

Delegated Report

Planning Ref: 24/00189/CONDIT
Applicant: Mr and Mrs Ward
Ward: Ratby, Bagworth and Thornton



Hinchley & Bosworth
Borough Council

Site: Ben Venuto, Thornton Lane, Markfield

Proposal: Variation of Condition 8 (waste and recycling storage) of planning permission 23/00630/OUT

1. Recommendations

1.1. Grant approval of reserved matters subject to:

- Planning conditions outlined at the end of this report.

2. Planning Application Description

2.1. This application seeks to remove condition 8 from approval 23/00630/OUT on the basis that the subsequent reserved matters approval includes details of the bin storage and collection area as part of the approved plans.

2.2. The wording of Condition 8 of approval 23/00630/OUT reads:

No development shall take place until a scheme makes adequate provision for waste and recycling storage of containers and collection across the site which has been submitted to and approved in writing to the Local Planning authority. The details should address accessibility to storage facilities and confirm adequate space is provided at the adopted highway boundary to store and service wheeled containers.

Reason: To ensure that the development has a satisfactory appearance and in the interests of visual amenity in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. Description of the Site and Surrounding Area

3.1. The application site is located 800m southwest of the settlement boundary of Markfield, measuring approximately 0.7 acres (105m long, 25m wide). The application site also falls outside of the Markfield Neighbourhood Plan Boundary. The site forms part of a ribbon of linear development along Thornton Lane. The site is bound by residential development on all sides apart from the southeast which is open countryside.

3.2. The wider site ownership (excluding the application site) comprises of the two-storey, detached, five-bedroom dwelling known as Ben Venuto, which is on the western side of the plot. The site is accessed via Thornton Lane. According to the approved plans of application 05/00356/FUL, Ben Venuto externally measures 16.5m in width x 15m in depth, with a total footprint of 190.1sqm. The existing dwelling has a maximum roof ridge height of 8.8m, and an eaves height of 2.6m on the principal elevation. The residential property is approximately 15m set back from the highway.

3.3. Thornton Lane is an adopted, classified 'C' road that is subject to a 40mph speed limit. The street scene is verdant in nature, lined with trees and hedgerows making

a significant contribution to the rural character of the area. The properties along Thornton Lane vary in size and design, but they are generally characterised as large, detached dwellings, which are within large plots that are well-screened by mature vegetation.

4. Relevant Planning History

23/01002/REM

- Approval of Reserved Matters (appearance and landscaping) relating to outline planning permission 23/00630/OUT for a new dwellinghouse
- Permitted
- 04.12.2023

23/00630/OUT

- Outline Application for the construction of a new custom build dwelling, all matters reserved except for scale, layout and access (resubmission of 23/00170/OUT)
- Permitted
- 06.09.2023

23/00170/OUT

- Outline application for the construction of a new dwellinghouse
- Refused
- 17.04.2023

17/01119/FUL

- Erection of detached dwelling
- Refused
- 22.12.2017
- Appeal dismissed- APP/K2420/W/18/3197114
- 14.08.2018

15/00717/FUL

- Erection of two detached dwellings
- Permitted
- 14.03.2016

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. No representations have been received.

6. Consultation

6.1. The following Consultees have no objections:

- HBBC Waste (no comment)
- HBBC Environmental Services
- Markfield Parish Council (no comment)

7. Policy

7.1. Core Strategy (2009)

- Policy 7: Key Rural Centres
- Policy 16: Housing Density, Mix and Design

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 DM6: Enhancement of Biodiversity and Geological Interest
- 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) (2023)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)
- Self-Build and Custom Housebuilding Act 2015

7.4. Other relevant guidance

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

8. **Appraisal**

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Other Matters

Assessment against strategic planning policies

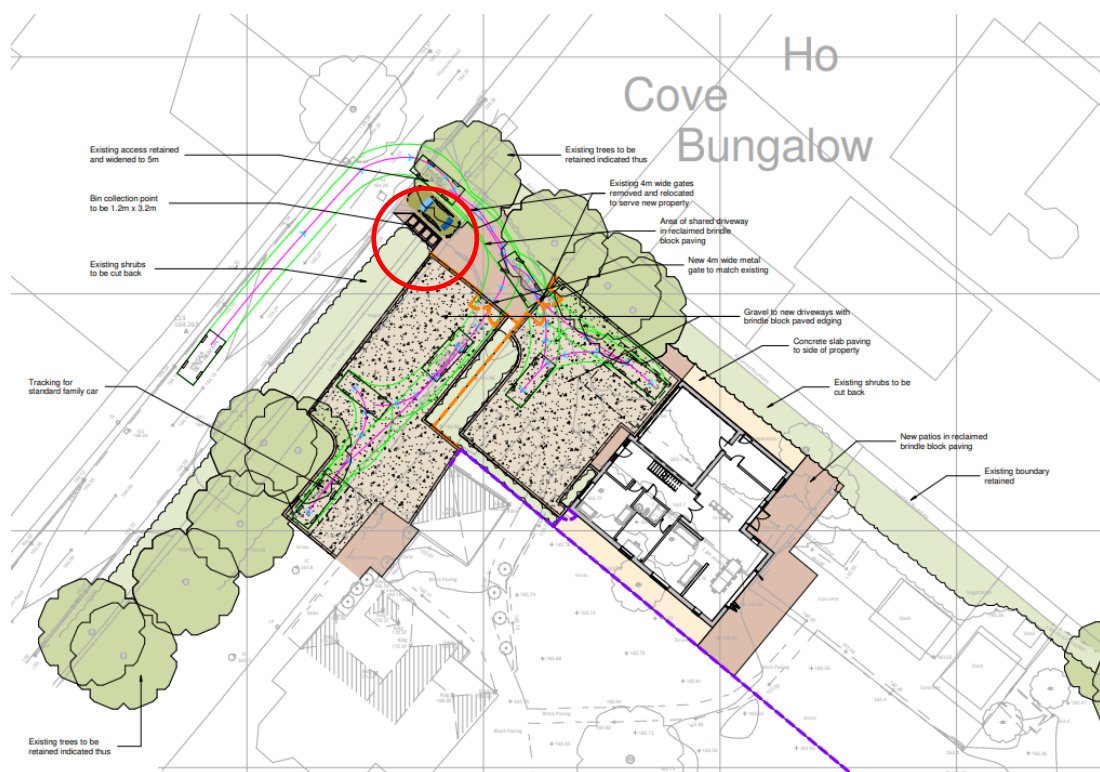
- 8.2. The principle of development has been established through approvals 23/00630/OUT and 23/01002/REM.

Design and impact upon the character of the area

- 8.3. Policy DM10 of the SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the local area generally.
- 8.4. The application site currently comprises the garden serving Ben Venuto, a two-storey detached dwelling. The site itself currently contains an outbuilding/shed which is understood to be removed as part of this development. The surrounding residential development is mixed in terms of scale and design.
- 8.5. This proposal will not make any alterations to the design or landscaping of the permitted reserved matters scheme.
- 8.6. The proposed hard landscaping comprises of bridle block paving and golden pea gravel driveways which is considered to be a high-quality permeable material which

complements the site and surrounding area appropriately. Boundary treatments would include new metal gates at the access point, with 1.8m timber fencing to subdivide the site from Ben Venuto. Again, this is considered appropriate and would complement the area visually.

- 8.7. In terms of soft landscaping, the retention of the existing access means that the hedgerow fronting Thornton Lane is retained, providing a good level of visual screening from the road which is synonymous with the wider street scene. The hedgerow between the site and The Cove bungalow is to be cut back but the majority will be retained, with all trees on site being retained. There would be some loss of grassed garden area as part of the development and hardstanding to the front and rear of the dwelling, however most of the existing garden area is to be retained and undeveloped.
- 8.8. The proposed bin storage and collection area to the front is concealed and accessible and is therefore considered acceptable in design terms.
- 8.9. In summary, it is considered that by virtue of the design, materials, and appropriate soft and hard landscaping, the proposed development would create a harmonious addition to the area and would not appear out of character with the surrounding area. The development would therefore be in accordance with Policy DM10 of the adopted SADMP.
- 8.10. Other matters
- 8.11. The submitted and approved Site Plan below (Job No. 22/114, Drawing No. 05) demonstrates that adequate provision for waste and recycling storage of containers and collection across the site will be provided as indicated below. The relevant condition (condition 8 of 23/00630/OUT) can therefore be removed.



Approved Site Plan 23/01002/REM

Equality Implications

- 8.12. 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.
- 8.13. 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.
- 8.14. There are no known equality implications arising directly from this development.
- 8.15. 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 and conditions

- 9.1. In conclusion, it is considered that the proposed development remains in accordance with the Policies DM1, DM6, DM7, DM10, DM11, DM12, DM17 and DM18 of the SADMP (2016).
- 9.2. The outline permission application 23/00630/OUT was issued with 8 conditions. Conditions 1 and 2 related to the reserved matters applications which have since been submitted and approved. Part of condition 1 still applies, in that the development should be begun not later than two years from the date of approval of the last of the reserved matters to be approved.
- 9.3. Conditions 3, 4 and 5 relate to the access, parking and turning arrangements, visibility splays and access drive surfacing, which continue to apply as the development has not yet been completed/occupied.
- 9.4. Condition 6 relates to the approved outline plans, which has since been superseded by condition 1 of permission 23/01002/REM which states:

The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

Proposed Site Plan – Job No. 22/114, Drawing No. 05

Proposed Plans, Elevations, and Materials – Job No. 22/114, Drawing no. 04b.

Site Location Plan – Job No. 22/114, Drawing No. 01

All received by the Local Planning Authority on 13th October 2023.

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

9.5. Condition 7 relates to the removal of Permitted Development rights under the GPDO, which still applies.

9.6. Condition 8 relates to a scheme for waste and recycling, which has been satisfactorily addressed and can be removed, as part of this application.

10. Recommendation

10.1. **Grant planning permission subject to the conditions outlined below:**

10.2. Conditions and Reasons

1. The development shall be carried out in accordance with 23/01002/REM. Any further applications for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Unless the development is carried out in accordance with 23/01002/REM no development shall be commenced until plans and particulars of "the reserved matters" referred to in the above conditions relating to the:-

a) Appearance of the development including the aspects of a building or place that determine the visual impression it makes, including proposed materials and finishes

b) Landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard (boundary treatments) and soft measures and details of boundary planting to reinforce the existing landscaping at the site edges

have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

3. No part of the development hereby permitted shall be occupied until such time as the access arrangements, parking and turning as shown on Site Plan - Proposed, drawing number 22/114 03F have been implemented in full. Thereafter the onsite parking and turning provision shall be kept available for such use in perpetuity.

Reason: To ensure that vehicles entering and leaving the site may do so in a slow and controlled manner, and that adequate off-street parking provision is

made to reduce the possibility of the proposed development leading to on-street parking problems locally in the interests of general highway safety and in accordance with the National Planning Policy Framework (2023).

4. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 65 metres have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

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

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

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

6. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A – E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling shall be carried out unless planning permission for such development has been granted by the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring properties in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.