

Delegated Report

Planning Ref: 24/00743/FUL
Applicant: Mr Michael Anderson
Ward: Burbage Sketchley & Stretton



Hinckley & Bosworth
Borough Council

Site: 52 Coventry Road Burbage Hinckley

Proposal: Change of use from single residential unit (Class C3) to Office (Class E(g)(i): an office to carry out any operational or administrative function)

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 seeks full planning permission for the change of use of an existing detached building which is currently vacant, but has its use established (original permission) as a residential dwelling.
- 2.2. This application proposes the change of use from a single residential unit (Use Class C3) to a single office space (Use Class E(g)(i): an office to carry out any operational or administrative function).
- 2.3. The applicant will also be proposed tenant of the proposal site, and it has confirmed the associated business is professional services for the construction industry. The building will be used for such professional services and each existing room will be used as office space.
- 2.4. The application does not propose any external alterations, extensions or adaptations upon the existing property. Furthermore, plans show existing off-street parking/hardstanding and rear amenity space is to be retained.

3. Description of the site and surrounding area

- 3.1. 52 Coventry Road, Burbage is a detached bungalow type dwelling located within a linear row of properties. The building is finished in an external render (white) and is under a tiled pitch roof. The building benefits from a large hardstanding to its front (adjoining Highway) and a garden space to its rear (with access paths flanking both sides).
- 3.2. The property is currently vacant, but has an established use for a single residential dwelling.
- 3.3. A commercial use (vehicle mechanic) adjoins the proposal site's eastern boundary, whilst a detached two storey residential dwelling adjoins the western boundary.
- 3.4. The proposal site is otherwise surrounded by residential dwellings (predominately built mid 20C), sited on both sides of the main highway (Coventry Rd) to its front. A large private residential garden space adjoins the rear boundary of the proposal site.

4. Relevant planning history

01/00409/COU

- CHANGE OF USE TO DENTAL PRACTICE ELEVATIONAL ALTERATIONS TO BUILDING AND FORMATION OF CAR PARKING AREAS
- PER (never implemented)
- 20.06.2001

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. No comments received

6. Consultation

- 6.1. HBBC Drainage - No objection
- 6.2. Burbage Parish Council – No objections
- 6.3. HBBC Environment Health - No objection after further information and proposed planning conditions provided to the Environment Health Officer
- 6.4. Leicestershire County Highways Authority- Refers to current standing advice
- 6.5. HBBC Waste Services – No objections but provides advice

7. Policy

- 7.1. Burbage Neighbourhood Plan 2015-2026
 - Policy 2: Design and Layout
 - Policy 3: Business and Retail
- 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
 - Policy DM20: Provision of Employment Sites
 - Policy DM21: Locating Sustainable Town Centre Uses
- 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)
 - Leicestershire Highway Design Guide (2021)
- 7.5. Core Strategy:

- Policy 4 – Development in Burbage

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
- Drainage

Assessment against strategic planning policies

- 8.2 The proposal is sited within the settlement boundary of Burbage and therefore, in principle is considered to be a sustainable form of development and accords with Core Strategy Policy 4 and DM1 (presumption in favour of sustainable development) of the SADMP.
- 8.3 Policy 3 of the Burbage Neighbourhood Plan states that small-scale business and enterprise development is encouraged where it:
- a) is in keeping with the scale, form and character of its surroundings
 - b) does not significantly adversely affect the amenities of residents in the area
 - c) does not cause harm to highway safety
 - d) does not have a detrimental impact on the local environment
 - e) has safe and suitable access to the site for all people
- 8.4 Policy DM20 of the SADMP states that non-ancillary office development is considered a Main Town Centre use and as such is excluded from consideration under DM20 but should instead be considered under Policy DM21.
- 8.5 Policy DM21 states that all applications for the provision of new town centre uses will be required to adhere to a sequential approach which prioritises such uses within the defined town, district or local centres followed by edge of defined centres. Applications for main town centre uses that are not located in or adjacent to a centre, such as is the case here, will need to be accompanied by a sequential site assessment. Policy DM21 goes on to state that out of centre sites will only be considered where:
- a) It can be demonstrated that the site is sustainably located in terms of access to public transport, walking and cycling
 - b) There are no suitable in-centre sites; and
 - c) There are no suitable edge of centre sites
- The policy concludes by stating that proposals that do not adequately satisfy the sequential assessment will be refused
- 8.6 In this instance it is considered that the proposal accord with Policy 3 of the Burbage neighbourhood Plan in principle subject to further detailed assessment. With regard to Policy DM21 though, as no sequential assessment has been submitted the proposal is contrary to the Policy. Given that the site though is located on Coventry Road within easy walk of bus stops, the proposal is considered to be sustainably located in accordance with point a) as set out above. The applicant has not submitted information though that demonstrates that alternative sites within or adjacent to the district centre were available.
- 8.7 It is noted though that the proposal is located adjacent to a car repair garage.

Design and impact upon the character of the area

- 8.8 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.
- 8.9 Policy 2 of the Burbage Neighbourhood Plan states that residential development must respect its surroundings and follow the existing pattern of development.
- 8.10 Policy 3 of the Neighbourhood Plan is set out above at paragraph 8.3. Given the location of the site and that there are no external alterations to the property it is considered that the proposal would accord with points a), d) and e) of the Policy.
- 8.11 Given that this application does not propose any external alteration or extension to the form of the existing building, and neither are structures proposed to be erected within the curtilage of the proposal site, design policies contained within SADPM (DM10) and Burbage Neighbourhood Plan (Policies 2 and 3) are not compromised and the use of the building as offices is considered acceptable with regard to the impact on the character of the area.

Impact upon neighbouring residential amenity

- 8.12 Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighbouring properties. This is further supported through the adopted Good Design Guide and by point b) of Policy 3 of the Burbage Neighbourhood Plan.
- 8.13 The proposed change of use does not propose any external alterations or extensions to the existing property. Also, existing window openings will be retained and serve proposed internal office space. Therefore, the proposal will not introduce any further overlooking, overshadowing or overbearing features than is already experienced by adjoining properties. Furthermore, external odour/air extraction and/or ventilation equipment is not proposed to be installed upon/within the existing building as part of this application.
- 8.14 Given the proposal seeks change of use from residential to commercial (office), disturbances or harm to the amenity afforded to neighbouring properties/dwellings than what is expected from a single residential dwelling could potentially be created. However, further to consultation responses, HBBC's Environmental Health Officer has raised no concern or objections to the proposal regarding any potential noise disturbance, odour or pollution to neighbouring dwellings.
- 8.15 Despite the fact that the proposed use will generate visits and parking from staff that will occupy the proposed office space, I consider the potential number of staff that could comfortably occupy the building (estimated at 5-8 users) would not create any substantial disturbance to neighbouring dwellings over and above what could reasonably be expected/generated by the existing residential use. Moreover, in consideration of the proposed commercial office space (associated with professional construction services) visits from passing vehicles/pedestrians would not be expected, and moreover, one would expect visits from clients to the premises to be infrequent.
- 8.16 Given the proposed office use (associated with construction professional services) and potential expansion of its operation (by extension of the building) or addition of external equipment being introduced i.e. extraction or ventilation, a condition has

been attached that removes permitted development rights to extend or alter the property without planning permission from the LPA.

- 8.17 Furthermore, although not proposed or indicated by the applicant or within this application, given that the use of the proposed office space will be associated with a professional construction services business, a planning condition has been attached to the approval of this change of use application that controls the potential to store building materials (associated with the business), construction plant or machinery or HGV vehicles within the proposal site.
- 8.18 In view of the issues raised by HBBCs Waste Officer, in consideration of the relatively large curtilage and hardstanding associated with the proposal site, it is considered that satisfactory on-site space can be provided for the safe storage and collection of waste generated by the business to occupy the proposed office space.
- 8.19 In view of the above, it is considered that the proposal will not harm the amenity afforded to neighbouring properties and the occupants living in the vicinity and therefore accords with SADMP Policy DM10.

Impact upon highway safety

- 8.20 Policy DM18 of the SADMP- which is reflected in the LHA's Highway Design Guide- requires new development to provide an appropriate level of parking provision to serve the development proposed.
- 8.21 Policy 3 of the Burbage Neighbourhood Plan requires that there is no harm to highway safety and that the site provides safe and suitable access for all people.
- 8.22 The proposed change of use will not increase vehicular traffic using or visiting the premises by any significant degree that will negatively impact upon the nearby highway network and the safety of its users.
- 8.23 Furthermore, an existing hardstanding - located at the front of the host property and adjoining the nearby highway - is proposed to be retained as part of the proposed change of use application and provides at least five off street parking spaces and adequate space for safe entrance and exit for the site.
- 8.24 It is therefore considered that the proposal will not generate any significant off-street parking or traffic than what is already generated from the current residential use. Moreover, given the proposed dimensions of the vehicular access that adjoins the main highway and the space to be retained for off-street parking provision, the proposal accords with standing advice contained within the LHA's Highway Design Guide and in turn will not harm the safety of the users of the adjoining highway and wider highway network.
- 8.25 In view of the above, the proposal accords with SADMP Policies DM17 and 18.

Drainage

- 8.26 Policy DM7 of the SADMP seeks to ensure developments propose measures to mitigate any potential adverse impacts of pollution and flooding.
- 8.27 HBBCs Drainage Officer has not raised any concerns about drainage and drainage requirements relating to the change of use of the dwelling to office. Therefore, the proposal accords with SADMP Policy DM7.

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.

10. Conclusion

- 10.1. The proposal is located within the settlement boundary of Burbage in a sustainable location that is well served by public transport. Therefore there is a presumption in favour of sustainable development as set out in Policy DM1 of the SADMP and the wider policies of the NPPF and there is clear support for the proposal given by Policy 3 of the Burbage Neighbourhood Plan.
- 10.2. The proposal though is not supported and is in conflict with Policy DM21 of the SADMP given that no sequential assessment has been undertaken and there may be more appropriate locations for the use that are within or adjacent to the district centre where office uses are more appropriately located.
- 10.3. The site though is located adjacent to a car repair garage and would have satisfied Policy DM21 had satisfactory supporting information been submitted.
- 10.4. The application would not have an adverse visual impact on the area and it complies with Policies DM10 of the SADMP, with advice provided within the Good Design SPD, and with Policies 2 and 3 of Burbage Neighbourhood Plan. There would be no significant loss of residential amenity to any neighbouring properties or adverse implications on highway safety and therefore complies with Policies DM10, DM17 and DM18 of the SADMP. In this regard the proposal is, on balance, supported.

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 (1:1250) received by the local planning authority 31.07.24

Ground Floor Plan and planning application form received by the local planning authority 02.08.2024.

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. There shall be no storage of construction materials, construction related plant or machinery, oil drums, tyres or waste materials (including construction related waste) of any description on the open area of the site (edged red on the approved site location plan). Furthermore there shall be no off-street parking of or storage of heavy goods vehicles (above 7.5 tonnes) on the open area/front hard standing of the site (edged in red on the approved site location plan).

Reason: In the interests of visual amenity in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. Notwithstanding the provisions of Article 3, Schedule 2, Part 7 of Class F (extensions etc. to offices); of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the building (no.52 Coventry Rd) shall be carried out unless planning permission for such development has been granted by the Local Planning Authority.

Reason: This condition is required in this instance to safeguard the amenities of neighbouring properties in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. The premises shall not be used other than for purposes falling within Class E (g)(i): an office to carry out any operational or administrative function; of 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.

Reason: This condition is required in this instance to ensure the proposed development is compatible with existing nearby residential development in the locality 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 building.control@blaby.gov.uk or call 0116 272 7533.