Planning Department
Council Offices
Argents Mead
Hinckley
Leicestershire
LE10 1BZ

By Planning Portal

15 July 2011

Our ref. SN/TS/08600005

Dear Sir/Madam

HINCKLEY RETAIL PARK, SWORD DRIVE, HINCKLEY
SECTION 73 APPLICATION FOR VARIATION OF CONDITION OF PLANNING PERMISSION REF: 96/00454/FUL

We write on behalf of The Pensions Trust to apply for planning permission under Section 73 of the Town and Country Planning Act 1990 (as amended) to vary Condition 13 attached to planning permission 96/00454/FUL.

As well as this covering letter in support of the application, we enclose:

- Application forms and certificates;
- Site location plan; and
- Decision Notice ref: 96/00454/FUL.

We also enclose a cheque made payable to Hinckley and Bosworth Borough Council for the sum of £170 in respect of the application fee.

Background

On 21 August 1996 full planning permission (ref:96/00454/FUL) was granted for:

> *"Erection of retail warehouse development with ancillary garden centre, pub/restaurant and associated works."*

Condition 13 of this permission restricted the opening hours. It states:

> *"The retail units shall be open to the public only between the hours of 08.00 hours and 20.00 hours Monday to Thursday, 08.00 hours to 21.00 hours on Fridays, 08.00 hours to 20.00 hours on Saturdays and 10.00 hours and 17.00 hours on Sundays."*

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Proposed Condition

Permission is sought to vary the above Condition to allow an extension to the current opening time by one hour on weekdays and on Saturday, from 08.00 hours to 07.00 hours. We therefore suggest the following wording:

> *"The retail units shall be open to the public only between the hours of 07.00 hours and 20.00 hours Monday to Thursday, 07.00 hours to 21.00 hours on Fridays, 07.00 hours to 20.00 hours on Saturdays and 10.00 hours and 17.00 hours on Sundays."*

Permission is sought in order to accommodate the trading requirements of a new occupier and to avoid the retail unit from becoming vacant.

Site and Surroundings

The site is bounded by Normandy Way (A47) to the north, Sword Drive to the south, the Milestone public house to the east and residential dwellings to the west. The layout of the site itself comprises a retail warehouse, with service yard to the west and car park to the east. Access is located off Sword Drive from the south.

The site is designated as a Local Centre by the Hinckley and Bosworth Local Plan (2001) Proposals Map (Saved Policy Retail 7). The emerging Site Allocations and Development Control Policies DPD proposes to designate the site as part of the Northern Perimeter Road Local Centre (draft Policy HIN77).

The surrounding area comprises open space to the north, open space and Redmoor High School to the south, Morrison's Supermarket to the east and further residential dwellings to the west. These residential dwellings are the only noise sensitive development within the vicinity of the site.

Planning Considerations

Paragraph 12 of PPG24 defines night-time hours being between the hours of 23.00 hours and 07.00 hours. The proposed opening from 07.00 hours are considered appropriate as they would be within the daytime opening hours as defined by PPG24.

The reason for Condition 13 of planning permission ref: 96/00454/FUL was to safeguard the amenity of occupiers of nearby dwellings. The existing service yard is located adjacent to the residential dwellings. However, there is no condition restricting the hours of delivery vehicles at the site, and this is likely to have the greatest impact on residential amenity.

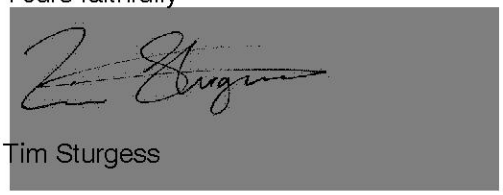
A belt of extensive mature planting separates the service yard and the boundaries of the rear gardens of the residential dwellings to the west. We understand that an acoustic fence was also previously required, as detailed under Condition 14 of the permission, to further safeguard the amenity of nearby dwellings.

The entrance to the store is located on the eastern boundary and the retail warehouse itself provides further screening of the car park from the dwellings. Any noise or disturbance resulting from customers entering/exiting the building and car park at the proposed times will be less than that of the existing service yard.

Therefore, the extension of the store opening hours by one hour in the morning Monday to Saturday would have no greater discernable impact upon the neighbouring dwellings and is compliant with Local Plan (2001) Saved Policy Retail 7(a).

We look forward to receiving confirmation of registration and validation of the Section 73 application. Should you have any queries, please contact Stephen Rose or me.

Yours faithfully



Tim Sturgess

Enc: Application forms and certificates
Site location plan
Decision Notice ref: 96/00454/FUL
Cheque for £170

cc: Mr T James, CBRE Investors