COMMITTEE EXTRACT

Committee Date: 8 April 2008

Reference:- **08/00268/COU** **Parish:-** **Earl Shilton Town Council**

Applicant:- **Mr R Church**
Beggars Roost
Botcheston
Leics
LE9 9FF

Location:- **Hill Top Works 2 Keats Lane Earl Shilton Leicester Leicestershire**

Proposal:- **PART CHANGE OF USE TO RECORDING STUDIOS AND MULTI-USE COMMUNITY ROOMS, EXTERNAL ALTERATIONS AND REVISED ACCESS FROM HIGHWAY (PART RETROSPECTIVE).**

Introduction:-

This re-submitted application seeks planning permission for the change of use of part of a former shoe factory to a number of recording studios/rooms and multi-use community rooms including a photographic studio and the formation of a new vehicular access. Three of the recording studios are to be fully equipped with high quality professional recording equipment whilst six other recording rooms will also offer high quality recording and rehearsing facilities for local bands, schools etc. Details of the method of sound insulation to be used on the recording rooms have been submitted that include the creation of free-standing, suspended, Rockwool sound insulated pods within the walls of the existing factory building. These six recording rooms have already been fitted within the building and are being used. The existing single glazed timber windows at first and second floor are to be replaced with double glazed plastic units of similar style as part of the proposed sound insulation scheme. There is also a photographic studio and a community room intended for multi purpose use such as dance classes, martial arts etc and associated office space. A new vehicular access is proposed in order to provide improved visibility onto the A47. This will involve the relocation of a number of existing planters within the highway verge.

The factory is located on the north side of Keats Lane in Earl Shilton at its junction with the A47, Leicester Road. The building is a traditional brick built three-storey factory and additional two-storey element formerly used for shoe manufacturing. Vehicular access to the parking and servicing areas at the rear is gained from an existing access off the A47 Leicester Road that currently has poor visibility particularly to the south. The factory has been divided into a number of smaller commercial units, some of which are already occupied by other small businesses. The proposals subject to this application relate to parts of the first and second floor of the building totalling approximately 925 square metres of floor space. The surrounding area comprises of both residential and other commercial properties.

History :-

08/00072/COU	COU of Part of Former Shoe Factory to Recording Studios and Multi-Use Community Rooms.	Withdrawn	11.03.08
08/00032/UNBLD	Use of Premises as Rehearsal Rooms	Case Closed	30.01.08
07/00263/UNBLD	Use of Premises for Band Rehearsals	Case Closed	24.09.07
06/00038/UNUSE	Use of premises as a Recording Studio	Case Closed	22.01.07.

Consultations:-

Director of Community Services (Ecology) advises that bats have been recorded within the vicinity of the site and need to be considered, particularly if any works to the roof are proposed.

No response has been received at the time of writing this report from:-

Director of Highways, Transportation and Waste Management (Highways)
Central Networks
Earl Shilton Town Council
Head of Community Services (Pollution)
Head of Community Services (Land Drainage)
Site Notice
Neighbours.

Development Plan Policies:-

Local Plan

The site is located within the settlement boundary of Earl Shilton and as a EMP1(b) employment site as defined in the adopted Hinckley and Bosworth Local Plan. Policy EMP1 states that sites in category (b) will be considered for other employment activities, or alternative uses on their merits.

Policy BE1 seeks to ensure a high standard of design in order to secure attractive development and to safeguard and enhance the existing environment. Planning permission will be granted where the development: complements or enhances the character of the surrounding area; has regard to the safety and security of individuals and property; ensures adequate highway visibility for road users and adequate off street parking and manoeuvring facilities and does not adversely affect the occupiers of neighbouring properties.

Policy T5 refers to the application of appropriate standards for highway design and parking targets for new developments unless a different level of provision can be justified.

The Employment Land and Premises Study (May 2004) recommends that the site be retained as a category "b" site for local employment use and small business space.

Appraisal:-

The main considerations with regards to this application are the principle of the proposed uses on this employment site, the impact of the development on neighbouring properties, particularly from noise disturbance, and the impact of the development in terms of highway safety.

Principle of Development

The site is identified as being suitable for employment and small-scale business purposes and the proposed uses include employment elements in addition to community and leisure oriented uses. The proposals are compatible with the other current uses on the site and suitable for the type and size of the premises concerned and are therefore acceptable in principle.

Impact on Neighbouring Properties

Whilst no objections have been received on this re-submitted application at the time of writing this report, a number of objections were received on the previous application from neighbouring dwellings regarding the potential for disturbance from noise and vibration from the recording/rehearsal rooms and the detrimental impact this will have on their amenities. In the past the Health and Environment Section have also received complaints from nearby residents regarding amplified music from the premises where no sound-proofing had been installed. The current proposals include three professional recording studios that will be insulated from noise to eliminate the possibility of external sounds getting into the recordings, and consequently, from unacceptable levels of noise being able to escape from the studios. The other recording/rehearsal rooms either already have been, or are to be fitted with, free-

standing, suspended, Rockwool sound insulated pods within the walls of the existing factory building to reduce the potential for unacceptable levels of noise and vibration occurring outside of the pods. In addition, the proposals include the replacement of single glazed timber windows in a poor state of repair with new double glazed plastic windows of similar small paned style as part of the sound insulation scheme. The re-submitted scheme has removed a seventh recording room and changed its proposed use to offices to address concerns regarding possible noise escape through the existing single glazed windows on the rear elevation. The applicant has adequately addressed concerns regarding potential noise pollution from the proposed use. The proposed use is unlikely to lead to an unacceptable level of additional traffic using the access and rear yard to warrant refusal of the application on disturbance grounds. Whilst the new access will be relocated closer to the adjacent residential property known as Top House it will not be unduly detrimental in terms of its impact upon the Listed Building itself or the amenities of the occupiers. There are a number of mature conifers along the boundary on this part of the site that provide screening along with the existing 1.8 metre high boundary fencing.

Highway Issues

The existing vehicular access off the busy A47 at Hill Top lies between, and in close proximity to, the junctions with Keats Lane and Church Street. The visibility to the south when emerging from the access is also extremely poor being adjacent to the eastern corner of the building. Following informal discussions with the Highway Authority, the existing access is to be closed and a new vehicular access formed further to the north, where significantly improved visibility for both vehicles and pedestrians to the north and south can be achieved. The proposals also indicate the provision of 19No. off-street car parking spaces within the site. Given the previously existing use of the site as an unrestricted shoe factory, it may be difficult to demonstrate that there will be a significant increase in traffic movements associated with the site as a result of the proposals. The formal consultation response from the Highway Authority has not been received at the time of writing this report and will be reported as a late item.

Conclusion

The principle of using parts of the former shoe factory building for the proposed uses, which include elements of employment in addition to community and leisure uses, is acceptable and the main issues of potential noise pollution and highway safety issues are likely to be resolved. Whilst the use of replacement plastic windows is not encouraged, these are of a similar style to the existing small paned timber windows and are an improvement on the previous proposals to brick and render the openings. The application is therefore recommended for approval subject to no new significant objections being received from outstanding consultation responses or neighbours prior to the expiry of the consultation period on 8th April 2008.

RECOMMENDATION :- Permit subject to the following conditions :-

SUMMARY OF DECISION - The proposal is in conformity with Policy/Policies BE1, EMP1 and T5 of the Hinckley and Bosworth Local Plan. Planning permission is granted subject to conditions.

1 This permission relates to the application as revised by amended plan No. 07/152 07A received by the Local Planning Authority on 20th March 2008.

2 The new vehicular access shall be provided in accordance with the details submitted on approved plan No. 07/152 05A and made available for use within two months of the date of this permission. The new vehicular access shall be surfaced in tarmacadam or similar hard-bound material for a distance of at least 5 metres behind the highway boundary.

3 The existing vehicular access shall be closed permanently within one week of the new access being brought into use. The closed access shall be reinstated to highway verge and footway, within one week of the new vehicular access being brought into use. The works shall be carried out to the satisfaction of the Local Planning Authority in consultation with the Highway Authority.

4 The car parking spaces indicated on approved plan No. 07/152 05A shall be provided and marked out within two months of the date of this permission in accordance with the approved details and shall thereafter remain permanently available for parking unless otherwise agreed in writing by the Local Planning Authority.

5 The premises shall only be used between the hours of 09.00 a.m. and 10.00 p.m.

6 Within one month of the date of this permission a hard and soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall indicate the treatment proposed for all ground surfaces together with the plant species, plant size, all materials proposed and their disposition.

7 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details within two months of the date of this permission. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs that die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted.

Reasons :-

1 To define the permission.

2 To ensure that adequate visibility is available and to reduce the possibility of deleterious material (loose stones etc) being deposited in the highway in the interests of pedestrian and road safety to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

3 In the interests of pedestrian and road safety to accord with policy BE1 of the Hinckley & Bosworth Local Plan.

4 To ensure that adequate off-street parking facilities are available to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

5 To safeguard amenities of neighbouring properties to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

6 To enhance the appearance of the development to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

7 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy BE1 of the adopted Hinckley & 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 In accordance with Section 76 of the Town and Country Planning Act 1990, the developer's attention is directed to the following items regarding the detailed design of the development hereby permitted relating to buildings to which Section 4 of the Chronically Sick and Disabled Persons Act 1970 applies :-

a) Relevant provision in Sections 4 and 7 of the Chronically Sick and Disabled Persons Act 1970 and any subsequent amending legislation, and

b) The Code of Practice for Access for the Disabled to buildings by the British Standards Institution, reference BS 5810:1979.

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 (01530 262380)

5 In relation to Condition 6, this refers to the treatment of the area outside the boundary wall and should include the repositioning or replacement of the existing planters in consultation with the Highway Authority.

Contact Officer:- Mr R Wright Ext 5894