

**Planning Committee 7 January 2020  
Report of the Planning Manager**

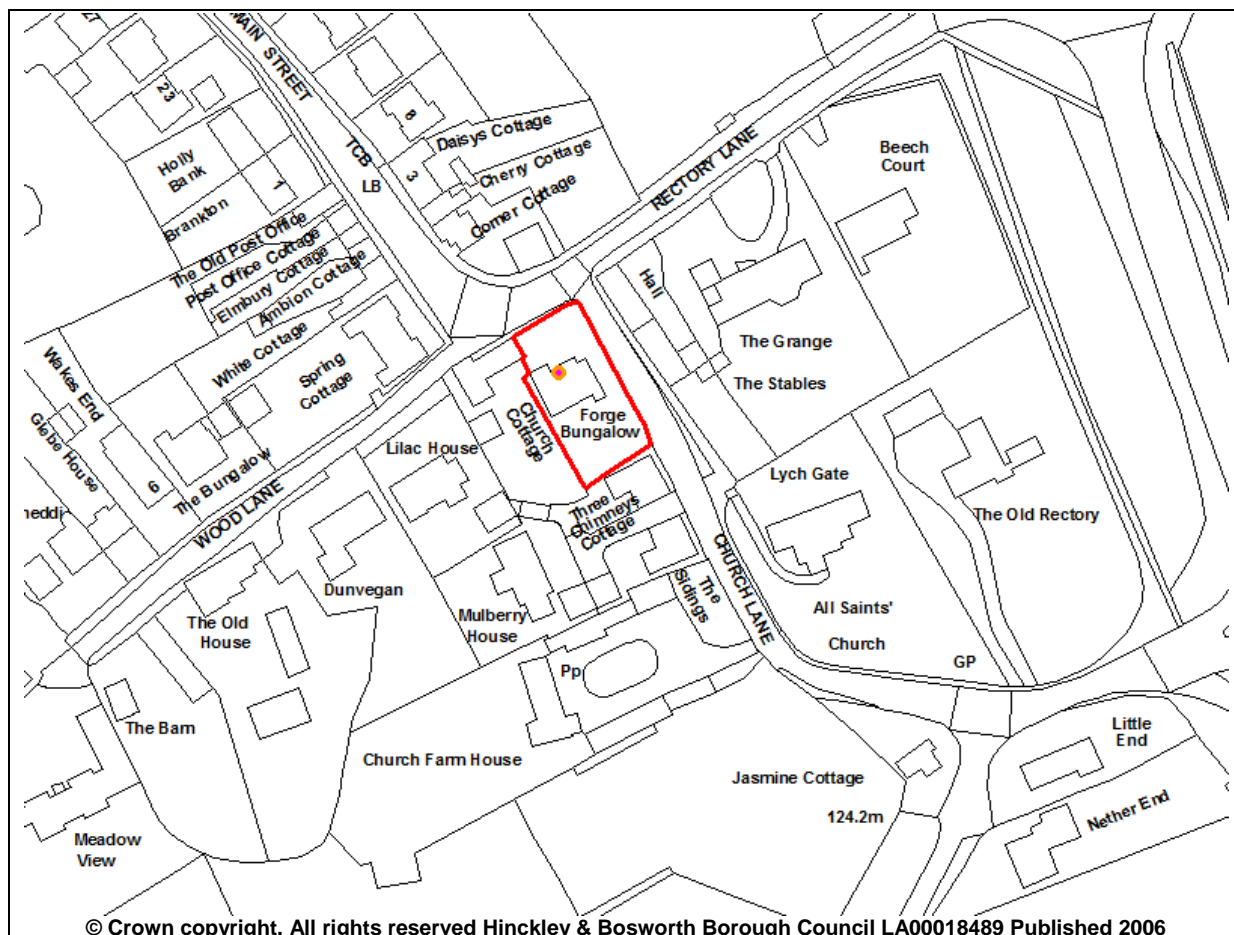
**Planning Ref:** 19/00714/FUL  
**Applicant:** Mr K Baxter  
**Ward:** Cadeby Carlton M Bosworth & Shackerstone



Hinckley & Bosworth  
Borough Council

**Site:** Forge Bungalow Main Street Cadeby

**Proposal:** Demolition of existing bungalow and erection of 2 no dwellings



**1. Recommendations**

**1.1. Grant planning permission** subject to:

- Planning conditions outlined at the end of this report.

**2. Planning Application Description**

- 2.1. The application seeks permission for the demolition of the existing dwelling and the erection of 2 two-storey detached dwellings.
- 2.2. Dwelling 1 would face Main Street approximately 4 metres from the side elevation of Church Cottage (which is a Grade II Listed Building). The ridge height is similar at approximately 7 metres with a slightly higher eaves height of 3.9 metres (opposed to Church Cottage whose eaves are approximately 3.6 metres in height).
- 2.3. Dwelling 2 would face Church Lane adjacent to Three Chimneys Cottage. The character and appearance of dwelling 2 would be similar to both Three Chimneys

Cottage and The Sidings. The ridge height would be approximately 8.8 metres with an eaves height of 5 metres.

- 2.4. Both dwellings would be 4 bedrooms with on-site parking. The parking for dwelling 1 would be accessed via Church lane and provides a turning area and 3 parking spaces. Dwelling 1 also benefits from a rear garden of approximately 82 square metres and a side garden of 28 square metres.
- 2.5. Dwelling 2 benefits from 2 parking spaces accessed via Church Lane with a rear garden of approximately 152 square metres.
- 2.6. During the course of the application, amended plans have been received with the following revisions;

Reduction in size, including height of both dwellings;

Relocation within the plot of both dwellings;

Design elements including the eyebrow dormers on dwelling 1 and the inclusion of a chimney on dwelling 2 to reflect design elements on adjacent properties;

Revisions to car parking layouts;

Root Protection Zone included in regard to the Walnut tree.

The application has been re-consulted on 3 times.

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

- 3.1. The application site is located at the junction of Church Lane and Main Street and is within the core of the Cadeby Conservation Area. There are three listed buildings within the vicinity of the site, Church Cottage is Grade II listed and is located immediately to the west of the site, Church Farmhouse is Grade II listed and is located approximately 50m to the south of the site, and the Church of All Saints is Grade II\* listed and is located approximately 50m to the south-east of the site.
- 3.2. The existing property - Forge Bungalow - was built circa 1950 and is set back from both Church Lane and Main Street. There is an open frontage to Church Lane with a path and area laid to lawn for the front garden. The eastern boundary of the site currently comprises a section of hedgerow and conifer trees, whilst the southern end of this boundary is open to a rear garden. The gable end to Church Cottage and its associated garden form the western boundary of the site. To the south is Three Chimneys Cottage, this being a development constructed approximately 5 years ago. Forge Bungalow has a dual pitched roof with projecting gables to the front elevation. It is constructed of a mellow red brick with concrete roof tiles and large window openings.
- 3.3. There is a Walnut tree situated within the rear garden of Church Cottage adjacent to the boundary. This tree has recently been made the subject of a Tree Preservation Order.

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

None

### **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. There have been 21 objections from seven separate addresses. The application has been subject to several revisions and the amount of letters received reflects the re-consultation process on each revision. The objections are as follows:

- 1) Over-development of the site;
- 2) Proximity, scale and design of dwellings not in keeping with the village;
- 3) Erosion of the historical heart of the village/conservation area;
- 4) Loss of views from Main Street to All Saints church;
- 5) Highway hazard due to proximity to junction of Rectory Lane/Church lane;
- 6) Dwelling1 will over dominate this junction;
- 7) Dwelling 2 will over dominate Three Chimneys Cottage and cause loss of light;
- 8) Two 4 bed houses will put a strain on village services;
- 9) Dwelling 2 will have a detrimental impact on TPO tree;
- 10) Fumes from car parking for Dwelling 1 will impact on the residential amenity of the occupiers of Church Cottage as adjacent to their patio;
- 11) A single-dwelling would be more appropriate;
- 12) Applicant is seeking financial gain and doesn't have the interests of the village at heart;
- 13) Council should be opposed to the demolition of an existing property which is perfectly habitable;
- 14) Lack of information in the Heritage Statement fails to describe the significance of the historical assets of the adjacent Listed Buildings and Conservation Area;
- 15) Proximity to the Village hall will have a negative impact on future occupiers through noise and disturbance;
- 16) Does not comply with local plan Policies;

## **6. Consultation**

- 6.1. The following consultees have no objection to the scheme – as revised - subject to Conditions;

HBBC Waste Services  
 LCC Archaeology  
 LCC Highways  
 HBBC Drainage  
 HBBC Arboricultural Services  
 HBBC Conservation Officer

- 6.2. Cadeby Parish council object to the scheme on the following grounds:

- 1) Negative impacts to Heritage assets and Conservation Area;
- 2) Negative impacts on Neighbourhood amenity;
- 3) Highway concerns;
- 4) Negative Impact on the TPO Walnut tree;

- 6.3. County Councillor objects to the principle of infill development which fundamentally changes the character of the village and concurs with the views already presented by local residents and the Village Trust.

- 6.4. Cllr Maureen Cook originally called-in the application on the grounds of over-development and has requested a site visit.

- 6.5. English Heritage has reviewed the application (on being alerted to the scheme by a local resident) and have responded in that they would not have to be formally consulted on this matter and defer to the LPA to make the relevant appraisals.

## **7. Policy**

- 7.1. Core Strategy (2009)

- Policy 13: Rural Hamlets
- Policy 19: Green Space and Play Provision

- 7.2. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
  - Policy DM3: Infrastructure and Delivery
  - 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 DM13: Preserving the Borough's Archaeology
  - Policy DM18: Vehicle Parking Standards
- 7.3. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2019)
  - Planning Practice Guidance (PPG)
- 7.4 Any other guidance
- Cadeby Conservation Area Appraisal (CCAA) (2007)

## **8. Appraisal**

### **8.1. Key Issues**

- Assessment against strategic planning policies
- Design and impact upon the Heritage Assets
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Impact on TPO tree
- Drainage
- Obligations

#### Assessment against strategic planning policies

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) (2019) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.
- 8.3. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) and the Site Allocations and Development Management Policies DPD (2016).
- 8.4. The relevant development plan documents in this instance consist of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies Development Plan Document (2016) (SADMP).
- 8.5. The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough. Policy 13 of the Core Strategy identifies Cadeby as a rural hamlet which supports housing development with settlement boundaries whilst respecting

the character and appearance of the Conservation Area by incorporating locally distinctive features of the CA into the development, which will be considered further in the report.

- 8.6. The housing policies in the development plan are considered to be out-of-date as they focus on delivery of a lower housing requirement than required by the up-to-date figure identified in the Governments Housing Delivery Test and the Council is unable to demonstrate a 5 year housing land supply. Therefore, the application should be determined against Paragraph 11(d) of the Framework whereby permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 8.7. The proposal for residential development within the settlement boundary is acceptable in principle subject to any material considerations that are considered elsewhere within this Report.

Design and impact upon the character of the conservation area and heritage assets

- 8.8. Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD (SADMP) seek to protect and enhance the historic environment and heritage assets. Policy DM13 seeks to protect the Borough's Archaeology. Policy DM11 states that the Borough Council will protect, conserve and enhance the historic environment throughout the borough. This will be done through the careful management of development that might adversely impact both designated and non-designated heritage assets. All development proposals which have the potential to affect a heritage asset or its setting will be required to demonstrate:
- a) An understanding of the significance of the heritage asset and its setting, and
  - b) the impact of the proposal on the significance of the asset and its setting, including measures to minimise or avoid these impacts; and
  - c) How the benefits of the proposal will outweigh any harm caused
  - d) Any impact on archaeology in line with Policy DM13.
- 8.9. Policy DM12 requires all development proposals to accord with Policy DM10: Development and Design. All proposals for development affecting the setting of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting. Development proposals should ensure the significance of a conservation area is preserved and enhanced through the consideration and inclusion of important features (as identified in Conservation Area Appraisals and Management Plans).
- 8.10. Policy DM13 states that where development has the potential to impact a site of archaeological interest then appropriate desk-based assessments should be carried out, and where applicable, the results of a field evaluation detailing the significance of any affected asset. The site lies within an area of archaeological interest and consequently there is a likelihood that buried archaeological remains may be affected by the development.
- 8.11. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural and historic interest which it possesses. 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.

- 8.12. Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment.
- 8.13. In determining planning applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance (paragraph 189). Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal (paragraph 190).
- 8.14. Paragraph 192 states that in determining planning applications, local planning authorities should take account of:
- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - The desirability of new development making a positive contribution to local character and distinctiveness.
- 8.15. Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
- 8.16. Local planning authorities should look for opportunities for new development within Conservation Areas, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably (paragraph 200).
- 8.17. The Cadeby Conservation Area Appraisal (CCAA) (2007) identifies that the character of Cadeby Village is primarily derived from its agricultural origins. This can be identified from a number of former and existing farm buildings including Church Farm. The settlement is fortunate in having retained several medieval timber framed buildings (including Church Farm and Church Cottage) which help to give the village its unique character. The intersection of Main Street and Wood Lane (formerly Duck Paddle Lane) is considered to mark the heart of the conservation area where uniquely in the village, traditional house in the main, sit against metalled pavements with kerb stones to form the edges of a tightly enclosed space. Here Church Cottage displays a fine medieval cruck timber frame gable and eyebrow windows. These factors listed above contribute positively to the character and appearance and thus significance of the conservation area.
- 8.18. The CCAA identifies that within the conservation area without exception traditional buildings are two storeys in height and set at or near the back edge of the pavement. Decorative chimneys feature prominently throughout the settlement often grouped in twos or fours. Blue clay roof tiles with plain ridges are the predominant roof material. Elevations are plain and simple with occasional gables fronting the road. Window openings are either vertically proportioned for sliding sashes or sit beneath segmental arches. Projecting brick cills and string courses also feature. The widespread use of red bricks of various tones has continued during more recent developments broken only occasionally by render, giving a continuity of appearance through the village. Fine high brick and stone walls topped

with saddle-back copings, agricultural fencing and hedges are commonly used to define boundaries within the settlement. These channel views and add interest to the edges of the area. Such building style, scale and details and boundary treatments all contribute positively to the character and appearance and thus significance of the conservation area.

- 8.19. Conversely the CCAA identifies that open frontages to dwellings are out of character. Buildings of poor visual quality within the area include pockets of post-war development that detracts from the prevailing scale, form and grain of the area. The CCAA specifically identifies Forge Bungalow as one such dwelling, and due to its uncharacteristic scale, form, siting, and open frontage the application site has a negative influence on the character of the conservation area. The fir trees along its boundary are also considered a particular incongruent feature on Church Lane. The CCAA map identifies the application site as a weak area and as a site requiring frontage improvements; therefore the application site warrants special attention for enhancement. The enhancement of the character and appearance of the conservation area can be defined as the reinforcement of the qualities providing the special interest and significance which warranted designation. The associated Cadeby Conservation Area Management Plan and Photographic Record (2007) suggests that a boundary wall built around the curtilage of Forge Bungalow would help enclose the site and screen the poor view into the rear of the property, alongside also suggesting that redevelopment of the site should be considered.
- 8.20. The application site is also visible in a number of 'views to be protected' (as identified in the CCAA) including one looking south-east down Main Street (almost directly at the site), one from directly outside the site from Main Street looking south-east towards The Grange, one directed south-west along Rectory Lane (from outside The Grange), and one adjacent to the site looking south-east down Church Lane towards the church and churchyard. The current character and appearance of the application site is considered to detract from these views for the reasons identified above. There are also further heritage assets visible in these views and other views within the vicinity of the site, more context is provided below.
- 8.21. Three listed buildings, Church Cottage, Church Farmhouse and the Church of All Saints, are all located within the vicinity of the application site. It must therefore be assessed if the site falls within the setting of these designated heritage assets. The NPPF (Annex 2) defines the setting of a heritage asset as "the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral." Historic England provide advice on the setting of heritage assets in their Good Practice in Planning Note 3 (2015), this identifies that the surroundings in which an asset is experienced may be more extensive than its curtilage. The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way which we experience an asset in its setting is also influenced by other factors such as noise, dust and vibrations from other land uses in the vicinity, and by our understanding of the historic relationship between places. The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting as this will vary over time and according to circumstance.
- 8.22. Historic England recommends undertaking a five step approach to assessing change in the setting of heritage assets. The first step is to identify which heritage assets and their settings are affected by the proposal. Due to the tight urban grain of the village and their siting and close proximity of each other, the application site and each of the three listed buildings (Church Cottage, Church Farm and the

Church of All Saints) can be viewed from each other and are also viewed together from various points, including in some of the important views identified in the CCAA. The application site is therefore clearly located within the setting of these three designated heritage assets.

- 8.23. Step 2 is to assess the degree to which the setting makes a contribution to the significance of the heritage asset or allows its significance to be appreciated.
- 8.24. Church Cottage is grade II listed and located immediately to the west of the application site. The listing building entry identifies the building as partially dating from the early C16, the rest rather later, perhaps C17 or early C18. The earliest part is timber framed throughout with brick panel infill and a plain tiled roof replacing the original thatch. It has a main range and cross wing plan, the wing forms the earlier part of the cottage and is cruck framed. Studies listed on the HER tree-date the timbers back to 1472 (suggestions have also been made that the cruck dates back to 1363) therefore it is highly likely that the first phase of the building is older than identified in the listed building entry. The full height cruck is raised on a cobble plinth with a tie beam, collar and saddle at the apex and spurs to angle posts. There is close studding infill. Renewed casement windows have been installed within the cross wing. The main range (that being closest to the application site) consists of two units with a central doorway in a new porch and has steeply brick-arched heads to the flanking 3-light casement windows. There are two eyebrow dormers above and two axial stacks, one of which is behind the entry.
- 8.25. Church Farmhouse is grade II listed and is located approximately 50m south of the application site. The listed building entry identifies the building as a farmhouse dating from the late C16 or early C17. It is timber framed with partial brick infill and a plain tiled roof. It is two storeyed with a main range and cross wing plan. The main range consists of 6 bays framed in large square panels with some arched bracing and sections of cill visible though some of the timberwork is rendered over. The doorway is in the right hand bay. It has casement windows and two blank bays to the left. The cross wing has jowled corner posts and steep brick arched to the lower casement windows. There are gable and axial stacks. There are two perpendicular ranges of former agricultural buildings enclosing a courtyard giving the farmstead a U-shaped plan form, these ranges are listed by virtue of being in the curtilage of the farmhouse.
- 8.26. The Church of All Saints is grade II\* listed and is located approximately 50m south-east of the site. The listed building entry identifies the building as a small parish church dating from the late C13 with some C15 work and later restoration. It is constructed of coursed limestone rubble with ashlar dressings and a plain tiled roof. There is a small west tower over the nave roof, a short south aisle and a chancel. The above is a short summary with further features of interest extensively identified in the listed building entry.
- 8.27. The overall significance of the each listed building is principally derived from the architectural and historic interest of the asset, which is embodied within the fabric of the each building both internally and externally. Each building demonstrates a high level of illustrative value, with the architecture demonstrating church building techniques and styles from the late C13 onwards and domestic timber frame building techniques from at least the early C16 onwards, including both the cruck frame and box frame construction methods. The clear aesthetic value and historical value (by virtue of their use as part of the development of a functional settlement) of each building is apparent for the observer when located immediately adjacent, and for Church Farmhouse and the Church of All Saints it is also apparent from within the wider landscape.



- 8.28. The application site is considered to be located within the immediate setting of Church Cottage. The historical mapping does provide evidence of the development of the village and confirms the presence of earlier buildings located in the application site prior to Forge Bungalow, with the once attached range having a functional as well as physical relationship to Church Cottage through its use as a Smithy for a period of time. However any physical and associated functional connection between the application site and Church Cottage was severed by the demolition of the buildings on the site during the mid-C20, rendering any contribution the application site makes to the significance of Church Cottage as evidential only. Since the erection of Forge Bungalow the application site and Church Cottage are clearly two separate plots with no functional relationship other than that they are both domestic buildings, as to be expected in a small residential settlement.
- 8.29. Both the application site and Church Cottage are visible in views looking south-east along Main Street and south-west along Rectory Lane. Due to the siting and footprint of Church Cottage the focus of the view from Rectory Lane is on the blank gable end of the C17/C18 main range, although the original cruck timber framed cross wing does project out beyond the main range and can be glimpsed. This view does allow for an appreciation of Church Cottage but the extent of the appreciation is due to the uncharacteristic lack of enclosure at the front of Forge Cottage and its siting back from the plot frontage. The extent of this view has also only been possible since the demolition of the attached single storey range during the mid-20C. The view from Main Street is terminated by the front elevations of both Church Cottage and Forge Bungalow. The view allows for a full appreciation of the significance of Church Cottage with all phases of construction of the cottage being visible, however in the same view the uncharacteristic scale of Forge Cottage is clear and it stands out as being incongruous. It is therefore considered that the application site detracts (to a moderate level) from the setting of Church Cottage in both of these aspects.
- 8.30. The immediate setting of Church Farm is made up of the internal courtyard and the associated paddock located immediately below the southern range. The paddock provides for an open aspect to the southern range and the Farmhouse itself at the transition of the village into open countryside further to the south and west, this being the wider setting of the heritage asset. The 1840 tithe map and subsequent Ordnance Survey maps indicate that the built form at both the Church Farm complex and upon the application site has always been confined to within defined plots, clearly separated from each other by a parcel of land likely to have been for the use of the farm. There is no apparent direct functional or historic connection between the application site and Church Farm. Three two storey dwellings have now been constructed on this parcel of land in between the application site which, due to the scale and siting of this new development, greatly limit any visibility of the Church Farmhouse (due to its scale) from the application site to an occasional glimpse. Inter-visibility from Church Farm towards the application site is even further limited. Due to such a visual relationship between Church Farm and the application site comprising of glimpses at most only, alongside any views between now being set within the context of new (but appropriate) development, the application site is considered to make a neutral contribution to the significance of Church Farm.
- 8.31. The immediate setting of the Church of All Saints is made up of the moderately sized church yard which surrounds it. It is bound by a retaining stone wall and includes only a small amount of vegetation which provides it with a largely open character and aspect to Church Lane. The wider extended setting is relatively wide to the south and west, owing to the elevated position of the church and its modest

but visually prominent tower, noticeable on the skyline from numerous points within the southern section of the village and from the surrounding landscape at this transition into the countryside. This demonstrates the importance and influence of the church and therefore contributes to its value. There is also communal value which contributes to the overall significance of the church, derived from the role it has continuously played as a religious centre for the community from the C13 through to the present day.

- 8.32. As identified above evidence confirms the presence of earlier buildings located within the application site prior to construction of Forge Bungalow, however there is no apparent direct functional or historic connection between the application site and the church. There is some inter-visibility between the church and the southern section of the application site so the application site falls within the wider setting of the church. Looking northwards along Church Lane from either the churchyard or the lychgate the rear elevation of Forge Bungalow, its open rear garden and the boundary conifer trees are all clearly visible. It is considered that the uncharacteristic scale and form of the bungalow, the lack of site enclosure and the presence of the conifers makes no contribution to the significance of the church and as all of these incongruous factors can be fully appreciated in such views the application site detracts (to a moderate level) from the setting of the church in this aspect.
- 8.33. Slightly closer to the application site from Main Street (close to its junction with Wood Lane) there is a glimpse of the upper section of the tower of the Church of All Saints when looking south-east over the application site. This glimpse is possible due to the uncharacteristic scale of Forge Bungalow, but may have been extant since at least the 1840s due to the likely single storey scale of the once attached range. As established above, the application site makes no contribution to the significance of the church, however this established (although incidental) glimpse of the church tower over the application site does allow for a minor appreciation of the significance of this listed building.
- 8.34. The content provided in the submitted Design and Access Statement is limited and does not provide a thorough description of the heritage assets affected by the proposal, including any contribution made by their setting. The local planning authority should require an applicant to provide this information to a proportionate level and be no more than is sufficient to understand the potential impact of the proposal on the significance of affected heritage assets. Due to the limited information provided there is some conflict with paragraph 189 of the NPPF and Policy DM11 of the SADMP. However, the failure of the applicant to properly assess the heritage assets affected is not a reason to invalidate or to decline to determine the planning application, because as required by the NPPF (paragraph 190) (and as informed by the Planning Practice Guide) the local planning authority should also undertake their own assessment to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise.
- 8.35. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals (Planning Practice Guide - Historic Environment Section paragraph 007). The comments contained within this report have identified the particular significance of the heritage asset affected by the proposal (this includes their setting) by taking account of the available evidence, and is followed by an assessment of the impact of the proposal on the affected heritage assets. This ensures the local planning authority have fulfilled the requirements of paragraph 190 of the NPPF and Policy

DM11 of the SADMP, with no further information or evidence being required to inform this assessment.

#### Impact upon Cadeby Conservation Area

- 8.36. Both proposed dwellings follow many of the key characteristics of traditional buildings that contribute positively to the character and appearance of the area, as identified in the CCAA. Both dwellings are two storey in height and are located at or near the back edge of the pavement. The elevations are plain and simple and windows sit below segmental arches or the eaves. Decorative chimneys feature prominently on both gable ends in addition to decorative brick courses at the verges. Materials proposed for the construction of the dwellings are traditional and consist of a facing brick, plain clay tile roof, timber windows and doors, and metal rainwater goods. The use of a hedge to define the eastern boundary of plot 1 is also a characteristic boundary treatment further channelling views along Church Lane.
- 8.37. Increasing the number of dwellings on the site by one does increase the density of the plot but the development would closely follow the density of the recent development on the land formerly associated with Church Farm on the adjacent plot (comprising Three Chimneys Cottage, The Sidings, and Mulberry House) whilst also reflecting the higher density of development within the traditional core of the village. The design concept for both dwellings, by closely reflecting the key and quality characteristics of adjacent properties on both Church Lane and Main Street respectively, ensures that each dwelling would sit comfortably in the street scene. For this reason it is also considered that not only would the affected 'views to be protected' (identified in the CCAA) be preserved but rather it is considered they would be enhanced by the proposal.
- 8.38. The CCAA identifies that due to its uncharacteristic scale, form, siting and open frontage to around the site, Forge Bungalow has a negative influence on the character and appearance of the core of the conservation area. The fir trees along its boundary are also considered a particular incongruent feature on Church Lane. The CCAA map identifies the application site as a weak area and as a site requiring frontage improvements; therefore the application site warrants special attention for enhancement. By virtue of the demolition of the bungalow and removal of the fir trees, accompanied with the appropriate scale, siting and layout, density, mass, design and architectural features, and construction materials of the two proposed dwellings, and the incorporation of appropriate landscaping and boundary features for the wider site, it is considered that the proposal would enhance the character and appearance and the significance of the Cadeby Conservation Area and reinforce the qualities providing the special interest and significance which warranted designation.

#### Impact upon listed buildings

- 8.39. Step 3 of the Historic England approach to assessing change in the setting of heritage assets is to assess the effects of the proposed development, whether beneficial or harmful, on the significance of the listed buildings known as Church Cottage, Church Farm, and the Church of All Saints, or on the ability to appreciate that significance.
- 8.40. The proposal will continue the established domestic use on the application site which compliments the use of the adjacent grade II listed Church Cottage. The proposal will re-establish a strong sense of enclosure due to the siting of plot 1 in the view of Church Cottage from Rectory Lane. Although the extent of the view of the blank gable end of the C17/C18 main range will be reduced due to the siting of plot 1 being on the same building line, the depth of the proposed dwelling with its associated shallower roof pitch and the separation of the two plots will still allow for

sections of the gable end to be viewed from Rectory Lane. In addition, the siting and scale of plot 1 will have no effect on the current glimpse of the projecting cross wing with cruck frame. The view from Main Street will be terminated by the front elevations of both Church Cottage and dwelling 1 of the proposed development. Due to the appropriate scale, form and siting of dwelling 1 it is considered that the significance of Church Cottage can continue to be fully appreciated in this view. Currently the uncharacteristic scale and siting of Forge Cottage is considered to detract (to a moderate level) from the setting of Church Cottage in both of these views. By virtue of the scale, siting and form of dwelling 1 closely reflecting the key and quality characteristics of the adjacent Church Cottage, this ensures that dwelling 1 would sit comfortably in views of the application site and Church Cottage from both Rectory Lane and Main Street. For this reason it is considered that the proposal is an appropriate development within the immediate setting of the grade II listed Church Cottage and the effects of the proposed development would be beneficial to its significance.

- 8.41. Despite approximately 4m of separation between dwelling 1 and the gable end of Church Cottage there is a very limited possibility that the construction of dwelling 1 (if approved) could have an indirect physical impact upon the historic fabric of the Cottage. To ensure there is no harmful physical impact from the construction on the adjacent listed building it is requested that a condition is imposed for the submission of a Method Statement prior to the commencement of the development to determine the appropriate means of construction for dwelling 1, which is considered necessary and reasonable when having regard to the proximity of the adjacent listed building. It is anticipated that due to relationship between dwelling 1 and the listed building, the possible construction method would be the requirement for the excavation of the foundations (all or in part) for dwelling 1 to be hand dug.
- 8.42. The visual relationship between Church Farm and the application site comprises of glimpses at most and where possible such inter-visibility is set in the context that the character of the area consists of domestic buildings all of a traditional or characteristic appearance. Due to the appropriate scale, siting and form of the proposed development this context would not be altered so the change in views between Church Farm and the application site would be negligible. Again due to the appropriate nature of the development and the enhancement to the character of the area it provides the effects of the proposed development will be beneficial to the significance of the grade II listed Church Farm.
- 8.43. Currently the uncharacteristic scale and form of Forge Bungalow, the lack of site enclosure and the presence of the conifers on the site make no contribution to the significance of the Church of All Saints and as all of these incongruous factors can be fully appreciated in views northwards along Church Lane from the churchyard the application site detracts (to a moderate level) from the setting of the church in this aspect. By virtue of the scale, siting and form of dwelling 2 closely reflecting the key and quality characteristics of the adjacent Three Chimneys Cottage, this ensures that dwelling 2 would sit comfortably in views of the application site from the churchyard. The proposal would also re-establish a strong sense of enclosure to Church Lane due to the siting of dwelling 2 and the planting of a new hedgerow to bound dwelling 1 in the same view. For these reasons it is considered that the proposal is an appropriate development within the wider setting of the grade II\* listed Church of All Saints and the effects of the proposed development will be beneficial to its significance.
- 8.44. Due to the appropriate increase in scale of dwelling 1 and its siting fronting Main Street the current glimpse of the tower of the Church of All Saints when looking south-east over the application site from Main Street would be lost. The extended

setting of the church is relatively wide to the south and west, owing to the elevated position of the church and its modest but visually prominent tower, noticeable on the skyline from numerous points within the southern section of the village and from the surrounding landscape at this transition into the countryside. The glimpse of the tower from Main Street is an incidental rather than planned view, and as established above the significance of the church can be appreciated from many other public vantage points within its wider setting. The effect of the loss of this incidental view is therefore considered to be negligible rather than harmful.

- 8.45. Step 4 in the Historic England assessment approach is to explore ways to maximise enhancement and avoid or minimise harm, but given that there is no harmful impact from the proposal on the significance of nearby listed buildings it is not considered that any actions to be met this aim are necessary. Step 5 relates to making and documenting the decision and monitoring outcomes. Such recommended good practice has been achieved by setting out the assessment stage of the decision-making process in an accessible way in the body of this report.
- 8.46. Finally, given that the site lies within an area of archaeological interest, and in accordance with the NPPF (section 16, Paragraph 199), to safeguard any important archaeological remains that may be present, it is recommended that a Condition be imposed requiring a Written Scheme of Investigation is prepared which would comprise the programmes/methodology of site investigation and recording to be carried out by a competent expert.
- 8.47. Overall, in regard to the impact of the proposal on the setting of adjacent listed buildings and within the Conservation Area in an area of Archaeological interest the proposal complies with Policies DM10, DM11, DM12 and DM13 of the SADMP, Section 16 of the NPPF and the statutory duty of section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

#### Impact upon neighbouring residential amenity

- 8.48. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy or amenity of nearby residents and occupiers of adjacent buildings and the amenity of the occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site. Policy DM7 seeks to ensure that development proposals would not cause adverse impact from pollution and/or flooding subject to a set of criteria. Criterion F requires development to not contribute to poor air quality.
- 8.49. As a result of the public notification process, objections have been received on the grounds of loss of light due to the proximity of the development on both Three Chimneys Cottage and Church Cottage, loss of amenity for Church Cottage based on the proximity of the car parking spaces for dwelling 1, loss of privacy into the rear garden and rooms of Church Cottage and potential noise issues from the Village Hall impacting on the future amenity of the occupiers of Dwelling 1. Objections relating to the impact of the proposal on the character and appearance of the conservation area, the impact on the listed buildings and general layout of the proposed dwellings have been covered in the section above.
- 8.50. In regard to the loss of light to the landing window of Three Chimneys Cottage, Dwelling 2 has been relocated deeper into the plot allowing more space between the two properties, thus between the two flank walls is a distance of approximately 5 metres. The dwelling is to be built due north of Three Chimneys Cottage and the building would not obscure the sun path at any point during the day given this orientation. As the landing window is inserted into the north facing wall of Three Chimneys Cottage, it receives only limited direct sunlight the majority of which in the late afternoon when the sun is in the west. As Dwelling 2 does not project further

forward of the rear of Three Chimneys Cottage and due to its location to the north of the existing property, it would not cause any significant loss of sunlight. In this regard, it is not considered that the scheme would cause loss of light to the adjacent dwelling.

- 8.51. A window serving a bathroom on the first floor is proposed on the southern flank elevation of Dwelling 2. However a condition requiring this window to be obscurely glazed would render it unlikely that this would give rise to any loss of privacy either into the aforementioned landing window or into the rear garden of Three Chimneys Cottage.
- 8.52. The proposed positioning of Dwelling 2 would be approximately 20-24 metres away from the rear elevation of Church Cottage to the north-west. Due to its position, windows would be at an oblique angle to the rear of Church Cottage and would look towards the end of the rear garden. The common boundary is well screened with mature trees and shrubs and overlooking into the private patio or rear rooms of Church Cottage would be highly unlikely and limited from the first floor windows of Dwelling 2.
- 8.53. The re-positioning of Dwelling 1 by 4 metres to the east of the plot would prevent any potential overbearing impact or loss of light caused by overshadowing by this building over Church Cottage. In regard to the car parking spaces, the boundary treatment at this point is denoted by a brick wall approximately 1.8 metres in height. Cars would not be seen but there may be some minimal noise associated with car movements using the spaces. The Environmental Health officer has commented verbally that any noise or associated fumes would be negligible given the domestic nature of movements.
- 8.54. It is considered that neither proposed dwellings would cause loss of existing residential amenity by virtue of loss of light, visual impact or noise and disturbance over and above what would normally be expected and experienced through the use for residential purposes.
- 8.55. The village hall is located on the eastern side of Church Lane directly opposite the flank wall of Dwelling 1 and is run via a Community Development Trust. It is used most evenings for community projects and meetings. Concern has been raised that the noise from the village hall may disturb new occupiers of dwelling 1 due to the proximity of the village hall which has three windows along its western elevation.
- 8.56. The windows along the western elevation are top openers only and obscurely glazed. The eastern flank wall of Dwelling 1 has one window serving the kitchen area. There is a road between the side wall of dwelling 1 and the village hall which is also attached to an existing residential property (The Stables). It is not considered that noise from functions within the village hall would be so disruptive as to warrant a refusal of this application based on a potential conflicting relationship between the two uses. As it is run as a community facility then the new occupiers of both dwellings would have an opportunity to also participate in any of the functions carried out at the Hall.
- 8.57. Overall, the scheme is not considered to have any significant harmful impact on the residential amenities of the adjacent properties or on future occupiers of the two dwellings. In this regard the proposal is considered to be in accordance with Policies DM7 and DM10 of the SADMP.

Impact upon highway safety

- 8.58. Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision to serve the

development proposed. Policy 109 of the Framework states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe.

- 8.59. Although it is acknowledged that there have been several strong objections to the scheme in relation to existing highways issues including the existing limited visibility at the junction of Church Lane and Rectory Lane and existing parking problems that are experienced by local residents at times, LCC Highways Authority do not seek to resist the proposal on grounds of highway safety nor do they consider that the impacts of the development on the road network would be severe. Parking, access, visibility and width of access are acceptable. Conditions would mitigate for matters that need the provision of additional information such as visibility splays, hard landscaping arrangements and drainage of surface water.
- 8.60. In this regard, the proposed scheme accords with the provisions of DM17 and DM18 of the SADMP.

#### Drainage

- 8.61. Policy DM7 of the SADMP seeks to ensure that development does not exacerbate or create flooding.
- 8.62. The Environment Agency flood maps identify the site as being located within Flood Zone 1 and do not highlight any concerns relating to surface water flooding.
- 8.63. The site relates to an existing residential site with the existing dwelling connected to all Services including drainage. Although no drainage plans have been submitted, it is considered that the new dwellings would connect to the existing sewerage system. Condition requiring further information for both the disposal of foul and surface water is to be imposed.

#### Impact on TPO Walnut tree and landscaping

- 8.64. Policy DM6 of the adopted SADMP seeks to conserve and enhance features of nature conservation value and retain, buffer or manage favourably such features.
- 8.65. Concerns were raised over the future of the Walnut tree located alongside the western boundary at the rear of Church Cottage and the site. A request for a TPO to be placed on the tree was appraised by the LPA and a TPO was confirmed on the tree on 7 August 2019.
- 8.66. Concerns were raised by Officers that the canopy spread had the potential to shade the rear of the Dwelling 2 to such a degree that the tree would always be under threat of over pruning or eventual removal to allow sunlight into the rear rooms of this property. To alleviate these concerns, the dwelling has been re-located deeper into the plot and the applicant has provided an updated tree survey and site plan showing the extent of the root protection zone and the spread of the canopy throughout the changing seasons.
- 8.67. The revised layout is an improvement with around one third of the garden not shaded by the tree. The tree officer is satisfied with the information provided and subject to a tree protection plan secured by a condition, it is not considered that the existence of the TPO'd tree would have such a significant impact on the future residential amenities of occupiers which may lead to a continual threat for the future of the tree. Notwithstanding this, careful management of the tree (which due to both its TPO status and its location within the Conservation Area any works would need approval from the LPA) would also ensure that the tree remained in good shape and a manageable size and would continue to enhance the public amenity of the

appearance within the Conservation Area without causing undue harm to future residential amenity.

- 8.68. Although very limited details have been provided in relation to the soft landscaping of the site, it has already been documented that the line of conifer trees along the Church Lane boundary are considered incongruous within this sensitive setting. A hedge is proposed along this boundary which would also enclose the openness of the site, which has also been documented within the Conservation Area appraisal as a weakness. The hedge would need to provide visibility adjacent to the access along Church Lane and this would form part of a visibility splay condition. The hedge should be planted with a mixture of indigenous species which would be appropriate within its setting. Notwithstanding the above, a landscaping condition requiring a landscaping plan is considered prudent given the sensitive location of the site and to accord with Policy DM6 of the SADMP.

#### Obligations

- 8.69. Policy DM3 of the adopted SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities. Policy 19 of the adopted Core Strategy seeks to address existing deficiencies in the quality, quantity and accessibility of green space and children's play provision within settlements.
- 8.70. However, the proposal is one additional dwelling which would have a negligible impact on existing facilities. The development is acceptable in planning terms without any contributions and therefore contributions would not be CIL compliant in this case. Therefore, notwithstanding Policy DM3 of the adopted SADMP and Policy 19 of the adopted Core Strategy, no contribution has been pursued in this case.

#### Other matters

- 8.71. The Waste Services department have requested that adequate provision is made for the storage facilities within the site. As the scheme relates to only 2 residential dwellings it is considered that there would be sufficient space within the confines of each private garden for the storage of waste and recycling bins which would be brought out on collection day for kerb collection.

### **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.



- 9.4. 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).

## **10. Conclusion**

- 10.1. The application seeks permission for the demolition of Forge Bungalow and the erection of 2 x four bedroom detached dwellings. Forge Bungalow as existing has an uncharacteristic scale, form, siting, incongruous boundary of fir trees and an open frontage which has a negative influence on the character and appearance and thus significance of the Cadeby Conservation Area. The Cadeby Conservation Area Appraisal and Management Plan identifies that the application site is a weak area in the conservation area that warrants special attention for enhancement.
- 10.2. This proposal seeks to demolish Forge Bungalow and erect two detached two-storey dwellings sited at the back edge of the pavement with their design reflecting the key and quality characteristics of adjacent properties. By virtue of the demolition of the bungalow and removal of the fir trees, accompanied with the appropriate scale, siting and layout, density, mass, design and architectural features, and construction materials of the two proposed dwellings, and the incorporation of appropriate landscaping and boundary features for the wider site, it is considered that the proposal will enhance the character and appearance and the significance of the Cadeby Conservation Area and reinforce the qualities providing the special interest and significance which warranted designation. The affected 'views to be protected' (as identified in the Cadeby Conservation Area Appraisal) will also be enhanced. In reaching this conclusion it is considered that the local planning authority have taken into account the desirability of new development making a positive contribution to local character and distinctiveness (paragraph 192 of the National Planning Policy Framework) and have sought the opportunity provided by this new development to enhance the significance of the conservation area (paragraph 200). Overall it is considered that the proposal will enhance the significance of the Cadeby Conservation Area so 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.
- 10.3. The application site is located within the setting of three listed buildings, these being Church Cottage (Grade II), Church Farmhouse (Grade II) and the Church of All Saints (Grade II\*). The site is considered to make an evidential contribution (due to a historic use) to the significance of Church Cottage only. Due to the uncharacteristic scale, form, siting, incongruous boundary fir trees and an open frontage Forge Bungalow is considered to detract from the setting of Church Cottage and the Church of All Saints and have a neutral effect on Church Farmhouse. By virtue of the scale, siting and form of both proposed dwellings closely reflecting the key and quality characteristics of adjacent buildings it is considered that the proposal is an appropriate development within the immediate and wider setting of these three listed buildings. For each of these listed buildings it is considered that the effects of the proposal will be beneficial to their significance. For these reasons it is considered that the proposal is compatible with the significance of these listed buildings and their setting so it complies with Policies DM11 and DM12 the SADMP, section 16 of the NPPF and the statutory duty of section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.

- 10.4. The siting of the two dwellings within the plot will have no significant adverse impacts on the residential amenity enjoyed by adjacent occupiers in relation to loss of light/sunlight, noise and disturbance or visual intrusion and in this regard the proposal accords with Policy DM10. There would be no significant highway impacts that cannot be mitigated by conditions. The future of the Walnut tree is secure in that the TPO adds a further level of protection against inappropriate works and the revised siting of Dwelling 2 ensures that the rear rooms of the house would not be shaded to an extent where the future of the tree would be under threat. In this regard the proposal also accords with Policies DM7, DM10, DM17 and DM18 of the SADMP.

## **11. Recommendation**

### **11.1. Grant planning permission subject to:**

- Planning conditions outlined at the end of this report.

### **11.2. Conditions and Reasons**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**Reason:** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

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

Location Plan, Dwg no 06 received by the Local Planning authority on 26 June 2019

Proposed Site layout, Dwg no 01J received by the Local Planning Authority on 17 October 2019

Plot 1, Elevations and Floor Plans, Dwg no 03G

Plot 2, Elevations and Floor Plans, Dwg no 04F

Both received by The Local Planning Authority on 12 August 2019

Street Scene, Dwg no 07B received by the Local Planning Authority on 11 November 2019

Pre-Development Tree Survey - BS5837:2012 V3

Received by the Local Planning Authority on 18 November 2019

**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 development above foundation level shall commence on site until representative samples of the types and colours of materials to be used on the external elevations of the dwellings including the facing brick, roof tiles, timber windows and doors and rainwater goods) hereby permitted have been deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

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

4. The window within the south elevation of Dwelling 2 at first floor level serving a bathroom shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale and non-openable. Once so provided the window(s) shall be permanently maintained as such at all times thereafter.

**Reason:** To safeguard the privacy and amenity of neighbouring dwellings from potential overlooking in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

5. No part of the development hereby permitted shall be occupied until such time as the access, parking and turning arrangements shown on Hayward Architects drawing number 01J (received by the Local Planning Authority on 17 October 2019) have been implemented in full. Visibility splays once provided 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 ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, 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 (2019).

6. 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 (2019).

7. No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved details.

**Reason:** To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

8. Prior to the commencement of the development a scheme of hard and soft landscaping works, including boundary treatments, for the site, and an implementation scheme, shall be submitted and approved by the local planning authority. It is requested that a native hedgerow species is planted along the eastern boundary to plot 1 (hawthorn, blackthorn, etc.). The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

**Reason:** To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

9. Before any development commences on the site, including site works of any description, the Tree Protection Plan V3 received by the Local Planning Authority on 18 November 2019 shall be implemented in accordance with British Standard 5837:2012 (Trees in relation to design). The protection measures shall include protective barriers to form a secure construction exclusion zone and root protection area for the Walnut tree as indicated on the Haywards Drawing no 01J received by the Local Planning Authority on 17 October 2019. Any trenches for services are required within the fenced-off areas, they shall be excavated and back-filled by hand and any tree roots or clumps of roots encountered with a diameter of 25cm or more shall be left un-severed. The development shall be implemented in accordance with the approved Tree Protection Plan.

**Reason:** To ensure that the trees on site that are to be retained are adequately protected during and after construction in the interests of the visual amenities of the area and biodiversity in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 170 of the National Planning Policy Framework (2019).

10. No works or development shall take place within the site until a construction method statement detailing how the excavations for foundations (all or part) for plot 1 has been submitted to and approved in writing by the Local Planning Authority. the statement should demonstrate that the method of excavation will ensure no damage will occur to the adjacent listed building Church Cottage. The development shall then be implemented in accordance with the approved scheme.

**Reason:** To ensure that excavation works to plot 1 are carried out in accordance with Policy DM11, DM12 and DM13 of the Site Allocations and Development Management Policies Development Plan Document (2016).

11. No demolition/development shall take place/commence until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and;
  - The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
  - The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

**Reason:** To allow proper investigation and recording of the site, which is potentially of archaeological and historic in accordance with Policies DM11, DM12 and DM13 of the adopted Site Allocations Development Management Policies Development Plan Document (2016).

12. No development shall commence until drainage details for the disposal of surface water and foul sewage have been submitted in writing to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full before the development is first brought into use.

**Reason:** To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016).

13. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A, B, C, D, E, F and G 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 two dwellings shall be erected or carried out without the granting of planning permission by the Local Planning Authority.

**Reason:** To ensure the proposed development is compatible with existing development in the locality in accordance with Policy DM11 and DM12 of the Site Allocations and Development Management Policies Development Plan Document (2016).

14. Notwithstanding the provisions of Article 3, Schedule 2, Part 2 Classes A and C 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 minor operations (comprising the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure; and the painting of the exterior of any building) to the two dwellings shall be erected or carried out without the granting of planning permission by the Local Planning Authority.

**Reason:** To ensure the proposed development is compatible with existing development in the locality in accordance with Policy DM11 and DM12 of the Site Allocations and Development Management Policies Development Plan Document (2016).to ensure that the character and appearance of the conservation area is preserved.

### **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](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.
2. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.