

Delegated Report

Planning Ref: 24/00882/FUL

Applicant: Miss Julie Towers

Ward: Burbage St Catherines & Lash Hill



Hinckley & Bosworth
Borough Council

Site: Unit 1 Burbage Road Burbage

Proposal: Change of use to dog groomers (sui generis) (previously approved under 21/00725/FUL)

Recommendations

- 1.1. **Grant planning permission** subject to:
- Planning conditions outlined at the end of this report

Planning application description

- 2.1. This application seeks planning permission for the change of use of Unit 1 of the Hinckley Business Centre, to a dog groomers. The proposed hours of opening are Monday to Friday 09:00 – 17:00. No opening hours are proposed for Sundays or Bank Holidays.
- 2.2. The unit has previously been granted consent for use as a dog groomers, however, this was subject to a condition restricting this use to an individual:
- “The permission shall operate solely for the benefit of the applicant (Ms Hazel Casey) and shall not run with the land. When the premises ceases to be occupied by Ms Hazel Casey the use hereby permitted shall cease.
- Reason: To safeguard the employment use in accordance with Policy DM19 of the Site Allocations and Development Management Plan Policies (DPD)”
- 2.3. It is understood the current applicant took over the site, however, its continued use as a dog groomers does not benefit from planning permission owing to the above condition restricting the use to the former applicant.

Description of the site and surrounding area

- 3.1. The application site relates to Unit 1 of the Hinckley Business Centre, which is identified as a designated employment site within the Site Allocations and Development Management Policies (DPD) (site reference BUR53) to the west of Burbage Road, adjacent to the railway line. The site is a single room unit of roughly 23sqm.

Relevant planning history

21/00725/FUL- Change of use to dog groomers (sui generis)- Approved-
15/10/2021

Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. A site notice was also posted within the vicinity of the site
- 5.3. No representations were received.

Consultation

- 6.1. Burbage Parish Council was consulted and has no objections.
- 6.2. HBBC Environmental Services was consulted and has no objections.

Policy

- 7.1. Burbage Neighbourhood Plan 2018-2036
- Policy 1: Settlement Boundary
 - Policy 3: Business and Retail
- 7.2. Core Strategy (2009)
- Policy 4: Development in Burbage
- 7.3. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM7: Preventing Pollution and Flooding
 - Policy DM10: Development and Design
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
 - Policy DM19: Existing Employment Sites
- 7.4. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2023)
 - Planning Practice Guidance (PPG)
- 7.5. Other relevant guidance
- Good Design Guide (2020)
 - National Design Guide (2019)
 - Employment Land and Premises Study (2020)

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 application site is located within the settlement boundary of Burbage, where there is a presumption in favour of sustainable development. Policy 4 of the Core Strategy states that to support Hinckley's role as a sub-regional centre and support Burbage local centre the council will ensure there is a range of employment opportunities within Burbage and in close proximity to Hinckley.
- 8.3 Policy DM1 of the Site Allocations and Development Management Policies Development Plan Document states that planning applications that accord with the policies in the Local Plan (and where relevant, with policies in the neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.
- 8.4 Policy 1 of the Burbage Neighbourhood Plan supports development within the settlement boundary. The application site is within the settlement boundary of Burbage, therefore is supported.

- 8.5 Policy 3 of the Burbage Neighbourhood Plan encourages proposals for suitable business development in the Parish, such as small-scale business and enterprise development providing that the development is in keeping with the character of its surroundings; Does not significantly adversely affect the amenities of residents in the area; Does not cause harm to highway safety; Does not have a detrimental impact upon the local environment; Has safe and suitable access to the site for all people.
- 8.6 The application site is a small unit situated within a larger building, which resides in an allocated employment site, reference BUR53. The Employment Land and Premises Study (2024) (ELPS) reveals that in the Borough vacancy rates are low amongst units of less than 500sq.m, but generally higher amongst larger premises. Although the availability of very small units can be under-reported, our analysis suggests a shortage of accommodation amongst the four smallest size bands. In the Hinckley/ Burbage area there are a total of 633 Industrial Units, 8 of which are vacant which is a vacancy rate of 1.2%. Within the borough, Hinckley and Burbage is the dominant location with more than half the office stock (57% of units and 52.4% of floorspace). Here, some buildings are in single occupation, but the majority are suites within multi occupancy buildings, such as the application site.
- 8.7 The ELPS categorises the site as B. Policy DM19 of the SADMP states that the Borough Council will give positive consideration to proposals for partial or total loss of Category B Sites for uses other than B1, B2, and B8 in certain circumstances.
- 8.8 The ELPS identifies that the site provides budget small business space with a continuing demand for premises, and remains a viable scheme for light industrial. However it is evident from site visits that the wider building to which this application would be situated within is not fully occupied by light industrial uses, with a Dance Studio, music and a gym facilities all residing within the building. Businesses that use the same entrance as the applicant consist of a photographer, web designer and a care workers office.
- 8.9 The current unit was already approved for a dog grooming business in 2021, however this was granted as a personal consent and the applicant is not eligible to operate under this consent. It is understood that the unit was previously vacant for a period of time and has limited floor space. The proposed use which is a sui generis use would not lend itself to a centre use, and neither would it necessarily be suitable in a residential area. Therefore when having regard to the use, the limited size of the floor area and the unit being vacant, the use would bring an otherwise vacant and restricted unit back into use. Previous to the permission for a dog groomers the unit was a centre for a dog walking business. Should permission be granted a personal condition could be imposed to ensure that once the use ceases it reverts back to B1 which is its known previous use, this would align with the previous consent. Therefore it is considered that the benefits of the use would outweigh the impact of losing 23m² of employment floorspace, to comply with Policy DM19 of the SADMP.

Design and impact upon the character of the area

- 8.10 Policy DM10 of the SADMP indicates that development will be permitted providing it meets good standards of design including that it would complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and would not have a significant adverse effect on the privacy and amenity of nearby residents.
- 8.11 There are no external changes proposed to the unit. The proposed change of use of roughly 23m² of the Business Centre is not considered to result in any significant

change to the character of the area, and would not result in any external alterations to the proposed building.

- 8.12 Consequently there is not considered to be any conflict to Policy DM10 in regard to character and design.

Impact upon neighbouring residential amenity

- 8.13 Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy or amenity of nearby residents and occupiers of adjacent buildings or the future occupiers of the site. Policy DM7 of the SADMP seeks to prevent that proposals do not cause noise or vibration which would disturb areas.
- 8.14 It is intended that only one dog will be taken for grooming at a time so as to reduce the likelihood of them barking. The dogs will be kept calm and will be allowed to familiarise themselves with the environment to reduce the likelihood of them barking and causing a nuisance to the other tenants. The supporting Design and Access statement claims that the animals being groomed will not bark or become distressed if they are in a calm environment and the applicant has sought professional advice from animal behaviourists to develop good working techniques and practices to ensure the dogs health and wellbeing, and so as not to disturb the other tenants in the building.
- 8.15 Environmental Health (Pollution) have considered the application and have no objections to the proposed use, which is situated within the employment area.
- 8.16 It is considered that by virtue of the particular use of the site it is likely that any adverse impacts could be avoided and that the development would be able to demonstrate compliance with the requirements of Policies DM7 and DM10 of the adopted SADMP.

Impact upon highway safety

- 8.17 Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety.
- 8.18 Policy DM18 requires new development to provide an appropriate level of parking provision to serve the development proposed.
- 8.19 The site also has a dedicated parking place for customers to drop their pets off when using the service. One customer is to be served at a time in order to limit the required parking to the one allocated space.
- 8.20 The proposal is not considered to result in an unacceptable impact on highway safety and complies with Policy DM17 and DM18 of the SADMP.

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).

Conclusion

- 10.1. The proposal is for a small scale business, yet sui-generis use, of a business site which has already been granted permission in 2021 for a dog grooming business but for a different applicant. The proposed would not have an adverse impact on the character and appearance of the area, would not have an adverse impact on residential amenity subject to conditions, and would not have an adverse impact on highway safety.
- 10.2. The application is considered to be in accordance with Policy DM1, DM10, DM17, DM18, and DM19 of the SADMP, Policy 3 of the Burbage Neighbourhood Plan and Policy 4 of the Core Strategy subject to a personal consent which ensures that should the unit become vacant it reverts to its employment use and does not permanently sterilise the unit in that regard.

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:

Site Location Plan - received 19/09/2024
Proposed Floor Plan - received 01/10/2024
Application Form - received 19/09/2024

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 permission shall operate solely for the benefit of the applicant (Ms Julie Towers) and shall not run with the land. When the premises ceases to be occupied by Ms Julie Towers the use hereby permitted shall cease.

Reason: To safeguard the employment use in accordance with Policy DM19 of the Site Allocations and Development Management Plan Policies (DPD)