

Delegated Report

Planning Ref: 24/00599/FUL
Applicant: Mrs Jenna Greenland
Ward: Hinckley Castle



Hinckley & Bosworth
Borough Council

Site: 35 Queens Road, Hinckley, Leicestershire

Proposal: Change of use of dwellinghouse (Class C3) to storage facility for formal suit hire including ancillary cleaning facilities and office space (Class B8).

Recommendations

1.1. **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report

Planning application description

- 2.1. The application seeks full planning permission for the conversion of an existing dwelling to provide a storage facility for formal suit hire including ancillary cleaning facilities and office space. The applicant operates a wedding dress business from 1 Queens Road and the men's suit hire business currently operates from those premises. The applicant states that there is a lack of space at the premises and originally sought to shift the whole of the men's formal hire operation to 35 Queens Road. As a result of officer concerns though regarding the impact of that proposal on parking on the street and on the amenity of neighbours the application has been revised to focus on the main need of the applicant which is for floor space for the storage of the suits that are hired along with ancillary cleaning, ironing and mending facilities and a small amount of office space. Through negotiation the applicant has agreed that there would be a maximum of two members of staff at the premises at any time. It has also been agreed that fitting and collection would need to continue to take place from 1 Queens Road so that no customers will visit 35 Queens Road. The office space is also limited to one desk/person.
- 2.2 There are no changes proposed to the existing property which also retains a kitchen and bathroom. The cleaning facilities include washing machines and dryers along with ironing stations and a sewing machine station. The washing machines and dryers are large domestic machines and not specialist dry cleaning machines.
- 3. Description of the site and surrounding area**
- 3.1. The application site is a terraced dwelling located centrally on Queens Road to the south and east of Hinckley town centre. Given the relative proximity to the town centre the road features a small number of non-residential uses that include the usual convenience store and hot food takeaway but also a car repair garage and the applicant's bridal wear premises. 35 Queens Road is flanked by residential dwellings.
- 3.2 35 Queens Road, in common with most properties on the street, does not have off street parking and given the relative close proximity to the town centre and the large number of residential properties the street is heavily parked on both sides.
- 4. Relevant planning history**
- 4.1 There is no relevant planning history.

5. Publicity

5.1. The application has been publicised by sending out letters to local residents. Notification was undertaken when the application was described as principally being a Class E office use with a collection point and fitting rooms.

5.2. Three letters of objection have been received which are summarised below:

- The dwelling is on a busy road and is effectively a car park and this would place increased demand for parking which is already in short supply
- There is a shortage of affordable homes and it is not necessary and is undesirable to have another commercial business when there is already so much empty commercial floorspace in the town centre
- Commercial signage will look out of place
- There will be increased noise from alarms
- A Class E use would allow the premises to be used as a shop, restaurant, café, crèche or medical centre without the need for planning permission

6. Consultation

6.1. No objection has been received from:

- HBBC Waste Management
- HBBC Drainage

6.2. HBBC Environmental Services – Pollution – initially expressed some concern regarding potential noise impacts from the use of washing machines and asked for further information to be submitted. Following receipt of that information there are no longer any concerns.

6.3. No responses have been received to date from:

- LCC Highways

7. Policy

7.1. Core Strategy (2009)

- Policy 1: Development in Hinckley

7.2. Site Allocations and Development Management Policies DPD (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 DM20: Provision of Employment Sites

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (Dec 2023)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

7.4. Other relevant guidance

- Good Design Guide (2020)
- Highway Design Guide

8. Appraisal

8.1. Key Issues

- Principle of development

- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Planning balance

Principle of development

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) July 2023) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. 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. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and states that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) (CS) the Site Allocations and Development Management Policies DPD (2016) (SADMP).
- 8.4. The application should be determined in accordance with Paragraph 11(d) of the National Planning Policy Framework (NPPF) whereby permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This is weighed in the balance of the merits of the application when considered with the policies in the SADMP and the Core Strategy which are attributed significant weight as they are consistent with the Framework. Therefore, sustainable development should be approved unless other material considerations indicate otherwise.
- 8.5. Paragraph 85 of the NPPF states that planning decisions should help create the conditions in which businesses can invest, expand and adapt.
- 8.6. The site lies close to the defined town centre of Hinckley and so is in a sustainable location.
- 8.6. The proposal seeks to use a dwelling as a storage facility for an existing business that is located less than 100 metres further along the same street.
- 8.7. As has been pointed out by two of the objectors the proposal would result in the loss of a dwelling from the overall supply. The Council is now able to demonstrate a 5.6 year supply of deliverable housing using the standard method outlined by the Ministry of Housing, Communities and Local Government. It is noted that applications to change the use of existing dwellings to alternative uses are comparatively rare. It is also noted that the applicant operates the existing business at 1 Queens Road from where the suite hire currently operates. In these circumstances it is therefore not considered that the loss of a single dwelling, either in this instance or cumulatively, represents a significant impact on housing supply. The proposal has been revised to address concerns regarding the main use of the property and planning permission would not be required to change the use of the building back to that of a dwellinghouse.

- 8.8. This proposal seeks to use an existing dwelling as a storage facility with ancillary cleaning and office elements. The principle of change of use is considered to be acceptable in principle, subject to all other planning matters being satisfactorily addressed.

Design and impact upon the character of the area

- 8.8. Policy DM10(c), (d) and (e) of the SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and the use and application of building materials respects the materials of existing, adjoining/ neighbouring buildings and the area generally and incorporates a high standard of landscaping.
- 8.9. Paragraph 135 of the NPPF states that decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment, while not preventing or discouraging appropriate innovation or change.
- 8.10. The scheme proposed no physical changes to the building. As originally submitted the application included the use of the building as a collection point and fitting room. This would have led to customers attending and to a potentially significant increase in the demand for parking near the property. As a result of officer concerns regarding the impact of customers visiting the property the applicant has agreed to conditions that would keep customers at the premises at 1 Queens Road as is currently the case. The applicant has also agreed that the premises would only be used by a maximum of two workers at any one time.
- 8.11. The proposal retains the appearance of the building. Given that it will not be used by customers it is considered that the scheme would not harm the character and appearance of the area in accordance with Policies DM10 of the SADMP and the requirements of paragraph 135 of the NPPF.

Impact upon neighbouring residential amenity

- 8.12. 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.
- 8.13. Paragraph 135 of the NPPF states that decisions should 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 8.14. Paragraph 191 of the NPPF states that decisions should ensure that new development is appropriate for its location 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.

- 8.15. Given the changes that have been made to the proposal and the conditions that have been agreed with the applicant as set out above at paragraph 8.10 it is considered that the amenity of neighbouring residents is appropriately and adequately protected as required by local and national planning policy.

Impact upon highway safety

- 8.16. Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. 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)).
- 8.17. Policy DM18 states that all proposals for new development will be required to provide an appropriate level of parking and that development within Hinckley town centre should demonstrate that they would not exacerbate existing problems in the vicinity with increased on-street parking.
- 8.18. Paragraph 115 of the NPPF (2023) outlines that 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 would be severe.
- 8.19. Although the Highway Authority have not submitted comments on the application the LPA is satisfied that the scheme, as amended and conditioned, would have no significant detrimental effect on on-street parking or on highway safety and that as such the proposals will satisfy policies DM17 and DM18 of the SADMP and the requirements of the NPPF.

Planning Balance

- 8.34. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.35. Paragraph 11 of the NPPF applies a presumption in favour of sustainable development. As the development plan policies are out-of-date part d) of paragraph 11 requires that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 8.7. The proposal is supported by paragraph 85 of the NPPF which states that planning decisions should help create the conditions in which businesses can invest, expand and adapt. The application has been revised to address officer concerns and the applicant has agreed to conditions that ensure that there would be no significant effects on neighbouring residents as a result of the change of use. Therefore having assessed all material considerations there are no adverse impacts that would outweigh the benefits.
- 8.36. As such the application is viewed favourably and subject to necessary conditions is recommended for approval.

9. Equality implications

- 9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

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 in the consideration 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. Recommendation

- 10.1. **Grant planning permission subject to the following planning conditions.**

11. 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 plans received by the Local Planning Authority as follows:

- Site Location Plan (submitted 18 June 2024)
- Proposed Floor Plans (submitted 1 August 2024)

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. The washing machines used at the premises shall accord with the details submitted to the Local Planning Authority on 31 July 2024.

Reason: In the interests of the amenity of neighbouring residents in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016)

4. There shall be no more than two members of staff working at the premises at any time.

Reason: In the interests of the amenity of neighbouring residents in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

5. No customers shall make collections from the premises or visit the premises at any time.

Reason: In the interests of the amenity of neighbouring residents and to reduce pressure for parking on Queens Road in the interests of highway safety in accordance with Policies DM10 and DM17 of the Site Allocations and Development Management Policies Development Plan Document (2016).

6. The office space shall be limited to one person/desk only.

Reason: To ensure that the office element remains ancillary to the main use of the premises for storage purposes in the interests of the amenity of neighbouring residents in accordance with Policy DM10 of the Site Allocations and Development Management Development Plan Document (2016).