

Planning Committee 20<sup>th</sup> December 2022  
Report of the Planning Manager (Development Management)

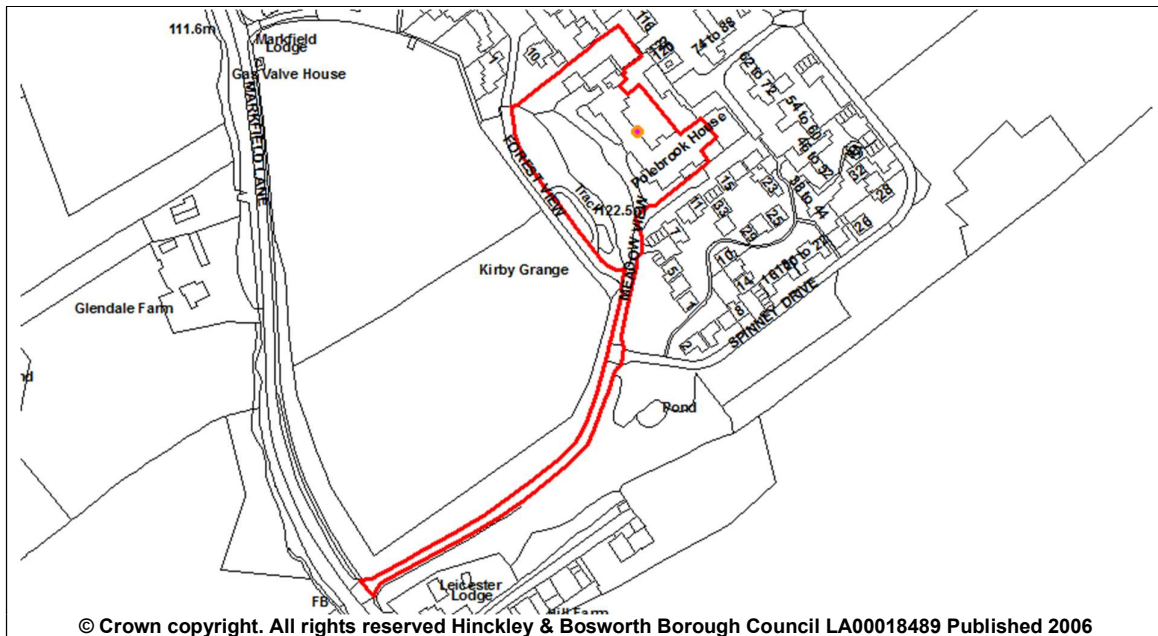


Hinckley & Bosworth  
Borough Council

Planning Ref: 21/01331/FUL  
Applicant: Mr Geoff Butcher  
Ward: Newbold Verdon With Desford & Peckleton

Site: Kirby Grange Residential Home Spinney Drive Botcheston

Proposal: Refurbishment and extension of the existing Polebrook House including demolitions, two storey extensions and landscaping works to extend the residential care home (C2) by 51 bedrooms



## 1. Recommendations

### 1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

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

## 2. Planning application description

2.1. The proposal is for the refurbishment and extension of Polebrook House to provide an additional 51 en-suite care bedrooms with ancillary social accommodation adjacent to the existing care home at Kirby Grange. This includes the demolition of workshops and minor elements of Polebrook House and three extensions to the building, being at each side and on the rear elevations. Access to the front of the building would be reinstated and an additional car parking area provided.

2.2. The application was brought to the committee on 25<sup>th</sup> October but deferred for further amendments. Since then amended plans have been received to address the following concerns:

- An additional five car parking bays are provided, bringing the new total to 31 spaces, including two disabled parking spaces.
  - Extension C adjacent to existing properties on Forest View has had the proposed footprint length reduced by 4.8m and the roof height lowered by 1.85m. This has been achieved through an internal level change of 1.4m in the link with the existing building, and amendments to the roof design.
  - The previously proposed first floor roof garden has been removed and all windows in the north east elevation facing Forest View have been reviewed to avoid overlooking and loss of privacy to neighbouring properties.
  - Additional landscaping along the south western boundary is provided and a one way system for the car park introduced.
- 2.3. The care home currently has 27 bedrooms and employs 16 staff (over the day and night shift). Following the proposed development this would increase by 51 bedrooms and a further 22 staff. Six of the additional employees would cover the night shift. Staff accommodation and facilities would be provided at second floor level.
- 2.4. Extensions A and C to Polebrook House have a traditional design, constructed of brick with a tiled hipped roof. The care accommodation is over two levels with links to the existing buildings. Extension B to the rear is also over two levels, but has a more contemporary design with a flat roof, grey cladding and curtain walling.
- 2.5. An Arboricultural report has been provided which details the quality of the existing trees on the site, most of which lie to the front of Polebrook House adjacent to the car park. These trees are subject to a group Tree Preservation Order. Several trees would be removed adjacent to the front access drive and Extension C. Additional trees and soft landscaping are proposed, on the boundary with the bungalows in Forest View and adjacent to the car park.

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

- 3.1. Kirby Grange is a retirement village and care home in the countryside to the north east of Botcheston village and within the Parish of Desford. Polebrook House sits adjacent to the existing nursing home and comprises a large two and three storey building constructed in the 1880s as a school. It is currently in a poor state of repair and largely vacant.
- 3.2. The building is considered to be a non-designated heritage asset due to its historical and architectural interest. It has an impressive design with a number of brick towers, one massive tower having decorative banding, piers and corbelling, the use of circular Norman arches for openings including a bold entrance porch set with decorative brickwork, a clay tile roof, large chimney stacks, hipped dormers, the use of finials and a clock set within a central gabled bay.
- 3.3. Since the existing care home has become established, the area around it and Polebrook House has been developed with retirement bungalows through a network of private roads accessed from Markfield Lane.

### **4. Relevant planning history**

#### **00/00855/COU**

- Conversion and alteration of workshop to form additional accommodation to residential home
- Permitted but not implanted.
- 13.11.2000

## **90/01089/4**

- Extension to Nursing Home
- Permitted
- 23.04.1991

### **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 and a notice was displayed in the local press.
- 5.2. Objections received from and on behalf of nine local residents. These can be summarised on the following grounds:
- 1) Loss of light and privacy
  - 2) Loss of trees
  - 3) Increased traffic and insufficient parking provision
  - 4) Loss of wildlife and habitat
  - 5) Materials and design not in keeping
  - 6) Not a sustainable location for development
- 5.3. Kirby Grange Village Association has requested a contribution towards the maintenance of the shared private roads from the developers / operators of the new care facility.

### **6. Consultation**

- 6.1. Objection from Desford Parish Council on grounds that the proposal results in overshadowing / overlooking of adjacent properties in Forest View and there is insufficient parking.
- 6.2. Objection from the Council's Arboricultural Officer due to the removal of the T15 oak which is of category A importance, to facilitate the proposed extension C.
- 6.3. National Forest Company comment that the plans do not consider National Forest Strategy design requirements or National Forest Planting as required by Policy 21 of the Hinckley and Bosworth Core Strategy
- 6.4. No objections from:
- HBBC Waste
  - HBBC Drainage
  - Conservation Officer
  - LCC Lead Local Flood Authority (following receipt of further information)
- 6.5. No objections subject to standard conditions from:
- HBBC Environmental Services
  - LCC Highways

- LCC Ecology
- LCC Archaeology
- Severn Trent

## **7. Policy**

### 7.1. Desford Neighbourhood Plan 2018-2036

- Policy H5: Housing Mix
- Policy H7: Housing Design
- Policy ENV3: Biodiversity
- Policy ENV 5: Local Heritage Assets

### 7.2. Core Strategy (2009)

- Policy 21: National Forest
- Policy 22: Charnwood Forest

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM13: Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

### 7.4. National Planning Policies and Guidance

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

### 7.5. Other relevant guidance

- Good Design Guide Supplementary Planning Document (SPD) (2020)
- National Design Guide (2019)

## **8. Appraisal**

### 8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Drainage
- Heritage assets
- The Natural Environment

Assessment against strategic planning policies

- 8.2 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), the Site Allocations and Development Management Policies DPD (2016) and the Desford Neighbourhood Plan (2021).
- 8.3 Policy DM4 of the SADMP states that to protect the intrinsic value, beauty, open character and landscape character, the countryside will be safeguarded from unsustainable development. DM4(b&c) identifies the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting and development which significantly contributes to economic growth, job creation and/or diversification of rural business as sustainable development. This is subject to the proviso that it would not have a significant adverse effect or does not undermine the physical and perceived separation and open character between settlements.
- 8.4 Policy H5 of the Desford Neighbourhood Plan (NP) supports the provision of homes for older people including single level living and a supported living complex.
- 8.5 Although the site lies within the open countryside, it is considered that the refurbishment and re-use of Polebrook House complies with Policy DM4 of the SADMP in principle, subject to detailed design, environmental and heritage matters which are discussed below. The proposed extensions are of a scale that would not undermine the physical or perceived separation and open character between settlements. Therefore, the proposal accords with the principle of Policy DM4 of the SADMP and complies with Policy H5 of the Desford NP.

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

- 8.6 Policy DM10 of the SADMP indicates that development will be permitted providing it meets good standards of design including that it would complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.7 The Good Design Guide SPD outlines that extensions to existing buildings should be subordinate and be an appropriate height, width, depth and complement the detailing and materials of the existing building.
- 8.8 Policy H7 of the Desford NP requires new development to reinforce local distinctiveness and character of the area.
- 8.9 Extensions A and C are considered to be subservient to the existing building and reflect its traditional Victorian design and scale, incorporating brick, hipped roofs, traditional detailing such as feature detailing around the windows and a vertical emphasis to window design. Extension B is a more lightweight modern structure which provides a visual link to the existing care home and addresses the changing levels on the site. Its lightweight design provides an interesting contrast and allows the existing rear elevation of Polebrook House to continue to be appreciated. Both traditional and modern elements are sympathetic in scale and massing with the original building and complement its appearance.
- 8.10 Overall, the extensions would sit well in their context adjacent to both the traditional form of Polebrook House and the more modern surrounding buildings nearby. A condition is proposed requiring the submission of samples of external facing materials and roof tiles.

- 8.11 The proposal is considered to comply with the requirements of Policy DM10 of the SADMP, Policy H7 of the NP and the adopted SPD Good Design Guide.

Impact upon neighbouring residential amenity

- 8.12 Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy or amenity of nearby residents and occupiers of adjacent buildings and the amenity of occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.
- 8.13 The Good Design Guide also provides guidance on the assessment of residential amenity.
- 8.14 Extensions A and B are located to the north east and south east of the building facing the existing care home and Meadow View respectively. These elements would not have an adverse impact on neighbouring residential amenity due to their distance and orientation.
- 8.15 Extension C lies to the north west, replacing the existing workshop building adjacent to the bungalows in Forest View. The ground levels in this area are generally higher than the adjacent properties. The workshop building to be demolished is single storey with a steeply pitched hipped roof. By comparison, Extension C has two stories but with a shallow pitched / flat topped roof as shown on the amended plans. The proposal will therefore alter the current outlook from the nearest dwellings, being 9 and 10 Forest View.
- 8.16 Extension C is set off the boundary approximately 5m and at its closest point is 16.3m to the rear wall of number 10 and 7.3m to the side (non principal) elevation of number 9 Forest View. This complies with the distance recommended in the Council's adopted Design Guidance which advises 14m between solid walls and principal windows in order to avoid undue overbearing and loss of light. Whilst number 10 is known to have a rear conservatory which is necessarily closer, this is by its nature a largely glazed structure with multiple light sources. In addition, the amended plans have reduced the overlap of extension C with the rear garden of number 10 Forest View and have also reduced the height and mass of the structure overall. It is therefore more comparable to the existing workshop building and does not extend any closer to the boundary with number 10. On balance, the proposed extension is not considered to have a significant adverse impact on neighbouring residential amenity in terms of loss of light or outlook.
- 8.17 In terms of privacy, the facing elevation of extension C has no ground floor or first floor windows facing the rear garden of number 10 Forest View. All first floor windows on this elevation are projecting side viewing bay windows or fitted with privacy glazing. Additional landscaping is proposed on this boundary and between the car parking area and number 1 Forest View which is secured through a condition. A condition also requires details of boundary treatments at ground level. Subject to conditions, the privacy of the nearby dwellings on Forest View can therefore be safeguarded.
- 8.18 In general terms, residential amenity is further safeguarded by conditions relating to lighting and noise, including details of mechanical ventilation etc. as required by the Environmental Protection Officer. A condition restricting hours of construction and the submission of a Construction Management Plan prior to commencement of the development is also proposed.

- 8.19 Overall, subject to conditions the proposal complies with the requirements of Policy DM10 of the SADMP and the adopted SPD in terms of safeguarding the residential amenity of neighbouring dwellings.

Impact upon highway safety

- 8.20 Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision to serve the development proposed. Paragraph 111 of the Framework states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe.
- 8.21 Access to the site is proposed via a network of private un-adopted roads and no new access points are proposed. One of these, Meadow View, connects to the public highway at the junction with Markfield Lane which is a C classified road subject to a 40mph speed limit. Parking provision of 29 spaces and 2 disabled spaces is proposed as part of the new development.
- 8.22 The applicant has submitted a Transport Statement in support of the proposals. Data provided suggests that the new development would generate 7 two way vehicle movements during the AM peak and 5 in the PM peak. The Local Highway Authority (LHA) have advised that slightly higher trip rates have been accepted for similar development elsewhere and could also be generated in view of the rural location, but that the proposals are unlikely to result in a material increase in traffic at the junction of Meadow Lane with Markfield Lane. Therefore, the LHA have no objections to the application on grounds of highway safety.
- 8.23 Based on the requirement within the Leicestershire Highways Design Guide for a residential home for the elderly with communal facilities, one car space per four bedrooms, plus one car space for each staff member is required. A total of 29 car parking spaces would be required as a result of the new development. The amended plans address the previous shortfall of 5 spaces. Based on the same requirement there is a shortfall of 8 spaces for the existing care home within the existing car park.
- 8.24 The LHA has stated that the site is situated a considerable distance from the public highway and they consider it unlikely that the development would lead to on-street parking along Markfield Lane. Therefore they have no objections to the proposal on this basis.
- 8.25 Kirby Grange Village Association have requested financial support for the maintenance of the private roads in the area from the developer. This would be an essentially private agreement and it would not be appropriate to require this through a planning obligation, as it is not necessary to make the proposal acceptable in planning terms. However, discussions have taken place between the developer and the residents group / freeholders of Kirby Grange regarding addressing possible damage which may be incurred due to additional traffic during the various phases of the proposed development of Polebrook House. This can be addressed through the process of satisfying the proposed planning condition requiring a Construction Method Statement. It is likely that an independent surveyor would report on the existing state of the access road and at regular stages, with the appointed building contractor taking responsibility for repairing any issues.
- 8.26 There are therefore insufficient grounds for refusal of the application based on an adverse impact on highway safety or insufficient parking. Subject to the conditions requested by the LHA relating to a construction traffic management plan and the

completion of the parking provision prior to occupation of the new development, the proposal complies with Policies DM17 and DM18 of the Site Allocations and Development Management Policies Development Plan Document.

#### Drainage

- 8.27 Policy DM7 states that development should not create or exacerbate flooding by being located away from areas of flood risk unless adequately mitigated against.
- 8.28 Policy DM7 states that adverse impacts from pollution and flooding will be prevented by ensuring that development proposals will not adversely impact on water quality, ecological value or drainage function, avoid obtrusive light intrusion, noise pollution and air quality and should not create or exacerbate flooding by being located away from areas of flood risk unless adequately mitigated against. Appropriate containment solutions for possible contaminants and remediation of contaminated land in line with minimum national standards should be undertaken.
- 8.29 The site is within Flood Zone 1 (low risk) and has provided a drainage strategy to the satisfaction of the Lead Local Flood Authority. At the request of Severn Trent a detailed foul and surface water drainage scheme is required as a condition of any permission, prior to the commencement of the development. Conditions are also proposed relating to the submission of a contaminated land assessment.
- 8.30 Subject to conditions the proposed development would not have adverse implications on flood risk or contamination and accords with Policy DM7 of the SADMP.

#### Heritage Assets

- 8.31 Policies DM11 and DM12 of the SADMP seek to protect and enhance the Historic Environment through the requirement to demonstrate an understanding of the significance of the heritage asset and its setting and an assessment of the impact of the proposal on the significance of the asset has been carried out. Where there is harm to the significance this must be outweighed by benefits.
- 8.32 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.
- 8.33 Policy ENV5 of the Desford Neighbourhood Plan states that proposals that affect an identified building or structure of local significance or its setting will be required to preserve and enhance the significance and setting of that heritage asset.
- 8.34 Although Polebrook House is not a listed building, it is considered to be a non-designated heritage asset and is identified as a building of local interest within the Desford Neighbourhood Plan. Paragraph 203 of the National Planning Policy Framework (NPPF) requires that the effect of an application on the significance of a non-designated heritage asset should be taken into account and a balanced judgement taken having regard to the scale of any harm or loss of significance of the heritage asset. Furthermore, paragraph 197 of the NPPF advises that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.
- 8.35 In this instance the building is in some disrepair and its re-use would safeguard the future of the non-designated heritage asset. Whilst the workshops in the north west corner of the site are to be demolished and replaced with a two storey extension, this is considered to be acceptable in principle. Due to the poor physical condition of



the workshops a viable conversion is not possible and the workshops are of lesser significance compared to the main building. The demolition of a modern sports hall to the south east of the building similarly would similarly not harm the significance of the heritage asset.

- 8.36 The alterations to the main building comprising the lowering of some window cills ensures that the windows and surrounds remain traditional in their appearance and proportions. The proposed extensions are subservient in scale and ensure the dominance of the adjacent tower structure which is a particular feature of the building remains clear. The Conservation Officer considers the proposal would preserve the significance of the building and would put the asset into a viable use consistent with its long-term conservation. The proposal would therefore comply with paragraphs 197 and 203 of the NPPF, Policies DM11 and DM12 of the SADMP DPD and Policy ENV5 of the Desford Neighbourhood Plan. A Building Recording condition has been requested by LCC Archaeology.

#### The Natural Environment

- 8.37 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.
- 8.38 Policy ENV3 of the Desford NP states that where a development will adversely affect a protected species, an appropriate survey will be undertaken prior to development, and mitigation measures will be required as a development condition.
- 8.39 A survey provided with the application has identified that bats are using the buildings affected by the proposed development. Common pipistrelles and brown long-eared bats are using the roof of Polebrook House as a non-breeding day roost. The report advises that in the absence of mitigation the proposed development would result in the destruction and/or modification of day roosts for low numbers of common pipistrelle and brown long-eared bats, also of a mating roost for brown long-eared bat and of a transitional roost for soprano pipistrelle resulting cumulatively in a medium scale negative effect, significant at the parish level.
- 8.40 There is also evidence of that the workshop to be demolished as part of the development is also likely a mating roost and feeding perch for brown long-eared bat and an occasional/transitional roost for common pipistrelle. In the absence of mitigation, the proposal would therefore result in destruction of the habitat and would result in a low scale negative effect, significant at the parish level.
- 8.41 The report outlines a mitigation strategy and method statement for safeguarding and compensating for any loss of bat habitat on the site. It also advises that a licence from Natural England will be required for these works. The principle of mitigation will involve the retention of the loft space of Polebrook House as a bat loft, solely for use by bats. The workshop should be demolished under supervision by an ecologist and four bat boxes provided on mature trees in the area in order to relocate any bats found. A planning condition relating to the implementation of the bat mitigation strategy is proposed. A licence from Natural England will also be required in order to ensure that the favourable conservation status of the species of bats roosting at the site is maintained.
- 8.42 The County Ecologist has confirmed that no objections are raised to the application and recommends the proposed bat mitigation is made a condition of any permission granted. It is the applicants' responsibility to liaise with their ecologist to ensure all necessary licences are in place prior to commencement of the works and ensure all licence conditions are adhered to.

- 8.43 The Arboricultural report submitted with the application identifies the removal of some trees, mainly adjacent to the front driveway which is currently in an overgrown condition and will be required to access the building. These trees are part of a group protection order and those to be removed are generally not significant tree specimens, being either dead or category C (low value / self seeded) trees. However, the removal of one category A oak tree T15 is likely for two reasons. Its proximity to extension C provides limited space for the large craneage required to install the bedroom modules. In addition, the tree has grown since the driveway has fallen into disrepair, impacting its surface and the reinstatement of the drive is required for service and ambulance access to the building.
- 8.44 However, following the amendments to the plans, the footprint of Extension C is reduced and the applicants now advise that there is some limited scope to possibly work around the tree, subject to reduction of the crown. Whilst this is not guaranteed and removal of the tree remains part of the proposal (as it may still prove necessary due to the impact of the works upon its health), they have offered to endeavour to try to protect during construction and following the crown reduction.
- 8.45 Tree T15 is part of a significant group within the site which is largely to be retained and will be protected during construction. In this instance, whilst the possible loss of this tree is regrettable, the amendments to the plans allow some scope for its retention. It is considered acceptable in this instance.
- 8.46 The National Forest Company advise that 20% of the site should be provided as dedicated National Forest planting. However, although the site extends to 0.72 hectares there is limited scope for large areas of additional tree planting. There is also significant existing tree cover on the site. In this instance it is therefore not practical to require 20% of dedicated National Forest tree planting. There would be no adverse impacts on the National Forest or Charnwood Forest strategy. Conditions are proposed relating to the protection of the existing trees and a detailed landscaping scheme which does provide some additional tree planting.
- 8.47 The proposed development would not have an adverse impact on the natural environment and the mitigation measures would safeguard the habitat of protected species. Additional landscaping and mitigation would provide biodiversity enhancements in accordance with the requirements of the NPPF. The proposal complies with Policy DM6 of the SADMP and Policy ENV3 of the Neighbourhood Plan.

## **9. Equality implications**

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
    - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
    - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
    - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.

- 9.3 There are no known equality implications arising directly from this development.
- 9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

## **10. Conclusion**

- 10.1. The proposal is recommended for approval as it represents an acceptable re-use of an existing building which safeguards its status and viability as a non-designated heritage asset. The proposed alterations and additions to the building are in keeping with the scale and appearance of the existing building and its context. Subject to conditions, there would be no significant adverse impact on highway safety, neighbouring residential amenity, flood risk or the natural environment. Therefore the proposal complies with Policies DM1, DM4, DM6, DM7, DM10, DM11, DM12, DM13, DM17, DM18 of the Site Allocations and Development Management Policies Development Plan Document, Policies H5, H7, ENV3 and ENV5 of the Desford Neighbourhood Plan, the adopted Supplementary Planning Document 'The Good Design Guide' and advice within the National Planning Policy Framework.

## **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. 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:
  - Topographical survey, Building Survey drawings and Existing site plan Drawing 3925 101 rev B all received 02/11/2021
  - Tree Survey and Tree Protection Plan Drawings 1B and 2B received 02/11/2021
  - Site location plan 3925 100 rev B received 02/12/2021
  - Drawings 3925 110 rev F, 111 rev J, 112 rev H, 113 rev J, 115 rev F, 116 rev H and 120 rev B all received 25/11/2022
  - Transport Assessment by David Tucker Associates SKP/NS/22397-01 dated 26/10/2021
  - Heritage Statement Report 2194 by Archaeology Warwickshire dated October 2021

- Tree Survey by Design Construction Management dated 10/10/2020 received 05/04/2022
- Bat Report by Wharton reference 2110111206RCV1A dated 15/10/2021
- Surface Water Drainage Strategy by C Jemm Ltd dated June 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).

3. No demolition/development shall take place until a Written Scheme of Investigation (WSI) has been submitted to and approved by the local planning authority in writing. For the land and structures included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

\* The programme and methodology of site investigation and recording, including historic building survey and any follow-up archaeological recording, and the nomination of a competent person(s) or organisation to undertake the agreed work

\* The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI

**Reason:** To ensure a satisfactory historic building survey and archaeological investigation of the development site to record and advance understanding of the significance of the affected resource prior to its loss and to accord with Policies DM11, DM12 and DM13 of the adopted Site Allocations Development Management Policies Development Plan Document (2016).

4. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of wheel cleansing facilities, vehicle parking facilities and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

**Reason:** To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not lead to on-street parking problems in the area and to accord with Policies DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted in writing to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. Development shall not begin until a scheme for protecting nearby dwellings from noise from the proposed development has been submitted to and approved by the Local Planning Authority. All works which form part of the scheme shall be completed before the permitted development first comes into use.

**Reason:** To safeguard the amenity of nearby occupants in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

7. No development shall take place, including demolition or site works of any description, until protective barriers to form a secure construction exclusion zone and root protection area in accordance with British Standard 5837:2012 Trees in relation to design, have been erected in accordance with the approved Tree Protection Plan. The development shall be implemented in accordance with the approved Tree Protection Plan. During the construction period, none of the trees or hedges indicated to be retained on the Tree Protection Plan 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.

**Reason:** To ensure that the trees on site are to be retained and adequately protected during and after construction in the interests of the visual amenities of the area and biodiversity in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 170 of the National Planning Policy Framework (2021).

8. 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.

**Reason:** To safeguard the environment and the amenity of nearby occupants in accordance with Policies DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

9. No development shall take place until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not

practical and there is no watercourse is available as an alternative other sustainable methods should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public sewerage system is considered. No surface water to enter the foul system by any means.

**Reason:** To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

10. No development shall take place above foundation level until a scheme for ventilation of the premises, which shall include installation method, maintenance and management has been submitted to and agreed in writing with the Local Planning Authority. The approved scheme shall be implemented in accordance with the agreed details before the premises are first brought into use for the development hereby approved and maintained in use thereafter.

**Reason:** To safeguard the amenity of nearby occupants against noise and odour in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11. 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 development hereby permitted have been provided 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).

12. No development shall take place above foundation level 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 DM6 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

13. Construction work of the development, hereby permitted, shall not take place other than between the hours of 07:30 hrs and 18:00 hrs on weekdays and

08:00 hrs and 13:00 hrs on Saturdays and at any time on Sundays and Bank Holidays unless other agreed in writing.

**Reason:** To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

14. No external lighting of the site shall be installed until details have been submitted to and approved in writing by the Local Planning Authority. 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 unless the Local Planning Authority gives its written consent to the variation. Upon completion of the development, a statement of a suitably qualified contractor shall be submitted stating that any lighting installation to which condition X applies is fully compliant with the Institution of Lighting Engineers Technical Report Number 5 (3rd edition) for a sign within zone E2.

**Reason:** To protect the appearance of the area, the environment and local residents from nuisance from artificial light in accordance with Policies DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

15. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Robothams drawing number 3925-110 rev F. 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 in accordance with the National Planning Policy Framework (2021) and Policies DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

16. If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

17. The development shall be carried out in full accordance with the bat mitigation strategy, specified in the ecological appraisal by Wharton dated 15/10/21.

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

18. The first floor north western facing windows on Extension C shall be fitted with obscure glazing to a minimum equivalent level 3 of the Pilkington scale or solid opaque materials as shown on the approved plans and shall be retained as such for the lifetime of the development.

**Reason:** To safeguard the privacy and amenity of neighbouring dwellings from potential overlooking in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

## 12. 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. A Natural England licence will be required for Bat Mitigation. It is the applicants' responsibility to liaise with their ecologist to ensure that all necessary licences are in place prior to the commencement of the works and to ensure all licence conditions are adhered to.
3. 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 01163050001. 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.
4. In relation to conditions advice from Environmental Health should be sought via [esadmin@hinckley-bosworth.gov.uk](mailto:esadmin@hinckley-bosworth.gov.uk) to ensure that any investigation of land contamination is in accordance with their policy.
5. Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent water to discuss your proposals.
6. There is a 4in water main in the application site. No build over is permitted. If the applicant proposes to divert the main, the applicant, developer or site agent will need to submit a Diversion Application (S185).