Amenity

- 8.12 Paragraph 135(f) of the NPPF requires that planning decisions ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 8.13 Paragraph 198 of the NPPF confirms that planning decisions should ensure new developments are appropriate for their locations, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions, and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
- 8.14 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.
- 8.15 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. 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.
- 8.16 The proposal involves the change of use of the existing building at The Limes from a 40-bedroom HMO to a 40-bedroom residential care facility.
- 8.17 It is noted that the building operated as a residential care home previously, until it was partially changed in use to an HMO through applications in 2022 and 2023.
- 8.18 The proposal does not involve any alterations to the existing building. Existing rooms within the building used as HMO bedrooms would change in use to care home bedrooms, and there would be no change to points of access to the building.
- 8.19 Notwithstanding that movements associated with the operation of the property as a care home are likely to differ somewhat from those of a HMO, it is not considered that

these would differ so significantly so as to alter the intensity of the use of the site, especially given the consistency in the number of total occupants.

- 8.20 All existing bedrooms have minimum floor areas of at least 10 square metres and have access to natural light through existing windows. There are frequent communal rooms and spaces within the internal layout of the building, a central courtyard area, and access to open green spaces surrounding the building to the south and east.
- 8.21 Further to the above, the existing building is located on a large plot, separated from neighbouring residential buildings by Derby Road and Charnwood Road or otherwise by a separation distance not less than 15 metres.
- 8.22 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, or upon the amenity of future occupiers of the scheme, in accordance with Policy DM10 of the SADMP, the Good Design Guide, and the requirements of the NPPF.

Impact upon Parking Provision and Highway Safety

- 8.23 Paragraph 115(b) of the NPPF states that planning decisions should ensure that developments provide safe and suitable access to the site for all users. In accordance with Paragraph 115(d) of the NPPF, any proposal should ensure that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.
- 8.24 Ultimately, development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios in accordance with Paragraph 116 of the NPPF.
- 8.25 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.
- 8.26 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).
- 8.27 Table 29(b) of the LHDG requires that C2 Residential Care Homes provide 1 off-street parking space per every 4 bedrooms, plus 1 space per staff member.
- 8.28 The proposal makes no amendment to the existing access and parking conditions on site. There is a total of 23 existing off-street car parking spaces provided for residents and staff.

- 8.29 The proposed residential care home would operate with 40 bedrooms and have a maximum of 6 staff members on site during daytime shifts, with less staff on site overnight. As such, per Table 29(b) of the LHDG the site would need to provide a minimum of 16 parking spaces.
- 8.30 The LHA have reviewed the proposal and have concluded that the number of parking spaces provided are sufficient. Given the site provides in excess of the minimum 16 parking spaces required, it is considered the site could reasonably accommodate anticipated levels of parking, as well as be sufficient to accommodate any temporary increase in parking that might occur during shift changeovers.
- 8.31 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, 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 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, as follows:

- Existing, Proposed Block Plan, Site Location Plan, Drg No. BLL-GA-EX
 - Proposed Floor Plans, Drg No. FL0-GA-PR
- Both received by the Local Planning Authority on 24 April 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).

3. The development hereby approved shall be for a maximum of 40 bedrooms only.

Reason: In accordance with the submitted application details and as a greater number of bedrooms may have significant detrimental impacts on the amenity of occupants, the area, and neighbouring residents contrary to Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

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.