

Delegated Report

Planning Ref: 24/00357/FUL

Applicant: Mr John Oakley

Ward: Cadeby, Carlton, M Bosworth and Shackerstone

Site: Weston, Bosworth Road, Carlton

Proposal: Demolition of existing garage and construction of a new skincare treatment room with associated access and car park



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. This application proposes the demolition of an existing garage and the construction of a new skincare treatment room with associated access and car parking facilities. The garage is single storey a pitched roof, the proposed treatment room is of a similar scale to the existing garage and it is proposed on the basis that it is ancillary to the host dwelling.

3. Description of the site and surrounding area

- 3.1. The development site is located within the settlement boundary of Carlton and is located within a row of residential development on Bosworth Road. The site consists of a two storey dwelling and a detached garage set to the rear side of the dwelling. The existing garage is set against the existing neighbouring boundary treatment and is single storey in nature. 3 car parking spaces are afforded to the front of the site.

4. Relevant planning history

20/00600/HOU

Two storey rear extension and porch to front

Planning Permission

15.09.2020

5. Publicity

- 5.1. The application has been publicised by posting neighbour letters and a site notice has been posted within the vicinity of the site.
- 5.2. No comments have been received.

6. Consultation

- 6.1. HBBC Pollution: No objections.
- 6.2. HBBC Drainage: No objections, note to applicant.
- 6.3. Carlton Parish Council: No objections, subject to opening hours condition, condition linking to main dwelling. Comments also submitted regarding the parking provision.
- 6.4. LCC Highways: No objections, conditions recommended and included at the end of this report.
- 6.5. LCC Ecology: Request for single bat and bird box to be included on any plans or be conditioned as such. Amended plans received indicating this and as such no further comments. External lighting should be conditioned.

7. Policy

7.1. Core Strategy

- Policy 13- Rural Hamlets

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) (2023)
- 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 neighbouring residential amenity
- Impact upon highway safety
- Ecology

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).

8.4. Policy 13 of the Core Strategy supports development enabling home working and other small scale employment uses within settlement boundaries, the proposal fits within this category and it therefore acceptable in principle.

Design and impact upon the character of the area

8.5. 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.

- 8.6. The proposal includes the demolition of an existing single storey garage and the erection of a single storey structure serving as a skincare treatment room. The structure is single storey with a pitched roof, including roof lights, solar panels and oak framing. It is considered that the overall design of the structure is well considered and well designed.
- 8.7. The structure is located to the side of the host dwelling and is set back from the main dwelling and is considered a reasonable distance from the highways. As such, the structure is not highly prominent in the street scene albeit it is still viewable from public vantage points. It is considered that the overall design of the structure would not cause detrimental impacts to the character of the area and is of appropriate design. As such it is considered to be in accordance with Policy DM10 of the SADMP.

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. The proposed location of the treatment room structure is located within close proximity to the neighbouring property boundary. The development includes ground floor windows and doors, and roof lights on the pitched roof. When considered the single storey nature and sloping roof, and also when considering the existing single storey garage structure, which is located in the same position as the proposed, the impacts on neighbouring properties is not considered to worsen. The impacts in terms of loss of light, loss of privacy and overbearing impacts are therefore considered to not be significant.
- 8.10. HBBC Environmental Health were consulted as part of this proposal and no objections were raised. It is considered that the scale of the proposed business use on site would not give rise to residential amenity issues in terms of noise impacts on neighbours, given the internal nature and small scale of the business use.
- 8.11. A condition is however needed to ensure the proposal remains ancillary to the host dwelling to protect the amenity of these occupiers.
- 8.12. It is therefore considered that the proposal is 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. Leicestershire County Council were consulted as part of this application and have confirmed that within this application and circumstance that the intensification of the site is not likely to give rise to negative impacts on highways and highway safety, it is also confirmed that the internal layout of the site is considered acceptable. LCC Highways have confirmed a number of conditions which shall be included at the end of this report.
- 8.15. Overall the proposal would not result in adverse impacts upon highways safety and would be in accordance with Policies DM17 and DM18 of the adopted SADMP.

Ecology

- 8.16. LCC Ecology were consulted as part of this proposal, and have confirmed that one bat box and one bird box must be included within the newly proposed structure. Following the submission of amended plans, this has now been satisfied. In addition, comments from LCC Ecology confirmed that any external lighting proposed must be conditioned, however, no external lighting has been proposed under this application.

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 Drawing 1 Drg No. 05
Proposed Site Layout Drg No. 23-98-SK05
Bat Survey
ATC Document

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. No part of the development hereby permitted shall be occupied until such time as 1.0 metre by 1.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway and, once provided, shall be so maintained in perpetuity.

Reason: In the interests of pedestrian safety and in accordance with the National Planning Policy Framework (December 2023).

4. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 120 metres have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (December 2023).

5. No part of the development hereby permitted shall be occupied until such time as site drainage details have been provided to and approved in writing by the Local Planning Authority. Thereafter surface water shall not drain into the Public Highway and thereafter shall be so maintained.

Reason: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with the National Planning Policy Framework (December 2023).

6. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Hayward Architects Ltd Drawing Number 23-98-SK05. Thereafter the onsite parking and turning provision shall be kept available for such uses in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally and to enable vehicles to enter and leave the site in a forward direction in the interests of highway safety and in accordance with the National Planning Policy Framework (December 2023).

7. Notwithstanding the submitted plans, the proposed access shall have a width of a minimum of 2.75 metres and a gradient of no more than 1:20 for a distance of at least 5 metres behind the highway boundary and shall be surfaced in a bound material. The access once provided shall be so maintained at all times.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (December 2023).

8. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 5 metres of the highway boundary unless hung to open away from the highway.

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with the National Planning Policy Framework (December 2023)

9. The business use shall not take place other than between the hours set out below:

Monday – Friday: 09:00 – 21:00

Saturday: 09:00 – 14:00

Sundays and Bank Holidays: No work 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).

10. The skincare treatment room hereby permitted shall only be used as such and for no other purpose, including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification. The building shall remain ancillary to the dwelling currently known as Weston, Bosworth Road, Carlton and shall not be occupied, sold or separately leased or let as an independent unit of residential accommodation or retail/business.

Reason: To ensure the unit hereby permitted is not occupied as an independent unit of accommodation or for any other business purposes which may have additional impacts in accordance with Policies DM10, DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (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. Rainwater from the proposed outbuilding 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.