

Planning Committee 20 October 2026
Report of the Assistant Director Planning and Regeneration

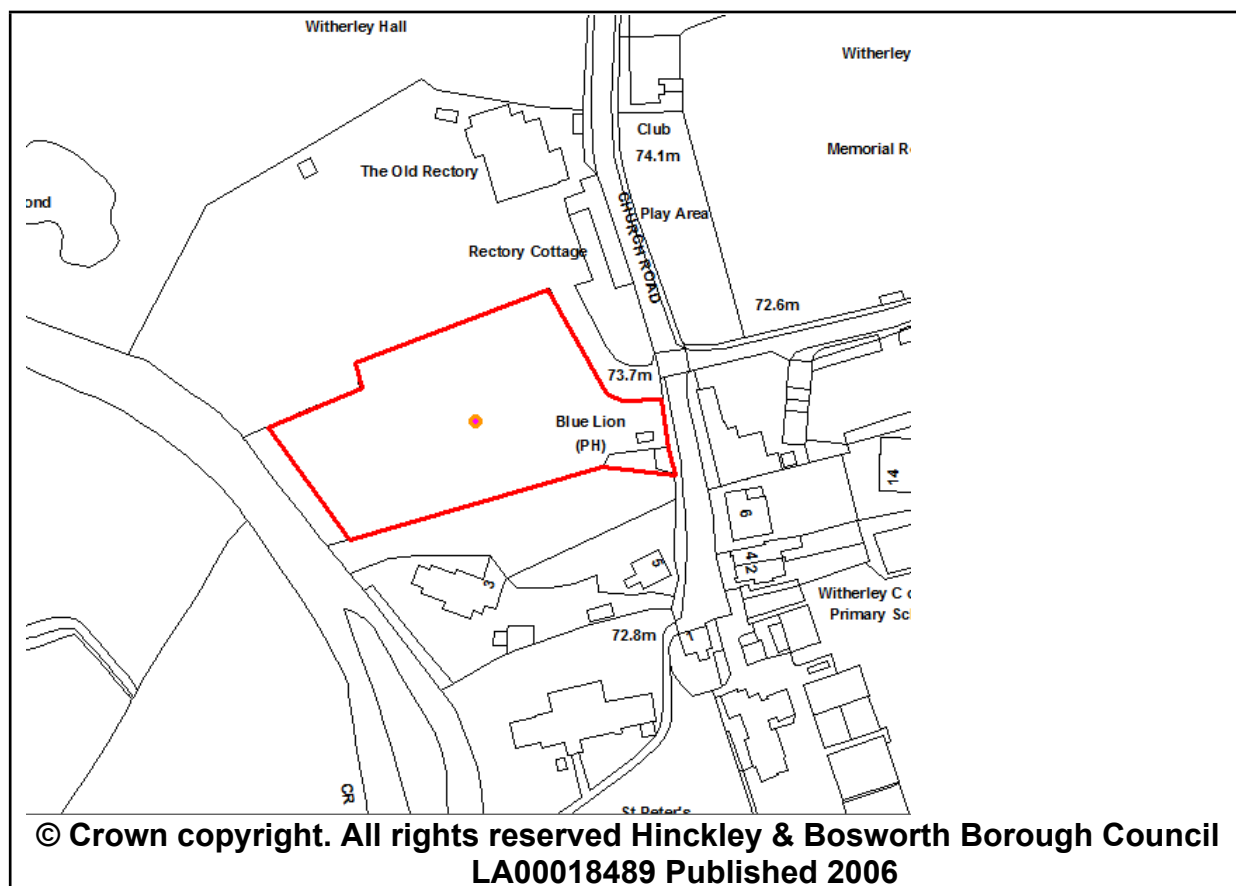
Planning Reference: 25/01231/FUL
Applicant(s): Mr Mark Ketcher
Ward: Twycross, Sheepy & Witherley



Hinckley & Bosworth
Borough Council

Site: Land off Church Road, Witherley

Proposal: Erection of a single self-build dwelling and detached garage (Use Class C3)



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions detailed at the end of this report;
- The completion of a legal agreement securing the dwelling as a Custom and Self Build Dwelling;
- The applicant undertaking pre-determination archaeological investigations and the submission of or securing of any archaeological mitigation to the satisfaction of Assistant Director Planning Regeneration and Leicestershire County Council Archaeology department; and

- That the Assistant Director Planning and Regeneration be given powers to determine the final detail of planning conditions and legal agreement.

Pre-amble and Archaeological Consideration

- 1.2. Following the application being approved at the August Planning Committee (subject to the completion of a legal agreement), the absence of secured site archaeological investigations was raised by a local resident.
- 1.3. Policy DM13 of the SADMP states that where a proposal has the potential to impact a site of archaeological interest developers should provide an appropriate desk based assessment and where applicable a field evaluation. This is consistent with Policy HE5 (5) of the NPPF.
- 1.4. Following a review, a consultation was issued to Leicestershire County Council's (LCC) Archaeology department, to review the site and its archaeological merit. LCC Archaeology have confirmed that the applicant has submitted a Historic Environment Assessment (Heritage Archaeology Report Ref.: P00328.01B) – the assessment confirms that the site possesses a high potential for Roman archaeology to be present, the assessment also highlights the potential for the site to contain buried remains relating to the medieval and post-medieval periods.
- 1.5. Given that the significance of any buried remains present cannot be ascertained without the further information that intrusive trial trenching would provide it was recommended that trial trenching evaluation be undertaken prior to determination of the application. This would inform the understanding of the significance of any buried remains present, the harm introduced as a result of the proposals, and the need for/scope of any mitigation that may be necessary.
- 1.6. The recommendation for approval has therefore been amended requiring that pre-determination archaeological investigation is carried out by the applicant to the satisfaction of LCC's archaeology department and the Assistant Director Planning and Regeneration. Following the archaeological investigation the extent of mitigation would be known and it is proposed that this is subsequently carried out or secured, also to the satisfaction of the Assistant Director for Planning and Regeneration and LCC's archaeology department. Subject to the above and any subsequent planning conditions being secured, the development would accord with Policy DM13 of the SADMP and HE5 of the NPPF.
- 1.7. The remainder of the report remains as previously set out in August, except reference to archaeology which is addressed above.

2. Planning Application Description

- 2.1. This planning application seeks full planning permission for the erection of a self-build, detached dwelling and ancillary detached garage. The application

has been submitted following a pre-application, 24/10165/PREHMO, for the erection of one dwelling.

- 2.2. The proposed dwelling is a significant three storey dwelling, utilising the existing sloping land levels at the site. The development will include a lower ground floor level consisting of a home gym and entertaining space, a ground floor consisting of an orangery, living and dining spaces, an office and a kitchen; and a first-floor level consisting of 3 bedrooms and associated en-suite bathrooms and dressing rooms.
- 2.3. The development proposes to utilise an access off Church Road, with a large, detached garage which has capacity for 4no. off-street parking spaces.
- 2.4. The overall design of the proposed dwelling draws on a Georgian Manor House style dwelling, which is intended to draw on styles and designs from the wider Conservation Area within Witherley, and key buildings of heritage value.

3. Description of the Site and the Surrounding Area

- 3.1. The 0.3ha application site comprises an open grassland that features extensive vegetation with mature trees and hedgerow along its eastern and northern boundaries. The site is accessed from, and to the west of, Church Road and 11.1m south of its confluence with Post Office Lane. Both roads are adopted but unclassified highways that are subject to 30mph speed limits.
- 3.2. Historically, the application site formed part of a Glebe field situated between the Grade I Listed St. Peter's Church to the south and the Old Rectory to the north. The Glebe field belonged to the Church and was given for the use of the Rectors of the village. This provides the application site with some historic associative value given its functional use and relationship between key heritage assets within the village.
- 3.3. The application site is located to the northwest of, but outside, the identified settlement boundary of the rural village of Witherley in the designated open countryside. The application site is located within the Sense Lowlands Character Area (LCA) and the Witherley and Surroundings Landscape Sensitivity Area (LSA).
- 3.4. The key characteristics of the LCA include, but are not limited to, the flat-to-gently-rolling lowland vale landscape that gives rise to extensive and open views, as the rural and tranquil character of the area. The LSA has a medium sensitivity to two-to-three-storey housing and the key sensitivities of the area include the extensive views and open character of the area, with church towers and spires forming landmarks in a rural setting as well as the strong character of Witherley's historic village core, with distinctive and attractive local vernacular of red brick with slate or clay tile roofs and historic buildings of local interest.

- 3.5. The application site is also within the Witherley Conservation Area and the Witherley Conservation Area Appraisal (WCAA) is therefore applicable.
- 3.6. The WCAA identifies that Witherley Hall (another key building of local heritage interest), and the Old Rectory have wooded grounds running down to the river. The WCAA continues and identifies that the key private green spaces as the grounds of the Old Rectory, the adjacent paddock (the application site,) and Witherley Hall, have all been carefully landscaped and fall gently towards the river. The application site has an undeveloped, open, and, in part, verdant character (due to the mature vegetation within the western section and along its northern and eastern boundaries,) which provide it with some aesthetic value.
- 3.7. The application site is identified as a key space within the WCAA and, due to its historic and aesthetic value, it is of heritage significance, thus making a positive contribution to the character and appearance of the Conservation Area.
- 3.8. The WCAA describes Church Road as: *“An area dominated by the large flat open recreation ground, Memorial Playing Field. Together with the nearby Victorian primary school, they act as a secondary focal point for the village. Linking both is a fine area of village streetscape overlooked by several traditional village buildings including the Blue Lion public house. On the southern and western sides of the recreation ground, with few exceptions, buildings have also retained their traditional appearance and modern infill development has been avoided.”*
- 3.9. Although it appears to have been recently partially rebuilt, the WCAA highlights that the high brick wall along the site’s frontage to Church Road is part of an Important Boundary Wall that continues the historic characteristic of the principle historic houses (the Old Rectory and Witherley Hall) being dominated by boundary walls. The vegetation behind the wall also provides the site with a verdant and semi-rural character and it is considered that both the wall and the vegetation are positive components of the street scene in this section of the Conservation Area.
- 3.10. There is no dominant building style within the Witherley Conservation Area, but common features within the Conservation Area include: *“Gabled [roofs] with blue clay tiles or slate coverings, brick dentil courses, plain ridge chimneys, over-sailing eaves or sometimes decorative bargeboards. Brick elevations are plain with occasional ground floor bay window or modern porch... Frequent architectural details include vertically proportioned windows beneath segmented arches or stone lintels and blue canted brick sills.”*
- 3.11. To the north of the application site is The Old Rectory, which has large landscaped grounds including mature trees along its shared boundary to the site. To the southeast of the site is 5 Church Road. Both properties are recognised as being unlisted buildings of local historic or architectural

importance within the WCAA. The Old Rectory also features several important trees along its shared boundary with the application site.

- 3.12. The Grade II Listed Blue Lion public house is to the east of the application site beyond Church Road and the 3 Church Road is located to the south of the site.
- 3.13. The land between the application site and 3 Church Road consists of a small rectangular field that is bound with timber post and rail fencing and features six trees that are protected by Tree Preservation Order 86/00005/TPORD. The closest of which to the site, identified as 'T1', was removed in 2009 via 09/00062/TPO. This area of land also benefits from planning permission for the change of use into a cemetery including an associated car parking area via 21/00048/FUL.
- 3.14. The River Anker borders the western boundary of the application site and consequently a small area of the site is considered to be within Flood Zones 2 and 3. The River Anker is also known to feature water voles, which are a protected species.

4. Relevant Planning History

24/10165/PREHMO

- Erection of ONE dwelling
- Preapplication response given
- 09.01.2025
- Pre-application response summary:

"The development is unacceptable in principle to the Local Planning Authority.

The development represents new and unjustified residential development within the designated open countryside, which causes significant harm to the rural character of the area, the designated open countryside, the Sense Lowlands Character Area and the Witherley and Surroundings Landscape Sensitivity Area).

By virtue of its size, scale, siting, and massing, and its location, design, and proposed entrance gates, the proposal has a significant adverse impact upon the site's historic and aesthetic value and detrimentally alters its key characteristics, which currently contribute positively to the significance of the Witherley Conservation Area. This results in significant harm to the character and significance of the surrounding area and the Witherley Conservation Area.

Any forthcoming planning application will need to be accompanied by an Arboricultural Impact Assessment, an Archaeological Impact Assessment, an Automatic Traffic Count (ATC), a Preliminary Ecological Appraisal, and a Flood Risk Assessment, details for a safe

and suitable access in accordance with the Leicestershire Highway Design Guide, and clear and convincing justification for any harm to the significance of the Witherley Conservation Area”.

5. Publicity

5.1 The application has been publicised by sending out letters to local residents and a site notice was posted within the vicinity of the site.

5.2 As a result of the public consultation, responses from 6 separate addresses have been received with 5 in objection and 1 response in neither support or objection to the proposal.

5.3 A summary of the concerns raised in the public consultation are detailed below:

- Scale of the development: The scale of the development is too large.
- Character: The development is not sympathetic to the character of the area, nor is synonymous with neighbouring buildings.
- Conservation Area: The development is not sympathetic to the conservation area, surrounding buildings and heritage assets, nor the graveyard.
- Heritage: Harm outweighs benefits.
- Loss of light: due to land levels some properties will experience overshadowing, including garden amenity area.
- Light pollution: Light spill from the development will cause detrimental impacts.
- Ecology: Light spill will impact local bats and wildlife.
- Trees: Trees will likely be impacted as part of the proposal.
- Archaeology: Concerns relating to archaeological impacts.
- Highways: Access is too tight and unsafe and parking concerns, alongside concerns that the data provided has not been sufficiently or correctly interpreted.
- Validity and Lawfulness: land has been accessed unlawfully to conduct surveys and questioned the validity of the reports.
- Environmental Assessment: Accuracy and validity of reports questioned.
- Conflict with Planning Policy: National, Local and Neighbourhood.
- Countryside: Contrary to Countryside Policies.
- Self-Build justification: Lack of legal agreement.
- Flood risk concerns.
- Disruption to local services: during construction this may impact local business.

6. Consultation

Ecology: no objections

- 6.1 Following the submission of additional information, LCC Ecology have confirmed they have no objection to the proposal subject to relevant planning conditions which have been included at the end of this report.

HBBC Waste Management: no objections

- 6.2 HBBC waste have confirmed they have no objections subject to a condition included at the end of this report. The condition will secure adequate provision of waste and recycling storage.

HBBC Arboricultural Officer

- 6.3 HBBC Arboricultural Officer has confirmed the following:
- 6.4 “As the proposed removals are limited to a group of self-seeded Sycamores, I raise no objection to the application on Arboricultural grounds.
- 6.5 The retained trees must be adequately safeguarded throughout the duration of the development should permission be granted. Given the proximity of the retained trees to the proposed works, I request a pre-commencement site meeting to inspect and confirm the installation of all approved tree protection measures prior to the commencement of any works, including site clearance, demolition, material storage, or construction activities”.

HBBC Drainage: no objections

- 6.6 No objections to the proposal subject to a note to applicant.

Highways: no objections (standing advice)

- 6.7 Leicestershire County Council as the Local Highway Authority, confirmed the following:
- 6.8 “The Local Highway Authority (LHA) refers the Local Planning Authority (LPA) to current standing advice provided by the Local Highway Authority dated September 2011.
- 6.9 Consideration should be given to surfacing which in accordance with Table 13 of the Leicestershire Highway Design Guide (LHDG) available at <https://www.leicestershirehighwaydesignguide.uk/highway-layouts-and-design/developments-served-private-drives-and-areas> which notes that for an access serving a single dwelling, the access should be surfaced in hardbound material for a for at least the first 5m from the highway boundary.
- 6.10 Drainage should be provided within the site so that surface water does not drain onto the Public Highway. Where the access driveway slopes towards the highway, measures must be in place to prevent surface water from draining into the public highway. The Applicant should therefore demonstrate that the proposed access would not result in surface water draining into the public highway. These details can either be submitted for consideration

under the current application or, alternatively, following any grant of planning permission by way of condition.

- 6.11 2m x 2m pedestrian visibility should be considered. Splays should be free from obstructions above 0.6m from ground level.
- 6.12 Due consideration should also be given to waste collection provision; refuse vehicles are unlikely to access the site given that it is located more than 25m from the highway boundary”.

Environment Agency: no objections

- 6.13 No objections to the proposal subject to a note to applicant.

HBBC Conservation Officer:

- 6.14 The Councils Conservation Officer confirmed details comments on the application, which have been included within the ‘Design and character of the conservation area’ section of this report.
- 6.15 The Conservation Officer confirmed that the general design of the proposed dwelling would reflect some key characteristics of the Conservation Area, including its form, architectural detailing and construction materials.
- 6.16 The Officer did confirm that the property would be visible from the streetscene, and that irrespective of the design approach, the siting of a dwelling within the undeveloped open space would result in less than substantial harm to the Conservation Area. Further comments on the access, landscaping and suitability of the site, alongside proposed conditions have been included within the latter stages of this report.

Witherley Parish Council: No comments received

- 6.17 No comments received, following a holding email.

HBBC Environmental Health: no objections

- 6.18 No objections.

7. Policy

7.1 Core Strategy (2009):

- Policy 12: Rural Villages
- Policy 16: Housing Density, Mix and Design

7.2 Site Allocations and Development Management Policies Development Plan Document (SADMP) (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 DM11: Preserving and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3 National Planning Policies and Guidance:

- National Planning Policy Framework ('NPPF') (2024)
- National Design Guide ('NDG') (2019)
- Planning Practice Guidance ('PPG')

7.4 Other Relevant Guidance:

- Good Design Guide (2020)
- HBBC's Landscape Character Assessment ('LCA') (2017)
- Landscape Sensitivity Study (LSS) (2017)
- Leicestershire Highways Design Guide (LHDG) (2024)
- Technical Housing Standards – Nationally Described Space Standards (2015)
- Witherley Conservation Area Appraisal (2007)

8. Appraisal

8.1. The key issues in respect of this application are therefore:

- Principle of development
- Housing land supply
- Self and custom build
- Design and impact upon the character of the area
- Impact upon residential amenity
- Impact upon parking provision and highway safety
- Drainage
- Ecology
- Other matters
- Planning balance

Principle of Development

8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) July 2021) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF

confirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.

- 8.3 Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and states 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) and the Site Allocations and Development Management Policies DPD (2016).
- 8.4 The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough.
- 8.5 The Planning Policy Team are currently reviewing the latest revisions within the 2024 version of the NPPF and its implications for the Council's Five-Year Housing Land Supply (5YHLS). A revised position will be published once the monitoring for the 2024/25 year has been completed. It is however likely that, with the revised need figure of 682 dwellings (649dpa + 5% buffer as per Paragraphs 62 and 78(a) of the NPPF), the Council will be unable to demonstrate a 5YHLS once the revised position is published. In addition, the housing policies in the adopted Core Strategy and the adopted SADMP are now considered to be out of date as they focussed on delivery of a lower housing requirement than required by the up-to-date figure.
- 8.6 Therefore, this application should be determined against Paragraph 11(d) of the Framework 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.
- 8.7 Key Policy Paragraph 110 of the NPPF confirms that the planning system should actively manage patterns of growth in support of promoting sustainable transport. Significant development should be focused on locations which are, or can be made, sustainable through limiting the need of travel and offering a genuine choice of transport modes. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.
- 8.8 Chapter 15 of the NPPF requires planning policies and decisions to conserve and enhance the natural and local environment. Paragraph 187(b) specifically highlights that this should be achieved by, *"Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services."*

- 8.9 The site lies adjacent to but outside of the settlement boundary for the village. Therefore, the site lies within the countryside and Policy DM4 of the SADMP is applicable. Policy DM4 states that that the countryside will first and foremost be safeguarded from unsustainable development. Development in the countryside will be considered sustainable where:
- a) It is for outdoor sport or recreation purposes, and it can be demonstrated that the proposed 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 the provision of stand-alone renewable energy developments; or
It relates to the provision of accommodation for a rural worker
- 8.10 Policy DM4 of the SADMP also requires that development meets five further requirements to be considered as sustainable development. These are discussed in detail further in the report.
- 8.11 Although there is clear conflict with the spatial policies of the development plan, namely Policy DM4, paragraph 11(d) of the NPPF is engaged and therefore a 'tilted balance' assessment must be made. This must consider all material considerations and any harm arising from the conflict with Policies DM4, must therefore be weighed in the planning balance along with the detailed assessment of the other relevant planning considerations in this case. It is noted that whilst not wholly in accordance with Policy DM4, the site is located directly adjacent to the settlement boundary of Witherley, and as such would not be considered locationally unsustainable owing to local public transport links, such as the LC12 bus connecting Witherley from Atherstone, to Measham. In addition, the village has amenities such as the public house (Blue Lion) and Witherley C of E Primary School..

Housing Land Supply

- 8.12 Chapter 5 of the NPPF requires planning policies and decisions to deliver a sufficient supply of homes to support the Government's objective of significantly boosting the supply of homes without unnecessary delay. The overall aim should be to meet an area's identified housing need, including an appropriate mix of housing types for the local community.
- 8.13 Paragraph 73 of the NPPF states that small and medium sized sites, such as windfall sites, can make an important contribution to meeting the housing requirements of an area, are essential for Small and Medium Enterprise housebuilders to deliver new homes, and are often built out relatively quickly.
- 8.14 Paragraph 11(d) of the NPPF states that planning decisions should apply a presumption in favour of sustainable development where there are no relevant Development Plan policies, or the policies which are most important

for determining the application are out-of-date. Footnote 8 of Paragraph 11 of the NPPF highlights that housing policies are considered to be out-of-date where local planning authorities cannot demonstrate a five-year supply of deliverable housing sites.

- 8.15 The Planning Policy team are currently reviewing the latest revisions to the NPPF within the 2024 version of the document and its implications for the Council's Five-Year Housing Land Supply. A revised position will be published by May 2025 once the monitoring for the 2024/25 year has been completed. It is however likely that, with the revised need figure of 682 dwellings (649dpa + 5% buffer as per Paragraphs 62 and 78(a) of the NPPF), that the Council will be unable to demonstrate a Five-Year Housing Land Supply once the revised position is published.
- 8.16 In light of this, and due to the age of relevant housing policies within the adopted Core Strategy, the 'tilted' balance in Paragraph 11(d) of the NPPF is triggered in accordance with Footnote 8 and Paragraph 11 of the NPPF. For decision-taking, Paragraph 11(d) of the NPPF requires planning permission to be granted unless:
- i. The application of policies in this Framework that protect areas or assets of particular importance provides a strong 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 8.17 Whilst the Council is unable to deliver a five-year supply of land for housing, the benefits associated with the providing 1no. residential properties within this application site is considered to attract limited weight in the planning balance.

Self and Custom Build

- 8.18 The Applicant has stated that the scheme would represent a self-build and custom housebuilding development in accordance with the definition within the Self-Build and Custom Housebuilding Act 2015. To support this, the Applicant has agreed to submit a Unilateral Undertaking to legally secure the scheme's contribution to the Council's supply of self-build and custom housebuilding plots should the scheme be recommended by approval by the Planning Committee.
- 8.19 Section 2A of the Self-Build and Custom Housebuilding Act places a statutory duty on the Local Planning Authority to give permission to a sufficient number of self-build and custom housebuilding developments on serviced plots to meet the demand for self-build and custom housebuilding in

the Authority's area. Currently, the Council has supplied less suitable cumulative permissions than the cumulative required demand for self-build and custom house-build dwellings at the end of Base Period 10, which results in a shortfall of 17 self-build and custom housebuilding plots.

- 8.20 As the application would benefit from a mechanism to legally secure the development's contribution to the Council's shortfall in the supply of self-build and custom housebuilding plots, positive weight can be given to this benefit in the planning balance. Although the Local Planning Authority are not meeting their statutory duty to permit a sufficient number of self-build and custom house-build schemes, the current proposal would only provide one additional dwelling to this supply. As such, the benefits of this small contribution in addressing the current shortfall would be considered to attract moderate positive weight in the planning balance.

Design and Impact upon the Character of the Conservation Area

- 8.21 Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.22 Policy DM4 aims to ensure that development does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside.
- 8.23 Policies DM11 and DM12 of the Site Allocations and Development Management Policies (SADMP) DPD seek to protect and enhance the historic environment. 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. Development proposals should ensure the significance of a conservation area is preserved and enhanced.
- 8.24 The Good Design Guide SPD provides guidance upon how to design an appropriate new residential development. This includes appraising the context, creating appropriate urban structures through blocks, streets, enclosure, open space and landscaping, parking, amenity space and design detailing. It outlines that building plots should be a similar size to the wider context and the layout should not adversely impact upon the prevailing grain of development. Dwellings should be of similar scale, mass and roof form to the wider context, allowing them to sit comfortably within the street scene.
- 8.25 Paragraph 139 of the NPPF states development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance. Local policy is considered to accord with the NPPF.
- 8.26 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting to

have special regard to the desirability of preserving the listed building or its setting or any features of special architectural and historic interest which it possesses. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

- 8.27 Section 16 of the National Planning Policy Framework (NPPF) (2024) provides the national policy on conserving and enhancing the historic environment. Paragraphs 212-215 of the NPPF 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.
- 8.28 Guidance is contained within the CAA concerning the necessary maintain the distinctive character and appearance of the conservation area.
- 8.29 The application site is located to the west of Church Road and consists of partly open grassland and partly extensive shrubbery (towards the River Anker, which forms the western boundary of the site). To the north is The Old Rectory, which has large, landscaped grounds including mature trees along the shared boundary to the site. To the east is Church Road, with the boundary to the site consisting of a thick band of vegetation and section of brick boundary wall with vegetation behind. To the south is a small rectangular field, bound from the application site by a timber post and rail fence. The application site and the field to the south share an existing gated access from Church Road. The field to the south is owned by the Parochial Church Council and has a historic planning permission for its change of use to a cemetery including an associated car parking area.
- 8.30 The application site is located within the Witherley Conservation Area. A number of designated heritage assets are also located within the vicinity of the site, including the grade I listed building the Church of St Peter c.50m to the south and the grade II listed building The Blue Lion Public House immediately opposite the eastern boundary of the site on Church Road.
- 8.31 Historically the application site formed part of a Glebe field situated between St Peters Church to the south and the Old Rectory to the north. The Glebe field belonged to the Church and was given for the use of the Rectors of the village. This provides the application site with some historic associative value given its functional use and relationship between key heritage assets within the village.
- 8.32 The Conservation Area Appraisal (CAA) (2007) identifies that Witherley Hall (another key building of local heritage interest located to the north of the application site) and The Old Rectory have spectacular wooded grounds running down to the river. The CAA continues and identifies that the key private green spaces as the grounds of The Old Rectory, the adjacent

paddock (the application site), and Witherley Hall, have all been carefully landscaped and fall gently towards the river. The application site has an undeveloped, open, and in part verdant character (due to the mature vegetation within the western section and along its northern and eastern boundaries), which provides it with some aesthetic value.

- 8.33 The application site is identified as a key space within the CAA, and due to its historic and aesthetic values it is of heritage significance, thus making a positive contribution to the character and appearance of the Conservation Area.
- 8.34 Although it appears to have been relatively recently rebuilt, the high brick wall along the site frontage to Church Road continues the historic characteristic of the principle historic houses in the village (The Old Rectory and Witherley Hall) being dominated by boundary walls. The CAA identifies the boundary walls as important features within the Conservation Area that should be preserved. For this site the band of vegetation behind the wall and extending up to the gated access also provides it with a verdant and semi-rural character and it is considered that both the wall and vegetation are positive components of the street scene in this section of the Conservation Area.
- 8.35 The proposal is for a single detached dwelling and single garage upon the application site. The existing entrance from Church Road would be utilised for access with timber gates to serve the site set back from the road frontage and allowing for continued access to the field to the south.
- 8.36 The proposed dwelling consists of a rectangular plan central element of two storey scale with two projecting single storey side wings. The two storey element would have two dual pitched roofs with a central valley and have projecting gables and gable end chimney stacks to provide the front elevation with a symmetrical arrangement. The dwelling would be constructed of red brick and although details are not confirmed it could accommodate a traditional natural clay or tiled roof. Components of the design seek to replicate the form and detail of the higher status buildings in the area, including the Old Rectory, and this includes the projecting gables to the front elevation, the size and form of the fenestration, and architectural detailing including stone courses at the eaves and bands along the facing walls, and an ornate stone porch surrounding a panelled front door. Overall the proposed dwelling would reflect some key characteristics of the Conservation Area, including its form, architectural detailing and construction materials.
- 8.37 Despite some amendments made to the scheme during the determination of the application, the proposed dwelling would remain of a relatively large footprint, scale and mass. The levels of the site do drop away westwards towards the river but due to its two storey height, the upper floors and roofscape of the dwelling, at least, would be visible from Church Road when located at the site entrance and within the Conservation Area street scene. Therefore, and irrespective of the design approach for the new dwelling, the

siting of the dwelling centrally within the undeveloped open space and the visual prominence of the dwelling due to its proposed scale would result in the development having an adverse impact upon the key space within the Conservation Area. The level of harm to the significance of the Conservation Area would be 'less than substantial harm' when considered in the terms of the NPPF.

- 8.38 The proposed garage is sited within the north-eastern corner of the site. It would have a wide rectangular plan with dual pitched roof and two sets of double doors with a planked and top light detail. A small number of Conservation style roof lights are proposed on the front and rear elevations to light proposed accommodation in the roof space. The garage would be constructed of red brick and a roof covering to match that of the main dwelling.
- 8.39 The garage is appropriately located within the site as to ensure it is contained visually by the boundary vegetation and it has a scale, form and appearance that would reflect that of the proposed dwelling and built form within the wider area. For these reasons it is considered that the garage would have a neutral impact upon the character and appearance and the heritage significance of the Conservation Area.
- 8.40 The band of vegetation and brick boundary wall to the eastern boundary and the vegetation to the northern boundary is to be retained so these positive components of the Conservation Area would be preserved. A small gap within the vegetation screen that allows for limited visibility into the site interior when looking westwards from the junction of Church Road and Post Office Lane is to be filled with additional native planting, as specified on the revised Site Plan. The proposed timber gates set at the back of the retained access are of a traditional material, scale and form, so these would be appropriate means to define the access to the dwelling when viewed from the Conservation Area street scene on Church Road.
- 8.41 The proposed access arrangements, boundary treatments and soft and hard landscaping are appropriate in principle and would have a neutral impact upon the character and appearance the heritage significance of the Conservation Area.
- 8.42 The special historic and architectural interest of the grade I listed Church of St Peter and the grade II listed Blue Lion is inherent in their long history within the village and their built form. The application site itself makes no particular contribution to the significance of these two listed buildings. Whilst the proposal would result in a limited change within their wider setting it would have no more than a negligible effect upon their interest, resulting in no harm to their heritage significance.
- 8.43 The scale and siting of the dwelling on the application site would have an adverse impact upon a key open space within the Witherley Conservation Area, adversely affecting its character and appearance and causing less than substantial harm to its heritage significance.

- 8.44 The harm caused to the Witherley Conservation Area must be carefully weighed up against the public benefits of the proposal as required by Policies DM11 and DM12 of the SADMP DPD and paragraphs 212, 213 and 215 of the NPPF, which will be conducted within the 'Planning Balance' section of this report. It is noted that paragraph 212 of the NPPF states that great weight should be given to the conservation of designated heritage assets, and the more important the asset, the greater the weight should be. This is irrespective of the level of harm to the significance of the asset. In addition, paragraph 213 of the NPPF states that any harm to the significance of any designated heritage asset should require clear and convincing justification. The need for clear and convincing justification is re-iterated in Policy DM12 of the SADMP DPD.
- 8.45 Overall it is considered that the development is in general accordance with Policy DM10 of the SADMP in respect of the overall design and impact on the character of the area. Whilst there remains conflict with Policy DM4 in principle, given the development is adjoined by residential dwellings and does not protrude further than the adjoining properties into the countryside, harm to the intrinsic character of the countryside is tempered. However, there ultimately retains conflict with Policy DM4 as well as Policy DM11 and DM12 of the SADMP, in which less than substantial harm is observed.
- 8.46 Considering the sensitivity of the site and the potential for greater impacts on the character of the surrounding area, conservation area and countryside it is recommended that permitted development rights are removed. This will ensure the Local Planning Authority can control further extensions/alterations to the dwelling to avoid further harm.
Impact upon Residential Amenity
- 8.47 Key Policy Paragraph 135(f) of the NPPF requires planning policies and decisions to ensure that developments create places that are safe, inclusive, and accessible, which promote health and well-being, and a high standard of amenity for existing and future users.
- 8.48 Policy DM10(a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.
- 8.49 The Good Design Guide (GDG) requires the way buildings relate to each other, and their orientation and separation distances, to provide and protect acceptable levels of amenity. Notwithstanding this, these separation distances are the minimum standards that are required, and every application will be assessed on its own merits depending on the individual characteristics of the site such as orientation, ground levels, window positions, garden size, and shape.

- 8.50 The development site is located in an existing open field, and is accessed from Church Road to the east, which includes a number of residential dwellings, including two storey detached properties. There is a neighbouring residential dwelling to the south of the site, and similarly a residential dwelling to the north. The River Anker encloses the site to the east, and separates the site from arable fields.
- 8.51 It is considered that by way of location and significant distances between the proposed dwelling and neighbouring residents that impacts relating to loss of light, overshadowing and over bearing impacts would not be experienced as a result of the development. It is considered that impacts on loss of privacy and overlooking would be limited, with the minor exception of the rear balcony which includes a parapet. However, it is considered that through sufficient landscaping and a condition requiring a solid screen on the southern side elevation of the balcony this would sufficiently mitigate any loss on neighbouring residential amenity.
- 8.52 It is considered that the development site provides sufficient amenity space for future occupiers, alongside sufficient space and light within habitable rooms of the dwelling to ensure a high degree of amenity.
- 8.53 It is therefore considered that the development can achieve sufficient amenity for the future occupiers of the dwelling and would not have a significant detrimental impact on the existing residents neighbouring amenity, as such, the development is considered to be in accordance with Policy DM10 of the SADMP, and paragraph 135(f) of the SADMP.

Impact upon Parking Provision and Highway Safety

- 8.54 Key Policy Paragraph 115(b) of the NPPF states that planning decisions should ensure that developments provide safe and suitable access to the site for all users. In accordance with Key Policy Paragraph 115(d) of the NPPF, any proposal should ensure that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.
- 8.55 Ultimately, development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios in accordance with Paragraph 116 of the NPPF.
- 8.56 Policy DM17 of the SADMP states that development proposals need to demonstrate that there is not a significant adverse impact upon highway safety, and that the residual cumulative impacts of development on the transport network are not severe.
- 8.57 All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance

adopted by the relevant highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)) (2024).

- 8.58 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision. Any reduction below minimum standards will require robust justification.
- 8.59 LCC as the Local Highway (LHA) Authority have been consulted as part of this proposal, and have confirmed that, in its view, the impacts of the development on highway safety would not be unacceptable, as outlined within their standing advice outlined earlier in this report.
- 8.60 The advice given confirms that details of the hardbound materials used for the access and the parking areas shall be confirmed and secured via condition. Similarly, this also relates to 2m x 2m pedestrian visibility splays, and that these splays should be free from obstruction above 0.6m from ground level.
- 8.61 Details also relating to on site provision ensuring that surface water does not drain into the public highway will be secured via condition and shall be implemented and secured prior to first occupation.
- 8.62 The development proposes a 3no. bedroom dwelling, which requires a minimum of 2no off-street car parking spaces to be provided. It is confirmed that under this proposal the detached garage structure provides space for up to 4no. vehicles, alongside sufficient open parking provision located forward of the dwelling, ensuring this is satisfactory and will be in accordance with Policy DM18.
- 8.63 Following the advice given from the LHA, it is considered that the development would not cause any detrimental impact to highways safety and a sufficient degree of parking provision can be achieved, as such the development is in accordance with Policies DM17 and DM18 of the adopted SADMP.

Drainage

- 8.64 Policy DM7 of the SADMP confirms that development should prevent adverse impacts from pollution and flooding.
- 8.65 Despite proximity to Flood Zone 2 and 3, the development site is located with Flood Zone 1, designated as low probability of flooding from rivers and sea, and the principle of development in low flood risk areas is acceptable. The EA Surface Water mapping also indicates that the application site is located in an area at very low risk of flooding from surface water.
- 8.66 Both HBBC Drainage and the Environment Agency have been consulted as part of this application and have confirmed that they have no objection to the scheme, subject to notes to applicant included at the end of this report.

- 8.67 The proposal is considered to be in accordance with Policy DM7 of the adopted SADMP.

Ecology

- 8.68 Policy DM6 of the SADMP states that proposals must demonstrate how they conserve and enhance features of nature conservation and geological value including proposals for their long-term future management.
- 8.69 On site features should be retained, buffered and managed favourably to maintain their ecological value, connectivity and functionality in the long-term. The removal or damage of such features shall only be acceptable where it can be demonstrated the proposal will result in no net loss of biodiversity and where the integrity of local ecological networks can be secured.
- 8.70 Proposals which are likely to result in the loss or deterioration of an irreplaceable habitat would only be acceptable where:
- a. The need and benefits of the development in that location clearly
 - b. It has been adequately demonstrated that the irreplaceable habitat
 - c. Appropriate compensation measures are provided on site wherever possible and of site where this is not feasible.
- 8.71 If the harm cannot be prevented, adequately mitigated against or appropriate compensation measures provided, planning permission will be refused.
- 8.72 LCC Ecology have been consulted as part of this proposal and have confirmed that following the submission of additional information, they do not have any objections to the proposal, subject to planning conditions included at the end of this report.
- 8.73 LCC Ecology have confirmed that “An Ecological Appraisal completed by Learn Ecology in December 2025 has been submitted with the application which is accepted and briefly outlined below.
- 8.74 Revised Site Layout Plan 07H indicates a 1.5m high timber post a rial fence located 10m away from the riverbank creating a buffer zone retaining the scrub and riparian habitat, this is welcomed and accepted.
- 8.75 The majority of the site comprises of other neutral grassland where part will be lost due to the proposals. There will be a requirement to compensate for the loss of this grassland to ensure a net gain for biodiversity. Enhancement of the remaining neutral grassland should be detailed within a Landscape and Ecological Management Plan (LEMP).
- 8.76 A Construction and Environmental Management Plan (Biodiversity) will be required to protect the following habitats and species during construction: River Anker, the priority habitat: deciduous woodland, boundary hedgerows and trees. A series of precautionary working methods for: badger, otter,

water vole and hedgehogs. As suitable habitat is present on site and in the wider landscape.

- 8.77 No evidence of nesting birds were observed during the survey. The trees and hedgerows do provide nesting habitat, and any vegetation clearance should take place outside the bird nesting season”.
- 8.78 Regarding BNG, it is confirmed that the ecology report is recommending a series of enhancements which should be included within a landscape enhancement plan condition. These include: 1no. bat box, 2no. integrated bird boxes including a sparrow terrace and swallow or house martin nest cups, construction of a hedgehog hibernaculum and any new close board fencing installed which may fragment the landscape for hedgehog should include a 13cm x 13cm hole at the base to allow for hedgehog migration through the site.
- 8.79 Regarding reptiles on site, following the submission of the reptile survey, it is confirmed that, “the reptile survey undertaken by Croft Ecology in May 2026 is acceptable and observed a low population of grass snake on-site with a count of 1 individual. Sensitive working practices under the supervision of and Ecological Clerk of Works and no-go ecological protection zone as outlined within the report should be followed and included within the Construction and Environmental Management Plan (Biodiversity)”.
- 8.80 Following this response from LCC Ecology it is considered that the development is acceptable in terms of BNG and Ecology and is in general accordance with Policy DM6 of the adopted SADMP, subject to conditions included at the end of this report.

Arboriculture

- 8.81 As part of the development concerns were raised by HBBC’s Arboriculture Officer, regarding the proximity of the proposed development to a number of on-site trees. Following the submission of an Arboricultural report, and tree constraints, impact and protections plans, the council officer has since rescinded the holding objection.
- 8.82 It has been confirmed that the only relevant removals relate to self-seeded sycamores which in the view of the Arboriculture officer, would be acceptable. On the whole subject to conditions requiring the implementation of the wider tree protection measures, and once implemented an on-site inspection, the development ensures that the wider on-site trees are sufficiently safeguarded as a result of this development.

Other Matters

- 8.83 Details relating to waste and recycling storage and collection has not been provided as part of this proposal, and as such, a planning condition has been included at the end of this report to ensure that an acceptable scheme is instilled prior to commencement of the development. HBBC Waste

Management have been consulted on this application and have confirmed that they have no objections to the proposal subject to condition.

Planning Balance

Heritage Harm

- 8.84 Paragraphs 212-215 of the NPPF requires great weight to be given to the conservation of designated heritage assets and for any harm to their significance to be weighed against the public benefits of a proposal.
- 8.85 The proposed development would result in harm to the open space of the Witherley Conservation Area. This harm is tempered by the design of the proposed dwelling, which would reflect some key characteristics of the Conservation Area, including its form, architectural detailing and construction materials. Overall, the scheme results in harm at the lower end of less than substantial spectrum and would be attributed significant weight in the planning balance.
- 8.86 It is considered that this harm is outweighed by the public benefits of the supply of housing which are afforded limited weight, social and economic benefits which are afforded very limited weight, and the provision self-build and custom house-build housing which is afforded moderate weight.

Overall Planning Balance

- 8.87 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.
- 8.88 This application is for the provision of 1no. detached dwelling. The Council cannot demonstrate a 5-year housing land supply. In addition, the housing policies in the adopted Core Strategy and the adopted SADMP are now considered to be out of date as they focussed on delivery of a lower housing requirement than required by the up-to-date figure.
- 8.89 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.
- 8.90 It is considered that the development is at odds with Policy DM4 of the SADMP, however, given the locational sustainability of the site, and its proximity to the settlement boundary and relevant transport links and amenities, it is considered that the conflict with Policy DM4 in this site-specific circumstance would be attributed limited negative weight.

- 8.91 The scheme results in harm to the significance of the Witherley Conservation Area at the lower end of less than substantial spectrum. Despite the mitigating factors, the “great weight” that must be afforded heritage impacts means that this harm is attributed significant weight in the planning balance.
- 8.92 It is acknowledged that there would be some degree of minor social and economic benefits through providing one dwelling, associated with the occupant’s opportunity to act as new customers and employees for business and services within the general area. Owing to the limited scale of development this would be attributed limited weight.
- 8.93 The proposal presents an uptake of one additional dwelling to the councils housing need, owing to the limited scale of development this would be afforded limited positive weight.
- 8.94 In addition to one dwelling positively contributing towards the councils housing need, the development would contribute positively to the unmet meet need attributed to self-build and custom house-build schemes. Given the provision of one dwelling to this stock, to be secured by legal agreement, the benefits of the scheme would be considered to attract moderate positive weight in the planning balance in this regard.
- 8.95 There are no significant impacts in terms of neighbouring amenity, highways safety, ecology or flood risk but this is attributed neutral weight in the planning balance.
- 8.96 The planning balance is therefore finely weighted. The limited Policy DM4 harm balance out the limited benefits of housing. This leaves the significant heritage harms to moderately outweigh the limited social and economic benefits combined with the moderate benefits of self and custom housing. When accounting for the titled balance of paragraph 11 (d) of the NPPF, the adverse impacts of permitting the development would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole and the application 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, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.
- 9.3 There are no known equality implications arising directly from this development.
- 9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

- 10.1 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission to be granted, subject to the imposition of appropriate conditions.

11. Recommendation

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

- Planning conditions detailed at the end of this report; and
- The completion of a legal agreement securing the dwelling as a Custom and Self Build Dwelling; and
- That the Assistant Director Planning and Regeneration be given powers to determine the final detail of planning conditions and legal agreement.

11.2 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 Drg No. 09
Revised Site Layout Drg No. 07H
Revised House Plans Drg No. 08A
Revised Garage Plan Drg No. 06B
AEL-19258-A-TPP-Tree Protection Plan
AEL-19258-A-TIP-Tree Impact Plan
AEL-19258-A-TCNLP-Tree Constraints New Layout Plan
AEL-19258-A-AR - Arboricultural Report
AEL-19258-A-TWP-Tree Work Plan

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

3. No development shall take place (including ground works or vegetation clearance) until a Construction Environment Management Plan for biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the LPA. The CEMP shall include the following details:

- A. Identification of potentially damaging construction activities
- B. practical measures and sensitive working practices to avoid or reduce impacts during construction on Badgers, nesting birds and reptiles
- C. timing of works to avoid harm to nesting birds
- D. responsible persons for overseeing sensitive works
- E. use of protective fencing where required

The approved CEMP shall be adhered to and implemented throughout the construction period, unless otherwise agreed in writing by the LPA.

Reason: To ensure that the development is in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies DPD (2016).

4. No development shall take place (including ground works or vegetation clearance) until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include the following details:

- A. description and evaluation of the features to be created/enhanced
- B. aims and objectives of management
- C. appropriate management options for achieving aims and objectives
- D. prescriptions for management actions
- E. work schedule
- F. species/seed mixes to be planted/sown
- G. ongoing monitoring and remedial measures

The approved plan will be implemented in accordance with the approved details.

Reason: To ensure that the development is in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies DPD (2016).

5. No development above ground level shall take place until a scheme makes adequate provision for waste and recycling storage of containers and collection across the site has been submitted to and approved in writing by 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 safe collection of waste and recycling and to reduce impacts on the visual amenity of the area to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies DPD (2016).

6. No development shall commence until:
 - The tree protection measures have been installed in accordance with the approved Tree Protection Plan (AEL-19258-A-TPP-Tree Protection Plan);
 - Notification is given in writing to the Local Planning Authority confirming the tree protection measures are installed and notifying the Councils Tree Officer to conduct a site inspection; and
 - The Council's Tree Officer has conducted the site visit and has confirmed that the tree protection measures have been installed satisfactorily.

Thereafter the tree protection measures shall be adhered to for the duration of the construction.

Reason: To ensure that the development safeguards the onsite trees and habitats and to protect the character of the area in accordance with Policy DM4, DM6, DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies DPD (2016).

7. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on 'Revised Site Layout Drg No. 07H have been implemented in full, ensuring the access is surfaced in hardbound material for at least the first 5m from the highway boundary.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and the National Planning Policy Framework (2024).

8. No part of the development hereby permitted shall be occupied until such time as pedestrian visibility splays of 2 metres by 2 metres, from the site access, free from obstruction above 0.6 metres above ground level have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To afford adequate visibility at the access to cater for the expected volume of pedestrian traffic joining the existing highway network, in the interests of general highway safety, and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and the National Planning Policy Framework (2024).

9. No development shall commence until details of surface water drainage in relation to the site access have been submitted to and approved in writing and approved by the local planning authority.

Reason: To ensure that adequate surface water drainage is incorporated into the scheme and reducing the impact on water run-off onto the public highway in the interests of highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and the National Planning Policy Framework (2024).

10. Prior to commencement of the hereby approved development (including any vegetation removal), a detailed landscaping scheme shall be submitted to and approved by the Local Planning Authority. The scheme shall address replacement trees, wider landscaping enhancements within the site, external lighting; hard surfacing and boundary treatments and a timetable for implementation. Thereafter the development shall be carried out in accordance with the approved details. Any trees that are damaged, destroyed or removed as part of the development shall be replanted within the following planting season.

Reason: To ensure a satisfactory form of development, the enhancement of the landscaping at the site and the safety of future occupiers, in accordance with Policies DM4, DM6, DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies DPD (2016).

11. Prior to occupation of the new dwelling, an electric vehicle charging point shall be provided in accordance with a scheme that has first been submitted to and approved in writing by the Local Planning Authority.

Reason: To maximise opportunities for sustainable energy and transport in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD (2016), and Paragraph 117 of the National Planning Policy Framework (2024).

12. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area to accord with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016).

13. No above ground development shall be carried out until details of all external materials and architectural detailing used on the dwelling and garage have been submitted to and approved by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM4, DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies DPD (2016).

14. Prior to first occupation of the dwelling a solid privacy screen/boundary treatment at least 1.8m high from the adjacent floor level shall be installed on the south elevations of the proposed balconies. Thereafter it shall be retained and maintained in perpetuity.

Reason: To ensure a satisfactory form of development and to mitigate overlooking to neighbouring properties, in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies DPD (2016).

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any orders revoking and re-enacting those Orders), no enlargement, improvement or other alteration to the dwelling, nor outbuildings, hard surfacing or boundary treatments within its curtilage shall be erected/carried out unless planning permission for such development has been granted by the Local Planning Authority.

Reason: To ensure a satisfactory form of development that protects the character of the area and preserves the character of the conservation area in accordance with Policies DM4, DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies DPD (2016).

Notes to Applicant(s)

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at building.control@blaby.gov.uk or call 0116 272 7533.
2. Your attention is drawn to the Biodiversity Net Gain Condition within the Decision Notice. The development is subject to the Biodiversity Gain Condition. A Biodiversity Gain Plan needs to be submitted to, and approved in writing by, the Local Planning Authority prior to commencement of development. The application can be made online here: https://www.hinckley-bosworth.gov.uk/info/200249/view_planning_applications_and_decisions/1476/does_the_property_comply_with_planning_conditions.
3. With Nesting birds are protected under the Wildlife & Countryside Act 1981 (as amended); therefore, building demolition and significant alteration or vegetation clearance should take place outside the breeding season (March to August inclusive) unless carefully checked beforehand by a suitably qualified person.
4. 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. 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).
5. The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:
 - on or within 8 metres of a main river (16 metres if tidal)
 - on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
 - on or within 16 metres of a sea defence
 - involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
 - in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.