

Planning Committee 6 February 2018  
Report of the Planning Manager (Development Management)

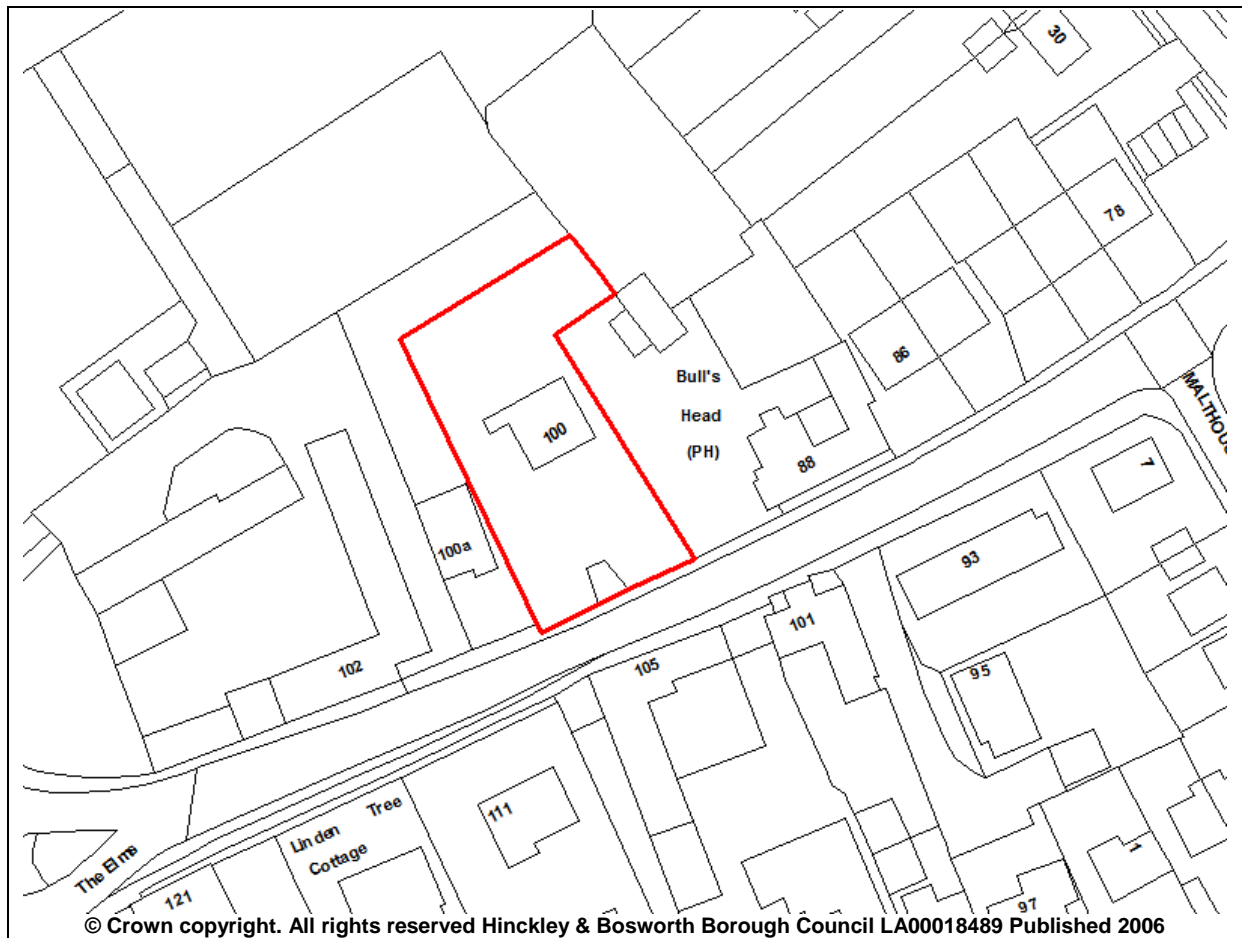


Hinckley & Bosworth  
Borough Council

Planning Ref: 17/00730/FUL  
Applicant: Carlton Select Homes Ltd  
Ward: Barlestone Nailstone and Osbaston

Site: 100 Main Street Nailstone

Proposal: Demolition of existing dwelling, and erection of two dwellings,  
garages and associated drive



## 1. Recommendations

### 1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

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

## 2. Planning Application Description

### 2.1. This application seeks planning permission for the erection of two detached, two-storey dwellings, with associated single garages at 100 Main Street, Nailstone. The scheme would include the demolition of the existing dwelling and garage on site, and the relocation of the access and driveway serving the site.

- 2.2. The proposal comprises two detached, two storey dwellings. Both plots are proposed to be served by a single, pitched roof garage, and parking provision for two cars on the proposed drive.
- 2.3. The existing access is proposed to be relocated to the south-west corner of the plot.
- 2.4. Plot 1 is proposed to be sited to the front boundary of the site, with Plot 2 sited directly behind, to the rear of the site. Both dwellings would be accessible via the proposed new access.
- 2.5. A Design and Access Statement and Heritage Impact Statement have been submitted as part of this application.
- 2.6. Pre-application advice has been provided prior to the submission of the current application.

**3. Description of the Site and Surrounding Area**

- 3.1. No. 100 Main Street comprises a detached bungalow, with a detached, single garage.
- 3.2. To the front of the site, along the eastern boundary is a Blue Atlas cedar tree. There is also a cherry tree to the north-west corner of the site, and a holly tree to the rear of the site.
- 3.3. There is an existing boundary wall sited along the front boundary of the site.
- 3.4. The application site is located within the settlement boundary of Nailstone, and majority of the site is sited within the Nailstone Conservation Area.
- 3.5. The site is accessible from Main Street.
- 3.6. To the eastern boundary of the application site is The Bull's Head public house and associated car park. To the western boundary is No. 100A Main Street, a two storey detached residential dwelling.
- 3.7. There is an application for planning permission for the erection of four dwellings to the rear of the site (ref: 15/01202/FUL). This application is currently pending consideration, minded to approve, subject to the completion of a Section 106 agreement to secure traffic calming measures within the area.

**4. Relevant Planning History**

15/01202/FUL	Alterations to public house and erection of 4 no dwellings	Pending consideration	
96/00280/FUL	Detached garage	Permitted	12.06.1996
85/00561/4	Residential development	Outline permission	23.07.1985

**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. Councillor Crooks has objected to the application, raising the following concerns:
  - 1. Would result in the addition of two accesses to join an already busy road;

2. Plot 1 would block the view of The Bull's Head pub;
  3. Would result in drainage issues;
  4. Plot 1 is sited too close to the highway boundary;
  5. Would be out of keeping with other properties within the area;
  6. Would have a negative impact upon the dwellings approved under planning application 15/01202/FUL (Alterations to public house and erection of 4 no dwellings).
- 5.3. County Councillor Ould has objected to the application, raising the following concerns:
1. Would have a negative impact upon the Conservation Area;
  2. Would result in drainage issues;
  3. Leicestershire County Council (Highways) has not submitted formal comments recommending approval for the application.
- 5.4. Representations have been received from seven members of the public, raising the following objections:
1. Would be out of character with the Conservation Area, and would be contrary to the Nailstone Conservation Area Appraisal;
  2. No new development should be allowed within the Conservation Area;
  3. Concern with uneven distribution of new dwellings within Nailstone – development is clustered into one area within the Conservation Area;
  4. There are already 4 dwellings to be constructed to the rear of the site;
  5. Construction of the development would impact negatively on neighbouring properties;
  6. Concerns over maintenance of the garage serving Plot 2;
  7. Would have a negative impact on The Bull's Head Pub;
  8. Concerns with land levels on site;
  9. Development would encroach onto neighbouring properties;
  10. Would be unsustainable development;
  11. Nailstone lacks the facilities to accommodate more houses;
  12. Drainage details have not been provided for the scheme;
  13. Would result in flooding of neighbouring properties and onto the highway, which would result in associated highway and pedestrian safety issues;
  14. The site is located off a dangerous road, with existing speeding problems and is utilised by overweight lorries;
  15. Traffic calming measures secured under planning application 15/01202/FUL have not yet been implemented;
  16. Development should require additional traffic calming measures to be secured;
  17. Would exacerbate congestion and traffic in the area;
  18. Site is located close to a dangerous junction;
  19. Decision should be made by Planning Committee;

## **6. Consultation**

- 6.1. Nailstone Parish Council have raised the following objections for the application:
1. Drainage details provided is not adequate, given the existing land levels on site;
  2. The proposed garage to serve Plot 2 will impact upon the hedge and ancient tree on the north-west boundary;
  3. Would be contrary to the Conservation Area;
  4. Would be sited too close to the public footpath;
  5. Siting of Plot 1 would result in visibility issues for neighbouring properties pulling out of their drives;
  6. Would be overdevelopment of site;
  7. There is an existing telegraph pole to the front of the site – no details have been submitted for its relocation
- 6.2. The Tree Officer has objected to the application due to the proposed loss of the cedar tree within the Conservation Area.
- 6.3. No objections, subject to conditions, have been received by:-  
HBBC Conservation Officer  
Leicestershire County Council (Highways)
- 6.4. No objections have been received by:-  
Environmental Services (Drainage)  
Environmental Health (Pollution)

## **7. Policy**

- 7.1. Core Strategy (2009)
- Policy 12: Rural Villages
- 7.2. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
  - Policy DM7: Preventing Pollution and Flooding
  - Policy DM10: Development and Design
  - Policy DM11: Protecting and Enhancing the Historic Environment
  - Policy DM12: Heritage Assets
  - Policy DM17: Highways and Transportation
  - Policy DM18: Vehicle Parking Standards
- 7.3. 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
- Nailstone Conservation Area Appraisal and Management Plan (2015)

## **8. Appraisal**

- 8.1. Key Issues
- Assessment against strategic planning policies

- Design and impact upon the character of the conservation area
- Trees
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Drainage
- Other issues

#### Assessment against strategic planning policies

- 8.2. Paragraph 14 of the National Planning Policy Framework (NPPF) and Policy DM1 of the SADMP set out a presumption in favour of sustainable development, and states that development proposals that accord with the development plan should be approved.
- 8.3. The development plan in this instance consists of the adopted Core Strategy (2009) and the Site Allocations and Development Management Policies DPD (2016).
- 8.4. Nailstone is identified as a rural village within Policy 12 of the Core Strategy. The focus of such settlements is to support the existing services within these villages by supporting housing development within settlement boundaries.
- 8.5. The application site is located within the settlement boundary of Nailstone as defined within the SADMP, as such the site is considered to be situated within a sustainable location. Comments have been received stating that Nailstone lacks the facilities to accommodate new dwellings. However, the proposal would result in one replacement dwelling and one new dwelling to the area, and therefore would only result in the addition of a single dwelling to the area.
- 8.6. Therefore, subject to all other planning matters being addressed, the principle of development is considered acceptable.

#### Design and impact upon the character of the conservation area

- 8.7. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 8.8. Section 12 of the NPPF provides the national policy on conserving and enhancing the historic environment. Paragraph 132 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.
- 8.9. Policy DM10 of the SADMP requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.10. Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment, stating that proposals should ensure the significance of a conservation area is preserved and enhanced.
- 8.11. To the eastern boundary of the site is The Bull's Head public house, which is identified as a Key Unlisted Building within the Nailstone Conservation Area Appraisal.
- 8.12. The Conservation Officer has raised no objections to the scheme. No. 100 Main Street is located within the Nailstone Conservation Area. The property is a post-war bungalow which does not reflect the traditional characteristics of the Conservation Area, being single-storey and located towards the rear of its plot, away from the street scene. As such it does not make a positive contribution to the character and appearance and thus significance of the Conservation Area. The plot has therefore

been identified as a “negative area” in the Conservation Area Appraisal. Policy DM12 states that proposals that seek to improve identified “negative areas” in Conservation Areas, which also lead to the overall enhancement of the Conservation Area, will be supported and encouraged.

- 8.13. Objections have been raised in relation to the siting of the development on the edge of the pavement, and the impact of the development on the Conservation Area. The layout of the proposed development comprises two dwellings, with Plot 1 sited slightly behind the back edge of the pavement, and Plot 2 to the rear. The location of Plot 1 respects the traditional and characteristic location of development within the Conservation Area, providing a strong and appropriate presence fronting the street scene. The siting of Plot 1 on the edge of the highway boundary would reflect the siting of the neighbouring properties to the south of the site, Nos 104 and 105 Main Street, the neighbouring property further west of the site, No. 102 Main Street, and The Bull’s Head Pub.
- 8.14. Plot 1 also follows the characteristic built form and scale of the Conservation Area, being a two storey cottage with a symmetrical plan and the use of locally distinctive eyebrow dormer windows set within the eaves, reflecting the historical vernacular feature favoured by Earl Howe when the village formed part of the Gopsall Estate. The design of Plot 2, with small half-gable dormer windows and a prominent gable is appropriate for its location set away from the street frontage. Further characteristic detailing including brick windows cills and segmental arches are proposed for both plots. There will be longer distance views of the garage to serve plot 2 through the site from the street. However, its simple dual pitched roof design, proposed materials and use of a panelled door with windows, would ensure that the garage is in keeping with the character of the site and the wider Conservation Area. In any case, it is considered that this view would be similar to that of the single garage serving the existing dwelling on site.
- 8.15. Facing brick, interlocking plain tiles and cottage style windows have been proposed for the construction of the dwellings. The Conservation Officer has recommended a condition to secure further details of the external materials to be utilised, which could be attached to any permission granted.
- 8.16. Concerns have been raised stating that the proposed development would block the view of The Bull’s Head Pub. Plot 1 would be sited in line with the building line of the pub along Main Street. Although it would have some impact on views of the pub from the south-west, given the existing siting of No. 102 Main Street, and the fact that views of the pub would still be available along Main Street from the north-east, it is not considered that the siting of the development would have any adverse impacts on The Bull’s Head pub in this regard.
- 8.17. The Conservation Officer has also stated that although the current dwelling does not contribute to the significance of the Conservation Area, a cleared site would have a greater harmful impact on the area. Therefore, the officer has recommended a condition to ensure that the demolition of the existing dwelling is not carried out until the development proposed is confirmed to commence on site. This is in line with Policy DM12, which states that conditions will be imposed to ensure demolition does not occur until immediately prior to the redevelopment or remediation of the site. A condition of this nature could be attached to any permission granted.
- 8.18. Given that the property that does not contribute positively to the character and appearance of the Conservation Area, the proposal provides an opportunity for its significance to be enhanced. Given the appropriate design, scale and siting of development, it is considered to accord with the principles of the Nailstone Conservation Area Appraisal, Policies DM11 and DM12 the SADMP, Section 12 of

the NPPF and the statutory duty of section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

### Trees

- 8.19. The Tree Officer has submitted comments for the application, objecting to the loss of the Blue Atlas cedar tree, located to the front of the site along the shared boundary with The Bull's Head car park.
- 8.20. The proposed siting of Plot 1 to the front boundary of the site is a key factor in the assimilation of the development within the character of the Conservation Area, as has been identified by the Conservation Officer. The Tree Officer states within his comments that this tree could merit protection by a tree preservation order. However, the retention of this tree on site would mean that the proposed layout would not be achievable. It is considered that the proposed re-development of the site, as discussed above, would provide significant benefits to improving the character of this part of the conservation area which has been identified within the character appraisal as a negative area. Due to the location of the tree and its root protection area it is not possible to achieve an alternative development which would be in keeping and provide a benefit in design terms to the conservation area. As identified previously the conservation area is characterised by frontage development and this is a key characteristic which should be incorporated into any redevelopment of the site.
- 8.21. Following discussions with the Tree Officer, as well as local ward members, it has been identified that there is scope for a replacement tree to be planted along the east boundary of the site, which would be partially viewable from the street from the east. This would help to mitigate the loss of the cedar tree within the street scene.
- 8.22. Therefore, it is considered that this opportunity for the enhancement of the site, and the mitigation provided through the planting of a replacement tree would outweigh the loss of the existing cedar tree on site.
- 8.23. Comments have been raised in relation to the wellbeing of the hedge and cherry tree to the north-west corner of the site, where the proposed garage to serve Plot 2 would be sited. The Tree Officer has stated that the construction of the garage should not have an adverse impact on this tree providing protective measures are put in place during the construction of the garage foundations. Further, the amended positioning of the garage away from the boundary would mean that it would have no adverse impact upon this hedge.
- 8.24. The Holly tree to the rear garden of the proposed Plot 2 is proposed to be retained. This tree is sited on the boundary of the Conservation Area. The Tree Officer has stated that this tree is important to the background rural landscape. However, it may have a potential impact on the rear garden of this dwelling, in terms of overshadowing. However, given the siting of the tree, and the scale and design of the garden, it is considered that any overshadowing would not be materially adverse, and therefore its retention would be considered acceptable. In any case the tree is located within a Conservation Area, and subsequently any works proposed to be carried out would require separate consent from the Local Planning Authority.
- 8.25. Notwithstanding the loss of the cedar tree, the demolition of the existing bungalow, a property that does not contribute positively to the character and appearance of the Conservation Area provides an opportunity for its significance to be enhanced. It is therefore considered to accord with the principles of the Nailstone Conservation Area Appraisal, Policies DM11 and DM12 the SADMP, Section 12 of the NPPF and the statutory duty of section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

#### Impact upon neighbouring residential amenity

- 8.26. Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighbouring properties.
- 8.27. Concerns have been raised in relation to the impact of the development on neighbouring properties within the area. To the west of the site is No. 100A Main Street, a detached, two-storey dwelling sited further back on the plot than the proposed Plot 1, but further forward on the plot than the proposed Plot 2.
- 8.28. By virtue of the proposed access road, the proposed dwellings would be set back from the boundary with No. 100A, and therefore any overbearing and overshadowing impacts would be mitigated. The proposed garage serving Plot 2 would be sited along the shared boundary with this neighbour. However, given minor scale of the garage proposed, it is not considered to have any adverse overbearing or overshadowing impacts to this neighbour.
- 8.29. The proposal would result in a first floor window serving Plot 2 facing out towards the rear garden of No. 100A. However, by virtue of the distance between the window and the shared boundary, the siting of the proposed garage and the length of the garden serving No. 100A, it is not considered that the window would result in any adverse overlooking impacts to this neighbour.
- 8.30. Concerns have been raised in relation to the impact of the development on the four dwellings proposed to the rear of the site under planning application 15/01202/FUL. Two first floor windows serving Plot 2 would face out onto these properties, however, by virtue of siting, would have no direct views into any dwellings proposed under 15/01202/FUL.
- 8.31. Further, by virtue of the siting of Plot 1, it is not considered to have any overlooking impacts to any neighbours.
- 8.32. The development would therefore not have an adverse affect on the amenity of surrounding residents and is in accordance with Policy DM10 of the SADMP.

#### Impact upon highway safety

- 8.33. Policy DM17 of the SADMP states that all new development should in be accordance with the highway design standards. Policy DM18 ensures that development provides appropriate parking provision.
- 8.34. Concerns have been raised in relation to proposal resulting in an increase to traffic and congestion within the area, and that the proposed access would lead onto a dangerous road, near to a dangerous junction.
- 8.35. Leicestershire County Council (Highways) has raised no objections to the application. The proposal would result in one additional dwelling on the site. Both dwellings would share a single access off Main Street, which would replace the existing access onto the site. The layout proposed would allow for turning on site and an adequate visibility splay onto the main road. Indeed, the new visibility splay would be an improvement to the existing access on site. Given the above, the fact that the access would replace an existing access, and the minor increase to the number of vehicles that would utilise Main Street, it is considered that the proposal would not have any adverse impact on highway safety in the area.
- 8.36. Concerns have been raised in relation to speeding vehicles and overweight vehicles utilising Main Street. These issues cannot be addressed through this application. Traffic calming measures for this road are currently being negotiated through planning application 15/01202/FUL, which should assist in addressing these issues.



However, if this scheme is not progressed and the traffic calming measures are not implemented, it is not considered that the traffic generated by an additional dwelling would not be severe or cause a highway safety concern which would warrant refusal.

- 8.37. The proposal would result in a minimum of three off-street car parking spaces to serve each dwelling. This is considered adequate provision to serve a development of this scale, and therefore the proposal would not contribute to on-street parking problems within the area.
- 8.38. LCC (Highways) have recommended a condition to be imposed to ensure that the proposed new vehicular access shall not be used for a period of more than one month from being first brought into use unless the existing vehicular access to the site be closed permanently. This condition is not considered necessary, as the proposed layout of the site would not allow for the existing access to remain open.
- 8.39. The proposal therefore would comply with Policies DM17 and DM18 of the SADMP.

#### Drainage

- 8.40. Policy DM7 of the SADMP seeks to ensure that development does not create or exacerbate flooding.
- 8.41. Concerns have been raised in relation to the drainage of the development. No objections have been raised by Environmental Services (Drainage) for the scheme. However, due to the concerns raised from consultation responses with regard to drainage it is considered that a condition identifying how drainage will be dealt with on site is submitted and approved prior to commencement of development on site. Leicestershire County Council (Highways) has recommended a condition to secure surface water drainage details for the site prior to the occupation of the development, to ensure that water does not flow onto the public highway. This can be incorporated into the drainage condition.

#### Other issues

- 8.42. In relation to the comments concerned with the distribution of development within the Conservation Area, and the dwellings pending consideration under 15/01202/FUL, each application for development is assessed on its own merits, within the context of each individual application site.
- 8.43. In regard to the land levels on site, a condition has been imposed to ensure acceptable finished floor and ground levels for the development.
- 8.44. In regard to concerns over the maintenance of the garage serving Plot 2, this is not a planning matter and cannot be addressed within this application.
- 8.45. In regard to the concerns of the construction of development having a negative impact on neighbouring properties, many of the issues raised are civil matters and therefore cannot be addressed within this application. Notwithstanding this, the hours of construction on site could be controlled through an appropriate condition, which could be attached to any permission granted.
- 8.46. In relation to comments seeking additional traffic calming measures to mitigate the impact of development on the highway, given the level of development proposed and the fact that no issues have been raised by Leicestershire County Council (Highways), it is not considered reasonable to seek contributions for this development.

### **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. Overall, it is considered that this proposal will not harm the special character, and thus significance of the Conservation Area. The current dwelling does not contribute positively to the character of the conservation area. By virtue of the design, scale, form and layout of the proposed new dwellings the proposal will enhance the character and appearance, and thus significance of the conservation area, and would not have any adverse impacts on neighbouring properties or highway safety. The proposal is considered to be in accordance with Policy 12 of the Core Strategy, Policies DM1, DM10, DM11, DM12, DM17 and DM18 of the SADMP, Section 12 of the NPPF and the statutory duty of Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, and is therefore considered to be acceptable.

## **11. Recommendation**

- 11.1. **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report.

- 11.2. That the Planning Manager Development Management be given powers to determine the final detail of planning conditions.

### **11.3. 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: Drg No. 843.CSH.05 (Plot 2 – Planning Drawing 01), received by the Local Planning Authority on 21 July 2017, Drg No. 843.CSH.04 Rev A (Plot 1 – Planning Drawing 01) received by the Local Planning Authority on 31 October 2017, and Drg No. 843.CSH.06C (Site Plan – Planning Drawing 01), received by the Local Planning Authority on 15 December 2017.

**Reason:** To ensure a satisfactory impact of the development to accord with Policies DM1 and DM10 of the adopted Site Allocations and Development

Management Policies DPD, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Section 12 of the NPPF.

3. No part of the development hereby permitted shall be occupied until such time as the access, parking and turning arrangements shown on Drawing No. 843.CSH.06C (Site Plan – Planning Drawing 01), received by the Local Planning Authority on 15 December 2017, 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, to ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally, in the interests of general highway safety and in accordance with Policies DM17 and DM18 of the adopted Site Allocations and Development Management Policies DPD.

4. Prior to the commencement of development, surface water drainage details, shall be submitted to and approved in writing by the Local Planning Authority, and the scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include details to ensure that surface water shall not drain into the Public Highway, and thereafter shall be so maintained.

**Reason:** To ensure effective drainage on site, to accord with Policy DM7 of the adopted Site Allocations and Development Management Policies DPD and to reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD.

5. 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:-

- Hard surfacing materials;
- Boundary treatments;
- Planting plans, including a tree to replace the loss of the Blue Atlas Cedar sited to the south-east corner of the site;
- Written specifications;
- Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
- Implementation programme.

**Reason:** In the interests of protecting the visual amenity of the area, in accordance with Policies DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies DPD, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Section 12 of the NPPF.

6. All hard landscaping, planting, seeding or turfing shown on the approved landscaping details under condition 5 shall be carried out during the first available planting and seeding seasons (October - March inclusive) following the approval of the landscaping scheme. Any trees or shrubs which, within a period of 5 years of being planted die are removed or seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

**Reason:** In the interests of visual amenity, and to ensure that the work is carried out within a reasonable period and thereafter maintained, to accord with Policies DM10, DM11 and DM12 of the Site Allocations and Development Management Policies DPD, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Section 12 of the NPPF.

7. The existing cherry tree to be retained on site, shown on the approved Drawing No. 843.CSH.06C (Site Plan – Planning Drawing 01), shall be protected by the erection of temporary protective fences in accordance with BS5837:2012 and of a height, size and in positions which shall previously have been agreed, in writing, with the Local Planning Authority. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the trees to be protected. Within the area agreed to be protected, the existing ground level shall neither be raised nor lowered and no materials or temporary building or surplus soil shall be placed or stored there. If any trenches for services are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.

**Reason:** The tree is an important feature in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site, to accord with Policy DM10, DM11 and DM12 of the Site Allocations and Development Management Policies DPD, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Section 12 of the NPPF.

8. No development shall commence on site until such time as the existing and proposed ground levels for the site, and proposed finished floor levels have been submitted in writing to and agreed in writing by the local planning authority. The development shall then be implemented in accordance with the approved proposed ground levels and finished floor levels.

**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 DPD, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Section 12 of the NPPF.

9. Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the dwellings, including details of fenestration and doors, and roof verge and eaves detailing, 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 a satisfactory impact of the development to accord with Policies DM1, DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies DPD, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Section 12 of the NPPF.

10. Construction work of the development, hereby permitted, shall not take place other than between the hours of 08:00hrs and 18:00hrs on weekdays and 08:00hrs and 13:00hrs on Saturdays, and at any time on Sundays and Bank Holidays unless otherwise agreed in writing.

**Reason:** To minimise disruption to the neighbouring residents in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies DPD.

11. No demolition works shall commence until a contract has been let to carry out the building operations permitted under this permission (or any superseding consent as first agreed in writing by the Local Planning Authority) has been made.

**Reason:** To avoid premature demolition which would be harmful to the character and appearance of the Conservation Area, and to safeguard the local environment and in accordance with the aims and objectives of the NPPF and in accordance with Policies DM11 and DM12 of the adopted Site Allocations and Development Management Policies DPD.

12. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 (Classes A, B, C, D, E, F and G) and Part 2 (Class A) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no means of enclosure, enlargement, improvement or other alteration to the dwellings hereby permitted shall be erected or carried out without the grant of planning permission for such extensions by the Local Planning Authority.

**Reason:** To ensure a satisfactory impact of the development to accord with Policies DM1, DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies DPD, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Section 12 of the NPPF.

#### 11.4. 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](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.
2. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the 6Cs Design Guide which is available at <https://www.leicestershire.gov.uk/environment-and-planning/planning/6cs-design-guide>.