

## Delegated Report

**Planning Ref: 24/00512/REM**

**Applicant: XL Designs**

**Ward: Newbold Verdon with Desford & Peckleton**

**Site: Lyndale, Lindridge Lane, Desford, Leicester**



Hinckley & Bosworth  
Borough Council

**Proposal: Approval of reserved matters (Appearance, landscaping, layout and scale) for outline planning application 24/00502/CONDIT (Outline application for proposed erection of 4 dwellinghouses with associated garages (all matters reserved except for access))**

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### **1. Recommendations**

#### **1.1. Grant approval of reserved matters subject to:**

- Planning conditions outlined at the end of this report.

### **2. Planning application description**

- 2.1. This application seeks the approval of reserved matters (appearance, landscaping, layout, and scale) for outline planning permission 24/00502/CONDIT for the erection of four dwellings.
- 2.2. The outline permission for this scheme (23/00445/OUT) was approved at Planning Committee in July 2023. Only the access arrangement was considered at outline stage, the consent was then varied under planning permission 24/00502/CONDIT.
- 2.3. The proposals include a generally linear pattern of development, all dwellings are two storey with parking to the front and gardens to the rear. Two plots would be served by detached garages to the front. The dwellings would be constructed from red brick with tiled roofs.
- 2.4. Following discussions with Officers, the design, scale and layout of the proposal has been revised to achieve an acceptable scheme.

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

- 3.1. The site is located to the North of Desford and is accessed via Lindridge Lane. It has an area of approximately 1.2 Acres and is broadly rectangular in shape, lying approximately 700m north of Desford Village Centre. Directly opposite the site is Tropical Birdland, with dwellings occupying the land on both sides of Lindridge Lane to the southwest. To the north is Lyndale, farm buildings and a redundant sewerage works. The site lies within the countryside and outside of the settlement boundary of Desford.
- 3.2. The site currently occupies a dense line of trees across the boundary with Lindridge Lane and the southern boundary of the site, along with groups of mature trees and bushes dispersed around the site. Along the eastern boundary there is an existing ditch, barbed wire fence and hedgerows overlooking open fields with the existing outbuildings of the Cattery. The Lyndale Boarding Cattery was trading for numerous years but has now ceased operation.

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

**24/00502/OUT**

- Variation of condition 4 (access arrangement) and 6 (offsite footway works) of planning permission 23/00445/OUT
- Permitted
- 12.07.2024

#### **23/00445/OUT**

- Outline Application for proposed erection of 4 dwellinghouses with associated garages (all matters reserved except for access)
- Permitted
- 26.07.2023

#### **22/00569/OUT**

- Outline application for proposed erection of up to 4 no. dwellinghouses with associated garages (all matters reserved except for access)
- Withdrawn
- 05.01.2023

### **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. No comments have been received.

### **6. Consultation**

- 6.1. No objections, some subject to conditions, have been received from:
  - HBBC Drainage – *“No objection in principle to reserved matters, however to comply with the SuDS condition on outline application 23/00445/OUT the proposed parking areas should incorporate a suitable system of permeable paving - note that this will be picked up at the discharge of conditions stage”*
  - HBBC Waste
  - HBBC Environmental Health (Pollution)
  - LCC Ecology
  - LCC Trees Officer
  - LCC Archaeology
  - LCC Highways
  - Environment Agency

### **7. Policy**

- 7.1. Core Strategy (2009)
- 7.2. Core Strategy (2009)
  - Policy 7: Key Rural Centres
- 7.3. Site Allocations and Development Management Policies DPD (SADMP) (2016)
  - Policy DM1: Presumption in Favour of Sustainable Development
  - Policy DM7: Preventing Pollution and Flooding
  - Policy DM10: Development and Design
  - Policy DM17: Highways and Transportation
  - Policy DM18: Vehicle Parking Standards

- 7.4. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2023)
  - Planning Practice Guidance (PPG)
  - National Design Guide (2019)

- 7.4. Desford Neighbourhood Plan (Made May 2021)
- Policy H1: Settlement Boundary
  - Policy H6: Windfall Site Development
  - Policy H7: Housing Design
  - Policy T1: Traffic Management

Other relevant guidance

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

## **8. Appraisal**

- 8.1. The principle of development has been established via outline planning permission 23/00445/OUT.
- 8.2. The key Issues in respect of this reserved matters application are therefore:
- Design, layout, and impact upon the character of the area
  - Impact upon residential amenity
  - Impact upon parking provision and highway safety
  - Flood Risk and Drainage
  - Ecology and Biodiversity

*Design, layout, and impact upon the character of the area,*

- 8.3. Policy DM4(i) of the SADMP states that development in the countryside will be considered sustainable where it does not have a significant adverse effect on the intrinsic value, beauty, open character, and landscape character of the countryside
- 8.4. 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.
- 8.5. Policy H7 of the Desford Neighbourhood Plan states that:

*a) New development should enhance and reinforce the local distinctiveness and character of the area in which it is situated, particularly within the Conservation Area. Care should be taken to ensure that the development does not disrupt the visual amenities of the street scene and impact negatively on any significant wider landscape views;*

*b) Adequate off-road parking should be provided as a minimum of two car parking spaces for dwellings of three bedrooms or less and three spaces for dwellings of four bedrooms or more;*

*c) All new housing should continue to reflect the character and historic context of existing developments within the Parish and incorporate a diversity of materials.*

*However, contemporary and innovative design and materials will be supported where positive improvement can be robustly demonstrated without detracting from the historic context. Roof and wall construction that follows technical best practice recommendations for integral bird nest boxes and bat breeding and roosting sites will be supported;*

*d) Development should be enhanced by fostering biodiversity and landscaping with existing trees and hedges preserved whenever possible;*

*e) Where possible, enclosure of plots should be of native hedging, wooden fencing, or brick/stone wall with ground-level gaps that maintain connectivity of habitat for hedgehogs;*

*f) Development should incorporate sustainable design and construction techniques to meet high standards for energy and water efficiency, including the use of renewable and low carbon energy technology, such as high levels of thermal efficiency, water butts, photovoltaic cells and ground heat source pumps as appropriate; ensuring running costs are manageable;*

*g) Security lighting should be operated by intruder switching, not on constantly. Maximum light spillage onto bat foraging corridors should be 1lux;*

*h) Development should incorporate sustainable drainage systems with maintenance regimes to minimise vulnerability to flooding and climate change; ensure appropriate provision for the storage of waste, recyclable materials and rain water for use in gardens. The Drainage Hierarchy (Planning Practice Guidance Paragraph 80) should be applied to ensure that where possible, surface water is directed towards infiltration or watercourses before considering the use of the sewerage system;*

*i) Development should be of a density that respects the desirability of maintaining an area's prevailing character and setting;*

*j) Properties, where appropriate, should have built-in facilities for wildlife, for example, bee bricks and swift boxes.*

- 8.6. The Council's Good Design Guide outlines that building plots should be a similar size to the wider context and the layout should not adversely impact upon the prevailing grain of development. Dwellings should be of similar scale, mass and roof form to the wider context, allowing them to sit comfortably within the street scene.
- 8.7. The dwellings would front onto a new access off Lindridge Lane which is proposed to be adopted. The proposed dwellings would be arranged in a linear form, with Plot 3 partly stepped forward following the bend in the access road.
- 8.8. The original proposal included excessively large, two-storey dwellings (with additional accommodation in the roof) which resulted in ridge heights of dwellings which exceeded 8.5m with very large development footprints. This resulted in a cramped proposal with dwellings which would not respond well to the character and appearance of the area. Officers also expressed concerns that the layout of the initial proposal did not correspond well to the prevailing pattern of development in the vicinity, as there was little separation distance between the dwellings. Lastly, Officers requested amendments to the designs of the dwellings to introduce variation and architectural interest to the plots, in order to comply with Policy DM10 of the SADMP and H7 of the Neighbourhood Plan.

- 8.9. All four of the dwellings would be detached and two storeys in height, with fully hipped roofs and gable frontages. All dwellings feature two storey and single storey rear extensions. The ridge heights of the dwellings are all approximately 8m, which is acceptable in this case, as the roofscape in the vicinity is varied in terms of height, with largely pitched roof types. Combined with the two-storey scale proposed, the roof design and massing of the proposed dwellings would complement and be proportionate to the existing street scene.
- 8.10. The principal elevations of each dwelling would feature facing brickwork with stone plinths, with painted timber windows, and plain clay roof tiles. The designs and scales of dwellings in the vicinity are varied, and it is not considered that the proposed dwellings would appear out of keeping in the local context.
- 8.11. The dwellings feature architectural detailing in the form of eaves corbels and projecting string courses. Windows would be designed with vertical brick headers and lintels. The distribution of windows across the dwellings is balanced and there is not considered to be an over proliferation of openings or glazing.
- 8.12. Off-street parking to the front of each dwelling would be block paved, and Plots 1, 3 and 4 would include detached double garages, with Plot 2 featuring an integral double garage. Plot 3's detached garage is set back from the dwelling in the rear garden, maintaining a suitable separation distance between Plot 2 and 3.
- 8.13. The boundaries between the dwellings and their gardens are to be marked by close boarded timber 1.8 metre fencing. Beyond the rear of the gardens to the east, 1.2m high timber post and rail fencing is proposed, which is appropriate for this type of countryside location. The remainder of the northern and southern boundaries contain a mix of existing foliage and 1.5m high timber fencing, whilst the western boundary is well established tree cover which partially screens the site. This form of boundary treatment is typical of domestic properties and is a feature in the surrounding area.
- 8.14. The proposed soft landscaping includes a mix of tree, hedgerow and shrub planting, new turfed front and rear gardens, which helps to separate the areas of hardstanding and helps to soften the visual impact of the development. Most of the existing trees, hedgerow and shrubs are retained, maintaining the character of the site as a peripheral, edge of settlement scheme.
- 8.15. Overall, and subject to conditions, it is considered that by virtue of the scale, design, proposed landscaping and use of appropriate external materials, the proposal would complement the character and pattern of existing development. The proposal would not result in significant harm to the character of the area and would therefore be in accordance with Policy DM10 of the SADMP, Policy H7 of the Neighbourhood Plan, the guidance set out in the Good Design Guide and the overarching design principles of the NPPF (2023).

*Impact upon neighbouring residential amenity*

- 8.16. 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.
- 8.17. There are no neighbouring dwellings in the vicinity which would be permanently adversely affected in terms of neighbouring amenity. There may be some temporary additional noise and disturbance to Lyndale to the north during construction, however this is not considered to be unacceptable. There is an appropriate separation distance between Lyndale and Plot 1 (the closest proposed dwelling) to avoid adverse impacts through loss of light, overdominance and loss of privacy.

- 8.18. All plots feature two-storey rear extensions which would breach the 45-degree rule when assessing the windows on the rear elevations. However, these windows serve landings and bathrooms only, not habitable rooms, therefore this arrangement is considered acceptable.
- 8.19. Bathrooms or en-suites on the first floor of the proposed dwellings are to be obscurely glazed by condition. Where first floor bedroom windows on side elevations face neighbouring dwellings, they face blank elevations only and would not lead to any loss of privacy issues.
- 8.20. It is concluded that sufficient private and useable amenity space would be provided serving the future occupiers of the properties.
- 8.21. By virtue of the scale, design, fenestration detail, boundary treatments and separation distances proposed, the reserved matters addressed in the current application would not result in any significant adverse impacts upon the amenity of future occupiers or occupiers of any neighbouring dwellings. The proposal would therefore be in accordance with Policy DM10 of the adopted SADMP, Policy H7 of the Desford Neighbourhood Plan and the guidance set out in the GDG.

*Impact on parking provision and highway safety*

- 8.22. Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highways authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 8.23. Policy DM10(g) states that where parking is to be provided, charging points for electric or low emission vehicles should be included, where feasible.
- 8.24. Paragraph 111 of the NPPF (2023) outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 112(e) of the NPPF states development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 8.25. In previous observations dated 17th June 2024 the LHA requested the applicant remove the proposed speed table at the site access. The LHA have assessed R3 Design Developments Drawing Number 24.323.01 B and are content that the speed table has been removed from the site access.
- 8.26. On the basis that each dwelling would have four or more bedrooms, three parking spaces would be required to serve each dwelling. The LHA note that two vehicular parking spaces per dwelling are shown on the submitted plan and assume the applicant intends for the garages shown to count towards parking provision for each plot.
- 8.27. The LHA have assessed R3 Design Developments Ltd Drawing Numbers 24.323.02 B – 23.323.05 B which shows the floor plans for each plot including the garage dimensions for each plot. The garages measured on the drawings are 6m x 6m which is in accordance with Paragraph 3.200 of the LHDG. The LHA is satisfied that there is sufficient parking provision for each plot. The LHA also note there is space within the curtilage of each proposed dwelling for three cars to park and access/egress the site in a forward gear.

- 8.28. The proposals, as per the previous approval, will have an acceptable impact on the highway network. As such, subject to the conditions recommended by the LHA the proposal will satisfy policy DM17 and DM10(g) and the NPPF.

*Flood Risk and Drainage*

- 8.29. Policy DM7 of the SADMP seeks to prevent development from resulting in adverse impacts on flooding by ensuring that development does not create or exacerbate flooding.
- 8.30. Paragraph 165 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere. The systems used should take account of advice from the LLFA, have appropriate proposed minimum operating standards, have maintenance arrangements for the lifetime of the development and where possible provide multifunctional benefits.
- 8.31. HBBC Drainage have no objections to the scheme, advising that the proposals are acceptable subject to the previous conditions as part of the outline permission to secure a surface water drainage scheme, management and maintenance of surface water and SuDS. Subject to the suggested outline condition, the development will satisfy policy DM7 and the NPPF.

*Ecology and Biodiversity*

- 8.32. Policy DM6 of the SADMP states that development proposals must demonstrate how they conserve and enhance features of nature conservation and geological value including long term future management. Paragraph 180 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.
- 8.33. The outline permission includes a pre-commencement condition for the submission of an ecological mitigation, compensation and enhancement strategy to be submitted to and approved by the LPA. An acceptable strategy has been submitted and discharged and the proposal is considered to comply with DM6.

**9. Equality implications**

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
    - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
    - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
    - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.
- 9.3 There are no known equality implications arising directly from this development.
- 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. Outline planning permission has been approved for the residential scheme which included the detailed consideration of vehicle access and the number of dwellings to be provided. The proposal seeks permission for the outstanding reserved matters of scale, layout, appearance and landscaping. By virtue of the scale, design, layout and landscaping proposed, the proposal would not harm the character and appearance of the area in accordance with Policy DM10 of the SADMP, Policy H7 of the Desford Neighbourhood Plan, and the advice in the Council's Good Design Guide.
- 10.2. In addition, the proposal would not have any significant adverse impact upon residential amenity, highway safety, ecology, or drainage. Therefore, the reserved matters are recommended for approval subject to additional conditions.

## **11. Recommendation**

**Grant approval of reserved matters** subject to:

- Planning conditions attached to planning permission 24/00502/OUT and those outlined at the end of this report.

### **11.1 Conditions and Reasons**

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details as follows:
  - Site Location Plan (received 21.05.2024)
  - Block Plan – Drawing No. 24.323.BP B (received 25.07.2024)
  - Site Layout Plan - Drawing No. 24.323.01 B (received 25.07.2024)
  - Illustrative Site Section - Drawing No. 24.323.SS B (received 25.07.2024)
  - Elevations and Floor Plans Unit 1 - Drawing No. 24.323.02 B (received 25.07.2024)
  - Elevations and Floor Plans Unit 2 - Drawing No. 24.323.03 B (received 25.07.2024)
  - Elevations and Floor Plans Unit 3 - Drawing No. 24.323.04 B (received 25.07.2024)
  - Elevations and Floor Plans Unit 4 - Drawing No. 24.323.05 B (received 25.07.2024)

**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).

2. The materials to be used on the external elevations of the dwellings hereby approved shall be implemented in accordance with the list of Materials and Finishes on the Site Layout Plan – Drawing Number 24.323.01 B.

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

3. The approved hard and soft landscaping scheme shall be carried out in accordance with the Site Layout Plan (Drawing No. 24.323.01 B) in the first planting season following the first occupation of the dwelling to which it relates. 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 work is carried out within a reasonable period and thereafter maintained in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. All windows serving rooms labelled "bath" and "ensuite" on the approved Floor Plans & Elevations plans shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale and designed to have openers no lower than 1.7 metres above the floor of the room to which they relate. Once so provided the window(s) shall be permanently maintained as such at all times thereafter.

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

5. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with R3 Design Developments Ltd Drawing Number 24.323.01 B. 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 Policy DM17 and DM18 of the Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (December 2023).

## **Informatives**

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at [building.control@blaby.gov.uk](mailto:building.control@blaby.gov.uk) or call 0116 272 7533.
2. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary Licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.