Hinckley & Bosworth Borough Council

A Borough to be proud of

Town and Country Planning Act 1990

PLANNING PERMISSION

Name and Address of Applicant
Michelle Murphy
3 Main Street
Market Bosworth
Nuneaton
Leicestershire
CV13 0JN

Name and Address of Agent (if any)
Hayward Architects
19 Station Road
Hinckley
Leicestershire
LE10 1AW

Part I - Particulars of Application

Date of Application	**Application No.**
23 November 2011	11/00734/FUL

Particulars and location of development :

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

3 Main Street Market Bosworth Nuneaton Leicestershire CV13 0JN

Part II - Particulars of decision

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

In pursuance of its powers under the Town and Country Planning Act 1990, the Hinckley and Bosworth Borough Council grants permission for the carrying out of the development referred to in Part I hereof in accordance with the application form and plans submitted, subject to the following conditions :-

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.

IMPORTANT - PLEASE READ THE NOTES AT THE END OF THIS DOCUMENT

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.

The reasons for the conditions are :-

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.

Date : 13 January 2012

SIMON WOOD
HEAD OF PLANNING

NOTES

1. It will be most helpful if the application number shown overleaf is quoted in all correspondence.

2. If you consider that this decision has been made invalidly through the Council failing to follow a procedure correctly, not having the legal power to make the decision in the way it did or through its decision being so unreasonable as no reasonable local authority would make the same decision based on the same facts, then you may enter a claim for judicial review to quash the decision. In order to proceed with a claim for judicial review an initial application for permission will need to be made to the Administrative Court, this application is required to be made "promptly and in any event within three months of the decision". The initial permission application will decide if you have an arguable case, whether you are sufficiently materially affected by the decision to bring the claim. If you are granted permission to bring the claim it will proceed to a full hearing at the Administrative Court. Although there is no requirement for you to do so it is highly recommended that you seek independent legal advice before bringing forward a claim for Judicial Review.

3. If the applicant is aggrieved by the decision of the Local Planning Authority to grant permission subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Section 78 of the Town and Country Planning Act 1990 within six months (see para 2a below) of the date of this notice. (Appeals must be made on a form which is obtainable from the Planning Inspectorate, Room 305(K), Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, by telephoning 0117 372 6372 or online at www.planningportal.gov.uk/planning/appeals/). You must use a Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the appeal form you require. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that the permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements as set out in Section 78 of the Town and Country Planning Act 1990, to the provisions of the development order, and to the directions given under the order. He does not in practice refuse to entertain appeals solely because the decision by the Local Planning Authority was based on a direction given by him. Appeals- new time rules. Appeals relating to applications made to the Local Planning Authority on, or after, 5th September 2003 must be made within six months of the date of this notice.

4. If permission to develop land is granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

5. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

6. This permission covers only consent under the Town and Country Planning Acts and does not give permission to demolish a Listed Building, for which separate consent is required. Amongst other things the consent of the Council of the district in which the land is situated may be required under the Building Regulations and if the proposals affect land within the limits of the highway (that is between the highway fences or hedges) the separate consent of the Highway Authority may also be required. Steps to obtain the necessary further consents should be taken before proceeding with the development.

SHOPS, OFFICES, FACTORIES, EDUCATIONAL BUILDINGS & BUILDINGS TO WHICH THE PUBLIC ARE TO BE ADMITTED : ACCESS AND PROVISION FOR THE DISABLED PERSONS

1 The Local Planning Authority is required to bring to your attention the requirements of the Disabled Persons 1981, Building Regulations 1991 "Access and facilities for Disabled People" document M and the Chronically Sick & Disabled Act 1970 (as amended 1976) (Sections 4.7.8 and 8A) requiring the provision of access facilities, car parking and toilets for the disabled and the provision of signing indicating what provision has been made for disabled persons within the building. Your attention is also drawn to the Code of Practice B.S 5619 "Design of Housing for the convenience of Disabled People", 1978 and Code of Practice, B.S. 5810 : 1979, "Access for the Disabled to buildings" available from the British Standards Institution, 2 Park Street, London W1A 2BS. (Tel 071-629-9000) and (in so far as educational buildings are concerned), to Design Note 18 "Access for the Physically Disabled to Educational Buildings."

2 The buildings to which these requirements apply are :-

a) Buildings to which the public are to be admitted to which Section 4 of the Chronically Sick & Disabled Act 1970 (as amended 1976) applies.

b) Offices, Shops & Railway Premises as defined in the Offices, Shops & Railway Premises Act 1963 or premises deemed to fall within the Act.

c) Factories as defined by Section 175 of the Factories Act 1961.
Educational Buildings as defined by Section 29B of the Disabled Persons Act 1981.

PPNOTES – V2.1