

Planning Committee 20th December 2022
Report of the Planning Manager (Development Management)

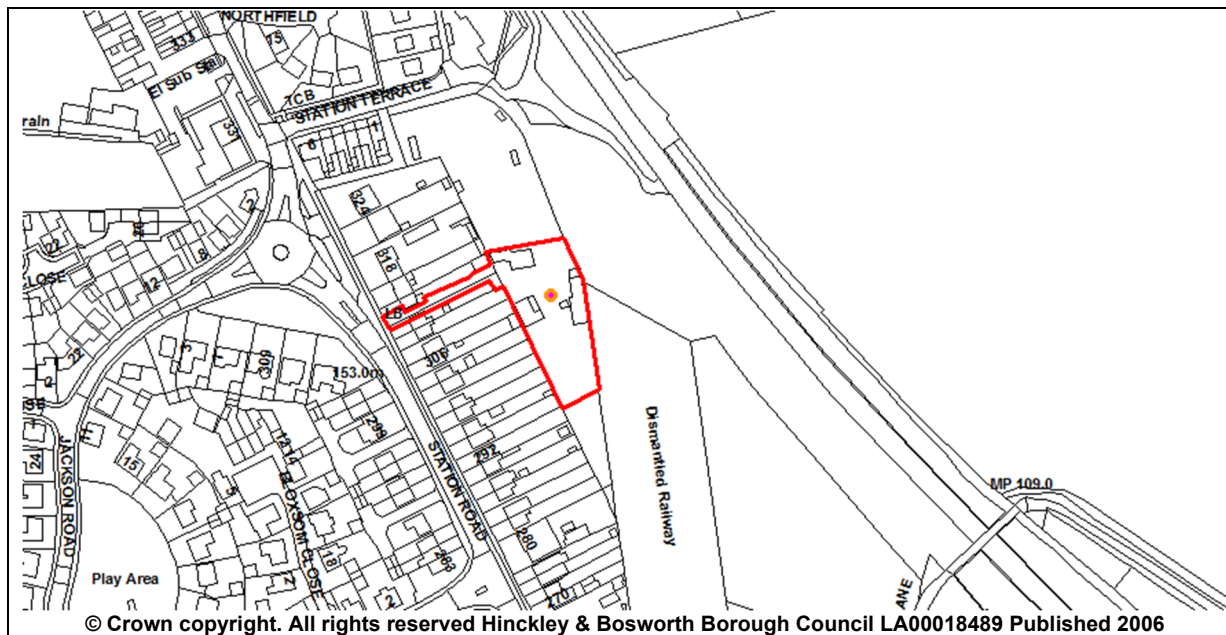


Hinckley & Bosworth
Borough Council

Planning Ref: 22/00733/FUL
Applicant: Mr Tsen Wharton
Ward: Bagworth & Thornton

Site: 314A Station Road Bagworth Coalville Leicestershire LE67 1BN

Proposal: Erection of 3 no. 3 bedroom 2 storey dwellings, 1 no. 6 bedroom House of Multiple Occupation, extension to existing bungalow, widening of access driveway



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 full planning permission for the Erection of 3 no. 3 bedroom 2 storey dwellings, 1 no. 6 bedroom House of Multiple Occupation, extension to existing bungalow, widening of access driveway at No. 314A Station Road in Bagworth, Leicestershire.
- 2.2. The proposal is to retain the existing dwelling but add a single storey side extension and develop a further 4 properties on the remainder of the plot. All utilising the existing private road access. This would mean there are 5 properties utilising the private access road.
- 2.3. Proposed changes to the existing dwelling are generally in line with those that would normally be permitted under the various classifications of Permitted Development regulations. Proposed is a side extension, 4.5 metres wide for the full depth of the property. Also internal re-configuration and tidying up the external walls is proposed to create a modern 4 bedroom family home.

- 2.4. The proposed 3 no. 3 bedroom dwellings would be 2 storey detached dwellings with masonry cavity walls with pitched tile roofs.
- 2.5. The 6 bedroom house proposed would be a House of Multiple Occupation. The 2 storey detached dwelling would have a pitched roof and masonry cavity walls. All new build properties are proposed to be a mixture of red brick and render with grey concrete tiles to match the local 1930's vernacular. The front elevation of No. 5 would face north, away from dwellings on Station Rd.

3. Description of the site and surrounding area

- 3.1. 314A Station Road is a 1960's brick and tile built bungalow erected on the back land behind the row of 1930's 2 storey semi-detached houses on the Eastern side of Station Road. The land is sandwiched between the rear gardens of the houses and the former mine railway now an area of open woodland. The site is not within a Conservation Area & the existing property is not listed or locally listed. No planning applications are registered on the site. There are no heritage assets within a distance which will be affected by the development. The property occupies a site area of approximately 2000sqm which is mainly open space. As well as the bungalow, the site has a large garage and workshop and a number of abandoned kennels. The property has been empty for a couple of years.

4. Relevant planning history

21/10105/PREHMO

- Pre-app for Retention of existing dwelling with alterations and the erection of 4 new dwellings consisting of 3 no. 3 bedroom (2 storey) houses and 1 no. HMO with 6 bed spaces (2 storey).
- Closed
- 28.09.2021

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents and posting a site notice.
- 5.2. 6 public comments have been received with 5 of them objecting to the proposal and 1 in support.
- 5.3. The main summarised points of objection are:
- 1) The rear gardens of existing dwellings would be overlooked
 - 2) Privacy would be affected
 - 3) The forest views to the rear of existing dwellings would be impacted
 - 4) The access road is too narrow
 - 5) The HMO would be out of character for the village
 - 6) Light to existing dwellings will be affected
 - 7) Additional noise & light pollution
 - 8) Too close to existing dwellings
 - 9) Property values will fall
- 5.4. 1 Letter of support has been received making the following summarised points:
- 1) The site has been empty for a few years. Development will provide badly needed homes in the area
 - 2) A new fence would be built along the boundaries of 312 & 314
 - 3) New homes are much better than an empty plot

6. Consultation

6.1. No objection has been received from:

- LCC Ecology (Condition relating to biodiversity improvement plan)
- LCC Highways (Condition relating to parking areas, vehicular visibility splays, turning areas)
- HBBC Waste (Condition relating to bin storage and collection point)
- HBBC Drainage (Condition relating to ground levels)
- HBBC ES Pollution 2

6.2 Bagworth & Thornton Parish Council are concerned about the proposal. The main concerns are: 'the proximity of the access driveway to and from Station Road is too close to the existing roundabout. There is already on street parking too close to this roundabout making it dangerous for pedestrians, especially those with disabilities and prams, to cross safely at the existing designated area. The additional traffic accessing the new development will possibly result in the need to install no waiting/loading restrictions. Displacing the vehicles that use this part of Station Road will make matters worse. The length of Station Road from Beacon View to the roundabout is effectively a single file carriageway necessitating southbound traffic to yield to oncoming traffic.

There is no evidence that the proposal to widen the existing driveway between numbers 313 and 314 is permanent and forms a legal right of way. There is evidence, that has already been reported by Ward Cllrs to substantiate claims that the driveway has already been widened making at least part of the application to be retrospective. Furthermore, it is questionable that the widening complies with statutory requirements given the close proximity to number 312. Additionally, there is evidence suggesting that other works have already commenced, perhaps necessitating the whole application to be re-submitted retrospectively and due process to begin from the start, providing consultees opportunity to objectively comment'.

7. Policy

7.1. Core Strategy (2009)

- Policy 1: Development in Hinckley
- Policy 5: Transport Infrastructure in the Sub-Regional Centre
- Policy 7: Key Rural Centres
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 19: Green Space and Play Provision

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

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

7.3. National Planning Policies and Guidance

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

7.4. Other relevant guidance

- Good Design Guide (2020)
- Bagworth Neighbourhood Plan (Draft)

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
- Ecology and biodiversity
- Archaeology
- Contamination
- 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). As the new Local Plan progresses this will increase the weight to be afforded to the new Local Plan, with very limited weight afforded to it at present. The Council cannot currently demonstrate a five year supply of housing, with currently 4.89yrs supply as of 31 March 2022.
- 8.5. Policy 10 of the adopted Core Strategy seeks to support development within the Bagworth settlement boundary to deliver a minimum of 60 new dwellings. The site lies within the settlement boundary for Bagworth. Policy DM1 of the SADMP which is in accordance with paragraph 11(d) of the NPPF, also seeks to support sustainable development. The site is in a sustainable location within the settlement boundary where there is generally a presumption in favour of residential development. In addition, the site has good access to services and facilities within Bagworth and to good public transport links between Leicester and Coalville.
- 8.6. As such, the principle of residential development on the site would be acceptable in terms of Policy 10 of the Core Strategy, Policy DM1 of the SADMP and guidance in the NPPF, subject to all other planning matters being satisfactorily addressed.

Design and impact upon the character of the area

- 8.7. 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.
- 8.8. The Good Design Guide SPD provides guidance upon how to design an appropriate new residential development. This includes appraising the context, creating appropriate urban structures through blocks, streets, enclosure, open space and landscaping, parking, amenity space and design detailing. The SPD advocates the use of a Building for Life Assessment.
- 8.9. 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.
- 8.10. The proposed site plan, elevations and floor plans, illustrate that the scheme would be a suitable form of development that respects the existing character of the site, whilst ensuring that the resultant built form is appropriate for the needs of modern habitation.
- 8.11. The choices of materials, as illustrated on the plans submitted, would be appropriate for the nature of the site, and would match well with the existing structures to be retained & existing dwellings along Station Road. All new build properties are proposed to be a mixture of red brick and render with grey concrete tiles to match the local 1930's vernacular.
- 8.12. Overall the scheme is considered to be acceptable and in compliance with Policy DM10(c), (d) and (e) of the SADMP, the Good Design Guide SPD and the requirements of the NPPF.
- 8.13.

Impact upon neighbouring residential amenity

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.
- 8.14. 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. The guide states that new developments should meet minimum standards of garden sizes and separation distances between dwellings. The National Design Guide also promotes a healthy, comfortable and safe internal and external environment.
- 8.15. 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.
- 8.16. Paragraph 185 of the NPPF states that decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural

environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

- 8.17. The scheme will have a suitable relationship with nearby residential units in terms of the inter-unit relationship within the site and the distance between the proposed and the existing dwellings along Station Road. The internal configurations and the orientation of the proposed dwellings also minimises opportunities for overlooking. No. 5 has no side facing windows proposed for the western elevation facing the rear elevations of dwellings on Station Road, 35m away, apart from a 1st floor landing window which is for a non-habitable room. This HMO would provide residential accommodation for workers. No 4 is set back 7m from the western boundary of the site & 40m from the rear elevation of dwellings along Station Road. This distance increases for Unit 3 & 2. No. 2, 3 & 4 have no windows on their Northern or Southern side elevations which maintains privacy between them and the other proposed dwellings. A Landscape enhancement is proposed for the western boundary to provide additional screening and improve biodiversity.
- 8.18. No objections have been received from residents of No. 312 and a letter of support was received from residents of No 314. A 1.5m high acoustic timber fence is proposed to enclose the gardens of 312 & 314 Station Road. A driveway management plan is proposed here to help minimise any disturbance with a speed restriction of 5mph on a bound surface. No main beam lights are to be used here and low-level lighting along the drive will facilitate safe passage and security. Speed bumps are also proposed here with painted lines used to mark areas for safe pedestrian movement. It is not felt, due to the above, the amenity of these two neighbours would be significantly affected by the proposal.
- 8.19. Subject to conditions this proposal is considered to be acceptable in amenity terms and in compliance with Policy DM10 a) and b) of the SADMP, The Good Design Guide SPD and the requirements of the NPPF.
- Impact upon highway safety
- 8.20. 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)).
- 8.21. Policy DM10(g) states that where parking is to be provided, charging points for electric or low emission vehicles should be included, where feasible.
- 8.22. 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. Paragraph 112(e) of the NPPF states development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 8.23. The Highways Authority have no objection to the scheme, but have requested a number of conditions be added, should permission be granted. These conditions are in relation to access width, vehicular visibility splays, pedestrian visibility splays, parking & turning. These are considered to be appropriate and reasonable – meeting the tests for planning obligations.

- 8.24. The proposals will have a negligible impact on the highway network. As such, subject to the conditions recommended by the LHA, and an additional condition with respect to EV charging points, the proposal will satisfy policy DM17 and DM10(g) and the NPPF.

Flood Risk and Drainage

- 8.25. 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.
- 8.26. 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.
- 8.27. The HBBC Drainage Officer has no objection to the proposal but advises that given the proposed pumped solution there is an increased residual risk of flooding to property in the event of pump failure & recommend a site plan indicating finished ground levels and overland flow routes should be submitted for review. It is considered that there is no drop in the level of control and scrutiny possible on the matter by virtue of requiring it via condition rather than pre-determination, and as such it is proposed that a suitably worded condition is included.
- 8.28. Subject to the suggested conditions being appropriate discharged, the development will therefore satisfy policy DM7 and the NPPF.

Ecology and biodiversity

- 8.29. Policy DM6 of the SADMP states that development proposals must demonstrate how they conserve and enhance features of nature conservation and geological value including long term future management. Paragraph 174 of the NPPF states that development proposals should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity.
- 8.30. The application includes a set of proposals designed to enhance the biodiversity of the site through a number of measures, as well as a calculation of the impact that these will have. LCC Ecology have advised that the biodiversity net gain information plan should be submitted but it is considered this can be secured by condition.
- 8.31. Boundary treatments to the site currently have a wire mesh with concrete / steel posts. The proposal would be to soften this with mixed native species hedging in appropriate locations to improve bio-diversity. Openings in the boundary and separating fences will also be provided to make the site permeable to small native mammals. (hedgehogs etc). A number of feature native trees could also be provided. Appropriate precautionary measures are recommended and a condition will be added for the provision of swallow nest cups & soft and hard landscaping of the site.

Housing land supply

- 8.32. 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.

- 8.33. The most recent housing land monitoring statement for the period 2021 -2022 indicates, in table 7, a 5-year supply of 4.89 years.
- 8.34. 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 proposed7; 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”*
- 8.35. 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”*.
- 8.36. Paragraph 60 of the NPPF sets out that *“it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay”*.
- 8.37. Paragraph 77 of the NPPF sets out that *“To maintain the supply of housing, local planning authorities should monitor progress in building out sites which have permission. Where the Housing Delivery Test indicates that delivery has fallen below 95% of the local planning authority’s housing requirement over the previous three years, the authority should prepare an action plan in line with national planning guidance, to assess the causes of under delivery and identify actions to increase delivery in future years.”*
- 8.38. Development on this site would contribute to the housing land supply and consideration should be given to para 77 of the NPPF which states:
- “To help ensure that proposals for housing development are implemented in a timely manner, local planning authorities should consider imposing a planning condition providing that development must begin within a timescale shorter than the relevant default period, where this would expedite the development without threatening its deliverability or viability”*
- 8.39. 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.
- 8.40. The provision of 4 dwellings is considered to be a significant benefit of the proposal and weighs in favour of the scheme.
- 8.41. Other Issues

Regarding Parish Council concerns the enforcement officer was consulted regarding the widening of the access at certain points. If permission is refused for this application some remediation may be necessary. The Highways Officer was consulted with the proposal and has no objections subject to the imposition of conditions.

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.

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).

9.4 Conclusion

Policy DM1 supports sustainable development that accords with the policies of the development plan. The site lies within the settlement boundary of Bagworth where residential development is acceptable in principle. By virtue of the siting, scale, design and subject to the use of sympathetic external materials, the proposal would be compatible with, and would not result in any harm to, the character of the area. The proposal would not result in any significant adverse impacts on the privacy or amenity of any neighbouring properties, highway safety or drainage. The proposal would be in accordance with Policies 7 and 11 of the adopted Core Strategy, Policies DM1, DM10, DM17 and DM18 of the adopted SADMP, and is therefore recommended for approval subject to conditions.

10. Recommendation

10.1 **Grant planning permission subject to planning 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:
 - i. Site Location Plan - Drg No. PE01 Rev B (Received on 15/08/2022)
 - ii. Proposed Layout Plots 2- 4 - Drg No. PL02 Rev A (Received on 16/08/2022)
 - iii. Plot 5 Plans & Elevations - Drg No. PL06 Rev A (Received on 16/08/2022)
 - iv. Preliminary Ecological Appraisal received on 16/08/2022
 - v. Existing & Proposed Plans & Elevations Plot 1- Drg No. P00 Rev A (Received on 15/08/2022)
 - vi. Design and Access Statement received on 01/08/2022
 - vii. Site Plan Access Drive Drg No. PL05 received on 01/08/2022
 - viii. Proposed Site Plan Drg No. PL10 (Received on 01/08/2022)

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).

3. 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).

4. 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.

5. 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.

6. 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 Ecologist's recommendations must be incorporated in any plan. 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 DM6 & DM7 of the Site Allocations and Development Management Policies DPD (2016) and the NPPF.

7. 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. The charging points will then be implemented in accordance with the approved details.

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

8. Notwithstanding the submitted plans, the proposed access shall have a width of a minimum of 5.3 metres for a distance of at least 5 metres behind the highway boundary and shall be surfaced in a bound material. 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).

9. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 43 metres have been provided at the site access. 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).

10. 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 the National Planning Policy Framework (2021).

11. No development shall commence on site until a scheme that makes provision for the secure storage of cycles for each dwelling has been submitted in writing to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the agreed details.

Reason: In the interests of promoting a modal shift in transport movements and in accordance with the National Planning Policy Framework (2021).

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

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. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Nicholas C Williams drawing number PL10. 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).

14. 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).

15. Development shall not begin until a scheme for protecting No. 312 & No. 314 from noise from incoming & outgoing traffic; has been submitted to and approved by the Local Planning Authority; and all works which form part of the scheme shall be completed before any of the permitted dwellings are first occupied.

Reason: To ensure that the proposed use does not become a source of annoyance to nearby residents in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016)

16. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on 'Site Plan Access Drive' drawing number PL05 have been implemented in full.

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).

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended by (Amendment) (No.2) (England) Order 2008 (or any order revoking or re-enacting that Order with or without modification) development within Schedule 2, Part 1; Classes A to E; shall not be carried out unless planning permission for such development has first been granted by the Local Planning Authority.

Reason: To safeguard the privacy and amenity of the neighbouring Care Home residents in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

18. No development shall commence on site until such time as the existing and proposed ground levels of the site and proposed finished floor levels have been submitted to and agreed in writing by the Local Planning Authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.

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

19. The development hereby permitted shall not be occupied until such time as the access drive (and any turning space) has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with the National Planning Policy Framework (2021).

20. The materials to be used on the external elevations of the proposed dwellings hereby permitted shall match the proposed materials as listed in the submitted application form & proposed drawings.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM10 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

21. The development hereby permitted shall be carried out in full accordance with the recommendations and mitigation strategy specified on pages 23-24 of the submitted Ecology Report dated November 21 by Dr. Bodnar received by the local planning authority on 15th July 2022.

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).

22. Demolition of the barn with swallow nests must be undertaken outside the bird breeding season & 2 replacement double swallow nest cups & 4 hole nesting bird boxes must be carefully sited at a location to be submitted to and approved by the Local Planning Authority and erected in accordance with the manufacturer`s recommendations and approved details.

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).

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 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. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
4. All proposed off site highway works, and internal road layouts shall be designed in accordance with Leicestershire County Council's latest design guidance, as Local Highway Authority. For further information please refer to

the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>

5. Provision for waste and recycling storage of containers and collection across the site will be required and adequate space provided at the adopted highway boundary to store and service wheeled containers.
6. Application forms to discharge conditions and further information can be found on the planning portal website www.planningportal.gov.uk