

Planning Committee 6 February 2018
Report of the Planning Manager, Development Management

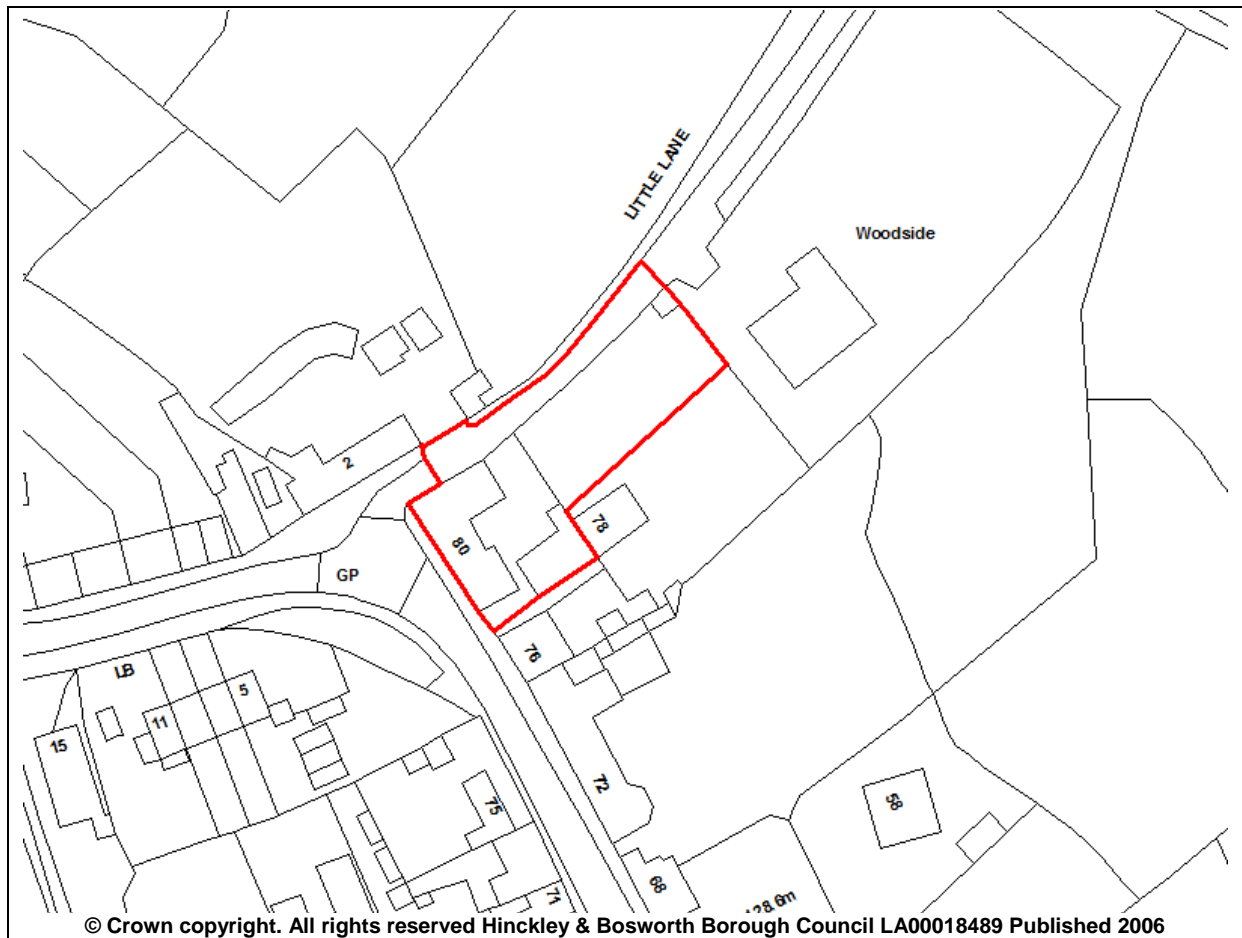


Hinckley & Bosworth
Borough Council

Planning Ref: 17/01047/HOU
Applicant: Mr Alan Cooper
Ward: Newbold Verdon With Desford & Peckleton

Site: 80 Main Street Desford

Proposal: Removal of a section of wall to create a vehicular access and erection of gates



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

1.2. That the Planning Manager, Development Management be given powers to determine the final detail of planning conditions.

2. Planning Application Description

2.1. This application seeks planning permission for the removal of a section of wall and erection of solid wooden gates to create a vehicular access on Little Lane with a car parking area in the rear garden of the existing dwelling.

3. Description of the Site and Surrounding Area

- 3.1. The application site is located on the northern side of Desford within the settlement boundary and conservation area. The area is characterised by primarily residential development with dwellings set forward on the plot abutting the footpath. Dwellings in the vicinity are served by low levels of off-street car parking resulting in on-street car parking on surrounding roads. To the north of the application site is a planted area and beyond that is agricultural land. To the north east are two dwellings access along Little Lane.
- 3.2. The application site comprises a two storey dwelling set forward on the plot. The dwelling has a garage and an area of hardstanding sufficient to accommodate a single vehicle. The site includes Little Lane as this is a private road. The appropriate advertisement has been undertaken by the applicant and certificates of ownership signed in relation to land outside their ownership. Public footpath R87 runs along Little Lane There is a historic wall between no. 80 Main Street and Little Lane constructed with a stone base with brick atop and comprising pillars at regular intervals.

4. Relevant Planning History

None applicable.

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.
- 5.2. Six representations of objection have been received commenting that:
- 1) There is already 2 off-street car parking spaces as well as a garage
 - 2) The design of the gates are not in-keeping with the age and style of the conservation area
 - 3) Access via Little Lane is restricted to 4 access points and would breach the original contract
 - 4) Increased traffic along Little Lane would endanger users of the footpath
 - 5) Visibility at the access would be poor
 - 6) There is an original floor from a Victorian sunken greenhouse where the hardstanding is proposed
 - 7) Traffic on Main Street is horrendous and often congested

6. Consultation

- 6.1. Leicestershire County Council (Highways) refer to standing advice.
- 6.2. Leicestershire County Council (Public Rights of Way) – there is concern about the generation of additional traffic and the impact on users of the footpath on a stretch which is narrow.
- 6.3. Leicestershire County Council (Archaeology) – no objection.

7. Policy

- 7.1. Core Strategy (2009)
- Policy 7: Key Rural Centres
 - Policy 8: Key Rural Centres Relating to Leicester
- 7.2. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM10: Development and Design
 - Policy DM11: Protecting and Enhancing the Historic Environment

- Policy DM12: Heritage Assets
- Policy DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance

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

8. Appraisal

8.1. Key Issues

- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Archaeology
- Other matters

Design and impact upon the character of the area

- 8.2. Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment. 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 the Conservation area. Section 12 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraph 132 of the NPPF 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.
- 8.3. This proposal seeks to remove a section of wall to create a vehicular access and the erection of solid wooden gates. The current wall bounding the garden of 80 High Street from Little Lane is constructed of red brick with blue saddleback coping stones and set on a stone base. It is of a considerable height, reaching 2.8 metres in height due to site levels towards the neighbouring property on Little Lane. The wall is located within the Desford Conservation Area and the Conservation Area Appraisal identifies that brick boundary walls provide a strong sense of enclosure, channel views and provide a distinct local identity. The wall subject to this application is no exception and it contributes positively to the character and appearance and thus significance of the conservation area.
- 8.4. The existing wall along Little Lane in which the proposed access is to be constructed contributes positively to the character and appearance of the conservation area. Due to the age and maintenance of the wall it has deteriorated in areas. To ensure that the works to the wall are undertaken appropriately, a Construction Method Statement (CMS) should be secured through a planning condition. The CMS would require the applicant to detail how the works will be undertaken, whether any machinery will be used, the extent of materials to be removed and rebuilt etc. Planning permission is required for the removal or partial removal of a wall within a conservation area. The CMS would control the extent of the works and ensure that no materials are unnecessarily removed. Any works which are not detailed in the CMS would be considered unauthorised and could be subject to enforcement action.

- 8.5. The proposal seeks to remove a 3.8 metre section of the wall on to Little Lane to provide car parking spaces. Details have been submitted which identify that the gates are to be constructed of solid timber and to nearly the same height as the existing wall with a slightly curved design for the top. The Conservation Area Appraisal provides guidance states that where the loss of important boundary walls is unavoidable any new openings should be as narrow as possible. In this instance, the loss of a 3.8 metre section of wall cannot be narrowed any further without adversely impacting on visibility splays at the access. Additionally, the width of the gates has been determined by the space between the existing brick pillars. The section of wall to be removed is relatively small in the context of the considerable length of the wall along Little Lane. By virtue of the height of the proposed replacement gates, their appearance and materials, they would retain a reasonable and appropriate sense of enclosure along Little Lane
- 8.6. Due to the contribution the wall makes to the significance of the conservation area a loss of a section of the wall will cause a minor level of harm to its significance which is considered to be "less than substantial". In accordance with Policy DM11 of the SADMP and paragraph 134 of the NPPF the harm caused by the proposal should be weighed against the public benefits.
- 8.7. Public benefits arising from the scheme are limited to the removal of two cars parking on-street around the junction of Main Street and Little Lane. At present, the level of on-street car parking in this area is considered to have an adverse impact on the character and appearance of the conservation area. Additionally, concerns have been raised Main Street is congested with vehicles struggling to pass one another. The removal of some on-street car parking would make a minor contribution to alleviating the congestion.
- 8.8. It is considered that the public benefit resulting from the proposed development is minor. However, the level of harm caused to the significance of the conservation area is also minor. In this instance, on balance, it is considered that the public benefits of the scheme outweigh the harm caused to the conservation area.

Impact upon neighbouring residential amenity

- 8.9. Policy DM10 of the SADMP seeks to ensure that development proposals do not harm the amenity of neighbouring residential properties.
- 8.10. The proposed access would be in close proximity to Woodlands along Little Lane and the car parking area would be near to 76 Main Street. The proposed access would increase vehicular movements in close proximity to both the dwellings. However, it is considered that the vehicle movements would not generate noise and disturbance that would be significantly harmful to the amenity of the occupiers of the neighbouring dwellings.

Impact upon highway safety

- 8.11. Policy DM17 of the SADMP seeks to ensure new development would not have an adverse impact upon highway safety. Policy DM18 of the SADMP seeks to ensure parking provision appropriate to the type and location of the development.
- 8.12. This application seeks planning permission for the demolition of a section of wall and erection of gates to facilitate a vehicular access onto Little Lane. Little Lane is a private road which is single track bound on one side by the wall of the application site and hedgerow on the other. Public footpath R87 runs along Little Lane. Leicestershire County Council (Highways) were consulted on the application and referred to standing advice. Leicestershire County Council (Public Rights of Way) have raised concern that the proposed development would generate additional

traffic along the lane which could adversely impact on the users of the footpath given the width of the lane and the lack of refuge for pedestrians.

- 8.13. The proposed vehicular access would be 3.5m wide. In accordance with the 6Cs Design Guide an access serving a single dwelling should be 2.75m wide. From an access, pedestrian visibility splays of 1m by 1m would be sought. Given the height of the existing wall, normal pedestrian visibility splays could not be achieved without further removal of the wall which would be harmful to the character of the conservation area and therefore splays of only 0.4m by 0.4m are proposed. Having regard to the narrow nature of Little Lane vehicles would be required to egress the site slowly. Additionally, pedestrians are likely to walk towards the middle of the lane as opposed to directly adjacent to the access which increases visibility at the access. Although the pedestrian visibility splays would not meet the recommended requirements, it is considered that the access would not have an adverse impact on highway safety.
- 8.14. Concern has been raised regarding limited visibility and the lack of pedestrian refuge along Little Lane as well as the increase in vehicle movements. There are two dwellings along Little Lane at present as well as accesses to agricultural land. There is clear visibility from the end of the footpath at the top of Little Lane to the proposed access and therefore there would be no conflict between users of the footpath and vehicles and no requirement for refuge/a passing bay. There are no known incidents between vehicles and pedestrians along Little Lane and therefore it is considered there would not be any adverse impacts resulting from the increase in vehicle movements along this section of Little Lane.
- 8.15. At the junction of Main Street and Little Lane, vehicle visibility splays are often obscured by on-street parking in both a westerly and southerly direction. The proposed development would reduce the level of on-street car parking which would increase visibility at the junction and provide betterment to highway safety.
- 8.16. The applicant has commented that there is currently insufficient off-street car parking provision serving the occupiers of the dwelling. The dwelling is served by a garage and an area of hardstanding forward of the garage. Car parking spaces are required to be 2.4m by 5.5m and garages are required to be 3m by 6m if they are considered to provide a car parking space. The existing garage is not sufficient in size to provide a car parking space and the area of hardstanding is only sufficient to accommodate a single vehicle. Therefore, it is considered there is presently insufficient car parking provision serving the dwelling. The proposed development would increase the provision of off-street car parking to a level more appropriate level for a dwelling of this size and in a settlement with limited facilities and services.

Archaeology

- 8.17. Policy DM13 of the SADMP seeks to ensure appropriate investigation of archaeological remains where a development may impact upon the significance of an asset.
- 8.18. Concern has been raised that the development may impact upon Victorian remains. Leicestershire County Council (Archaeology) has commented that historic maps identify a small structure in the northern corner of the proposed driveway. However, neither of these is likely to be of such significance to warrant formal archaeological investigation. Additionally, the small scale of the proposed groundworks is unlikely to offer any opportunity to properly investigate the archaeological potential. It is considered that the proposed development would not impact upon archaeological remains of any significance.

Other matters

- 8.19. Concern has been raised that there is only permission for the existing accesses along Little Lane and the proposed access would not have lawful access. The applicant have undertaken advertisement in accordance with the regulations to determine the owner of the Lane and signed the appropriate certificates of ownership. This permission would allow the access to be constructed but would not provide lawful access along Little Lane without the owner's permission. Permission/right of access along Little Lane is a civil issue and is not a material planning consideration that can be taken into account in the assessment of this application.
- 8.20. Concern has been raised regarding the removal of a tree from the northern end of the rear garden of the application site which would be used for the hardstanding which would serve the proposed access. No consent was gained for the removal of the tree which was required due to its siting within the conservation area and therefore these works were unauthorised. This matter was previously reported to Planning Enforcement; and it was considered that given the limited size and the siting of the tree within the rear garden and largely screened by the existing wall; the tree made only a limited contribution to the conservation area. Therefore, it was considered not to be expedient to take enforcement action in respect of the unauthorised works. In addition it was not considered appropriate to require replacement planting or other remedial works which the proposed works could impede.

9. Equality Implications

- 9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2. Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 9.3. There are no known equality implications arising directly from this development.

10. Conclusion

- 10.1. The proposed development would result in a less than substantial level of harm to the significance of the conservation area which is considered to be outweighed by the public benefits. The proposal would increase the level of off-street car parking associated with the dwelling to an acceptable level. There would not be an adverse impact on the amenity of neighbouring occupiers nor highway safety including users of the footpath along Little Lane. There would be no requirement for archaeological investigation on the site. The proposed development is considered to be in accordance with Policies DM1, DM10, DM11, DM12, DM13, DM17 and DM18 of the SADMP and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

11. Recommendation

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

- Planning conditions outlined at the end of this report.
- 11.2. That the Planning Manager, Development Management be given powers to determine the final detail of planning conditions.

11.3. **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 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, details and materials:

Site Location Plan (received on 21 December 2017)

Proposed Gate Elevation (received on 18 December 2017)

Block Plan (received on 18 December 2017)

Reason: To ensure a satisfactory impact of the development to accord with Policy DM1 of the adopted Site Allocations and Development Management Policies DPD.

3. Prior to commencement of development, details of the materials and any finishes to be used for the gates shall be submitted to 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 external appearance and in the interests of visual amenity to accord with Policies DM10, DM11 and DM12 of the Site Allocations and Development Management Policies DPD.

4. Prior to the commencement of any development, including demolition, hereby permitted a Construction Method Statement shall be submitted and approved by the Local Planning Authority. All works shall be carried out in accordance with the approved Construction Method Statement. Any works not detailed within the Construction Method Statement shall be considered to be unauthorised.

Reason: To ensure the integrity of the wall adjoining Little Lane and its continuing positive contribution to the conservation area to accord with Policies DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies DPD.

11.4. **Notes to Applicant**

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