

**Planning Committee 19 March 2019
Report of the Interim Head of Planning**

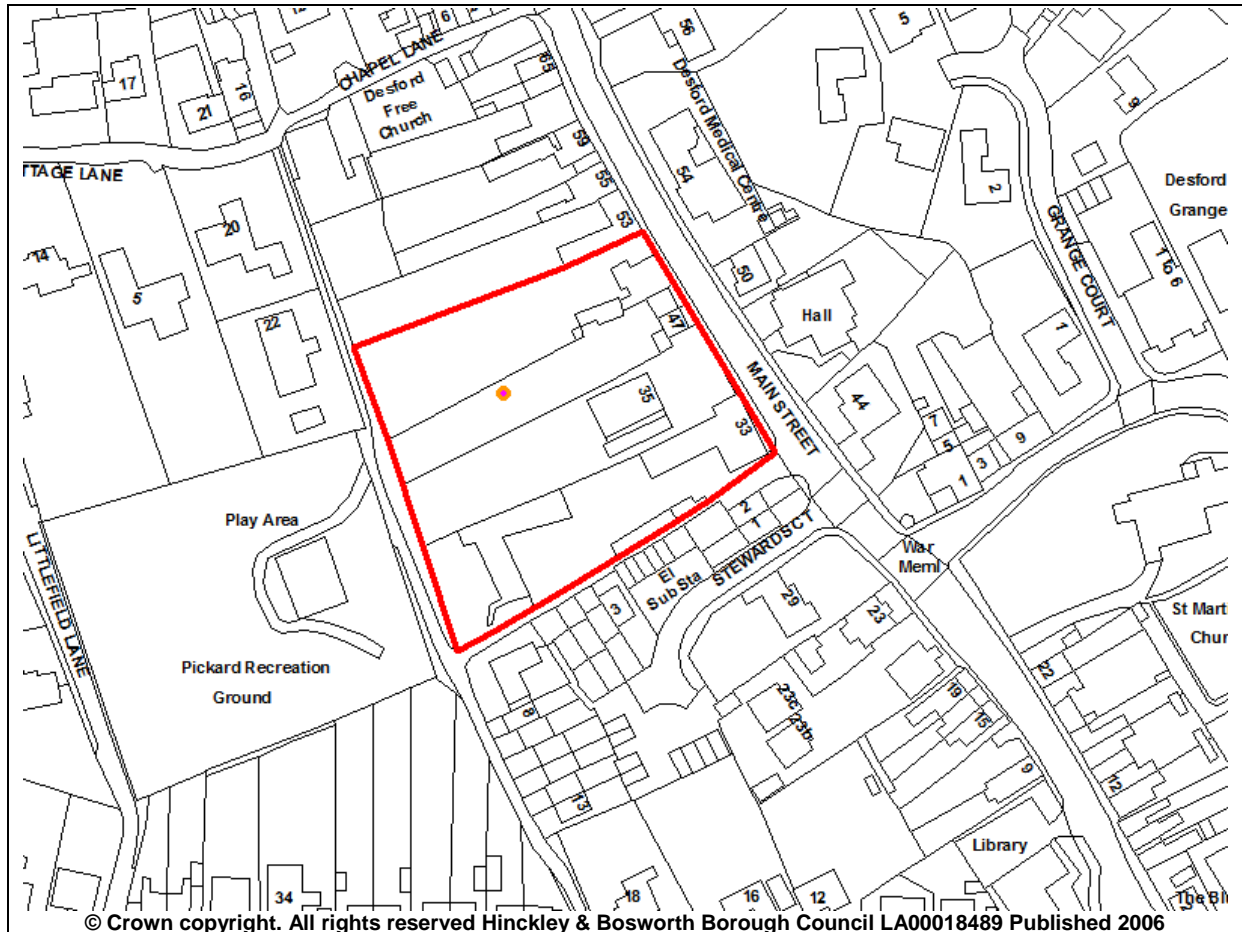
Planning Ref: 18/00118/FUL
Applicant: Mr Graham Alborn
Ward: Newbold Verdon With Desford & Peckleton



Hinckley & Bosworth
Borough Council

Site: 51 Main Street Desford

Proposal: Erection of 4 dwellings (Revised scheme)



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

1.2. That the Interim Head of Planning be given powers to determine the final detail of planning conditions.

2. Planning Application Description

- 2.1.** This application seeks full planning permission for the erection of 4 detached dwellings. Plot 1 would be a single storey detached dwelling providing 3 bedrooms and would be positioned within the south corner of the application site. To the north is plot 2 which is a 4 bedroomed two storey detached dwelling with detached garage to the rear, plots 3 and plots 4 would be positioned at right angles to plot 2 facing south, and would also be two storey dwellings with integral garages providing

4 and 6 bedroomed detached dwellings. Enclosed rear gardens are provided for all dwellings.

2.2. The proposed access would extend west from Main Street from an existing access serving No. 35, and would extend along the side to access the rear of the site.

2.3. During the course of the application, amendments have been received following officer comments and recommendations, and the scheme has been reduced from 6 dwellings to 4 dwellings. A full re-consultation was carried out during the course of the application.

2.4. The following documents have been submitted to support the application:-

Design and access statement
Arboricultural Survey
Tree Survey

3. Description of the Site and Surrounding Area

3.1. The site measures approximately 4826 square metres and is located to the west of Main Street Desford, close the centre of Desford and situated within the Desford Conservation Area. There are residential properties to the south, north and east, of various scales and architectural design and merit. To the west of the application site, is Pickard Recreation Ground which the proposed development would back onto. Along the south facing boundary is a narrow public footpath which links Main Street through to the recreational ground. Two storey dwellings situated within Stewards court face onto this footpath.

3.2. The site comprises of two adjacent plots to the rear of Main Street Desford, with one plot forming the curtilage of No.33, the south portion of the site. Which partly lawned, with vegetable garden and green house as well as an area of hardstanding. The north half of the application site, is situated to the rear of No.51 Main Street and is mown lawn with more of a domestic appearance. There are a number of trees within the application site, which have grown over time. Levels fall from west to east towards Main Street, Desford.

4. Relevant Planning History

04/00675/TPOCA	Works to trees	Permitted	08.07.2004
14/00005/TPOCA	Works to Cedar tree	Permitted	10.02.2014
17/00817/FUL	Erection of 6 dwellings	Withdrawn	01.11.2017

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 11 separate addresses have written in response to the application, raising the following objections:-

- 1) Main Street Desford is a busy road, due to the volume of traffic caused by existing facilities along the road, which include Medical Centre, St Martins Church, The Chapel and have deliveries to and from the Co-op;
- 2) Scheme should be reduced in size;
- 3) A lot of on street parking;
- 4) The proposed scheme would add 20 vehicles using the road and therefore needs to be refused or reduced;

- 5) The proposed development is not required to meet the housing need, when there are development in the village that exceed the allocation;
- 6) It does not contribute to play provision, despite providing 30 bedrooms to accommodate families;
- 7) The removal of trees is contrary to the strategic implementation of green infrastructure;
- 8) Development could leave some residents with no where to park on the street;
- 9) The development is not respectful of the Conservation Area;
- 10) Six houses within a conservation area would put a strain on local parking. The proposed parking provision is positioned in such a way that cars appear 'stacked';
- 11) Even where off road parking is available residents of Main Street park within the street, as they are entitled to do;
- 12) Traffic is not always moderate, school and work start and finish times, supermarket deliveries, clinics, church events, meeting and social events, prevent two cars passing each other and can take up to 10 minutes to pull away from the kerb;
- 13) As pressure rises within the road, leads to it being blocked, so vans/lorries wait horn blaring to get through;
- 14) Cars have been seriously damaged due to congestion, double parking and impatience;
- 15) Building work would have a big impact upon the road;
- 16) Policy REC3 requires the appropriate level of open space to be provided within developments, or alternatively a financial contribution to new recreational facilities;
- 17) New Residential Development SPG The jitties "provides guidance on design issues to ensure new developments are well integrated into their surroundings and offer a good standard of security and amenity to future residents, protect amenity of existing occupiers and are locally distinctive in their appearance.";
- 18) The proposed development impacts on the security of surrounding properties, which is provided by a Holly Hedge. The development also backs onto the jitties which would inevitably have an impact;
- 19) Modern style development will exacerbate this compromised situation detracting further from the distinctive character of this notable part of the Conservation Area;
- 20) The dismissal of so many trees is contrary to the principle of maintaining the environment and visual amenities of the Conservation Area;
- 21) Impact upon quality of life, with noise and dust pollution;
- 22) Land levels would result in the properties appearing dominant;
- 23) Access is opposite a busy doctors and a church centre which all attract cars and people;
- 24) Desford lacks infrastructure to support the new development;
- 25) Development would result in a sense of enclosure to neighbouring gardens;
- 26) Vast amount of blank elevations proposed;
- 27) The site notice was not adequately displayed;
- 28) Desford needs starter homes;
- 29) Concerns over party wall notice with development being close neighbouring boundaries;
- 30) The proposed development would set a precedent;
- 31) The area is known for the trees and wildlife;
- 32) Lounge of the bungalow would face towards the upper floor of Stewards Court, so the proposed occupants would be overlooked;
- 33) Future planting along the boundary of the jitty would make kitchens darker along Stewards Court;

5.2. One letter identified they had no objections to the proposed development.

6. Consultation

6.1. No objections some subject to conditions have been received from:-

Leicestershire County Council (Archaeology)
Leicestershire County Council (Ecology)
Leicestershire County Council (Highways)
Environmental Health (Pollution)
Environmental Health (Drainage)
Street Scene Services (Waste)
Conservation Officer

6.2. Desford Parish Council have objected to the application on the following grounds (these comments we based upon the original submission of 6 dwellings, no further comments were received regarding the revised scheme of 4 dwellings):

- 1) Comments are not changed to previous scheme;
- 2) Impact upon the tree on site;
- 3) Replanting is not a long term solution due to the tight space on site and future residents may remove them;
- 4) Density on site is too high and would result in on street parking, of which there is a issue with at present;
- 5) Main Street suffers from congestion;
- 6) Where will the bins be collected on bin day;
- 7) Concerns about the detrimental impact of the proposed dwellings on the skyline. Size and scale of development unacceptable;
- 8) Landscape along jitties will be altered in the Conservation Area;
- 9) Condition should be in place that occupiers cannot replace fences with;

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 DM3: Infrastructure and Delivery
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2019)
- Planning Practice Guidance (PPG)

7.4. Other relevant guidance

- Desford Conservation Area Appraisal and Map

8. Appraisal

8.1. Key Issues

- a) Assessment against strategic planning policies
- b) Design and impact upon the character and appearance of the Desford Conservation area
- c) Impact upon neighbouring residential amenity
- d) Impact upon highway safety
- e) Drainage
- f) Ecology
- g) Other matters

Assessment against strategic planning policies

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) 2019 states 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. Policy DM1 of the Site Allocations and Development Management Policies DPD (SADMP) sets out a presumption in favour of sustainable development and states that development proposals that accord with the development should be approved without delay subject to other material planning considerations.
- 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. Policy 7 of the Core Strategy seeks to support housing development within settlement boundaries of Key Rural Centres, such as Desford. Policy 8 of the Core Strategy supports development within Desford to deliver a minimum of 110 new residential dwellings. Whilst this minimum requirement has been met by existing planning permissions the proposal is situated within the settlement boundary and 4 dwellings would not have any significant impact on the spatial distribution of growth for Desford or the Borough.
- 8.6. The application site is located in a sustainable location within walking distance of services and facilities within the village and public transport. The proposals would contribute to the social role of sustainable development by providing additional housing in Desford, to the local economy through the construction of the development and future occupation and to the environmental role by the sympathetic redevelopment of a site that currently detracts from the visual amenity of the Desford Conservation Area, which is discussed further in the section below. The scheme would result in a sustainable development and is therefore acceptable in principle subject to all other planning matters being appropriately addressed.

Design and impact upon the character and appearance of the Desford Conservation area

- 8.7. Policy DM10 of the adopted SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the local area generally.

- 8.8. Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment and heritage assets and development proposals should ensure the significance of a conservation area is preserved and enhanced.
- 8.9. Section 72 of the Planning (Listed Buildings and Conservation Area) Act 1990 places a duty on the local planning authority in respect of conservation areas in the exercise of planning functions to require special attention to be paid to the desirability of preserving or enhancing the special character or appearance of conservation areas.
- 8.10. Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraph 193 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.
- 8.11. Paragraphs 124 and 127 of the NPPF (2019) state that good design is a key aspect of sustainable development and planning decisions should ensure that developments: will function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character; optimise the potential of the site to accommodate an appropriate amount and mix of development and support local facilities and transport networks; create places that are safe, inclusive and accessible with a high standard of amenity for existing and future users.
- 8.12. Desford was an agricultural community until the Industrial Revolution where employment opportunities began to diversify. The village has been subject to substantial change and it is now considered a commuter village. Until the 20th Century the village was contained in short lengths of ribbon development along Newbold Road, Main Street, High Street and Church Lane. Recent development has steadily infilled the land constructed along ancient footpaths and roads. One of the key factors that provides the conservation area with its significance is the preponderance of woodland trees within and adjacent to the settlement which assist in identifying its agricultural origins.
- 8.13. The application site is situated within the Desford Conservation Area, and situated to the rear of No.33-No.47 Main Street Desford, and is an area of both overgrown grassed land and lawned garden, enclosed by hedgerow and close boarded fencing, limiting any public wider views of the site. The dwellings which are positioned adjoining the application site to the east offer a mix of pleasant Victorian dwellings, and a former public house situated close to the back of the footpath with a detached single storey post war bungalow set back within the plot, No.35. Part of the application site, is identified within the Desford Conservation Area Appraisal as a weak area. No.35 Main Street, Desford is a modern bungalow which is not reflective of the traditional character of the village by way of design, materials of style, the proposed development would be sited to the rear of this dwelling utilising the existing access from Main Street.
- 8.14. The application site is not all actively managed with areas of overgrown vegetation and is currently used to store a number of items such as cars and building equipment, there are a number of trees which reside within the application site. The Tree officer has visited the site and assessed the arboricultural survey submitted in support of the application. The submitted survey identifies 13 trees on site, with 11 of those situated to the rear of the former Public house (No.33). The trees on site are visible from public vantage points, given the relationship of the site to the recreation ground to the west, the public footpath which runs along the southern boundary, in addition to longer distance glimpses possible from Main Street,

Desford due to the change in levels. The trees on site therefore providing an active and broad leaf backdrop. The proposed development has been developed and designed around 4 key trees, which have been deemed as worthy for retention and protection. Trees T3, T5 and T6 would be situated to the north of Plot 1 and to the south of plot 2, and are an Oak, Maple and Beech, and would relate well with the transition between the development and the neighbouring recreational area to the west. T12, a cedar, would be situated within the rear amenity space serving plot 4 and provides attractive glimpses into the site from Main Street. The removal of the remaining trees would allow the retained trees to fulfil their potential and allow active management of the health of these trees, and maintain the broad leaf backdrop to Main Street, Desford. To ensure the retention and health of the retained trees during construction a condition is necessary to ensure the appropriate methods as detailed and provided by the applicant are followed. The 9 trees proposed to be removed vary in category from U (should be removed) to B1, the tree report sets out how the trees have limited positive contribution to the value to the conservation area. However, none of the trees are particularly noteworthy and adverse impact of their loss would be limited. The tree report recommends new tree planting, two new trees are shown on the proposed layout plan.

- 8.15. The proposed development would provide four dwellings at depth, and would be considered backland development with no frontage onto Main Street. Along Main Street and the surrounding area there are examples of backland development. Immediately to the south of the application site is Stewards Court which is a modern development of terraces properties which front on footpath S6a, which bounds the south edge of the application site, and parking and garage courts serving these dwellings to the rear within Stewards Court. Stewards Court is accessed via Main Street. To the west of the application site there is development in depth along Littlefield Lane, which would be viewable in context with the application site from the public open space that bounds the western boundary of the site.
- 8.16. The existing footpath, S6a, is overlooked by the properties of Stewards Court, to the south and a hedgerow of the application site to the north, there is also an existing line of linear outbuildings associated with No.33 which abut the footpath. Plot 1 would be set away from the boundary and would be single storey in scale, given the scale of the proposed dwelling glimpses of the roof slope would be possible, and the two storey dwellings beyond. However given the existence of built form on either side of this footpath the proposed development would not significantly alter the character of this part of the footpath.
- 8.17. As such a backland development in this location would not be contrary to the character of the area. The layout provides four detached dwellings, including one bungalow and three two storey dwellings, accessed from Main Street with their own private driveways at the head of the access.
- 8.18. The proposed dwellings have been individually designed and comprise of gable designs with architectural detailing and features proposed within the elevations, such as string detailing, projecting gables, chimneys, door and cill details and dual aspect dwellings. The design of the proposed dwellings would complement the existing dwellings in terms of the architectural features and style, providing a high quality finish to the proposed dwellings. A condition shall be imposed to ensure high quality materials, which are reflective of the area, are used, in addition to fenestration details of windows and doors to ensure they would complement the features within the Desford Conservation Area.
- 8.19. A condition for the removal of permitted development rights for extensions and alterations would be reasonable and necessary in this case to ensure that the development within the conservation area of Desford maintains and respects the

appearance of the wider area in future. Further to this the site is visible from the adjacent recreation ground and so extensions could be visible from this public area, moreover, the amenity space of these proposed properties, although sufficient, is small and therefore additional extensions could have an adverse impact upon the residential amenity of future occupiers.

- 8.20. The density of development is considered acceptable in the context of the surrounding area and the size of the dwellings is not excessive in the context of the site and the existing property. The levels of the site gradually fall from west to the east and the proposed finished levels and finished floor levels would ensure that the height of the proposed dwellings respect the change in levels and would not appear overly prominent. A plan has been provided by the agent showing that due to the land level changes from Main Street across the development site (of approximately 3.7m at the greatest) and the intervening properties, only very limited views of the dwellings would be visible through the gaps in the properties along Main Street.
- 8.21. In accordance with Policy DM11 of the SADMP and paragraph 193 of the NPPF any harm caused by a proposed development should be weighed against the public benefits. Public benefits could be anything that delivers economic, social or environmental progress as described in the NPPF. Public benefits may include heritage benefits as specified in the Planning Practice Guidance, such as:
- Sustaining or enhancing the significance of a heritage asset and the contribution of its setting
 - Reducing or removing risks to a heritage asset
 - Securing the optimum viable use of a heritage asset in support of its long term conservation
- 8.22. Of particular relevance in this application is a determination of whether the proposal can sustain or enhance the significance of the conservation area, thus demonstrating a heritage benefit in accordance with the provisions of s.72 of the Planning (Listed Buildings and Conservation Area) Act 1990.
- 8.23. Non-heritage public benefits balance is likely to include:
- Limited economic benefits during construction and towards the preservation of the facilities in the settlement and surrounding settlements.
 - Limited social benefits in a very minor boost in housing land supply. However, the settlement is not identified/allocated as a location for new residential development and therefore this is not considered to be a benefit, especially as the Council can demonstrate a 5 year housing land supply.
 - No adverse environmental impact
- 8.24. The proposed development would be located to the west of Main Street, the conservation area appraisal identifies that a substantial part of the application site is located within and adjacent to an area identified as a weak area within the Conservation Area. This proposal would provide a high quality development of 4 dwellings which reflect and respect the wider conservation area, through the incorporation of architectural detailing and layout reflective of the wider area. Due to the proposed layout and density the scheme would maintain the broad leaf relationship which is present between the site and the neighbouring recreation ground and is an identified characteristic of the Conservation Area, as the trees within the recreation ground are not compromised by the proposal and some of the most notable trees are retained on site. There is no harm identified to the Conservation Area, the proposed development would therefore have a neutral impact on this the weak area of the Conservation Area although it would enhance the immediate site which is currently used for storage and is overgrown in parts.

- 8.25. In light of the above, it is considered that the proposal would preserve and enhance the character of the conservation area. The proposal is therefore in accordance with Policies DM10, DM11 and DM12 of the SADMP.

Impact upon neighbouring residential amenity

- 8.26. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings and that the amenity of the occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.
- 8.27. Objections to the scheme have been received on the grounds that the proposal would have an adverse impact on residential amenity from loss of privacy from overlooking and loss of views.
- 8.28. The proposed dwellings would be situated to the rear of 33 – 51 Main Street, Desford. Plot 4 of the proposed development would be situated 12 metres from the gable wall of No.51 which extends significantly from the dwelling into the rear of the plot facing towards the application site. The side elevation of Plot 4 would face towards this existing side gable of No.51 with a distance of 12 metres between the proposed facing side elevations. There would be a single first floor window proposed in Plot 4s east facing elevation which would serve an en-suite. Plot 4 would be two storey in scale, with an integrated garage existing east with rooms above. This results in the nearest portion of Plot 4, reducing to a scale of one and half storeys with a ridge height of approximately 6 metres. Plot 4 would be situated to the west of this dwelling, therefore any overshadowing to the rear amenity space of No.51 would be contained to be latter part of the day. Therefore having regard to the separation distance, the orientation of the development to No.51 and the proposed height of Plot 4, the proposed development would not result in any significant adverse impacts in terms of overshadowing, overlooking or overbearing nature to this dwelling.
- 8.29. The rear elevations of Plots 3 and 4 of the proposed development, would face north, the rear amenity space serving No. 53 which extends west along the west facing boundary of the application site abuts the side elevation of plot 4. The proposed rear garden depths of Plots 3 and 4 would extend approximately 8 – 10 metres up to the rear garden of No.53. The first floor rear windows would face towards No.53, and would be limited to the second half of overall rear amenity space serving No.53. Having regard to the distance the dwellings would be set away from the boundary, and modest rear garden serving No.53 Main street, the proposed development would not result in a significant loss of privacy to this rear amenity space to warrant a refusal in this instance.
- 8.30. Plot 2, would be situated to the west and to the rear of No.35, which is a large detached bungalow set back from Main Street. Plot 2 would face towards the rear of this dwelling, however with a separation distance of approximately 22 metres, Plot 2 is sufficiently sited to ensure there is no overlooking between properties. The siting also ensures that the existing bungalow maintains an adequate sized rear amenity space to serve this dwelling.
- 8.31. Plot 1 is situated within the south west corner of the application site, and is of single storey scale, and would be set away from the boundary with S6a at the nearest point by 2 metres, increasing to 8 metres. Given the proposed distance from the boundary to this dwelling, and the single storey scale of the proposed dwelling, it is not considered that Plot 1 would result in any overshadowing, overlooking or overbearing impact to properties No.3 – 7 Stewards Court which are situated to the south of the application site, and are orientated north towards the application site.

- 8.32. The proposed dwellings would be served by reasonable sized gardens to provide adequate amenity space of future occupiers. The dwellings would be sufficiently separated from one another to avoid overlooking or indivisibility of windows. Where dwellings are positioned on opposite sides of the proposed road serving the development, dwellings are set back from the road and have been positioned and designed that dwellings do not directly face into similar opposing habitable rooms, further reducing overlooking across the development. Therefore the proposed layout would afford future occupiers a reasonable level of amenity.
- 8.33. As such the proposal would not result in any adverse residential amenity impacts, in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.34. 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.
- 8.35. Objections have been received on the grounds Main Street does not have adequate capacity to cater for additional development, and would result in additional on street parking within Main Street which is already congested, resulting in a narrow width road, and would therefore result in adverse impacts on highway and pedestrian safety.
- 8.36. Leicestershire County Council (Highway) has assessed the application and advises that having reviewed the most recent 5 year Personal Injury Collision (PIC) data available, there were no recorded PICs during this period in the vicinity of the site, and therefore would not seek to resist the application on highway grounds. It is considered that the residual cumulative impact of the development can be mitigated through the imposition of conditions. The proposed dwellings would be provided with sufficient in curtilage parking spaces to serve each dwelling, to accord with the 6C's Design Guide, and the internal layout of the application would allow for vehicles to enter and leave the development within a forward gear. Therefore Leicestershire County Council (Highways) have no objections subject to conditions relating the satisfactory provision and surfacing of parking, turning and access to the site.
- 8.37. There is no evidence to demonstrate that the proposal would result in any significant adverse impacts on highway or pedestrian safety and therefore the proposal would not be in conflict with Policies DM17 or DM18 of the adopted SADMP.

Drainage

- 8.38. Policy DM7 of the SADMP seeks to ensure that surface water and groundwater quality are not adversely impacted by new development and that it does not exacerbate flood risks.
- 8.39. The proposed development proposes to dispose of foul drainage by means of main sewer situated within the Main Street, Desford, however details of surface water management and have not been provided. Severn Trent and Environmental Health (Drainage) have commented on the application and have recommended that full details of surface water drainage details, incorporating sustainable drainage principles (SuDs) are submitted for approval prior to development, therefore a condition has been attached requiring these details.

- 8.40. Subject to provision of a suitable drainage system, it is considered that the proposed development would not create or exacerbate flood risk and is in accordance with Policy DM7 of the SADMP.

Ecology

- 8.41. Policy DM6 of the SADMP seeks to ensure that development proposals demonstrate how they conserve and enhance features of nature conservation and geological value including proposals for their long term future management. The removal or damage of such features shall only be acceptable where it can be demonstrated that the proposal would result in no net loss of biodiversity and where the integrity of local ecological networks can be secured.
- 8.42. The proposed development seeks to develop rear gardens of dwellings along Main Street, Desford, within an existing built up area. Leicestershire County Council (Ecology) have been consulted during the course of the application, and have no comments or objections to the proposed development given the location and existing use of the application site. Therefore the proposed development would accord with Policy DM6 of the SADMP.

Infrastructure Contributions

- 8.43. 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.
- 8.44. However, there are specific circumstances where contributions for tariff-style contributions (eg green space and children's play provision) should not be sought from small scale and self build development. This follows the order of the Court of Appeal dated 13th May 2016 which gave legal effect to the policy set out within the Written Ministerial Statement of 28th November 2014 and should be taken into account.
- 8.45. Those circumstances include developments of 10 units or less and which have a maximum combined gross floorspace of no more than 1,000 square metres (gross internal area)
- 8.46. This development does not consist of more than 10 units nor does it have a combined floor space of more than 1,000 square meters and therefore a contribution is not sought in respect of this application towards green space and children's play provision.

Other matters

- 8.47. Objections have been received in respect of the party wall act in relation to the proposed distance the development would be to neighbouring dwellings. Rights and damage over third party land is not a material planning consideration, and would not be capable of consideration in this instance.

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 site is in a sustainable location within the settlement boundary of Desford where residential development is acceptable in principle.

10.2. By virtue of the proposed layout, scale, design and appearance, the scheme would preserve and enhance the character and appearance of the conservation area and would not give rise to any material adverse impacts on the amenities of the occupiers of any neighbouring properties. The proposed layout also allows adequate access and off-street vehicle parking and turning to be provided within the site to ensure that it would not result in any adverse impact on highway safety.

10.3. The proposed scheme is considered to be in accordance with Policies 7 and 8 of the Core Strategy and policies DM1, DM6, DM7, DM10, DM11, DM12, DM13, DM17 and DM18 of the SADMP.

11. Recommendation

11.1. Grant planning permission subject to:

a) Planning conditions outlined at the end of this report.

11.2. That the Interim Head of Planning 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 otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan Dwg No. 4416/SL-B received 2 February 2018, Plot 1 floorplan and elevations Dwg No.4416/B6(1), Plot 2 floorplan and elevations Dwg No.4416/C7(1), Plot 3 floorplan and elevations Dwg No.4416/D6, Plot 4 floorplan and elevations Dwg No.4416/E6 received on the 29 October 2018 and Site plan Dwg No.4416/A15 received 17 December 2018

Reason: To ensure a satisfactory appearance and impact of the development to accord with Policies DM1, DM4, DM10, DM17 and DM18 of the Site

Allocations and Development Management Policies Development Plan Document.

3. Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings shall be 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 external appearance and in the interests of visual amenity to accord with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document.

4. 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 approved proposed ground levels and finished floor levels.

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

5. No development, excluding demolition, shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

- a) Means of enclosure
- b) Car parking layouts
- c) Other vehicle and pedestrian access and circulation areas
- d) Hard surfacing materials
- e) Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.)
- f) Planting plans
- g) Tree planting plans
- h) Written specifications
- i) Schedules of plants (including trees), noting species, plant sizes and proposed numbers/densities where appropriate
- j) Implementation programme

Reason: To ensure that the development has a satisfactory external appearance and in the interests of visual amenity to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD.

6. The approved Landscape scheme, required by condition 5, shall be carried out in accordance with the approved details, in the next available planting period following the completion of the development hereby approved. The soft landscaping 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 works are carried out within a reasonable time period and thereafter maintained to accord with Policy DM10 of the adopted

Site Allocations and Development Management Policies Development Plan Document (2016).

7. No part of the development hereby permitted shall be occupied until such a time as the access arrangements shown on Dwg No.4416/A15 received on the 17 December 2018, have been completed.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD.

8. The development hereby permitted shall not be occupied until such a time as the parking and turning facilities have been completed in accordance with the details contained within Dwg No 4416/A15 received on the 17 December 2018.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on street parking problems locally in the interests of highway safety and to accord with Policy DM18 of the Site Allocations and Development Management Policies DPD.

9. Notwithstanding the provisions of Part 2 Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any other revoking and re-enacting that order) no vehicular access gates, barriers, bollards, chains or other such obstruction shall be erected within a distance of 5 metres of the highway boundary.

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD.

10. Development shall not commence until surface water drainage details, incorporating sustainable drainage principles (SuDs) have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented prior to first occupation of the development.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating flooding and minimise the risk of pollution to accord with Policy DM7 of the adopted Site Allocations and Development Management Policies Plan.

11. No development shall take place until a scheme which provides adequate provision for waste and recycling storage and collection across the site has been submitted to and approved in writing by the Local Planning Authority. The details should address the accessibility to storage facilities and adequate collections point space at the adopted highway boundary.

Reason: To ensure that the development is served with a satisfactory waste collection scheme across the site to serve the amenity of the future occupants to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking or re-enacting that order with or without modification) development within Schedule 2, Part1, Classes A, B, C, D, E and G shall not be carried out without the grant of planning permission for such development by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory external appearance and in the interests of visual amenity to accord with Policies DM10 and DM11 of the Site Allocations and Development Management Policies DPD.

13. Before any development commences on the site, including site works of any description, a Tree Protection Plan prepared by a suitably qualified arboriculturist shall be submitted to and approved in writing by the local planning authority. The plan shall include protective barriers to form a secure construction exclusion zone and root protection area in accordance with British Standard 5837:2012 Trees in relation to design, 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 are to be retained and 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).

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.
2. The drainage details submitted under condition 10 shall include details of how surface water will not drain into the Public Highway.
3. 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.
4. Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under, The Transfer Of Sewer Regulations 2011. Public Sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building. STW can be contacted Planning.APEast@severntrent.co.uk