

Delegated Report

Planning Ref: 24/00677/FUL

Applicant: Mrs Lisa Duffy

Ward: Hinckley DeMontfort

Site: 65 Ashby Road, Hinckley

Proposal: The erection of an outbuilding for a dog grooming business



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. The application is for the erection of an outbuilding for a dog grooming business in the garden of 65 Ashby Road, Hinckley. The proposal is for a dog grooming business with up to 6 dogs per day.

3. Description of the site and surrounding area

- 3.1. The application site is a detached dwelling located on the corner of Ashby Road and Barrie Road. The location of the proposed unit is between the host dwelling and the neighbouring property on Ashby Road. The unit is set away from the neighbouring boundary, and the site benefits from a sizeable plot. The development site benefits also, from a generous off-street parking space to the front of the site.

4. Relevant planning history

None

5. Publicity

- 5.1. The application has been publicised by posting neighbour letters.
- 5.2. No comments received.

6. Consultation

- 6.1. HBBC Pollution: No objections, condition operating hours recommended.
- 6.2. LCC Highways: No objections.
- 6.3. HBBC Drainage: No objections, note to applicant.
- 6.4. HBBC Waste Management: No objections, notes to applicant included.

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
- Policy DM19: Existing Employment Sites

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)
- 7.4. Core Strategy (2009)
- Policy 1: Development in Hinckley

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).

Design and impact upon the character of the area

- 8.4. 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.
- 8.5. The proposed dog grooming unit is located to the South West of No. 65, and is well screen from Ashby Road by an existing fence and gate. The development is also well screen from Barrie Road by the host dwelling and additional fencing. The development is set back from the Highway by the front garden of the property, and owing to the existing boundary treatments would not be highly visible from public vantage points, as such it is considered that the proposals would be in accordance with Policy DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.6. 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.
- 8.7. The proposed unit itself is not considered to cause detrimental impacts to neighbouring amenity in terms of loss of light, loss of privacy, overbearing or overshadowing impacts. This is owing to its single storey nature and its siting being away from the neighbouring boundary treatments.

- 8.8. HBBC Pollution were consulted as part of the application and have confirmed they hold no objections to the unit or the use as a dog groomers, and have confirmed they are satisfied that there would be no detrimental impacts on neighbours in terms of noise or smell. They have suggested a condition be included as part of the proposal which would control the operating hours of the business. The business is suggested to operate with 6 customers a day, between the hours of 8am-6pm Monday-Friday, and 9am-6pm on Saturday, with no hours on Sundays or Bank Holidays.
- 8.9. Considering the limited number of customers per day, whilst there may be some additional disturbance through comings and goings, the scale of the operation is appropriate for this residential area subject to conditions limiting the business as outlined in paragraph 8.8.
- 8.10. As such it is considered to be in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.11. 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.
- 8.12. LCC Highways were consulted as part of the proposal and have confirmed that the number of trips generated as part of the business use would not give rise to undue impacts on the local highway network and that sufficient parking is provided to the site frontage for visitors of the business and residents of the host dwelling. As such it is considered that the proposal would be in accordance with Policy DM17 and DM18 of the 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 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:

Site Location Plan
Proposed Front and Side Elevations
Proposed Rear Elevations
Proposed Side Elevations
Proposed Floor Plan
Proposed Block Plan
Planning Statement

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 dog grooming use shall not take place other than between the hours set out below:

Monday – Friday: 08:00 – 18:00
Saturday: 09:00-18:00
Sundays and Bank Holidays: No hours 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).

4. No more than a total of 6 customers shall be permitted to visit and utilise the site daily in conjunction with the hereby approved dog grooming business. There shall be no more than one member of staff working at the premises at any time and the building shall remain ancillary to the dwelling, 65 Ashby

Road, Hinckley and shall not be occupied, sold or separately leased or let as an independent business unit.

Reason: To protect the amenities of the occupiers of neighbouring residential properties from unsatisfactory noise and disturbance and to ensure no undue pressure of the local highways network, impacting highway safety in accordance with Policy DM10, DM17 and DM18 of the adopted Site Allocations and Development Management Policies DPD (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.
3. Rainwater from the detached outbuilding 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.