Item: **09**

Reference: **11/00490/COU**

Applicant: **Mrs Catharine Ruskin**

Location: **27 Station Road Hinckley Leicestershire LE10 1AP**

Proposal: **CHANGE OF USE FROM OFFICES (B1a) TO D1 USE**

Target Date: **18 August 2011**

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it comprises a D1 use.

Application Proposal

This application seeks full planning permission for the change of use of a redundant office building to a D1 use to provide a private tuition centre to cater for children and adults. Various courses will be offered, including basic skills in English and Maths, food hygiene, living skills and holistic relaxation therapy. Five off-road parking spaces are to be provided to the rear. The internal floor area, spread over two floors is 126 square metres and the opening hours proposed are as follows:-

Monday - Friday 8.30 – 10.00pm, Saturday 8.30 – 6pm, Sunday and Bank Holidays 10 – 5pm.

There will be 4 part-time staff employed.

The Site and Surrounding Area

The application site is situated in the town centre fringe and comprises of a large, detached, period, red brick property. The building is set back from the highway by an enclosed gravel garden and has 5 off road parking spaces to the rear. Adjacent buildings are commercial, with 25 Station Road comprising a traditional building, and 29 – 31 Station road comprising a modern building. There are a range of uses within the surrounding area, including residential. The site sits to the south east of the 'bus station redevelopment site' which was granted permission for a mixed leisure and retail scheme earlier this year.

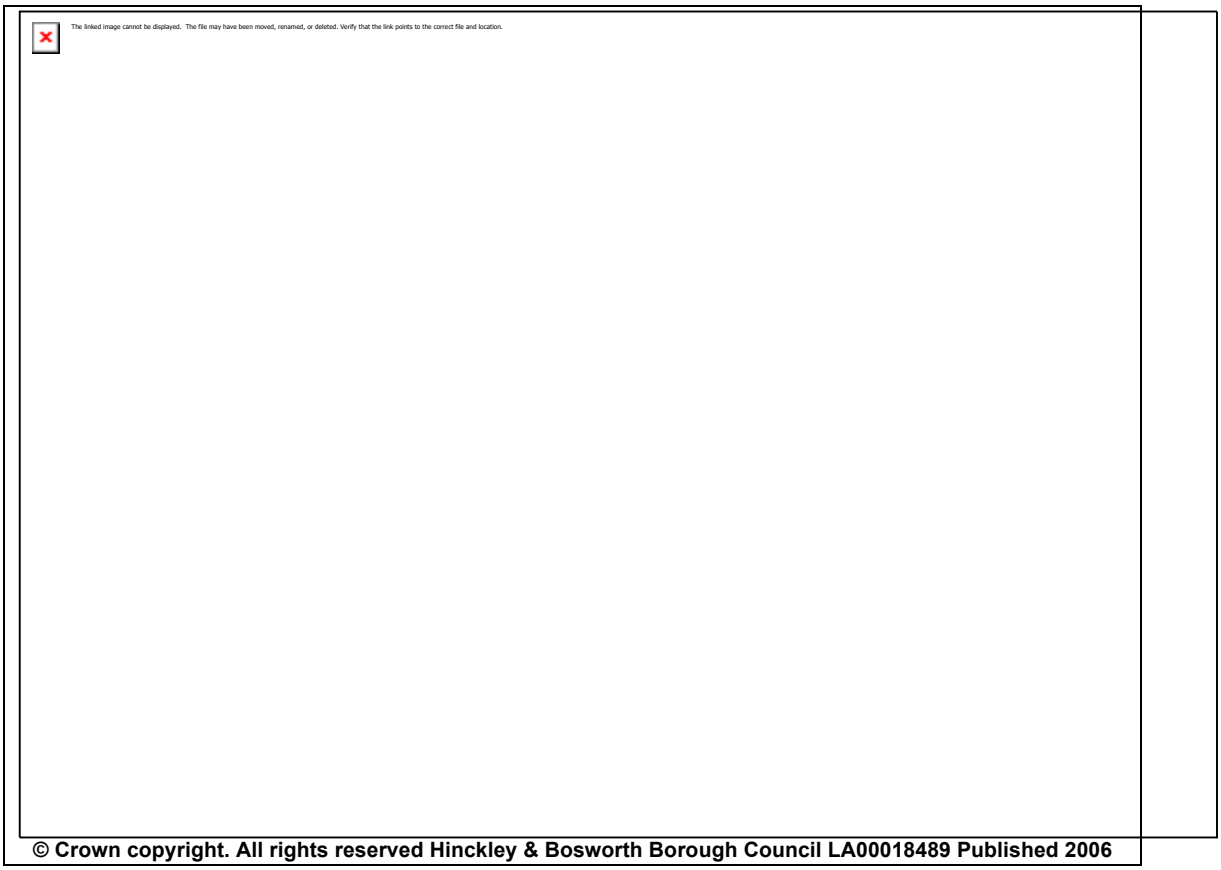
Technical Document submitted with application

A Planning Statement has been submitted with the application. This summarises the existing use and the parking and access arrangements. It states that there will be sufficient parking for both staff and visitors.

A Design and Access Statement has been submitted, this provides an overview of the proposed use and states that there will be no internal or external alterations to the building. It is suggested that the courses on offer will be available to individuals, schools and colleges.

History:-

02/01408/COU 04.03.03	Change of use to offices	Approved
96/00616/COU 10.09.96	Change of use from office to Residential	Approved
96/00351/COU 25.07.96	Change of use of offices to dwelling and Conversion of outbuildings to offices	Refused



© Crown copyright. All rights reserved Hinckley & Bosworth Borough Council LA00018489 Published 2006

Consultations:-

No objection has been received from:-

Director of Environment and Transport (Highways)
Head of Community Services (Land Drainage).

Head of Community Services (Pollution) requested clarification in respect of the use proposed. This has been provided and based on this they have no objections.

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

Ward Members
Neighbours.

Policy:-

National Policy Guidance

Planning Policy Statement 1 (PPS1): 'Delivering Sustainable Development' 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 (PPS4) 'Planning for Sustainable Economic Growth' sets out the Government's objectives for prosperous economies which include improving the economic performance of both rural and urban areas, promoting regeneration and tackling deprivation, delivering more sustainable patterns of development, reducing the need to travel and promoting the vitality and viability of town and other centre uses. Policy EC2.1(d) seeks to make the most efficient and effective use of land, prioritising previously developed land which is suitable for re-use and reflects the different location requirements of businesses, such as the size of site required, site quality and access. Policy EC10: Determining Planning Applications for Economic Development" supports applications which secure sustainable economic growth.

Planning Policy Guidance 13 on Transport outlines the Government's objectives to integrate transportation with the built environment and promote sustainable transport choices.

Regional Policy Guidance

The Court of Appeal, in May 2011, gave judgment on an appeal by CALA Homes in relation to their continuing challenge to the SoS's proposal to abolish regional strategies. The Court confirmed that the Government's proposal to abolish regional strategies is a material planning consideration, but that is up to the LPA to decide what weight to give to the proposal in considering planning applications. The Localism Bill is still going through the Parliamentary process and the SoS has now confirmed that the actual revocation of any regional strategy will be subject to a Strategic Environmental Assessment. The view taken currently is that little if any weight should be given to the proposal to abolish regional strategies. This advice may change as the Bill progresses and officers will monitor the progress and report appropriately to committee.

East Midlands Regional Plan 2009

Policy 2 seeks development that takes account of the character of the surrounding area, minimise energy use and consumption, makes the most efficient use of land, takes account of highway safety, promotes other forms of transportation other than the private motor car, and design which helps reduce crime and fear of crime.

Policy 3 directs development towards urban areas with Hinckley being defined as a Sub-Regional Centre and the main focus for development at the local level. Policy 3 also states that in assessing the suitability of sites for development priority should be given to making the best use of previously developed land in urban or other sustainable locations.

Local Development Framework Core Strategy 2009

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

Hinckley and Bosworth Local Plan 2001

The site is within the settlement boundary of Hinckley as defined in the adopted Hinckley and Bosworth Local Plan.

Policy BE1: 'Design and Siting of Development' seeks to safeguard and enhance the existing environment and states that planning permission will be granted where the development: complements or enhances the character of the surrounding area with regard to scale, layout, mass, design, materials and architectural features; is not adversely affected by activities within the vicinity of the site which are likely to cause a nuisance to the occupiers of the proposed development; does not adversely affect the occupiers of neighbouring properties.

Policy T5: 'Highway Design and Vehicle Parking Standards' refers to the application of appropriate standards for highway design and parking provision for new development

Other material policy guidance

The Hinckley Town Centre Area Action Plan (AAP) was adopted through Full Council on 21st March 2011, as such, it currently forms a formal development plan document for Hinckley Town Centre as part of the Local Development Framework. The application site falls within the Hinckley Town Centre Area Action Plan boundary.

The Ministerial Statement: Planning for Growth (2011) seeks to reform the planning system to promote sustainable economic growth, stating that Local Planning Authorities should support enterprise and economic use and growth.

Appraisal:-

The main considerations with regards to this application are the principle of development, impacts on the amenities of neighbouring properties, highway considerations and other issues.

Principle of Development

The site falls within the settlement boundary of Hinckley and within the Hinckley Town Centre Area Action Plan (AAP).

There is a presumption in favour of development within the settlement boundary of Hinckley subject to all other planning matters being appropriately addressed.

Spatial Objective 5 of the AAP seeks to support the development of new leisure, cultural and education facilities to improve the quality of life and leisure within Hinckley, whilst adding value and attractiveness to the town centre to encourage active recreation. It is also recognised that there is a need for a range of employment opportunities in the town centre.

The Ministerial Statement: Planning for Growth (2011) seeks to reform the planning system to promote sustainable economic growth, stating that Local Planning Authorities should support enterprise and economic use and growth. It continues that the range of likely economic, environmental and social benefits of proposals, including long term or in-direct benefits, such as increased consumer choice and a more robust local economy should be taken into consideration. In this case, the unit will be used for providing educational courses for all sections of the community. Accordingly this will have direct benefits in terms of job creation and indirect benefits through creating an improved local skills base which will be beneficial to the local economy in the long term. Accordingly the use proposed is considered in line with the guidance of the ministerial statement.

Finally, the development is considered in line with the intentions of PPS 4, as it will enhance the local economy and promote regeneration and sustainable forms of development through bringing back into use a vacant commercial building. Further, due to its proximity to the town centre, bus station and railway station it is considered to be a sustainable location.

Impact on Neighbours

The site is within the town centre fringe which is characterised by a mix of both commercial premises and residential properties. The nearest residential properties to the site are 6 Mount Road, which is approximately 34 metres from the site and 3 Priesthills Road which is approximately 52 metres from the property. The proposal seeks to use both the ground and first floor of the building for a D1 use. The first floor windows to the rear of the property will have views over the rear garden of 6 Mount Road, however as these windows will serve an office, a bathroom and an ICT room, and are a considerable distance from this property (30m) potential overlooking is not considered material and does not warrant refusal of the application. The application property will only have views over the very rear of the garden of 3 Priesthills Road.

The proposal is for change of use which is not anticipated to cause any significant alteration in current noise levels or footfall to the building, as such it is considered that the impact upon neighbouring residential properties will not be materially affected by the proposal. The Head of Community Services (Pollution) raised an initial enquiry as to whether amplified music would be used. The applicant has confirmed that there will be no amplified music at the premises, and that the proposed environment will be calm and tranquil to aid learning. This said, if a D1 (Non Residential Institution) use was granted, other uses could accommodate the building which may use amplified music, or would result in additional noise. However due to the distance of the property from surrounding residential properties, and the fact that the building is situated in the Town Centre Fringe, where a degree of noise and disturbance is expected, any impacts of noise and disturbance are not considered material.

The application refers to proposed hours of operation of Monday - Friday 8.30 – 10.00pm, Saturday 8.30 – 6pm, Sunday and Bank Holidays 10 – 5pm. Given the town centre fringe location, the fact that the adjacent commercial properties have an unrestricted use, and the distance from the nearest neighbours, the hours of operation proposed are considered to be acceptable and it is not considered necessary to impose a specific hours condition.

The D1 use proposed is therefore not considered to have any material impacts on the residential amenity of surrounding properties and accordingly is considered acceptable in this town centre fringe location.

Highway Considerations

The Director of Environment and Transport (Highways) has raised no objection to the proposal. Given the town centre fringe location and the number of car parks located within a short walking distance of the site, the proposed facility is not considered to give rise to traffic or parking issues and is considered a sustainable transport location.

Other issues

No changes are proposed externally and thus there will be no impacts on the character or visual amenity of the property or street scene.

Conclusion

The use proposed, in principle is considered acceptable and is in accordance with PPS4, the Hinckley Town Centre Area Action Plan and is in line with the intentions of The Ministerial Statement: Planning for Growth (2011). Further, the proposed D1 use will not give rise to any adverse impacts on the residential amenity of surrounding properties, by way of noise and disturbance or impacts on their privacy, and there are no adverse impacts in terms of highway safety. Therefore the proposal is considered compliant with national, regional and local planning policy and 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 its use and its location within the Town Centre Fringe, is considered acceptable in principle and will not result in any material impacts in terms of highway safety or residential amenity. Therefore the development is considered acceptable.

Planning Policy Statement 4.
Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, T5.
Core Strategy (2009):- Policy 1.

The Hinckley Town Centre Area Action Plan (2011).

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 Ref: 'DCPLAN' Received by the Local Planning Authority on the 16/6/11

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).

Contact Officer:- Eleanor Shaw Ext 5680