DELEGATED REPORT

Recommendation Made: 4 October 2011

Reference:- 11/00612/COU **Parish:- Hinckley**

Applicant:- Mr Jeremy Smith
7 South Drive
Stoney Stanton
Leicestershire
LE9 4JP

Location:- 126 Castle Street Hinckley Leicestershire LE10 1DD

Proposal:- CHANGE OF USE FROM RETAIL PREMISES TO TATTOO AND BODY PIERCING STUDIO.

Introduction:-

Planning permission is sought for the change of use of 126 Castle Street from retail (Class A1) to a tattoo and body piercing studio (sui generis). The applicant states they will provide a tattoo and body piercing service with merchandise for sale associated with the main uses.

126 Castle Street is a retail unit located within a run of other commercial/ retail properties. The property is a 3 three storey mid terrace building with residential accommodation above the ground floor commercial unit. The property has a glass and wooden shop front to which no alterations are proposed other than a new coat of paint. The application applies to the ground floor only.

The application site is located within Hinckley Town Centre Conservation area, and primary shopping area as defined by the adopted Hinckley Area Action Plan Development Plan Document.

Relevant Planning History

04/01317/COU	Change of use from one flat to two	Approved	24.12.04
98/01001/COU	Change of use form shop to hot food takeaway	Refused	16.09.98
98/0665/COU	Change of use of shop to hot food takeaway	Refused	03.02.99
85/00088/4	Rear extension to form store	Approved	19.03.85

Consultations:-

No objection has been received from

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

Development Plan Policies:-

Local Development Framework-
Core Strategy- None relevant

Policy 13 of the Hinckley Town Centre AAP- Hinckley Town Centre Shopping Areas

Hinckley and Bosworth Local Plan

Policy BE1- Design and siting of development.
Policy T5- Highway design and vehicle parking standards

Hinckley Town Centre Conservation Area Appraisal.

Appraisal:-

The main issues for consideration are the loss of the retail unit and the impact of the change on the retail area, the impact on the amenities of neighbouring occupiers and highway safety.

Principle
The site is located within the primary shopping area as defined within the Hinckley Town Centre Area Action plan. This seeks to support the role of Castle Street as the primary shopping frontage whilst allowing a flexible approach to the surrounding area. The site is located at the western end of Castle Street and is not within the Primary Shopping Frontage therefore alternative uses to retail are considered acceptable in these areas. It is therefore considered that the principle of the loss of the shop unit in this location is acceptable.

There are no external changes proposed to the shop front and therefore the application is considered to preserve the character of the Conservation Area. Equally, the use by virtue of its being carried out solely within the shop will preserve the character of the Conservation Area.

Amenity
The first and second floors are in use as residential accommodation and regard therefore has to be had to the effect on the proposal on residential amenity. The site is located on a main route into the town centre with public houses and takeaways within the vicinity and therefore the area has a high level of background noise. It is not considered that the proposed use would generate excessive levels of noise that would detrimentally affect the amenity of the residents in the flats above. There is no objection from the Head of Community Services (Pollution).

The opening hours proposed are 10:30 am to 5:30 pm Monday to Friday and 11:00 am to 8:00 pm on Saturdays. To the north of the application site there is a Chinese take-away which has permission to be open till 11:30 on a Saturday. Given this it is considered that the opening hours are acceptable and the use would not detrimentally affect neighbouring residents. It is proposed to retain the shopfront, and it is considered that the proposal would not have an effect on visual amenities and would therefore preserve the character and appearance of the conservation area.

Highway safety
The application site does not include any off street parking provision; however it is within a shopping area served by public car parks. It is not considered that the proposal would result in any additional traffic that would result in a danger to other users of the highway. The proposal is therefore considered to comply with Policy T5.

Conclusion
The principle of the loss of the retail unit is acceptable within this location. It is considered that the proposed use would not detrimentally affect the amenities of the neighbouring residents or the character or appearance of the conservation area. There would be no impact on highway safety and therefore it is considered that the proposal is acceptable.

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 the proposed use would not detrimentally affect the amenities of neighbouring residents or highway safety. There are no external proposed changes and therefore the application is considered to preserve the character and appearance of the conservation area. The proposal is therefore in accordance with the development plan.
Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, and T5

Hinckley Town Centre AAP - Policy 13 -

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, Plan scale 1:200 existing plan scale 1:50, and proposed plans scale 1:50

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:- Sarah Fryer Ext 5682