

Planning Committee 25th April 2023
Report of the Head of Planning (Development Management)

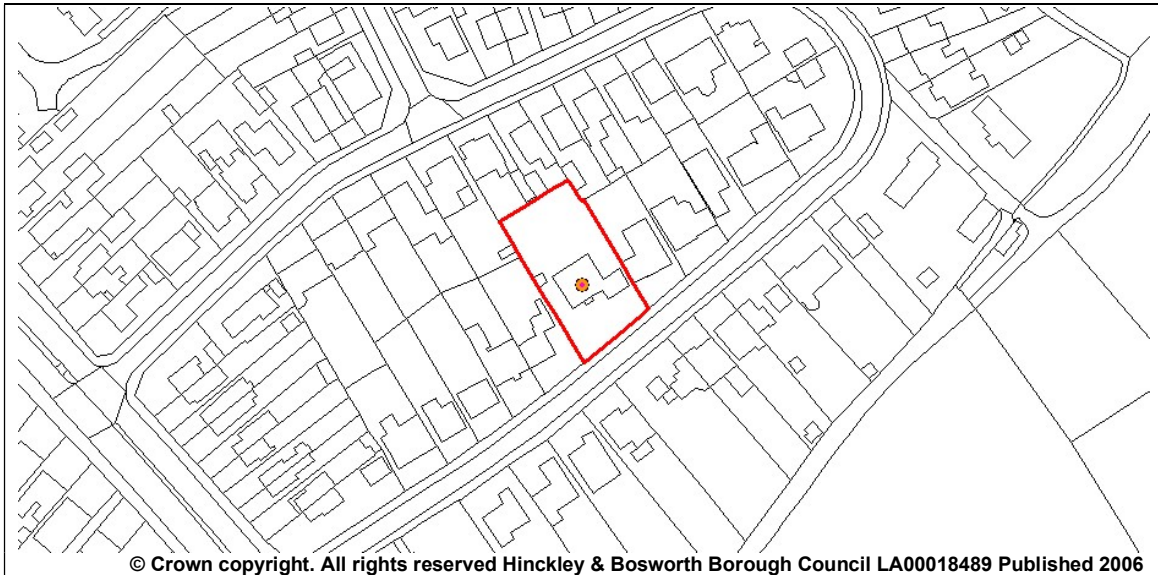
Planning Ref: 23/00077/FUL
Applicant: Ms Lucy Kitchener
Ward: Groby



Hinckley & Bosworth
Borough Council

Site: 11 Wallace Drive Groby Leicester

Proposal: Proposed conversion of garage to office and bedroom with en-suite (retrospective)



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1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report
- That the Head of Planning be given powers to determine the final detail of planning conditions

2. Planning application description

2.1. This planning application seeks full planning permission for a garage conversion to form an office, and bedroom with an en-suite at 11 Wallace Drive, Groby. Two garage doors are replaced with two new double glazed uPVC windows and brick work to match the existing materials of the property. There are no alterations to the external landscaping, nor the pedestrian or vehicular access to the site.

2.2. The application is retrospective and works commenced on site on 08 January 2023, however they have not been completed.

3. Description of the site and surrounding area

3.1. The 954sqm application site comprises a detached, two-storey, five-bedroom building of a domestic appearance, which has an attached double garage. The property is located in a wide plot on the north-western side of Wallace Drive, in Groby. The application site received a Lawful Development Certificate for Existing Use for the use of the property as a children's residential care home (Use Class C2) last year via planning application 22/00141/CLE.

- 3.2. The building appears as a chalet bungalow with accommodation in the roof space. 11 Wallace Drive has frontage driveway parking to accommodate approximately six vehicles and a large private amenity space to the rear. Internally, the buildings contain accommodation spread over two floors, with one floor contained within the roof space. The house contains four bedrooms on the first floor and a number of reception rooms, a bedroom, a kitchen and office space on the ground floor. Children have access to all communal areas as well as having their own bedroom.
- 3.3. In accordance with Ofsted requirements, it is understood that 2 staff, working a 24-hour shift, are present on site at all times. Team handovers take place between 09.30am and 10.00a.m. 1:1 staffing is only applied if a specific circumstance requires intense staffing. The resident children attend school and participate in social activities in the same way as their peers. The care workers shop and prepare meals for the children. In addition to the supervising care workers, the site is occasionally visited by other care professionals (internal and external), Ofsted and Local Authority inspectors, internal quality inspectors and maintenance staff. Visits are on a needs and ad-hoc basis.
- 3.4. The application site's surroundings are characterised by residential land uses that predominantly comprise detached bungalows and chalet bungalows and detached and semi-detached two storey dwelling houses. The dwellings are mixed in terms of age, form, architectural detailing, and materiality although there are some groupings of common vernacular. Dwellings in the road are typically set slightly back behind areas of front garden with many properties having low boundary walls and/or mature frontage hedgerow planting. Driveway parking is a typical feature of individual plots. Wallace Drive links to Lena Drive, forming a horseshoe shape, with both "Drives" joining the A50.

4. Relevant planning history

22/00141/CLE

- Lawful Development Certificate for Existing Use for use of property as children's residential care home (Use Class C2)
- Permitted
- 23.09.2022

01/01141/FUL

- Alterations and extensions to dwelling
- Permitted
- 03.01.2002

01/00115/OUT

- Demolition of existing dwelling and erection of two bungalows
- Permitted
- 26.03.2001

5. Publicity

- 5.1 The application has been publicised by sending out letters to local residents.
- 5.2 Eight members of the public have objected to the application for the following reasons:
- Anti-social behaviour issues
 - Noise pollution concerns
 - Off-street parking provision concerns

- Significant adverse impacts to neighbouring residential amenity
 - Waste disposal concerns
- 5.3 It is noted by the Planning Officer, that both the Council's Pollution Officer, Waste Management Officer and the Local Highway Authority (LHA) have no objections to this scheme, subject to planning conditions.
- 5.4 Several members of the public expressed concerns that the development accommodates additional children with the site rather than staff as proposed. Furthermore, one objector suggested that the care home has increased its occupancy without authorisation. A different objector has highlighted this discrepancy between the plans of the current application and the previous change of use application (22/00141/CLE).
- 5.5 The Planning Officer notes this discrepancy, as the Planning Statement for the previous application only refers to four bedrooms on the first floor of the property. However, there are not limitations to the number of occupants of a residential institution, as identified within Use Class C2 of The Town and Country Planning (Use Classes) (Order 1987 (as amended), and therefore planning permission is not required to authorise this expansion within the existing property.
- 5.6 Two members of the public have requested that, should the planning application receive planning permission, a planning condition to limit the number of children, and the age of children within the application site in the interests of neighbouring residential amenity.
- 5.7 In regard to Paragraph 56 of the National Planning Policy Framework (NPPF) (2021), a planning condition to limit the age of the occupants of the site is not considered to be enforceable, or to be relevant to planning and to the development to be permitted. The capacity of the application is limited by both the size of the property and other regulatory authorities, and therefore limiting this capacity via planning condition is not regarded as necessary. As a result of these factors, neither of the requested planning conditions have been applied to this development.
- 5.8 No further responses have been received.

6. Consultation

- 6.1 There have been no objections from the following consultants:
- Hinckley & Bosworth Borough Council (HBBC)'s Drainage Officer
 - HBBC's Environmental Services' Pollution Officer
 - HBBC's Waste Management Officer
 - Local Highway Authority (LHA) (subject to conditions)
- 6.2 Groby Parish Council have recommended that this application is determined by the Planning Committee of Hinckley and Bosworth Borough Council. The Parish Council have expressed concerns regarding the following:
- The development will increase the property to accommodate a greater number of residents than permitted
 - Fire safety egress from the proposed bedroom/office/en-suite
 - Off-street parking provision concerns
 - Safeguarding concerns
- 6.3 No further responses have been received.

7. Policy

7.1 Core Strategy (2009)

- Policy 7: Key Rural Centres
- Policy 8: Key Rural Centres Relating to Leicester

7.2 Site Allocations and Development Management Policies (SADMP) 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) (2021)
- Planning Practice Guidance (PPG)

7.4 Other relevant guidance

- Good Design Guide (2020)
- Leicestershire Highway Design Guide (LHDG)
- 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. 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.

8.3 No extensions or alterations are provided within the scheme, with the exception of the two replacement windows in the garage. Therefore, the development is not considered to have a significant adverse impact on the character of the existing dwelling and surrounding area and is in accordance with Policy DM10 of the SADMP, and the Good Design Guide.

Impact upon Residential Amenity

8.4 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.

- 8.5 No extensions or alterations are provided within the scheme, except for the two replacement windows in the garage. Therefore, the development is not considered to result in any overbearing or loss of light impacts to neighbouring residents.
- 8.6 The new bedroom is on the ground floor and is not considered to result in any significant adverse impacts to the residential amenity of the future occupier or neighbouring residents in regard to overlooking or loss of privacy impacts.
- 8.7 The development consists of five bedrooms, which is less than the number of bedrooms that is acceptable within a Use Class C3 (dwellinghouse) use without planning permission, and there is no limit on the capacity of a Use Class C2 residential institution. Moreover, the provision of one additional bedroom is not considered to result in a significant adverse impact to residential amenity in regard to noise pollution.
- 8.8 By virtue of these factors, the proposal does not result in any significant adverse impacts to the residential amenity of the future occupiers of the development or the neighbouring residential properties in comparison to the current use of the site. Therefore, the application is considered to be in accordance with Policy DM10 of the SADMP and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.9 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. 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.
- 8.10 The Applicant proposes no changes to the existing access on to Wallace Drive, which is an adopted, unclassified road that is subject to a 30mph speed limit. The Local Highway Authority (LHA) are satisfied that the existing access is safe and suitable for the proposed development.
- 8.11 Although the scheme involves the loss of an existing double garage, the Parking Plan – Drg No. LK/H/Woodville/D-03 demonstrates that there is sufficient space in the courtyard for a further six off-street vehicle parking spaces, Therefore, the LHA are satisfied that the quantum and the dimensions of the site's off-street parking spaces are in accordance with Paragraphs 3.151 and 3.165 of Part 3 of the Leicestershire Highway Design Guide (LHGD.)
- 8.12 Given the above, it is considered that there is already adequate off-street parking for the dwelling and that the proposal does not create an unacceptable impact on highway safety or the road network 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
- That the Head of Planning be given powers to determine the final detail of planning conditions

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:

- Existing and Proposed Plans (submitted: 31.01.2023)
- Existing Proposed Plans – Drg No. LK/H/Woodville/D-01A (submitted: 27.01.2023)
- Parking Plan – Drg No. LK/H/Woodville/D-03 (submitted: 27.01.2023)

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. Notwithstanding the submitted plans, the proposed access shall have a width of a minimum of 2.75 metres for a distance of at least 5 metres behind the highway boundary and shall be surfaced in a bound material for a distance of at least 5 metres behind the highway boundary. The access once provided shall be so maintained at all times.

Reason: To ensure that vehicles entering and leaving the site may do so in a slow and controlled manner, in the interests of general highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and the National Planning Policy Framework (2021).

4. The development hereby permitted shall not be occupied until such time as the parking provision has been implemented in accordance with Horizon drawing number LK/H/Woodville/D-03. Thereafter the onsite parking provision shall be kept available for such use in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed developing leading to on-street parking problems locally in the interests of highway safety and in accordance with Policies DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework.

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.