

Planning Committee 7 November 2023
Report of the Planning Manager (Development Management)

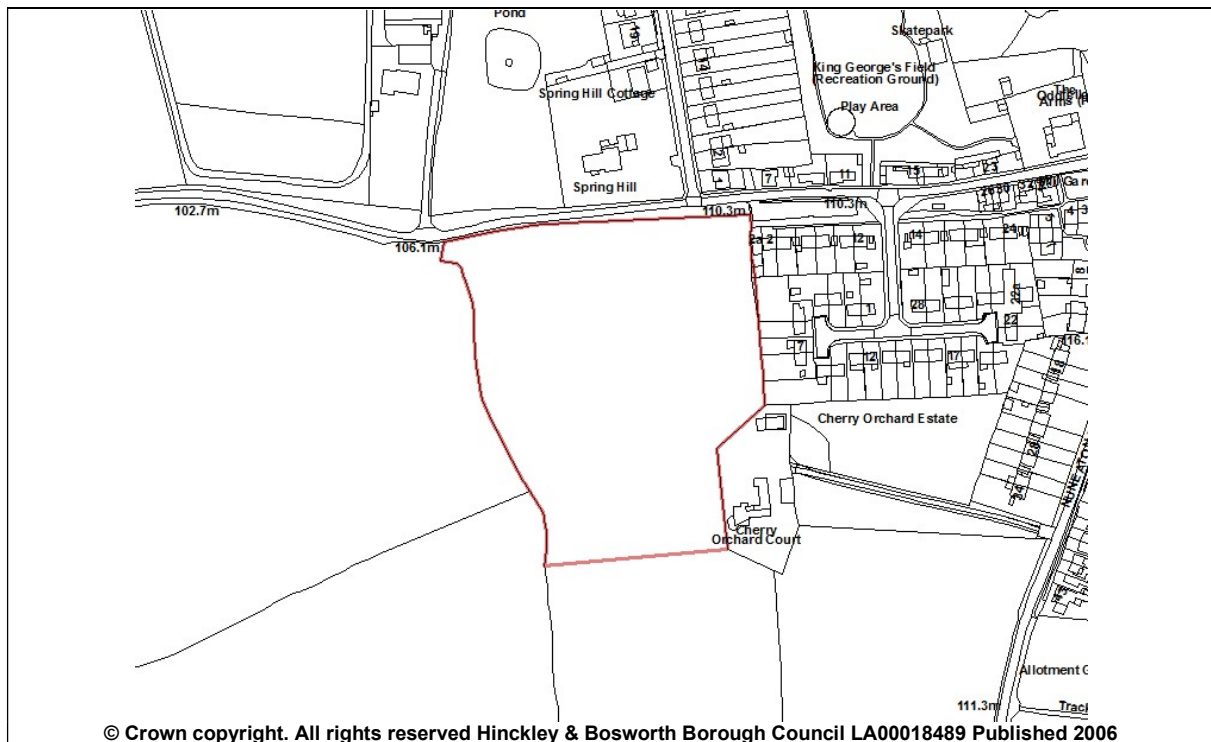


Hinckley & Bosworth
Borough Council

Planning Ref: 23/00712/REM
Applicant: Owl Homes
Ward: Ambien

Site: Land Off Wood Lane Higham On The Hill

Proposal: Approval of reserved matters (appearance, landscaping, layout and scale) of outline planning permission 21/01147/OUT (Residential development of up to 61 dwellings including a shop, open space, new access and associated works)



1. Recommendations

1.1. Grant permission subject to:

- Planning conditions outlined at the end of this report.
- Power to determine the final details of the conditions to be delegated to the Planning Manager

2. Planning application description

2.1. This is a reserved matters application for the residential development of 61 dwellings with associated open space and children's play area. This reserved matters application is for the consideration of appearance, landscaping, layout and scale following the approval of outline permission 21/01147/OUT for the erection of up to 61 dwellings in January 2021.

2.2. The housing mix proposed comprises 36 market properties and 25 affordable homes which are split between 19 affordable rent and 6 shared ownership properties. The mix of housing sizes is as follows:

- 4 x 1 bed
- 17 x 2 bed
- 26 x 3 bed

- 14 x 4 bed
- 2.3. The application includes an area of open space including a LAP in the southern area of the site, with a footpath link along the western boundary linking the southern part of the site to the north, where the attenuation pond is situated in the northwest corner.
 - 2.4. The one, two and three bed properties all have two parking spaces each, whilst all the four-bed properties have three parking spaces some including a garage. Each home is equipped with an electric vehicle charging point. The shop is to have three parking spaces.
 - 2.5. The properties are designed to a high standard and are traditional in nature featuring many details including bay windows, projecting windows, brick detailing, and stone or brick headers and cills. The predominant material is red brick and all properties have pitched tiled roofs. All of the properties would be built to a height of two storeys with the shop being single storey. All garages are brick built with pitched tiled roofs. Two different red bricks are used for the main elevations with three different roof tile types (grey, brown and red), with some feature plots including chalk white rough cast render. In total there are 12 different house types across the site.
 - 2.6. Boundary treatments comprise 1.8m high close boarded fencing to rear gardens, with 1.8m brick boundaries provided to key plots that side or front the highway. A 1.2m timber post and rail fence bounds the southern boundary to the open countryside.
 - 2.7. Most dwellings take access direct from main access spine road, which is to be adopted, with a small number being served by shared access drives as is typically found to avoid a predominance of hard surfacing. Properties face onto roads, set back with small front gardens and/or parking spaces, with all main gardens to the rear of properties.

3. Description of the site and surrounding area

- 3.1. The application site is located within Higham-on-the-Hill Parish, less than 1km north of the built-up boundary of Nuneaton which falls under the jurisdiction of Nuneaton and Bedworth Borough Council. Hinckley is located approximately 3km to the south east and Stoke Golding is approximately 2.4km to the northeast. Immediately north and west of Higham on the Hill is MIRA Technology Park and one of Europe's largest automotive research and development locations, which is an enterprise zone. The site is broadly square in shape, measuring approximately 2.5 hectares in size and consists of part of an arable field. The site is adjacent to Wood Lane to the north, the rear gardens of dwellings on Cherry Orchard Estate to the east, arable fields to the south and west.
- 3.2. The site is adjacent to existing built development on two sides; to the east are dwellings on Cherry Orchard Estate and to the north are dwellings along the northern side of Wood Lane. The dwellings to the north do not extend the full width of the site. The site is outside of but adjacent to the defined settlement boundary of Higham on the Hill and as such is located within open countryside. The Conservation Area is located in the centre of the village with its western boundary located 75m east of the eastern boundary of the site.
- 3.3. The site boundaries are defined by hedgerows to the north and west. To the east there is a hedgerow but it is lower and maintained for the most part. There are also 1.8 metre close boarded boundary fences to the rear of most of the residential properties.
- 3.4. The land slopes in a north-south direction from its centre. There is one existing field gate access points to the site from Wood Lane at the north-eastern corner of the site.

4. Relevant planning history

21/01147/OUT

- Residential development for up to 61 dwellings, including a shop, open space, new access and associated works (Outline - access only)
- Planning Permission
- 18.01.2022

5. Publicity

- 5.1. The application has been publicised by sending out letters to 9 neighbouring properties. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.
- 5.2. 29 objections have been received from residents of Higham on the Hill. The following concerns were raised:
- Increase in traffic, noise and pollution
 - No doctors surgery in Higham on the Hill
 - No school availability
 - Impact on privacy neighbouring dwellings
 - Poor bus service to Hinckley and Nuneaton
 - Adverse impact on historical character of the area
 - Poor visibility from access – unsafe
 - Impact on habitats and biodiversity
 - Insufficient drainage infrastructure
 - Narrow footpaths around the site are unsafe
 - Impact on the character of the countryside
 - Numerous references to a green wedge – Officer comment: the site does not fall within a defined Green Wedge.
 - Marketing of the site following outline permission is offensive and presumptuous.

6. Consultation

- 6.1. Higham on-the Hill Parish Council – Objects to the application (summarised).
- 1. The proposed development on an agricultural field and greenfield site contravenes many of HBBCs environmental policies to protect open countryside. It is also outside the settlement boundary.*
 - 2. The effect on our Highways will be catastrophic. 61 houses could generate over 100 vehicles accessing a rural lane that has poor visual amenity. We already have a potential danger point at the top Of Station road due to traffic often coming at speed from Wood lane onto Main street.*
 - 3. Wood Lane is part of the popular Sustrans cycle route, Route 52 and connects to the Weddington Trail and the wider Leicestershire countryside. It is a valuable resource for exercise and increase in traffic movements would harm this amenity for cyclists and walkers alike.*
 - 4. The plan includes the provision of a shop. It is clear that the village would benefit from such a facility but it has to be brought to the attention of the Planning Committee that we have a live group backed by the Parish Council are looking to purchase the Oddfellows Arms and included in their aims is the provision of a shop in the Community Hub.*
 - 5. The government have declared in a recent policy that housing development must now be confined to the outskirts of towns and cities and not in rural areas such as the outskirts of villages in the countryside. The loss of this agricultural field and its open views would be detrimental to the village of Higham-on-the-hill and 'the adverse effects of the housing development off Wood Lane would significantly and demonstrably outweigh any benefits'.*

Officer comment: The principle of development outside the settlement boundary has been established via the outline permission. The Local Highway Authority and National Highways have assessed the impact of the development upon the Highway Network and have no objections subject to conditions/ S106 provisions.

- 6.2. Leicestershire County Local Highway Authority (LHA) – The application is acceptable in highway terms subject to conditions; however, the internal layout is unsuitable for adoption. Whilst the LHA does not consider the layout to be unsafe, and therefore would not seek to object to the application, the Applicant will need to make the amendments below at this stage should they wish for the internal layout to be considered for adoption as the amendments could have implications on plot locations. The road network would otherwise need to remain private.
- 6.3. National Highways – No objection.
- 6.4. Severn Trent Water – No objections subject to a condition regarding surface water and foul sewage.
- 6.5. Leicestershire Ecology Team – The reports produced are acceptable (LEMP, Biodiversity Net Gain Assessment and Ecological Appraisal and Protected Species Report).
- 6.6. HBBC Drainage – No objections subject to conditions.
- 6.7. HBBC Affordable Housing – As this scheme is in a rural area 40% of the dwellings should be for affordable housing. This will require 25 affordable homes. Of these 75% should be for social or affordable rent and 25% for intermediate tenure which would provide 19 properties for rent and 6 for shared ownership. The mix of dwelling types meets the identified housing need and the properties meet the space standards required for the dwellings.
- 6.8. HBBC Environmental Services – CEMP details that a dust risk assessment will be completed, and a copy should be submitted to the LPA. Otherwise, the CEMP is satisfactory.
- 6.9. HBBC Waste – RCP 1 & 2, can these be repositioned nearer to the highway boundary, we do not walk along shared driveways
- RCP 3 4 5 6 7 & 8 these are in a suitable location, and meets the councils requirements.
- RCP 9 & 10 again can these be repositioned nearer to the highway boundary.
- A condition relating to waste and recycling storage has been suggested.
- Officer comment: the applicant has agreed to deal with the waste and recycling issues by condition.
- 6.10. HBBC Conservation Officer – No objection. There are designated heritage assets located within a proportionate study area from this application site including the Higham on the Hill Conservation Area, c. 150m to the east from the site entrance, and the scheduled monument Remains of Lindley Chapel which is c. 1.4km to the north-west of the site. The Higham on the Hill Conservation Area includes a small number of listed buildings with the tower of St. Peter's Church, which is a grade II* listed building, being a prominent feature within the historic settlement core and the surrounding rural landscape.

There are no designated heritage assets located within the application site. There is no particular inter-visibility between the application site and any of the designated heritage assets identified above due to the presence of built form, vegetation and topography, nor is there any known key historic, functional or other relevant relationships between the application site and these heritage assets. The application site is therefore not considered to fall within their setting and due to the form of the proposal (including its

scale and layout) it is considered that none of the designated heritage assets would be sensitive to or affected by appropriate development within the application site.

It is therefore considered that the proposal will have no effect upon the significance of any designated heritage assets.

- 6.11. LCC Archaeology – No comment.
- 6.12. Leicestershire Police – No objection.
- 6.13. Nuneaton & Bedworth Borough Council – No objection.
- 6.14. NHS ICB – No comment.

7. Policy

7.1. Core Strategy (2009)

- Policy 12: Rural Villages
- Policy 14: Rural Areas Transport
- 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 (SADMP) (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 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)
- Housing Needs Study (2019)
- Affordable Housing SPD (2011)
- Leicestershire Highways Design Guide

8. Appraisal

8.1. In this instance the principle of development of the site has already been established through the approval of the outline application 20/01147/OUT. The proposal is therefore acceptable in principle subject to all other planning matters being satisfactorily addressed. The key issues therefore in the determination of this application are:

- Design and Impact upon the Character of the Area
- Housing Mix
- Impact upon Residential Amenity
- Impact upon Highway Safety

- Ecology and Biodiversity

Design and Impact Upon the Character of the Area

- 8.2. Policy DM4 seeks to protect the intrinsic character of the countryside. Whilst the principle of development has been established, the policy states that development should not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside. Policy DM10 of the SADMP requires development to enhance the character of the surrounding area, appropriate use of building materials, high standards of landscaping, conservation of energy, and that natural surveillance, fire safety measures and the principles of secured by design is maximised. This is also supported through the Borough Council's adopted Good Design Guide 2020. The site is a greenfield site, which is relatively open. The outline application identified that the development of the site would have an impact upon the immediate area, however the wider impact would be limited, subject to appropriate landscaping and design. This is due to the sites' positioning outside, but adjacent to, the existing limits of development of Higham on-the Hill.
- 8.3. Paragraphs 126 and 130 of the NPPF (2021) state that good design is a key aspect of sustainable development and planning decisions as it creates better places in which to live and work and helps make development acceptable to communities. Decisions should ensure that development; will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate landscaping, are sympathetic to local character, establish/maintain a strong sense of place and optimise the potential of the site.
- 8.4. The Good Design Guide provides detailed advice to developers on standards that will be expected when delivering new development.
- 8.5. The layout has been designed to provide 'tenure blindness' between the open market and affordable units. Affordable dwellings are provided predominantly along the eastern boundary of the site but are spread across the site from north to south. The open space and LAP is located along the southern boundary which ensures that the transition between the development and the countryside is gradual, and the visual impact from the south is mitigated. The relationship between built form and the countryside is also softened on the western boundary where the established hedgerow is to be retained, development set in from the boundary with an intervening footpath, and the attenuation pond in the northwestern corner, all ensuring that the visual impacts are localized.
- 8.6. Within the site post and three rail fencing separates dwellings in the northern part of the site from Wood Land and the attenuation pond. Along the western and southern sides of the site, knee high rail fencing separates dwellings and roads from the footpath, LAP, and open space.
- 8.7. Each dwelling would be served by a private landscaped garden with the exception of the 1-bed maisonettes which would share a garden area. Properties would also include a small area of amenity turf, some with planting beds, to the front of dwellings. Existing hedgerows to be removed to make way for the access are to be replaced along the northern boundary.
- 8.8. The submission provides a variety of house types that add interest to the area and provides different designs that all feature architectural detailing and a variety of different materials that add further design quality to the development. Higham on the Hill contains dwellings of varying styles, designs and sizes and it is considered that the house types proposed would fit in to the character of the area harmoniously.
- 8.9. It is considered that the proposed development is designed to a high standard that accords with the requirements of Policy DM10 of the SADMP as well as meeting the standards that are set out in the Good Design Guide.

Housing Mix

- 8.10. Policy 16 of the adopted Core Strategy requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings and a minimum net density of 30 dwellings per hectare within Rural Villages.
- 8.11. The site delivers 61 dwellings in accordance with the outline permission and a range of densities across the site, with an average gross density of 24 dwellings per hectare. Higher density development is located towards the central and eastern areas of the site, with a reduced density near the site's boundary with the open countryside to the south, and around the attenuation pond in the north west.
- 8.12. The proposal includes a policy compliant provision of 40% affordable housing with a tenure split of 75% affordable rented and 25% shared ownership. The affordable housing mix includes one-, two-, three- and four-bedroom properties. This mix has been consulted upon with the Strategic Housing Strategy and Enabling Officer who raises no concerns or objections to the tenure mix proposed.
- 8.13. Officers consider that the proposed housing mix is acceptable for the site and will provide a broad range of house types and tenures that will make a significant contribution to the needs of the community.

Impact upon Neighbouring Residential Amenity

- 8.14. Policy DM10 of the SADMP seeks to ensure that development would not have significant adverse effect upon the privacy or amenity of nearby residents and occupiers of adjacent buildings, and the amenity of the occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.
- 8.15. The Good Design Guide sets out that the principal windows to habitable rooms of neighbouring properties should be not less than 21 metres apart, unless they are across a road.
- 8.16. Residential dwellings border the site to the east (Cherry Orchard Estate) and to the north on the opposite side of Wood Lane. Objections have been received relating to loss of privacy and overbearing impacts. Officers identified that the rear elevation of Plot 38 would be separated by 20m from the side/rear elevation of Cherry Orchard Court to the west in the initial submission. The applicant addressed this by moving Plots 36-38 a further 1m west away from the eastern boundary. The site layout therefore demonstrates that at least 21 metres is provided between all existing and proposed habitable room windows where any issues of overlooking or loss of privacy may arise. Some ground floor interface distances are less than 21 metres but as 1.8 metre close boarded fences are located between these windows no actual overlooking or loss of privacy arises.
- 8.17. All future occupiers are provided with adequate levels of amenity and have gardens that comply with the guidance on garden sizes within the Good Design Guide.
- 8.18. It is not considered that the development, once completed, would have a significant detrimental impact upon any of any existing neighbouring dwellings in terms of any overbearing impact or overlooking. Conditions are included within the outline permission for a construction environmental management plan and limited construction hours which seek to protect existing and proposed residential amenity during the course of the development.
- 8.19. Therefore, when having regard to layout, scale and appearance of the proposed development, it is not considered that the proposal would have an adverse impact upon residential amenity and would accord with Policy DM10 of the SADMP.

Impact Upon Highway Safety

- 8.20. Policy DM17 of the SADMP requires that applications meet a number of criteria, the

most relevant for this application is c) demonstrate that there is not a significant adverse impact upon highway safety. This policy also requires proposals to reflect the highway design standards that are set out in the most up to date guidance, this is the Leicestershire Highways Design Guide. Policy DM18 requires all new development to provide an appropriate level of parking.

- 8.21. The point of access to the existing highway network was approved at outline stage. The Local Highway Authority has advised that the application is acceptable in highway terms subject to the imposition of conditions. The LHA did confirm however that the internal layout of the site would not be suitable for adoption. The acceptability of this internal layout is subject to a Section 38 Agreement.
- 8.22. Whilst the LHA does not consider the layout to be unsafe, and therefore do not object to the application, the Applicant will need to make the amendments to the turning heads within the site as advised by the LHA. The road network would otherwise need to remain private.
- 8.23. The one, two and three bed properties all have two parking spaces each, whilst all the four-bed properties have three parking spaces some including a garage. The parking provision complies with highway guidance. The shop is to have three parking spaces, which the LHA are satisfied with considering the scale and location of the shop.
- 8.24. In summary, subject to conditions, the proposals would not have significant impact on highway safety and an appropriate level of parking in accordance with Policy DM17 and DM18 of the SADMP and the NPPF.

Ecology and Biodiversity

- 8.25. Policy DM6 of the SADMP states that major development must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services. On site features should be retained, buffered and managed favourably to maintain their ecological value, connectivity and functionality in the long term.
- 8.26. The application has been subject to consultation with the Leicestershire County Council Ecology Team who have confirmed there is no objection to the proposed development. It is noted that Leicestershire County Council (Ecology) confirmed during the determination of the outline application that no further ecological works were required. The development therefore accords with Policy DM6 of the SADMP.

Heritage

- 8.27. Sections 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications to pay special attention to the desirability of preserving or enhancing the character or appearance of any Conservation Area. Section 66 of the same Act places a duty on the local planning authority when determining applications that affect a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Policy DM11 states that the Council will protect, conserve, and enhance the historic environment throughout the Borough. Development with the potential to affect a heritage asset or its setting will be required to demonstrate an understanding of the significance of the asset and its setting, the impact of the proposal on the asset and its setting, how benefits of the proposal may outweigh any harm caused and any impact on archaeology in accordance with policy DM13.
- 8.28. Policy DM12 states that 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.
- 8.29. Policy DM13 states that where a proposal has the potential to impact a site of archaeological interest, developers should set out in their application an appropriate

desk-based assessment and, where applicable, the results of a field evaluation detailing the significance of any affected asset.

- 8.30. There are designated heritage assets located within a proportionate study area from this application site including the Higham on the Hill Conservation Area, approx. 150m to the east from the site entrance, and the scheduled monument Remains of Lindley Chapel which is c. 1.4km to the north-west of the site. The Higham on the Hill Conservation Area includes a small number of listed buildings with the tower of St. Peter's Church, which is a grade II* listed building, being a prominent feature within the historic settlement core and the surrounding rural landscape.
- 8.31. The application has been assessed by HBBC's Conservation Officer. There are no designated heritage assets located within the application site. There is no particular inter-visibility between the application site and any of the designated heritage assets identified above due to the presence of built form, vegetation and topography, nor is there any known key historic, functional or other relevant relationships between the application site and these heritage assets. The application site is therefore not considered to fall within their setting and due to the form of the proposal it is considered that none of the designated heritage assets would be sensitive to or affected by appropriate development within the application site.

Flood Risk and Drainage

- 8.32. Policy DM7 of the SADMP seeks to ensure that development does not create or exacerbate flooding. A Flood Risk Assessment should be submitted with the application in accordance with paragraph 163 of the NPPF.
- 8.33. Paragraph 167 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 169 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should take account of advice from the LLFA, have appropriate proposed minimum operating standards, have maintenance arrangements for the lifetime of the development and where possible provide multifunctional benefits.
- 8.34. Concerns have been raised by the public in regards to the development exacerbating flooding in the neighbouring gardens and existing drainage infrastructure being insufficient.
- 8.35. The site is located within flood zone 1 indicating a low probability of flooding. The site is predominantly at low risk of surface water flooding.
- 8.36. A flood risk assessment and drainage strategy has been prepared in support of the application. The introduction of hardstanding on the site will result in an increase in surface water runoff rates and volumes. Surface water drainage will be controlled via an attenuation pond in the northwestern part of the site. All methods of surface water discharge have been assessed.
- 8.37. HBBC Drainage and the LLFA have no objections subject to conditions to secure details of a surface water drainage scheme, surface water management and long-term maintenance details.
- 8.38. Therefore, subject to the conditions, the proposal is considered to accord with policy DM7 and the NPPF.

Other Matters

- 8.39. Should permission be granted the development would be subject to all conditions attached at outline stage which includes conditions relating to construction hours, a Construction Environmental Management Plan, noise from the commercial use (shop), contamination, surface water drainage, levels, a Biodiversity Management Plan, native species planting, waste and recycling, external lighting, and broadband provision.

- 8.40. The Parish Council objection indicates that a live group backed by the Parish Council are looking to purchase the Oddfellows Arms with the intention of providing a Community Hub and shop. The LPA can only assess the information provided within the submission as presented, and as it stands there is no Community Hub or shop in the village. The proposed shop as part of this application would meet the needs of the local community and provide a key service since the existing local shop has closed. Additionally, the principle of its provision on this site has been established under outline permission 21/01147/OUT. Therefore, the proposed shop complies with both local and national policy.
- 8.41. HBBC Waste Services indicated that some of the refuse collection points would need to be relocated as they are situated too far from the adopted highway. The applicant has indicated that they would be happy to deal with this through the imposition of a planning condition and a future S.38 Agreement.

8. 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).

9. Conclusion

- 10.1. The principle of development has been established through the outline planning permission 21/01147/OUT. The appearance, landscaping, scale and layout of the proposed development is considered acceptable in accordance with the national and local planning policy as set out in the NPPF and the SADMP.
- 10.2. The proposed development would not have any significant adverse impact upon highway safety, residential amenity, biodiversity or ecology. The proposal would provide a broad mix of house sizes that is considered reasonable and acceptable. It would retain and improve hedgerows and trees bordering the site and is considered to meet the relevant requirements of the Site Allocations and Development Management policies Development Plan Document as well as the Good Design Guide.

11. Recommendation

13.1 **Reserved Matters be approved** subject to:

- Planning conditions outlined at the end of this report
- Power to determine the final details of the conditions to be delegated to the Planning Manager

13.2 **Conditions and Reasons**

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application drawings as detailed on the Drawing List received 19th October 2023.

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

2. 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.

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

3. The approved hard and soft landscaping scheme shall be carried out in accordance with the Landscape Proposals included within the Drawing Schedule (19th October 2023); in the first planting season following the first occupation of the site. The soft landscaping 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 work is carried out within a reasonable period and thereafter maintained in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Plan.

4. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Owl Homes Drawing No. 1023-AD-002B. Thereafter the onsite parking provision shall be so maintained in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in accordance with Policy DM17 and DM18 of the adopted Site Allocations and Development Management Policies Plan.

5. Any dwellings that are served by private access drives (and any turning spaces) shall not be occupied until such time as the private access drive that serves those dwellings has been provided in accordance with Figure DG17 of the Leicestershire Highway Design Guide. The private access drives should be surfaced with tarmac, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

Reason: To reduce the possibility of deleterious material being deposited in the

highway (loose stones etc.) in the interests of highway safety and in accordance with policy DM17 of the adopted Site Allocations and Development Management Policies DPD and the NPPF.

6. 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 both sides of each private drive/ shared private drive 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 policy DM17 of the adopted Site Allocations and Development Management Policies DPD and the NPPF.

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

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway and in accordance with policy DM17 of the adopted Site Allocations and Development Management Policies DPD and the NPPF.

8. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Class A; 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 dwellings hereby approved shall be carried out unless planning permission for such development has been granted by the Local Planning Authority.

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

9. No part of the development hereby permitted shall be occupied until such time as site drainage details have been submitted to and approved by the Local Planning Authority. Thereafter surface water shall not drain into the Public Highway and thereafter shall be so maintained.

Reason: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with policy DM17 of the adopted Site Allocations and Development Management Policies DPD and the NPPF.

10. Notwithstanding the submitted plans, any garage doors shall be set back from the highway boundary a minimum distance of 5.5 metres for sliding or roller/shutter doors/ 6.1 metres for up-and-over doors / 6.5 metres for doors opening outwards and thereafter shall be so maintained.

Reason: To enable a vehicle to stand clear of the highway whilst the garage doors are opened/closed, to protect the free and safe passage of traffic including pedestrians in the public highway and to ensure that adequate off street parking provision is available to reduce the possibility of on street parking problems locally in accordance with policy DM17 and policy DM18 of the adopted Site Allocations and Development Management Policies DPD and the NPPF.

11. The development hereby permitted shall be carried out in full accordance with the findings and recommendations contained within the Landscape and Ecological

Management Plan (FPCR, June 2022). Prior to occupation of the last dwelling on site, photos of the integrated bird and bat boxes within the new dwellings should be provided in order to discharge the condition. The bird and bat boxes shall thereafter be retained in perpetuity.

Reason: In order to protect endangered species and establish new habitats in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD 2016.

12. No development shall take place until a scheme that makes provision for waste and recycling storage and collection across the site has been submitted to and approved in writing to the Local Planning authority. The details should address accessibility to storage facilities and adequate collection point space at the adopted highway boundary.

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).

13.3 Notes to applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
3. The proposed road layout does not conform to an acceptable standard for adoption and therefore it will not be considered for adoption and future maintenance by the Local Highway Authority. The Local Highway Authority will, however, serve Advance Payment Codes in respect of all plots served by (all) the private road(s) within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the Advanced Payment Code may be exempted, and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details please email road.adoptions@leics.gov.uk. Signs should be erected within the site at the access advising people that the road is a private road with no highway rights over it.
4. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
5. All 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 LHDG which is available at <https://resources.leicestershire.gov.uk/lhdg>
6. Nesting birds are protected under the Wildlife & Countryside Act 1981 (as amended); therefore all removal of trees/shrubs/hedges should take place outside the breeding season (March to August inclusive) unless carefully checked beforehand by a suitably qualified person.

7. Slow-worm, common lizard, adder and grass snake are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). This legislation makes it an offence to deliberately kill, injure or take slow-worm, common lizard, adder or grass snake. As such, care should be taken to avoid impacting reptiles during the development.