Item: **02**

Reference: **09/00321/COU**

Applicant: **A F Blakemore & Sons Limited**

Location: **Burbage Liberal Club 21 Lutterworth Road Burbage Hinckley Leicestershire**

Proposal: **CHANGE OF USE FROM LIBERAL CLUB TO CONVENIENCE STORE INCLUDING EXTENSIONS AND ALTERATIONS TO BUILDING.**

Introduction:-

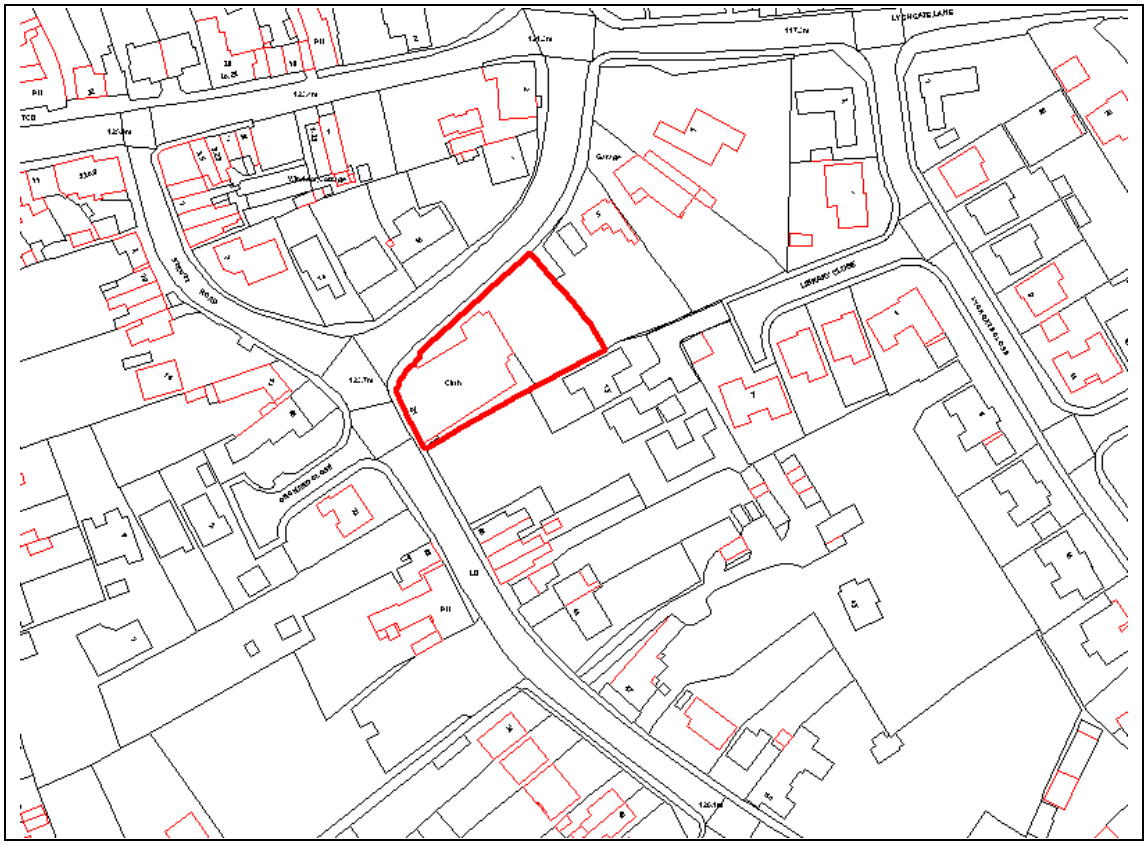
This application seeks planning permission for the change of use of the Liberal Club, Lutterworth Road, Burbage to retail (Class A1).

The store would have a trading floor area of 200 square metres and gross floor area of 539 square metres. Alterations to the buildings include the demolition of two flat roofed extensions currently serving as toilets and committee room to the north elevation, a new pitched roof to replace the existing flat roof on an extension to the north east of the building, removal of a bay window to the north elevation, and the creation of a shop front and external ramp to the east elevation.

The Liberal Club is located on the eastern side of the easterly bend on the Lutterworth Road, relatively close to the village centre and comprises an extended, imposing, three-storey, red brick building which is currently unused and has boarded up windows. The surrounding area is mixed use; comprising residential and commercial properties including a garage, public house and library. The surrounding buildings are of a variety of different ages and styles.
A design and access statement has been submitted in support of the application. This provides details of the proposed alterations, evaluates the surrounding area and outlines how deliveries would be managed. This document states that the proposed alterations would enhance the appearance of the building, and that deliveries could be managed, so as to not have a detrimental impact on highway safety.

History:-

08/00137/COU 08.05.09	Change of use of existing building from social club with attached stewards accommodation to licensed restaurant with private dwelling.	Approved
85/00902/4 29.10.85	Erection of porch and internal alteration	Approved
78/01189/4A 11.08.78	Erection of illuminated box sign	Approved



Consultations:-

No objections have been received from:-

Director of Community Services (Ecology)
Head of Community Services (Land Drainage).

No objections subject to conditions have been received from Head of Community Services (Pollution).

Director of Highways, Transportation and Waste Management (Highways) has provided an initial response raising the following concerns:-

a) that the proposal could fail to provide sufficient off-street car parking facilities within the site given the likely increase in traffic generation and further information is required to support the level of car parking shown
b) given the likely pedestrian trip generation to/from the existing centre consideration should be given to the need for a form of safe crossing facility
c) provision of cycle parking for staff and customers
d) provision of appropriate pedestrian visibility splays at the access
e) proposed car parking space dimensions.

Burbage Parish Council do not object but comment that the car parking area should be well lit by low level lighting and that there should be no deliveries at night or between the hours of 8.30am - 9.00am or 3.00pm - 3.30pm as these are busy pedestrian periods.

Site notice was displayed and neighbours notified, three letters have been received raising the following issues:-

a) concern how delivery vehicles are to manoeuvre in the car park when there are cars taking space. This will mean they have to back in from the road
b) the proposed opening times mean that there will be a lot of car movements
c) where is the demand for the store coming from?
d) the Liberal Club was only busy 2/3 nights a week whilst this has the potential to be busy 7 nights a week
e) a badly thought out use of this brown field site
f) very long opening hours for a residential area
g) provision of safety barriers between car park and residential gardens
h) increase in on-street parking
i) road calming measures should be considered to mitigate the development
j) external materials should be in keeping
k) impact of lighting and signage on residential properties, possible use of timers and blinds on windows
l) control of noise pollution from plant room etc
m) smoking area for staff.

Policy:-

Central Government Guidance

Planning Policy Statement 1- Delivering Sustainable Development, outlines the Governments objectives for delivering sustainable development through the planning system. Its states that sustainable development should be at the heart of the planning system and the document provides information on key principles including inclusive and good design, protection of the environment and sustainable economical development.

Planning Policy Guidance 13- Transport seeks to integrate transportation and planning at national, regional and local level, through locating services in local centres that are easily accessible to the local population.

Local Plan Policy

The site falls within Burbage settlement boundary as defined by the adopted Hinckley and Bosworth Local Plan.

Policy BE1 considers the design and siting of proposals and seeks to ensure a high standard of design, that complements or enhances the character of the surrounding area with regard to scale, layout materials and architectural features, has regard to safety and security of individuals and property, does not adversely affect the occupiers of neighbouring properties and ensures that there is adequate highway visibility for road users and adequate off street parking.

Policy Retail 11 supports small local shops within settlements that are of an appropriate scale and would not seriously detrimentally affect the amenities enjoyed by adjoining residential properties and the general character of the area.

Policy T5 considers highway design and vehicle parking standards which states when considering applications that involve new accesses, new highways and other works, the standards set out within the current edition of Leicestershire County Council's 'Highway requirements for development' should be followed.

Supplementary Planning Guidance / Documents

Burbage Village Design Statement defines the Lutterworth Road as being one of the main gateways into Burbage, which contains a wide variety of properties of different age, design and style, with much infilling. The document states that applications should comply with the policies contained in the guidance.

Leicestershire County Councils Highways Transportation and Development (April 2009) Document- provides standards of highway design that should be met by new developments.

Appraisal:-

The main considerations with regards to this application are the principle of development, the effect of the proposed alterations on the appearance of the building and street scene, the effect of the change of use on the amenities of nearby residents and highway safety.

Principle

The building was previously used as a club and has planning permission for a restaurant use. The site is within a mixed use area, close to the centre of Burbage. The proposed retail use of the building will provide a facility for local residents and is considered to be in accordance with policies BE1 and Retail 11 of the adopted Hinckley and Bosworth Local Plan.

Appearance

It is proposed to demolish a flat roofed extension to the north of the site to create additional space for a loading bay. The extension did not add to the appearance of the building and their removal would improve the appearance of the building. The substitution of flat roofs with pitches will tidy the appearance of the proposal and present greater cohesion to the property. Whilst the appearance could be further improved with more extensive alterations, the applicant is only leasing the property and does not wish to spend more than necessary on the fabric of the building. It is considered that the proposal improves the external appearance of the building and is therefore acceptable. The submission and prior approval of the external materials to be used on the alterations is required by condition.

It is proposed to site the shop front on the east elevation, facing the existing and proposed car park. Due to the change in levels a ramp is proposed to provide access for wheelchair users and pushchairs. The creation of the shop front will add interest to the existing blank façade. Due to the mixed use nature of the area, the creation of a shop front would not be detrimental to its character.
It is considered that the proposed alterations do not harm the appearance of the building and therefore comply with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

Amenities

The application proposes opening hours of 7am to 11pm Monday through to Sunday. To the south of the site, residential properties are located within a metre of the boundary. The noise created by the comings and goings, cars starting and doors banging are the main concerns. The Environmental Health Officer has raised concerns regarding the opening hours and has suggested later opening times during weekends and public holidays. It is recommended that a condition be imposed restricting the opening hours to between 7am to 11pm Monday to Friday, 8am to

11pm Saturday, and 9am to 11pm Sundays and public holidays. A similar condition should also cover delivery times.

The shop requires air cooling and conditioning units. It is proposed to sit these on the roof between two ridges. The Environmental Health Officer has requested that a scheme be submitted for the control of noise from any external plant or machinery and a scheme approved before development commences. This has been requested as a condition.

Concerns have been expressed regarding the position of the freezer cold room and chiller coldroom adjacent to the residential unit. It is proposed that this would chill via remote refrigeration units located on the roof and therefore there would be no mechanical equipment in this area that would cause a nuisance.

The issue of illumination of the car parking area has been raised by Burbage Parish Council and neighbouring residents. In order to ensure that the development does not impact unduly on residential amenities, a condition requiring full details of the proposed lighting to be submitted for prior approval has been included in the recommendation.

Highway

The application proposes to utilise the existing parking area to the eastern side of the property, and by demolishing the extension, further space for a loading bay parallel to Lutterworth Road would be provided. Information has been submitted detailing how the delivery vehicles can pull in from the highway, reverse into the loading bays and leave the site in a forward direction without infringing upon any of the identified parking spaces. The provision of 14 spaces for the shop together with one space for the existing dwelling is considered to be adequate for the size of store by the applicant, as it is anticipated there would be a high turn around of vehicles with short average trip durations. However, the Director of Highways, Transportation and Waste Management (Highways) has raised a number of highway related issues that need further consideration and the applicant is required to provide evidence to demonstrate that the level of parking provision will be sufficient, particularly at peak times. Any further comments received from the Highway Authority prior to Planning Committee will be reported as a late item.

Conclusion

The principle of the change of use from Liberal Club to convenience store is considered acceptable subject to the control, by way of condition, of the opening hours, deliveries and any noise from external plant equipment required by the store. At the time of writing this report, the applicant has yet to demonstrate that the proposed layout and level of off-street parking provision is adequate to serve the development.

RECOMMENDATION:- That the Director of Community and Planning Services be granted powers to issue planning permission subject to the satisfactory resolution of the highway related issues raised by the Director of Highways, Transportation and Waste Management (Highways) and the following conditions. Failure to resolve these issues by 23rd July 2009 will result in the application being refused.

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development and change of use by virtue of the design and siting of the shop front, sensitive siting of any external plant/equipment and provision of car parking, would not detrimentally affect the amenities of neighbouring residents and is considered to improve the streetscene. The proposal is therefore considered to be in accordance with the development plan.

Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, Retail 11, T5

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed shop shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.

3 Before the use hereby permitted is commenced a scheme for the control of noise for any external plant or machinery shall be submitted to and approved in writing. The plant and machinery shall be installed in accordance with the approved scheme.

4 The shop hereby approved shall not be open to the public outside the hours of 07:00 to 23:00 Monday to Friday, 08:00 to 23:00 Saturdays and 09:00 to 23:00 Sundays and Public Holidays.

5 No deliveries shall be taken at or dispatched from the site outside the hours of 07:00 to 23:00 Monday to Friday, 08:00 to 23:00 Saturdays and 09:00 to 23:00 Sundays and Public Holidays.

6 Before the use hereby permitted is commenced full details of the proposed illumination of the external areas of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reasons:-

1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

3-6 To protect the amenities of neighbouring residents 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.

3 As from 6th April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.

4. All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

5 List of plans used in the determination of this application:- 1392/01, /02, /03, /04, /05, /06, /08

Contact Officer:- Sarah Humphries Ext 5680