

Reference: 15/00716/FUL

Applicant: Mrs Judith Sturley

Location: Land Adjacent To 1 Back Lane Market Bosworth

Proposal: Erection of one detached dwelling (revised proposal)

RECOMMENDATION:- Refuse planning permission.

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation as the applicant is an employee of the Council.

Application Proposal

Planning permission is sought for the erection of one detached two storey dwelling at land adjacent to 1 Back Lane, Market Bosworth.

The proposed dwelling is modern in its design and appearance occupying the majority of the narrow width of the plot and extending back to the rear of the adjacent dwelling. The proposal would feature a gable frontage with a dual pitched roof and materials consisting of a mix of brickwork and timber boarding to the external elevations.

Access to the dwelling would be served via a new driveway connecting to the existing track off Back Lane with parking proposed to the front of the dwelling for two vehicles.

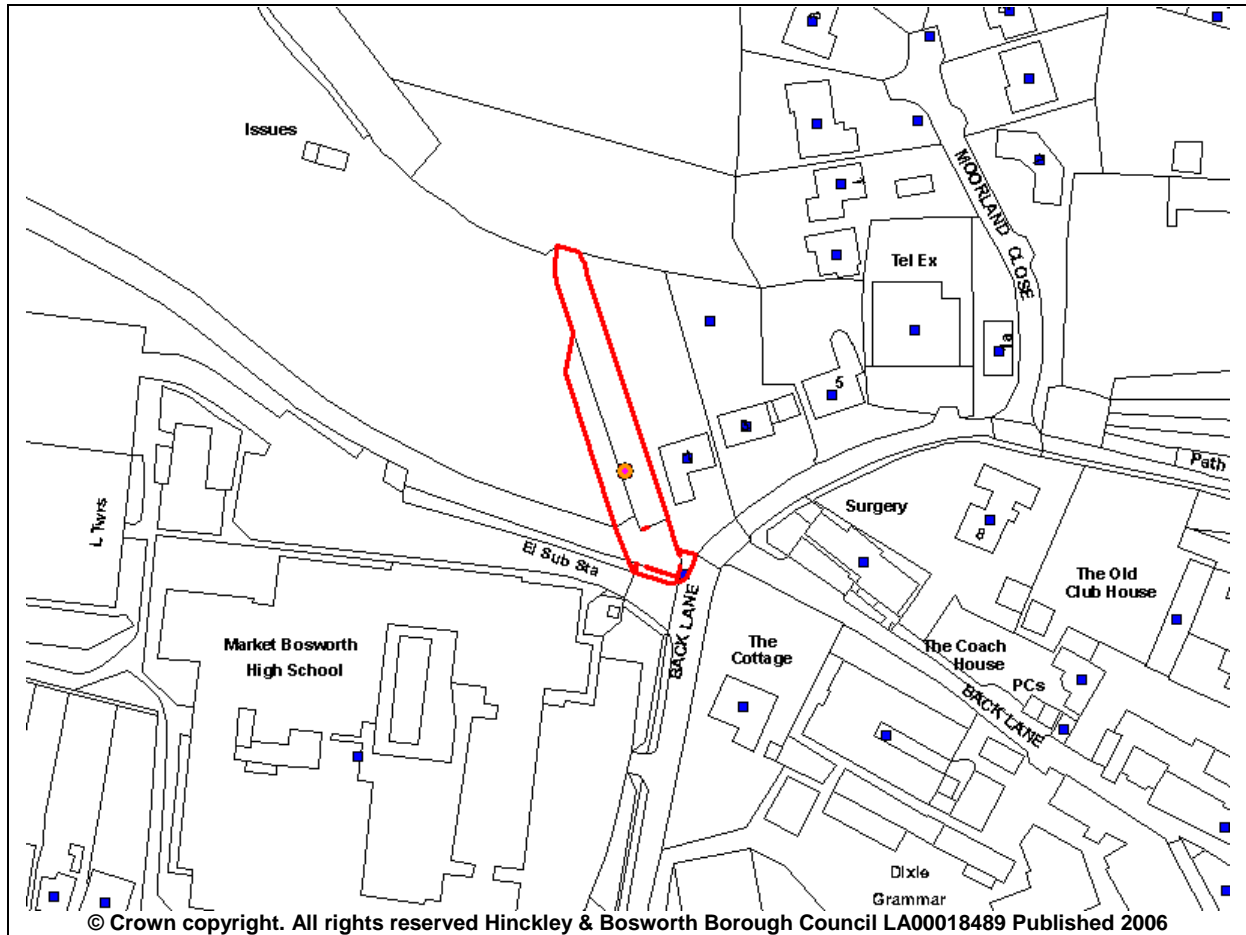
An existing public footpath which runs through the site at present is proposed to be diverted to land adjacent to the dwelling.

The Site and Surrounding Area

The site consists of a narrow 7 metre wide strip of land and a shorter 5 metre wide strip of land to the west where the footpath is proposed to be diverted. The land slopes away to the north where the northern boundary is formed by a ditch, whilst the southern boundary is formed by an existing track, accessed off the corner of Back Lane. To the east and directly adjacent to the site No. 1 Back Lane an existing 2 storey brick built dwelling whilst to the north west is open countryside and the south west is The Market Bosworth Academy. The site has a public footpath across it that runs from the corner of Back Lane into open countryside to the north.

Relevant Planning History:-

14/00494/FUL	Erection of one detached dwelling	Withdrawn	22.07.14
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Consultations:-

No objection has been received from:-

- Leicestershire County Council (Drainage)
- Waste Minimisation Officer
- Environmental Health (Pollution)
- Environmental Health (Drainage)
- Leicestershire County Council (Highways)
- Leicestershire County Council (Public Rights of Way).

Severn Trent Water has raised no objection but have commented that there is a public sewer located within the application site.

The Conservation Officer has commented that as the site is located adjacent to Market Bosworth Conservation Area consideration needs to be given to its impact on the setting of a designated heritage. However, whilst the design of the dwelling could be considered to preserve the special character of the adjacent conservation area, the location of the dwelling within the plot and height of the ridge line of the dwelling would reduce the angle of the vista into the countryside, causing a level of harm to the significance of the conservation area by reducing the positive contribution provided by its setting.

Market Bosworth Parish Council and Market Bosworth Neighbourhood Forum have objected to the application. Summary of comments received:-

- a) Site is located outside of the settlement boundary for Market Bosworth.

- b) The site is designated as local green space as part of the Silk Hill area which has been identified as an important green finger of land penetrating into the heart of the historic core of Market Bosworth.
- c) The application does not demonstrate any benefits that outweigh the harm to the important green space, obscuring the view and vista as shown on the proposals map and contrary to Policy CE3 of the Market Bosworth Neighbourhood Development Plan.
- d) The site also demarcates three character areas defined within the Neighbourhood Plan. The proposed dwelling does not reflect and nor is it in keeping with any of the adjacent character areas.
- e) Whilst the design of the dwelling may be innovative or outstanding in its design it does not possess qualities that outweigh the harm caused to the policies of the Neighbourhood Plan.
- f) The proposal does not meet the requirements as set out within the NPPF as it would not contribute towards sustainable development.
- g) The proposal would impact upon the use and enjoyment of the users and tourists on the public footpath.
- h) Historical evidence and the conservation area appraisal recognise the importance of the site and its possible former land use.
- i) The proposal would not reflect the adjacent character areas and it would conflict with Policy CE1b as it would not pay regard to existing rooflines and would harm the important view.
- j) Overall the development would be contrary to the vision, aims and policies of the Neighbourhood Development Plan.

Market Bosworth Society has objected to the application. Summary of comments received:-

- a) Concerns over the approaches to the site from the north and west along the Leicester Round footpath and the compatibility of the proposed dwelling with other buildings within the conservation area and its position on a green finger approach to the conservation area.
- b) Concerns that the access to the parking for vehicles will involve cars crossing the footpath over the track.
- c) The development would compromise two valuable views that are to be protected as designated through the Market Bosworth Conservation Area Character Appraisal.
- d) The materials proposed are confused and examples of its type are not to be found elsewhere within the conservation area.
- e) The dwelling neither complements nor enhances any of the buildings in the immediate locality or within the conservation area.

Market Bosworth District Committee of CPRE objects to the application. Summary of comments received:-

- a) The application site is in open countryside outside of the settlement boundary extending built development into countryside, setting a precedent for similar applications around the historic settlement of Market Bosworth.
- b) The application is within a green finger of land which has been identified as an important feature of the rural setting and character of Market Bosworth.
- c) The application site is within an area of local green space as designated by the Neighbourhood Plan.
- d) The dwelling would have a severe impact on key views into and out of the Market Bosworth conservation area.

County Councillor Ivan Ould has objected to the application on the basis of the site being outside of the settlement boundary and conflicting with the policies of the Market Bosworth Neighbourhood Development Plan.

A site notice was displayed, a press notice was published and neighbours were notified.

Six letters of objection have been received raising the following issues:-

- a) Dwelling is located within a green finger identified within the Market Bosworth Neighbourhood Plan.
- b) The proposed dwelling would spoil the important views and vistas contrary to Policy CE3 of the Market Bosworth NDP.
- c) The dwelling would be outside the settlement boundary setting an unwelcome precedent.
- d) The dwelling would conflict with Policy BE7 of the Local Plan as it would have a detrimental impact on the conservation area.
- e) The dwelling proposed would impact upon the landscape character of the surrounding countryside.
- f) The proposed siting, proximity, height and length would result in a significant overbearing impact on the adjacent neighbouring property.
- g) The proposal would result in a loss of light to the neighbouring property.
- h) The design of the dwelling would not be aesthetically pleasing impacting upon the established streetscene.
- i) The dwelling would result in subsidence to the neighbouring property.
- j) The parking space proposed to the front of the property would be constrained and would not allow space to turn or manoeuvre.
- k) The site is located on a busy corner and there would be further traffic problems caused.
- l) The land is boggy and there are concerns that the dwelling would negatively impact on adjoining neighbouring properties.
- m) The dwelling proposed would impact upon the footpaths that cross the site.
- n) The dwelling would have a cramped and incongruous appearance out of character with its surroundings.
- o) There are existing problems with parking as people using the doctors surgery park on the track.
- p) The application proposes a substantial piece of land not in the ownership of the applicant.

Policy:-

National Policy Guidance

The National Planning Policy Framework (NPPF) 2012
The National Planning Practice Guidance (NPPG) 2014

Hinckley & Bosworth Core Strategy 2009

Policy 7: Key Rural Centres
Policy 11: Key Rural Centres Stand Alone

Hinckley & Bosworth Local Plan 2001

Policy RES5: Residential Proposals on Unallocated Sites
Policy BE1: Design and Siting of Development
Policy BE7: Development in Conservation Areas

Policy T5: Highway Design and Vehicle Parking Standards

Emerging Site Allocations and Development Management Policies Development Plan Document (Submission Version)

Policy DM1: Presumption in Favour of Sustainable Development

Policy DM4: Safeguarding the Countryside and Settlement Separation

Policy DM10: Development and Design

Policy DM11: Protecting and Enhancing the Historic Environment

Policy DM12: Heritage Assets

Policy DM17: Highways Design

Policy DM18: Vehicle Parking Standards

Market Bosworth Neighbourhood Plan 2014 - 2026

Policy CE1 : Character and Environment

Policy CE2 : Local Green Space

Policy CE3 : Important Views and Vistas

Supplementary Planning Guidance/Documents

New Residential Development (SPG)

Appraisal:-

The main considerations in the determination of this application are:-

- Principle of development
- Design, scale and layout
- Landscaping and play and open space
- Impact on neighbouring residential amenity
- Flood risk and drainage.

Principle of development

Paragraph 11 - 13 of the National Planning Policy Framework (NPPF) states that the development plan is the starting point for decision taking and that it is a material consideration in determining applications. The development plan in this instance consists of the Core Strategy (2009), the saved policies of the Local Plan (2001) and the Market Bosworth Neighbourhood Plan which was made in September 2015. Also material is the emerging Site Allocations and Development Management Policies Development Plan Document (DPD) which has now been through Examination in Public (September 2015) and as such should also now be afforded weight.

Paragraph 14 of the NPPF states that there is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. This means:-

- Approving development proposals which accord with the development plan without delay, and
- Where the development plan is absent, silent or relevant policies are out of date, granting permission unless;
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole, or

- Specific policies in the NPPF indicate development should be restricted.

The site is located outside of but immediately adjacent to the settlement boundary for Market Bosworth. Market Bosworth is defined within the Core Strategy as a Key Rural Centre Standalone (Policies 7 and 11). The site is close to and within walking distance of a number of services and amenities that can be found within the Market Bosworth town centre. The location of the site, whilst outside the settlement boundary, is therefore considered to be sustainable in this regard.

Policy NE5 of the Local Plan and DM4 of the emerging Site Allocations and Development Management Policies DPD seeks to prevent unsustainable forms of inappropriate development in the countryside, outside of settlement boundaries.

Policy BD2 of the Market Bosworth NDP allocates sufficient land to the south of Station Road to meet the needs of the settlement as set out in Policy 11 of the Core Strategy. Whilst the NDP doesn't prevent development on non-allocated sites, the NDP does set out how the community envisages future housing will be delivered. Furthermore, the Council is currently able to demonstrate a five year supply of housing sites and therefore the policies relating to housing supply as set out in the Core Strategy and Neighbourhood Development Plan are considered to be up-to-date.

The NDP proposals map (page 23) and local green spaces map (page 28) identify the location of the site as part of the wider context of this open countryside as an important green finger of land that penetrates into the heart of the historic core of Market Bosworth. It is known locally as Silk Hill.

Whilst the site is in a relatively sustainable location in respect of access to services and facilities, the proposal conflicts with the principles, aims and objectives of the Market Bosworth NDP which seeks to meet its strategic housing need through a site that has been allocated for residential development at land south of Station Road. This land is also allocated for residential development in the emerging Site Allocations and Development Management Policies DPD. The principle of development is therefore considered to be unacceptable as the site is allocated as an important green finger of land and local green space within the Market Bosworth NDP. Furthermore, the site is located outside of the settlement boundary where residential development is normally restricted in accordance with Policy NE5 of the Local Plan and Policy DM10 of the emerging Site Allocations and Development Management Policies DPD.

Design and Impact upon the Character of the Area

Saved Policy BE1 (criterion a) of the Local Plan seeks a high standard of design to safeguard and enhance the existing environment through a criteria based policy. These criteria include ensuring the development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. This is supported by Policy DM10 of the emerging Site Allocations and Development Management Policies DPD. Furthermore, one of the core planning principles of the NPPF is to secure a high quality of design in development.

Policy 11 of the Core Strategy places special emphasis on the protection of fingers of green open land which penetrate towards the market place as these are important to the rural setting of the town as supported by the Hinckley and Bosworth Landscape Character Assessment.

Policy BE7 of the Local Plan and Policies DM11 and DM12 of the emerging Site Allocations and Development Management Policies DPD seeks to ensure development proposals

preserve or enhance the special character of conservation areas. This is supported by Paragraphs 133 - 134 of the NPPF which seeks to ensure heritage assets are appropriately preserved.

The Market Bosworth Neighbourhood Development Plan aims to maintain Market Bosworth's historic character as a small market town, attractive conservation area and variety of open spaces which act as a centre for surrounding farms and villages.

Policy CE1 of the Market Bosworth NDP seeks to ensure that all new development within Market Bosworth is in keeping with this character area in regard to scale, layout and materials to retain local distinctiveness and create a sense of place. Where new development would be visible from an adjacent Character Area it should be sensitive to the principal characteristics of that area. Innovative or outstanding design will be supported if it raises the overall quality of the Character Area. Furthermore, Policy CE1b states that any new development within Character Area D (Suburban Residential) should pay particular regard to existing rooflines. Within Character Area E (Historic Core) the roofline of any new development must respect adjoining areas and neighbouring buildings and not harm important views. The site is located on the edge of character area D and E.

The site is designated as part of a local green space and Policy CE2 of the NDP states that new development that is incompatible with the importance of the local green space as an attractive publicly accessible area will not be allowed unless there are very special circumstances where the benefits of the development clearly outweigh any harm.

Market Bosworth is a ridge top settlement with areas of woodland, parkland and countryside converging towards a historic market place. This sharp transition from rural to urban form is a key characteristic of the conservation area. The junction of the public footpaths fronting the proposed development provides an excellent vista into the countryside which highlights the transition from the village centre to open countryside. As such this vista has been identified as a feature to be protected in the Market Bosworth Conservation Area Appraisal and the Market Bosworth NDP.

The undulating slopes of Silk Hill allow for a view into the historical core of the village including the spire of St Peters Church, via some modern dwellings of a suburban character which are adjacent to the application site and by virtue of its location the proposed dwelling would continue to maintain the view of the church spire when entering the conservation area from Silk Hill.

The proposed dwelling provides a contemporary design solution attempting to reflect the suburban character of the dwellings on Moorland Close, also situated within the setting of the conservation area, whilst utilising some building materials traditional to the nearby historical core of the conservation area. Therefore the quality and architecture expressed through design of the dwelling would not detract from the special character of the adjacent conservation area in this respect. In addition, the dwelling would be located slightly back within its plot and dug down into the ground to seek to reduce its visual prominence and minimise the impact on the character of the adjacent conservation area. However, due to its location within the plot and the height of the ridge line, the dwelling would reduce the angle of the vista into the countryside, causing a level of harm to the significance of the conservation area by reducing the positive contribution provided by its setting. The merits in attempting to provide a design solution that seeks to respond to the constraints of the site do not outweigh the harm caused to the setting of the conservation area. The proposal fails to preserve the special character of the setting of the adjacent conservation area and is contrary to Policy BE7 of the Local Plan and Policies DM11 and 12 of the emerging Site Allocations and Development Management Policies DPD in this regard.

The proposed dwelling does not provide any benefits that would outweigh harm to the site as an important area of local green space. The proposal would therefore conflict with Policy CE2 of the Market Bosworth NDP which seeks to prevent development where unless there are very special circumstances where the benefits of the development clearly outweigh any harm. The proposed dwelling does not reflect the characteristics or rooflines of development within character area D or E as identified within the Market Bosworth NDP contrary to Policy CE1.

Such a dwelling within this location would compromise the important view/vista as defined in Policy CE3 of the Market Bosworth NDP. Any such development proposal which has an adverse impact on this view and vista which contributes to the important landscape setting of Market Bosworth would be unacceptable.

Impact upon Neighbouring Residential Amenity

Policy BE1 (criterion i) of the Local Plan and Policy DM10 of the emerging Site Allocations and Development Management Policies DPD states that development proposals should not harm residential amenity.

The proposed dwelling would be situated immediately adjacent to No. 1 Back Lane. Concerns have been raised by the neighbouring property that the proposed dwelling would have a detrimental impact upon amenity. The proposed dwelling would extend back approximately 4 metres from the rear elevation of the neighbouring property. Given the separation distance between the adjacent property and the proposed dwelling of approximately 3 metres it is not considered that the dwelling would result in a significant degree of overshadowing to make the proposal significantly harmful in amenity terms.

Given the orientation and position of the balcony proposed to the rear elevation of the dwelling it is not considered that this would overlook or result in a significant loss of privacy to No. 1 Back Lane.

The proposal therefore does not conflict with Policy BE1 (criterion i) of the Local Plan or Policy DM10 in this regard.

Impact upon Highway Safety & Public Rights of Way

Policy T5 of the Local Plan and Policy DM17 of the emerging Site Allocations and Development Management Policies DPD state that proposals will not be acceptable where they have a detrimental impact upon highway safety or the satisfactory functioning of the local highway network including public rights of way.

Leicestershire County Council (Highways) has raised no objection to the scheme on highway safety grounds and the development could accommodate parking for two vehicles to the front of the dwelling to meet parking standards.

The applicant is proposing to divert the public footpath (S69) running through the site onto adjacent land. Leicestershire County Council (Public Rights of Way) has raised no objection to the diversion subject to the diverted footpath meeting an appropriate width of 2 metres. The applicant would need to formally apply for and gain consent for a footpath diversion order under Section 257 of the Town and Country Planning Act 1990 should planning permission be granted.

The proposal is considered to be in accordance with Policy T5 of the Local Plan and Policy DM17 of the emerging Site Allocations and Development Management Policies DPD.

Conclusion

Overall the proposed development is considered to conflict with Policies CE1, CE2 and CE3 of the Market Bosworth Neighbourhood Development Plan, Policy DM10 of the emerging Site Allocations and Development Management Policies DPD, Policy BE1 of the Local Plan and Policy 11 of the Core Strategy. Furthermore the proposal would conflict with the aims of the National Planning Policy Framework.

The dwelling due to its siting and location would impact upon an important protected view and vista, an area of designated local green space and the importance of the historic setting of the Market Bosworth conservation area as a designated heritage asset. The proposal would therefore fail to comply with local and national planning policies and is considered to be an unsustainable form of development for the reasons outlined above.

RECOMMENDATION:- Refuse planning permission.

Reasons:-

- 1 The proposed dwelling due to its siting and location would detrimentally impact upon an important protected view and vista, an area of designated local green space and the importance of the historic setting of the Market Bosworth conservation area as a designated heritage asset. The proposed development would conflict with Policies CE1, CE2 and CE3 of the Market Bosworth Neighbourhood Development Plan, Policies DM4 and DM10 of the emerging Site Allocations and Development Management Policies DPD, Policies BE1 and NE5 of the Hinckley & Bosworth Local Plan 2001 and Policy 11 of the Hinckley & Bosworth Core Strategy 2009. Furthermore the proposal would conflict with the aims of the National Planning Policy Framework and in particular paragraphs 17 and 133 - 134.

Notes to Applicant:-

- 1 Plans used in the determination of the application:-
 - L1000-B Site Location Plan
 - L1005 Wider Site Plan
 - L1001-A Block Plan
 - L1006-A Site Plan
 - L1201 South Elevation
 - L1200 West Elevation
 - L1202 North Elevation
 - L1203 East Elevation
 - L1100 Ground Floor Plan
 - L1102 Roof Plan
 - L1205 Longitudinal Section
 - L1206 Transverse Section
 - L1205 Site Sections.

Contact Officer:- Simon Atha Ext 5919