

Delegated Report

Planning Ref: 23/00607/FUL

Applicant: Mr J Connolly

Ward: Cadeby Carlton M Bosworth & Shackerstone

Site: 20 Market Place Market Bosworth Nuneaton



Hinckley & Bosworth
Borough Council

Proposal: Change of use of office space (Class E) to residential accommodation (Class C3)

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

2. Planning Application Description

2.1. This planning application seeks full planning permission for the change of use of a commercial office property (Use Class E(c)(ii)) to a single three-bedroom dwelling (Use Class C3) at 20 Market Place, Market Bosworth. No changes are proposed to the floor plan or the external elevations of the property.

2.2. Following concerns raised by the Planning Officer regarding the impacts to the residential amenity of the future occupants of Bedroom 4, the development has been reduced in capacity to a three-bedroom property.

3. Description of the Site and the Surrounding Area

3.1. 20 Market Place is a Grade II Listed Building that is located within the Market Bosworth Conservation Area. The Listed Building Entry (National Heritage List England (NHLE) ref 1177527) identifies the heritage as:

"Office premises, formerly dwelling. Early C19. Brick with plain tiled roof. Two storeyed, three bays with central door flanked by 3-light wood mullion and transomed windows with cambered brick heads. Deep eaves blind. Gable end stacks."

3.2. The special historic and architectural interest of the building is inherent in its built form, which is most readily appreciated from its front elevation and the Market Place street scene, which ensures that the building makes a positive contribution to the character and appearance of the Market Bosworth Conservation Area, and its significance. Due to its commercial use, the front elevation of the building has a shopfront flanking the central entrance consisting of timber pilasters, fascia and mullion, and transom windows. A hanging sign is also positioned above the entrance. The shopfront is of a traditional style and material, and these features sit comfortably upon the front elevation of the building.

3.3. Upon inspection internally, there are no known fixtures or fittings (either in situ or concealed) of a potential interest due to the building being considerably modernised to facilities its most recent office use. The building does however retain a plan form of small rooms that are punctuated by a staircase that is accessed from the side elevation. To the rear of the building is a small, paved courtyard that is accessed by a gate from Market Place, which is to the side of the building.

4. Relevant Planning History

4.1 87/00654/4

- Change of use from residential to office
- Permitted
- 28.07.1987

4.2 75/00266/4M

- Use of ground floor as offices and conversion of first floor into a flat
- Permitted
- 25.03.1975

5. Publicity

5.1 The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.

5.2 No responses have been received.

6. Consultation

6.1 There have been no objections from the following consultants:

- Hinckley & Bosworth Borough Council (HBBC)'s Conservation Officer (subject to conditions)
- HBBC's Drainage Officer
- HBBC's Environmental Services' Pollution Officer
- HBBC's Waste Management Officer
- Local Highway Authority (LHA) (subject to conditions)
- Market Bosworth Parish Council
- Market Bosworth Society

6.2 Historic England have not commented on this application.

6.3 No further responses have been received.

7. Policy

7.1 Core Strategy (2009)

- Policy 7: Key Rural Centres
- Policy 11: Key Rural Centres Stand Alone

7.2 Site Allocations and Development Management Policies (SADMP) DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3 National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2021)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

- 7.4 Other Relevant Guidance
- Good Design Guide (2020)
 - Leicestershire Highway Design Guide (LHDG) (2022)

7.5 Market Bosworth Neighbourhood Plan

8. Appraisal

- 8.1. The key issues in respect of this application are therefore:
- Principle of development
 - Housing land supply
 - Design and impact upon the character of the area
 - Impact upon residential amenity
 - Impact upon parking provision and highway safety

Principle of Development

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise, and that the NPPF is a material planning consideration in planning decisions.
- 8.3. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the adopted SADMP set out a presumption in favour of sustainable development, and state that development proposals that accord with the Development Plan should be approved unless other material considerations indicate otherwise. Paragraph 12 of the NPPF states that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. Where planning applications conflict with an up-to-date plan, development permission should not usually be granted unless other material considerations indicate otherwise.
- 8.4. The current Development Plan consists of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016). The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough.
- 8.5. Both the adopted Core Strategy and the SADMP are over 5 years old, and Paragraph 33 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. Therefore, this report sets out the relevant adopted Core Strategy and SADMP policies and refers to the NPPF and notes any inconsistencies between them.
- 8.6. Policy 7 of the adopted Core Strategy states that the Council will support housing development within settlement boundaries of Key Rural Centres.
- 8.7. The development represents the change of use of an existing commercial property into a residential use within the identified settlement boundary of Market Bosworth. This is considered to be acceptable in accordance with Policy DM1 of the SADMP, and Policy 7 of the adopted Core Strategy, and therefore acceptable in principle,

subject to the assessment of all other material considerations. Other material considerations are set out within the next sections of the report.

Housing Land Supply

- 8.6 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 8.7 Paragraph 11(d) of the NPPF states that planning decisions should apply a presumption in favour of sustainable development where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date. Footnote 8 of Paragraph 11 of the NPPF highlights that housing policies are considered to be out-of-date where local planning authorities cannot demonstrate a five-year supply of deliverable housing sites.
- 8.8 Using the standard method as outlined by the Ministry of Housing, Communities & Local Government (MHCLG), Hinckley and Bosworth Borough Council are able to demonstrate 4.89 years of deliverable housing on 01 April 2022. In addition, both the adopted Core Strategy and the SADMP are over 5 years old, and Paragraph 33 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. Therefore, this report sets out the relevant adopted Core Strategy and SADMP policies and refers to the NPPF and notes any inconsistencies between them.
- 8.9 Given the above and the change in the housing figures required for the Borough, the 'tilted' balance in Paragraph 11(d) of the NPPF is triggered.
- 8.10 Paragraph 11 (d) of the NPPF requires planning permission to be granted unless:
- i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 8.11 Section 5 of the NPPF requires planning policies and decisions to deliver a sufficient supply of homes to support the Government's objective of significantly boosting the supply of homes without unnecessary delay.
- 8.12 Paragraph 78 of the NPPF states that planning policies should be responsive to local circumstances and support housing developments that reflect local needs, and Paragraph 69 of the NPPF states that small and medium sized sites, such as windfall sites, can make an important contribution to meeting the housing requirements of an area. Paragraph 79 of the NPPF states that, to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
- 8.13 The development is for one singular residential property, and therefore Policy 15 (Affordable Housing) and Policy 16 (Housing Density, Mix and Design) of the adopted Core Strategy are not applicable for this scheme.

- 8.14 Whilst the provision of one dwelling within this application site is unlikely to be a significant benefit to the housing land supply within the Borough, given the Council's failure to deliver a five-year supply of land for housing, it is considered that moderate weight should be given to the provision of the proposed dwelling.

Design and Impact upon the Character of the Area

- 8.15 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. 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.
- 8.16 Section 16 of the National Planning Policy Framework provides the national policy on conserving and enhancing the historic environment. Paragraphs 199-202 of the NPPF require great weight to be given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have clear and convincing justification, and for that harm to be weighed against the public benefits of a proposal.
- 8.17 Policy 11 of the adopted Core Strategy states that new development must respect the character and appearance of the Market Bosworth Conservation Area by incorporating locally distinctive features of the Conservation Area into the development.
- 8.18 Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment and heritage assets. Policy DM12 of the SADMP states that all proposals for development affecting 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.
- 8.19 Policy DM10(c) of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.20 Paragraph 134 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.
- 8.21 The change of use from the existing commercial office use to a single dwelling reinstates the original use of the property. Despite its position within the commercial core of Market Bosworth, it is not uncommon for residential uses to face directly into the Market Place, and therefore it is considered that the change of use of the building does not have any adverse effect upon the historic interest of the building.
- 8.22 Furthermore, no changes are proposed to the floor plan of the existing building. Although internal decoration and fittings are likely to be required to facilitate the change of use, such as plumbing for bathrooms and kitchens, there are known features of an interest internally, and so it is not considered that the development

has a detrimental impact upon the fabric of the building from such insertions and alterations.

- 8.23 There are also no alterations to the external elevations, and therefore the architectural interest of the heritage, and its positive contribution to the significance of the Market Bosworth Conservation Area, is unlikely to be affected. However, as a number of potential works are likely to be required to allow for the full and practical operation of the building as a residential dwelling, a planning condition is implemented that requires full details of any additional works that directly affect the fabric of the building, such as privacy measures to the million and transomed windows, alterations to the shopfront and the installation of plumbing and ventilation services, to ensure that the character and specific interest of the property is preserved.
- 8.24 Bin storage is located within the rear yard away from Market Place, and no alterations are proposed to the existing paved landscape of the yard. Therefore, this aspect of the proposal is not considered to have a detrimental impact upon the character and appearance of the Market Bosworth Conservation Area.
- 8.25 As currently proposed, the development is not considered to have a direct impact upon the special interest of the Listed Building, 20 Market Place, and thus is compatible with its significance. To safeguard the archaeological interest of the property, details of any additional works that directly affect the fabric of the building are secured via planning condition. By virtue of these factors, the development is considered to maintain the character and appearance of the heritage asset, and the positive contribution it makes to the significance of the Market Bosworth Conservation Area. Given the above, the development complies with Policies DM10, 11, and 12 of the Site Allocations and Development Management Policies Development Plan Document, Section 16 of the National Planning Policy Framework, and the Statutory Duties of Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

Impact upon Residential Amenity

- 8.26 Paragraph 130(f) of the NPPF requires planning policies and decisions to ensure that developments create places that are safe, inclusive and accessible, and which promote health and well-being, with a high standard of amenity for existing and future users.
- 8.27 Policy DM10(a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.
- 8.28 The Good Design Guide SPD outlines that development will need to demonstrate that it will not result in loss of amenity to neighbouring properties by way of overlooking, overshadowing or noise.
- 8.29 The Good Design Guide recommends that a principal window to a habitable room should ideally be no less than 8m from the blank side of a single storey neighbouring property, rising to 14m for a two-storey property. In addition, the separation distance between two principal windows to habitable windows should be a minimum of 21m. However, the Good Design Guide also states that, "An exception to this rule is in an urban location where it may be acceptable to have a

reduced distance where issues of amenity and overlooking are dealt with by good design.”

- 8.30 No external alterations are proposed within this application, and therefore the development does result in any significant overlooking, loss of light, overbearing or loss of privacy impacts in comparison to the existing use. Given the existing commercial office use of the site, the proposal’s change of use to a residential dwelling is not considered to cause any significant harm to residential amenity regarding light, noise, or air pollution.
- 8.31 By virtue of these factors and the fact that there have been no objections to the scheme, the proposal does not result in any adverse overbearing or overshadowing impacts or any overlooking or loss of privacy to the neighbouring properties and therefore is considered to be in accordance with Policy DM10 of the SADMP and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.32 Paragraph 110 of the NPPF states that it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 111 of the NPPF outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.33 Section 9 of the NPPF promotes sustainable transport. Paragraph 124(c) of the NPPF states that planning decisions should support development that makes efficient use of land, when taking into account, “The availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use.”
- 8.34 Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 8.35 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.36 The development does provide any off-street parking. Whilst this is contrary to Paragraph 3.151 (Quantum) of Part 3 of the Leicestershire Highway Design Guide (LHDG), the Local Highway Authority acknowledge that: the extant use of the property generates trips in its own right; the town centre location is close to all the amenities on offer; the application site is in a highly sustainable location in terms of travel; there is a public car park within close vicinity to the site, and; a raft of Traffic Regulation Orders (TROs) are in place within the area to prevent inconsiderate parking.
- 8.37 Given the above, in these site-specific circumstances, the Local Highway Authority consider the development to make no material impact on the public highway. Therefore, the scheme is regarded as acceptable, and in accordance with Policies DM17 and DM18 of the SADMP, and the LHDG.

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 The proposed development is considered to be compliant with the relevant national and local policy as it:

- Is an appropriate scale and design.
- Does not have an adverse impact upon the character and appearance of the area.
- Does not have a significant adverse impact upon residential amenity.
- Does not have a significant adverse impact upon highway safety.
- Provides sufficient vehicle parking spaces for off-street parking.

10.2 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission to be granted, subject to the imposition of appropriate conditions.

11. Recommendation

11.1 **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report

11.2 Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. 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 and Floor Plans (submitted: 20.06.2023)
 - Proposed Floor Plans and Elevations 4804-03A (submitted: 15.08.2023)
 - Site Location Plan, Block Plan, Drg No.4804/01 (submitted: 22.06.2023)

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. Prior to the occupation of the dwelling details of the following works shall be submitted to, and approved in writing by, the Local Planning Authority:
 - Any alterations to the shopfront and associated advertisements.
 - Any proposed privacy measures to the mullion and transomed windows required for the amenities of future residents.
 - Any plumbing and ventilation installations that would be visible externally.

The development shall be carried out in full accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To preserve the special interest of the listed building 20 Market Place and the Market Bosworth Conservation Area in accordance with the requirements of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD (2016).

a. **Notes to Applicant:**

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. Please note that the works proposed in order to satisfy the discharge of Condition 03 (as above) may affect the special interest of the Listed Building 20 Market Place and require the necessity of Listed Building Consent. To determine the need for such consent the Applicant is advised to contact the Borough Council's Conservation Officer when an application is made to discharge Condition 03 (as above).
3. Hinckley & Bosworth Borough Council's recycling and refuse collection services are from the boundary to the adopted highway. It will be the responsibility of the occupiers to ensure that all containers/wheeled bins are brought to the collection point.