

Erection of two first floor and single storey rear extensions, external staircase, new shop front to allow for the change of use to restaurant with hot food takeaway sales and an A2 (financial and professional services) use and four residential units along with new gates and railings to rear boundary

Report Item No
A4

74 High Street Coalville Leicestershire LE67 3EE

Application Reference
17/00921/FUL

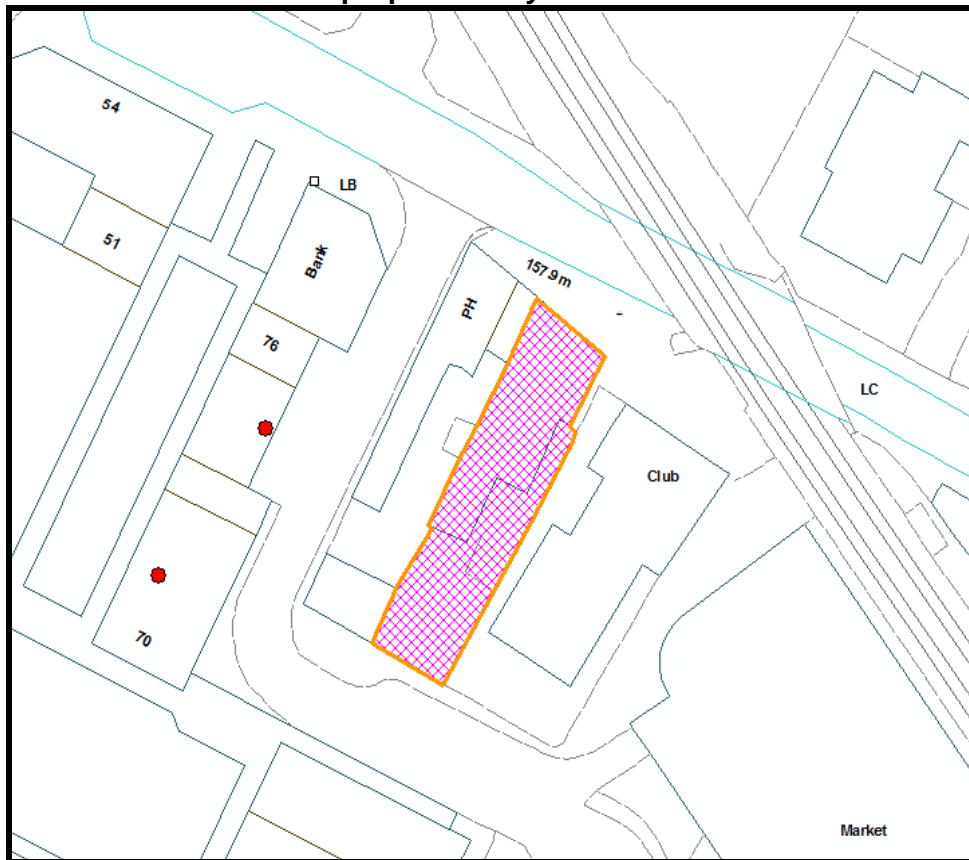
Applicant:
Mr Neil Anand

Case Officer:
Hannah Exley

Recommendation:
PERMIT

Date Registered:
18 August 2017
Consultation Expiry:
4 January 2018
8 Week Date:
13 October 2017
Extension of Time:
16 February 2018

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Recommendation

Call In

The application is brought to the Planning Committee at the request of Councillor Legrys due to concerns about casual parking to the front of the premises on High Street where waiting restrictions apply.

Proposal

Full planning permission is sought for alterations to the existing building including:

A new shop front, and

Two-storey and first floor rear extensions above existing single storey development, including a new flue to allow for the change of use to a restaurant with hot food takeaway sales and a A2 (financial and professional) use at ground floor.

Four flats are also proposed above and to the rear.

New gates and railings are also proposed to the rear boundary of the site.

Consultations

Three letters have been received, objecting to the proposals. One of the letters is supported by 16 signatures. No statutory consultee has raised any objection.

Planning Policy

It is located inside the Limits to Development and is in Coalville 'Town Centre' in the adopted Local Plan. The site also lies within the Coalville Conservation Area. The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance.

Conclusion

- The site lies inside the Limits to Development, and in fact is in the town centre of Coalville, where the proposed uses are acceptable in principle.
- The scheme does not give rise to any significant impacts regarding residential amenity, design or highway safety.
- It would not undermine the attractiveness, vitality or viability of the existing town centre.
- The development would not adversely impact on the setting of the nearby listed building, and would maintain the character and appearance of the Coalville Conservation Area.
- There are no other relevant material planning considerations that indicate planning permission should not be granted.

Accordingly the application is recommended for planning permission, subject to the imposition of planning conditions.

RECOMMENDATION:- PERMIT, SUBJECT TO THE IMPOSITION OF CONDITIONS

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

Planning permission is sought for alterations to the existing building including a new shop front, two-storey and first floor rear extensions including new flue to allow for the change of use to a restaurant with hot food takeaway sales and an A2 (financial and professional) use at ground floor level with four residential units above and to the rear. New gates and railings are also proposed to the rear boundary of the site.

Amended plans have been secured during the course of the application following officer concerns about the design of the rear extension and the proposal to raise the height of the roof and introduce three dormer windows on the front roof slope. The scheme has also been amended to include an A2 use following incorrect references to a proposed A1 use within the original application submission.

The subject property has two storeys and was last occupied by a retail unit at ground floor level with residential accommodation above. It is located within the Limits to Development and is located within the Coalville 'Town Centre' in the adopted Local Plan.

The site lies within the Coalville Conservation Area and forms part of a group of two-storey former houses, later converted on the ground floor to commercial uses. The building is attached to the Stamford and Warrington pub which has a classical facade and is a standout building in the street. To the other side is the Coalville Constitutional Club which is a detached, imposing focal building in the streetscene and within the Conservation Area.

Relevant Planning History:

12/00235/FUL - Change of use from A1 (shop) to A3 (restaurant) and A5 (hot food takeaway) use together with the installation of new shop front and extraction flues (Permitted but since expired).

2. Publicity

4 neighbours have been notified
Site Notice displayed 30 August 2017.
Press Notice published Leicester Mercury 6 September 2017.

3. Summary of Consultations and Representations Received

The following summary of representations is provided.

NWLDC Environmental Protection has no environmental observations subject to conditions concerning extraction equipment and noise insulation.

Leicestershire County Council - Highways advises that subject to conditions, the impacts of the development can be mitigated and are not severe.

Third Party Representations

Two letters of representation have been received:

One of the letters provides support for the occupation and refurbishment of the property but raises concerns about the proposal for the following reasons:

- concern about parking, particularly as the new business intends to trade from 10am, as this is a main road and next to a railway crossing with limited access to the front;
- parking on the front of the property would also obstruct access for deliveries to the Coalville Constitutional Club which has occurred for 100 years;
- the parking proposed would be for staff and residents but there would be no customer car parking which will result in vehicles pulling onto the pavement in front of the premises which would obstruct the footway and access to the neighbouring premises;
- the applicant should be required to encourage customers to park in the public car park to the rear as is the case with the other restaurants on High Street.

One letter has 16 signatures supports the retail and residential element but raises objection to the proposed A3 and A5 use on the following grounds:

- the footpath from the front of the premises around the Stamford and Warrington is narrow in parts and would be dangerous for pedestrians using the premises;
- the road to the rear of No.74 High Street is very narrow and already congested with vehicles turning onto High Street and others approaching the market car park, along with delivery vehicles parked to the rear of the HSBC bank and the proposal would make the situation worse;
- the car park to the rear of the Belvoir Centre is always full and the proposal will create additional pressures on the car park which will discourage customers from using the Belvoir Shopping Centre;
- an A3/A5 use will contribute to existing problems of young car drivers loitering in the locality;
- the distance to the nearest car park will result in vehicles parking outside the front of the premises which would be dangerous to other road users;
- the A3/A5 use will jeopardise nearby restaurants and takeaways to the detriment of existing small businesses;
- there are already numerous food establishments and the proposals should include more accommodation;
- pollution from extraction fumes and increased traffic; and
- additional noise.

4. Relevant Planning Policy

National Policies

National Planning Policy Framework

The policies of the North West Leicestershire Local Plan as listed in the relevant section below are consistent with the policies in the NPPF. The following paragraphs of the NPPF are considered relevant to the determination of this application:

The following sections of the NPPF are considered relevant to the determination of this application:

Section 1 - Building a strong, competitive economy

Section 2 - Ensuring the vitality of town centres

Section 3 - Supporting a prosperous rural economy

Section 4 - Promoting sustainable transport

Section 10 - Meeting the challenge of climate change, flooding and coastal change

Section 12 - Conserving and enhancing the historic environment

Save where stated otherwise, the policies of the adopted North West Leicestershire Local Plan as listed in the section below are consistent with the policies in the NPPF and, save where indicated otherwise within the assessment below, should be afforded weight in the determination of this application.

Adopted North West Leicestershire Local Plan (2017)

The following Local Plan policies are relevant to this application:

Policy S1 - Future Housing and Economic Development Needs

Policy S2 - Settlement Hierarchy

Policy D2 - Amenity

Policy EC8 - Town and Local Centres: Hierarchy and Management of Development

Policy IF7 - Parking Provision and New Development

Policy HE1 - Conservation and Enhancement of North West Leicestershire's Historic Environment

Planning (Listed Buildings and Conservation Areas) Act 1990

Sections 66 and 72

Other Guidance

National Planning Practice Guidance - March 2014.

Coalville Conservation Area Character Appraisal and Management Plan

5. Assessment

Principle of Development

The site is located within the Limits to Development of Coalville which is considered to be a sustainable settlement where the principle of development (which includes residential development and changes of use) is considered acceptable in principle subject to impacts upon design, amenity, highway safety and any other material considerations. The proposals would be compliant with Policy S2 of the Local Plan.

Policy Ec8 of the Local Plan provides guidance on assessing main town centre uses to ensure that the vitality and viability of the Primary Shopping Area is not undermined by the erosion of the retail element within town and local centres. The proposed A2 and A3/A5 uses fall within the definition of a main town centre uses which the policy seeks to support. The use would be of a scale that is appropriate to the role, function and character of the settlement and would not undermine the character of the local centre. It is considered that the proposal would accord with the provisions of Policy Ec8 of the adopted Local Plan.

The proposal would not result in an over-concentration of A3/A5 uses or undermine the shopping element within the town centre but would contribute to the diversity of uses within the centre and would not adversely affect the vitality and viability of the retail centre. Whilst the unit is currently vacant and no details have been provided about marketing that has been undertaken for the premises as a retail unit, it is not considered that approval of the proposal would fail to maintain an appropriate balance of uses within this part of the Coalville town centre.

The premises are not located adjacent to a takeaway use and would not result in a cluster of this use. With regard to the further considerations, Coalville provides a good range of shops and services that cater for people's day to day needs and the proposal would introduce a new A3/A5 use and an A2 use into the town centre. It is considered that the proposal would maintain the existing vitality and viability of the local centre and would not be harmful to the attractiveness of the local centre. Matters relating to highways safety and amenities are given further consideration in the relevant section below. With regard to the provision of a litter bin, the application proposal is a restaurant with takeaway sales and there is already a litter bin located outside the premises within the public highway. The building abuts the highway boundary such that there would be no scope for the provision of a bin outside the premises. A restaurant with takeaway sales should not result in a level of littering that could be attributed to a pure takeaway use, and in these circumstances, particularly having regard to the presence of litter bins within the vicinity (in front of the site), it is not considered that a requirement for a contribution towards an off-site litter bin could be justified in this case.

The proposed use of the property as part financial and professional use (Use Class A2) and part restaurant/hot food takeaway (Use Class A3/A5) would, therefore, be in accordance with the relevant Local Plan policies in principle. It is therefore necessary to consider impacts upon heritage and design, amenity, highway safety and any other material considerations.

Impact on Heritage Assets and Design

The need for good design in new development is outlined in Policy D1 of the adopted Local Plan Paragraphs 57, 60 and 61 of the NPPF.

The proposed development must be considered against sections 66(1) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that when considering a planning application for development that affects a listed building or its setting the decision maker, "shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possess" and that "special regard shall be had to the desirability of preserving or enhancing the character or appearance of a Conservation Area", respectively.

Paragraph 131 of the NPPF states that planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. It further indicates (at paragraph 132) that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It is a statutory requirement that any new development should at least preserve the character of the Conservation Area and significant weight has been given to preserving the setting of the Listed Buildings.

The site is located within the Coalville Conservation Area and with the Grade II Railway Hotel opposite the site. The building is attached to the Stamford and Warrington pub which has a classical facade and is a standout building in the street. To the other side is the Coalville Constitutional club which is a detached, imposing focal building on the street scene and within the designation. The application building is two-stories high with a rendered facade and with modern single storey extensions to the rear. The building is highlighted in the Conservation Area Appraisal as forming part of the group of two storey former houses, later converted on the ground floor to commercial uses.

Amended plans have been secured during the course of the application following concerns about the original proposals to raise the height of the roof and introduce dormers, which was considered to challenge/over-dominate the neighbouring buildings which historically are the

more prominent buildings in the streetscape. The design of the originally proposed rear extension was also considered to be out of keeping with the existing building due to its width, non-traditional roof pitch and flat roof element. The revised proposals retain the roof profile and height of the frontage building as existing and the rear extension has been redesigned to incorporate a double pitched roof with a monopitch single storey element and a brick staircase has been added. A rear dormer has also been removed and conservation style roof lights have been introduced to the rear roof slope. A new window has been added to the east facing side elevation at first floor level. The application includes a new flue which would be positioned on the east facing elevation of the proposed rear projecting extension and it is also proposed to replace existing top opening windows with new timber sash windows to the front elevation.

The amended scheme would retain the building as existing and would introduce timber sash windows and a traditional shop front to the front elevation which would be in keeping with and improve the appearance of the building. Concerns about the width and roof pitch of the rear extension have been addressed through the amended plans which now provides a more sympathetic development that would not be out of keeping with the scale and character of the original building. The proposed flue is discreetly sited along the side of the rear elevation and would not appear unduly prominent. The Council's Conservation Officer has been consulted on the amended proposals and has confirmed that subject to conditions to ensure suitable details are secured, the amendments are welcomed. The proposal would improve the appearance of the building from the front elevation where it is viewed in the context of the more prominent buildings either side.

Overall, subject to conditions, it is considered that the proposals would maintain the character and appearance of the Coalville Conservation Area and would not be harmful to the setting of the nearby listed building. It is not considered that the proposed change of use would have an impact on the heritage assets in the locality. Taking the above into account, it considered that the scheme is appropriate and would comply with the NPPF and Policy He1 of the adopted Local Plan.

The proposal represents a sympathetic extension and alteration of an existing building and is informed by existing development in the locality and therefore, would respect the character and appearance of surrounding development and the design approach is considered acceptable. The application is considered to be compliant with Policy D1 of the adopted Local Plan, the provisions of the Good Design SPD and overarching intentions of the NPPF.

Residential Amenities

The premises either side of the site are in commercial use but the Council records show there to be one residential unit above the Coalville Constitutional Club (CCC). There is first floor accommodation towards the front of the building but the rear projecting element appears to serve a large hall. The internal floor levels of the CCC building are greater than those of the application property. The proposed extension to the rear would be set in from the side elevation of the existing building and at a distance from the boundary and would contain windows facing the hall to the CCC, such that no significant overbearing, overshadowing or overlooking would arise. The new window proposed to the side elevation of the original building would serve a shower room and would be unlikely to result in any significant overlooking of the CCC building.

The application property is located in a predominantly commercial area although it is noted that there are some residential units located at first floor level above some commercial units in the vicinity. Nonetheless, given the location of the site within the town centre, there would already be comings and goings, along with noise and disturbance associated with the use of other commercial uses within the vicinity of the site, and it is within this context that the application

must be assessed.

The application specifies the opening hours as between 8am and 6pm Monday to Saturday for the A2 use and between 10am to 11pm Monday to Sunday for the A3/A5 use. The site is located within a mixed use area and the proposed hours of operation are not considered unreasonable in this context. No objections have been raised to the proposed opening times by the Environmental Health Officer, and it is, therefore, recommended that these opening times should be attached to the grant of any planning permission.

Takeaway uses have the potential to bring about odour issues and the application proposals include some details of the external appearance of the extraction/ventilation flue. Subject to precise details of the ventilation and extraction apparatus being agreed, together with restricted hours of use, it is not considered that the development would have a significant impact on the amenities of local residents in terms of noise or disturbance or as a result of smells. The Council's Environmental Protection Officers have considered the merits of the application and have raised no environmental objections, subject to precise details of the flue and noise insulation being agreed. With regard to the latter, this is subject to separate legislation and therefore, should form part of a note to applicant.

It is not considered that the proposal would result in any overlooking, overbearing or overshadowing issues to surrounding occupiers, or any significant noise and disturbance given the location of the site within the town centre, and as such it is deemed that the proposal would not be harmful to neighbouring residential amenities and would comply with the provisions of Policy D2 of the adopted Local Plan.

Highway Safety

The application proposals originally included details of parking for six vehicles within a gated courtyard to the rear of the premises, with access through an existing vehicular access. Two of the spaces did not have appropriate dimensions and none of the spaces benefited from appropriate space for manoeuvring into and out of them and so the County Highways Authority advised that they are unlikely to be used. Furthermore, no details of cycle parking facilities had been provided. The applicant has provided amended car and cycle parking details which show four parking spaces which are appropriately angled to enable their use, and parking provisions for four bicycles within the site. The applicant has advised that the parking spaces to the rear of the site would be allocated to the A2/A3 uses proposed for staff and suppliers. No car parking is proposed for the residential units but cycle parking facilities are to be provided. The applicant notes that there are car parking facilities nearby which are free after 3pm and that public transport options would also be available for occupants of the proposed residential units.

The parking requirements for the proposed uses would be greater than that which can be provided within the site. However, when having regard to the existing uses on the site, the town centre location, the accessibility of the site by means other than the private car and the close proximity of public car parks to the site, which could be utilised by users of the site, it is not considered that an objection on the grounds of a lack of on-site parking could be sustained. The County Highways Authority have advised that the cycle parking and car parking scheme is acceptable for the development proposed.

The County Highways Authority also advise that there have been five personal injury collisions on High Street within 50 metres of the site within the last five full years and the current year to date but none in connection with the development site or immediately neighbouring properties and thus they are not indicative of an existing situation that would be exacerbated by the proposal.

Concerns have been raised regarding parking by vehicles close to the front door of the restaurant and takeaway on High Street and the associated vehicle movements. There is an area of hard surfaced highway land at the frontage of the premises which benefits from an existing dropped crossing which facilitates access by vehicles. However, at the site frontage, Station Road has waiting restrictions on the north-westbound side of the carriageway which prevents lawful parking on this land. It is reasonable to suggest that the proposal will not lead to a significant increase in traffic generation at the site above the existing level as a result of the current uses. The County Highways Authority note that there are types of shop where customers will park in undesirable locations whilst making a brief visit.

There are traffic intensive existing uses at neighbouring premises on both sides of the development site which have similar areas of highway at their frontages but as described above there is no current associated accident record. Acceptable visibility is also available at the existing dropped crossing access at the site frontage.

In light of the 2012 permission for a change of use to restaurant and hot food takeaway, with no significant changes to the highway since and in the absence of any personal injury collisions at the site, the County Highways Authority advises that a refusal on highway safety grounds could not be sustained and that subject to conditions concerning parking and cycling, the proposals are acceptable.

As for concerns about increased traffic, when having regard to the context of the site within a town centre, it is not considered that the proposal would give rise to vehicular movements that would be inconsistent with the locality. Accordingly, it is considered that the proposal would be acceptable for the purposes of Policy IF7 of the adopted Local Plan.

Other Matters

With regard to concerns about vehicles loitering, this would need to be addressed through the mechanism of the appropriate legislation, should an issue arise, and is therefore, not a planning matter.

Conclusions

In conclusion, the site lies within Limits to Development within the town centre of Coalville where the proposed uses are considered to be acceptable in principle. The scheme does not give rise to any significant impacts regarding residential amenity, design or highway safety and would not undermine the attractiveness, vitality or viability of the existing town centre. The development would not adversely impact on the setting of the nearby listed building and would maintain the character and appearance of the Coalville Conservation Area in accordance with paragraph 131 and 132 of the NPPF and sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. There are no other relevant material planning considerations that indicate planning permission should not be granted. Accordingly the application is recommended for planning permission, subject to the imposition of planning conditions.

RECOMMENDATION - PERMIT, subject to the following condition(s):

1. Standard time limit
2. Approved plans
3. Hours of operation of A2 and A3/A5 uses

4. Provision of extraction/ventilation measures
5. Provision of car parking spaces
6. Details of external materials and finishes
7. Details of shopfront, window and doors