

MS Town Planning

Planning, Heritage and Design and Access Statement

Our Ref: MS/1489

Land at Rookery Lane,
Groby,
Leicester

1 Introduction

This statement accompanies a detailed planning application for the development of a single small 2 bed dwelling on land on Rookery Lane, Groby.

In addition to this statement the application is accompanied by detailed plans and elevations of the proposed dwelling.

2 Site Location and History

The application site lies to the south side of Rookery Lane within the village of Groby. The site comprises of a small area of private land to the left of a private drive serving a recently developed detached dwelling located to the rear of an older detached cottage No 20 Rookery lane and a modern dwelling No 22 Rookery Lane.

The application site is situated in an elevated position to the road as land rises to the south, and is enclosed in part by a metre high stone wall with the remainder of a boundary comprising of a retaining timber wall. To the north west of the site are two newly constructed dwellings with white painted rough cast rendered walls with brick detailing.

Access to the site is by way of a relatively new driveway to the side of the site which serves as an access to No 22 Rookery Lane and the property to the rear. This driveway also provides access to a car parking area which is owned by the applicant.

Immediately to the east, the site borders Groby Surgery (26 Rookery Lane) which is a small building Grade II Listed.

Details of the building as identified by Historic England are:

House. Late C18 with C20 additions. Paired rubble walling with brick dressings, Swithland slate roof with 2 brick painted gable stacks 2 storey. 3 bay front with central gabled porch with small casement, flanked by single 3 light casements under segment heads. Above 2, 2-light casements to left a lean-to addition, to right a C20 addition with 2 light casement.

The boundary of the application site where it abuts the listed surgery building comprises of a 1.8m close boarded fence.

The site and the immediate surrounding properties lie within the Groby Conservation Area which covers the village centre and its environs. In addition the site, forms part of an area identified in the Groby Conservation Area appraisal November 2010 as an area of landscaping, and parking provision. That appraisal however being undertaken prior to its adoption in 2010; pre-dates the development of adjacent site including the erection of new dwellings at No 22 and 24 behind.

In 2017 Planning permission was sought for the development of the site by the erection of a single dwelling Ref: 17/00982/FUL. That application was refused by the Council. A decision subsequently upheld on appeal

3 The Proposals

The proposal is to develop a single small detached 2 bedroom dwelling. The dwelling is of a bespoke design to reflect the characteristics of the site and its immediate surroundings and also takes into consideration its relationship to the neighbouring property No 26 Rookery Lane a Grade II Listed building

Parking for the property is already provided to the rear off the existing private drive that also serves No's 222 and 24 Rookery Lane

The proposals would retain the low stone wall and set back from the highway boundary that runs across the front of the site. As part of the development it is proposed to suitably landscape this area to retain some of the characteristics of the former green space now largely developed.

4 Planning Policy.

Section 70 of the Town and Country Planning Act 1990 requires that the Local Planning Authority shall have regards to the provisions of the development plans and any other material considerations

For the purposes of this application it is considered that the following policies of the Hinckley and Bosworth Local Plan 2006-2026 are relevant in the consideration of this proposal

Core Strategy (2009)

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

Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2021)
- Planning (Listed Buildings and Conservation Areas) Act 1990

Other relevant guidance

- Groby Conservation Area Appraisals (Nov 2010)
- Landscape Character Appraisal 2017

5 Assessment

Consideration of the Proposal

Principle

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70 (2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

However, the most recent figures published by Hinckley and Bosworth Council indicate a supply of 4.76 years as of the 1st April 2022. (most recent figures available) Whilst this figure is not significantly below the minimum 5 years supply required by national policy, authorities in these circumstances are required in their decision making to apply the presumption in favour of sustainable development as defined by Paragraph 11 of the NPPF.

Further as the Council cannot currently demonstrate a 5-year housing land supply and the housing policies in the adopted Core Strategy, the housing policies of the adopted SADMP are considered to be out of date as they focused on delivery of a lower housing requirement than is now required. Therefore, the 'tilted' balance in paragraph 11(d) of the NPPF applies and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

This site lies within the heart of the village of Groby in a well established residential area. The application site is located within the settlement boundary of Groby which is identified in the adopted Local Plan documents as a sustainable location for development. The site itself is located in the centre of the village with good access to the villages' services and facilities and by virtue of its small scale the proposal we believe would not have any significant adverse impact on the spatial vision of the adopted Core Strategy.

In principle therefore we believe that there is support for the development of 'windfall' sites and in particular support for the provision of small scale 'starter' units in a highly sustainable location.

National planning policy as set out in the NPPF 2023 actively encourages the development of small and medium sized sites which can make an important contribution to meeting the housing requirements of an area. Further paragraph 74 of the guidance sets out the requirement for Local Authorities to provide a minimum of five years' worth of housing against their housing requirement.

We consider that the location of the site within the built up area of Groby a highly sustainable location should there apply a presumption in favour of the development.

Other Factors to Consider.

Notwithstanding establishing the principle of development being supported in a sustainable location we believe that there are four factors that need to be considered and addressed. These are:

- (i) Impact on the character and appearance of the Conservation Area,
- (ii) Impact on the adjacent grade II Listed building
- (iii) Design

(iv) Impact on the amenity of neighbouring dwellings.

Impact on the character and appearance of the Conservation Area.

Historically the application site and its immediate surroundings were identified in the Groby Conservation Area appraisal November 2010 as an area of Green Space. To the immediate south of the site is a small detached grade II listed building currently in use as a Doctors surgery.

Overall Rookery Lane in contrast to much of the Conservation Area in particular those areas along Markfield Road and Leicester Road has a generally suburban character with a mixture of relatively modern two storey housing with open plan frontages, car parking to the front of properties and constructed of modern facing brickwork and interlocking tiles.

Although there are some older more traditional buildings often finished in external render and one example of a thatched roof cottage these are in the minority and are located in close proximity to flat roofed commercial premises.

In considering a previous proposal for the development of the site in which was refused by the Council, a decision upheld on appeal the Inspector referred to *'the value of the site being recognised by the CAA and plan of the Conservation Area which identifies it as part of larger green space formed by the gardens to 20 and 26 Rookery Lane. The CAA development guidance states such green spaces should be retained'*.

The development of the two detached dwellings at 22 and 24 Rookery Lane has however significantly reduced this former area of green space to the extent that it no longer functions as area of green space. In consideration of this please see below an extract from the Conservation Area appraisal map and a comparative google maps extract.

These highlight the significant change that has occurred in the immediate area over time resulting in the development of this area and the removal of the green area.



Extract from CA Appraisal Map



Google maps extract same area

We believe that the changes that have occurred have resulted in the development of this particular area of green space to the extent that it does not now have the function of a green space that contributes to the character and setting on Rookery Lane or indeed the Conservation Area.

Nevertheless the development now proposed would retain the low stone wall that runs across the front of the site and it is proposed that in addition further planting would take place to the front of the site resulting in an overall enhancement of the site when viewed from Rookery Lane.

Impact on the Listed Building

Immediately adjacent to the site is No 26 Rookery Lane is a Grade II Listed building described in Historic England's website as

House. Late C18 with C20 additions. Paired rubble walling with brick dressings, Swithland slate roof with 2 brick painted gable stacks 2 storey. 3 bay front with central gabled porch with small casement, flanked by single 3 light casements under segment heads. Above 2, 2-light casements to left a lean-to addition, to right a C20 addition with 2 light casement.

In fact this building is currently in use as an NHS Doctors surgery. (Grobby Surgery) which as is identified by Historic England's description the original building had more recently been altered and extended

The current proposal is for a single relatively small detached two bedroom dwelling. The design of the dwelling and its siting has been chosen to take into consideration the sites location adjacent to the listed building minimise any visual or amenity impact on the setting of that building. The application site itself is at a relatively lower (elevation) level than No26 the site of which is enclosed on this side by a 1.8m high close boarded fence. The design of the dwelling has resulted from a consideration of the relationship of the two properties.

NPPF Paragraph 194 require that '*In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting*'

Further para 197 states that

In determining applications, local planning authorities should take account of:
a) *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
b) *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
c) *the desirability of new development making a positive contribution to local character and distinctiveness.*

Paragraph 202.

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

We believe that the importance of the area as an area of green space has been severely diminished over time as a result of approved development (**please refer to historic plans submitted with this application**) to the extent that this area does not now function as an area of green space important to the character and setting of the Conservation Area in particular as viewed from Rookery Lane. Nevertheless the development proposal have been formulated not only to seek to protect and preserve the setting of the adjacent grade II listed property but enhance the appearance of the site by proposing a high quality, small single storey dwelling.

Taking into consideration the changes that have taken place to the Conservation Area since originally designated and the bespoke design of the proposed dwelling, which has considered its impact on the Conservation Area and the adjacent Listed Building; we believe that the development will lead to less than substantial harm to the significance of the designated heritage assets. When weighted against the public benefits of providing a small house that would contribute in a significant way to the Local Authorities housing shortfall the proposal should be supported.



The site in 2009



The site at the time of the Conservation Area Appraisal 2012



The site currently following more recent development

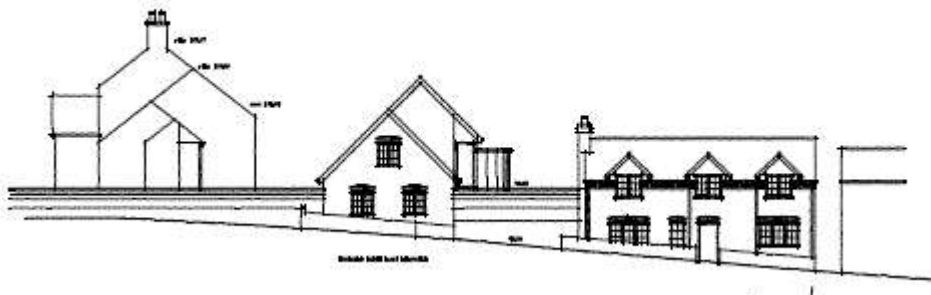
(see extract from appraisal and google maps above)

Design of the Proposed Dwelling

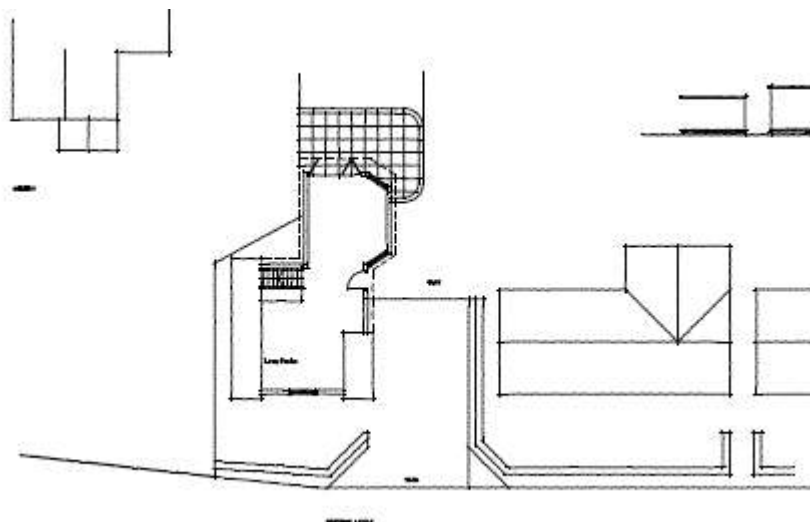
The layout and design of the proposed dwelling take into consideration three important factors.

- (i) the need to sustain and enhance to character and appearance of the conservation area,
- (ii) the need to conserve the adjacent listed building as an important heritage asset; and
- (iii) the characteristics of the site itself and its appearance within the street scene.

As a result a bespoke design has been produced which reflects the nature and shape of the site. The dwelling would be single storey and set back from the road frontage, largely in line with neighbouring dwellings. As a result this allows the existing low stone wall that defines the front of the site to be retained. In addition it is proposed to provide new planting to the front of the site to enhance its appearance.



Proposed street elevation



Block plan showing relationship of new house to existing properties

Impact on Neighbouring Properties

The proposal is for a small 1 bedroom dwelling of a bespoke design which takes into consideration not only the location of the site within the Groby Conservation Area and adjacent to the doctors surgery building , a grade II listed building but also other neighbouring residential properties. In particular No's 22 and 24 Rookery Lane, the immediately adjacent residential dwellings, which have use of the shared access to the side of the site. These are relatively modern buildings which front onto Rookery Lane and are separated from the application site by this access drive.



Street view of access to site and relationship to new housing

The design of the dwelling has a simple elevational treatment with windows restricted to the front street elevation and to the rear facing onto an enclosed courtyard. On the side elevations openings are restricted to a single doorway providing the main access into the building.

The design also reflects the sloping nature of the site from front to back whilst at the same time limits the overall height of the property such that it minimises any visual impact on the neighbouring listed doctor's surgery building.

6 Conclusion

In conclusion we believe notwithstanding the historic refusal of planning permission on this site, circumstances have since changed in terms of the areas importance as an area of green space and its impact on the character and appearance of the Conservation Area; to the extent that support should be given to the development of a small scale dwelling in an eminently sustainable location.

Although the site remains adjacent to the Doctors Surgery a grade II listed building, it lies to the side/rear of that property we believe that in accordance with Paragraph 202 of the NPPF, we believe that this proposal would result in a development leading to less than substantial harm to the designated assets i.e. Groby Conservation Area and 26 Rookery Lane a grade II listed building.

Any perceived harm should be weighed against the public benefit of developing a small scale dwelling potentially suitable as a starter home or for elderly occupants in a highly sustainable location with good access to a wide range of services and facilities.