**DELEGATED REPORT**

**Recommendation Made: 20 July 2011**

**Reference:- 11/00395/FUL** **Parish:- Market Bosworth Parish Council**

**Applicant:- Ms Emma Clarke**
**Plot 3**
**Station Road Industrial Estate**
**Market Bosworth**
**Warwickshire**

**Location:- Unit 3 Station Road Market Bosworth Nuneaton Leicestershire**

**Proposal:- CHANGE OF USE FROM B1 TO A1 RETAIL.**

**Introduction:-**

This application seeks full planning permission for the change of use of Unit 3 Station Road from Class B1 – Business to Class A1 – Shops. No external changes to the building have been proposed.

The application plans show the siting of a steel storage container on the units frontage. Whilst shown on plan permission is not sought for the it and it is the opinion of the applicant that this container does not require planning permission.

The building is single storey and has a floor area of 54 square meters. It is situated on an industrial estate, adjacent to its southern boundary. Externally the unit has 7 designated parking spaces and a temporary storage container.

It is proposed that the that shop will sell items associated with water sports, including kayaks, small bic boats, windsurfing boards and sails, surf boards, water skis, wake and kneeboards, diving cylinders, diving suits, inflatable's and boat accessories.

A supporting statement has been submitted with the application. This describes the business use proposed stating that the unit is in an ideal location due to its proximity to the water park, canal and cycle routes. It continues that in addition to selling items, the shop will also hire out bikes and kayaks. It is believed that this will further boost tourism in the locality.

Relevant Planning History: -

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| 04/01191/COU | Change of Use to allow dog grooming | Refused | 06.01.05 |

**Consultations:-**

No objections have been received from: -

Head of Business Development and Street Scene Services (Waste Minimisation)
Head of Community Services (Land Drainage)
Head of Community Services (Pollution)
Market Bosworth Parish Council

Director of Environment and Transport (Highways) object to the application on sustainability grounds.

At the time of writing the report no comments have been received from: -
Ward Members
Neighbours

**Development Plan Policies:-**

Adopted Core Strategy

Policy 7 - Key Rural Centres

Policy 11 – Key Rural Centres Stand Alone

Policy 23 – Tourism

Adopted Local Plan

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

Policy BE1 - Design and Siting of the Development

EMP1 (b) - Existing Employment Sites

T5 - Highways and Vehicle Parking Standards

NE9 – Areas of attractive countryside

Other Documents:-

Employment Land and Premises Study (2010)
Ministerial Statement: Planning for Growth (2011)

**Appraisal:-**

The main considerations in respect of this application are the principle of development, the impact of the proposed extension on the character of the area and highways.

The Principle of Development

The site is located within the settlement boundary of Market Bosworth where there is a presumption in favour of development. The most up to date policy in this case, is local plan policy EMP1 (b). This identifies existing employment sites and categorises them based on their attributes and importance to be retained as such. The Station Road employment site is categorised as a class 'b' site. In relation to these sites the policy suggests that proposals for other employment activities, or alternative uses of the sites should be considered on their merits. In this case, the specific use proposed would fit in well with the local area and would not have any detrimental affects on adjacent uses. In addition to policy EMP1 (b), the Councils recently adopted Employment Land and Premises Study (ELPS) must also be considered. This provides an updated assessment of employment sites. This document makes reference to the fact there is little other employment space in Market Bosworth, that the site is a key rural employment area and should be retained for 100% of employment uses, with no other uses allowed. It re-categorises the site as a Class A employment site. Accordingly, the proposed change of use to retail must be weighed against the need to retain the site for employment.

Following discussion with the applicant, it has become clear that the items on sale will be large, bulky products. This said, although retail development should ideally be situated within designated retail areas, due to the nature of the products for sale in this case, it is unlikely that there would be a suitable unit available within the designated retail centre of Market Bosworth. This is due to the historic nature of the retail units within the village centre.

Core Strategy policies 7 and 11 support the new retail development and tourism development in Market Bosworth and Policy 23 relates specifically to tourism development. Although the specific use proposed can not be defined as tourism development directly, the nature of the business and the products on sale are related to and will promote tourism in association with nearby recreation and tourism facilities and boost the tourism economy locally. The supporting statement submitted with the application suggests that the unit will sell various products associated with water sports, and will hire out bikes and kayaks. The unit is ideally

situated to serve the nearby water park, canal and cycle routes and will be beneficial to these facilities.

The Ministerial Statement: Planning for Growth (2011) and the “Dear Chief Planning Officer Letter” 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. In this case, as the unit will be used for economic purposes which will result in both direct, and in-direct benefits to the local economy, environment and community, the use proposed is considered in line with the guidance of the ministerial statement.

Accordingly, on balance, it is considered that subject to a condition restricting the use of the units to the specific use identified within the supporting statement, that the change of use of the unit to A1 in this case, in principle would be acceptable.

Highways

An objection has been received from the Director of Environment and Transport (Highways). The objection is on the grounds that the as the unit is situated 1km from the centre of Market Bosworth, that the use would be overly reliant on the private motor car which is contrary to the aims and objectives of the County Councils adopted policies LTP3 and national planning policy statements 1 and 3.

In considering the nature of the objection it is important to note that the specific items on sale at the proposed shop would necessitate vehicle usage regardless of whether the unit was situated in the retail centre or not. Further, it could be argued that as the unit is adjacent to the water park and canal, the types of people using the shop would already be travelling to that location to partake in the local activities on offer, and that to travel into the designated retail area for such items would generate additional trips. Further, due to the range of tourist facilities in the immediate vicinity of the site and as the site is a designated employment site, vehicles already travel to this location and a certain number of trips are expected. Accordingly on balance it is considered, based on the specific items sold in the shop and the shops proximity to the canal and water park that, that the development would not result in an excessive number of vehicle trips over and above those made to the location currently, the location of the shop is acceptable and is not considered to be situated in an unsustainable location. It is important to note that whilst the proposal fails to obtain support of the Highway Authority, this is in respect of sustainable transport planning and not a direct conflict with highway safety. As such there proposal is not considered to result in a direct impact on highway safety over and above that of the existing B1 use of the premises.

No adverse comments have been received from the Director of Environment and Transport (Highways) in respect of the parking and turning space proposed on site, and thus it is considered that the provision provided is considered acceptable.

Character of Area

As no external changes are proposed to the unit, there will be no further impacts on the character of the area.

Residential Amenity

The closest residential properties to the site are those to the east. However, the nearest property is in excess of 55m from the site. Accordingly, by virtue of this distance, and the use proposed, there will be no further impacts on their residential amenity.

Conclusion

Due to the specific items offered for sale and the sites proximity to the canal and Market Bosworth Water Trust, the development, subject to a condition restricting its use to the specific operation of the shop in question, is considered acceptable. Further there are considered to be no adverse impacts in terms of highway safety and there is adequate parking on site. It is considered that the use will enhance the local tourism industry and will directly support the local recreation uses. The proposal will result in economic growth by

virtue of it bringing back into use a vacant unit. Accordingly the development 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 the specific items for sale and the developments location in close proximity to existing tourist facilities is, in principle considered acceptable and would 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, EMP1(b), T5,
Core Strategy (2009):- Policy 7, Policy 11, Policy 23

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

2 The products on sale at Unit 3 Station Road should be solely those identified on the stock list received by the Local Planning Authority on 21 July 2011 unless otherwise agreed in writing by the Local Planning Authority.

3 There shall be no storage of any of the products for sale at the unit, as specified on the stock list received by the Local Planning Authority on the 21.07.11 on the open area of the site, unless otherwise indicated on the approved plan.

**Reasons :-**

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

2 To ensure the use of the site remains acceptable to tourism and recreation and does not result in an unjustified and uncontrolled A1 use. To ensure compliance with the requirements of Policy EMP1 of the adopted Hinckley & Bosworth Local Plan.

3 To safeguard amenities of neighbouring land uses, in the interests of visual amenity to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

**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).

5 This grant of planning permission is for the change of use of the premises only and does not grant permission for the storage container located at the premises.

**Contact Officer:- Eleanor Shaw Ext 5680**