DELEGATED REPORT

Recommendation Made: 6 June 2011

Reference:- 11/00378/FUL **Parish:- Ratby Parish Council**

Applicant:- Mr M. M. Desai
58 Main Street
Ratby
Leicestershire
LE6 0JG

Location:- 10 Main Street Ratby Leicester Leicestershire LE6 0JG

Proposal:- CHANGE OF USE OF RESIDENTIAL DWELLING (C3) TO RETAIL (A1) INCLUDING EXTENSIONS AND ALTERATIONS TO PREMISES.

Introduction:-

This is a planning application for the change of use of a residential property to a pharmacy together with a single storey extension to the side of the property to form sales area. This application involves the relocation of the existing pharmacy from 58 Main Street to this site. The proposals also include the retention of residential accommodation at first floor level to form a self contained flat and the creation of a new shop front to the extension proposed to the side of the building.

The dwelling is a detached, two-storey property constructed from red brick and slate to the roof.. There is a single storey flat roof extension to the side of the property which currently serves as a kitchen. The site is located within the Ratby conservation area and within the defined local shopping area. To the rear and north of the site are detached bungalows and to the south is the Co-operative food store. There is restricted on street parking outside the site due to its proximity to the junction of Main Street and Desford Lane and there is a public car park located opposite the site.

History

81/00264/4 Erection of utility room and double garage Approved

Consultations:-

No objections have been received from:-

Director of Transport and Environment (Highways)
Head of Community Services (Land Drainage)
Head of Community Services (Pollution)
Ratby Parish Council
Waste Minimisation
Conservation Officer (HBBC)

A site notice was displayed and neighbours notified. 2 letters of objection from the same objector were received raising the following issues:-

a) the building should be preserved as a residential property
b) if planning restrictions were put on the proposed business use then this may prohibit its future use
c) the building could revert to a fast food outlet
d) introduction of another business would exacerbate parking problems along Main Street
e) loss of light to the side window of 12 Main Street
f) loss of privacy to 12 Main Street
g) increased noise levels as a result of extended operating hours
h) loss of 2 parking spaces to the side of 10 Main Street

No comments have been received from:-

Ward Members

Development Plan Policies:-

Adopted Core Strategy 2009

Policy 8- Key Rural Centre relating to Leicester

Adopted Local Plan

BE1- Design and Siting of the Development
BE7- Development in Conservation Areas
BE9- Shop Fronts in Conservation Areas
RETAIL 6- Shop Fronts
RETAIL 7- Local Shopping Centres

Supplementary Planning Guidance:-

Ratby Conservation Area Appraisal 2007
Shop Front SPG 2007

Appraisal:-

The main considerations in respect of this application are the principle of development, the impact of the proposed extension and change of use upon residential amenity, the impact of the proposed extension and shop front upon the character and appearance of the conservation area and highway issues.

Principle

The development proposes the creation of a new shop unit within the defined local shopping area of Ratby where new retail development is considered acceptable under the guidance of policy RETAIL 7 subject to it not resulting in loss of amenity, there would be issues in relation to an intensified use of a vehicular access or the development results in under provision of off street parking.

For the reasons set out in a later paragraph of this appraisal the proposed development is not considered to result in loss of residential amenity, the proposals do not involve the creation of, or intensified use of a vehicular access and the same amount of parking along Main Street is retained. It should also be noted that the proposals are for the relocation of an existing retail business located within the same local shopping area which is seeking to expand its current operations into a larger retail unit. Additionally the development proposes an extension to a building within the settlement boundary of Ratby, where there is a presumption in favour of development. Therefore the principle of development is considered acceptable.

Impact on neighbours

The extension will be considered first. The proposed extension to form sales area for the pharmacy will be single storey and will be sited to the side of the existing dwelling between the dwelling and the Co-operative food store to the south. The extension will effectively be screened by the existing two storey property to the north and by the existing flat roof extension to the rear. Due to the siting of the proposed extension and it being screened behind existing buildings it is not proposed to result in any loss of residential amenity to neighbouring properties, including the objector's property located adjacent to the site at 12 Main Street.

In terms of the change of use the proposed pharmacy will be sited adjacent to existing A1 retail uses along Main Street which include the Co-operative food store and Newsagents immediately to the south of the site, thereby meaning that there is a mix of residential and retail already established along Main Street and the pharmacy will add to this mix. The proposals involve the relocation of an existing retail business in Ratby to expand their operations within the defined shopping area where retail development is considered acceptable.

The application form states that the hours of operation will be 0900-1800 hrs Monday-Friday and 0900-1600 hrs on a Saturday. It is considered that these hours of operation are reasonable and within sociable times of the day. Given the semi-residential nature of the area a condition will be imposed that ensures the proposed use is only open during the times specified on the planning application form and doesn't result in loss of amenity to adjacent properties through noise disturbance outside of sociable hours.

Given the sites location within the retail centre it is not considered necessary to place any restriction on the nature of the use of the premises.. Planning permission would be required for the change of use of the property to a class outside of A1 retail. Therefore any use falling outside of an A1 retail use such as a hot food takeaway or fast food outlet would require separate planning consent to do so, and such an application would be considered on its own merits.

The planning system allows for the change of use of a residential property to retail use through the submission of a planning application. This allows the Local Planning Authority the opportunity to consider whether a property should remain as a residential dwelling. It should be noted that the upper floor of the property will remain in residential use as a self-contained flat.

Impact on the conservation area

The proposed shop front will be constructed from timber and uses features that are common to shop fronts within conservation areas including pilasters, mullions, stall risers, display area and a fascia board. Although these features are not common to shop fronts within the Ratby conservation area, which tend to be modern in their appearance and use of materials the proposed shop front is considered to be of a traditional style, incorporating components of a traditional shop front and which would result in a positive contribution to the character and appearance of the conservation area and will therefore preserve the character of the conservation area.

The proposed materials of construction including a brick to match the existing dwelling and a slate roof will ensure that the extension further preserves the character of the Ratby conservation area and that the development matches the existing dwelling.

Highway issues

The proposals involve the removal of two existing off street parking spaces to the front of the property to facilitate the sales floor extension. However there is parking available immediately outside of the site on Main Street and there is a public car park located 50m to the south. Therefore, there is sufficient parking available within walking distance of the site. Parking is already available to the front of the site and this level of on street parking will remain unchanged as a result of the proposed development. Vehicle users can only park their vehicle where space is available and it is the responsibility of these drivers to ensure that they don’t park their vehicles in an irresponsible or unsafe manner. The Director of Environment and Transport (Highways) has raised no objections to the proposed development.

Conclusion

The proposed development by virtue of its siting is considered to be acceptable as it is located within the defined Local Shopping Area in Ratby where new retail uses are appropriate. The proposed extension doesn't result in demonstrable loss of residential amenity to neighbouring properties and the shop front proposed to the extension uses materials of construction and features that are common to most shop fronts within conservation areas, thereby resulting in a design that will preserve the character and appearance of the Ratby conservation area. The proposed development will not exacerbate parking problems along Main Street as there is parking available outside of the site and a public car park sited 50m to the south. Therefore the proposed development is considered to be in accordance with the relevant policies of the Core Strategy and Local Plan.

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 would be in accordance with the development plan. Resultant of the use proposed there are no material impacts in terms of residential amenity or highway safety and the introduction of a new shop front is considered to preserve the character and appearance of the Ratby conservation area.

Hinckley and Bosworth Local Development Framework Adopted Core Strategy:- Policy 8

Hinckley and Bosworth Local Plan:- Policies BE1, BE7, BE9, RETAIL 6, RETAIL 7.

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: 3786/4, 3786/5, 3786/6 received on 20 May 2011.

3 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed extension and shop front shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.

4 The use hereby permitted shall not be open to the public outside the following times:- 0900-1800 hours Monday to Friday and 0900-1600 hours on a Saturday and at no time on a Sunday or Public Holiday.

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.

3 To ensure that the development has a satisfactory external appearance within the Ratby conservation area to accord with policies BE1, BE7 and BE9 of the adopted Hinckley & Bosworth Local Plan.

4 To ensure that the proposed use does not become a source of annoyance to nearby residents to accord with policy BE1 of the 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