

**Planning Committee 28 July 2020**  
**Report of the Planning Manager**

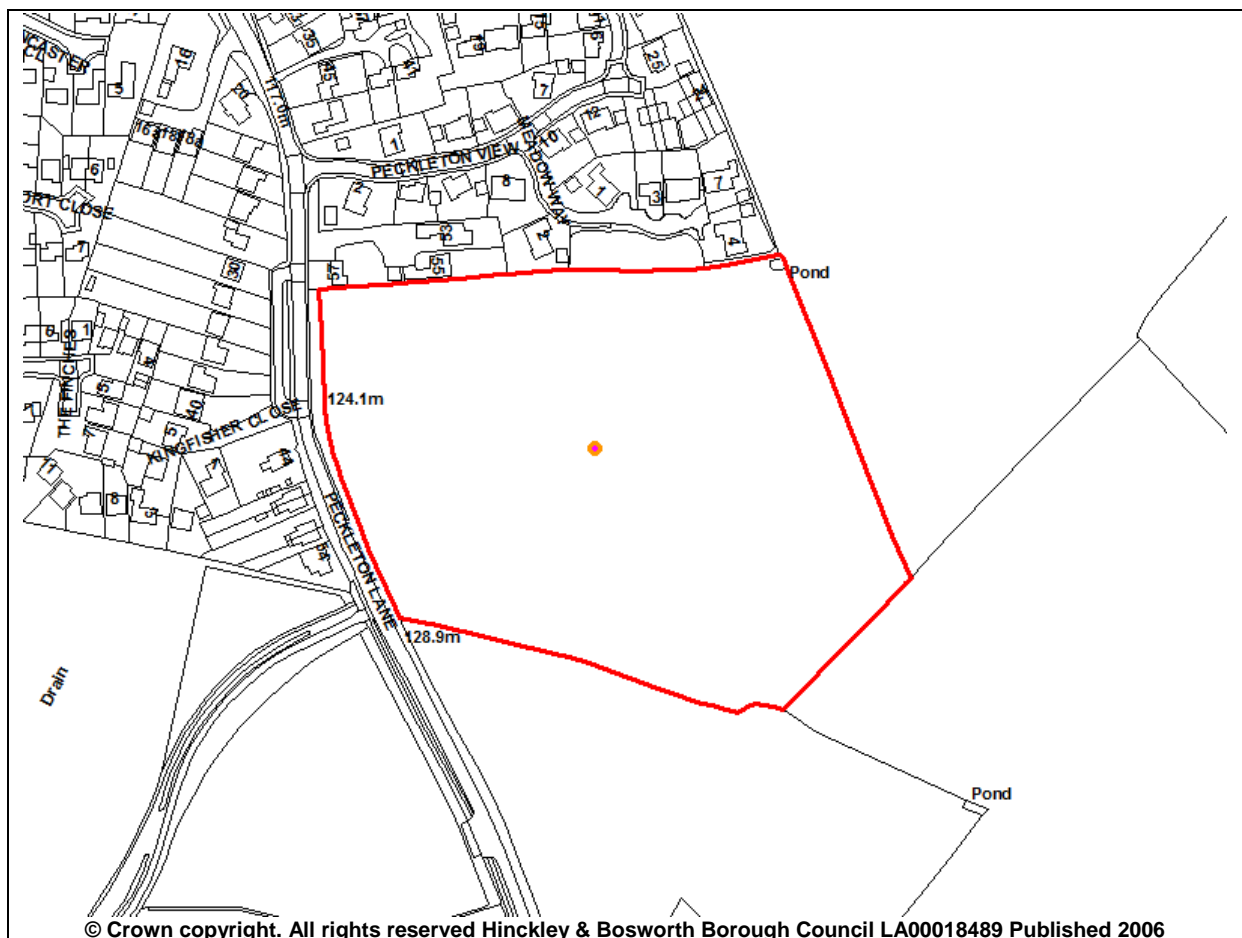
**Planning Ref:** 20/00347/REM  
**Applicant:** Owl Homes  
**Ward:** Newbold Verdon With Desford & Peckleton



Hinckley & Bosworth  
Borough Council

**Site:** Land East Of Peckleton Lane Desford

**Proposal:** Approval of reserved matters (layout, scale, appearance and landscape) of planning permission ref: 18/01252/OUT for 80 dwellings and details of the Affordable Housing Scheme and On-Site Open Space Area Scheme



**1. Recommendations**

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

- Planning conditions outlined at the end of this report.

**2. Planning Application Description**

- 2.1.** The proposal relates to the approval of reserved matters following outline planning permission granted under ref: 18/01252/OUT for a residential development of up to 80 dwellings. A detailed access plan showing a new road off Peckleton Lane in the location of an existing field gate has already been considered and approved under this outline permission.

- 2.2. The properties proposed are of traditional construction comprising predominantly facing bricks with roofing tiles. . All of the properties would be built to a height of two-storeys with the exception of 4 bungalows. The housing mix proposed comprises 48 market properties, 24 affordable rented properties and 8 shared ownership properties. The mix of housing ranges are as follows:

Market housing: 4 x 2-bed bungalows; 9 x 2-bed 2 storey; 23 x 3-bed and 12 x 4-bed.

Affordable Housing (Rented): 8 x 1-bed; 8 x 2-bed; 6 x 3-bed; 2 x 4-bed properties.

Affordable Housing (Shared Ownership): 6 x 2-bed; 2 x 3-bed properties.

- 2.3. The site layout plans shows the development of 80 properties arranged into five perimeter blocks. All of the properties face onto roads behind small front gardens with their rear gardens backing onto each other. An area of open space is proposed around the perimeter of the site and ensures that the existing field hedgerow can be retained. Two attenuation ponds are proposed in this area of open land along with an equipped play area and the retention of the public footpath along the southern boundary of the site. The dwellings along Peckleton Lane would be set back from the existing hedgerow by some 24 metres behind private drives and a landscaped buffer. Four bungalows are proposed along this frontage.
- 2.4. The proposal includes the construction of a public footpath along the eastern side of Peckleton Lane linking the proposed vehicular access to the existing footpath leading into the centre of Desford. There would also be an internal pedestrian access constructed towards the northern boundary of the site to link in to this public footpath.

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

- 3.1. The application site comprises some 3.76 hectares of land and is located in the countryside adjacent to, but outside of, the settlement boundary of Desford and east of Peckleton Lane. Residential development forms its northern and western boundaries and open fields form the eastern and southern boundaries.
- 3.2. Comprising a single pasture field, the site has well defined hedgerow boundaries which include trees. The site frontage currently comprises of a mature hedgerow providing a natural screen to the proposed site. As part of the proposed development a section of this hedgerow would have to be cleared to improve the current vehicular access into the site.
- 3.3. The site is in an agricultural use and has a varied topography with a plateau in the south west corner of the site. The defined settlement boundary of Desford forms the northern and western boundaries of the site and the application site and proposed access are located outside of the settlement boundary. Sporting facilities and employment uses lie further to the south and south west of the site. These forms of development along Peckleton Lane give the area its verdant semi-rural character.

#### **4. Relevant Planning History**

19/00027/PP	Residential development up to 80 dwellings with associated works (Outline - access only)	Appeal Allowed	18.12.2019
18/01252/OUT	Residential development up to 80 dwellings with associated works (Outline - access only)	Refused	29.07.2019

#### **5. Publicity**

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.
- 5.2. Objection letters have been submitted from 9 households raising the following issues:
- 1) This site is located in a high trafficked area especially with the shift patterns of Caterpillar and Neovia
  - 2) The proposed access would be unsafe and is sited near to a bend on a hill. There have been accidents near to this access
  - 3) The proposal should include a pedestrian crossing
  - 4) There will be 15 metres in length of hedgerow lost to create the vehicular access and not the 9 metres as discussed in the public inquiry
  - 5) Inadequate drainage infrastructure in the area. There is not a surface water drain in Peckleton Lane. Measures need to be put in place on the development site to prevent the surrounding properties flooding
  - 6) Planning permission has already been granted for 80 houses off Barns Way and so Desford does not require any further housing
  - 7) The junction with High Street is already congested and this would add more traffic and pollution
  - 8) The cross section drawings do not show all of the existing houses on the opposite side of Peckleton Lane. The development site would be on higher ground and would tower over existing properties. Plots 16 and 17 should be bungalows too
  - 9) The doctors, dentists, shops, schools, public houses and postal service are already operating above capacity and cannot cope with any additional residents
  - 10) Development on this site would reduce the amount of green space in the area
  - 11) Development on this site would block any future plans for the future Desford Western bypass

#### **6. Consultation**

- 6.1. Desford Parish Council has provided the following comments on the original submission. No comments have been received on the amended proposal:
- 1) They express their disappointment at the lack of bungalows and market housing maisonettes
  - 2) Questions are raised as to whether 20mph speed signs would be erected
  - 3) The hedge to be removed along Peckleton Lane should be kept to a minimum

- 6.2. LCC Highway Authority advise that the residual cumulative impacts of the development can be mitigated and are not considered severe in accordance with the Framework subject to conditions.
- 6.3. No objections have been received from:
- HBBC Affordable Housing Officer
  - Severn Trent Water Ltd
  - HBBC Compliance and Monitoring Officer
  - HBBC Waste Services – subject to a condition
  - Leicestershire Police
  - LCC Lead Flood Authority
  - LCC Ecology – subject to conditions
  - HBBC Environmental Services (Pollution)
- 6.4. No comments have been received from:
- LCC Archaeology
  - HBBC Arboricultural Officer

## **7. Policy**

- 7.1. Core Strategy (2009)
- Policy 7: Key Rural Centres
  - Policy 8: Key Rural Centres relating to Leicester
  - Policy 15: Affordable Housing
  - Policy 16: Housing Density, Mix and Design
  - Policy 17: Rural Needs
  - Policy 19: Green Space and Play Provision
  - Policy 20: Green Infrastructure
- 7.2. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
  - Policy DM3: Infrastructure and Delivery
  - Policy DM4: Safeguarding the Countryside and Settlement Separation
  - Policy DM6: Enhancement of Biodiversity and Geological Interest
  - Policy DM7: Preventing Pollution and Flooding
  - Policy DM10: Development and Design
  - Policy DM13: Preserving the Borough's Archaeology
  - Policy DM17: Highways and Transportation
  - Policy DM18: Vehicle Parking Standards
  - Policy DM25: Community Facilities
- 7.3. Emerging Desford Neighbourhood Plan
- 7.4. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2019)
  - Planning Practice Guidance (PPG)
- 7.5. Other relevant guidance
- Good Design Guide SPD (2020)
  - National Design Guide (2019)
  - Landscape Character Assessment (2017)
  - Housing Needs Study (2019)
  - Affordable Housing SPD (2011)
  - Open Space and Recreation Study (2016)

## **8. Appraisal**

### **8.1. Key Issues**

- Design and impact upon the character of the area
- Impact upon residential amenity
- Ecology
- Highway Safety
- Open Space Provision
- Other Matters

### **8.2. Design and impact upon the character of the area**

- 8.3. Policy DM4 of the SADMP requires that development in the countryside does not have an adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside, does not undermine the physical and perceived separation and open character between settlements and does not create or exacerbate ribbon development.
- 8.4. Policy DM10 of the adopted SADMP seeks to ensure that proposals complement or enhance surrounding development through materials, design and architectural features.
- 8.5. The application site lies within the Newbold and Desford Rolling Farmland in the Hinckley and Bosworth Borough Landscape Character Assessment (2017) (LCA). The Landscape Sensitivity Assessment (2017) makes an assessment of the landscape sensitivity around Desford. The assessment area covers the area to the south, west and east of the settlement.
- 8.6. The landscape sensitivity study gives the following guidance for new development outside the settlement boundary of Desford in the assessment area:
- Seek Opportunities to maintain the rural character of the landscape and, where possible, conserve rural views and the setting of settlement
  - Plan for successful integration of potential new development in the landscape through sensitive design and siting, including use of sensitive materials and use of landscape mitigation to enhance sense of place
  - Seek to retain the pattern of hedgerows and hedgerow trees and encourage the use of traditional Midlands-style hedge laying for management
  - Seek to protect localised areas that retain a natural character and encourage tree planting to replace mature/veteran trees as they begin to deplete
  - Aim to maintain and enhance the recreational assets including rights of way network
  - Consider opportunities to create and promote an integrated green infrastructure network linking the waterways with the urban area.
- 8.7. The site is situated within a prominent position along Peckleton Lane and lies within an area where open countryside can be viewed from the settlement of Desford as described in the LCA. The existing boundary treatment which comprises of mature trees and hedgerows along the road boundary do shield views of the site from the street scene. A Hedgerow Retention plan accompanies this reserved matters application. This shows that the proposed layout would retain all of the landscaping along the boundaries of the site with the exception of the removal of a section of hedgerow next to the vehicular access onto Peckleton Lane and a small section removed for the pedestrian access onto Peckleton Lane. The proposed houses

would be set back some 24 metres from Peckleton Lane behind a landscaped buffer. This would assist in shielding views of the development from this road.

- 8.8. The application site does have a varied topography with a plateau in the south west corner of the site and higher ground levels along its north western boundary with Peckleton Lane. In the appeal decision notice for outline approval ref: 18/01252/OUT the Inspector at para 31 does state that:- *"Evidence was heard at the inquiry relating to how the land would be sculpted on the west side to ensure properties are on a comparable level to those dwellings currently fronting Peckleton Lane. Consequently, I find that there would not be any overbearing impact from the development."*
- 8.9. Condition 5 attached to the outline consent states that "Any reserved matters application relating to scale or layout shall be accompanied by full details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings in relation to existing ground levels. The details shall be provided in the form of site plans showing sections across the site at regular intervals with the finished floor levels of all proposed buildings and adjoining buildings. The development shall be carried out in accordance with the approved levels."
- 8.10. The finished floor levels have been provided along with cross sections of the site including cross sections of the proposed frontage properties facing onto Peckleton Lane. Following concerns raised by the Council and residents, amended plans have been submitted substituting 4 of the two storey properties along this frontage with 4 bungalows. These would be located on plots 1, 18, 19 and 20. Therefore, whilst the finished floor level of plot 18 would be 1m lower than the eaves height of the dwelling opposite (no. 44 Peckleton Lane), due to the proposed property being single storey in height coupled with the intervening landscaping buffer, the proposed layout would not have an overbearing impact on the street scene and the outlook from this property. A planning condition can be imposed to ensure that the housing scheme is implemented in accordance with the finished floor level plans to ensure that this satisfactory relationship with the buildings along Peckleton Lane is achieved.
- 8.11. Desford Parish Council has raised concerns that the original scheme submitted lacked any bungalows. The substitution of the house types along Peckleton Lane as discussed in paragraph 8.11 would result in 4 market bungalows being provided on the site.
- 8.12. The existing residential dwellings surrounding the site comprise of a mix of detached dwellings and semi-detached dwellings sited with limited front gardens. The proposal is to retain the vegetation around the majority of the site along with setting any development back from the hedgerows by at least 5 metres. Additional planting and landscape buffers are also proposed and form part of the landscape plan submitted. These mitigation measures would maintain the site's existing mature and verdant character which contributes to the semi-rural character of the area.
- 8.13. The properties proposed are of a traditional design comprising predominantly facing brickwork with roofing tiles. The use of render is used for focal buildings. The variations in roof styles and orientations proposed would create variety and rhythm within the street scene. Parking areas and garages are predominantly set between and behind dwellings in order to reduce the visual impact of cars on the street scene. Landscaping and grass verges are proposed along the internal roads to soften the built development. Dwellings are orientated to maximise views over the landscaped buffer and the public open space to improve natural surveillance of these areas.

- 8.14. The housing mix proposed comprises 48 market properties, 24 affordable rented properties and 8 shared ownership properties. Policy 15 of the Core Strategy states that to support the provision of mixed, sustainable communities, a minimum of 2090 affordable homes will be provided in the borough from 2006 to 2026. Policy 15 seeks the provision of 40% affordable housing on all sites in rural areas with a tenure split of 75% for social rent and 25% for intermediate tenure.
- 8.15. The housing mix for the affordable housing units includes 1-bed; 2-bed; 3-bed and 4-bed properties. This mix has been agreed with HBBC's Affordable Housing Officer. The mix of housing ranges for the market properties includes 2-bed bungalows, 2-bed 2-storey, 3-bed and 4-bed properties. Therefore, this mix of housing types and tenures would comply with the requirements of Policy 16 of the Core Strategy.
- 8.16. Therefore, it is considered that the design, layout, design and landscaping details as submitted along with the improvements to landscaping and ecological enhancements would result in the development not being unduly intrusive to the wider countryside. This is the same conclusion which was reached by the Planning Inspector when determining the outline planning proposal where he found that a residential scheme would have limited harm on the countryside and so there would be some conflict with Policy DM4 of the SADMP (2016). The reserved matters scheme submitted would complement the character of the surrounding area as required by Policy DM10 of the SADMP (2016).

Impact upon residential amenity

- 8.17. Policy DM10 of the adopted SADMP seeks to ensure that development does not adversely affect the amenity of occupiers of neighbouring properties.
- 8.18. As a result of public consultation, objections have been received on the grounds of loss of privacy from overlooking, loss of amenity from traffic movements and car headlights and loss of views.
- 8.19. Whilst there are existing dwellings adjoining the site boundary to its northern and western boundaries, the proposed layout ensures that the new dwellings would be constructed a minimum of 40 metres away and behind landscaping from these existing properties on Peckleton Lane and Meadow Way. Such a distance would reduce any impact of overlooking onto the properties adjoining the site and would exceed the distances laid out in the Council's Good Design Guide SPD.
- 8.20. As discussed in paragraph 8.8, the application site does have a varied topography with a plateau in the south west corner of the site and higher ground levels along its north western boundary with Peckleton Lane. Whilst the finished floor level of plot 18 would be 1m lower than the eaves height of the dwelling opposite (no. 44 Peckleton Lane), due to the proposed property being single storey in height coupled with the intervening landscaping buffer and a distance of some 42 metres between the existing property and the proposed property, the proposed layout would not have an overbearing impact on the outlook from this property and would exceed the distances laid out in the Council's Good Design Guide SPD.
- 8.21. The construction of a development would be temporary and would not result in any long terms impacts on amenity. However, by virtue of the scale of development, the proximity to existing residential properties and potential duration of the construction phase, as recommended by the Council's Environmental Health (Pollution) a condition was included on the outline consent to secure the submission of a Construction Environmental Management Plan for approval prior to construction by the local planning authority to protect the amenities of neighbouring properties and minimise any adverse impacts. A condition was also imposed on the outline

permission for the submission and approval of a construction traffic management plan to protect the amenity of neighbouring properties.

- 8.22. The layout of the proposal has been designed to comply with the minimum standards laid out in the Council's Good Design Guide SPD. This includes rear gardens which exceed 7 metres in depth and distances between first floor principal windows of some 24 metres. Through the use of perimeter blocks this ensures that each plot has been designed to minimise the impact of overlooking whilst providing some surveillance over rear gardens to assist in providing security.
- 8.23. Based on the above, the proposal would not have a significant adverse impact on the residential amenity of either nearby residential properties or on the future occupiers of the site. The proposal would therefore be in accordance with Policies DM7 and DM10 of the adopted SADMP.

#### Ecology

- 8.24. Policy DM6 of the SADMP (2016) states that development proposals must demonstrate how they conserve and enhance features of nature conservation and geological value including proposals for their long term future management. Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment including securing biodiversity enhancements where possible.
- 8.25. As a result of public consultation, objections have been received on the grounds of potential loss of mature hedgerows that bound the site and that the site has potential for protected habitat/species interest.
- 8.26. An Ecology Report and a Landscape Strategy Plan has already been submitted to support the outline application. Leicestershire County Council (Ecology) has assessed the submitted information under this reserved matters application and they raise no objections to the proposal. They confirm that the proposal provides opportunities for ecological enhancement and are pleased that these have been incorporated into the Landscape Strategy Plan. They recommend that all boundary planting comprises of locally native species only and the planting mixes must be approved prior to the commencement of development. A biodiversity management plan is already required to be produced as part of the outline permission.
- 8.27. Therefore, the development would conserve the ecology of the surrounding area and is therefore in accordance with Policy DM6 of the SADMP.

#### Highway Safety

- 8.28. Policy DM17 of the SADMP states that all new development should be in accordance with the highway design standards. Policy DM18 ensures that development provides appropriate parking provision.
- 8.29. A detailed access plan showing a new road off Peckleton Lane in the location of an existing field gate has already been considered and approved under the outline planning permission. The decision notice issued for the outline approval also included conditions to ensure that the access was constructed in accordance with the approved plans prior to the occupation of any of the dwellings approved.
- 8.30. LCC as highway authority has been consulted on the internal layout of the road network proposed and the parking plan proposed. The parking plan shows that each property would have a minimum of 2 dedicated car parking spaces with the exception of 2 x 1 bed units who would have 1 car parking space and a shared visitor space. The larger housing units would also have additional parking provided within garages. This level of car parking proposed would be in accordance with the requirements in Policy DM18. The Highway Authority has suggested planning



conditions to ensure that the parking and turning areas proposed within the site are laid out and available for use prior to the occupation of each dwelling.

- 8.31. Further comments on an amended plan are awaited from the Highway Authority with regards to the suitability of the internal roads for adoption. Nevertheless, the Highway Authority has confirmed that they have no highway safety objections to the proposal. As such the scheme would comply with Policies DM17 and DM18 of the SADMP (2016).

#### Open Space Provision

- 8.32. The Unilateral Undertaking signed as part of the outline permission includes a requirement for 80 dwellings to provide 288m<sup>2</sup> of equipped children's play space and 133m<sup>2</sup> of casual/informal play spaces along with the provision of play equipment and the maintenance of these areas for a 20 year period. The Undertaking also includes a requirement for off-site play and open space provision of 3072m<sup>2</sup> and 3200m<sup>2</sup> of accessible natural green space and their maintenance.
- 8.33. The layout scheme submitted exceeds the open space provision specified above with 372m<sup>2</sup> of equipped children's play area; 3,229m<sup>2</sup> of casual/informal play space; 4,185m<sup>2</sup> of incidental open space and 5,659m<sup>2</sup> of natural green space which includes the attenuation ponds. The Council's Monitoring Officer has requested that further information is submitted on how this additional land would be managed as it is not included in the terms of the Unilateral Undertaking. The applicant has provided information that the open space provision would be managed by a Management Company and these areas of land would be maintained in accordance with the wording in the Unilateral Undertaking. Further details will be submitted of the play equipment to be installed on the site as required by the Undertaking. As such, it is considered that the layout plan as submitted exceeds the requirements as laid out in the Council's Open Space and Recreation Study (2016) and in the Unilateral Undertaking submitted with the outline permission.

#### Other Matters

- 8.34. Policy DM7 of the SADMP seeks to ensure that development does not exacerbate or create flooding. As part of the outline planning permission and in accordance with the comments made by Severn Trent Water Ltd and LCC as the Local Lead Flood Authority, drainage details are required to be provided through a condition to ensure that surface water disposal incorporates sustainable urban drainage. It is considered that the development would be in accordance with Policy DM7 of the SADMP.

### **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.
- 9.4. The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

## **10. Conclusion**

- 10.1. The reserved matters submission is for the comprehensive residential development of the site. Outline planning permission has been approved for this residential scheme which included the detailed consideration of the vehicle access and the number of housing units to be provided. The proposal seeks permission for the outstanding reserved matters. The detail of the proposed properties would not have a significant and demonstrable adverse impact when assessed against Policy DM4 and DM10 of the SADMP. Through the design and scale of the proposal and the landscaping proposed these mitigation measures would result in the development not being unduly intrusive to the wider countryside. The reserved matters scheme submitted would complement the character of the surrounding area as required by Policy DM10 of the SADMP (2016).
- 10.2. In addition, the proposal would not have any significant adverse impact on residential amenity or on ecology. It is considered that the reserved matters are in accordance with Policies DM6, DM7, DM10, DM17 and DM18 of the SADMP. Therefore, the reserved matters are recommended for approval subject to additional conditions.

## **11. Recommendation**

### **11.1. Grant planning permission subject**

- Planning conditions outlined at the end of this report.

### **11.2. Conditions and Reasons**

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

Site Location Plan Drw No: 19210 – SLP – 01; Tree Protection Plan Drw No: C-1758-02; Waste Management Plan Drw No: 19210 – 1012; Drw No's: 19210 – Worsley- 01; Worsley Variant – 01; Webb & Ellis – 01; Ravenscroft – 01; Quad Garages – 01; P119 – 01; Leonard – 01; Healey – 01; Guscott – 01; Greenwood – 01; Garages – 01; Farrell – 01; Croft – 01; Croft Rendered Variant – 01; Cotton – 01; Bracken – 01; 3C – 01; 3B; 3A; 2A; 2A – Terrace Floor Plans; and, 2A – Terrace Elevations all received by the local planning authority on 6 April 2020.

Detailed Landscape Proposal Drw No: c1758-01 Rev A; Landscape Schedule Drw No: c-1758-03 Rev A; Open Space Provision Plan Drw No: 1026-AD-018A; Proposed Site Levels Drw No: 20003 4 Rev B; Hedgerow Retention/Removal Plan Drw No: c1758-04; Drws No: 19210 – Love – 01; Love – 02; Love – 03; Guscott – 02 & 3B – 01A all received by the local planning authority on 8 June 2020.

Site Layout Plan Drw No: 19210 1000F; Materials & Fence Key Layout Drw No: 19210 1010B; Storey Height Plan Drw No: 19210 1011B; Parking Plan Drw No: 19210 1013 Rev B & Development Layout – Visibility Drw No:

T20003 SK02 Rev C all received by the local planning authority on 9 July 2020.

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

2. Prior to the occupation of 20% of the dwellings hereby approved the landscaping scheme as shown on approved Drws no. c1758-01 Rev A & c-1758-03 Rev A; shall be implemented in full to the satisfaction in writing of the local planning authority. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the local planning authority.

**Reason:** To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the Site Allocations and Development Management Policies DPD (2016).

3. No works shall take place above finished floor level of any of the dwellings hereby approved until details of the materials to be used on the external elevations of the dwellings hereby permitted have been submitted to the local planning authority for approval in writing. The scheme shall only be implemented in accordance with the approved materials.

**Reason:** To ensure that the development has a satisfactory appearance in the interests of visual amenity in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. The development hereby permitted shall not be occupied until such time as the parking and turning facilities for each dwelling have been implemented in accordance with Drw No: 19210 1000 Rev F. Thereafter the onsite parking provision shall be so maintained in perpetuity.

**Reason:** To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally in the interests of highway safety and in accordance with Policy DM17 of the SADMP (2016).

5. Any dwellings that are served by private access drives including any turning spaces shall not be occupied until such time as the private access drive that serves those dwellings has been provided in accordance with Figure DG20 of the Leicestershire Highway Design Guide. The private access drives shall be surfaced with tarmacadam or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and once provided, shall be so maintained in perpetuity.

**Reason:** To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally in the interests of highway safety and in accordance with Policy DM17 of the SADMP (2016).

6. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access

gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 5 metres of the highway boundary.

**Reason:** To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with Policy DM17 of the SADMP (2016).

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

**Reason:** In the interests of pedestrian safety and in accordance with Policy DM17 of the SADMP (2016).

8. Notwithstanding the submitted plans, any garage doors shall be set back from the footway/carriageway boundary a minimum distance of 5.5 metres for sliding or roller/shutter doors, 6.1 metres for up-and-over doors and 6.5 metres for doors opening outwards and thereafter shall be so maintained.

**Reason:** To enable a vehicle to stand clear of the highway whilst the garage/car port doors are opened/closed, to protect the free and safe passage of traffic including pedestrians in the public highway and to ensure that adequate off street parking provision is available to reduce the possibility of on street parking problems locally in accordance with Policy DM17 of the SADMP (2016).

9. The proposed finished floor level of the buildings shall be in full accordance with the details contained within approved drawing no: 20003 4 Rev B.

**Reason:** To ensure that the development has a satisfactory appearance and in the interests of visual amenity in accordance with Policy DM10 of the SADMP (2016).

10. None of the trees or hedges indicated to be retained on the Hedgerow Retention/Removal Plan (Drw No: c1758-04) shall be cut down, uprooted or destroyed, nor shall they be topped or lopped. The trees and hedgerows to be retained should be protected in accordance with details in the Tree Protection Plan Drw No: c-1758-02. If any of the trees or hedges to be retained are removed, uprooted or destroyed or dies, a replacement shall be planted at the same place and that tree or hedge shall be of such size and species, and shall be planted at such time as agreed with the local planning authority.

**Reason:** To ensure that the existing trees and hedges on the site are retained and protected in accordance with Policy DM6 of the SADMP (2016).

11. The approved boundary treatment and fencing details shall be completed in full accordance with the approved details as shown on Drw No: 19210 1010 B prior to the occupation of the 80<sup>th</sup> dwelling on the site.

**Reason:** To ensure that an adequate boundary treatment is provided to safeguard the visual amenities of the area, the amenities of the future occupiers of the dwelling and the occupiers of adjoining properties and in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

### 11.3. Notes to Applicant

1. Great Crested Newts (GCN) are protected under both English and European law. It is an offence to kill, injure, disturb or take GCNs or to damage or destroy their places of shelter, whether the animals are present or not. The development is likely to require a European Protected Species Licence from Natural England in order to proceed. The work is likely to involve exclusion of GCN from specific sections of the development area deemed to have the potential to support newts and terrestrial habitat enhancements such as habitat piles and hibernacula.
2. All species of bat are protected under both English and European law. It is an offence to kill, injure, disturb or take bats, or to damage or destroy their places of shelter (roosts), whether the animals are present or not. Licences may be issued in respect of disturbance or re-locating a roost site in some cases.
3. The approved development will 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.
4. Rainwater from the detached garage roofs should be positively drained into a suitable water butt, soakaway or domestic drainage system, and not be permitted to discharge directly onto the surface of the application site and neighbouring properties.
5. Severn Trent Water advise that although the statutory sewer records do not show any public sewers within the area, there may be sewers that have been recently adopted under The Transfer of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and the applicant is advised to contact Severn Trent Water to discuss the proposal. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the buildings.
6. Planning permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
7. To erect temporary directional signage you must seek prior approval from the local Highway Authority in the first instance (telephone 0116 305 0001).
8. A Public Right of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highway Act 1980.
9. All proposed off site highway works and internal road layouts shall be designed in accordance with Leicestershire County Council's latest design guidance, as local Highway Authority. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>.