

Delegated Report

Planning Ref: 23/00175/FUL

Applicant: Mrs Rosalind Beresford

Ward: Barwell



Hinckley & Bosworth
Borough Council

Site: The Cottage Barwell House Courtyard Hinckley Road

Proposal: Alteration and conversion of existing garage into an appointment-only chiropractic single treatment room (Sui Generis).

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 planning application seeks full planning permission for the conversion and alteration of an existing garage into an appointment-only single treatment room for chiropractic treatments at The Cottage, Barwell House Courtyard, Hinckley Road, Barwell. As the use of the premises is attached to the residence of the practitioner, the development does not fall within Use Class E(e) and is therefore considered to be a Sui Generis use. No extensions are proposed to the existing garage.

2.2. The garage doors are replaced with cottage-style composite French doors with matching side panels to the same dimensions as the existing garage doors. The conversion of the garage results in the loss of one off-street vehicle parking space.

2.3. The opening hours of the new use are 09:00 to 14:00, and 16:00 to 18:00 on Mondays to Fridays. There would be no opening on weekends or Bank Holidays.

3. Description of the site and surrounding area

3.1. The Cottage is a rendered, two-and-a-half-storey dwelling with an attached single storey garage. The attached garage received planning permission within application 06/00077/FUL. The garage externally measures 3.7m in width x 5.9m in depth, with a total footprint of 21.7sqm. The garage utilises a partial render and a partial brick finish on the front elevation.

3.2. The application site is to the south-west of, and outside of the settlement boundary of Barwell. The application site is separated by 71.5m of open agricultural fields from a line of ribbon residential development along Hinckley Road that leads into Barwell. Hinckley Road is an adopted, classified 'C' road, that is subject to a 40mph speed limit. The confluence of Hinckley Road and Ashby Road (A447) is 114.6m to the west of the site. The dwelling is to the south of the Late C18, Grade II Listed Barwell Farmhouse and attached stable wing. Beyond this, there are open agricultural fields to the north, northeast, southeast, south, and west of the application site.

4. Relevant planning history

4.1 N/A.

5. Publicity

5.1 The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.

5.2 No responses have been received.

6. Consultation

6.1 There have been no objections from the following consultants:

- Barwell Parish Council
- Hinckley & Bosworth Borough Council (HBBC)'s Conservation Officer
- HBBC's Drainage Officer
- HBBC's Environmental Services' Pollution Officer
- HBBC's Waste Management Officer
- Local Highway Authority (LHA) (subject to conditions)

6.2 The Local Highway Authority (LHA) have requested that the access width of the site is amended from 4.1m to 5.5m in the interests of highway safety. The LHA have also requested that the Applicant provides a revised, scaled drawing that demonstrates parking for five vehicles. Amended plans were provided by the Applicant on 03 May 2023, which the LHA considered acceptable, subject to conditions.

6.3 Historic England did not offer any advice on this application.

6.4 No further responses have been received.

7. Policy

7.1 Core Strategy (2009)

- N/A.

7.2 Site Allocations and Development Management Policies (SADMP) DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3 National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2021)
- Planning Practice Guidance (PPG)

7.4 Other relevant guidance

- Good Design Guide (2020)
- Leicestershire Highway Design Guide (LHDG) (2022)
- National Design Guide (2019)

8. Appraisal

8.1 The key issues in respect of this application are therefore:

- Design and impact upon the character of the area
- Impact upon residential amenity
- Impact upon parking provision and highway safety

Design and Impact upon the Character of the Area

8.2 Policy DM10 of the SADMP requires new development to complement or enhance the character of the surrounding area with regards to scale, layout, density, mass, design, materials, and architectural features.

- 8.3 Paragraph 134 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.
- 8.4 The application proposes no extensions to the existing garage, and the external alterations to convert the garage are limited to the alterations to the garage doors. The visual impact of this proposal is considered to have no material or discernible impact upon the significance of the adjacent Grade II Listed Building, Barwell House Farm, and its attached stable wing. In addition, these limited alterations are not considered to have a significant adverse impact on the character of the dwelling or the surrounding area.
- 8.5 Whilst there are no other commercial uses in the site, given the small-scale nature of the development, and its limited alterations to the external appearance of the application site, the conversion of the garage to the proposed specific commercial Sui Generis use is not considered to result in a significant adverse impact to the character of the surrounding area. This is reinforced by a planning condition that limits the operation of the commercial use of the garage to being ancillary to the occupation of the main dwelling, which ensures that garage cannot be used independently.
- 8.6 By virtue of these factors, the proposal respects the character of the existing dwelling and the surrounding area, and it is compatible with the significance of the adjacent Listed Building. Therefore, the development is considered to be in accordance with Policies DM10, DM11, and DM12 of the SADMP, Section 16 of the NPPF, Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990, and the Good Design Guide.

Impact upon Residential Amenity

- 8.7 Paragraph 130(f) of the NPPF requires planning policies and decisions to ensure that developments create places that are safe, inclusive and accessible, and which promote health and well-being, with a high standard of amenity for existing and future users. Policy DM10 of the SADMP also states that proposals should not adversely affect the occupiers of the neighboring properties or the future occupiers of the property. The Good Design Guide SPD outlines that development will need to demonstrate that it will not result in loss of amenity to neighbouring properties by way of overlooking, overshadowing or noise.
- 8.8 There are no residential dwellings to the east, south or west of the application site. The Barwell House complex is to the north of the site, but the addition of one window on the northern rear elevation of the garage is not considered to result in a significant adverse impact to the residential amenity of any neighbouring properties.
- 8.9 By virtue of these factors and the fact that there have been no objections to the scheme, the proposal does not result in any adverse impacts to the residential amenity of neighbouring properties in accordance with Policy DM10 of the SADMP and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.10 Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new

- development to provide an appropriate level of parking provision to serve the development proposed.
- 8.11 Paragraph 111 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe.
- 8.12 The development utilises the existing residential access onto Hinckley Road, which has been widened from 4.1m to 5.5m at the request of the Local Highway Authority (LHA) and makes no amendments to this access. However, it is noted that boundary treatment may be required to be removed in order to facilitate this. Whilst the LHA would normally request a minimum access width of 6m, in accordance with Figure DG20 of Part 3 of the Leicestershire Highway Design Guide (LHDG), given the small-scale nature of the proposal, the LHA finds 5.5m acceptable in these site-specific circumstances. This width is required due to Hinckley Road being a highly trafficked, classified 'C' road, with over 5,000 two-way trips being undertaken on it. As such, vehicle should not have to wait within the carriageway in order to access the site.
- 8.13 Whilst the Applicant has not submitted any detailed scaled drawings demonstrating the vehicular visibility splays for the access to the site, the LHA has undertaken its own assessment and considers that 2.4m x 65m is achievable in both directions. Therefore, the LHA do not require the Applicant to submit any drawings regarding vehicular visibility as they can be secured by way of planning condition.
- 8.14 Following revised plans on 03 May 2023, the LHA confirm that the Applicant has demonstrated an internal layout that is in accordance with Paragraphs 3.151 (Quantum), 3.165 (Dimensions), and Figure DG13 (Turning).
- 8.15 Given the above, the development is considered to have adequate provision of off-street vehicle parking, and the scheme is not considered to create an unacceptable impact on highway safety or the road network. Therefore, the scheme is regarded as in accordance with Policies DM17 and DM18 of the SADMP, and the LHDG.

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 proposed development is considered to be compliant with the relevant national and local policy as it:

- Is an appropriate scale and design.
- Does not have an adverse impact upon the character and appearance of the area.
- Does not have a significant adverse impact upon the amenity of neighbours.
- Does not have a significant adverse impact upon highway safety.
- Provides sufficient vehicle parking spaces for off-street parking.

10.2 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission to be granted, subject to the imposition of appropriate conditions.

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 received by the Local Planning Authority as follows:

- Block Plan, Drg No. TQRQM23051202940071 (submitted: 22.02.2023)
- Elevation (submitted: 08.03.2023)
- Garage Floor Plans (submitted: 22.02.2023)
- Revised Parking & Access (submitted: 03.05.2023)
- Site Location Plan, Drg No. TQRQM23060185133247 (submitted: 06.03.2023)
- South Elevation Plan (submitted: 06.03.2023)

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 commercial use hereby permitted shall only operate within the existing garage as shown on the approved plans and shall only be operated as an ancillary use to the attached residential property, The Cottage.

Reason: To ensure that the use is limited in extent and shall not be occupied as an independent commercial unit, which would have additional detrimental impacts, in accordance with Policies DM10, DM17, and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. No part of the development hereby permitted shall be brought into use until such time as the access arrangements, parking and turning facilities have been implemented in accordance with details shown on Parking and Access Drawing, received via email from the Local Planning Authority on 3 May 2023 have been implemented in full. Once provided they shall be maintained in perpetuity.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner and 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 general highway safety and in accordance with the National Planning Policy Framework (2021).

5. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 65 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 (2021).

a. **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. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
3. The development will require the Applicant to remove a section of grassed highway verge. Whilst this may be acceptable, there may be statutory undertaker apparatus located within the verge/footway fronting the site. The Applicant will need to undertake surveys and potentially works to relocate these services. Any additional cost that arises as a result of this is entirely at the Applicant's expense.
4. The Applicant should also be mindful of the lighting column within the verge as works should not interfere with this.