

Planning Committee 12th December 2023
Report of the Head of Planning

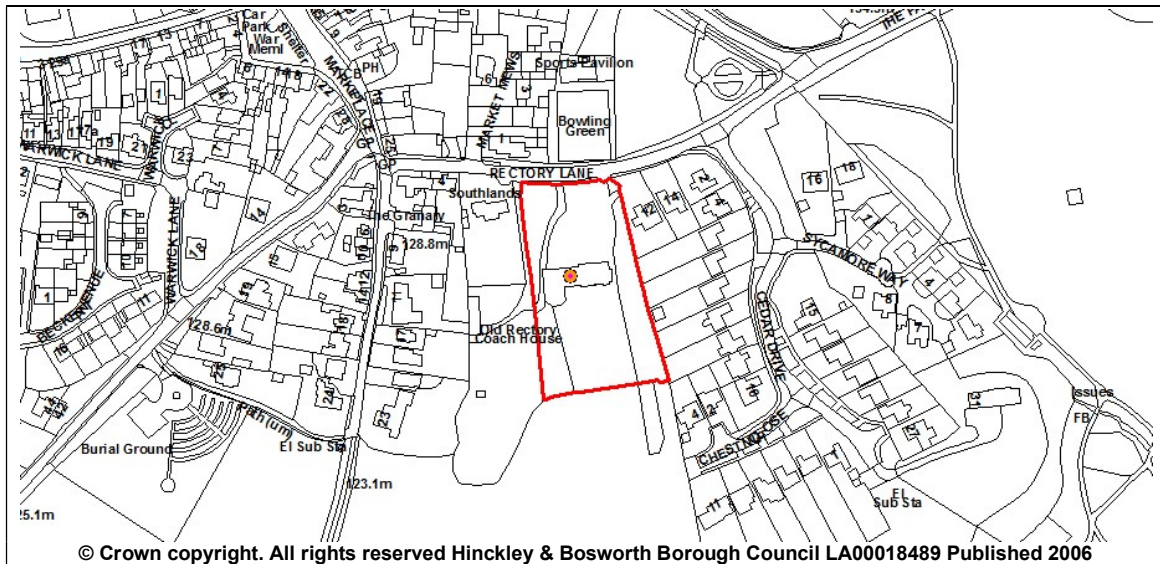
Planning Ref: 23/00668/LBC
Applicant: Mr R Litherland
Ward: Cadeby Carlton M Bosworth & Shackerstone



Hinckley & Bosworth
Borough Council

Site: The Old Rectory 8 Rectory Lane Market Bosworth

Proposal: 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.



1. Recommendations

1.1. Grant Listed Building Consent subject to:

- Conditions outlined at the end of this report.
- That 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 Listed Building Consent for the various internal and external alterations to change the 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. The works required to facilitate this change of use include the creation of partition walls within the entrance hall and subsidiary rooms across both floors to create new spaces and rooms, encasing features including the main stair balustrade, installing independent walls and suspended ceilings to allow for service runs, changes within

the modern extension to create a dining area, and the removal of some doors and creation of others throughout.

- 2.4. The lathe and plaster ceiling, existing coving, fireplace, and window surrounds in the meeting room adjacent to the main entrance are all retained and unaffected by the development, and elsewhere in the building there are other limited historical features within the building, including skirtings, are retained and repaired as required.
- 2.5. No demolition works are proposed as part of this application. The sole change to the external elevation of the building effects 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.
- 2.6. 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.
- 2.7. This Listed Building Consent application is in conjunction with the full planning application, 23/00667/FUL.

3. Description of the Site and the Surrounding Area

- 3.1. 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 hoodmould. 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.

Interior: Moulded plaster arch across hall which has large open well, moulded string staircase at back with twisted balusters and panelled newels with ogee finials and pendants. Most of the original joinery survives including panelled doors and there are some marble chimneypieces. The northeast ground floor room has large safe with iron door built into the wall."

- 3.2. 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. To the east are the rear gardens of the modern residential properties on Cedar Drive, to the west are two buildings set within their own grounds (Southlands and The Old

Rectory Coach House) and to the south there is a low-level garden to The Old Rectory with views out into the wider countryside beyond.

- 3.3. 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 extensions and alterations during the 20th Century and 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.
- 3.4. 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.
- 3.5. 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. Conversely, 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 and of the rear elevation of The Old Rectory and its rear garden from the wider area.
- 3.6. To the front the carriage turn 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.
- 3.7. 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 and distinct dwelling via 22/01133/FUL and 22/01152/LBC.

4. Relevant Planning History

22/01152/LBC

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

93/00062/4L

- Demolition of outbuildings and extensions to listed building
- Refusal of Listed Building Consent
- 24.04.1993

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 In total, four members of the public have responded to this application. One member of the public has responded in support of the development because it is an ideal location for a school. However, two members of the public have objected to the scheme, and a further member of the public offered no objection to the scheme in principle but raised concerns on the following grounds:

- Disruption due to construction works.
- Harm to neighbouring residential amenity via noise pollution.
- Increased traffic.
- Loss of mature trees.
- Safety issues regarding diseased trees on site.

5.3 No further responses have been received.

6. Consultation

6.1 The Market Bosworth Society (MBS) have made comments in support of the application and have 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)
- Leicestershire County Council (LCC)'s Archaeology Team (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'd 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.

HBBC Conservation Officer

- 6.5 On 11 October 2023, the Council's Conservation Officer considered the works to the Listed Building have a negligible impact on 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.
- 6.6 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). 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.

7. Policy

7.1 Core Strategy (2009)

- N/A

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

- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets

7.3 National Planning Policies and Guidance

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

7.4 Other relevant guidance

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

8. Appraisal

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

- Impact upon the Listed Building

Impact upon the Listed Building

- 8.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the Local Planning Authority when considering whether to grant Listed Building Consent to have special regard to the desirability of preserving the building or its setting or any special features of special architectural and historic interest which it possesses.
- 8.3 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.
- 8.4 Policies DM11 and DM12 of the Site Allocations and Development Management Policies Development Plan Document seek to protect and enhance the historic environment and heritage assets. All proposals for extensions and alterations of Listed Buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building.
- 8.5 Specifically, DM12 refers to Heritage Assets and development proposals affecting heritage assets and their settings. For Listed Buildings development will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting.

The Old Rectory

- 8.6 The proposals involve the sub-division of a number of rooms, which results in an alteration to the building's historic spatial organisation. However, the building has been greatly altered internally over time, and these latest proposed changes do not drastically alter this arrangement. The best-preserved room in terms of plan form, the meeting room, remains unaltered in its arrangement and the internal features of interest contained within it. Elsewhere through The Old Rectory in other rooms where the relatively limited number of historic features and fabric remain, they are either unaffected by the proposal or low impact and reversible works are proposed.
- 8.7 The sole change to the external elevations of the building effects 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.
- 8.8 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

- 8.9 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.

- 8.10 Vehicular parking is proposed within the front garden of The Old Rectory that consist 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.
- 8.11 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 its relatively low height of the fence.
- 8.12 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.
- 8.13 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 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 Policies DM11 and DM12, Section 16 of the NPPF, the statutory duty of Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.

Equality Implications

- 8.1 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.

8.2 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.

8.3 There are no known equality implications arising directly from this development.

8.4 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).

9. Conclusion

9.1 The proposal is compatible with the significance of the Listed Building known as The Old Rectory, and therefore the proposal complies with Policies DM11 and DM12 of the SADMP, Section 16 of the NPPF and the statutory duty of Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.

10. Recommendation

10.1 **Grant Listed Building Consent** subject to:

- Conditions outlined at the end of this report.

10.2 Conditions and Reasons

1. The works to which this consent relates shall be begun before the expiration of three years from the date of this consent.

Reason: To conform with Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by 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 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 preserve the special interest of the building in accordance with the requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with Policies DM11 and DM12 of the Site Allocations and Development Management Policies Development Plan Document (2016).