

From: public.access@hinckley-bosworth.gov.uk
Sent: 22 November 2023 18:35
To: Planning Application Comments
Subject: Consultee Comments for Planning Application 23/01044/LBC

Consultee comments

Dear Sir/Madam,

A consultee has commented on a Planning Application. A summary of the comments is provided below.

Comments were submitted at 22/11/2023 6:34 PM from Mr Nigel Palmer Market Bosworth Society (nigel_palmer.MBS@btinternet.com) on behalf of Market Bosworth Society.

Application Summary

Reference:	23/01044/LBC
Address:	The Old Forge 13 - 15 Park Street Market Bosworth Nuneaton Leicestershire CV13 0LL
Proposal:	Internal alterations to listed building
Case Officer:	Sullivan Archer

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Comments Details

The Forge, 13 Park Street, Market Bosworth

Re: 23/01043/LBC
23/01044/LBC
23/01045/FULL

Comments: It appears to the Market Bosworth Society that this conversion from a Forge B2 to a dwelling house C3 has five key issues to overcome.

1. Historic England listing as a Grade II listed building
2. Parking
3. Status as a Community Asset
4. Structural integrity
5. Drainage and infrastructure on Park Street.

1) Historic England Listing, Grade II.

The property was first listed on the 22nd August 2022 under reference 1482523. The Market Bosworth Society was instrumental in acquiring Grade II protection for the house and forge for several reasons. Mainly as it was the last traditional forge capable of working in Leicestershire. It is a fine example of late 18 Century forges and has been in almost constant use since then to the late 1970's. Also there was a desire within the community to retain the building as a working forge. There had been great interest among local blacksmiths and farriers for part time access to the forge, which may well have provided full time rental income. The reasons for

listing are cited as:

Architectural Interest:

- * architecturally the function of the blacksmith's forge can be determined from its floor plan and utilitarian design.

- * the house is a vernacular take on the restrained town house of the late-C18.

- * internally, the forge survives well, retaining hearths, anvil blocks and other fixtures related to ironworking.

Historic Interest:

- * the forge illustrates how the essential commodity of ironwork was produced for local markets from the C18 to C20.

- * together the house and forge are an interesting survival illustrating aspects of domestic and commercial life in a market town.

A description follows, from which the following are extracted:

FORGE INTERIOR: one room with a stair up to a mezzanine floor. There is a smaller free-standing brick hearth to west, and a larger brick hearth against the east party wall with the house; the chimney to this larger hearth shares the stack at the west end of the house. The floor is brick and concrete. Various tools and machinery are present including two anvils and a large bellows. The earlier of the two workshops behind the forge is open to its mono-pitch roof, the later, northernmost workshop has a mezzanine to the south end, the north end is open to its steel truss roof.

The listing covers both the building and the items within:

Unless the List entry states otherwise, it includes both the structure itself and any object or structure fixed to it (whether inside or outside) as well as any object or structure within the curtilage of the building.

It is impossible to imagine how this single story, single room can be converted to a dwelling with anvils, machinery, two furnaces and bellows. There is a plan to retain part of one of the furnaces encased in a display cabinet. This is not in accordance with the protection listing. There are serious consequences if items are damaged or removed. Carrying out works on a listed property without consent is a criminal offence, which can carry serious penalties. If work has already begun, a listed building enforcement notice may be issued. This notice allows authorities to reverse the alterations done to a property, or to lessen the effects of the unauthorised works. Not only will there be a requirement on the perpetrator to pay to restore the building, but they might also be liable for unlimited fines and even time in prison.

It is possible to apply for retrospective listed building consent, however if this is denied there may be penalised for any unauthorised work. The plans associated with this application do not show, various tools and machinery are present including two anvils and a large bellows and of course the two furnaces as described in the Historic England listing. If these items have already been removed then we expect Hinckley & Bosworth Borough Council to take the appropriate action and ensure that enforcement is seen through. Whilst a building can be repurposed planning applications cannot sanction the removal of items recorded in a Grade II listing. This is set out in the Planning (Listed Buildings and Conservation Areas) Act 1990. In the High Court recently *Dill v Secretary of State for Housing, Communities and Local Government* and another [2020] UKSC 20 it was learned that Before any steps are taken by an owner of a Listed Building to remove items which, or may fall with a Listing (aside from taking legal advice) we would always advise due diligence research on the history, degree of annexation, listing status and description. As explained above we expect Hinckley & Bosworth Borough Council to take the action required by law.

It is also difficult to imagine how secondary double glazing and repair works to the fabric of the Forge will not alter it beyond recognition. The anchor plates and tie rods will be difficult if not impossible to alter without making changes to the outside of the building which is not permitted as the building as it stands has been afforded Grade II protection.

Furthermore, should there be any doubt of the action required, paragraph 196 of the NPPF provides, where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be

taken into account in any decision. Should any of the items referred to in the listing are not present the local authority must act. This is a legal requirement.

In conclusion, the items listed in the Grade II specification must be retained as they are in situ. If they are removed, moved or destroyed that is a criminal act. We require Hinckley & Bosworth Planning Department to inspect the property and ensure that the items listed have not been moved or removed. The appropriate action should then ensue.

2) Parking

It is a well-established fact that Market Bosworth has the highest density of over 65 year olds in the Borough, possibly the county. Several live in houses along Park Street. Many of the houses along Park Street were built before the introduction of the motor car and therefore do not enjoy the benefit of off street parking. For the residents of these properties parking is a serious worry. Members of the Market Bosworth Society explain that using their cars is extremely stressful. They can never be sure that upon their return they will be able to park on Park Street, or even close to their homes. This is a worry when simply visiting friends or family. When they return with heavy shopping and are forced to park several hundred metres away it becomes an anxiety. If there are no parking spaces, they must park elsewhere. This means that their shopping must be carried large distances (often not possible) or left in their cars until a space becomes available, which could be several hours. This additional dwelling will do nothing to alleviate this situation but will exacerbate the problem. Returning home after dark is often avoided by residents of Park Street as they do not like to park far away and walk back home in the dark.

It is difficult to imagine that the owner of the dwelling will not own at least one vehicle. Once the single space is utilised any visitors, traders, delivery vehicles will be forced to park on Park Street. There are double yellow lines outside 13 Park Street and so parking is not permitted. Delivery is also difficult as the road is narrow. With delivery vehicles parked on the yellow lines large vehicles cannot pass along Park Street. Many delivery vehicles park on the pavement. This makes it extremely difficult for able bodied pedestrians to pass along the road and impossible for the less able bodied, users of mobility aids and pushchairs. As the name would suggest Park Street leads to the Country Park and also the Parish Field, The Memorial Gardens and St. Peters Parish Hall and St. Peter's Parish Church. Plenty of reasons to want to walk along the pavement blocked by delivery vehicles and parked cars. One space barely meets the requirement of the 2023 NPPF who recommend a minimum of 2. More vehicles vying for a space will only add to the misery of residents and will have a negative effect on the enjoyment of the amenity of their homes.

We would also wish to correct errors in the application. The Planning Access and Design Statement makes interesting reading and is misleading. It states the property is immediately surrounded by existing residential properties albeit it remains within 30m of Ye Olde Red Lion Public House and almost directly opposite a local car parking area. There is no local car parking area. I believe the area referred to is the car park of the Dixie Arms Hotel. This is a private car park for use by patrons of the Dixie Arms Hotel only. A private company controls the space and if a vehicle is not registered from within the Dixie Arms Hotel the vehicles owners will receive a fine. This is also true of the Olde Red Lion Hotel Car Park, The Black Horse Car Park and the Market Bosworth Dental Surgery. There is no local car parking area. Whilst the statement: A local bus service provides direct access to Leicester via a number of nearby villages including inter alia Desford and Newbold Verdon. The 152/3 service provides an hourly service Monday to Saturday details of which are attached is more accurate than a local car parking area it does not point out that it is not always possible to return to Market Bosworth on the hour. Some of the buses terminate in Desford and Barlestone. There is no effective public transport service in or around Market Bosworth.

In conclusion the parking provision, one space is wholly insufficient and will exacerbate the parking problems for existing residents of Park Street.

3) Community Asset

The community asked for and received a Grade II listing in 2022 via the Market Bosworth Society. Once the forge ceased operation as a full time working forge it was regularly used as a community asset. The

Kind regards