

Planning Committee 6 February 2018
Report of the Planning Manager (Development Management)

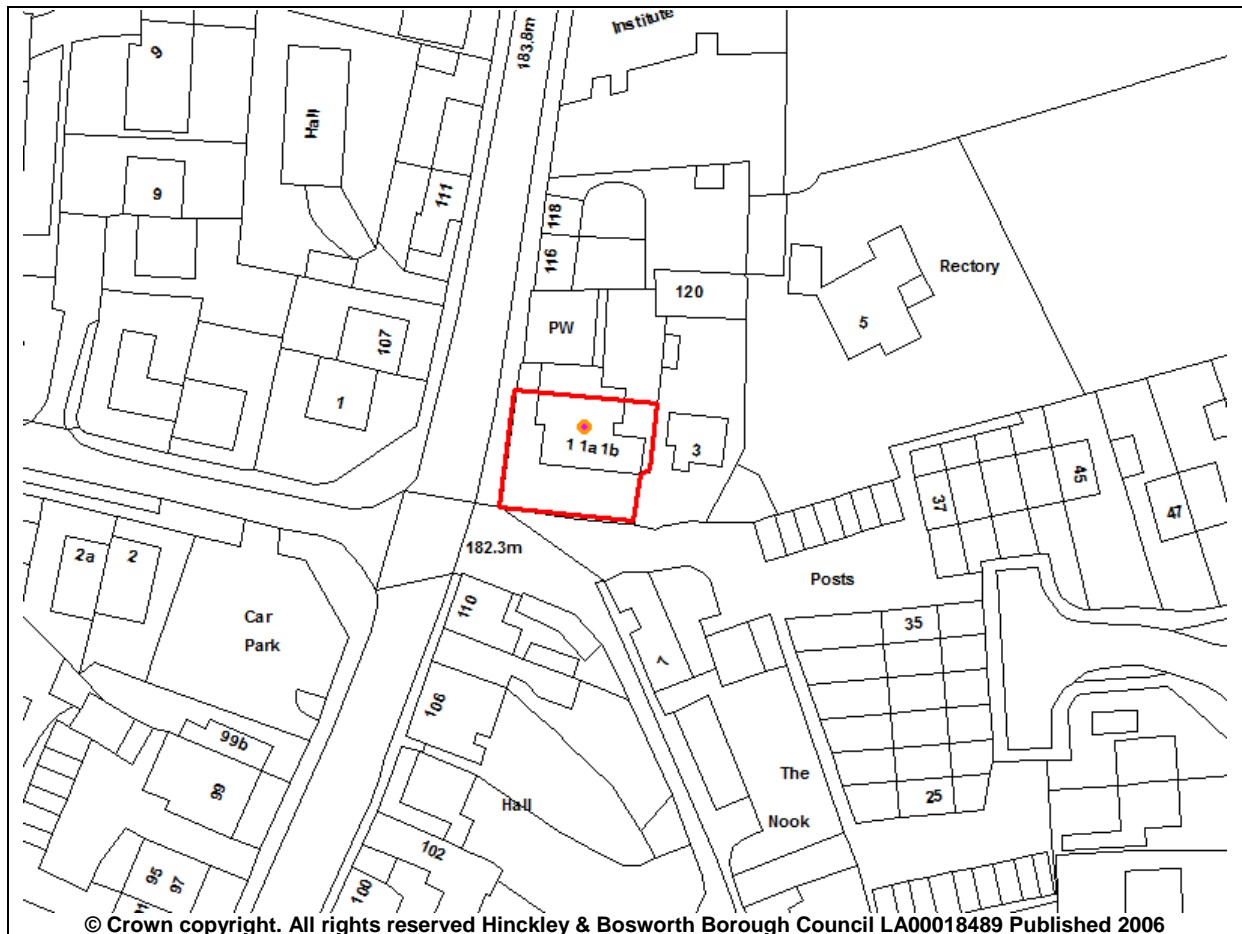


Hinckley & Bosworth
Borough Council

Planning Ref: 17/01084/FUL
Applicant: Lorraine Harris
Ward: Markfield Stanton & Fieldhead

Site: 1 The Nook Markfield

Proposal: Conversion of existing building to create 5 flats



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

1.2. That the Planning Manager Development Management be given powers to determine the final detail of planning conditions.

2. Planning Application Description

2.1. This application seeks planning permission for the subdivision of an existing three storey building to increase the proposed living accommodation from 3 flats to 5 flats through internal sub division.

- 2.2. Externally the application seeks to provide landscaping in the form of railings to the existing west boundary wall, an increase in parking situated to the front of the building, increasing from 3 to 5.
- 2.3. During the course of the application, amended plans have been submitted, which increased the proposed parking provision to the front, identified an existing basement and proposed railings to the perimeter of the boundary wall. A full 21 day re-consultation was carried out.
- 2.4. The proposed works internally and externally to the listed building and walls is also subject to a separate application (ref: 17/01085/LBC).

3. Description of the Site and Surrounding Area

- 3.1. The application site is located within the settlement boundary of Markfield and Conservation area of Markfield. The application site is located at the junction of Main Street and The Nook, and is situated adjacent to a number of residential properties.
- 3.2. The application property is a Grade II Listed Building and was the former Markfield Village rectory and dates from the late 18th Century. It is a grand three storey, three bay fronted building with a number of architectural features including angle pilasters, full height giant older centrepiece and semi-circular head and open pediments. Due to the scale and position of the building, the application building is a prominent feature within the Conservation area.
- 3.3.

4. Relevant Planning History

91/00695/4L	Alterations	Listed Building Consent	24.09.1991
91/00744/4	Extensions to two flats and erection of boundary wall	Approved	24.09.1991
17/01085/LBC	Conversion of existing building to create 5 flats	Pending Consideration	

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 3 objections have been received raising the following points:-
1. Insufficient parking proposed which is overdevelopment of this property
 2. Flats could be occupied by a couple or family who own more than one vehicle.
 3. The nature of the houses located on this stretch of Main Street date back to before the 1800s do not afford residents driveways, already parking issues in the area and this will exacerbate.
 4. How is expected increase of cars to be accommodated without more vehicles staying in the public car park adjacent.

6. Consultation

- 6.1. No objections, some subject to conditions, has been received from:-
 Environmental Health (Pollution)
 Environmental Health (Drainage)

Historic England
Historic Buildings Panel
Leicestershire Archaeology
The Victorian Society
Georgian Group
Conservation Officer

6.2. Objections have been received from Markfield Parish Council and raise the following points:-

1. There are 5 flats/bed-sits and only 4 parking spaces

7. Policy

7.1. Core Strategy (2009)

- Policy 7: Key Rural Centres
- Policy 8: Key Rural Centres Relating to Leicester

7.2. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2012)
- Planning Practice Guidance (PPG)
- Sections 66 and 72(1) of the Planning (Listed Buildings and Conservation Area) Act 1990

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and Impact upon the character of the area, Listed Building and conservation area
- Impact upon neighbouring residential amenity
- Impact upon highway safety

Assessment against strategic planning policies

8.2. Paragraph 11 of the National Planning Policy Framework (NPPF) states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF states that the development plan is the starting point for decision making and that proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Paragraph 13 of the NPPF states that the NPPF is a material consideration in determining applications.

- 8.3. The relevant development plan documents in this instance consist of the adopted Core Strategy (2009), and the adopted Site Allocations and Development Management Policies Development Plan Document (2016) (SADMP).
- 8.4. The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. Policy 8 of the Core Strategy states that to support local services and maintain rural population levels the Council will allocate land for the development of a minimum of 80 new dwellings in Markfield. Policy DM1 of the adopted SADMP provides a presumption in favour of sustainable development that accord with policies in the development plan.
- 8.5. The application site is located within the settlement boundary and conservation area of Markfield. Policy 8 of the Core Strategy identifies Markfield as a key rural centre relating to Leicester. Policy 7 of the Core Strategy supports housing development within the settlement boundaries, subject to consideration of all other material planning considerations. Therefore the subdivision of an existing building to create a net gain of 2 additional flats is considered to be acceptable in principle.

Design and Impact upon the character of the area, Listed Building and conservation area

- 8.6. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting, to have special regard to the desirability of preserving the listed building's setting and any features of special architectural and historic interest which it possesses. Section 72 of the Act states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 8.7. 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 for the change of use, extensions and alterations of listed buildings and development affecting the setting of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting. Development proposals should ensure the significance of a conservation area is preserved and enhanced. Proposals which seek to improve identified neutral and negative areas inside designated conservation areas, which lead to the overall enhancement of the conservation area, will be supported and encouraged.
- 8.8. Section 12 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 132). The Setting of Heritage Assets guidance published by Historic England is also given due consideration during the determination of this application as the document sets out guidance on managing change within the setting of heritage assets.
- 8.9. Minor and moderate levels of harm are considered "less than substantial", and in accordance with Policy DM11 of the SADMP and paragraph 134 of the NPPF the harm caused by the proposal should be weighed against the public benefits. Recent case law has confirmed that considerable weight and importance should be given to the desirability of preserving the significance of heritage assets when carrying out the balancing exercise in accordance with the statutory duty, and the finding of harm (including less than substantial) to a listed building and its setting or a conservation area gives rise to a strong presumption against planning permission

being granted unless considerable public benefits or powerful material considerations clearly and demonstrably outweigh that harm.

- 8.10. Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the NPPF. 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
- 8.11. 1 The Nook is a Grade II listed building, the former Markfield Village Rectory dates back to the late 18th Century. This grand three storey, three bay fronted building has a number of features of architectural interest including angle pilasters, full height giant older centrepiece, semi-circular head and open pediments, moulded parapet and cill bands. Internally the original plan form of the building is still discernible, with principle rooms set either side of a grand central lobby and staircase on the ground floor and smaller servicing rooms set to the rear. Such a plan form remains similar on the upper floors. Each of these elements provides the building with special historic and architectural interest and thus significance.
- 8.12. The building was converted into three separate flats during the late 20th century, facilitated by a number of internal and external works. Internal fit outs for the units from this time have meant that very little historic fabric or features of historical or architectural interest either remain or are visible, new windows were installed to all elevations, and a landscaping scheme was created including a multi-levelled brick boundary wall with hedging to Main Street enclosing a small lawn, and to the Nook a low level brick boundary wall/planter to the neighbouring property with a central paved pathway flanked by brick planters and piers and car parking spaces laid to gravel.
- 8.13. The property is located within the Markfield Conservation Area. Due to its historical use, its grand scale and status, and prominent siting at the corner of Main Street and The Nook it is a landmark feature within the conservation area that contributes positively to its character and appearance and thus significance. The proposal seeks to create five flats within the building by subdividing and renovating the ground floor and first floors, from one to two units and renovating the second floor. In addition to the subdivision of the existing flats, works to the existing curtilage is proposed in the form of additional landscaping and the creation of additional car parking. This includes the provision of iron railings to the existing boundary wall with Main Street, the removal of raised planters and walls which are in disrepair. A proposed new four panelled Georgian style black front door is also proposed set below the existing semi-circular fanlight, which would replace the existing door. However full details of the proposed door would be required prior to its replacement and would be secured by condition, to ensure it would be compatible with the building and provide an enhancement to the frontage and the character and appearance of the Conservation Area.
- 8.14. The proposed landscaping works to the front and side of the building would improve the setting and the character and appearance of the Markfield Conservation Area.

Iron railings are to be installed to the existing multi level boundary wall which would restore the character of the property. The planter and boundary wall situated to the front of the property and forms the east boundary to the neighbouring property on The Nook, is to be replaced with a boundary wall, which would complement the wider area. It appears that the existing soft landscaping to the side of the property consisting of a section of hedgerow, a small number of shrubs and the remainder laid to lawn is to remain. The existing angled and steep steps to the front door are to be removed and rebuilt. The pathway to the door and flanking planters and brick piers are to be removed to provide room for extra car parking. The existing car parking spaces are laid to gravel but have an untidy appearance with a proliferation of weeds, and a landscaping scheme to be secured by condition to ensure an improved surface treatment for the hardstanding and the provision of a bin store to serve the proposed development is necessary to ensure a high quality finish.

- 8.15. It is therefore considered that the proposal provides public benefits to the site's contribution to the conservation area and the setting of the listed buildings through the proposed improvements to the landscaping surrounding the property. The proposed associated works to create the additional flats are compatible with the setting of the listed building, retaining its special interest thus significance and would not result in any harm to this heritage asset. Therefore the proposal complies with Policies DM11 and DM12 of the SADMP, Section 12 of the NPPF and the statutory duties of Sections 66 and 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact upon neighbouring residential amenity

- 8.16. Policy DM10 of the SADMP state that proposals should not adversely affect the occupiers of the neighbouring properties.
- 8.17. The application site, is situated within an area of predominately residential dwellings. Adjoining the application to the north, is a 112 Main Street, and to the east a detached dormer bungalow.
- 8.18. The enabling works to create 5 flats other than the amendments to the external landscaping is limited to internal works. The proposed development would not result in any additional windows in the building and the outlook from the flats would remain unchanged. Therefore this proposal would not result in any additional overlooking towards neighbouring properties.
- 8.19. Given the limited works proposed by the development, it is not considered that the development would have any adverse impact upon any neighbouring amenity, in terms of overlooking to accord with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.20. Policy DM18 of the SADMP seeks to ensure parking provision appropriate to the type and location of the development.
- 8.21. The existing property currently serves as 3 flats, which equates to 5 bedrooms across the three floors. This proposal would result in a 5 flats, which would have a total of 6 bedrooms, with 2 of the proposed flats being bedsits and therefore only suitable single person occupation. During the course of the application, amended plans have been received which increases the proposed parking provision to 5 off street parking spaces being created. This proposal would be an increase from 3 which currently serves the 5 bedroomed properties.

- 8.22. The 6C's Design Guide, seeks the provision of 6 off street parking spaces to serve the proposed flats. The proposed development would have an under provision of 1 parking space to serve the development. The existing property currently has an under provision of 2 parking spaces. This scheme would therefore be betterment upon the existing arrangement. Furthermore the property is situated within the centre of Markfield and within close proximity to existing bus services into Leicester. There is also on street parking provision within Main Street, and a car park to the south west of the application site on the opposite side of the road, accessed from Uplands Drive. The 6Cs Design Guidance does allow for provision of reduced parking spaces in areas where reliance on private car is reduced. The proposal is therefore not considered to have an adverse impact upon highway safety and would accord with Policy DM18 of the SADMP.

9. Equality Implications

- 9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2. Officers have taken this into account and given due regard to this statutory duty 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.

10. Conclusion

- 10.1. The proposed development would result in two additional flats within the settlement boundary of Markfield in accordance with Policy 7 and 8 of the Core Strategy.
- 10.2. It is considered that the proposal would result in public benefits due to the improvements and enhancements to the landscaping surrounding the Listed Building. The proposed scheme would preserve and complement the character of the area, Markfield Conservation Area and would enhance the setting of the Listed Building and would preserve the special architectural and historic interest in accordance with Policies DM10, DM11 and DM12 of the adopted SADMP and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Area) Act 1990.
- 10.3. The proposed development would not adversely impact upon neighbouring amenity and would protect the amenity of future occupiers. The proposed development would provide five off street parking spaces to serve the proposed development, and given the characteristics of the wider street and the sustainable location it would not result in an adverse impact upon highway safety.
- 10.4. The proposed development accords with Policies 7 and 8 of the Core Strategy and Policies DM1, DM10, DM11, DM12 and DM18 of the SADMP.

11. Recommendation :

11.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

11.2. That the Planning Manager Development Management 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 year from the date of this permission.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Dwg No.A-EX-001 received 24 October 2017, Proposed Site Plan Dwg No. A-PL-001 Rev C, Proposed Ground Floor Dwg No.A-PL-100 Rev C, Proposed first floor plan Dwg No.A-PL-101 Rev B, Proposed second Floor Plan Dwg No.A-PL-102 Rev B, Proposed Basement Plan Dwg No.A-PL-103, Proposed front elevation Dwg No. A-PL-200 Rev B and Proposed Side Elevation Dwg No.A-PL-201 Rev B received by the Local Planning Authority on the 20 December 2017.

Reason: To ensure a satisfactory impact of the development to accord with Policies DM1, DM4, DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies DPD.

3. Prior to the commencement of development, a hard and soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. These details shall include:-

- planting plans
- Hard surfacing materials
- Boundary Treatments
- Bin storage
- Implementation programme

Reason: To ensure that the development has a satisfactory external appearance to accord with Policy DM10, DM11 and DM12 of the Site Allocations and Development Management Policies Development Plan Document.

4. Prior to occupation of the development hereby approved the proposed parking provision shall be fully implemented in accordance with submitted plan Proposed Site Plan Dwg No. A-PL-001 Rev C received by the Local Planning Authority on the 20 December 2017, and shall be maintained and made available at all times in perpetuity.

Reason: To ensure adequate parking is provided and made available to serve the development to accord with Policy DM18 of the Site Allocations and Development Management Policies DPD.

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 or call 01455 238141.