

**Planning Committee 10 May 2022**  
**Report of the Planning Manager (Development Management)**

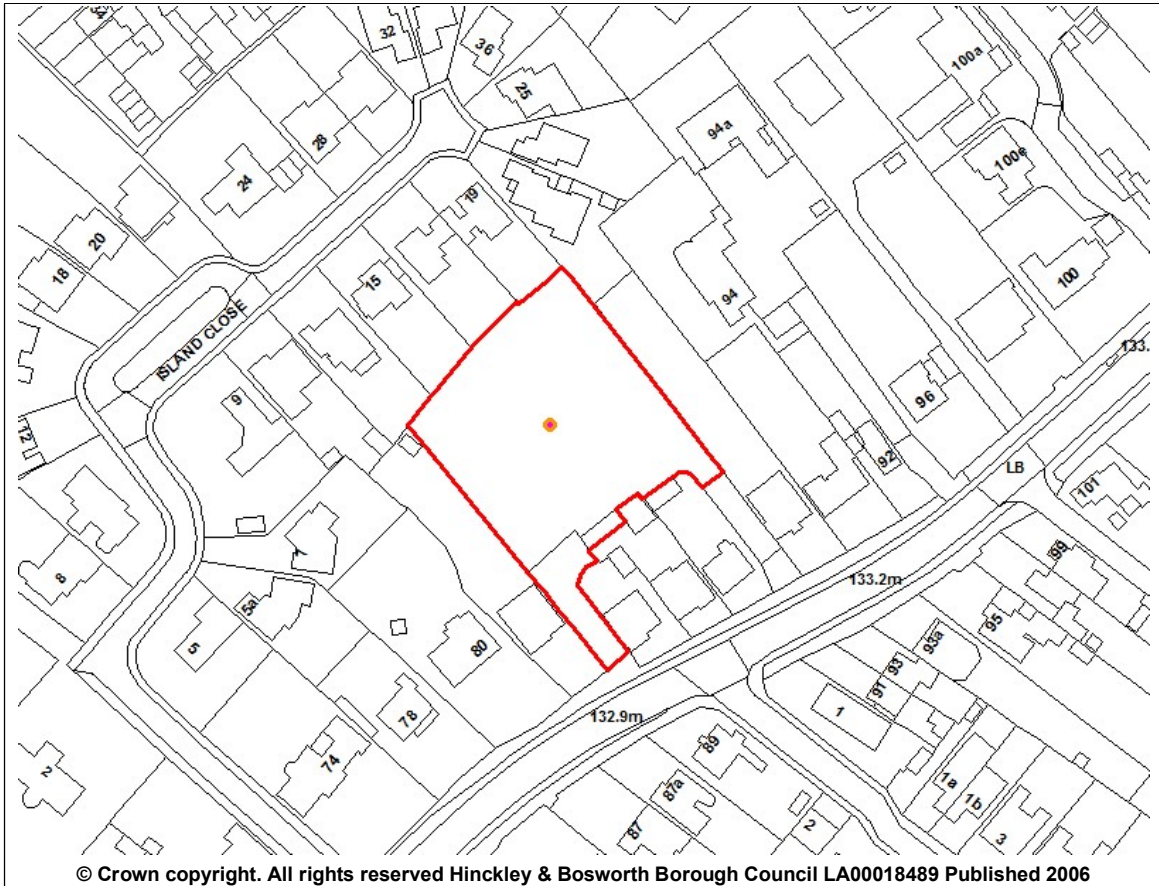
**Planning Ref: 21/00981/FUL**  
**Applicant: Mr Paul Morris**  
**Ward: Hinckley DeMontfort**



Hinckley & Bosworth  
Borough Council

**Site: Land To The Rear Of 84, 84A & 86 Leicester Road**

**Proposal: Erection of six detached dwellings**



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

## **2. Planning application description**

- 2.1. This application seeks full planning permission for the erection of six detached dwellings to the rear of 84, 84a and 86 Leicester Road, Hinckley. The proposed dwellings would comprise 6 detached, 4 bedroomed dwellings, of individual design. The internal road within the site is proposed to be accessed via Leicester Road, and situated between No 82 and No 84 Leicester Road, Hinckley.
- 2.2. In addition to the plans, the application is supported by:
- Planning Statement including Design and Access Statement
  - Tree Survey Report

## **3. Description of the site and surrounding area**

- 3.1 The application site measures approximately 0.3 hectares and is situated within an established residential area of Hinckley, on the northwest side of Leicester Road. To the south east, adjacent to Leicester Road are detached dwellings which have recently been constructed. To the north east of the application are single storey dwellings situated at depth from Leicester Road. To the north west, the application site backs onto Island Close. Ground levels generally fall from Leicester Road towards Island Close to the northwest. There are a number of trees along this northwest boundary which are protected by a Tree Preservation Order.

## **4. Relevant planning history**

### **07/01486/FUL**

- Demolition of two dwellings (No.84 and No.86 Leicester Road) and erection of ten dwellings and associated garage and access
- Refused
- 12.03.2008

### **08/00780/FUL**

- Demolition of two dwellings (No.84 and No.86 Leicester Road) and erection of ten dwellings and associated garages and access
- Refused
- 19.11.2008

### **14/00908/FUL**

- Demolition of a dwelling and erection of 2 dwellings with garages
- Approved
- 19.01.2015

### **17/01297/FUL**

- Erection of seven dwellings, garages and associated drive
- Refused
- 07.09.2018

## **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. 5 Letters of objection have been received; the comments are summarised below:

- 1.) The development is excessive and will infringe upon the views presently enjoyed by the adjoining properties in Leicester Road and Island Close. An uncharacteristically dense form of development that would harm the character and appearance of the area
- 2.) The proposed development is total variance of previous decisions made by the Council and Government Inspectors, who following considerations of all previous applications for infill in this area, decided that single storey dwellings with a shallow roof angle of approximately 22 degrees and restricted ridge height above the existing ground level to minimise negative visual impact shall be imposed.
- 3.) The width of the driveway between 82 and 84 Leicester Road has been increased from 3.5m to 7.5m which would create a serious health and safety hazard for anyone working on the side of 82 Leicester Road. The daily number of traffic movements from the development will be in the region of 70 to 100, all of which will pass very closely alongside 82 Leicester Road and will result in a serious reduction to living standard of the occupiers.
- 4.) The developer has breached planning condition attached to previous permission to provide screen planting.
- 5.) It is proposed to locate recycling and waste bins immediately adjacent to the boundary fence of 82 Leicester Road which could create problem with smell and vermin infestation.
- 6.) There is inadequate information in the submitted drawings relating to the finished floor levels, ridge height, detailed drainage of the properties and associated paved areas. It appears that the developer intended to raise floor datum level for these properties to avoid expected flooding problems.
- 7.) The developer has failed to provide a proposal for foul drainage on and from the proposed development.
- 8.) This proposed high density infill large family houses, is totally out of character with the surrounding residential properties. It is in contravention of the Council's own policy DM10.
- 9.) All previous infill developments in the immediate area have been restricted to single story bungalows with a maximum roof pitch of 22.5 degrees. The sympathetic design and orientation of these properties have caused little or no loss of amenity to the neighbouring properties. Consider this site is only suitable for a maximum of three single story bungalows, with hipped roofs to minimise the impact on the Island Close properties.
- 10.) Properties on Island close are built with their living accommodation to the rear, this development would result in overlooking
- 11.) The land levels would result in the roofline having a terracing effect, oppressive and totally out of character

- 12.) The contractor already has excess material on site. All spoil must be removed from site, and not spread any excess material over the site to increase the height
- 13.) Loss of passive heating
- 14.) Infill bungalow within the area have needed their own individual pumping stations to deal with sewerage. This development only proposes one, which could result in consequences for all residents
- 15.) A proposed pumping station could also result in noise and vibration from a large pump
- 16.) The proposed development proposes a single point soakaway. A single point borehole test was carried out in Feb 2016 and recommended further tests to be carried out, which has not been carried out
- 17.) Already existing surface water issues in the area
- 18.) Increase traffic and congestion.
- 19.) Potential of Bins being put along the Leicester Road pathway/cycle lane as the refuse collection could not enter the proposed private estate.
- 20.) Parking problem for the neighbouring residents
- 21.) Light nuisance for the surrounding residents

5.3 One letter of support has been received welcoming the approval of this application so that the area can be developed and the (what is now) overgrown wilderness can be cleared, the houses erected and the lane can be finished.

## **6. Consultation**

- 6.1 Environmental Services (pollution) – No objection subject to a condition restricting hours during the site preparation and construction phase.
- 6.2 HBBC Waste Services – Condition recommended to secure a scheme for provision for waste and recycling storage of containers and collection across the site. The details should address accessibility to storage facilities and confirm adequate space is provided at the adopted highway boundary to store and service wheeled containers.
- 6.3 LCC Archaeology – No objection.
- 6.4 LCC Ecology – No objection.
- 6.5 LCC Lead Local Flood Authority – No objection.
- 6.6 HBBC Drainage – No objection subject to condition relating to submission of surface water drainage details, incorporating sustainable drainage principles (SuDS).
- 6.7 LCC Highways – No objection subject to condition related to implementation of parking and turning facilities and no obstructions of the vehicular access.

- 6.8 Severn Trent Water – No objection subject to condition related to submission of drainage plans for the disposal of surface water and foul sewage.
- 6.9 S106 Monitoring Officer - a contribution towards play and open space would be welcomed at Burbage Common if possible as the quality of the POS facilities here are below standard.

## **7. Policy**

### **7.1 Core Strategy (2009)**

- Policy 1: Development in Hinckley
- Policy 16: Housing density, mix and design
- Policy 19: Green space and play provision
- Policy 24 Sustainable design and Technology

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM6: Enhancement of biodiversity and geological interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

### **7.3. National Planning Policies and Guidance**

- National Planning Policy Framework (NPPF) (2021)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

### **7.4. Other relevant guidance**

- Good Design Guide (2020)
- Housing Need Study (2019)
- Affordable Housing SPD (2011)
- Leicestershire Highways Design Guide
- Open Space and Recreation Study (2016)

## **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 Highways
- Flood Risk and Drainage
- Impact on Trees
- Waste and recycling
- Ecology
- Archaeology
- Infrastructure Contribution

#### Assessment against strategic planning policies

- 8.1 Paragraph 2 of the National Planning Policy Framework (NPPF) states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF states that the development plan is the starting point for decision making and that the NPPF is a material consideration in determining applications.
- 8.2 The development plan in this instance consists of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016).
- 8.3 The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the Core Strategy. The Core Strategy states that the focus of most new development will be in and around the Hinckley sub regional centre as this is where there is a concentration of services, where accessibility can be maximised and modal choice made available.
- 8.4 To support Hinckley's role as a sub-regional centre, Policy 1 of the adopted Core Strategy seeks to allocate land for the development of 1,120 new residential dwellings for Hinckley with a range of house types, sizes and tenures as supported by Policies 15 and 16 of the adopted Core Strategy. Policy DM1 of the adopted SADMP provides a presumption in favour of sustainable development.
- 8.5 The Council acknowledges that it cannot currently demonstrate a 5-year housing land supply. On 25th March 2021, ONS published the latest median housing price to median gross annual workplace based earnings ratio 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 the Borough is now 466 dwellings per annum (using the standard method and affordability ratio and with an additional 5% buffer). The Council can demonstrate a 4.45 year supply of housing land at the current time.
- 8.6 Footnote 8 to paragraph 11 of the 2021 NPPF states that the housing policies are considered to be out-of-date where local planning authorities cannot demonstrate a five year supply of deliverable housing sites and therefore paragraph 11(d) of the NPPF is triggered. The NPPF is a material consideration. Paragraph 11(d) states:

"Plans and decisions should apply a presumption in favour of sustainable development. For decision taking this means:

(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless

  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;
  - or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."
- 8.7 The application site is located in a sustainable urban location within the settlement boundary of Hinckley as defined in the adopted SADMP and with reasonable access to a full range of services and facilities. The principle of residential redevelopment of the site would therefore be generally in accordance with the adopted strategic planning policies of the development plan.

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

- 8.8 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.
- 8.9 The Good Design Guide SPD provides guidance upon how to design an appropriate new residential development. This includes appraising the context, creating appropriate urban structures through blocks, streets, enclosure, open space and landscaping, parking, amenity space and design detailing. The SPD advocates the use of a Building for Life Assessment. The SPD sets out minimum separation distances between dwellings and a general guideline for garden sizes of 7.0m minimum length and size of 60sqm for a 2 bed house, and 80sqm for a 3 bed house.
- 8.10 Leicester Road is characterised by a mix of individually designed dwellings, which are predominantly two storeys in scale, however there are a number of dormer bungalows within the street scene. To the north east of the site, there are two existing single storey dwellings positioned at depth, as back land development along Leicester Road. The dwellings to the north west situated within Island Close, are on a lower land level due to the levels dropping away to the north. Plot sizes within Leicester Road and the immediate area, are varied, with some dwellings having larger than average plot sizes and rear gardens, some of which have been developed over the years.
- 8.11 The application site is located to the north side of Leicester Road, and would be served by a single point of access situated between the north east of No.82 and to the south west of No.84a, and would extend to the proposed properties to the rear of 84, 84a and 86 Leicester Road, which are two storey detached dwellings.. The development comprises a cul-de-sac which would create its own unique character, separate to that of the surrounding properties.
- 8.12 Concerns have been raised that the development is excessive and will infringe upon the views presently enjoyed by the neighbouring properties in Leicester Road and Island Close. The concerns also state that the proposal comprises an uncharacteristically dense form of development that would harm the character and appearance of the area.
- 8.13 The proposed dwellings are a mixture of two storey and one and a half storey properties which is commensurate with surrounding built form. They have a traditional character and appearance in keeping with frontage development along Leicester Road. The dwellings would contribute positively to the varied character and appearance of their surroundings. The two dwellings on Plots 3 and 4 and the garage serving the rear plots from the previous scheme, both of which were specifically referenced by the Inspector in determining the appeal (Ref: APP/K2420/W/19/3221783), are omitted from the currently submitted scheme. The total amount of built form on site is less than the previous scheme (Ref: 17/01297/FUL) and plot sizes increased accordingly. Plot 1 is proposed as a one-and-a half storey dwelling, and the height of the rear plots would be lower than the previous scheme.
- 8.14 Objections have been received which contend that the proposed dwellings should incorporate 22.5 degree roof pitches the result of which would be that the proposed dwellings would have roof heights reduced, similar to previous back land developments within the surrounding area. For the avoidance of doubt, previously approved schemes such as the dwellings to the rear of 86 Leicester Road, Hinckley under permission, ref: 11/00178/FUL, agreed to reduce the roof pitch to appease neighbour concerns. However, a further application on the same site, was submitted under application, ref: 13/00424/FUL, which included a roof pitch in excess of 22.5

degrees, however when taking into consideration the prevailing character this was deemed to reflect the surrounding area.

- 8.15 Objections have also been received which make reference to a previous inspector's decision which approved the erection of a single storey dwelling to the rear of 80 Leicester Road, the principal elevation of which is served from Island Close. It considered that the proposed development should be restricted to a single storey dwelling only. The dwelling which formed the subject of this appeal decision is however situated within an area and context where the character is predominately single storey. This is in contrast to the present application which is served from Leicester Road, where the character is varied, and would be viewed in this context. The proposal also seeks the erection of 6 dwellings; this development would create its own character and cul de sac frontage within the development site, unlike the development of a single dwelling.
- 8.16 The two new existing dwellings on the street frontage would obscure much of the site from direct view. Views of the development therefore would be filtered by existing buildings fronting onto Leicester Road and Island Close and the new dwellings would not therefore appear prominent within the existing street scene.
- 8.17 As such, given the surrounding character, where there is development at depth, and dwellings are of a varied character and size, the proposed development would complement the character of the surrounding area. The proposed development of the site is therefore considered to be in accordance with Policy DM10 of the SADMP.

#### Impact upon neighbouring residential amenity

- 8.18 Policy DM10 (a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.
- 8.19 The Good Design Guide SPD outlines that development will need to provide high quality internal amenity space as this is critical to the quality of life of residents. Proposals should demonstrate there will not be a loss of amenity to a habitable room window by loss of light or outlook. The SPD states that habitable rooms include living rooms, bedrooms and kitchens. The National Design Guide also promotes a healthy, comfortable and safe internal and external environment.
- 8.20 The proposed development is bound by residential dwellings, and is positioned to the north west of Leicester Road and to the south east of Island Close, Hinckley. The proposed development would result in the creation of an access to serve 6 dwellings, and would extend along the side and rear boundaries of No.82 Leicester Road and No.84a Leicester Road, Hinckley. The proposed development would result in a level of vehicle movements, creating additional noise, however given the limited number of proposed dwellings it is not considered to be at a level which would have an adverse effect upon residential amenity for existing neighbours. The proposed scheme also seeks to position a waste collection point along the side boundary of No.82, which would be utilised once a week for collection. Given the location of the access and proposed positioning of the bin collection point, it is considered necessary to impose a condition to ensure appropriate boundary treatment along this boundary is secured to aid residential amenity as well as an appropriate means of enclosure for any permitted bin collection point.
- 8.21 On the entrance into the application site, the nearest residential dwellings to those dwellings along Leicester Road, would be Plots 1 and 6. The proposed rear elevation



of Plot 1 would face the rear elevation of No. 84 and 84a Leicester Road, Hinckley. A distance of approximately 21 metres between the proposed rear elevation of Plot 1 and the rear facing elevation of No.84 and 84a would be achieved, given this proposed separation distance and the fact there are no habitable room windows proposed within this rear facing elevation, it is considered that there would be sufficient distance between the dwellings to ensure there would be no privacy or overbearing impact to existing and future occupiers as a result of this proposed scheme.

- 8.22 Plot 6 would have the side elevation facing the rear elevation of No.86 Leicester Road. The rear garden of No.86 is approximately 20 metres, and would have a window to window distance of approximately 25 metres. The Good Design Guide suggests that the distance between back to side windows as a general rule of thumb should be approximately 12 metres. The window to window distance between Plot 6 and No.86 Leicester Road would therefore be in excess of the minimum separation distances, and would therefore avoid any overlooking or overbearing impact. The rear elevation of Plot 6 would face towards the residential garden serving No.88 Leicester Road, Hinckley. There are two first floor windows proposed within this elevation which would face north east, however they are proposed to serve en-suites and would therefore be finished in obscured glazing and secured as such via a condition, and therefore avoid any direct overlooking.
- 8.23 Concerns have also been raised by local residents that the properties on Island Close would be overlooked by the proposed development. Plots 2-5 would have their rear elevations facing the rear elevations of No.11 to No.21 Island Close. The levels across the site fall towards Island Close, and this is reflective of the scale and design of Plots 2-5, which have an overall height of approximately 7.5 metres to the ridge. The separation distance between Plots 2-5 and those dwellings along Island Close, would be in excess of 29 metres. This is in excess of the aforementioned guidance for separation distances contained within the Good Design Guide, and is considered that notwithstanding the gradual fall in land levels, given the overall scale of the proposed dwellings in addition to the proposed separation distance, the neighbouring dwellings along Island Close would maintain a reasonable standard of amenity, and the proposed development would not have a significant impact on privacy or overbearing impact to warrant a reason for refusal in this instance.
- 8.24 The proposed dwellings would be served by reasonably sized gardens to provide adequate amenity space for future occupiers. The dwellings would be sufficiently separated from one another to avoid overlooking or inter visibility of windows. Where dwellings are positioned on opposite sides of the proposed road serving the development, dwellings are set back from the road and have been positioned and designed so that dwellings do not directly face into similar opposing habitable rooms, further reducing overlooking across the development. Therefore the proposed layout would afford future occupiers a reasonable level of amenity.
- 8.25 Due to the positioning of the application site, and having regard to the surrounding neighbouring dwellings and the depths of the proposed plots, it is considered necessary to impose a condition to remove permitted development rights to ensure any additional alterations and extensions to dwellings are not carried out without consent, to allow full regard of neighbouring amenity.
- 8.26 Therefore the proposal is considered to be in accordance with Policy DM10 and the Good Design Guide SPD in relation to residential amenity considerations.

Impact upon Highway and parking provision

- 8.27 Policy DM17 of the SADMP seeks to ensure new development would not have an adverse impact upon highway safety. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highways authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 8.28 Policy DM18 of the SADMP seeks to ensure parking provision is appropriate to the type and location of the development. Developments within the town centre should demonstrate that they would not exacerbate existing problems in the vicinity with increased on-street parking. Policy DM10(g) states that where parking is to be provided, charging points for electric or low emission vehicles should be included, where feasible.
- 8.29 The application site would be accessed off Leicester Road. Hinckley, which is a B Class Road and subject to a speed limit of 30mph. The proposed access serving the site would be built with a width of 4.8 metres with a 2.4 x 60 metre visibility splay. The Leicestershire County Council Highways Design Guide requires accesses serving between 5 and 25 dwellings to be a minimum of 4.8 metres wide, plus 0.5 metres if bounded by a wall, fence or other structure.
- 8.30 The site is onto a proposed un-adopted private road, with a number of locations available for turning. The site is also a significant distance away from the public highway. Therefore vehicles would be able to exit the site in a forward direction..
- 8.31 For developments over 5 dwellings LHDG advises to apply the DCLG paper method to calculate car parking requirements. The proposal would provide at least 2 car parking spaces for each dwelling, which is considered to be in consistent with the DCLG paper method. For this proposal, the LHDG requires minimum parking space sizes of 2.4m x 5.5m, add 0.5m if bounded by a wall, fence, hedge, line of trees or other similar obstructions on 1 side, 1m if bounded on both sides. The LHA are satisfied that the proposed parking arrangements are satisfactory in terms of quantum of off street car parking, parking dimensions and internal garage dimensions.
- 8.32 Leicestershire County Council (Highways) has considered the application and has no objections subject to the imposition of conditions which relate to the implementation of parking and turning facilities. The proposal is therefore considered to be in accordance with Policy DM17 and DM18 of the SADMP.

#### Flood Risk and Drainage

- 8.33 Policy DM7 of the SADMP requires adverse impacts from flooding to be prevented and that development should not create or exacerbate flooding by being located away from area of flood risk unless adequately mitigated.
- 8.34 The application site is located within Flood Zone 1 as defined on the Environment Agency flood map and therefore is at low risk of flooding. The Environment Agency has no objection to the proposal.
- 8.35 Concerns have been raised by local residents that the surface water drainage is already a problem within the local area. The application has been accompanied by a proposed drainage strategy, which identifies that gravity connection to either the private foul drainage network within the site or public combined sewer in Leicester Road would not be possible due to the levels and site topography, and it is therefore proposed that a pumping station be provided to lift foul up to the existing private drainage network within the site. The hierarchy for surface water drainage identifies that priority should be given to infiltration systems, secondly to a water course and thirdly to a public sewer. The drainage strategy identifies that the use of soakaways

for the disposal of surface water, however this would be subject to further investigation for the suitability of the ground strata for infiltration and Part H of Building Regulations.

- 8.36 One of the neighbouring residents has raised the issue about a single point soakaway by the proposed development. A single point borehole test was carried out in Feb 2016 and recommended further tests to be carried out, which has not been carried out by the proposed development. HBBC Drainage team has advised that a minimum of 3 test locations will be required in order to obtain representative results for the development site, which can be secured through planning condition. HBBC Drainage have also advised that there are no objections to the proposed development subject to the submission of a surface water drainage scheme which accords with the outline submitted drainage strategy. Severn Trent have also been consulted on the application and raise no objection to the application, subject to the imposition of a condition relating to the submission of drainage plans for the disposal of surface water and foul sewerage. During the course of the application the Lead Local Flood Authority were also consulted and advised that the proposed development, does not have any impact on surface water drainage and would therefore not be providing advice on this occasion.
- 8.37 Planning conditions are therefore recommended to require the submission of surface water drainage details, incorporating sustainable drainage principles, and the submission of foul sewerage details, prior to any development commencing and the completion of the approved scheme prior to completion of the development to ensure compliance with Policy DM7 of the adopted SADMP.

#### Impact on Trees

- 8.38 The application has been accompanied by an Arboricultural Report which considers the impact that the development proposal may have upon the three protected trees situated along the north west boundary of the site, which forms the rear boundary of the site. The protected trees are to be retained and are included within the rear gardens of Plots 2, 3 and 4. A root protection area has been submitted which has been informed by the Arboricultural Report, to ensure that the proposed development would not have an adverse impact upon these protected trees.

#### Waste and recycling

- 8.39 The proposed bin storage area for the purpose of waste collection has been positioned at the end of a proposed adoptable driveway. The driveway has been designed to an adoptable standard and would be considered for adoption subject to the necessary technical approval at the separate section 38 application stage. HBBC Waste Management team has considered the proposal and suggested a condition to submit a scheme to make adequate provision for waste and recycling storage of containers and collection across the site. The details would address accessibility to storage facilities and confirm adequate space is provided at the adopted highway boundary to store and service wheeled. This can be secured through condition.

#### Archaeology

- 8.40 Policy DM13 states that where a proposal has the potential to impact a site of archaeological interest, developers should set out in their application an appropriate desk-based assessment and, where applicable, the results of a field evaluation detailing the significance of any affected asset.

- 8.41 LCC Archaeology having reviewed the application against the Leicestershire and Rutland Historic Environment Record (HER) advised that the proposal would not result in a significant direct or indirect impact upon the archaeological interest or setting of any known or potential heritage assets. The proposal is therefore in accordance with Policy DM13 of the SADMP and Paragraph 194 and 195 of the NPPF.

#### Ecology

- 8.42 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.
- 8.43 From the review of historical aerial imagery the site appears to have been cleared within the past 5 years. The site is also located in a built-up area. Therefore no ecological surveys are required. LCC Ecology has no objection to the proposal.

#### Infrastructure Contributions

- 8.44 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.
- 8.45 The request for any planning obligations (infrastructure contributions) must be considered alongside the requirement contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations and paragraph 57 of the NPPF state that planning obligations must only be sought where they meet all of the following tests:
- a) necessary to make the development acceptable in planning terms;
  - b) directly related to the development; and
  - c) fairly and reasonably related in scale and kind to the development.
- 8.46 The contributions sought are detailed below.

#### Play and Open Space contributions

- Policy 19 of the Core Strategy identifies standards for play and open space within the borough. Developments should accord with the policy and provide acceptable open space within the development, or if that is not possible contribute towards the provision and maintenance of open space off site. The Open Space and Recreation Study 2016, updates these standards and also identifies the costs for off-site and on-site contributions. In line with the up to date standards identified in the 2016 study the identified requirements for play and open space (as it is proposed to provide offsite play and open space at Burbage Common) would be £12,578.
- 8.47 The applicant has agreed to provide the policy compliant requirements of S106 as requested above. The proposed development would therefore be in compliance with Policy DM3 of the SADMP (2016).

#### Other matters

- 8.48 Objections raised in respect of the applicant not complying with conditions is not a matter which can be considered as part of this application but would be subject to On-going monitoring during the implementation of the permission.

- 8.49. Objections have been raised that the profile shown for 19 Island Close along section A-A is incorrect. The gable on property 19 Island Close is on the rear, facing plot 5 and not on the side as shown on the Planning Drawing. An amended plan has been submitted addressing this issue.

## **9. Conclusion**

- 9.1 The application site is situated in a sustainable location within the settlement boundary of Hinckley, where residential development is generally acceptable in principle in accordance with national and local policy. By virtue of the proposed layout the scheme would complement the character and appearance of the surrounding area and would not give rise to any material adverse impacts on the amenities of the occupiers of any neighbouring properties or highways. Supporting information has been provided to demonstrate that adequate drainage and foul sewerage schemes can be provided which would not result in any significant environmental impacts in terms of flooding and pollution. The submitted arboricultural report also identifies that the proposed development can be carried out without detriment to the protected trees within the boundary of the application site. The proposed development is therefore considered to be in accordance with Policy 1 of the Core Strategy, and Policies DM1, DM10, DM7, DM10, DM17 and DM18 of the Site Allocations and Development Management Policies DPD together with the overarching principles of the NPPF.

## **10. Equality implications**

- 10.1 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.
- 10.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.
- 10.3 There are no known equality implications arising directly from this development.
- 10.4 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.
- 10.5 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).

## 11. Recommendation

**Grant planning permission** subject to:

Planning conditions outlined below:

### Conditions and Reasons

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

**Reason:** To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:  
Site Location Plan received on 30/09/2021,  
Site plan and Sections received on 12/04/2022,  
Floor plans and Elevations for plot 1 & 6 received on 30/09/2021,  
Floor plans and Elevations for plot 2, 3, 4 & 5 received by the local planning authority on 06/08/2021.

**Reason:** To ensure a satisfactory appearance and impact of the development to accord with Policies DM, DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. Prior to the commencement of the development, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings shall be deposited with and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with those approved materials.

**Reason:** To ensure that the development has a satisfactory external appearance and in the interests of visual amenity to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD.

4. No development, excluding demolition, shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
  - a) Means of enclosure
  - b) Car parking layouts
  - c) Other vehicle and pedestrian access and circulation areas
  - d) Hard surfacing materials
  - e) Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.)
  - f) Planting plans
  - g) waste collection provision and points
  - h) Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
  - i) Implementation programme

**Reason:** To ensure that the development has a satisfactory external appearance and in the interests of visual amenity to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD.

5. No development shall commence, until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have first been

submitted to and approved in writing by the Local Planning Authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.

**Reason:** To ensure that the development has a satisfactory external appearance and in the interests of visual amenity to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD.

6. Development shall not begin until a scheme to provide a surface water drainage system has been submitted to and approved by the Local Planning Authority, and the scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

**Reason:** To ensure that the development is provided with satisfactory means of surface water drainage to prevent flooding and minimise the risk of pollution in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

7. The development hereby approved shall not commence until drainage plans for the disposal of surface water and foul sewerage, including its maintenance, have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and completed in accordance with the approved details prior to any occupation of dwellings hereby approved.

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

8. The development hereby approved shall not commence until details of Electric Vehicle Charging Points (EVCP), have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and completed in accordance with the approved details prior to any occupation of dwellings hereby approved.

**Reason:** To facilitate a change to low carbon private vehicles to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Plan.

9. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented and hard surfaced in accordance with Site Plan drawing number 03. Thereafter the onsite parking provision shall be so maintained in perpetuity.

**Reason:** To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in accordance with Policy DM17 and DM18 of the adopted Site Allocations and Development Management Policies Plan.

10. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no gates, barriers, bollards, chains or other such obstructions shall be erected to the vehicular access at Leicester Road, Hinckley.

**Reason:** To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with Policy DM18 of the Site Allocations and Development Management Plan Policies.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking or re-enacting that order with or without modification) development within Schedule 2, Part1, Classes A, B, C and D shall not be carried out without the grant of planning permission for such development by the Local Planning Authority.

**Reason:** To safeguard the residential amenity of neighbouring properties in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD.

12. Before first occupation of the dwellings hereby approved, all the first floor windows positioned side and rear of the proposed buildings shall be fitted with obscured glazing and shall be permanently retained in that condition thereafter.

**Reason:** To protect the privacy and amenities of occupiers of neighbouring properties with Policy DM10 of the Site Allocations and Development Policies DPD.

13. No development shall take place until a scheme which provides adequate provision for waste and recycling storage and collection across the site has been submitted to and approved in writing by the Local Planning Authority. The details should address the accessibility to storage facilities and adequate collections point space at the adopted highway boundary.

**Reason:** To ensure that the development is served with a satisfactory waste collection scheme across the site to serve the amenity of the future occupants to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD.

14. Site preparation and construction shall be limited to the following hours:  
Monday – Friday 07:30 – 18:00  
Saturday 08:00 – 13:00  
No working on Sundays and Bank Holidays

**Reason:** In the interests of satisfactory residential amenity to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD.

## 12 Notes to applicant

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. A minimum of 3 test locations will be required in order to obtain representative results for the development site. 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. The drainage scheme should be designed in accordance with the CIRIA SuDS Manual (C753), incorporating sustainable drainage principles and the appropriate level of treatment trains to improve water quality.



before discharging into the downstream system. Drainage details shall include hydraulic calculations to demonstrate that the proposed drainage system for the development will operate satisfactorily and not result in any flooding off-site in the 1 in 100 year rainfall event, plus an appropriate allowance for climate change.