**DELEGATED REPORT**

**Recommendation Made: 23 June 2011**

**Reference:- 11/00370/CONDIT** **Parish:- Carlton Parish Council**

**Applicant:- Mr T Dolman**
**C/O Agent**

**Location:- 36 Main Street Carlton Nuneaton Leicestershire CV13 0EZ**

**Proposal:- VARIATION OF CONDITION NO.3 ON PREVIOUS PERMISSION 98/00641/FUL TO ALLOW USE OF DOMESTIC GARAGE AS AN OFFICE**

**Introduction:-**

This is an application for variation of condition 3 no. attached to planning permission 98/00641/FUL.

The previous application (ref: 98/00641/FUL) sought permission for the erection of detached garages.

This application proposes to allow the use of three bays of the domestic garage as an office and an such seeks to vary the condition in respect of the 'no trade of business shall be carried out therefrom'. The condition was added to ensure that the use of the garage remained compatible with the surrounding area. The other two bays of the domestic garage have already been granted planning permission for the use of offices ref: 09/00218/CONDIT.

During the course of the application, the applicant has confirmed that there will be 3 full time and 1 part time staff which includes family members, with opening hours from 8-6 Monday to Friday and 9-12 Saturday and approximate 2-4 visitors a week.

For the avoidance of doubt, the applicant has been informed that the external alterations do not form part of this application.

The site is located within the settlement boundary of Carlton, as defined by the adopted Hinckley and Bosworth Local Plan.

The application is accompanied by a Design and Access Statement which states that two businesses have been run from this property for more than fifteen years, one run by the applicant and the other run by the applicant and his family and that the majority of the staff work on site.

**Planning History**

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| 09/00218/CONDIT | Variation of condition 3 on previous planning permission 98/00641/FUL to allow use of part of block of domestic garages as an office. | Approved | 18.05.09 |
| 98/00641/FUL | Erection of detached garages | Approved | 16.09.98 |

**Consultations:-**

No comments from:-

Head of Community Services (Land Drainage)

No objections from:-

Head of Community Services (Pollution)
Carlton Parish Council

Director of Environment and Transport (Highways) has no objection subject to the use being tied to the ownership/occupation of No. 36 and a minimum of 3 off street car parking spaces on site.

**Development Plan Policies:-**

**Central Government Guidance**

Planning Policy Statement 1 (PPS1): Delivering Sustainable Development.

**Local Development Framework: Core Strategy (2009)**

Policy 13: Rural Hamlets

**Hinckley & Bosworth Local Plan (2001)**

The site is within the settlement boundary of Carlton as defined in the adopted Hinckley and Bosworth Local Plan.

Policy BE1: Design and Siting of Development

Policy T5: Highway Design and Vehicle Parking Standards

**Appraisal:-**

The site is located within the settlement boundary of Carlton, as defined on the Adopted Hinckley and Bosworth Local Plan proposals map and therefore there is a presumption in favour of development subject to all other planning matters being appropriately addressed.

The original application (ref: 98/00641/FUL) for the erection of the garage imposed a condition restriction the use of the garage in the interests of ensuring that the garage remained compatible with the surrounding area. The principle of office use from the garage was then established through the earlier grant of planning permission (ref: 09/00218/CONDIT) which allowed for two of the five bays to be converted from domestic garage use into office use. It is therefore considered that allowing an increase in the level of office use in the setting is considered acceptable and would remain compatible with the surrounding area, subject to careful consideration upon the impact of the additional office use upon residential amenity and highway safety.

The residential dwelling most immediately impacted upon as a result of the proposal would be No. 38 Church Cottage and No. 40 Main Street located to the north of the application site. Given the buildings physical existence it falls to consider whether the increase in level of office use would give rise to an unacceptable level of noise and disturbance upon the neighbouring residential dwellings.

It is considered that the hours of use, number of workers and deliveries are unlikely to increase the level of noise and level of comings and goings over and above that of the existing office use. It is considered necessary to secure a condition relating to the hours of operation to ensure that the level of activity on site does not exceed 8-6 Monday to Friday and 9-12 Saturday, in the interests of residential amenity.

The Director of Environment and Transport (Highways) also requests that the use is tied to the ownership/occupation. It is apparent that the use is in connection with the family of the owners and occupiers of No. 36 Main Street, as such an appropriately worded condition is considered necessary to ensure that the business is not sold off or run entirely separately in the interests of reducing the number of comings and goings to the site.

The Director of Environment and Transport (Highways) has no objection subject a minimum of 3 off street car parking spaces on site. There is sufficient off street parking in front of the garage and adequate parking on the site as a whole. It is considered that a minimum of 3 off street car parking can easily be achieved on site.

In conclusion, the principle of office development has already been established through the earlier grant of planning permission (ref: 09/00218/CONDIT). It is considered that through the imposition of appropriate planning conditions that by increasing the level of office use on this site that the use will remain compatible with the surrounding area. Overall by reason of the additional office units, this is not considered to give rise to any significant detrimental impacts upon residential amenity or highway safety or compromise the character of the area. As such the scheme is considered to be in accordance with Saved Policies BE1 and T5 of the Local Plan. Accordingly it is recommended that planning permission be granted, subject to the imposition of the previous and additional planning conditions.

**RECOMMENDATION:- Permit subject to the following conditions:-**

**Summary of Reasons for Recommendation and Relevant Development Plan Policies :**

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as it is considered that the principle of office use in this setting has already been established and this additional office use would not be to the detriment of residential amenity or highway safety.

Hinckley & Bosworth Local Plan (2001):- Policies BE1, T5.

Hinckley & Bosworth Borough Council Local Development Framework: Core Strategy (2009): - Policy 13.

1 This permission relates to the variation of Condition 3 of planning permission reference 98/00641/FUL dated 16 September 1998, a copy of which is appended hereto and the conditions imposed by the decision notice in relation to the previous application shall be deemed to apply to the grant of permission in respect of application 11/00370/CONDIT save in so far as they are amended by virtue of the decision notice in relation to the current application or where variations subsequent to the previous application have been approved in writing by the local planning authority.

2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: OS Sitemap (1:1250) and Block Plan (1:500) received by the Local Planning Authority on 11 May 2011.

3 The premises shall not be in operation for the use hereby approved outside the hours of 08:00 to 18:00 Monday to Friday and 9:00 to 12 noon on Saturdays and at no time on Sundays and Public Holidays.

4 The office hereby approved shall not be sold, leased nor otherwise disposed of separately from the existing dwelling on site.

**Reasons :-**

1 To define the permission and to ensure that all other conditions attached to the original consent still apply.

2 For the avoidance of doubt and in the interests of proper planning.

3 The premises are close to residential dwellings and a limit on the hours of use is needed to prevent a nuisance or annoyance to nearby residents accord with Policy BE1 of the adopted Hinckley & Bosworth Local Plan.

4 In the interests of protection of residential amenity from noise and disturbance, to accord with Policy BE1 of the adopted Hinckley & Bosworth Local Plan.

**Notes to Applicant:-**

1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.

2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.

4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

**Contact Officer:- Ebbony Mattley Ext 5691**