DELEGATED REPORT

Recommendation Made: 8 May 2008

Reference:- 08/00286/CONDIT **Parish:- Barwell Parish Council**

Applicant:- Mr Shazad Javed

Location:- 53 High Street Barwell Leicester Leicestershire LE9 8DS

Proposal:- VARIATION OF CONDITION NO 3 OF PLANNING PERMISSION 93/00076/4 TO ALLOW OPENING BETWEEN 4PM AND 6PM.

Introduction:-

The application relates to the ground floor of a building located on the south east of High Street within Barwell which has planning permission for use as a hot food take-away. The property is located within a row of other shops and commercial premises and is located within Barwell Conservation Area and Barwell Local Shopping Centre.

Planning permission was granted in 1993 for change of use of the building to a hot food take-away subject to the following condition:-

'The premises shall not be open to the public between the hours of 4.00 p.m. and 6.00 p.m. Mondays to Fridays, or after the hour of 11.00p.m on any day.'

Permission is sought to vary this condition to remove the restriction of between 4pm and 6pm.

Relevant Planning History

93/0076/4	Change of use to hot food take-away	Approved
97/00931/ADV	Display of illuminated advertisement	Approved

Consultations:-

No objections have been received from:
The Director of Transportation, Highways and Waste Management (Highways)

Barwell Parish Council has objected on the grounds of road safety issues.

To date a letter of objection has been received from neighbouring property objecting to the proposal on the following grounds:-

a) There is not enough parking in the area.

Development Plan Policies:-

Hinckley and Bosworth Local Plan

BE1 - Design and siting of development
T5 - Highway design and vehicle parking standards

Appraisal:-

The condition that is sought to be varied under this application was imposed following concerns expressed by the Highway engineer at the time. Therefore the main issue for consideration is the effect of the application on highway safety.

Leicestershire County Council now have responsibility for the highways within the Borough. The Director of Highways, transportation and waste management has commented on the application suggesting that to continue to uphold the condition would prove difficult to justify and unnecessary. No details are available of what paring was available in 1993 but now the High Street has comprehensive highway controls and parking bays out side the site. There are no objections from the Highway Authority and the proposed change in hours is considered acceptable.

RECOMMENDATION :- Permit subject to the following conditions :-

SUMMARY OF DECISION - The proposal is in conformity with Policy/Policies BE1 and T5 of the Hinckley and Bosworth Local Plan. Planning permission is granted subject to conditions.

1 The premises shall not be open to the public between the hours of 11pm to 8am.

Reasons :-

1 To protect the amenities of the neigrhbouing residetial properties in accordance with Policy BE1 of the Hinckley and Bosworth Local Plan.

Notes to Applicant:-

1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.

2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

Contact Officer:- Sarah Humphries Ext 5680

Any other conditions ?