DELEGATED REPORT

Reference:- 11/00734/FUL **Parish:- Market Bosworth Parish Council**

Applicant:- Michelle Murphy
3 Main Street
Market Bosworth
Nuneaton
Leicestershire

Location:- 3 Main Street Market Bosworth Nuneaton Leicestershire CV13 0JN

Proposal:- PART CHANGE OF USE FROM RESIDENTIAL (C3) TO RETAIL (A1) AND FINANCIAL AND PROFESSIONAL SERVICES (A2)

Introduction:-

This is a full planning application for the change of use of part of a dwelling (Use Class C3) to a retail or financial and professional services premises (Use Class A1 or A2). The dwelling fronts directly onto Main Street and the application relates to the change of use of part of the ground floor of the premises including the two front reception rooms, front entrance hall, study and part of a lobby to an entrance area, two sales areas, a staff room and toilet. No external changes are proposed to the front of the building within this application. The application involves the installation at ground floor of internal stud walls and a small ceiling, a new toilet and wash hand basin, a mechanical extractor fan and a vent through to the rear roof slope and the laying of a new drain within the rear yard that is laid with cobbles and brick paviors.

The site is located within the local shopping centre of Market Bosworth and the Market Bosworth Conservation Area. The application dwelling, 3 Main Street, Market Bosworth is a Grade II Listed Building dating from the early C19 but with evidence of earlier internal structure. It has two storeys and is constructed of brick with a plain tiled roof and gable end and central chimney stacks. The attached adjacent units either side have retail uses to the ground floor as do a majority of those in the vicinity of the site.

A Design and Access Statement and Historical Statement have been submitted to support the application.

Relevant Planning History:-

11/00735/LBC	Internal & External Alterations to Listed Building	Permitted	12.01.12
04/01130/FUL	COU of Garage to Antique Showroom and Shop	Permitted	02.12.04
02/001284/LBC	Extensions and Alterations to Dwelling	Permitted	24.12.02
02/01283/FUL	Extensions and Alterations to Dwelling	Permitted	23.12.02

Consultations:-

No objections have been received from:-

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

No objection subject to conditions has been received from Directorate of the Chief Executive (Archaeology)

Market Bosworth Parish Council object to the application on the following grounds:-

a) no parking provision for staff, deliveries or visitors mentioned
b) no stock storage area mentioned
c) concerns regarding the preservation of the original features of the house and potential damage from

alterations and wear and tear
d) concerns regarding future changes to the façade to promote the business

Press and site notices have been displayed and neighbours notified. One letter received raising the following issues and concerns:-

a) highway safety, obstruction from potential illegal parking of delivery vehicles
b) increased traffic and congestion
c) no mention of parking provision for proposed tenants

No response has been received from Waste Minimisation Officer.

Development Plan Policies:-

National Planning Guidance:

Planning Policy Statement 4 (PPS4): Planning for Sustainable Economic Growth
Planning Policy Statement 5 (PPS5): Planning for the Historic Environment

Adopted Core Strategy:

Policy 7: Key Rural Centres
Policy 11: Key Rural Centres Stand Alone (Market Bosworth)

Adopted Local Plan:

Within the settlement boundary and local shopping centre of Market Bosworth and the Market Bosworth Conservation Area
Policy BE1: Design and Siting of Development
Policy BE4: Alterations to Listed Buildings
Policy BE5: The Setting of a Listed Building
Policy BE6: Change of Use of Listed Buildings
Policy BE7: Development in Conservation Areas
Policy BE14: Archaeological Field Evaluation of Sites
Policy BE16: Archaeological Investigation and Recording
Policy RET7: Local Shopping Centres

Other Documents

Market Bosworth Conservation Area Appraisal and Review

Appraisal:-

The main issues in this case are the principle of development, its impact on the Listed Building, Market Bosworth Conservation Area, neighbours, residential amenity and highway safety.

Principle of Development

The site is located within the settlement boundary of Market Bosworth and within the local shopping centre as defined on the proposals map of the adopted Hinckley and Bosworth Local Plan. Planning Policy Statement 4, policy 7 of the adopted Core Strategy and policy RET7 of the adopted Local Plan all support the development of Class A1 and A2 uses, of appropriate scale, within local centres. There is, therefore, a presumption in favour of the change of use of the premises for retail and financial and professional services in this case subject to all other planning matters being appropriately addressed.

Impact on Market Bosworth Conservation Area and Listed Building

The site is within the Market Bosworth Conservation Area, however, the application is for a change of use of part of the premises and does not include any external alterations to the buildings frontage and only minor or

non-prominent external works to the rear of the premises. Whilst a new drain is proposed to be installed under the rear yard, the cobbles stones and brick paviors that form the surface of the yard are to be carefully removed and then replaced after the works to re-instate the yard area to its former appearance. As a result and given the retail/commercial uses within the ground floor frontage areas of a majority of other premises on Main Street and in Market Place, subject tot the imposition of appropriate conditions, the proposals would preserve the architectural and historic character of the Listed Building, its setting and the character and appearance of the wider Market Bosworth Conservation Area. There is an accompanying application for Listed Building Consent (reference 11/00735/LBC) that carefully considers the proposed alterations to the structure and fabric of the Listed Building. Overall, the proposals are considered to comply with policy 11 of the adopted Core Strategy and policies BE1, BE4, BE5, BE6 and BE7 of the adopted Local Plan and Planning Policy Statement 5.

The Directorate of the Chief Executive (Archaeology) does not object but has recommended conditions in respect of archaeological attendance, investigation and recording. In view of the location of the building within the historic core of Market Bosworth, the known historic fabric within the building, the nature of the proposed alterations and the excavation within the rear yard, such conditions are considered to be reasonable and necessary in this case to ensure satisfactory investigation and recording to comply with Planning Policy Statement 5 and policies BE14, BE15 and BE16 of the adopted Local Plan. The Borough Council's Conservation Officer has been involved in pre-application discussions in respect of the proposals and has raised no objections.

The Market Bosworth Parish Council raise concerns regarding the potential for future changes to the façade of the building to promote the business within and concerns regarding the preservation of the original features of the house and potential damage from alterations and wear and tear. Any future proposed changes to the façade will require separate planning permission or advertisement consent and therefore any impact would be considered at that time. The proposals do not include any alterations to the timber wall panelling or timber floor boards. The preservation of the original features and impact of the proposals on the historic and significant fabric of the Listed Building are considered more fully within the accompanying Listed Building Consent application (reference 11/00735/LBC).

Impact on Neighbours and Residential Amenity

The premises are sited within the local shopping centre of Market Bosworth and a majority of the neighbouring properties have either retail or other commercial uses at ground floor. There are also offices at first floor above the adjacent retail unit (5 Main Street). The remainder of the dwelling will retain access from the rear off Back Lane. The agent has confirmed that it is intended that the unit will remain in the ownership of the occupier of the dwelling. Whilst the main living areas of the remaining dwelling will be separated from the propsed retail unit and the intended Class A1 and A2 uses are unlikely to generate excessive noise or other disturbance that will result in an adverse impact on residential amenity, in view of the first floor bedrooms located above the proposed unit it is considered to be reasonable in this case to limit the hours of use of the premises to protect residential amenity. No hours of use have been proposed in the application as the end user is as yet unknown, however, following discussion with the agent, a condition limiting the hours of use to between the hours of 9.00am and 6.00pm Mondays to Saturdays and between the hours of 10.00am and 4.00pm on Sundays to coincide with the monthly market would be acceptable.

Impact on Highway Safety

Whilst no parking provision is indicated in the application for staff, delivery vehicles or visitors, in this case the premises are located in the centre of the village adjacent to other retail units and services and public parking facilities are available in the vicinity of the site. In addition, the proposed unit with a maximum of 55 square metres of floor space in the sales areas is not of a scale that will generate additional traffic to the local shopping centre that will adversely affect highway safety. The enforcement of parking restrictions is not a material planning matter and is dealt with under separate legislation. The Director of Environment and Transport (Highways) has raised no objection to the application given its central location.

Other Matters

The delivery and storage of stock are matters that will have to be addressed by any user.

Conclusion

The change of use of part of the dwelling to Class A1 and A2 uses is considered to be acceptable as it will result in an additional retail or other service facilities within the defined local shopping centre of Market Bosworth. The proposals are considered to preserve the character and appearance of the Listed Building and the Market Bosworth Conservation Area and will not result in any adverse impact on neighbours or residential amenity or highway safety. The proposed development is therefore considered to comply with the relevant policies of the adopted Core Strategy, the adopted Local Plan and national planning guidance and is therefore recommended for approval subject to conditions.

RECOMMENDATION:- Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the character and appearance of the of the Grade II listed building and the Market Bosworth Conservation Area, 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 as it is within a local shopping centre, would preserve the significant historical and architectural features of the Grade ii listed building and the character and appearance of the Market Bosworth Conservation Area and would not have any adverse impact on residential amenity or highway safety.

Local Development Framework: Core Strategy (2009):- Policy 7 and 11

Hinckley & Bosworth Borough Council Local Plan (2001):- Policies RET7, BE1, BE4, BE5, BE6, BE7, BE14, BE15 and BE16

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: Site Location Plan Drawing No. 11/52 01; Site Layout Plan Drawing No. 11/52 03A and proposed Plans and elevations Drawing No. 11/52 04 received by the local planning authority on 23 November 2011.

3 The premises shall not be open to the public outside the hours of 9.00am to 6.00pm Mondays to Saturdays and the hours of 10.00am to 4.00pm on Sundays.

4 No development shall commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved in writing by the local planning authority. The development shall only be implemented in accordance with the approved Written Scheme of Investigation and the archaeological works shall be carried out by a suitable qualified body approved in writing by the local planning authority.

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.

3 To protect residential amenity to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

4 To ensure satisfactory archaeological investigation and recording to accord with policies BE14, BE15 and BE16 of the adopted Hinckley and Bosworth Local Plan and Planning Policy Statement 5: Planning for the Historic Environment.

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 Whilst the local planning authority is supportive in this case of the change of use of part of this Grade II listed building to provide additional services to the local shopping centre, this is only acceptable as the proposals are not considered to include any internal or external alterations that will have an adverse impact on the historical fabric, character or appearance of the listed building. As such, the applicant is advised that separate listed building consent, planning permission and/or advertisement consent would be required for any additional internal or external alterations or display of any advertisements and that such applications are unlikely to be considered favourably if they would have any adverse impact, particularly to the front facade of this listed building.

5 In relation to condition 4 above, the Written Scheme of investigation shall include an assessment of significance and research questions and:-

a) the programme and methodology of site investigation and recording
b) the programme for post investigation assessment
c) the provision to be made for publication and dissemination of the analysis and records of the site investigation
d) the provision to be made for publication and dissemination of the analysis and records of the site investigation
e) the provision to be made for archive deposition of the analysis and records of the site investigation
f) timescales for the completion of the above
g) nomination of a competent person or organisation to undertake the works set out within the Written Scheme of Investigation.

Contact Officer:- Richard Wright Ext 5894