

Planning Committee 12 April 2022  
Report of the Planning Manager (Development Management)

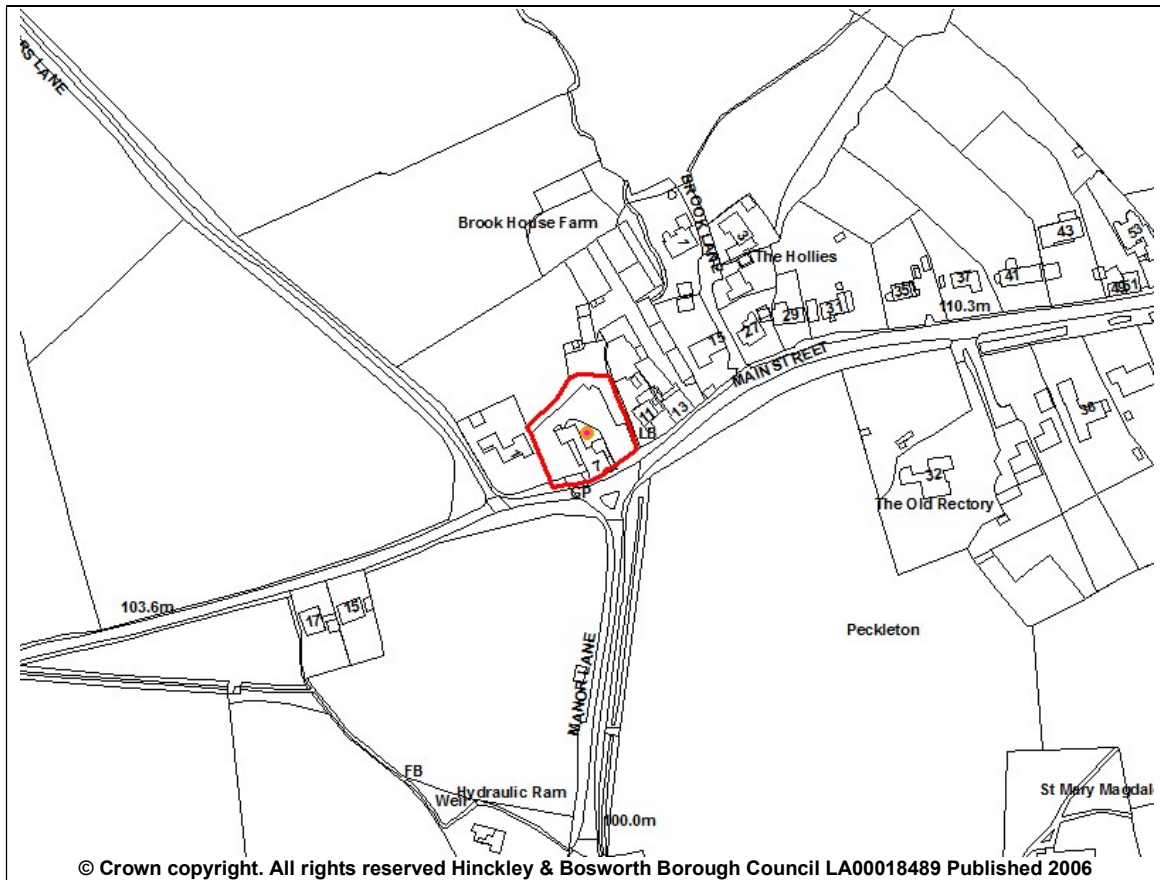
Planning Ref: 21/00364/FUL  
Applicant: Mr Philip Ray  
Ward: Newbold Verdon With Desford & Peckleton



Hinckley & Bosworth  
Borough Council

Site: Little India 7 Main Street Peckleton

**Proposal: Partial demolition and conversion of existing building to form new dwelling and construction of 3 new dwellings**



**1. Recommendations**

**1.1. Grant planning permission subject to**

- Planning conditions outlined at the end of this report

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

**2. Planning application description**

- 2.1.** This is an amended proposal which seeks planning permission for three new, detached, two storey dwellings to the rear of the site and also the conversion of part of the existing building on site (former public house) to a three bed dwelling. Four dwellings are therefore proposed in total.

2.2. Originally the application sought permission for 5 new dwellings and included the redevelopment of the whole site including the demolition of the existing buildings on site but after discussions with the local planning authority the development has been reconsidered and the existing building in part is to be retained. The amended proposal seeks to demolish the rear single storey range to 7 Main Street and convert the frontage range into a dwelling.

2.3. The proposed development comprises the following accommodation:

- Conversion of part of the building on site to create a 3 bedroom dwelling
- x3 no four bed detached houses
- Parking provision for all dwellings and
- Double garage to Plot 1

### **3. Description of the site and surrounding area**

3.1. The application site is located at the edge of the village of Peckleton adjacent to No 11 Main Street and comprises a substantial mix of two and single story buildings fronting right on to the footpath. A large proportion of the site is covered by building and hardstanding in the form of tarmac access and parking areas. There are currently two vehicular access points to the site. A small brook exists running along the western boundary of the site.

3.2. Substantial hedges exist to the eastern and western boundaries and the site slopes upwards from front to rear by around one metre, with a modest fall from west to east. A hedge runs along the frontage boundary punctuated by the vehicular accesses and the front of the existing building on site.

### **4. Relevant planning history**

#### **09/00392/ADV**

- Erection of advertisements
- Advertisement Consent
- 24.09.2009

#### **09/00393/FUL**

- Retention of extractor fan
- Planning Permission
- 17.07.2009

#### **16/00619/FUL**

- Single storey side extension (part retrospective)
- Planning Permission
- 06.09.2016

#### **21/00118/FUL**

- Demolition of existing building and construction of 5 dwellings
- Application Returned
- 04.03.2021

#### **91/00026/4**

- Alterations and extension to public house and creation of extra parking area

- Planning Permission
- 26.02.1991

## **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. Seven separate letters of objection have been received from local residents/third parties raising the following concerns:
  - 1) Loss of important community facility
  - 2) Loss of heritage asset
  - 3) Concern over the location of the bay windows of the existing building on site – access/exiting from the entrance is a safety hazard
  - 4) Concerns regarding boundary treatment
  - 5) Overlooking from the new dwellings into existing private garden areas
  - 6) The development will be located next to a working farm – will be smell and noise issues
  - 7) The site should be given the chance to run as a Pub

## **6. Consultation**

- 6.1. LCC Highways - No objection subject to conditions.
- 6.2. HBBC Conservation Officer - The permanent change of use of 7 Main Street resulting in the loss of its longstanding community use and associated historic interest does have an adverse impact upon its significance. Due to the minor contribution this aspect makes to the significance of the building the level of harm is considered to be minor. The ultimate outcome of this overall judgement and a determination as to the whether the proposal complies with paragraph 203 of the NPPF and Policies DM11 and DM12 of the SADMP is one for the decision-taker.
- 6.3. Severn Trent Water - Surface water is proposed to discharge into a watercourse, which we have no comment. Please note that it is advised to discuss surface water proposals with the Lead Local Flood Authority for their requirements or recommendations regarding acceptable disposal methods or flow rates.
- 6.4. LCC Archaeology - No objections subject to condition.
- 6.5. HBBC Waste - If all or part of the new road to the new properties is to be private (unadopted) then consideration will need to be given to adequate and safe collection point space at the adopted highway boundary for the placement of all the containers on collection day (up to 2 bins per property at one time). It will be the responsibility of the occupiers to ensure that all containers/wheeled bins will be brought to the collection point. No objection subject to condition.
- 6.6. LCC Drainage - No objection.

- 6.7. HBBC Environmental Health (pollution) – No objection subject to conditions in relation to contamination and construction hours.
- 6.8. LCC Ecology – No objection subject to a condition in relation the installation of bird and bat boxes on site
- 6.9. Peckleton Parish Council - Little India or The Brown Horse, as it used to be called, is a significant building within the village. Because of this the building and its historical amenity is considered to be important and a group of residents wish to acquire the building and the site to open it as a community facility and for it to continue to provide its ongoing amenity. Peckleton is a small village but the retention and protection of its visual, historic, community and archaeological heritages are important. The proposed development will contribute to the destruction of all these Peckleton aspects. The site has been an integral part of Peckleton and its life for longer than anyone can remember. And here we are not talking of decades we are talking about well over a century. Although the village once had a number of shops, pubs etc they have all gone with the exception of the building that is now Little India. To lose the last remaining one will take away a significant part of the village's history and heritage. An application has been made to register the building as an Asset of Community Value. The village needs to ensure the building is not demolished and the group given time to raise money and implement a viable business plan. The demolition and change of use of the site will also mean the loss of the very last commercial licenced premises and a source of employment. As a country we need to be encouraging economic growth, job creation and NOT destroying business activity. This site has provided employment and a valuable social amenity to the village and surrounding area for well over one hundred years. It has been suggested that since the Little India is the only open place selling alcohol in the village there may be some protection and the requirement for the owners to publicly advertise it for some length of time to give a chance for it to be purchased as an ongoing business providing alcohol licenced selling facilities. If this applies to this application, we believe it has not taken place? To confirm, Peckleton Parish Council would like decisions on this planning application deferred so that the village community group has the chance and prospect of acquiring the existing building and its facilities to retain the amenity and its heritage for the village.

## **7. Policy**

- 7.1. Core Strategy (2009)
- Policy 13: Rural Hamlets
  - Policy 17: Local Needs
- 7.2. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
  - 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 DM13: Archaeology
  - Policy DM17: Highways and Transportation
  - Policy DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2021)
- Planning Practice Guidance (PPG)

7.4. Other relevant guidance

- Good Design Guide (2020)
- Leicestershire Highway Design Guide
- National Design Guide (2019)

**8. Appraisal**

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Heritage Impacts
- Archaeology
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Drainage
- Ecology
- Other matters

Assessment against strategic planning policies

8.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise.

8.3 Paragraph 2 of the National Planning Policy Framework (NPPF) (July 2021) 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.

8.4 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) (CS) and the Site Allocations and Development Management Policies DPD (2016) (SADMP)

8.5 The Emerging Local Plan for 2020-39 has reached regulation 19 stage and has just completed a period of consultation (February-March 2022) and thus can be given only limited weight at this stage as the outcome of the consultation remains to be determined.

8.6 Currently, a five year housing land supply cannot be identified in the borough. The most recent Residential Land Availability Monitoring Statement confirms HBBCs five year housing land supply position as of 1st April 2021. The Council have a 4.45-year supply of housing land. The tilted balance is therefore engaged by reason of the lack of a five year housing land supply for the purposes of footnote 8 and paragraph 11 (d) of the NPPF.

- 8.7 The Core Strategy sets out the settlement hierarchy for the Borough during the plan period 2006-2026. Peckleton is identified as a rural hamlet area which has limited if any services and relies on key rural centres or surrounding urban areas for schools, employment and provision of goods and services. The CS strategy notes that development for rural hamlets will be confined to infill housing development, local choice schemes and conversion of agricultural buildings to employment. Policy 13 of the CS states that rural hamlets will support housing development within settlement boundaries that provide for a mix of housing types and tenures and development that complies with Policy 17 – Local needs. Policy 17 states that development should be of a small scale and design which fully respects the character and appearance of the settlement concerned and the level of need identified. The site is contained within the existing settlement boundary for Peckleton and comprises a small scale development including the conversion of an existing building within the village. As such the application is considered to be acceptable in principle subject to material considerations set out below.

#### Design and impact upon the character of the area

- 8.8 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. The Good Design Guide SPD provides guidance upon how to design an appropriate new residential development.
- 8.9 The main frontage of the former Public House is to be retained and the mixture of extensions and outbuildings to the rear are proposed to be removed and replaced by three detached properties. The eastern vehicular access to the site is to be closed and the western access retained as the only access to the site. An unsightly out building attached to the western side of the former PH will be removed and the gable re-instated as will the hedgerow filling the gap of the secondary access fronting Main Street.
- 8.10 The new properties are of a traditional design using a combination of matching facing red brickwork and smooth render in conjunction with plain roof tiles to reflect the local character. All of the buildings proposed will be two storey with the exception of the garage building which will be single storey.
- 8.11 The mature tree and hedgerow along the eastern boundary is to be retained as part of the proposals which will help with the visual amenity and appearance of the site but in addition will also help to protect the private amenity of the adjacent neighbouring property No 11 Main Street.
- 8.12 The western boundary which is close to the existing brook course has been kept largely free of development. The proposed properties are orientated with the main living areas and gardens being west facing.
- 8.13 The development proposed is considered to enhance the visual appearance of the site when compared to the existing site. Subject to conditions in relation to boundary treatment, landscaping and materials this application is considered to be acceptable with respect to design and impact upon the character and appearance of the area in accordance with DM10 of the SADMP and the Good Design Guide SPD.

#### Heritage Impacts

- 8.14 Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. In determining planning applications, local planning authorities should take account of paragraph 197 of the NPPF and:
- 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 Policies DM11 and DM12 of the Site Allocations and Development Management Policies (SADMP) Development Plan Document seek to protect and enhance the historic environment and heritage assets. Policy DM11 states that the Borough Council will protect, conserve and enhance the historic environment throughout the borough.
- 8.16 The footprint of the present building known as 7 Main Street and its associated rear range is evident on the earliest Ordnance Survey extract from 1885 with the main frontage building having a largely mid-19th century appearance. Given its location within the historic settlement core of Peckleton (Leicestershire Historic Environment Record MLE16887) development on the site may even have preceded this period and it is likely that any such development would have been for agricultural purposes given the proximity of the site to the countryside and farming being the predominant reason for the growth of Peckleton. Evidence suggests that since at least the turn of the 20th century that the buildings were in use as the Brown Horse Inn (an Inn is identified on Ordnance Survey extract from 1904) until their change of use to the Little India restaurant towards the end of the 20th century.
- 8.17 The Conservation Officer does not object to the proposals but has noted that the building does have some limited aesthetic interest and retains some architectural features and construction materials typical from the mid-19th century including brick eaves detailing, glazing bar sash windows to the upper floors, a gable end stack and Welsh slate roof covering. Other features including its render finish and bay windows to the ground floor front elevation are likely later alterations and additions. It is therefore considered that the building is of moderate historic value with some limited communal and aesthetic value ensuring it is of heritage interest. Despite some modern alterations and additions its limited aesthetic value remains appreciable, the attached rear range and its relationship to the main building remains legible, and the position of the building at the back edge of the pavement and location on the main route through the village it has a visual prominence which singles out the building as a landmark within the local scene. Such integrity and landmark quality ensures that the local significance of the building is special and it stands out within the surrounding environment. As a result, 7 Main Street should be identified as a locally important heritage asset (a non-designated heritage asset in terms of the National Planning Policy Framework).
- 8.18 Paragraph 203 of the NPPF requires a balanced judgement when weighing applications that affect non-designated heritage assets, having regard to the scale of any harm or loss and the significance of the heritage asset. Policy DM12 of the SADMP states that development proposals should make every effort to retain the significance of locally listed heritage assets.
- 8.19 As part of the proposals, the attached rear range of the building is to be removed, although this is of far less interest than the frontage range so the impact of its removal is considered negligible. A timber lean-to of no interest upon the side

elevation is also to be removed. Where the attached range is to be removed the walls to the remaining rear elevation are to be infilled and rendered to match with a limited amount of appropriately styled fenestration proposed. A single set of patio doors is proposed in the position of the lean-to. No other alterations to the external elevations of 7 Main Street are proposed so its associated historic and aesthetic value will largely be retained through the conversion of the building into a dwelling.

- 8.20 The three new proposed detached dwellings are of an appropriate design and due to their siting along a similar linear orientation as the rear range to be demolished this follows the traditional urban grain of development upon the site, so overall the new dwellings will sit comfortably within the setting of the local heritage asset. The additional planting and continuation of the front boundary hedgerow will also strengthen the presence of a high quality and traditional semi-rural characteristic feature within the street scene.
- 8.21 The permanent change of use of the original building to a residential use will result in the loss of the historic community value of the building, and it is considered that this aspect of the proposal would have an adverse impact upon its historic interest. However, given the minor contribution the historic communal use of the building makes to the significance of the local heritage asset, the level of adverse impact arising from this loss is considered to be minor.
- 8.22 In this case it is considered that the public benefits to this proposal include the provision of dwellings to meet housing requirements and some short-term employment during the construction of the development. The proposal is therefore considered to comply with Section 16, paragraph 203 of the NPPF and Policies DM11 and DM12 of the SADMP and is acceptable with respect to heritage impact considerations.

#### Archaeology

- 8.23 Policy DM13 of the SADMP states that where a proposal has the potential to impact a site of archaeological interest developers should provide an appropriate desk based assessment and where applicable a field evaluation. Paragraph 194 of the NPPF also reiterates this advice.
- 8.24 Appraisal of the Leicestershire and Rutland Historic Environment Record (HER) indicates the building is, or has the potential to constitute a heritage asset (or assets) with a significant archaeological and heritage interest (National Planning Policy Framework (NPPF) Section 16, paragraph 189 and Annex 2).
- 8.25 The archaeologist has advised that whilst the revised scheme seeks to retain part of the building on site, particularly along the frontage that if the Council is minded to approve the scheme then an archaeological condition is recommended and the applicant would be required to complete an appropriate level of building recording prior to demolition, to record and advance the understanding of the significance of any heritage assets to be lost (in part) in a manner proportionate to their importance (NPPF Section 16, paragraph 199).
- 8.26 Subject to a suitably worded condition the application is considered to be acceptable from an archaeological perspective and in accordance with Policy DM13 of the SADMP and Section 16 of the NPPF.

#### Impact upon neighbouring residential amenity

- 8.27 Policy DM10 (a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of



nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.

- 8.28 The Good Design Guide SPD outlines that development will need to provide high quality internal amenity space as this is critical to the quality of life of residents. The guide states that new developments should meet minimum standards of garden sizes and separation distances between dwellings. The National Design Guide also promotes a healthy, comfortable and safe internal and external environment.
- 8.29 Amendments have been made to the scheme to reduce the number of dwellings proposed and to seek retention of the main building on site. These changes have improved the layout of the proposal when compared to the existing situation which in turn has resulted in better private amenity provision for the future occupiers of the development and also the relationship of the proposed dwellings with existing neighbouring sites. All private gardens proposed on site are a good size and orientated to benefit from optimum sunlight/daylight. The proposed dwellings are positioned to the rear of the application site and sit side onto the nearest neighbouring property.
- 8.30 Objections have been received from this neighbour in relation to amenity concerns specifically regarding boundary treatment, overlooking from the new dwellings into existing private garden areas and that the development will be located next to a working farm (smell and noise issues). In respect of smell and noise issues, the environmental health team have not objected on these grounds and it is considered that other, existing neighbouring residential sites are located within close proximity to this working farm. Boundary treatment details are requested as a condition should Members be minded to approve the application. In terms of overlooking concerns, it is noted that new dwellings are proposed on this site which will inevitably result in windows to habitable rooms looking out towards the site when currently there are none. However, the properties proposed are located side onto 11 Street and as a result there is no direct 'back to back' relationship with the existing neighbour. Boundary treatment and landscape provision will help to minimise the level of overlooking permitted by the proposed dwellings and rear gardens for the proposed dwellings are all in excess of 10 metres in depth to the boundary with 11 Main Street.
- 8.31 Overall, it is considered that the proposal is an acceptable development in terms of residential amenity considerations and subject to suitably worded conditions complies with Policy DM10 of the SADMP and the Good Design Guide.

#### Impact upon highway safety

- 8.32 The proposed development seeks to use the existing eastern access, stopping up the western access and restoring the pavement. The proposed vehicular access measures circa 5.4m in width. In accordance with the Leicestershire Highway Design Guide (LHDG), a development of 2-5 dwellings requires a minimum effective width of 4.25m for a minimum distance of 5.0m behind the highway boundary. Notwithstanding the current guidance, the LHA welcome an increased access width due to location of proposed parking facilities. It is noted that Main Street is a 'C' classified route and therefore a dropped crossing provision is required comprising of 8 kerbs, measuring 7.3m. The LHA previously requested further information with regards to vehicular visibility at the site access. It is considered that the development of four private dwellings is not considered to result in a significant, if any, increase in two-way trips above the existing site use. No Personal Injury Collisions (PICs) have taken place within close proximity to the site. With due regard to the above, it is

therefore considered that the site is not an intensification of use and as such it would be unreasonable to seek amendments to the site access.

- 8.33 The site currently maintains two access points on to the highway. As part of the proposals, the eastern access would become redundant and therefore closed with the footway, verge and kerbing reinstated in accordance with the existing provision along Kirkby Lane and Main Street. The local highway authority also consider that the erection of four dwellings would not cause a significant, if any, increase in two-way trips beyond the extant use as a restaurant.
- 8.34 In parking terms the proposal requires 2 parking bays for a 3-bedroom dwelling and 3 bays for a 4-bedroom dwelling. Parking spaces should measure a minimum of 2.4 x 5.5 metres. The local highway authority have confirmed that the proposed parking and turning is in general accordance with the Leicestershire Highway Design Guidance.

#### Drainage

- 8.35 Policy DM7 of the Site Allocation and Development Management Policies DPD 2016 requires that adverse impacts from pollution and flooding are prevented and mitigated for. Paragraph 167 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 169 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.
- 8.36 The site is located within Flood Zone 1 being at low risk of fluvial flooding but is adjacent to an ordinary watercourse with areas of the site at risk from surface water flooding as a result. The applicant has proposed to place residential units away from at risk areas. Surface water drainage is proposed to discharge into the adjacent ordinary watercourse limited to 5 l/s. The drainage team at LCC has no objection to the development proposals and a condition is proposed to ensure that the site submits a satisfactory surface water drainage scheme. Therefore, subject to this condition this application is considered to accord with Policy DM7 of the SADMP.

#### Ecology

- 8.37 Policy DM6 of the Site Allocation and Development Management Policies DPD 2016 states that development proposals must demonstrate how they conserve and enhance features of nature conservation and geological value including long term future management. Paragraph 174 of the NPPF states that development proposals should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity.
- 8.38 A Phase 1 habitat and external bat survey was submitted as part of the application submission and the findings found to be satisfactory by the Ecology Officer. A condition has been recommended to install three bat and bird boxes on site. Subject to this condition the application is considered to be acceptable and compliant with Policy DM6 of the SADMP.

#### Other matters

- 8.39 A bid was made under the Localism Act 2011 to list the site as an Asset of Community Value (ACV). The nominator submitted the application in September 2021 reference HBBC/ACV8/2021. Little India Restaurant (Peckleton) Ltd left their

leasehold agreement early as of the end of July 2021, and the property has been permanently closed since.

- 8.40 The appraisal concluded that the test in Section 88, sub-section 2, part A was not sufficiently satisfied. The assessment acknowledged that community use can undeniably be demonstrated for the use of the Brown Horse Inn. However, it has been approximately 30 years (circa. 1991) since the building has been in use as a public house, and approximately over 10 years since the use of the Peckleton Restaurant, and therefore both these uses fall outside of a reasonable definition of the recent past.
- 8.41 The only use that has taken place in the recent past on the property is Little India, and as such only the evidence related to the community use of Little India has been considered in this assessment. In conclusion, the decision was made to refuse to list the building as an asset on the Council's list of assets of community value. Therefore the site is not an Asset of Community Value (ACV) and as such this application can be considered on this basis. Had the bid for the building to be an ACV been accepted, this would not have impacted on the Council making a planning decision regarding the site. Instead had the bid been successful the owner would have to allow for a grace period for a local bid of the site prior to selling the site on the open market. As the bid was unsuccessful, this will not be the case.

## **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. For the reasons set out above it is considered that this proposal is acceptable subject to conditions.

## **11. Recommendation**

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

- Planning conditions outlined at the end of this report

### **11.2** That the Planning Manager be given powers to determine the final detail of planning conditions.

### **11.3 Conditions and Reasons / 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:

- Existing site plan drawing number 7807/101 received 10 January 2022
- Proposed site plan drawing number 7807/150A received 10 January 2022
- Plot 1 and garage plans and elevations drawing number 7807/250b received 1 March 2022 (amended)
- Proposed plans and elevations Plots 2 and 3 drawing number 7807/250A received 10 January 2022
- Proposed plans and elevations Plot 4 drawing number 7807/253 received 10 January 2022

**Reason:** To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted 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 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. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on the Proposed Site Plan drawing (reference 7807 150A) have been implemented in full.

**Reason:** To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2021).

5. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with the Proposed Site Plan drawing (reference 7807 150A). Thereafter the onsite parking provision shall be so maintained in perpetuity.

**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 (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2021).

6. The new vehicular access hereby permitted shall not be used for a period of more than one month from being first brought into use unless any existing vehicular access on Kirkby Lane / Main Street that become redundant as a result of this proposal have been closed permanently and reinstated in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

**Reason:** In the interests of highway and pedestrian safety in accordance with the National Planning Policy Framework (2021).

7. No development shall commence on site until a scheme that makes provision for waste and recycling storage and collection across the site has been submitted in writing to and approved in writing by the Local Planning Authority. The details should address accessibility to storage facilities and adequate collection point space at the adopted highway boundary. The approved scheme shall be implemented in accordance with the agreed details.

**Reason:** To ensure the bin storage on site is not detrimental to the street scene and overall design of the scheme in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

8. If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted in writing to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the first dwelling being occupied.

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

9. Construction work of the development, hereby permitted, shall not take place other than between the hours of 07:30 hrs and 18:00 hrs on weekdays and 08:00 hrs and 13:00 hrs on Saturdays and at any time on Sundays and Bank Holidays unless other agreed in writing.

**Reason:** To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

10. Notwithstanding the approved plans, no development shall take place until a scheme of hard and soft landscaping works for the site, details of the hedgerow retention and protection along the eastern boundary of the site and details of an implementation scheme for proposed landscaping, has been submitted in writing to and approved in writing by the local planning authority. The scheme shall be carried out in full accordance with the approved landscaping scheme. 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, and appropriate ecological mitigation in accordance with Policies, DM6, and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11. No development shall commence until written schemes of investigation (WSI for Historic Building Recording and Archaeological Attendance) have been submitted to and approved by the local planning authority in writing. For the land and structures that are 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 ensure a satisfactory historic building survey and to record and advance understanding of the significance of the affected resource prior to its loss in accordance with DM13 of the Site Allocations and Development Management Policies DPD 2016 and Section 16 of the NPPF.

12. No development shall commence above foundation level until a scheme for the installation of electric vehicle charging points shall be submitted to and approved in writing by the local planning authority. The scheme shall identify the number of units to benefit from electric charging points, together with full details of the location fitting and timetable for installation of the units.

**Reason:** To ensure that the proposals meet the requirements of Policy DM10 (g) of the Site Allocations and Development Management Policies DPD (2016) and Paragraph 112 (e) of the National Planning Policy Framework.

13. Development shall not begin until a scheme to provide a surface water drainage system in accordance with the Flood Risk Assessment dated March 2021 has been submitted to and approved by the Local Planning Authority, and the scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

**Reason:** To prevent flooding and ensure satisfactory storage and disposal of surface water from the site to accord with Policy DM7 of the Site Allocations and Development Management DPP (2016).

14. The development hereby permitted shall be carried out in accordance with the mitigation and compensation measures identified in part 5 of the External Bat Survey and Phase 1 PEA Little India Restaurant Document dated September 2020. Three bird boxes and three bat boxes shall be installed on the site in accordance with the stipulated requirements prior to the occupation of the dwellings.

**Reason:** In order for ecological enhancement and protection purposes in accordance with Policy DM6 of the Site Allocation and Development Management Policies DPD 2016.

15. No development above foundation level shall take place until a detailed plan (or plans) indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be completed in full accordance with the approved details prior to the first occupation of the dwelling to which it relates.

**Reason:** To ensure that an adequate boundary treatment is provided to safeguard the visual amenities of the area, the amenities of the future occupiers of the dwelling and the occupiers of adjoining properties and in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

16. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no gates, barriers, bollards, chains or other such obstructions shall be erected to the vehicular access.

**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 adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

17. 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 adopted Site Allocations and Development Management Policies Development Plan

Document (2016) and paragraph 170 of the National Planning Policy Framework (2021).

18. Hard surfacing of the approved access should comprise of a bound material, for example, bituminous or block paving for at least the first 5.0m with suitable drainage facilities to ensure water does not run into the public highway.

**Reason:** For the purposes of highway safety in accordance with DM17 of the Site Allocations and Development Management DPD 2016.