

**Planning Committee 30th July 2024
Report of the Head of Planning**

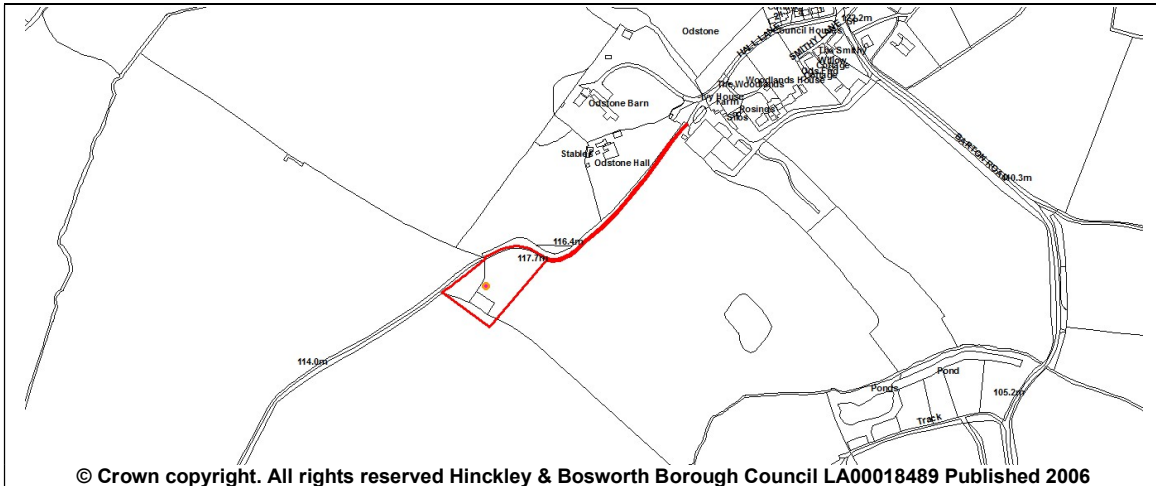
**Planning Ref: 23/01048/FUL
Applicant: B&C Lampard Partnership
Ward: Cadeby Carlton M Bosworth & Shackerstone**



**Hinckley & Bosworth
Borough Council**

Site: Land Off Hall Lane, Odstone, Leicestershire

Proposal: Change of use of a building from agricultural to residential and associated works



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 proposal is for the conversion of an agricultural building to a residential property including associated works which involve a contemporary extension to the existing building. The property would contain two bedrooms, an open plan kitchen, dining, and living area, a bathroom, and utility room. Parking would be provided for two vehicles.
- 2.2. The proposal was amended following the initial submission, following the request from officers to amend the design of the proposal, specifically in relation to the siting and scale of the extension, materials, parking arrangement, and openings. The latest submission reflects these requests.

3. Description of the site and surrounding area

- 3.1. The building is located around 300m south-west of the settlement of Odstone, and off the track that links the settlement from Hall Lane to Tivey's Farm which is c.1.25km to the west. The building forms part of the wider landholding of Tivey's Farm and has most recently been used for housing cattle.
3. The building has a rectangular plan form and consists of a red brick walls and dual pitched slate tile roof. There are two small openings to the north-western elevation and the south-eastern elevation is open to a small square plan courtyard which is defined by red brick walls, sections of which have collapsed and open out into a

large field that extends to the south and east. The general footprint of the building and the defined courtyard are evident on the first edition Ordnance Survey map of 1885 which indicates that this arrangement of built form, and the building itself can be dated back to at least the 19th century. The lower sections of the walls of the building consist of historic brickwork of various phases, with the upper section of the building consisting of a replacement roof added within the last decade. Some sections of the courtyard walls are also a modern rebuild.

4. Relevant Planning History

N/A

5. Publicity

5.1. The application has been publicised by erecting a site notice at the access to the site. 7 letters of objection have been received making the following comments:

- Inaccuracies in Planning Statement regarding recent use of the site
- Traffic movements to the site would be increased
- Access is via a bridleway which is 'rationae tenurae', not a private road as outlined in the Planning Statement.
- Harm to the character of the countryside
- Access to the proposed property is a Bridleway and public footpath and as such cannot be resurfaced to allow vehicular access. In the winter this Bridleway becomes quite muddy and vehicular access will be restricted. This would mean vehicles would have to park at Ivy House Farm.
- Principle of development. Odstone is designated as a zero development area for housing and previous planning applications have been refused on this basis.
- No mains services to the building.
- Impact on trees and biodiversity.
- Insufficient parking provision

6. Consultation

6.1. Shackerstone Parish Council – Objection

- Insufficient parking or turning within plans submitted.
- That the access track is a public right of way used by walkers and horse riders in particular. The increase in traffic of two (potentially more) vehicles for a residence plus visitors/ deliveries etc will be substantial. We also believe that a resident owns some of the road at the bottom of Hall Lane and is currently seeking independent legal advice as to whether this grants them any rights over said road.
- That Hall Lane is currently a dead end with access to the track being via a stile and a poorly maintained gate. It is imperative that this gate is retained and that it is kept permanently closed. Residents regularly have altercations with van drivers approaching the top of Hall Lane at excessive speed. If this gate is removed or allowed to be kept open and drivers see the track as an extension of Hall Lane it is only a matter of time before there is a collision or injury.

- Hall Lane itself (from Crown Cottages to the track has no footpath). It is regularly used by walkers (as it is part of the Shackerstone Parish Gopsall Villages Loop). Any increase in traffic (which this development would absolutely create) would add further danger to pedestrians and horse riders.
- There is currently an issue with members of the public parking at the end of Hall Lane – we presume in order to access the footpath. During the winter the track to the proposed development gets very wet and rutted and virtually impassable. If this development is allowed there will almost certainly be an increase in drivers and visitors parking at the end of Hall Lane. This creates access and visibility issues for the three houses at the end of Hall Lane.
- Over the winter, with the trees having shed their leaves, the proposed development has become clearly visible from houses at the end of Hall Lane. If consent is given it will lead to light pollution in what is currently open countryside and disturbance to the wildlife, especially in the small copse within the application site.
- Odstone has been designated as an area that should not see any residential development. To grant permission for a residence within open countryside, which is not adjacent to any existing housing would be a clear breach of this policy.

6.2. LCC Highways – No objections subject to conditions.

6.3. HBBC Drainage – No objection.

6.4. LCC Ecology – No surveys required, no objection.

6.5. HBBC Environmental Health – No objection – land contamination conditions recommended.

6.6. HBBC Conservation Officer – No objection.

6.7. HBBC Waste: No objection subject to condition.

6.8. LCC Archaeology – No objection following the submission of a trial trenching report upon request (submitted 17/05/2024, CFA Report Ref.: 4478).

7. Policy

7.1. Core Strategy (2009)

- Policy 13: Rural Hamlets

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

- Policy DM1: Presumption in Favour of Sustainable Development
- 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 DM15: Redundant Rural Buildings
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2023)

- Planning Practice Guidance (PPG)
- National Design Guide
- Good Design Guide (2020)

8. Appraisal

8.1. Key Issues

- Principle of development
- Design and impact upon the character of the area
- Impact on heritage assets
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Flood risk and drainage
- Ecology
- Other matters
- Planning balance

Assessment against strategic planning policies

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF, 2023) 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. Hinckley and Bosworth Borough is currently unable to demonstrate an up to date 5-year supply of land for housing. Due to this and the change in the housing figures required for the borough paragraph 11(d) of the NPPF is triggered as the Council cannot demonstrate a 5-year housing land supply. Therefore, this application should be determined in accordance with Paragraph 11(d) of the National Planning Policy Framework (NPPF) whereby permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This is weighed in the balance of the merits of the application when considered with the policies in the SADMP and the Core Strategy which are attributed significant weight as they are consistent with the Framework. Therefore, sustainable development should be approved unless other material considerations indicate otherwise.
- 8.5. The site lies within the rural hamlet of Odstone which has no settlement boundary as such the site lies within open countryside. Policy DM4 is therefore applicable.

8.6. Policy DM4 seeks to protect the countryside from inappropriate development. However, the policy states that development in the countryside will be considered sustainable where:

- a) It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the scheme cannot be provided within or adjacent to settlement boundaries or
- b) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting or
- c) It significantly contributes to economic growth, job creation and/or diversification of rural businesses or
- d) It relates to stand alone renewable energy development or
- e) It relates to the provision of accommodation for a rural worker

and

- i. It does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside and
- ii. It does not undermine the physical and perceived separation and open character between settlements and
- iii. It does not create or exacerbate ribbon development
- iv. It protects the role and function of the Green Wedge
- v. It contributes to the delivery of the National Forest Strategy

8.2. Policy DM15 of the SADMP supports the re-use and/or adaptation of redundant or disused rural buildings where:

- a) The applicant demonstrates the building is no longer viable in its current use
- b) The applicant has adequately demonstrated the building is in a structurally sound condition and is capable of conversion without significant rebuild or alteration; and
- c) Any proposed extension(s) or alterations are proportionate to the size, scale, mass and footprint of the original building and situated within the original curtilage; and
- d) The proposed development accords with Policy DM10: Development and Design and relevant design guidance, DM11: Protecting and Enhancing the Historic Environment and DM12: Heritage Assets.

All development proposals for the re-use of redundant rural buildings should result in the enhancement of the immediate setting.

8.7. The applicant has demonstrated that the building is not required for its former agricultural use. The building is in a structurally sound condition, and no structural works are required as part of the proposal. The proposal does include an extension to the existing building, and this has been judged to be proportionate to the size, scale, mass and footprint of the original building and situated within the original curtilage. The proposal therefore complies with SADMP Policy DM15 in this regard.

8.8. This proposal seeks to convert an existing building within the site which would lead to the enhancement of the immediate setting of the site. As such, the principle of residential development on the site would be acceptable in terms of Policy DM4 and Policy DM15 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

- 8.9. Policy DM10(c), (d) and (e) of the SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and the use and application of building materials respects the materials of existing, adjoining/neighbouring buildings and the area generally and incorporates a high standard of landscaping.
- 8.10. The Good Design Guide SPD provides guidance upon how to design a conversion. This includes avoiding complex elevations, as well as resisting architectural decoration and ornament. Residential conversions should not become overly domestic in appearance and retain the buildings key features and openings.
- 8.11. The application building has been recently modified, with the lower sections of the walls of the building consisting of historic brickwork of various phases, with the upper section of the building consisting of a replacement roof added within the last decade. Some sections of the courtyard walls are also a modern rebuild.
- 8.12. The proposal seeks to convert the agricultural building into a single dwelling, and consists of utilising the existing limited number of openings to the north-eastern elevation for fenestration, the additional of a single window in each of the side (north-east and south-west) elevations, and the addition of a single storey glass box extension set within a steel frame to the former open south-eastern elevation, alongside a small section of building up the walls of this elevation. The courtyard walls are to be repaired and reinstated where required, other than retaining a small open section of the courtyard walls out into the wider field which will be subdivided with a post and rail fence to provide a grassland amenity area. Two linear parking spaces are proposed off the north-western elevation, accessed from an existing crushed stone trackway which spurs off from the main track.
- 8.13. The proposed design retains the scale and form of the existing agricultural building and avoids domestic additions with the exception of some new window openings and entrance door. The proposal includes a glazed flat roof single storey extension, and this high quality, contemporary addition complements the existing building well by contrasting with the appearance and materials of the existing building, whilst remaining subordinate to the main building. The proposed materials retain the existing red brick structure to the building and boundary wall and are considered acceptable. The proposed conversion and alterations are considered to provide the building with a sustainable future and purpose, preserving its character and ensuring that the character of the surrounding area is not significantly altered or harmed.
- 8.14. The building is visible both from the bridleway where the access is taken, as well as glimpses from footpath S69 which runs south easterly approximately 300m east of the site. Whilst the domestication of the building will be partly noticeable due to the glazed extension and possible domestic paraphernalia, the boundary wall will screen the site, maintain the rural and agricultural character of the site. The proposed parking area has been located along the western boundary of the building, effectively screening it from longer views from the footpath. Whilst there will be some domestication of the site which would detract from the agricultural and rural character of the site, this is not considered to be significantly harmful to the overall appearance and character of the site and surrounding area.

- 8.15. Overall, it is considered that the proposed extensions and alterations are proportionate to the size, scale, mass and footprint of the original building, and with repairs and reinstatement of the courtyard walls the historic curtilage of the building would remain clearly defined. The proposed scheme would have a positive impact on the character and appearance of the site and surrounding area by respectfully converting and altering the agricultural building, and would meet the requirements Policies DM4, DM6, DM8 and DM10 of the adopted SADMP and the general principles of the adopted Good Design Guide.

Impact on heritage assets

- 8.16. Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraphs 199-202 require great weight to be given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have clear and convincing justification, and for that harm to be weighed against the public benefits of a proposal.
- 8.17. Policies DM11 and DM12 of the SADMP DPD 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. Policy DM12 requires all development proposals to accord with Policy DM10: Development and Design. Policy DM12 also states that all proposals for development affecting the setting of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting.
- 8.18. The Leicestershire and Rutland Historic Environment Record (HER) notes that the application site lies within the medieval and post-medieval historic settlement core of Odstone, although the building itself is located a considerable distance from the current settlement and it is not identified as a record in its own right. Whilst the building has the potential to be of some archaeological value, and it has some historic value allowing for an understanding of farming practices and the arrangement of buildings associated with Tivey's Farm, the level of heritage interest is considered to be low. The complex has also been considerably altered over time with a number of functional adaptations to suit varying uses, including the most recent works of the replacement roof leaving only limited amount of historic fabric remaining. The building has no particular architectural or aesthetic value. Whilst the building has a minor level of local heritage interest, it is not currently considered to be at the level required to warrant identification as a local heritage asset. As the application building is not considered to be a non-designated heritage asset then the direct effects of the proposal upon the heritage significance of the building are not a material planning consideration, however the building can still be considered a traditional rural building and Policy DM15 (redundant rural buildings) of the SADMP is therefore relevant.
- 8.19. There are two grade II listed buildings within the vicinity of the site; Ivy House Farm which is an early to mid-18th century farmhouse c.360m north-east of the application building, and Odstone Hall which is a large 17th century house that was remodelled in the 18th century.
- 8.20. The National Planning Policy Framework (NPPF) (Annex 2) defines the setting of a heritage asset as "the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve.

Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.” Historic England provide advice on the setting of heritage assets in their Good Practice Advice in Planning Note 3 (GPA3) (2015), this identifies that the surroundings in which an asset is experienced may be more extensive than its curtilage. The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way which we experience an asset in its setting is also influenced by other factors such as noise, dust and vibrations from other land uses in the vicinity, and by our understanding of the historic relationship between places. The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting as this will vary over time and according to circumstance.

- 8.21. Due to the presence of the modern agricultural buildings and intervening distance there is no clear intervisibility between the application site and Ivy House Farmhouse and there is an absence of key historic or functional relationships between them. The existing arrangement is regards of access to the proposed dwelling, via a field gate to the track at the end of Hall Lane and slightly to the west of Ivy House Farmhouse would be unaltered. The listed building Ivy House Farmhouse is therefore not considered to be potentially sensitive to adverse impacts as a result of the development proposal.
- 8.22. There is some limited intervisibility between Odstone Hall and the application building through existing field boundary vegetation, particularly during the season of limited leaf cover. The application building and Hall can also be glimpsed together in long distance views looking north-west from the public right of way which approaches Odstone from the south, in the large field adjacent to the application site. Whilst there are no key historic or functional relationships between the application site and the Hall, a minor appreciation of the special historic and architectural interest of the Hall can be obtained when positioned within the surrounds of the application site, and where the application building falls part of the surrounding rural context and is a neutral presence within the wider setting of the Hall.
- 8.23. The HBBC Conservation Officer has no objections to the revised proposal, concluding that the proposed extensions and alterations are proportionate to the size, scale, mass and footprint of the original building, and with repairs and reinstatement of the courtyard walls the historic curtilage of the building would remain clearly defined. For these reasons there will be a very limited visual change within the wider setting of the grade II listed building Odstone Hall, with the application building and proposed development, if implemented, continuing to be a neutral presence within its wider setting and not reducing or adversely affecting the ability to appreciate the significance of the Hall from its setting.
- 8.24. The proposal would therefore be compatible with the significance of the listed building Odstone Hall and its setting and consequently the proposal complies with Policies DM11 and DM12 the SADMP, section 16 of the NPPF, and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact upon neighbouring residential amenity

- 8.25. Policy DM10 of the adopted SADMP and the adopted Design Guide require that development would not have a significant adverse effect on the privacy and/or amenity of nearby residents and occupiers of adjacent buildings.

- 8.26. There are no immediate neighbouring residential uses that abut or surround the site and the proposal provides adequate outdoor amenity space for the dwelling. Therefore there are no concerns regarding residential amenity.
- 8.27. Overall, subject to conditions the proposed development would accord with policies DM7 and DM10 regarding noise/pollution and residential amenity.

Impact upon highway safety/parking provision

- 8.28. Policy DM17 of the adopted SADMP supports development where there would be no significant adverse impact on highway safety. Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.
- 8.29. The proposed access would be via an unnamed minor gated public road which continues in a south westerly direction off Hall Lane. This road is maintainable at private expense by the occupier of the land adjoining the road, although the LHA is responsible for protecting the public's right of way along the whole route.
- 8.30. The gated road is a public highway open to all traffic and subject to national speed limit. From the centre of Odstone, the gated road runs directly off Hall Lane, which is an unclassified road maintainable at public expense by the LHA and subject to a 30-mph speed limit by virtue of street lighting.
- 8.31. Based on Part 3, Figure DG20 of the Leicestershire Highway Design Guide, (LHDG) for an access serving 1 dwelling, a minimum effective width of 2.75 metres should be provided, with an additional 0.5 metre strip on each side bound by a wall/ hedge/ fence etc. The existing access width measures approximately 4.5 metres, therefore the LHA consider this in accordance with guidance.
- 8.32. In terms of trip generation, the LHA accept the findings of the applicant that whilst the proposed development will create a number of vehicle movements from the change of use application - these can be offset against those from its existing lawful use as an agricultural building.
- 8.33. The internal layout of the proposals are detailed on Andrew Large Surveyors Ltd Proposed Site Layout. The submitted application form indicates that the proposed development would consist of one x 3 bed dwelling. On this basis, the development would require two car parking spaces. The aforementioned Proposed Site Layout plan shows two car parking spaces provided. On this basis, the LHA consider it is unlikely the proposals would lead to an increase in on-street parking in the area.
- 8.34. The proposed access is considered safe and suitable to serve the proposed dwelling, and the proposed parking provision is adequate, and the level of trip generation is not considered to be considerably different to the existing lawful use as an agricultural building. The proposal is therefore considered to accord with Policies DM17 and DM18 of the adopted SADMP and the general principles of the local highway authority design guidance subject to conditions.

Flood risk and drainage

- 8.35. Policy DM7 of the SADMP seeks to ensure that development does not create or exacerbate flooding. The Council's drainage officer was consulted and has no objections to the proposal. The proposed development is therefore considered to

accord with Policy DM7 of the SADMP and would not create or exacerbate flooding and is in a suitable location in respect of flood risk.

Other matters

- 8.36. LCC Ecology were consulted as part of this application and confirmed that the roof of the building has been recently replaced. There are no gaps present beneath the tiles and the ridges are well pointed, it is also open internally with no enclosed roof void where roosting bats could be present. Furthermore, the proposal does not involve any felling of trees and there is no ecological or biodiversity interest on the existing site. The proposal is therefore judged to accord with Policy DM6 of the SADMP in this regard and would have no detriment to ecology or biodiversity.
- 8.37. A planning condition has been included to remove Permitted Development rights to ensure that the dwelling is not extended or altered with prior notification to the Local Planning Authority to ensure that the design, character, and appearance of the site and surrounding area is preserved.

Planning Balance

- 8.38. 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.
- 8.39. This application is for the conversion of an existing, redundant building within open countryside which is considered to accord with Policies DM4 and DM15 of the SADMP. In addition, the most recent housing land monitoring statement indicates, that the Council cannot demonstrate a 5-year housing land supply. This is also a key material consideration and under these circumstances, the NPPF 2023 sets out, in paragraph 11d) that, for decision makers:
- “where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (8), granting permission unless:*
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; 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”*
- 8.40. 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”*.
- 8.41. 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.

8.42. Having assessed the application there is not considered to be any significant harm to visual amenity, the historic environment, neighbouring amenity, highway safety, ecology, flood risk, or any other material considerations. Whilst the benefits of providing one market dwelling, along with limited employment opportunities, are minor benefits associated with the development, there is no degree of harm which would significantly and demonstrably outweigh the identified benefits. As such the application is viewed favourably and subject to necessary conditions is recommended for approval.

9. Equality implications

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

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2 Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.

9.3 There are no known equality implications arising directly from this development.

9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

10.1. The proposal is considered acceptable in principle, and by virtue of the design, siting and scale of the proposal, the development would not result in any harm to, or have any significant adverse impacts on, the character of the site and surrounding area, the setting of the nearby listed building, and the privacy or residential amenities of the occupiers of any neighbouring dwellings. The proposal would provide safe and suitable access and acceptable off-street parking and turning facilities and would not lead to any flood risk or ecological harm.

10.2. The proposed development is therefore considered to be in general accordance with the principles of Policies DM1, DM4, DM6, DM7, DM8 DM10, DM11, DM12, DM15, DM17 and DM18 of the adopted SADMP, the general principles of the Council's adopted Good Design Guide and the general principles of the local highway authority design guidance and is therefore recommended for approval subject to conditions.

11. Recommendation

11.1 **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report

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

11.3 **Conditions and Reasons**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

- Site Location Plan (Rev A) – received 6th March 2024
- Proposed Site Layout (Rev A) – received 6th March 2024
- Proposed Elevations and Floor Plans Rev A) - 6th March 2024

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. No development above foundation level shall commence on site until representative samples of the types and colours of materials to be used on the external elevations of the dwellings hereby permitted have been deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

Additionally, prior to the commencement of development above foundation level, details outlining:

- The window and door header and cill treatments
- The style, colour and manufacturer of windows and doors

Shall be deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with these approved details.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity and the conservation of historic and architectural interest, in accordance with Policies DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. The development hereby permitted shall not be occupied until such time as the parking (and turning facilities) have been implemented in accordance with Andrew Large Surveyors Ltd Proposed Site Layout. 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 (2023).

5. No development shall take place until a scheme for treatment of the Public Footpath (Footpath from Main Street to Odstone Hall, Shackerstone) has been submitted to and approved in writing by the Local Planning Authority. A scheme shall cover management during construction, including any proposed temporary routes; and once the work is completed, restoration of the footpath surface as required.

Reason: To protect and enhance Public Rights of Way and access in accordance with Paragraph 104 of the National Planning Policy Framework 2023.

6. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A – E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling shall be carried out unless planning permission for such development has been granted by the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring properties in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

7. No development above foundation level 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 are 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 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 DPD (2016).

8. No development shall take place until a scheme makes adequate provision for waste and recycling storage of containers and collection across the site which has been submitted to and approved in writing to the Local Planning authority. The details should address accessibility to storage facilities and confirm adequate space is provided at the adopted highway boundary to store and service wheeled containers.

Reason: 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).

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

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

10. If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with.
b) 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).

11.4 Notes to applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. In relation to conditions 9 and 10, advice from Environmental Health should be sought via esadmin@hinckley-bosworth.gov.uk to ensure that any investigation of land contamination is in accordance with their policy.
3. Surface water should be managed by sustainable methods, preferably those which disperse runoff by infiltration into the ground strata: i.e. soakaways, pervious paving, filter drains, swales, etc. and the minimisation of paved area, subject to satisfactory porosity test results and the site being free from a contaminated ground legacy. If the ground strata are insufficiently permeable to avoid discharging some surface water off-site, flow attenuation methods should be employed, either alone or in combination with infiltration systems and/or rainwater harvesting systems.
4. In relation to conditions 8 and 9, advice from Environmental Health should be sought via esadmin@hinckley-bosworth.gov.uk to ensure that any investigation of land contamination is in accordance with their policy.
5. Any proposed access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved

outlet (See Environment Agency guidance on the permeable surfacing of front gardens).

6. The distance from the dwelling to the highway boundary is considerable. Please note: waste collection services are from the boundary to the public highway. Please ensure adequate space on properties to store the various containers and also space at the kerbside (where the properties meet the public highway) for the placement of the containers on the collection day. It would be advisable to include an area near to the roadside for safe placement of the various containers on collection day. This will then keep the access clear to allow vehicular access. It will be the responsibility of the occupiers to ensure that all containers/wheeled bins will be brought to the collection point.
7.
 - a) Prior to construction, measures should be taken to ensure that users of the public access route are not exposed to any elements of danger associated with construction works.
 - b) The Public Right(s) of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may be an offence under the Highways Act 1980.
 - c) The Public Right(s) of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.
 - d) If the developer requires a Right of Way to be temporarily diverted, to enable construction works to take place, an application should be made to networkmanagement@leics.gov.uk at least 12 weeks before the temporary diversion is required.
 - e) Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.
 - f) No new gates, stiles, fences or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Highway Authority. Unless a structure is authorised, it is an unlawful obstruction of a Public Right of Way and the County Council may be obliged to require its immediate removal.