

Delegated Report

Planning Ref: 24/01023/FUL

Applicant: Miss Amelia Martin

Ward: Markfield Stanton & Fieldhead



Hinckley & Bosworth
Borough Council

Site: 46 Forest Road Markfield Leicestershire

Proposal: Dropped kerb and hardstanding

1. Recommendations

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

2. Planning application description

- 2.1. The application seeks full planning consent for the construction of a dropped kerb and hardstanding at 46 Forest Road, Markfield.
- 2.2. The proposed dropped kerb would measure 4.12 metres in width and would be accompanied by a block paved hardstanding measuring 5.75 metres in depth and 2.81-3.17 metres in width. The hardstanding along with the existing north-western wall, would be enclosed by a new wall to the south-east boundary measuring a maximum of 0.37 metres in height. The wall would be constructed out of repurposed stone.

3. Description of the site and surrounding area

- 3.1. The application site relates to a late-19th century red brick two storey mid-terraced house within a small terrace of simple form which is situated within the settlement boundary and conservation area of Markfield and within the constraints of the National Forest and Charnwood Forest.
- 3.2. The dwelling is constructed with red facing bricks, slate roof and a variety of white uPVC windows. The terrace has a number of feature brick chimney stacks and stone headers to fenestration throughout. The terrace occupies a raised position in relation to Forest Road and the front highway boundary of the terrace is defined by a low-level stone (granite) retaining wall, with modern red brick walls to some side boundaries.
- 3.3. The adjoining dwellings to the east (No. 42 & 44) have constructed a parking space within the (wider) site frontage bounded to both sides by low-level stone (granite) retaining walls following the grant of planning permission in 2017 and 2022.
- 3.4. Forest Road is a classified C road.

4. Relevant planning history

79/00159/4

- Formation of parking space with access
- Refused
- 27.03.1979

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.
- 5.2. No comments have been received.

6. Consultation

6.1. Markfield Parish Council:

- No comments have been received.

6.2. HBBC Conservation Officer:

“This application is for the formation of a parking space at the front of the property and a dropped kerb. Works required to create this arrangement involve the levelling of the ground at the front of the property, taking down the stone wall at the front boundary and modern brick wall to the (eastern) side, and using the stone to erect a new dividing wall along the side boundary to the neighbouring property to the east, no.44 Forest Road. The parking area would be laid to a hard surface, with the materials to be confirmed. The existing concrete kerb stones would be removed to provide access from the highway.

All materials from the existing front wall will be used in the building of the side wall and despite its relocation a traditional stone wall would remain fronting the property and be a visible feature within the street scene. The existing concrete kerb is of no historic interest, unlike the remaining granite kerb stones elsewhere in the village, so the removal of a concrete kerb to create the access would result in no loss of historic fabric of interest. A hard landscaping for the parking area could be appropriately specified, with details provided at pre-determination or pre-commencement stage if necessary in my opinion. As a result the proposal will preserve the character and appearance and thus significance of the Markfield Conservation Area, therefore it complies with Policies 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.”

6.3. LCC Highways:

“Background

The Local Highway Authority (LHA) have been reconsulted by Hinckley & Bosworth Borough Council as the Local Planning Authority (LPA) on a full application for a dropped kerb and hardstanding at 46 Forest Road, Markfield. The LHA previously referred the LPA to its Standing Advice guidance on 13th December 2024. The Applicant has subsequently submitted a drawing which details 2.4 x 43m visibility splays at the access. This was uploaded to the LPA’s planning portal on 4 th February 2025.

Site Access

The driveway access is proposed off Forest Road, a C classified road subject to a 30mph speed limit. The road is subject to a 7.5 tonne weight restriction and street lighting is present in the area. Based on Table 6 of the Leicestershire Highway Design Guide ([LHDG] available at <https://www.leicestershirehighwaydesignguide.uk/>), for a road where measured vehicle speeds are between 26 to 30mph, vehicular visibility splays of 2.4 x 43m are required in each direction at the site access.

The LHA advises that the submitted drawing detailing vehicular visibility splays is not to the 1:500 scale stated, and the splay to the southeast has not been constructed correctly. Nevertheless, it is clear that the proposed visibility splays cross third-party land (land which does not fall within land under the Applicant's control or the public highway) in each direction. The LHA has reviewed its own mapping system and believes that the Applicant could achieve vehicular visibility of no more than approximately 2.4 x 5.0m in each direction when considering land under the control of the Applicant and the public highway only.

The Applicant has not provided any speed survey data within the vicinity of the proposed driveway access and the LHA do not hold records of a speed survey in the vicinity. Based on Table 6 of the LHDG, where vehicle speeds of between 11-15mph are recorded, a visibility splay of 17.0m would be required. Notwithstanding the absence of a speed survey and after visiting the site, the likely achievable splays of 2.4 x 5.0m are insufficient. Furthermore, 1x1m pedestrian visibility splays could not be achieved in accordance with Table 13 of the LHDG due to third party land.

Given the above, the LHA advises it objects to the proposals on the grounds of highway safety as both pedestrian and vehicular visibility could not be provided given the constraints of the red line boundary and nor could they be maintained in perpetuity. This could result in vehicles pulling out on to the highway with severely restricted pedestrian and vehicular visibility, which would be to the detriment of highway safety.

Highway Safety

Based on available records to the LHA, there has been one recorded Personal Injury Collision within 500m either side of the site access within the last five years. This occurred on London Road between Croftway and Birchfield Avenue in January 2024. The PIC involved a reversing vehicle and a pedestrian and was recorded as 'slight' in severity. As detailed in the 'site access' section above, a safe and suitable site access, as required by paragraph 115 of the National Planning Policy Framework (NPPF) (2024), is not achievable and therefore the proposals could have an unacceptable impact on highway safety.

Internal Layout

Drawing number 24/MPAM/01 details the internal layout of the proposals. Based on the Design Principles for Off-Street Parking section of the LHDG, a parking space requires a minimum length of 5.50m and minimum width of 2.4m, with an additional width of 1.0m if bounded on both sides (0.5m on each side). In this instance the proposed parking space is bound by a wall. After reviewing the drawing, the LHA is satisfied the site could accommodate one vehicle.

Closing

The Applicant has failed to demonstrate a safe and suitable access for all users, which is contrary to the requirements of paragraph 115 of the NPPF. Due to the significant shortfall in visibility, vehicles exiting the access would be required to significantly overhang into the highway in order to see vehicles approaching from a suitable distance. The lack of pedestrian visibility splays poses an unacceptable risk to pedestrian safety due to the risk of conflict between vehicles accessing and egressing the site and passing pedestrians. The proposal forms an unacceptable impact on highway safety, and is therefore contrary to paragraphs 115 and 116 of the NPPF."

6.4. HBBC Environmental Health (Pollution);

"No objections."

7. Policy

7.1. Markfield Neighbourhood Plan 2020-2039

- Policy M9: Locally Valued Heritage Assets
- Policy M10: Design

7.2. Core Strategy (2009)

- Policy 7: Key Rural Centres
- Policy 8: Key Rural Centres Relating to Leicester
- Policy 21: National Forest

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

- Policy DM1: Presumption in Favour of Sustainable Development
- 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

7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2024)
- Planning Practice Guidance (PPG)

7.5. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)
- The Leicestershire Highways Design Guide (2024)

8. Appraisal

8.1. Key Issues

- Design and impact upon the character of the area and the Conservation Area
- Impact upon neighbouring residential amenity
- Impact upon highway safety

Design and impact upon the character of the area and the Conservation Area

8.2 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.

8.3 Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraphs 212-215 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.

8.4 Policy DM10 of the Site Allocations and Development Management Policies DPD requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, mass, design, materials and

architectural features and for building material to respect existing/neighbouring buildings and the local area generally.

- 8.5 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. All development proposals will need to accord with Policy DM10: Development and Design.
- 8.6 Policy M9 of the Markfield Neighbourhood Plan relates to locally valued heritage assets but is silent on the terrace in question. Policy M10 of the 'made' Markfield Neighbourhood Plan (MNP) states that to be supported development must be sympathetic to local character and history and be in keeping with the scale, form and character of its surroundings, protect important features such as traditional walls and ensure development responds to the agricultural and quarrying precedents in the village through materials and form.
- 8.7 The terrace is identified as a key local building within the Markfield Conservation Area Appraisal due to its architectural and historical interest. The terrace is fronted by a range of boundary features including walls of historic and modern brickwork and stone walls. The stone walls are granite, extracted locally from Markfield quarry, and this has given the village a distinctive appearance. The walls are particularly evident in the street scene and the gentle curve of Forest Road allows for full visibility of this traditional means of enclosure. To the front of the application property is a retaining stone wall (with modern capping) which abuts the pavement, a traditional brick walls to the western side, a low modern brick wall to the eastern side, and a small area laid to tarmac with steps that lead up to the property. For the above reasons it is considered that the traditional stone and brick walls fronting the application property contribute positively to the character and appearance and thus significance of the conservation area.
- 8.8 The application seeks full planning consent for the construction of a dropped kerb and hardstanding at 46 Forest Road, Markfield. Works required to create this arrangement involve the levelling of the ground at the front of the property, taking down the stone wall at the front boundary and modern brick wall to the (eastern) side, and using the stone to erect a new dividing wall along the side boundary to the neighbouring property to the south-east, 44 Forest Road. The parking area would be laid to a hard surface and block paved. The existing full concrete kerb stones would be replaced with dropped kerb stones to provide access from the highway.
- 8.9 All materials from the existing front wall will be used in the building of the side wall and despite its relocation a traditional stone wall would remain fronting the property and be a visible feature within the street scene. The existing concrete kerb is of no historic interest, unlike the remaining granite kerb stones elsewhere in the village, so the removal of a concrete kerb to create the access would result in no loss of historic fabric of interest. The proposed surfacing materials would not be unacceptable in visual terms and due to the precedent for the proposed development with the adjoining dwelling to the east (no. 42) having already carried out a similar scheme and therefore the proposal would not be uncharacteristic of the locality.
- 8.10 As a result, the proposal will preserve the character and appearance and thus significance of the Markfield Conservation Area, therefore it complies with Policies DM10, DM11 and DM12 the SADMP, section 16 of the NPPF, the statutory duty of section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and Policy M9 of the Markfield Neighbourhood Plan.

Impact upon neighbouring residential amenity

- 8.11 Policy DM10 of the Site Allocations and Development Management Policies DPD requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, mass, design, materials and architectural features and for building material to respect existing/neighbouring buildings and the local area generally.
- 8.12 Policy M10 of the Markfield Neighbourhood Plan seeks to ensure that the amenities of residents in the area are not significantly adversely affected including by loss of daylight/sunlight, privacy, air quality, noise and light pollution.
- 8.13 By virtue of the minor nature of the proposal there is not considered to be any material adverse impact on the residential amenity of the occupiers of any neighbouring properties from unacceptable noise, disturbance or air pollution and therefore the proposal would be in accordance with Policy M10 of the Markfield Neighbourhood Plan and Policy DM10 of the adopted SADMP. No objections to the proposal have been received from any neighbouring properties.

Impact upon highway safety

- 8.14 Policies DM17 and DM18 of the Site Allocations and Development Management Policies DPD states that proposals should ensure that there is adequate provision for on and off-street parking for residents and visitors and there is no impact upon highway safety.
- 8.15 Policy M10 of the Markfield Neighbourhood Plan seeks that development provides adequate external space for vehicles.
- 8.16 The Leicestershire Highways Design Guide seeks to ensure that the minimum parking size is 2.40 metres x 5.50 metres, 0.50 metre should be added if bounded by a wall, fence, hedge, line of trees or other similar obstructions on 1 side, and 1.00 metre if bounded on both sides
- 8.17 The area of block paving proposed at the front of the property would be bounded by a wall either side, nevertheless it would measure 5.75 metres in depth and 2.81-3.17 metres in width being sufficiently wide enough provide one off-street parking space in accordance with the Leicestershire Highways Design Guide.

Table 6

Assessed likely vehicle 85th percentile vehicle speed (mph)	Measured 85th percentile vehicle speed (mph)	Visibility distance at junctions, bends and vertical crests (m) Light vehicles	Visibility distance at junctions, bends and vertical crests (m) HGV
15	11 to 15	17 (a)	19 (a)
20	16 to 20	25 (a)	27 (a)
Speeds on new residential development roads should normally be controlled to 20mph or less (b)	21 to 25	33 (a)	36 (a)
	26 to 30	43 (a)	47 (a)
	31 to 35	54 (a)	59 (a)
	36 to 40	65 (a)	73 (a)
	41 to 44	120 (b)	120 (b)
	45 to 53	160 (b)	160 (b)
	54 to 62	215 (b)	215 (b)
	63 to 75	295 (b)	295 (b)

Table 13

Pedestrian visibility splays	Normally 1m x 1m both sides (no planting permitted) unless there are local circumstances which apply e.g. a significant pedestrian traffic generator is located in the vicinity (such as a school, playground or playing fields etc.) in which case 2m x 2m is required
---------------------------------	---

Pedestrian visibility splays	Normally 1m x 1m both sides (no planting permitted) unless there are local circumstances which apply e.g. a significant pedestrian traffic generator is located in the vicinity (such as a school, playground or playing fields etc.) in which case 2m x 2m is required
---------------------------------	---

- 8.18 Notwithstanding that the parking provision would be acceptable, as Forest Road is a C classified road subject to a 30mph speed limit, a 7.50 tonne weight restriction and street lighting in order to comply with Table 6 of the Leicestershire Highway Design Guide (referenced above) the applicant is required to provide vehicular visibility splays of 2.40 x 43.00 metres in each direction in the interests of highway safety.
- 8.19 Vehicular visibility splays were submitted by the applicant and although not drawn to the stated 1:500 scale and the south-east splay having not been constructed correctly it is clear that the proposed visibility splays would cross third-party land (land which does not fall within land under the applicant's control or the public highway) in each direction. Due to this the Leicestershire Highway Authority has reviewed their own mapping system and believes that the applicant could achieve vehicular visibility of no more than approximately 2.40 x 5.00 metre in each direction when considering land under the control of the applicant and the public highway only. Following the above data, a Leicestershire Highway Authority officer has, however, since visited the site and concluded the 2.40 x 5.00 metre splay to be insufficient.
- 8.20 In addition to the above, the applicant has neither provided any speed survey data within the vicinity of the proposed driveway access and 1.00x1.00 metre pedestrian visibility splays could not be achieved in accordance with Table 13 of the Leicestershire Highways Design Guide due to third party land. Given the above, the Leicestershire Highway Authority has objected to the proposal on the grounds of highway safety as both pedestrian and vehicular visibility could not be provided given the constraints of the red line boundary and nor could they be maintained in perpetuity. This could result in vehicles pulling out on to the highway with severely restricted pedestrian and vehicular visibility, which would be to the detriment of highway safety.
- 8.21 It is considered that the proposed development would be detrimental to highway safety by reason of the significant shortfall in visibility, vehicles exiting the access would be required to significantly overhang into the highway in order to see vehicles approaching from a suitable distance. The lack of pedestrian visibility splays poses an unacceptable risk to pedestrian safety due to the risk of conflict between vehicles accessing and egressing the site and passing pedestrians. The proposals therefore fail to comply with policy DM17 of the SADMP, paragraphs 115 and 116 of the NPPF, and the Leicestershire Highways Design Guide.

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, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.
- 9.3 There are no known equality implications arising directly from this development.

10. Conclusion

- 10.1 The application is acceptable in terms of visual impact, impact on heritage assets and residential amenity, but would have a significant adverse impact on highway safety by reason of the significant shortfall in visibility and the lack of pedestrian visibility splays. The proposal therefore fails to comply with Policies DM17 and DM18 of the SADMP, paragraphs 115 and 116 of the NPPF (2024), and the Leicestershire Highways Design Guide (2024).

11. Recommendation

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

11.2 Conditions and Reasons

- 1. The proposed development would have a significant adverse impact on highway safety by reason of the significant shortfall in visibility and the lack of pedestrian visibility splays. The proposal is therefore contrary to Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016), paragraph 115 and 116 of the NPPF (2024) and The Leicestershire Highways Design Guide (2024).

11.3 Notes to applicant

- a) The application has been determined with consideration to the following submitted documents:
 - Site Location and Block Plan, Drg No. 24/MPAM/01 as received by the Local Planning Authority on the 7th November 2024.
 - Application Form as received by the Local Planning Authority on the 28th November 2024.
 - Visibility Splay as received by the Local Planning Authority on the 4th February 2025.