

Planning Committee 15 August 2017
Report of the Head of Planning and Development

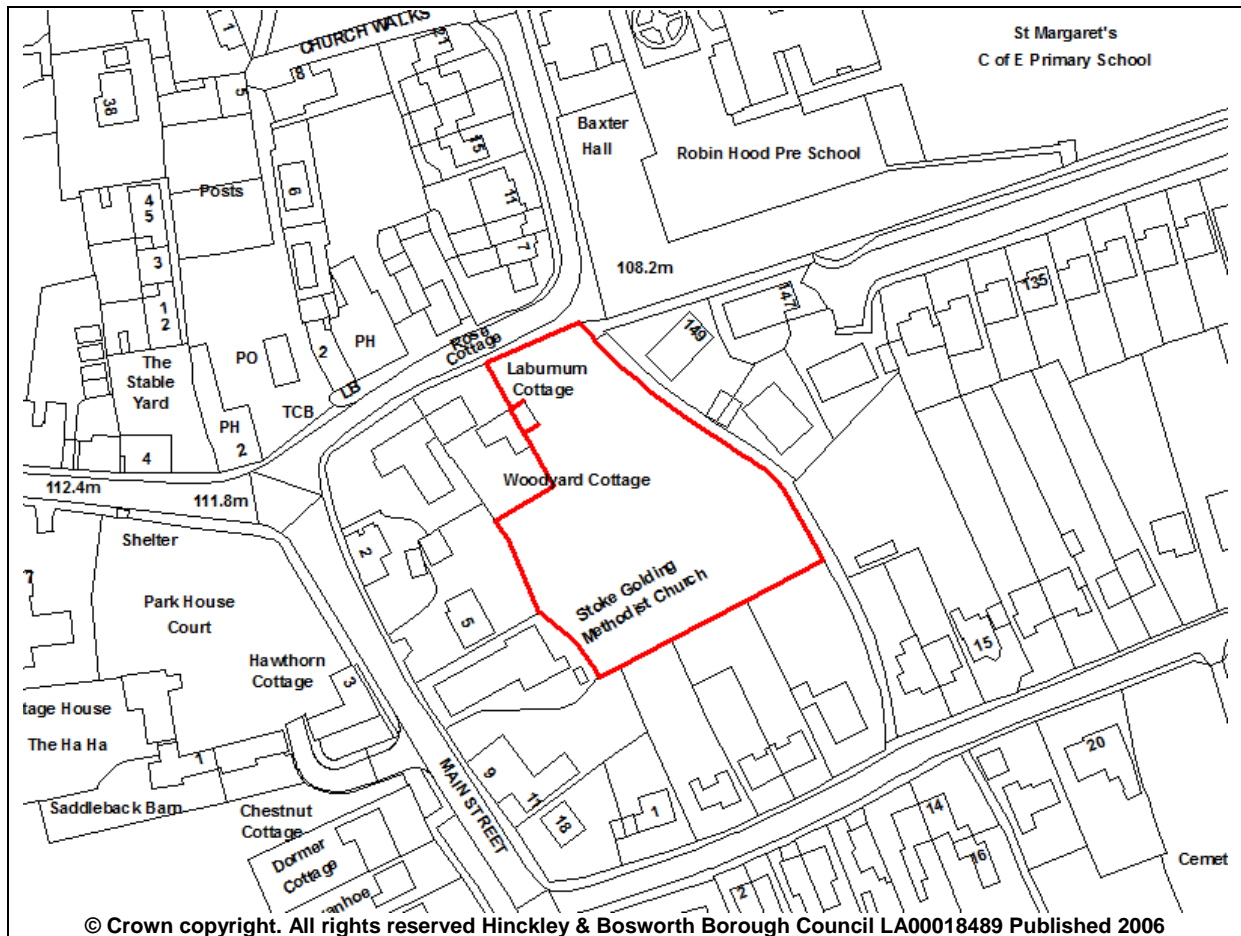


Hinckley & Bosworth
Borough Council

Planning Ref: 17/00484/FUL
Applicant: Cartwright Homes And Mrs French
Ward: Ambien

Site: Laburnum Cottage High Street Stoke Golding

Proposal: Demolition of garage and erection of 5 dwellings with access and provision of community orchard



1. Recommendations

1.1. Grant planning permission subject to:

- The prior completion of a S106 agreement to secure the following obligations:
 - Provision of a community orchard/public open space and permanent future management and maintenance thereof
- Planning conditions outlined at the end of this report.

1.2. That the Head of Planning and Development be given powers to determine the final detail of planning conditions.

1.3. That the Head of Planning and Development be given delegated powers to determine the terms of the S106 agreement.

2. Planning Application Description

- 2.1. This application seeks full planning permission for the erection of five detached 4/5 bedroom dwellings with access and the formation of a community orchard on land to the side and rear of Laburnum Cottage, High Street, Stoke Golding. A new 5 metre wide access road with 2 metre wide and 1 metre wide footways either side is proposed off High Street on the outside of a 90 degree bend in the road. The access would occupy the north east part of the site and lead to a turning head serving 5 detached dwellings with attached garages arranged in an 'L' shape around the south west and south east boundaries of the site. The application includes the demolition of a modern garage attached to the outbuildings of Laburnum Cottage and the provision of a community orchard at the front (north) end of the site to be retained, managed and maintained by the applicant. A central hedgerow and part of a hedgerow on the north east boundary of the site would be removed and the latter replaced with railings to open up the site to the adjacent public footpath.
- 2.2. A Design and Access Statement, Planning Statement, Archaeological Desk-Based Assessment, Archaeological Evaluation Report, Landscape Management Plan and Ecological Appraisal have been submitted to support the application.

3. Description of the Site and Surrounding Area

- 3.1. The application site is located within the settlement boundary of Stoke Golding, within the Stoke Golding Conservation Area and the setting of the grade II listed Woodyard Cottage. The site measures approximately 0.31 hectares and currently forms part of the large garden and the remnants of an orchard associated with Laburnum Cottage. A majority of the site is identified as a 'Key Space' within the Stoke Golding Conservation Area Appraisal and Map. It comprises a grassed area containing a number of small dilapidated timber sheds and a greenhouse and a small number of fruit trees towards the southern part of the site. The site is enclosed predominantly by hedgerows to the south east and north east boundaries and by a variety of fencing to the south west boundary. The north boundary with High Street is defined by a low level large block wall with timber palisade fencing above. There is also a mature hedgerow that runs across the site from south west to north east set back approximately 22 metres from the site frontage with High Street.
- 3.2. There are residential properties surrounding the site. A school lies nearby to the north. There are two public footpaths that converge on High Street at the northernmost point of the site, one of which runs along the north east boundary and links to Hinckley Road. Ground levels fall generally from south west to north east. The site is slightly elevated in relation to High Street and the adjacent public footpath and residential properties to the north east.

4. Relevant Planning History

15/00573/OUT	Erection of 5 dwellings and formation of access (outline - access and layout)	Withdrawn	24.10.2016
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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. As a result of public consultation, at the time of writing this report, responses have been received from 66 different addresses of which 58 raise objections to the scheme and eight support the scheme.

5.3. The objectors raise the following issues and concerns:-

- 1) The site is within the Stoke Golding Conservation Area and identified as an important 'key space' within the heritage asset due to its historical connection with the agricultural origins of the village and is the last remnant of the unique original 'yards' and orchards associated with farm buildings that lined village roads and stretched into the open countryside
- 2) The site provides a significant contribution to the rural character and appearance of the Stoke Golding Conservation Area, the loss of this green open space would cause significant harm to the special character contrary to national guidance and locally adopted planning policies and the aims of the Stoke Golding Conservation Area appraisal, map and long term strategy which seek to protect heritage assets, resist development proposals in 'key areas' and retain open areas
- 3) The proposal would result in the significant loss of the rural vista of a wide open space bounded by old field hedgerow and backdrop of mature trees and replaced by a foreshortened view of a row of houses and hard landscape features
- 4) No substantial public benefits are proposed to outweigh the significant harm to the Stoke Golding Conservation Area. The community orchard is too small (12% of the site), close to roads/traffic and of little practical value or safe use
- 5) The proposal would have an adverse impact on the tranquillity of the adjacent public footpath through to Hinckley Road
- 6) There is no need for additional housing in Stoke Golding or the Borough. The minimum housing requirement of 60 new dwellings for the village in the Core Strategy has been significantly exceeded (155 new dwellings), there are no further residential site allocations for the village in the Site Allocations Document and the Council has a five year supply of housing land
- 7) The proposed access is located on a busy, narrow, sharp bend subject to on-street parking, particularly but not limited to, school drop off and pick up times and is adjacent to the intersection of two footpaths giving cause for concerns for highway and pedestrian safety
- 8) Loss of old field boundary hedgerow and biodiversity/habitat and wildlife corridor
- 9) Lack of village facilities and infrastructure to support additional dwellings
- 10) The orchard should be replaced by a community parking area for the village
- 11) Smaller, low cost houses should be built
- 12) Loss of privacy from overlooking
- 13) Loss of green field site, not brownfield site - garden grabbing
- 14) Proposal is premature to the emerging Neighbourhood Plan
- 15) Noise, disturbance and highway/pedestrian safety concerns during the construction phase

5.4. The letters of support for the scheme provide the following comments:-

- 1) Scheme is a wonderful compromise between allowing some modest development but also providing a new accessible public open space/orchard area
- 2) Numerous other changes/developments have been permitted in the centre of the village within close proximity to the site, why not here?
- 3) The underused garden land is in an accessible central village location close to amenities and bus routes
- 4) Suitable infill housing development should be allowed, would enhance and bring new life to the centre of the village and would not damage the rural setting of the village by encroaching on viable farmland/greenfield sites

- 5) The land is not historic, common or open community land but privately owned, visually enclosed and with no current public access
- 6) Much of the land was previously built on for homes (cottages) and the orchard was planted in living memory
- 7) Will result in considerable safety improvements and enhancement of the narrow, dark, enclosed and often overgrown walkway
- 8) The new junction will help with visibility and peak time parking around the present bend
- 9) Development should not be stopped for the sake of the retention of an unrestricted view from surrounding houses
- 10) The land has no archaeological significance
- 11) The site currently has no public benefit and may deteriorate if not used for some useful purpose.

6. Consultation

6.1. No objections, some subject to conditions, have been received from:-

Leicestershire County Council (Highways)
 Leicestershire County Council (Archaeology)
 Leicestershire County Council (Ecology)
 Environmental Health (Pollution)
 Environmental Health (Drainage)
 Street Scene Services (Waste)

6.2. Stoke Golding Parish Council raise objections to the scheme on the following grounds:-

- 1) There is no need for additional housing in Stoke Golding. The minimum housing requirement for the village in the Core Strategy has been exceeded
- 2) Highway/pedestrian safety. The proposed access is located on a busy, narrow bend with poor visibility, close to a primary school and two footpaths and subject to on-street parking
- 3) The site is an integral and fundamental part of the Stoke Golding Conservation Area and identified as a 'key space' within the area. Its loss as an open space would be detrimental to the conservation area and the 'rural' character of the village
- 4) The proposed community orchard is of little practical value and would increase the maintenance budget should it be donated to the Parish Council.

6.3. Stoke Golding Heritage Group raise objections to the scheme on the following grounds:-

- 1) Loss of historically important, undeveloped 'key open space' that provides a significant contribution to the rural character and appearance of the Stoke Golding Conservation Area
- 2) Significant loss/foreshortening of the open 'rural' vista from High Street
- 3) Significant harm to the special character and appearance of the Stoke Golding Conservation Area
- 4) Loss of old field boundary hedgerow and habitat conservation feature
- 5) No substantial public benefits to outweigh the significant harm to the Stoke Golding Conservation Area
- 6) There is no requirement for additional houses in Stoke Golding or the Borough. The minimum housing requirement for the village has been exceeded therefore the Site Allocations Document does not allocate further sites for residential development and the Council has a five-year housing land supply.

- 7) The proposed access is located on a sharp bend adjacent to the intersection of two footpaths, close to the primary school entrance and gives cause for concern for highway and pedestrian safety
- 6.4. County Councillor Ould states that he has been contacted by objectors and supporters of the scheme and considers that both make a number of valid points. He makes the following points:-
- 1) Infill development fundamentally alters the historical layout of any village when it is over intensive
 - 2) There is pressure on planning authorities to build houses, however, the village has already exceeded its allocated quota of housing
 - 3) The objections by Stoke Golding Heritage Group and others in respect of adverse effects on the Stoke Golding Conservation Area will need to be carefully assessed should the recommendation be to permit the proposals
 - 4) The access is at the apex of a 90 degree bend close to a school and gives rise to concerns in respect of pedestrian safety, particularly school children.
- 6.5. David Tredinnick MP has written to represent the views of local residents. He states that a majority, those that object to the scheme, have raised significant concerns relating to: adverse impacts on the Stoke Golding Conservation Area including the almost total loss of a unique 'Key Open Space'; no further identified need for housing in Stoke Golding as the allocation has been exceeded; the location of the site on a sharp bend exacerbates highway safety issues close to the school. He states that there is also minority support for the scheme on the grounds that extra housing is needed in the area and that increased capacity at the higher end of the market may free up other homes in the local market. He requests that Planning Committee take all of these important issues fully into account when assessing the merits or otherwise of the scheme.
- 6.6. No response has been received from:-
- Leicestershire Archaeological and Historical Society
Ramblers Association
Severn Trent Water Limited

7. Policy

7.1. Core Strategy (2009)

- Policy 7: Key Rural Centres
- Policy 11: Key Rural Centres Stand Alone
- Policy 15: Affordable Housing
- Policy 19: Green Space and Play Provision

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM13: 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) (2012)
- Planning Practice Guidance (PPG)
- Planning (Listed Buildings and Conservation Areas) Act 1990

7.4. Other relevant guidance

- Stoke Golding Conservation Area Appraisal and Map (2013)
- Supplementary Planning Document on Affordable Housing (2011)
- Open Space, Sports and Recreational Facilities (PPG17) Study (2011)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the historical significance and character and appearance of the Stoke Golding Conservation Area
- Impact on archaeology
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Infrastructure and affordable housing
- Biodiversity/Ecology
- Drainage/Flooding
- Other issues

Assessment against strategic planning policies

8.2. Paragraph 11 of the National Planning Policy Framework (NPPF) states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF states that the development plan is the starting point for decision making and that proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Paragraph 13 of the NPPF states that the NPPF is a material consideration in determining applications.

8.3. The relevant development plan documents in this instance consist of the adopted Core Strategy (2009), and the adopted Site Allocations and Development Management Policies Development Plan Document (2016) (SADMP).

8.4. The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. Policy 11 of the adopted Core Strategy states that to support local services and maintain rural population levels the Council will allocate land for the development of a minimum of 60 new dwellings in Stoke Golding. Policy DM1 of the adopted SADMP provides a presumption in favour of sustainable development that accords with policies in the development plan.

8.5. Objections to the proposal have been received on the grounds that there is no need for additional housing in Stoke Golding or the Borough. The minimum housing requirement of 60 new dwellings for the village in the Core Strategy has been significantly exceeded (155 new dwellings), there are no further residential site allocations for the village in the Site Allocations Document and the Council has a five year supply of housing land. Reference is also made to the Inspector's comments in an earlier dismissed appeal decision notice in respect of a scheme for 75 new dwellings for Stoke Golding.

- 8.6. Supporters of the scheme suggest that the site is private, underused garden land in an accessible central village location close to amenities and bus routes, that suitable infill housing development should be allowed, would bring new life to the centre of the village and would not damage the rural setting of the village by encroaching on viable farmland/greenfield sites.
- 8.7. The HBBC 'Briefing Note 2016 - Five Year Housing Land Supply Position at 1 April 2016' confirms that the Council is able to demonstrate a five year housing land supply of 5.84 years. Therefore the relevant development plan policies relating to the supply of housing are neither absent nor silent and are considered up to date and in accordance with paragraphs 47 and 49 of the NPPF. The settlement-specific housing targets within the adopted Core Strategy are only 'minimum' figures and as at 1 April 2016 the allocation of 60 dwellings for Stoke Golding had already been exceeded by 79 additional dwellings. There is therefore no current overriding need for additional housing for Stoke Golding.
- 8.8. Notwithstanding this, the application site is located within the settlement boundary of Stoke Golding in a relatively sustainable location in the centre of the village with reasonable access to its services and facilities. The proposed scheme is significantly different in nature from the much larger scale scheme for 75 new dwellings dismissed at an earlier appeal. By virtue of its small scale the proposal would not have any significant adverse impact on the spatial vision of the adopted Core Strategy.

Design and impact upon the historical significance and character and appearance of the Stoke Golding Conservation Area

- 8.9. The application site is located within Stoke Golding Conservation Area and the setting of the grade II listed Woodyard Cottage. A Planning Statement (including a Heritage and Design section) and a Design and Access Statement have been submitted to support the application.
- 8.10. In reaching a decision on this planning application it is important that Members consider the analysis undertaken by officers in relation to heritage considerations and that Members have full regard to the statutory duties which are placed on the Council under Sections 66 and 72 of the Planning (Listed Buildings and Conservation Area) Act 1990 and the guidance within Section 12 of the NPPF, as set out within the committee report.
- 8.11. Section 72 of the Planning (Listed Buildings and Conservation Area) Act 1990 places a duty on the local planning authority in respect of conservation areas in the exercise of planning functions to require special attention to be paid to the desirability of preserving or enhancing the special character or appearance of conservation areas. 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.
- 8.12. Section 12 of the NPPF provides national guidance on conserving and enhancing the historic environment. Paragraph 132 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. The more important the asset the greater the weight should be. Paragraph 133 of the NPPF states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent unless it can be demonstrated that the substantial harm or loss identified is necessary to achieve substantial public benefits that outweigh that substantial harm

or loss. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal, including its optimum viable use. Paragraph 137 of the NPPF states that local planning authorities should look for opportunities for new development within conservation areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

- 8.13. 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.
- 8.14. Policy DM12 of the adopted SADMP states that development proposals should ensure the significance of a conservation area is preserved and enhanced through the consideration of important features identified in the relevant Conservation Area Appraisal and Management Plan, including the retention of key spaces, preservation or enhancement of key views and vistas, historic street pattern and plan form where feasible, the use of natural building materials and appropriate boundary treatments. Proposals that affect 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.
- 8.15. Policy DM10 of the adopted SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the local area generally. Policy 11 of the adopted Core Strategy requires new development in Stoke Golding to respect the character and appearance of the Stoke Golding Conservation Area by incorporating locally distinctive features into the development.
- 8.16. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Area) Act 1990 place a duty on the local planning authority to have special regard to the desirability of preserving a listed building's setting and the desirability of preserving or enhancing the special character or appearance of conservation areas. The SGCA Appraisal states that the character of the conservation area is primarily derived from the agricultural origins of the settlement, identified through a number of former farmhouses and related buildings within the area, strong visual links to the countryside and several important green or hard surfaced spaces.
- 8.17. Historically Laburnum Cottage dates from the 18th century and was the likely core of a small agricultural complex on the edge of High Street with a yard and gardens which at the time extended into open countryside. The plot layout and remnants of the yard, garden and orchard are still evident. The SGCA Appraisal suggests that the application site provides a physical reminder of the agricultural origins and rural character of the village and as such the larger (rearmost) section of the site is identified as a 'key space' which provides a positive contribution to the special character, and thus significance, of the conservation area.
- 8.18. The SGCA Appraisal recognises the positive contribution of greenery between buildings as provided by the site and the contribution of the mature trees on the rear section of the site to the character of the area. The existing lawn and undeveloped nature of the front of the site allows a vista from High Street towards the rear

elevations and roof line of the early-20th century properties located on Hinckley Road beyond the conservation area boundary.

- 8.19. The SGCA Appraisal identifies the site as warranting special consideration for enhancement, defined as reinforcing the qualities that provide the special interest which warranted designation. The SGCA Management Plan identifies that one way in which the area could be enhanced would be the replacement of the existing large block wall and timber and wire mesh fences along the boundary to High Street.
- 8.20. Historical map evidence shows that the application site was broadly in its current shape as far back as the first available tithe map (1845) with Woodyard Cottage, Laburnum Cottage and outbuilding (likely coach shed) all evident. A building also stands fronting on to High Street. The site is described in the award that accompanies the map as house, garden and buildings. The first edition Ordnance Survey (OS) map of 1888 shows a similar scene as the tithe map and identifies the garden behind the building as an orchard, or at least partially covered by trees. A boundary divides the northern section of the site. By the second edition OS map of 1903 trees are no longer noted but reappear on the 1929 OS map. The next available OS map from 1963 identifies that the buildings fronting High Street have been demolished, although the boundary remains and the main garden is still shown as containing trees. The 1983 OS map identifies the construction of a garage within the site. The map progression also demonstrates the considerable amount of development that has taken place around the whole site.
- 8.21. Objections to the proposal have been received on the grounds that the site is within the Stoke Golding Conservation Area and identified as an important 'key space' within the heritage asset due to its historical connection with the agricultural origins of the village and is the last remnant of the unique original 'yards' and orchards associated with farm buildings that lined village roads. Objectors suggest that the site provides a significant contribution to the rural character and appearance of the Stoke Golding Conservation Area, the loss of this green open space would cause significant harm to the special character contrary to national guidance and locally adopted planning policies and the aims of the Stoke Golding Conservation Area appraisal, map and long term strategy which seek to protect heritage assets, resist development proposals in 'key areas' and retain open areas. Objectors also suggest that the proposal would result in the significant loss of the rural vista of a wide open space bounded by old field hedgerow and backdrop of mature trees and replaced by a foreshortened view of a row of houses and hard landscape features. Objectors suggest that no substantial public benefits are proposed to outweigh the significant harm that they identify.
- 8.22. Supporters of the scheme suggest that: the land is not historic, common or open community land but privately owned, visually enclosed and without any public access; numerous other developments have been permitted in the centre of the village within close proximity to the site; much of the land was previously built on for homes (cottages on the High Street frontage) and the existing orchard at the rear was planted in living memory. Supporters suggest that the scheme offers a good compromise between allowing a modest development but also providing a new accessible public open space/community orchard area and that currently the site offers no public benefit and may deteriorate if not used for some useful purpose.
- 8.23. The application site is one of the few remaining undeveloped spaces within the historical core of the village. It comprises a modern garage and two sections of land predominantly laid to grass and divided by a hedgerow. The proposed scheme includes the demolition of the modern garage and the erection of five new detached two storey dwellings, set back within the southern and western sections of the site, with a new access road from High Street and a community orchard at the front of

the site along with additional soft landscaping to the side boundary with the public footpath.

- 8.24. Although not identified within the SGCA Management Plan the modern garage makes a negative contribution to the significance of the SGCA due to its poor quality and uncharacteristic appearance. The proposed development of five dwellings and the new access would clearly alter the undeveloped nature of the majority of the site and would result in a net loss of green space. However, by virtue of the 'L' shaped layout and the siting of the dwellings to the rear of the retained outbuilding of Laburnum Cottage and towards the rearmost part of the site, an area of green open space would be retained and would also be made accessible for public use in the form of the proposed community orchard. In addition, the layout and single storey garages between plots would still allow views through the site to the trees on its rear boundary, although this would be further restricted in time as the additional greenery provided by the proposed community orchard became established.
- 8.25. The rearmost part of the site is identified in the SGCA Appraisal as a 'key space' due to its historic link to the agricultural origins of the settlement, however, the application site has long since lost any link to the countryside, being surrounded by (primarily residential) development and being located some distance from the settlement boundary. The site is not 'open' as described in the SGCA Appraisal but is enclosed by boundary hedgerows which restrict any public views into the main part of the site (other than the first floor windows of surrounding houses). There is currently no public access to the site, being a private garden and the vista identified in the SGCA Appraisal is of the rear elevations of modern houses behind the site boundary trees and hedgerow.
- 8.26. The proposal would lead to the loss of a considerable amount of the 'key space' identified in the SGCA Appraisal and also reduce the extent of an identified vista that together provide a positive contribution to the significance of the SGCA. The proposed scheme is therefore considered to cause some harm to the heritage asset. However, given the enclosed, none public nature of the 'key space' and the already restricted vista towards non-heritage assets, that level of harm is considered to be "less than substantial" in this case in terms of paragraph 134 of the NPPF.
- 8.27. Therefore, in accordance with Policy DM11 of the SADMP and paragraph 134 of the NPPF the harm caused by the proposal must be weighed against any identified heritage and/or other public benefits that may arise from the scheme. Public benefits could include anything that delivers economic, social or environmental benefits as described in paragraph 7 of the NPPF.
- 8.28. There is currently no public access to the site, being a private garden. The site is currently predominantly grassed with a few small dilapidated timber buildings and old fruit trees towards the rear of the site but has to date been well maintained by the owners family members. The proposed scheme includes the provision of a community orchard at the front of the site to be planted with suitable fruit tree specimens and wild flowers. The existing Holly tree to the site frontage provides a positive contribution to visual amenity and is to be retained and incorporated into the orchard.
- 8.29. It is acknowledged that the scheme for residential development on part of the 'key space' would result in a loss in the quantity of green space. However, it is considered that the provision of a new public green space and community orchard would open up the site for the substantial social benefit of the community whilst reflecting the previous historical use of the wider space as a garden and orchard. It would therefore preserve the significance of the space to the SGCA to some

degree. The proposed orchard and additional planting and its long term management and maintenance (to be secured by a suitable legal agreement) would ensure that the scheme would result in a significantly higher quality green space at the site frontage to enhance the street scene and provide significant social and environmental benefits to the community. The applicant is currently drafting a suitable legal agreement to secure the long term management and maintenance of the proposed public green space through a private management and maintenance company.

- 8.30. The removal of the modern garage would improve the setting of Laburnum Cottage and the removal of the existing low level large stone block wall and palisade fencing and its replacement with low level metal bow top fencing would all provide environmental benefits through the enhancement of the appearance of the street scene within the SGCA.
- 8.31. The public footpath that runs along the east boundary of the site is currently very enclosed by tall hedgerow and close boarded timber fencing either side for the majority of its length and has an oppressive enclosed nature. The scheme includes the removal of a section of hedgerow along the east boundary of the site which would open up the footpath to the proposed public open space and improve the attractiveness of the footpath for future users providing a social and environmental benefit.
- 8.32. Although objectors consider otherwise, the provision of the new access road on the outside of the sharp bend in High Street would be likely to result in less chance of inconsiderate parking in this position as it would block the new access. Therefore, notwithstanding the objections received, the scheme is likely to result in a public benefit in terms of highway safety.
- 8.33. The site, whilst 'green', comprises a number of low biodiversity value habitats. The proposed scheme would result in a net gain in the biodiversity value of the site through the retention of its best features (boundary hedgerow/trees) and the provision of additional planting along with its long term management and maintenance.
- 8.34. Notwithstanding that the residential allocation for the village has been exceeded, the site lies in the centre of this relatively sustainable settlement and would contribute a social benefit through the provision of additional housing within the borough. The scheme would also provide an economic benefit to the area through employment and services during the construction phase and a longer term economic benefit through the support of local services by the future occupiers.
- 8.35. There is no dominant building style within the SGCA but the proposed dwellings would reflect the local vernacular, particularly that of Laburnum Cottage. The design includes architectural features that are characteristic of the SGCA including brick segmental window arches, stretcher sills, open eaves detail, brick dentil courses to gable ends, open feature porches and vertical timber doors. External materials include the use of red facing bricks but no sample has been provided and roof tiles have not been specified. The materials to be used in the construction of the dwellings would have a significant impact on the overall character and appearance of the scheme and therefore, notwithstanding the submitted details, a condition to require their submission for prior approval would be reasonable and necessary to ensure that the ultimate detail would sustain the significance of the SGCA. Subject to the use of appropriate natural external materials, the layout, scale, design and appearance of the scheme would complement the character of the SGCA and wider area in accordance with Policy 11 of the adopted Core Strategy and Policy DM10 of the adopted SADMP.

- 8.36. Woodyard Cottage is a grade II listed house dating from the early to mid-18th century. The building has architectural and historic interest, but given that there is no clear visual or associative relationship between the application site and Woodyard Cottage it is considered that the proposal would have a neutral impact on its setting and significance.
- 8.37. For the reasons discussed in this report, the proposed scheme would result in less than substantial harm to the significance of the SGCA. In accordance with paragraph 134 of the NPPF the harm should be weighed against the public benefits of the proposal. The scheme would provide the following benefits:-
- a new, higher quality and publically accessible green space and community orchard along with its long term management and maintenance
 - removal of a prominent modern garage of unsympathetic design and appearance from the street scene and an unsympathetic block wall and fencing from the sites highway frontage
 - improvements to the adjacent public footpath
 - the new access road is likely to result in a net gain to highway safety by virtue of discouraging inconsiderate parking on a sharp bend
 - a high quality, well designed small scale residential development that reflects the local vernacular and would complement the character and appearance of the SGCA
 - improvements to the biodiversity value of the site
 - a small short term economic benefit through the construction of the development and a longer term economic benefit through support for local services by future occupiers
- 8.38. In weighing these benefits against the less than substantial harm identified, full regard has been given to the statutory duties of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and full regard has been given to the considerable importance and weight to be given to the preservation or enhancement of the relevant heritage assets.
- 8.39. Having carried out this weighing exercise and had full regard to all of the relevant heritage issues, it is concluded that the social, environmental and economic public benefits to be delivered by the proposal are considerable and outweigh the less than substantial harm caused by the proposed development. The proposal would therefore preserve the character of the SGCA and would be acceptable in terms of the statutory duty of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraphs 132, 133 and 134 of Section 12 of the NPPF, Policies DM11, DM12 and DM10 of the adopted SADMP and Policy 11 of the adopted Core Strategy.

Impact on archaeology

- 8.40. Policies DM11 and DM13 of the adopted SADMP state that where a proposal has the potential to impact a site of archaeological interest, developers will be required to provide appropriate desk-based assessment and, where applicable, field evaluation detailing the significance of any affected asset. Where preservation of archaeological remains in situ is not feasible and /or justified the local planning authority will require full archaeological investigation and recording by an approved archaeological organisation before development commences.

- 8.41. Paragraph 128 of the NPPF states that where a site has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit appropriate desk-based assessment and field evaluation. Paragraph 141 of the NPPF requires developers to record and advance understanding of the significance of any heritage assets to be lost in a manner proportionate to their importance and the impact and to make this evidence publically accessible.
- 8.42. An Archaeological Desk-Based Assessment and Archaeological Field Evaluation Report (Trial Trenching) have been submitted to support the application. Leicestershire County Council (Archaeology) has assessed the application and from the information submitted they advise that the site has significant archaeological interest due to its position within the medieval and post-mediaeval core of the village. They advise that early mediaeval remains are comparatively rare within village contexts and therefore constitute a significant heritage asset that may contribute towards an understanding of the medieval development of the settlement of the village. Notwithstanding this, they raise no objection to the application. However, as buried archaeological remains are likely to be adversely affected by the development, they recommend that the application is approved subject to conditions for an appropriate programme of archaeological mitigation, including intrusive and non-intrusive investigation and recording prior to any development commencing on site along with on-site archaeological supervision. The conditions are necessary to safeguard any potentially important archaeological remains present in accordance with Policies DM11 and DM13 of the adopted SADMP and section 12 of the NPPF.

Impact upon neighbouring residential amenity

- 8.43. 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.
- 8.44. Objections to the proposal have been received on the grounds that the proposal would result in a loss of privacy from overlooking.
- 8.45. Supporters of the scheme suggest that development should not be stopped for the sake of the retention of an unrestricted view from surrounding houses.
- 8.46. The site is surrounded by predominantly residential properties. Any first floor rear elevation windows to proposed Plots 1, 2 and 3 would be set in from the south east boundary by a minimum of 11 metres and therefore would not result in any significant adverse overbearing impacts on the substantial 20 – 30 metre long gardens of the two storey houses fronting onto Hinckley Road. In addition, this boundary is defined by a mature hedgerow and currently provides significant screening to protect privacy. Where necessary a new 2 metre high close boarded timber screen fence is proposed to protect respective privacy and amenity of existing neighbours and future occupiers of the site.
- 8.47. To the south west of the site lies a dormer bungalow (5 Main Street) and Stoke Golding Methodist Church. 5 Main Street is set in from the site boundary by approximately 11 metres although a rear conservatory reduces that distance to approximately 8 metres in part. Any first floor rear elevation windows of Plots 4 and 5 and first floor side elevation windows of Plot 3 would be set in from the south west boundary by a minimum of 10 metres and therefore would not result in any significant adverse overbearing impacts on 5 Main Street. In addition, a new 2 metre high close boarded timber screen fence is proposed which along with the proposed separation distances would protect respective privacy and amenity of the occupiers of 5 Main Street and future occupiers of the site.

- 8.48. A new 1.8 metre high close boarded timber screen fence is proposed to define the new garden boundary and protect the privacy and amenity of the host dwelling, Laburnum Cottage. The side elevation of Plot 5 facing Laburnum Cottage lies 18 metres from the main rear elevation of the dwelling and is blank. Therefore the proposal would not result in any significant adverse overbearing impacts or loss of privacy to the occupiers of the host dwelling.
- 8.49. There is a public footpath that runs adjacent to the north east boundary of the site with detached bungalows that occupy a lower ground level than the site beyond. The closest first floor window within the proposed scheme would be at an oblique angle to the nearest garden of the bungalows and at a separation distance of 8 metres across the public footpath. In addition the public footpath is defined by mature hedgerows along both sides that provide screening to protect privacy. By virtue of the separation distance, orientation and existing boundary treatments, the proposed scheme would not result in any significant adverse overbearing impacts or loss of privacy to the occupiers of bungalows on Sherwood Road.
- 8.50. By virtue of the layout, design, separation distances and existing and proposed boundary treatments, the proposed scheme would not result in any significant adverse impacts on the privacy or amenity of the occupiers of any neighbouring properties or future occupiers of the site and would therefore be in accordance with Policy DM10 of the adopted SADMP.

Impact upon highway safety

- 8.51. Policy DM17 of the adopted SADMP supports development that would be able to demonstrate that there would not be a significant adverse impact on highway safety and that proposals reflect the latest highway authority design standards. Policy DM18 requires new development to provide an appropriate level of parking provision taking into account the sites location, type of housing and other modes of transport available.
- 8.52. Objections to the proposal have been received on the grounds that the proposed access is located on a busy, narrow, sharp bend subject to on-street parking and is adjacent to the intersection of two footpaths giving cause for concerns for highway and pedestrian safety.
- 8.53. Supporters of the scheme suggest that the new junction will help with visibility and peak time parking around the present bend and that the proposal will result in considerable safety improvements and enhancement of the narrow, dark, enclosed and often overgrown walkway adjacent to the site.
- 8.54. A new access is proposed off the outside of a 90 degree bend in High Street and adjacent to the junction of two public footpaths from Hinckley Road and Sherwood Road. The supporting information states that the new access and turning head are designed and would be constructed to an adoptable standard and in accordance with current highway design guidance.
- 8.55. The position of the access would provide adequate visibility along High Street in both directions from the site and by virtue of its width and design would be adequate to serve the proposed small scale scheme. The proposed layout includes three off-street vehicle parking spaces for each dwelling which would be adequate to serve the development and in accordance with highway design guidance for 4/5 bedroom dwellings.
- 8.56. Leicestershire County Council (LCC) (Highways) has assessed the scheme and considers that the residual cumulative impacts of the proposed development can be mitigated and are not severe. The Highway Authority advises that there are no accident records on the road network in the vicinity of the site and on the basis of

LCC speed survey records, it is reasonable to suggest that speeds on High Street are low and that the sharp bend at the site frontage has a beneficial impact on vehicle speeds. The evidence does not support the suggestion that High Street is a particularly dangerous route and by virtue of the small scale nature of the scheme any additional vehicle movements would not result in a significant increase in traffic. The Highway Authority therefore raise no objections on highway or pedestrian safety grounds subject to a number of highway related conditions to ensure that the access, parking and turning is constructed as proposed, that appropriate visibility across the highway frontage is maintained and that adequate surface water drainage is provided.

- 8.57. The scheme would not result in any significant adverse impacts on highway or pedestrian safety and would provide adequate off-street parking to serve the development. The proposal would therefore be in accordance with Policies DM17 and DM18 of the adopted SADMP.

Infrastructure and affordable housing

- 8.58. Policy DM3 of the adopted SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities.
- 8.59. Policy 15 of the adopted Core Strategy requires the provision of 40% affordable housing on sites of 4 dwellings or more or on sites measuring 0.13 hectares or more in rural areas, including Stoke Golding.
- 8.60. Policy 11 and 19 of the adopted Core Strategy seek to address existing deficiencies in the quality, quantity and accessibility of green space and children's play provision within Stoke Golding. The Open Space, Sports and Recreational Facilities (PPG17) Study provides further advice on the quality of facilities at each designated public open space.
- 8.61. The request for any planning obligations (infrastructure contributions) must be considered alongside the guidance contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations confirm that where developer contributions are requested they need to be necessary to make the development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the development proposed.
- 8.62. Notwithstanding the requirements of the aforementioned policies, paragraph: 031 Reference ID: 23b-031-20160519 of the Planning Practice Guidance, which is a material consideration, states that contributions for affordable housing and tariff style planning obligations for infrastructure should not be sought for small scale developments of 10 units or less and which have a maximum combined gross floor space of no more than 1000 square metres. The proposed scheme would not exceed either of those thresholds and therefore no affordable housing or infrastructure contributions have been sought in this case.
- 8.63. Notwithstanding that objections have been received on the grounds that the village lacks adequate facilities and infrastructure to support additional dwellings, by virtue of the small scale of the development for only 5 new dwellings the scheme would be unlikely to result in any significant additional impact on the available facilities within the village.

Biodiversity/Ecology

- 8.64. Policy DM6 of the adopted SADMP requires that development proposals demonstrate how they conserve and enhance features of nature conservation value.

- 8.65. Objections to the scheme have been received on the grounds that it includes the removal of an old field boundary hedgerow and loss of biodiversity/habitat and wildlife corridor.
- 8.66. An Ecological Appraisal has been submitted to support the application. This concludes that only the hedgerows on the south and east boundaries of the site qualify as priority habitats and that the remaining habitats on site to be lost are of low ecological value. The southern boundary hedgerow and a majority of the east boundary hedgerow are to be retained and a landscaping scheme including replacement hedgerow, fruit trees and wildflowers are to be planted within part of the site and appropriately maintained to increase its biodiversity value. The appraisal also suggests that the incorporation of bat and bird boxes in the development would further enhance its biodiversity value.
- 8.67. From the submitted assessment the proposal would result in the loss of some hedgerow of biodiversity value but this would be mitigated by the planting of replacement new hedgerow, replacement fruit trees and wildflower planting.
- 8.68. Notwithstanding the submitted Landscaping Scheme details, the applicant has been asked identify the species of fruit trees currently on the site and repeat those within the proposed planting scheme to mitigate their loss. Consideration was given to the potential transplanting of the existing trees, however, they are not known to be of any special heritage value and therefore their loss can be mitigated by replacement planting. New trees are considered to be more likely to be successful than transplants and would establish the orchard, a key amenity feature, in a shorter time period. The Borough Council's Tree Officer has visited the site. He considers that there are no trees of any special character that would be lost and that it would be more cost effective and more successful to plant new trees. Therefore, notwithstanding the submitted details, further consideration of the landscaping proposals can be secured by a planning condition.
- 8.69. Leicestershire County Council (Ecology) raise no objections to the scheme but refer to the recommendations within the report which can be secured by a planning condition.
- 8.70. On balance it is considered that the scheme would result in a positive overall impact on biodiversity through the site and would therefore be in accordance with Policy DM6 of the adopted SADMP.

Drainage/Flooding

- 8.71. Policy DM7 of the adopted SADMP seeks to ensure that development does not create or exacerbate flooding. Environmental Health (Drainage) raises no objection to the scheme but recommends a standard condition to require the submission for prior approval of a sustainable surface water drainage scheme to serve the development to ensure that the scheme does not result in flooding.

Other issues

- 8.72. Street Scene Services (Waste) recommend a condition to require the submission of a scheme for the provision of waste and recycling facilities across the site. The submitted Planning Statement states that the access road will be designed to adoptable standard for use by delivery and refuse vehicles. Therefore a condition is not considered to be necessary in this case.
- 8.73. It has been suggested that the proposed orchard should be replaced by a public community parking area for the village. Whilst this would also provide a public benefit to the village, the provision of a car park on the site frontage would not enhance the character or visual appearance of this part of the Stoke Golding Conservation Area.

- 8.74. It has been suggested that the proposal is premature to the Stoke Golding Neighbourhood Plan. However, the plan is not at a stage that would enable any weight to be attached to it.
- 8.75. Objections have been received on the grounds of noise, disturbance and highway/pedestrian safety concerns during the construction phase, however, any potential adverse impacts would be temporary in nature and would in any case be subject to separate control by other legislation.

9. Equality Implications

- 9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2. Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 9.3. There are no known equality implications arising directly from this development.

10. Conclusion

- 10.1. The application site is located within the rural centre of Stoke Golding, a relatively sustainable settlement with reasonable access to its services and facilities. Residential development of the site would therefore be generally in accordance with the adopted strategic planning policies of the development plan.
- 10.2. The report has: 1) Identified which heritage assets and their settings are affected; 2) Assessed whether, how and to what degree the site contributes to the significance of the heritage assets; 3) Assessed the effects of the proposed development, whether beneficial or harmful, on that significance; and 4) Explored the way to maximise preservation or enhancement and avoid or minimise harm. Notwithstanding that a majority of the site is identified as a 'key space' within the Stoke Golding Conservation Area Appraisal, when considering the significance of the heritage assets it is considered the impact would be less than substantial. In weighing the less than substantial harm against the benefits in accordance with paragraphs 132, 133 and 134 of the NPPF, it is concluded that the public benefits outweigh the harm.
- 10.3. By virtue of the layout, scale, design and appearance of the development it would preserve the character and appearance and therefore significance of the SGCA. Any impacts on buried archaeology can be controlled by suitable conditions.
- 10.4. By virtue of the layout and separation distances together with existing and proposed boundary treatments, the scheme would not result in any significant adverse impacts on the privacy or amenity of any neighbouring properties. Adequate access and off-street parking can be provided to serve the scheme and therefore the proposal would not result in any significant adverse impacts on highway safety. The proposed scheme would not result in any significant adverse impacts on biodiversity and adequate surface water drainage could be provided to serve the development.

- 10.5. The National Planning Policy Framework states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate that development should be restricted.
- 10.6. The proposed scheme would be in accordance with the statutory duty of the Planning (Listed Buildings and Conservation Areas) Act 1990, the overarching principles of the NPPF, Policy 11 of the adopted Core Strategy and Policies DM1, DM6, DM7, DM10, DM11, DM12, DM13, DM17, and DM18 of the adopted SADMP (the Development Plan). There are no other material considerations which indicate that the adopted policies should not apply. The proposal is therefore recommended for approval subject to conditions and completion of an appropriate legal agreement to secure the long term management and maintenance of the public open space for the benefit of the local community.

11. Recommendation

11.1. Grant planning permission subject to:

- The prior completion of a S106 agreement to secure the following obligations:
 - Provision of a community orchard/public open space and future management and maintenance thereof
- Planning conditions outlined at the end of this report.

11.2. That the Head of Planning and Development be given powers to determine the final detail of planning conditions.

11.3. That the Head of Planning and Development be given delegated powers to determine the terms of the S106 agreement.

11.4. 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 51 of 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 Drawing No. S-00; Block Plan Drawing No. S-04; Plot 1 Floor Plans and Elevations Drawing P1-01b; Plot 2 Floor Plans and Elevations Drawing P2-01b; Plot 3 Floor Plans and Elevations Drawing P3-01d; Plot 4 Floor Plans and Elevations Drawing P4-01b; Plot 5 Floor Plans and Elevations Drawing P5-01b; Soft Landscaping Plan Drawing No. KL.339.001 Revision 0 and Landscape Management Plan by KOVA Landscape received by the local planning authority on 18 May 2017 and Site Layout Plan Drawing No. S-01h and Site Sections Drawing No. S-06a received by the local planning authority on 12 July 2017.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity to accord with Policies DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. No demolition/development shall take place/commence until a programme of archaeological work (Strip, Plan and Record Excavation and Archaeological

Attendance) including Written Schemes of Investigation have been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions; and:

- The programme and methodology of site investigation and recording
- The programme for post investigation assessment
- Provision to be made for analysis of the site investigation and recording
- Provision to be made for publication and dissemination of the analysis and records of the site investigation
- Provision to be made for archive deposition of the analysis and records of the site investigation
- Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No demolition/development shall take place other than in accordance with the approved Written Schemes of Investigation.

Reason: To ensure satisfactory archaeological investigation and recording in accordance with Policies DM11 and DM13 of the adopted SADMP and section 12 of the National Planning Policy Framework (2012).

4. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Schemes of Investigation approved under condition (3) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure satisfactory archaeological investigation and recording in accordance with Policies DM11 and DM13 of the adopted SADMP and section 12 of the National Planning Policy Framework (2012).

5. Development shall not begin until surface water drainage details, incorporating sustainable drainage principles (SuDS) have been submitted to and approved by the local planning authority, and the scheme shall subsequently be implemented in accordance with the approved details before the development is completed. Details shall include hydraulic calculations to demonstrate that the proposed drainage system for the development will operate satisfactorily for all prescribed rainfall event up to 1 in 100 year (+ Climate Change).

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

6. Notwithstanding the submitted details, before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings and garages shall be 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 Policies DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

7. The development hereby permitted shall be constructed in accordance with the approved proposed ground and finished floor levels as submitted on the approved Site Layout Plan Drawing No. S-01h received by the local planning authority on 12 July 2017.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity to accord with Policies DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

8. Prior to the first occupation of any of the dwellings hereby permitted, the access, parking and turning areas shall be constructed and surfaced in accordance with approved Site Layout Plan Drawing No. S-01h received by the local planning authority on 12 July 2017.

Reason: To ensure a satisfactory form of development, to ensure that adequate off-street parking and turning provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area and in the interests of highway safety in accordance with Policies DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

9. No walls, planting or fences shall be erected or allowed to grow on the highway boundary either side of the access junction with High Street exceeding 0.6 metres in height above the level of the adjacent carriageway.

Reason: To ensure adequate pedestrian and vehicle visibility at the access junction in the interests of highway safety in accordance with Policy DM17 of the adopted Site Allocations and Development management Policies Development Plan Document (2016).

10. Notwithstanding the submitted details, no development shall take place 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:

- a) Means of enclosure
- b) Hard surfacing materials
- c) Planting plans
- d) Written specifications
- e) Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
- f) Implementation programme.

Reason: To enhance the appearance of the development and to ensure that the work is carried out within a reasonable period in accordance with Policies DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11. Prior to the first occupation of any of the dwellings hereby permitted 2 metre high close boarded timber fencing shall be erected in accordance with the approved Site Layout Plan Drawing No. S-01h received by the local planning authority on 12 July 2017 and once provided shall be so maintained at all times thereafter.

Reason: To protect the privacy and amenity of neighbouring occupiers 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).

12. The existing hedgerows and trees on the south east and north east boundaries of the site shall be retained and maintained in accordance with the approved Site Layout Plan Drawing No. S-01h received by the local planning authority on 12 July 2017.

Reason: To enhance the appearance of the development, to protect the privacy and amenity of neighbouring occupiers and future occupiers of the site and to preserve wildlife habitat in accordance with Policies DM10, DM11, DM12 and DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

13. The development hereby permitted shall be implemented in accordance with the recommendations contained within section 5 of the submitted Ecological Appraisal by Guma Ltd dated March 2017.

Reason: To conserve and enhance features of nature conservation in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking or re-enacting that Order with or without modification) development within Schedule 2, Part 1, Classes A to E inclusive shall not be carried out unless planning permission for such development has first been granted by the local planning authority.

Reason: To protect the character and appearance of the development and the Stoke Golding Conservation Area and the privacy and amenities of neighbouring properties to accord with Policies DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11.5. 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. The proposal is situated in excess of 45 metres from the highway. In order to cater for emergency vehicles the drive and any turning areas shall be constructed so as to cater for a commercial or service vehicle in accordance with British Standard B.S.5906, 2005 and Building Regulations Approved Document B, Fire Safety 2006.
3. This planning permission does NOT allow you to carry out access alterations in the highway. Before such work can begin, separate permits or agreements

will be required under the Highways Act 1980 from the Infrastructure Planning team. For further information, including contact details, you are advised to visit the County Council website: - see Part 6 of the '6Cs Design Guide'.

4. A public footpath runs adjacent to the site and this must not be obstructed or diverted without obtaining separate consent from Leicestershire County Council.
5. In relation to Condition 5, 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 LPA and approved by the Building Control Surveyor before development is commenced. If the ground strata proves unsuitable for infiltration, alternative sustainable drainage system proposals will require the further approval of the local planning authority before the condition can be discharged.