

**Planning Committee 24th September 2024
Report of the Head of Planning**

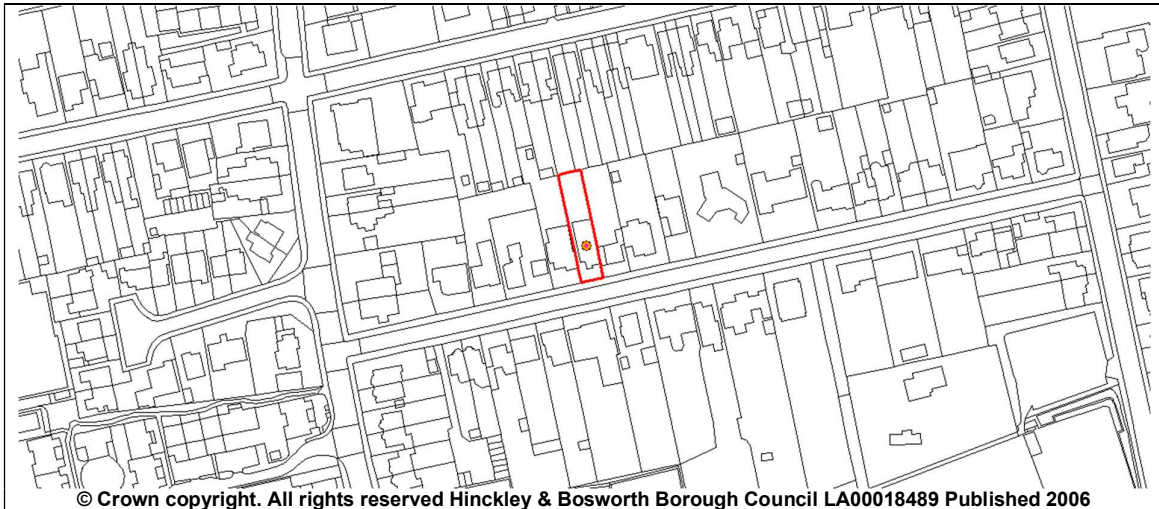
**Planning Ref: 24/00596/FUL
Applicant: Ms Gillian Nicol
Ward: Hinckley Castle**



**Hinckley & Bosworth
Borough Council**

Site: 7 Springfield Road, Hinckley

Proposal: Proposed wooden cattery



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1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

1.2. That the Head of Planning be given powers to determine the final detail of the conditions.

2. Planning application description

2.1. The application seeks approval for the rear outbuilding and for the use of this outbuilding to be for the use as a cattery. The proposed cattery is for up to 8 cats and proposes two-off street car parking spaces afforded to the business use.

2.2. The following documents were submitted in support of this application;

- Application Form
- Planning Statement
- Design and Access Statement
- Air Con Specification Details
- Site Location Plan
- Block Plan
- Front Elevation
- Rear Elevation
- Side Elevation

- Garden Plan
- Parking Plan
- Air Con Specifications

3. Description of the site and surrounding area

- 3.1. The application site is 7 Springfield Road, Hinckley, which is a two storey semi-detached property. Springfield Road consists of a mix of two storey detached, two storey semi-detached, and detached bungalows, of a mix of designs and materials. The site benefits from 3 off-street car parking spaces to the front of the site and a large rear garden.

4. Relevant planning history

None

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.

- 5.2. 8 letters of objection have been received. The objections relate to:

- Springfield Road is not a commercial road.
- Parking concerns, not sufficient
- Any advertisements wouldn't look acceptable in residential area
- Concern over business relate deliveries
- Concern over smell issues from cattery
- Concern over vermin
- Concern over waste management
- Impact on health of nearby neighbours
- Impact on noise from the cattery at night
- Concern of appearance of cattery
- Concern of visual amenity lowering house prices
- Concern over wildlife
- Covenant preventing business use at property

6. Consultation

- 6.1. HBBC Drainage: No objections

- 6.2. HBBC Pollution: No objections

- 6.3. HBBC Waste Management: No objections, note to applicant made.

- 6.4. LCC Highways: No objections.

7. Policy

- 7.1. Core Strategy (2009)

- 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) (2023)
- Planning Practice Guidance (PPG)

7.4. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)
- Leicestershire Highways Design Guide

8. Appraisal

8.1. Key Issues:

- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Waste management

Design and impact upon the character of the area

8.2 Policy DM10 of the adopted SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the local area generally.

8.3 The proposal is for a wooden cattery to be located in the rear garden of the development site. The structure itself is proposed to be constructed of wooden cladding, with two doors and two small windows to the front elevation. The structure is 8.2m in length, 2.4m in height to the highest point, sloping to 2.2m, and 3m in depth. The doors and windows of the structure face towards the rear elevation of the main dwelling (No.7 Springfield Road). It is important to note that the structure itself is already in situ, and is within the criteria set out within the Town and County Planning (General Permitted Development) Order 2015, Schedule 2, Part 1, Class E, and would be permitted to be in situ as an outbuilding used for the enjoyment of the dwelling.

8.4 The unit is located to the rear of the property and as such would not be highly visible from public vantage points, thus cause no issues of design or impact upon the character of the area. A concern was raised within an objection letter which related to commercial advertisement of the business within a residential street would have detrimental impacts to the character of the area – this however is not part of this application and any advertisement above the permitted size would be required to be subject to a subsequent advertisement consent application to the local authority.

8.5 The proposal is therefore considered to be in accordance with Policy DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.6 Policy DM10 of the adopted SADMP and the adopted Good Design Guide require that development would not have a significant adverse effect of the privacy and/or amenity of nearby residents and occupiers of adjacent buildings.
- 8.7 The unit itself, as discussed within the design and impact upon the character of the area section of the report, has been established to be within the remits of the General Permitted Development Order 2015. The unit itself is not considered to cause detrimental impacts upon neighbouring amenity in terms of loss of light, loss of privacy, overlooking or overbearing impacts, by way of its location, set at the end of the rear garden of No. 7 Springfield Road, the single storey nature of the structure, and the existing boundary treatments which consist of a 1.8m wooden fence and a mature hedgerow approximately 1.8m in height.
- 8.8 Concerns have been raised via objection letters from neighbouring residents which related to amenity impacts caused by smell from the use of the outbuilding as a cattery and noise, especially at night, from the cats within the unit.
- 8.9 Hinckley & Bosworth Borough Council Environmental Health: Pollution department were consulted as part of the proposal, to offer their comments on the proposed cattery at the site. Initial queries were raised relating to the specifications of the air conditioning unit and the specifications of the unit, to allow for a full analysis of the potential impacts. Following the applicant's submission of this information, HBBC Environmental Health confirmed that they have no objections to the proposal.
- 8.10 Whilst the cattery does introduce the prospect of housing a maximum of 8 cats at any one time, the unit benefits from double glazed windows and is fully insulated, with a concrete sealed floor providing a sufficient degree of sound proofing, significantly limiting any potential noise or smell impacts from the cattery.
- 8.11 As such the proposal is considered to be in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.12 Policies DM17 and DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design and that there is no detrimental impact upon highway safety.
- 8.13 The development site benefits from 3 off-street car parking space to the front of the dwelling, as shown on the 'Parking Plan'. The plan indicates two of the spaces are afforded for customer parking and one would remain for residential, however within neighbour objections it has been noted that the household itself has existing vehicles which often occupy this space.
- 8.14 Leicestershire County Council Highways department have been consulted as part of this proposal. They have confirmed that taking into account the likelihood that associated trips to the site would be outside of the AM/PM peaks and would be staggered as per the applicants planning statement, the likelihood that trips to the site would not be undertaken daily due to the nature of the business, the prevalence of existing on-street car parking and that no recorded personal injury collisions along the entire length of Springfield Road within the last 5 years, would result in the LHA not being able to demonstrate that the proposals would lead to a severe impact on the highway contrary to Paragraph 115 of the National Planning Policy Framework (December 2023) in these site-specific circumstances. As such the proposals are considered to be in general accordance with Policies DM17 and DM18 of the adopted SADMP.

Waste Management

- 8.15 Issues relating to waste management, via neighbour objections have raised concerns over how waste from the proposed cattery business will be managed, including concerns of the collection of trade waste and the storage of such to avoid attracting vermin. HBBC Waste Management were consulted as part of this proposal and responded with no objections to the scheme, subject to a note to the applicant being attached to any decision notice, stating that adequate space must be afforded for waste storage and that waste collection must be arranged by the applicant with a waste service. No condition for further details has been recommended.

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.
- 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 for a wooden cattery, for up to 8 cats at the property is not considered to cause detrimental impact to the character of the area, it is considered not to cause significant detrimental impacts to neighbouring amenities, and it is considered to not have significant adverse impacts on the highway. As such it is considered that the proposal is in general accordance with Policies DM10, DM17 and DM18 of the adopted SADMP (2016)

11. Recommendation

- 12.1. **Grant planning permission** subject to:
- Planning conditions outlined at the end of this report.

12.2. That the Planning Manager be given powers to determine the final detail of planning conditions.

12.4. **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:

- Application Form
- Planning Statement
- Design and Access Statement
- Air Con Specification Details
- Site Location Plan
- Block Plan
- Front Elevation
- Rear Elevation
- Side Elevation
- Garden Plan
- Parking Plan
- Air Con Specifications

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. No more than a total of 8 cats shall be permitted to be on site, in conjunction with the hereby approved cattery business. The unit and cattery business shall remain ancillary to the dwelling, 7 Springfield 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 Policies DM10, DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

12.5. **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 packing, 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.