

Planning Committee 18 August 2020
Report of the Planning Manager

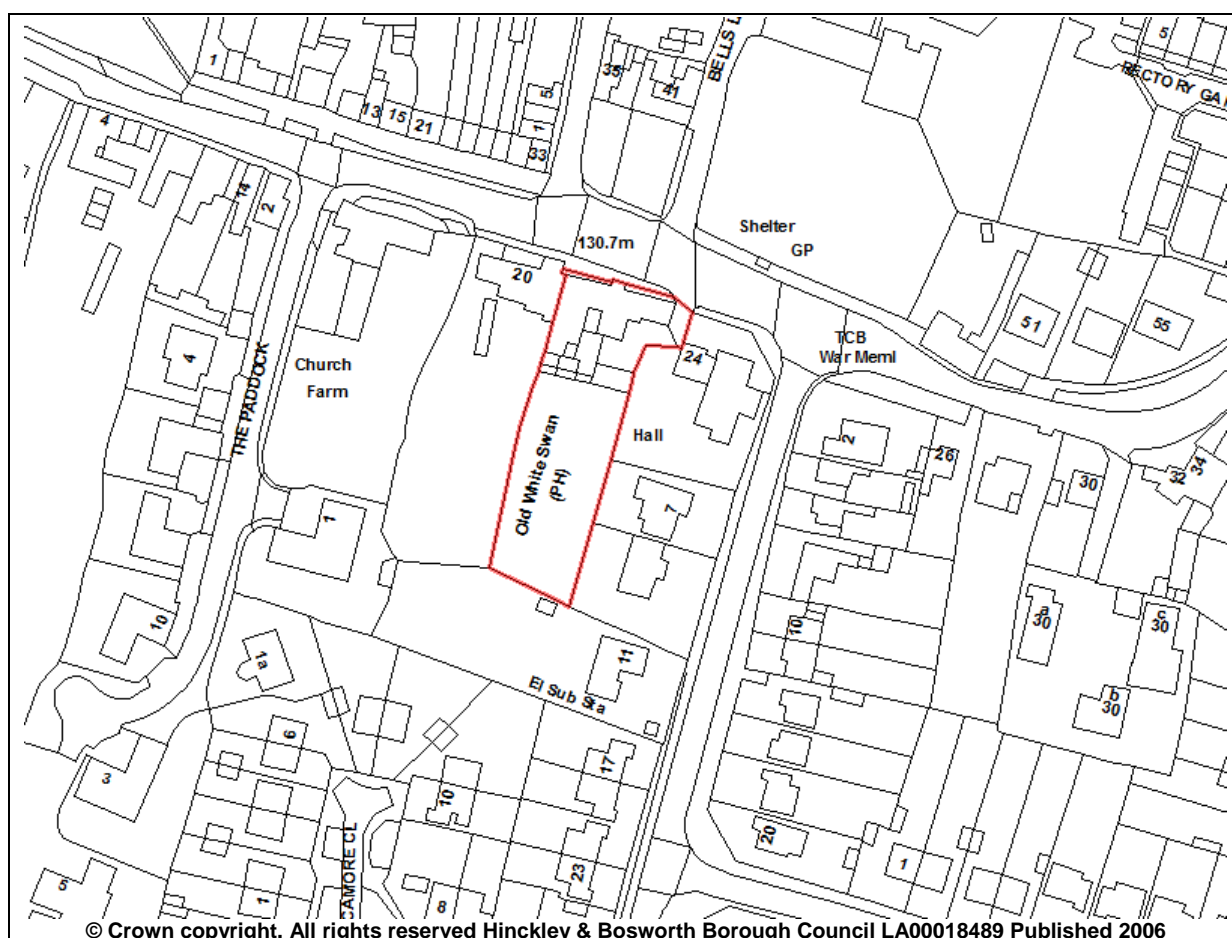
Planning Ref: 20/00472/FUL
Applicant: Graeme Ferriman
Ward: Newbold Verdon with Desford & Peckleton



Hinckley & Bosworth
Borough Council

Site: The Swan 22 Main Street Newbold Verdon

Proposal: Change of use/conversion of public house (Use Class A4) to one dwelling (Use Class C3) including part demolition of existing structures and extensions and alterations



1. Recommendations

1.1. Refuse planning permission for the reasons at the end of this report.

2. Planning Application Description

- 2.1.** This application seeks full planning permission for the change of use/conversion of a public house (Use Class A4) to one dwelling (Use Class C3) including part demolition of existing structures and extensions and alterations.
- 2.2.** The proposal seeks to make use of the existing ground and first floors to provide a five-bedroom dwelling over two storeys. The roof to the single storey rear range is to be raised to the height of the ridge on the main range to provide additional first floor accommodation. Full height glazing and a glass Juliet balcony is to be inserted in the southern gable end and three roof lights are proposed for the rear

range. To the front elevation alterations are limited to replacing the existing timber windows with new uPVC windows in a multi-paned top light style. To the rear the flat roofed modern extensions are to be removed. The rear elevation is to be re-rendered and new timber doors are proposed to provide access to the rear of the building. The smaller outbuilding and attached flat roof extension is to be demolished. The stable block is to be retained with the courtyard utilised for car parking to serve the dwelling.

- 2.3. A combined Planning, Design & Access and Heritage Statement and letter from the applicant have been submitted to support the application.

3. Description of the Site and Surrounding Area

- 3.1. The site is located within the settlement boundary of Newbold Verdon and within the Newbold Verdon Conservation Area. It comprises a two storey public house with single storey additions to the rear, a former stables building enclosing a hard surfaced courtyard and a large lawned garden enclosed by mature hedgerows and close boarded timber fencing. The premises are currently vacant, having being forced to close in March 2020 as a result of the coronavirus pandemic lockdown.
- 3.2. The main building is constructed with white painted rough render and plain clay tiled roof. It has an 'L'-shaped plan form and consists of a two storey front range located directly at the back edge of Main Street. It has a wide frontage of six bays. There is a perpendicular single storey range extending to the rear. Two single storey outbuildings, one a former stable block (red facing bricks and slate roof) enclose a courtyard to the rear. Functional flat roof extensions have been added to serve the use of the public house during the 20th century and these extend out into the courtyard and conjoin the two outbuildings and the rear range.
- 3.3. The site is located in the historic core of the village with a number of listed buildings within the wider area. To the east lies the former village school. There are residential properties to the south, west and north.

4. Relevant Planning History

01/00735/TPO

- Crown raising one sycamore
- TPOPER
- 23.08.2001

95/00229/FUL

- Extension to public house
- PER
- 28.04.1995

86/00387/4

- Erection of a covered way formation of 2 no lobbies and changes to elevations to buildings around rear courtyard
- PER
- 03.06.1986

91/00155/4A

- 3 Externally illuminated signs
- ADV
- 26.03.1991

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.
- 5.2. As a result of public consultation responses have been received from 101 separate addresses, of which 100 responses object to the scheme and one response is in support of the scheme.
- 5.3. The public consultation responses received raise objections and concerns on the following summarised grounds:
- 1) Will result in the loss of a valued public house/community facility/asset and social hub used by the community/local clubs/sports teams/walkers etc. and for private functions and an entertainment venue
 - 2) This facility offers a family orientated public house serving affordable meals, meeting/function space, a large enclosed safe garden and serves a community need and demographic that other facilities in the village cannot provide. It is therefore unique and its loss would detract significantly from the facilities available to the community
 - 3) The historic (200 year) use as a public house/community facility contributes positively to the character and setting of the Newbold Verdon Conservation Area and the proposed change of use would cause irreversible and permanent damage to the setting of this heritage asset
 - 4) Inadequate financial evidence submitted to justify the loss of the facility or demonstrate that the facility was, or would continue to be, financially unviable
 - 5) Inadequate evidence of marketing/advertising of the premises for a reasonable period or reasonable rate to other potential operators as a going business concern
 - 6) There is no evidence to suggest that the public house could not continue to be a viable business with the right ownership/management
 - 7) Newbold Verdon is a growing village with even more development proposed so it is essential that existing community and commercial facilities are protected and retained in order to ensure that the settlement is both viable and sustainable in the future
 - 8) The public house was fully operational until March 2020 when closed due to the coronavirus pandemic which should not be used as an opportunity for short-term gain at a cost to the community
 - 9) Would result in a loss of local employment and loss of contributions to the local rural economy
 - 10) Loss of privacy from the removal of hedgerow
- 5.4. The response in support suggests that the pub has not been running in profit for 3-4 years and residential conversion would make best use of the property.

6. Consultation

- 6.1. No objection has been received from Environmental Health (Pollution).
- 6.2. Leicester CAMRA object to the residential conversion scheme on the grounds that it would be contrary to national and local plan policies that seek to retain, and resist the loss of, community facilities (including public houses) and that insufficient evidence has been submitted to support the suggestion that the public house has been or would continue to be an unviable business if efficiently run by management committed to its success.
- 6.3. Newbold Verdon Parish Council objects to the scheme on the grounds that there will be a loss of historic importance if the buildings use is changed and it will change

the streetscene and character of the building and its contribution to the conservation area. In addition there is no need for an additional house in this area.

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 (SADMP) 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 DM25: Community Facilities

7.3. National Planning Policies and Guidance

- Planning (Listed Buildings and Conservation Areas) Act 1990
- National Planning Policy Framework (NPPF) (2019)
- Planning Practice Guidance (PPG)

7.4. Other relevant guidance

- Newbold Verdon Conservation Area Appraisal and Map (2009)
- Community, Cultural and Tourism Facilities Review (2013)
- Good Design Guide (2020)
- National Design Guide (2019)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Impact upon the character of the Newbold Verdon Conservation Area
- Impact upon neighbouring residential amenity
- Impact upon highway safety

Assessment against strategic planning policies

8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) (2019) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications.

8.3. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. 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 a planning application conflicts with an up-to-date development plan permission should not usually be granted.

8.4. The development plan in this instance consists of the adopted Core Strategy (2009) and the Site Allocations and Development Management Policies DPD (2016).

Residential development

- 8.5. 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. Newbold Verdon is identified as a Key Rural Centre within Policy 11 of the Core Strategy. Policy 11 of the adopted Core Strategy states that to support local services in Newbold Verdon and maintain rural population levels the Council will allocate land for the development of a minimum of 110 new homes. This minimum allocation has already been exceeded by the grant of planning permission for residential development on a number of sites. However, the site lies within the settlement boundary of Newbold Verdon where there is reasonable access to everyday services and facilities and residential development is generally acceptable in principle, subject to all other planning matters being satisfactorily addressed.
- 8.6. Using the standard method as outlined by MHCLG, Hinckley and Bosworth Borough is able to demonstrate five years supply of deliverable housing at 1st April 2020. However, the housing policies in the development plan are considered to be out-of-date as they focused on delivery of a lower housing requirement than required by the up-to-date figure.
- 8.7. Therefore, the application should be determined in accordance with Paragraph 11(d) of the Framework whereby permission for sustainable development should be granted unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 8.8. The consideration under Paragraph 11 (d) is weighed in the balance of the merits of any application and considered with the policies in the adopted Site Allocations and Development Policies DPD and the adopted Core Strategy which can be attributed significant weight as they are consistent with the Framework.

Loss of community facility

- 8.9. The application site comprises a large public house with an extensive garden at the rear. The public house was open for trading up until March 2020 when it was forced to close due to the current coronavirus pandemic.
- 8.10. Spatial Objective 3 of the adopted Core Strategy seeks to ensure rural communities have access to a range of shops, education, community, leisure facilities and employment opportunities in the Key Rural Centres to support, enhance and improve the sustainability, vibrancy and vitality of rural areas.
- 8.11. Policy 7 of the adopted Core Strategy states that to support the Key Rural Centres and ensure that they can provide key services to their rural hinterland the Council will resist the loss of local shops and facilities in Key Rural Centres unless it is demonstrated that the business or facilities can no longer operate in a viable manner.
- 8.12. Policy DM25 of the adopted SADMP relates to community facilities and states:
- Retention of Existing Provision

The Borough Council will resist the loss of community facilities including ancillary areas. The redevelopment or loss of community facilities will only be appropriate where it can be demonstrated that:

 - a) An equivalent range of replacement facilities will be provided in an appropriate location within a reasonable distance of the local community;
 - or

- b) There is a surplus of the facility type within the immediate locality exceeding the needs of the community; or
 - c) The loss of a small portion of the site would result in wider community benefits on the remainder of the site.
 - Loss of Existing Facilities

Where replacement facilities will not be provided or a surplus cannot be demonstrated and the scheme would not result in wider community benefits on the remainder of the site, the loss of a community facility would only be considered acceptable where it can be demonstrated that:

 - d) The facility has been proactively marketed for a community use for a reasonable period of time at a reasonable marketed rate as supported and demonstrated through a documented formal marketing strategy.
 - e) It has been offered to the local community for them to take ownership of the facility.
- 8.13. The supporting text to Policy DM25 states that community facilities are identified and defined through the Community, Cultural and Tourism Facilities Review and include public houses in the rural area. Public houses can represent a social focal point for communities and community activities and can form part of the character and charm of rural settlements. Locally the borough is also suffering a decline in public houses with the loss in the rural areas having the greatest impact on rural community life and the sustainability of settlements. The loss of an existing facility should not result in a reduction in the community's ability to meet its day to day needs.
- 8.14. Marketing of a community facilities site should be done in line with the Developer Marketing Standards outlined in the Borough Council's most up to date Employment Land and Premises Review. This outlines the various marketing tools that should typically be used to market the interest and the length of time they should be marketed for. Only following the implementation of these marketing tools could it be considered that there is a lack of demand for the site or premises in question.
- 8.15. Paragraph 92 of the NPPF states that to deliver social, recreational and cultural facilities and services the community needs, planning policies and decisions should:
- plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments
 - guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs
- 8.16. The information submitted to support the application consists of unsubstantiated suggestions that the premises was advertised with no business / goodwill or any previous accounts available, had been up for sale since September 2019, that no interest had been shown in keeping the public house licensed and that previous landlords had failed to make a living. It also suggests that the premises were only marketed for a period of approximately 6 months prior to being forced to close by the pandemic.
- 8.17. Leicester CAMRA consider that insufficient evidence has been submitted to support the suggestion that the public house has been or would continue to be an unviable business if efficiently run by management committed to its success.
- 8.18. It is considered that the application has not been supported by any compelling marketing or viability information that in any way demonstrates that the public house

has been proactively marketed for a community use for a reasonable period of time at a reasonable marketed rate as supported and demonstrated through a documented formal marketing strategy in accordance with the Employment Land and Premises Review, or that it has been offered to the local community. As such it is considered that the requirements of Policy 7 of the adopted Core Strategy and criteria d) and e) of Policy DM25 of the adopted SADMP have not been met.

- 8.19. In the absence of any marketing or viability justification, the application seeks to justify the loss of the community facility by reference to criteria b) of Policy DM25 of the adopted SADMP. The supporting information suggests that the Swan Inn is surplus to the needs of the community as there are other facilities within the vicinity that serve those needs, namely the Jubilee Inn Public House, Newbold Verdon Sports and Social Club both on Main Street and The Windmill Inn at nearby Brascote.
- 8.20. However, it is clearly evident from the considerable number of representations made by the community, and the detailed content of those objections, that the Swan Inn is highly valued by local residents and visitors as an easily accessible community hub and venue which offered a family orientated public house serving affordable meals, meeting/function space, a large enclosed safe garden and that it served a community need and demographic that the other facilities identified in and close to the village do not provide. Responses received suggest that the Jubilee Inn and Sports Club are less orientated towards families, do not offer food and that the Windmill Inn is a less affordable restaurant rather than drinking establishment and that by virtue of it being located outside the village along an unlit rural lane with no lighting or public footways it is not safely accessible other than by car. The Swan Inn is therefore considered to be a unique facility within this rural village and its loss would detract significantly from the facilities available to meet the wider needs of the expanding local community.
- 8.21. In line with the substantial number and content of objections received, it is considered that without any specific marketing or viability evidence to substantiate the claims made, it cannot be satisfactorily concluded that the public use is no longer required either in its current form or as an alternative community use. The loss of this important and valued community asset would undermine the principles of sustaining a viable and vibrant settlement and would reduce the ability of the settlement to support its current and future expansion needs. Therefore, the proposal would conflict with Policy 7 of the adopted Core Strategy, Policy DM25 of the adopted SADMP, spatial objective 3 of the adopted Core Strategy and paragraph 92 of the NPPF (2019).

Impact upon the character of the Newbold Verdon Conservation Area

Policy

- 8.22. 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.
- 8.23. Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD seek to protect and enhance the historic environment and heritage assets. Policy DM11 requires that all development proposals which have the potential to affect a heritage asset or its setting will be required to demonstrate:
- a) An understanding of the significance of the heritage asset and its setting; and
 - b) The impact of the proposal on the significance of the asset and its setting, including measures to minimise or avoid these impacts; and
 - c) How the benefits of the proposal will outweigh any harm caused

- 8.24. Policy DM12 states that development proposals should ensure the significance of a conservation area is preserved and enhanced. The policy also states that assets identified on the Locally Important Heritage Asset List should be retained and enhanced wherever possible. The significance of the assets illustrated in the List and the impact on this significance should be demonstrated and justified in line with Policy DM11. In addition DM12 also states that development proposals should make every effort to retain the significance of locally listed heritage assets.
- 8.25. Policy DM10 of the adopted 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 and that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the local area generally.
- 8.26. Section 16 of the National Planning Policy Framework provides the national policy on conserving and enhancing the historic environment. Paragraph 189 of the National Planning Policy Framework (NPPF) states that in determining planning applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.
- 8.27. In determining planning applications, local planning authorities should take account of (paragraph 192):
- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation
 - The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - The desirability of new development making a positive contribution to local character and distinctiveness
- 8.28. 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. Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 8.29. Paragraph 197 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- Context and significance
- 8.30. Two photographs, one appearing to be from the late-19th century and the other from the early-20th century, are included within the applicants Design, Access and Heritage Statement, and both clearly show the building is in use as public house with hanging and fixed signs advertising the use across its frontage. An inn is identified on the site in both historic Ordnance Survey mapping and later trade directories from the late-19th century onwards, named the Old White Swan, The Swan Inn, and most recently up until its closure The Swan. It is clear there has been a public house on the current site for at least 140 years, possibly longer, so it is therefore considered that the building is of some illustrative historic interest which contributes to the character of Newbold Verdon and it is important for allowing

people to understand the social, economic and cultural development of the settlement over time. In addition to the historic interest offered by its purposeful use as a public house, up until its very recent closure the building had been a source of social interaction for an extensive period of time, offering a communal value for the local community through their collective experience of the village.

- 8.31. Architectural interest is provided by the building's plan-form and appearance. Despite the painting and rendering of the original brick finish the building does retain some features and architectural detailing from the early-19th century including a traditional blue clay tile roof, eaves brick detailing, rise and fall gutter brackets, and prominent gable end and ridge chimney stacks (although altered). The windows to the front elevation are timber casements with prominent mullion and transom bars which reflect the character of the windows evident in the early-20th century photograph within the Heritage Statement. The original half dormer window frames still appear to be in situ. The stable block is built of red brick with a Welsh slate roof, with this material being typical of the late-19th century when materials not local to the area could be transported via the railway. This building retains timber windows and timber stable doors. Although part of a recent decorative scheme the hanging sign to the front elevation clearly communicates the use of the building and is considered to be of artistic interest.
- 8.32. For the reasons specified above the building has historic, aesthetic and community value ensuring it is of heritage interest. The main building and its outbuildings are historic (other than the modern flat roof extensions) with a purposeful community use associated with it for at least 140 years, possibly longer. Despite some modern alterations (such as the rendering of the original brick finish) and additions its aesthetic value remains appreciable and due to its position at the back edge of the pavement and location on the main route through the village it has a visual prominence which singles out the building as a landmark within the local street scene. Such age, integrity and landmark quality ensures that the local significance of the building is special and it stands out within the surrounding environment. For these reasons the building should be considered as a locally important heritage asset (a non-designated heritage asset in terms of the National Planning Policy Framework), with this assertion being based on assessing the building against the Council's adopted selection criteria for local heritage assets. The local significance of the building also ensures that the building makes a positive contribution to the character and appearance and thus significance of the Newbold Verdon Conservation Area, with the conservation area being a designated heritage asset. The main building is identified as an important local building in the Newbold Verdon Conservation Area Appraisal (NVCAA) (2009).

Impact on the significance of heritage assets

- 8.33. The Borough Council are currently compiling a list of Local Heritage Assets. The List is yet to be formally ratified but formal selection criteria have been adopted (in 2017) and this forms the basis of identifying and assessing the significance of any non-designated heritage assets when considering development proposals. The criteria have been applied to The Swan in making an assessment of its significance. The building has also been identified as being of local interest within the NVCAA. Although the submitted Design, Access and Heritage Statement is not comprehensive it does provide some limited information regarding the significance of the building and its contribution to the conservation area, which has assisted in the local planning authority's identification of the significance of the building and assessment of the impact of the scheme as required by paragraph 190 of the NPPF as set out below.

- 8.34. Due to the limited extent of the external alterations to the building, with the primary works consisting of the removal of the flat roof extensions and the least significant outbuildings, a roof extension that respects the existing character and form of the rear range, and some replacement fenestration of a largely traditional style, then the proposal is considered to have a negligible impact upon the aesthetic value of the building, although timber material (not uPVC) should be used for the replacement window frames particularly on the front elevation as this is a traditional material.
- 8.35. However, the permanent change of use of the building to a residential use will result in the total loss of its historic and purposeful community use and irrevocably harm its historic and community value. The proposal is therefore considered to have an adverse impact upon the significance of this local heritage asset and reduce the positive contribution the building currently makes to the significance of the Newbold Verdon Conservation Area. The level of harm caused by the proposal is considered to be 'less than substantial' in terms of the NPPF (2019).

Harm versus benefits

- 8.36. In accordance with Policy DM11 of the SADMP and paragraph 196 of the NPPF (2019) the harm caused by the proposal should be weighed against its public benefits. Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the NPPF (paragraphs 7-9). Public benefits may include heritage benefits as specified in the Planning Practice Guidance (Historic Environment Section Paragraph 020), such as:
- Sustaining or enhancing the significance of a heritage asset and the contribution to its setting
 - Reducing or removing risks to a heritage asset
 - Securing the optimum viable use of a heritage asset in support of its long term conservation
- 8.37. Economic benefits would include some short-term employment offered as a result of implementing the conversion works but these are likely to be offset by the loss of employment and contributions from the commercial operation of the premises to the rural economy. Social benefits would include the provision of a single dwelling to meet housing targets. The proposal will largely retain the aesthetic value of the building through its conversion into an alternative use, although this is not an environmental benefit or enhancement beyond its baseline conditions. It is considered that the very limited benefits that could be delivered by the proposal are insufficient to outweigh the adverse impact and harm caused by the proposal upon the significance of the local heritage asset and the Newbold Verdon Conservation Area, bearing in mind that great weight should be given to the conservation of designated heritage assets as required by paragraph 193 of the NPPF (2019). The proposal therefore fails to comply with Policies DM11 and DM12 of the adopted SADMP and paragraph 196 of the NPPF (2019).
- 8.38. Paragraph 197 of the NPPF (2019) requires a balanced judgement in weighing applications that affect directly or indirectly non-designated heritage assets, having regard to the scale of any harm or loss and the significance of the heritage asset. Only very limited economic and social benefits have been identified from the proposed conversion scheme and these are likely to be offset by the loss of employment and contributions from the commercial operation of the premises to the rural economy. The aesthetic value of the building will be largely sustained by its conservation, in line with the desirability of paragraph 192 (a) of the NPPF. However, the total loss of the historic and purposeful community use of the building through its change of use to residential would fail to sustain the positive contribution the heritage asset made to the sustainability and economic vitality of

Newbold Verdon and its associated community for a considerable period of time up until its very recent closure, and in this regard there is conflict with paragraph 192 (b) of the NPPF. The loss of the communal use of the building would also conflict with policies that seek the retention of community facilities, including paragraph 92 of the NPPF and Policy DM25 of the SADMP.

- 8.39. The Planning Practice Guide (Historic Environment Section Paragraph 015) advises that the optimum viable use for a heritage asset may not necessarily be the most economically viable one, but the one that causes the least harm to the significance of the asset. In this regard the alternative of retaining the building as a public house would be considered to fully preserve its significance but it has not been demonstrated that this alternative has been satisfactorily explored and given the scale of the harm caused the balanced judgement required by paragraph 197 of the NPPF does not favour the proposal.

- 8.40. In line with objections received, it is considered that overall, the proposal fails to comply with Policies DM11 and DM12 of the adopted SADMP, paragraphs 196 and 197 of the NPPF (2019) and the statutory duty of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact upon neighbouring residential amenity

- 8.41. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings and that the amenity of the future occupiers of proposed development would not be adversely affected by activities in the vicinity of the site.
- 8.42. The proposal includes an increase in the height of the boundary wall of the existing rear range by 1.3 metres to enable the provision of accommodation at first floor with a pitched roof behind a parapet. This proposed increase would extend approximately 8.8 metres along the boundary with the adjacent dwelling but only 3 metres beyond the rear elevation of that dwelling and therefore would not result in any significant additional adverse overbearing/overshadowing impacts on the amenity of the adjacent occupiers. Two roof lights are proposed in the side west elevation but these would be at high level and therefore would not result in any loss of privacy to the neighbouring occupiers from potential overlooking.
- 8.43. The proposed use of the site for residential purposes would be likely to have less impact on the amenity of neighbouring properties than its use as a public house.
- 8.44. An objection has been received suggesting loss of privacy from the removal of hedgerow, however, subject to satisfactory boundary treatment being erected which could be secured by condition, the proposal would not result in any significant loss of privacy from the use of the garden.
- 8.45. The site is surrounded by predominantly residential properties and the use of the adjacent hall is unlikely to result in any significant impact on residential amenity of any future occupiers of the site.
- 8.46. The proposed scheme would not result in any significant adverse impacts on the privacy or amenity of any neighbouring residential properties or future occupiers of the site and would therefore be in accordance with Policy DM10 of the adopted SADMP.

Impact upon highway safety

- 8.47. Policy DM17 of the adopted SADMP states that development proposal will be supported where they demonstrate that there is not a significant adverse impact upon highway safety. Policy DM18 requires new development to provide an

appropriate level of parking provision to serve the development proposed. Paragraphs 108 and 109 of the NPPF (2019) state that development should ensure safe and suitable access to the site for all users and that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe.

- 8.48. The proposed scheme would provide satisfactory off-street parking and turning within the site to serve the resulting five bedroom dwelling and would not result in any significant adverse impact on highway safety or the road network when compared to the existing authorised use as a public house. 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 in the consideration of this application. The Committee must also ensure the same when determining this planning 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. 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. This is confirmed in paragraph 2 of the NPPF (2019).

- 10.2. Using the standard method as outlined by MHCLG, Hinckley and Bosworth Borough is able to demonstrate five years supply of deliverable housing at 1st April 2020. However, the housing policies in the adopted Core Strategy and the adopted SADMP are now considered to be out of date as they focussed on delivery of a lower housing requirement than required by the up-to-date figure. Therefore, the 'tilted' balance in paragraph 11(d) of the Framework applies where permission should be granted unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

- 10.3. The application site is within the settlement boundary of Newbold Verdon where residential development is acceptable in principle. The site is within a reasonable distance of a full range of services and facilities.
- 10.4. Any limited economic benefits from the construction of the scheme and future occupation are likely to be offset by the loss of employment and contributions from the commercial use of the premises to the rural economy. There is already accommodation within the premises and the creation of a larger dwelling would do little to meet the Government's commitment to significantly boost the supply of housing.
- 10.5. Paragraph 7 of the NPPF (2019) states that the purpose of the planning system is to contribute to the achievement of sustainable development which can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 10.6. Without any specific and compelling marketing or financial viability evidence to substantiate the claims made within the application, it cannot be satisfactorily concluded that the public house is no longer required either in its current form or as an alternative community use. The loss of this important and valued community asset would undermine the principles of sustaining a viable and vibrant settlement and would reduce the ability of the settlement to support its current and future expansion needs. Therefore, the proposal would conflict with Policy 7 and spatial objective 3 of the adopted Core Strategy, Policy DM25 of the adopted SADMP and paragraphs 7 and 92 of the NPPF (2019).
- 10.7. In addition, the change of use of The Swan to residential use will result in the total loss of its historic and purposeful community use and harm its historic and community value. As a result the proposal is considered to have an adverse impact upon the significance of this local heritage asset and reduce the positive contribution the building currently makes to the significance of the Newbold Verdon Conservation Area. The very limited level of public benefits demonstrated by the proposal are considered insufficient to outweigh the harm caused upon its significance as a local heritage asset and the harm caused to the significance of the conservation area. Therefore, the proposal would conflict with Policies DM11 and DM12 of the adopted SADMP and paragraphs 196 and 197 of the NPPF and the statutory duty of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 10.8. Therefore, on balance, it is considered that the permanent harmful adverse impacts of this proposal would significantly and demonstrably outweigh the very limited benefits of the scheme when assessed against the Framework as a whole. There are no other material considerations that outweigh the clear and significant conflict with the adopted Development Plan policies. As a result, the proposal is not considered to constitute sustainable development, the presumption in favour of sustainable development as contained in the NPPF does not apply in this case and there are no other material considerations that would justify making a decision other than in accordance with the development plan.
- 10.9. The proposal is in conflict with Policy 7 of the adopted Core Strategy and Policies DM1, DM11, DM12 and DM25 of the adopted SADMP, which remain consistent with the NPPF and can be given significant weight. The application is therefore recommended for refusal for the reasons at the end of this report.

11. Recommendation

11.1. Refuse planning permission for the reasons at the end of this report

11.2. Reasons

1. The applicant has failed to demonstrate that there is a surplus of the facility type within the immediate locality exceeding the needs of the community, that the proposal would not result in the loss of an important and viable local community facility, that the facility has been proactively marketed for a community use for a reasonable period of time at a reasonable marketed rate as supported and demonstrated through a documented formal marketing strategy or that it has been offered to the local community for them to take ownership of the facility. The proposed scheme is therefore contrary to Policy 7 of the adopted Core Strategy, Policy DM25 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the overarching principles of the National Planning Policy Framework (2019).
2. By virtue of the total loss of its historic and valued community use, the proposed scheme would result in an adverse impact upon the significance of this local heritage asset, would reduce the positive contribution that the building currently makes to the significance of the Newbold Verdon Conservation Area and would therefore fail to either preserve or enhance the significance of this local heritage asset or the Newbold Verdon Conservation Area. The proposed scheme is therefore contrary to Policies DM1, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), the overarching principles of the National Planning Policy Framework (2019) and the statutory duty of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

11.3. Notes to Applicant

1. This application has been determined having regard to the following documents and plans submitted with the application: Full Planning Application Form; combined Planning Statement, Design and Access Statement and Heritage Statement; Letter from Applicant dated 2 June 2020; Site Location Plan and Existing Floor Plans and Roof Plan Drg No. AVD-528-MSN-PL01; Existing Roof Plan, Basement Plan, Demolition AND Proposal Site Plan and Existing Elevations Drg No. AVD-528-MSN-PL02; Existing Elevations - Drg No. AVD-528-MSN-PL03; Proposed Block Plan, Site Plan, Floor Plans and Roof Plan Drg No. AVD-528-MSN-PL04 Rev A and Proposed Elevations and Section Drg No. AVD-528-MSN-PL05 Rev A.