

**Committee Report 9<sup>th</sup> April 2024**  
**Report of Head of Planning**

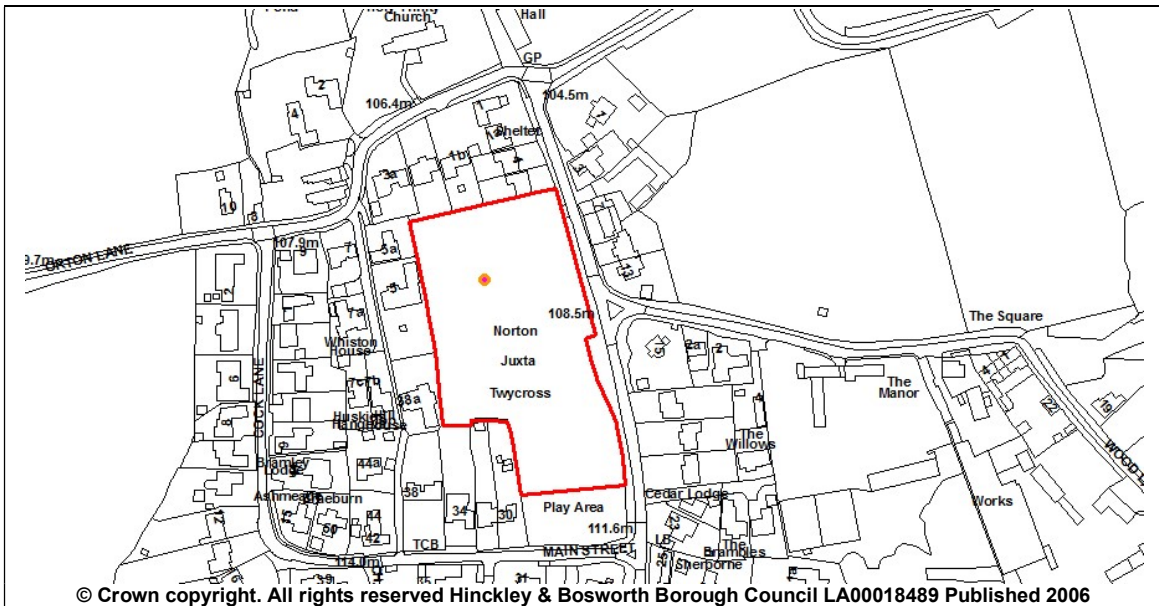


Hinckley & Bosworth  
Borough Council

**Planning Ref: 23/01150/CONDIT**  
**Applicant: Mr Andrew Cartwright**  
**Ward: Twycross, Sheepy & Witherley**

**Site: Land West Of Main Street, Main Street, Norton Juxta Twycross, Atherstone**

**Proposal: Variation of condition 2 (plans and elevation) of planning application 22/00503/FUL. Amendment to external openings, addition of dormer and windows and other alterations to the dwellings.**



**1. Recommendations**

**1.1. Grant planning permission subject to:**

- Planning conditions outlined at the end of this report
- Power to determine the final details of the conditions to be delegated to the Head of Planning.

**2. Planning application description**

2.1. Section 73 of the Town and Country Planning Act 1990 allows applications to be made for permission to develop without complying with a condition previously imposed on a planning permission.

2.2. In this case, planning permission for application 22/00503/FUL granted full planning permission for the erection of 8 no. detached dwellings, with associated amenity space, landscaping, car parking and refuse/recycling facilities at Land West of Main Street, Norton Juxta Twycross.

2.3. This application seeks planning permission for the variation of Condition 2 of 22/00503/FUL. Amended plans were received throughout this application process which amended details relating to plot 1 and also provided clear mark ups on the proposed plans showing the amendments alongside a written list of the proposed changes.

2.4. Condition 2 of 22/00503/FUL states that:

“The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

- Proposed Block Plan Drawing No. 13a
- Proposed Site Plan Dwg No. 21-132 02c
- Floor Plan and Elevations - Plot 1 Dwg No. 21-132 03a
- Floor Plan and Elevations - Plot 2 Dwg No. 21-132 04b
- Floor Plan and Elevations - Plot 3 Dwg No. 21-132 05b
- Floor Plan and Elevations - Plot 4 Dwg No. 21-132 08a
- Floor Plan and Elevations - Plot 5 Dwg No. 21-132 09a
- Floor Plan and Elevations - Plot 6 Dwg No. 21-132 07b
- Floor Plan and Elevations - Plot 7 Dwg No. 21-132 10a
- Floor Plan and Elevations - Plot 8 Dwg No. 21-132 11a received by the local planning authority on 24/05/2022.

**Reason:** To define the permission and ensure satisfactory impact of the development to accord with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).”

2.5. The proposed changes to each plot is outlined below:

2.6. **Plot 1:**

- Front elevation: all windows increasing in width. 3 new rooflights added to main roof. All rooflights moved higher.
- Rear elevation: Large gable window removed. Bi-fold doors removed and replaced with two slot windows. Bedroom 2 window increased in width. Rooflight to second floor ensuite increased in size. All rooflights moved higher.
- Side elevations 1: 2 dormer windows added above garage. Rooflight in garage increased in size, moved higher and centralised. New rooflight added to front gable.
- Side elevation 2: Ground floor window increased in width and centralised. Windows to sunroom changed to bi-fold doors. Rooflight added to front gable. 3 rooflights added to rear gable.
- General: All soldier course headers to the side and rear replaced with arched headers to match that of the front elevation.

2.7. **Plot 2:**

- Front elevation: 3 new rooflights added to main roof.
- Rear elevation: 1 new rooflight added to link section serving dressing room.
- Side elevation 1: No changes.
- Side elevation 2: No changes.
- General: All soldier course headers to the side and rear replaced with arched headers to match that of the front elevation.

2.8. **Plot 3:**

- Front elevation: Number of rooflights in main roof increased from 3 to 6.
- Rear elevation: No changes.
- Side elevation 1: Two new roof lights added over the garage.
- Side elevation 2: One new rooflight added over stair to games room.

- 2.9. **Plot 4:**
- Front elevation: 3 new rooflights added to main roof.
  - Rear elevation: 1 new rooflight added to link section (dressing room).
  - Side elevation 1: No changes.
  - Side elevation 2: No changes.
  - General: All soldier course headers to the side and rear replaced with arched headers. Arch headers added to front elevation.

- 2.10. **Plot 5:**
- Front elevation: 3 windows reduced in width. One window removed.
  - Rear elevation: Glazed doors with glazed side panels to gym replaced with solid doors with single glass panels. Full height glazing to link replaced with standard window at first floor. First floor window and bi-fold doors in gable reduced in width.
  - Side elevation 1: No changes.
  - Side elevation 2: No changes.
  - General: All soldier course headers to the side and rear replaced with arched headers to match front elevation.

- 2.11. **Plot 6:**
- Front elevation: 3 new rooflights added to main roof. First floor window and small gable increased in width to match ground floor window.
  - Rear elevation: No changes.
  - Side elevation 1: 2 new rooflights added.
  - Side elevation 2: 2 new rooflights added.
  - General: All soldier course headers to the side and rear replaced with arched headers to match front elevation.

- 2.12. **Plot 7:**
- Front elevation: 3 windows reduced in width. One window removed.
  - Rear elevation: Glazed doors with glazed size panels to gym replaced with solid doors with single glass panels. Full height glazing to link replaced with standard window at first floor. First floor window and bi-fold door in gable reduced in width. Rooflight increased in size.
  - Side elevation 1: No changes.
  - Side elevation 2: No changes.
  - General: All soldier course headers changes to voussoir lintels.

- 2.13. **Plot 8:**
- No changes.

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

- 3.1. The application site is roughly rectangular in shape, measures approximately 1.19 hectares and occupies a central location within the settlement boundary of the rural hamlet of Norton Juxta Twycross immediately to the west of Main Street. It comprises an area of unused land that was formerly overgrown scrub.
- 3.2. There is residential development surrounding the site to all sides except to part of the southern boundary where there is a children's play area. The site is well enclosed to the east, south and most of the north boundary by mature hedgerows. The west boundary is less robust with a variety of sometimes sparse hedgerow,

lower hedgerow and part timber fencing. The application benefits from planning permission (22/00503/FUL) for the erection of 8 dwelling.

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

##### **23/01157/DISCON**

- Application to discharge conditions 4 (Tree and Hedgerow Protection), 5 (Surface Water Drainage), 6 (Surface Water Long-term Maintenance), 7 (Hard and soft landscaping), 8 (Landscape Management and Maintenance), 9 (Boundary Treatments), 11 (Materials), 19 (Waste and Recycling) and 20 (CEMP) attached to planning permission 22/00503/FUL
- Pending Consideration

##### **22/00503/FUL**

- Erection of 8 no. detached dwellings, with associated amenity space, landscaping, car parking and refuse/recycling facilities
- Planning Permission
- 24.11.2023

##### **18/00786/FUL**

- Erection of 8 dwellings, formation of community open space and associated landscaping and access
- Planning permission
- 01.04.2021

#### **5. Publicity**

5.1. The application has been publicised by sending out letters to local residents and a site notice posted within the vicinity of the site.

5.2. 5 households wrote objection letters to the proposal. The main summarised points of objection are:

- Loss of privacy and overlooking impacts.
- Light pollution caused by additional windows.
- Impact on house prices.
- Loss of light due to height of dwellings.
- Concerns regarding previous approved plans and also the plans/information submitted as part of an application to discharge planning conditions.

#### **6. Consultation**

6.1. There have been no objections from the following consultants:

- HBBC's Pollution Officer

6.2. No further responses have been received.

#### **7. Policy**

7.1. Core Strategy (2009)

- Policy 13: Rural Hamlets
- Policy 15: Affordable Housing
- Policy 19: Green Space and Play Provision

7.2. Site Allocations and Development Management Policies (SADMP) DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery

- Policy DM6: Enhancement of Biodiversity and Geological Interests
- 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: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2023)
- Planning Practice Guidance (PPG)
- Planning (Listed Buildings and Conservation Areas) Act 1990

7.4. Other relevant guidance

- Affordable Housing SPD
- Open Space and Recreational Facilities Study (2016)

**8. Appraisal**

8.1. The principle of development has already been established through the earlier grant of the extant planning permission on the site. This application involves a number of external alterations to windows and openings & the key issues in respect of this application are therefore:

- Design and impact upon the character of the area and impact upon the setting of nearby listed buildings
- Impacts on neighbouring amenity
- Impact on highway safety
- Conditions

Design and Impact upon the Character of the Area and impact upon the setting of nearby listed buildings

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

8.3 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting, to have special regard to the desirability of preserving the listed building's setting and any features of special architectural and historic interest which it possesses.

8.4 Section 16 of the NPPF provides national guidance on conserving and enhancing the historic environment. Paragraph 205 of the NPPF states that 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset the greater the weight should be).

8.5 Policy DM11 of the adopted SADMP seeks to protect, conserve and enhance the historic environment. All development proposals which have the potential to affect a heritage asset or its setting will be required to demonstrate an understanding of the significance of the heritage asset and its setting, the impact of the proposal on the significance of the asset and its setting, how the benefits of the proposal will

outweigh any harm caused and any impact on archaeology in line with Policy DM13.

- 8.6 Policy DM12 of the adopted SADMP requires that development affecting the setting of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting. Assets identified on the Locally Important Heritage Asset List should be retained and enhanced wherever possible. The significance of the assets illustrated in the List and the impact on this significance should be demonstrated and justified in line with Policy DM11.
- 8.7 Policy DM13 of the adopted SADMP states that where a proposal has the potential to impact a site of archaeological interest, an appropriate desk-based assessment and, where applicable, the results of a field evaluation detailing the significance of any affected asset.
- 8.8 It was confirmed and conditioned within the original approval for the site that works relating to archaeology shall be secured by pre-commencement condition and the same condition should be repeated for this application.
- 8.9 Similarly it was established that the approved development would not have detrimental impacts upon The Church of Holy Trinity, a grade II listed building which is located approximately 90m away from the site.
- 8.10 The amendments described earlier within this report, in the planning application description section, confirms that 7 of the plots are proposed to have alterations including rooflights, widening of windows, replacement window designs and changes to the soldier course detailing.
- 8.11 It is considered that the changes to each plot, whilst numerous are not significantly detrimental to the character of the area and when considering the approved dwellings under application 22/00503/FUL, the changes are minor in appearance. The changes are therefore considered acceptable in terms of design and impact on the character of the area and would not harm the significance of the nearby listed building. As such the proposals are in accordance with Policies, DM10, DM11 and DM12 of the SADMP.

#### Impact on Neighbouring Amenity

- 8.12 Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighboring properties. We can assess the effect of the alterations proposed under this variation of condition application by looking at each plot.
- 8.13 The Good Design Guide (2019) confirms the basic principles of development. This includes details surrounding separation distances such as habitable rooms within a rear elevation should not be ideally less than 8m from the blank side of a single storey neighboring property, rising to 12m for two storey and 15m for three storey. Habitable rooms within rear elevations of neighboring properties should not be less than 21m apart and in the spirit of good neighborliness and reducing impacts on neighboring properties a distance of 1m between the development and the boundary should be included, giving a total of 2m between properties.
- 8.14 There have been a number of neighbor objections received with regard to the variation of condition application. A number of objections do relate to the previously approved application and not the amendments under consideration within this

application. Below an assessment has been made as to the amendments submitted under this application in relation to impacts upon neighboring amenity.

- 8.15 Plot 1: The main alterations to the plot include addition of rooflights and moving the rooflights higher, which due to the existing rooflights being present are not anticipated to further exacerbate overlooking or loss of privacy impacts. This is similar in the case of the widening of windows on the property as described earlier in this report, these alterations would not significantly detriment neighbouring amenity when considering the approved plans. Finally the two dormer windows added to the side elevation 1, above the garage face into the site and do not create overlooking, overbearing, loss of light or loss of privacy issues for neighbours.
- 8.16 Plot 2 and 4: The amendments to both plots are the same and the plots are of similar design, the amendments include the three rooflights added to the main roof on the front elevation face into the site and are not considered to cause detrimental impacts to neighbouring amenity in terms of loss of light. The proposed windows can be conditioned to be above head height and non-opening to ensure no detrimental impacts. Similarly the additional rooflight serving the dressing room within the 'link section' on the rear elevation is not considered to cause additional detrimental impacts to loss of privacy when considering the number of larger windows already approved on that elevation.
- 8.17 Plot 3: Similarly to the previous plots, the addition of rooflights on the front, side 1 and side 2 elevations are not considered to cause significant detrimental impacts to neighbouring amenity in terms of loss of privacy when considered the existing windows which have been approved on these elevations.
- 8.18 Plot 5: The amendments to plot 5 include 3 windows being reduced in width and one window removed on the front elevation. The rear glazed doors with side panels are to be replaced with solid doors with glass panels, alongside the full height glazing to the link to be replaced with a standard window. In addition the approved first floor window to the rear and bi-fold doors in gable are reduced in width. The soldier course headers to the side and rear are to be replaced with arched headers to match the front elevation. The amendments proposed act to lessen the impacts from the original proposal through reducing the window sizes and introducing materials that are solid as opposed to materials such as glass. As such it is considered that the amendments would not have detrimental impact on neighbouring residential amenity.
- 8.19 Plot 6: The amendments include 3 new roof lights to the main roof on the front elevation, the first floor window and small gable increased in width to match the ground floor window. There is also the addition of 2 new rooflights to both side elevations serving the cinema/games room and the soldier course headers to the side and rear are to be replaced with arched headers to match the front elevation. The side elevation windows are introduced where there are no similar windows in the previously approved proposal. The windows are proposed above head height and are unlikely to cause significant detrimental impacts to neighbouring amenity in terms of loss of privacy or overlooking impacts when considering the blank side elevation of the neighbouring plots.
- 8.20 Plot 7: The proposed amendments relate to 3 windows reduced in width and one window removed on the front elevation. Glazed doors with glazed side panels to the rear serving the 'gym' are to be replaced with solid doors with single glass panels. Full height glazing link is to be replaced with a standard window on first floor. First floor window and bi-fold door in gable is to be reduced in width and the rooflight

increased in size. All soldier course headers changed to voussoir lintels. It can be considered that the amendments are not significantly different to the original proposal and would not cause detrimental impacts to neighbouring residential amenity.

- 8.21 Plot 8: There are no proposed alterations to the plot and as such there would be no impact on neighbouring residential amenity as part of this proposal.
- 8.22 The proposed development would therefore satisfy Policy DM10 of the SADMP due to the limited impact on neighboring residential amenity.

#### Impact on highway safety

- 8.23 Policy DM17 of the SADMP states that all new development should be in accordance with the highway design standards. Policy DM18 ensures that development provides appropriate parking provision.
- 8.24 Highways concerns were addressed within the original planning application and were subject to conditions, which can be found at the end of this report. There are no amendments proposed under this S73 application which would cause detriment to vehicle parking or highway safety, as such the proposals can be considered to be in accordance with Policies DM17 and DM18.

#### Conditions

- 8.25 Planning permission 22/00503/FUL was subject to 22 conditions. No conditions have been discharged since the approval was granted, however a number of condition are currently pending discharge under application 23/01157/DISCON. All conditions are still required and have been copied within this report.

### **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 The proposal remains acceptable in principle, would not result in any adverse impact to the character or appearance of the area, neighbouring amenity, highways, flooding/drainage & ecology or heritage. The proposal is therefore considered to accord with Policy DM1, DM3, DM6, DM7, DM10, DM11, DM12, DM13, DM17 and DM18 of the SADMP and Policies 13, 15 and 19 of the Core Strategy.

**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 not be carried out otherwise than in complete accordance with the submitted application details, received by the Local Planning Authority as follows:

- Proposed site plan Drg No. 21/132/02F
- Block plan Drg No. 21/132/13D
- Plot 1 Drg No. 21/132/61a
- Plot 2 Drg No. 21/132/62
- Plot 3 Drg No. 21/132/63
- Plot 4 Drg No. 21/132/64
- Plot 5 Drg No. 21/132/65
- Plot 6 Drg No. 21/132/66
- Plot 7 Drg No. 21/132/67
- Plot 8 Drg No. 21/132/68

**Reason:** To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

2. No demolition/development shall take place/commence until the programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material has been fulfilled in accordance with the written scheme of investigation (WSI) submitted 24/05/2022 (MOLA Norton Juxta Twycross agreed WSI).

**Reason:** To ensure satisfactory archaeological investigation and recording in accordance with Policies DM11 and DM13 of the adopted SADMP and section 16 of the National Planning Policy Framework (2023).

3. Notwithstanding with Tree Protection Plan 11378 TCP 01, before any development is commenced on site, including site works of any description, a Tree and Hedgerow Protection Plan prepared by a suitably qualified arboriculturist shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details and maintained as such at all times for the duration of the construction phase.

**Reason:** To ensure that existing trees and hedgerows on the site that are to be retained are adequately protected before and during construction in the interests of visual amenity and biodiversity in accordance with Policies DM6

and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. No development shall commence on site until surface water drainage details, incorporating sustainable drainage principles (SuDS) has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

**Reason:** To ensure that the development is provided with a satisfactory means of surface water drainage to prevent flooding and minimise the risk of pollution by ensuring the satisfactory storage and disposal of surface water from the site in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. Prior to first occupation of any of the dwellings hereby permitted, full details in relation to the long term maintenance of the sustainable surface water drainage system within the development have been submitted to, and approved in writing by, the local planning authority. The system shall subsequently be maintained in accordance with the approved details at all times thereafter.

**Reason:** To establish a suitable maintenance regime, that may be monitored over time; that will ensure the long term performance, both in terms of flood risk and water quality, of the sustainable surface water drainage system within the proposed development to accord with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. No development shall take place on site until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

- i. proposed finished levels or contours
- ii. hard surfacing materials
- iii. retained trees and hedgerows
- iv. planting plans
- v. written specifications
- vi. schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
- vii. implementation programme.

The landscaping scheme shall be carried out in accordance with the approved details and shall thereafter be managed and maintained in accordance with the Landscape Management and Maintenance Plan to be approved under condition 8 of this planning permission at all times thereafter.

**Reason:** To enhance the appearance of the development and biodiversity of the site in accordance with Policies DM6 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

7. Prior to the first occupation of any of the dwellings hereby permitted, a landscape management and maintenance plan, including long term

objectives, management responsibilities and maintenance schedules for all landscape areas, other than privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority. The management and maintenance of the public open space hereby permitted shall thereafter be carried out in accordance with the approved details.

**Reason:** To conserve and enhance features of nature conservation within the site and in the interests of visual amenity in accordance with Policies DM6 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

8. No development shall commence on site until such time as full details of all boundary treatments including walls, fencing and hedgerows have been submitted to and approved in writing by the local planning authority and the scheme shall be implemented and thereafter maintained in accordance with the approved details prior to the first occupation of each of the dwellings hereby permitted.

**Reason:** To protect the privacy and amenity of neighbouring properties and the future occupiers of the site in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

9. The development hereby permitted shall be implemented in accordance with the biodiversity enhancement strategy for the site (Dwg no: 197 044 PL01).

**Reason:** To ensure appropriate conservation and protection of biodiversity in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

10. No development above foundation level of any of the dwellings hereby permitted shall take place until representative samples of the types and colours of materials to be used on the external elevations of the dwellings 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 to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on PRP drawing number 82326-110 Rev P2 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 Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

12. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 43 metres by 2.4 metres 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 Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

13. No part of the development hereby permitted shall be occupied until such time as 1.0 metre by 1.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of each access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway and, once provided, shall be so maintained at all times thereafter.

**Reason:** In the interests of pedestrian safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

14. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with the Drawing No. 21/132 02C. Thereafter the on-site parking provision shall be so maintained at all times thereafter.

**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 Policies DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

15. Notwithstanding the submitted details, prior to first occupation of Plot 3 hereby permitted, the first floor window serving the en-suite bathroom on the west elevation shall be non-opening and shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington Scale. Once so provided the window shall be permanently maintained as such at all times thereafter.

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

16. The scheme for the remediation of land contamination and gas protection measures recommended in the Phase II geo-environmental assessment carried out by Georisk Management (Report No: 21278/1 Date: January 2022) shall be implemented in accordance with the agreed details and shall be carried out prior to the site first being occupied.

**Reason:** To ensure that any contamination is dealt with appropriately to protect the amenity of the future occupiers of the site and to mitigate any risks to water quality in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

17. 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 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 site first being occupied.

**Reason:** To ensure that any contamination identified during development of the site is dealt with appropriately to protect the amenity of the future occupiers of the site and to mitigate any risks to water quality in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

18. No development shall take place until a scheme that makes provision for waste and recycling storage and collection across the site has been submitted to and approved in writing to 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 prior to first occupation of the development.

**Reason:** To ensure that the proposed development provides adequate and accessible waste and recycling collection across the site, that would not affect the amenities of neighbouring and future occupants of the site to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD (2016).

19. Prior to commencement of development a Construction Environmental Management Plan shall be submitted to and agreed in writing by the LPA. The plan shall detail how, during the site preparation and construction phase of the development, the impact on existing and proposed residential premises and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light and land contamination. The plan shall detail how such controls will be monitored. The plan will provide a procedure for the investigation of complaints.

**Reason:** To safeguard the residential amenity of the occupiers of neighbouring dwellings from potential noise, vibration and disturbance etc. in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

20. Site preparation and construction works shall be limited to the following hours: Mondays to Fridays between 07.30am to 18.00pm; Saturdays between 08.00am to 13.00pm and at no time on Sundays and Bank Holidays.

**Reason:** To safeguard the residential amenity of the occupiers of neighbouring dwellings from potential noise, vibration and disturbance etc. in accordance with Policy DM10 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

buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.

2. Application forms to discharge conditions and further information can be found on the planning portal website [www.planningportal.gov.uk](http://www.planningportal.gov.uk)
3. 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>.
4. Where soakaway drainage is initially proposed, the suitability of the ground strata for infiltration should be ascertained by means of the test described in BRE Digest 365, and the results submitted to the local planning authority and approved by the Building Control Surveyor before development is commenced. If the ground strata proves to be unsuitable for infiltration, alternative SuDS proposals will require the further approval of the local planning authority before the condition can be discharged.
5. Severn Trent Water advise that although their statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer of Sewers Regulations (2011). Public sewers have statutory protection and may not be built close to, directly over or diverted without separate consent. You are advised to contact Severn Trent Water Limited to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.