

Planning Committee 21 September 2021  
Report of the Planning Manager

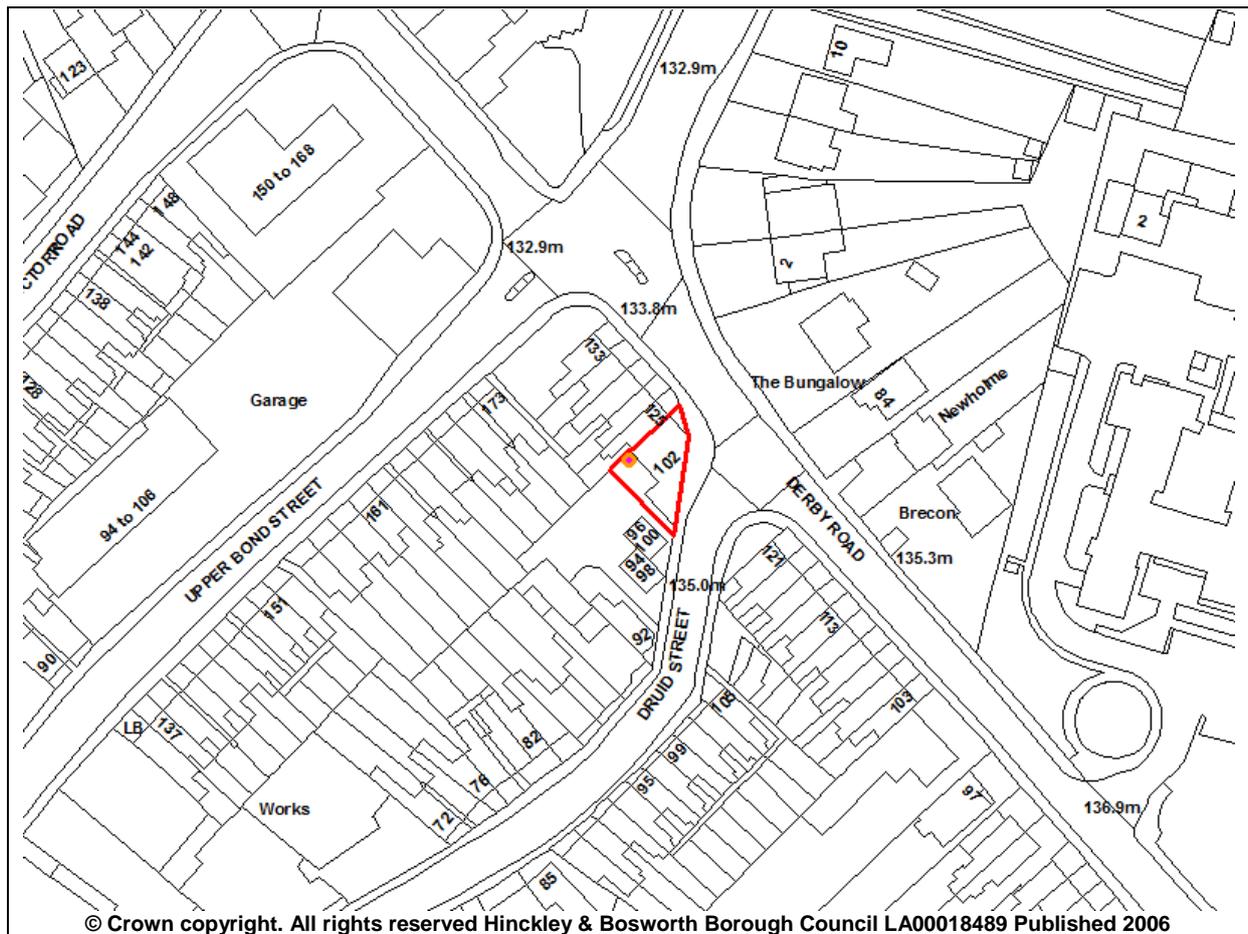
Planning Ref: 21/00775/FUL  
Applicant: Mr Konrad Gajda  
Ward: Hinckley DeMontfort



Hinckley & Bosworth  
Borough Council

Site: 102 Druid Street Hinckley Leicestershire

Proposal: Change of use from 6 person House in Multiple Occupation (Class C4) to 8 person House in Multiple Occupation (Sui Generis), roof light



**1. Recommendations**

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

- Planning conditions outlined at the end of this report

**1.2.** That the Planning Manager be given powers to determine the final detail of planning conditions.

**2. Planning application description**

- 2.1.** The application seeks full planning permission for the change of use of the property from a 6 person House in Multiple Occupation (Class C4) to an 8 person House in Multiple Occupation (Sui Generis). The proposal involves subdividing the bedroom on the second floor into two single bedrooms. The proposal also involves converting the kitchen on the ground floor to a bedroom with the communal kitchen replacing

the communal living room also on the ground floor. The bedrooms would now have their own en-suite bathrooms as part of the alterations. A roof light to the front elevation is also proposed.

2.2. The application is accompanied by a Design and Access Statement.

### **3. Description of the site and surrounding area**

3.1. The site relates to a large, brick built, three storey property located on the corner of Druid Street and Derby Road. It is surrounded by other residential properties and is within the settlement boundary for Hinckley. The property is in use as a House in Multiple Occupation with shared facilities including living room, bathrooms and kitchen. The site has a small yard area to the rear, but does not have any off street parking. The site is within a swift nest alert area.

### **4. Relevant planning history**

None.

### **5. Publicity**

5.1. The application has been publicised by sending out letters to local residents. No comments have been received as a result of the publicity.

### **6. Consultation**

6.1. No objection has been received from:

LCC Highways  
LCC Ecology

6.2. No response has been received from:  
Hinckley Town Centre Management Team

Leicestershire Police

6.3. Councillor Hodgkins has objected to the application making the following points:

- 1) There is no parking with cars from existing residents already causing problems
- 2) It is already an overcrowded property

### **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 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) (2021)
- 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 area
- Impact upon residential amenity
- Impact upon highway safety and parking

#### Assessment against strategic planning policies

- 8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) (2021) 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 The existing property is a 6 person House in Multiple Occupation (HMO) falling within use class C4. Under the Town and Country Planning Use Classes Order 2020 there is a permitted change from a class C3 dwelling house to a HMO of 6 people or less. More than 6 people falls under a separate use class (Sui Generis) therefore there is a requirement for a change of use.
- 8.4 The site is within the settlement boundary for Hinckley. Policy 1 of the Core Strategy supports residential development within the settlement boundary of Hinckley, which has access to a range of services and facilities and sustainable transport modes. It is therefore considered that the proposal is acceptable in principle, subject to all other planning considerations being satisfactorily addressed.

#### Design and impact upon the character of the area

- 8.5 Policy DM10 of the SADMP requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.6 The property is located on a prominent corner between Druid Street and Derby Road. The only external change proposed is a roof light to the side elevation. This is a minor external change and a common form of development in a residential area that will have a minimal visual impact on the appearance of the building.
- 8.7 Whilst the proposal requires the change of use, the existing and proposed are both residential in nature. The increase in two additional rooms within the existing building is not considered to alter the residential character of the property.
- 8.8 The proposal will result in a minimal visual impact on the character and appearance of the existing property and the wider street scene in compliance with policy DM10 of the SADMP.

#### Impact upon residential amenity

- 8.9 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.
- 8.10 The roof light is small scale and set away from any neighbouring residential properties so its impact on privacy or overlooking would be minimal.
- 8.11 Concerns have been raised regarding overdevelopment of the site. The property has a small rear yard area serving the existing residents. Whilst not ideal in terms of size there are no minimum garden sizes for houses in multiple occupation. The surrounding residential properties are also characterised as having small rear garden areas. In terms of residential amenity for future occupiers all the proposed

rooms are of an adequate size and with suitable outlook. With all of the rooms meeting nationally described space standards.

- 8.12 The proposal will result in a minimal impact on residential amenity for future and current occupiers in compliance with policy DM10 of the SADMP.

Impact upon highway safety and parking

- 8.13 Policy DM17 of the SADMP supports development proposals where they demonstrate that there would be no adverse impacts on highway safety and that development is located where the use of sustainable transport modes can be maximised. Policy DM18 of the SADMP seeks an appropriate level of parking provision within sites to serve the development.

- 8.14 Concerns have been raised in relation to parking in the area. The property does not provide any off street parking. Many of the neighbouring residential properties do not have off street parking. The proposal will result in an increased demand for parking in the area. The Local Highway Authority have been consulted on the application and they do not raise an objection to the proposal as there is an existing residential property with no off street parking. They also outline that there are no specific parking standards for Houses in Multiple Occupation. Whilst there will be an increase in the number of occupants at the property this will only be a slight increase. On street parking is well used along Druid Street. There are some Traffic Regulation Orders (TROs) in places on Druid Street so any unauthorised parking in these locations can be controlled by this process. The property is located in a sustainable location within the settlement boundary for Hinckley and is within walking distance to Hinckley town centre so it has access to services, facilities and public transport options.

- 8.15 The proposal will result in a minimal impact on parking and highway safety in compliance with policies DM17 and DM18 of the SADMP.

Other matters

- 8.16 The site is within a Swift Alert Area. Leicestershire County Council Ecology team have been consulted on the application, however they consider that this development does not provide an opportunity for enhancement therefore no new nest boxes are required. The proposal is located within a built up area with no known bat roosts nearby and the proposed works are minor. Therefore LCC Ecology do not consider a bat survey is required and raise no objections.

## **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 in the consideration of this application. The Committee must also ensure the same when determining this planning 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. The site is within the settlement boundary for Hinckley. Core Strategy policy 1 supports residential development within the settlement boundary for Hinckley.

10.2. The proposal will result in a minimal impact on visual amenity, residential amenity and parking/highway safety. The proposal is therefore in compliance with policies DM10, DM17 and DM18 of the SADMP.

## **11. Recommendation**

11.1 **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report

11.2 That the Planning Manager be given powers to determine the final detail of planning conditions.

## **11.3 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.21016-100-PL1 received 11th June 2021  
Block Plan, Drg No. 21016-104-PL1 received 11th June 2021  
Proposed Floor Plans, Drg No.21016-201-PL1 received 11th June 2021  
Proposed Elevations, Drg No.21016-202-PL1 received 11th June 2021  
Proposed Site Plan, Parking Plan, Drg No.21016-204-PL1 received 11th June 2021

**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).

## **11.4 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](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.
2. There is always a possibility that a building could support roosting bats, which are protected by law from harm. As a precaution, the applicant should ensure that all contractors and individuals working on the property are aware of this possibility, as works must cease if bats are found during the course of the works whilst expert advice from a bat ecologist is obtained. Bats are particularly associated with the roof structure of buildings, including lofts, rafters, beams, gables, eaves, soffits, flashing, ridge-tile, chimneys, the undertile area, etc. but may also be present in crevices in stone or brickwork and in cavity walls.