

Planning Committee 18 January 2022  
Report of the Director Environment and Planning

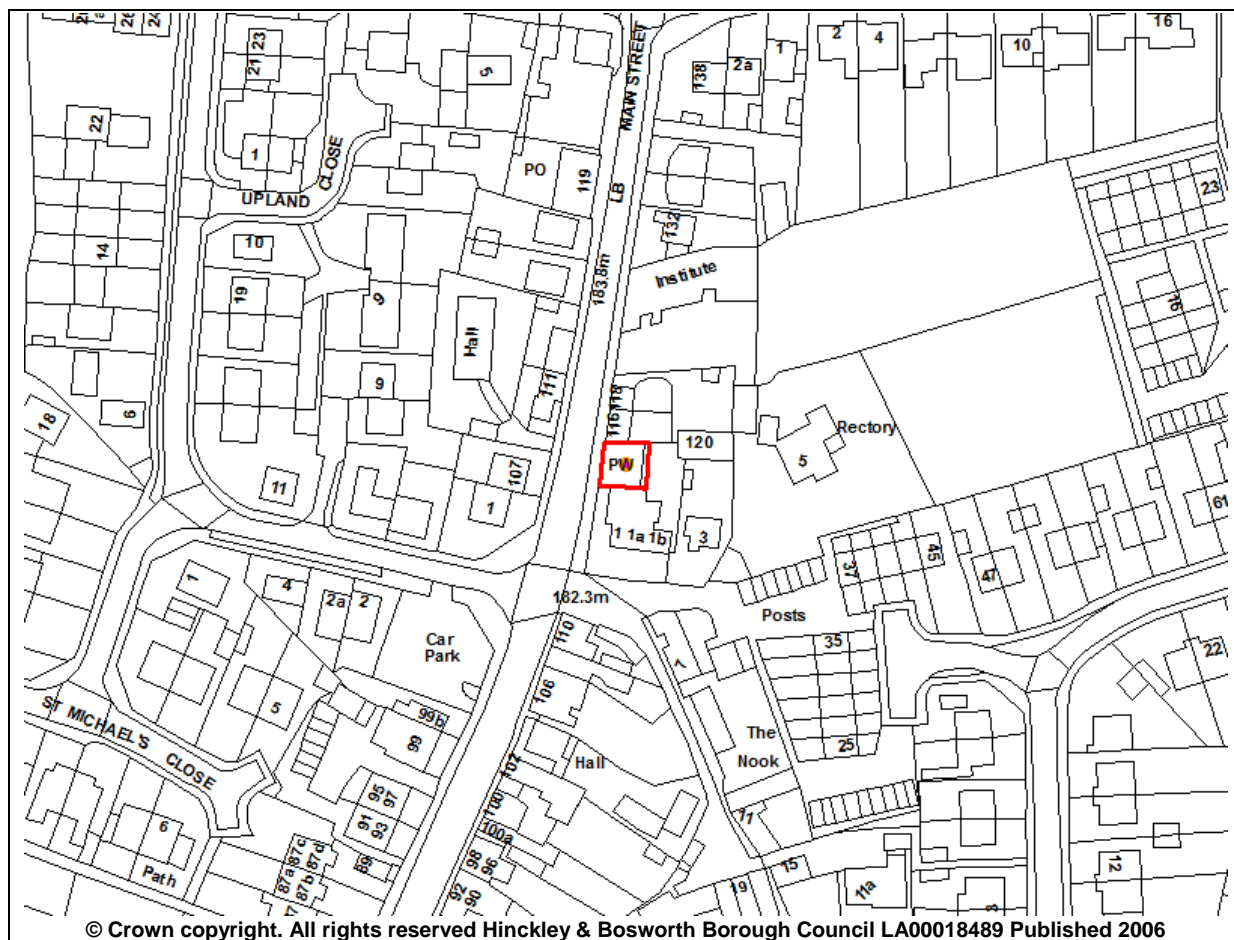
Planning Ref: 21/00699/FUL  
Applicant: Mr Geoff Garbutt  
Ward: Markfield Stanton & Fieldhead



Hinckley & Bosworth  
Borough Council

Site: Congregational Church 114 Main Street Markfield

Proposal: Change of use of church to one dwelling with two bedrooms and elevational changes to the building.



**1. Recommendations**

**1.1. Grant planning permission subject to:**

- Planning conditions outlined at the end of this report.

**1.2. That the Planning Director be given powers to determine the final detail of planning conditions.**

**2. Planning application description**

- 2.1.** The application proposes the conversion of a former Congregational Church building into one dwelling with two bedrooms. The existing porch would be removed from the front elevation and railings erected along the frontage with Main Street.

- 2.2. External alterations to the building to facilitate the conversion comprise the replacement and increased height of the front windows to provide light and ventilation to the new first floor, and the reinstatement of a door on the ground floor front elevation. Two roof lights at the front and three to the rear would be added to the roof. On the rear elevation the three windows would have the cills lowered to provide easier ventilation of the ground floor. The upper sashes of these windows would be obscure glazed.
- 2.3. Internally, there are two bedrooms and two bathrooms on the first floor which allows the original full height space over part of the ground floor. On the ground floor is a hallway with staircase accessed from the new front door, a ground floor wc, a kitchen, dining area and a lounge. A utility area for bin storage is accessed directly from the existing front door onto the street in the location of the existing porch.
- 2.4. The rear door to the small rear yard is retained. There is no on site / off street parking available for the building either currently or proposed.

### **3. Description of the site and surrounding area**

- 3.1. The former church is one of two buildings associated with the Congregational Church in Main Street Markfield. The building the subject of this application is not listed but dates from the mid-1800s and is considered to be a non-designated heritage asset. It sits between two residential properties and fronts directly onto the street. A modern flat roofed granite porch has been added to the front in more recent years with double doors. External materials are brick and render with a brown concrete tiled roof. There are three arched sash windows to the front and a further three to the rear with a set of double doors giving access onto a small rear yard.
- 3.2. The site is within the conservation area and lies both adjacent to and opposite mainly traditional style buildings with a mixture of render and granite facing materials. The adjacent cottage at 112 Main Street is set back slightly further from the street with a low stone wall to the front. Its rear garden wraps around the rear boundary wall of the church and is on a lower ground level. The garden has a pedestrian access to The Nook.
- 3.3. This side of Main Street is subject to parking restrictions, with double yellow lines. There is some on street parking to the other side and a small public car park on the corner of Main Street and Upland Drive. Main Street is a mix of residential properties, shops and restaurants / take aways. The second Congregational Church / hall lies approximately 80m to the south of the application site and will remain in its current use as a community facility.

### **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 also posted within the vicinity of the site and a notice was displayed in the local press.
- 5.2. Objections were received to the original proposal (for conversion to two dwellings) from three local residents on the following grounds:
- 1) No parking is available for future residents
  - 2) Existing nearby public car park is oversubscribed
  - 3) Overlooking and loss of privacy for neighbouring property
  - 4) Loss of and alterations to the original windows is unjustified

- 5) Lack of realistic arrangements for storage of refuse, leading to bins left on the street
- 5.3. One letter of comment was also received to the original scheme which whilst they would not want the chapel to stand empty and decay, is concerned with the lack of parking, particularly in view of the number of nearby take-aways which cause parking chaos.
- 5.4. Following amendments to the scheme for the conversion of the building to one dwelling and the provision of integral refuse storage, one letter of objection was received confirming that the previous objections stand on the following grounds:
- 1) Lack of available parking for two additional cars. The previous use of the building as a church generated mainly pedestrians and a small amount of short term car parking on a Sunday outside busy periods.
  - 2) Conservation policy states that historic windows of interest should be retained wherever possible and the enlargement / replacement of the windows is unnecessary.
  - 3) Due to the higher ground levels, the rear windows will still result in loss of privacy from the ground floor of the new dwelling and the rear yard. A trellis added to the boundary wall would improve privacy for both properties.

## **6. Consultation**

- 6.1. In response to the original proposal for conversion of the building into two dwellings, Markfield Parish Council do not object to or support the application, but would prefer its conversion into one dwelling in view of the lack of parking. No response received to the amended proposal for conversion into one dwelling.
- 6.2. Conservation Officer has no objections to the amended proposal subject to a condition relating to large scale window details being provided prior to commencement of the development.
- 6.3. HBBC waste confirm no objections.

## **7. Policy**

- 7.1. Markfield Neighbourhood Plan (2021)
- Policy M9: Locally Valued Heritage Assets
  - Policy M10: Design
  - Policy M17: Infill Housing
- 7.2. Core Strategy (2009)
- Policies 7 and 8: Key Rural Centres (and those relating to Leicester)
  - Policy 19: Green Space and Play Provision
  - Policy 21: National Forest (no implications)
- 7.3. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
  - Policy DM3: Infrastructure and Delivery
  - Policy DM6: Enhancement of Biodiversity and Geological Interest
  - 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

#### 7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2021)
- Planning Practice Guidance (PPG)

#### 7.5. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)

### 8. **Appraisal**

#### 8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact on heritage assets
- Impact upon highway safety
- Impact on protected species
- Infrastructure contributions
- Planning Balance

Assessment against strategic planning policies

8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) (2021) 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. 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.

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. The development plan in this instance consists of the adopted Core Strategy (2009), the Site Allocations and Development Management Policies DPD (2016) and the Markfield Neighbourhood Plan (2021).

8.4 Policy 7 of the Core Strategy states that housing within the settlement boundaries that provides a mix of housing types and tenures can be supported. In addition to this, Policy 7 states that the loss of local facilities would be resisted unless it is demonstrated that the facility can no longer operate in a viable manner.

8.5 The site is within the settlement boundary of Markfield which is identified in the Core Strategy as a Key Rural Centre and as such a sustainable location for housing in principle. Infill housing within the settlement boundary is also acceptable in principle under Policy M17 of the Markfield Neighbourhood Plan (MNP).

8.6 Policy DM25 of the SADMP states that the loss or redevelopment of community facilities will only be appropriate where replacement facilities are provided within a reasonable distance or there is a surplus of the facility type within the immediate locality. As part of this application, supporting information has been provided to explain that of the two original Congregational Church sites in Markfield, both required renovation. This, together with a decreasing congregation, led to permission being obtained from the Church Charities Commission to amalgamate the two facilities at 104 Main Street whilst selling the other building to raise funds for

the renovation work needed. The second building at 104 Main Street will therefore continue to operate as a Congregational Church for the community in the Markfield area going forwards.

- 8.7 The building the subject of this planning application lacks basic kitchen and toilet facilities and so has limited scope for an alternative community use in its current form. The applicants have advised that the building was marketed as a church with scope for redevelopment, subject to planning permission, by an estate agent with a 'For Sale' board at the site in early 2021. The property was then sold via an online auction in March 2021. Whilst the marketing took place for a limited period there was no indication of any interest in the building being taken on by any local community groups. Markfield has alternative local community facilities and as the church will continue to operate at their other and improved site on Main Street it is considered that in principle, a residential redevelopment can be supported.
- 8.8 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. However, the housing policies in the development plan are considered to be out of date as they focus on delivery of a lower housing requirement than required by the up to date figure and the Council is unable to demonstrate a 5 year housing land supply when using the standard method set out by MHCLG. Therefore, the application should be determined against Paragraph 11(d) of the National Planning Policy Framework whereby permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. As of 1<sup>st</sup> April 2021 the Council's most up to date five year housing land supply position is 4.45 years when measured against the housing need of 444 dwellings per annum.
- 8.9 The tilted balance of Paragraph 11d of the NPPF is therefore engaged. This is weighed in the balance of the merits of the application when considered with other policies in the SADMP and the Core Strategy which are attributed significant weight as they are consistent with the Framework. Therefore, a tilted balance in favour of development is engaged and development in this instance should be approved unless adverse impacts would outweigh the benefits of the proposal.
- 8.10 In this instance the proposal is considered to accord with Policy 7 of the Core Strategy, Policy M17 of the Markfield Neighbourhood Plan and Policy DM25 of the SADMP. There are therefore no in principle reasons for resisting the conversion of the building to a dwelling in this particular instance, subject to detailed consideration of the impacts and whether any of these are sufficiently adverse to outweigh the benefits and the presumption in favour of sustainable development.

Design and impact upon the character of the area

- 8.11 Policy DM10 of the SADMP indicates that development will be permitted providing it meets good standards of design including that it would complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and would not have a significant adverse effect on the privacy and amenity of nearby residents.
- 8.12 Policy M10 of the MNP requires development to be sympathetic to local character and history and be in keeping with the scale, form and character of its surroundings. It also states that adequate external storage for bins and recycling as well as vehicles and cycles should be provided.
- 8.13 The Good Design Guide SPD outlines that work should be an appropriate height, width, depth and complement the detailing and materials of the existing building. It also provides guidance on the assessment of residential amenity.

- 8.14 The application relates to an existing building and its height, mass and scale remain unchanged. There are some elevational changes to the building, most notably the enlargement of the windows and re-introduction of a second door on the front elevation. Following amendments to the size of the windows which now better reflect the scale and form of the existing windows, these are considered to be acceptable subject to large scale details being approved. A condition is proposed requiring that all works of making good to the exterior of the building is in keeping with the existing materials on the building.
- 8.15 The removal of the later porch is considered to be an enhancement of the front elevation and will provide more scope for refuse and recycling bins being able to be put out on collection day without blocking the footpath. The amended plans have incorporated an integral bin store, accessed from the street via the existing door from the building which addresses previous concerns regarding refuse and recycling being left permanently on the street. A condition is proposed to ensure these facilities are provided prior to occupation of the building and subsequently retained. HBBC Waste services have no objections.
- 8.16 Internally, the amended scheme works well with the large internal space of the building and retains its history and character. Although the rear yard is small it does give scope for some limited outside space and cycle storage etc. Vehicular access is considered later in this report.
- 8.17 The works to facilitate the conversion of the building are acceptable in terms of design and are considered to accord with Policy DM10 of the SADMP, Policy M10 of the MNP and the Good Design Guide.

#### Impact upon neighbouring residential amenity

- 8.18 Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy or amenity of nearby residents and occupiers of adjacent buildings and the amenity of occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.
- 8.19 Policy M10 of the MNP states that the amenities of residents in the area should not be significantly adversely affected, including by loss of daylight / sunlight, privacy, air quality, noise and light pollution.
- 8.20 The height and mass of the building would not increase as a result of the proposal and its proximity to the other nearby dwellings in the area would not alter. However, the original scheme for conversion to two dwellings was amended due to concerns regarding a loss of privacy for the neighbouring dwelling as a result of new first floor bedroom windows on the rear elevation. The small size of the rear yard of the church results in the windows on the rear elevation being very close to the boundary with the private garden area of the neighbouring dwelling at no. 112, Old Rectory Cottage. The amended plans have altered the internal layout quite considerably to provide one dwelling with two bedrooms, both located at the front of the building. Whilst the proposal still introduces a first floor into the building which is currently one large internal space, the layout removes the need for bedroom windows on the rear elevation at first floor level. The parts of the rear windows at first floor level which could provide a view towards the neighbouring garden, such as the landing, are obscure glazed.
- 8.21 At ground floor level, views of the neighbouring property from the rear windows and the yard are limited by the presence of the rear boundary wall. However, as ground levels within the yard are somewhat higher than the adjacent property (the wall being approximately 1.4m above ground level on the church side), it is proposed to provide additional trellis screening above the boundary wall to a minimum height of

1.8m above ground level. This is secured via a condition and required prior to occupation of the building.

- 8.22 Subject to conditions it is considered that the development safeguards the residential amenity of the neighbouring dwellings and therefore complies with Policy DM10 of the SADMP, Policy M10 of the MNP and advice within the Good Design Guide.

#### Impact on heritage assets

- 8.23 Policy 8 of the Core Strategy requires new development in Markfield conservation area to respect its character and appearance by incorporating locally distinctive features.
- 8.24 Policies DM11 and DM12 of the SADMP seek to protect and enhance the Historic Environment through the requirement to demonstrate an understanding of the significance of the heritage asset and its setting and an assessment of the impact of the proposal on the significance of the asset has been carried out. Where there is harm to the significance this must be outweighed by benefits.
- 8.25 Policy M9 of the MNP identifies the building as a locally valued heritage asset.
- 8.26 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. Section 16 of the National Planning Policy Framework provides the national policy on conserving and enhancing the historic environment. 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 199). Paragraph 202 states that where there is less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal including where appropriate, securing its optimum viable use.
- 8.27 The application building was constructed as the Bourne Methodist Chapel but by the 1960s had become redundant and the Congregational Church moved into the building. Recently, the Congregational Church have consolidated their two sites and moved back to their other site on Main Street which provides more modern facilities including toilets. The building is considered to be a non-designated heritage asset and is identified as such within the Markfield Neighbourhood Plan. It is within the Conservation Area which is a designated heritage asset. Paragraph 203 of the NPPF advises 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 directly or indirectly affect 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'*. In addition, the NPPF advises that in determining applications Local Planning Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.
- 8.28 In this case the building has ceased the use for which it was designed. The Conservation Officer advises that due to its historic and architectural interest the building contributes positively to the character and appearance, and thus significance, of the conservation area. Therefore, it is considered that as the building makes a contribution to the conservation area it is important to secure an alternative viable use to safeguard the future of the heritage asset.
- 8.29 In terms of the detailed proposals, the amended plans have improved the proportions and detailing of the replacement windows and this will allow the building to remain recognisable in its original use and locally distinctive within the

conservation area. The Conservation Officer has further advised that there was originally a dwarf brick wall with metal railings across the width of the frontage but these features were previously removed, together with the replacement of the roof with modern tiles and the rendering of the original decorative brickwork band below the eaves. However, whilst the building is not listed and despite these historic alterations, the building remains of interest. By reinstating the front door position and railings, these would reflect the original historic character of the building and would be a minor enhancement to its significance, as would the removal of the stone porch. The proposed roof lights have limited visibility and are not considered to be adverse.

- 8.30 The Conservation Officer considers the existing single glazed sash windows to the front elevation are in a relatively poor condition. The replacement windows are to be timber framed with glazing bar detail and sliding sash arrangement and despite the slight increase in height, the form of the window opening is replicated and their character maintained. The alterations to the fenestration on the rear elevation are similar and results in fenestration which is well proportioned and of an appropriate design and form. These changes are not visible from the public realm. The Conservation Officer therefore has no objections to the proposal, subject to further large scale details of the windows. This would be required via a condition of any permission granted.
- 8.31 In terms of paragraph 203 of the NPPF the harm / loss of significance of the non-designated heritage asset is minimal and justified to provide a re-use of the building and the necessary compliance with modern residential building standards. Being unlisted, the building would not be exempt from Building Regulations. In terms of the harm to the significance of the conservation area, this will be less than substantial and indeed there is a modest enhancement in terms of the removal of the porch and reinstatement of the original door / railings. The public benefits of safeguarding the future of the building and maintaining the significance of the conservation area are clear in terms of the advice in paragraph 202 of the NPPF.
- 8.32 Special attention needs to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area and great weight given to the conservation of the asset. For the above reasons, the proposal is acceptable in terms of its impact upon the designated and non-designated heritage assets and complies with Policy 8 of the Core Strategy, Policies DM11 and DM12 of the SADMP, section 16 of the NPPF and the statutory duty of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- Impact upon highway safety
- 8.33 Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision to serve the development proposed. Paragraph 111 of the Framework states 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.
- 8.34 The Leicestershire Highways Design Guide indicates that for each new dwelling, one parking space should be provided where car ownership is low, such as town centres or other locations where services can easily be reached by walking, cycling or public transport. In other locations where car ownership is likely to be higher than locations better served by public transport (such as Markfield), two spaces for each dwelling with less than four bedrooms is advised.



- 8.35 In this case no dedicated off street parking is associated with the existing building and none can realistically be provided due to the location of the building immediately adjacent to the footpath. A new two bedroomed dwelling would require two off street parking spaces, but in this case it is reasonable to take into account the fact that the dwelling is provided through the conversion of an existing building subject to existing constraints. An alternative community re-use of the building, thus not requiring planning permission for change of use, would be likely to generate some vehicular traffic and parking requirements. Therefore, this fall-back position in terms of potential parking requirements needs to be taken into account. Particularly in view of the situation in this case where there is also a balance to be struck between the usual highways 'standing advice' and an alternative redevelopment of the whole site which is not considered a desirable option in terms of visual impact on the street scene or the safeguarding of heritage assets.
- 8.36 Paragraph 111 of the NPPF states 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. The provision of one relatively modest dwelling with two bedrooms is unlikely to have a severe cumulative impact on the road network, particularly in view of its location close to the centre of Markfield with easy access to local facilities. There is some limited on street parking in the area and a small public car park on the corner of Main Street and Uplands Drive. Whilst this may not fully meet the demand for parking in this part of the village at all times, it would not constitute a highway safety reason for refusal of the application.
- 8.37 On balance, the proposal is considered to be acceptable in terms of its impact on highway safety and the development would accord with Policies DM17 and DM18 of the SADMP.
- Impact on protected species
- 8.38 Policy DM6 of the SADMP requires development proposals to conserve and enhance features of nature conservation. If the harm cannot be prevented, adequately mitigated against or appropriate compensation measures provided, planning permission will be refused.
- 8.39 The building is currently in reasonably good repair and has a modern concrete tiled roof. There are no features which suggest the building would be used by protected species and there is very limited outside space which provides or could provide scope for soft landscaping or protected species habitat. The demolition of the porch is unlikely to result in any implications, bearing in mind its scale and flat roofed form. However, an informative is proposed to highlight the implications of the discovery of protected species during the conversion works.
- 8.40 The proposal would not impact upon protected species or their habitats and would not have an impact on biodiversity or geological interest. It therefore accords with Policy DM6 of the SADMP.
- Infrastructure contributions
- 8.41 Policy DM3 of the SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities.
- 8.42 The request for any planning obligations (infrastructure contributions) must be considered alongside the requirement contained within the Community Infrastructure Levy regulations 2010 (CIL). The CIL Regulations confirm that where developer contributions are requested they need to be necessary to make the

development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the development proposed.

- 8.43 In this instance the proposed number of dwellings do not exceed the thresholds for requiring the delivery of affordable housing. Any requested infrastructure contribution for public play and open space facilities off site would need to be necessary to make the development acceptable in planning terms and therefore CIL compliant. As such the proposed development would not cause significant pressures on facilities that would warrant a contribution being sought.
- 8.44 In addition, the proposal is for only one additional dwelling which would not have any significant impact on existing play and open space facilities. The development is considered to be acceptable in planning terms without any contribution and therefore the contribution would not be CIL compliant in this case. Therefore, notwithstanding Policy DM3 of the adopted SADMP and Policy 19 of the adopted Core Strategy no contribution has been pursued.

#### Planning Balance

- 8.45 The NPPF is a material consideration in determining applications. Paragraph 11 of the NPPF identifies that plans and decisions should apply a presumption in favour of sustainable development, and for decision taking this means approving development proposals that accord with an up to date development plan. As previously identified 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. The Council also cannot demonstrate a 5 year housing land supply. Therefore, the 'tilted' balance in paragraph 11(d) of the NPPF applies where the permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 8.46 The proposal is inside the settlement boundary of Markfield and it is concluded that there would be no adverse impact on heritage assets, biodiversity or unjustified loss of community facilities. The development is acceptable, subject to conditions, in terms of its design and impact on neighbouring residential amenity. There would be no significant adverse impact on highway safety.
- 8.47 Paragraph 8 of the NPPF states that sustainable development has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These objectives are Economic, Social and Environmental.
- 8.48 Economic: The scheme would provide some economic benefit through the creation of jobs and demand for services and materials for the construction of the development itself and from the future occupation of the development supporting businesses in the wider area.
- 8.49 Social: The scheme would provide a modest contribution to the overall housing supply within the Borough.
- 8.50 Environmental: The scheme would improve and safeguard the future of the building which is a non-designated heritage asset and contributes to the significance of the Conservation Area.
- 8.51 The 'tilted' balance in paragraph 11(d) of the NPPF applies where the permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. There are no other material considerations or adverse impacts that outweigh the presumption in favour of sustainable development in this instance. The proposal represents sustainable development and should be approved.

## **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. For the above reasons the application represents an acceptable residential re-use of an existing building which is appropriate in terms of its design and safeguards both designated and non-designated heritage assets. There would be no significant adverse impact on neighbouring residential amenity, highway safety or ecology. The proposal therefore complies with Policies 7, 8 and 19 of the Core Strategy, Policies DM1, DM3, DM6, DM10, DM11, DM12, DM17, DM18 and DM25 of the SADMP, Policies M9, M10 and M17 of the Markfield Neighbourhood Plan, advice in the adopted Good Design Guide and advice within the NPPF. Regard has been had to the statutory requirement of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in that that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

## **11. Recommendation**

11.1 **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report

11.2 That the Planning Director be given powers to determine the final detail of planning conditions.

## **11.3 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:  
Site Location Plan and Existing Plans Drawing 2669/4 received 20th May 2021  
Drawings 2699/1 rev D, 2699/2 rev C, 2699/3 rev C received 5th November 2021

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

3. Before any development commences, representative samples and/or details of the replacement windows on the front and rear elevation of the existing building shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved samples and/or details. The details shall include the timber frame materials, frame finish and a sectional window drawing to a recognised scale.

**Reason:** To ensure the development has a satisfactory external appearance and to preserve the significance of the Markfield Conservation Area to accord with Policies DM10, DM11 and DM12 of the Site Allocations and Development Management Policies Development Plan Document.

4. Any making good of the external elevations of the building shall match the corresponding materials of the existing building.

**Reason:** To ensure that the development has a satisfactory external appearance in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. The development shall be carried out in accordance with the waste and recycling storage facilities as shown on the approved plans which shall be provided prior to occupation of the dwelling and shall be retained as such so long as the development hereby approved remains, unless approval of alternative details is first approved in writing by the Local Planning Authority.

**Reason:** To ensure the bin storage on site is not detrimental to the street scene and overall design of the scheme in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A-E inclusive and Part 2 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling shall be carried out unless planning permission for such development has been granted by the Local Planning Authority.

**Reason:** To safeguard the visual amenities of the area and the amenities of neighbouring properties in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

7. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the parts of the windows in the rear elevation of the dwelling as shown obscure glazed on approved Drawing 2699/3 rev C shall be non-opening and glazed in obscure glass before the development hereby permitted is first occupied and shall thereafter be permanently retained in this approved form.

**Reason:** To safeguard the amenities of neighbouring properties in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

8. Prior to occupation of the dwelling, a scheme for erecting trellis or similar screening along the rear boundary yard wall to a minimum height of 1.8m above the ground level on the application site side, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented prior to occupation of the dwelling in accordance with the approved details and retained as such in perpetuity.

**Reason:** To safeguard the amenities of neighbouring properties in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

9. Further large scale details of the front railings, including design, materials and their finish shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The railings shall be installed in accordance with the approved details and retained as such so long as they remain.

**Reason:** To safeguard the visual amenities of the area in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

10. Notwithstanding the approved plans the historic plaque/sign located on the existing front elevation of the building shall be retained and preserved as part of the conversion works and shall be retained on the building as such thereafter.

**Reason:** To ensure that the historic and cultural importance of the building is protected and acknowledged in accordance with Policy M9 of the Markfield Neighbourhood Plan, Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD and Section 16 of the NPPF.

#### 11.4 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](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.
2. Nesting birds and bats, their roosts and their access to these roosts, are protected under the Wildlife and Countryside Act 1981 and the Conservation (Natural Habitat etc) Regulation 1994. Therefore, should birds or bats be present, works should be deferred until the late summer/autumn.