

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

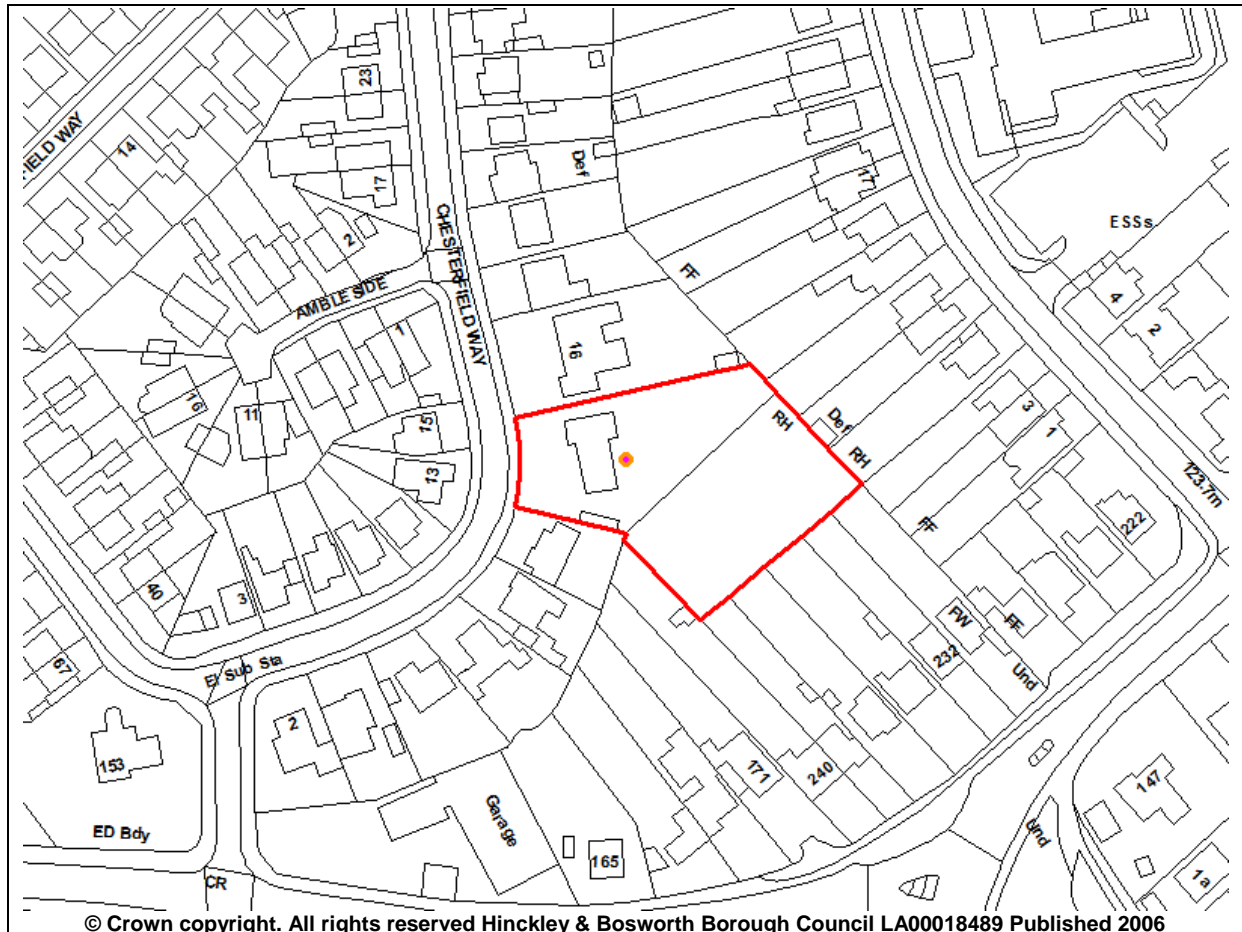
**Planning Ref: 21/00290/OUT
Applicant: Mrs Ladkin
Ward: Barwell**



**Hinckley & Bosworth
Borough Council**

Site: 14 Chesterfield Way Barwell Leicester

Proposal: Residential development for four dwellings (Outline- access and scale)



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

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

2. Planning application description

- 2.1.** The application seeks outline planning permission for 4 dwellings (with access and scale matters for consideration). The scheme comprises three dormer bungalows and a bungalow (2x4bed and 2x3bed) with a maximum ridge height of 6.57 metres. An indicative site plan has also been provided to indicate separation distances between the dwellings.

- 2.2. Access to the site is off Chesterfield Way to the side of number 14 and would involve the removal of the existing garage serving this property. The access width is 5 metres at the junction with Chesterfield Way, reducing to 4 metres further into the site. A bin collection point has been provided at the front of the site. Two off street parking spaces are proposed for each dwelling. Plot 4 contains a detached garage with a pitched roof measuring 4.1 metres in height.
- 2.3. This application is a resubmission of 20/00919/OUT which was an outline application for five dwellings comprising three dormer bungalows and two bungalows. This was refused on the grounds of *“having an adverse impact on neighbours due to the proximity of the new properties to the existing properties on Chesterfield Way, being detrimental to the character of the area and constituting over development contrary to policy DM10 of the SADMP.”*

3. Description of the site and surrounding area

- 3.1. The application site relates to an area of land to the rear of the garden of number 14 Chesterfield Way, a dormer bungalow. The site comprises mainly bramble scrub with a few trees. The site borders the rear gardens of neighbouring residential properties on Chesterfield Way, Hinckley Road and Belle Vue Road. The site is separated from these properties by boundary trees and fencing. The site is within the settlement boundary for Barwell. There is a mix of single storey and two storey properties in the area.

4. Relevant planning history

20/00919/OUT

- Residential development for five dwellings (Outline- access and scale)
Refused
16.03.2021

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. As a result of the public consultation there have been objections from 3 separate addresses and a petition containing 47 signatures raising objections to the proposal on the following grounds:

- 1) Issues of wildlife and concerns that habitat is being disturbed
- 2) The piece of land is not big enough
- 3) The proposed access is restricted
- 4) Loss of privacy and overlooking
- 5) Overbearing impact
- 6) Detrimental effect on well-established trees
- 7) Increased concerns for vehicle safety along Chesterfield Way
- 8) The access width is not wide enough for emergency vehicles or for 2 vehicles to pass
- 9) The development does not provide any economic, social or environmental benefits
- 10) The development is at odds with the area and does not protect the natural beauty, intrinsic value and open character of the area
- 11) Adverse effect on the water course and natural run off causing flooding to certain houses
- 12) Intrusive and unnecessary light pollution
- 13) Refuse bin area and hedge will restrict visibility for cars and pedestrians
- 14) The development will cause an eyesore through litter and not being cleaned as the road will not be adopted
- 15) Refuse bins left all over the road

16) Noise and light pollution

6. Consultation

6.1. No objection has been received from:

- LCC Highways
- LCC Ecology
- HBBC Environmental Services (Drainage)
- HBBC Environmental Services (Pollution)
- HBBC Waste (Streetscene Services)

6.2. Barwell Parish Council objects to the application on the following grounds:

- 1) Detrimental to neighbouring properties and overdeveloped
- 2) Inadequate parking, road safety due to no turning circle, potential hazard for any emergency vehicles needing to access the site
- 3) Dangerous for vehicles to reverse onto Chesterfield Way due to the bend in the road and the number of vehicles parked in front of residents houses

7. Policy

7.1. Earl Shilton and Barwell Area Action Plan (ESBAAP) (2014)

- Policy 22: Development and Design

7.2. Core Strategy (2009)

- Policy 3: Development in Barwell
- Policy 19: Green Space and Play Provision

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

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 (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 residential amenity
- Impact upon highway safety
- Drainage
- Ecology
- Infrastructure Contributions
- 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 Earl Shilton and Barwell Area Action Plan (ESBAAP) (2014), the adopted Core Strategy (2009) the Site Allocations and Development Management Policies DPD (2016) (SADMP).
- 8.4 The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough. Barwell is identified as an area for growth within Policy 3 of the Core Strategy which supports development within settlement boundaries.
- 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 Notwithstanding the above, the housing policies are considered to be out-of-date and therefore 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 11d) 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. 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 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.
- 8.8 The site is within the settlement boundary for Barwell and has good access to public transport and local services. Barwell is considered to be a key urban area for growth as set out in the Core Strategy. The principle of the development is therefore acceptable subject to other material considerations being satisfactorily addressed.

Design and impact upon the character of the area

- 8.9 Policy DM10 of the SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and the use and application of building materials respects the materials of existing, adjoining/neighbouring buildings and the area generally.
- 8.10 Policy 22 of the ESBAAP outlines that development will be permitted amongst other factors if there is no detriment to the character or appearance of the host building or the surrounding area, the siting and density respects the character and layout of the area. The design needs to respect the scale, proportions and height of the neighbouring structures and overall street scene.
- 8.11 The Good Design Guide SPD outlines that building plots should be a similar size, footprint and position to the wider context and the layout should not adversely impact upon the prevailing grain of development. Built form should be of a similar scale, mass and roof form. The proposal will be required to demonstrate that it would not result in the over densification of the land, leading to a loss of character.
- 8.12 The site is currently scrubland and is surrounded on all sides by residential properties and bound from these properties by trees and fencing. The proposed development will therefore introduce built form in to an otherwise unbuilt area of land albeit set within an urban context. Whilst there are no other examples of development at depth in the immediate area, the site is surrounded on all sides by existing residential development therefore it is not considered residential development of the site would be detrimental to the character of the area on that basis.
- 8.13 This side of Chesterfield Way is mainly characterised by bungalows or dormer bungalows. The scale of the proposed dwellings are also dormer bungalow or bungalow height with a maximum ridge height of 6.5 metres and a minimum ridge height of 5 metres. This will allow the properties to be less prominent in the street and more in keeping with the existing character of the area, when viewed from Chesterfield Way. Although appearance is not a matter for consideration the design of the dwellings shown on the indicative plans are traditional in style and in keeping with the surrounding properties. Further details on the materials and the finish of the dwellings are for consideration at the reserved matters stage.
- 8.14 The properties on Chesterfield Way are mainly characterised as bungalows or dormer bungalows with relatively small rear garden areas. The character changes to the rear of the site with larger two storey properties on Hinckley Road and Belle Vue Road set on larger plots. The site can comfortably accommodate four dwellings with the rear garden sizes all above the minimum recommended 80 square metres of amenity space set out in the Good Design Guide SPD for dwellings of three or more dwellings. The garden sizes are also reflective of the garden sizes to the existing properties on Chesterfield Way.

- 8.15 The indicative layout shows three dwellings set out in a row facing the fourth dwelling. The formal layout allows the properties to have a connection with each other and provides a layout that is similar to the properties along Chesterfield Way that are set along a formal building line. Therefore, the indicative plan demonstrates that the site can accommodate the quantum of development without disrupting the prevailing pattern of development.
- 8.16 The use of the existing access accords with the Good Design Guide SPD, which seeks to avoid puncturing the character of the streetscene to provide access. The use of this access maintains the existing streetscene from Chesterfield Way albeit there would be the demolition of an existing garage. However, this appears as a later addition to the host dwelling, its demolition would not alter the spacing between dwellings that characterises the area.
- 8.17 Subject to satisfactory details being received at the reserved matters stage the proposal is likely to have a minimal visual impact on the character of the area in compliance with policy DM10 of the SADMP, policy 22 of the ESBAAP and the Good Design Guide SPD.

Impact upon residential amenity

- 8.18 Policy DM10 of the SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.19 Policy 22 of the ESBAAP outlines that development will be permitted amongst other factors providing the amenity of occupiers of the proposed development would not be adversely affected by activities in the vicinity of the site.
- 8.20 The Good Design Guide SPD outlines that development will need to demonstrate that it will not result in loss of amenity to neighbouring properties by way of overlooking, overshadowing or noise. It recommends a minimum garden length of 7 metres.
- 8.21 Concerns have been raised over the proximity of the dwellings to the rear boundary having an over dominant impact on the rear gardens of the properties to the rear. The indicative layout demonstrates that all of the properties could provide the minimum garden length of 7 metres to their rear boundaries to ensure a minimum impact on overlooking to neighbouring properties from upper floor windows. In addition the neighbouring properties to the rear on Hinckley Road and Belle Vue Road have long rear gardens so any impact on these properties from the proposal would be minimal. The neighbouring property at number 12 Chesterfield Way has a smaller garden so is located closer to the proposal however plot 4 does not directly face the rear of this neighbour and is set over the minimum recommended distance of 7 metres from the boundary with this neighbour. Overall the scale combined with the quantum of development means the overbearing impact and potential for overlooking and loss of privacy to neighbouring properties would be minimal.
- 8.22 The indicative layout demonstrates that the minimum recommended garden sizes can be achieved. However, given the likely depth of the proposed gardens and the density of the proposal, it is recommended that permitted development rights are removed by way of a condition attached to any consent given. Whilst the proposal would result in the loss of a small amount of amenity space to the host property at number 14 Chesterfield Way this property has a reasonably sized garden and will retain in excess of 100sq metres of amenity space in accordance with the Good Design Guide SPD.
- 8.23 The proposal is not considered to adversely affect the amenities of surrounding residents and provides acceptable residential amenity for future occupiers subject

to acceptable details at the reserved matters stage. The proposal would therefore be in accordance with Policy DM10 of the SADMP, policy 22 of the ESBAAP and the Good Design Guide SPD.

Impact upon highway safety and parking

- 8.24 Policy DM17 of the SADMP seeks to ensure new development would not have an adverse impact upon highway safety. Policy DM18 of the SADMP seeks to ensure parking provision appropriate to the type and location of the development.
- 8.25 Paragraph 109 of the NPPF (2019) outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.26 The site would be accessed via an existing access off Chesterfield Way which is an adopted road subject to a 30mph speed limit. The proposed internal layout will not be offered for adoption and a bin collection point is proposed at the front of the site. The access width is 5 metres, changing to 4 metres further into the site. The Local Highway Authority (LHA) is satisfied the access width is suitable to accommodate the number of dwellings proposed. Whilst the access is on a bend it is not a tight bend and vehicular speeds on this road are low. The LHA do not have any concerns that the required visibility splays as set out in table DG4 of the Leicestershire Highways Design Guide cannot be achieved. Whilst the bin collection point is to the front there is suitable space for this to be accommodated whilst also achieving the 2mx2m pedestrian visibility splays, and the LHA recommend this can be secured via a condition.
- 8.27 One personal injury collision has been recorded in the locality of the application site in the last five years, and this was classified as slight in severity.
- 8.28 The indicative layout shows two parking spaces per dwelling with plot 4 having a third space in the garage. Visitor parking is also shown at the front of the dwellings. The parking layout is considered to be acceptable with amount of parking for the size of the dwellings given they are in a sustainable location. Suitable turning space is also provided within the site.
- 8.29 A small part of the host dwellings driveway will be lost to the development in addition to the loss of the garage. However the garage is not large enough to fit modern standards to park a car inside of it and the host dwelling has a large front driveway that would still be able to retain three off street parking spaces to the front, which is acceptable.
- 8.30 The access width onto Chesterfield Way is 5 metres; this narrows to 4 metres further into the site. Concerns have been raised in some of the objections that this is not wide enough for emergency vehicles to access the site. This is not the case as 4 metres is a suitable width for wider vehicles to enter the site with sufficient turning space for wider vehicles also provided within the site.
- 8.31 Overall the proposal would have a minimal impact on parking and highway safety in compliance with paragraph 109 of the NPPF and policies DM17 and DM18 of the SADMP.

Drainage

- 8.32 Policy DM7 of the SADMP seeks to prevent development from resulting in adverse impacts on flooding by ensuring that development does not create or exacerbate flooding.
- 8.33 The site is located within flood zone 1 indicating a low risk of surface water flooding. Concerns have been raised over the increase risk of flooding from the development.

The Borough Councils Drainage Officer has no objection to the proposal subject to a condition for surface water drainage details incorporating sustainable drainage principles (SUDS) shall be submitted to and approved by the local planning authority prior to commencement. It is considered this condition is reasonable to reduce flood risk and drainage issues on the site in compliance with policy DM7 of the SADMP.

Ecology

- 8.34 Policy DM6 of the SADMP states that development proposals must demonstrate how they conserve and enhance features of nature conservation.
- 8.35 Concerns have been raised in the objections over the loss of wildlife as a result of the development. Leicestershire County Council Ecology section has been consulted on the application. They are satisfied with the results of the survey that was submitted with the original application 20/00919/OUT which found no evidence of bats or protected species on the site. They were in agreement that the demolition of the garage has negligible or low bat potential. No further survey work or ecological mitigation is required.
- 8.36 Leicestershire County Council Ecology outlined that there are reports of hedgehog being present in the area, and although this species' habitat is not protected by law, it is a UK priority species. They recommend that if close-board fencing is to be erected as part of the scheme, then hedgehog highways should be provided through the site. Given the application is outline for access and scale only it is unclear at this stage if any new fencing is being provided. Details of boundary treatment will be assessed at the reserved matters stage therefore a condition regarding the details of the boundary treatment can include details of hedgehog highways, should new fencing be provided.
- 8.37 Notwithstanding the above, LCC Ecology recommends that the proposal should provide a net gain in biodiversity. There would be some loss of habitat through tree and scrub removal, some of which has already occurred, however this habitat is locally common and of low ecological value. Its removal is acceptable subject to compensation through appropriate replacement planting. This should be required as a condition as part of an ecological management plan. As landscaping is a matter reserved for consideration it is considered reasonable this should be a matter dealt with at the reserved matters stage. However the extra enhancement measures suggested in the ecology report including bat and bird boxes that would provide a net gain in biodiversity can be added as a condition to any consent granted.
- 8.38 Subject to the above recommended measures the proposal would have a minimal impact on ecology in compliance with policy DM6 of the SADMP.

Infrastructure Contributions

- 8.39 Policy DM3 of the adopted SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities. Policy 19 of the adopted Core Strategy seeks to address existing deficiencies in the quality, quantity and accessibility of green space and children's play provision within settlements.
- 8.40 However, in this case the proposal is for only four additional dwellings, of a modest size which would not have any significant impact on the quality of the existing play and open space facilities. The development is considered to be acceptable in planning terms without any contribution and therefore any contribution request would not be CIL compliant. Therefore, notwithstanding Policy DM3 of the adopted SADMP and Policy 19 of the adopted Core Strategy, no contribution has been pursued in this case.

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. Therefore, the 'tilted' balance in paragraph 11(d) (ii) of the Framework applies where the 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. Paragraph 11d of the NPPF states that any harm identified should be significant and demonstrably outweigh the benefits of the scheme. However given that no harm has been identified, the proposal is found to be sustainable development.

Other matters

- 8.43 Collection points for domestic refuse, recycling and garden waste is from the adopted highway boundary. Provision needs to be made to provide a suitable and adequate collection point at the highway boundary. It will be the responsibility of the occupiers to bring the containers to the collection point.

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 site lies within the settlement boundary for Barwell, a sustainable location which supports new residential development within the settlement boundary. The principle of the development is therefore acceptable in compliance with Core Strategy policy 3.
- 10.2. The development is of a scale and density that is appropriate for the area. The proposal would therefore maintain the character of the area. The indicative layout demonstrates that development could be accommodated without having an adverse

impact on the residential amenity of neighbouring properties whilst providing a suitable living environment for future residents. A suitable access from the highway on Chesterfield Way is provided which has satisfactory visibility. Suitable parking and turning facilities are provided within the site. The proposal would have a minimal impact on drainage and ecology subject to suitable conditions. The proposal is therefore considered to comply with Site Allocations Management and Development DPD policies DM6, DM7, DM10, DM17 and DM18.

11. Recommendation

11.1 Grant planning permission subject to:

- Planning conditions outlined at the end of this report

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

11.3 Conditions and Reasons

1. Application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. No development shall be commenced until plans and particulars of "the reserved matters" referred to in the above conditions relating to the:-
 - a) Appearance of the development including the aspects of a building or place that determine the visual impression it makes, including proposed materials and finishes
 - b) Landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard boundary treatments including hedgehog highways and soft measures and details of boundary planting to reinforce the existing landscaping at the site edges
 - c) Layout of the site including the location of electric vehicle charging points, the way in which buildings, routes and open spaces are provided and the relationship of these buildings and spaces outside the development. This should include a design statement that sets out how consideration has been given to lower density to edges of site and higher density along main routes.
have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

Site location plan Drg No. 16 97 received 1st March 2021

Proposed access Drg No. 16 97 05 received 1st March 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).

4. Details of the existing and proposed ground levels of the site shall be submitted with the reserved matters application. The development shall then be implemented in accordance with these 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).

5. Notwithstanding the submitted plans, the proposed access shall have a width of a minimum of 4.25 metres for a distance of at least 5 metres behind the highway boundary and shall be surfaced in a bound material with a 7.3 metre dropped crossing (8 dropped kerbs). The access once provided shall be so maintained at all times.

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).

6. No part of the development hereby permitted shall be occupied until such time as 2.0 metre by 2.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of the access 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 adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

7. No part of the development hereby permitted shall be occupied until such time as site drainage details have been provided to and approved in writing by the Local Planning Authority. Thereafter surface water shall not drain into the Public Highway and thereafter shall be so maintained.

Reason: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraph 108 and 110 of the National Planning Policy Framework (2019).

8. The development shall provide 2x bat and bird boxes located in a suitable position on each dwelling, as recommended within the opportunities for biodiversity gain measures set out in the ecological appraisal received 7th September 2020.

Reason: In order to provide a net gain in biodiversity in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

9. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A-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 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).

11.4 **Notes to applicant**

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. 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.
3. Vegetation clearance works must either take place outside the bird-nesting season (March to July inclusive), or within 24 hours of the 'all-clear' from an appropriately qualified ecologist following a negative bird-nesting survey. Netting to prevent bird nesting may only be done with prior approval of the LPA.
4. Where soakaway drainage is initially proposed, the suitability of the ground strata for infiltration should be ascertained by means of the test described in BRE Digest 365, and the results submitted to the LPA and approved by the Building Control Surveyor before development is commenced. If the ground strata proves unsuitable for infiltration, alternative SuDS proposals will require the further approval of the LPA before this condition can be discharged.
5. The collection point for domestic recycling, garden waste and refuse will be from the adopted highway boundary and so provision needs to be made on site for the storage of containers.