Item: **05**

Reference: **11/00260/COU**

Applicant: **Mr David Johnson**

Location: **Dennis House 4 Hawley Road Hinckley**

Proposal: **CHANGE OF USE FROM STORAGE TO LEISURE**

Target Date: **27 May 2011**

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation as it is a new development for a recreation and leisure use.

Application Proposal

This application seeks planning permission for a change of use from an existing B2/B8 use to a D2 leisure use, allowing Kuk Sool Won - Martial Arts Centre to be formed. The studio is situated on the first floor, within the rear left corner of Dennis House and comprises an area of 240 square metres. The area is currently sub-divided by demountable partition walls into smaller storage units.

No external works are planned aside from general maintenance and repair, however the internal space is to be modernised to cater for the proposed use. The existing vehicular and pedestrian accesses from Hawley Road, and the parking area to the rear of the site are to be used.

The proposed opening hours are between:- 5.00 pm to 9.30 pm Monday to Friday and between 10.00 am to 3.00 pm on Saturdays and once a month on a Sunday between 7.00 am and 5.00 pm.

The Site and Surrounding Area

The site is located to the south of Hinckley Town Centre and is currently accessed off Hawley Road and Station Road. The site lies within an area that consists of industrial/commercial and residential uses. Immediately to the north of the site is a sheltered housing development known as Royal Court. The southern boundary of the site is formed by Hawley Road and to the west there is a factory unit. In the wider area the railway station is located to the south east of the site and directly south on Hawley Road there are retail uses and vacant land.

Dennis House comprises an early 20th Century brick building, three storeys in height with a cream painted front façade and a pitched roof. There are a number of later single storey extensions that are not in keeping with the original building. There is a large parking and loading area to the rear north western corner of the site and an electricity substation to the south-western corner of the site. The site has a gradual incline from the southern boundary to the northern boundary. The surrounding area rises to the east and slightly to the west.

Technical Documents submitted with the application

The application is submitted with a Design and Access Statement which describes the site and surrounding area and states that the proposal will bring a vacant unit back into economic use and will provide accommodation for an existing viable business. It goes on that there will be limited noise generated from the use and that no plant or machinery is required and no loud music or excessive shouting will be generated from the proposed end use.

Since submission further information has been submitted by the applicant stating that currently the space is subdivided into a number of smaller storage rooms, only a few of which are being used. The space has been marketed as a storage facility, but has received little interest. If the application is successful the rooms currently being used will be relocated to another part of the building under the storage remit.

The existing car parking area is un-marked, but could provide at least 22 spaces. The car park is to be shared with the users of the Ground Floor beneath the application area, whose working hours are typically 9-5.30 pm Mon to Fri (as advertised). Based upon the opening hours of the proposed studio there will be limited times where a combined use of the car park will occur. The proposed studio will have limited car users, as many students walk or cycle; therefore, the capacity offered will comfortably cater for the dual load.

The development granted under application 10/00465/EXT has not been implemented due to the current economic circumstances.

History:-

10/00465/EXT	Extension of time for extant Planning Permission	Approved	12.10.10
07/00742/OUT	Demolition of existing building and construction of new Buildings accommodating 651 Sq. M of A2 and B1 use Employment space and 56 one and two bedroom warden Controlled sheltered flats with associated facilities and parking	Approved	20.12.07
07/01155/FUL	Conversion of Dennis House Including New Build Extensions to create 42 Self Contained Flats Within a Sheltered Housing Complex and Refurbishment of Employment Space (Revised Scheme)	Refused	20.12.07
07/00742/OUT	Demolition of Existing Building and Construction of New Buildings Accommodating 651 square metres of Class A2 and Class B1 Use Employment Space and 56 One and Two bedroom Warden Controlled Sheltered Flats with Associated Facilities and Parking	Approved	25.09.07

05/01240/FUL	Conversion of Existing Building to 54 Self Contained Flats to provide Sheltered Housing with Associated Parking and Access	Refused Appeal Allowed	12.10.06



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Consultations:-

No objection has been received from:-

Director of Environment and Transport (Highways)
Head of Community Services (Land Drainage)
Head of Business Development and Street Scene Services (Waste Minimisation).

No objection subject to conditions has been received from Head of Community Services (Pollution).

At the time of writing the report comments have not been received from:-

Ward Members
Site notice
Neighbours.

Policy:-

National Planning Guidance

Planning Policy Statement 1: Delivering Sustainable Development (PPS1) refers to the delivery of sustainable development through the planning system. It advises that planning policies should protect and enhance the environment, promote high quality design and reinforce local distinctiveness.

Planning Policy Statement 4: Planning for Sustainable Economic Growth (PPS4) provides national guidance on economic development including development within public and community uses and town centre uses which provide employment opportunities and generate wealth. This PPS seeks to deliver more sustainable patterns of economic development that reduce the need to travel, respond to climate change and promote the vitality and viability of town centres.

Planning Policy Guidance Note 13: Transport (PPG13) seeks to integrate planning and transportation at all levels and to promote sustainable transport choices for both people and freight.

Regional Policy

The decision of the Secretary of State for Communities and Local Government ("SoS") on 6 July 2010 to revoke Regional Strategies using powers in section 79 of The Local Democracy, Economic Development and Construction Act 2009 was successfully challenged in the High Court and was quashed in a judgment handed down on 10 November 2010. Following the decision, the SoS has written to local planning authorities stating that the government will introduce the Localism Bill in November containing proposals to abolish Regional Strategies. The government's Chief Planning Officer has also written advising that local planning authorities should still have regard to the SoS's letter of 27 May 2010 and that it should still be regarded as a material consideration. Judgement was recently given in a second challenge by Cala Homes when the Court held that the SoS's intention to reform the planning system by removing regional strategic planning from it is to be taken into account as a material consideration. In relation to the weight to be given to that intention as a material consideration the Court held that `the weight to be given to relevant provisions of Regional Strategies pending the legislative process will be for decision-makers to gauge. Until the end of that process is reached Regional Strategies will remain in place as part of the development plan.

East Midlands Regional Plan 2009

The East Midlands Regional Plan provides a broad development strategy for the east Midlands. The following policies apply to this proposal:

Policy 1 outlines the regional core objectives, including to protect and enhance the environment and improve employment opportunities.

Policy 2 promotes better design, including seeking design that reduces CO2 emissions.

Policy 20 lists the regional priorities for employment land.

Local Development Framework Core Strategy 2009

Policy 1: Development in Hinckley seeks to ensure there are a range of employment opportunities within Hinckley.

Hinckley and Bosworth Local Plan 2001

The application site lies within the settlement boundary for Hinckley and is designated as an employment site in the adopted Hinckley and Bosworth Local Plan as part of the Hawley Road Industrial Estate. This industrial estate is allocated as an EMP1 (b) - Existing Employment Site, which indicates that the area is generally considered to be an acceptable employment location but where proposals for alternative uses would be considered on their merits.

Policy BE1 of the adopted Local Plan states that the Borough Council will seek to ensure a high standard of design in order to safeguard and enhance the existing environment and that planning permission will be granted where the development complements or enhances the character of the surrounding area with regard to design, materials and architectural features, and is not prejudicial to the comprehensive development of a larger area.

Policy T5 of the adopted Local Plan refers to the application of highway design and vehicle parking standards.

Supplementary Planning Guidance/Documents

The Town Centre Area Action Plan (Proposed Submission Document) (June 2010) includes the site within the Hinckley Town Centre Area Action Plan boundary and close to, but outside of, one of the nine strategic development areas.

Other Documents

The Borough Council have commissioned an updated Employment Land and Premises Study Review (May 2010) into the supply and demand of employment uses. The study identifies this site as being part of the Hawley Road Industrial Estate, which is within the Hinckley Town Centre Area Action Plan boundary and where there is potential for mixed-use development. The recommendation of the study is that the site should remain as an EMP1(b) site with 25% of the total site being retained for employment use and other uses being allowed on 75% of the total site.

Appraisal:-

The change of use proposed relates to only part of the application building and thus the scheme approved under application 10/00465/EXT could not be implemented alongside this application if approved.

The main considerations with regards to this application are the principle of development; impacts on the amenity of surrounding residential properties and highway considerations.

Principle of Development

Planning Policy Statement 4 encourages employment development within town centres to generate wealth and promote vitality and viability, which is also reflected within Core Strategy and Local Plan Policy. Although the use proposed does not

strictly conform to this, as the development is for a proposed leisure use, by virtue of the Employment Land and Premises Study the principle of the development is considered acceptable. This recommends that the site in question should provide 25% of employment uses, with the remaining 75% used for 'other uses'.

Residential Amenity

As the proposal is sited to the rear of Dennis House the residential properties most affected will be numbers 18 to 23 Royal Court. The Head of Community Services (Pollution) has requested a condition to ensure that windows are kept closed during classes. However in respect of this, as there is a distance of 23m and an access road between the closest property and the application site, and as the site already has an unrestricted B2 use, which could potentially generate round the clock noise, this condition is considered unreasonable. Further, due to the nature of the condition requested it would be very difficult to monitor, and thus is also considered un-enforceable. Accordingly on balance, the potential noise generated is considered far less than that which could be created at present, and thus would not warrant refusal of the scheme. In respect of the above, it is however considered justified to restrict the hours of operation from 5.00pm to 9.30 pm on weekdays and 9.00am and 5.00pm on Saturdays and Sundays to ensure that the use does not become a source of disturbance at unreasonable hours to residents of surrounding properties.

Due to the times of classes proposed there will be out of hours vehicle movements which could potentially cause disturbance to the nearby residential properties, however as the site is situated within a built up area and the proposal is small scale, any additional vehicle movements will have no material impacts on the amenity of surrounding residential properties.

Highways

The hours of the proposed use are roughly outside of the general working hours of the remaining occupants of the building (9 am – 5 pm) and thus the Director of Environment and Transport (Highways) has no objections to the proposal based on the assumption that there will be no overlap in use of the current parking spaces. However even if the units on site were occupied at the same time, due to the under occupancy of the building as a whole and the fact that the building is not to be extended, the existing provision is considered adequate.

The existing site access is to be used which is considered acceptable.

Other Issues

The applicant has stated that he intends to replace the existing external signage on the building to advertise the use proposed, however no details of this have been included within this application. Accordingly if the signage requires consent it will be considered within a separate application for Advertisement Consent.

Conclusion

Although the use proposed does not strictly conform with town centre uses normally encouraged, in that it will not provide an array of employment opportunities or have a retail element, the use complies with the general requirements for the site outlined within the Employment Land and Premises Study and thus in principle is considered acceptable. The scheme will also bring back into use a currently vacant unit and will provide an accessible, in-demand leisure facility. Further due to its distance from

surrounding residential properties and considering the existing un-restricted use of the site, the use proposed is considered to have no additional material impacts in terms of noise and disturbance on surrounding properties. Accordingly, based on the above and subject to conditions the proposal is considered acceptable and in accordance with Policy 1 of the Core Strategy and Policies BE1 and T5 of the adopted Local Plan.

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. Resultant of the use proposed there are considered no material impacts in terms of residential amenity or on highway safety. Therefore the proposal is considered acceptable.

Hinckley and Bosworth Local Plan (2001):- Policy BE1, T5

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

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:- Drg Nos:- 01, 02A received by the local Planning Authority on the 30 March 2011.

3 The Martial Arts Classes shall not be conducted outside the following times:- 5.30 pm to 9.30 pm Monday to Friday and 9:00am to 5.00pm on Saturday and Sunday.

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.

3 To ensure that the proposed use does not become a source of annoyance to nearby residents and to ensure there is sufficient parking within the site for the use to accord with policy BE1 and T5 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).

Contact Officer:- Eleanor Shaw Ext 5680