

Delegated Report

Planning Ref: 23/01115/HOU

Applicant: Mr C Smythe

Ward: Newbold Verdon With Desford & Peckleton

Site: 56 High Street Desford Leicester



Hinckley & Bosworth
Borough Council

Proposal: Creation of off street car parking space and new retaining walls.

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. The application seeks full planning consent for the creation of an off street car parking space and new retaining walls at 56 High Street, Desford.
- 2.2. The proposed hardstanding would measure approximately 20.20 square meters in total.
- 2.3. The proposed access point would be from the existing dropped kerb onto Forest Way. This access way already affords vehicular access to the rear of 54 High Street and 2-4 Forest Way.
- 2.4. The proposed external materials are to feature red brick to the wall and a permeable surface to the hardstanding.
- 2.5. Revisions have been obtained from the agent in regards to the amendment from gabion baskets to red brick to the proposed wall surrounding the hardstanding.

3. Description of the site and surrounding area

- 3.1. The application site relates to a two-storey semi-detached dwelling situated within the settlement boundary and conservation area of Desford. The dwelling comprises the use of cream render to the walls, grey tiles to the roof and white uPVC to the windows. The front entrance is situated to the north-east elevation of the dwelling. To the front boundary of the dwelling sits a 0.80 metre stone wall and hedgerow. No.56 projects approximately 6.00 metres forward of neighbouring dwelling no.58.
- 3.2. The site is located within the vicinity of two listed buildings (Old Manor House, attached barn and service block, 32 High Street – grade II* listed, and the pigeoncote at 32 High Street – grade II), all located immediately west of the application site.
- 3.3. The High Street has a classification of Class B.

4. Relevant planning history

80/01072/4

- FORMATION OF VEHICULAR ACCESS
- REF
- 02.09.1980

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. No objections have been received.

6. Consultation

- 6.1. No objections have been received from the below consultees;
 - Desford Parish Council
 - The HBBC Aboricultural Officer

- 6.2. The HBBC Conservation Officer;

As commented by the HBBC Conservation Officer the loss of the existing brick/stone boundary wall is limited in extent with the majority of the existing front boundary wall being retained in situ thus maintaining the sense of enclosure to the street scene.

The request for a red brick facing wall as an alternative material for the walls flanking the car parking space, with the use of a red brick reflecting the prevalent characteristics of the Desford Conservation Area is supported. It is suggested that the use of textured red brick rather than a smooth engineering brick, with the chosen brick to be agreed in writing with the LPA by the way of a pre-commencement planning condition.

- 6.3. LCC Highways;

Site Access/Trip Generation

It appears the existing access already affords vehicular access and egress to the rear of 54 High Street and 2-4 Forest Way.

It is demonstrated on 'Proposed Site Plan & Elevations', drawing number PL-6204-03 that the boundary wall would be brought back approximately 2m further east which would aid vehicular visibility for all vehicles that utilise the access currently.

The LHA note the access is substandard in term of effective access width and visibility splays when compared to Figure DG17 and Table DG4 of Part 3 of the Leicestershire Highway Design Guide (LHDG), a copy of which can be found at: <https://resources.leicestershire.gov.uk/sites/resource/files/field/pdf/faq/2022/3/18/Part-3-design-guidance-interim.pdf>.

Whilst the proposals would lead to an intensification of use of an existing substandard access the proposals are for one off-street car parking space and the trips to and from the site would be minimal.

Taking all the above into account, the LHA do not consider they could demonstrate the proposals would lead to a severe impact on the public highway contrary to Paragraphs 110 and 111 of the National Planning Policy Framework (NPPF) 2023, and subsequently defend at an appeal in these site specific circumstances. As such, the LHA would not seek to resist the proposals based upon access arrangements.

Highway Safety

It is noted that there was a fatality in the vicinity of the proposed access in 2021. Whilst any fatality is regrettable, after investigation by the LHA it can not be linked to the development proposed.

A further four Personal Injury Collisions (PIC's) have been recorded in the locality in the last five years that occurred within 500m in any direction of the proposed access. Two of these were classed as slight, one as serious and one where no report was received from the Police.

The LHA have investigated all of the above PIC's and can not find any patterns or trends within the data. As such, the LHA would conclude the proposals are unlikely to exacerbate the current highway situation.

Internal Layout

The LHA have reviewed 'Enlarged Proposed Site Plan', drawing number PL-6204-04 and make the following comments.

Whilst it is unclear as to how many bedrooms the host dwelling has, the proposals would be seen as an improvement over the current situation given it appears the dwelling is not currently afforded any off-street car parking.

Whilst the off-street car parking space dimensions as demonstrated on 'Enlarged Proposed Site Plan', drawing number PL-6204-04 do not accord with Paragraph 3.165 of Part 3 of the LHDG, the LHA however believe there is adequate space within the site for one vehicle.

Whilst surfacing and drainage are demonstrated on 'Enlarged Proposed Site Plan', drawing number PL-6204-04, these can be secured via condition.

The LHA would normally seek to resist off-street car parking that is parallel to the highway and not perpendicular. However, given neighbouring properties have similar off-street car parking arrangements, in these specific circumstances the LHA deem this could not be considered as a reason for refusal or defended at an appeal.

Public Right of Way (PRoW) R98

The proposals would involve driving over Public Footpath R98 to access and egress the proposed off-street car parking. However, it appears that properties 54 High Street and 2-4 Forest Way already use the start of the Public Footpath as a private vehicular access onto High Street. As such, the LHA find this acceptable in these site specific circumstances. The Applicant should however be mindful of the informatics at the foot of this report.

Closing

The LHA would not seek to resist the application subject to the following conditions for the reasons given above.

Planning Officer Note - Please note that the recommended conditions have been included within section 11.2 of the report.

7. Policy

7.1. Desford Neighbourhood Plan 2018-2036

- Policy H1: Settlement Boundary

- Policy H7: Housing Design
- Policy ENV 5: Local Heritage Assets

7.2. Core Strategy (2009)

- Policy 8: Key Rural Centres Relating to Leicester

7.3. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy 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)

7.5. Other relevant guidance

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

8. Appraisal

8.1. Key Issues

- Design and impact upon the character of the area, the Conservation Area and the setting of an identified building of local significance
- Impact upon neighbouring residential amenity
- Impact upon highway safety

Design and impact upon the character of the area, the Conservation Area and the setting of an identified building of local significance

8.2 Policy DM10 of the SADMP requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.

8.3 Policies DM11 and DM12 of the Site Allocations and Development Management Policies (SADMP) DPD seek to protect and enhance the historic environment. Development proposals should ensure the significance of a conservation area is preserved and enhanced.

8.4 Policy H1 of the Desford Neighbourhood Plan seeks to ensure that development proposals within the settlement boundary are supported where they respect the character of Desford.

8.5 Policy H7 of the Desford Neighbourhood Plan seeks to ensure that all development proposals should enhance and reinforce the local distinctiveness and character of the area in which it is situated, particularly within the Conservation Area. Care should also 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.

- 8.6 Policy ENV 5 of the Desford Neighbourhood Plan seeks to ensure that development proposals that affect the setting of an identified building or structure of local significance is required to preserve and enhance the setting of that heritage asset.
- 8.7 The proposal seeks alterations to the front garden of 56 High Street to form an off-street car parking space and consists of the removal of the corner and return section of an existing 0.8m high brick/stone wall to provide access for a car and creation of a space behind a retained section of retaining wall along the front boundary. The proposed wall surrounding the hardstanding was originally proposed to be constructed of gabion baskets, however revisions were obtained for the use of red brick. The car parking space would also be flanked by stone retaining walls
- 8.8 Red brick and occasionally stone are most commonly used for boundary walls and means of enclosure within the Desford Conservation Area and the existing walls to the front boundary of 56 High Street follow these prevalent characteristics, making a minor positive contribution to the significance of the conservation area.
- 8.9 Overall, the loss of the existing brick/stone boundary wall is limited in extent with the majority of the existing front boundary wall being retained in situ thus maintaining the sense of enclosure to the street scene. The proposed car parking space would be flanked by stone walls which would reflect the prevalent characteristics of the conservation area. The proposal will therefore have a neutral visual impact and thus preserve the special interest and significance of the conservation area. Consequently, the proposal complies with Policies DM10, DM11 and DM12 of the Site Allocations and Development Management Policies DPD, policies H7 and ENV5 of the Desford Neighbourhood Plan and section 16 of the National Planning Policy Framework and the statutory duty of section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

Impact upon neighbouring residential amenity

- 8.10 Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighbouring properties.
- 8.11 By the nature of development, the proposed dropped kerb would not have any adverse impacts upon neighbouring residential amenity, in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.12 Policies DM17 and DM18 of the SADMP states that proposals should ensure that there is adequate provision for on and off street parking for residents and visitors and there is no impact upon highway safety. The Council's adopted Design Guide seeks to deter the hard-surfacing of more than 50% of a front garden area and the use of non-permeable surfacing materials.
- 8.13 High Street, Desford is a classified 'C' road. There is an existing dropped kerb vehicular access to the site which already affords vehicular access to the rear of 54 High Street and 2-4 Forest Way. The proposed access point would not involve the creation of an additional dropped kerb at the site and would involve using the existing dropped kerb onto Forest Way. The proposal for a parking area within the frontage of the application site would be acceptable in principle as it would not result in any significant adverse impacts on the character or visual amenity of the site or wider street scene and given the minor nature of development would be unlikely to give rise to any significant adverse impacts on highway safety that would be in conflict with Policy DM17 of the adopted SADMP.

- 8.14 The proposals would result in the removal of the corner and return section of an existing 0.8m high brick/stone wall to provide access for a car and creation of a space behind a retained section of retaining wall along the front boundary. A new hard-surfaced parking area is proposed to the front of the dwelling for one off-street parking space which would be adequate in number to serve the dwelling as the dwelling does not currently afford any off street parking.
- 8.15 The proposed hard surfacing to the area forward of the principle elevation is to be constructed in a permeable surface, by virtue it will accord with The Good Design Guide SPD. Notwithstanding this details of the proposed surfacing/method of drainage of the proposed hardstanding have not been submitted therefore a condition requiring the use of porous materials and/or alternative satisfactory sustainable surface water drainage methods in its construction would be reasonable and necessary to ensure satisfactory development and parking provision.
- 8.16 Notwithstanding that the adopted Design Guide seeks to deter the hard-surfacing of over 50% of the area of site frontages, there are numerous properties in close proximity along High Street including those immediately to the east where frontages have been fully hard surfaced. The majority of the proposed hardstanding will also be screened by the existing stone retaining walls. As such the development is not considered to have a detrimental impact upon the area.
- 8.17 It has been noted that the proposed off-street car parking space dimensions as demonstrated do not accord with Paragraph 3.165 of Part 3 of the Leicestershire Highways Design Guide (LHDG) which states the following *"Minimum parking size 2.4m x 5.5m, add 0.5m if bounded by a wall, fence, hedge, line of trees or other similar obstructions on 1 side, 1m if bounded on both sides."*
- 8.18 The proposed parking space would measure 5.00 metres in length and 2.50 metres in width, by virtue only fractionally smaller than the guidance as set out in Leicestershire Highways Design Guide (LHDG). Due to the layout of the site there is, however still deemed to be adequate space for a single car.
- 8.19 In this regard, the proposal would comply with Policy DM17 and DM18 of the SADMP and the Leicestershire Highways Design Guide.

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.

10. Conclusion

- 2.6. The proposal is located within the settlement boundary of Desford and seeks full planning consent for the creation of an off street car parking space and new retaining walls at 56 High Street, Desford, therefore there is a presumption in favour of sustainable development as set out in Policy DM1 and the wider policies of the NPPF.
- 10.1. For the reasons given in the report above, it is considered that the proposed scheme of extensions and alterations would respect the overall scale, character and appearance of the existing dwelling, street scene and Conservation Area. The proposals would not result in any significant adverse overbearing or overshadowing effects or result in any loss of privacy to the occupiers of any neighbouring properties and would not have a detrimental impact of highway safety.
- 10.2. The proposals are considered to be in accordance with Policies DM10, DM11, DM12, DM17 and DM18 of the Site Allocations and Development Management Policies DPD, section 16 of the National Planning Policy Framework, the statutory duty of section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, policies H1 and H7 of the Desford Neighbourhood Plan, the adopted Good Design Guide and the Leicestershire Highways Design Guide, and therefore recommended for approval subject to conditions.

11. Recommendation

11.1 Grant planning permission subject to:

- Planning conditions outlined at the end of this report

11.2 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 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:

Site Location Plan, Drg No.PL-6204_01 and Existing Site Plan, Elevations, Drg No.PL-6204_02 as received by the Local Planning Authority on the 22nd November 2023.

Proposed Site Plan & Elevations, Drg No. PL-6204_03A and Enlarged Proposed Site Plan, Drg No. PL-6204_04Aas received by the Local Planning Authority on the 8th January 2024.

Reason: To ensure a satisfactory form of development in accordance with Policies DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Policies H7 and ENV5 of the Desford Neighbourhood Plan.

4. No development above foundation level shall commence on site until a representative sample of the brick to be used on the external proposed wall hereby permitted has 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 Policies DM10, DM11 and DM12 of the Site Allocations and Development Management Policies Development Plan Document (2016) and Policies H7 and ENV5 of the Desford Neighbourhood Plan.

5. The development hereby permitted shall not be used until such time as the parking has been implemented in accordance with Enlarged Proposed Site Plan, drawing number PL-6204-04A. Thereafter the onsite parking provision shall be kept available for such use 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 in the interests of highway safety and in accordance with the National Planning Policy Framework (2023) and Policy DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. The development hereby permitted shall not be used until such time as the access drive has been surfaced with tarmac, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with the National Planning Policy Framework (2023) and Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016)

7. No part of the development hereby permitted shall be used until such time as site drainage details have been provided to and approved in writing by the Local Planning Authority. Thereafter surface water shall not drain into the Public Highway and thereafter shall be so maintained.

Reason: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with the National Planning Policy Framework (2023), and Policy DM7 and DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

8. Prior to construction, measures should be taken to ensure that users of the Public Right(s) of Way are not exposed to any elements of danger associated with construction works.

Reason: To ensure the Public Right of Way is safe and available during the period of construction in the interests of protecting and enhancing Public Rights of Way and access in accordance with Paragraph 100 of the National Planning Policy Framework 2023 and Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11.3 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 building.control@blaby.gov.uk or call 0116 272 7533.
2. Prior to construction, measures should be taken to ensure that users of the Public Right(s) of Way are not exposed to any elements of danger associated with construction works.
3. The Public Right(s) of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.
4. The Public Right(s) of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.
5. If the developer requires a Right of Way to be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to networkmanagement@leics.gov.uk at least 12 weeks before the temporary diversion is required.
6. Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.
7. No new gates, stiles, fences or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way and the County Council may be obliged to require its immediate removal.