DELEGATED REPORT

Recommendation Made: 10 June 2011

Reference:- 11/00385/COU **Parish:-**

Applicant:- Mr Harry Celik
3 Cleveland Road
Hinckley
Leicestershire
LE10 0AJ

Location:- 8 Edwards Centre Regent Street Hinckley Leicestershire LE10 0BB

Proposal:- RETENTION OF CHANGE OF USE FROM A1 TO A MIXED A1/A3 USE

Introduction:-

This application is seeking planning permission for the retention of a change of use from an A1 Retail use to a combined A1 and A3 (Restauants and Cafes) use for 8 Edwards Centre located on Regent Street in Hinckley Town Centre.

The site is a former A1 retail unit that was converted as part of the applicant's existing cafe and retail business located in the adjacent unit at 7 Edwards Centre. This work consisted of knocking through the adjoining wall to expand the business and create a single shop unit. Shop fronts have been installed to both units. The site is located within the defined Primary Shopping Area of Hinckley Town Centre and is sited within the conservation area.

Relevant Planning History

None specific to this site- However of relevance to this planning application is:-

10/00236/COU	CHANGE OF USE FROM VACANT SHOP TO A MIXED USE OF SHOP WITH TABLES (TO SERVE HOT AND COLD FOOD ON AND OFF PREMISES)	Approved	22.06.2010

Consultations:-

No objections have been received from:-

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

No objection subject to conditions:-

Head of Community Services (Pollution)

A site notice was displayed. At the time of writing this report no comments have been received from:-

Neighbours
Ward Members
Police Architectural Liaison Officer

Development Plan Policies:-

National Planning Guidance

PPS4 - Planning for Sustainable Economic Growth
PPS5- Planning for the Historic Environment

Adopted Core Strategy

Policy 1- Development in Hinckley

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

Adopted Local Plan

Policy BE1 - Design and Siting of the Development
Policy BE7 - Development in Conservation Areas

Appraisal:-

The main considerations in respect of this application are the principle of development in planning policy terms and potential implications on the viability of the town centre and conservation area.

The units previous use was as an A1 Shop. It is located within the Secondary Shopping Frontage area as defined by Policy 13 of the Hinckley Town Centre Area Action Plan 2011 and confirmed in Appendix 5: Retail Areas Diagram of the same report.

Policy 13 states that ground floor development in the rest of the Town Centre Area a mix of A1-A5 and D2 uses will be acceptable. The unit is set out as an A3 (Restaurant and Cafe) use with tables and counters. The outside of the premises has the appearance of a shop and its shop front corresponds with the colour and finish of the existing A1/A3 unit at 7 Edwards Centre. It should be noted that this policy (Policy 13) doesn't set out controls on the percentage of A1 retail space that has to be retained within specific area the town centre or that a continual amount of interrupted shop fronts has to be retained. In light of no threshold being set out on the amount of non-A1 uses along Regent Street, the change of use to A3 is considered acceptable along this area of secondary shopping frontage. However it is noted that the impact of developments upon Shopping Frontages within the Area Action plan is monitored annually through the Town Centre Monitor document and Annual Monitoring Report.

A point of note is that a planning application for the conversion of an A3 Chinese Restaurant into 2 A1 shop units is currently being considered along Regent Street. Furthermore the area immediately surrounding the site remains A1 in character with a Newsagents and Charity Shop located either side of the unit.

Effect on Conservation Area

Since there are no physical changes to the shop front proposed apart from repainting which has been completed, the effects on the conservation area by the approval of this application is negligible. The Conservation Officer has confirmed that he has no objections to the proposal. It is considered that the proposal is in accordance with adopted policy BE7. Therefore the retention of the shop front is considered to reflect the existing shop front in terms of materials and colour finish and is in keeping with the character and appearance of the conservation area.

Other issues

The applicant has requested opening hours until 12am Monday to Friday and until 2am on a Saturday. There are no residential properties within the Edwards Centre or located on this side of Regent Street and there are other establishments within the vicinity which will also open into the evening which would be likely to have more effect on the amenities of residents who occupy flats/hotel on the opposite side of Regent Street than this proposal. It is concluded that the proposed hours are not considered to be excessive and are unlikely to affect residential amenity.

Following receipt of comments from Head of Community Services (Pollution) two conditions will be imposed in respect of details of an appropriate scheme of extraction for cooking odours to be provided for consideration and a condition for implementing the scheme of extraction within an agreed time frame.

Conclusion

This proposal which will result in a mixed use of A1/A3 use within a former shop. The proposal is unlikely to have any adverse impacts on neighbouring properties, no highway issues and will retain the shop front, it therefore is considered to comply with the aims of policies BE1 and BE7. The use proposed is considered acceptable under the guidance of Policy 13 of the Hinckley Town Centre AAP and the retention of the use is not considered to be detrimental to the viability of the town centre as it is located within an area of the town centre where it is recognised under policy terms that it contains a mix of uses. The proposal is not considered to impact on the amenities of the occupiers of neighbouring properties or highway safety and is not considered to have a detrimental effect on the conservation area. The proposal is considered acceptable 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 retention of the A3 use would be in accordance with the development plan as it is not considered to have an adverse effect on the viability of the retail development of the town centre, it constitutes a use that is considered to be acceptable within this area of Secondary Shopping Frontages and it doesn't impact upon the amenities of occupiers of neighbouring properties or on highway safety and is not detrimental to the character and appearance of the Hinckley Town Centre Conservation Area .

Hinckley & Bosworth Borough Council Core Strategy (2009):- Policy 1

Hinckley Town Centre Area Action Plan (2011):- Policy 13

Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1 and BE7

1 The mixed use hereby approved shall only be opened to the public between the hours of 9am and 12 midnight Mondays to Fridays and 9am and 2am on Saturdays at no times on Sundays or Public Holidays.

2 Within one month of the date of this permission a scheme for ventilation of the premises, which shall include installation method, maintenance and management has been submitted to and agreed in writing with the Local Planning Authority. Within three months of the submitted scheme being approved the approved ventilation scheme shall be implemented in accordance with the agreed details and maintained in use thereafter.

Reasons :-

1 For the avoidance of doubt, to ensure that the use remains compatible with the surrounding area, to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan and Policy 13 of the Hinckley Town Centre Area Action Plan 2011.

2 To ensure that the development has a satisfactory method of odour control and extraction for cooking odours to accord with policies BE1 and NE2 of the adopted Hinckley & 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:- Scott Jackson Ext 5929