

**Planning Committee 21 March 2023  
Report of the Head of Planning (Development Management)**

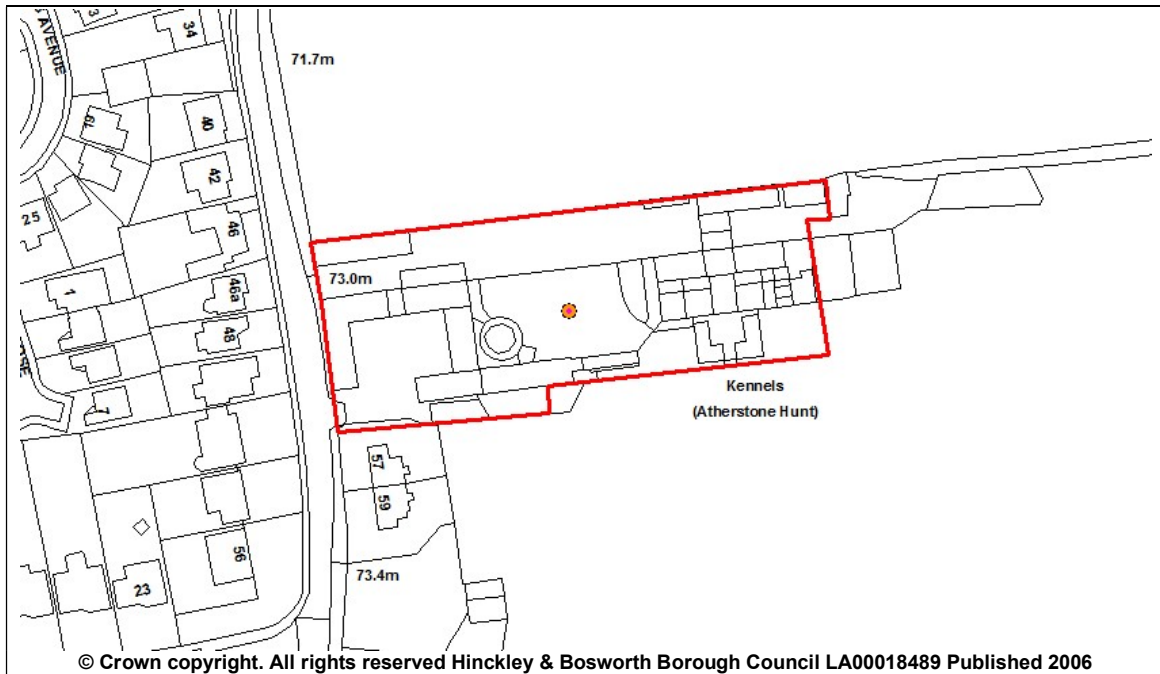


Hinckley & Bosworth  
Borough Council

**Planning Ref: 22/00937/FUL  
Applicant: Daniel Swift  
Ward: Twycross Sheepy & Witherley**

**Site: Atherstone Hunt Kennels Kennel Lane Witherley**

**Proposal: Conversion, extension and alteration of former kennels and stables to form 7 no. dwellings, erection of replacement dwelling, erection of garages and formation of new vehicular access.**



**1. Recommendations**

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

- Planning conditions outlined at the end of this report
- That the Head of Planning be given powers to determine the final detail of planning conditions

**2. Planning application description**

2.1. This proposal is for the conversion, extension and alteration of the former kennels and stables of the Atherstone Hunt complex to form 7 no. dwellings, erection of replacement dwelling, erection of garages and formation of new vehicular access. The proposed development will comprise of three 3x bedroom units (Units 1, 2 & 7), one 2x bedroom unit (Unit 3), two 4 x bed Units (Unit 4 & 5) & two x 5 bedroom units (Unit 6 & 8) (The stables will be converted into Units 1 – 5. The kennels will be converted into Unit 6 and Unit 7. The replacement dwelling on site is Unit 8. Two garage buildings will also be provided. Each unit will have dedicated car parking spaces and visitor parking on site will also be provided as well as bin storage areas near the highway.

- 2.2. There are proposed extensions beyond the footprint of the existing buildings with two single storey extensions to the south of the east-west range of the kennels (serving plots 6 and 7) and single storey extensions positioned to the east of the southern and northern ranges of the stables (serving plots 4 and 5). These extensions have a flat roofed form and are to be clad in timber to provide a clear design contrast and to not compete with the form and architecture of the original buildings. Two new flat roofed dormer windows are proposed to the northern elevation of the east-west range of the kennels. The eaves and ridge height of the east and west ranges of the Stables are proposed to be raised to provide additional accommodation for plots 1, 4 and 5, with detailing now submitted confirming the use of a string course detailing along the division of the raised section, replication of the verge and eaves detailing, and use of brick reclaimed from the wider site for the extensions. Across both original buildings a number of alterations are proposed to the fenestration including lowering of some cills, repositioning of a limited number of windows and doors, and altering window and door sizes, particularly for contemporary styled doors on garden facing elevations. A considerable number of roof lights are proposed on both buildings but the number has been reduced particularly on external facing elevations. The cast iron framed windows are to be replaced with upvc double glazed windows of a simple casement style with the glazing bar detail replicated.
- 2.3. The proposed replacement dwelling has been reduced to one and half storeys in scale. The proposed dwelling has steep pitched roofs and pitched roof half dormers. The dwelling has been designed to reflect the form and architectural detailing of the existing Hunt cottages and original buildings. For plot 8 (the replacement dwelling) a mellow red brick, plain blue clay tile is proposed for its construction with a concrete cill window detailing, with these materials being appropriately specified.
- 2.4. Details have been submitted which confirm the use of reclaimed bricks and plain clay roof tiles to match the existing wall and roof materials for the conversion and upward extensions to the stables and kennels. The flat roofed extensions are to be clad in a timber, laid horizontally, with an aluminium coping detail.
- 2.5. Two detached garages are proposed to serve plots 6 and 7 which follow a simple rectangular plan with shallow pitched clay tile roof and brick walls.
- 2.6. Proposed external works submitted with the layout plan demonstrates the use of 1.2m high brick walls and post and timber post and rail fencing around the majority of the site, including the external boundary treatments. The existing pen fences to the Kennels are also to be retained.
- 2.7. The sizes of the proposed accommodation ranges from between 98sq.m to 389sq.m.

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

- 3.1. The site area extends to approximately 0.48 hectares and is located within open countryside outside of the settlement boundary for Witherley. The existing buildings are not statutorily listed, nor do they lie within the Witherley Conservation Area. The site has two existing vehicular access points onto Kennel Lane, which serve the existing stables (southerly access) and the former kennels (northerly access).
- 3.2. The application site consists of a collection of buildings that served the Atherstone Hunt, the majority of which are now vacant. It is situated on the eastern edge of the settlement of Witherley and has a largely rural context. The application site consists of an L-shape with the northern section stretching out into the countryside eastwards from Kennel Lane. The former stables and associated bungalow are located closest to the Lane and to the west of this section of the site. There is a

separate existing access to the stables from the Lane to the south of the stable building. The former kennels are in the east of this section of the site beyond the bungalow and its associated garden area. The kennels and bungalow are accessed from a large linear concrete yard situated off the Lane and to the north of the stables and kennels. The complex is bound by a combination of blank building walls, hedgerows, walls and railings, and post and rail fencing.

- 3.3. To the south of the stables are two semi-detached cottages associated with the Hunt but outside the red edged site plan. They face on to and are set slightly back from the Lane. There is a small paddock immediately to the south of the end cottage. There is a post and rail fence to the rear of the cottages bounding the larger paddock to the south-east of the wider site. There is a low level timber panelled fence to the site frontage and a small number of trees and section of hedgerow within and bounding the small paddock to the south of the end cottage.

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

##### **22/00918/DISCON**

- Application to discharge conditions 9 (Highway Drainage), 11 (Drainage), 12 (Written Scheme of Investigation), 13 (Waste & Recycling storage), 14 (Land Contamination), 17 (Landscaping), 18 (Materials), 20 (Electric Vehicle Charging), 21 (Boundary Treatment) attached to planning permission 21/00789/FUL

- Partial Discharge of Conditions 11.01.2023

##### **21/00789/FUL**

- Conversion, extension and alteration of former kennels and stables to form 8no. Dwellinghouses, erection of replacement dwellinghouse, conversion of outbuildings to home offices, erection of garaging and formation of new vehicular access and parking for adjacent cottages.
- Approved 11/01/2022

#### **5. Publicity**

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.
- 5.2. No letters of representation have been received but the local ward Councillor has called the application in to be determined by the Committee and objects to the application as the scheme provides fewer properties when the village needs smaller dwellings and the scheme does not help the 5 year land supply position.

#### **6. Consultation**

- 6.1. Witherley Parish Council - The Council objects to this application for the following reasons: It does not meet what has been identified as village housing requirements in the forthcoming Neighbourhood Development Plan (currently at Reg 16). The initial proposed plans were to be a mix of smaller houses for young people to move up into and older residents to downsize to and some separate home office spaces. Large 4 and 5 bedroomed houses were not identified nor required. The street scene will be compromised by the proposed ridge height and an imposing wall with a fence, which are not in keeping with the current heritage feel of this important historic site. There are serious concerns of conservation loss. This site is listed on the Heritage Environmental Register.

- 6.2. Leicestershire County Council (Highways) – The Local Highway Authority Advice is that the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 111 of the National Planning Policy Framework (2021), subject to the conditions requested.

This application is a revision of 21/00789/FUL. The Applicant proposes to utilise two existing points of access onto the public highway that formerly served the kennels (northern access) and the stables (southern access) with each serving 2-5 dwellings. Both lead onto Kennel Lane which is an adopted 'C' classified road subject to a 30 mph speed limit. In addition the formation of a new field access is proposed on Kennel Lane which will also serve a parking area for the cottages adjacent to the proposed development. Access is considered to be acceptable.

No pedestrian visibility splays have been demonstrated. Nevertheless, the LHA considers a one metre x one metre splay could be conditioned for the two existing accesses. This would need to be provided to the southern side of the northern access only, due to the lack of a pedestrian footway north of the site.

The same splays will need to be provided on either side of the field access. The LHA acknowledge that there is no footway to the south of this access however the splay is required due to the proximity of the nearby Public Right of Way.

The LHA are now satisfied that the proposed parking provision, garages and parking spaces for all plots accords with the LHDG apart from the two spaces opposite the southern access. The afore mentioned two spaces only appear to measure five metres in length which the LHA are willing to deem as acceptable.

Suitable locations for refuse collection points are provided.

Eight parking spaces to serve the cottages adjacent to the site are provided and the LHA are satisfied with the proposed parking spaces and that sufficient space has been afforded to allow vehicles to turn and approach the highway in a forward gear.

- 6.3. HBBC Drainage - No objection subject to a condition

- 6.4. HBBC Pollution - No objections subject to Conditions

- 6.5. Leicestershire County Council (Ecology) – The survey work is outdated (surveys appear to have been carried out in 2020) and therefore updated surveys should be carried out. This typically would need to be submitted prior to planning being granted; however, in this instance as bat lofts are proposed as compensation measures this would provide suitable compensation should a higher conservation value roost (such as a maternity roost should be recorded). Therefore the updated survey work can be conditioned.

As per the NPPF requirements, ecological enhancements should be incorporated into the scheme. Tree planting and hedgerow creation will occur, therefore these should consist of native species. Bird boxes can also be incorporated within the scheme as enhancements. Conditions are recommended regarding bats and a scheme for biodiversity enhancement. Informatives are recommended regarding bats and nesting birds.

- 6.6. HBBC Waste- No objection subject to a condition

- 6.7 HBBC Conservation Officer – By virtue of ensuring that the original plan form and where practicable fabric and features of historic and architectural interest evident within the collection of original buildings at the Atherstone Hunt kennels will remain, and that their setting and group value is preserved through appropriate landscaping, siting of ancillary structures, and the design of the replacement dwelling, the significance of these local heritage assets will be preserved and the proposal is considered to be a viable use for the buildings that is consistent with their long-term conservation. Therefore, the proposal complies with Section 16 of the NPPF and Policies DM11 and DM12 of the SADMP DPD.

Conditions are required regarding recording of the building features, materials, replacement windows, landscaping and the removal of permitted development rights.

Following the receipt of further information it is considered that no pre-commencement conditions are required from a heritage point of view.

## **7. Policy**

### **7.1. Witherley Pre-submission Regulation 16 Neighbourhood Plan**

- Policy H1 – Residential site allocations
- Policy H2 – Settlement boundary
- Policy H3 – Housing mix
- Policy H5 – Design
- Policy EN4 – Biodiversity and habitat connectivity
- Policy ENV7 – Local heritage assets

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

- Policy 12: Rural Villages
- 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 DM3: Infrastructure and Delivery
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of 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: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

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

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

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

- Good Design Guide (2020)

- National Design Guide (2019)
- Leicestershire Highway Design Guide

## 8. Appraisal

### 8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Heritage impacts and archaeology
- Impact upon residential amenity
- Impact upon highway safety
- Drainage
- Ecology
- Infrastructure contributions

### Assessment Against Strategic Planning Policies

- 8.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the Development Plan taking into consideration any material considerations relevant to the determination of the application. The Development Plan for this area comprises the Hinkley and Bosworth Core Strategy (2009) and the Site Allocations and Development Management Policies DPD (2016).
- 8.3 Policy DM1 of Site Allocations and Development Management Policies DPD 2016 relates to the 'Presumption in Favour of Sustainable Development' and states that planning applications that accord with the policies in the Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Borough Council will grant permission unless material considerations indicate otherwise.
- 8.4 The emerging Witherley Neighbourhood Plan is not yet fully adopted but has been subject to its Regulation 16 consultation meaning that the policies contained therein can be afforded some very limited weight in the determination of applications.
- 8.5 Witherley is classified as a 'Rural Village' and its adopted Core Strategy stipulates that it 'will be the focus of limited development'. The proposal lies outside of the current settlement boundary of Witherley but is proposed to be included within the proposed Neighbourhood Plan settlement boundary for Witherley (Policy H2). The Neighbourhood Plan also identifies the former Atherstone Hunt Kennels for housing development (Policy H1) for up to 15 dwellings. The policy is clear that the proposals will need to avoid harm to the heritage assets and their setting, achieve a net-gain in biodiversity and are subject to the following criteria:
- a) The housing mix will be in accordance with Policy H3;
  - b) The design of both phases of the scheme shall comply with Policy H5 and achieve the standards specified in the Design Guide and be informed by a Heritage Statement;
  - c) Development shall ensure that Sustainable Drainage Systems (SuDS) for the management of surface water run-off are put in place unless demonstrated to be inappropriate.
  - d) No development will take place on the adjacent and more prominent ridge and furrow field; and

- e) A minimum of at least 40% of the dwellings will be affordable, including retirement housing, subject to viability, made available to people with a connection to Witherley Parish where possible.

8.6 Policy H3 of the emerging Witherley Neighbourhood Plan states that dwellings of 3 bedrooms or fewer and single storey accommodation suitable for older people will be supported where in accordance with other policies. Affordable housing is required on development proposals of more than 10 dwellings or more than 0.5ha in size and should be designed and delivered to be indistinguishable from market housing and should be distributed and integrated evenly through the development as a whole. Provision of affordable housing for people with a local connection to the Parish is supported. This is in line with the requirements of the NPPF which state that affordable housing should not be sought for residential developments that are not major (less than 10 dwellings) other than in designated rural areas where policies may set a lower threshold. In this instance the site seeks permission for 8 dwellings overall and so affordable housing provision is not required in this instance. The scheme provides for one x 2 bed unit, three x 3 bed units, two x 4 bed units & two x 5 bed units which does not comply with the housing need requirements set out with the emerging Neighbourhood Plan policy. Limited weight can be placed on this Neighbourhood Plan as the results of this consultation have not yet been published. The Examiner's Report on Witherley Neighbourhood Plan is due to be published 10<sup>th</sup> March 2023 and therefore the Committee will be updated in a Late Items report to clarify the weight that needs to be placed on the policies in the Neighbourhood Plan (particularly Policy H3 - Housing Mix, which favours smaller sized dwellings).

8.7 Policy DM4 of the SADMP states that development in the countryside will be considered suitable where:

- It is for outdoor sport or recreation purposes and it can be demonstrated that the scheme cannot be provided within or adjacent to settlement boundaries
- The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting or
- It significantly contributes to economic growth, job creation and or diversification of rural businesses or
- It relates to the provision of stand alone renewable energy developments in line with Policy DM5

and

- It does not have a significant adverse effect on the intrinsic beauty, open character and landscape character of the countryside
- It does not undermine the physical and perceived separation and open character between settlements and
- It does not create or exacerbate ribbon development
- If within a green wedge it protects its role and function in line with Core Strategy Policies 6 and 9 and
- If within the National Forest it contributes to the delivery of the National Forest Strategy in line with Core Strategy Policy 21

8.8 The scheme complies with the requirements of Policies DM4 and DM15 of the Site Allocations and Development Management Policies DPD 2016 which make provision for the change of use, re-use or extension of existing buildings. It is also an allocated site for housing development within the emerging Witherley Neighbourhood Plan but this can only be given limited weight. However, in principle, the application is considered to be acceptable and in accordance with Development Plan Policy and emerging policy subject to material considerations as set out below.

### Design and Impact upon the Character of the Area

- 8.9 Policy DM4 of the adopted SADMP states that development in the countryside will be considered sustainable where it does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and it does not undermine the physical and perceived separation and open character between settlements; and it does not create or exacerbate ribbon development.
- 8.10 Policy DM10 of the adopted 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 that the use and application of building materials respects the materials of existing adjoining/ neighbouring buildings and the local area generally. In addition to this, Policy DM15 of the adopted SADMP also seeks to ensure any extensions or alterations respect the form and character of the existing building(s), are situated within the original curtilage and that the development leads to an enhancement of the immediate setting.
- 8.11 The existing buildings on site comprise of a broadly 'U' shaped stable block, and a broadly 'T' shaped kennel building that were formerly occupied by the Atherstone Hunt.
- 8.12 The proposal principally concerns:
- the conversion of the stable building to five houses.
  - the conversion of the kennel building to two houses.
  - a detached new dwelling in lieu of the existing 20th century bungalow attached to the stables.
  - new garages and parking arrangements for the converted buildings
- 8.13 The scheme, if approved, will facilitate the sale and consequent repair and conversion of buildings which have clear heritage value, but are currently redundant, deteriorating and "at risk". There are some elements of enhancement, such as the proposed reinstatement of the overhanging verges and rafters to the gables, most of which have been cut off and making-good of mutilated features such as the central doorway of the stable block (whose jambs have been mutilated) and the central chimney of the main elevation of the kennels (which has been truncated).
- 8.14 Some changes are necessary to allow comfortable occupation of the buildings as dwellings. The upgrading of the windows entails the removal of the cast iron frames and their replacement with double-glazed timber windows. Consideration was given to the retention of the cast iron frames, because they are undeniably attractive. However, their restoration is a specialist and expensive skill, and the challenge is compounded by the need to alter some of the opening sizes, especially at first floor level in the stables. New bespoke iron frames would be needed for these, and it would also be necessary to supplement the windows with bespoke secondary glazing throughout. Other changes include loss of the surviving (but incomplete) original fittings in the stables, loss of dividing walls in the west range of the stables, and formation of large openings in existing walls for contemporary additions to units 4, 5, 6 and 8 in the stable and kennel buildings. It will also be necessary to lower the level of the first floor structure in the north range of the stable building, to allow acceptable headroom under the trusses. They are very low in the eastern and western chambers, which did not matter for a fodder store, but is unacceptable for habitable rooms in everyday use. These essential changes will still maintain the essential attributes of the buildings.



- 8.15 The spaces around the buildings are also of importance, and the scheme retains the iron railings in front of the kennels, and the openness of the central yard in the stables. The proposed new house is designed to have an “estate” character that will sit well with the kennels, stables and the associated dwellings on Kennel Lane.
- 8.16 The proposed changes have been made to make the buildings suitable for residential use while also safeguarding the character and appearance of the principal buildings.
- 8.17 The proposed dwelling (Unit 8) reflects the form and architectural detailing of the existing Hunt cottages and original buildings, ensuring it clearly respects the character and appearance of the wider complex. The new garages have a simple rectangular form with dual pitched roof and gable end detailed that also closely matches the architectural form and features of the wider complex. Additional details were submitted regarding materials on 21/02/23. The use of an aluminium coping detail around the edges of the proposed flat roof extensions, which is a sensible design revision, alongside details of the cladding material for the extensions and wood grain finish windows frames for the conversion ensure that the character and appearance of the buildings is preserved and means that no pre-commencement condition will be required for these items.
- 8.18 It is considered necessary that a condition is imposed to remove permitted development rights in order to ensure additional alterations and extensions are not undertaken without consent. This measure would be in the interests of preserving the character and appearance of the buildings, the locality of the site and the surrounding rural landscape. Taking all the above matters into account it is considered that this is a sympathetic and sensitive conversion and redevelopment which respects the character and appearance of the site and rural setting beyond. It therefore complies with Policies DM4 and DM10 of the SADMP.

#### Heritage Impacts and Archaeology

- 8.19 Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraph 203 states that “the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”
- 8.20 Paragraph 206 of the NPPF states that local planning authorities should look for opportunities for new development within conservation areas, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
- 8.21 Policies DM11 and DM12 of the Site Allocations and Development Management Policies (SADMP) Development Plan Document and emerging Policy ENV7 of the Witherley Neighbourhood Plan seek to protect and enhance the historic environment and heritage assets. Policy DM11 states that the Borough Council will protect, conserve and enhance the historic environment throughout the borough. This will be done through the careful management of development that might adversely impact both designated and non-designated heritage assets.
- 8.22 All development proposals affecting the significance of heritage assets and their setting will be assessed in accordance with Policy DM11 and will require justification. Policy DM12 states that development proposals should make every effort to retain the significance of locally listed heritage assets.

- 8.23 In the formation of the Councils list of Local Heritage Assets formal selection criteria were adopted and this forms the basis of identifying and assessing the significance of any non-designated heritage assets. The Atherstone Hunt Complex is listed on the Heritage Environmental Register.
- 8.24 In determining applications, paragraph 194 of the NPPF and Policy DM11 of the SADMP requires an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Paragraph 195 of the NPPF also requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal, including by development affecting the setting of a heritage asset. A Heritage Statement has been submitted as part of this application.
- 8.25 Both the stables and kennels and the associated adjacent cottages are included on the Leicestershire Historic Environment Record (references MLE24332 and MLE24331) which provides some limited detail of their interest. The Atherstone Hunt traces its own history to 1815. The kennels and stables were constructed in c.1836 and consist largely of a complex of red brick buildings with slate roofs.
- 8.26 The majority of the buildings on the site (specifically the original stables, attached 1900 range, detached northern range, the original kennels, and the cottages) are of considerable historic interest and reasonable architectural interest. The buildings have a group value with a clear functional relationship to each other, due to the presence of surviving historic fabric and their plan form, the buildings retain a good degree of integrity, and the site consists of a landmark collection of buildings within the local street scene.
- 8.27 The existing bungalow on site and some of the more functional modern buildings are proposed to be demolished. The conservation officer has confirmed that these buildings are of no particular interest and are not considered to be local heritage assets.
- 8.28 The proposal seeks to convert the stable building to form five dwellings, convert the kennel building to form two dwellings, demolish the bungalow and erect a replacement dwelling re-sited centrally between the stables and kennels, and provide two new garage blocks for the converted kennels. An amenity area and off-street car parking would be created for each plot.
- 8.29 In addition to the bungalow some of the more functional modern buildings on the site are proposed to be demolished. The smithy and attached stables situated along the northern boundary have been demolished to facilitate the repositioning of the driveway to serve the converted kennels and new dwelling.
- 8.30 Following the Conservation Officers comments a number of design revisions have been proposed which address the majority of areas of design concern.
- 8.31 There are proposed extensions beyond the footprint of the existing buildings with two single storey extensions to the south of the east-west range of the kennels (serving plots 6 and 7) and single storey extensions positioned to the east of the southern and northern ranges of the stables (serving plots 4 and 5). These extensions have a flat roofed form and are to be clad in timber to provide a clear design contrast and to not compete with the form and architecture of the original buildings. Two new flat roofed dormer windows are proposed to the northern elevation of the east-west range of the kennels. The eaves and ridge height of the east and west ranges of the Stables are proposed to be raised to provide additional accommodation for plots 1, 4 and 5, with detailing now submitted confirming the use of a string course detailing along the division of the raised section, replication of the verge and eaves detailing, and use of brick reclaimed from the wider site for the extensions. Across both original buildings a number of alterations are proposed to the fenestration including lowering of some

cills, repositioning of a limited number of windows and doors, and altering window and door sizes, particularly for contemporary styled doors on garden facing elevations. A considerable number of roof lights are proposed on both buildings, but the number has been reduced particularly on external facing elevations. The cast iron framed windows are to be replaced with upvc double glazed windows of a simple casement style with the glazing bar detail replicated.

- 8.32 In general some repairs will be required to facilitate the conversion of the original buildings and there are proposed reinstatements of architectural features including overhanging verges and rafters to the gables, most of which have been cut off, the making good of mutilated features and the addition of the central chimney on the main elevation of the kennels which has been truncated. The external stairs to both blocks are in a poor condition, so they are proposed for removal, with the first floor door openings retained and infilled.
- 8.33 The proposed replacement dwelling has been reduced to one and half storeys in scale which would respect and reflect the height of the surrounding converted original buildings and coupled with its re-positioning in between the buildings ensures it would not compete with an appreciation of their interest. The dwelling reflects the form and architectural detailing of the existing Hunt cottages and original buildings, with steep pitched roofs and pitched roof half dormers, ensuring it clearly respects the character and appearance of the wider complex.
- 8.34 Details have been submitted which confirm the use of reclaimed bricks and plain clay roof tiles to match the existing wall and roof materials for the conversion and upward extensions to the stables and kennels. The flat roofed extensions are to be clad in a timber, laid horizontally, with a stone coping detail. For plot 8 (the replacement dwelling) a mellow red brick, plain blue clay tile is proposed for its construction with a concrete cill window detailing, with these materials being appropriately specified.
- 8.35 From the site plan it is evident that two detached garages are proposed to serve plots 6 and 7 but no floor plans or elevations of the garages have been submitted. The street scene drawing does however demonstrate that they would be of a simple rectangular plan with shallow pitched clay tile roof and brick walls ensuring they have an appropriate character and appearance.
- 8.36 An external works layout plan demonstrates the use of 1.2m high brick walls and post and timber post and rail fencing around the majority of the site, including the external boundary treatments. The existing pen fences to the Kennels are also to be retained. These boundary treatments reflect existing treatments in situ around the site and the surrounding rural context, whilst their low level also allows for the visual relationship and appreciative group value of the collection of buildings to be retained. The use of 1.8m high close boarded fencing is now limited to a small number of locations within the site interior to divide the amenity areas of some plots. The hard surfacing materials proposed for the site are appropriate and the character and openness of the interior courtyard to the Stables would be maintained.
- 8.37 Should approval be granted, conditions are suggested regarding details of a soft and hard landscaping scheme and the removal of permitted development rights for the erection of ancillary domestic structures within the gardens of each plot to ensure the character of the site is not overly domesticated and to preserve the amenity of the area.
- 8.38 With respect to archaeological considerations an appraisal of the Leicestershire and Rutland Historic Environment Record (HER) indicates the building is or has the potential to include heritage assets with an archaeological interest (National Planning Policy Framework (NPPF) Section 16, paragraph 189 and Annex 2). In mitigation of the development impacts of the previous approved development, the archaeology

officer recommended that the applicant complete an appropriate level of building recording prior to alteration, to record and advance the understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance (NPPF Section 16, paragraph 199). This has been done and submitted along with a Heritage Statement with the current application, both of which are considered detailed and acceptable.

- 8.39 Overall it is considered that the features of historic and architectural interest evident within the collection of original buildings at the Atherstone Hunt kennels will remain. Their setting and group value is preserved through appropriate landscaping, siting of ancillary structures, and the design of the replacement cottage. The significance of these local heritage assets will therefore be preserved, and the proposal is considered to be acceptable and in compliance with Section 16 of the NPPF and Policies DM11 and DM12 of the SADMP DPD and emerging policy ENV7 of the Witherley Neighbourhood Plan with respect to historic and archaeological considerations.

#### Impact upon residential amenity

- 8.40 Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and/or amenity of nearby residents and occupiers of adjacent buildings and that the amenity of the future occupiers of proposed development would not be adversely affected by activities in the vicinity of the site.
- 8.41 The nearest neighbouring properties to this development lie to the west of the site on the opposite side of Kennel Lane. The plans show only three openings located in the western elevation of the Stables building, both on the north-western corner (one at ground floor, two at first floor). These windows are the proposed principal windows serving Unit 2 but it is considered will not materially detract from the amenity of the resident's located opposite, owing to the distance of the windows to the principal windows of the neighbouring properties which is approx. 18.5m and 21m respectively.
- 8.42 Unit 1 and Units 4 – 9 will each be provided with their own areas of private amenity space. There is also a shared courtyard and parking area for Units 1-5. Properties have views out to the open countryside and home offices are also provided as separate spaces for three of the proposed residential conversions.
- 8.43 Where windows are proposed to toilets, bathrooms and en-suites it is considered appropriate to impose a condition requiring obscure glazing to ensure privacy for future occupiers of the dwellings.
- 8.44 There have been no letters of objection received from local residents and the overall design of the development and positioning of windows is considered to provide good levels of amenity with respect to light and outlook. Therefore, the proposal is considered to be acceptable with respect to residential amenity and complies with Policy DM10 of the SADMP.

#### Impact upon highway safety

- 8.45 Policy DM17 of the adopted SADMP supports development that seeks to ensure convenient and safe access and that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision.
- 8.46 Paragraph 111 of the NPPF (2021) 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. A condition is imposed for a scheme requiring electric vehicle charging provision on site.

- 8.47 Parking provision on site is considered to be acceptable and there are at least 2 car parking spaces for each residential unit of accommodation and on site visitor car parking provision. Parking is also provided for the existing cottages adjacent to the application site which front onto Kennel Lane.
- 8.48 The local highway authority has not objected to the proposals on highway grounds and subject to several conditions are supportive of the scheme. It is considered that the proposal will result in a minimal impact on parking and highway safety in compliance with policies DM17 and DM18 of the SADMP.

#### Drainage

- 8.49 Policy DM7 of the Site Allocation and Development Management Policies DPD 2016 requires that adverse impacts from pollution and flooding are prevented and mitigated for. The Drainage Team at HBBC and Severn Trent Water have raised no objections to the application proposal but have requested a condition in relation to surface water drainage details and sustainable drainage principles (SuDS). Subject to inclusion of this condition it is considered that the scheme is acceptable with respect to surface water disposal and flooding matters and therefore accords with Policy DM7 of the SADMP.

#### Ecology

- 8.50 Policy DM6 of the Site Allocation and Development Management Policies DPD 2016 states that development proposals must demonstrate how they conserve and enhance features of nature conservation and geological value including long term future management.
- 8.51 This application was accompanied by a Bat and Bird Survey which confirmed evidence of brown long eared bats and common pipistrelle bats using the buildings as a place of shelter and for roosting. The survey also revealed that there was evidence of birds nesting in the building. The survey work is however outdated (surveys appear to have been carried out in 2020) and therefore updated surveys should be carried out. This typically would need to be submitted prior to planning being granted; however, in this instance as bat lofts are proposed as compensation measures this would provide suitable compensation should a higher conservation value roost (such as a maternity roost should be recorded). Therefore LCC Ecology have recommended conditions for the updated survey work required.
- 8.52 It is considered that subject to these conditions that this application is appropriate with respect to ecological considerations and complies with Policy DM6 of the Site Allocation and Development Management Policies DPD 2016.

#### Infrastructure contributions

- 8.53 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. The S106 monitoring officer requested a contribution towards play and open space to help improve the facilities for outdoor sport (equipped and informal) at sites WIT03 and WIT05.

8.54 However, the proposal is for seven net additional dwellings, which is considered to have an insignificant impact on existing facilities. The development is acceptable in planning terms and is a sensitive and sympathetic conversion of historic buildings. The scheme is therefore deemed to be acceptable without any contributions and therefore contributions would not be CIL compliant in this case. Therefore, notwithstanding Policy DM3 of the adopted SADMP and Policy 19 of the adopted Core Strategy, no contribution has been pursued in this case.

Other Issues

8.55 In terms of Witherley Neighbourhood Plan and Policies H3 (Housing Mix) the Examiner’s Report on Witherley Neighbourhood Plan is due to be published at the end of this week (10<sup>th</sup> March 23) and the decision to proceed to referendum. This will be able to state the most up to date position and the weight applied increases. Once the Examiner’s Report and extent of modifications is in the public domain (essentially so we can envisage the final ‘product’ once amendments have been made) the neighbourhood plan can be afforded moderate to significant weight. It cannot be afforded full weight until it has been through referendum and has been ‘made’.

8.56 In terms of Policy H3, the Housing Needs Study is the most up-to-date local study - [https://www.hinckleybosworth.gov.uk/info/1004/planning\\_policy\\_and\\_the\\_local\\_plan/1610/housing\\_needs\\_study\\_2020](https://www.hinckleybosworth.gov.uk/info/1004/planning_policy_and_the_local_plan/1610/housing_needs_study_2020) . The suggested housing mix of market housing for the plan period (up to 2036) **borough wide** is on page 6 of the report, and I’ve copied below:

	1-bedroom	2-bedrooms	3-bedrooms	4+bedrooms
Market	5%	30%	45%	20%
Affordable home ownership	10%	50%	30%	10%
Affordable housing (rented)	25%	40%	30%	5%

8.57 If the the mix was calculated based on the figures above, there would be one 1 bed, two to three 2 beds, three to four 3 beds, and one to two 4+ beds. However this is to cover borough-wide, not particularly rural areas. The Housing Needs Study breaks down further data into the parishes and an urban/rural split on pages 104 to 107 of the report. The conclusion in the box on page 108 states: *“In applying the mix to individual development sites, regard should be had to the nature of the site and character of the area, and to up-to-date evidence of need as well as the existing mix and turnover of properties at the local level..... Whilst there were some differences in the analysis, it is not considered that they are substantial enough to suggest a different mix of housing as being needed in different areas.”*

8.58 Policy H3 also refers to the HEDNA as an evidence base document, however we now have the Housing Economic Needs Assessment (HENA) from June 2022 which is significantly more up to date. This can be found online here - <https://www.l1strategicgrowthplan.org.uk/latest-updates/publication-of-statement-of-common-ground-relating-to-housing-and-employment-land-needs/>

8.59 Section 10 covers the need for different sizes of homes. The top table below is based on the Standard Method calculations (for Leicestershire as a whole), and the table

below that is adjusted for Hinckley & Bosworth and takes into account under-occupation and overcrowding.

Table 10.11 Modelled Mix of Housing by Size and Tenure in Leicestershire – linked to Standard Method

	1-bedroom	2-bedrooms	3-bedrooms	4+-bedrooms
Market	3%	28%	50%	19%
Affordable home ownership	15%	39%	35%	11%
Affordable housing (rented)	35%	33%	29%	3%

Source: Housing Market Model

Table 10.25 Adjusted Modelled Mix of Housing by Size and Tenure – Hinckley & Bosworth

	1-bedroom	2-bedrooms	3-bedrooms	4+-bedrooms
Market	6%	35%	44%	15%
Affordable home ownership	18%	43%	31%	8%
Affordable housing (rented)	33%	36%	27%	3%

Source: Housing Market Model (with adjustments)

- 8.61 As can be seen, the figures for market mix are not massively different, especially for 2 bed, 3 bed and 4+ bed.
- 8.62 To conclude a Late Items report will be submitted prior to the Committee meeting. At the moment the Neighbourhood Plan can only be afforded limited to moderate weight. This will be addressed again once the Examiners report is published.

## 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, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.
- 9.3 There are no known equality implications arising directly from this development.
- 9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and

family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

## **10. Conclusion**

- 10.1 The scheme complies with the requirements of Policies DM4 and DM15 of the Site Allocations and Development Management Policies DPD 2016 which make provision for the change of use, re-use or extension of existing buildings. It is also an allocated site for housing development within the emerging Witherley Neighbourhood Plan. It is a sympathetic and sensitive conversion and redevelopment which respects the character and appearance of the site and rural setting beyond.
- 10.2 The features of historic and architectural interest evident within the collection of original buildings at the Atherstone Hunt kennels will remain. Their setting and group value is preserved through appropriate landscaping, siting of ancillary structures, and the design of the replacement cottage. The significance of these local heritage assets will therefore be preserved, and the proposal is considered to be acceptable and in compliance with Section 16 of the NPPF and Policies DM11 and DM12 of the SADMP DPD and emerging policy ENV7 of the Witherley Neighbourhood Plan.
- 10.3 The scheme is acceptable with respect to highway safety, access and parking, drainage considerations, ecology and residential amenity. There are no material considerations to warrant refusal of this application and therefore it is recommended for approval subject to conditions set out below.

## **Recommendation**

- 11.1 **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report

## **11.2 Conditions and Reasons / 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 other than in accordance with the following plans and amended plans:  
Site Location Plan received 22 September 22  
Amended Proposed Elevations Plots 1-5 sheet 1 of 2 received 21/02/23  
Amended Proposed Elevations Plots 1-5 sheet 2 of 2 received 21/02/23  
Amended Proposed Elevations Plots 6 & 7 sheet 1 of 1 received 21/02/23  
Amended Proposed Street Scene received 21/02/23  
Proposed external brick details received 21/02/23  
Timber cladding details received 21/02/23  
Building Record Report received 16/02/23  
Proposed External Works received  
Preliminary Bat Roost Assessment and Bird survey received 14/02/23  
Amended Proposed Floor Plans Plots 1-5 Drg No. 9754.23 received 31/01/23  
Amended Proposed Floor Plans Plots 6-8 received 27/01/23

**Reason:** To ensure the development is carried out in accordance with the approved details.



3. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 43 metres by 2.4 metres have been provided on either side of each of the three site accesses. 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).

4. No part of the development hereby permitted shall be occupied until such time as 1.0 metre by 1.0 metre pedestrian visibility splays have been provided on the highway boundary on the southern side of the northern access and both sides of the southern and field accesses 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).

5. No part of the development hereby permitted shall be occupied until such time as the southern access arrangements shown on jms Group drawing number 206 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).

6. No part of the development hereby permitted shall be occupied until such time as the field access arrangements shown on jms Group drawing number 205 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).

7. Notwithstanding the submitted plans, the proposed northern access shall have a width of a minimum of 4.25 metres for a distance of at least 5 metres behind the highway boundary. 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).

8. The development hereby permitted shall not be occupied until such time as the existing gates to the vehicular access have been permanently removed. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 5 metres of the highway boundary for the two residential accesses and 11 metres from the highway for the agricultural access, nor shall any be erected within a distance of 5/11 metres of the highway boundary unless hung to open away from the highway.

**Reason:** To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with the National Planning Policy Framework (2021).

9. The development hereby permitted shall be implemented according to the site drainage details provided to and approved in writing by the Local Planning Authority under application 22/00918/DISCON. Thereafter surface water shall not drain into the Public Highway and the approved details shall be retained at all times.

**Reason:** To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with the National Planning Policy Framework (2021).

10. 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 for the residential accesses and 11 metres behind the highway boundary for the agricultural access 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).

11. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Bailey Design Limited drawing number 9754.22. Thereafter the onsite parking and turning provision shall be kept available for such use(s) in perpetuity.

**Reason:** To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally and to enable vehicles to enter and leave the site in a forward direction in the interests of highway safety and in accordance with the National Planning Policy Framework (2021).

12. Notwithstanding the submitted plans, any new / replacement windows and/or doors on the ground floor of the existing buildings fronting directly on to the Kennel Lane footway shall not open so to overhang the public highway and shall thereafter be maintained in perpetuity.

**Reason:** In the general interest of highway safety in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD (2016) and the National Planning Policy Framework (2021).

13. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and 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.

**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 Site Allocations and Development Management Policies DPD (2016) and the National Planning Policy Framework (2021).

14. The development shall be implemented in accordance with the details of the waste and recycling storage of containers and collection across the site which have been submitted to and approved in writing to the Local Planning Authority under application 22/00918/DISCON. The approved details shall be retained as such at all times.

**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).

15. The development shall be implemented according to the a scheme of investigation regarding potential land contamination on the site which has been submitted to and agreed in writing by the Local Planning Authority under application 22/00918/DISCON . 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).

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 in writing 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 first dwelling 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. Site preparation and construction shall be limited to the following hours;  
Monday - Friday 07:30 - 18:00  
Saturday 08:00 - 13:00  
No working on Sundays and Bank Holidays

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

18. The development, hereby approved, shall be implemented according to the scheme of hard and soft landscaping works, including boundary treatments, for the site, including an implementation scheme which has been submitted in writing to and approved in writing by the local planning authority under application 22/00918/DISCON . 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).

19. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A-H 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).

20. The development, hereby approved, shall be implemented according to the scheme for the installation of electric vehicle charging points which was submitted to and approved in writing by the local planning authority under application 22/00918/DISCON. The approved details of the scheme shall be retained at all times.

**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.

21. The windows to all toilets, bathrooms and en-suites of the approved development shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale and non-openable. Once so provided the window(s) shall be permanently maintained as such at all times thereafter.

**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).

22. No development shall take place until details of three bat activity surveys and a bat mitigation scheme have been submitted to and approved in writing by the LPA. This is to detail the results of the surveys and any necessary mitigation and/or compensation measures. All works are to proceed strictly in accordance with the approved scheme.

**Reason:** To ensure the development restores, preserves and enhances valuable habitats and future protection of protected species in accordance with Policy DM6 of the Site Allocation and Development Management Policies DPD 2016.

23. No development shall take place until a biodiversity enhancement scheme has been submitted to and approved in writing by the LPA. Enhancements shall include (but are not limited to) the incorporation of bird boxes and native planting. Any enhancement measures need to be shown on all relevant submitted plans/elevations. All works are to proceed strictly in accordance with the approved scheme.

**Reason:** To maintain and improve biodiversity levels on site.

### 11.3 Notes to applicant

- 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.
- To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001)
- 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>
- 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. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.
- The applicant's ecologist has identified that a Natural England Licence will be required for the 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 that all licence conditions are adhered to.
- 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 before development is commenced, including calculations of soil infiltration rate and soakaway sizing to accommodate the 1 in 100 year rainfall event plus climate change allowance. 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.
- All bat species are afforded full protection under UK and European legislation, including the Wildlife and Countryside Act 1981 (as amended), and The Conservation of Habitats and Species Regulations 2017 (as amended). Together, this legislation makes it illegal to: Intentionally or recklessly take, kill or injure a bat; Intentionally or recklessly damage, destroy or obstruct access to bat roosts; and Intentionally or recklessly disturb bats. A bat roost is defined in the legislation as "any structure or place which a bat uses for shelter or protection". Roosts are protected whether or not bats are present at the

time. As the building has confirmed bat roosts present, the works may only proceed under a granted EPS Licence from Natural England.

- Nesting birds are protected from disturbance under the Wildlife & Countryside Act 1981 (as amended); therefore all removal of trees/shrubs/hedges and building works should take place outside the breeding season (March to August inclusive) unless carefully checked beforehand by a suitably qualified person.