DELEGATED REPORT

Recommendation Made: 12 July 2011

Reference:- 11/00394/FUL **Parish:- Market Bosworth Parish Council**

Applicant:- Mr Andrew Fenwick
188 Roston Drive
Hinckley
Leicestershire
LE10 0US

Location:- Noctule House Pipistrelle Drive Market Bosworth Nuneaton Leicestershire

Proposal:- CHANGE OF USE FROM OFFICE TO DWELLING WITH ASSOCIATED ALTERATIONS

Introduction:-

This application proposes the change of use of Noctule House which is a three storey building comprising 3no. B1 work space units with a total floor area of 290 square meters to a 5/6 bed dwelling. The only external alteration is the replacement of one ground floor opening with folding doors.

Externally additional soft landscaping has been proposed to provide additional amenity space. The existing parking arrangements will be retained for the dwelling.

The Pipistrelle Drive development was a mixed use redevelopment of part residential and part B1 use (85 dwellings and 10 work space units comprising a floor area of 929 square meters) a former employment site located on the outskirts of Market Bosworth within the countryside, adjacent to Station Road and the Ashby Canal Conservation Area. The final phase, comprising 6 B1 units is yet to be constructed.

The application is accompanied by a Design and Access Statement and marketing information.

The Design and Access Statement suggests that the existing office block has stood empty for four years and that the change of use to a domestic building would be more in keeping with the surrounding residential uses and would result in a better use of the building.

The marketing information illustrates that the property has been marketed by several agents over the past four years, who have not been successful in letting the property for business purposes.

Relevant Planning History: -

11/00150/FUL	Change of use from office to dwelling with Associated alterations	Withdrawn	26/04/11
09/00028/FUL	Erection of 6.NO. Two bed Apartments	Refused	25/02/09
03/00652/REM	Erection of 85 dwellings and 16 work space units	Approved	04/09/03

Consultations:-

No objections have been received from: -

The Director of Environment and Transport (Highways)
Head of Community Services (Land Drainage)
Head of Community Services (Pollution)
Market Bosworth Parish Council

Central Networks do not object to the application but have suggested a note to applicant be added.

Head of Business Development and Street Scene Services (Waste Minimisation) have no objection subject to condition.

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

Development Plan Policies:-

National Policy

PPS1
PPS3
PPS4
PPS7

Local Plan (2001)
BE1
NE5
EMP1

Core Strategy (2009)

Policy 7:Key Rural Centres
Policy 11: Key Rural Centres Stand Alone

Other Guidance

Employment Land and Premises Study Review (2010)
SPG on New Residential Development

The Coalition government announced through the Chancellor of the Exchequer's budget on 23rd March 2011, its intention to reform the Use Classes order to allow the change of use of commercial and employment sites i.e. those falling with Use Classes B1, B2 and B8 to residential use (C3) without the requirement of planning permission. Whilst there is no framework announced to date to deliver such a proposals, the ministerial statement is clear indication of the new direction of the planning systems. These proposals are drawn from a Policy Exchange research paper: More Homes: Fewer Empty Properties.

Appraisal:-

The main considerations in respect of this application are the principle of development, impacts on residential amenity and impacts on the surrounding countryside and conservation area.

The Principle of Development

The site is situated outside of the settlement boundary of Market Bosworth, and is therefore within the open countryside. National, regional and local planning policy seek to restrict new residential development within the open countryside. PPS1 confirms that planning authorities should promote sustainable patterns of rural development and PPS3 states housing developments should be located in suitable locations which offer a good range of community facilities.

PPS7 advises development outside existing settlements should be strictly controlled in order to protect the countryside and new dwellings require special justification. Special justification is generally only applicable to a new dwelling which is required to enable an agricultural worker and certain other full time workers to live at or close to their place of work or is of a truly outstanding sustainable design. The submitted details make no reference to an agricultural requirement for the proposed dwelling or emphasis placed on it being truly outstanding to warrant the granting of permission and as such no justification has been provided to meet the requirements of PPS7.

Policy NE5 seeks to control development within the countryside and confirms that planning permission will only be granted where the development is ether, important to the local economy, for the change of use, reuse or extension of existing buildings or for sport or recreation. In this case the application proposes a change of use of an existing commercial property. Although the original development was granted planning permission on the basis that it was a mixed-use, sustainable development, the marketing information submitted with the application clearly demonstrates that there is no demand for the commercial accommodation in question. Since the approval of the original application in 2003 the property market and economic circumstances of the country has changed. Local planning authorise are having to consider the need to provide for economic growth whilst at the same time providing new homes. Accordingly, on balance it is considered more sustainable and beneficial to the local economy if the building is brought into use for residential purposes, as opposed to being left empty. As the application proposes a change of use of a redundant commercial unit, and on the basis that there is no demand for the unit, in principle the proposal is considered acceptable and compliant with policy NE5 of the Local Plan.

Character of countryside and Conservation Area

As the building is existing, with the only external alteration proposed, that being the replacement of one of the windows on the rear elevation with folding doors. The development will have no further impacts on the character of countryside and will preserve the character of the conservation area.

Impact on Neighbours

There are windows serving principle rooms at first and second floor on both the front and rear elevations of the building. To the front the windows have views over Station Road. To the rear the windows will overlook a pair of single storey garages and the gable end of number 5 Pipestrelle Drive. There are no windows on this elevation. Accordingly there will be no impacts on the privacy of surrounding residential properties and the separation distances between the surrounding buildings are considered acceptable.

The amenity space proposed originally comprised part of the parking and turning area for the development. A landscaping scheme has been submitted with the application. This denotes the subdivision of the area into amenity space, with additional hard and soft landscaping and 3 off road parking spaces. The total area of usable amenity space provided will be 109.6 meters square. This is larger than the space identified within the SPG on New Residential Development and thus the space provided is considered sufficient.

The adjoining unit, number 1 currently has a commercial use. However as the use is restricted to use class B1 – Business, the types of uses which could accommodate the building are not of a type which would be likely to result in noise and disturbance to the detriment to the residents of the neighbouring property. Accordingly there is no conflict in the use of the premises as a dwelling house.

Based on the above, the proposal is not considered to have any material impacts on the residential amenity of the surrounding residential properties, in terms of overlooking, amenity or noise and disturbance.

Highways

The existing access to the site is to be retained, the only change being the replacement of the wrought iron gates with wooden gates and three off road parking spaces, already existing are to be used. Accordingly on this basis, the Highways Authority has no objections to the application.

Play and Open Space Contributions

The site is not situated within 400 metres of public open space in Market Bosworth. Therefore, although the development results in a net gain of one dwelling, no contribution can be required in line Circular 05/05 and more recently with the Community Infrastructure Levy Regulations 2010 (CIL).
Conclusion

As the application proposes to bring back into use a redundant commercial unit, in principle the development is considered acceptable. As the building is existing there will be no further impacts on the character of the surrounding countryside and the development will preserve the Conservation Area, the parking and access arrangements are considered acceptable and there will be no material impacts on the residents of surrounding

properties in terms of privacy, overlooking, noise or disturbance. The application is therefore considered to be in accordance with policies NE5 and BE1 of the Local Plan and the Councils SPG on New Residential Development 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 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 scale, mass and design of the proposed extension would not detrimentally impact on the amenities of neighbouring residents or the character and appearance of the street scene, would preserve the character of the conservation area and would be in accordance with the development plan.
Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, NE5, T5,
Core Strategy (2009) :- Policy 7, Policy 11

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 refs: 'Plan 1' , oo5a Rev a, 007 Parking and Landscaping Plan' received by the Local Planning Authority on the 17.06.11

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