DELEGATED REPORT

Recommendation Made: 9 June 2011

Reference:- 11/00420/CONDIT **Parish:- Barwell Parish Council**

Applicant:- Mr Carl Fox
45 High Street
Barwell
Leicester
Leicestershire

Location:- 45 High Street Barwell Leicester Leicestershire LE9 8DS

Proposal:- VARIATION OF CONDITION NO. 2 OF PLANNING PERMISSION 88/01200/4 TO AMEND THE OPENING HOURS TO 08:00-20:00 MONDAY TO SATURDAY AND INCLUDING BANK HOLIDAYS

Introduction:-

This planning application is seeking a variation to condition 2 of 88/01200/4 to allow the premises to be open from 8am-8pm Monday to Saturday to include public holidays.

The application site is a existing A2 unit in the defined local shopping area of Barwell, within the conservation area. There is an existing timber shop front (white painted finish) on the premises with residential accommodation above. The site was previously used as a financial advisers office and is sited adjacent to the post office and an opticians.

Relevant History

01/00903/FUL ELEVATIONAL ALTERATIONS
96/00407/FUL EXTENSION TO OFFICE
88/01200/4 OFFICES FOR FINANCIAL SERVICES COMPANY
78/01485/4A ERECTION OF ILLUMINATED FASCIA SIGN
78/01484/4A ERECTION OF SHOP SIGN

Consultations:-

No objections have been received from:-

Director of Environment and Transport (Highways)
Head of Community Services (Pollution)
Barwell Parish Council

A site notice was displayed. No comments have been received from:-

Neighbours
Ward Members

Development Plan Policies:-

Adopted Core Strategy:-

Policy 3: Development in Barwell

Adopted Local Plan:-

RETAIL 7- Local Shopping Centres
BE1 - Design and Siting of Development

Supplementary Planning Guidance

Barwell Conservation Area Appraisal 2010

Appraisal:-

The main issues in this case are the principle of development and the impact of development upon residential amenity.

Principle of Development

The site is located within the settlement boundary of Barwell, where there is a presumption of favour of development. The proposed variation of condition relates to an existing A2 Financial and Professional Services (which will revert to A1 use without the requirement for planning permission) within the Local Shopping area of Barwell where A1 retail uses are considered acceptable. The business concerned is already established within the High Street shopping area of Barwell and will be relocating from the premises opposite the site to convert it into a hairdressers. Therefore the development is considered acceptable in principle.

Impact on neighbours

The intended use of the unit is as a hairdressers. These uses are not known to generate noise or noise complaints that would be detrimental to residential amenity. These uses are commonly sited within residential areas where they are considered to be compatible uses. It is not considered that the extension to the opening hours, including opening on a public holiday will create loss of amenity to surrounding residential properties through noise or general disturbance. There is sufficient on street parking along High Street and a public car park within short walking distance of the site to accommodate customers to the site. The Head of Community Services (Pollution) has raised no objections to the variation of the condition to extend the opening hours.

The existing permitted opening hours for the premises in question are 8am-6pm Monday to Saturday and at no time on a Sunday or Bank Holiday. It is not considered that the extension to the opening hours, including opening on a public holiday will create loss of amenity to surrounding residential properties through noise or general disturbance. These uses are not known to generate noise or noise complaints that would be detrimental to residential amenity, even if the opening hours were extended to 8pm in an evening. A condition will be imposed relating to opening hours which ensures that the hairdressers will remain closed on a Sunday.

Conclusion

The extension to the opening hours in this local shopping area of Barwell is considered acceptable as the proposed use (hairdressers) is not considered to result in loss of residential amenity through noise or general disturbance. The use is compatible within a residential area and is considered to be in accordance with policy BE1 of the Local Plan. The proposed use is not considered to create a source of annoyance to neighbouring properties, therefore the opening of the hairdressers on a public holiday is considered acceptable. The application relates to an existing use and retail unit within the defined shopping area of Barwell and therefore the extension to the opening hours will not result in any demonstrable change to the character or appearance of the Barwell Conservation Area.

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 and would not be detrimental to the occupiers of neighbouring properties or to the character and appearance of the Barwell conservation area. Therefore the development is considered acceptable.

Hinckley & Bosworth Borough Council Local Development Framework: Core Strategy (2009):- Policy 3.

Hinckley & Bosworth Borough Council Local Plan (2001):- Policies BE1, RETAIL 7.

1 This permission relates to the variation of Condition 2 of planning permission reference 88/01200/4 [the previous application] dated 25 October 1988 a copy of which is appended hereto and the conditions imposed by the decision notice in relation to the previous application shall be deemed to apply to the grant of permission in respect of application 11/00420/CONDIT [the current application] save in so far as they are amended by virtue of the decision notice in relation to the current application or where variations subsequent to the previous application have been approved in writing by the local planning authority.

2 The use of the premises shall be limted to the period 0800 to 2000 hours Monday to Saturday and on Public Holidays and at no time on Sundays.

3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan and Block Plan received on 24 May 2011.

Reasons :-

1 To define the permission and to ensure that all other conditions attached to the original consent still apply.

2 To ensure that the proposed use does not become a source of annoyance to nearby residents in accordance with Policy BE1 of the Hinckley and Bosworth Local Plan 2001.

3 For the avoidance of doubt and in the interests of proper planning.

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).

Contact Officer:- Scott Jackson Ext 5929