DELEGATED REPORT

Recommendation Made: 8 June 2011

Reference:- 11/00169/COU **Parish:- Market Bosworth Parish Council**

Applicant:- Mr Mark Cooper
12 Market Place
Market Bosworth
Nuneaton
Leicestershire

Location:- 12 Market Place Market Bosworth Nuneaton Leicestershire CV13 0LE

Proposal:- CHANGE OF USE FROM RESIDENTIAL TO RETAIL

Introduction:-

This application seeks full planning permission for the change of use from residential to retail along with internal alterations. The application site, know as 'Content' comprises a mixed use listed property. The front section of the property comprises a gift shop with the remainder providing a dwelling.

The site is located in the centre of Market Bosworth and occupies a prominent position overlooking the market square.

The building is from the late 18th Century, and forms part of a row of four houses and shops, built in brick with plain clay tiled roofs. The property is Grade II listed.

The building is listed and is situated within the Market Bosworth Conservation Area.

A Heritage Statement has been submitted with the application. This is supportive of the proposal, stating that the additional retail space will provide a potential increase in revenue for the shop which will maintain the continued growth of the relatively new business and satisfy demand, in a climate where many retail businesses are struggling. It is also confirmed that the room intended to accommodate the proposal is currently un-used.

Relevant Planning History: -

10/00181/LBC Erection of a shop sign Approved

Consultations:-

No objections have been received from:-
Head of Community Services (Land Drainage)
Director of Environment and Transport (Highways)
Market Bosworth Parish Council

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

Development Plan Policies:-

Adopted Core Strategy

Policy 7 - Key Rural Centres

Policy 11 – Key Rural Centres Stand Alone

Adopted Local Plan

The site lies within the settlement boundary of Market Bosworth as defined in the adopted Hinckley and Bosworth Local Plan.

Policy Retail 7 – Local Shopping Centres

Policy BE1 - Design and Siting of the Development

Policy BE4 – Alterations to Listed Buildings

Policy BE6 – Change of use of a Listed Building

Policy BE7 – Development in Conservation Areas

SPD Shopfronts

Appraisal:-

The main considerations in respect of this application are the principle of development, the impact of the proposed change of use on the character and appearance of the listed building and Conservation Area and on the residential amenity of the existing and neighbouring properties.

The Principle of Development

The site is located within the retail area and settlement boundary of Market Bosworth, as defined on the Adopted Hinckley and Bosworth Local Plan Proposals Map; therefore there is a presumption in favour of development subject to all other planning matters being appropriately addressed.

In terms of the creation of additional retail floor space through the change of use of residential; this is supported by Policy Retail 7 of the Local Plan and policy 7 and policy 11 of the Core Strategy. These policies are supportive of proposals which increase employment opportunities, and for new retail development to meet a local need.

Impact on Existing Building, Conservation Area and Street Scene.

The proposal involves the change of use of the living room to the rear of the two front rooms, which currently comprise the retail area of the gift shop. The change of use will provide an additional 14m2 of A1 floor space. A new opening is to be formed in the dividing wall. The dimensions of this opening are 1.6m x 2.1m.

Resultant of the minimal extent of the physical alterations proposed and the fact that there are to be no external alterations, the change of use will have no material impacts on the character of the Conservation Area and will therefore be in accordance with policies BE1, and BE7 of the Local Plan.

Residential Amenity

The applicant has confirmed that the first floor of the building provides the principal residential living space and that the room in question is currently unoccupied. Accordingly the change of used proposed will not compromise the existing residential use in terms of floor area. In terms of noise and disturbance, the nature and extent of the use proposed is unlikely to give rise to such issues and thus is not considered to have any material impacts on the amenity of the existing residential unit.

There are residential properties either side of the application site. However as the application proposes only a minor extension to an existing use, and as the nature of the use proposed is not likely to give rise to any additional impacts of noise and disturbance, there are considered to be no further impacts on the amenity of surrounding residential properties.

There is a window to the southern elevation of the room under consideration, however this overlooks the rear amenity space of the application site and has no views over neighbouring properties. Accordingly there will be

no impacts on the privacy of adjacent properties.

Other Issues

Highways
As the proposal is for additional retail floor area within a designated retail area, the Director of Environment and Transport (Highways) have no objections.

Conclusion

Through the creation of additional retail space within the designated retail area the proposal is in conformity with policy Retail 7 of the Local Plan and policy 7 and policy 11 of the Core Strategy . Due to the minimal extent of the physical changes proposed there will be no adverse impacts on the fabric or character of the listed building. Further the nature and extent of the use proposed will result in no further impacts on the amenity of surrounding residential properties. Accordingly, subject to conditions the application is considered acceptable.

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 use and scale of development proposed does not give rise to any adverse impacts on the residential amenity of the surrounding properties. Accordingly the proposal is considered acceptable.

Hinckley & Bosworth Borough Council Local Plan (2001) :- RETAIL 7, BE1, BE4, BE6, BE7
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 No:- 9074.01 received by the Local Planning Authority on the 26.4.11

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**