Item: **10**

Reference: **11/00565/FUL**

Applicant: **Mr Raymond Fudge**

Location: **8 Market Place Market Bosworth**

Proposal: **ERECTION OF TIMBER SHED**

Target Date: **12 September 2011**

Introduction:-

This application is to be considered at Planning Committee at the request of the Head of Service as a former employee is connected with the business.

Application Proposal

Members may recall that an application for retrospective planning permission for the change of use from Delicatessen (Use Class A1) with tea room to Café (Use Class A3) including outbuilding was considered at the June 2011 committee and subsequently approved on 29 June 2011. The timber shed, which was previously erected was taken down during the course of that application and removed from the description of development.

This application now seeks consent for the timber shed. The shed measures approximately 2.1 x 2.1 metres with a gently sloping roof which would measure a maximum of 2.15 metres, with double doors to the front. The materials are horizontal feather edge boarding, already stained to match the existing fencing, with a felt roof.

The shed would be laid on to an existing paved patio area to the rear of the site, between the existing outbuildings and café.

An application for Listed Building Consent (ref: 11/00579/LBC) has also been submitted for the erection of a timber shed and is subject to a separate report on this committee agenda.

The Site and Surrounding Area

The premises are situated in the corner of Market Place which is interspersed with commercial and residential premises. The site is adjoined to the east by No. 10 Market Place, a residential property, and to the north west by No.6 Market Place which is a clock shop.

The building is a Grade II Listed Building and is located within Market Bosworth's Local Shopping Centre and falls within Market Bosworth Conservation Area, as defined by the adopted Hinckley and Bosworth Local Plan.

Technical Documents submitted with Application

The application is accompanied by a Design and Access Statement and a Heritage Statement.

The Design and Access Statement confirms that the purpose of the shed is for the secure storage of the outside patio tables, chairs, parasols and gardening and maintenance equipment, all associated with the cafe use, and that it the shed would be set away from the footpath ensuring that it does not impinge on the access to the property at No.10.

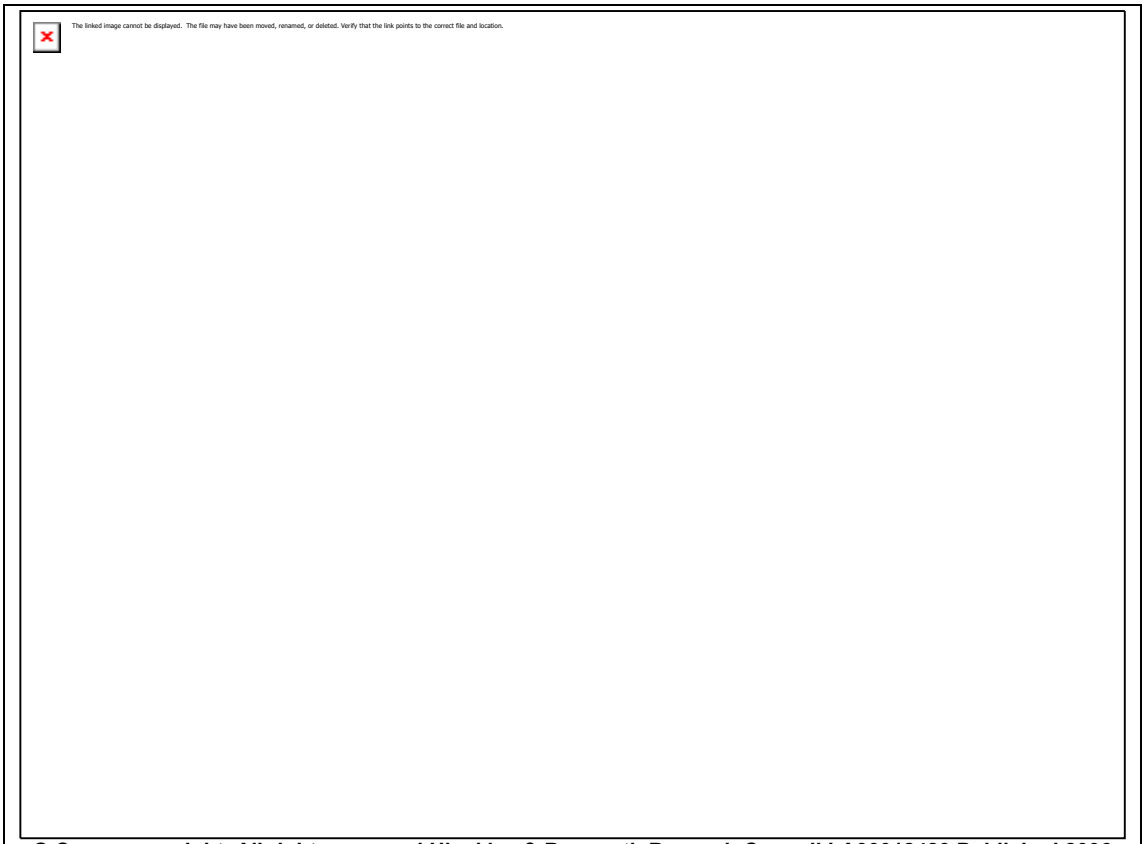
The Heritage Statement states that the shed will have no impact on the structure of the main building, will not be visible from the front of the property and will not be detrimental in any way to the character of the building or its surroundings and area.

The statement claims that the shed has been on site in this position since 2003 until it was removed recently and this application is to regularise the re-erection of it.

History:-

11/00579/LBC	Erection of timber shed	Pending	
11/00402/COU	Retrospective change of use from A1(Delicatessen) to A3 (Café) including outbuilding	Approved	29.06.11
11/00173/COU	Retrospective change of use from A1 (Delicatessen) to A3 (Café)	Withdrawn	19.05.11
06/00894/CON	Partial Demolition of Property	Returned	13.09.06
06/01002/LBC	Demolition of existing stairwell and erection of new stairwell with alterations to dwelling	Approved	01.11.06
06/00893/FUL	Demolition of existing stairwell and erection of new stairwell with alterations to dwelling	Approved	01.11.06
02/00442/COU	Change of use of part of shop to eating area	Approved	17.06.02
01/01151/LBC	Extension and alterations to premises	Approved	04.01.02
01/01160/FUL	Extension and alterations to premises	Approved	07.01.02
98/00681/LBC	Alterations and extension to Provide ground floor shop and first floor flat	Approved	11.11.98
98/00682/COU	Alterations and extension to	Approved	11.11.98

Provide ground floor shop and
first floor flat



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Consultations:-

No comments/objection has been received from Head of Community Services (Land Drainage).

Market Bosworth Parish Council has no objections to the proposed shed as long as it does not obstruct neighbouring properties access and is not a fire hazard.

Site notice and Press notice were displayed and neighbours notified.

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

Market Bosworth Society
Leicestershire County Council Conservation Officer
Historic Buildings Panel.

Policy:-

Central Government 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 Statement 4 (PPS4): 'Planning for Sustainable Economic Growth' sets out the Government's objectives for prosperous economies which include improving the economic performance of both rural and urban areas, promoting regeneration and tackling deprivation, delivering more sustainable patterns of development, reducing the need to travel and promoting the vitality and viability of town and other centre uses.

Planning Policy Statement 5 (PPS5): 'Planning for the Historic Environment' indicates that local planning authorities should consider the impact of any proposal on any heritage asset and that there should be a presumption in favour of the conservation of designated heritage assets. Heritage assets include Listed Buildings and Conservation Areas including their setting.

Regional Policy

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 it 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

This is the Regional Spatial Strategy for the East Midlands and provides a broad development strategy for the East Midlands. The following relevant policies apply to this proposal:

Policy 1 seeks to secure the delivery of sustainable development.

Local Development Framework Core Strategy 2009

Policy 11: 'Key Rural Centres Stand Alone' states that the focus is to consolidate and improve existing services within the village. More specifically to Market Bosworth it states that additional employment provision and tourism will be supported and that all new development should respect the character and appearance of the Market Bosworth Conservation Area.

Hinckley and Bosworth Local Plan 2001

Policy Retail 7: 'Local Shopping Centres' is a partly saved Local Plan policy, applicable to retail development outside of Hinckley Town Centre boundary and seeks to grant planning permission for retail development in a number of named local shopping centres including Market Place in Market Bosworth.

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; ensures adequate highway visibility for road users and adequate off street parking and

manoeuvring facilities; 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; does not adversely affect the occupiers of neighbouring properties.

Policy BE4: 'Alterations to Listed Buildings' states that planning permission will be granted for alterations and additions to listed buildings only if it can be demonstrated that the proposal would not detract from the architectural or historical character of the building.

Policy BE5: The Setting of a Listed Building states that setting of a listed building will be preserved and enhanced by appropriate control through the design of new development in the vicinity, having regard to the scale, form, siting and design of the proposal in relation to the listed building and its setting.

Policy BE7: 'Development in Conservation Areas' states that primary planning policy will be the preservation or enhancement of their special character. Planning permission for proposals which would harm their special character or appearance will not be granted.

Appraisal:-

The main considerations with regard to this application are the principle of development, impact upon residential amenity and impact on the Historic Fabric, Character, Appearance and Setting of the Listed Building and the Market Bosworth Conservation Area.

Principle of Development

The timber shed will predominantly be taken up with the storage of tables, chairs and parasols which are then erected to the front of the site, outside of the café, dependent upon the weather. The accompanying documentation also refers to the storage of gardening and maintenance equipment in association with the café, as there are hanging baskets on site.

Following the recent grant of planning permission (ref: 11/00402/COU) the site now has consent for an A3 (Use Class) Café use. As such it is considered that the principle of the use of the site as a café has already been established and as such there is no in principle objection to the erection of a timber shed for the storage of equipment to be used in conjunction with the café use.

In summary, it is considered that there is no in-principle objection to the proposed erection of the timber shed, providing that all other matters can be adequately addressed. For the reasons discussed in this report, it is not considered that there are any issues which would suggest that the scheme would be contrary to development plan policies.

Impact upon Residential Amenity

The neighbouring residential property No. 10 Market Place adjoins the site to the east and access to the rear of this property is gained via a gated entrance in the corner of Market Place which follows round to the rear of the application premises. There are both ground and first floor windows in No's 10's rear elevation serving habitable rooms and there is a 1.8 metre close boarded fence with a gate.

Given the siting and scale of the timber shed proposed, it would be largely screened by the presence of the 1.8 metre fence occupying the common boundary. As such it is not considered that there would be any significant overlooking, overshadowing or overbearing impacts.

Given the proposed use of the timber shed for the storage of chairs, tables and parasols it is considered that it is unlikely there would be a significant number of comings and goings to the shed throughout the day, as it is likely that the trips generated would be at the start and end of the day to put out the tables and chairs and return them at the end of the day, and this again would be subject to the weather conditions. It is therefore considered unlikely that a comings and goings to the shed would give rise to an unacceptable disturbance to the neighbouring No.10.

It is not considered that there would be any significant impacts upon No. 4 Warwick Close located to the west of the application site, given the distance from this neighbouring dwelling together with the presence of a 1.8 metre brick wall and screening provided by an existing tree.

In response to Market Bosworth Parish Council's request to ensure that the access to No.10's dwelling is not obstructed, a private access right is not a material planning consideration. Notwithstanding this point, it is considered that the siting of the timber shed is unlikely to give rise to an obstruction to this access route in any case.

In summary, it is considered that the proposed timber shed would not give rise to any significant material impact upon the amenities of the occupiers of any of the neighbouring dwellings. It is therefore considered that this is in accordance with Saved Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

Impact on the Historic Fabric, Character, Appearance and Setting of the Listed Building and the Market Bosworth Conservation Area.

The property is a Grade II Listed Building and located within the Market Bosworth Conservation Area. It is a statutory requirement that any new development should at least preserve the character of the Conservation Area, as stated within Local Plan Policy BE7.

For the avoidance of doubt a Listed Building application has been submitted and is subject to a separate report.

The shed is proposed to be sited to the rear of the site and is to be constructed in timber, which is already stained to match the existing fence, and the overall scale of the shed is subservient to the main building. By reason of the siting, scale and materials proposed it is not considered that the timber shed would impact upon the architectural or historical structure of the listed building or detract from its setting or impact upon the character and appearance of Market Bosworth Conservation Area.

In summary, it is considered that the proposed timber shed would not result in any adverse impact upon the architectural or historical structure of the listed building or detract from its setting and at the very least preserves the character of Market Bosworth Conservation Area. It is therefore considered that this is in accordance with guidance within PPS5 and Saved Policies BE4 and BE7 of the adopted Hinckley and Bosworth Local Plan.

Conclusion

In conclusion, there is no-in principle objection to the erection of a shed within the curtilage of the café for the storage of ancillary equipment for the café. The proposed timber shed it not considered to give rise to any significant material impacts upon residential amenity or impacts upon the architectural or historical structure of the listed building or detract from its setting and the shed it considered to preserve the character of Market Bosworth Conservation Area.

It is not considered that there are any issues which suggest that the scheme would be contrary to development plan policies, accordingly the proposal is recommended for approval subject to the imposition of relevant planning 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 would be in accordance with the development plan. By virtue of siting, scale and design, the erection of the timber shed would not give rise to any significant impacts upon residential amenity, impacts upon the architectural or historical structure of the listed building or detract from its setting and would preserve the character of Market Bosworth Conservation Area.

Hinckley and Bosworth Borough Council Local Development Framework: Core Strategy (2009): - Policy 11.

Hinckley and Bosworth Borough Council Local Plan (2001):- Policies Retail 7; BE1; BE4; BE5; BE7.

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 details: Drawings entitled; Ordnance Survey Map (Scale 1:500); Indicative Layout of Shed; Front Elevation (Scale 1:20); Side elevation fronting No.4 Warwick Close (Scale 1:20); Side elevation fronting fence with No.10 (Scale 1:20); Back elevation (Scale 1:20); Floor Plan (Scale 1:50) received by the Local Planning Authority 18 July 2011.

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).

5 You are reminded to comply with the conditions of Listed Building Consent ref: 11/00579/LBC.

Contact Officer:- Ebbony Mattley Ext 5691