

Planning Committee 7 November 2017
Report of the Planning Manager Development Management

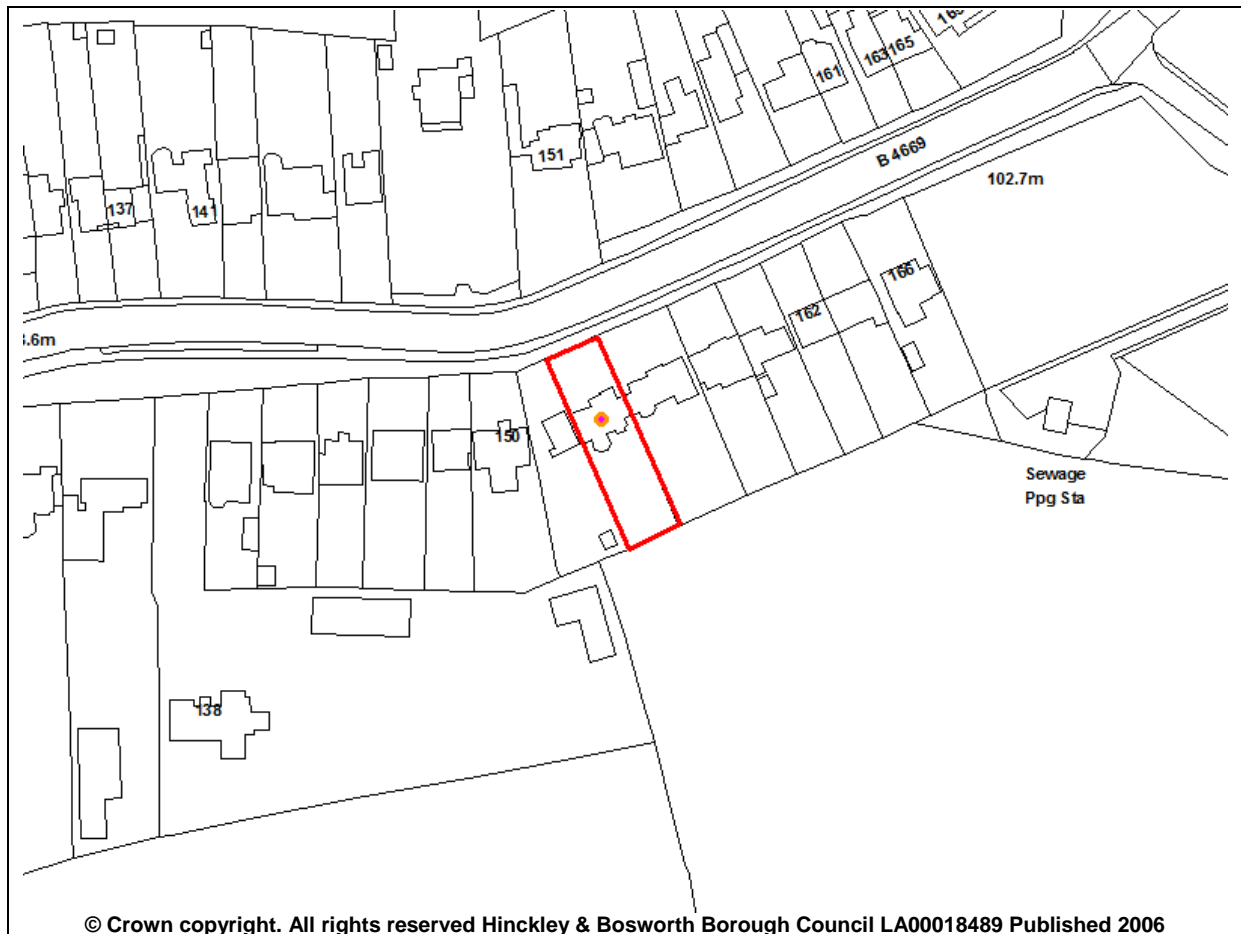


Hinckley & Bosworth
Borough Council

Planning Ref: 17/00705/FUL
Applicant: Mrs Angela Hollingworth
Ward: Burbage St Catherines & Lash Hill

Site: 154 Sapcote Road Burbage

Proposal: Change of use and the erection of boarding cattery



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

1.2. That the Planning Manger Development Management be given powers to determine the final detail of planning conditions.

2. Planning Application Description

2.1. This application seeks planning permission for the erection of two single storey outbuildings for the boarding of cats, at 154 Sapcote Road, Burbage.

2.2. The scheme as originally submitted sought the erection of one single building of 12 pens situated along the west boundary.

2.3. During the course of the application, amended plans were received to address issues raised by objectors. The proposal seeks the erection of two single storey outbuildings situated to the rear of the existing dwelling, with each outbuilding housing 6 cattery pens.

2.4. The proposed buildings would be designed with a mono pitched roof, and would have a roof height of approximately 2 metres increasing to 2.5 metres. The pair of buildings would have an approximate length of 7.4 metres and a width of 3.7 metres. Internally the proposed building would provide 6 boarding pens per building, each one divided into a house and run for each pen and an internal corridor.

3. Description of the Site and Surrounding Area

3.1. The application dwelling is a two storey detached dwelling, situated within the settlement boundary of Burbage. The application site is situated on the southern side of Sapcote Road, and backs onto an agricultural field. To the east and west are two storey residential dwellings. The land levels within the rear gardens slope towards the south east, resulting in the rear garden having 2 distinct land levels, with a raised patio area immediately adjacent to the rear of the application dwelling, stepping down into a large lawn area. An existing 1.8 metre high close boarded fence denotes the east and west boundary.

4. Relevant Planning History

None

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 and two letters have been received, one advising of no objection and one letter objecting on the following grounds:-

- 1) The use may cause a bad smell and nuisance
- 2) Sapcote Road is already a busy road this would bring increased traffic
- 3) Is this a suitable use and business within a residential area.

6. Consultation

6.1. No objections, some subject to conditions, received from:-

Environmental Health (Pollution)
Leicestershire County Council (Highways)

6.2. Burbage Parish Council have objected on the following grounds:-

- 1) The proposed erection of a cattery would introduce an incompatible commercial use in a predominately residential area to the detriment of the area and neighbouring amenity
- 2) The proposal would lead to an increase in traffic movements on a very busy road which would impair road safety.
- 3) There are concerns with noise and odour generated from the use and no details on its management
- 4) The Planning committee have been requested to carry out a site visit

7. Policy

7.1. Core Strategy (2009)

- Policy 4: Development in Burbage

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)

7.4. Other relevant guidance

- Burbage Village Design State (BVDS)

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
- Pollution

Assessment against strategic planning policies

8.2. Paragraph 11 of the National Planning Policy Framework (NPPF) states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraphs 12 and 13 of the NPPF state that the development plan is the starting point for decision making and that the NPPF is a material consideration in determining applications.

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

8.4. Policy DM1 of the adopted SADMP provides a presumption in favour of sustainable development. Policy 4 of the adopted Core Strategy seeks to ensure there is a range of employment opportunities within Burbage and in close proximity to Hinckley. The application site is situated within the settlement boundary of Burbage as defined within the Site Allocations and Development Management Policies DPD (SADMP)

8.5. The NPPF in paragraph 14 provides a presumption in favour of sustainable development and in Paragraphs 17 and 20 supports sustainable economic development to provide for the future business and community needs of an area Paragraphs 21 and 70 of the NPPF encourage flexibility and the integration of residential and commercial uses within the same unit, to enhance the sustainability of communities and residential environments.

8.6. The proposal seeks to erection of 2 outbuildings for the use as a cattery, providing home boarding. The scheme would result in the incorporation of residential and commercial uses in a sustainable location within the settlement boundary of Burbage. The proposed mix use scheme would capitalise on the sites potential, resulting in economic, social and environmental benefits. Therefore by virtue of the sustainable location, the proposed part change of use of the dwelling to a cattery

would not conflict with the adopted policies. It is therefore considered that the use is acceptable in principle, subject to all other planning matters being satisfactorily addressed.

Design and impact upon the character of the area

- 8.7. Policy DM10 of the Site Allocations and Development Management Policies DPD requires developments to complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.8. The Burbage Village Design Statement (BVDS) identifies that from Aston Flamville Road the houses are set well back from the meandering road and generally have longer rear gardens. The application dwelling is a two storey detached dwelling, located within a residential street, set back from Sapcote Road. Dwellings along this street of varied in terms of design, scale and size with no prevailing uniformity.
- 8.9. The proposal seeks the erection of two single storey outbuildings dedicated for the use of boarding of cats. The proposed outbuildings would be situated to the rear of the existing dwelling. The proposed buildings would be situated to the bottom of the rear garden with a buildings situated along west boundary and east boundary facing each other. The application dwelling occupies a modest plot and erection of the proposed cattery would afford the existing dwelling adequate amenity space to serve the needs of the dwelling. Due to the siting of the building being positioned to the rear of the dwelling and the single storey nature of the proposed development, the development would not be visible from the street, and therefore would not have an adverse impact upon the character of the area. The extension is therefore considered to be in accordance with Policy DM10 in relation to its impact on the existing property and character of the surrounding area.

Impact upon neighbouring residential amenity

- 8.10. 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.
- 8.11. The application site comprises of a two storey detached dwelling situated within a street of two storey detached dwellings, of differing design and style. To the east of the application site is a two storey detached dwelling No.156 Sapcote Road, and to the west No.152 also a two storey detached dwelling which adjoins the application boundary.
- 8.12. The application seeks to change the use of part of the dwelling and associated amenity space for the erection of a cattery. The proposed cattery would be reasonably capable of accommodating 12 cats. The proposed buildings would be located along the east and west boundary of the application site. The nearest residential dwellings would be the adjacent neighbours, 152 Sapcote Road situated to the west and 156 Sapcote Road situated to the east, which are two storey detached dwellings.
- 8.13. The buildings would be situated 0.5 metres from any neighbouring boundary, and approximately 15 metres from the rear elevations of either neighbouring dwellings, and situated on a lower ground level. Due to the proposed single storey nature and the change of land levels the proposed development associated with the change of use would not result in loss of residential amenity through the effects if overshadowing or overbearing impact.

- 8.14. The proposed use would generate additional visiting members of the public accessing the property to drop off and pick up cats. Given the proposed use of the cattery business would operate on an appointment only basis, it would allow parking, traffic movements and customers arriving at the site to be actively managed by the applicant. The applicant has not proposed any hours for the use, however it is deemed that should planning permission be granted due to the surrounding residential nature of the street, a condition would be necessary to ensure that customers only visit the site during sociable hours, which would ensure that the proposal would not result in an unacceptable loss of amenity through noise and general disturbance.
- 8.15. Therefore by virtue of the single storey nature, and the proposed level of use, and through the imposition of conditions, the proposed development and use would not result in a significant adverse impact upon residential amenity in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.16. Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety and is located where the use of sustainable transport modes can be maximised. Policy DM18 requires new development to provide an appropriate level of parking provision.
- 8.17. The existing dwelling provides 5 off street parking spaces to the front of the dwelling. A dwelling of this size would require 3 off street parking spaces to serve a dwelling of this size according to the Leicestershire County Councils 6Cs Design Guide.
- 8.18. The proposal would result in an increase of traffic movements to and from the site. Sapcote Road, Burbage is subject to a 30mph speed limit and is one of the main routes through Burbage out towards the M69, as such the road is considered capable for accommodating the minor increase in traffic generation this proposal would lead to. Given that the cattery business would be run on an appointment only basis the existing level of parking provision would be adequate to serve both the dwelling and the proposed cattery. It is therefore considered that the development would be in accordance with Policy DM17 and DM18 of the SADMP.

Pollution

- 8.19. Policy DM7 of the adopted SADMP seeks to prevent the risk of pollution resulting from development.
- 8.20. The proposed cattery would be constructed from timber with a felt roof and would be fully insulated against noise and heat. A waste management proposal has also been submitted by the applicant which seeks to use 100% biodegradable products which also offers odour control. Environmental Health (Pollution) have considered the application, and offer no objection to the proposed use subject to the imposition of conditions relating to a scheme for protecting nearby dwellings from noise and odour to ensure that the development would not result in a source of annoyance to nearby residents. Therefore subject to conditions the proposal would accord with Policy DM7 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 application is for the part change of use of an existing dwelling and the erection of two single storey buildings in the rear garden for the proposed cattery business. The application site is situated within a sustainable location within the settlement boundary of Burbage, in a predominately residential area. Both the Core Strategy and the NPPF seek to encourage economic development and enterprise through the use of existing premise to provide employment opportunities, including homeworking.

10.2. By virtue of the specific nature and level of the proposal, it is not considered that the development would result in any materially adverse impacts on the residential amenity of surrounding dwellings, either by way of noise and disturbance associated by customers visiting the property or cats in the care of the applicant, nor would the proposal result in severe harm to highway safety. Subject to the imposition of conditions the proposal is considered acceptable in accordance with Policies DM1, DM10, DM17 and DM18 of the SADMP, Policy 4 of the Core Strategy and the overarching principle of the NPPF.

11. Recommendation

11.1. **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report.

11.2. That the Planning Manager Development Management be given powers to determine the final detail of planning conditions.

11.3. Conditions and Reasons

1. This development hereby permitted shall start before the expiration of three years from the date of this permission.

Reason: To comply with requirements of Section 51 of 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 and Plan and Parking plan received on the 17 July 2017, Option two site plan (Scale 1:100) received 16 October 2017, Floor Plans (1:100) and Elevations (Scale 1:100) received by the Local Planning Authority on the 20 October 2017. Floor plan, Existing and proposed floor plan and Elevations (Scale 1:100) received by the Local Planning Authority on the 8 August 2017.

Reason: To ensure a satisfactory appearance and impact of the development to accord with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies DPD.

3. The business hereby permitted shall only be used for the boarding of cats.

Reason: In the interests of protecting residential amenity in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD.

4. The cattery business hereby approved shall not be open to the public outside the hours of 0830am and 1930pm. Visits to the cattery, including collection and delivery of cats shall be by appointment only.

Reason: To ensure that the use is compatible with the existing residential dwelling, to protect the amenities of the existing occupiers and neighbouring residents in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD.

5. Prior to the commencement of the development hereby permitted, a scheme for protecting nearby dwellings from noise and odour shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the agreed details.

Reason: To safeguard neighbouring amenity and prevent adverse impacts from pollution in accordance with Policies DM7 and DM10 of the Site Allocations and Development Management Policies DPD.

11.4. **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.