

Planning Committee 6 March 2018
Report of the Planning Manager, Development Management

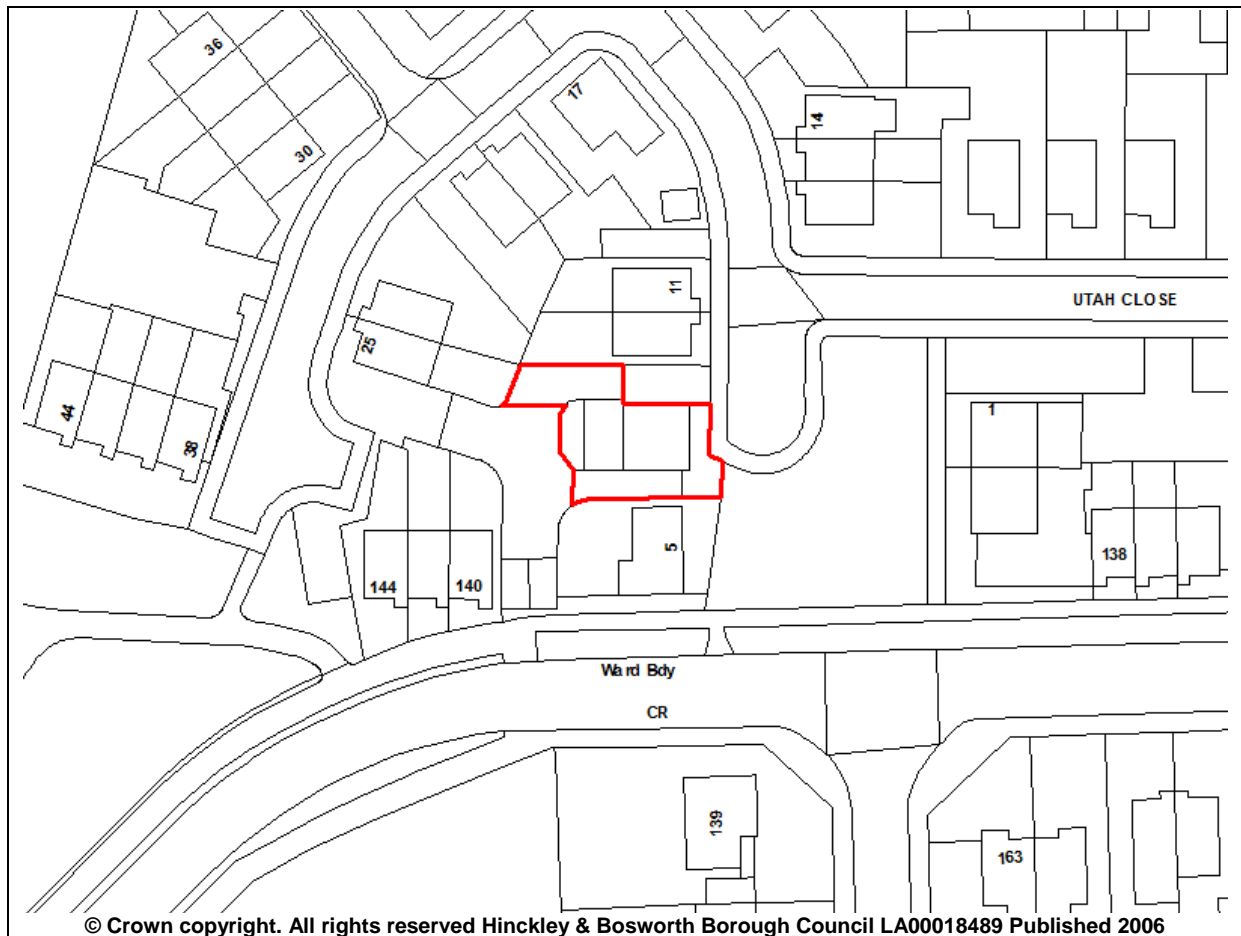


Hinckley & Bosworth
Borough Council

Planning Ref: 18/00024/FUL
Applicant: Mr Steven Pitt
Ward: Hinckley Trinity

Site: 7 Utah Close Hinckley

Proposal: Erection of a detached log cabin for a footcare and beauty salon
business (retrospective) (resubmission of 17/01004/FUL)



1. Recommendations

1.1. **Refuse planning permission** subject to the reasons at the end of this report.

2. Planning Application Description

- 2.1. This application seeks retrospective planning permission for the erection of a detached log cabin for use as a salon by a beauty therapist and foot health practitioner to the side of the residential property at 7 Utah Close, Hinckley.
- 2.2. The proposed cabin would measure approximately 6 metres by 2.78 metres with a height of approximately 2.6 metres. The cabin is already in place at the application site and is painted blue.
- 2.3. An application for certificate of lawful use (reference 17/00308/CLUP) was withdrawn following officer concerns surrounding the height and use of

development not being in accordance with the requirements of permitted development.

2.4. An application for full planning permission (reference 17/01004/FUL) was subsequently submitted and refused for the following reasons:

1. *By virtue of the proposed siting, style, choice of materials and colour, the proposed log cabin would result in an uncharacteristic and incongruous form of development that would neither complement nor enhance the character of the surrounding area. The scheme is therefore contrary to Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document.*
2. *By virtue of the proposed siting and use of development, the proposed log cabin would result in an adverse impact upon highway safety due to the loss of one off-street parking space associated to the existing dwelling, additional vehicular movements associated with the proposed business with a lack of off street parking provision which is considered to result in a significant amount of on street parking. The proposal is therefore contrary to Policies DM17 and DM18 of the Site Allocations and Development Management Policies Development Plan Document.*

2.5. This revised application proposes additional landscaping with a proposed 1.8 metre high trellis fence panel and additional planting located to the front of the cabin.

3. Description of the Site and Surrounding Area

- 3.1. The application property is a two storey detached property located within the settlement boundary of Hinckley. The property has residential curtilage located to the front and rear of the site with an existing outbuilding located in the rear garden.
- 3.2. The existing property forms part of a new residential estate, with the dwelling sited in front of an existing open space resulting in the property and the cabin being highly visible from Outlands Drive. The existing property is rendered white and there is a mix of white render and brick built properties in the surrounding area.
- 3.3. Two off street parking spaces are allocated for the application property to the side of the property. One parking space would be lost by the siting of the cabin. An area of on street parking is available to the front of the site.

4. Relevant Planning History

17/00308/CLUP	Erection of a log cabin for use as a salon by a beauty therapist and foot health practitioner	Withdrawn	01.08.2017
17/01004/FUL	Erection of a detached log cabin for a footcare and beauty salon business (retrospective)	Refused	22.11.2017

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 comments received.

6. Consultation

6.1. No objections from:

HBBC Drainage
HBBC Environmental Health

6.2. No objection subject to condition from HBBC Waste.

7. Policy

7.1. Core Strategy (2009)

- Policy 1: Development in Hinckley

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

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2012)
- Planning Practice Guidance (PPG)

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 development plan consists of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies Development Plan Document (2016) (SADMP).

8.3. Hinckley is identified as a sub-regional centre in Policy 1 of the Core Strategy and is therefore a sustainable location for development. Policy DM1 of the SADMP sets out a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved. The proposal is therefore considered to be in accordance with adopted strategic planning policies, subject to all other planning matters being satisfactorily addressed.

Design and impact upon the character of the area

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

8.5. The application proposes to place a detached log cabin to the side of the property for a business use. The log cabin is constructed of timber cladding and is painted blue. The existing dwelling is a two storey rendered property and the cabin is sited between the application dwelling and the adjacent two storey property.

- 8.6. The log cabin sits immediately adjacent the existing dwelling and would be sited on the existing car parking space available to the application dwelling. The cabin would be sited in a highly prominent position, adjacent to an open area to the front of the property and would be visible from Outlands Drive. There are a mix of rendered and brick built properties with a defined character that is normally attributed to new housing development. As a result of the siting, the proposed cabin would be prominent within the streetscene and subsequently impact upon the existing defined character of the surrounding area. In addition to this, the site is highly elevated in relation to the adjacent property and Outlands Drive to the south which sit lower.
- 8.7. The proposed fence to be sited in front of the cabin would appear intrusive and dominant within the street scene and would not remain subservient to the principal elevation of the application property. The fence would protrude out and be highly visible from the open space located to the front of the site.
- 8.8. The log cabin is constructed of blue painted timber which would result in an incongruous form of development that would fail to complement or enhance the design characteristic of the surrounding area and wider street scene thus significantly altering the existing character of the area.
- 8.9. The proposed business would attract additional visitors to the property. However given the appointment based system, minimal times and days of use, it is not considered the additional comings and going and additional vehicle activity would alter the existing character of the residential street.
- 8.10. By virtue of its siting and choice of materials, the proposed log cabin would result in an unacceptable form of development that would detract from the character of the application site, the area and streetscene, contrary to Policy DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.11. Policy DM10 of the SADMP state that proposals should not adversely affect the occupiers of the neighbouring properties.
- 8.12. Information provided by the applicant suggests that the proposed use would be available Tuesday, Thursday, Friday and occasionally Saturday mornings and would be by appointment basis only. Given the minor number of comings and goings, it is considered that the additional vehicular movements would not result in any adverse impact on the amenity of nearby residents in terms of noise and disturbance from vehicles or car doors.
- 8.13. The proposed use would be of a minor nature, with no extensive equipment or noise emitting machines and it is therefore considered the proposed use and cabin siting would not result in any adverse impact upon the amenity of neighbouring properties in respect of noise, overlooking or overbearing.
- 8.14. It is considered that due to the siting and scale of development and proposed use, the proposal would not result in any adverse impact upon neighbouring properties and therefore is in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.15. Policy DM17 and DM18 of the SADMP states that proposals should ensure that there is adequate provision for on and off street parking for residents and visitors and there is no impact upon highway safety.
- 8.16. The log cabin sits immediately adjacent the existing dwelling and would be sited on one of the existing car parking spaces available to the application dwelling. The existing dwelling is a three bedroomed property and has two allocated spaces, which is inline with provision for a three bedroomed property. The siting of the cabin

on an existing space would result in an under provision of vehicles for a three bedroomed property resulting in further on street parking.

- 8.17. Further authorised parking is indicated to the rear of the site, however it appears that these two spaces are allocated to the adjacent property. It is also noted that public parking is available to the front of the property for approximately 4 – 6 vehicles, however the proposed development should accommodate the expected vehicle movements and parking provision within the site.
- 8.18. It is considered that the loss of a parking space to the existing dwelling, the additional vehicular movement associated with the businesses and the lack of off associated street parking is considered to result in a significant amount of on street parking which would have an adverse impact upon highway safety, contrary to 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 in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 9.3. There are no known equality implications arising directly from this development.

10. Conclusion

- 10.1. The proposal is located within the settlement boundary for Hinckley and therefore there is a presumption in favour of sustainable development as set out in Policy DM1 of the SADMP, Policy 1 of the Core Strategy and the wider policies of the NPPF, subject to all other planning matters being satisfactorily addressed.
- 10.2. The proposal would result in an uncharacteristic and incongruous form of development that would not be well integrated and would neither complement nor enhance the character of the surrounding area contrary to Policy DM10 of the SADMP.
- 10.3. The scheme would result in an adverse impact upon highway safety due to the lack of provision of off-street parking and addition of on-street parking contrary to Policies DM17 and DM18 of the SADMP.

11. Recommendation

- 11.1. **Refuse planning permission** subject to the reasons at the end of this report.

11.2. Reasons

1. By virtue of the proposed siting, style, choice of materials and colour, the proposed log cabin would result in an uncharacteristic and incongruous form of development that would neither complement nor enhance the character of the application dwelling or the surrounding area. The scheme is therefore

contrary to Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document.

2. By virtue of the proposed siting and use of development, the proposed log cabin would result in an adverse impact upon highway safety due to the loss of one off-street parking space associated to the existing dwelling and additional vehicular movements associated with the proposed business with a lack of off street parking provision which could lead to a significant amount of on street parking which would have an adverse impact upon highway safety. The proposal is therefore contrary to Policies DM17 and DM18 of the Site Allocations and Development Management Policies Development Plan Document.

11.3. **Notes to Applicant**

1. List of plans used in the determination of this application:-
 - Application Form
 - Site Location (scale 1:1250)
 - Block Plan (scale 1:500)
 - Parking Plan (scale 1:500)
 - Cabin Specifications
 - Planning Statement
 - Landscape Access Proposed (Picture)
 - Landscape Details
 - Outside Proposed Parking 1 (Picture)
 - Outside Proposed Parking 2 (Picture)
 - Outside Proposed Parking 3 (Picture)
 - Outside Proposed Parking 4 (Picture)all received by the local planning authority on 10 January 2018.