

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

**Planning Ref: 22/00788/OUT  
Applicant: Mrs Ladkin-Berry  
Ward: Barwell**



Hinckley & Bosworth  
Borough Council

**Site: 14 Chesterfield Way Barwell Leicester**

**Proposal: Residential development for 3 new dwellings with details of means of access, layout and scale.**



**1. Recommendations**

**1.1. Grant planning permission subject to:**

- Planning conditions outlined at the end of this report

**2. Planning application description**

- 2.1. The application seeks outline planning permission for 3 dwellings with access, layout and scale matters for consideration on land to the rear of 14 Chesterfield Way, Barwell. The scheme comprises three x 4 bed bungalows with associated parking, turning facilities, and private amenity space. No 1<sup>st</sup> floor living space is proposed. The final details of appearance and landscaping are reserved.
- 2.2. An indicative site plan has also been provided to indicate separation distances between the dwellings.

- 2.3. 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. Three off street parking spaces are proposed for each dwelling.
- 2.4. Application 21/00290/OUT was 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.”*
- 2.5. This application is a resubmission of 21/00290/OUT which was an outline application for 4 dwellings (Outline with access and scale). This was refused on the same 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”*.

### **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, although cleared a few years ago now comprises mainly bramble scrub with a few trees on the perimeter. 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 5 dwelling (Outline with access and scale)
- Refused
- 16.03.2021

#### **21/00290/OUT**

- Residential development for 4 dwellings (Outline with access and scale)
- Refused
- 29.07.2021

The above planning decisions were considered under conjoined planning appeals **APP/K2420/W/21/3272986** and **APP/K2420/W/21/3281222**. The conjoined appeals were dismissed in December 2021. Whilst the appeals were dismissed it is important to highlight that the Inspector raised no objection to the development as a matter of principle, nor were there any in-principle objections with regard to the access provision, infill character of the site, proposed number of dwellings or impact on residential amenity. Whilst the appeals had been submitted in outline indicative details of the layout, scale and height of the development had been included. The Inspector concluded that by virtue of the scale, height and layout that the development would appear visually cramped, compromising the sense of space and openness in the area. The proposals now the subject of this application, have considered the Inspector’s reasoning.

## **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 1 address on the following grounds:

- 1) This application is now in line with the initial comments from the planning department in 2018
- 2) This and any future application for this site must maintain the relationships to other properties on Chesterfield Way.
- 3) Any future application for a double storey or loft addition on any bungalow should be refused if any window is visible or overlooking 16 Chesterfield way
- 4) The layout for these 3 bungalows must maintain the relationships with neighbouring properties
- 5) The site is on top of a hill so drainage and run off water could be an issue
- 6) The development has an adverse effect on the privacy and overlooking of neighbours
- 7) One of the proposed dwellings is only 400mm from the boundary of 16 Chesterfield Way
- 8) The vehicular movements will have an adverse effect on highway safety as the access road does not accommodate 2 cars passing each other
- 9) The access is impeded by the refuse storage area
- 10) It's impossible to exit and look left
- 11) There is no way deliveries using HGV's can be made

## **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:

*'Inadequate parking for 4-bedroom properties. Access into road needs to be more than the stated 4 metres as Emergency services and refuse collection lorries will struggle to get through. Road needs to be built to adoptable standards'.*

## **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 states 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 25<sup>th</sup> 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). At present the Council can demonstrate a 4.89yr supply as of 31<sup>st</sup> March 2022.
- 8.6 The Council's 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, because of the housing land supply figure, and because of the out-of-date evidence base on which the development plan relies

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 bounded from these properties by trees and fencing. The proposed development will therefore introduce built form into 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 submitted 3d sketch of the proposed scheme gives an idea as to the proposed height but no actual elevations have been submitted for this outline application. The scale and height of the proposed are typical of a normal bungalow. 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 3d sketch 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 3 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 bedrooms. The garden sizes are also reflective of the garden sizes of the existing properties on Chesterfield Way.

- 8.15 The indicative layout shows two dwellings set out in a row facing south-west and a 3rd dwelling to the front facing them. The formal layout allows the properties to have a connection with each other and provides a layout that works well with the site size and orientation of existing dwellings around it. 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. There are no upper floor windows proposed however. 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. 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. The principle of the proposed site access was approved under 21/00290/OUT. The Applicant has provided plan 'Proposed Access', drawing number 05, which mirrors the previously submitted drawing under 21/00290/OUT. As such the LHA are satisfied the access proposals accord with figure DG17 of Part 3 of the Leicestershire Highway Design Guide (LHDG). 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 There have been no recorded Personal Injury Collisions (PICs) within the last five years and current year to date within 500m of the site in either direction. The LHA therefore has no pre-existing highway safety concerns regarding this location.
- 8.28 The indicative layout shows 3 parking spaces per dwelling which satisfies requirements for a 4 bed dwelling. 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 Council's Drainage Officer has no objection to the proposal subject to a condition for surface water drainage details incorporating sustainable drainage principles (SUDS) to 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 hedgehogs 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 3 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 and the Council can not demonstrate a 5yr housing land supply. 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. Points of objection have been dealt with in the body of the report as well as in the conditions added. PD rights have been removed and suitable highway comments have been added, following the no objection response from highways.

## **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:

Unnumbered Site location plan received 16/08/2022  
3D Sketch Images Drg No. 09 received 16/08/2022  
Plot Comparison Drg No. 08 received 16/08/2022  
Revised Site Plan Drg No. 07 received 16/08/2022  
Sections Drg No. 06a received 16/08/2022  
Proposed Access Drg No. 05 received 16/08/2022

**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 the approved details.

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

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. 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 07. 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).

8. Development shall not begin until surface water drainage details, incorporating sustainable drainage principles (SuDS) have been submitted to and approved in writing by the Local Planning Authority (LPA), and the scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

**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).

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).

10. No part of the development hereby permitted, including site clearance, shall commence until a combined ecological and landscaping scheme has been submitted to and approved in writing by the Local Planning Authority (in consultation with WCC Ecological Services). The scheme must include all aspects of landscaping including details of native tree planting, installation of bird and bat boxes, hedgehog corridors and any other biodiversity enhancements such as log piles and wild flower area. The agreed scheme to be fully implemented before/during development of the site as appropriate.

**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).

11. No development shall take place until a scheme makes adequate provision for waste and recycling storage of containers and collection across the site which has been submitted to and approved in writing to the Local Planning authority. 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.

**Reason:** The protect the amenity of neighbours and character of the area.

#### 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](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. 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. Please refer to the guidelines on the Recycling & Refuse Services (available from the planning officer or Waste Services) to ensure adequate space on properties to store the various containers and also space at the kerbside (ie where the properties meet the public highway) for the placement of the containers on the collection day.