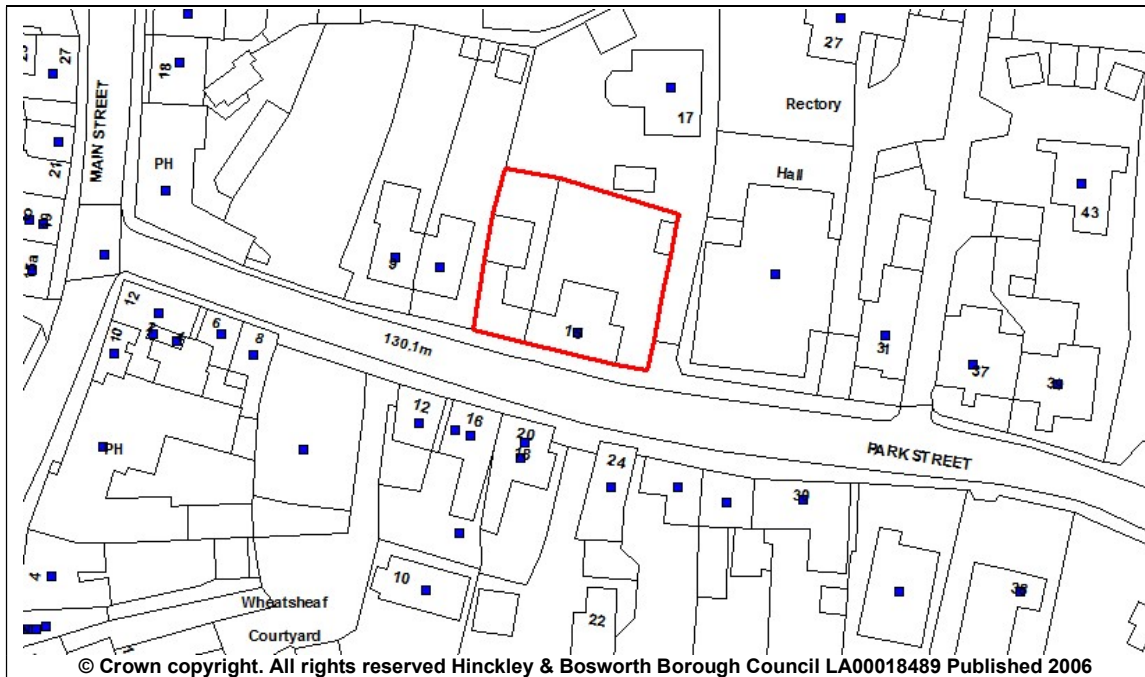




Planning Ref: 22/00473/FUL
Applicant: Ms Mary Jacques
Ward: Cadeby Carlton M Bosworth & Shackerstone

Site: The Old Forge 13 - 15 Park Street Market Bosworth

Proposal: Proposed extension and alteration to existing three storey dwelling (Use Class C3) and existing working Forge (Use Class B2) to form a five-bedroom hotel with parking and associated facilities



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report
- That the Planning Manager be given powers to determine the final detail of planning conditions.

2. Planning application description

2.1. This planning application seeks full planning permission for extensions and alterations to an existing three-storey dwelling (Use Class C3) and an existing working forge (Use Class B2) to form a five-bedroom hotel (Use Class C1) with parking and an enclosed garden, alongside additional associated features at The Old Forge, 13 – 15 Park Street, Market Bosworth.

2.2. This involves the change of use of the property to create 396.4sqm of total gross new internal floorspace of Use Class C1 (hotel use). An 'L'-shaped single storey extension is proposed to the north and rear of the building, which measures 6m in width x 3.9m in depth to create two downstairs public restrooms to facilitate the dining area. This single storey extension has a tiled pitched roof with a roof ridge

height of 3.4m and an eaves height of 2.3m. This rear extension is constructed with matching brickwork to the existing building.

- 2.3. A covered walkway is also provided within this application to create a direct internal access between the bedroom accommodation and the proposed dining and bar area. The covered walkway has a roof ridge height of 2.5m and an eaves height of 2.1m and is constructed with a timber oak frame and glazing.
- 2.4. New clay chimney pots are created for all existing chimneys and a walled garden is provided within the site to give separation from the parking area and to contain any limited evening activity.
- 2.5. In total, the proposal generates three new full-time employees and one part-time member of staff. Five vehicle parking spaces and one disabled vehicle parking space are created as well as a bicycle storage area for a total of six bicycles.
- 2.6. During the application process, The Old Forge was listed by Historic England becoming a Grade II Listed building. As a result, this application should now be read in conjunction with the Listed Building Consent application (22/00974/LBC).
- 2.7. On 13 October 2022, the Applicant reduced the capacity of the proposal from a six-bedroom hotel to a five-bedroom hotel to try and mitigate highway safety and parking concerns highlighted during public consultation.

3. Description of the site and surrounding area

- 3.1. The Old Forge, a 590sqm application site, comprises an existing large three-storey dwellinghouse and a functional single storey working forge. The forge has a roof ridge height of 5.4m and an eaves height of 3.5m, whereas the dwelling has a ridge height of 9.3m and an eaves height of 6.7m. The site is accessed via Park Street, and it is bordered by 1.9m high timber fencing to the north and west of the site and a 1.8m high brick wall to the east. Within the site, there is parking to the rear of the dwelling and there is a cellar present below the ground floor with a well. A second well is present in the rear courtyard with a glass cover. The Old Forge became a Grade II Listed building in August 2022.
- 3.2. The Listed Building Entry (National Heritage List England (NHLE) ref 1482523) identifies The Old Forge as a Listed building due to its architectural and historical interest. Architecturally, the function of the forge can be determined from its plan, utilitarian design, and internal features such as the retaining hearths, bellows and other features relating to ironworking. The simplest of forge buildings would have just one hearth, whereas The Old Forge has two. The house is a vernacular take on the restrained townhouse of the late C-18. Historically, the forge illustrates how essential the commodity of ironwork was, produced for local markets from the C18 to C20 and, together, the house and forge are an interesting survival illustrating aspects of domestic and commercial life in a market town.
- 3.3. Located on the periphery of the main District Centre of Market Bosworth, 13 - 15 Park Street is adjoined to the Market Bosworth Parish Hall to the east and it is surrounded by existing residential properties. The application site is also within 30m of Ye Olde Red Lion Public House. The Old Forge is within the Market Bosworth Conservation Area and is directly referred to within the Market Bosworth Conservation Area Appraisal and Management Plan (MBCAA). The MBCAA highlights the forge as a building of particular interest and the side boundaries of the

site and the highway in front of the site are acknowledged as views and vistas to be protected. Within the MBCAA, Park Street is identified as having,

“An eclectic mix of styles and ages of properties from early C18 to late C20 and a number of Listed Buildings. The majority of the buildings at the west end of Park Street are two-storey and open directly onto the pavement. Boundary walls and railings are important in maintain a strong building line which softens the Park. Materials include red and tallow brickwork painted brickwork and render. Roofs are slate, tiles or shingle punctuated by a range of interesting chimney stacks.”

The MBCAA also states that, “The fine chimney stack at the Forge would be enhanced if it was capped with a clay chimney pot.” Due to its special historic and architectural interest and position within the historic core of the settlement, the Listed Building makes a positive contribution to the character and appearance, and thus significance, of the Market Bosworth Conservation Area.

- 3.4. Blacksmith’s forges are rare survivals, particularly in town locations where the demands on land have meant that most have been demolished or converted to other uses. The forge was built in the late C-18 and was in continual use until 1973. Since then, the forge has been in occasional use. The adjoining house, with which it shares a chimney, is contemporary to the forge and is thought by Historic England to have been continually in use as a dwelling since its construction. The workshop to the rear of the forge dates from around the late-19th century and a smaller outbuilding attached to the rear of the workshop has been replaced by the present larger building by the 1950s. The rear wing of the house appears to have been rebuilt and extended in the late C-20, with further additions in the early C-21.
- 3.5. Both buildings are constructed with a brick finish, clay tiled roof, and timber doors and windows. The forge utilises a brick finish with a Flemish Garden wall bond, a dentil course at eaves level and a corbelled kneeler to the west end of the south elevation. On the other hand, the dwellinghouse incorporates a brick finish that has a Flemish bond, a dentil course at eaves level on the front elevation and late C-20 brick finish in stretcher bond on the right wing of the property
- 3.6. However, the front elevation of the forge is rendered from the ground to the base of the chamfered blue brick window cills, and the west elevation, including the attached workshops, are fully rendered and devoid of openings. The eastern elevation of the front block of the dwellinghouse is also rendered.

4. Relevant planning history 22/00974/LBC

- Proposed extension and alteration to existing three-storey dwelling (Use Class C3) and existing working Forge (Use Class B2) to form a five-bedroom hotel with parking and associated facilities
- Awaiting Decision
- TBD

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 In total, there has been eleven responses to the application. All these responses have objected to the scheme, including the Market Bosworth Society, on the following grounds:

- 1) Adverse impacts to neighbouring residential amenity such as smells
- 2) Additional bars increase anti-social drunken behaviour within Market Bosworth
- 3) Concerns over light pollution
- 4) The conversion to a hotel is, "Unsuitable and inappropriate," to the character of Park Street, which is a predominantly residential area
- 5) Exacerbation of congestion in the road network
- 6) The existing access is not wide enough to support large vehicles such as those for deliveries
- 7) Highway safety
- 8) Insufficient on-site parking provision for staff, deliveries, and guests
- 9) Loss of a cherished community heritage asset
- 10) Loss of a domestic property
- 11) Loss of tourism due to the loss of the working forge
- 12) Management of waste concerns
- 13) Noise pollution
- 14) No community benefit from the application
- 15) Overlooking
- 16) The planning information is not sufficient or clear enough as to what the exact plans are
- 17) The Old Forge is not structurally capable of conversion
- 18) There is already a saturation of pubs and hotels within Market Bosworth and there is no need for further development of this kind

5.3 However, Market Bosworth Society did support some aspects of the application including some of the building works identified in the Structural Report (submitted: 17.05.2022) and are pleased to read that works have been recommended to preserve the buildings. The Market Bosworth Society have requested that the forge is retained for historic and heritage reasons.

6. Consultation

6.1 The following consultees did not object to the application:

- Hinckley & Bosworth Borough Council (HBBC)'s Drainage Officer
- Historic England
- HBBC's Waste Management Officer (subject to conditions)
- Leicestershire County Council (LCC)'s Highways Officer (subject to conditions)

6.2 HBBC's Environmental Services' Pollution Officer queried what fixed plant is proposed and whether the plant was internal. The Pollution Officer also highlighted contrasting information for the limit for fixed plant, which is given as 49dB in Section 8.3 and 48dB in Section 15. The absence of kitchen ventilation was also noted, and it was advised that a risk assessment provided in the *Control of Odour and Noise from Commercial Kitchen Exhaust Systems* guidance document, should be completed to demonstrate that any odour control proposed is adequate for the use of the kitchen. The Applicant has not confirmed the details of the fixed plant, but these details are secured via planning condition.

6.3 Market Bosworth Parish Council have objected to the scheme on the following grounds:

- Adverse impacts on neighbouring residential amenity
- Exacerbation of congestion in the road network
- Highway safety concerns
- Insufficient parking for staff, guests and deliveries

- Loss of a heritage asset
- Negative impacts to the residential character of Park Street
- Noise pollution
- Saturation of hotels within Market Bosworth

6.4 Market Bosworth Parish Council have also highlighted that the public parking spaces across the road are in fact privately owned by The Dixie Arms and are only available to patrons of the hotel.

7. Policy

7.1 Core Strategy (2009)

- Policy 7: Key Rural Centres
- Policy 11: Key Rural Centres Stand Alone
- Policy 23: Tourism Development

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 DM24: Cultural and Tourism Facilities

7.3 National Planning Policies and Guidance

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

7.4 Other relevant guidance

- Good Design Guide (2020)
- Market Bosworth Conservation Area Appraisal (MBCAA) (2014)
- Market Bosworth Neighbourhood Plan 2014 – 2026 (2015)
- National Design Guide (2019)
- Highway Authority Design Guide

8. Appraisal

8.1. The key issues in respect of this application are therefore:

- Assessment against strategic policies
- Design and impact upon the character of the area and heritage assets
- Impact upon neighbouring residential amenity
- Impact upon parking provision and highway safety

Assessment against strategic policies

8.2. Section 16 of the National Planning Policy Framework (NPPF) encourages building a strong, competitive economy. Paragraph 81 of the NPPF states that, "Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt." In accordance with Paragraph 84(c), planning policies and decisions should enable, "Sustainable rural tourism and leisure developments which respect the character of the countryside."

8.3. Section 17 of the NPPF ensures the vitality of town centres and Paragraph 86(a) promotes development that allows town centres to, "Grow and diversify in a way

that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive character.”

- 8.4. Policy 11 of the adopted Core Strategy identifies Market Bosworth as a Key Rural Centre Stand Alone. In the context of this application, Policy 11 requires development to support additional employment provision to meet the local needs in line with Policy 7; to support the role of Market Bosworth as a tourist destination in its own right; and to require new development to respect the character and appearance of the Market Bosworth Conservation Area by incorporating locally distinctive features of the conservation area into the scheme. Policy 7 of the adopted Core Strategy supports development that ensures that there is a range of employment sites within Key Rural Centres and business that supports the development of the tourism industry in line with Policy 23.
- 8.5. Policy 23 of the adopted Core Strategy states that tourism development for new and extended visitor attractions including holiday accommodation will be encouraged in suitable locations where: the development can help to support existing local community services and facilities; is of a design and scale which is appropriate to minimise impact and assimilate well with the character of the surrounding area with acceptable landscaping; the development adds to Hinckley and Bosworth’s local distinctiveness; the development complements the tourism themes of the Borough and; the development adds to the economic wellbeing of the area.
- 8.6. The development of new cultural and tourism facilities is supported by Policy DM24 of the SADMP where it can be demonstrated that the proposal can be accessed by a range of sustainable transport modes. However, there are only three categories that are classified as cultural and tourism facilities, which are: museums and theatres, strategic hotels, and visitor attractions.
- 8.7. The application is in an area accessible by a range of sustainable transport modes. However, the application is not for a strategic hotel, which is defined as those with over 50 rooms in Paragraph 16.8 of the SADMP. Moreover, the application is near Bosworth Hall Hotel, which is identified as a strategic hotel. Consequently, Policy DM24 is not applicable for this application. Nevertheless, strategic hotels are not specified within the NPPF, and therefore the application is still supported by Sections 16 and 17 of the NPPF,
- 8.8. Within the settlement boundary of Market Bosworth, the development is in a suitable and sustainable location, in accordance with Policy 23 of the adopted Core Strategy. Although the creation of three full-time jobs and one part-time job is not considered a significant contribution to the economy of the area, this aspect is still supported by Policies 7 and 11 of the adopted Core Strategy.
- 8.9. To summarise, in assessment against strategic policies, the application is considered acceptable in principle because it supports new employment provision and the development of the tourism industry within a Key Rural Centre Stand Alone in accordance with Sections 16 and 17 of the NPPF and Policies 7, 11 and 23 of the adopted Core Strategy.

Design and impact upon the character of the area and heritage assets

- 8.10. Policy DM10 of the SADMP requires new development to complement or enhance the character of the surrounding area with regards to scale, layout, density, mass, design, materials, and architectural features. Paragraph 134 of the NPPF states that development that is not well designed should be refused, especially where it

fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

- 8.11. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 place a duty on the Local Planning Authority when considering whether to grant Listed Building Consent to have special regard to the desirability of preserving the building, its setting, and any special features of special architectural and historic interest which it possesses. 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.
- 8.12. Section 16 of the Nation 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 historic asset, great weight should be given to the asset's conservation. Paragraph 193 states that, in determining applications, local planning authorities should take account of:
 - a) the desirability of sustaining and enhancing the significance of heritage assets and putting them into viable uses consistent with their conservation
 - b) the positive contribution that conservation of heritage asses can make tot sustainable communities including their economic viability
 - c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 8.13. Paragraphs 199-202 of the NPPF require great weight to be given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have clear and convincing justification, and for that harm to be weighed against the public benefits of a proposal.
- 8.14. Public benefits from developments can be anything that delivers economic, social or environmental progress as described in the NPPF (Paragraph 8). Public benefits may include heritage benefits as specified in the Planning Practice Guidance (Conserving and Enhancing the Historic Environment – Paragraph 20), such as:
 - Sustaining or enhancing the significance of a heritage asset and the contribution of 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
- 8.15. The Planning Practice Guide (PPG) and Historic England Advice Note 2 (HEAN2) Making Changes to Heritage Assets sets out how the policies of the NPPF are expected to be applied and includes guidance on the conservation of and making changes to the historic environment.
- 8.16. Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD seek to protect and enhance the historic environment and heritage assets. All proposals that 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
 - c) how the benefits of the proposal will outweigh any harm caused
 - d) any impact on archaeology in line with Policy DM13

- 8.17. Specifically, DM12 refers to heritage assets and development proposals affecting heritage assets and their settings. For Listed Buildings, development will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting, and the development ensures the significance of a conservation area is preserved and enhanced.
- 8.18. General conservation area guidance is provided within the MBCAA, including:
- The identification of prevalent and traditional building materials
 - Factors having a negative influence on the conservation area
 - Means of the enhancement of the character and appearance of the conservation area, which can be defined as the reinforcement of those special qualities that originally warranted designation
- 8.19. Policy 11 (Key Rural Centres Stand Alone) of the adopted Core Strategy and Policy CE1 (Character and Environment) of the Market Bosworth Neighbourhood Plan have the objective of ensuring that development respects the character of Market Bosworth and its conservation area.
- 8.20. The application site is adjacent to Saint Peter's Church Hall and Post Office, and it is in close proximity to Market Bosworth's town centre as well as two hotels, The Dixie Arms and The Red Lion Hotel. Therefore, it is regarded that the conversion of the application site into a commercial use, such as a hotel, is not out of character within the street scene.
- 8.21. Moreover, the conversion of The Old Forge into a commercial use as part of a hotel is considered to represent the optimum viable use of the Listed Building. It is regarded that the conversion of the site to a commercial use reduces the risk of harm to the heritage asset in comparison to other uses such as a residential property. The commercial use of The Old Forge is also likely to lead to the investment in its maintenance necessary for its long-term conservation, as advised by the PPG. The general repairs identified within the Structural Report (submitted: 17.05.2022) aid the structural stability of the forge and improve the condition of its historic fabric. These repairs are secured via planning condition within the Listed Building Consent application.
- 8.22. The development involves limited alteration to the principal elevation of the Listed building and therefore preserves the character of the Listed building. The scheme also enhances the character of the property by improving the existing chimney stacks, as identified, and requested within the MBCAA.
- 8.23. The 'L'-shaped single extension to the northern end of the mid-20th century workshop cannot be seen from the highway and is subordinate to the Listed building in scale and massing. The extension utilises matching external materials to the workshop and is considered an appropriate scale, layout, and appearance to preserve the significance of the Listed building and the conservation area.
- 8.24. The covered walkway provides access and circulation between the rooms and the guest lounge in the former house to the bar/lounge, servery and dining area in the former forge and workshops. It is considered that this covered walkway, and the enclosed garden are of an appropriate scale and form and are constructed with sympathetic materials that respect the architectural and historical interest of The Old Forge.

- 8.25. The loss of internal historic fabric is discussed in detail within the Listed building Consent planning application, 22/00974/LBC. However, following discussion with the Conservation Officer and the Agent and the implementation of mitigation strategies within amended plans, the impact of the conversion of The Old Forge into a commercial use is not considered to unacceptably harm the heritage asset.
- 8.26. To summarise, the commercial use of The Old Forge as a hotel is considered to represent the optimum viable use of the Listed Building and reduces the risk of harm to the heritage asset in comparison to other potential uses of the buildings. Furthermore, it is likely to lead to the investment in the maintenance necessary for its long-term conservation. The creation of the single storey extension, the covered walkway and the enclosed garden are not regarded to have a significant adverse impact on the character of the Listed Building or the surrounding area. With the improvements to the chimney stacks and the limited impact to the principal elevation of the Listed Building, the proposal is considered to sustain and enhance the significance of the heritage asset and its contribution to its setting within the Market Bosworth Conservation Area.
- 8.27. When assessing the application against the balancing exercise of the requirements of Paragraph 199 of the NPPF, it is considered that the public benefits of this application such as the enhancement of the heritage asset, outweigh the potential negative impacts of the scheme.
- 8.28. By virtue of these factors, the application is considered acceptable and in accordance with: Sections 16(2), 66(1) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990; Section 16 of the NPPF; Policy 11 of the adopted Core Strategy; Policies DM1, DM10, DM11, DM12 of the SADMP; Policy CE1 of the Market Bosworth Neighbourhood Plan; the Good Design Guide; and National Planning Practise Guidance.

Impact upon residential amenity

- 8.29. Policy DM10 of the SADMP also states that proposals should not adversely affect the occupiers of the neighboring properties or the future occupiers of the property.
- 8.30. As the existing use of the property is a dwelling, the scheme is not considered to have a significant adverse impact on the residential amenity of 11 and 17 Park Street, nor the property to the north of the site in regard to creating an overbearing impact or resulting in a loss of light or loss of privacy. Moreover, due to its limited prominence, the single storey extension to the rear of the workshop is not considered to result in a loss of light or loss of privacy to 11 Park Street to the west of the site.
- 8.31. During public consultation, many concerns were raised regarding noise pollution as a result of this development. As part of this application, a detailed Noise Report was submitted on 17 May 2022, which suggested that a sound limit 1m from the fixed plant area should be implemented for the scheme.
- 8.32. The commercial use of the property is not considered to have a significant impact on noise pollution in comparison to the noise pollution impacts of operating the existing and functional forge (Use Class B8). In addition, as the site is within 200m of the Church Hall as well as five existing accommodation establishments and eight food outlets such as The Red Lion Hotel and The Dixie Arms Hotel, the commercial use is not considered to significantly exacerbate the existing situation of noise pollution within the area. Nevertheless, the details of the proposed fixed plant and

the scheme's noise pollution mitigation strategy have not been confirmed. Following discussion with HBBC's Pollution Officer, a planning condition has been attached to mitigate noise pollution from the development to ensure that the scheme does not have a significant adverse impact on the residential amenity of neighbouring properties.

- 8.33. In conclusion, the conversion of The Old Forge into use as a hotel does not have a significant adverse impact on residential amenity such as overlooking, loss of privacy or any overbearing or overshadowing impacts in comparison the application site's current use as an existing dwelling and an operational forge. By virtue of these factors and subject to the completion and compliance with a noise pollution mitigation strategy, the proposal does not result in any significant adverse impacts to neighbouring residential amenity in accordance with Policy DM10 of the adopted SADMP and the adopted Good Design Guide.

Impact upon parking provision

- 8.34. 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 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.
- 8.35. The Applicant proposes no changes to the existing access, which leads onto Park Street, an adopted 'C' classified road, that is subject to a 30mph speed limit and runs in a one-way direction from west to east. Along Park Street, on the side of the side of the development are double yellow lines in the carriageway. The existing access appears to be approximately 3m wide with gates that abut the public footway.
- 8.36. The Local Highway Authority (LHA) advised that they would have preferred to see an access width that enables vehicles to pass at the access. Nevertheless, as Park Street is a one-way street and has notable parking restrictions along the carriageway on the side of the site, the LHA are satisfied that if a vehicle must wait to enter the site, it would not be unsafe for the vehicle to stop the flow of traffic whilst another vehicle exited the site. The LHA also acknowledge that the access is existing, and that the proposal does not represent a significant intensification of traffic movements at the access and therefore the access arrangements are safe and suitable for the scheme.
- 8.37. In spite of this, the LHA did request that the Applicant considers relocating the gates so that they are set further back from the highway or to remove the gates altogether to reduce the risk of pedestrians having to walk into the road. However, the Applicant stated that the gates are already in-situ and have operated without incident over many years and, in doing so, have afforded an appropriate level of security to the property. The Applicant has stated that gates are kept open during daytime hours and, outside of these hours, visitors will be provided with suitable fob keys to operate the electric gates themselves, thereby minimising any interruption to traffic flow whilst visitors enter the site.
- 8.38. The application provides five vehicular parking spaces and one disabled vehicular parking space, which provides one vehicular parking space for every room in the hotel. However, this does not incorporate parking provision for the three proposed

full-time members of staff and one part-time member of staff. In spite of this, due to the restraints of the application site, this scheme appears to provide the most off-street parking provision that the site can provide.

- 8.39. The LHA also advise that, as to accord with Paragraph 3.165, Part 3 of the Leicestershire Highway Design Guide (LHDG), parking spaces should have minimum dimensions of 2.4m x 5.5m, with 0.5m added if bounded by a wall, fence, hedge, line of trees or other similar obstructions on one side, and 1m added if bounded on both sides. The disabled parking provision is in accordance with Figure DG13 of the LHDG and all the parking spaces are 2.4m in width x 5.5m in depth in accordance with Paragraph 3.165, Part 3 of the LHDG.
- 8.40. Also, to accord with Paragraph 3.179, Part 3 of the LHDG, cycle parking should be secure, weather protected, well-lit and enjoy good natural observation. This is secured via planning condition.
- 8.41. Whilst the LHA would have preferred the proposal to offer a greater number of off-street parking spaces, it is acknowledged that the Applicant intends to recruit staff locally and that the development includes the provision of cycle parking. The application site also has good access to bus services and there is public parking located close by as well as on-street parking.
- 8.42. By virtue of these factors, the LHA are satisfied that the scheme offers good opportunities to promote the use of sustainable travel methods and they confirm that the proposed parking provision is acceptable. Therefore, the scheme is regarded as in accordance with Policies DM17 and DM18 of the SADMP and the adopted highway authority design guide.

9. Equality implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states: -
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.
- 9.3 There are no known equality implications arising directly from this development.
- 9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

10.1 The proposed development is considered to be compliant with the relevant national and local policy as it:

- Is an appropriate scale and design
- Does not have an adverse impact upon the character and appearance of the heritage asset or the Market Bosworth Conservation Area
- Does not have a significant adverse impact upon the amenity of neighbours
- Does not have a significant adverse impact upon the road network or highway safety
- Provides sufficient vehicle parking spaces for off-street parking

10.2 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission to be granted, subject to the imposition of appropriate conditions.

11. Recommendation

11.1 **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report

11.2 Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details received by the Local Planning Authority as follows:

- Agent Heritage Statement (submitted: 12.10.2022)
- Application Form (submitted: 17.05.2022)
- Design & Access Statement (submitted: 17.05.2022)
- Heritage Statement (submitted: 13.10.2022)
- Noise Report (submitted: 17.05.2022)
- Proposed Elevations & Sections - Drg No. P-051 C (submitted: 13.10.2022)
- Proposed Floor Plans - Drg No. P-050 B (submitted: 13.10.2022)
- Structural Report (submitted: 17.05.2022)
- Supplementary Statement (submitted: 13.10.2022)
- Topographical Survey - Drg No. AU21-4461-1 (submitted: 17.05.2022)

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. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Cronin Development Consultancy Ltd drawing number P-050 Rev.A. Thereafter the onsite parking provision shall be so maintained in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in

a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2021).

4. The development hereby permitted shall not be occupied until such time as secure (and under cover) cycle parking shall be provided in accordance with details first submitted to and agreed in writing by the Local Planning Authority. Thereafter the cycle parking shall be maintained and kept available for use.

Reason: To promote travel by sustainable modes in accordance with the National Planning Policy Framework (2021).

5. The development shall not be occupied until a scheme makes adequate provision for waste and recycling storage of containers and collection across the site which has been submitted to and approved in writing to the Local Planning Authority. The details should address accessibility to storage facilities and confirm adequate space is provided to facilitate collection of waste via a registered waste carrier.

Reason: To support the policies within the Wheeled Bin and Container Policy (updated March 2018) and to ensure that there is adequate provision of waste and recycling storage so that the amenity of the occupants of the proposed development are not adversely affected in accordance with Hinckley and Bosworth Borough Council's Wheeled Bin and Contained Policy (updated March 2018), Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Section 46 of the Environmental Protection Act 1990.

6. Development shall not begin until a scheme for protecting nearby dwellings from noise from the proposed development has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the scheme shall be completed before the permitted development first comes into use.

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

7. Hot food shall not be prepared at the premises until a scheme for ventilation of the premises, which shall include the installation method, maintenance and management has been submitted to and approved in writing by the Local Planning Authority. The approved details shall then be fully implemented prior to the serving of any hot food and thereafter maintained as such at all times

Reason: To safeguard amenities of neighbouring properties in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

12. 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. A separate consent may be required under the Town and Country Planning (Control of Advertisement) Regulations 2007 in respect of the display of advertisements on these premises. Advice may be sought from the Local Planning Authority.