

Delegated Report

Planning Ref: 24/00686/CONDIT
Applicant: Ms D And F Sherwin
Ward: Cadeby Carlton M Bosworth & Shackerstone



Hinckley & Bosworth
Borough Council

Site: The Coach House Rectory Lane Market Bosworth

Proposal: Variation of Condition 02 (Approved Plans) of planning application 22/01152/LBC. Amendments to accommodate a new floor level for the extension

1. Recommendations:

1.1. Grant listed building consent for the variation of 22/01152/LBC subject to:

- Conditions detailed at the end of this report.

2. Planning Application Description

2.1. Section 73 of the Town and Country Planning Act 1990 allows applications for planning permission to be sought for the development of land without complying with conditions that were imposed on a previous planning permission. Section 19 of the Planning (Listed Buildings and Conservation Area) Act 1990 allows variation of conditions attached to a Listed Building Consent.

2.2. In this case, planning permission for application 22/01152/LBC granted listed building consent for works relating to the conversion of an existing outbuilding into a new three-bedroom dwelling with an extension on the north-eastern corner of the building at The Coach House, Rectory Lane, Market Bosworth.

2.3. This Section 19 application seeks planning permission for the variation of Condition 2 of that planning permission to provide a new, higher, floor level for the approved extension to a level that matches the ground floor level of the existing building. To facilitate this development, the extension increases in height from by 0.4m, which is higher than The Coach House, whereas before they were the same height.

2.4. Minor internal alterations are proposed to the layout of the development, but no amendments are proposed to the size, scale, or footprint of the proposal, nor the location of the proposed fenestration. The roof lights on the elevation are also revised to 550mm by 980mm in comparison to the approved 650mm x 800mm roof lights.

2.5. This application is submitted in tandem with application 24/00685/CONDIT.

3. Description of the Site and the Surrounding Area

- 3.1. The 0.4ha application site is located on the southern side of Rectory Lane, within the identified settlement boundary of the Key Rural Centre, Market Bosworth. The site is located within the historic core of the Market Bosworth Conservation Area and The Coach House is associated with The Old Rectory, which is a Grade II Listed Building. The Old Rectory has recently received planning permission for its conversion into a Specialist Educational Needs (SEN) Facility (Use Class F1) via applications 23/00667/FUL and 23/00668/LBC.
- 3.2. Market Bosworth Conservation Area Appraisal (MBCAA) identifies The Old Rectory and The Coach House as being, "*Separated by some distance,*" and unusual within the character of the street scene because they have slate roofs.
- 3.3. The Coach House has a separate access drive from the Listed Building, which runs north-south in the western section of The Old Rectory Grounds and is flanked by mature trees up to the turn into the yard area. A pair of ornate iron gates attached to brick piers are situated at the drive entrance on Rectory Lane, which match the style and form of the main gates to The Old Rectory, which are situated slightly further to the east. The gates to the driveway are an important historic feature located within the curtilage of The Old Rectory.
- 3.4. The Coach House has a clear physical relationship with The Old Rectory, and historically, and at present, it has a functional use ancillary to it. The outbuilding appears contemporary in age to the Listed Building, and this is evident on the first edition Ordnance Survey map of 1885. There was also an attached perpendicular range to the outbuilding, which had been demolished by the mid-20th century. The Coach House is not mentioned with The Old Rectory's Historic England Listing Entry 1361308. However, The Coach House is identified within the MBCAA's map as an Important Local Building.
- 3.5. The wider The Old Rectory site, including The Coach House, benefits from a Tree Preservation Order, 83/00005/TPORD. The group of trees identified as, "*G1,*" run adjacent to eastern boundary of the entrance into The Coach House application site and the group of trees identified as, "*G2,*" are located to the south of The Coach House. Only one individually specified tree, T3, is within the proximity of, and to the east of, the development. All the mature and well-established trees around the site contribute positively to the character and appearance of the Market Bosworth Conservation Area.
- 3.6. The Coach House is 12.5m west of The Old Rectory and 38.9m south of the Important Local Building, Southlands. Beyond the Old Rectory to the east are residential dwellings and to the north of Southlands is Rectory Lane Car Park and the centre of Market Bosworth. To the west of the application site are further residential dwellings that front Sutton Lane, including the Grade II Listed Building, 9 Sutton Lane, which is 38.2m northeast of the Coach House. To the south of the site is open countryside. The outbuilding itself is 60.7m south of the access onto Rectory Lane.

4. Relevant Planning History

4.1 24/00685/CONDIT

- Variation of Condition 2 (Approved Plans) of planning application 22/01133/LBC. Amendments to accommodate a new floor level for the extension.
- Permitted
- 21.10.2024

4.2 24/00283/DISCON

- Application to discharge Conditions 3 (Materials), 4 (Hard and Soft Landscaping), 5 (Tree Protection), 6 (Arboricultural Site Monitoring), and 7 (Construction Method statement – No Dig) from planning application 22/01133/FUL
- Discharged
- 18.06.2024

4.3 22/01152/LBC

- Proposed conversion of existing outbuilding and new extension to form new dwelling and associated works
- Listed Building Consent
- 23.02.2023

4.4 22/01133/FUL

- Proposed conversion of existing outbuilding and new extension to form new dwelling and associated works
- Permitted
- 22.02.2023

5. Publicity

5.1. In accordance with Planning Practice Guidance (PPG), provisions relating to statutory consultation and publicity do not apply. However, local planning authorities have discretion to consider the scale or nature of the change warrants consultation. Therefore, the Local Planning Authority can choose how to inform interest parties.

5.2. In this instance, the application has been publicised by sending out letters to local residents, a site notice was posted within the vicinity of the site, and a notice was displayed in the local press.

5.3. No responses have been received.

6. Consultation

- 6.1 In accordance with Planning Practice Guidance (PPG), provisions relating to statutory consultation and publicity do not apply. However, local planning authorities have discretion to consider the scale or nature of the change warrants consultation. Therefore, the Local Planning Authority can choose how to inform interest parties.
- 6.2 In this instance, there have been no objections from the following consultants:
- Hinckley & Bosworth Borough Council (HBBC)'s Conservation Officer
 - Market Bosworth Parish Council
- 6.3 Historic England did not comment on the application. Market Bosworth Society did not respond to the planning application.
- 6.4 No further responses have been received.

7. Policy

- 7.1 Core Strategy (2009):
- N/A.
- 7.2 Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016):
- Policy DM11: Protecting and Enhancing the Historic Environment
 - Policy DM12: Heritage Assets
- 7.3 Market Bosworth Neighbourhood Plan 2014 – 2016 (2015) (MBNP):
- Policy CE1: Character and Environment
- 7.4 Market Bosworth Conservation Area Appraisal (MBCAA) (2014).
- 7.5 National Planning Policies and Guidance:
- National Planning Policy Framework (NPPF) (December 2023)
 - Planning Practice Guidance (PPG)
 - National Design Guide (2019)
- 7.6 Other Relevant Guidance:
- Good Design Guide (2020)

8. Appraisal

8.1. In accordance with Planning Practice Guidance (NPPG), there is no statutory limit on the degree of change permissible to conditions under Section 73 applications, but the change must only relate to conditions and not to the operative part of the permission. The operative part of the planning permission being the description of the development.

8.2. The principle of development of the development has already been established through the earlier grant of the extant planning permission on the site. Therefore, the key issues in respect of this application are:

- Design and impact upon the historic environment
- Conditions

Design and Impact upon the Historic Environment:

8.3 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the Local Planning Authority when determining applications for development which affects a Listed Building or its setting to have special regard to the desirability of preserving the Listed Building or its setting or any features of special architectural and historic interest which it possesses.

8.4 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

8.5 Section 16 of the National Planning Policy Framework provides the national policy on conserving and enhancing the historic environment. Heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

8.6 Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment and heritage assets. All proposals for extensions and alterations of listed buildings and development affecting the setting of Listed Buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting. Development proposals should ensure the significance of a conservation area is preserved and enhanced.

8.7 The increased scale and height of the extension are considered to be very limited and continue to ensure that the proposed extension does not have an overbearing effect upon The Coach House. For the reasons above, it is therefore considered that the extension to the Curtilage Listed Outbuilding to The Old Rectory is compatible with its significance and its setting, and the development has an appropriate scale, which ensures that it remains of a satisfactory character and appearance that preserves the significance of the Market Bosworth Conservation

Area. Therefore, the proposal is considered to comply with Policies DM11 and DM12 of the SADMP.

Conditions:

- 8.8 Permission granted under Section 19 takes effect as a new independent permission to carry out the same development as previously permitted, subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended. It is open to the Applicant to decide whether to implement the new permission or the one originally granted. Therefore, in accordance with PPG, a Section 19 decision notice should set out all the conditions imposed on the new permission, and, for the purpose of clarity, restate the conditions imposed on earlier permissions that continue to have effect.
- 8.9 Listed Building Consent 22/01152/LBC was subject to two conditions.
- 8.10 Development has commenced on site and therefore Condition 01 (Time) can be removed.
- 8.11 Condition 02 (Approved Plans) needs amending to refer to the new revised plans. Therefore, all the conditions remain reasonable and necessary to ensure satisfactory development of the site. No additional conditions are considered to be necessary.

9. Equality Implications:

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states: -
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.
- 9.3 There are no known equality implications arising directly from this development.
- 9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which

makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

- 10.1 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that listed building consent is granted, subject to amended conditions. No additional conditions are considered necessary.

11. Recommendation

- 11.1 **Grant listed building consent for the variation of 22/01152/LBC**, subject to:

- Planning conditions detailed at the end of this report.

11.2 Conditions and Reasons

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, received by the Local Planning Authority as follows:

- Existing Elevations 21_4102_03 A (submitted: 30.11.2022)
- Existing Floor Plans and Sections 21_4102_02 (submitted: 30.11.2022)
- Proposed Elevations 22_4102_21 A (submitted: 12.07.2024)
- Proposed First Floor Plan and Sections (22 4102 19 B) (submitted: 03.10.2024)
- Proposed Ground Floor Plan 22_4102_18 A (submitted: 15.07.2024)
- Proposed Sections 22_4102_20 A (submitted: 12.07.2024)
- Topographical Survey 21_4102_01 (submitted: 30.11.2022)

Reason: To ensure a satisfactory form of development in accordance with Policies DM11, and DM12 of the Site Allocations and Development Management Policies Development Plan Document (2016).