HINCKLEY AND BOSWORTH BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

APPEAL UNDER SECTION 73

Hinckley & Bosworth Borough Council

APPEAL BY MR SEAN LYALL AGAINST THE REFUSAL OF CONSERVATION AREA CONSENT FOR THE PARTIAL DEMOLITION OF EXISTING BUILDINGS AT 128 MAIN STREET MARKFIELD

HBBC REFERENCE: 11/00765/CON

THE PLANNING INSPECTORATE REFERENCE: APP/K2420/E/11/2167067/NWF

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1.0 Section 1: Introduction

1.1 This statement is to be read in conjunction with the previously submitted Appeal Questionnaire papers, in full support of the decision of Hinckley and Bosworth Borough Council to refuse Conservation Area Consent for the partial demolition of existing buildings at 128 Main Street, Markfield.

2.0 Section 2: Site Description and Proposal

2.1 This application is for Conservation Area Consent to partially demolish a section of the Miners Welfare Institute which includes the store room and boiler room located between the hall and canteen, the two toilet extensions along the southern elevation and the removal of the stone wall and gates to the western boundary facing onto Main Street.

2.2 The site area measures 766 square metres and is located to the east of Main Street within the Markfield Conservation Area. The single storey building occupies the northern half of the site and is primarily of brick construction with a variety of roof materials including corrugated sheets, slates, concrete tiles and timber/roofing felt. The front elevation to Main Street is constructed of stone and rendered wall above. The site is enclosed on three sides by walls of stone or brick construction. There are residential properties to the north, south and west and an area of public open space to the east. The dwellings to the west and south front directly onto the highway and those to the north are set back with small front gardens.

2.3 The predominant issue in this appeal is that in the absence of an approved, acceptable scheme of redevelopment, the demolition of the buildings and boundary treatments in the Markfield Conservation Area would create an unsightly gap in the street frontage.

3.0 Section 3: Site History

3.1 Conservation Area Consent (ref: 09/00946/CON) and Planning Permission (ref: 09/00945/FUL) was granted, subject to the imposition of planning conditions for the demolition of the existing meeting hall and re-development on three town houses in 2010. This application is a resubmission of a previous application which was withdrawn (ref: 11/00573/CON)

4.0 Section 4: Government Guidance

4.1 Planning Policy Statement 5: 'Planning for the Historic Environment' sets out the Government's objectives on the conservation of the historic environment. It states that Local Planning Authorities should seek to identify and assess the particular significance of any element of the historic environment that may be affected by the relevant proposal.

4.2 The National Planning Policy Framework (Draft). The draft National Planning Policy Framework was published for consultation on 25 July 2011. The Government's intention is to reduce the current 1,000 pages of national planning policy [some of which are referred to above] into a `clearer, simpler, more coherent framework, easier to understand and easier to put into practice'. The Inspector in a recent inquiry considered that although the draft was a material consideration he gave it little weight because it is a consultation and subject to change. This approach was accepted by the Secretary of State in a letter of 24 October 2011, in his consideration of the inspector's report. The current national policies therefore continue to apply with significant weight.

5.0 Section 5: The Development Plan Policies

5.1 The Development Plan policies referred to for the purposes of the application were:

5.2 Hinckley and Bosworth Local Plan (adopted February 2001) with all policies referred to within the Local Plan have been 'saved';

5.3 Saved Policy BE8: 'Demolition in Conservation Areas' of the adopted Hinckley and Bosworth Plan states that applications for the demolition of buildings in conservation areas will be refused except where it can be demonstrated that the loss of the building will not be detrimental to the character or appearance of the conservation area and that there are proposals for its replacement which would preserve or enhance the character or appearance of the conservation area.

5.4 Copies of the relevant policies and guidance with explanatory text were submitted previously with the Appeal Questionnaire.

6.0 Section 6: The Case for the Local Planning Authority

6.1 On the basis of the reasons set out below, the Council asserts that this Conservation Area Consent application should be refused.

6.2 Reason for Refusal 1: Impact upon the Streetscene

6.3 In the opinion of the Local Planning Authority, in the absence of an approved, acceptable scheme of redevelopment, the demolition of the buildings and boundary treatments in the Markfield Conservation Area would create an unsightly gap in the street frontage contrary to the provisions of Policy BE8 of the adopted Hinckley and Bosworth Local Plan 2001.

6.4 There are no acceptable proposals in place for a replacement development which would preserve or enhance the character and appearance of the Markfield Conservation Area. If Conservation Area Consent was granted without a replacement scheme being approved then the wall and gate along the western boundary of the site could be removed, thereby opening up the site and creating an unsightly gap in the street frontage, to the detriment of the character and appearance of the Conservation Area.

7.0 Section 7: Comments on Appellant's Grounds of Appeal

7.1 The appellant has not made any specific comments in respect to the refusal of the application for Conservation Area Consent.

Section 8: Conclusions & Conditions

8.1 With regard to the information contained in this statement and that submitted with the Appeal Questionnaire, Hinckley and Bosworth Borough Council respectfully requests that the appeal be dismissed. However, if the Inspector is minded not to do so, the Local Planning Authority requests the inclusion of the following conditions:

8.2 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 51 of the Planning and Compulsory Purchase Act 2004.*

8.3 The demolition hereby permitted shall not be undertaken unless and until:-

a) a binding contract for carrying out of the works of re-development of the site in accordance with the planning permission hereby granted has been entered into, and its contents have been agreed by the Local Planning Authority.

b) a phasing scheme, which shall include a timetable for the scheduling of demolition and construction works for each phase, has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the agreed timetable of works. *REASON: To protect the character and appearance of the conservation area in the interests of visual amenity to accord with Policy BE8 of the adopted Hinckley and Bosworth Local Plan.*

8.4 Prior to the commencement of the demolition hereby permitted a construction management plan, including wheel cleansing facilities and vehicle parking facilities, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details. *REASON: To protect the amenities of surrounding properties and in the interest of highway safety to accord with Policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.*

8.5 For the period of the demolition hereby permitted, vehicle parking facilities shall be provided within the site in accordance with the provisions of the construction management plan. *REASON: To ensure that adequate off-street parking provision is made to reduce the possibilities of development of the site leading to on-street parking problems in the area during demolition and construction to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.*

8.6 Demolition hours shall be limited to 07:30-18:00hrs Monday to Friday and 08:00-13:00hrs Saturdays with no working on Sundays or Bank Holidays. *REASON: To ensure the development does not have an adverse impact on the amenities of surrounding properties in terms of noise to accord with Policy BE1 of the adopted Local Plan.*

8.7 Suggested Notes to Applicant

8.8 Should Conservation Area Consent be granted, you are reminded to comply with the conditions of application reference: 11/00764/FUL.

8.9 Bats, nesting birds, great crested newts and certain other species are protected by law. A watching brief (maintained by the applicant and all workers on site) for all protected species should be maintained throughout the development (Both during demolition and construction). 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.

Appendix A: Site Photographs





