**DELEGATED REPORT**

**Recommendation Made: 1 June 2009**

**Reference:- 09/00276/COU** **Parish:- Barlestone Parish Council**

**Applicant:- Mrs Lynne Eveson**
**17 Main Street**
**Market Bosworth**
**Nuneaton**
**Leicestershire**

**Location:- The Jolly Toper Newbold Road Barlestone Nuneaton Leicestershire**

**Proposal:- CHANGE OF USE FROM PUBLIC HOUSE TO CHURCH MINISTRY WITH FLAT FACILITY TOGETHER WITH MINISTRY ROOMS.**

**Introduction:-**

This application seeks full planning permission for the change of use of an unoccupied Public House (A4), The Jolly Toper, Barlestone to a place of religious instruction (D1) with an ancillary residential flat and ministry rooms on the first floor. This application includes no external alterations.

The application site is located within the centre of Barlestone on the junction with Newbold Road, West End and Main Street. Residential properties lie in close proximity to the site. Other village services such as a take-away, hairdressers, local store and Baptist church also lie in close proximity to the site.

The site includes a car park to the rear of the pub which the applicant has indicated can accommodate 10 car parking spaces. The site also has a large storage area to the rear.

Supporting information supplied by the applicant has illustrated the expected level of activity on site as follows;

| | | |
|---|---|---|
| Monday- Friday 8.30am-9am | Morning prayer meeting | 6-8 people expected |
| Monday- Sunday 9am- 5pm | Advice drop-in centre | 3-4 members of church & anyone visiting |
| Evenings 7pm-10pm | Study group/prayer & worship/leadership meetings | 30 people maximum |
| Sunday 10.30am -12.30pm | Children's Club | 15 children expected |
| 4.30pm- 6pm | Sunday Tea Club | N/a |

Other possible future activities have also been highlighted but they also relate to the general functioning of a place of religious instruction.

History

84/00075/4A- Erection of two illuminated signs- approved- 09.03.84

**Consultations:-**

The Borough Council Environmental Health Officers for land drainage and pollution have no objection to this application.

Barlestone Parish Council have no objection to this application

Leicestershire County Council Highways Officer has no objection to the application with a condition requiring details of car parking provision on site to be submitted and the parking area to be marked out prior to first use.

No response from neighbours

**Development Plan Policies:-**

Local Plan Policy
- BE1 (Design and siting of development)
- T5 (Highway design and vehicle parking standards)

**Appraisal:-**

The main considerations with regards to this application are the principle of development, highway safety and parking standards, the impact on the residential amenity and the character of the area.

Principle

The site is located within the Barlestone settlement boundary with 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 are satisfied along with all other material considerations. In addition a community use such as this would be well related to the village centre and other local services adding to the vitality of the village centre.

A public house is often a central feature to a rural village such as Barlestone. The loss of this particular pub is acceptable as the village has at least two additional public houses within 100 metres of the site.

Highway Safety and Parking

The premise, as existing, is an unoccupied public house with associated parking. The applicant has indicated the car park can accommodate ten spaces although no spaces are currently marked out. Supporting information from the applicant has indicated a maximum attendance of 30 people during evening meetings with some of those arriving by foot; however the average number of people on site would vary between 3 and 8. The supporting information also highlights that these larger evening meetings are currently held at the adjacent Baptist church which has no off-street parking provision. The expected level of traffic will generally be low and will be spread throughout the day with only peaks expected during large evening meetings and once marked out, the on-site car park should provide adequate parking provision for the proposed use and may even prove an improvement on current parking provision on meetings which are currently held at the Baptist church.
The level of traffic and parking requirements are not likely to exceed what would reasonably be expected for the sites existing use and with a condition requiring the applicant to mark out the spaces, the change of use would be acceptable to comply with Local Plan Policy T5.

Impact on residential amenity

Residential properties surround the site with 10 Main Street and 1 Newbold Court standing the closest. The premises existing use is a public house which could be regarded as a relatively noisy use. The proposed use does not include activities which run past 10 pm which would be an improvement on the impact of a pub on any nearby residential properties. The site is also located in close proximity to another public house, church and takeaway which already generate a degree of noise. The proposed change of use is not expected to add significantly to this existing impact.

Impact on character

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

Other issues

This application will change the existing premises from a drinking establishment (A4) to a non-residential institution (D1). The Use Class Order allows a degree of flexibility within the D1 Use Class allowing the premises 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 at theses premises would likely be looked upon favourably by the Local Planning Authority and as such a condition pinning the use of this premises down to a place of religious instruction only would be too onerous and unnecessary.

Conclusion

Overall this proposed change of use would make regular use of a currently unoccupied building, increasing the vitality of the village and would not harm the character of the area, neighbours amenity or highway safety. This change of use application is recommended for approval with a condition requiring details of off-street parking provision to be submitted to the local authority and the spaces to be marked out prior to first use.

**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, would not be to the detriment of residential amenity, visual amenity of highway safety.

SUMMARY OF DECISION - The proposal is in conformity with Policies BE1 and T5 of the Hinckley and Bosworth Local Plan. Planning permission is granted subject to conditions.

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

2 Before development hereby permitted is first used, off-street car parking provision shall be made within the application site. Details of which shall be submitted to and agreed in writing by the Local Planning Authority. The parking area shall be marked out prior to the development being brought into first use and shall be maintained at all times.

**Reasons :-**

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

2 To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area, to accord with Local Plan Policy T5.

**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. Any alterations to the external appearance of the building may also require planning permission.

5 List of plans used in the determination of this application:-
Existing and proposed floor layout plans, block plan, site location plan

**Contact Officer:- David Kiernan Ext 5898**