

Delegated Report

Planning Ref: 24/00502/CONDIT

Applicant: XL Designs

Ward: Newbold Verdon with Desford & Peckleton

Site: Lyndale, Lindridge Lane, Desford, Leicester

Proposal: Variation of condition 4 (access arrangement) and 6 (offsite footway works) of planning permission 23/00445/OUT

1. Recommendations

- 1.1. That the application be approved subject to the conditions at the end of this report this report

2. Planning application description

- 2.1. The applications seek minor material changes to permission 23/00445/OUT, which was for the erection of 4 dwellings with associated garages (all matters reserved except for access). This application relates to minor alterations to the access arrangement and the offsite footway works.

- 2.2. Condition 4 states:

No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Ardent Consulting Engineers drawing number 2202690-001 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).

- 2.3. Condition 6 states:

No part of the development shall be occupied until such time as the offsite footway works shown on Ardent Consulting Engineers drawing number 2202690-001 have been implemented in full.

Reason: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2021).

- 2.2. The revised drawings for Conditions 4 and 6 are:

- Road & Sewers General Arrangement Drawing - Michael W Conway Drawing Number E23-24-010 Rev B
- Revised Road Layout Overlaid to Approved Road Drawing - Michael W Conway Drawing Number E23-24-014

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

- 4.1. The application site has the following relevant planning history:

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. Neighbours have been notified of the applications and a site notice have been erected.
- 5.2. One objection was received requesting clarification for what the application involved. The neighbour was advised of the details of the proposal and had no further comments.

6. Consultation

- 6.1. HBBC Waste – No comment.
- 6.2. LCC Ecology – No comment
- 6.3. LCC Highways – No objection
- 6.2. LCC Archaeology – No objection.
- 6.3. HBBC Drainage - No objection
- 6.4. HBBC Environmental Health – No comment.

6.5. LCC Tree Officer – No comment.

7. Policy

7.1. Core Strategy (2009)

- Policy 7: Key Rural Centres

7.2. 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)
- Self-Build and Custom Housebuilding Act 2015

7.3. Desford Neighbourhood Plan (Made May 2021)

- Policy H1: Settlement Boundary
- Policy T1: Traffic Management

Other relevant guidance

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

8. Appraisal

8.1. It is considered that the key issues in the determination of this application are:

- Principle of Development
- Impact upon highway safety
- Other matters

Principle of Development

8.2. The principle of development has been established through approval 23/00445/OUT.

Impact upon highway safety

8.3. 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 highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)).

8.4. Policy DM10(g) states that where parking is to be provided, charging points for electric or low emission vehicles should be included, where feasible.

- 8.5. Paragraph 111 of the NPPF (2019) 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.
- 8.6. The LHA responded to a previous consultation on this application on 17th June objecting to the Variation of Condition 4 (Access arrangement). The LHA requested the applicant submit an amended drawing removing the proposed speed table.
- 8.7. The LHA have assessed Michael W Conway Drawing Number E23-24-014 which shows the revised road layout drawing overlaid onto the previously approved drawing. The applicant proposes amending the turning head position within the site and altering the off-site footway works. The tactile paving area remains unchanged and still links into the amended road layout. The LHA note that the previously approved site access and visibility splays have not been altered from the previously approved Ardent Consulting Engineers Drawing Number 2202690-001. The LHA therefore have no objection to the Variation of Condition 6 attached to 23/00405/OUT.
- 8.8. The LHA note the applicant has removed the proposed speed table near the junction and has replaced this with rumble strips. The applicant may wish to consider whether the noise made from vehicles traversing over the rumble strips would disturb occupiers of the development. However, the LHA are unable to demonstrate the installation of rumble strips would cause a highway safety issue, therefore the LHA have no objection to the Variation of Condition 4 attached to 23/00405/OUT.

Other matters

- 8.9. The re-sited pedestrian footpath has been assessed and will have no additional impact on trees, with the same trees being retained as approved in the original outline permission 23/00445/OUT.

Conclusion and conditions

- 8.10. In conclusion, it is considered that the proposed development remains in accordance with the Policies DM1, DM10, DM12, DM17 and DM18 of the SADMP (2016).
- 8.11. The outline permission 23/00445/OUT was issued with 12 conditions. Conditions 7, 8, 9, 10 and 11 have been discharged via 24/00501/DISCON (permitted 09.07.24). Conditions 7 – 11 are now included as 'compliance' conditions.

9. Equality implications

- 9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

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.
- 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. Recommendation

10.1. Grant planning permission subject to the planning conditions set out below:

1. Application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. No development shall be commenced until plans and particulars of "the reserved matters" referred to in the above conditions relating to the:-
 - a) Appearance of the development including proposed materials and finishes
 - b) Landscaping of the site including hard boundary treatments and soft measures and details of boundary planting to reinforce the existing landscaping at the site edges
 - c) Layout of the site including the location of electric vehicle charging points, the way in which buildings, routes and open spaces are provided and the relationship of these buildings and spaces outside the development.
 - d) Scale of each building proposed in relation to its surroundings

have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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) and Policy H7 of the Desford Neighbourhood Plan (2021).

3. Details of the existing and proposed ground levels of the site shall be submitted with the reserved matters application. The development shall then be implemented in accordance with these details.

Reason: To ensure that the development has a satisfactory appearance and in the interests of visual amenity in accordance with Policy DM10 of the adopted Site

Allocations and Development Management Policies Development Plan Document (2016) and Policy H7 of the Desford Neighbourhood Plan (2021).

4. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on "Revised Road Layout Overlaid to Approved Road Drawing - Michael W Conway Drawing Number E23-24-014" 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 (2023).

5. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 84 metres by 2.4 metres to the north and 75 metres by 2.4 metres to the south have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (2023).

6. No part of the development shall be occupied until such time as the offsite footway works shown on "Revised Road Layout Overlaid to Approved Road Drawing - Michael W Conway Drawing Number E23-24-014" have been implemented in full.

Reason: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2023).

7. The development hereby permitted and all works (including vegetation clearance) shall be carried out in strict accordance with the ecological mitigation, compensation and enhancement strategy in relation to permission 24/00501/DISCON:

Ecological Enhancement BG24.138 Revised - Received 12 June 2024
BG24.138 Final Matrix - Received 22 May 2024

Reason: In order to provide a net gain in biodiversity in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Policy ENV3 of the Desford Neighbourhood Plan (2021), and the requirements of the NPPF (2023).

8. The landscaping and tree protection measures shall be carried out in strict accordance with the following documents approved under permission 24/00501/DISCON:

- Site Layout
- Arboricultural Implications Assessment
- Tree Constraints Plan
- Tree Protection Plan
- Tree Constraints Plan Shading

- Arboricultural Method Statement

All received 20 May 2024

Thereafter, none of the trees or hedges indicated to be retained shall be cut down, uprooted or destroyed, nor shall be topped or lopped other than in accordance with the approved plans, without the written approval of the Local Planning Authority. If any of the trees or hedges to be retained are removed, uprooted or destroyed or dies, a replacement shall be planted at the same place and that tree or hedge shall be of such size and species, and shall be planted at such time, as maybe specified in writing by the Local Planning Authority.

Reason: To ensure that adequate measures are taken to preserve trees and hedges and their root systems whilst construction work is progressing on site and that the existing trees on the site are retained and protected in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Policy ENV3, H6 and H7 of the Desford Neighbourhood Plan (2021), and paragraph 170 of the National Planning Policy Framework (2023).

9. The provision for waste and recycling storage of containers and collection across the site shall be carried out in accordance with the approved Site Layout Plan (received 20 May 2024) and approved via 24/00501/DISCON.

Reason: The protect the amenity of neighbours and the character of the area in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

10. The development hereby permitted shall be carried out in strict accordance with the following information:

- Storm run drainage calculations (received 19 June 2024)
- Drainage Plan 23.010 Rev A (received 19 June 2024)
- Storm Drainage E23-24-020 (received 20 June 2024)
- Road and Sewers General Arrangement E23-24-040 (received 20 June 2024)
- Sewer Construction Details E23-24-030 (received 20 June 2024)

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraph 110 and 112 of the National Planning Policy Framework (2023).

11. Any archaeological findings are to be reported using OASIS reporting with the Archaeological Data Service (ADS) and an accession number for the Leicestershire Museums Service (LMS). These provisions are in accordance with the planning requirements and the approved Written Scheme of Investigation discharged under permission 24/00501/DISCON.

Reason: To ensure satisfactory archaeological investigation, recording, dissemination and archiving in accordance with Policies DM11, DM12 and DM13 of the adopted Site Allocations Development Management Policies Development Plan Document (2016).

12. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A to E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling shall be carried out unless planning permission for such development has been granted by the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring properties in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

Informatives:

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. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>.
3. Nesting birds are protected from disturbance under the Wildlife & Countryside Act 1981 (as amended); therefore all vegetation removal should take place outside the breeding season (March - August inclusive) unless carefully checked beforehand by a suitably qualified person.