

Delegated Report

Planning Ref: 26/00024/FUL
Applicant: Mrs Lindsay Hill
Ward: Hinckley Castle



Hinckley & Bosworth
Borough Council

Site: 113 London Road Hinckley Leicestershire

Proposal: Expansion of existing childminding services to employ up to 4 assistants working with up to 20 children

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 application seeks full planning permission for the expansion of an existing childcare services to employ up to 4 assistants working with up to 20 children at 113 London Road, Hinckley.
- 2.2. There would be a maximum of 20 children and up to 5 full-time members of staff at the site at any one time, Monday-Friday between the hours of 7:30am-18:00pm.
- 2.3. The proposed outbuilding would abut the north-western boundary. It would measure 4.10 metres for a width of 13.25 metres. It would have a dual-pitched roof with an eaves height of 2.02 metres and a ridge height of 3.10 metres.
- 2.4. There are no external changes to the main building associated with this application.

3. Description of the site and surrounding area

- 3.1. The application site relates to a two-storey detached residential dwelling situated within the settlement boundary of Hinckley.
- 3.2. The application dwelling is characterised by a dual-pitched form, with a small timber flat roofed structure atop of the front personal door. It is constructed in a mixture of red facing brick and off-white render to the walls, brown tiles to the roof and white uPVC to the windows. The sites frontage benefits from a narrow, but wide gravelled hardstanding with a side access leading to a generous 310sqm rear private amenity space.
- 3.3. The surrounding area consists of a mixture of residential and commercial uses. The application dwelling and the residential dwellings to the immediate south-east have a similar appearance.

4. Relevant planning history

- None relevant.

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. Following the publications, no representations have been received.

6. Consultation

6.1. HBBC Drainage:

- The comments received from the Council's Drainage Officer have been incorporated into the body of this report.

6.2. HBBC Environmental Health (Pollution):

- The comments received from the Council's Environmental Health Officer have been incorporated into the body of this report.

6.3. HBBC Waste:

- The Council's Waste Team have raised no objections to the proposal.

6.4. LCC Highways:

- The comments received from County Highways have been incorporated into the body of this report.

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 Flooding and Pollution
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM25: Community Facilities

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2024)
- Planning Practice Guidance (PPG)

7.4. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)
- Leicestershire Highways Design Guide (2024)

8. Appraisal

8.1. Key Issues

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

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. The NPPF is a material planning consideration in planning decisions.

8.3 Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The three overarching objectives of sustainable development (economic, social, and environmental) are detailed within Paragraph 8 of the NPPF. Therefore, in accordance with Paragraph 11 of the NPPF, planning decisions should apply a presumption in favour of sustainable development.

- 8.4 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. Where planning applications conflict with an up-to-date plan, development permission should not usually be granted unless other material considerations indicate otherwise.
- 8.5 The current Development Plan consists of the adopted Core Strategy and the adopted SADMP. The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the Core Strategy.
- 8.6 The Core Strategy, and the SADMP are over 5 years old and were adopted prior to the publication of the current NPPF. 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.
- 8.7 Nevertheless, 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. Ultimately, the closer the policies in the plan are to the policies in the NPPF, the greater weight they may be given. Therefore, this response sets out the relevant adopted Core Strategy, SADMP and MNP policies and refers to the NPPF and notes any inconsistencies between them.
- 8.8 The site is located within the settlement boundary of Hinckley; which is defined as a sub-regional centre by Policy 1 of the Core Strategy. As the site is within the settlement boundary of Hinckley there is a presumption in favour of sustainable development.
- 8.9 The proposal is further supported by Policy 1 of the Core Strategy which seeks to ensure that there is a range of employment opportunities within Hinckley, and the general principles of section 6 of the NPPF, which seeks to support sustainable economic growth and states planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Paragraph 86 (e) in particular seeks to ensure that planning policies should be flexible enough to accommodate needs not anticipated in the plan, and allow for new and flexible working practices and spaces to enable a rapid response to changes in economic circumstances.
- 8.10 Moreover, Policy DM25 of the SADMP seeks to ensure that the Borough Council will seek to support the formation of new community facilities (**such as educational facilities**) across the borough. To reduce reliance on the private car, where new facilities are to be established it should be demonstrated that they are accessible to the community which they intend to serve by a range of sustainable transport modes.
- 8.11 Overall, there is a clear presumption in favour of sustainable development for the proposed change of use. Other material considerations are assessed below.

Design and impact upon the character of the area

- 8.12 Policy DM10 of the adopted 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.
- 8.13 The immediate area already consists of a mixture of residential and commercial uses; therefore, the expansion of such use is not considered to be out of character. There are no external alterations proposed to the main building associated with this application, but an outbuilding is proposed to be sited within the rear amenity space.

- 8.14 The outbuilding would be of a generous, but acceptable scale. It would have a dual-pitched form to complement that of the existing dwelling. Despite, being sited to the rear as the dwelling does not extend across the full width of the plot the outbuilding would not benefit from screening from the existing built-form of the dwelling. Nonetheless, it would be set-back 16.09 metres from the principle elevation whilst being offered partial screening by existing vegetation, so at a most only very small glimpses of the development would be available from London Road.
- 8.15 The materials to be used to the outbuilding have not been specified, therefore it is considered necessary to impose a condition to ensure that the proposed materials match those used on the existing main dwelling.
- 8.16 In summary, it is considered that the proposal would have a neutral impact upon the character of the surrounding area, according with Policy DM10 of the adopted SADMP.

Impact upon neighbouring residential amenity

- 8.17 Policy DM7 of the adopted SADMP states that development should not cause noise or vibrations of a level which would disturb areas that are valued for their tranquillity in terms of recreation or amenity
- 8.18 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.
- 8.19 The proposed outbuilding would be sited 10.00 metres from the residential curtilage of 115 London Road as to not bear any impacts upon the occupiers in terms of loss of light. Openings are proposed to the south-east elevation, which would cause a degree of overlooking, nonetheless, given the separation distance and that a similar quantum of development could be carried out under Schedule 2, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) the Council would not look to refuse the proposal on these grounds alone.
- 8.20 The proposed outbuilding would abut the north-western boundary shared with Clarence Court, a shared residential building. A degree of loss of light is foreseen to the ground-floor units if the existing vegetation to the neighbours side is to be removed, nonetheless the harm would not be any worse than the existing vegetation poses. Furthermore, as stated above the that a similar quantum of development could be carried out under the aforementioned schedule. No openings are proposed to the immediate elevation.
- 8.21 The application site is bound by residential properties. The impacts in terms of noise and disturbance generated from the general use of the site and vehicle movements must therefore be considered.
- 8.22 The Council's Environmental Health Officer has been consulted and raises no objection to the proposal, however, would recommend conditioning the number of children to 20 as per the application form, alongside conditioning the hours of operation to those stated in the application form 07:30-18:00 Monday-Friday, no working Saturday/Sunday/Public holidays in order to safeguard residential amenity.
- 8.23 In light of the above, the development is considered to be acceptable under Policies DM7 and DM10 of the adopted SADMP, subject to planning conditions.

Impact upon highway safety and parking provision

- 8.24 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. 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 adopted 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.
- 8.26 Policy DM18 of the adopted SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.27 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).
- 8.28 The site is located on London Road, which is a B-classified road subject to a 30-mph speed limit. The Application Form states that no access amendments are proposed to serve this proposal and given the scale of the development and the constraints of the site, the Local Highway Authority (LHA) would not seek for access amendments.
- 8.29 The LHA have reviewed Personal Injury Collisions (PICs) that have been recorded within 500.00 metres in either direction of the site access within the most recent five-year period for which data is available. There have been nine recorded PICs, seven of which were classified as slight in severity and two as serious in severity. The LHA have considered the circumstances of each of the above PICs, noting the town centre location, and is satisfied the proposal, if permitted would not exacerbate the likelihood of further such incidents occurring.
- 8.30 As to be in accordance with Figure 29(c) of the Leicestershire Highway Design Guide (LHDG - <https://www.leicestershirehighwaydesignguide.uk/>) one parking space per staff member is required plus one space for shift changeover.
- 8.31 The building also serves as a dwelling which should be providing parking in it's own right based on Table 28 of the LHDG, although it is noted that the Applicant leases parking from an adjacent property.
- 8.32 The proposals are in the town of Hinckley. There are bus stops within 100.00 metres of the site offering regular services to Lutterworth, Leicester, Coventry and surrounding villages.
- 8.33 The LHA have also considered the parking shortfall, noting the sustainable location, alongside a comprehensive package of Traffic Regulation Orders (TROs), preventing inappropriate parking in the public highway. It was also noted, on a site visit dated 19 March 2026, that there is availability of on-street parking in the vicinity of the site for drop-off/pick-up purposes.
- 8.34 Based on the above information, the LHA does not believe it could demonstrate the proposals would have a severe impact on the public highway contrary to Paragraphs 115 and 116 of the NPPF, or Policies DM17 and DM18 of the adopted SADMP. As such the LHA would not seek to resist the application, nonetheless the Council wish to condition the number of children to 20 as per the application form.

Drainage

- 8.35 Policy DM7 of the adopted SADMP seeks to ensure that development doesn't create or exacerbate flooding by being located away from areas of flood risk unless adequately mitigated against in line with National Policy.
- 8.36 According to the Environment Agency (EA) website, the application site is located within Flood Zone 1, designated as low probability of flooding from rivers and sea, and the principle of development in low flood risk areas is acceptable. The EA Surface Water mapping also indicates that the application site is located in an area at very low risk of flooding from surface water. The Council's Drainage Officer therefore has no objection to the proposals on sustainable drainage grounds subject to the below informative being imposed.
- 8.37 Rainwater from the proposed cabin roof should be positively drained into a suitable water butt, soakaway or domestic drainage system, and not be permitted to discharge directly onto the surface of the application site and neighbouring properties.
- 8.38 In light of the above, subject to an informative the proposal would comply with Policy DM7 of the adopted 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.

10. Conclusion

- 10.1. The application is for the part change of a residential dwelling for the purposes of a childminding business. The application is situated within the settlement boundary and therefore there is a presumption in favour of sustainable development under policy DM1 of the SADMP as long as the proposal is in accordance with the relevant policies of the SADMP. Both the Core Strategy and the NPPF seek to encourage economic development and enterprise through the use of existing premises to provide employment opportunities, including homeworking.
- 10.2. By virtue of the specific nature and level of the proposal, it is not considered that the development would result in any adverse impacts on the residential amenity of surrounding dwellings, either by way of noise and disturbance associated with vehicle movements or the children cared for. The proposal would also not result in any severe harm in terms of highway safety or impact on the character of the surrounding area. Therefore, the application is considered to be in accordance with DM1, DM10, DM17, DM18 and DM25 of the adopted SADMP and is therefore recommended for approval subject to conditions.

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:

- Site Location Plan, Drg No. TQROM26010100039564 as received by the Local Planning Authority on the 30th January 2026.
- Site Plan as received by the Local Planning Authority on the 25th February 2026.
- Proposed Floor Plans and Elevations as received by the Local Planning Authority on the 10th April 2026.

Reason: To ensure a satisfactory form of development in accordance with Policies DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. The materials to be used on the external elevations of the proposed outbuilding shall match the corresponding materials of the existing dwelling.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. The number of children attending the premises in connection with the use hereby approved shall not exceed 20 at any one time.

Reason: To ensure that the development does not have a detrimental impact upon highway safety and existing residential amenity in accordance with Policy DM10, DM17 and DM18 of the Site Allocations and Development Management Policies Development Plan Document (2016).

5. The use shall not take place other than between the hours:-

- 07:30 - 18:00 Monday – Friday
- Not operational on Saturdays, Sundays and Bank Holidays

Reason: To protect the amenities of the occupiers of neighbouring residential properties from unsatisfactory noise and disturbance in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11.3 Notes to applicant

- a) 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.
- b) Rainwater from the proposed cabin roof should be positively drained into a suitable water butt, soakaway or domestic drainage system, and not be permitted to discharge directly onto the surface of the application site and neighbouring properties.