

**Planning Committee 25 April 2017  
Report of the Head of Planning and Development**

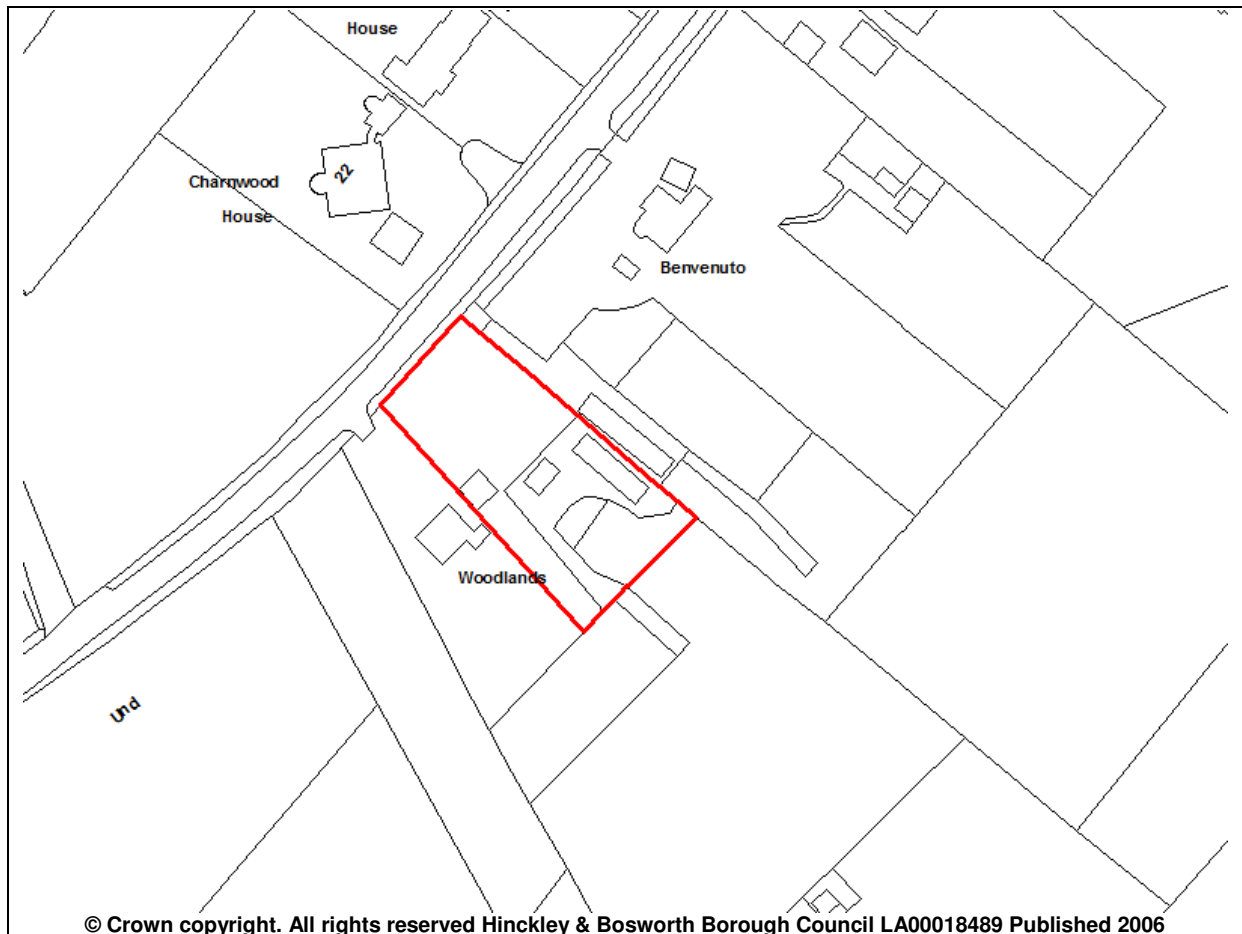


Hinckley & Bosworth  
Borough Council

**Planning Ref:** 17/00141/FUL  
**Applicant:** Mr David Parkes  
**Ward:** Ratby Bagworth And Thornton

**Site:** Woodlands Thornton Lane Markfield

**Proposal:** Erection of Two Detached Dwellings



**1. Recommendations**

1.1. Refuse planning permission subject to the reasons at the end of this report.

**2. Planning Application Description**

- 2.1. This application seeks planning permission for the erection of two detached houses including the construction of a replacement access onto Thornton Lane. The existing garage serving the dwelling known as Woodlands would be demolished to facilitate the development.
- 2.2. Amended plans have been submitted during the determination of this application to remove the proposed garages, introduce a half hip to the roof design and lower the ridge height.

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

- 3.1. The application site is located to the south of Markfield outside the settlement boundary and within an area designated as countryside. The site forms part of a ribbon of linear residential development along Thornton Lane. To the south west, north and north east of the site are dwellings fronting onto Thornton Lane. The dwellings vary in size and design although are generally large dwellings set in large plots. To the south east of the site is a paddock and agricultural land.
- 3.2. The site comprises an existing access onto Thornton Lane, a stable block, paddock land associated with the dwelling known as Woodlands and the garage serving Woodlands.

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

17/00099/FUL	Erection of four stables, a hay barn and formation of a manège	Approved	06.04.2017
15/00809/OUT	Erection of one dwelling (outline - access only)	Approved	14.09.2015
98/00994/OUT	Erection of one dwelling	Refused	06.01.1999
90/01183/4	Residential development for one dwelling house outline	Refused	18.12.1990
86/01292/4	Erection of single residential dwelling outline	Refused	27.01.1987

### **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.
- 5.2. Four representations of objection have been received; the comments are summarised below:
- 1) Garages forward of the dwellings are uncharacteristic of the area
  - 2) The houses are too close to the boundary adjoining Ben Venuto
  - 3) The houses are too tall
  - 4) The proposed drains will impact on the trees along Thornton Lane's frontage.

### **6. Consultation**

- 6.1. No objection, some subject to conditions, has been received from the following:  
Leicestershire County Council (Highways)  
Leicestershire County Council (Ecology)  
Environmental Health (Drainage)  
Environmental Health (Pollution)  
Waste Services
- 6.2. Ratby Parish Council object to the application as the houses are not in the normal building line and it is development in the open countryside.

## **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 DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

### 7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2012)
- Planning Practice Guidance (PPG)

## **8. Appraisal**

### 8.1. Key Issues

- 1) Assessment against strategic planning policies
- 2) Impact upon the character of the area
- 3) Residential amenity
- 4) Impact upon the highway
- 5) Drainage
- 6) Material considerations

#### Assessment against strategic planning policies

8.2. The application site is located to the south of Markfield outside of and separated from the settlement boundary and within the designated countryside.

8.3. As of 1 April 2016 the Local Planning Authority is able to demonstrate a 5.84 years housing land supply of deliverable sites within the borough. Therefore the relevant policies for the supply of housing within the development plan can be considered up-to-date in accordance with paragraph 49 of the NPPF.

8.4. Policy 8 of the Core Strategy states that to support local services in Markfield and ensure local people have access to a range of housing the Council will allocate land for the development of a minimum of 80 new homes. Table 3 of the Site Allocations and Development Management Policies DPD states that the residual housing requirement for Markfield is 0 and the housing allocations to meet the identified need have been delivered. The proposed development is therefore not supported by Policy 8 of the Core Strategy.

8.5. Policy DM4 of the SADMP seeks to protect the intrinsic value, beauty, open character and landscape character from unsustainable development. Policy DM4 identifies several types of development which are considered sustainable development in the countryside. New, unrestricted, residential dwellings are not considered sustainable development in the countryside and therefore the proposal for the erection of two dwellings is contrary to Policy DM4 of the SADMP.

#### Impact upon the character of the area

8.6. Policy DM4 of the SADMP seeks to ensure development does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside. 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. It should be noted that as the development is not considered to be sustainable development in the countryside in accordance with the first part of Policy DM4, and therefore any harm to the intrinsic value, beauty, open character and landscape character of the countryside would be unjustified.

- 8.7. The area comprises ribbon development along Thornton Lane, which ends at Charnwood House and Woodlands. The part of Thornton Lane adjacent to the application site has a rural character and appearance, with grass verges both sides. To the front of the application site adjoining Thornton Lane there is also a row of mature trees. The application site comprises stables and associated land which provides an area of separation between Woodlands and the adjacent new dwellings to the east which positively contributes to the open character of the countryside.
- 8.8. There is an extant outline planning permission (ref: 15/00809/OUT) on part of the application site for the erection of a single dwelling. The details approved for the outline application are access only and a reserved matters application will need to be submitted providing details of the layout, scale, appearance and landscaping. The reserved matters application would be required to retain space between the adjacent new dwellings to the east and between Woodlands to ensure the retention of the open character of the countryside and the scheme is in keeping with the character of the area. It is not considered that a proposal for two dwellings can achieve this.
- 8.9. This proposal would require the demolition of the garage serving Woodlands and drastically increase the proximity of two storey built form to Woodlands. The proposed dwellings would have wide frontages and are in close proximity to one another. Although the adjacent dwellings to the east are in close proximity to one another, they are currently viewed as separated from Ben Venuto due to the staggered building line and from Woodlands due to the intervening space at first floor level. An additional dwelling on this site would result in an adverse urbanising impact on the currently rural and open character of this section of Thornton Lane and the countryside, due to the cumulative impact of the bulk and massing of built form along the southern side of Thornton Lane this scheme would create.
- 8.10. Notwithstanding the objections to the bulk and massing of the built form, the dwellings have been designed to respond to the character of the dwellings in the area. Concern has been raised that the dwellings are too tall. However, the proposed dwellings would provide a transition step between the height of Woodlands and the adjacent dwellings being constructed to the east. The dwellings propose to incorporate traditional features including a projecting front gable, a porch canopy, chimney stacks, window cills and lintels, brick corbelling and brick course detailing. The materials proposed include Birtley Olde English bricks for the elevations and Spanish slate for the roof. The landscaping is complementary to the surrounding development with the exception of an uncharacteristic 1.8m close boarded fence which extends to the rear of the properties and would adversely impact on the character of the countryside. The dwellings would be of a high quality design which reflects the dwellings in the surrounding area. However, the high quality design is not considered to overcome the concerns in relation to the bulk and massing.
- 8.11. The Thornton Lane frontage of the application site comprises an existing access and an area of landscaping containing several mature trees. The existing access is not prominent along Thornton Lane and assimilates well into the verdant frontage which positively contributes to the rural character of the countryside. This scheme proposes to close the existing access and create a replacement access in the

centre of the frontage. A tree survey has been submitted with the application which identifies that no trees would need to be felled to facilitate the access but it would be within the root protection area of a group of category B trees whose protection would need to be secured through condition. A new hawthorn hedgerow is proposed adjoining the access and along the frontage which would improve the appearance of the frontage. Concern has been raised that the proposed drainage for the new dwellings runs through the root protection area of the group of category B trees. This is likely to impact on the longevity of the trees and an alternative routing for the drainage or means of drainage should be sought through a planning condition.

- 8.12. The existing access would be sufficient to provide access for a single dwelling; as per the outline permission for a single dwelling. The proposed addition of a second dwelling on the site requires an access to meet the larger size requirements of a shared access as set out in the 6Cs Design Guide. The proposed access would result in the loss of vegetation which contributes to the verdant character of the frontage. The proposed access would have a width of 6m with 3m kerb radii which would increase the prominence of the access on Thornton Lane due to the increased amount of hardstanding along the frontage. The increased prominence of the access would exacerbate the attention drawn to the site and the dwellings. The loss of vegetation along the frontage, increased prominence and availability of views into the site would adversely impact on the visual appearance and character of the countryside.
- 8.13. It is considered that by virtue of the bulk and massing of the proposed dwellings and the construction of a prominent access, the proposed dwellings would have an adverse impact of the character and appearance of the countryside which would be contrary to Policies DM4 and DM10 of the SADMP.

#### Residential amenity

- 8.14. Policy DM10 of the SADMP seeks to ensure that development proposals do not harm the amenity of neighbouring residential properties. Paragraph 17 of the NPPF seeks to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 8.15. The proposed dwellings would be adjoined by one of the new dwellings being constructed to the east of the application site and Woodlands.
- 8.16. The adjacent dwelling under construction has four side facing windows; two at first floor level and two at ground floor level. The two first floor windows will serve en-suites which are not habitable rooms and therefore the impact upon this would not adversely impact on the amenity of the occupiers. One ground floor window is a secondary window to the kitchen. As the proposed dwelling would not extend beyond the rear building line of the adjacent dwelling there would be no adverse impact on the primary window serving the kitchen and therefore there would be no adverse impact on the amenity of the occupiers. The other ground floor window is the only window serving a study. The proposed dwelling would be 3.6m from the window. The proposed dwelling would be located to the south west of the study window causing a loss of light to the study window. The loss of the light to the window would have an adverse impact on the occupiers. However, the impact would not be significantly adverse to be contrary to policy and justify a refusal of planning permission.
- 8.17. Woodlands does not have any side facing windows which could be impacted by the proposed dwellings. The proposed dwellings do not extend beyond the rear elevation of Woodlands and therefore the rear amenity space and rear facing

windows would not be impacted by the proposed dwellings. Woodlands would retain sufficient space to serve the occupiers of the dwelling.

- 8.18. The proposed dwellings would be of a sufficient size and be served by large rear gardens which would provide the future occupiers with a good standard of amenity.
- 8.19. It is considered that the proposed dwellings would not have an adverse impact on the amenity of the occupiers of neighbouring dwellings and would provide a good standard of amenity for the future occupiers in accordance with Policy DM10 of the SADMP and paragraph 17 of the NPPF.

#### Impact upon Highway Safety

- 8.20. Policy DM17 of the SADMP seeks to ensure new development would not have an adverse impact upon highway safety. Policy DM18 of the SADMP seeks to ensure parking provision appropriate to the type and location of the development.
- 8.21. This application seeks the closure of the existing vehicular access onto the site and construction of a new shared access central along the frontage. The proposed access meets the required width for a shared access and kerb radii have been included which are considered commensurate to the scale of the development. Visibility splays could be achieved in both directions which are consistent sufficient for the applicable speed limit. Gates are proposed to be set back 5m from the near edge of the carriageway which is in accordance with the 6Cs Design Guide. There would be a hardstanding area forward of each dwelling to provide sufficient car parking and manoeuvring space to serve the occupiers of the dwellings and allow vehicles to access and egress the site in a forward gear. Leicestershire County Council (Highways) has raised no objection subject to conditions.
- 8.22. It is considered that the proposed dwellings would not have an adverse impact on highway safety and would provide sufficient car parking for the future occupiers. It is considered that the proposed development is in accordance with Policies DM17 and DM18 of the SADMP.

#### Drainage

- 8.23. Policy DM7 of the SADMP seeks to ensure that surface water and groundwater quality are not adversely impacted by new development and that it does not exacerbate flood risks.
- 8.24. This application proposed to connect to the existing sewers to discharge foul drainage and surface water. Environmental Health (Drainage) has raised no objection to the application. As noted above, there are concerns over the impact of the proposed drainage on the root protection area. Whilst there is no objection to the means of drainage, an alternative network should be provided through a condition which would have a less intrusive impact on the root protection area of the existing trees.
- 8.25. The proposed development would not create or exacerbate flood risk and would ensure groundwater quality in accordance with Policy DM7 of the SADMP.

#### Material considerations

- 8.26. Paragraph 11 of the National Planning Policy Framework (NPPF) confirms that planning law (Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The applicant has highlighted that the application site has an extant outline planning permission for the erection of a single dwelling and two dwellings are currently being constructed on the site adjacent to the east. The applicant identifies that the above

were considered to be acceptable in accordance with the NPPF and due to their acceptance, there are no material planning reasons why the proposed two dwellings, subject to this application, cannot be approved.

- 8.27. The two previous decisions on the application site and adjacent site for residential dwellings were assessed against policies in the superseded Local Plan (2001) and against the National Planning Policy Framework due to the degree of consistency of some of the policies in the Local Plan. Subsequent to the previous applications being granted planning permission, the SADMP has been formally adopted. The SADMP allocates sites for all residential development required to meet the identified need over the plan period. In light of the adoption of the SADMP and the Council being able to demonstrate a five year housing land supply, there is no reason in this instance to grant planning permission for new residential development in the designated countryside.
- 8.28. An application, ref: 16/00362/OUT, for the erection of four dwellings on land on the opposite side of Thornton Lane was refused and subsequent to the adoption of the SADMP was dismissed at appeal. In assessing the sustainability of the location the inspector commented as follows:

*'Whilst Markfield is a sustainable settlement that has a reasonable number of facilities and services within it, the appeal site is located a significant distance from that settlement boundary, and the main access into Markfield from the site would be along Thornton Lane. At my site visit, I observed that Thornton Lane is a busy highway with no street lighting in the area of the site and a separate footway only on one side, which changes sides between the appeal site and Markfield settlement boundary.'*

*Although the appellant has suggested that, as part of the development, the footway along the lane would be extended past the appeal site, this would be likely to not only further erode the rural character and appearance of the lane in that area but would not prevent those wishing to walk into Markfield having to cross busy roads to do so. As such, it would not increase the attractiveness of walking into Markfield sufficiently to significantly reduce the use of the private car by future residents of the proposed dwellings. Furthermore, it appears to me that in order to access the nearest bus stops it would be necessary to walk along Thornton Lane towards Markfield and the lane does not offer any safe routes for cyclists, providing no street lighting in that area. I therefore find that the appeal site is not in a sustainable location.'*

- 8.29. Given the proximity of the appeal site, opposite the application site, it is considered the appeal decision provides a comparable assessment of the sustainability of the site in relation to the access to day-to-day facilities, services and sustainable modes of transport.
- 8.30. In the context of the NPPF, the application would boost housing supply in the area by one dwelling beyond the existing planning permission although in an unfavourable location. The development would present limited economic benefits in supporting facilities and services and temporary benefits during the construction period. Additionally, there are concerns over the environmental impacts of the proposed development and the impact on the character of the countryside.
- 8.31. In light of the above, it is considered that the previously approved developments do not set a precedent to approve the proposed development. The proposed development is also not considered to be sustainable in the context of the NPPF and there are no material considerations to indicate that the development should not be considered in accordance with the policies set out in the Development Plan.

## **9. Equality Implications**

9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2. Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.

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

## **10. Conclusion**

10.1. The application site is located to the south of Markfield outside of and separated from the settlement boundary. The site is within the designated countryside where new, unrestricted, residential development is not considered sustainable development.

10.2. By virtue of the bulk and massing of the proposed dwellings and the construction of a new access, the proposed development would have an urbanising and unjustified adverse impact on the open and rural character and appearance of the countryside. The proposed development is contrary to Policies DM1, DM4 and DM10 of the Site Allocations and Development Management Policies DPD.

10.3. The existing outline planning permission on part of the application site and the new dwellings on the adjacent site were approved under a superseded policy context and do not provide justification for the approval of this development. The development has also been assessed in the context of sustainable development as set out in the NPPF and is not found to constitute sustainable development.

10.4. Notwithstanding the above, the proposed development would not have an adverse impact on highway safety or the amenity of occupiers of the neighbouring dwellings. The proposed development would provide a good standard of amenity for the future occupiers and there would be sufficient on-site car parking provision.

## **11. Recommendation**

11.1. Refuse planning permission subject to the reasons at the end of this report.

### **11.2. Reasons**

1. The application site is located outside the settlement boundary of Markfield and within the designated countryside where new, unrestricted, residential development is not considered sustainable development. Additionally, by virtue of the bulk and massing of the proposed dwellings and the construction of a prominent replacement access, the proposed development would have an urbanising and adverse impact on the visual appearance and rural character of the countryside. The proposed development is contrary to Policies DM1, DM4 and DM10 of the Site Allocations and Development Management Policies DPD.