

Planning Committee 20 July 2021  
Report of the Planning Manager

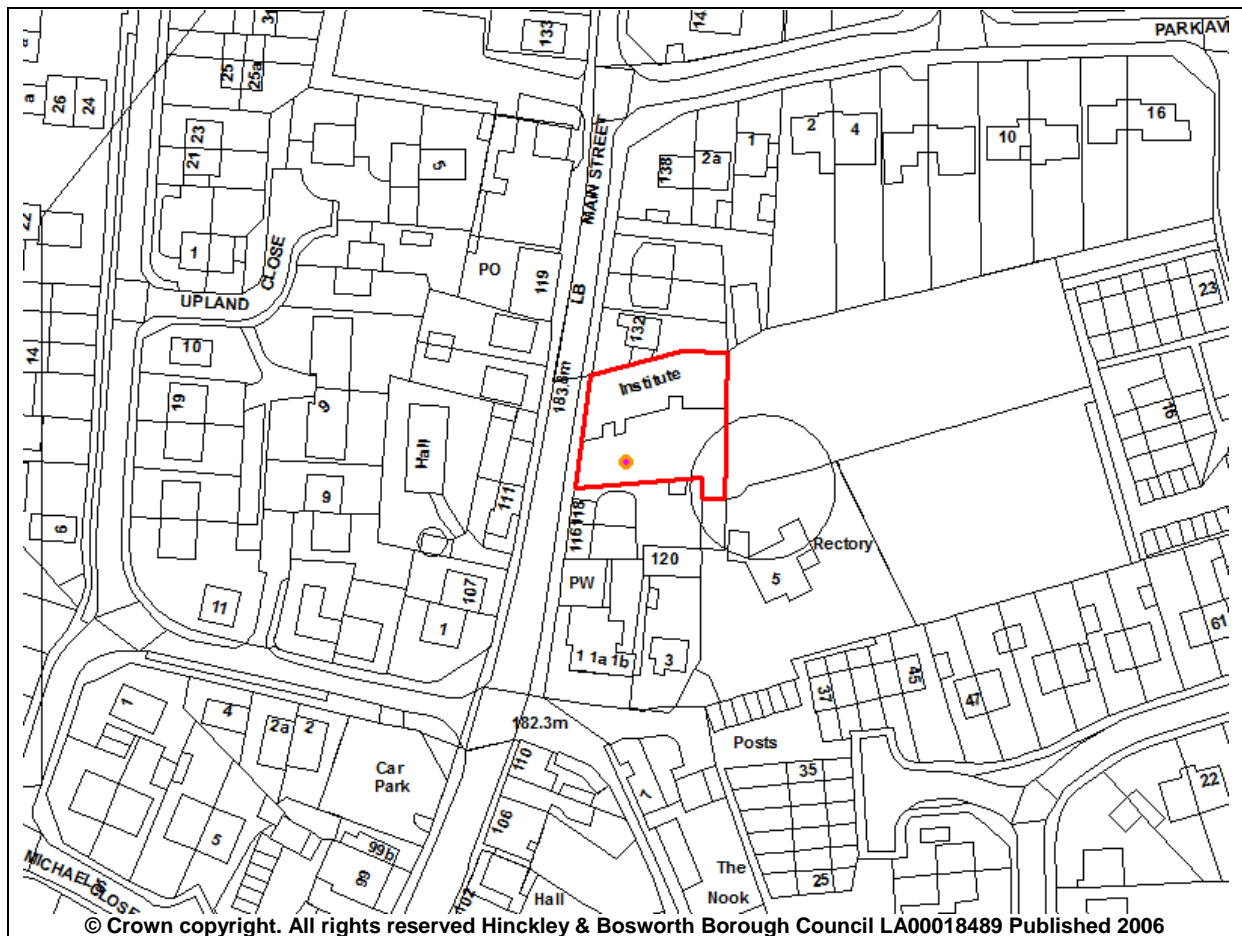
Planning Ref: 20/01324/CONDIT  
Applicant: Mr Harbot  
Ward: Markfield Stanton & Fieldhead



Hinckley & Bosworth  
Borough Council

Site: 128 Main Street Markfield Leicestershire

Proposal: Variation of conditions 2 and 4 of planning permission 14/01082/FUL, to remove the granite plinth from front elevations and the erection of canopies above front doors (Part retrospective)



**1. Recommendations**

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

- Planning conditions outlined at the end of this report

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

**2. Planning application description**

**2.1. This application seeks to vary condition 2, the plans condition and condition 4 which seeks the submission and agreement of materials prior to commencement attached to planning permission 14/01082/FUL**

- 2.2. Planning permission 14/01082/FUL approved the demolition of existing building and erection of 3 dwellings. The dwellings have been erected and are ready for occupation.
- 2.3. The proposal seeks to include the erection of canopies above the front doors of the dwellings, as well as changes to the materials within the front elevation of the proposed dwellings.
- 2.4. The primary change would be the loss of the proposed stone plinth along the front elevation of the proposed dwellings.

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

- 3.1. The application site occupies an area which was formerly the site of the Miners Welfare building which was a single storey building and has been demolished and three approved dwellings have been erected in its place. The application site is located to the east of Main Street within the Markfield Conservation Area. There are residential properties to the north, south and west and an area of public open space is situated to the east. Dwellings within Main Street are varied in terms of style and age, and also provides for a varied mix in materials.

### **4. Relevant planning history**

#### **09/00945/FUL**

- Demolition of existing meeting hall and redevelopment of three town houses  
Permitted  
14.04.2010

#### **09/00946/CON**

- Demolition of the existing meeting hall for development of a terrace of three town houses  
Permitted  
14.04.2010

#### **11/00764/FUL**

- Partial demolition of existing buildings to form a refurbished office and dwelling and the erection of one new dwelling  
Refused  
16.11.2011

#### **11/00765/CON**

- Partial demolition of meeting hall to facilitate development  
Refused  
16.11.2011

#### **12/00543/FUL**

- Partial demolition of existing buildings to form a refurbished office and dwelling and the erection of one new dwelling  
Permitted  
07.11.2012

#### **12/00544/CON**

- Partial demolition of existing buildings to form a refurbished office and dwelling and the erection of one new dwelling  
Permitted  
07.11.2012

## **14/01082/FUL**

- Demolition of existing building and erection of 3 dwellings (revised scheme)  
Permitted  
11.02.2015

### **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 and no objections have been received during the course of the application.

### **6. Consultation**

6.1. No objections have been received from:-

- Environmental Health (Pollution)
- Environmental Health (Drainage)
- Leicestershire County Council (Highways)
- Leicestershire County Council (Ecology)

6.2. Councillor Lay has objected on the following grounds:-

- 1) The site is sensitive to the community of Markfield and the development as proposed falls well short of what was expected and should be expected in a conservation area.
- 2) The variations now being sought I believe to be a deliberate act by the developer.
- 3) This was the 4th variation of scheme for the site and in all conversations the Borough Council had been clear that retention of granite in the building design on the houses was essential along with slate roofs.
- 4) Similar developments along Main Street have stone frontages.
- 5) The types of problems suggested as the reason for not progressing the granite would not be an issue if they followed the correct building process as originally agreed.
- 6) The dominance of the brickwork in the design removes any relationship to it being in the conservation area or a development to enhance it.
- 7) The proposal detracts from the conservation area and is a step back.
- 8) Further to this a memorial plaque was to be placed above the archway and is integral to the agreed scheme design, another deviation.

6.3. Markfield Parish Council have objected on the following grounds:-

- 1) Development was given permission on the basis that it would enhance the conservation area on the basis on the materials used
- 2) The site location is important as the building which was knocked down was the villages war memorial and hence the sensitivity.
- 3) The changes remove the possibility of enhancement and weaken the status of the conservation area.
- 4) The developer should stick to what was originally granted.

### **7. Policy**

7.1. Core Strategy (2009)

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

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

- Policy DM1: Presumption in Favour of Sustainable Development

- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

### 7.3. National Planning Policies and Guidance

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

### 7.4. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)
- Markfield Conservation Area Appraisal 2010
- Markfield Neighbourhood Plan

## 8. Appraisal

### 8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Previously imposed conditions

#### Assessment against strategic planning policies

- 8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) (2019) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.
- 8.3 Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) and the Site Allocations and Development Management Policies DPD (2016).
- 8.4 The Markfield Neighbourhood Plan is at Regulation 18 stage, and therefore the plan can proceed to referendum prior to becoming part of the Development Plan. As such, whilst the plan cannot be afforded full weight, the plan is afforded significant weight.
- 8.5 The application site is located within the settlement boundary of Markfield. Markfield is designated as a Key Rural Centre relating to Leicester. Given the application is situated within the defined settlement boundary of Markfield and already benefits from the grant of planning permission for the development of three dwellings. The principle of development in this location is considered acceptable subject to other material planning considerations.

## Design and impact upon the Markfield Conservation Area

- 8.6 Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. Policy 8 of the adopted Core Strategy requires new development to respect the character and appearance of the Markfield Conservation Area Policy M10 of the Markfield Neighbourhood Plan identifies that development must be sympathetic to local character and history unless the development is of exceptional quality or innovative design.
- 8.7 Policies DM11 and DM12 of the Site Allocations and Development Management Policies (SADMP) DPD seek to protect and enhance the historic environment. Development proposals should ensure the significance of a conservation area is preserved and enhanced.
- 8.8 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.
- 8.9 Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraphs 193-196 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.
- 8.10 The application site is situated within the Markfield Conservation Area, and consists of three recently constructed dwelling, which replaced the Miners Welfare Hall. The dwellings comprise of a terrace with undercroft parking and access. The Markfield Conservation Area Appraisal (2010) identifies that the traditional building in the conservation area is local granite with the use of red brick being more occasional.
- 8.11 Planning approval 14/01082/FUL granted planning permission for the dwellings, subject to agreement of materials which were reserved by condition. The dwellings are set back off Main Street with small front gardens situated behind a small granite stone boundary wall. The approved constructive materials were agreed to be constructed of red brick upon a local granite plinth to the front elevation, with slate roof. The materials were considered traditional and appropriate in preserving the character and appearance and thus the significance of the Markfield Conservation Area.
- 8.12 The dwellings subject to application 14/01082/FUL have been constructed with red facing brick (Hurstwood Multi Brick) without the approved granite plinth along the front elevation of the dwellings. In addition to this change within the front elevation, the application also seeks to include three new canopies above each door on the front elevation. The proposed canopies are of simple cottage style with a dual pitched roof sat on a frame and brackets to fix to the wall. The canopies by virtue of their simple form and appearance are considered to complement the proposed dwellings and such canopies can be observed along Main Street. However details of the finished materials have not been provided as part of this application and should permission be granted details of the material are considered necessary in ensuring that a slate is used to match the existing dwellings (which have a natural slate tile) is secured ensuring that that character and appearance of the conservation area is conserved by these additions.

- 8.13 The submitted design and access statement which accompanies the application identifies that there was construction issues with including the approved granite plinth, and it would not be feasible to retrospectively fit a plinth as it would likely result in water egress, and therefore this application seeks to retain the red facing brick. Due to the erection of the stone wall to the frontage of the application site, visibility of the approved stone plinth would be limited within the streetscene of Main Street due to the low level screening provided by the wall. Therefore when having regard to the visual effect from the use of an appropriate brick which is reflective of the Markfield Conservation Area, across the front elevation of the dwellings the loss of the stone plinth is considered negligible, and not an adverse impact, upon the character and appearance of the dwellings and the wider conservation area.
- 8.14 Comments have been received in respect to the dwellings being finished with rendering rather than facing red brick. However the Markfield Conservation Area Appraisal identifies that the use of render for facing walls within the conservation area is not unpleasant but it is not a traditional material. It is noted that within Main Street and the wider conservation area the use of rendering can be observed, however the use of rendering over the red brick dwellings which have been erected would not be warranted when an acceptable traditional red brick has been used within the development.
- 8.15 The approved elevation plan granted under 14/01082/FUL also sought to retain and erect the Miners Hall plaque and fix it above the entrance to the undercroft within the front elevation. The plaque was not salvageable due to the age and timber rotting, and therefore during the course of this application a suitable alternative has been sought, such as a blue plaque to match existing heritage plaques found within the wider village. The proposed plaque would reflect the history of the site, and ensure that this aspect of the development conserves the historic interest of the conservation area. The final details of the plaque are ongoing and will be reported by way of late item.
- 8.16 Therefore by virtue of the appropriate construction materials of the facing walls, the appropriate form, siting and construction materials of the canopies which would be subject to conditions, and the erection of a heritage sign or plaque the proposal is considered to have a neutral impact on the character and appearance and thus significance of the Markfield Conservation Area, and therefore it complies with Policies DM10, DM11 and DM12 the SADMP, section 16 of the NPPF and the statutory duty of section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and Policy M10 of the emerging Markfield Neighbourhood Plan .
- Impact upon neighbouring residential amenity
- 8.17 Policy DM10 of the SADMP states that any new development should not have a significant adverse effect upon the privacy and amenity of nearby residents and occupiers of the adjacent buildings.
- 8.18 The alterations to the original scheme are limited, however the proposal does include small canopies above the front doors. However given their limited projection set in from the respective boundaries would not result in any neighbouring amenity impacts.
- 8.19 All other elements of the original scheme have already been assessed in the original scheme as causing not significant neighbouring amenity impacts.
- 8.20 The current scheme would therefore accord with Policy DM10 of the SADMP in this regard.

#### Impact upon highway safety

- 8.21 Policies DM17 and DM18 of the SADMP requires adequate access and an appropriate level of parking provision for all developments according to their site location.
- 8.22 The original scheme has already been assessed as having no adverse impacts upon highways safety or parking standards. The current scheme would not alter this assessment.
- 8.23 The current scheme therefore accords with Policy DM17 and DM18 of the SADMP.
- #### Previously imposed conditions
- 8.24 It is necessary to consider whether or not it is appropriate to re-impose the conditions attached to the original permission granted under 14/01082/FUL. 14/01082/FUL is subject to thirteen conditions; Conditions 2 and 3 are sought to be varied through this application. Should permission be granted for the current application, all other conditions in 14/01082/FUL are considered suitable and reasonable and should all be carried forward to this permission notwithstanding some amendments, addressed below.
- 8.25 Condition 1 is a standard time limit condition. However, work has since commenced on site and therefore this condition is no longer necessary.
- 8.26 Condition 2 is a schedule condition listing the approved plans and details. The amendments proposed in the current application have necessitated drawing revisions. In doing so, the current application seeks to amend this condition and thus its details in 14/01082/FUL should be amended accordingly.
- 8.27 Condition 3 seeks to ensure that no demolition or development commences without a written scheme of investigation detailing suitable archaeological work have been submitted and approved. This condition has been discharged accordingly and the development carried out.
- 8.28 Condition 4 seeks to be amended through the consideration of this application. The materials condition would be required updating to ensure that the proposed canopies are constructed with sympathetic materials.
- 8.29 Condition 5 removes permitted development right from the dwellings, this condition shall be re-imposed to ensure that any development has a satisfactory external appearance given the positioning within the Markfield Conservation Area.
- 8.30 Condition 6 requires a site management plan, however the dwellings are erected, and ready for occupation therefore this condition is not considered to be reasonable or necessary to be re-imposed.
- 8.31 Condition 7 seeks window and door details to be agreed prior to development, this condition has been discharged and the development carried out accordingly and therefore this condition is no necessary.
- 8.32 Condition 8 requires the development to be implemented in accordance with the recommendations contained within the protected species survey. The development has been carried out and therefore this condition is no longer necessary.
- 8.33 Condition 9 requires the agreement and implementation of hard and soft landscaping scheme, the details of landscaping has been agreed through the discharge of condition, this condition shall therefore be reword to reflect the agreed details to ensure they are completed in full prior to the first occupation of any of the dwellings.

- 8.34 Condition 10 requires the parking to be laid out and made available prior to occupation, this condition shall be re-imposed to ensure that the parking is retained as available prior to occupation.
- 8.35 Condition 11 and 12 relate to access surfacing and details of the access to be agreed prior to commencement. The technical details of the access have been submitted and agreed through the discharge of conditions, and therefore condition 11 is no longer necessary and condition 12 shall be reworded to reflect the agreed details which are required to be completed prior to occupation.
- 8.36 Condition 13 ensures that no chains, gate or barriers are erected at the entrance of the vehicle access, this condition shall be re-imposed in the interest of highway safety.

## **9. Equality implications**

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

## **10. Conclusion**

- 10.1. The application site is located within the settlement boundary of Markfield where residential development is generally supported by Policy 7 and 8 of the Core Strategy. The principle of development on this site has also been previously established through the grant of planning permission.
- 10.2. The changes from the original approval would have a neutral impact on the character and appearance of the Markfield Conservation Area, due to the appropriate use of materials and sympathetically designed canopies and as such are considered to preserve the significance of the Markfield Conservation Area. Accordingly the proposed would comply with Policies DM10, DM11 and DM12 of the SADMP, Section 16 of the NPPF and the statutory duty of section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 10.3. The parking and access have previously been considered acceptable and this scheme would have no impact upon that arrangement, the proposal due to its limited changes would not result in any additional impacts upon neighbouring properties, drainage, ecology or archaeology and therefore the proposed



development would continue to accord with Policies DM6, DM10, DM17 and DM18 of the SADMP and therefore recommended for approval subject to conditions.

## 11. Recommendation

### 11.1 Grant planning permission subject to:

- Planning conditions outlined at the end of this report

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

### 11.3 Conditions and Reasons

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:
  - BR Proposed Second Floor Plan, elevations, section and roof plan Dwg No.417.04D received on the 15 January 2021.
  - Site plans drawing No.2014/09/184B (Scale 1:1250, 1:500, 1:100), Proposed Site Drawing No 2014/09/184B (Scale 1:200) received by the Local Planning Authority on 6 January 2015.

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

2. Notwithstanding the approved plans, prior to the erection of the proposed door canopies representative samples of the types and colours of materials to be used in their construction shall be deposited with and approved in writing by the Local Planning Authority. The canopies shall be implemented in accordance with those approved materials.

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any order revoking or re-enacting that Order with or without modification) development within Schedule 2: Part 1, Classes A - E inclusive, G and H and Part 2 shall not be carried out unless planning permission for such development has first been granted by the Local Planning Authority.

**Reason:** To ensure that the development has a satisfactory external appearance and acceptable impact upon the Markfield Conservation Area to accord with Policies DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. Prior to first occupation of the dwellings hereby approved the landscaping shall be carried out in accordance with the details contained within the Landscaping 2089\_PL\_01 C Detailed Planting Plan received by the Local Planning Authority on the 06 June 2018, shall be completed.

**Reason:** In the interests of visual amenity to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. Prior to the occupation of the first dwelling hereby approved the car parking and turning facilities as identified in Drawing No. 2014/09/184B shall be

provided, hard surfaced and made available for use and shall permanently maintained.

**Reason:** In the interests of road safety to accord with Policy DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. Prior to first occupation of the dwellings hereby approved the vehicular access shall be completed and made available in accordance with Dwg No 21 01 15 002 Pages 2 & 3 vehicular access, received by the Local Planning Authority on the 3 January 2018.

**Reason:** In the interests of road safety to accord with Policies DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

#### 11.4 **Notes to applicant:-**

1. Application forms to discharge conditions and further information can be found on the planning portal web site [www.planningportal.gov.uk](http://www.planningportal.gov.uk).
2. This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
3. All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Highways Manager (0116 3050001).