

**Planning Committee 19 April 2016
Report of the Chief Planning and Development Officer**



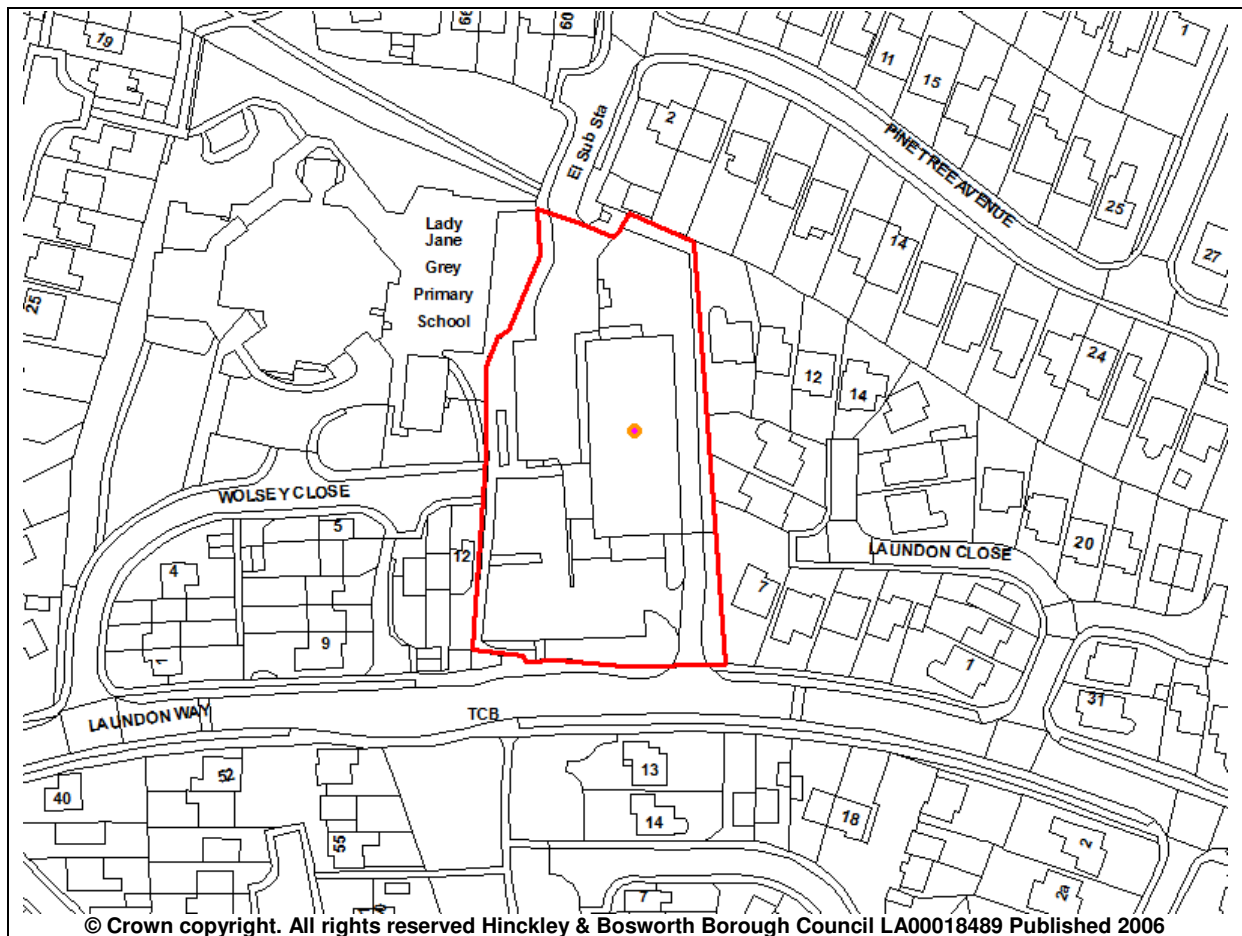
Hinckley & Bosworth
Borough Council

A Borough to be proud of

Planning Ref: 16/00145/FUL
Applicant: Mr Mahesh Karavadra
Ward: Groby

Site: Co Operative Laundon Way Groby

Proposal: Proposed mixed use development consisting of pharmacy/hairdressing salon (class A1), Hot Food Takeaway (class A5) coffee shop (class A3) and installation of shop fronts (resubmission)



1. Recommendations

1.1. Grant planning permission subject to

- Planning conditions outlined at the end of this report.

1.2. That the Chief Planning and Development Officer be given powers to determine the final detail of planning conditions.

2. Planning Application Description

- 2.1. This application seeks planning permission for the subdivision of a vacant retail unit to provide the following: pharmacy (A1), hairdressers (A1), coffee shop (A3), hot food takeaway (A5) and office space. Storage facilities are proposed at first floor level above the proposed pharmacy, hairdressers and coffee shop. External works would include the installation of shop fronts along the west elevation, installation of windows at first floor level in the west elevation, installation of a flue on the north elevation, works to the northern elevation and excavation works adjacent to the west elevation to provide a level footpath; the footpath would be bounded by a retaining wall.
- 2.2. Amended plans have been submitted during the course of the application to remove the shop front from the north elevation.

3. Description of the Site and Surrounding Area

- 3.1. The application site is located on the southern side of Groby within the settlement boundary. The site is designated as a Local Shopping Centre. The area is primarily residential with the site bounded by dwellings along the north, east and partially along the western boundary. There is a green amenity space to the south of the site across Laundon Way. Adjoining the west boundary of the site is Lady Jane Grey primary school.
- 3.2. The application site is a rectangular shape running north to south. The site comprises a single, large building on the eastern side of the site. The building has a retail (A1) use comprising two units; one which is currently vacant. There are two car parks serving the building; one to the north west of the building with access onto Pymm Ley Lane and one to the south west of the building with access onto Laundon Way. There is a service/delivery area to the north east of the building with access along the eastern side of the building. There is a public footpath inside the western boundary of the site. The topography of the site slopes from the north down to the south.

4. Relevant Planning History

87/00667/4	Erection of 7 no retail shopping units with service area and car park	Approved	22.09.1987
87/01194/4	Erection of food store with service area and car park	Approved	22.12.1987
14/01010/ADV	Erection of internally illuminated fascia signage to surround ATM (retrospective)	Approved	03.12.2014

15/00857/FUL	Installation of plant equipment and replacement air-conditioning units (Retrospective)	Approved	28.09.2015
15/00836/FUL	Subdivision of existing retail unit into two separate retail units including shop front alterations, installation of ATM machine, bollards and cycle racks and erection of a fence	Approved	08.10.2015
15/00808/ADV	Display of 3 x illuminated fascia signs and 8 x non-illuminated post mounted signs (retrospective)	Approved	21.10.2015
15/01180/FUL	Alterations to shop-front including roller shutters and installation of extract vents and warehouse light (retrospective)	Approved	06.01.2016

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.
- 5.2. Eight letters of objection and one letter of support have been received; the comments are summarised below:
1. There is no need for the proposed units
 2. There are already three hairdressers in the village with two offering beauty services
 3. There is a fish and chip shop in the village that is established and we should be supporting them
 4. A fish and chip shop should not be allowed adjacent to a school
 5. The residents are already subject to commercial traffic at all hours and the proposed units would increase this
 6. There is a safe route to the school that would be impacted upon
 7. The residents living close by should be protected
 8. The site has previously had youth ASBO problems and regular police patrols
 9. There would be noise and disturbance associated with the development as a meeting place

10. There would be problems with litter, damage to property, bad language and menace and therefore the fish and chip shop is unacceptable
11. If approved the latest time the fish and chip shop should be open is 7pm
12. There would be problems with smells from the fish and chip shop
13. Noise and disturbance from extractors
14. The impacts of the fish and chip shop could reduce property values
15. There are inaccuracies in the design and access statement
16. The application does not specify opening hours
17. A wall should be erected along the public footpath right of way/footpath to protect residents and pupils from traffic
18. Impacts of pollution on the residents of Wolsey Close
19. Increase in traffic along Pymm Ley Lane
20. The units are an excellent idea, especially the pharmacy
21. It will create more jobs for the local area
22. A coffee shop and fish and chip shop in walking distance would be brilliant.

6. Consultation

- 6.1. No objections, some subject to conditions, have been received from:-

Environmental Health (Pollution)
 Environmental Health (Drainage)
 Waste Services

- 6.2. Groby Parish Council object to the application; the comments are summarised below:

1. The recent application for the subdivision of the building into two units should be the limit if detrimental harm is not to be caused to the neighbouring properties and cause safeguarding issues for the school
2. The design and access statement is misleading and inaccurate
3. The original planning application ensured the only frontage faced Laundon Way
4. The neighbouring properties to the west of the site would be subject to noise and light pollution
5. There would be overlooking from the first floor windows
6. There is likely to encourage antisocial behaviour due to the car park
7. This is not evidence to support the need for a coffee shop.

7. Policy

- 7.1. Local Plan 2006 – 2026: Core Strategy (2009)

- Policy 7: Key Rural Centres

- 7.2. Hinckley and Bosworth Local Plan (2001)

- Policy BE1: Design and Siting of Development
- Policy BE26: Light Pollution
- Policy NE2: Pollution
- Policy T5: Highway Design and Vehicle Parking Standards
- Policy Retail 6: Shop Fronts
- Policy Retail 7: Local Shopping Centres
- Policy Retail 8: Change from Retail Use within Local Centres

7.3. Emerging Site Allocations and Development Management Policies DPD Submission Version (Dec 2014)

- DM1: Presumption in Favour of Sustainable Development
- DM7: Preventing Pollution and Flooding
- DM10: Development and Design
- DM17: Highways Design
- DM18: Vehicle parking Standards
- DM22: Vitalising District, Local and Neighbourhood Centres
- DM23: High Quality Shop Fronts and Advertisements

7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2012)
- Planning Practice Guidance (PPG)

7.5. Other relevant guidance

- Shopping and Shop Fronts (SPD)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon the highway
- Other matters

Assessment against strategic planning policies

8.2. Policy DM1 of the emerging Site Allocations and Development Management Policies DPD (SADMP) and Paragraph 14 of the National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved.

8.3. The site is within the settlement boundary of Groby. Groby is a Key Rural Centre and identified as a sustainable location for development which provides employment opportunities and retail development to meet local need within defined local centre boundaries in Policy 7 of the Core Strategy.

8.4. The application site is designated as a Local Shopping Centre in the Local Plan. Policy Retail 7 of the Local Plan seeks to support retail development to meet local needs in Local Shopping Centres. Policy Retail 8 of the Local Plan allows for change of use within Local Shopping Centres from retail to non-retail services subject to meeting the criteria as set out in the policy.

8.5. The application site is designated as a Neighbourhood Centre in the emerging SADMP. Policy DM22 of the emerging SADMP seeks to retain and enhance district centres wherever possible. The change of use or loss of A1 or A2 uses will only be permitted where it can be demonstrated that the loss would not reduce the community's ability to meet its day to day needs within a reasonable walking distance. The emerging policy is given significant weight due to its advanced stage

through the examination process and the policy relating to neighbourhood centres is not subject to a main modification.

- 8.6. The building on the application site has recently been subdivided to form one smaller retail unit than that which previously occupied the building and one vacant unit. The subdivision of the building to provide one smaller unit reduced the floorspace of the sales area to below 280 square metres so that the shop is not subject to limited trading hours on Sundays. The extended hours increased the ability of the community to meet their day-to-day needs. The second unit is currently vacant.
- 8.7. The existing permitted use for the building on the application site is retail (A1). The change of use of the proposed subdivided units to a pharmacy and a hairdresser's do not require permission as these have an A1 retail use and only the external works associated with these units require permission.
- 8.8. The change of use from retail to a cafe and hot food takeaway is supported by Policy Retail 8 of the Local Plan provided the criteria of the policy is met. One of the criteria is that the proposed development would not have an adverse effect on the overall retail development of the centre. This is supported by the emerging SADMP policy with regards to impacting on the community's ability to meet their retail needs. As noted above, it was not considered that the subdivision of the site adversely impacted the retail development of the centre and enhanced the community's ability to meet their needs within a reasonable walking distance. The neighbourhood centre serves the population to the south of the application site, which do not have direct vehicular access to the village centre, and some properties to the north, east and west. The addition of a coffee shop, pharmacy and hot food takeaway would enhance the community's ability to meet their day-to-day needs in a more sustainable manner, reducing the need for vehicular travel, with additional facilities provided within a reasonable walking distance.
- 8.9. It is acknowledged that there are similar facilities within the village centre. However, it is not a requirement of the applicable policy for the applicant to demonstrate the impact on adjacent centres; they merely need to demonstrate that the loss of retail would not impact on the ability of the community to meet their needs. Given the extent of the development proposed, which does not increase the floorspace of the neighbourhood centre, and the distance of the neighbourhood centre from the village centre, it is unlikely that the proposed development would have an adverse impact on the vitality of the village centre.
- 8.10. The submitted plans show that development would create some office space to the rear of the units. The use of the office space has not been specified as A2 or B1. Policy Retail 8 of the Local Plan supports, subject to meeting the criteria in the policy, office uses that fall under an A2 use as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). Due to the location within the neighbourhood centre, it is considered that A2 office space would be acceptable and shall be conditioned to reflect this use.
- 8.11. In light of the above, it is considered that the proposed change of uses would not have an adverse impact on the retail development of the neighbourhood centre and would enhance the community's ability to meet their day-to-day needs. Subject to satisfying the criteria as set out in the policy, which is assessed below, the proposed development is considered to be in accordance with Policies Retail 7 and Retail 8 of the Local Plan and DM22 of the emerging SADMP.

Impact upon the character of the area

- 8.12. Policy BE1 of the Local Plan and Policy DM10 of the emerging SADMP seek to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. This is supported by paragraph 17 of the NPPF which seeks to ensure a high quality of design. Policy Retail 6 of the Local Plan and DM23 of the emerging SADMP seek to ensure that new shop fronts are appropriate to their location.
- 8.13. Proposed external works to the development include the addition of shop fronts along the western elevation of the building, erection of a flue for ventilation of the hot food takeaway, installation of windows at first floor level on the western elevation and infilling the wall of the northern elevation where there are currently extraction units.
- 8.14. The existing western elevation of the building comprises brick courses, brick pillars, gables and brick corncicing to reduce the bulk of the elevation. The proposed development would introduce shop fronts at ground floor level and windows at first floor level. The majority of the features of the existing elevation would be retained but the windows would remove some of the corncicing and the shop fronts would cover some of the lower brick course. The proposed development would retain the existing character of the building whilst enhancing the visual appearance of the building providing more interest than a blank elevation for those approaching from the north and west sides of the site. Amended plans were submitted to remove the shop front from the north elevation so that the frontage is focussed on the west and south elevations. The existing extraction units in the north elevation would be replaced with reclaimed bricks and incorporate a dummy window to provide architectural interest to the elevation.
- 8.15. The proposed shop fronts windows and doors would be constructed using aluminium frames finished in a grey matt colour which would be consistent with the existing shop front on the south elevation of the building. The proposed fascias are considered to be an appropriate size in relation to the proportions of the elevations. The materials, colours and design etc. to be used for the fascia would need subject to approval under advertising regulations.
- 8.16. The flue associated with the proposed extraction unit for the hot food takeaway would be located on the northern elevation which currently comprises a service area for the shops. The location of the extraction flue is functional and would have a limited impact on the visual appearance of the building.
- 8.17. It is proposed to install roller shutters to the shop fronts for security purposes. Roller shutters are used on the shop front of the existing shop on-site and therefore would not be contrary to the character of the area. However, the roller shutters proposed would not allow for any internal visibility which is contrary to policy and the guidance in the Shopping and Shop Fronts SPD. Roller shutters are acceptable in-principle; however, an appropriate design should be agreed through the use of a planning condition.
- 8.18. Concern has been raised in relation to litter resulting from some of the proposed uses. There are existing bins along the footpath adjacent to the building which the customers could use. However, additional bins should be provided at the pedestrian exits to the site to avoid littering and these should be secured through a planning condition.

- 8.19. In light of the above, it is considered that the external works associated with the change of use would enhance the visual appearance of the building and are in accordance with Policies BE1 and Retail 6 of the Local Plan and DM10 and DM23 of the emerging SADMP.

Impact upon neighbouring residential amenity

- 8.20. Policy BE1 of the Local Plan and Policy DM10 of the emerging SADMP seek to ensure that development proposals shall not harm the amenity of neighbouring residential properties. Policies BE26 and NE2 of the Local Plan and DM7 of the emerging SADMP seek to ensure development does not have an adverse impact with regards to air and light pollution.
- 8.21. The proposed development would create shop fronts along the western elevation of the building which would face the Lady Jane Grey school and the dwellings on Wolsey Close. The proposed shopfronts would have a large proportion of glazing. Although some light would escape from the shop windows, there would be no external lighting that would project towards of the neighbouring residential properties nor light the elevation resulting in light pollution. The shopfronts would be visible from the neighbouring properties but it is not considered that the lighting would have an adverse impact on the amenity of the occupiers of the dwellings. Any proposed illumination of advertising would be controlled through a future application under the advertising regulations. Therefore, it is considered that the proposed development would not have an adverse impact on the amenity of the occupiers of the neighbouring properties with regards to light pollution.
- 8.22. The proposed hot food takeaway would require an extraction and ventilation system which would be provided through the flue as shown on the submitted plans. Dependent on the products offered at the coffee shop/café there may be a requirement for plant machinery but this has not been shown on the submitted plans at this stage. Environmental Health (Pollution) has been consulted on the application and raised no objection subject to conditions relating to details of the ventilation of the premises to be submitted and approved. Concern has been raised relating to smells from the hot food takeaway and noise from the ventilation system. It is considered that the ventilation system would mitigate smells resulting from the development to an extent that would not be considered to have an adverse impact on amenity. With regard to the noise impacts of the proposed ventilation system, it is considered that there would not be excessive noise as a result the size of the ventilation system. However, to ensure there are no adverse noise impacts, a planning condition is recommended to ensure that noise levels outside nearby residential facades do not exceed 30dB.
- 8.23. There are windows proposed at first floor level to serve the storage areas of the pharmacy, coffee shop/café and hairdressers. These windows would not directly face the private amenity space of any nearby neighbouring residential properties and they would be located a reasonable distance from the western boundary of the site. It is considered there would not be an adverse overlooking impact resulting from the windows.
- 8.24. The proposed development would likely result in an increase in vehicular traffic associated with the use of the site. The vehicular traffic would create noise and disturbance through the manoeuvring of vehicles on-site, impacting on dwellings to the west of the application site, and general noise and disturbance from the increase in traffic along Pymm Ley Lane. Several concerns have been received relating to the impact on neighbouring amenity. The level of noise and disturbance

associated with vehicular movements to and from a neighbourhood centre would be relatively modest. However, the site is located within a largely residential area and therefore it is considered necessary to limit the opening hours of the proposed units to stop noise and disturbance at antisocial hours. The applicant has not specified opening hours. It is considered that an opening time of 08:00 and closing time of 22:00 would allow for sufficient custom in the evening for the businesses to remain viable but avoid adverse impacts on neighbouring amenity. Additionally, the hours of deliveries shall be restricted through a planning condition to limit the impact on neighbouring amenity.

- 8.25. In light of the above, subject to conditions, it is considered that the proposed development would not have an adverse impact on neighbouring amenity and would not result in noise or air pollution. The proposed development is considered to be in accordance with Policies BE1, BE26 and NE2 of the Local Plan and DM7 and DM10 of the emerging SADMP.

Impact upon highway safety

- 8.26. Policies T5 of the Local Plan and DM17 of the emerging SADMP seek to ensure new development adheres to the design standards as set out in the 6C's design guide. Policies T5 of the Local Plan also seeks to ensure parking provision in accordance with the Council's Parking Standards unless a different provision can be justified. Policy DM18 of the emerging SADMP seeks to ensure parking provision appropriate to individual development.
- 8.27. The proposed change of use does not incorporate any alterations to the existing vehicular accesses. The development may lead to an intensification of the use of the accesses, however, Leicestershire County Council (Highways) have raised no objection to this. Therefore, it is considered that the proposed development would not have an adverse impact on highway safety. Concern has been raised that an increase in traffic would have an adverse impact on the safety of local residents and pupils of the adjacent school who use the public right of way/footpath through the site. The footpath runs along the western boundary of the site and there is a footpath which crosses between the car parks but not across them which would avoid conflict between vehicles and pedestrians.
- 8.28. The development would not increase the floorspace of the retail/office areas and therefore there is no requirement for an increase in car parking provision on-site. The development would result in the loss of one car parking space due to the excavation works in the northern car park. Policy T5 of the Local Plan allows for a reduction in car parking where it can be justified and Policy DM18 of the emerging SADMP requires appropriate levels of car parking. It was noted on various site visits that the car park did not appear to be fully utilised. It is not considered that the loss of one car parking space would not have an adverse impact and the level of car parking is still considered to be appropriate and justified.
- 8.29. In light of the above, it is considered that the proposed development would not have an adverse impact on highway safety and would retain sufficient car parking provision in accordance with Policies T5 of the Local Plan and DM17 and DM18 of the emerging SADMP.

Other matters

- 8.30. Concern has been raised that the addition of units that are opening in the evenings and use of the car park may lead to antisocial behavior. There is no evidence to

support that the development would lead to antisocial behaviour and therefore these concerns are given limited weight. The addition of the units along the western elevation would provide greater natural surveillance of the car parks to the side of the building which would discourage antisocial behaviour.

- 8.31. It has been recommended by a neighbour that a wall should be erected along the western boundary of the site to protect the public right of way and those using it and to mitigate impacts on the neighbouring properties. There are not considered to be adverse impacts on the neighbouring properties that require mitigation nor is there considered to be a need to mitigate highway impacts on the footpath. The addition of a wall, dependent on height, could create an alleyway which would prohibit natural surveillance and could cause potential safety issues.
- 8.32. Concern has been raised that the proposed units would adversely impact on the value of house prices in the surrounding area. The impact on house prices is not considered to be a material planning consideration and therefore is given no weight in this assessment.

9. Conclusion

- 9.1. The application site is designated as a Local Shopping Centre in the Local Plan and Neighbourhood Centre in the emerging SADMP where uses should be primarily focussed as retail. However, there is an allowance for alternative uses where the change of use does not impact on the community's ability to meet their day-to-day needs which in this case is considered to be justified. By virtue of the proposed layout, design and appearance the scheme would complement the character and appearance of the surrounding area and would not give rise to any material adverse impacts on the amenities of the occupiers of any neighbouring properties. The proposed layout also allows adequate access and off-street vehicle parking within the site to ensure that it will not result in any adverse impact on highway safety. The proposed scheme is considered to be in accordance with Policy 7 of the adopted Core Strategy, Policies BE1, BE26, NE2, T5, Retail 6, Retail 7 and Retail 8 of the adopted Local Plan and DM1, DM7, DM10, DM17, DM18, DM22 and DM23 of the emerging SADMP together with the overarching principles of the NPPF and is therefore recommended for approval subject to conditions.

10. Recommendation

10.1. Grant planning permission subject to

- Planning conditions outlined at the end of this report.

- 10.2. That the Chief Planning and Development Officer be given powers to determine the final detail of planning conditions.

10.3. Conditions and Reasons

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

Reason: To comply with the requirements of Section 19 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, details and materials:

RPD/FEB/2016/PLANNING/05/07 - Location Plan; Block Plan (received on 16 February 2016)

RPD/FEB/2016/PLANNING/05/06 - Roof Plan (received on 16 February 2016)

RPD/FEB/2016/PLANNING/05/03 - First Floor Plans (received on 16 February 2016)

RPD/FEB/2016/PLANNING/05/04 rev A - Elevations (received on 4 April 2016)

RPD/FEB/2016/PLANNING/05/02 rev A - Ground Floor Plan (received on 4 April 2016)

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The materials to be used on the external elevations of the proposed shop fronts and alterations shall be as detailed in section 9. materials on the submitted application form.

Reason: To ensure that the development has a satisfactory external appearance and in the interests of visual amenity to accord with Policy BE1 of the Hinckley & Bosworth Local Plan and DM10 of the emerging Site Allocations and Development Management Policies DPD.

4. The office space hereby permitted, as shown on drawing no. RPD/FEB/2016/PLANNING/05/02 rev A, shall be used for no other purpose other than A1 (retail) or A2 (financial and professional services) as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: To ensure an appropriate use in a Local Shopping Centre and Neighbourhood Centre in accordance with Policies Retail 8 of the Hinckley & Bosworth Local Plan and DM22 of the emerging Site Allocations and Development Management Policies DPD.

5. The units, hereby permitted, shall not be open to the public outside the following times:- 08:00 and 22:00 Monday to Saturday and 10:00 and 21:00 on Sundays and Bank Holidays.

Reason: To ensure neighbouring residential amenity is protected from noise and disturbance at antisocial hours to accord with Policy BE1 of the Hinckley & Bosworth Local Plan and DM10 of the emerging Site Allocations and Development Management Policies DPD.

6. There shall be no deliveries to the units, hereby permitted, outside the following times:- 08:00 and 22:00 hours.

Reason: To ensure neighbouring residential amenity is protected from noise and disturbance at antisocial hours to accord with Policy BE1 of the Hinckley & Bosworth Local Plan and DM10 of the emerging Site Allocations and Development Management Policies DPD.

7. No development shall take place until a scheme for the 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. The approved scheme shall be implemented in accordance with the agreed details before the premises are first brought into use for the development hereby approved and maintained as agreed thereafter.

Reason: To ensure neighbouring residential amenity is protected from air pollution to accord with Policy BE1 of the Hinckley & Bosworth Local Plan and DM10 of the emerging Site Allocations and Development Management Policies DPD.

8. The level of noise emitted from the extraction/ventilation system of the A5 unit (shown on the submitted plans as a fish and chip shop) hereby approved shall not exceed 30dB measured over any 10 minute period as measured at the external facade of the surrounding residential properties.

Reason: To ensure neighbouring residential amenity is protected from noise to accord with Policy BE1 of the Hinckley & Bosworth Local Plan and DM10 of the emerging Site Allocations and Development Management Policies DPD.

9. No development shall take place until details of the location and design of bins for customers using the units hereby approved have been submitted to and approved in writing by the Local Planning Authority. The bins shall be installed in accordance with the approved details and maintained thereafter.

Reason: To ensure there is no littering in the interests of visual amenity to accord with Policy BE1 of the Hinckley & Bosworth Local Plan and DM10 of the emerging Site Allocations and Development Management Policies DPD.

10. Notwithstanding the details of the proposed roller shutters as shown on drawing no. RPD/FEB/2016/PLANNING/05/02 rev A - Ground Floor Plan, prior to first use of the units hereby permitted, the design, details and specification of any roller shutters to be installed shall be submitted to and agreed in writing by the Local Planning Authority. The roller shutters shall be installed and maintained in accordance with the approved design, details and specification.

Reason: To ensure that the development has a satisfactory external appearance and in the interests of visual amenity to accord with Policy BE1 of the Hinckley & Bosworth Local Plan and DM10 of the emerging Site Allocations and Development Management Policies DPD.

10.4. Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.