

Delegated Report

Planning Ref: 24/00187/FUL
Applicant: Mrs Claire Swain
Ward: Cadeby Carlton M Bosworth & Shackerstone



Hinckley & Bosworth
Borough Council

Site: The Flat, 1A Market Place, Market Bosworth

Proposal: Change of use from residential flat (C3) to commercial office space (Class E(c)(i)/(ii)) (financial/professional services)

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 full planning permission for change of use of first floor from residential flat (C3) to commercial office space (E(c)(i)/(ii)) (financial/professional services) at The Flat, 1A Market Place, a Grade II Listed Building.

2.2. The fabric of the existing building would be unaffected by the proposals. The proposed alterations to facilitate the change of use of the flat to commercial office space are limited to the removal of a small section of stud wall between the current bathroom and storage area and the removal of bathroom fittings, with the reorganisation of the space to form an office with WC and sink separate by a sliding door.

3. Description of the Site and Surrounding Area

3.1. The application site is located within the settlement boundary of Market Bosworth. The flat is located within a grade II listed building, known as 1, 3 and 3A Market Place. The listed building entry identifies the building as:

“Row of houses, now shops on ground floor. Late C18. Brick with plain tiled roofs. Three storeyed Nos. 1 and 3 are each of two bays with C20 shop fronts (No. 1 has separate door also) in slight architrave with panelled rebates. No. 3a is similar but with two doorways to ground floor one leading to passage to rear. All have projecting sill bands and moulded eaves cornices. Upper windows vary: No. 1 has 4-light mullioned and wood mullioned and transomed windows while Nos. 3 and 3a have 12 pane windows with central pivoted openings. Axial stacks.”

3.2. The application building is also located within the Market Bosworth Conservation Area, but again given its siting within a rear range the flat itself makes no particular contribution to the character and appearance of the area and its significance.

4. Relevant Planning History

None.

5. Publicity

5.1. The application has been publicised by sending out letters to local residents. A site notice was posted within the vicinity of the site and a notice was displayed in the local press.

5.2. No comments have been received.

6. Consultation

- 6.1. One objection has been received from Market Bosworth Parish Council, citing concerns around parking and loss of living accommodation from the town centre.
- 6.2. No objections have been received from:
- HBBC Conservation Officer
 - Historic England
 - HBBC Drainage
 - LCC Highways
 - Market Bosworth Society – although concerns expressed regarding lack of parking and the increased pressure this will cause on parking spaces during the day

7. Policy

- 7.1. Market Bosworth Neighbourhood Plan 2014-2026
- 4.3 Character Area E
 - Policy CE1: Character and Environment
- 7.2. 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
- 7.3. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2023)
 - Planning Practice Guidance (PPG)
- 7.4. Other relevant guidance
- Good Design Guide SPD (2020)
 - National Design Guide (2019)
 - Market Bosworth Conservation Area Appraisal and Management Plan

8. Appraisal

- 8.1. Key Issues
- Assessment against strategic planning policies
 - Design and impact on the character of the area and Heritage Assets
 - 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. 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.
- 8.4. Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
- 8.5. The proposed development is considered acceptable in principle.

Design and impact on the character of the area and Heritage Assets

- 8.6. The application unit is a Grade II Listed Building which is located within the Conservation Area of Market Bosworth. 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.
- 8.7. Policies DM11 and DM12 of the SADMP 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. P
- 8.8. Policy CE1 in the Market Bosworth Neighbourhood Plan (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.
- 8.9. The application building lies within the Historic Core Character Area and is part of an important and prominent building within Market Bosworth's Conservation Area. The Council's Conservation Officer raises no objection to the application proposal. No alterations are proposed to the main building fronting onto Market Place. As such he considers that the proposal would retain the historic character and appearance of the building.
- 8.10. For the above reasons it is considered that the proposal is compatible with the significance of the grade II listed building known as 1, 3 and 3A Market Place and it would preserve the significance of the Market Bosworth Conservation Area. Therefore the proposal complies with Policies DM10, DM11 and DM12 of the SADMP, Policy 11 of the Core Strategy, Policy CE1 of the MBNP, section 16 of the NPPF and the statutory duty of Sections 66 and 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact upon neighbouring residential amenity

- 8.11. Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighbouring properties.
- 8.12. The application site lies within the District Centre of Market Bosworth in an area of predominantly commercial uses. Given the local area, scale and design of the change of use, it is considered that the proposal would not have a significant

adverse effect on the amenity of nearby residents. As such the proposal would comply with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.13. Policy 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.
- 8.14. LCC as the Local Highway Authority has been consulted on the proposal. They state that the site does not have any vehicular access and whilst the LHA would prefer a proposal that offered off-road parking the LHA acknowledge that the proposal is located in the centre of Market Bosworth in close proximity to public car parks and within walking distance of the majority of the village. Furthermore, the surrounding road network is covered by a comprehensive package of Traffic Regulation Orders including double yellow lines and a one way system, which makes an allowance for on-street parking.
- 8.15. Therefore, in view of the location of the application site within a District Centre, the site is located in a sustainable location with public transport available opposite the site as well as a public car park opposite the site at the Market Place and the Rectory Lane car park near to the site. It is acknowledged that parking is at a premium within Market Bosworth but that any use of the premises may bring a parking requirement. As such, the proposed change of use would not have a severe adverse impact upon highway or pedestrian safety and would therefore be in accordance with Policies DM17 and DM18 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.

10. Conclusion

- 10.1. Due to the limited amount of alterations required to its external elevations, the character and appearance of this listed building would be retained and the significance of the Market Bosworth Conservation Area would be preserved.
- 10.2. It is not considered that the proposal would have a significant adverse effect on the amenity of nearby residents and it is assessed that the proposal would not have a severe adverse impact upon highway or pedestrian safety. The proposal is considered to be in accordance with Policies DM1, DM10, DM11, DM12, DM17, and DM18 of the SADMP, Policy CE1 of the MBNP, section 16 of the NPPF and the statutory duty of Sections 66 and 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal 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 51 of 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:

- Site Location Plan Drg No. 24-865-04 (Received on 21/03/2024)
- Proposed Floor Plan Drg No. 24-865-01 (Received on 28/02/2024)
- Proposed Floor Plan 24-865-02 (Received on 28/02/2024)

Reason: To ensure a satisfactory impact of the development to accord with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies DPD.

11.3. 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. The replacement of any windows and doors not included in approved drawings shall require Listed Building Consent. In view of the siting of the building alongside Market Place, none of the windows or doors should be hung so that they open outwards.
3. A separate Listed Building Consent will be required for any advertisements on the building. Advertisement Consent may also be required.