

Delegated Report

Planning Ref: 23/01045/FUL

Applicant: Ms Mary Jacques

Ward: Cadeby Carlton M Bosworth & Shackerstone



Hinckley & Bosworth
Borough Council

Site: The Old Forge 13 - 15 Park Street Market Bosworth

Proposal: Proposed alteration to existing three-storey dwelling (Use Class C3) and existing working forge (Use Class B2) and convert the existing forge buildings to provide an additional one-bedroom dwellinghouse at The Old Forge, Park Street, Market Bosworth

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 an existing vacant working forge (Use Class B2) to an additional one-bedroom dwellinghouse at The Old Forge, 13 – 15 Park Street, Market Bosworth. To facilitate this development, internal alterations are proposed to the property, but no extensions are proposed to The Old Forge, its roofs, nor its principal elevation.
- 2.2. A walled garden is also proposed within the site to provide separation between the two respective properties and all the chimneys are capped with clay chimney pots.
- 2.3. Following concerns raised by the Planning Officer regarding potential significant harm to the residential amenity of the future occupiers of the scheme, the capacity of the proposal was reduced to accommodate only one bedroom as opposed to two. In addition, the dormer window in Bedroom E and the window on the western side elevation of Bedroom C on the existing property have been obscure glazed. As the dormer window is the principal window to Bedroom E, a new window has been proposed on the northern rear elevation of the existing dwelling.
- 2.4. This application is linked to two Listed Building Consent applications, 23/01043/LBC and 23/01044/LBC respectively.

3. Description of the Site and the Surrounding Area

- 3.1. The 590sqm application site, The Old Forge, comprises an existing large three-storey dwellinghouse (Use Class C3) and a functional single storey vacant working forge (Use Class B2). Both the forge and the dwelling are Grade II Listed and are located within the identified settlement boundary of Market Bosworth and its Conservation Area. Market Bosworth is classified as a Key Rural Centre Stand Alone within the adopted Core Strategy (2009).
- 3.2. Both buildings are constructed with a brick finish, clay tiled roofs, and timber doors and windows. The forge utilises a brick finish with a Flemish Garden wall bond, a dentil course at eaves level and a corbelled kneeler to the west end of the south elevation. On the other hand, the dwellinghouse incorporates a brick finish that has a Flemish bond, a dentil course at eaves level on the front elevation and a late C20 brick finish in stretcher bond on the right wing of the property. However, the front elevation of the forge is rendered from the ground to the base of the chamfered blue brick window cills, and the west elevation of the forge, including the attached

workshops, is fully rendered and devoid of openings. The eastern elevation of the front block of the dwellinghouse is also rendered.

- 3.3. The Listed Building Entry (National Heritage List England (NHLE) ref 1482523) identifies The Old Forge due to its architectural and historical interest. Architecturally, the function of the forge can be determined from its plan, utilitarian design, and internal features such as the retaining hearths, bellows and other features relating to ironworking. The simplest of forge buildings would have just one hearth, whereas The Old Forge has two. The house is a vernacular take on the restrained townhouse of the late C18. Historically, the forge illustrates how essential the commodity of ironwork was, produced for local markets from the C18 to C20 and, together, the house and forge are an interesting survival illustrating aspects of domestic and commercial life in a market town.
- 3.4. Blacksmith's forges are rare survivals, particularly in town locations where the demands on land have meant that most have been demolished or converted to other uses. The adjoining house, with which it shares a chimney, is contemporary to the forge and is thought by Historic England to have been continually in use as a dwelling since its construction. The workshop to the rear of the forge dates from around the late-19th century and a smaller outbuilding attached to the rear of the workshop had been replaced by the present larger building by the 1950s. The rear wing of the house appears to have been re-built and extended in the late C20, with further additions in the early C21.
- 3.5. The operation of the forge closed as a business following the retirement of the last blacksmith, Clem Phillips, who was the owner of the property from 1933 to 1973. The forge has remained unused until the very late C20, where it was in occasional use until the early 2020s.
- 3.6. The Old Forge is directly referred to within the Market Bosworth Conservation Area Appraisal and Management Plan (MBCAA), which identifies the forge as a building of particular interest and the side boundaries of the site and the highway in front of the site are acknowledged as views and vistas to be protected.
- 3.7. The MBCAA states that, "*The fine chimney stack at the Forge would be enhanced if it was capped with a clay chimney pot.*" Due to its special historic and architectural interest and position within the historic core of the settlement, the Listed Building makes a positive contribution to the character and appearance, and thus significance, of the Market Bosworth Conservation Area.
- 3.8. The application site is accessed via Park Street, which is an adopted and classified 'C' road that is subject to a 30mph speed limit and runs in a one-way direction from west to east. Along Park Street on the side of the development are yellow lines in the carriageway. The existing access is approximately 3m wide with gates that abut the public footway. Within the MBCAA, Park Street is identified as having:

"An eclectic mix of styles and ages of properties from early C18 to late C20 and a number of Listed Buildings. The majority of the buildings at the west end of Park Street are two-storey and open directly onto the pavement. Boundary walls and railings are important in maintain a strong building line which softens the Park. Materials include red and tallow brickwork painted brickwork and render. Roofs are slate, tiles or shingle punctuated by a range of interesting chimney stacks."
- 3.9. In 2022, The Old Forge site received planning permission for the conversion of both the dwelling and the existing working forge into a five-bedroom hotel (Use Class

C1) via planning permission 22/00473/FUL and listed building consent 22/00974/LBC.

4. Relevant Planning History

4.1 23/01044/LBC

- Internal alterations to listed building.
- Awaiting Decision
- TBD

4.2 23/01043/LBC

- Alterations for the conversion of the forge building (B2) to dwellinghouse (C3).
- Awaiting Decision
- TBD

4.3 23/00225/DISCON

- Application to discharge condition 5 (Archaeology) attached to planning permission 22/00974/LBC.
- Partial Discharge of Conditions
- 20.04.2023

4.4 23/00182/DISCON

- Application to discharge conditions 4 (Cycle Provision), 5 (Waste and Recycling), 6 (Ventilation) attached to planning permission 22/00473/FUL.
- Discharged
- 18.04.2023

4.5 22/00974/LBC

- Proposed extension and alteration to existing three-storey dwelling (Use Class C3) and existing working Forge (Use Class B2) to form a five-bedroom hotel with parking and associated facilities.
- Listed Building Consent
- 22.12.2022

4.6 22/00473/FUL

- Proposed extension and alteration to existing three-storey dwelling (Use Class C3) and existing working Forge (Use Class B2) to form a five-bedroom hotel with parking and associated facilities.
- Permitted
- 22.12.2022

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 One member of the public has objected to the planning application on the following grounds:

- Inadequate off-street parking concerns.
- Loss of a community facility and a functional forge.
- Loss of protected structures such as hearth, anvils, and bellows within the Grade II Listed Building.
- The property is not structurally able to be converted into a residential dwelling.

5.3 No further 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
- Leicestershire County Council (LCC)'s Archaeology Department (subject to conditions)
- Local Highway Authority (LHA) (subject to conditions)

6.2 Historic England have not commented on this application.

6.3 The Historic Buildings Panel did not respond to the planning application.

LCC Archaeology *Archaeology*

6.4 The Leicestershire and Rutland Historic Environment Record (HER) shows that the application lies in an area of archaeological interest, within the historic settlement core of Market Bosworth, and a number of human burials. Therefore, Leicestershire County Council (LCC)'s Archaeology Department considered that there is the potential for burials within the application site, in addition to wider remains relating to the medieval and post-medieval periods. LCC Archaeology also considered that there is good potential for significant post-medieval buried remains within the surroundings of The Old Forge from activities associated with the building itself. This information has the potential to further contextualise the Listed Building and its development as both a domestic and commercial building within the market town.

6.5 The villages of Leicestershire and the wider English Central Midlands appear to have evolved alongside their open field systems during the later 1st millennium AD. Therefore, buried archaeological evidence, constituting one or more as yet unidentified heritage assets, spanning the period from the earliest evolution of the village to its more recent past can be expected within the development area.

6.6 In light of the above, LCC Archaeology requested that the Applicant provides professional archaeological Attendance for inspection and recording during the groundworks for the proposed development within the courtyard garden area. A contingency provision for emergency recording and detailed excavation should be made to the satisfaction of the Local Planning Authority in conjunction with Leicestershire County Council's Historic and Natural Environment Team (HNET). HNET advised that they can provide a formal Brief for the works at the Applicant's request. As a result, LCC Archaeology have requested that a suitable Written Scheme of Investigation (WSI) for the investigation and recording of the development should be secured via a pre-commencement condition to safeguard any important archaeological remains potential present in the site.

6.7 The specification should comply with the above-mentioned Brief, the County Council's Guidelines and Procedures for Archaeological Work in Leicestershire and Rutland, and with the relevant Institute for Archaeologist's Standards and Code of Practise. It should include a suitable indication of arrangements for the

implementation of the archaeological work, and the proposed timetable for the development.

Built Historic Environment

- 6.8 Leicestershire County Council's Archaeology Department also repeated their comments from the previous application, 22/00974/LBC, and recommended that the Applicant completes an appropriate level of building recording to the Listed Building prior to alteration to record and advance the understanding of the significance of the heritage asset. Whilst LCC Archaeology welcomed the submission of a photographic document, they advised that this should be incorporated into the final Historic Building Survey Report.
- 6.9 The proposal involves various works to the Grade II Listed Building, The Old Forge. Given the scope of the works proposed to the existing dwelling within the Listed Building, LCC Archaeology did not consider the impact upon the historic fabric to be of such significance that a Level 2 Historic Building Survey would be necessary. Therefore, LCC Archaeology have requested a photographic survey of the building, followed by a watching Brief to monitor the works that may expose historic fabric through removal and opening up processes.
- 6.10 However, LCC Archaeology recommended a higher level of recording for the forge building, due to the nature of the proposed changes and the archaeological significance of the structure. In addition to the removal and opening up processes, LCC Archaeology advised that finishes to flooring may mask information relating to the historic usage of space within the structure. As such, LCC Archaeology have recommended that a Level 2 Historic Building Survey would be appropriate and a Level 3 Historic Building Survey for those area of the building that are removed or altered.
- 6.11 Following this, the Applicant provided a Historic Building Report for the existing dwelling within the heritage asset and confirmed that they are boarding over the exposed flooring and preserving it in situ.
- 6.12 The County Council's Archaeological Department then confirmed that the report was satisfactory in addressing the photographic survey of the house and that the commencement of work to the house was acceptable from an archaeological perspective. Furthermore, the Archaeological Department are satisfied that, as no further stripping out works are likely to expose the historic fabric, the previously recommended watching brief is no longer required.
- 6.13 Notwithstanding this, a Level 2 to 3 Historic Building Survey of the forge is still required alongside archaeological attendance on any intrusive works within the development and post-excavation requirements such as archive deposition and publication.
- Market Bosworth
- 6.14 Market Bosworth Parish Council raised concerns regarding the following:
- Inadequate off-street parking provision.
 - The ceiling height of the first floor is very low and may not meet the requirements of Building Regulations.
 - The scheme needs to retain both furnaces within the forge.
 - Structural integrity of the heritage asset.

In light of the off-street parking concerns, the Parish Council have requested that the garden and courtyard areas for the two dwellings should be reduced to provide a minimum of two further designated parking spaces within the site.

The Planning Officer notes that both hearths/furnaces are retained and secured by planning condition.

- 6.15 Market Bosworth Society registered the strongest possible objections to the application on the following grounds:
- The ability to convert a single storey single room can be converted into a dwelling with anvils machinery, two furnaces and bellows.
 - The development is contrary to, and in conflict with Policies DM10, DM11, and DM12 of the Site Allocations and Development Management Policies Development Plan Document (SADMP).
 - The development is contrary to, and in conflict with the National Planning Policy Framework (NPPF).
 - The difficulty in repairing the fabric of the Forge without altering it beyond recognition for example via repairing the anchor plates and tie rods.
 - Drainage issues.
 - Harm to a heritage asset.
 - Harm to the Market Bosworth Conservation Area.
 - Harm to the residential amenity of neighbours as a result of inadequate off-street parking provision.
 - Inadequate off-street parking provision.
 - The Old Forge does not have the structural integrity to be converted.
 - Loss of a functional forge as a community asset.

Pollution

- 6.16 On 15 November 2023, the Council's Pollution Officer requested additional details regarding what the proposed soft landscaped garden is currently used for and whether this has historically had any use connected to the forge.
- 6.17 The Applicant confirmed that the land to the rear of the heritage asset has always been used in association with the residential dwelling. Given the above, the Pollution Officer confirmed on 09 January 2024 that they had no objections or further comments.
- 6.18 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 Development Plan Document (SADMP) (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 Market Bosworth Neighbourhood Plan 2014 – 2026 (MBNP) (2015):
- Policy CE1: Character and Environment
 - Policy CE3: Important Views and Vistas
- 7.4 National Planning Policies and Guidance:
- National Planning Policy Framework (NPPF) (December 2023)
 - Planning Practice Guidance (PPG)
 - National Design Guide (2019)
- 7.5 Other Relevant Guidance:
- Good Design Guide (2020)
 - Leicestershire Highway Design Guide (LHDG) (2022)
 - Market Bosworth Conservation Area Appraisal (MBCAA) (2014)
 - Technical Housing Standards – Nationally Described Space Standards (2015)

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 and the historic environment
 - Impact upon residential amenity
 - Impact upon parking provision and highway safety
 - Planning balance

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. 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.
- 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 and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document. 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.

- 8.6 Both the Core Strategy and the SADMP are over 5 years old and were adopted prior to the publication of the current NPPF. 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.
- 8.7 Nevertheless, in accordance with Paragraph 225 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 development consists of the conversion of an existing building into a residential dwelling within the identified settlement boundary of Market Bosworth. Given that Market Bosworth is highlighted as a Key Rural Centre Stand Alone within the adopted Core Strategy, the development is considered to be 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

- 8.9 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.
- 8.10 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.
- 8.11 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.
- 8.12 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.
- 8.13 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.
- 8.14 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. The overall aim is to meet

as much of the area's identified housing need as possible with an appropriate mix of housing types for the local community.

- 8.15 Paragraph 70 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. In order to promote sustainable development in rural areas, Paragraph 83 of the NPPF requires new housing to be located where it will enhance or maintain the vitality of rural communities.
- 8.16 The development is for a single 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.
- 8.17 Whilst the Council is unable to deliver a five-year supply of land for housing, given the provision of one dwelling within this application site is unlikely to be a significant benefit to the housing land supply within the Borough, it is considered that limited weight should be given to the provision of the proposed dwelling.

Design and Impact upon the Character of the Area and the Historic Environment

- 8.18 Section 12 of the NPPF confirms that good design is a key aspect of sustainable development, and the creation of high quality, beautiful, and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 135 of the NPPF details the six national policy requirements of development to ensure the creation of well-designed and beautiful places.
- 8.19 Paragraph 139 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.
- 8.20 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.
- 8.21 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.
- 8.22 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.

- 8.23 Therefore, Paragraph 205 of the NPPF requires great weight to be given to the conservation of designated assets and the more important the asset, the greater the weight should be. Paragraph 206 of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification. The need for clear and convincing justification is re-iterated in Policy DM12 of the SADMP.
- 8.24 Nevertheless, Paragraph 212 of the NPPF confirms that local planning authorities should look for opportunities for new development within Conservation Areas, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
- 8.25 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.
- 8.26 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.
- 8.27 Policy 11 of the adopted Core Strategy requires new development to respect the character of the Market Bosworth Conservation Area.
- 8.28 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.
- 8.29 Policy CE1 of the MBNP states 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.
- 8.30 The application site is within Character Area E, which has a tight historic grain, traditional building lines, narrow pavement and winding roads, buildings fronting onto the street or defined with small frontages that are bounded by low walls or railings and are predominantly red brick buildings with clay or slate roof tiles. It is also noted within the MBNP that the setting of the Conservation Area is defined by the views and vistas through the Conservation Area and out into the countryside.
- 8.31 In accordance with the requests of the MBCAA, all chimneys on the property are capped with clay chimney pots.
- 8.32 No extensions are proposed to the existing residential property within The Old Forge, and no alterations are proposed to the structure, nor any alterations to the principal elevation of the dwelling. Therefore, it is considered that the proposed works to the house ensure that any significant historic fabric is retained in situ and all other interventions are sympathetic to the character and history of the building and its built form. Overall, it is considered that the proposed alterations to facilitate the continued use of the house for residential purposes are compatible with the

significance of the Listed Building, and the very limited alterations that affect its external appearance preserve the significance of the Market Bosworth Conservation Area.

- 8.33 Furthermore, no extensions are proposed to the forge element of The Old Forge, nor any alterations to its principal elevation. Whilst the forge is capable of being worked, it has not been fully operational since 1973, and therefore the conversion of the heritage into an entirely residential use is likely to represent a viable use that could lead to the investment in its maintenance that is necessary for its long-term conversion, as advised by the PPG. The general repairs proposed are considered to aid the structural stability of the forge and improve the condition of its historic fabric. As a result, such repairs to the forge are secured via planning condition. Overall, it is considered that the works required to facilitate the change of use of the forge to a dwellinghouse are compatible with the significance of the Listed Building and the Market Bosworth Conservation Area.
- 8.34 The C19 workshop that is attached to the forge is proposed to be used as a lounge and the mid-C20 workshop that is attached to the previous workshop is proposed to be used as a bedroom, main bathroom, and hallway with stairs that lead up to a home office on the existing mezzanine floor. The existing large opening currently housing timber doors to the eastern elevation are fitted with a glazing screen. A single set of double doors are proposed within the rear elevation to face out into the garden, and two conservation style roof lights are proposed on the eastern elevation to provide light into the home office.
- 8.35 It is considered that these proposed works maintain the open plan form of these buildings and they do not have any adverse impact upon the historic or significant fabric of the heritage asset. In addition, it is considered that the form of the proposed fenestration respects the character of the workshop building. Therefore, it is considered that the works to the workshops are compatible with the significance of the Listed Building, and the limited alterations to the external appearance of these aspects of the property maintain its character and preserve the significance of the Market Bosworth Conservation Area.
- 8.36 Within the curtilage of the Listed Building, the scheme separates the existing property's residential garden area and new enclosed courtyard from the parking arrangements via a 1.8m high brick wall. The residential garden area and the new courtyard are then separated from the additional rear amenity space for the new dwelling via a 1.8m high close boarded fence. The gates to the site frontage, the eastern side boundary wall, and the parking area arrangement remain as existing.
- 8.37 Overall, the works within the curtilage of the Listed Building are considered to be of an appropriate character and appearance that are compatible with the significance of the Listed Building and its immediate setting that preserve the significance of the Market Bosworth Conservation Area.
- 8.38 In light of the above, it is considered that the proposed change of use of the forge and the associated workshops to a residential use are likely to represent a viable use of the heritage asset that is necessary for its long-term conservation and maintenance. The proposed works ensure that the majority of the significant historic fabric is retained in situ and other interventions are sympathetic to the character and historic fabric of the Listed Building, its built form, and the wider Market Bosworth Conservation Area. Therefore, the development is considered to be compatible with the significance of the Listed Building and its setting, and preserves the significance of the Market Bosworth Conservation Area in accordance with

Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 16 of the NPPF, Policy 11 of the Core Strategy, Policies DM10, DM11, and DM12 of the SADMP, and Policy CE1 of the MBNP.

Impact upon Residential Amenity

- 8.39 Paragraph 135(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.
- 8.40 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.
- 8.41 The Good Design Guide requires the way buildings to relate to each other, and their orientation and separation distances, to provide and protect acceptable levels of amenity.
- 8.42 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.
- 8.43 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."* Notwithstanding this, these separation distances are the minimum standards that are required, and every application will be assessed on its own merits depending on the individual characteristics of the site such as orientation, ground levels, window positions, garden size, and shape.
- 8.44 The loss of the commercial use of the functional forge is considered to significantly reduce any potential noise pollution impacts that may harm the residential amenity of neighbouring properties.
- 8.45 Furthermore, the forge is single storey in massing and no new windows are proposed on the western side elevation of the property. Therefore, the scheme is not considered to result in any overlooking or loss of privacy to the residential amenity of the occupants of 11 Park Street. In addition, no extensions are proposed to the rear of the forge and therefore the property does not extend any further beyond the rear of the 11 Park Street. As the ridge height of the property is retained, the development is not considered to result in any overbearing or loss of light impacts to 11 Park Street.
- 8.46 Only one window is provided on the rear elevation of the forge. Due to its siting on the ground floor of the property, the scheme is not considered to result in any overlooking or loss of privacy to 17 Park Street to the north. Moreover, given the distance between the two properties, the siting of 17 Park Street to the north of the site, and the lack of extensions proposed within this scheme, the development is not considered to result in any overbearing or loss of light impacts to 17 Park Street.

- 8.47 No amendments or extensions are proposed to the eastern side elevation of the existing residential dwelling. In light of the above and the non-residential use of the adjacent village hall, the scheme is not considered to result in any harm to the residential amenity of properties to the east of the site.
- 8.48 Although new glazed apertures are proposed to the existing openings within the workshops, these are on the ground floor, and it is considered that the 1.8m high brick wall boundary treatment prevents any loss of privacy or overlooking impacts to the neighbouring properties. Whilst two rooflights are incorporated into the roof of the workshop, given the angle of the roof and the height of the structure, this is not considered to result in any overlooking or loss of privacy to the private outdoor amenity space of the existing residential property within the site.
- 8.49 There are two windows on the western side of the existing residential property that faces towards the converted forge. These windows are on the first and the second floor respectively and are likely to result in loss of privacy and overlooking to the new residential dwelling. To address this, a planning condition is utilised to secure that this window is obscure glazed, as highlighted within the submitted revised plans.
- 8.50 To support the residential amenity of future occupiers of the scheme, one of the aims of Section 4 (New Residential Development) within The Good Design Guide is to ensure that new residential development exceeds the internal space standards set by the Technical Housing Standards (THS) (2015) wherever possible.
- 8.51 Proposals for one-bedroom, two-storey dwellings should provide a minimum of 58sqm of floor space and 1.5sqm of built-in storage in accordance with the Technical Housing Standards (THS).
- 8.52 The scheme provides 87.1sqm of floor space and 2.4sqm of in-built storage on the ground floor alone, which complies with the requirements of the THS. The footprint of the existing residential dwelling is not affected by the conversion of the forge.
- 8.53 In accordance with Paragraph 10(c) of the THS, to provide one bed space, a single bedroom should have a floor area of at least 7.5sqm, and a width of at least 2.15m. In order to provide two bed spaces, a double or twin bedroom should have a floor area of at least 11.5m, and a width of 2.75m for the master bedroom, and a width of 2.55m for every other bedroom in accordance with Paragraphs 10(d) and (e) of the THS.
- 8.54 The bedroom within the converted forge is considered to comply with Paragraphs 10(d) and (e) of the THS. None of the bedrooms within the existing dwelling are affected by the conversion of the forge.
- 8.55 The Good Design Guide states that two-bedroom houses should also provide a minimum of 60sqm of private outdoor amenity space with a minimum length of 7m.
- 8.56 The converted forge is provided with 23.7sqm, which is under half the Good Design Guide's required provision of outdoor amenity space. However, it is noted that the requirements of the Good Design Guide are for two-bedroom properties, whereas this scheme is only for a one-bedroom property.
- 8.57 Nevertheless, the existing residential property within the site is only provided with 22.1sqm of outdoor private amenity space, which is also significantly under the 80sqm requirement of the Good Design Guide for a five-bedroom dwelling.

- 8.58 Ultimately, the under provision of outdoor private amenity space is likely to result in harm to the future occupants of the two dwellings, contrary to Policy DM10 of the SADMP, and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.59 Section 9 of the NPPF promotes sustainable transport. Paragraph 114 of the NPPF states that planning decisions should ensure that developments provide appropriate opportunities to promote sustainable transport modes, given the type of development and its location and a safe and suitable access to the site for all users. Any proposal should ensure that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 8.60 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 would be severe, in accordance with Paragraph 115 of the NPPF.
- 8.61 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)).
- 8.62 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.63 Paragraph 3.151 (Quantum) of Part 3 of the LHDG requires three off-street vehicle parking spaces for five-bedroom dwellings. Paragraph 3.165 (Dimensions) of Part 3 of the LHDG requires minimum parking sizes to be 2.4m x 5.5m, and an additional 0.5m in width is required the parking space is bounded by a wall, fence, hedge, line of trees or other similar obstructions on one side. This width increases to 1m if the parking space is bounded on both sides.
- 8.64 The development makes no changes to the existing access onto Park Street. Given the material considerations of the existing residential use of the host dwelling and the extant planning permission for a five-bedroom hotel via 22/00473/FUL, the scheme is not considered to represent a significant intensification of traffic movements at the access. Furthermore, Park Street is a one-way street and features notable parking restrictions along the carriageway on the northern side of the site. Therefore, it is considered that if a vehicle must enter the site, it would not be unsafe for the vehicle to stop the flow of traffic whilst another vehicle existed.
- 8.65 Based on available records to the Local Highway Authority (LHA), there have been no reported Personal Injury Collisions on Park Street in the previous five years. The LHA are satisfied that there are no patterns in the data which could be exacerbated by the proposals.
- 8.66 The development provides two off-street parking spaces for the host dwelling and one off-street parking space for the new property. Whilst a further off-street parking is required to provide sufficient off-street parking for the existing dwelling in accordance with Paragraph 3.151 of Part 3 of the LHDG, it is acknowledged that

there is access to bus services, that there is a public parking area located close by as well as on-street parking and that the proposed dwelling is located close to shops and facilities within the centre of the village. Given the location of the development, the LHA are satisfied that the proposal offers good opportunities to promote the use of sustainable travel methods and confirms that the proposed parking provision is acceptable.

- 8.67 During the determination of 22/00473/FUL, the LHA previously requested that the Applicant considered relocating the existing gates so that they are set further back from the highway, or to remove the gates altogether, to reduce the risk of pedestrians having to walk into the road. However, the Applicant stated that the gates are already in-situ and have operated without incident over many years and, in doing so, have afforded an appropriate level of security to the property.
- 8.68 In light of the above, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe in accordance with Policies DM17 and DM18 of the SADMP, the LHDG, and the NPPF.

Planning Balance

- 8.69 The Council cannot demonstrate a 5-year housing land supply and the housing policies in the adopted Core Strategy and the housing policies of the adopted SADMP are considered to be out of date as they focused on delivery of a lower housing requirement than is now required. It is necessary therefore to consider that the 'tilted' balance in Paragraph 11(d) of the NPPF applies and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 8.70 The development is within the identified settlement boundary of a Key Rural Centre Stand Alone, which is considered to be acceptable in principle. Furthermore, the scheme is not considered to result in any unacceptable impacts on highway safety or the road network. In addition, the development is considered to be compatible with the significance of the Listed Building and its setting and to preserve the significance of the Market Bosworth Conservation Area. Nevertheless, these factors are given neutral weight in the planning balance given they do not provide any form of benefit above the existing situation.
- 8.71 However, the provision of a new dwelling in this location is considered to be a benefit that can be offered limited weight in the planning balance. Moreover, the proposed change of use of the forge is considered to represent a viable use of the heritage asset that is necessary for its long-term conservation and maintenance. Whilst this may not be the only viable use of the heritage asset, or indeed its optimum use, this is considered to be a benefit that is offered moderate weight in the planning balance. Whilst the forge has not been fully operational since 1973, the loss of the commercial use of the forge is considered to significantly reduce any potential noise pollution impacts that may harm the residential amenity of neighbouring properties should an occupant intend to utilise it again, which is likely to be a benefit to the scheme.
- 8.72 Therefore, the main harm of the scheme is to the future occupants of the proposed dwellings as a result of the inadequate provision of private outdoor amenity space. However, due to the constraints of the site, it is considered that further private outdoor amenity space cannot be provided without detrimentally impacting the

development's provision of off-street parking, which has been highlighted as a key area of contention for the development by members of the public. It is also noted that the Market Bosworth Country Park is within 200m of the site.

- 8.73 In light of the above, whilst it is unfortunate that the scheme only offers an inadequate provision outdoor private amenity space for both dwellings, given the location of the application site, the limitations of the application site, the site's proximity to the Market Bosworth Country Park, and the need to secure a viable use for the forge to ensure its long-term conservation, this harm is not considered to significantly and demonstrably outweigh the potential benefits of the scheme in these site-specific circumstances.

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 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 1 to 4 (submitted: 06.12.2023).
 - Existing Elevations 5 to 7 (submitted: 06.12.2023).
 - Measured Building Survey First and Second Floor (submitted: 06.12.2023).
 - Measured Building Survey Ground Floor and Basement (submitted: 06.12.2023).
 - Proposed Floor Plans Rev K (submitted: 06.12.2023).
 - Proposed Elevations and Sections Rev I (submitted: 06.12.2023).
 - Retained Hearth Detail (submitted: 11.12.2023).
 - Proposed Window Details (submitted: 11.12.2023).
 - Topographical Survey (submitted: 06.12.2023).

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM10, DM11, and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. The development hereby permitted must be constructed in strict accordance with the Schedule of Works V2 (submitted: 06.12.2023). There shall be no occupation of the kitchen area to be created in the forge element of the scheme unless, and until, the repairs to forge have been completed in strict accordance with the details approved within the Forge Schedule of Works (submitted: 18.01.2024).

Reason: To secure enhancements to, and to preserve the significance of, the Listed Building in accordance with Policies DM11 and DM12 of the Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016).

4. No demolition or development shall take place or commence, with the exception of any internal works to the existing house element of the heritage asset, until a Written Scheme of Investigation (WSI) has been submitted in writing to, and approved in writing by, the Local Planning Authority. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and:
- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.
 - The programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: To ensure satisfactory archaeological investigation and recording in accordance with Policies DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and Section 16 of the National Planning Policy Framework (December 2023).

5. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with

Cronin Development Consultancy Ltd drawing number P-050 Rev I.
Thereafter the onsite parking provision shall be so maintained in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (December 2023).

6. The windows on the western side elevations of the existing residential property that are utilised by Bedroom C on the first floor and Bedroom E on the second floor shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale and non-openable. Once so provided the window(s) shall be permanently maintained as such at all times thereafter.

Reason: To safeguard the privacy and amenity of the future occupants of the forge from potential overlooking in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (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 refer to the additional planning conditions within planning application 23/01043/LBC and 23/01044/LBC that the development must comply with.
3. The Written Scheme of Investigation must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.
4. The Historic and Natural Environment Team, as advisors to the Planning Authority, will monitor the archaeological work, to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the Planning Authority.
5. A Level 3 'Analytical Survey', Historic Building Survey Recording as specified in Historic England's Understanding Historic Buildings. A Guide to Good Recording Practice, HE 2016). This Record should comprise an introductory description followed by a systematic account of the building's origins, development and use. It should include an account of the evidence on which the analysis has been based, allowing the validity of the record to be re-examined in detail. It should also include all drawn and photographic records that may be required to illustrate the building's appearance and structure and to support an historical analysis. Consideration should be given to appropriate survey equipment to address the particular requirements of the structure or structures to be surveyed (e.g. conventional survey, photogrammetry, laser scanning, etc.)
6. Surface water should be managed by sustainable methods, preferably those which disperse run off by infiltration into the ground strata (i.e., soakaways, pervious paving, filter drains, swales etc.) and the minimisation of paved

areas, subject to satisfactory porosity test results and the site being free from a contaminated ground legacy. If the ground strata are insufficiently permeable to avoid discharging some surface water off-site flow attenuation methods should be employed, either alone or in combination with infiltration systems and/or rainwater harvesting systems.

7. Any access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet (See Environment Agency guidance on the permeable surfacing of front gardens).
8. 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.