

**Planning Committee 20 July 2021
Report of the Planning Manager**

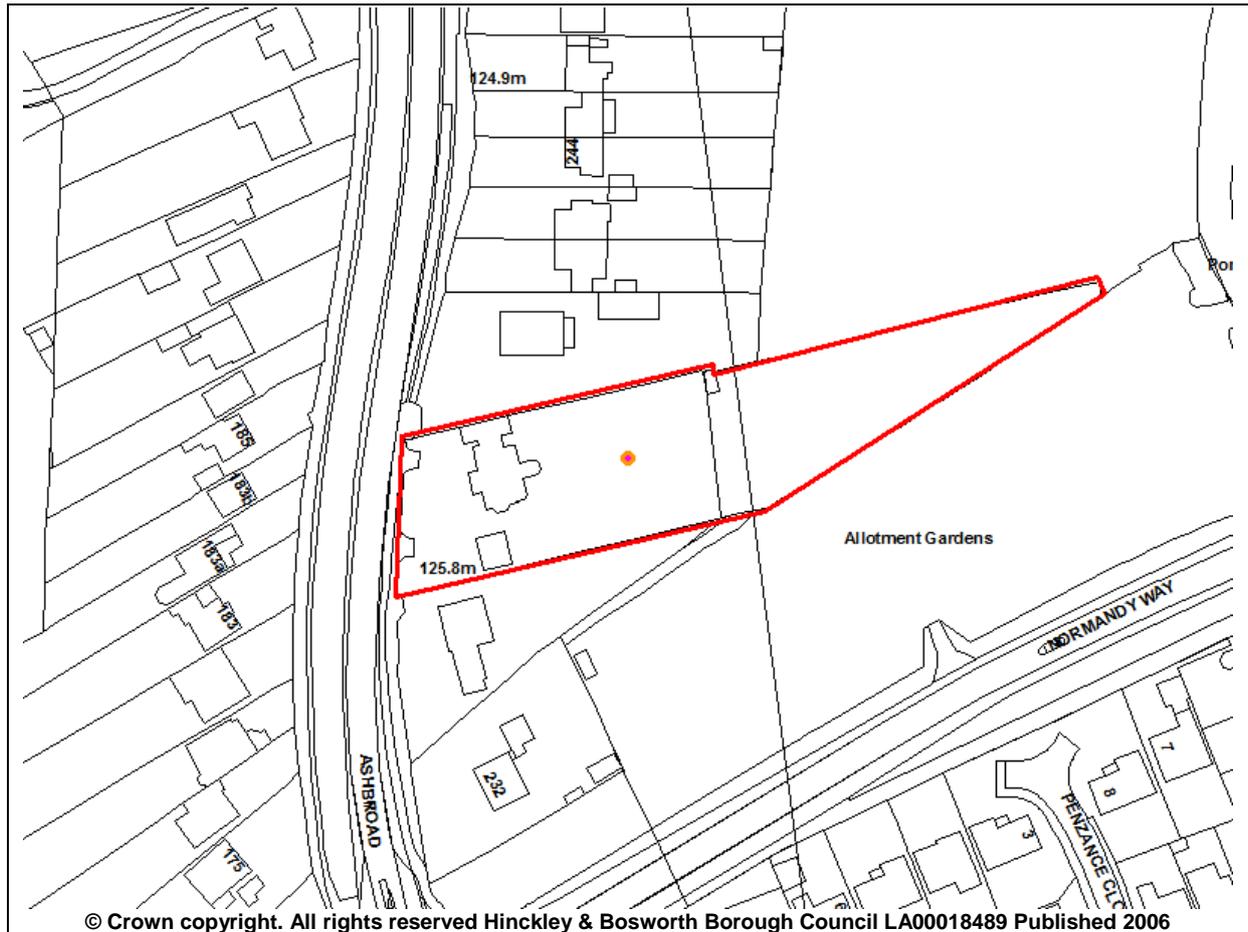
**Planning Ref: 21/00130/FUL
Applicant: Mr and Mrs Chris and Mandy Wright
Ward: Hinckley DeMontfort**



**Hinckley & Bosworth
Borough Council**

Site: The Acorns 236 Ashby Road Hinckley

Proposal: Erection of two dwellings



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report
- That the Planning Manager be given powers to determine the final detail of planning conditions.

2. Planning application description

- 2.1. The application proposes the erection of two detached dwellings to the rear of number 236 Ashby Road which has a large established rear garden. The dwellings would be sited in the area of an existing tennis court. Vehicular access would be via a shared driveway from an existing access onto Ashby Road, running to the south side of the existing dwelling which will necessitate the demolition of its garage.

- 2.2. The two dwellings are proposed as one and a half storey, having two bedrooms within the roofspace and a ground floor study, as well as an integral single garage and two parking spaces each. Proposed materials are rendered walls and clay tile roof to match the existing dwelling. The height of each dwelling is approximately 7.4m. The dwellings have dormer windows facing the rear gardens and rooflights at the front.
- 2.3. A replacement single garage for the existing dwelling is also proposed, accessed from the shared drive, together with turning for all three properties. The existing rear lawn area is retained for number 236 and new tree planting would take place between the rear boundary of number 236 and the front of the two new dwellings. The remaining rear garden and much of the mature landscaping is retained for the use of the new properties.
- 2.4. The shared vehicular access onto Ashby Road provides visibility of 2.4m x 73m. A shared waste collection point is provided adjacent to the highway.
- 2.5. The application is supported by a Planning Statement, Design and Access Statement, Ecology Report and Arboricultural Report.

3. Description of the site and surrounding area

- 3.1. The Acorns is a large 20th century detached dwelling with extensive mature gardens well screened from its surroundings. It is located on the A447 Ashby Road, close to the junction with the A47 Normandy Way and currently has a double 'in/out' access onto Ashby Road. There are neighbouring dwellings to each side backing onto open countryside (no 238) and allotments (no 234). The furthest part of the rear garden of The Acorns also abuts the allotment gardens on Normandy Way to the south and the open countryside to the north which forms part of the Hinckley, Barwell, Earl Shilton and Burbage Green Wedge. The boundary of the Green Wedge bisects the rear garden of The Acorns approximately half way between the house and the end of the garden in an area where there is currently a tennis court and a shed.
- 3.2. This part of Ashby Road is characterised by similar dwellings in spacious plots which front directly onto Ashby Road.

4. Relevant planning history

96/00427/COU

- Change of use to nursery
Permitted
24.07.1996

97/00697/CONDIT

- Continued use of premises without compliance with conditions 1 and 2 of consent 96/00427/cou (permanent consent and increase in number of children)
Permitted
18.09.1997

75/01704/4M

- Extension to dwelling granny flat
Permitted
30.12.1975

74/01103/4M

- Extension to garage
Permitted
26.11.1974

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. Objections have been received from nine properties and a further letter from Andrew Granger & co on behalf of one of the nine respondents. Objections can be summarised as follows:

- 1) Adverse impact on the character and appearance of the area
- 2) Inappropriate Backland Development
- 3) Part of site is a Green Wedge / Open Countryside and should be protected
- 4) Encroachment into buffer between buildings and Green Wedge
- 5) Not in keeping with development on Ashby Road
- 6) Lack of sustainable design and technology measures
- 7) Loss of trees / hedge
- 8) Close boarded fencing is inappropriate in the Green Wedge
- 9) Highway safety
- 10) Make parking issues in the area worse
- 11) Lack of parking
- 12) Increased traffic
- 13) Increased air pollution and odour
- 14) Light pollution
- 15) Overbearing impact on 238
- 16) Proximity to the bus stop / moving bus stop is unnecessary
- 17) Lack of drainage capacity and flooding issues
- 18) Loss of wildlife
- 19) Sets a precedent for further development in the Green Wedge
- 20) Adverse impacts are outweighed by the benefits
- 21) Loss of view and devaluation of property (not planning issues)

6. Consultation

6.1. No objections from:

- LCC Archaeology
- LCC Ecology
- HBBC Drainage
- HBBC Environmental Services
- HBBC Waste Services

6.2. No objections subject to conditions from:

- LCC Highways

6.3. No response from

- LCC Minerals

7. Policy

7.1 Core Strategy (2009)

- Policy 1: Development in Hinckley
- Policy 6: Hinckley, Barwell, Earl Shilton and Burbage Green Wedge
- Policy 20: Green Infrastructure

7.2 Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design

- Policy DM17: Highways and Transportation
- Policy 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
- Biodiversity and trees
- Drainage and pollution
- Planning balance

Assessment against strategic planning policies

- 8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) (2019) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms 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.
- 8.3 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. 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 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. Hinckley is identified as a sub-regional centre in Policy 1 of the Core Strategy with a minimum housing allocation of 1120 dwellings.
- 8.5 On 25th March 2021, ONS published the latest median house price to median gross annual workplace based earnings ratios used in step 2 of the standard method for calculating local housing need as set out in paragraph 2a-004 of the PPG. The application of the new ratio means that the local housing need for Hinckley and Bosworth is now 450 dwellings per annum (rather than 452 dwellings per annum using the previous ratio). In addition to this in May 2021 the Sketchley Lane appeal decision (APP/K2420/W/20/3260227) and Wykin Lane appeal decision (APP/K2420/W/20/3262295) both discounted some large sites included within the trajectory. Therefore, the Council can demonstrate a 4.44 year housing land supply.
- 8.6 The Core Strategy plans for a minimum requirement of 9,000 dwellings over a 20 year period between 2006-2026, this equates to 450 dwellings per annum. This

figure was derived from the East Midlands Regional Plan and was considered the 'end point' for housing need requirements for that period. The Site Allocations and Development Management Policies DPD is also based upon these requirements in terms of the allocations it makes and the settlement boundaries it fixes. The Standard Methodology set by government currently identifies a requirement for Hinckley and Bosworth Borough Council of 450 dwellings per annum. Whilst the figure is the same as the Core Strategy requirement, it is the 'starting point' for the need; the 'end point' has not yet been assessed and the allocations to meet it / the new settlement boundaries will not be confirmed until the publication of the new Local Plan. The new Local Plan period will cover 2020-2039.

- 8.7 Therefore, the housing policies are considered to be out-of-date and paragraph 11(d) of the NPPF is triggered and 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. This is a material consideration to weigh in the context of the statutory requirement to determine applications and appeals in accordance with the Development Plan unless considerations indicate otherwise. The tilted balance of Paragraph 11(d) (ii) of the NPPF is engaged, irrespective of the housing land supply figure, which is a product of the age of the plan and the out-of-date evidence base it relies upon.
- 8.8 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.
- 8.9 The application site falls partially within the Green Wedge where Policy 6 of the Core Strategy is relevant. However, in this instance due to the proposed layout, built development is contained to areas outside of the green wedge allocation. The land contained within the green wedge is currently garden land and there will be no change to this as a result of the development. Whilst impact upon the character of the area is discussed later in the report, as a matter of principle there would be no loss of function of the Green Wedge in accordance with Policy 6 of the Core Strategy.
- 8.10 Hinckley is a sustainable location for new housing and so, subject to acceptable design and there being no adverse impacts that would outweigh the benefits of providing new housing to meet the housing supply requirement of the district, then the application can be supported in principle in accordance with Policy DM1 of the SADMP. Design and impact upon the character of the area
- 8.11 Policy DM10 of the SADMP indicates that development will be permitted providing it meets good standards of design including that it would complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and would not have a significant adverse effect on the privacy and amenity of nearby residents.
- 8.12 Policy DM4 states that to protect the intrinsic value, beauty, open character and landscape character, the countryside will be safeguarded from unsustainable development. Sustainable development should not undermine the physical and perceived separation and open character between settlements.
- 8.13 The eastern part of the application site is outside the settlement boundary and within the Hinckley, Barwell, Earl Shilton and Burbage Green Wedge as defined in Policy 6 of the Core Strategy. The boundary of the Green Wedge bisects the rear garden of The Acorns but the garden beyond the settlement boundary is significantly different in character to the open agricultural land to the north or the

allotments to the south, being rather a continuation of the residential garden associated with The Acorns. There is no appreciable difference between the character of this part of the garden and the area closer to the house / outside the Green Wedge. The garden is also heavily landscaped and screened from the surrounding agricultural land and the allotments.

- 8.14 Notwithstanding the fact that part of the site is within the Green Wedge, there is no built development proposed by the application within the Green Wedge and beyond the settlement boundary. It would remain residential garden as it is now and the mature landscaping in this area does not require removal. There would be no change of use. For this reason it is considered that there is no loss of function of the Green Wedge and the visual appearance of the area would be retained in accordance with the requirements of Policy 6 of the Core Strategy. The development would not result in harm to the countryside potentially identified by Policy DM4 of the SADMP, as the absence of built development or a change of use would not undermine the physical and perceived separation or open character between settlements.
- 8.15 A condition removing householder permitted development rights is proposed in respect of the residential curtilage of the two new dwellings in order to control future ancillary development upon the Green Wedge and open countryside.
- 8.16 The proposed development sits in a Backland location behind the existing dwelling at number 236 Ashby Road. Whilst this is not characteristic of the area it is not unacceptable in principle but should be considered in terms of its relationship to the existing built form and its visual impact on the locality. The Good Design Guide Supplementary Planning Guidance states that some sites may be able to accommodate Backland Development whereas others will not.
- 8.17 In terms of the visual impact on the character of the area, there is no rigid building line on this side of Ashby Road. Number 238 and the dwellings to the north are set back further from the road than The Acorns and number 234 is set closer to the road. Number 238 has a large outbuilding which is in a comparable location to the proposed dwellings. In terms of the pattern of development the proposal would not be incongruous with the existing built form. By virtue of its location some distance from Ashby Road to the rear of the existing house and the presence of extensive mature landscaping, there is very little visual impact on the surrounding area and no demonstrable visual harm to the public realm. The dwellings have ample amenity space and parking space. The development would not appear cramped in its context. The access currently exists and the loss of the garage would not have an adverse impact on the character of the street scene. Therefore in this instance it is considered that a backland development is acceptable and in accordance with the Good Design Guide advice.
- 8.18 The detailed design and materials of the new dwellings are acceptable and in keeping with the existing dwelling. The scale of the dwellings is modest and not dissimilar to other dwellings in the locality, which has a mixed architectural character. Conditions are proposed relating to materials, levels, electric vehicle charging points and the provision of waste collection facilities. The retention of trees and additional tree planting is also secured by condition.
- 8.19 The introduction of fencing within the area of the garden beyond the Green Wedge would not have a significant visual impact outside the site and could currently be carried out under householder permitted development in respect of fences up to 2m high. Householder Permitted Development rights are proposed to be removed from the new properties in order to retain greater control over future development in this area. The granting of permission would not set a precedent for further development as each application would need to be considered on its merits.

8.20 To summarise, the proposed development is considered to meet acceptable standards of design that are proportionate to the scale of the development and would complement the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features in accordance with Policy DM10 of the SADMP. It also complies with the advice within the Good Design Guide.

Impact upon neighbouring residential amenity

8.21 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 occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.

8.22 The Good Design Guide states that proposals will need to demonstrate that it will not result in a loss of amenity to neighbouring properties by way of overlooking overshadowing or noise and that proposals should not lead to an over intensification of the land. The Guide recommends a distance of 21m between facing habitable rooms or 8-12m where there are no facing windows. In this instance the front of the proposed dwellings are at least 22m from the rear of the existing dwelling The Acorns. They are also around 20m from the closest neighbour at 238 and offset.

8.23 The dwelling at 238 Ashby Road is set off the common boundary which would be fenced with a 1.8m high close boarded fence. The closest part of the new development to this dwelling is the new garage serving The Acorns, which is single storey and some 3.5m from the boundary fence. Therefore by virtue of this distance and relationship there would be no overbearing impact on neighbouring residential amenity. The new dwelling on plot 2, being one and a half storeys is further to the east and is also set off the boundary. There are no side windows proposed at first floor level which would directly overlook the private area to the rear of number 238 and no first floor windows on the front elevation. The rooflights on the front elevation serve an en-suite and would not result in any loss of privacy. The rear dormer windows overlook the gardens of the new dwellings and the countryside beyond. There would be no direct views of any private amenity space associated with either of the neighbouring dwellings. The new dwellings have a satisfactory relationship to the existing dwelling at The Acorns as discussed in paragraph 7.22.

8.24 The extension of the driveway between the existing dwelling and number 234, together with the new access and parking areas at the rear of The Acorns would have some impact on both number 234 and 238 Ashby Road in terms of noise, light pollution and air quality as a result of vehicle movements accessing the three properties. However, no change of use is proposed which would be incompatible with a residential area. In addition, the scale of the development is such that any impacts would be intermittent and not of a significance that would justify a refusal of permission on grounds of a loss of amenity on this point alone.

8.25 The loss of a specific view is not a Planning consideration. In this instance the scale of the development and its relationship to the existing dwellings is not considered to be significantly detrimental to their residential amenity. The application therefore complies with Policy DM10 of the SADMP.

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. Paragraph 109 of the Framework 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 The existing dwelling and the proposed new dwellings are accessed from the A447 Ashby Road, close to its junction with the A47 Normandy Way. Ashby Road is subject to a 40mph speed limit and the proposal represents an intensification of the existing access. The proposal shows a 4.25m wide shared access drive for the first five metres and pedestrian visibility which the Local Highway Authority (LHA) confirms is in compliance with the Leicestershire Highways Design Guide.
- 8.28 The highway authority advise that there have been five Personal Injury Collisions (PICs) along Ashby Road between its junction with the A47 and its junction with Hinckley and Bosworth Community Hospital. Of these, four were recorded as slight while one was serious. Taking into account the scale and characteristics of the proposal, the LHA considers it would not be possible to demonstrate that the proposed development would exacerbate an existing road safety situation.
- 8.29 Amended plans have been submitted at the request of the LHA to demonstrate satisfactory inter-vehicle visibility at the access. The LHA have confirmed that the amended plan received on 27th April is satisfactory and they therefore have no further objections to the proposal subject to conditions. Conditions requested by the LHA will be confirmed by an update to the committee. These are likely to cover access width, surfacing, gates and parking provision prior to occupation of the new dwellings.
- 8.30 The LHA have indicated that the relocation of the bus stop as indicated on Drawing 1882-SP-007B is not necessary and as such will not be part of any licence agreement with the developers.
- 8.31 The proposal provides replacement garaging for number 236 and there is also a large drive to the front of the property. The new dwellings have two parking spaces plus a garage each which exceeds the requirements of the Leicestershire Highways Design Guide for 2/3 bedroomed dwellings. Turning is also provided within the site which will enable vehicles to exit onto Ashby Road in a forwards gear.
- 8.32 In accordance with the advice of the Highway Authority it is considered that there is insufficient justification to refuse the application on grounds of highway safety or lack of parking. The proposed development is acceptable subject to conditions and complies with Policies DM17 and DM 18 of the SADMP.

Impact on Biodiversity and Trees

- 8.33 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.
- 8.34 An arboricultural report has been submitted with the application which indicates a total of 22 trees and 15 groups of trees were surveyed on the property. Of these, the development proposes the removal of 8 trees and six groups. The majority of the trees on the site are category C trees (low value) and 7 are category B trees (moderate value). None are category A trees and the site is not subject to a Tree Preservation Order or within a Conservation Area. The proposed removal is in respect of low quality trees with very limited visibility from beyond the site boundaries and only one category B tree. This is a weeping willow which is immediately to the rear of proposed dwelling 1.
- 8.35 A tree root protection system is proposed as part of the new access which will ensure good water infiltration and reduce soil compaction for trees and landscaping

along the boundary. Although some trees would be removed in this area to facilitate access, only one category B tree is located in this area (eucalyptus) which is within the adjacent garden of number 234 Ashby Road. This tree is retained and the root protection system will safeguard its future. Conditions relating to tree protection during construction and the use of the ProtectaWeb root protection system are proposed. Four new trees are proposed between the rear of the existing dwelling and the new dwellings and a condition is also proposed to secure and maintain these new trees. It is considered that the loss of trees would not be significant in terms of the overall visual amenity of the landscaping on the site and the benefits to the natural environment.

8.36 The application is also accompanied by an Ecology Impact Assessment which concludes that there is a low likelihood of the development impacting upon protected species or their habitats. The new dwellings are located on the tennis court which is hard surfaced and has limited potential for wildlife. The report advises that there is no evidence of bat roosting within the site and the predominance of non-native species means that foraging opportunities are also quite limited. The two ponds in the area have a below average suitability for Great Crested Newts. However, there is bird nesting and foraging potential and the report recommends that biodiversity enhancements can be secured by additional planting and the provision of bird / bat boxes. The County Ecologist has no objections to the application subject to advising that the recommendations in the report should be followed. An informative is to be added to the decision to this effect.

8.37 The application would not significantly adversely impact features of nature conservation and together with mitigation measures secured through conditions, safeguards the natural environment in accordance with Policy DM6 of the SADMP.

Drainage and Pollution

8.38 Policy DM7 states that development should not create or exacerbate flooding by being located away from areas of flood risk unless adequately mitigated against. Adverse impacts from pollution and flooding will be prevented by ensuring that development proposals will not adversely impact on water quality, ecological value or drainage function, avoid obtrusive light intrusion, noise pollution and air quality.

8.39 The site is within Flood Risk zone 1 (low risk) as identified by the Environment Agency. However, the application indicates that a sustainable drainage system (SUDs) is proposed incorporating attenuation measures to prevent increased surface water runoff. A condition is proposed requiring technical approval of a drainage scheme prior to commencement of the development. The Council's Drainage Engineer and Environmental Services Officer has no objections to the proposal.

8.40 The development is for two fairly modest residential units in an urban residential area. There would not be a significant increase in pollution as a result of the development of two dwellings that would justify a refusal of the application. The application therefore complies with Policy DM7 of the adopted SADMP.

Planning Balance

8.41 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.

8.42 The housing policies in the adopted Core Strategy and the adopted SADMP are now considered to be out of date as they focussed on delivery of a lower housing requirement than required by the up-to-date figure. The Council also cannot

currently demonstrate a 5 year housing land supply. Therefore, the 'tilted' balance in paragraph 11(d) (ii) of the NPPF applies where the 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.

8.43 The proposal would be in conflict with Policy DM4 of the adopted SADMP as it does not support new residential development in the countryside without justification and Policy 6 of the Core Strategy identifies part of the site as being within a Green Wedge. These policies accord with the NPPF and have significant weight. However, the proposal, by virtue of its small scale, close relationship to surrounding built form, good enclosure and lack of built development or change of use within the Green Wedge result in a limited impact on the character of the wider landscape and no significant impact on the function of the Green Wedge so any conflict with the design criteria of Policy DM4 and Policy DM10 (c) of the adopted SADMP and Policy 6 of the Core Strategy is limited. Weighed against the conflict with the Development Plan is the Government's commitment to significantly boosting the supply of housing through the NPPF.

8.44 Paragraph 11 of the NPPF states that the harm identified should be significant and demonstrably outweigh the benefits of the scheme. It is therefore important to identify the benefits of the scheme. Following the three strands of sustainability the benefits are broken down into economic, social and environmental:

- The proposal would result in some economic benefits through the construction of the scheme and the future occupation of the dwellings providing ongoing support to local businesses, services and facilities.
- The proposal would result in some social benefits through the delivery of two new dwellings towards addressing the current shortfall of housing in the Borough.
- The site has been found to have relatively low biodiversity value and there are opportunities for enhancement. Some modest environmental benefits could be provided through the retention of the more valuable natural features on the site and from replacement trees and the provision of nesting and roosting opportunities.

8.45 By virtue of its small scale, close relationship to existing built form and enclosure, it is considered that the proposal would result in some economic, social and environmental benefits. Whilst some harm has been identified, it is considered that on balance, that harm does 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.

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 housing policies in the adopted Core Strategy and the adopted SADMP are out of date and the Council cannot currently demonstrate a 5 year housing land supply. Therefore, the 'tilted' balance in paragraph 11(d) of the NPPF 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. Subject to the imposition of conditions and/or mitigation measures where necessary, the proposed scheme would not result in any significant adverse impacts on the character and appearance of the area, the residential amenity of the occupiers of neighbouring properties, the amenities of the future occupiers of the development, highway safety, biodiversity, flooding, pollution, archaeology or the Green Wedge. Subject to conditions, the proposal would therefore be in accordance with Policies 6 and 20 of the Core Strategy, Policies DM4, DM6, DM7, DM10, DM17 and DM18 of the adopted SADMP and advice within the Good Design Guide adopted Supplementary Planning Document.

11. Recommendation

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

- Planning conditions outlined at the end of this report
- That the Planning Manager be given powers to determine the final detail of planning conditions.

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:

Drawings 1882-SP-001A, 1882-SP-002C, 1882-LP-003, 1882-SK-004A, 1882-SK-005A, 1882-EV-006 received 2nd February 2021

Drawing 1882-007B received 27th April 2021

Planning Statement, Design and Access Statement received 2nd February 2021

Ecology Impact Statement by Swift Ecology dated 30th September 2020

Arboricultural Impact Assessment by Wharton dated 22nd February 2021.

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. The materials to be used on the external elevations of the proposed extension and alteration shall accord with the approved plan Drawing no 1882-EV-006.

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

4. Construction work of the development, hereby permitted, shall not take place outside the hours of 07:30 hrs and 18:00 hrs on weekdays and 08:00 hrs and 13:00 hrs on Saturdays or at any time on Sundays and Bank Holidays unless other agreed in writing by the Local Planning Authority.

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. Prior to the construction of any dwelling above slab level, details of electric vehicle charging points for each new dwelling shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the occupation of any new dwelling.

Reason: To accord with Policy DM10g) of the Site Allocations and Development Management Policies DPD 2016.

6. The new dwellings shall not be occupied until the waste storage and collection facilities have been provided in accordance with Drawing 1882-SP-002C.

Reason: To ensure the bin storage on site is not detrimental to the street scene and overall design of the scheme in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

7. Development shall not begin until surface water drainage details and calculations, incorporating sustainable drainage principles (SuDS) have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the full details prior to the completion of development.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site to accord with Policy DM7 of the adopted Site Allocations and Development Management Policies DPD.

8. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A and E 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 dwellings shall be carried out or outbuildings erected in the curtilage of either new dwelling unless planning permission for such development has been granted by the Local Planning Authority.

Reason: To safeguard the rural character of the Green Wedge in accordance with Policy 6 of the adopted Core Strategy 2009.

9. No development shall take place until details of the new tree planting including 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 prior to occupation of the new dwellings. The soft landscaping scheme, including the retained trees as identified on the approved plans 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 Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

10. Before any development commences on the site, including site works of any description, a final Tree Protection Plan, Exclusion Zone and detailed method statement shall be prepared by a suitably qualified arboriculturist shall be submitted to and approved in writing by the local planning authority. The plan shall include protective barriers to form a secure construction exclusion zone and root protection area in accordance with British Standard 5837:2012 Trees in relation to design, any trenches for services are required within the fenced-off areas, they shall be excavated and back-filled by hand and any tree roots or clumps of roots encountered with a diameter of 25cm or more shall be left un-severed. The development shall be implemented in accordance with the approved Tree Protection Plan.

Reason: To ensure that the trees on site are to be retained and adequately protected during and after construction in the interests of the visual amenities of the area and biodiversity in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 170 of the National Planning Policy Framework (2019).

11. No development shall take place until the ProtectaWeb System as identified in Appendix 4 of the Arboricultural Impact Assessment by Wharton dated 22nd February 2021 is installed in accordance with the approved details and shall be maintained as such so long as the development remains.

Reason: To ensure that the trees on site are to be retained and adequately protected during and after construction in the interests of the visual amenities of the area and biodiversity in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 170 of the National Planning Policy Framework (2019).

12. The development shall be carried out in accordance with the proposed finished levels as set out on approved Drawing 1882-EV-006.

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).

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. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Design Guide which is available at <https://resources.leicestershire.gov.uk/environment-and-planning/planning/leicestershire-highway-design-guide>.
3. The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete lined perforated chamber with access for maintenance, or alternatively assembled from modular surface water storage/soakaway cell systems, incorporating silt traps. Design and construction will be subject to the approval of the Building Control Surveyor.

Any access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet (See Environment Agency guidance on the permeable surfacing of front gardens).
4. The applicant is advised that protected species under the Wildlife and Countryside Act 1981 such as bats and nesting birds may be present on the site. The development should be carried out in accordance with the recommendations in the submitted Ecology Impact Assessment by Swift Ecology dated 30th September 2020.