Item: **10**

Reference: **11/00398/COU**

Applicant: **Mr Keith Flude**

Location: **Elohim Church Hub Newbold Road Barlestone Nuneaton Leicestershire**

Proposal: **CHANGE OF USE OF FIRST FLOOR FLAT TO MINISTRY ROOMS ANCILLARY TO CHURCH (D1 USE)**

Target Date: **29 August 2011**

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it comprises a D1 use.

Application Proposal

This application seeks full planning permission for the change of use of a first floor flat to a D1 use for ministry rooms ancillary to a church.

The application building was historically a public house, but was subject to an application for a change of use in 2009 (09/00276/COU). This application sought to change the use to a church ministry with first floor flat together with ministry rooms. Planning permission for this use was approved.

Details submitted with this application described the types of activities that would take place on site. Activities included praying, advice drop-in centre, various study groups, children's clubs and a Sunday tea club, along with other associated uses.

The Site and Surrounding Area

The application site is situated within the centre of Barlestone on the junction with Newbold Road, West End and Main Street. The building comprises a large two storey rendered building on the road frontage. To the rear there is a hard surfaced parking area and storage space. Residential properties surround the site to the north and south east. The area has a mixed character in terms of built form and comprises a range of uses including retail, commercial and residential.

The site is within a designated retail area.

Technical Document submitted with application

None.

History:-

09/00276/COU 01.06.09	Change of use from Public House to Church with flat facility together with Ministry rooms	Approved



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Consultations:-

No objection has been received from:-

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

One letter of representation has been received. This requests that the rooms under consideration are suitably sound proofed as there are concerns that the proposal will result in additional noise.

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

Barlestone Parish Council
Ward Members.

Policy:-

National Policy Guidance

Planning Policy Statement 1 (PPS1): 'Delivering Sustainable Development' refers to the delivery of sustainable development through the planning system. It advises that planning policies should protect and enhance the environment, promote high quality design and reinforce local distinctiveness.

Planning Policy Guidance 13 on Transport outlines the Government's objectives to integrate transportation with the built environment and promote sustainable transport choices.

Regional Policy Guidance

The Court of Appeal, in May 2011, gave judgment on an appeal by CALA Homes in relation to their continuing challenge to the SoS's proposal to abolish regional strategies. The Court confirmed that the Government's proposal to abolish regional strategies is a material planning consideration, but that is up to the LPA to decide what weight to give to the proposal in considering planning applications. The Localism Bill is still going through the Parliamentary process and the SoS has now confirmed that the actual revocation of any regional strategy will be subject to a Strategic Environmental Assessment. The view taken currently is that little if any weight should be given to the proposal to abolish regional strategies. This advice may change as the Bill progresses and officers will monitor the progress and report appropriately to committee.

East Midlands Regional Plan 2009

Policy 2 – seeks development that takes account of the character of the surrounding area, minimise energy use and consumption, makes the most efficient use of land, takes account of highway safety, promotes other forms of transportation other than the private motor car, and design which helps reduce crime and fear of crime.

Local Development Framework Core Strategy 2009

Policy 7 : Key Rural Centres seeks to support the key rural centres and ensure they can provide key services to their rural hinterland. The policy states that initiatives to establish local stores and facilities will be supported.

Hinckley and Bosworth Local Plan 2001

The site is within the settlement boundary of Barlestone as defined in the adopted Hinckley and Bosworth Local Plan.

Policy BE1: 'Design and Siting of Development' seeks to safeguard and enhance the existing environment and states that planning permission will be granted where the development: complements or enhances the character of the surrounding area with regard to scale, layout, mass, design, materials and architectural features; is not adversely affected by activities within the vicinity of the site which are likely to cause a nuisance to the occupiers of the proposed development; and does not adversely affect the occupiers of neighbouring properties.

Policy T5: 'Highway Design and Vehicle Parking Standards' refers to the application of appropriate standards for highway design and parking provision for new development.

Other material policy guidance

The Ministerial Statement: Planning for Growth (2011) this seeks to reform the planning system to promote sustainable economic growth, stating that Local Planning Authorities should support enterprise and economic use and growth. It continues that the range of likely economic, environmental and social benefits of proposals, including long term or in-direct benefits, such as increased consumer choice and a more robust local economy should be taken into consideration.

Appraisal:-

The main considerations with regards to this application are the principle of development, impacts on the amenities of neighbouring properties, impact upon highway network and other issues.

Principle of development

The site is situated within the Barlestone settlement boundary and the Local Shopping Centre as defined in the adopted Hinckley and Bosworth Local Plan. Accordingly, there is a presumption in favour of development providing all other policy matters and other material considerations are satisfied. In addition, the principle of a D1 use in this location has already been accepted by the previous application, 09/00276/COU.

Accordingly an extension of the existing D1 use in principle is considered acceptable as it is well related to the village centre and other local services adding to the vitality of the village centre.

Impact upon Highway Network

The application seeks to convert the existing residential use into 3 additional ministry rooms. Based on this the Director of Environment and Transport (Highways) has raised no objection to the proposal. Given the central location and the number of car parks located within a short walking distance of the site, the extension of the existing facility is not considered to give rise to traffic or parking issues and is considered a sustainable transport location.

Impact on residential amenity

Residential properties surround the site, with 10 Main Street and 1 Newbold Court being the closest. In terms of noise and disturbance, the proposal may result in some additional footfall over that of the residential flat, however as the building is situated within the village centre and is surrounded by other uses including a takeaway and

pub, which have unrestricted uses, a degree of noise and disturbance already exists and is expected. Accordingly, the additional noise and disturbance generated by the proposal is not considered to exceed that from existing uses, and thus there will be no material impacts on the surrounding residential properties.

In terms of impacts on the privacy of surrounding properties, currently there is a first floor bedroom window facing the adjacent residential property (1 Newbold Court). However this window does not have any direct view into rooms of this property or over rear amenity space. Further, the types of use which would take place in the proposed ministry room are not considered to result in a further degree of overlooking than current levels. The first floor windows to the front of the property have views over the properties to the west and south west, on the opposite side of the road. However impacts on the privacy of these properties are no worse than those at present.

Accordingly there are considered to be no further impacts on the privacy of surrounding residential properties.

Other issues

Impact on character

This change of use application does not include any proposed external alterations to the building as such this application proposal will not impact on the character of the surrounding area.

Loss of Residential Use

As the proposal is situated within a designated Retail area, there are no policies to resist the loss of residential accommodation, and thus the loss of this unit is considered acceptable.

Changes within the Use Class Order

The Use Class Order allows a degree of flexibility within the D1 Use Class allowing the rooms to be changed from a place of religious instruction to any other use within that class without requiring planning permission. Other uses within this Use Class include church halls, public libraries, day nurseries etc. The site provides off-street parking facilities and is located in the village centre and the above uses within the rooms specified would likely be looked upon favourably by the Local Planning Authority. As such a condition restricting the use of this premises to a place of religious instruction only would, it is considered, be too onerous and unnecessary.

Finally the proposal will be in line with the intentions of the Ministerial Statement: Planning for Growth (2011),in that it will result in social benefits which will in-directly support the local economy.

Conclusion

The application proposes a small extension of an existing use within the existing building. Resultant of this the principle of the development is considered acceptable and there are considered to be no further material impacts in terms of residential amenity or highway safety. Therefore the proposal is considered acceptable.

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 its use and its location within the centre of Barlestone is considered acceptable in principle and will not result in any material impacts in terms of highway safety or residential amenity. Therefore the development is considered acceptable.
Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, T5,
Core Strategy (2009):- Policy 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: Drg Ref:- 'Proposed First Floor Plan' received by the Local Planning Authority on the 4/07/11

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.

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:- Eleanor Shaw Ext 5680