

**Planning Committee 8 September 2020
Report of the Planning Manager**

Planning Ref: 20/00444/FUL

Applicant: c/o agent

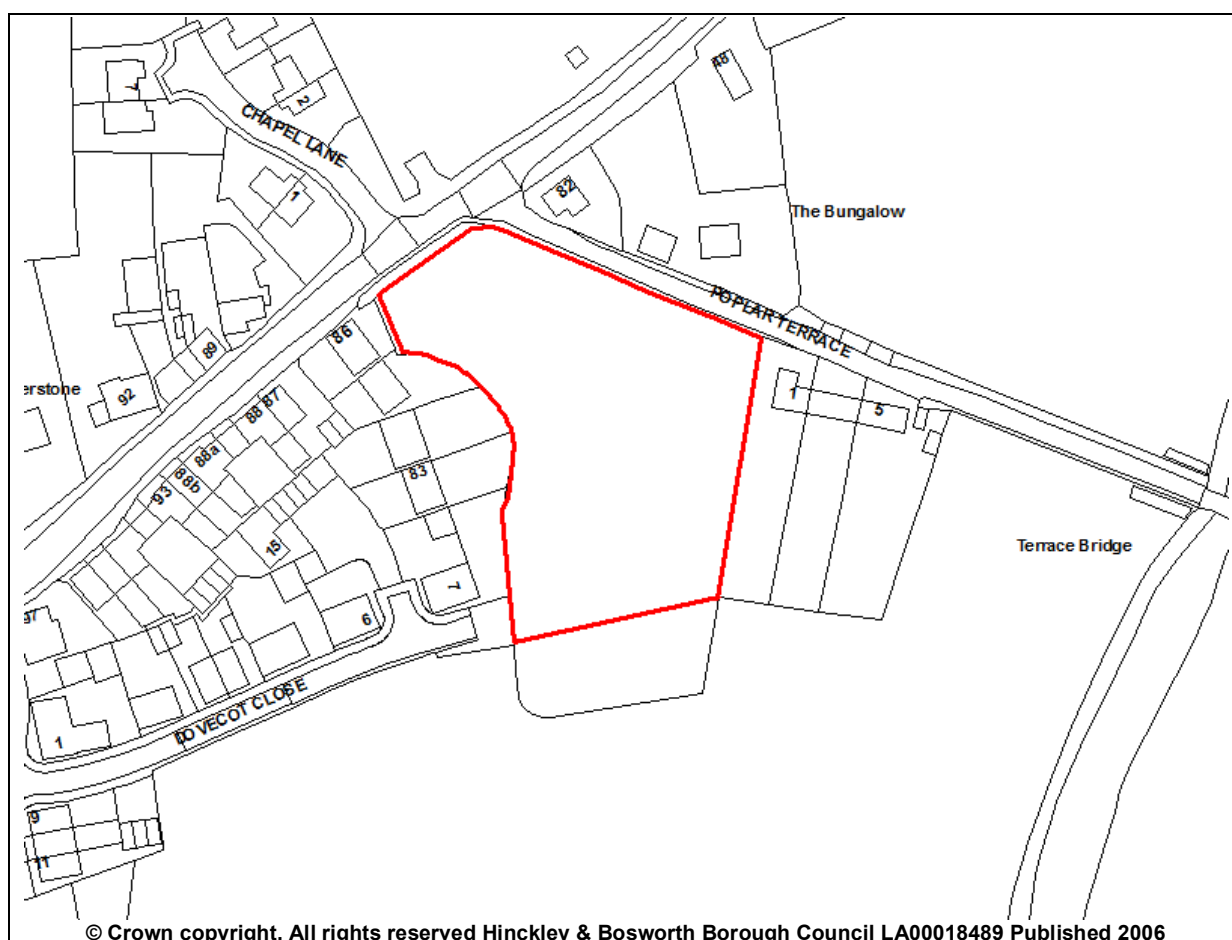
Ward: Cadeby Carlton M Bosworth & Shackerstone



**Hinckley & Bosworth
Borough Council**

Site: Land South Of Poplar Terrace Congerstone

Proposal: Erection of five dwellings (2 x 3no bed and 3 x 5no bed) with public open space provision, landscaping and associated infrastructure and access from Dovecot Close



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

2. Planning Application Description

- 2.1.** This application seeks planning permission for the erection of 5 dwellings comprising 3 x detached dwellings and a pair of semi-detached dwellings and includes an area of on-site open space. Vehicular access to the dwellings would be from Dovecot Close.

3. Description of the Site and Surrounding Area

- 3.1. The application site is located outside and adjacent to the settlement boundary of Congerstone on the eastern side of the village. The site is bound to the west by a modern residential development with four dwellings fronting onto the application site. To the north and east of the site are some dispersed residential units fronting Barton Lane, Barton Road and Poplar Terrace with agricultural land surrounding. To the south of the site are agricultural fields.
- 3.2. Beyond the dwellings to the east of the site is the Ashby de la Zouch canal which is designated as a conservation area. The Congerstone conservation area is located to the west of the application site.
- 3.3. The site comprises a parcel of land which is overgrown. The site is bounded by a substantial hedgerow along Barton Road and Poplar Terrace which is identified within the ecology surveying of the site as a Potential Local Wildlife Site. The remaining boundary treatments comprise timber post and rail fencing and low hedgerow.

4. Relevant Planning History

15/00207/FUL

- Erection of 10 dwellings with public open space provision, landscaping and associated infrastructure
- Refuse
- 03.07.2015

16/00610/FUL

- Erection of 10 dwellings with public open space provision, landscaping and associated infrastructure (revised scheme)
- Refuse
- 25.11.2016

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. There have been 12 third party representations from 9 different addresses. There are 11 objections and one of support. The objections are as follows:
- 1) Proposed access from Dovecot Close is very narrow and children play in it
 - 2) Site is outside village boundary and is a greenfield site in open countryside
 - 3) Rare natural habitat and feeding ground for bats, badgers and newts
 - 4) Congerstone has fulfilled its housing allocations
 - 5) The application does not incorporate any locally distinctive features
 - 6) There is insufficient parking for local residents already
 - 7) Visibility issues from Barton Road into Dovecot Close which will be made worse by the development
 - 8) Loss or privacy to adjacent properties from first floor windows of the new dwellings
 - 9) Concerns regarding the hedge and its potential for reduction in height causing loss of privacy
 - 10) Concern that if the application is approved there will be subsequent applications for more housing within the site
 - 11) The site is overgrown and should be maintained by the current owner

- 12) Parts of the land adjacent to the proposed access have been maintained by local residents and children play there
- 13) The local school is already over subscribed and the development will place additional pressure on the current situation
- 14) Concerns over LPG gas supply which if the developer is to utilise the below tanks in Barton Road this will limit the supply to the remainder of the Barton Gate properties and will increase refill visits which damage the footpath in front of no's 83-86 Barton Road
- 15) Light pollution from additional street lights and from the houses which may impact on no's 83-86 Barton Road
- 16) Dirt and dust will have a great impact on neighbouring properties and roads – the developer should pay for window cleaning and road cleaning for properties that are affected whilst construction work is carried out

6. Consultation

6.1. The following consultees have no objections, some subject to conditions, to the proposal:

- LCC Ecology
- LCC Highways
- LCC Archaeology
- LCC Drainage
- LCC Minerals
- HBBC Conservation
- HBBC Waste
- HBBC Environmental Services (Pollution)
- Canals and River Trust;
- Inland Waterways Association

6.2 Shackerstone Parish Council have made no representations

7. Policy

7.1. Core Strategy (2009)

- Policy 12: Rural Villages
- Policy 14: Rural Areas: Transport
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 19: Green Space and Play Provision
- Policy 20: Green Infrastructure

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

- DM1: Presumption in Favour of Sustainable Development
- DM3: Infrastructure and Delivery
- DM4: Safeguarding the Countryside and Settlement Separation
- DM6: Enhancement of Biodiversity and Geological Interest
- DM7: Preventing Pollution and Flooding
- DM10: Development and Design
- DM11: Protecting and Enhancing the Historic Environment
- DM12: Heritage Assets
- DM17: Highways and Transportation
- DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2019)
- Planning Practice Guidance (PPG)

7.4. Other relevant guidance

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

8. **Appraisal**

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Drainage

Assessment against strategic planning policies

8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 2 of the NPPF also identifies that the NPPF is a material planning consideration in planning decisions. Paragraph 12 of the NPPF states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where planning applications conflict with an up-to-date plan, development permission should not usually be granted unless other material considerations indicate otherwise.

8.3. The current development plan consists of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016). The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough. Congerstone is identified as a rural Village within Policy 12 of the Core Strategy. Rural villages are identified as having limited services, the policy focuses of limited development to support existing services. Policy 12 supports housing development within settlement boundaries and allocates a minimum of 10 new homes in Congerstone.

8.4. Since the adoption of the Site Allocations and Development Management Policies (2016) DPD which allocated sites in Congerstone in accordance with the Core Strategy only CON03PP has been delivered, providing 6 dwellings, no other allocations have come forward. However since the adoption of the Core Strategy, Congerstone has delivered an additional 4 dwellings and has therefore met its minimum housing need for the current plan period.

8.5. Using the standard method as outlined by MHCLG, Hinckley and Bosworth Borough is able to demonstrate five years of deliverable housing at 1st April 2020. However, due to the change in the housing figures required for the borough since the adoption of the Core Strategy, paragraph 11d of the NPPF is triggered, whereby permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

- 8.6. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. This is weighed in the balance of the merits of the application when considered with the policies in the Site Allocations and Development Policies DPD and the Core Strategy which are attributed significant weight as they are consistent with the Framework. Therefore, sustainable development should be approved unless other material considerations indicate otherwise.
- 8.7. This site lies outside of the settlement boundary of Congerstone and is identified as countryside on the Borough Wide Policies Map and therefore policy DM4 should be applied. Policy DM4 of the adopted SADMP seeks to protect the intrinsic value, beauty and open character and landscape character through safeguarding the countryside from unsustainable development.
- 8.8. Policy DM4 states that the countryside will first and foremost be safeguarded from unsustainable development. Development in the countryside will be considered sustainable where:
- a) It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
 - b) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
 - c) It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
 - d) It relates to the provision of stand-alone renewable energy developments in line with policy DM2: Renewable Energy and Low Carbon Development; or
 - e) It relates to the provision of accommodation for a rural worker in line with Policy DM5: Enabling Rural Worker Accommodation.
- and:
- i) It does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and
 - ii) It does not undermine the physical and perceived separation and open character between settlements; and
 - iii) It does not create or exacerbate ribbon development;
- 8.9. The site does not fall under any of the categories identified in DM4 as sustainable development and so there is a clear conflict between the proposed development and the policy. This proposal will need to be carefully weighed in the planning balance along with the detailed assessment of the other relevant planning considerations in this case.

Design and impact upon the character of the conservation area

- 8.10. 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 a conservation area.
- 8.11. Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraph 193 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.

- 8.12. Policies DM11 and DM12 of the Site Allocations and Development Management Policies (SADMP) DPD seek to protect and enhance the historic environment. Development proposals should ensure the significance of a conservation area is preserved and enhanced.
- 8.13. The Ashby Canal Conservation Area is located approximately 80m east of the application site. Due to the distance between the site and the conservation it is considered that the proposal will have no impact upon the setting of this conservation area.
- 8.14. The Congerstone Conservation Area is located opposite and slightly to the north-west of the pedestrian access to the site from Barton Road. The existing mature hedgerow that bounds the site along Barton Road and Poplar Terrace is a key landscape feature that channels views along Barton Road on this eastern approach to the village core and the conservation area. The dwellings proposed are sensitively sited well away from the northern boundary of the site and the hedgerow is proposed to be retained. The design of a dwelling follows a simple cottage form, so even with the limited visibility of the development from the edge of the conservation area on Barton Road, due to their appearance it is considered the dwellings will reflect the surrounding built form. Therefore due to the siting and design of the dwellings and the retention of the boundary hedgerow it is considered that the proposal will preserve the significance of the Congerstone Conservation Area, by virtue of it being an appropriate development located within the setting of this designated heritage asset.
- 8.15. For the above the reasons the proposed development is considered to be in accordance with Policies DM11 and DM12 of the SADMP and Section 16 of the NPPF.

Design and impact upon the character of the area

- 8.16. The site is located within the countryside and therefore Policy DM4 of the SADMP should be considered. The policy states that 'to protect its intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development.' Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. The Good Design Guide SPD sets out the overarching principles of design for all new development within the Borough.
- 8.17. The Landscape Character Assessment (2017) gives detailed information on each character area. Congerstone falls within Landscape Character Area i: Gopsall Parkland. The LCA lists the key characteristics and the key sensitivities and values that apply to this area of the borough. The LCA also highlights recommended landscape strategies for new developments to consider within their proposals, as below:
- 1) Encourage the use of traditional 'Midlands style' hedge laying to manage hedgerows, improving their structure and biodiversity value and strengthening landscape character.
 - 2) Conserve areas of rural character, tranquillity and dark night skies.
 - 3) Respect and enhance the strong character of the villages, ensuring new development complements existing context with regards to scale, form, materials and boundary features.
 - 4) Maintain and enhance the recreational assets including rights of way network and canal. Maintain positive management of the Ashby Canal and seek opportunities to extend and enhance areas of wetland habitat.
 - 5) Protect and enhance views to key landmarks such as churches and buildings.

- 6) Opportunity for future restoration and reinforcement of the parkland landscape
 - 7) Promote the cultural associations with Handel and the Gopsall estate for example through promoted walks and in combination with landscape restoration.
 - 8) Retain existing woodland and promote further woodland planting to reinforce the historic pattern.
- 8.18. The proposal, outside of the settlement boundary although resulting in the loss of an area of countryside which extends as a green finger between the urbanised area and rural setting of the village this localised harm would not undermine the physical and perceived separation and open character between settlements nor create or exacerbate ribbon development.
- 8.19. The development although extending the built form along Barton Road would not front the road but be separated by the existing hedgerow. The hedgerow is an important rural feature of the eastern edge of the village and although it is proposed for a 2 metre gap to be created to allow for a pedestrian access, the hedgerow would be enhanced to both strengthen and fill existing gaps to complement this important boundary and further minimise any potential visual impact of the site. An area of open space between the dwellings and Barton Road is also to be provided and supplementary wildflower planting is also proposed along the western boundary fronting the existing dwellings 83-86 Barton Road. The proposed enhancements to the hedge and the site in general are considered to improve the biodiversity value of the site and will make a positive addition to the landscape character.
- 8.20. In terms of design, the proposed dwellings reflect varying designs and styles in the surrounding area with materials proposed that would be sympathetic to the existing vernacular. The SPD provides guidance on acceptable standards for garden sizes. It prescribes a minimum garden depth of 7m; 80 sqm for three bedroom houses; 60sqm for a two bedroom house. Across the site, each plot either exceeds or meet the guidance.
- 8.21. The dwellings are proposed in an 'open-plan' setting accessed from the private drive leading from Dovecot Close. Post and rail fencing along the southern boundary similar to that in situ alongside the southern boundary of Dovecot Close will ensure that when viewed from the south of the village the site would not appear enclosed or cut off from the surrounding countryside setting.
- 8.22. In terms of its impact on its setting, the proposal is considered to be in-keeping with its surroundings in scale, design and materials with landscaping and improvements to the benefit of the surroundings and is acceptable under Policy DM10 of the SADMP and the principles of good design within the SPD.
- Impact upon residential amenity
- 8.23. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy or amenity of nearby residents and occupiers of adjacent buildings and the amenity of the occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.
- 8.24. Although there have been some concerns raised in relation to the impact the new dwellings may have on existing residential amenity in regard to distances between the new dwellings and existing, the SPD sets out that ensuring adequate space between and around buildings is recognised as a core component of residential amenity. For example habitable rooms within rear elevations of neighbouring properties should never be less than 21m apart. A habitable room within a rear

elevation should ideally not be less than 8m from the blank side of a single storey neighbouring property, rising to 12m for a two storey property, and 15m for a three storey property. Across the proposed site the layout accords with the above standards, and it is therefore considered that the proposed layout provides adequate levels of amenity for future occupiers and protects residential amenity for existing surrounding residential properties. .

- 8.25. Therefore the proposal is considered to be in accordance with Policy DM10 as the amenity of neighbouring occupiers of the proposed development and potential future residents would not be adversely affected.

Impact upon highway safety

- 8.26. Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision to serve the development proposed. Policy 109 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe.
- 8.27. Vehicular access to the site is proposed via the turning head at Dovecot Close to the south-west of the site with a pedestrian footpath leading from Barton Road through the area of open space connecting with the private driveway.
- 8.28. Dovecot Close is an unclassified road subject to a 30mph speed limit. Although there have been concerns raised by residents relating to the narrowness of the road, the applicant has provided a swept path diagram which demonstrates how vehicles including larger service vehicles are able to access the site via Dovecot Close without hindrance. Although no pedestrian or vehicular visibility has been demonstrated on any submitted drawings the LCC Highways have noted the specific site location and are satisfied that sufficient forward visibility can be achieved at the site.
- 8.29. LCC Highways have confirmed that the design and location of both the vehicular and the pedestrian access is acceptable and is in accordance with the Leicestershire Highways Design Guide.
- 8.30. The parking spaces, the internal measurements of the double garages and the number of parking spaces per plot satisfy the requirements as detailed within part 3 of the Leicestershire Highways Design Guide.
- 8.31. Overall, the proposal accords with Policies DM17 and DM18 of the SADMP and paragraph 109 of the NPPF in regard to all highway matters.

Drainage, land contamination and light pollution

- 8.32. Policy DM7 of the adopted SADMP seeks to prevent development from resulting in adverse impacts on flooding by ensuring that development does not create or exacerbate flooding by being located away from areas of flood risk unless adequate mitigation is provided in accordance with National Policy. Policy DM7 also relates to land contamination and also seeks appropriate remediation of contaminated land in line with minimum national standards. Light Pollution is also covered through DM7 which seeks to ensure the abatement of sky glow, glare and light intrusion.
- 8.33. A Phase 1 Site Appraisal accompanies the application which identified the site as having formed part of the Dawkins Abattoir site. The report concludes that site should be suitable for the proposed development, assuming compliance with all the

recommendations contained within this report. Environmental Health (Pollution) has been consulted and raised no objection subject to further intrusive works in accordance with the originally submitted report.

- 8.34. The Environment Agency flood maps identify the site as being located within Flood Zone 1 and at very low risk of fluvial and pluvial flooding. The County Council as local Lead Flood Authority have offered Standing Advice on the application and a condition requiring a drainage scheme for both surface and foul water is to be imposed to ensure that the proposal would not lead to or exacerbate flooding.
- 8.35. It is anticipated that the proposal would be lit by street lights in order to provide safety and security. Street lighting in such a small development is not considered to cause significant sky glow, glare or light intrusion and in this regard the proposal is not considered to cause excessive levels of light pollution.
- 8.36. Overall, it is considered that the proposed development would not exacerbate or create flooding issues subject to a suitable drainage scheme being put into place. Additionally, the site would be suitable for the proposed use should potential contamination be suitably mitigated by way of planning conditions. The proposal is not considered to cause harm through light pollution and in regard to all of the above matters it is considered to accord with Policy DM7.

Ecology and Arboriculture

- 8.37. Policy DM6 of the SADMP requires development proposals to demonstrate how they conserve and enhance features of nature conservation. If the harm cannot be prevented, adequately mitigated against or appropriate compensation measures provided, planning permission will be refused.
- 8.38. Paragraph 170 of the NPPF states that development should result in a net gain for biodiversity by including ecological enhancement measures within the proposal.
- 8.39. The presence of protected species is a material consideration in any planning decision, it is essential that the presence or otherwise of protected species, and the extent to which they are affected by proposals is established prior to planning permission being granted. Furthermore, where protected species are present and proposals may result in harm to the species or its habitat, steps should be taken to ensure the long-term protection of the species, such as through attaching appropriate planning conditions. The Ecology Appraisal confirms that the site does not fall within any statutory designation for ecological importance or any local designations. No evidence of protected species was noted on site but the hedgerows were found to be used by foraging bats. The site was generally considered to have a low potential to support protected species, other than the hedgerow and trees which have the potential to support foraging and are to be retained (other than site access). No badger sett has been identified. No amphibians including Great Crested Newts were found on the site or evidence of them using the site for foraging/nesting purposes.
- 8.40. The Ecology Appraisal has been found to be satisfactory by LCC (Ecology) subject to further clarification on matters relating to the hedgerow retention, an update on the badger survey and additional information on the wildflower grassland. The additional information provided has satisfied the Ecology unit subject to landscape management conditions and it is considered that the proposal meets the requirements of Policy DM6 of the SADMP and Paragraph 170 of the NPPF.

Other matters

- 8.41. Neighbours have raised concerns relating to other matters that have not been discussed elsewhere. The issue relating to the school already being oversubscribed

is not a planning matter that is addressed here. The development is below the threshold of 10 dwellings which would require an Education contribution secured via a Section 106 Agreement. The matter of school places is dealt with via Leicestershire County Council as the Education Authority.

- 8.42. The matter relating to the deliveries of LPG gas is not a planning matter. Any additional deliveries or damage caused by delivery vehicles would be a private matter or one dealt with through Leicestershire County Council as Highways Authority if damage is caused to the highway.
- 8.43. With regard to comments relating to dust and dirt, such issues would normally be expected during the construction phase of any development. The mitigation of such would be likely to be included within a construction management plan should levels be expected to need to be appropriately managed.
- 8.44. It is acknowledged that the site currently is overgrown but once development commences this would no longer be the case.

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 including Planning Balance

- 10.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 10.2. The NPPF is a material consideration in determining applications. Paragraph 11 of the NPPF identifies that plans and decisions should apply a presumption in favour of sustainable development, and for decision taking this means approving development proposals that accord with an up to date development plan.
- 10.3. Policy DM4 is considered to be out of date as the settlement boundary is drawn using a focus on delivery of a lower housing requirement than required by the up-to-

date figure. Notwithstanding this, this policy is afforded significant weight as it is found to be consistent with the overarching principles of the Framework.

- 10.4. The 'tilted' balance in paragraph 11(d) of the Framework applies where permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 10.5. Paragraph 8 of the NPPF states that sustainable development has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. The assessment of the three dimensions relative to this proposal are as follows:
- 10.6. Economic: The proposal would result in economic benefits through the construction of the scheme through creation of jobs and construction spends, albeit for a temporary period. Additionally the residents of the proposed development would provide ongoing support to local services although these are limited. The weight to be attributed to these benefits is limited given the small scale of the proposal.
- 10.7. Social: Weighed against the conflict with the Development Plan is the Government's commitment to significantly boosting the supply of housing through the NPPF. The proposal would result in the delivery of 5 market dwellings. These additional houses have weight in the planning balance as they would assist in addressing the current housing requirements within the borough and is a social benefit. However, the weight to be given to this is reduced given the Council's 5 year land supply position.
- 10.8. Environmental: Some environmental benefits would be provided such as additional planting through landscaping. Additionally there would be some benefit for biodiversity associated with the reinforcement of the existing hedgerow and the formation of an area of public open space.
- 10.9. Whilst there is conflict with the strategic policies of the Development Plan only localised landscape harm and limited wider harm has been identified it is considered on balance that the harm identified to the character and appearance of the countryside from new residential development would not significantly and demonstrably outweigh the identified benefits of the scheme. Therefore, the presumption in favour of sustainable development does apply in this case and material considerations do justify making a decision other than in accordance with the development plan. The application is therefore recommended for approval subject to conditions and planning obligations.
- 10.10. The proposal, subject to conditions, is in accordance with Core Strategy Policy 15, and Policies, DM1, DM6, DM7, DM10, DM17 and DM18 of the SADMP.

11. Recommendation

11.1. Grant planning permission subject to

- Planning conditions outlined at the end of this report.

11.2. Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

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

Location Plan, Drg no: EMS 2559 001D
Elevations and Floor plans House Type Pack, Drg no 2559
Received by the Local Planning Authority on 13 May 2020

Site Layout Plan, Drg no EMS-2559-008 rev H1
Swept Path Diagram, Drg no ADC-2224-FR-052-P1
Received by the local Planning Authority on 24 June 2020

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

3. No development above foundation level shall commence on site until representative samples of the types and colours of materials to be used on the external elevations of the dwellings hereby permitted have been deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

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

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

The plan will provide a procedure for the investigation of complaints. The agreed details shall be implemented throughout the course of the development.

Reason: To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted in writing to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted in writing to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the first dwelling being occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

7. No development above slab level shall take place until a scheme of hard and soft landscaping works for the site, including details of boundary treatments, wildflower grassland area, and an implementation scheme, has been submitted in writing to and approved in writing by the local planning authority. The scheme shall be carried out in full accordance with the approved landscaping scheme. 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, DM6 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

8. A landscape management plan, including long term objectives, management responsibilities and maintenance schedules for all landscape areas, including the retention and height maintenance of the hedges fronting Barton Road and Poplar Terrace, other than small privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as per the approved details.

Reason: To ensure that the work is carried out within a reasonable period and thereafter maintained in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

9. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Pegasus Design drawing number EMS-2559-008 Rev H received by the Local Planning Authority on 24 June 2020 have been implemented in full.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with Policy DM17 of the adopted

Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

10. The development hereby permitted shall not be occupied until such time as car parking provision (with turning facilities) has been provided and hard surfaced in accordance with implemented in accordance with Pegasus Design drawing number EMS-2559-008 Rev H received by the Local Planning Authority on 24 June 2020. Thereafter the onsite parking and turning 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 (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with Policy DM17 and DM18 of the adopted Site Allocations and Development Management Policies DPD (2016) Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

11. The development hereby permitted shall not be occupied until such time as the access drive (and any turning space) has been 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 reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

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

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

13. Prior to the commencement of development full details for the provision of electronic communications infrastructure to serve the development, including full fibre broadband connections, shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and the infrastructure fully available prior to the occupation of each dwelling/unit on the site.

Reason: To ensure the provision of a high quality and reliable communications infrastructure network to serve the development to accord with paragraph 112 of the National Planning Policy Framework (2019).

14. No development shall commence until drainage details for the disposal of surface water and foul sewage have been submitted in writing to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

15. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A-C 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 enlargement, improvement or other alteration to the dwelling shall be carried out unless planning permission for such development has been granted by the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring properties in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11.3. Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. In relation to conditions 5 and 6 advice from Health and Environment Services can be viewed via the following web address:- https://www.hinckley-bosworth.gov.uk/info/200075/pollution/177/contaminated_land site which includes the Borough Council's policy on the investigation of land contamination. Any scheme submitted shall be in accordance with this policy.
3. The applicant is advised that owls and bats are protected species under the Wildlife and Countryside Act 1981 and should work proceed and any of the above species be discovered, the applicant should contact Natural England immediately.
4. This site may be an established habitat for badgers who are protected by the Protection of Badgers Act 1992 under which any deliberate action resulting in the disturbance or destruction of their place of shelter is illegal. If this species is found on this site you should contact English Nature: Telephone 01476 68431.
5. 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.
6. The proposed road layout does not conform to an acceptable standard for adoption and therefore it will not be considered for adoption and future maintenance by the Local Highway Authority. The Local Highway Authority will, however, serve Advance Payment Codes in respect of all plots served by (all) the private road(s) within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the Advanced Payment Code may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details please email road.adoptions@leics.gov.uk. Signs should be

erected within the site at the access advising people that the road is a private road with no highway rights over it.