

**Reference:** 15/00951/OUT

**Applicant:** Mrs A Chapman

**Location:** Merrifield House Merrifield Gardens Burbage

**Proposal:** Demolition of existing buildings and erection of 7 dwellings (outline - all matters reserved).

**RECOMMENDATION:- Grant Outline Planning Permission subject to the completion of a suitable legal agreement under Section 106 of the Town and Country Planning Act 1990 to provide financial contributions towards public play and open space infrastructure and the following conditions:-**

**Introduction:-**

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as the application has attracted interest from the occupiers of five or more addresses, the views of which are contrary to the officer's recommendation.

Application Proposal

This application seeks outline planning permission with all matters reserved for the demolition of an existing dwelling and outbuildings and redevelopment of the site for the erection of seven new dwellings on land off Merrifield Gardens, Burbage.

An indicative only site layout has been submitted with the application to demonstrate how seven new dwelling plots could be arranged within the site along with access, off-street parking and retention of significant trees within the site. An amended indicative only site layout has been submitted following officer feedback on the originally submitted plan including the comments of the Arboricultural Officer. Re-consultation has been undertaken.

The Site and Surrounding Area

The application site measures approximately 0.28 hectares and is located within the settlement boundary of Burbage. It comprises a vacant two storey detached dwelling (Merrifield House), associated outbuildings, hardstanding and an extensive somewhat overgrown garden populated by a number of mature trees (some of which are protected by a 1978 Tree Preservation Order) and other vegetation. There is a narrow private drive leading into the site from Merrifield Gardens that currently serves 4 bungalows (including one in the applicant's ownership). There is another overgrown former vehicular access to Sketchley Road within the applicant's ownership but this has been removed from the application site. The site is enclosed by a mix of hedgerows and a variety of fencing.

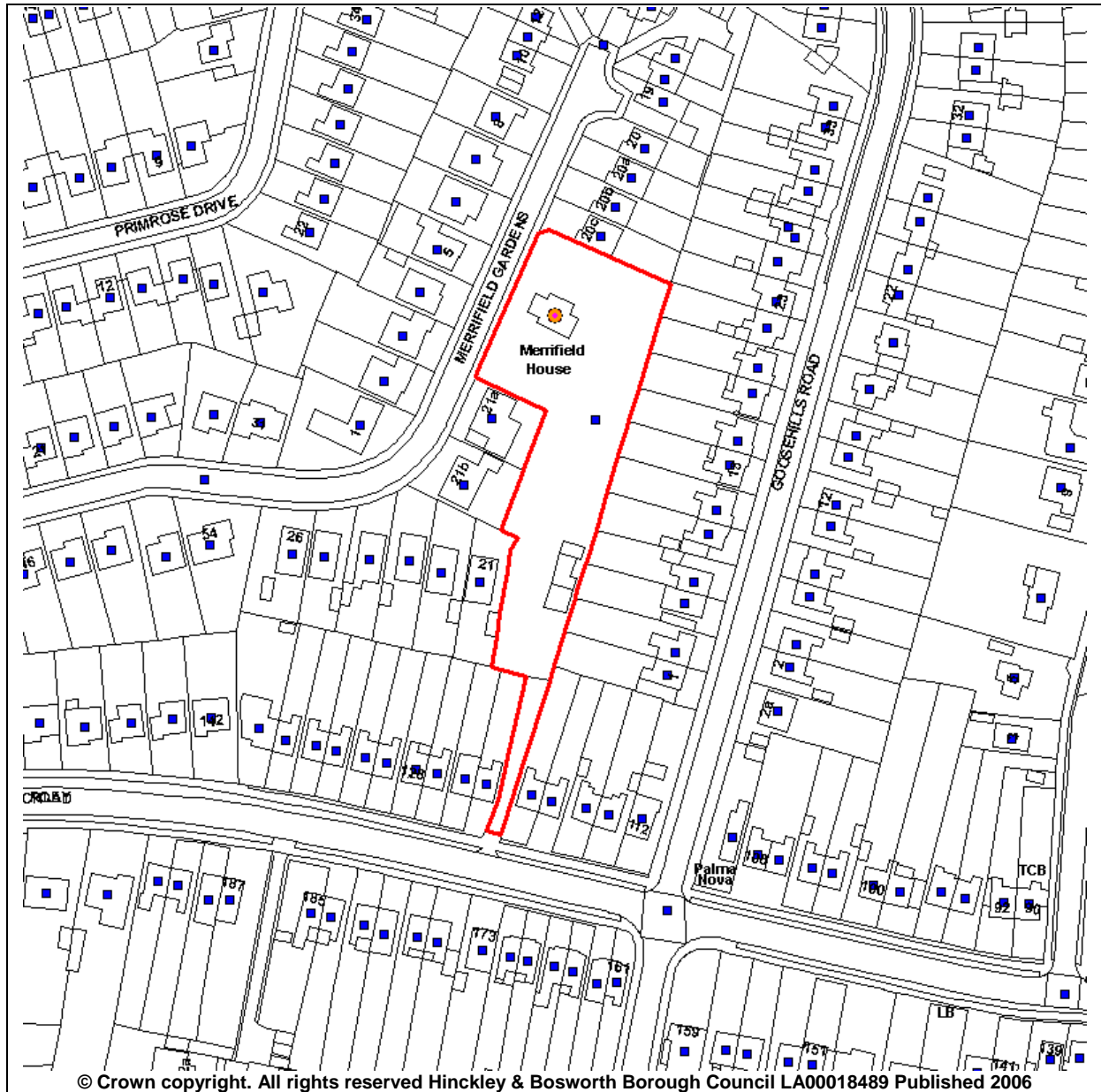
The site is surrounded by residential development. To the east and south there are long rear gardens of two storey dwellings fronting Goosehills Road and Sketchley Road. To the north there are two storey detached dwellings fronting onto Merrifield Gardens. To the west there are detached bungalows fronting onto Merrifield Gardens.

Technical Documents submitted with the Application

Planning Statement and Tree Survey/Schedule

### Relevant Planning History:-

There are a number of previous planning permissions (dating back to the 1990's and earlier) relating to adjacent land for the erection of residential development (that include detached bungalows and houses) but none relating directly to the current application site.



### Consultations:-

No objections have been received from

Leicestershire County Council (Ecology)  
Burbage Parish Council.

No objections subject to conditions have been received from:-

Leicestershire County Council (Highways)  
Severn Trent Water Limited

Environmental Services (Land Drainage)  
Environmental Services (Pollution)  
Street Scene Services (Waste).

The Borough Council's Arboricultural Officer raises no objection in principle to residential development of the site but recommended amendments to the indicative site layout so that, in addition to those trees already identified for retention, two more mature trees that warrant retention could be incorporated into the development.

Neighbours notified, objections and concerns have been received from 23 separate addresses raising the following issues:-

- a) overdevelopment of the site
- b) loss of a unique, architecturally designed house
- c) non-road frontage development
- d) no need for additional housing in Burbage
- e) bungalows should be built rather than houses
- f) insufficient infrastructure within Burbage to support the development
- g) loss of privacy to neighbours from overlooking
- h) overbearing/overshadowing impact on neighbours
- i) loss of security to gardens
- j) adverse impact on amenity from additional noise from additional traffic and during construction
- k) loss of and/or damage to TPO and other trees
- l) loss of hedgerows and wildlife habitats for birds and bats (outbuildings)
- m) future responsibility and maintenance of retained trees
- n) adverse impacts on highway safety from additional traffic movements
- o) adverse impacts on highway safety from inadequate parking provision within the site leading to additional on-street parking and obstruction of driveways/manoeuvring
- p) adverse impacts on highway safety from additional use of single width private driveway located on dangerous bend
- q) alternative access to Sketchley Road should be utilised
- r) flooding/loss of natural drainage
- s) devaluation of property value.

**Policy:-**

National Policy Guidance

National Planning Policy Framework (2012)  
National Planning Practice Guidance (2014)  
Community Infrastructure Levy (CIL) Regulations (2010)

Local Plan 2006-2026: Core Strategy (2009)

Policy 4: Development in Burbage  
Policy 19: Green Space and Play Provision  
Policy 24: Sustainable Design and Technology

Local Plan 2006-2026: Site Allocations and Development Management Policies (SADMP)  
Development Plan Document (Submission Document December 2014)

Policy DM1: Presumption in Favour of Sustainable Development  
Policy DM3: Infrastructure and Delivery  
Policy DM7: Preventing Pollution and Flooding

Policy DM10: Development and Design  
Policy DM17: Highway Design  
Policy DM18: Vehicle Parking Standards

#### Hinckley and Bosworth Local Plan (2001)

The site is within the settlement boundary of Burbage as defined on the adopted Hinckley and Bosworth Local Plan Proposals Map.

Policy BE1: Design and Siting of Development  
Policy RES5: Residential Proposals on Unallocated Sites  
Policy NE12: Landscaping Schemes  
Policy NE14: Protection of Surface Waters and Groundwater Quality  
Policy T5: Highway Design and Vehicle Parking Standards  
Policy IMP1: Contributions Towards the Provision of Infrastructure & Facilities  
Policy REC3: New Residential Development - Outdoor Play Space for Children

#### Supplementary Planning Guidance/Documents

Burbage Village Design Statement (BVDS)  
New Residential Development (SPG)  
Play and Open Space (SPD)  
Sustainable Design (SPD).

#### **Appraisal:-**

This is an outline application with all matters reserved for the demolition of an existing dwelling and outbuildings and redevelopment of the site for the erection of seven new dwellings. The main issues for consideration in the determination of this application are:-

- principle of development
- density and impacts on the character of the area
- impacts on neighbouring properties
- impact on highway safety
- impact on trees and wildlife habitat
- surface water drainage and flooding
- developer contributions
- other issues

#### Principle of Development

Paragraphs 11 - 13 of the National Planning Policy Framework (NPPF) state that the development plan is the starting point for decision taking and that it is a material consideration in determining applications. The development plan in this instance consists of the Core Strategy (2009) and the saved policies of the Local Plan (2001). The policies within the emerging Site Allocations and Development Management Policies (SADMP) Development Plan Document (Submission Document December 2014) should also be given weight.

Objections have been received that there is no requirement for additional housing in Burbage and that the proposal would result in the loss of a unique architecturally designed house.

The application site is located within the settlement boundary of Burbage as defined in the adopted Local Plan where there is a presumption in favour of residential development

provided by Saved Policy RES5 of the adopted Local Plan. In addition, Policy 4 of the adopted Core Strategy supports development in Burbage to deliver a minimum of 295 new homes. Notwithstanding that the number of dwellings for Burbage supported by Policy 4 has been exceeded (as at 1 April 2015), it is a minimum number and the scale of proposed development for just six additional dwellings would not adversely affect the spatial vision for the settlement.

Policy DM1 of the emerging SADMP and the National Planning Policy Framework (NPPF) in paragraph 14 provide a presumption in favour of sustainable development. Paragraph 7 of the NPPF states that sustainable development has three interacting dimensions:- the social, economic and environmental roles. The site is located within a sustainable urban location surrounded by existing residential development and within a reasonable distance of services and facilities.

The proposal would contribute to the social role of sustainable development by providing additional housing towards the housing land supply for the Borough. The construction and sale of the development would contribute to the local economy. The development would regrettably result in the loss of an existing dwelling of attractive traditional design and architectural features but it is not of such significant architectural merit to warrant its retention. The demolition of the outbuildings and the redevelopment of the site would not result in the loss of any significant trees or wildlife habitats or any material adverse impacts on the environment.

Notwithstanding that the proposal may be considered to be a sustainable development and therefore acceptable in principle subject to all other planning matters being appropriately addressed, the NPPF in paragraph 53 suggests that local authorities should consider setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. As such the proposed development of this residential garden should be considered against adopted Local Plan policies to determine if it would harm the character of the local area.

#### Density and Impact on the Character of the Area

Policy DM10 (criteria c- h inclusive) of the emerging SADMP and saved Policy BE1 (criterion a) of the adopted Local Plan seeks to ensure that the development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features with the intention of preventing development that is out of keeping with the character of the surrounding area. The Council's adopted Supplementary Planning Guidance on New Residential Development aims to ensure that new development has regard to the character of the surrounding area and is well integrated into its surroundings.

Policy 16 of the adopted Core Strategy relates to sites of 10 or more dwellings but requires new residential development to meet a minimum net density of 40 dwellings per hectare in Burbage although in exceptional circumstances, where individual site characteristics dictate and are justified, a lower density may be acceptable. The NPPF in paragraph 56 states that good design is a key aspect of sustainable design. Paragraph 58 seeks to ensure that development responds to local character and reflects the identity of local surroundings.

Objections have been received that the proposal would result in overdevelopment of the site with non-road frontage dwellings and that bungalows would be more suitable for the site rather than houses.

Notwithstanding the objections received in respect of overdevelopment, the proposal for seven dwellings would result in a density of just 25 dwellings per hectare. This would be

significantly less than the requirements of Policy 16 of the adopted Core Strategy, however, there are significant constraints to development of the site, including its shape, the proximity of neighbouring development and protected mature trees within the site. The proposed lower density is therefore considered to be acceptable in this case.

In addition, notwithstanding that all matters (including access, layout, scale and appearance) are reserved at this stage, the amended indicative only site layout demonstrates that the site would be capable of accommodating seven new dwellings in a pattern of development and plot size with adequate private amenity that would complement the character of Merrifield Gardens. The indicative only site layout suggests 3 x detached four bedroom dwellings with road frontage in the north part of the site and 4 x two bedroom bungalows in the south part of the site to provide continuity within the street scene with existing development. Whist Plots 4 - 7 would not have highway frontage, these would continue the existing private drive arrangement of bungalows. Therefore subject to these plots being single storey bungalows which would not be overly prominent within the street scene, the scheme would not result in any significant adverse impacts on the overall character of the area.

Subject to satisfactory access, scale, layout, mass, design, external materials, architectural features and landscaping, which are to be submitted as reserved matters for approval at a later stage and can be secured by planning conditions, the proposal would not result in any significant or demonstrable adverse impacts on the character of the surrounding area. This outline scheme would therefore be in accordance with Policy DM10 (criteria c and d) of the emerging SADMP, saved Policy BE1 (criterion a) of the adopted Local Plan, the Council's adopted SPG on New Residential Development and the overarching design principles within paragraphs 56 and 58 of the NPPF.

#### Impact on Neighbours Amenities

Policy DM10 (criterion a) of the emerging SADMP, saved Policy BE1 (criterion (i) of the adopted Local Plan and SPG require that development does not adversely affect the amenities or privacy of the occupiers of neighbouring properties.

Objections have been received on the grounds that the proposal would result in adverse impacts on the amenities of neighbouring properties from loss of privacy from overlooking, overbearing/overshadowing impacts, loss of security to gardens and loss of amenity from noise and disturbance from additional traffic movements and during the construction phase.

The amended indicative site layout demonstrates that subject to consideration of satisfactory additional details which are to be submitted for approval at the reserved matters stage (including layout, scale, design, position of windows and boundary treatments) and can be secured by planning conditions, the proposal would not result in any significant or demonstrable adverse overbearing or overshadowing impacts or loss of privacy from overlooking on the amenities of neighbouring properties or loss of security. By virtue of the small scale of development, noise and disturbance from additional traffic movements would not be so severe to materially affect the amenities of neighbouring occupiers.

Noise and disturbance during the construction phase would be temporary in nature and therefore would not have any long term impacts on the amenities of the occupiers of any neighbouring residential properties. However, whilst raising no objection in principle, Environmental Health (Pollution) recommends a condition to restrict the hours of work during the construction phase of the site due to the close proximity of neighbouring occupiers.

Notwithstanding the objections received, the proposed outline scheme would be in accordance with Policy DM10 (criterion a) of the emerging SADMP, saved Policy BE1 (criterion i) of the adopted Local Plan and SPG.

## Highway Safety

Policies DM17 and DM18 of the emerging SADMP and saved Policies BE1 (criterion g) and T5 of the adopted Local Plan apply highway design and vehicle parking standards and seek to ensure that development does not adversely affect highway safety through the provision of adequate highway visibility and adequate provision of parking and manoeuvring facilities. Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Objections to the scheme have been received on the grounds of highway safety as a result of additional traffic movements to and from the new dwellings, inadequate parking provision resulting in additional on-street parking and additional use of a single width private driveway located on a dangerous bend.

The development is for only seven new dwellings which would not result in traffic movements on a scale that that would exceed the capacity of the highway network. The amended indicative site layout demonstrates that Plots 1 - 3 inclusive would have sufficient highway frontage and plot size to enable the provision of satisfactory access and off-street parking to serve the dwellings. Plots 4 - 7 inclusive would result in additional traffic movements along a single width private drive, however, the drive would be used by only four additional dwellings, the drive is only 30 metres in length and vehicles at either end would be able to see opposing traffic. In addition, the private drive is located on the outside of a bend and adequate visibility would be available on both sides along Merrifield Gardens which is a cul-de-sac road with no through traffic. There is also sufficient space within the site to provide satisfactory off-street parking and manoeuvring facilities to meet Highway Authority standards to serve Plots 4 -7 therefore it cannot be demonstrated that the proposal would result in any additional on-street car parking within Merrifield Gardens.

Objectors also suggest that an alternative access to Sketchley Road should be utilised. However, this is also of insufficient width to allow vehicles to pass and does not form part of the application site.

The scheme has been considered by Leicestershire County Council (Highways) who consider that the residual cumulative impacts of the development on the highway network can be mitigated and are not considered severe in accordance with paragraph 32 of the NPPF. They therefore raise no objection to the scheme subject to the imposition of a condition to require the submission for prior approval of a construction traffic/site traffic management plan etc. to protect the movement of traffic within the public highway and limit any adverse impacts on the highway during the construction phase.

This application is in outline only with all matters reserved. Subject to satisfactory access, layout and parking provision details which are to be submitted for approval at the reserved matters stage and can be secured by planning conditions. Notwithstanding the objections received, subject to the imposition of standard highway related conditions, the development of the site for seven dwellings would not result in any severe or demonstrable adverse impacts on highway or pedestrian safety and is therefore considered to be in accordance with Policies DM17 and DM18 of the emerging SADMP and saved Policies BE1 (criterion g) and T5 of the adopted Hinckley and Bosworth Local Plan.

## Impact on Trees and Wildlife Habitats

Saved Policy BE1 (criterion b) seeks to avoid the loss of important vegetation that contributes to the quality of the local environment. Saved Policy NE12 (criteria a and c) require the submission of a site survey showing existing landscape features and a plan for

the protection of trees, hedgerows and shrubs and other nature conservation features on sites. The NPPF in section 11 seeks to conserve and enhance the natural environment by minimising impacts on biodiversity.

Objections have been received on the grounds that the proposed scheme would result in the loss of and/or damage to important trees (some of which are protected by a Tree Preservation Order (TPO)) and boundary hedgerows providing habitats and corridors for wildlife and that the demolition of the outbuilding would remove a potential roost for bats.

Following assessment and a site visit the Borough Council's Arboricultural Officer suggested that the initial indicative site layout would result in the removal of two trees of good quality that provide significant amenity value and should therefore be retained. As a result of those comments an amended indicative site layout plan has been submitted that retains the two trees and addresses the issues raised. Landscaping and boundary treatments are to be approved at the reserved matters stage, however, the Arboricultural Officer recommends the imposition of a condition to require a site specific tree protection plan to be submitted for prior approval.

The scheme has been considered by Leicestershire County Council (Ecology) who raise no objection to the demolition of the existing house and outbuildings as the urban setting and small gardens locally provide a less than ideal habitat for bats.

Concerns have also been raised regarding the future responsibility and maintenance of retained trees around the site. This would be a matter for consideration of landscaping at the reserved matters stage.

Notwithstanding the objections received, subject to the submission of satisfactory tree retention and protection details, the proposal would not result in any loss of important vegetation or significant adverse impacts on biodiversity and would be in accordance with saved Policies BE1 (criterion b) and NE12 (criteria a and c) of the adopted Hinckley and Bosworth Local Plan.

#### Surface Water Drainage and Flooding

Policy DM7 of the emerging SADMP and saved Policy NE14 of the adopted Local Plan require that development is provided with satisfactory surface water and foul water drainage and does not create or exacerbate flooding problems.

Objections have been received that the proposal for additional dwellings would exacerbate existing flooding problems on Marigold Drive as the existing storm water drainage system in the locality already has insufficient capacity in times of heavy rainfall and the proposal would result in the removal of trees and additional hardstanding.

The scheme has been assessed by both Severn Trent Water Limited and Environmental Heath (Drainage) who raise no objections to the scheme in principle, but recommend the imposition of pre-commencement conditions (in the event that outline planning permission is permitted) to require the submission for prior approval of surface water drainage details. It is suggested that these should incorporate sustainable drainage principles (SuDS) to mitigate any impacts on the current drainage system.

#### Developer Contributions

Policy DM3 of the emerging SADMP and saved Policies IMP1 and REC3 of the adopted Local Plan and the Play and Open Space SPD require new residential development to contribute towards the provision and maintenance of public play and open space facilities for



children. The Play and Open Space SPD sets out how the contribution is worked out in proportion to the size and scale of the development. The request for any developer must be considered alongside the guidance contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations confirm that where developer contributions are requested they need to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed.

Objections have been received on the grounds that there is insufficient infrastructure within Burbage to support the development.

Following the recent changes to the NPPG (removal of paragraphs 012 - 023) and the restriction on obtaining developer contributions on small scale sites the scheme is now subject to such considerations. The site is within 400 metres of Featherstone Drive Neighbourhood Park (equipped area of play) which provides such facilities and therefore falls within the catchment area for infrastructure contributions towards public play and open space facilities. However, the scale of the scheme (less than 10 units) is below the threshold for other infrastructure contributions.

Within the green space audit Burbage was found to have a deficiency of equipped play space of 1.11 hectares for its population when compared with the National Playing Fields Standard. The quality of the spaces has been considered within the Quality and Accessibility Audit of 2007 which awarded Featherstone Drive Neighbourhood Park a quality score of only 56.7%. In accordance with the Play and Open Space SPD the contribution in this case would total £1250.80 for each additional residential unit (provision element of £817.80 and maintenance element of £433.00 per unit) and would be used to provide and maintain additional play equipment and to maintain existing equipped and informal amenity play space to mitigate the impact of the additional dwellings on such facilities. The total contribution in this case would be £7504.80 (6 x £1250.80).

The size of the additional units proposed would appeal to families and given the proximity of the application site to the open space it is considered that the future occupiers would use the facility, increasing wear and tear and requiring maintenance. It is considered that the Council has demonstrated that the proposal is required for a planning purpose, it is directly related to the development and fairly and reasonably relates in scale and kind to the proposal in accordance with the CIL Regulations, and a contribution is justified in this instance. A legal agreement to secure the play and open space contributions is currently being prepared.

### Other Issues

Street Scene Services (Waste) recommend a condition to secure a scheme for the provision for waste and recycling storage at the highway boundary however, the site benefits from adequate highway frontage and storage space for each plot could be provided within the development therefore a condition is not considered to be reasonable or necessary in this case.

Impact on property values is not a material planning consideration.

### Conclusion

The application site is in a sustainable urban location within the settlement boundary of Burbage where residential development is generally acceptable in principle and would contribute towards the overall housing land supply within the Borough. The site could be provided with adequate access to the adopted highway network and subject to satisfactory layout, scale, design, appearance and landscaping (which would be considered at the reserved matters stage and could be controlled by planning conditions), the scheme would

provide an appropriate density, would complement the character and appearance of the surrounding area and would not give rise to any adverse impacts on the amenities of the occupiers of any neighbouring properties, highway safety or biodiversity. Suitable surface water drainage could also be secured by condition to mitigate against flooding. The scheme would contribute to the provision and maintenance of public play and open space facilities.

The scheme is therefore considered to be in accordance with Policies DM1, DM3, DM7, DM10 (criteria a, c and d), DM17 and DM18 of the emerging SADMP, Policy 4 of the adopted Core Strategy, saved Policies BE1 (criteria a, b, g and i), NE12, NE14, RES5, IMP1, REC3 and T5 of the adopted Local Plan, the adopted SPG on New Residential Development together with the overarching principles of the NPPF and is therefore recommended for outline approval with all matters reserved subject to conditions and the completion of a legal agreement to secure financial contributions towards public play and open space facilities.

**RECOMMENDATION:-** Grant Outline Planning Permission subject to the completion of a suitable legal agreement under Section 106 of the Town and Country Planning Act 1990 to provide financial contributions towards public play and open space infrastructure and the following conditions:-

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In dealing with the application, through ongoing negotiation the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application.

**Conditions:-**

- 1 Application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.
- 2 Approval of the following details (hereinafter called "reserved matters") shall be obtained from the local planning authority in writing before any development is commenced:
  - a) The layout of the site including the way in which buildings, routes and open spaces are provided and the relationship of these buildings and spaces outside the development
  - b) The scale of each building proposed in relation to its surroundings
  - c) The appearance of the development including the aspects of a building or place that determine the visual impression it makes.
  - d) The access arrangements to and within the site for vehicles, cycles and pedestrians
  - e) The landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard and soft measures.

The development shall be implemented in accordance with the approved details.

- 3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:- Site Location Plan at 1:1250 scale Drawing No. 05A received by the local planning authority on 26 October 2015.

- 4 No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the local planning authority. The development shall then be implemented in accordance with approved proposed ground levels and finished floor levels.
- 5 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings shall be deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.
- 6 No development shall commence until surface water drainage details, incorporating sustainable drainage principles (SuDS) have been submitted to and approved in writing by the local planning authority and the scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- 7 All details of the proposed development shall comply with the highway design standards of the Leicestershire County Council as contained in its current design standards document the '6Cs Design Guide'. Such details must include parking and turning facilities, access widths, gradients, surfacing and visibility splays and be submitted for approval by the local planning authority before development commences.
- 8 Before any development commences on the site, including site works of any description, an Arboricultural Method Statement and Tree Protection Plan prepared by a suitably qualified arboriculturist shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.
- 9 No development shall commence on the site until such time as a construction management plan including hours of operation, working practices, construction traffic/site traffic management, including wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details and timetable.

**Reasons:-**

- 1 To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).
- 2 This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.
- 3 For the avoidance of doubt and in the interests of proper planning.
- 4 To ensure that the development has a satisfactory appearance in the interests of visual amenity to accord with Policy DM10 (criteria c and f) of the emerging Site Allocations and Development Management Policies Development Plan Document and saved Policy BE1 (criterion a) of the adopted Hinckley & Bosworth Local Plan.
- 5 To ensure that the development has a satisfactory external appearance to accord with Policy DM10 (criterion h) of the emerging Site Allocations and Development

Management Policies Development Plan Document and saved Policy BE1 (criterion a) of the adopted Hinckley & Bosworth Local Plan.

- 6 To ensure that the development is provided with satisfactory surface water drainage in accordance with Policy DM7 of the emerging Site Allocations and Development Management Policies Development Plan Document and saved Policy NE14 of the adopted Hinckley and Bosworth Local Plan.
- 7 To ensure a satisfactory form of development and in the interests of highway safety to accord with Policies DM17 and DM18 of the emerging Site Allocations and Development Management Policies Development Plan Document and saved Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 8 To ensure the existing trees to be retained are adequately protected during construction and in the interests of visual amenity of the area and biodiversity to accord with saved Policies BE1 (criterion b) and NE12 (criteria a and c) of the adopted Hinckley and Bosworth Local Plan and paragraph 109 of the National Planning Policy Framework (2012).
- 9 To protect the amenities of neighbouring properties during construction of the development and to reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area in the interest of highway safety to accord with saved Policies BE1 (criterion i) and T5 of the adopted Hinckley and Bosworth Local Plan.

#### **Notes to Applicant:-**

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site [www.planningportal.gov.uk](http://www.planningportal.gov.uk).
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).
- 5 This planning permission does NOT allow you to carry out access alterations in the highway. Before such work can begin, separate permits or agreements will be required under the Highways Act 1980 from either the Infrastructure Planning team. For further information, including contact details, you are advised to visit the County Council website as follows: - see Part 6 of the '6Cs Design Guide' at [www.leics.gov.uk/6csdg](http://www.leics.gov.uk/6csdg).
- 6 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 the necessity of discharging some surface water off-site, flow attenuation methods should be employed, either alone or, if practicable, in combination with infiltration systems and/or rainwater harvesting systems.

- 7 Access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending upon ground strata permeability. On low-permeability sites, 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).
- 8 In addition to the retention of the significant trees within the site the applicant should also give due consideration to the retention of the existing hedgerow forming the east boundary of the site and to responsibility for future management and maintenance of the trees and hedgerow.

**Contact Officer:-** Richard Wright                      Ext 5894