

Planning Committee 12<sup>th</sup> December 2023  
Report of the Head of Planning

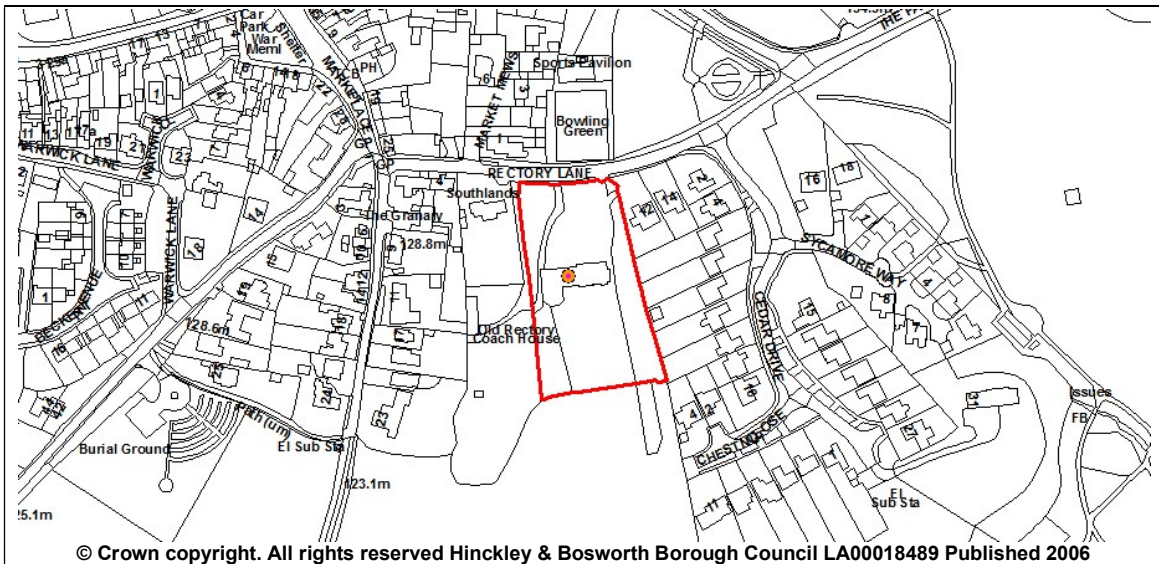


Hinckley & Bosworth  
Borough Council

Planning Ref: 23/00667/FUL  
Applicant: Mr R Litherland  
Ward: Cadeby Carlton M Bosworth & Shackerstone

Site: The Old Rectory 8 Rectory Lane Market Bosworth

**Proposal: Change of use of The Old Rectory from a dwellinghouse (Class C3) to a Specialist Education Needs (SEN) School (Class F1), erection of two single storey classrooms, a Multi-Use Gaming Area (MUGA), revised parking layout with electric charging points, widening of access, replacement perimeter fencing and external landscaping, works to trees and other works.**



**1. Recommendations**

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

- Planning conditions outlined at the end of this report.
- The Head of Planning 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 the change of use of a Grade II Listed Building from a dwellinghouse (Use Class C3) to a Specialist Education Needs (SEN) School (Use Class F1) at The Old Rectory, 8 Rectory Lane, Market Bosworth.

2.2. The development provides school spaces for 40 pupils between 5 and 11 years old and employs 40 full-time equivalent members of staff (30 full-time and 20 part-time). The SEN school operates on a traditional 38-week school term on Mondays to Fridays between 08:00 and 17:00, but the schooling hours are between 08:30 and 15:00.

- 2.3. To accommodate the number of staff and pupils, the scheme provides 40 off-street parking spaces (including four electric charging points) alongside a drop-off parking area.
- 2.4. To facilitate this change of use, an external teaching block, an external therapy pod and a Multi-Use Games-Area are constructed to the rear of the heritage asset. 2.4m high '358 anti-climb mesh' fencing is also proposed to the rear of the site to securely separate the development from its neighbours.
- 2.5. No demolition works are proposed as part of this application and no lifts are provided within the main school as part of this development.
- 2.6. This full planning application is in conjunction with the Listed Building Consent application, 23/00668/LBC.
- 2.7. This development proposal is similar to, and submitted by the same applicant as, the refused planning application 22/01051/FUL at Stretton House, Watling Street, Burbage, which was for the conversion of a non-designated heritage asset into a SEN school for up to 60 children and 40 full-time members of staff.

### **3. Description of the Site and the Surrounding Area**

3.1. The 6,400sqm application site consists of The Old Rectory, which is a Grade II Listed Building. The application site is within historic core of the Market Bosworth Conservation Area (MBCA) in the identified settlement boundary of Market Bosworth, which is classified as a Stand Alone Key Rural Centre within the adopted Core Strategy.

3.2. The Old Rectory is a Listed building of special architectural and historic interest. The listed building entry (National Heritage List England (NHLE) ref 1361308) identifies the building as:

*“Rectory. 1849. Red brick with stone dressings. Slate roof with stone coped gable ends: Brick axial and gable end stacks. Double depth plan of 2 parallel ranges with central entrance hall and with service wing to right (west). Tudor style.*

*2 storeys. 3:3 bay north front. Symmetrical 3-bay main range to left, the centre in - gabled projection with moulded stone 4-centred arch doorway with hoodmould and shallow oriel above with 3-light mullion transom window. Cross-mullion transom windows to left and right with margin glazing bars. Service wing set back on right, similarly, gabled at centre and with smaller cross mullion transom windows with glazing bars. Rear garden front (south), centre of main range recessed slightly at centre with oriel over doorway. 2-storey canted bay window to right, and gabled projection to left with shallow bay window on ground floor with large 4-light mullion transom window, and 3-light window above with nowy-headed hood- mould. Service wing set back slightly to left with 2 mullion transom windows on ground floor and smaller 2-light sashes on first floor, all with glazing bars.*

3.3. The Old Rectory is a large single dwelling located to the east of historic core of Market Bosworth. It is situated within a generously sized, landscaped plot with access via ornate gates from Rectory Lane along the northern boundary. The low-level garden to the rear of The Old Rectory offers views out into the wider countryside beyond.

3.4. The Applicant's Heritage Statement identifies that the original rectory was demolished in 1845-49 and rebuilt under the influence of the Oxford Movement,

with some of the building materials of the previous rectory being reused in the current property. The Old Rectory has also been subject to several extensions and alterations during the 20<sup>th</sup> Century and now no longer fully retains its original plan form or appearance. Certain alterations and additions, including the swimming pool extension, do not contribute to the special interest of the building.

- 3.5. There are also features located within the curtilage of the site and its wider setting that contribute positively to the heritage significance of The Old Rectory. The rear garden has a terrace with modern balustrade wall and stairs from the terrace down to the lawn, from which there is an extensive view to the south into the countryside where the agricultural and rural setting of Market Bosworth can be appreciated.
- 3.6. There are mature trees around most of the perimeter of the gardens which contribute to the semi-rural character of the site and offer considerable visual amenity. However, due to the relatively narrow gap along the rear garden boundary and the preponderance of trees within the site and within the wider countryside, there are no clear views within the site or of the rear elevation of The Old Rectory and its rear garden from the wider area.
- 3.7. To the front, the carriage turning area has been modified but remains extant and the modern brick wall and gate piers, which flank ornate gates, are an excellent and imposing feature which encloses Rectory Lane.
- 3.8. The Old Rectory is located within the Market Bosworth Conservation Area. The Market Bosworth Conservation Area Appraisal (MBCAA) (2014) identifies the impressive grounds around the Old Rectory as a key space and the trees around the perimeter of the grounds as important trees.
- 3.9. Despite its status, there is a general lack of visibility of the building from outside its grounds due to the tall walls along Rectory Lane and the preponderance of trees along the boundary. Nevertheless, due to its architectural and aesthetic value and the impressive verdant grounds, The Old Rectory and its setting provide a positive contribution to the character and appearance of the Market Bosworth Conservation Area.
- 3.10. There is an existing Tree Preservation Order (TPO) within the application site (83/00005/TPO), which consists of 57 trees that are identified within four groups across the site, and nine further individually specified trees. Group G1 is located to the northwest of the Listed Building, whereas Group G2 is located to the southwest of the heritage asset. Group G3 is located to the eastern boundary of the site, and Group G4 is sited towards the south-eastern corner of the site. Trees T4 to T9 are located to the south of Group G4. All the mature and well-established trees around the site are considered to contribute positively to the character and appearance of the Market Bosworth Conservation Area.
- 3.11. To the southwest of The Old Rectory is The Coach House, which has a clear physical and historical relationship with the heritage asset as an ancillary outbuilding. Whilst The Coach House is not mentioned within The Old Rectory's Historic England Listing Entry (1361308), the property is identified within the MBCAA as an Important Local Building. The Coach House was recently granted planning permission to be converted into a new, distinct dwelling via 22/01133/FUL and 22/01152/LBC.
- 3.12. The Old Rectory is accessed via Rectory Lane, which is an adopted and classified 'C' road that is subject to a 30mph speed limit. Rectory Lane is a one-way street,

with vehicles travelling from east to west. The character of Rectory Lane is identified within the Market Bosworth Conservation Area Appraisal (MBCAA) (2014) and comprises:

*“Large, detached dwellings, set well back from the road, with mature trees and hedges [that] present a wooded appearance from the Market Place and define the character of the street. There is a mix of styles from early C19 to late C20 neo-Georgian. The prevalent building material is red brick. Window and door treatments are sympathetic to traditional styles.”*

Furthermore, the MBCAA highlights that The Old Rectory is unusual within the street scene as it features a slated roof.

- 3.13. To the north of the site is Market Bosworth Bowling Club and properties within Market Bosworth. To the east of the site is a number of residential dwellings that are accessed via Cedar Drive, but beyond these properties is Market Bosworth Country Park. To the south of the site is open countryside. The west of the site is the historic core and centre of Market Bosworth.
- 3.14. The Applicant, Witherslack Group Ltd, is a provider of specialist education and care for young people with a range of special needs including communication difficulties and other complex learning needs. Currently, the company operates 29 schools, 24 children’s homes, 3 vocational centres, and 7 integrated learning centres, which provide care and education to over 1,600 young people and employment to 2,000 members of staff.

#### **4. Relevant Planning History**

##### **23/00668/LBC**

- Change of use of The Old Rectory from dwellinghouse (Class C3) to a Specialist Education Needs (SEN) School (Class F1), alterations to the building and other works within the curtilage of listed building.
- Awaiting Decision.
- TBD.

##### **22/01152/LBC**

- Proposed conversion of existing outbuilding and new extension to form new dwelling and associated works.
- Listed Building Consent.
- 23.02.2023

##### **22/01133/FUL**

- Proposed conversion of existing outbuilding and new extension to form new dwelling and associated works.
- Permitted
- 23.02.2023

##### **88/01292/4**

- Retirement homes and flats
- Refused
- 22.11.1988

#### **88/00216/4**

- Demolish single storey out houses and hall attached to house demolish stable and out houses substandard structures for the conversion into NHBC housing
- Conservation Area Consent
- 29.03.1988

#### **86/00625/4**

- Conversion of rectory and stables to 9 retirement homes
- Permitted
- 27.08.1986

### **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 The local ward councillor has stated that the development represented a good use of the site but has expressed concerns about the on-going parking issues in the centre of Market Bosworth and the potential impact of the scheme on the existing parking facilities.
- 5.3 Ten members of the public have responded to the application, from nine separate addresses. Nine of these members of the public objected to the application, whilst a further member of the public offered no objection in principle. The grounds of objection are as follows:
- Harm to the character and significance of a Listed Building.
  - Harm to the character and significance of Market Bosworth Conservation Area.
  - Harm to the character of the surrounding area due to the significant loss of trees.
  - Harm to neighbouring residential amenity via noise pollution.
  - Highway safety issues.
  - Increased on-street parking.
  - Increased traffic.
  - The loss of trees results in loss privacy to neighbouring properties.
  - Severe detrimental impact on existing highway infrastructure due to increased use and congestion.
  - The use is incompatible with the surrounding residential area.

5.4 One member of the public requested that the development be smaller in capacity to mitigate the significant impacts of the scheme. Another member of the public requested that: all vehicles associated with the development must park within the premises of the application site; all possible and practical measures should be taken to ensure pedestrian safety near the site access; the gates should be retained in their present appearance; and all existing trees and hedgerows within and bordering the front and rear grounds of the site should be protected.

5.5 No further responses have been received.

## **6. Consultation**

6.1 The Market Bosworth Society (MBS) made comments in support of the application and suggested that, in many respects, it is a most suitable location for a new special educational needs and disabilities (SEND) school. Whilst the MBS are supportive of the scheme, they have made the following comments:

- The street scene must be preserved.
- The larger gates planned must perfectly match the existing gates in style and colour.
- The heraldic plaques must be retained.
- Any alterations the external faces of the building must use matching materials and styles.
- Internal alterations must be sympathetically completed and must not detract from the protected nature of the building.
- No extensions must be built that are visible from Rectory Lane.
- Any extensions must be of the same style and materials as the existing building.
- The new facility should not exacerbate the existing traffic situation.
- There must be sufficient on-street parking for all users.
- Any large vehicles must not be parked in such a way as to obscure the view of the Old Rectory from Rectory Lane.
- All trees and hedges should be retained, especially those along Rectory Lane.
- Any building ground works must be preceded by an archaeological survey.
- The development must comply with the Market Bosworth Neighbourhood Plan.

6.2 There have been no objections from the following consultants:

- Hinckley & Bosworth Borough Council (HBBC)'s Arboricultural Officer (subject to conditions)
- HBBC's Conservation Officer (subject to conditions)
- HBBC's Drainage Officer
- HBBC's Environmental Services' Pollution Officer (subject to conditions)
- HBBC's Waste Management Officer
- Leicestershire County Council (LCC)'s Archaeology Team (subject to conditions)

- LCC's Ecology Unit (subject to conditions)
- Local Highway Authority (LHA) (subject to conditions)
- Market Bosworth Parish Council

6.3 Historic England did not offer any advice on the application.

Market Bosworth Parish Council

6.4 On 09 August 2023, Market Bosworth Parish Council confirmed that they have no objections to the planning application, but they had several comments that they would like the Applicant and the Local Planning Authority to take into consideration:

- 1) The existing street scene and character setting should be preserved:
  - (a) Mature trees and hedges should be retained.
  - (b) Parked vehicles at the front of the premises should not spoil the aspect and view of this important heritage asset to and from Rectory Lane.
  - (c) The heraldic plaques on the gates should be retained.
  - (d) Any new gates should match the existing in style and colour, and they should not spoil the view of the building from Rectory Lane.
  - (e) New fencing should not spoil the view from Rectory Lane, nor negatively impact on adjacent properties/
  - (f) Any exterior building works should not be visible from Rectory Lane.
- 2) The development should be screened from Sutton Lane.
- 3) A traffic survey should be carried out to ensure the current congested school traffic situation is not exacerbated.
- 4) Any exterior or interior works to the building must be sympathetic in style and material to the existing building.
- 5) Any building works carried out should be preceded by an archaeological survey.
- 6) The Parish Council supports any valid comments by neighbours.

The Local Highway Authority (LHA)

6.5 On 03 August 2023, the LHA advised that the following additional information is required to be submitted prior to the determination of the planning application:

- A Stage 1 Road Safety Audit of the Site Access proposals and a Designer's Response to any problems raised, along with a revised drawing (if necessary).
- Additional Swept Path Analysis of the Site Access as detailed, as well as through the internal layout of the Site.
- Trip distribution analysis of the development traffic.
- Capacity assessments of junctions where 30 or more two-way trips are predicted to be generated as a result of the proposals (following trip distribution analysis) and consideration as to the results. Provision of an

appropriate scheme of mitigation to any junctions where capacity is shown to become an issue as a result of the proposals.

- Consideration and further details as to how arrivals/ departures of minibuses/ taxis/ parents etc. would be managed at school start, and, in particular, finish times when a high number of vehicles may be arriving and waiting to pick up pupils at the same time.
- Further investigation of parking provision within the site to increase the number of non-tandem spaces and clarification as to whether minibus parking spaces would be required.

- 6.6 On 22 September 2023, the Applicant provided a Transport Addendum, a Road Safety Audit and a Road Safety Audit Designer's Response Technical Note to address the previous comments of the Local Highway Authority.
- 6.7 On 11 October 2023, the LHA noted that the Road Safety Audit (RSA) identified three issues with the development, and two of these concerns related to overhanging/ overgrown vegetation that is likely to restrict visibility and street lighting at the access to the site. Consequently, the Applicant agreed to cut vegetation back to enable the 2.4m x 43m visibility splays and stated that any works which are required will be considered at detailed design with arboricultural input.
- 6.8 The other problem that was raised within the RSA was regarding parked vehicles limiting visibility, which could result in pull out type collisions. The Applicant suggested that they would be willing to provide a Traffic Regulation Order (TRO) such as a single yellow line in order to improve visibility at the access. However, the LHA suggested that, given the proximity of the nearby Rectory Lane/ Sutton Lane/ Market Place junction, speeds are likely to be low in this area. In addition, the road is one way, with drivers only needing to look to the right when pulling out of the site access. On this basis, the LHA would not support the implementation of a TRO in the vicinity of the access and requested that a revised drawing was submitted that removes the proposed parking restrictions.
- 6.9 Given the level of traffic that could be generated by the proposals, the LHA are concerned that the existing dropped kerb site access arrangements would not be suitable. The LHA therefore requested that the site access arrangements were revised to consist of a kerbed radii and dropped kerbs. The LHA also advised that one-way signing and road marking should be provided opposite the access as the new development is likely to have a much higher volume of occasional visitors who may inadvertently turn right and head down Rectory Lane in the wrong direction.
- 6.10 Overall, the LHA accepted the Applicant's trip generation and trip distribution analysis. Following the Applicant's submission of a Transport Modelling assessment of the Rectory Lane/ The Park/ Park Street junction, the LHA is satisfied that the junction can operate with spare capacity, along with minimal, if any, queues or delays at the junction. Whilst the Applicant has not undertaken a capacity assessment for the PM school or network peaks, the LHA advised that the level of traffic departing the site in both PM peaks does not warrant a capacity assessment.
- 6.11 Although the LHA requested amendments to the internal parking layout of the site to increase the provision of off-street vehicle parking from 40 to 43, and to reduce the number of parallel parking spaces within the site, the Applicant stated that there are no proposals to amend the parking provision within the site because, in their experience, 40 spaces is adequate for the scheme's needs. The Applicant also advised that the level of parking and the site's echelon parking layout is proposed



due to the constraints of the site resulting from its location within the Conservation Area and its proximity to several Root Protection Areas of protected trees.

- 6.12 Given the above, the LHA accepted the level of parking proposed within the site and that staff familiarity of colleagues working patterns and vehicles may also help to manage tandem parking spaces in time. While there would still be a shortfall of three off-street vehicle parking spaces, the LHA advised that it cannot demonstrate a significant detrimental impact on the highway network in the event that three vehicles were required to park off-site. This is because the centre of Market Bosworth is covered by a package of TROs such as double yellow lines, which should prevent inappropriate staff or visitor parking. In addition, there is a public car park situated across the road from the site and both Rectory Lane and The Park are one way, which allows for a level of on-street parking.
- 6.13 The Applicant also suggested that, if necessary, they would be happy to agree to a suitably worded condition for a Parking Management Plan to be approved by the Local Planning Authority prior to occupation of the scheme. In these site-specific circumstances, the LHA considered this to be beneficial as this would outline the measures that will be taken to prevent vehicles at arrival and departure times backing up on to the highway.
- 6.14 On 16 October 2023, the Applicant provided a revised Transport Assessment, a Vehicle Tracking Plan, and a detailed access arrangement with one-way signage.
- 6.15 On 09 November 2023, the LHA welcomed the amendments to the site access and the additional swept path analysis was considered to be acceptable. However, the LHA have noted that the 2m x 2m pedestrian visibility splays have been shown fully within the highway as opposed to being measured from the back of the footway. The LHA discussed with the Local Planning Authority as to whether the existing wall running alongside the junction radii on both sides of the access could be demolished or relocated to provide the 2m x 2m pedestrian visibility splays, but the Local Planning Authority confirmed that the boundary walls were considered to be an important feature within the Market Bosworth Conservation Area.
- 6.16 Based on this additional information, the LHA considered that tactile paving on both sides of the junction along with the kerbed radii would be sufficient to alert pedestrians to the junction and that care is needed to be taken when crossing. This is also considered to be a safer option than reverting to a dropped kerb arrangement, whereby pedestrians could continue along the footway without paying full attention to the access.
- 6.17 In addition, the LHA considered that, in these site-specific circumstances, the access is likely to be used mostly during term time and the majority of pupils are likely to be transported to and from the school in vehicles rather than walking based on the nature of the school and the Applicant's Transport Assessment. The LHA advised that while tactile paving is not shown on the latest drawing, this could be included as part of the detailed design process.
- 6.18 Given the above, the Local Highway Authority advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe, subject to eight planning conditions.

LCC Archaeology

- 6.19 On 11 September 2023, LCC Archaeology noted that the application site had potential for the presence of Bronze Age archaeological remains. Given the above, LCC Archaeology considered that further evaluation was required in order to provide the baseline archaeological information that is necessary in order to make an informed planning decision. Therefore, LCC Archaeology requested that the Applicant complete an Archaeological Impact Assessment (AIA) of the development prior to determination, which would require a field evaluation (by appropriate techniques including trial trenching) if identified as necessary in the AIA, to identify and locate any archaeological remains or significance, and to propose suitable treatment to avoid or minimise damage by the development.
- 6.20 On 15 September 2023, the Applicant provided a Heritage Statement Addendum that suggested that ground construction is limited due to the location of the external classroom, therapy block and MUGA within Root Protection Areas (RPAs).
- 6.21 On 22 September 2023, LCC Archaeology recommended that, given the high status of the building and the impact of the proposals on the character of the internal spaces, a high level of photographic record, focussing on the spaces impacted by the development was required via a Level 2 'Descriptive Survey' as specified in in Historic England's *Understanding Historic Buildings: A Guide to Good Recording Practise, HE 2016*.
- 6.22 On 22 September 2023, LCC Archaeology stated that the Heritage Statement Addendum was insufficient to clearly understand the implications of the development on the archaeological buried remains due to the depth of topsoil removal and the lack of understanding of the site's levels. Consequently, LCC Archaeology reiterated their position from 11 September 2023.
- 6.23 On 25 September 2023, the Applicant reiterated the minimal ground disturbance caused by the development, and the potential harm to the protected trees in the site as a result of field evaluations such as trial trenching.
- 6.24 On 11 October 2023, the Applicant confirmed that the existing access to the site is retained and that grounds works within the development are minimal because the existing tarmac entrance and inner block paving areas are retained. The Applicant also confirmed that the scheme does not result in a reduction in levels within the site and ground works are localised to the proposed works and existing tree root levels, which is to an anticipated depth of 100 to 150mm and is subject to arboricultural site monitoring and a detailed arboricultural method statement, which are secured via planning condition.
- 6.25 On 16 October 2023, LCC Archaeology stated that, given the depth of the development, the scheme has a reduced likelihood of disturbing buried remains. However, given the potential for significant archaeological remains to be present within the site, particularly for further Bronze Age funerary activity, LCC Archaeology considered that further archaeological investigation and recording remains necessary to ensure that any archaeological remains that may be disturbed within the proposed formation depth are dealt with appropriately.
- 6.26 Therefore, LCC Archaeology have recommended that a planning condition should secure a programme of archaeological work, to be conducted as an initial stage of the proposed development. It should include an archaeological soil strip of the site of the proposed classrooms and MUGA; any exposed archaeological remains should then be planned and appropriately investigated and recorded. In addition, all services and other ground works likely to impact upon archaeological remains

should be appropriately investigated and recorded, such as during the proposed tree removal. Provision must be made within the development timetable for archaeologists to be present during these works, to enable the required level of archaeological supervision.

6.27 Furthermore, a contingency provision for emergency recording and detailed excavation should be made to the satisfaction of your authority in conjunction with your archaeological advisors in this Department's Archaeology Section. The Archaeology Section will provide a formal Brief for the work at the applicant's request. The Applicant should also obtain a suitable Written Scheme of Investigation (WSI) for the archaeological recording from an archaeological organisation acceptable to the planning authority. This should be submitted to this Archaeology Section, as archaeological advisors to the Planning Authority, for approval before the start of development.

6.28 The Applicant agreed to this condition on 19 October 2023.

#### LCC Ecology

6.29 On 13 August 2023, LCC Ecology requested bat activity surveys to be submitted prior to the determination of the application if works are required to the roof of the property. LCC Ecology also expressed concerns regarding the biodiversity net gain calculations and recommended that the ecology reports and biodiversity net gain assessments referred to the arboricultural assessments and that proposed plans were amended accordingly prior to determination.

6.30 On 04 September 2023, the Applicant provided a Nocturnal Bat Survey, a revised Biodiversity Net Gain Assessment, which included additional landscaping and cross-referencing with the Arboricultural Impact Assessment, and a Biodiversity Metric 4.0 calculations tool document.

6.31 On 07 September 2023, LCC Ecology considered the bat activity survey report to be acceptable. The report identifies 10 low-conservation value roosts from two species, and, as such, any works to the roof of The Old Rectory may only proceed with a license from Natural England.

6.32 Nevertheless, LCC Ecology confirmed that all their concerns were addressed, subject to a Biodiversity Enhancement and Management Plan (BEMP) being secured as a pre-commencement planning conditions. This was agreed by the Applicant on 11 September 2023.

#### LCC Tree Officer

6.33 On 19 July 2023, LCC's Tree Officer stated that the application site falls outside of the County Council's 1964 Group Tree Preservation Order at The Park, Market Bosworth. As a result, the Tree Officer has made no comments in support or opposition to the development.

#### HBBC Arboricultural Officer

6.34 On 23 August 2023, the Council's Arboricultural Officer requested further justification for the removal of the Category B T40 Common Ash Tree, which is close to the rear boundary of the site. The Arboricultural Officer also requested a full assessment of the impact of the removal of Cherry Trees T34 to T37 inclusive, and T39.

6.35 Whilst incursions into Root Protection Areas (RPAs) can be mitigated by the use of, "No-dig," cellular confinement systems in theory, the Arboricultural Officer

requested that a Land Surveyor determines the practicability of this method prior to determination. If the Land Surveyor confirms that this a practicable method, then the Arboricultural Officer has requested an Arboricultural Method Statement and timed arboricultural supervision to be secured via planning condition.

- 6.36 The Applicant agreed to the proposed Arboricultural Method Statement and timed arboricultural supervision condition on 23 August 2023.
- 6.37 On 08 September 2023, the Applicant submitted a revised Arboricultural Impact Assessment (AIA). On 04 October 2023, the Agricultural Officer confirmed that they had no further comments on the scheme.

HBBC Conservation Officer

- 6.38 On 11 October 2023, the Council's Conservation Officer considered the works to the Listed Building to have a negligible impact upon its special interest and significance. However, the Conservation Officer has agreed with LCC Archaeology that a planning condition that secures a programme of historic building recording prior to alteration of the property to record and advance the understanding of the significance of the heritage asset is a reasonable request. The Conservation Officer has also requested a pre-commencement planning condition that secures the details and specification of the replacement gates and the arrangement with the gate piers. This was agreed by the Applicant on 19 October 2023.

- 6.39 Notwithstanding this, by virtue of the loss of a number of a trees; the introduction of the external classrooms, the play area, and the MUGA; and the extensive parking to the front of the site, the Conservation Officer considered that the development results in a harmful impact upon the setting of, and ultimately the significance of, the Listed Building and the Market Bosworth Conservation Area. The Conservation Officer considered this harm to be on the lower end of less than substantial harm in terms of the National Planning Policy Framework (NPPF).

- 6.40 Therefore, the Conservation Officer advised that the harm to the significance of the heritage assets should be weighed against the public benefits of the proposal in accordance with the NPPF.

HBBC Pollution

- 6.41 On 19 July 2023, the Council's Pollution Officer requested a Construction Environmental Management Plan was secured via condition, which was agreed by the Applicant on 02 August 2023. The Pollution Officer also requested clarification on the use of any external plants and expressed concerns with the assessment of the ventilation strategy, and the potential noise pollution from the Multi-Use Games Area (MUGA.)

- 6.42 Subsequently, the Applicant arranged a meeting with the Pollution Officer on 07 August 2023. On 11 September 2023, the Applicant provided a revised Noise Impact Assessment.

- 6.43 On 12 September 2023, the Pollution Officer recommended the following planning conditions:

- Construction Environment Management Plan
- Fixed plant noise restrictions
- Site preparation and construction timing restrictions
- Time restrictions on the Multi-Use Gaming Area

- Ventilation strategy for the premises.

These conditions were agreed by the Applicant on 13 September 2023.

6.44 No further responses have been received.

## **7. Policy**

7.1 Core Strategy (2009):

- Policy 7: Key Rural Centres
- Policy 11: Key Rural Centres Stand Alone
- Policy 14: Rural Areas: Transport

7.2 Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016):

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM25: Community Facilities

7.3 Market Bosworth Neighbourhood Plan 2014 – 2026 (MBNP) (2015):

- Policy CE1: Character and Environment
- Policy CE4: Trees

7.4 National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (2023)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

7.5 Other Relevant Guidance:

- Good Design Guide (2020)
- Leicestershire Highway Design Guide (LHDG) (2022)
- Market Bosworth Conservation Area Appraisal (MBCAA) (2014)

## **8. Appraisal**

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

- Principle of development
- Design and impact upon the character of the area, Market Bosworth Conservation Area, and the heritage asset
- Impact upon residential amenity
- Impact upon parking provision and highway safety
- Planning balance

### Principle of Development

8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) identifies 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 planning consideration in planning decisions.

8.3 Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the adopted 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.

8.4 Paragraph 12 of the NPPF states that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. Where planning applications conflict with an up-to-date plan, development permission should not usually be granted unless other material considerations indicate otherwise.

8.5 The current Development Plan consists of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016). 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.

8.6 Both the adopted Core Strategy and the SADMP are over 5 years old, and Paragraph 33 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. Therefore, this report sets out the relevant adopted Core Strategy and SADMP policies and refers to the NPPF and notes any inconsistencies between them.

8.7 Paragraph 20 of the NPPF states that strategic policies should make sufficient provision of community facilities such as health, education, and cultural infrastructure. Paragraph 95 of the NPPF states that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities.

8.8 Therefore, Local Planning Authorities should take a proactive, positive, and collaborative approach to meeting this requirement, and to development that will widen choice in education. Consequently, planning policies and decisions should:

- (a) Give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
  - (b) Work with school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.
- 8.9 To support Key Rural Centres, the Council focus is on improvements to employment, services, facilities, and public transport provision. Policy 7 of the adopted Core Strategy states that the Council will ensure that there is a range of employment opportunities within the Key Rural Centre.
- 8.10 Educational facilities are identified as a community facility within Paragraph 17.4 of Policy DM25 of the SADMP. Policy DM25 of the SADMP states that the Council will seek to support the formation of new community facilities across the Borough. However, to reduce reliance on the private car, new facilities should demonstrate that they are accessible to the community which they intend to serve by a range of sustainable transport modes.
- 8.11 The development provides a new community facility that creates 40 full-time equivalent employment opportunities within the identified settlement boundary of a Key Rural Centre Stand Alone. By virtue of these factors, the development is considered acceptable in principle, subject to the assessment of all other material considerations. Other material considerations are set out within the next sections of the report.

*Design and Impact upon the Character of the Area, Market Bosworth Conservation Area and the Heritage Asset*

- 8.12 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.
- 8.13 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the Local Planning Authority when determining applications for development which affects a Listed Building or its setting to have special regard to the desirability of preserving the Listed Building or its setting or any features of special architectural and historic interest which it possesses.
- 8.14 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.
- 8.15 Section 16 of the National Planning Policy Framework provides the national policy on conserving and enhancing the historic environment. 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.

- 8.16 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.
- 8.17 Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment and heritage assets. All proposals for 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.
- 8.18 Policy 11 of the adopted Core Strategy requires new development to respect the character of the Market Bosworth Conservation Area.
- 8.19 Policy DM10(c) of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.20 Policy CE1 of the MBNP states that all new development within Market Bosworth should be in keeping with its Character Area with regards to scale, layout, and materials to retain local distinctiveness and create a sense of place.
- 8.21 The application site is within Character Area E, which has a tight historic grain, traditional building lines, narrow pavement and winding roads, buildings fronting onto the street or defined with small frontages that are bounded by low walls or railings and are predominantly red brick buildings with clay or slate roof tiles.
- 8.22 Policy C4 of the MBNP states that mature trees and woodland should be protected wherever possible. Development that results in the loss of, or damage to, protected trees and woodlands will not be permitted unless a satisfactory scheme for the replacement of lost trees or mitigation of any damage to the landscape is agreed.
- The Old Rectory
- 8.23 The sole change to the external elevations of the building affects the front elevation and comprises the blocking up of the garage doors within the modern extension and replacement with top light windows surrounded by timber cladding. The proposed works to the external elevations of the building are considered to result in a very limited visual change to the building.
- 8.24 Overall, it is considered that the proposed works to the Listed Building do not have more than a negligible, and not adverse, impact upon its special interest, and therefore the works are compatible with its significance. However, a programme of historic building recording is secured via a condition and completed prior to alteration to record and advance the understanding of the significance of the building.
- Setting of The Old Rectory
- 8.25 Within this development, the site access is widened to allow for larger vehicles to enter the site, which necessitates the removal of the existing gates and modern brick gate piers and reinstating wider gates on the earlier phase brick gate piers. This is not considered to lead to the loss of any significant fabric, subject to an appropriate specification and design of the replacement gates, which should be influenced by the existing and the positive role that they perform in the significance of the site. This is secured via planning condition.



- 8.26 Vehicular parking is proposed within the front garden of The Old Rectory that consists of Geocell surfacing, which is designed to be low impact and result in minimal disturbance to the surrounding retained trees. It is considered that the layout of the carriage turn will remain discernible as part of the parking arrangements. However, when the site is occupied, there is likely to be a considerable number of parked vehicles to the front of the site, which alters the principal views of the site from Rectory Lane. This change of use is also likely to result in a considerable increase in activity to the front of The Old Rectory, which is considered to alter the clearly domestic and relatively tranquil setting of the Listed Building.
- 8.27 Furthermore, whilst it is clear that consideration has been given to the siting, scale, and appearance of the external classrooms, play area, and MUGA, the intervisibility between them is clear and apparent. Consequently, these additional features are considered to have an uncharacteristic presence that clearly alters the domestic and relatively tranquil character of the setting of the heritage asset. However, due to the siting of these structures, the extensive views of the countryside remain. Furthermore, the views are not inhibited to any particular degree by the security fence, which is placed within the retained rear boundary hedgerow, due to the relatively low height of the fence.
- 8.28 Throughout the site, a number of mature trees are removed to facilitate the development. Although no Category A or B trees are lost as a result of this proposal, the loss of a number of trees is still considered to cause a minor reduction to the positive contribution that they make to the semi-rural character of the site, and the level of visual amenity that they offer to the setting of The Old Rectory.
- 8.29 For the reasons above, it is considered that the scheme results in a harmful impact upon the significance of The Old Rectory due to the adverse changes the development has to its setting. However, the magnitude of the harm is considered to be relatively minor, and as such is regarded as 'less than substantial' in terms of the NPPF, and towards the lower end of this spectrum of harm.

#### Market Bosworth Conservation Area

- 8.30 The impacts of the proposal upon the significance of the Market Bosworth Conservation Area are considered to be similar to those upon the setting of The Old Rectory, given their shared characteristics and the contribution that these characteristics make to both heritage assets. The sense of enclosure to the Rectory Lane street scene offered by the existing front boundary walls and trees is retained and is not considered to be adversely affected, subject to a suitable specific arrangement for the replacement of the front entrance gates.
- 8.31 However, the introduction of the classrooms, play area, and MUGA to the rear of The Old Rectory, and the extensive car parking to the front are considered to adversely affect the character of the key space surrounding the building and the loss of a number of trees within the grounds and around the perimeter is likely to reduce the level of contribution that these important features make to the significance of the Conservation Area.
- 8.32 As a result, it is considered that the proposal results in a harmful impact upon the significance of the Market Bosworth Conservation Area, although given the impact of the scheme upon the Conservation Area as a whole, the magnitude of the harm is considered to be minor. As such, the level of harm is considered to be 'less than substantial' in terms of the NPPF, and at the lower end of the spectrum of harm.

- 8.33 To summarise, the development is likely to result in less than substantial harm to the setting of The Old Rectory and the Market Bosworth Conservation Area, which is contrary to, and in conflict with Policy CE1 of the MBNP, Policy 11 of the adopted Core Strategy, Policies DM10, DM11, and DM12 of the SADMP, and Section 16 of the NPPF. Therefore, the harm caused to the designated heritage assets must be carefully weighed up against the public benefits of the proposal as required by Paragraphs 199, 200, and 202 of the NPPF.

Impact upon Residential Amenity

- 8.34 Paragraph 130(f) of the NPPF requires planning policies and decisions to ensure that developments create places that are safe, inclusive, and accessible, and which promote health and well-being, with a high standard of amenity for existing and future users.
- 8.35 Parts (a) and (b) of Policy DM10 of the SADMP state that development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.
- 8.36 The Good Design Guide SPD outlines that development will need to demonstrate that it will not result in loss of amenity to neighbouring properties by way of overlooking, overshadowing or noise.
- 8.37 The Good Design Guide recommends that a principal window to a habitable room should ideally be no less than 8m from the blank side of a single storey neighbouring property, rising to 14m for a two-storey property. In addition, the separation distance between two principal windows to habitable windows should be a minimum of 21m. However, the Good Design Guide also states that, *“An exception to this rule is in an urban location where it may be acceptable to have a reduced distance where issues of amenity and overlooking are dealt with by good design.”*
- 8.38 The scheme does not feature any extensions or alterations to the main property that are likely to result in any overbearing, overlooking, loss of light or loss of privacy to neighbouring dwellings in comparison to the existing building.
- 8.39 However, the use of the site as a school and the provision of external classrooms and a MUGA is considered to increase the use and the noise levels of the site. The classrooms are approximately 12m from the rear site boundaries and 47m from the rear elevations of the properties along Cedar Drive. Therefore, there is the potential that the development may result in detrimental impacts to the residential amenity of neighbouring properties within their private outdoor amenity space as a consequence of noise pollution.
- 8.40 Nevertheless, the site is only utilised within the week during school hours and school term times. Furthermore, the Council’s Pollution Officer has no objections to the scheme subject to planning conditions that restricted the noise of any fixed plants, the times that the MUGA is utilised, and the times that site preparation and construction takes place, alongside a Construction Environment Management Plan and a ventilation strategy for the premises.

- 8.41 Given the limited capacity of the school and the implementation of these planning conditions, it is considered that the scheme is able to mitigate any significant adverse impacts to neighbouring residential amenity.
- 8.42 By virtue of these factors and subject to planning conditions, the scheme is not considered to result in any significant adverse impacts to the residential amenity of neighbouring properties. Therefore, is considered to be in accordance with Policy DM10 of the SADMP and the Good Design Guide.

#### Impact upon Parking Provision and Highway Safety

- 8.43 Paragraph 110 of the NPPF states that it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 111 of the NPPF outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.44 Policy 14 of the adopted Core Strategy requires developments to support accessibility within rural areas by:
- Supporting the delivery of a viable, high quality public transport network between the Key Rural Centres and their nearest urban centre and between the Rural Villages and their nearest Key Rural Centre or urban centre.
  - Supporting the provision of accessible transport services for mobility impaired and rurally isolated residents.
  - Delivering safe cycle paths as detailed in the Hinckley & Bosworth Council's Rural Parishes Cycling Network Plan. This will deliver safe routes to school, to residential and employment areas, Key Rural Centres/urban areas, community, and leisure facilities and into the countryside.
- 8.45 Developers will be required to contribute towards these initiatives through developer contributions and/or land where they meet the tests set out in National Guidance. New development that would prejudice their implementation will not be permitted.
- 8.46 Section 9 of the NPPF promotes sustainable transport. Paragraph 124(c) of the NPPF states that planning decisions should support development that makes efficient use of land, when taking into account, *"The availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use."*
- 8.47 Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 8.48 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.

#### Transport Sustainability

- 8.49 The site is located close to the centre of Market Bosworth. While it is stated that pupils typically arrive by bus or taxi, it is considered that the proposed development

may still generate some level of pedestrian traffic in the event pupils or staff live locally or with staff visiting the village centre during lunch breaks, for example. The site is also located an appropriate 200m from a bus stop with an hourly bus service between Market Bosworth and Leicester, which may be of benefit to staff.

#### Site Access

8.50 The development utilises, and makes amendments to, the existing access point from Rectory Lane into the site. The scheme utilises a dropped kerb access arrangement along with one way signing and lining at the location of the site access.

8.51 The Local Highway Authority (LHA) welcome the amendments to the site access and the additional swept path analysis was considered to be acceptable. However, the LHA have noted that the 2m x 2m pedestrian visibility splays have been shown fully within the highway as opposed to being measured from the back of the footway. To achieve the appropriate pedestrian visibility splays, it is likely the existing boundary wall would have to be removed and/or relocated. Notwithstanding this, it is noted that boundary wall is an important feature within the setting and character of the Conservation Area and the Listed Building.

8.52 Based on this additional information, the LHA considered that tactile paving on both sides of the junction along with the kerbed radii would be sufficient to alert pedestrians to the junction and that care is needed to be taken when crossing. This is also considered to be a safer option than reverting to a dropped kerb arrangement, whereby pedestrians could continue along the footway without paying full attention to the access.

8.53 In addition, the LHA considered that, in these site-specific circumstances, the access is likely to be used mostly during term time and the majority of pupils are likely to be transported to and from the school in vehicles rather than walking based on the nature of the school and the Applicant's Transport Assessment. The LHA advised that while tactile paving is not shown on the latest drawing, this could be included as part of the detailed design process.

#### Highway Safety, Trip Generation and Junction Capacity

8.54 The LHA have confirmed that there have been no Personal Injury Collisions along Rectory Lane from its junction with Market Place and Sutton Lane to the west of the site, and 500m to the east of the access.

8.55 The LHA also accepts that the development is likely to result in 43 additional two-way trips within the network/ school peak AM period, and 22 additional two-way trips within the school's peak PM period. Ultimately, the LHA are satisfied that the Rectory Lane/ The Park/ Park Street junction can operate with spare capacity, along with minimal, if any, impact on queues or delays at the junction.

#### Internal Layout

8.56 In accordance with the parking arrangement requirements of the Highway Requirements Part 4 document of the Leicestershire Highway Design Guide (LHGD), the development requires:

- One car space per member of teaching staff plus three additional spaces
- Where a community wing is to be provided for daytime use, a minimum of five additional spaces shall be provided.

- Provision for access to hard surfaced play areas will be required to provide additional parking for, “*Out of hours,*” functions.
- 8.57 The development consists of up to 40-full time equivalent members of staff (30 full-time and 20 part-time) and no community wing is proposed. On this basis, the LHA advised that 43 vehicular parking spaces are required within the site.
- 8.58 Although the LHA requested amendments to the internal parking layout of the site to increase the provision of off-street vehicle parking from 40 to 43, and to reduce the number of parallel parking spaces within the site, the Applicant has stated that there are no proposals to amend the parking provision within the site because, in their experience, 40 spaces is adequate for the scheme’s needs. The Applicant has also advised that the level of parking and the site’s echelon parking layout is proposed due to the constraints of the site resulting from its location within the Conservation Area and its proximity to several Root Protection Areas of protected trees.
- 8.59 Given the above, the LHA accept the level of parking proposed within the site and that staff familiarity of colleagues working patterns and vehicles may also help to manage tandem parking spaces in time, as well as reception staff. While there would still be a shortfall of three off-street vehicle parking spaces, the LHA advised that it cannot demonstrate impact on the highway network in the event that three vehicles were required to park off-site.
- 8.60 This is because the centre of Market Bosworth is covered by a package of TROs such as double yellow lines, which should prevent inappropriate staff or visitor parking. In addition, there is a public car park situated across the road from the site and both Rectory Lane and The Park are one way, which allows for a level of on-street parking.
- 8.61 The Applicant also advised that pupils are dropped off at the site by either taxi, private vehicle, or minibus. When pupils are dropped off at the site, vehicles will enter the site via the main entrance via Rectory Lane, and drive around the central landscaped area in a clockwise direction and stop outside the main entrance to the school. Pupils are then escorted from the vehicles into the school by a member of staff who acts as ‘drop off and collection marshals’ which then enables the vehicles to immediately leave the site. At collection, pupils are escorted back to the vehicles by staff. A condition is attached requiring a parking management plan for the operational phase of the development to be submitted and approved in writing.

Conclusion

- 8.62 Given the above, it is considered that the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe, subject to nine highway and parking related planning conditions. Therefore, the scheme is regarded as in accordance with Policies DM17 and DM18 of the SADMP, and the LHDG.

Planning Balance and Conclusion

- 8.63 To summarise, the development is likely to result in less than substantial harm to the setting of The Old Rectory and the Market Bosworth Conservation Area. Therefore, the harm of the scheme should be weighed against the public benefits of the proposal in accordance with Policy DM11 of the SADMP, and Paragraph 202 of the NPPF.
- 8.64 Paragraph 199 of the NPPF states that great weight should be given to the conservation of designated heritage assets, and the more important the asset, the greater the weight should be. This is irrespective of the level of harm to the significance of the asset.
- 8.65 Paragraph 200 of the NPPF states that any harm to the significance of any designated heritage asset should require clear and convincing justification. The need for clear and convincing justification is re-iterated in Policy DM12 of the SADMP DPD.
- 8.66 Public benefits may follow from many developments and could 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.
- 8.67 The proposal has been designed to ensure that much of the remaining heritage interest and significance of The Old Rectory is sustained via its conversion and alteration to form a special educational needs facility. Given the fact that the proposed works to the Listed Building do not have more than a negligible impact upon its special interest and significance, this use is likely to be compatible with the physical fabric of the building whilst ensuring that it remains in in long-term occupation. Whilst this may not be the only opportunity to secure a viable use of the Listed Building, the proposed re-use of the property is likely to reduce risks to the heritage asset and support its long-term conservation. Therefore, a limited level of public benefit arises from the development.
- 8.68 Moreover, in accordance with Paragraph 95(a) of the NPPF, the need to create, expand or alter schools through planning decisions is given great weight in the planning balance. This is supported via Policy DM25 of the SADMP, which states that the Council will seek to support the formation of new community facilities across the Borough.
- 8.69 Ultimately, the scheme provides a new educational community facility within a Stand Alone Key Rural Centre. This provides significant non-heritage social and economic benefits through the provision of specialist education and employment opportunities to facilitate the educational use and the construction of the internal and external amendments to the site, which is given significant weight in the planning balance.
- 8.70 On the other hand, whilst the proposal results in some harm to the setting of The Old Rectory and the Market Bosworth Conservation Area, the external classrooms,

play area and MUGA are not visible from Rectory Lane, and their siting retains the extensive views of the open countryside. Furthermore, in spite of the loss of several trees within the site, the sense of enclosure to the Rectory Lane street scene that is offered by the existing front boundary walls and trees is retained and is not considered to be adversely affected by the development. Therefore, it is considered that the harm is likely to be largely limited to within the application site.

8.71 Given the low level of substantive harm caused by the development in comparison to the significant benefit of providing further specialist education community facilities within a Stand Alone Key Rural Centre, it is considered that the benefits of proposal significant and demonstrably outweigh the harm to the setting of the heritage assets in these site-specific circumstances, subject to conditions. Therefore, the development is considered to be in accordance with Policy CE1 of the MBNP, Policies DM10, DM11, DM12, DM17, DM18, DM25 of the SADMP, Policies 7 and 11 of the adopted Core Strategy, Sections 2, 8, 9, 12, and 16 of the NPPF, the statutory duty of Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990, the LHDG, and the Good 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 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 listed below.

## **11. Recommendation**

11.1 **Grant planning permission** subject to:

- Planning conditions detailed at the end of this report.

- That the Head of Planning be given powers to determine the final detail of planning conditions.

## 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:

- Arboricultural Impact Plan Rev B (submitted: 27.09.2023)
- Existing Elevation (submitted: 12.08.2023)
- Existing First Floor Plan (submitted: 12.07.2023)
- Existing Ground Floor Plan (submitted: 12.07.2023)
- Existing Roof and Basement (submitted: 12.07.2023)
- Existing Site Layout (submitted: 12.07.2023)
- Proposed Elevation (submitted: 12.07.2023)
- Proposed External Building (submitted; 12.07.2023)
- Proposed First Floor Plan Rev C (submitted: 31.08.2023)
- Proposed Ground Floor Plan Rev D (submitted: 31.08.2023)
- Proposed Site Layout Rev E (submitted: 26.09.2023)
- Site Location Plan (submitted: 12.07.2023)

**Reason:** To ensure a satisfactory form of development in accordance with Policies DM1, DM10, DM11, and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. No demolition/development shall take place/commence until a Written Scheme of Investigation (WSI) has been submitted in writing to and approved in writing by the Local Planning Authority. For the land and structures that are included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and:

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination, and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.



**Reason:** To ensure a satisfactory historic building survey and to record and advance understanding of the significance of the affected resource prior to its loss in accordance with Policies DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and Section 16 of the National Planning Policy Framework (2023).

4. Prior to the commencement of the development details of the replacement gates and works to the gate piers at the site entrance from Rectory Lane shall be submitted in writing to and approved in writing by the Local Planning Authority. The works shall be carried out in full accordance with the approved details. The details shall include:
  - Elevational and sectional drawings to a recognised scale.
  - The materials, colour and finish of the gates and gate piers.

**Reason:** To preserve the significance of the Market Bosworth Conservation Area in accordance with the requirements of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policies DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. Prior to commencement of development a Construction Environmental Management Plan shall be submitted in writing to and agreed in writing by the Local Planning Authority. The plan shall detail how, during the site preparation and construction phase of the development, the impact on existing and proposed residential premises and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light, and land contamination. The plan shall detail how such controls will be monitored.

The plan will provide a procedure for the investigation of complaints. The agreed details shall be implemented throughout the course of the development.

**Reason:** To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. Prior to the commencement of the development, a Biodiversity Enhancement and Management Plan (BEMP) shall be submitted in writing to, and approved in writing by, the Local Planning Authority. The plan shall include:
  - (a) Description, evaluation, and location of the ecological features and biodiversity enhancement measures to be created and managed.
  - (b) Ecological trends and constraints on site that might influence management.
  - (c) Aims and objectives of biodiversity enhancements and their management including for protected species.
  - (d) Appropriate management options for achieving the aims and objectives of the project.
  - (e) Prescription for management actions
  - (f) Preparation of a work schedule.

- (g) Details of the body or organisation responsible for implementation of the plan.
- (h) On-going monitoring and remedial measures.

The development shall be implemented in accordance with the approved BEMP.

**Reason:** In order to protect the protected wildlife species and their habitats that are known to exist on site to accord with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

- 7. Prior to the commencement of the development, an Arboricultural Method Statement (AMS) should be submitted in writing to, and approved in writing by, the Local Planning Authority. The Method Statement should identify:
  - Individual responsibilities and key personnel
  - Statement of delegated powers
  - Timing and methods of site visiting and recording keeping, including updates.
  - Procedures for dealing with variations and incidents.

The development shall be implemented in accordance with the approved AMS.

**Reason:** To ensure that the trees on site are to be retained and adequately protected during and after construction in the interests of the visual amenities of the area and biodiversity in accordance with Policy CE4 of the Market Bosworth Neighbourhood Plan (2014), Policies DM6, DM10, DM11, and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraph 170 of the National Planning Policy Framework (2023).

- 8. No development shall commence on the site until such time as a construction traffic management plan, including, as a minimum, details of the routing of construction traffic, vehicle parking facilities, and a timetable for their provision, has been submitted in writing to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

**Reason:** To ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area in accordance with Policies DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and the National Planning Policy Framework (2023).

- 9. Site preparation and construction shall be limited to the following hours:

Monday – Friday 07:30 – 18:00

Saturday 08:00 – 13:00

No working on Sundays and Bank Holidays

**Reason:** To protect the amenities of the occupiers of neighbouring residential properties from unsatisfactory noise and disturbance in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

10. The use of the Multi Use Games Area shall be limited to Monday-Friday 08:30-15:00.

**Reason:** To protect the amenities of the occupiers of neighbouring residential properties from unsatisfactory noise and disturbance in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11. The rating level of the noise emitted from any fixed plant or equipment located at the site shall not exceed the existing background level at any premises used for residential purposes surrounding the site when assessed in accordance with BS 4142:2014+A1(2019).

**Reason:** To protect the amenities of the occupiers of neighbouring residential properties from unsatisfactory noise and disturbance in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

12. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 5 metres of the highway boundary, nor shall any be erected within a distance of 5 metres of the highway boundary unless hung to open away from the highway.

**Reason:** To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with the National Planning Policy Framework (2023).

13. The development hereby permitted shall not be brought into use until a scheme of hard and soft landscaping works, including boundary treatments, for the site including an implementation scheme, has been submitted in writing to, and approved in writing by, the Local Planning Authority. The scheme shall be carried out in full accordance with the approved landscaping scheme. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period, any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

**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).

14. No part of the development shall be occupied until such time as the offsite works (one way signing and lining) shown on ttc drawing number 210777-01 Rev C have been implemented in full.

**Reason:** To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2023).

15. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on ttc drawing number 210777-01 Rev C have been implemented in full.

**Reason:** To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2023).

16. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 43 metres to the east of the access have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

**Reason:** To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (2023).

17. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Space Architecture & Design Ltd drawing number 23.009(9)-001 Rev E. Thereafter the onsite parking (and turning) provision shall be kept available for such uses 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 (2023).

18. No part of the development hereby permitted shall be occupied until such time as site drainage details have been provided in writing to and approved in writing by the Local Planning Authority. Thereafter surface water shall not drain into the Public Highway and thereafter shall be so maintained.

**Reason:** To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with the National Planning Policy Framework (2023).

19. The development hereby permitted shall not be occupied until such time as the access drive (and any turning space) has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

**Reason:** To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with the National Planning Policy Framework (2023).

20. Prior to the occupation of the development, a scheme for ventilation of the kitchen(s) within the premises, which shall provide full details of the system including installation method, maintenance and management has been submitted in writing to and agreed in writing with the Local Planning Authority. The approved scheme shall be implemented in accordance with the agreed details before the premises are first brought into use for the development hereby approved and maintained in use thereafter.

**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).

21. The development shall be carried out in full accordance with the Tree Protection Plan Rev B within Appendix 3 of the Arboricultural Impact Assessment 1535-AIA-V1-C (submitted: 08.09.2023)

**Reason:** To ensure that the existing trees on the site are retained and protected in accordance with Policy C4 of the Market Bosworth Neighbourhood Plan (2015), Policies DM6 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraph 170 of the National Planning Policy Framework (2021).

22. The development hereby permitted shall not be first used until such time as a Parking Management Plan has been submitted in writing to, and approved in writing by, the Local Planning Authority. The use and operation of the development shall thereafter be carried out in accordance with the approved details at all times.

**Reason:** To ensure that the development does not exacerbate existing parking problems in the area in accordance with Policies DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and the National Planning Policy Framework (2023).

a. **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. The 'Programme of Work' referred to in Condition 03 is the Level 2 Historic Building Survey recording during development, in accordance with the Specification to be agreed.
3. The Written Scheme of Investigation must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.
4. The Historic and Natural Environment Team, as advisors to the Planning Authority, will monitor the archaeological work, to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the Planning Authority.

5. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
6. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>
7. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
8. Nesting birds are protected under the Wildlife & Countryside Act 1981) as amended); therefore, all removal of trees, shrubs, and hedges should take place outside the breeding season (March to August inclusive) unless carefully checked beforehand by a suitably qualified person.
9. This development will require a European Protected Species (EPS) License for bats to make it lawful. You must be aware that to proceed with the development without first obtaining an EPS License could result in prosecution.
10. The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance, or alternatively assembled from modular surface water storage/soakaway cell systems, incorporating silt traps. Design and construction of all types of soakaways will be subject to the approval of the Building Control Surveyor.
11. Any access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet (See Environment Agency guidance on the permeable surfacing of front gardens).