DELEGATED REPORT

Recommendation Made: 12 December 2011

Reference:- 11/00717/COU **Parish:- Hinckley**

Applicant:- Mrs Habibeh Pourale
9 Castle Street
Hinckley
Leicestershire
LE10 1DA

Location:- 9 Castle Street Hinckley Leicestershire LE10 1DA

Proposal:- CHANGE OF USE FROM A1 TO A3 USE (RETROSPECTIVE)

Introduction:-

This application seeks retrospective full planning permission for the change of use of 9 Castle Street, Hinckley from Class A1 (retail shop) to Class A3 (café). The unit has a total floor area of 86 square metres with 50% of this being devoted to the seating area. The unit is currently operating and sells a range of hot and cold beverages, hot and cold meals and snacks and associated items to eat in. Cooking facilities within the premises including a double oven, hot plates and a deep fat fryer. Proposed opening hours are everyday between 9.00am and 11.00pm. There is an existing extraction unit from the cooking area to the rear of the premises. The only external alterations to the premises has been the painting of the existing shop front.

The application premises are located on the south side of Castle Street and comprise of the public seating area, service counter, preparation area and toilet at ground floor and a staff toilet, stock room and access to the rear service yard from a raised area towards the rear. An external seating area measuring 5.8 metres wide x 2.9 metres deep is also indicated to the fore of the premises within Castle Street which is to be removed at night. The shop front consists of full length glazed sliding panels. The first and second floors of the building comprise office accommodation.

No formal marketing information has been submitted with the application. A supporting statement suggests that the premises was vacant for 6 months during which time it was marketed in the press and a sign placed in the window of the unit with availability and contact details. The statement advises that the only interest shown in the unit was for similar uses to that currently being operated, i.e. no interest from Class A1 (retail) or other uses. No agent was appointed to market the premises in this case as there were a number of other (currently 4) vacant units available. The statement further suggests that the cafe is proving a popular meeting place for refreshments and encourages further trade within the shops.

History:-

87/00146/FUL Installation of New Shop Front in a Hot Bread Shop Approved 02.04.87

Consultations:-

No objection has been received from:-

Head of Community Services (Pollution)
Head of Community Services (Land Drainage)

No responses have been received from site notice or neighbours.

Development Plan Policies:-

National Policy Guidance

Planning Policy Statement 6: Town Centres (PPS6)

Local Plan Policy

Adopted Core Strategy (2009)

Policy 1: Development in Hinckley

Adopted Local Plan (2001)

The site is located within the Hinckley Town Centre Conservation Area as defined by the Hinckley and Bosworth Local Plan.

Policy BE1: Siting and Design of Development
Policy BE7: Development in Conservation Areas
Policy BE9: Shop Fronts in Conservation Areas
Policy RET6: Shop Fronts

Other Relevant Documents

Adopted Hinckley Town Centre Area Action Plan Development Plan Document (2011)

The site is located within the primary shopping frontage area as defined in the Hinckley Town Centre Area Action Plan.

Policy 13: Hinckley Town Centre Shopping Areas

Shopping and Shop Fronts Supplementary Planning Document
Hinckley Town Centre Conservation Area Statement
Town and District Centre Monitor 2010-2011

Appraisal:-

The main considerations in this case are the principle of having a Class A3 use in the primary shopping frontage area of Hinckley and impact on the Town Centre Conservation Area and amenity of adjacent properties.

Principle of Development

Planning Policy Statement 6: Town Centres (PPS6) states that the government's key objective for town centres is to promote their vitality and viability by promoting and enhancing existing centres and encouraging a wide range of services in a good environment. No formal marketing evidence has been submitted to support this application, however, the unit is known to have been vacant for between six and eight months. The supporting statement submitted with the application advises that during this time the marketing of the premises in the press and by on-site notice resulted in no interest being shown other than similar uses to that currently operating. In addition, the applicant refers to four current vacant units in the primary shopping frontage as evidence of a lack of current demand for uptake from Class A1 uses.

In respect of applications proposing a change of use from Class A1 within the Hinckley town centre, policy 13 of the Hinckley Town Centre Area Action Plan requires ground floor development along primary shopping frontage areas to be restricted primarily to Class A1 uses to protect the vitality and retail integrity of the town centre's retail core. The Hinckley and District Centre Monitor 2010-2011demonstrates from the results of the most recent annual survey carried out in March 2011 that 87.2% of the units in the primary shopping frontage were in Class A1 (retail) use and that a total of 8 units were vacant at that time of which five had been vacant for five years or more. A more recent informal survey of the primary shopping frontage indicates that should the application be approved, out of a total of 85 separate units there would be 68 currently in Class A1 usage (80%), 3 vacant units (4.7%) all of which have lawful Class A1 use (3.5%) and 14 units in non-Class A1 uses (16.5%). Whilst the approval of the application will therefore result in a reduction of Class A1 uses since March 2011, the primary shopping frontage will remain primarily (83.5%) in Class A1 use which will protect the vitality and retail integrity of the town centre's retail core.

In addition, trends have changed and shopping has become more of a social activity as opposed to a purely functional need and amenity breaks have become an established, routine element of shopping. As such cafés are now commonplace in such locations within centres and regarded as part of usual town centre amenities. Observational evidence indicates that the premises is a popular facility attracting significant customer footfall and patronage and thus it is considered that the proposal contributes to the range of amenities and therefore contributes to the vitality and viability of the town centre. There are other non-Class A1 uses in proximity to the application premises including a building society, betting office and amusement arcade but all other nearby units are Class A1 uses therefore it is considered that the approval of this application would not result in an over-concentration of non-A1 uses in the immediate vicinity.

Therefore, overall the proposals are considered to be in accordance with policy 13 of the adopted Hinckley Town Centre Area Action Plan in this case.

Impact on the Town Centre Conservation Area

The proposal seeks change of use of the building to a cafe and the only external alterations are the painting of the existing non-traditional shop front which consists of full length glazed sliding panels. The appearance of the building externally does not have an adverse impact on the street scene and as a result the proposals are considered to preserve the character and appearance of the Town Centre Conservation Area in accordance with policies BE7 and BE9 of the adopted Local Plan.

Impact on Neighbouring Premises

There is a staircase to the west leading to office accommodation above the application premises at both first and second floor level. There is an existing extraction system operating in the premises with flues mounted on the rear elevation of a single storey projection on the rear of the premises. The flues are not therefore directly below the first or second floor windows of the office premises. There will therefore be no adverse impact on neighbouring premises or any residential amenity from the extraction of odour. The premises are currently open from 9.00am to 5.00pm and the application seeks to extend the current hours from 9.00am to 11.00pm daily, including Sundays. The use of the premises during the times proposed is unlikely to result in noise or disturbance above and beyond those activities associated with a town centre location and furthermore a mix of uses within the town centre, especially A3 uses, is recognised to add to the vibrancy of the evening economy. As the proposed hours are unlikely to result in any detriment to amenity they are therefore considered to be acceptable in this case. The Head of Community Services (Pollution) raises no objection to the application.

Conclusion

Whilst the primary shopping frontage within the Hinckley town centre is restricted primarily for Class A1 uses, it is recognised that other uses have become an integral part of shopping centres and contribute to the range of services and amenities on offer. The premises appears to be attracting significant custom and approval of the application will result in the primary shopping frontage remaining primarily (83.5%) in Class A1 use and will not materially harm the vitality or viability of the town centres retail core or result in an overconcentration of non-retail uses. The application is for a change of use and will therefore preserve the Town Centre Conservation Area. There will be no adverse impact on neighbouring properties or any residential amenities. Accordingly the proposal is considered to be acceptable in respect of Policy 13 of the Hinckley Town Centre Area Action Plan, Policy 1 of the adopted Core Strategy and policies BE1, BE7, BE9 and RET6 of the adopted Local Plan and is therefore recommended for approval.

RECOMMENDATION:- Permit subject to the following conditions:-

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 would be in accordance with the development plan as the primary shopping frontage would remain primarily in Class A1 use and there would be no material adverse impact on the vitality or retail integrity of the town centre's retail core, the character or appearance of the Town Centre Conservation Area or the amenities of adjacent properties.

Local Development Framework: Core Strategy (2009):- Policy 1

Local Development Framework: Hinckley Town Centre Area Action Plan (2011):- Policy 13

Hinckley & Bosworth Borough Council Local Plan (2001):- Policies BE1, BE7, BE9 and RET6

1 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan at 1:1250 scale and Layout Drawing No. P103(20)01 received by the local planning authority on 18 October 2011.

2 The premises shall not be open to the public outside the following times:- 9.00am to 11.00pm daily.

Reasons :-

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

2 To ensure that the use remains compatible with the surrounding area and does not become a source of annoyance to nearby residents to accord with policy BE1 of the adopted 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 6 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 The applicant is advised that this consent does not give permission for the external seating area indicated to the front of the premises within Castle Street and that this will require further consent from the Highway Authority.

Contact Officer:- Richard Wright Ext 5894