

Delegated Report

Planning Ref: 24/00107/FUL

Applicant: Mr Lewis Bagga

Ward: Earl Shilton

Site: 45 Stoneycroft Road, Earl Shilton

Proposal: Change of Use from residential (C3) to residential and dog care (Sui Generis) (Retrospective)



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 retrospective change of use from residential (C3) to dog care (sui generis).

3. Description of the site and surrounding area

- 3.1. The application site is located on Stoneycroft Road, Earl Shilton. The site is located within a residential area, with Earl Shilton Albion Football Club and the associated playing fields located to the East of the site. The site is located approximately 0.5km from the town centre. The site itself consists of a detached bungalow and detached triple garage, and is a corner plot.

4. Relevant planning history

None

5. Publicity

- 5.1. The application has been publicised by posting neighbour letters.
- 5.2. One objection was received which raised concerns relating to:

- Noise issues
- Additional vehicular movements
- Highways safety and visibility

6. Consultation

- 6.1. HBBC Pollution: No objections. Note made to include conditions.
- 6.2. LCC Highways: No objections, condition suggested.
- 6.3. HBBC Waste: Notes to applicant.

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) (2023)
- Planning Practice Guidance (PPG)

7.3. 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

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. The site is within the settlement boundary and within a sustainable location. The principle of development therefore accords with policy DM1 of the SADMP.

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 seeks the retrospective change of use from residential to dog care. There are no proposed changes to the property externally, other than a section of fencing noted within the design and access statement. The fencing which has been included is indicated on the photographs submitted, and is the same height as the former railings which were in situ – as such this element is considered not to require planning permission.

8.7. There are no further external changes and as such the proposal for the retrospective change of use is considered not to have any detrimental impacts on design of the character of the area and as such it is considered 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. In addition, the amenity of occupiers of the proposed development would not be adversely affected by activities in the vicinity of

the site.

- 8.9. It is noted that one neighbour objection was received in relation to this proposal. The objection related to impact on neighbouring residential amenity in terms of noise impacts.
- 8.10. The proposal relates to small animal hydrotherapy and rehabilitation services (dogs being the most common patient) to patients who have suffered injury, have existing neurological or orthopaedic medical conditions. The site will accommodate a small element of dog boarding for up to 6 animals. The proposal retains some residential se ensuring that a member of staff is present for patients at all times.
- 8.11. HBBC Environmental Health department were consulted on the proposal and confirmed that in line with the applicants design and access statement, so long as a condition is placed on this approval confirming that any dogs in relation to the business use must not be housed outside, that the proposal would not cause significant impacts in regards to noise impacts. As such the proposal would be considered acceptable in conjunction with conditions as suggested by Environmental Health and a further condition limiting the number of boarding dogs to 6 which is appropriate in the residential area.
- 8.12. The proposal does not included any external alterations to the bungalow or detached garage and as such would not have impacts in relation to overlooking, loss of privacy, loss of light or overbearing impacts.
- 8.13. As such it is considered to be in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.14. 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.
- 8.15. Leicestershire County Council Highways were consulted as part of the application process, and have confirmed that there is no concern relating to highway safety, due to there being no more than two customers on site at any time. It is considered that the number of trips generated from the business use would not be significant in relation to that of a residential dwelling. It is considered that the parking provision is sufficient and a condition has been included to ensure its implementation.
- 8.16. 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.

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 seeks retrospective change of use from residential (C3) to dog care (Sui Generis). The proposal is considered acceptable due to the limited impacts upon the character of the area, the amenity of neighbouring properties and highways safety/vehicle parking.
- 10.2. 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 not be carried out otherwise than in complete accordance with the submitted application details, as follows:
- Design, Access and Planning Statement
Existing Landscape Plan Drg No. 45StoneycroftRd_ExistingLandscapePlan_VI Rev. VI
Existing Block Plan Drg No. 45StoneycroftRd_ExistingBlockPlan_VI Rev. VI
Existing Elevations and AA Section Drg No. 45StoneycroftRd_ExistingElevationsII_VI Rev. VI
Existing Elevations I Drg No. 45StoneycroftRd_ExistingElevationsI_VI Rev. VI
Existing Parking Plan Drg No. 45StoneycroftRd_ExistingParkingPlan_VI Rev. VI
Existing Plans III Drg No. 45StoneycroftRd_ExistingPlansIII_VI Rev. VI
Existing Plans II Drg No. 45StoneycroftRd_ExistingPlansII_VI Rev. VI
Existing Plans I Drg No. 45StoneycroftRd_ExistingPlansI_VI Rev. VI
- 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).
2. The development hereby permitted shall not be occupied until such time as the parking facilities have been implemented in accordance with the drawing titled Existing Parking Plan' drg no. 45StoneycroftRd_ExistingParkingPlan_VI

thereafter the onsite parking provision shall be kept available for such use 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 in the interests of highway safety and in accordance with the National Planning Policy Framework (December 2023).

3. The dog care use shall not take place other than between the hours set out below:

Monday - Saturday: 09:00-17:00
Sundays and Bank Holidays: 09:00-17:00

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).

4. No more than 6 dogs shall be boarded on the site at any one time and no dogs or other animals related to the hereby approved change of use for dog care, shall be housed outside.

Reason: To ensure that any potential noise impacts caused to neighbouring residents is reduced, safeguarding neighbouring amenity, in accordance with Policy DM10 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. 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.