

Delegated Report

Planning Ref: 23/00819/FUL
Applicant: Mrs Kelly Clarke
Ward: Burbage Sketchley and Stretton



Hinckley & Bosworth
Borough Council

Site: 31B Windsor Street, Burbage

Proposal: Change of use from Class E (Curtain shop (Creative Curtains)) to Sui Generis (Dog Grooming Salon)

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 seeks the change of use from Class E (Curtain Shop) to Sui Generis (Dog Grooming Salon). There are no external amendments to the development site, and additional internal insulation has been installed to reduce noise impacts.

3. Description of the site and surrounding area

- 3.1. The site is a former curtain shop located on Windsor Street. The building is two-storey, white rendered and benefits from existing off-street parking to the rear. The unit is located next to an existing hot food takeaway. Windsor Street consists of a mix of residential dwellings and a mix of businesses including hot food takeaways, retail shops and public houses.

4. Relevant planning history

None

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. No public comments have been received.

6. Consultation

- 6.1. No objections have been received from:
- HBBC Environmental Services Pollution – No objections following amendments to the Planning Statement.
 - HBBC Drainage – No objections.
 - HBBC Waste Management – No objections, notes to applicant.
 - Burbage Parish Council – No objections, subject to opening hours restrictions.
 - LCC Highways – No objections, standing advice.

7. Policy

7.1. Core Strategy (2009)

- No relevant policies

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)
- National Design Guide (2019)

7.4. Burbage Neighbourhood Plan (2021)

- Policy 1: Settlement Boundary
- Policy 3: Business and Retail

7.5. Other relevant guidance

- Good Design Guide (2020)

8. Appraisal

8.1. Key Issues

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

Principle of Development

8.2 The site is located off Burbage local centre, with Policy 22 of the SADMP stating that the change of use from A1 or A2 (now class E) retail uses only being permitted where it can be demonstrated that the proposal would not detract from the vitality or viability of the Local Centre in terms of the mix and type of uses. There are a mix of uses in the immediate area and the proposed development would not detract from the vitality of the area.

Design and impact upon the character of the area

- 8.2 Policy DM10 of the SADMP requires proposals to complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.3 Policy 3 of the BNP encourages proposals for business development in the Parish providing the development is in keeping with the scale, form and character of its surroundings, does not have detrimental impacts upon the local environment and has safe and suitable access for all people.
- 8.4 The proposal does not seek to make any significant external amendments, and therefore is not considered to have any detrimental impacts on the design or character of the area. As such it is considered that the proposal would be in accordance with Policy DM10 of the SADMP and Policy 3 of the BNP.

Impact upon neighbouring residential amenity

8.5 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.

8.6 Policy 3 of the BNP encourages proposals for business development in the Parish providing the development does not significantly adversely affect the amenities of

residents in the area.

8.7 The proposal seeks the change of use to a dog grooming salon. No external alterations are proposed and as such it is considered that no detrimental impacts upon neighbouring amenity, in terms of loss of light, loss of privacy or overbearing impacts, are to occur as part of this proposal.

8.8 In terms of noise caused from the use as a dog grooming salon, HBBC Environmental Health Pollution were consulted as part of the application consultation. It was confirmed that due to the activities proposed within the planning statement as the mitigation measures put in place at the site, that there would not be detrimental noise impacts caused by the proposed change of use.

8.9 As such, it is considered that the proposal is in accordance with Policy DM10 of the SADMP and Policy 3 of the BNP.

Impact upon highway safety

8.9 Policy DM17 of the SADMP seeks to ensure new development would not have an adverse impact upon highway safety. Policy DM18 of the SADMP seeks to ensure parking provision appropriate to the type and location of the development.

8.10 The proposal is not anticipated to have any material impact upon the highway or the existing parking facilities, and when considering the existing use as a curtain shop and the proposed use as a dog grooming salon, there is not an expected significant increase in the number of visits to and from the site. Therefore the proposal would be in accordance with Policies DM17 and DM18 of the adopted SADMP.

8.40 Equality implications

8.10 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.

8.11 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.

8.12 There are no known equality implications arising directly from this development.

8.13 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).

9. Conclusion

- 9.1 The application for the change of use from a curtain shop to a dog grooming salon is considered to be of satisfactory design, and have no detrimental impact on the character of the area, neighbouring amenity or highway safety. As a result the proposal is considered to be in accordance with Policies DM10, DM17 and DM18 of the adopted SAMDP and Policy 3 of the adopted Burbage Neighbourhood Plan, the scheme is therefore recommended for approval subject to conditions.

10. 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:

Design and Access Statement
Existing and Proposed Block Plan Drg No. 02-2327_00
Proposed Floor Plan and Elevation Drg No. 04-2327_00
Site Location Plan Drg No. 01-2327_00
Planning Statement Rev A

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. Prior to first use of the dog grooming salon, an application for advertisement consent for any proposed advertisement or signage must be approved by the Local Planning Authority.

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 premises use and deliveries shall not take place other than between the hours set out below:

Monday – Saturday: 08:00 – 20:30
Sundays and Bank Holidays: 09:00 – 18:00

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

11.3. 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. All businesses have a duty of care to ensure that any waste produced is handled safely and within the law. All waste produced by a business including (but not limited to) paper, cardboard, cans, retail packaging, and food wrappers/waste, is commercial waste. For this reason, it legally has to be discarded in a certain way via a trade waste service or transfer station and cannot be disposed of through the residential service. Bins should be maintained and stored so that they don't cause problems to neighbouring premises due to smells, and should be stored correctly in a suitable container which needs to be closed or lidded. Operators should arrange their own business/trade waste collection service. If you give your waste to someone else you must be sure that they are authorised to take it and can transport, recycle or dispose of it safely