COMMITTEE EXTRACT

Committee Date: 16 December 2008

Reference:- 08/01064/FUL **Parish:- Burbage Parish Council**

Applicant:- Rodericks Ltd
28 Queensbridge
The Lakes
Old Bedford Road
Northampton

Location:- 105 - 107 Church Street Burbage Hinckley Leicestershire LE10 2DB

Proposal:- CHANGE OF USE TO D1 DENTAL PRACTICE

Introduction:-

This application seeks full planning permission for the change of use of 105-109 Church Street, Burbage from Class A1 (retail) to Class D1 (non-residential institutions). There are no external changes proposed as part of this application.

The site is located within the centre of Burbage, surrounded by a mixture of commercial and residential properties. The site consists of a mid terraced two storey property of red brick with a shop front at ground floor level and a slate roof. Immediately to the south adjoining the site is a large A1 unit currently occupied by the Co-Op. Residential properties adjoin the site to the north and opposite. The application relates only to the ground floor of the property. The first floor is currently occupied by a dance studio.

To the rear of the site is a parking area owned by the co-op and open for the use by the public between 8am and 9pm daily. Access to the parking area is gained through a covered vehicle way. Restricted on-street parking is available in the vicinity of the site.

The proposed internal layout provides accommodation for three surgeries, a staff room, practice managers office, reception and waiting room supported by ancillary storage rooms. Two of the three surgeries would be sited adjacent to the party wall between the application property and number 109 Church Street.

A design and access statement has been submitted in support of the application which states that the application site is well located within the transport network and the proposed use would compliment the uses already in Church Street by providing a valuable service for the local community.

History:-

01/00932/CONDIT	Variation of condition 4 of planning permission 00/0617/COU to allow the premises to open between the hours of 9:00 AM and 9:00PM Monday to Friday only	Approved	10.10.01
01/00553/CONDIT	Variation of condition 4 of planning permission 00/00617/COU to allow the premises to open between the hours of 9:30AM and 12:00 Noon and 3:00PM and 9:00 PM Mondays to Fridays and 10:00AM to 1:00PM Sundays	Refused	19.07.01
00/00617/COU	Change of use to fitness centre	Approved	18.09.00
89/00605/4	Change of use from store room to retail	Approved	20.06.89

Consultations:-

No objection has been received from the Director of Highways Transportation and Waste Management (Highways).

No objection subject to conditions have been received from the Head of Community Services (Pollution).

Site notice and press notice were displayed

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

Burbage Parish Council
Neighbours.

Development Plan Policies:-

Local Plan

The site falls within the Burbage Conservation Area and Settlement Boundary as defined within the adopted Hinckley and Bosworth Local Plan.

Policy BE1 seeks to safeguard and enhance the existing environment, ensures adequate highway visibility and provision for on and off street parking and would not adversely affect the occupiers of neighbouring properties.

Policy BE7 states that within Conservation Areas the primary purpose is the preservation or enhancement of the special character or appearance of those areas.

Policy BE9 considers works affecting shop fronts in Conservation Areas which seeks to preserve shop fronts that are attractive, of historic Importance or of architectural interest or contribute to the general character of the area.

Policy T5 when considering proposals for new development the local authority shall have regard to the current highway design standards and parking standards.

Supplementary Planning Documents

Burbage Village Design Statement (adopted 2006) provides a general description of the village and guidance for new development.

Appraisal:-

The main issues for consideration with regard to this application are the principle of the development, the impact of the proposal on highway safety and the amenities of the neighbouring properties.

Principle

The proposed change of use would provide a community facility in the centre of Burbage, which complies with the sustainable principles and objectives of Government Guidance and Local Plan Policy. The proposal is therefore considered acceptable in principle.

Highway safety

No parking provision has been included as part of the application. However the site is located within the centre of Burbage which benefits from public parking and well served by public transport. Policy T5 of the adopted Hinckley and Bosworth Local Plan requires the local authority to have regard to the relevant parking standards when considering applications. A dentists surgery requires one car parking space per staff member and two per surgery, therefore in this instance 12 parking spaces are required.

However the existing shop unit would have generated a number of vehicle movements without designated parking. Having considered the previous use in this context, the Highway Authority do not feel that they are in a position to demonstrate that the proposed change of use would result in a material increase in traffic to and from the site in this village centre location and therefore have no objection to the application.

Amenities

Some dentist equipment can cause potential noise disturbance. No details have been submitted regarding the position of any compressors or sound installation to prevent the noise travelling from the proposed surgery to the adjoining neighbouring property. However it is considered that any mitigation measures recommended by the Environmental Health Officer may be secured by condition. This will be reported to the committee as a late item.

Given the previous use of the planning unit, the central village location and the surrounding land uses it is not considered that the proposed use would result in a significant increase in comings and goings resulting in an unacceptable degree of noise and disturbance to the neighbouring residential properties to warrant a refusal of permission.

In conclusion the proposed change of use is unlikely to result in a material increase in traffic movements nor have a detrimental effect on the amenities of the adjoining neighbouring residents to warrant a refusal of the application.

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 nature of the use when compared with the previous use would not result in a material increase in vehicle movements nor a detrimental effect on the amenities of neighbouring residents. the application would therefore be in accordance with the development plan.

Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, BE7 and BE9

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reasons :-

1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

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 6th 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 List of plans used in the determination of this application:-
2008-91-01, Site Location Plan and Block Plan.

5 Any proposed changes to the shop front and signs may require either planning permission or consent under the advertisement regulations.

Contact Officer:- Sarah Humphries Ext 5680