

Planning Committee 3 July 2018
Report of the Interim Head of Planning

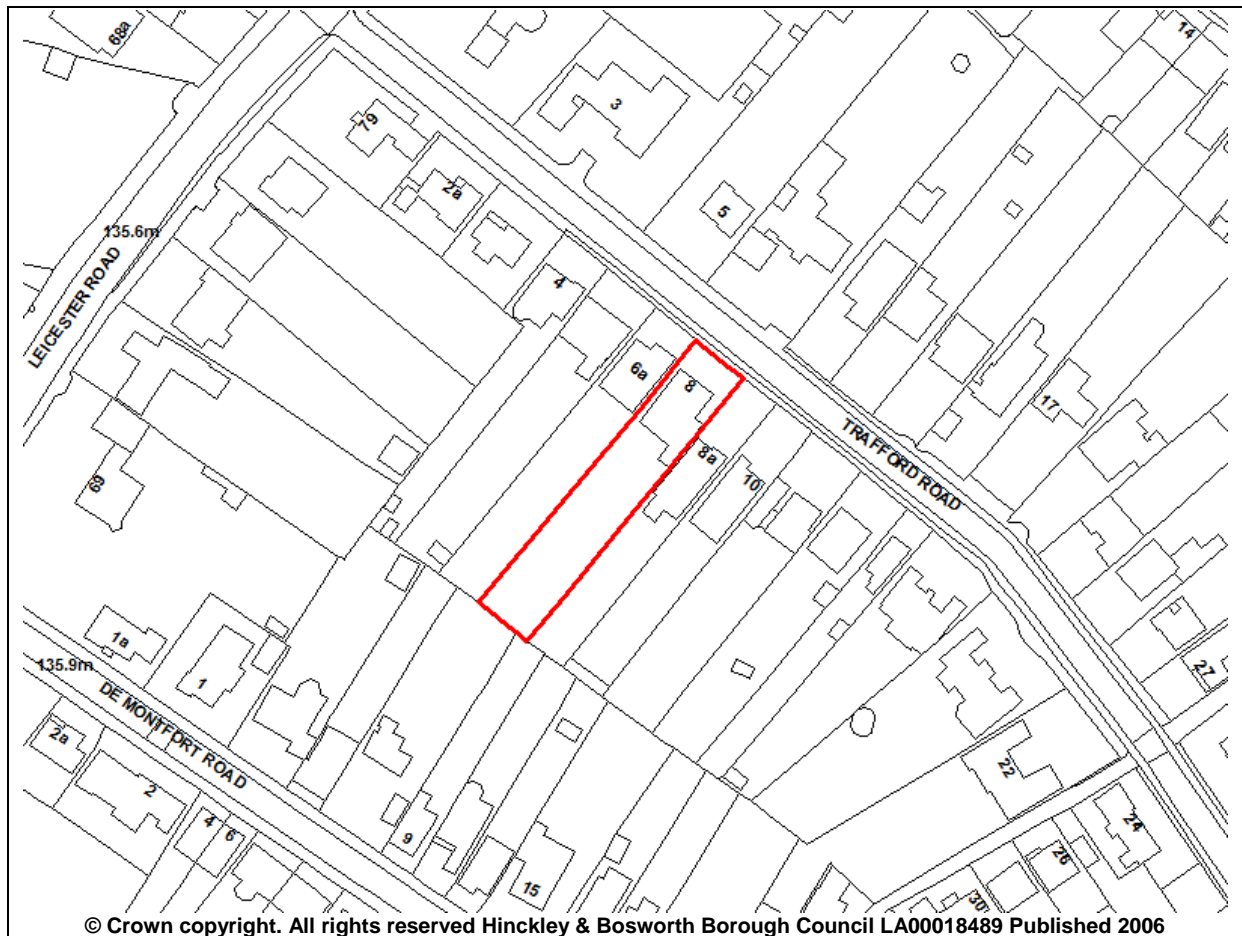


Hinckley & Bosworth
Borough Council

Planning Ref: 18/00381/FUL
Applicant: Miss Elaine Tingle
Ward: Hinckley DeMontfort

Site: 8 Trafford Road Hinckley

Proposal: Part change of use from residential to childminding business for up to 9 children



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 proposal seeks full planning permission for the part change of use of 8 Trafford Road, Hinckley to a childminding business for a maximum of 9 children. The proposed use would be confined to the ground floor of the dwelling and the rear garden. The ground floor of the dwelling has a floor space of approximately 163 square metres and the garden has an area of approximately 650 square metres.

2.2. Access to the site would remain the same. The business is being proposed to run between the hours of 0745 and 1800. The application proposes to provide care

predominately for children between the ages of 0 and 4.5 years. There is currently one existing employee and an additional part time employee is proposed. There are currently three off street parking spaces situated to the front of the dwelling.

2.3. There would be no material changes to the dwelling.

2.4. Amendments were received from the applicant due to a proposed garage not being in accordance with LCC Highways design guidance. The garage was subsequently removed from the proposal.

3. Description of the Site and Surrounding Area

3.1. The application property is a two storey detached dwelling within the settlement boundary of Hinckley. Trafford Road can be accessed from Leicester Road or Butt Lane. The immediate area is predominately residential in character, comprising detached dwellings in a variety of styles and designs.

3.2. A mature hedge runs parallel to Trafford Road on the north-east boundary. To all remaining boundaries, the application site is bound by dwellings. The application site is flat and level.

4. Relevant Planning History

03/01196/FUL	Extensions and alterations to dwelling	Permission	03.12.2003
93/00713/4	Extension to dwelling	Permission	29.09.1993

5. Publicity

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

5.2. Seven letters of objection have been received from seven separate addresses raising the following points:

- 1) On-street parking
- 2) Siting of the proposed garage
- 3) Adequate parking provision
- 4) Commercial business proposed in a residential area
- 5) Risk to pedestrians

5.3. The garage has been removed from the proposal and therefore objection 2 is not relevant.

6. Consultation

6.1. No objections have been received from HBBC Pollution; however a recommendation to condition the operational hours and number of children was put forward.

6.2. No comments have been received from:

- 1) LCC Children and Young People's services
- 2) LCC Highways

7. Policy

7.1. 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

7.2. National Planning Policies and Guidance

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

8. Appraisal

8.1. Key Issues

- Principle of Development
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety

Principle of Development

8.2. The application is situated within the settlement boundary and therefore there is a presumption in favour of sustainable development under policy DM1 of the Site Allocations and Development Management Policies DPD (SADMP) as long as the proposal is in accordance with the relevant policies of the SADMP.

8.3. 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.

8.4. The proposal constitutes the change of use of part of the existing dwelling to a childcare facility. The scheme would result in the incorporation of residential and commercial uses in a sustainable location within the settlement boundary. The proposed mixed use scheme would capitalise on the site's potential, resulting in economic, social and environmental benefits.

8.5. Concerns have been raised in respect of the site being in a predominately residential area. The NPPF encourages the integration of residential and commercial uses within the same unit and the partial change of use of the dwelling to provide a childcare facility is not considered to conflict with any of the adopted planning policies in the Core Strategy or the SADMP. 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

8.6. Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.

8.7. There are no external alterations proposed to 8 Trafford Road, Hinckley, however as the application seeks to introduce a commercial use to an area predominately residential in character, there would be an impact in this respect. The scheme seeks to contain the proposed use within the existing ground floor space and rear garden of the dwelling.

8.8. Some of the children are collected and dropped off directly by the applicant and others by parents/guardians. The applicant currently has six children within her care each day. The drop off/pick up times are staggered throughout the day. There would be additional vehicle trips associated with the additional three children, however these are not considered to be of a level that would materially impact upon the residential characteristics of the area.

8.9. As the change of use would not result in any physical alterations to the external fabric of the building, its residential appearance would be retained. As such it is not

considered that the proposal would have adverse impact upon the character of the area in accordance with Policy DM10 of the adopted SADMP.

Impact upon neighbouring residential amenity

- 8.10. Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighbouring properties.
- 8.11. Objections have been received on grounds that the proposal would result in an adverse impact on the amenities of the neighbouring properties from the additional traffic movements and increased on-street parking.
- 8.12. The application seeks to change the use of part of the existing dwelling (ground floor) to a childcare facility. The maximum number of children would be 9, this is only an increase of 3 children, as the applicant already cares for 6 children (a generally accepted number, above which a material change of use has occurred requiring planning permission), The operating hours would be between 0745 and 1800 Monday to Friday and there would be one full time and one part time member of staff on site at any one time.
- 8.13. The closest dwellings to the application site are those to the south-east and north-west. To the south-east, 8A Trafford Road, comprises a two storey detached dwelling situated approximately 1 metre from the south-eastern elevation of the application site. To the north-west of the application site is 6A Trafford Road, whose side elevation is approximately 3 metres from the north-western elevation of the application dwelling. Given the proximity of these dwellings to the site, the impacts in terms of noise and disturbance generated from the general use of the site and vehicle movements must be considered.
- 8.14. The applicant has identified a member of staff would be outside with children at all times to engage with the children, thereby reducing external noise. Due to the children being in the garden within daytime working hours the level of noise and disturbance generated from the use of the external space would be limited and as such is not considered to result in any significant adverse impacts on the amenity of surrounding residents that would outweigh the benefits associated with the scheme.
- 8.15. In respect of noise and disturbance associated with vehicle movements, whilst there may be increased disturbance during 'peak' drop off and collection times (0745-0815 and 1630-1730), as the site is within a built up area and adjacent to a highway, the associated disturbance is not considered to result in a material increase over and above the existing background noise, that would result in the application being unacceptable. Furthermore, the drop off and pick up times are staggered throughout the day and the applicant goes out to pick up and collect a number of the children herself.
- 8.16. Based on the submitted information, Environmental Health (Pollution) raises no objections to the proposal in terms of noise and disturbance caused to surrounding residents. Accordingly, based on the above, the proposal is considered to have no adverse effect on the residential amenity of the neighbouring dwellings and therefore complies with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.17. Policy 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. Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety.

- 8.18. Neighbour concerns have been raised regarding on-street parking along Trafford Road. Leicestershire County Council (Highways) has not provided any comments on the application and therefore it is considered that they have no objections to the scheme, subject to the proposal being in accordance with Leicestershire Highways Design Guide.
- 8.19. The application site provides off road parking provision for approximately three cars. If the proposed use was at maximum capacity of 9 children at the setting at any one time, that would require two members of staff, there is sufficient parking for this whilst leaving one off street parking space for drop offs and pick ups. The times that children are collected and dropped off are staggered throughout the day and there is additional on-street parking available with no highway restrictions in the immediate vicinity. In relation to potential delays and congestion, given that the drop off or collection of the children would be a relatively quick activity, associated impacts would not be sustained and would not justify refusal of the application.
- 8.20. Impact experienced would be time specific and would not lead to constant congestion or parking problems, and therefore overall the issues are finely balanced from a highway perspective and as such are not considered to be significantly harmful in highway safety terms to lead to a detrimental impact upon highway safety.
- 8.21. Concerns have been raised in respect of pedestrian safety of school children walking along Trafford Road, however given the limited distance a vehicle travels along this stretch where vehicle speeds are generally low it is not considered that sufficient conflict would occur to lead to the proposal being unacceptable.
- 8.22. The objections and concerns of neighbouring residents in respect of on-street parking have been carefully considered. Overall, it is considered that the proposed use would not result in any demonstrable or significant impacts in terms of highway safety and as such the proposal is considered to be in accordance with Policies 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 application is for the part change of a residential dwelling for the purposes of a childminding business. The application is situated within the settlement boundary and therefore there is a presumption in favour of sustainable development under policy DM1 of the SADMP as long as the proposal is in accordance with the

relevant policies of the SADMP. Both the Core Strategy and the NPPF seek to encourage economic development and enterprise through the use of existing premises 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 with vehicle movements or the children cared for. The proposal would also not result in any severe harm in terms of highway safety or impact on the character of the surrounding area. Therefore, the application is considered to be in accordance with DM1, DM10, DM17 and DM18 of the SADMP and is therefore recommended for approval subject to conditions.

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 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 Plan (scale 1:1250)
- Parking Plan (scale 1:50)
- Existing Ground Floor Plan (scale 1:50)
received by the Local Planning Authority on 27 April 2018.
- Existing Front Elevation (scale 1:100)
received by the Local Planning Authority on 16 May 2018.
- Existing Side Elevation (scale 1:100)
received by the Local Planning Authority on 14 May 2018.

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

3. The number of children attending the premises shall not exceed 9 at any one time.

Reason: To ensure that the development does not have a detrimental impact upon highway safety and existing residential amenity in accordance with Policy DM10, DM17 and DM18 of the Site Allocations and Development Management Policies Development Plan Document.

4. The use hereby approved shall not be in operation outside the hours of between 07:45am and 18:00pm Monday to Friday, and shall not operate at any time on Saturday or Sundays.

Reason: To ensure that the proposed use does not become a source of annoyance to nearby residents in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document.

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.