

Delegated Report

Planning Ref: 25/00908/LBC & 25/00909/FUL
Applicant: Mrs Denise Sherwin
Ward: Cadeby Carlton M Bosworth & Shackerstone



Hinckley & Bosworth
Borough Council

Site: 9 - 11 Market Place Market Bosworth Nuneaton

Proposal: Change the use from retail (Class E) to a piano bar (Sui Generis)

1. Recommendations

1.1. Grant planning permission and listed building consent subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. The application seeks full planning permission for the change of use from retail (Class E) to a piano bar (Sui Generis) and listed building consent for internal alterations and new drainage to facilitate change the use from retail (Class E) to a piano bar (Sui Generis). Existing windows and doors to be re-painted to match existing finish at 9-11 Market Place, Market Bosworth.
- 2.2. Internally works proposed to facilitate the change of use are limited to the removal of modern fixtures and fittings associated with the shop, including the shop counter and dressing rails and an office stud wall, and insertion of a new bar and a small number of stud walls to divide spaces for toilets. The full depth of the ground and first floors would be used as the bar and seating areas. There are no proposals for the second floor. No external works are proposed.

3. Description of the site and surrounding area

- 3.1. 9-11 Market Place is a grade II listed building of special historic and architectural interest. The application site is also located within the Market Bosworth Conservation Area.
- 3.2. The listed building entry (National Heritage List England (NHLE) ref 1307373) identifies 9-11 Market Place as:
- 3.3. *"Shop with dwelling over. Early C19, but probably with earlier core. Rendered over brick with plain tiled roof. Two storeyed, 2 bays with modern shop front to left and smaller modern window to right. Upper windows are 16 pane sashes. Overhanging eaves. Three hipped gabled dormers in roof. Gable end stack. Traces of timber roof trusses exposed in gable wall."*
- 3.4. Internally the building has been subject to significant change and alteration to facilitate its use as a shop with modern decorations, fixtures and fittings, with additional spaces and rooms created through the insertion of stud walls. Any possible remnant fabric associated with the early 19th century building or its earlier core is hidden behind such finishes.

4. Relevant planning history

91/00777/4

- Change of use of 1st floor to retail A2
- Planning Permission

- 24.09.1991

92/00161/4L

- Alterations to listed building
- Listed Building Consent
- 28.04.1992

95/00716/LBC

- Siting of a clock
- Listed Building Consent
- 27.10.1995

97/00812/LBC

- Erection of wooden surround to existing clock
- Listed Building Consent
- 31.10.1997

01/00333/FUL

- Extensions and alterations to existing shop including linking storage building and external staircase
- Planning Permission
- 31.07.2001

01/00334/LBC

- Extensions and alterations to existing shop including linking storage building and external staircase
- Listed Building Consent
- 31.07.2001

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. Following the publications, two objections have been received to the planning application (25/00909/FUL). The material planning considerations are summarised below;

- This proposed change of use is out of character for our village square and will change the face of a peaceful village environment;
- This proposed change of use will cause additional noise and nuisance to local residents;
- Residents already suffer significant disturbance from the adjacent Old Black Horse pub with loud music and raucous customers. People returning to their cars in the Rectory Lane car park, after closing time, have little thought for sleeping local residents. We are often woken by loud talking and shouting, slammed doors and car horns. Yet another night entertainment venue would only increase this nuisance and perhaps at even later times;

- Permitting this change of use would set a precedent for the development of further noisy evening entertainment venues e.g. the former HSBC bank across the road from this site;
- Market Bosworth town centre is a peaceful residential area interspersed with shops, cafes and the odd pub. It does not deserve to become a night spot renowned for noise and anti-social behaviour.

6. Consultation

6.1. HBBC Conservation Officer:

Combined FUL & LBC comments - *'The proposed change from shop to piano bar involves no external changes to the building, other than the likely future change of the advertisement to the frontage (still retaining the existing fascia, bay window and all physical components of the shopfront) which would be subject to a future advertisement application. The existing windows to the front elevation of the building would be retained, repaired and repainted, which is a positive measure.*

Internally works proposed to facilitate the change of use are limited to the removal of modern fixtures and fittings associated with the shop, including the shop counter and dressing rails and an office stud wall, and insertion of a new bar and a small number of stud walls to divide spaces for toilets. The full depth of the ground and first floors would be used as the bar and seating areas. There are no proposals for the second floor.

Overall, the proposal would have no material effect upon the character and appearance of the Market Bosworth Conservation Area. The internal works to the listed building are limited in extent and nature, comprising of alterations to modern fabric of no historic or architectural interest. For these reasons the proposal is compatible with the significance of 9-11 Market Place and would preserve the character and appearance and thus significance of the Market Bosworth Conservation Area. The proposal therefore complies with Policies DM11 and DM12 of the SADMP, section 16 of the NPPF and the statutory duties of Sections 16, 66 and 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990.'

6.2. HBBC Drainage:

'No objection on sustainable drainage grounds.'

6.3. HBBC Environmental Health (Pollution):

'I have reviewed the amended noise impact assessment and would not foresee a significant impact from the proposed operation.

The assessment of patrons using the external terrace area has been assessed and the report states that "the External Terrace will only be in operation during daytime hours (1200- 2100)"- this should be conditioned.

I would recommend a condition regarding the control of noise from any external plant.

Recommended conditions:

The external terrace area shall only be used between 1200- 2100.

The rating level of the noise emitted from any fixed plant and equipment (mechanical and electrical) located at the site shall not exceed the existing background level at any premises used for residential purposes surrounding the site when assessed in accordance with BS 4142:2014+A1(2019).

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.'

6.4. HBBC Waste;

'No comments or objections.'

6.5. LCC Highways;

'Background

The Local Highway Authority (LHA) has been consulted by the Local Planning Authority (LPA), Hinckley & Bosworth Borough Council (HBBC), on a planning application which seeks the:

'Change the use from retail (Class E) to a piano bar (Sui Generis).'

The proposals are at 9 - 11 Market Place, Market Bosworth, Leicestershire, CV13 0LF.

Note – The LHA have included hyperlinks to relevant sections of the Leicestershire Highway Design Guide (LHDG) within this report. These are identified in bold, underlined and in blue text.

The LHA have reviewed the following documents as part of this report:

- *Application Form;*
- *Site Location Plan;*
- *Design and Access Statement;*
- *Proposed Parking - Provision Plan;*
- *Proposed Front Elevation;*
- *Existing Front Elevation;*
- *Proposed Site Block Plan;*
- *Proposed Ground Floor Plan; and*
- *Proposed First Floor Plan.*

Proposals

The site is located within the centre of Market Bosworth at 9-11 Market Place. The Applicant has indicated the site has no off-street parking provision.

The Applicants are proposing the change of use from retail to sui generis. The LHA notes that parking requirements for this type of proposal can be found in Table 29(e) of the LHDG. This states one customer space per 3sqm public area plus one staff space for each residential member of staff plus one staff space per 40sqm for non-residential for the use class.

Based upon an approximate public 'Gross Internal Floor (GIF)' area of 149sqms (excluding toilet blocks, reception/ staff areas, store rooms etc), and that the Applicant has stated within the 'Application Form' that there would be four full-time staff and eight part-time staff, the LHA would normally request 58 off-street parking spaces.

The Applicant has stated that the proposals would act as a complement to existing restaurants and pubs, encouraging visitors to come earlier for a pre-dinner drink and to stay later for a relaxed postdining experience, rather than a destination location itself.

The LHA have also taken into account the existing public parking arrangements within town centre location. Also, the extensive traffic management works recently undertaken within the area this includes additional time restricted parking and a raft of Traffic Regulation Orders (TROs) in the form of yellow lines in order to discourage inconsiderate parking on and around junctions.

It is also noted there is a 27 space pay and display public car park within the location.

Given the above, the LHA consider it would be difficult to demonstrate that the proposals would have a severe impact on the public highway contrary to the National Planning Policy Framework (NPPF) 2024 in these site-specific circumstances.

As such, the LHA would not seek to resist the proposals in these site-specific circumstances.'

6.6. Market Bosworth Parish Council;

Combined FUL & LBC comments - *'Market Parish Council does not object to this planning application per se.*

However, it does have concerns relating to parking provision which is inadequate. The parking provision drawing accompanying the application shows on-street parking outside the premises, which on-street parking also serves adjacent business premises and residential dwellings. It is not solely for the use of 9-11 Market Place as might be suggested by the application.

If the application is successful, the Parish Council requests that licensing for the sale and serving of alcohol should be for within the premises only, not outside on the pavement; that there should be no amplified music; and that there should be no noise pollution at all that might affect those who live near the premises. The premises abuts the Black Horse Restaurant about which there have been many complaints about late night noise nuisance - this issue should not be compounded. The increasing number of eateries with later opening hours is changing the dynamic of the Market Place and adding night noise (e.g. also the Istanbul BBQ Kitchen nearby which used to be a butcher's premises) therefore further noise should be avoided.'

6.7. Market Bosworth Society;

FUL comments - *'The Market Bosworth Society (MBS) recognises the right of a property owner to make best use of the premises and that change will occur from time to time. Whilst we do not object per se to this proposal we do have several concerns which we would wish to draw to the attention of the Planning Officer and possibly the Planning Committee.*

- 1) *Parking. Recently changes have been made to the Town Centre in an attempt to improve the flow of traffic and regulate the parking of vehicles. Retailers have previously lamented the lack of parking which they assert has impacted their businesses negatively. It appears to the MBS that a piano bar is likely to require significantly more parking resources than a retail outlet. It is also likely that those attending the piano bar will dwell longer than shoppers. This we see is a serious consideration which could cause severe disruption to other businesses.*
- 2) *There is also a concern regarding noise. Whilst a predominantly commercial area the building does have residential neighbours. It will be important to ensure the neighbours are able to continue to enjoy the amenity of their homes. I understand that residents of nearby Market Mews are already*

inconvenienced by noise from the Black Horse and the Turkish Takeaway. It is important not to add to that inconvenience.

- 3) *Should this plan be successful that will result in 9 outlets selling alcohol for consumption on or off the premises in a relatively small space. The potential for an increase in antisocial behaviour must be considered prior to conditions being considered. One such condition would be to ensure that alcohol is not to be consumed on any pavement but must be limited to the premises. Should it be possible to mitigate the effects detailed above there is no reason why the application should not succeed.'*

LBC comments - *'The Market Bosworth Society (MBS) is supportive of owners making sympathetic adjustments to listed buildings in order to extend their use. We were pleased to read that any changes will not be structural and that cosmetic changes will be made in such a way as to be easily reversed.*

Buildings do change over time, this particular building was originally two separate spaces and were combined prior to it being protected status to afford more room.

We are confident that the owners will keep to the law and spirit protecting listed buildings. We do ask that the front as has been suggested will remain in keeping with a neo-Georgian facade within a medieval town centre. We would not like to see illuminated signage or leakage of illumination from within the building. That apart we wish the owners well with their repurposing application.'

6.8. Severn Trent Water:

'Severn Trent requests that any approval be conditioned as follows:

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and*
- The scheme shall be implemented in accordance with the approved details before the development is first brought into use.*
- Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse available as an alternative, other sustainable methods should also be explored. If these are found unsuitable satisfactory evidence will need to be submitted before a discharge to the public sewerage system is considered. No surface water to enter the foul or combined water systems by any means.*

Reason

To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.'

7. Policy

7.1. Market Bosworth Neighbourhood Plan 2020-2039

- Policy BD4: Heritage Asset Protection
- Policy CE1: All new development within Market Bosworth
- Policy DC1: Design Codes

7.2. Core Strategy (2009)

- Policy 7: Key Rural Centres

- Policy 11: Key Rural Centres Stand Alone
- 7.3. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM7: Preventing Pollution and Flooding
 - Policy DM10: Development and Design
 - Policy DM11: Protecting and Enhancing the Historic Environment
 - Policy DM12: Heritage Assets
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
 - Policy DM22: Vitalising District, Local and Neighbourhood Centres
- 7.4. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2024)
 - Planning Practice Guidance (PPG)
 - Planning (Listed Buildings and Conservation Areas) Act 1990
- 7.5. Other relevant guidance
- Good Design Guide (2020)
 - National Design Guide (2019)
 - Leicestershire Highways Design Guide (LHDG) (2024)
- 8. Appraisal**
- 8.1. Key Issues
- Assessment against strategic planning policies
 - Design and impact upon the special historic fabric and architectural interest and significance of the Grade II listed building, and its setting
 - Design and impact upon the character of the area
 - Impact upon neighbouring residential amenity
 - Impact upon highway safety
 - Impact upon drainage
- Assessment against strategic planning policies
- 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. The NPPF is a material planning consideration in planning decisions.
- 8.3 Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The three overarching objectives of sustainable development (economic, social, and environmental) are detailed within Paragraph 8 of the NPPF. Therefore, in accordance with Paragraph 11 of the NPPF, planning decisions should apply a presumption in favour of sustainable development. Policy DM1 of the Site Allocations and Development Management Policies (SADMP) also provides a presumption in favour of sustainable development. Paragraph 12 of the NPPF states that the presumption in favour of sustainable development.
- 8.4 However, Paragraph 12 of the NPPF confirms 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.

- 8.5 The current Development Plan consists of the adopted Core Strategy, the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP) and Market Bosworth Neighbourhood Plan. The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough.
- 8.6 The Core Strategy, and the SADMP are over 5 years old and were adopted prior to the publication of the current NPPF. Paragraph 34 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.
- 8.7 Nevertheless, in accordance with Paragraph 232 of the NPPF, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF. Due weight should be given to existing policies according to their degree of consistency with the NPPF. Ultimately, the closer the policies in the plan are to the policies in the NPPF, the greater weight they may be given. Therefore, this report sets out the relevant adopted Core Strategy and SADMP policies and refers to the NPPF and notes any inconsistencies between them.
- 8.8 The site is situated within the settlement boundary of Market Bosworth and is identified as a sustainable location for development.
- 8.9 The application site is located within a District Centre as defined within the District, Local and Neighbourhood Centre Review (2015).
- 8.10 Policy DM22 of the SADMP seeks that to ensure the continued vitality and viability of district centres the change of use from A1 (now F5/E), or A2 (now E) retail or loss of A1 or A2 retail uses within district centres will only be permitted where the proposal would not result in an over proliferation of any one use type in the centre, other than A1 retail, with particular reference to hot-food takeaways A5 (now Sui Generis).
- 8.11 The proposed change of use would result in the loss of a retail use (Class E) which is regrettable, however, the alternative use as a Piano Bar (suis generis) is unique and would not lead to the over proliferation of this type of use in the District Centre. Therefore, the proposed development does comply with, the criteria of Policy DM22 above.
- 8.12 Paragraph 90 of the NPPF states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.
- 8.13 Whilst the proposal would result in the loss of a retail use, introducing the proposed use into Market Place would diversify the evening economy by introducing a unique venue type not currently available in the town, which is considered to result in a positive approach to the growth, management and adaptation of the community. The existing retail use would still be advertised to the shop front which would retain an aspect of the buildings retail nature whilst encouraging residents and/or visitors to continue to support a local small business. It is therefore considered that the vitality and retail integrity of the primary shopping area would be sufficiently retained in compliance with Policy 22 of the SADMP. All further material considerations will be assessed in the following sections.

Design and impact upon the special historic fabric and architectural interest and significance of the Grade II listed building, and its setting

- 8.14 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when considering whether to grant listed building consent to have special regard to the desirability of preserving the building or its setting or any features of special architectural and historic interest which it possesses. Section 66 of the Act places a duty on the local planning authority when considering whether to grant planning permission to have special regard to the desirability of preserving the building or its setting or any features of special architectural and historic interest which it possesses. Section 72 of the Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 8.15 Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraphs 212-215 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.
- 8.16 The Planning Practice Guide (PPG) and Historic England Advice Note 2 (HEAN2) Making Changes to Heritage Assets sets out how the policies of the NPPF are expected to be applied and includes guidance on the conservation of and making changes to the historic environment.
- 8.17 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 will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building. Development proposals should ensure the significance of a conservation area is preserved and enhanced.
- 8.18 Policy DC1 of the MBNP seeks to ensure that proposals that will result in harm to, or unnecessary loss of, an asset of local heritage value, will only be supported if it can be demonstrated that, on balance, the overall benefit outweighs any harm or loss.
- 8.19 The proposed change from shop to piano bar involves no external changes to the building, other than the likely future change of the advertisement to the frontage (still retaining the existing fascia, bay window and all physical components of the shopfront) which would be subject to a future advertisement application. The existing windows to the front elevation of the building would be retained, repaired and repainted, which is a positive measure.
- 8.20 Internally works proposed to facilitate the change of use are limited to the removal of modern fixtures and fittings associated with the shop, including the shop counter and dressing rails and an office stud wall, and insertion of a new bar and a small number of stud walls to divide spaces for toilets. The full depth of the ground and first floors would be used as the bar and seating areas. There are no proposals for the second floor.
- 8.21 Overall, the proposal would have no material effect upon the character and appearance of the Market Bosworth Conservation Area. The internal works to the listed building are limited in extent and nature, comprising of alterations to modern fabric of no historic or architectural interest. For these reasons the proposal is compatible with the significance of 9-11 Market Place and would preserve the character and appearance and thus significance of the Market Bosworth Conservation Area. The proposal therefore complies with Policies DM11 and DM12 of the SADMP, Policy DC1 of the MBNP, section 16 of the NPPF and the statutory

duties of Sections 16, 66 and 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Design and impact upon the character of the area

- 8.22 Policy DM10 of the SADMP requires new development to complement or enhance the character of the surrounding area with regards to scale, layout, density, mass, design, materials and architectural features.
- 8.23 Policy DC1 of the MBNP seeks to ensure that development proposals must demonstrate how they contribute positively to their character area in this case 'suburban residential' and will be supported where they are in conformity with the essential design considerations for the relevant character area, the general design principles set out in the Market Bosworth Design Codes 2023 and other Neighbourhood Plan policies as applicable.

Market Bosworth Design Codes 2023 seeks to ensure that;

- Any redevelopment in the area should take the existing housing mix and typologies into account to inform the design and housing mix offer to be delivered; and
 - Buildings should be aligned along the street with their main facade and entrance facing it. The building line can have subtle variations in the form of recesses and protrusions but will generally form a unified whole. In the area, the generous setback of the building line from the street can make perceiving the frontage more difficult; and
 - Any extension or redevelopment should be informed by and complement the existing materials in the area; and
 - Extensions should retain the materials, architectural features, window sizes and proportions of the existing building and recreate this style to design an extension that matches and complements the existing building. The original building should remain the dominant element of the property regardless of the amount of extensions. The newly built extension should not overwhelm the building from any given point.
- 8.24 Policy CE1 of the MBNP seeks to ensure that all new development within Market Bosworth should be in keeping with its Character Area with regards to scale, layout and materials to retain local distinctiveness and create a sense of place. Where new development would be visible from an adjacent Character Area it should be sensitive to the principal characteristics of that area. Innovative or outstanding design will be supported if it raises the overall quality of the Character Area.
- 8.25 Objections have been received that the proposed change of use is out of character for our village square, will change the face of a peaceful village environment and will create a precedent for similar development.
- 8.26 The proposal is situated within Character Area E which has a defined character of a tight historic grain following historic street patterns with predominately terraced properties, traditional building lines, narrow pavements and winding roads. Buildings fronting onto the street or defined with small frontages bounded by low walls or railings. dominated by red brick buildings. clay roof tiles and slate the most common roofing materials.
- 8.27 The proposal does not seek any alterations to the existing buildings frontage or any of the buildings other external elevations. As such, the proposed development would not have any adverse visual impacts upon the surrounding commercial street scene and would preserve the character and appearance of the area in accordance with Policy DM10 of the SADMP and Policies DC1 and CE1 of the MBNP.

Impact upon neighbouring residential amenity

- 8.28 Policy DM7 of the SADMP states that all reasonable steps should be taken through design, siting and technological solutions to ensure the abatement of obtrusive light to avoid sky glow, glare and light intrusion.
- 8.29 Policy DM10 of the SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.30 Objections have been received that the proposed change of use will cause additional noise and nuisance to local residents.
- 8.31 Due to the nature of development, it is necessary to assess the control of noise between the proposed use and the surrounding residential accommodation. HBBC Environmental Health – Pollution have raised no objections to the proposal, subject to two conditions being imposed to control the rating level of the noise emitted from any fixed plant and equipment and the hours of use of the balcony. Any future issues could be controlled by them separately using statutory nuisance legislation.
- 8.32 Further in the interests of residential amenity the LPA also deem it is necessary to condition the opening hours of the proposed use to control anti-social activity.
- 8.33 As the applicant only seeks permission for the change of use of the existing premises, there would be no overlooking, overbearing or overshadowing impacts upon neighbouring residential properties in the vicinity.
- 8.34 By virtue of the above, the proposed development would satisfy Policies DM7 and DM10 of the SADMP in this regard.

Impact upon highway safety

- 8.35 Paragraph 115(b) of the NPPF states that planning decisions should ensure that developments provide safe and suitable access to the site for all users. Ultimately, 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, following mitigation, would be severe, taking into account all reasonable future scenarios in accordance with Paragraph 116 of the NPPF.
- 8.36 Policies DM17 and DM18 of the SADMP states that proposals should ensure that there is adequate provision for on and off street parking for residents and visitors and there is no impact upon highway safety.
- 8.37 Concerns have been raised by the Parish and Market Bosworth Society regarding the lack of parking at the site.
- 8.38 Table 29 (e) Non-residential standards Sui Generis of the LHDG states that Public houses, wine bars, licensed clubs, drinking establishments should provide 1 customer space per 3sqm public area plus 1 staff space for each residential member of staff plus 1 staff space per 40sqm for non-residential staff. There is no threshold for applying the standard.
- 8.39 Based upon an approximate public 'Gross Internal Floor (GIF)' area of 149sqms (excluding toilet blocks, reception/ staff areas, store rooms etc), and that the Applicant has stated within the 'Application Form' that there would be four full-time staff and eight part-time staff, 58 off-street parking spaces would normally be required by the Local Highways Authority (LHA).

- 8.40 The Applicant has stated that the proposals would act as a complement to existing restaurants and public houses, encouraging visitors to come earlier for a pre-dinner drink and to stay later for a relaxed post dining experience, rather than a destination location itself.
- 8.41 So with the above in mind and the existing parking arrangements within town centre location, the extensive traffic management works recently undertaken within the area this includes additional time restricted parking and a raft of Traffic Regulation Orders (TROs) in the form of yellow lines in order to discourage inconsiderate parking on and around junctions and the presence of a 27 space pay and display public car park within the vicinity of the site the LHA consider it would be difficult to demonstrate that the proposals would have a severe impact on the public highway in these site-specific circumstances.
- 8.42 The application site's district centre location also means that the application site has good access to public transport; 17.00 metres away from bus stops.
- 8.43 The proposed development would therefore not have any adverse impacts upon highways safety and would satisfy Policy DM17 and DM18 of the SADMP or the overarching principles of the NPPF.

Impact upon drainage

- 8.44 Policy DM7 of the SADMP requires adverse impacts from flood to be prevented and that development should not create or exacerbate flooding and be located away from area of flood risk unless adequately mitigated.
- 8.45 According to the Environment Agency (EA) website, the application site is located within Flood Zone 1, designated as low probability of flooding from rivers and sea, and the principle of residential development in low flood risk areas is acceptable. The EA Surface Water mapping also indicates that the application site is located in an area at very low risk of flooding from surface water.
- 8.46 The HBBC Drainage officer raises no objections to the development. Severn Trent have, however, suggested that the below pre-commencement condition is implemented;

'Severn Trent requests that any approval be conditioned as follows:

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and*
- The scheme shall be implemented in accordance with the approved details before the development is first brought into use.*
- Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse available as an alternative, other sustainable methods should also be explored. If these are found unsuitable satisfactory evidence will need to be submitted before a discharge to the public sewerage system is considered. No surface water to enter the foul or combined water systems by any means.*

Reason

To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.'

- 8.47 Whilst the LPA note Severn Trent's comments, the proposal seeks consent for the change of use of an existing building with no external works proposed. The implementation of the above condition would therefore in the LPA's view be unjustified.
- 8.48 By virtue of the above, the proposed development would therefore satisfy Policy DM7 of the SADMP.

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.

10. Conclusion

- 10.1. The proposal is located within the settlement boundary of Market Bosworth where there is a presumption in favour of sustainable development. Whilst there would be a loss of a retail unit, this would not result in an over proliferation of the proposed use, which in turn is considered to add variety to Market Bosworth's centre. The proposal is acceptable in principle.
- 10.2. The proposed change of use would not have a significant visual impact upon the surrounding street scene and would preserve the special architectural and historic interest and therefore significance of the grade II listed building, 9-11 Market Place. It would not cause any adverse impacts upon the visual amenity of the surrounding area or the neighbouring amenity of occupants surrounding the application site subject to an opening hours condition, would not result in any adverse highways safety impacts or adverse drainage impacts.
- 10.3. On this basis, the proposal is therefore considered to be in accordance with Policies DM1, DM7, DM10, DM11, DM12, DM17, DM18 and DM22 of the SADMP, Policies DC1, CE1, BD4 of the MBNP, the LHDG, the statutory duty of Sections 16 and 66 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990, the overarching principles of the NPPF and the general principles of the Councils Good Design Guide. The proposal is, therefore, recommended for approval subject to conditions.

11. Recommendation

- 11.1 **Grant planning permission and listed building consent** subject to:

- Planning conditions outlined at the end of this report

11.2 Conditions and Reasons (FUL)

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 below submitted application details ;

- Proposed Ground Floor Plan, Block Plan, Drg No. 9-11 MARKT-PS25-5
 - Proposed First Floor Plan, Block Plan, Drg No. 9-11 MARKT-PS25-6
 - Proposed Second Floor Plan, Block Plan, Drg No. 9-11 MARKT-PS25-7
 - Proposed Roof Plan, Block Plan, Drg No. 9-11 MARKT-PS25-8
 - Proposed Site Block Plan, Drg No. 9-11 MARKT-PS25-9
 - Proposed Front Elevation, Drg No. 9-11 MARKT-PS25-11
 - Proposed Ground Floor, Drains Plan, Drg No. 9-11 MARKT-PS25-12
 - Proposed Bin Storage Plan, Drg No. 9-11 MARKT-PS25-15
 - Proposed Landscape Plan, Drg No. 9-11 MARKT-PS25-21
- All as received by the Local Planning Authority on the 24th September 2025.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM10, DM11, DM12, DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Policies DC1, CE1, BD4 of the MBNP and the overarching principles of the NPPF.

3. The external terrace area shall not be used outside the following times:-

{12:00pm - 21:00pm} Monday - Sunday

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected in accordance with Policies DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the overarching principles of the NPPF.

4. The rating level of the noise emitted from any fixed plant and equipment (mechanical and electrical) located at the site shall not exceed the existing background level at any premises used for residential purposes surrounding the site when assessed in accordance with BS 4142:2014+A1(2019).

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected in accordance with Policies DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the overarching principles of the NPPF.

5. The piano bar shall not be open to the public outside the following times:-

{10:00am - 23:00pm} Monday – Thursday

{10:00am - 00:30am} Friday – Saturday
{10:00am - 23:00pm} Sunday

Reason: To protect the amenities of the occupiers of neighbouring residential properties from unsatisfactory noise and disturbance in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the overarching principles of the NPPF.

11.3 Conditions and Reasons (LBC)

1. The works to which this consent relates shall be begun before the expiration of three years from the date of this consent.

Reason: To conform with Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The materials to be used externally shall accord with the approved application form, as received by the Local Planning Authority on the 24th September 2025.

Reason: To preserve the special interest of the building in accordance with the requirements of Section 66 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 Development Plan Document (2016), Policy BD4 of the MBNP and the overarching principles of the NPPF.

3. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

- Proposed First Floor Plan, Block Plan, Drg No. 9-11 MARKT-PS25-6
 - Proposed Ground Floor Plan, Block Plan, Drg No. 9-11 MARKT-PS25-5
 - Proposed Second Floor Plan, Block Plan, Drg No. 9-11 MARKT-PS25-7
 - Proposed Roof Plan, Block Plan, Drg No. 9-11 MARKT-PS25-8
 - Proposed Site Block Plan, Drg No. 9-11 MARKT-PS25-9
 - Proposed Front Elevation, Drg No. 9-11 MARKT-PS25-11
 - Proposed Ground Floor, Drains Plan, Drg No. 9-11 MARKT-PS25-12
 - Proposed Ground Floor, Flooring Layout, Drg No. 9-11 MARKT-PS25-13
 - Proposed First Floor Plan, Flooring Layout, Drg No. 9-11 MARKT-PS25-14
 - Proposed Bin Storage Plan, Drg No. 9-11 MARKT-PS25-15
 - Proposed Front Elevation Glazing Plan, Drg No. 9-11 MARKT-PS25-16
 - Proposed Front Elevation Dormer, Drg No. 9-11 MARKT-PS25-17
 - Proposed Ground Floor Plan, Stud Walls, Drg No. 9-11 MARKT-PS25-19
 - Proposed Landscape Plan, Drg No. 9-11 MARKT-PS25-21
- All as received by the Local Planning Authority on the 24th September 2025.

Reason: To preserve the special interest of the building in accordance with the requirements of Section 66 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 Development Plan

Document (2016) Policy BD4 of the MBNP and the overarching principles of the NPPF.

11.4 Notes to applicant

- a) The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at building.control@blaby.gov.uk or call 0116 272 7533.
- b) A separate consent may be required under the Town and Country Planning (Control of Advertisement) Regulations 2007 in respect of the display of advertisements on these premises. Advice may be sought from the Local Planning Authority.