DELEGATED REPORT

Recommendation Made: 6 April 2011

Reference:- 11/00136/COU **Parish:- Burbage Parish Council**

Applicant:- Mrs Alison Hackney
9 Windsor Street
Burbage
Hinckley
Leicestershire

Location:- 7 Windsor Street Burbage Hinckley Leicestershire LE10 2EE

Proposal:- CHANGE OF USE FROM RETAIL TO BEAUTY SALON AND NAIL BAR

Introduction:-

This application seeks planning permission for the change of use of the ground floor of 7 Windsor Street from Class A1 use to a nail bar (sui generis use). 7 Windsor Street is a mid terraced commercial property, situated on the southern side of Windsor Street, and is currently unoccupied. It was last occupied as a furniture shop and has a historic use of Class A1. There is residential accommodation at first floor level.

The application site is adjacent to other commercial premises. To the west the application site abuts a nail bar with residential accommodation at first floor level. To the east of the site is a tanning studio with residential accommodation at first floor level. On the northern side of Windsor Street there is a public house, fish and chip shop and chiropractors as well as some residential properties.

This application is for the change of use of the ground floor to a nail bar with three treatment rooms and waiting area. The proposed hours of operation are 9:00 to 19:00 Monday to Friday and 8:00 to 16:00 on Saturdays, closed on Sundays.

History:-

None relevant to the consideration of this application.

Consultations:-

No objection received from:

The Director of Environment and Transport (Highways)
The Head of Community Services (Land Drainage)
The Head of Community Services (Pollution)
Burbage Parish Council

Development Plan Policies:-

Local Development Framework Core Strategy 2009
No relevant policy

Hinckley and Bosworth Local Plan 2001
BE1- considers design and siting of development which includes development not adversely affect the occupiers of nearby residents.
RETAIL 11- supports small local shops within settlements subject to there being no serious detrimental effect the occupiers of nearby residents or the character of the area.

Supplementary Planning Guidance / Documents

Burbage Village Design Statement- sets out the principles, design features and quality standards that should

be adopted by those wishing to build in the village of Burbage.

Appraisal:-

The main considerations with regards to this application are the principle of the loss of a shop unit, the effect of the proposal on the amenities of neighbouring residents, highway safety and the effect of any proposed changes on the visual appearance of the unit.

Principle of development
The area is not designated as a local shopping area and therefore there are no policies that seek the retention of the retail shop in this location. Policy 11 seeks to encourage the development of small local shops in settlements providing that will not have a seriously detrimental effect on the amenities of adjoining occupiers or the general character of the area.

Given that the proposal is for a retail/service type use, it is considered there is a general conformity with the development plan provisions subject to the other policy requirements being adequately being addressed. It is therefore considered that the principle of the loss of the retail unit is acceptable.

Amenities
The change of use is not likely to be particularly noise or involve significant nuisance to neighbours, over an above that of the existing use. The Head of Community Services (Pollution) has confirmed that he does not object to the proposal. The proposed hours of operation are considered to be acceptable and due to the proximity of the commercial premises such as the takeaway and public house on the opposite side of Windsor Street, it is not considered necessary to impose a condition restricting the hours of operation.

Highway Safety
Windsor Street at the point of the application site has provision for on street public parking. Whilst the site does not have any designated parking, it is considered that there is provision for cars to park without obstructing the highway. The Director of Environment and Transport (Highways) has no objections to the proposal.

Design and appearance
There are no external alterations proposed within this application. The unit will retain its existing shop front and will therefore be appropriate in terms of design within the street scene.

Conclusion
In conclusion it is considered that the proposal would not result in an unacceptable highway safety issue or detrimental effect on neighbours or the appearance of the street scene. The proposal 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 by virtue of surrounding uses and character of the area would not detrimentally affect the amenities of neighbouring residents, highway safety or the character of the area and therefore would be in accordance with the development plan.
Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, RETAIL 11 and T5

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

2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Block plan, existing and proposed floor plans received 28 February 2011. Hours of operation detailed in the application form.

Reasons :-

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

2 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).

5 Any signage may require advertisement consent. You are advised to contact a planning officer prior to display of a sign.

Contact Officer:- Louise Forman Ext 5682