

Delegated Report

Planning Ref: 24/00603/FUL
Applicant: The Dixie Grammar School
Ward: Cadeby, Carlton, M Bosworth and Shackerstone



Hinckley & Bosworth
Borough Council

Site: 22 Market Place, Market Bosworth

Proposal: Change of use of building from financial and professional services (Class E) to (Class F1) for the provision of education

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 application seeks planning permission for the Change of use of building from financial and professional services (Class E) to (Class F1) for the provision of education. The application also includes internal alterations on the ground floor to provide 2 classrooms, a drama studio and a storeroom. The drama studio at the rear would have an emergency stairs on its western elevation leading from the 1st floor. The 1st floor would internally remain as existing with ladies and gents toilets, a landing area, a staff rest room and a store room converted to a classroom. No external changes are proposed.

2.2. The proposed would be used as ancillary accommodation associated with The Dixie Grammar School that is an established independent educational facility within the village. Pupil and staffing levels will remain at current levels. On this basis, the additional accommodation will secure operational and efficiency purposes in the lesson timetable schedule, very similar to the additional classroom space currently utilised at the former police station building on the junction with Shenton Lane and Market Place.

3. Description of the Site and Surrounding Area

3.1. The application site is located within Market Place, Market Bosworth is a former HSBC Bank and is located within the Market Bosworth Conservation Area. The 2 storey red bricked building is a late 20th century building of Georgian style design and is not listed. The site area is 247 sqm. There are residential neighbours at 20 Market Place as a result of 23/00607/FUL.

3.2. HSBC closed the branch down in April 2023 as part of the national branch closures and it has remained vacant ever since.

4. Relevant Planning History

- None relevant

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. A press notice was published in the Hinckley Times.

5.2. No comments were received.

6. Consultation

6.1. No objections were received from:

- HBBC Waste Management
- Leicestershire County Council Highways
- HBBC Pollution
- Market Bosworth Parish Council
- HBBC Drainage
- HBBC Conservation Officer

6.2 The Market Bosworth Society- The market Bosworth Society is delighted that a suitable purpose has been found for the building previously used as a bank. The Market Bosworth Society wishes to register no objections to the proposal but would like to draw the attention of the planning officer to the following points.

1) The building is situated in a mixed usage area and adjacent to several domestic properties. Suitable sound proofing works must be included to ensure that noise nuisance does not affect the enjoyment of the amenity of neighbouring properties.

2) That the Market Bosworth Rural District Council emblem be properly restored and protected against weathering for the future.

3) Time limits should be imposed with regard to 1) above. Activities should normally be restricted to School Opening Hours and by exception must cease by 17:00

It is requested that the points above are dealt with by conditions added to the subsequent decision Notice.

7. Policy

7.1. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM22: Vitalising District, Local and Neighbourhood Centres
- Policy DM25: Community Facilities

7.2. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2023)
- Planning Practice Guidance (PPG)

7.3. Market Bosworth Neighbourhood Plan

- Policy CE1

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the Conservation Area
- Impact upon neighbouring residential amenity
- Impact upon highway safety

Assessment against Strategic planning policies

- 8.2. The proposal is located within the settlement boundary of Market Bosworth and therefore there is a presumption in favour of sustainable development as set out in Policy DM1 and the wider policies of the NPPF.
- 8.3. Educational facilities are identified as a community facility within Paragraph 17.4 of Policy DM25 of the SADMP. Policy DM25 of the SADMP states that the Council will seek to support the formation of new community facilities across the Borough. However, to reduce reliance on the private car, new facilities should demonstrate that they are accessible to the community which they intend to serve by a range of sustainable transport modes.
- 8.4. The application site is within the settlement boundary of Market Bosworth and the proposal is for a Change of use of building from financial and professional services (Class E) to (Class F1) for the provision of education. The site is within the district centre of Market Bosworth where DM22 is engaged. National policy seeks to promote a strong rural economy through the retention and development of local services and shops. It also requires Local Plans to recognise town centres as the heart of their communities and define a network and hierarchy of centres. The building is no longer used as a bank and has been vacant for some time. No external changes are proposed therefore it is considered the proposal complies with this policy.
- 8.5. The development provides a new community facility within the identified settlement boundary of a Key Rural Stand Alone Centre. By virtue of these factors, the development is considered 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.
- 8.6. The proposed development is considered acceptable in principle.

Design and impact upon the character of the Conservation Area

- 8.7. No.22 Market Place is a late-20th century commercial building with a Georgian style design. It is considered to be a neutral presence within the historic core of the Market Bosworth Conservation Area.
- 8.8. 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.
- 8.9. Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraphs 199-202 of the NPPF require great weight to be given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have clear and convincing justification, and for that harm to be weighed against the public benefits of a proposal.
- 8.10. Policies DM11 and DM12 of the Site Allocations and Development Management Policies (SADMP) DPD seek to protect and enhance the historic environment. Development proposals should ensure the significance of a conservation area is preserved and enhanced. Policy DM10 of the SADMP seeks to ensure that development complements or enhances the character of the surrounding area with

regard to scale, layout, density, mass, design, materials and architectural features with the intention of preventing development that is out of keeping with the surrounding area.

- 8.11. Policy CE1 of the Market Bosworth Neighbourhood Plan states that all new development within Market Bosworth should be in keeping with its Character Area with regard to scale, layout and materials to retain local distinctiveness and create a sense of place
- 8.12. This proposal seeks the Change of use of building from financial and professional services (Class E) to (Class F1) for the provision of education.
- 8.13. The HBBC Conservation Officer was consulted and commented that 'No external changes are proposed to the building 22 Market Place or within its surrounding plot as part of this application. Therefore, the proposal would have a neutral impact upon the Market Bosworth Conservation Area, preserving its character and appearance and thus significance. Consequently, the proposal complies with Policies DM11 and DM12 the Site Allocations and Development Management Policies DPD, section 16 of the National Planning Policy Framework and the statutory duty of section 72 of the Planning (Listed Building and Conservation Areas) Act 1990'.
- 8.14. These works are considered to have a negligible and not adverse impact upon the character and appearance of no.22 Market Place or the wider Market Bosworth Conservation Area. The proposal therefore preserves the significance of the conservation area and complies with Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD, Policy CE1 of the Neighbourhood Plan, section 16 of the National Planning Policy Framework and the statutory duty of section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

Impact upon neighbouring residential amenity

- 8.15. Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of neighbouring properties.
- 8.16. No external changes or extensions are proposed. The HBBC Pollution Officer was consulted and, once confirmed by the agent that music will not feature as part of the drama lessons and no a/c units will be fitted to the building, had no objections to the proposal.
- 8.17. No. 20 consists of a 4 bed residential dwelling granted permission through 23/00607/FUL. The school have confirmed no music or instruments will feature as part of the drama lessons and this will be conditioned, as well as opening hours of 8 a.m to 5 p.m Monday to Friday only. Bearing in mind it is a mixed use area and the previous use class is unrestricted class E (so the building could be used for a café/restaurant etc) the combination of these conditions is considered sufficient to protect neighbouring amenity.
- 8.18. The proposed Change of use of the building from financial and professional services (Class E) to (Class F1) for the provision of education is not considered to cause any adverse impact upon neighbouring amenity.
- 8.19. The proposed development therefore complies with Policy DM10 of the SADMP in this respect.

Impact upon highway safety

- 8.20. Policy DM17 of the SADMP seeks to ensure new development would not have an adverse impact upon highway safety. Policy DM18 of the SADMP seeks to ensure parking provision appropriate to the type and location of the development.
- 8.21. The proposals relate to the Change of use of building from financial and professional services (Class E) to (Class F1) for the provision of education. Leicestershire County Council (Highways) raise no objection to the scheme on any highway safety grounds as there would be no material impact on the highway. The proposal would therefore be in accordance with Policies DM17 and DM18 of the adopted 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.
- 9.4. The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

- 10.1. The proposal would respect the character of both the existing building and the surrounding Conservation area. It would not adversely affect the amenities of the occupiers of neighbouring units. As a result, the application is considered to be in accordance with DM1, DM10, DM11, DM12, DM17 and DM18 of the SADMP and Policy CE1 of the Neighbourhood Plan and is therefore recommended for approval subject to 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, as follows:

- Proposed floor plans Drg No. 02
- Site Location Plan
- Planning and Heritage Statement received on 18 June 2024

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

3. Opening hours for the drama school, hereby permitted, shall be between the hours of 08:00 hrs and 17:00 hrs on weekdays only unless otherwise agreed in writing.

Reason: To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. No amplified music shall be played in the premises unless details of the amplified music and any noise mitigation measures have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall accord with the approved details in perpetuity.

Reason: To ensure that the proposed use does not become a source of annoyance or disturbance to nearby residents in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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.