DELEGATED REPORT

Recommendation Made: 5 August 2010

Reference:- 10/00449/COU **Parish:- Groby Parish Council**

Applicant:- Mrs Cathy Cliffe
Peppercorn Catering
29 Tysoe Hill
Glenfield
Leicester

Location:- 3 Lawnwood Road Groby Leicester Leicestershire LE6 0BH

Proposal:- CHANGE OF USE FROM A2 TO A MIXED USE A1/B1(C)

Introduction:-

This is an application for change of use of a commercial (Class A2) to a mixed use incorporating a cake shop (Use class A1) to the front of the premises with a cold food catering and preparation use to the rear, providing cold buffet food for consumption off the premises. The application site, 3 Lawnwood Road, is a ground floor commercial unit with residential accommodation at first floor level, within a small parade of shops including a hairdresser, a hardware shop and a cold food takeaway.

The proposal is to retain the shop front, using the front room as a cake shop, make the cakes and run a catering business, which the applicant currently runs from home, from the rear two rooms. The catering side provides cold food buffets to order for delivery.

Relevant Planning History
86/00719/4A Display of externally illuminated fascia sign Approved 27.09.86
86/00679/4 Change of use to form hot food takeaway in addition to off licence Refused 27.08.86
86/00196/4 Change of use to form hot food takeaway in addition to existing use Refused 25.03.86

Consultations:-

- Director of Environment and Transport (Highways)- Has referred the case officer to the standing advice.
- Parish Council- No objection providing the change of use does not include use as a hot fast food outlet.
- Head of Community Services (Pollution)- No comments
- Head of Community Services (Land Drainage)- No comments

One letter from a neighbouring resident has been received stating that the site notice dated 2nd July 2010 has been backdated and therefore has not allowed sufficient time for local residents to comment.

Development Plan Policies:-

Local Development Framework-
Core Strategy- None relevant

Hinckley and Bosworth Local Plan

Policy BE1- Design and siting of development.
Policy T5- Highway design and vehicle parking standards
Policy RET7- Local Shopping Centres

Appraisal:-

The main issues for consideration are the effect of the proposal on the local shopping centre and the amenities of neighbouring residents.

The applicants state that the commercial unit has been empty for some time and this is supported by photographs held by the local authority showing the empty shop unit over a year ago. The application would maintain a shop front within the local shopping centre and part restore a retail function that had previously been lost. Retail Policy 7 supports retail uses within local shopping centres that serve the local community. Whilst the majority of the business would derive from the catering business given the length of time the retail unit has been empty and the small shop unit to the front, it is considered that the retail function of the local shopping centre would not be compromised and therefore the proposal complies with Policy RET7.

There is a residential unit above the application site that could be affected by noise and odour. It is not considered that a small cake shop and catering business would result in an unacceptable noise and odour that would detrimentally affect the amenities of neighbouring residents to warrant a refusal of planning permission. This is supported by no objections from the Environmental Health Officer.

One letter of objection has been received stating that a local resident believes the site notice was backdated and not actually erected on the date stated. The case officer did put up the site notice on the date shown and the dates of the photographs confirm that the officer was on site prior to the 5th July when the photos were uploaded onto the system.

Groby Parish Council have not objected to the proposed application providing the application does not involve a hot fast food takeaway. The application does not involve hot food takeaway and planning permission would be required if the property were to be used as a hot food takeaway.

RECOMMENDATION :- Permit subject to the following conditions :-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

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:
Site location plan scale 1:1250, block plan scale 1:500 received 18.06.10
existing and proposed floor plans scale 1:50 received 18.06.10 (amended 09.08.10)

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 6th 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 A separate application for advert control may be required if adverts to the shop front are to be installed. You are advised to contact the Planning Office for advice.

Contact Officer:- **Sarah Fryer** **Ext 5680** **Date Printed: 13 August 2010**