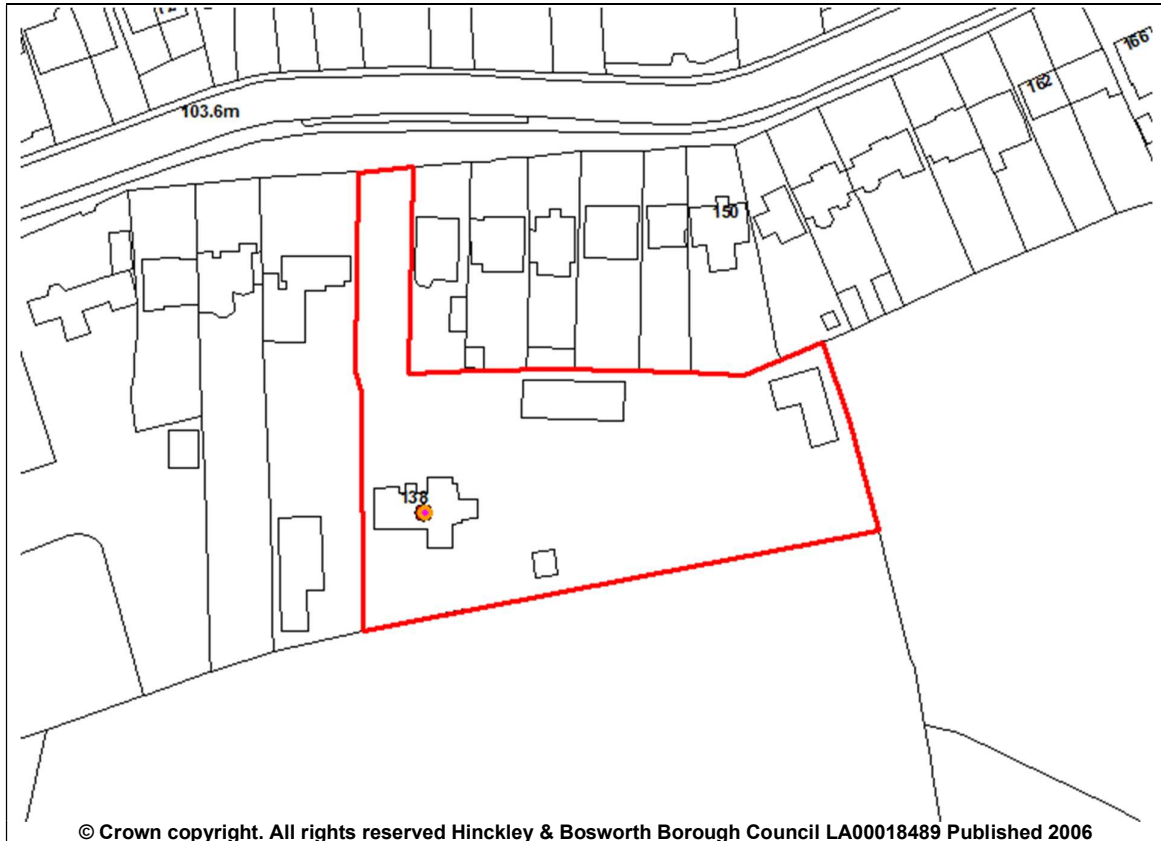


**Planning Committee 22 November 2022**  
**Report of the Planning Manager (Development Management)**

**Planning Ref: 22/00120/FUL**  
**Applicant: Ms Michelle Sanders**  
**Ward: Burbage St Catherines and Lash Hill**

**Site: Michealmas Cottage, 138 Sapcote Road, Burbage, LE10 2AY**

**Proposal: Demolition of existing garage block and stables and the construction of 3 new dwellings with associated parking and turning facilities.**



**1. Recommendations**

**1.1. Approve planning permission** subject to the conditions at the end of this report.

**2. Planning application description**

**2.1.** The proposal seeks approval for the demolition of an existing garage block and stables building and the erection of three dwellings together with a new garage for the existing dwelling. No works are proposed to the existing dwelling.

**2.2.** The application proposes the erection of three dwellings within the existing site and curtilage of the dwelling, with the proposed dwellings sited directly to the east of the host dwelling, south of existing dwellings on Sapcote Road. Access to the proposed dwellings is taken from the existing access to the host dwelling from Sapcote Road, with the existing gates to be moved back within the site.

- 2.3. The three proposed dwellings are all two storeys in height with attached or integrated double garages. Landscaping details are not provided and are to be conditioned, however the site plan (150E) shows indicatively the retention of existing trees to the northern boundary of the site together with retention of the northern hedgerow.

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

- 3.1. The site is located to the eastern side of Burbage, with the existing dwelling set back approx. 78m from Sapcote Road via its own driveway. The site is bounded by a high hedge to the south and eastern sides, with open countryside beyond these boundaries.
- 3.2. Existing dwellings are located to the north and west of the site, with the rear gardens of dwellings on Sapcote Road to the north and the dwelling and garden of no. 136 Sapcote Road to the western boundary. Dwellings in close proximity are characterised by detached dwellings on large plots along Sapcote Road.
- 3.3. The site is not located in a conservation area nor is it located in proximity to any listed buildings.

**4. Relevant planning history**

- 4.1 The application site has the following relevant planning history:
- 15/00781/CLUP**
- Use of existing detached building for commercial dog grooming
  - Certificate Of Lawful Proposed Use
  - 01.10.15
- 20/00286/OUT**
- Residential development of 5 dwellings and detached garages (Outline - with access and layout to be considered)
  - Withdrawn
  - 05.11.20

**5. Publicity**

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. Objections were received from nine households initially, with a further 6 objections from the same households received during a consultation on the revised plans. The objections raise the following material matters:
- Flooding and drainage
  - Ecology and impact on wildlife
  - Impact on the access to Sapcote Road
  - Impact on neighbouring amenity – noise
  - Impact on neighbouring amenity – over shadowing and overbearing
  - Impact on the character of the area
  - Loss of existing hedgerows

**6. Consultation**

- 6.1. No objection has been received from:
- LCC Highways (Conditions relating to access width, visibility splays, parking facilities and removal of gates)
  - HBBC Drainage
  - HBBC ES Pollution (Condition for working hours on site)
- 6.2. Burbage Parish Council has objected to the proposals for the following reasons:

- Flooding issues to site
- Existing trees removed and lack of landscape details proposed
- Impact on Sappcote Road access
- Utilities and service details not shown
- No provision for bin storage (*Officer note: since shown on a revised plan Rev E*)
- Access for emergency vehicles

## **7. Policy**

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

- Policy 4 – Development in Burbage
- Policy 15 – Affordable Housing
- Policy 16 – Housing Density, Mix and Design
- Policy 24 – Sustainable Design and Technology

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

- Policy DM1: Presumption in Favour of Sustainable Development
- DM2 – Delivering Renewable Energy and Low Carbon Development
- DM4 – Safeguarding the Countryside and Settlement Separation
- DM6 – Enhancement of Biodiversity and Geological Interest
- DM7 – Preventing Pollution and Flooding
- DM8 – Safeguarding Open Space, Sport and Recreational Facilities
- DM10 – Development and Design
- DM17 – Highways and Transport
- 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. Burnage Neighbourhood Plan**

- Policy 1 – Settlement Boundary
- Policy 2 – Design and Layout
- Policy 4 – Parking
- Policy 9 – Wildlife and Green Corridors

### **7.5. Other relevant guidance**

- Good Design Guide (2020)

## **8. Appraisal**

### **8.1. Key Issues**

- Principle of development
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Flood risk and drainage
- Planning balance

Principle of development

### **8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) July 2021) 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) (CS) the Site Allocations and Development Management Policies DPD (2016) (SADMP).
- 8.4. The Emerging Local Plan for 2020-39 has been out for consultation at Regulation 19 draft stage (February to March 2022). The LDS anticipates that the Plan will be submitted in spring/summer 2022, and an estimated date for examination of late summer/autumn 2022. This will increase the weight to be afforded to the new Local Plan. The LDS will be updated in December following the decision taken at Full Council on 6<sup>th</sup> September.
- 8.5. The Core Strategy (CS) sets out the settlement hierarchy for the Borough. Policy 4 sets out what will be appropriate within the defined settlement boundary for Burbage. It supports the provision of housing development within settlement boundaries, provided that it is of an appropriate type, mix, design and scale.
- 8.6. This settlement boundary has been updated through the Burbage Neighbourhood Plan (2021) with this site located within the settlement boundary. Policy 1 of the Neighbourhood Plan sets out that residential development on land within or adjacent to the settlement boundary, will be supported, subject to complying with other development plan policy.
- 8.7. As the site is located within the settlement boundary for a sustainable settlement the proposal is considered to be acceptable in principle.
- 8.8. As such, the proposals are considered to be acceptable in principle, subject to the detailed matters below.
- 8.9. Design and impact upon the character of the area  
Policy DM10(c), (d) and (e) 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 and incorporates a high standard of landscaping.
- 8.10. The Good Design Guide SPD provides guidance on existing residential development in particular extensions and conversions.
- 8.11. Paragraph 134 of the NPPF states development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance. Local policy is considered to accord with the NPPF.

- 8.12. The proposed dwellings would each be two-storey detached, four-bedroom properties, with attached/incorporated double garages and space for a further two off-road parking spaces per dwelling. Each property would benefit from outside amenity areas and lawned gardens.
- 8.13. The proposed dwellings are traditional in their design, and would replace an existing stables building and existing garage block that are not considered to add to the existing character of the site or area.
- 8.14. The proportions, design, positioning and overall impact of the dwellings would have a neutral impact on the site and immediate surroundings, with the proposed dwellings as large detached dwellings, matching those immediately surrounding the site.
- 8.15. The proposal would result in back land development, however the existing dwelling is already set back behind the existing ribbon development along Sapcote Road, with the proposal contained within the existing curtilage of the dwelling. Furthermore the site does not go beyond the existing curtilage boundary of neighbouring no. 136 Sapcote Road to the west (together with no. 134 and 132) and the site is bounded to the south and east by the proposed residential development allocation reference BUR01H/BUR02H as identified in the Regulation 19 Local Plan consultation and with an application for residential development on this site subsequently received (22/01037/OUT).
- 8.16. Overall the scheme is considered to be acceptable and in accordance with Policy DM10(c), (d) and (e) of the SADMP, the Good Design Guide SPD and the requirements of the NPPF with respect to design and character considerations.
- Impact upon neighbouring residential amenity
- 8.17. 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.
- 8.18. 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. This proposal is for the erection of three dwellings on the site together with demolition of two existing buildings.
- 8.19. Paragraph 130 of the NPPF states that decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 8.20. The three dwellings would have suitable areas of amenity space and would have a reasonable relationship with each other and surrounding existing properties. There would be no overlooking, no loss of sunlight and no overbearing impact between the three proposed dwellings and the host dwelling.
- 8.21. Objections have been raised with regards to impact on existing dwellings on Sapcote Road, raising a potential impact on residential amenity through being overbearing, overshadowing and noise impact.

- 8.22. Plot 4 is the dwelling proposed closest to existing dwellings, being sited to the north east corner of the site. Plot 4 will be approx. 23.5m from 150 Sapcote Road at its closest point, with approx. 28m from the two storey rear elevation of no. 150 Sapcote Road to the side elevation of Plot 4. These distances are well above the 14m distance as suggested in the Good Design SPD from principle windows to a blank two storey side elevation of Plot 4. This side elevation of Plot 4 does not contain any windows with the exception of a single obscure glazed bathroom window at first floor level. Further, Plot 4 has been amended in design to reduce the scale of two storey development along this northern boundary. Concerns raised with regards to potential overlooking are with regards to the siting of the front elevation of Plot 2, however this is located approx. 40m from the rear elevation of no. 146 Sapcote Road, well above the 21m guidance distance.
- 8.23. Objections raised with regards to noise impact from the development are noted, however HBBC Environmental Health do not have any objections to the proposal, subject to a condition on working hours. A construction management plan will be conditioned to ensure working hours and works on site are adhered to and any noise disruption will be temporary during construction only. Any noise resulting from the proposed development once built from car movements or future residents is not considered to be considered as a reason for refusal.
- 8.24. As such this application is considered to be acceptable in amenity terms and in compliance with Policy DM10 of the SADMP, The Good Design Guide SPD and the requirements of the NPPF with respect to residential amenity.
- Impact upon highway safety
- 8.25. Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does 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)).
- 8.26. Paragraph 111 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.
- 8.27. The Highways Authority have no objection to the scheme but have sought conditions in relation to the access widths, visibility splay, gates and the provision of car parking spaces.
- 8.28. At present the existing gates are located within 5m of the highway (Sapcote Road) and as such LC Highways have requested their removal to ensure that vehicles do not back up at the access back to Sapcote Road. The amended site plan (Rev E) submitted by the applicant retains the gates but moves these back within the site to approx. 30m back from the highway. As such the revised gates position is not considered to result in any detriment to highway safety through queuing vehicles.
- 8.29. The proposal will have a negligible impact on the highway network and the new properties will have sufficient car parking areas on site. The proposal is therefore considered to be acceptable in highway terms and accords with Policies DM17 and DM18 of the SADMP.

Flood Risk and Drainage

- 8.30. 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.
- 8.31. Paragraph 167 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 169 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should take account of advice from the LLFA, have appropriate proposed minimum operating standards, have maintenance arrangements for the lifetime of the development and where possible provide multifunctional benefits.
- 8.32. Flood risk and drainage have been raised in nearly all objections received to the proposal, with evidence provided of previous flooding episodes to rear gardens along Sapcote Road.
- 8.33. The topographical survey shows the site sloping from north to south, meaning that any additional built form will not result in any water run off northwards to dwellings on Sapcote Road. HBBC Drainage requested a suitable condition for further drainage details however the applicant has subsequently submitted the following:
- Proposed drainage strategy;
  - Drainage construction details;
  - Simulation calculations;
  - Maintenance strategy; and
  - Soakaway assessment
- 8.34. The proposed drainage strategy includes provision of a surface water sewer through the site, including serving the access road. This surface water sewer would then discharge at the eastern boundary of the site into a ditch via a hydrobrake with a maximum discharge of 2l/s. This proposal and discharge rate is considered to be in accordance with an up to 1 in 100yr storm event plus 40% for climate change. Any further consultation responses with regards to drainage will be reported.
- 8.35. A condition requiring surface water drainage details will enable the application to meet the demands of the Development Plan with respect to drainage and flood risk.

#### Ecology

- 8.36. Policy DM6 of the SADMP requires development proposals to demonstrate how they conserve and enhance features of nature conservation and ecological value.
- 8.37. No ecology report or survey has been provided by the applicant, however the site is considered to be residential curtilage in nature and a previous application (20/00286/OUT) did include a preliminary ecology appraisal that found no evidence of protected species and a low ecological value to the site.
- 8.38. The recommendations of this report, for trees and hedgerows to be retained together with provision for bird and bat boxes will be carried through in conditions and notes to the applicant in order to ensure that the application is in accordance with Policy DM6 of the SADMP.

#### Planning Balance

- 8.39. 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.

- 8.40. Using the standard method as outlined by MHCLG, Hinckley and Bosworth Borough is able to demonstrate 4.89 years of deliverable housing at 31<sup>st</sup> March 2022. Therefore the Council does not have a 5 year housing land supply.

- 8.41. Under these circumstances, the NPPF sets out, in paragraph 11d) that, for decision makers:

*“where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (8), 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<sup>7</sup>; 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”*

- 8.42. Footnote 8 in the NPPF states that the application of this approach *“includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years”*.

- 8.43. Therefore, currently the ‘tilted’ balance in paragraph 11(d) of the NPPF applies and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

- 8.44. The proposal is considered to be acceptable when taking into account all of the material considerations set out above. There are no adverse impacts associated with this development that would outweigh the benefits identified. Therefore this application is recommended for approval subject to conditions set out below.

## **9. Equality implications**

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

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.
- 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. Recommendation**

- 10.1 **Approve planning permission subject to the following conditions:**

**11. 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:
- Site Location Plan - Drg No. 7877 100 (Received 10/02/2022)
  - Site Plan Drg No. 7877 150 Rev E (Received 04/11/2022)
  - Floor Plans Plot 3 Drg. No 7877 252 (Received 10/02/2022)
  - Elevations Plot 3 Drg No. 7877 253 (Received 10/02/2022)
  - Floor plans Plot 2 Drg No. 7877 250 (Received 10/02/2022)
  - Elevations Plot 2 Drg No. 7877 251 (Received 10/02/2022)
  - Floor Plans Plot 4 Drg No. 7877 254 Rev A (Received 22/09/2022)
  - Elevations Plot 4 Drg No. 7877 255 Rev A (Received 22/09/2022)

Where the above plans/reports include mitigation measures, these will be delivered 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. No development above foundation level shall commence on site until representative samples of the types and colours of materials to be used on the external elevations of the dwellings hereby permitted have been deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

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

4. No development shall commence on site until a scheme that makes provision for waste and recycling storage and collection across the site has been submitted in writing to and approved in writing by the Local Planning Authority. The details should address accessibility to storage facilities and adequate collection point space at the adopted highway boundary. The approved scheme shall be implemented in accordance with the agreed details.

**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).

5. No development shall commence on site until a scheme for surface water drainage, incorporating sustainable drainage principles (SuDS) have been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details prior to the first occupation of any dwellings hereby approved, and retained thereafter.

Details submitted shall include, but not be limited to, test pit/borehole locations and groundwater level information in order to demonstrate that infiltration drainage is feasible for this site. Soakaways should be designed in accordance with CIRIA publication 'The SuDS Manual' (C753).

**Reason:** To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD (2016) and the requirements of the NPPF.

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

The plan shall detail how such controls will be monitored. The plan will provide a procedure for the investigation of complaints. The agreed details shall be implemented throughout the course of the development. Site preparation and construction shall be limited to the following hours; Monday - Friday 07:30 - 18:00, Saturday 08:00 - 13:00 and no working on Sundays and Bank Holidays.

**Reason:** To help prevent and mitigate noise, odour and pollution in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD (2016) and the requirements of the NPPF.

7. Details of any external lighting of the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. This information shall include a layout plan with beam orientation and a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall

be installed, maintained and operated in accordance with the approved details.

**Reason:** To help prevent and control light pollution in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD (2016) and the NPPF.

8. Prior to the commencement of development a scheme for the installation of electric vehicle charging points will be submitted to and approved in writing by the local planning authority. The scheme shall identify the number of units to benefit from electric charging points, together with full detail of the location and fitting of the units.

**Reason:** To ensure that the proposals meet the requirements of Policy DM10 (g) of the Site Allocations and Development Management Policies DPD (2016) and Paragraph 112 (e) of the National Planning Policy Framework

9. Notwithstanding the submitted plans, the proposed access shall have a width of a minimum of 4.25 metres, a gradient of no more than 1:30 for a distance of at least 5 metres behind the highway boundary and shall be surfaced in a bound material with a 7.2 metres dropped crossing. 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 the National Planning Policy Framework (2021).

10. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 65 metres in both directions. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

**Reason:** To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (2021).

11. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Proposed Site Plan, drawing number 150A. 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 the interests of highway safety and in accordance with the National Planning Policy Framework (2021).

12. The development hereby permitted shall not be occupied until such time as the existing gates to the vehicular access have been permanently removed. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order

2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 5 metres of the highway boundary, nor shall any be erected within a distance of 5 metres of the highway boundary unless hung to open away from the highway.

**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 the National Planning Policy Framework (2021).

13. No development shall take place until a scheme of hard and soft landscaping works, including boundary treatments, for the site, 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. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

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

14. The approved hard and soft landscaping scheme shall be carried out in accordance with the details approved by condition 12; in the first planting season following the first occupation of the dwelling to which it relates. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

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

15. During the construction period, none of the trees or hedges indicated to be retained shall be cut down, uprooted or destroyed, nor shall be topped or lopped other than in accordance with the approved plans, without the written approval of the Local Planning Authority. If any of the trees or hedges to be retained are removed, uprooted or destroyed or dies, a replacement shall be planted at the same place and that tree or hedge shall be of such size and species, and shall be planted at such time, as maybe specified in writing by the Local Planning Authority.

**Reason:** To ensure that the existing trees on the site are retained and protected 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 (2021).

16. No development shall commence above damp proof course level until an ecology mitigation strategy has been submitted to and approved in writing by the Local Planning Authority. The mitigation strategy shall include provision of bird and bat boxes. No development shall be undertaken except in accordance with the approved scheme of mitigation.

**Reason:** In order to protect the protected wildlife species and their habitats that are known to exist on site to accord with in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

#### 11.1 **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](mailto: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. Nesting birds and bats, their roosts and their access to these roosts, are protected under the Wildlife and Countryside Act 1981 and the Conservation (Natural Habitat etc) Regulation 1994. Therefore, should birds or bats be present, works should be deferred until the late summer/autumn.