

Delegated Report

Planning Ref: 23/00485/FUL

Applicant: Mr Mashru

Ward: Groby

Site: 32A Leicester Road, Groby

Proposal: Proposed change of use of first floor from office/clinic (class E) to flat (Class C3)



Hinckley & Bosworth
Borough Council

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. The proposal is for the conversion of the site from the first floor office/clinic to a self-contained flat consisting of a kitchen, dining room, living room and one bedroom. No changes are proposed to the external elevations of the building and the ground floor would remain as the Groby Post Office.

3. Description of the site and surrounding area

- 3.1. The site is located above an existing post office, and is a later 19th century end terrace property. The adjoining terrace properties are of residential use. The property is located within Groby Conservation Area and designated Local Centre.

4. Relevant planning history

None

5. Publicity

- 5.1. The application has been publicised by posting a site notice within the vicinity of the site and letters sent out to neighbours. The application was also advertised in the Leicester Mercury.
- 5.2. No comments received.

6. Consultation

- 6.1. LCC Highways: No objections.
- 6.2. HBBC Conservation: No objections. Substantive response, included within the impact upon the character of the conservation area.
- 6.3. HBBC Waste Management: No objections, one condition suggested, included as a note to applicant at the end of this report.
- 6.4. HBBC Drainage: No objections.
- 6.5. HBBC Pollution: No objections.

7. Policy

7.1. Site Allocations and Development Management Policies DPD (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
- Policy DM22: Vitalising District, Local and Neighbourhood Centres

7.2. **Core Strategy (2009)**

- Policy 7: Key Rural Centres
- Policy 8: Key Rural Centres Relating to Leicester

7.3. **National Planning Policies and Guidance**

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

7.4. **Other relevant guidance**

- Good Design Guide (2020)
- National Design Guide (2019)

8. **Appraisal**

8.1. **Key Issues**

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

Assessment against strategic planning policies

- 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. Paragraph 2 of the NPPF also identifies that the NPPF is a material planning consideration in planning decisions. Paragraph 12 of the NPPF states 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. Where planning applications conflict with an up-to-date plan, permission should not usually be granted unless other material considerations indicate otherwise.
- 8.3. The development plan in this instance consists of the Core Strategy (2009) and the Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016).
- 8.4. Policy DM22 of the SADMP confirms that sites located within a local centre, where there is a loss of retail uses will need to demonstrate that the vitality or viability of the Local Centre in terms of the mix and type of uses. The policy goes on to confirm that the use of upper floors of retail premises for residential use will be supported where they accord with other policies in the Local Plan.
- 8.5. Policy 8 of the adopted Core Strategy confirms that as a key rural centre, there is a key focus on maintaining existing services. Similarly, Policy 7 of the Core Strategy confirms that the authority should resist the loss of local shops and facilities in Key Rural Centres unless it is demonstrated that the business or facilities can no longer operate in a viable manner.

- 8.6. Whilst this application does seek to remove a retail unit and replace with a residential unit, it is not considered detrimental to the rural centre due to the nature of the business. The business relates to a skin clinic (relating to tattoo removal and such activities), whilst the application does seek to remove a business facility it can be considered niche enough to not have detrimental impacts upon residents of Groby. Furthermore the use of first floor accommodation is supported in principle by policy DM22.
- 8.7. As such it is considered that the principle of development is in general accordance with the Core Strategy (2009) and the Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016).

Design and impact upon the character of the area

- 8.8. Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.9. No.32a Leicester Road is located within the Groby Conservation Area. It is a traditional property within a late 19th century terrace and despite some rather incongruous alterations to the frontage to facilitate a commercial use it is of some historic and architectural interest ensuring it contributes positively to the character and appearance and thus significance of the conservation area. For these reasons it has been identified as an important historic building in the Groby Conservation Area Appraisal (2011).
- 8.10. The property is currently in use as retail shop, this pre-application seeks to change its use to a flat.
- 8.11. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 8.12. Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Policies DM11 and DM12 of the Site Allocations and Development Management Policies (SADMP) DPD seek to protect and enhance the historic environment.
- 8.13. Development proposals should ensure the significance of a conservation area is preserved and enhanced. No external changes are proposed as part of the application, so therefore the proposal would have a neutral impact on the conservation area, preserving its character and appearance and thus significance.
- 8.14. Overall the proposal complies with Policies DM10, DM11 and DM12 the SADMP, section 16 of the NPPF and the statutory duty of section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

Impact upon neighbouring residential amenity

- 8.15. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings. The policy also states that the amenity of the occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.
- 8.16. The property currently operates as a clinic/office, it is considered that the proposed change to a flat, alongside no external alterations, would cause no detrimental impacts upon neighbouring amenity. In addition, it is considered that the amenity of

the future occupiers would not be adversely impacted by the activities within the vicinity of the site, given that the existing post office is located within and adjoining existing residential dwellings already.

- 8.17. As such it is considered that the proposal would be in accordance with Policy DM10 of the adopted SADMP.

Impact upon highway safety

- 8.18. Policies DM17 and DM18 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety and requires new development to provide an appropriate/justified level of parking provision.
- 8.19. The County Highways department were consulted as part of the application, and have confirmed that they do not have any objections to the proposed scheme. They confirmed that whilst no off-street parking is afforded to the proposed one bedroom flat, that given the existing use is a business, the trips to and from the property are likely to be reduced significantly. Given the advice received from County Highways it is considered that the proposal is in general accordance with Policies DM17 and DM18 of the SADMP.

9. Equality implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.
- 9.3 There are no known equality implications arising directly from this development.
- 9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).
- #### **10. Conclusion**
- 10.1. It is considered that the proposal have significantly limited impacts on the character of the conservation area, neighbouring amenity and highways safety. The proposal therefore complies with Policies DM10, DM11, DM12, DM17 and DM18 of the SADMP, section 16 of the NPPF and the statutory duty of Sections 16, 66 and 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990.

11. **Recommendation**

11.1 **Grant planning permission** subject to:

- Planning conditions outlined 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 and Proposed Floor Plans Drg No. 2023/05/98 /A Pg. 1/3

Site Location Plan Drg No. 2023/05/98 /A Pg. 2/3

Elevations Drg No. 2023/05/98 /A Pg. 3/3

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).

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 buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. Hinckley & Bosworth Borough Council's recycling and refuse collection services are from the boundary to the adopted highway. It will be the responsibility of the occupiers to ensure that all containers/wheeled bins are brought to the collection point.