

Delegated Report

Planning Ref: 24/01098/FUL
Applicant: Miss Jodie Mackay
Ward: Markfield, Stanton & Fieldhead
Site: 12 Wesley Way, Markfield
Proposal: Dog grooming business



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 application is for the erection of an outbuilding for a dog grooming business in the garden of 12 Wesley Way, Markfield. The proposal is for a dog grooming business with up to 6 dogs per day.

3. Description of the site and surrounding area

- 3.1. The application site is a detached dwelling located on Wesley Way, Markfield. The street consists of two storey detached dwellings with off-street car parking to the front of the dwellings. The property is located next to an access road to a cul-de-sac to the rear of the site. The site is located within the settlement boundary of Markfield.

4. Relevant planning history

None

5. Publicity

- 5.1. The application has been publicised by posting neighbour letters.
5.2. No comments received.

6. Consultation

- 6.1. HBBC Pollution: No objections.
6.2. Markfield Parish Council: No comments received.

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 DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.2. National Planning Policies and Guidance

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

7.3. Markfield Neighbourhood Plan (2021)

- Policy M10: Design

7.4. Other relevant guidance

- Good Design Guide (2020)

- National Design Guide (2019)

7.5. **Core Strategy (2009)**

- None

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

Assessment against strategic planning policies

8.2. The 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).

Design and impact upon the character of the area

8.4. 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.

8.5. Policy M10 of the Markfield Neighbourhood Plan (MNP) states that development must be sympathetic to local character and history and be in keeping with the scale, form and character of its surroundings.

8.6. The proposed dog grooming business is to operate from a small outbuilding, measuring 2.13m in height, 2.4m in depth and 2.4m in width. The unit is set to be located in the rear garden of 12 Wesley Way, towards the western side of the rear garden, which borders the access road which serves the cul-de-sac to the rear of the site. The site benefits from an existing mature boundary hedgerow and it is considered that the outbuilding would not be highly visible from public vantage points, albeit it would be visible from certain points. The overall design of the unit is acceptable and would not look out of character at a residential property due to the scale and size of the development.

8.7. The proposal is therefore considered to be in accordance with Policy DM10 of the SADMP and Policy M10 of the MNP.

Impact upon neighbouring residential amenity

8.8. 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.

- 8.9. Policy M10 on the MNP states that the amenities of residents in the area should not be significantly adversely affected, including by loss of daylight/sunlight, privacy, air quality, noise and light pollution.
- 8.10. The proposed unit itself is not considered to cause detrimental impacts to neighbouring amenity in terms of loss of light, loss of privacy, overbearing or overshadowing impacts. This is owing to its single storey nature and its siting being away from the neighbouring boundary treatments.
- 8.11. HBBC Pollution were consulted as part of the application and have confirmed they hold no objections to the unit or the use as a dog groomers, and have confirmed they are satisfied that there would be no detrimental impacts on neighbours in terms of noise or smell, given the additional noise reduction measures put in place. The business proposes no more than 6 dogs to visit the site within a day and only one dog would be at the premises at any one time – this is considered to be akin to a regular household who may have pets and would not give rise to any issues of neighbouring amenity in terms of noise or smell pollution. Conditions are recommended restricting opening hours and the intensity of the use of the site in terms of dog numbers, this is to control the small scale nature of the business which ensures the residential nature of the area is retained.
- 8.12. As such it is considered to be in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.13. Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 of the SADMP requires new development to provide an appropriate/justified level of parking provision.
- 8.14. The development site benefits from off-street car parking to the site frontage, which will allow customers parking availability during drop off and collection times. It is stated within the planning statement submitted as part of the proposal, that the dog grooming business will operate on an appointment basis and therefore it is considered that there would not be any issues in relation to parking at the site. In addition, the additional trips to and from the property in relation to the dog grooming business is not considered to be significant in terms of its intensification and as such the proposal would not give rise to any concerns relating to highway safety.
- 8.15. As such it is considered that the proposal would be in accordance with Policy 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. The proposal is considered acceptable due to the limited impacts upon the character of the area and the amenity of adjacent buildings. It is considered that the proposed development would be in accordance with Policies DM10, DM17 and DM18 of the adopted SADMP.

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:

Planning Statement
Site Location Plan
Dog Grooming Pod Floor Plans and Elevations
Block Plan

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 dog grooming use shall not take place other than between the hours set out below:

Monday – Friday: 08:00 – 17:00
Saturday: 08:00-12:00
Sundays and Bank Holidays: No hours permitted

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).

4. No more than a total of 6 customers shall be permitted to visit and utilise the site daily, in conjunction with the hereby approved dog grooming business. There shall be no more than one members of staff working at the premises at any time and the building shall remain ancillary to the dwelling, 12 Wesley Way, Markfield and shall not be occupied, sold or separately leased or let as an independent business unit.

Reason: To protect the amenities of the occupiers of neighbouring residential properties from unsatisfactory noise and disturbance and to ensure no undue pressure of the local highways network, impacting highway safety in accordance with Policy DM10, DM17 and DM18 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. Please ensure there is adequate space on the property to store the waste containers for the business. Businesses 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.