Item: **10**

Reference: **11/00406/DEEM**

Applicant: **Hinckley And Bosworth Borough Council**

Location: **Florence House St Marys Road Hinckley**

Proposal: **CHANGE OF USE FROM CLASS B1 OFFICES TO CLASS D1 CONSULTING / TREATMENT ROOMS**

Target Date: **27 July 2011**

Introduction:-

This application is to be considered at Planning Committee in accordance with the scheme of Delegation as it is an application made by Hinckley and Bosworth Borough Council.

Application Proposal

Planning permission is sought for the change of use of part (150 square metres) of the ground floor of Florence House, St Marys Road, Hinckley from B1 Offices to D1 Treatment/Consulting rooms. The proposed hours of operation are Monday to Saturdays 7:00am to 20:00pm, closed Sundays.

The part of the building to which this application refers is currently used as a committee room and training room in connection with the Borough Council's functions. Entrance to the building will be via a shared access point at the front of the building.

The Site and Surrounding Area

The site consists of a modern, detached three storey office building which fronts St Marys Road with a car parking area to the rear. The site is located within the Hinckley town centre, the neighbouring buildings to either side of the site are commercial and there is a public car park located on the opposite side of St Marys Road. To the rear of the site is The Vicarage site, a detached dwelling within a large plot which is well screened by mature planting.

The site is located within the settlement boundary of Hinckley and the Hinckley Town Centre Conservation Area, as defined by the adopted Hinckley and Bosworth Local Plan (2001).

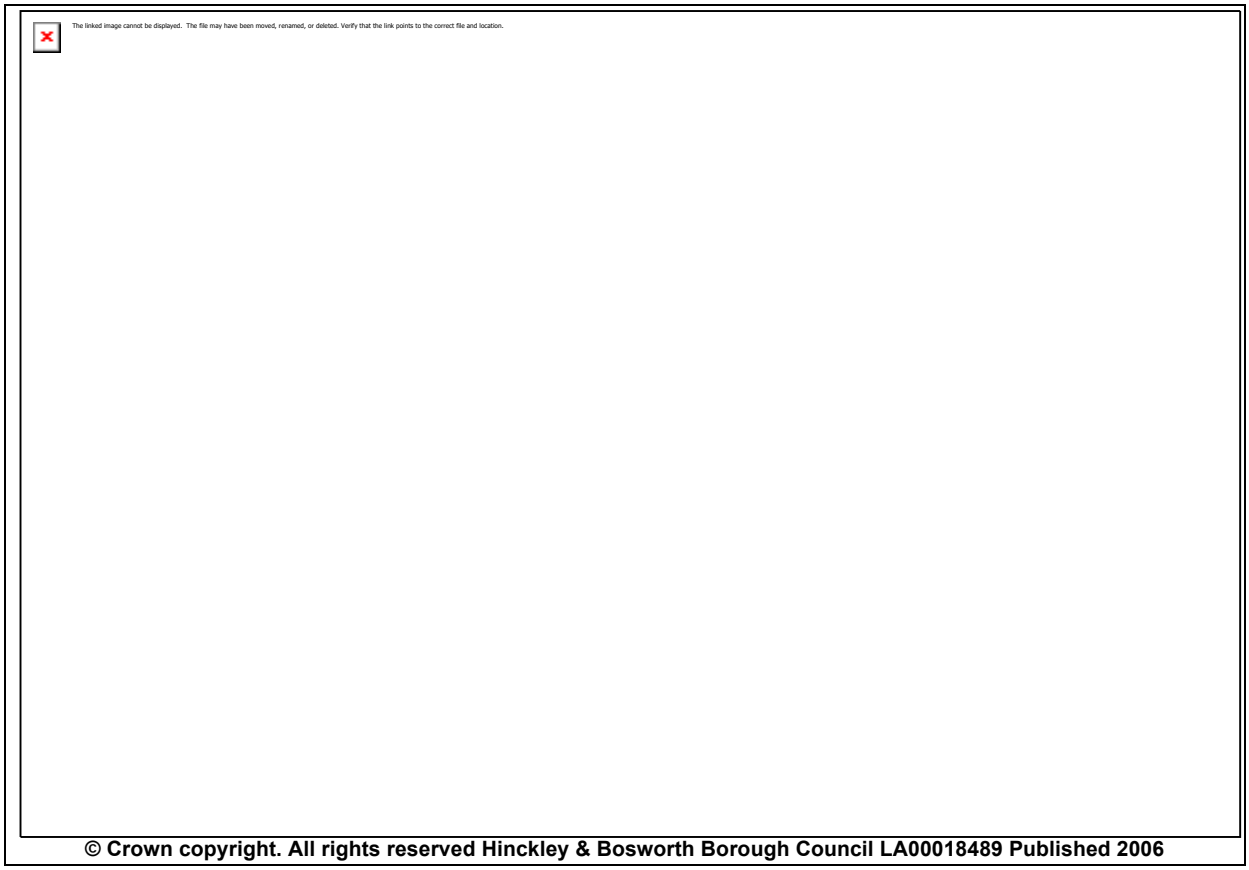
Technical Documents submitted with application

The application has been submitted with a Design and Access Statement which states that the proposed use will not change the layout or general use of car parking and the proposal will have a pro rata allocation of 4 parking spaces. The building is opposite a public car park with 24hr access. It is not anticipated that the proposed use will cause any material change in the overall number of people accessing the building. The proposed use involves no form of medical, mechanical or electrical equipment or apparatus causing noise and it is considered that noise levels will be similar to a general office with standard office equipment as with the existing use in the remainder of the building.

The Design and Access Statement refers to internal partitioning to be provided that will not require planning permission.

History:-

None relevant to the consideration of this application.



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Consultations:-

No objections have been received from:-

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

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

Director of Adults and Communities (Museums)
Historic Building Panel
Ward Members.

Site notice and Press notice were displayed and neighbours notified.

The consultation period remains open at the time of writing and closes on 30 June 2011. Any consultation response received before the closing date will be reported and appraised as a late item.

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. EC10: Determining Planning Applications for Economic Development" which supports applications which secure sustainable economic growth

Planning Policy Statement 5 (PPS5): 'Planning and the Historic Environment' sets out how applications affecting heritage assets should be determined; it requires Local Planning Authorities to assess impacts on the historic environment.

Regional Policy

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

This is the Regional Spatial Strategy for the East Midlands and provides a broad development strategy for the East Midlands. The following relevant policies apply to this proposal:

Policy 1 seeks to secure the delivery of sustainable development.

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

Spatial Objective 8: seeks to retain and enhance employment opportunities in the Hinckley Town Centre Area Action Plan boundary.

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 and the Hinckley Town Centre Conservation Area, 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 BE7: 'Development in Conservation Areas' states that primary planning policy will be the preservation or enhancement of their special character. Planning permission for proposals which would harm their special character or appearance will not be granted.

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.

Appraisal:-

The main considerations with regards to this application are: principle of development; impacts on the Hinckley Conservation Area; its impact on the amenities of neighbouring properties and highway considerations

Principle of Development

The site falls within the settlement boundary of Hinckley and within the Town Centre Boundary. The Town Centre Boundary within the Hinckley Town Centre Area Action Plan (AAP) also reflects that of the Local Plan, and as such the sites fall within the Town Centre in both instances.

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

The APP recognises that there is a need for a range of employment opportunities in the town centre.

Impact on Character and Appearance of the Hinckley Conservation Area

The proposal is located within Hinckley Town Centre Conservation Area. The scheme does not propose any alterations to the external elevations of the building and therefore, it will have no significant effect on the character and appearance of the Conservation Area. On this basis it is considered to preserve the current character and appearance of the existing Conservation Area in accordance with Saved Policy BE7 of the adopted Local Plan.

Impact on Neighbours

The site is within the town centre which is characterised by mainly commercial premises. The nearest residential property to the site is St Marys Vicarage which is located within a large plot to the rear of the site. The Vicarage building is some considerable distance (approximately 45 metres) from the boundary with Florence House and is highly screened by mature trees and planting. 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 property will not be materially affected by the proposal. The Head of Community Services (Pollution) has raised no issues in terms of potential noise.

The application refers to proposed hours of operation of Monday to Saturdays 7:00am to 20:00pm, closed Sundays. Given the town centre location 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.

Highway Considerations

The Director of Environment and Transport (Highways) has confirmed that he has no objection to the proposal given the town centre location.

Conclusion

In principle, the scheme affords policy support for the proposed use. It is considered that the type of use proposed can be operated without any significant material impact upon the amenities of nearby residents. The proposed level of use is considered acceptable in terms of design, highway safety and impact on the character of the Conservation Area. The application is therefore recommended for approval subject to conditions.

RECOMMENDATION:- Permit subject to no significant material objections being received prior to the expiry of the consultation period on 30 June 2011 and 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 as the proposal will preserve and enhance the character and appearance of the Hinckley Conservation Area and would not have an adverse impact on neighbouring properties or highway safety.

Hinckley & Bosworth Local Plan (2001):- Policies BE1, BE7, T5.

Hinckley & Bosworth Borough Council 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: Site location plan and existing/proposed floorplans received 1 June 2011.

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).

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