Item: **11**

Reference: **11/00579/LBC**

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.

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 seeks Listed Building Consent for the erection of 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 full planning permission (ref: 11/00565/FUL) 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 the 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 gardening and maintenance equipment, outside patio tables, chairs and parasols 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:-

11/00565/FUL	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 Provide ground	Approved	11.11.98



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Consultations:-

No comment/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:-

National Policy Guidance

Planning Policy Statement 5 (PPS5) - Planning for the Historic Environment (2010) 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.

Section72 (1) of the Planning (Listed Buildings and Conservation Area) Act 1990 provides that where an area is designated as a conservation area "…special attention shall be paid to

the desirability of preserving or enhancing the character or appearance of that area" in the exercise of any of the provisions of the Planning Acts.

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 2009

No relevant policies in the determination of this application.

Local Development Framework Core Strategy 2009

No relevant policies in the determination of this application.

Hinckley and Bosworth Local Plan 2001

Policy BE4: Alterations of 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.

Appraisal:-

The sole consideration in the determination of this application for Listed Building Consent relates to whether the works proposed accord with Policy BE4 of the Adopted Hinckley and Bosworth Local Plan and the overarching guidance contained within PPS5.

It is not considered the siting of the timber shed to the rear would give rise to any detrimental impacts and the minor scale is similar to that of the existing outbuildings, ensuring that it does not dominate or detract from the existing building. The materials proposed and the stained finish is the same as the existing boundary treatments, ensuring the external appearance is compatible.

Conclusion

In conclusion, it is considered that the proposal represents an appropriate form of development for this listed building and does not detract from the historic and architectural character. Accordingly it is considered the development proposed would be compliant with Saved Local Plan Policy BE4 and the overarching principles of guidance contained within PPS5.

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 works would be in accordance with the development plan and would not be to the detriment of the special architectural or historic interest of this Listed Building.

Hinckley and Bosworth Local Plan (2001):- Policy BE4.

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 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2 To ensure the work accords with Policy BE4 and 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 planning permission ref: 11/00565/FUL.

Contact Officer:- Ebbony Mattley Ext 5691