

Hinckley & Bosworth Borough Council

Town and Country Planning Act 1990

Planning Permission

Name and Address of Applicant

Mr Daniel Swift
Swift Homes and Development
7 Willows Lane
Grendon
Atherstone
CV9 2QG

Name and Address of Agent (if any)

Mr Tim Bailey
Bailey Design Limited
43A Mitchells Court
Lower Gungate
Tamworth
B79 7AS

Part I - Particulars of Application

Date of Application

22 December 2022

Application No.

22/01232/CONDIT

Particulars and location of development :

Variation of Condition 02 (Approved Plans) and Condition 05 (Parking Spaces) for Planning Permission 22/00660/FUL. Date of Decision: 23/09/2022. Variation to include amendments to location of car parking provision.

57 Kennel Lane Witherley Atherstone Leicestershire CV9 3LJ

Part II - Particulars of decision

In dealing with the application, through ongoing negotiation the local planning authority have worked with the applicant in a positive and proactive manner by offering a pre-application advice service and by seeking solutions to problems arising in relation to dealing with the planning application and this has resulted in the approval of the application. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

In pursuance of its powers under the Town and Country Planning Act 1990, the Hinckley and Bosworth Borough Council grants permission for the carrying out of the development referred to in Part I hereof in accordance with the application form and plans submitted, subject to the following conditions :-

1. The development hereby permitted shall be begun before the expiration of three years from the date of the original planning permission 22/00660/FUL on 23 September 2025.

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 received by the Local Planning Authority, as follows:
 - Location Plan, Block Plan & Site Plan 9754-03E (submitted: 20.03.2023)
 - Existing and Proposed Floor Plans and Elevations (submitted: 18.07.2022)

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

IMPORTANT - PLEASE READ THE NOTES AT THE END OF THIS DOCUMENT

3. The materials to be used on the external elevations of the proposed extension and alteration shall accord with the approved Existing and Proposed Floor Plans and Elevations (submitted: 18.07.2022).

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).
4. The materials to be used on the external elevations of the proposed extension and alteration shall match the corresponding materials of the existing dwelling.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).
5. The development hereby permitted shall not be first used until such time as the 6 designated parking spaces identified in the Location Plan, Site Plan & Block Plan 9754-03E (submitted 20.03.2023) have been implemented. 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 in the interests of highway safety and in accordance with the National Planning Policy Framework (2021).
6. The development hereby permitted shall not be first used until such time as the scheme makes adequate provision for waste and recycling storage of containers and collection across the site which has been submitted to and approved in writing to the Local Planning Authority. The details should address accessibility to storage facilities and confirm adequate space is provided at the adopted highway boundary to store and service wheeled containers.

Reason: To support the policies within the Wheeled Bin and Container Policy (updated March 2018) and to ensure that there is adequate provision of waste and recycling storage so that the amenity of the occupants of the proposed development are not adversely affected in accordance with Hinckley and Bosworth Borough Council's Wheeled Bin and Contained Policy (updated March 2018), Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Section 46 of the Environmental Protection Act 1990.
7. No part of the development hereby permitted shall be occupied until such time as the access arrangements, visibility splays of 2.4 metres by 43 metres, parking and turning for number 57 and 59 Kennel Lane as demonstrated on Location Plan, Block Plan & Site Plan', drawing number 9754.03E have been implemented in full. These shall thereafter be permanently maintained with nothing within the splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To ensure that vehicles entering and leaving the site may do so in a slow and controlled manner, to afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, and that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally in the interests of general highway safety and in accordance with the National Planning Policy Framework (2021).
8. The development hereby permitted shall not be occupied until such time as the access drive (and any turning space) has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with the National Planning Policy Framework (2021)

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. The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined

perforated chamber with access for maintenance, or alternatively assembled from modular surface water storage/soakaway cell systems, incorporating silt traps. Design and construction of all types of soakaways will be subject to the approval of the Building Control Surveyor.

3. 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).
4. The LHA note there is a lighting column that would be likely to obstruct vehicles accessing and egressing the site. This would highly likely be required to be relocated entirely at the Applicants expense.
5. The Applicant is advised that notwithstanding planning consent, a separate application will be required to be made to the LHA for Vehicular Accesses for both number 57 and Number 59 Kennel Lane. Further information can be found at <https://www.leicestershire.gov.uk/roads-and-travel/cars-and-parking/vehicle-access-dropped-kerbs>.
6. 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.

C. Brown.

Christopher Brown MRTPI
Planning Manager (Development Management)

Date : 31 March 2023

NOTES

1. It will be most helpful if the application number shown overleaf is quoted in all correspondence.
2. If you consider that this decision has been made invalidly through the Council failing to follow a procedure correctly, not having the legal power to make the decision in the way it did or through its decision being so unreasonable as no reasonable local authority would make the same decision based on the same facts, then you may enter a claim for judicial review to quash the decision. In order to proceed with a claim for judicial review an initial application for permission will need to be made to the Administrative Court, this application is required to be made "promptly and in any event within three months of the decision". The initial permission application will decide if you have an arguable case, whether you are sufficiently materially affected by the decision to bring the claim. If you are granted permission to bring the claim it will proceed to a full hearing at the Administrative Court. Although there is no requirement for you to do so it is highly recommended that you seek independent legal advice before bringing forward a claim for Judicial Review.
3. If you are aggrieved by the decision of the Local Planning Authority to grant permission subject to conditions, you may appeal to the Secretary of State for the Environment in accordance with Section 78 of the Town and Country Planning Act 1990 within six months (see para 2a below) of the date of this notice. (Appeals must be made on a form which is obtainable from the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, tel. 0303 444 5000 or online at <https://www.gov.uk/planning-inspectorate>). You must use a Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the appeal form you require. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that the permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements as set out in Section 78 of the Town and Country Planning Act 1990, to the provisions of the development order, and to the directions given under the order. He does not in practice refuse to entertain appeals solely because the decision by the Local Planning Authority was based on a direction given by him. Appeals- new time rules. Appeals relating to applications made to the Local Planning Authority on, or after, 5th September 2003 must be made within six months of the date of this notice.
4. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application then, you must do so in accordance with the guidance found using the following link <https://www.gov.uk/appeal-enforcement-notice>.
5. If permission to develop land is granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
6. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.
7. This permission covers only consent under the Town and Country Planning Acts and does not give permission to demolish a Listed Building, for which separate consent is required. Amongst other things the consent of the Council of the district in which the land is situated may be required under the Building Regulations and if the proposals affect land within the limits of the highway (that is between the highway fences or hedges) the separate consent of the Highway Authority may also be required. Steps to obtain the necessary further consents should be taken before proceeding with the development.

SHOPS, OFFICES, FACTORIES, EDUCATIONAL BUILDINGS & BUILDINGS TO WHICH THE PUBLIC ARE TO BE ADMITTED : ACCESS AND PROVISION FOR THE DISABLED PERSONS

- 1 The Local Planning Authority is required to bring to your attention the requirements of the Disabled Persons 1981, Building Regulations 1991 "Access and facilities for Disabled People" document M and the Chronically Sick & Disabled Act 1970 (as amended 1976) (Sections 4.7.8 and 8A) requiring the provision of access facilities, car parking and toilets for the disabled and the provision of signing indicating what provision has been made for disabled persons within the building. Your attention is also drawn to the Code of Practice B.S 5619 "Design of Housing for the convenience of Disabled People", 1978 and Code of Practice, B.S. 5810 : 1979, "Access for the Disabled to buildings" available from the British Standards Institution, 2 Park Street, London W1A 2BS. (Tel 071-629-9000) and (in so far as educational buildings are concerned), to Design Note 18 "Access for the Physically Disabled to Educational Buildings."
- 2 The buildings to which these requirements apply are :-
 - a) Buildings to which the public are to be admitted to which Section 4 of the Chronically Sick & Disabled Act 1970 (as amended 1976) applies.
 - b) Offices, Shops & Railway Premises as defined in the Offices, Shops & Railway Premises Act 1963 or premises deemed to fall within the Act.
 - c) Factories as defined by Section 175 of the Factories Act 1961.
Educational Buildings as defined by Section 29B of the Disabled Persons Act 1981.

PPNOTES (02/07/2014)



Hinckley & Bosworth
Borough Council

Start Notice

Important Information – Please keep this with your decision notice

Please read the above decision notice carefully and ensure that you understand and comply with the requirements of any planning conditions imposed.

If you require any further information about why a particular planning condition has been imposed or in respect of what information is needed to discharge your condition please contact the case officer who will be happy to advise of the requirements and information required.

We carry out a programme of site monitoring to check compliance with conditions in order to proactively manage the development and to ensure development is carried out in accordance with the planning permission granted.

Please ensure that any application for the discharge of pre-commencement conditions are carried out in a timely manner as this may take up to 8 weeks depending on the requirements of the condition. Please also be aware there is a charge to discharge conditions per request which means you can discharge conditions individually or group details together as a single request to discharge multiple planning conditions. The fee for discharging these pre-commence conditions, can be found on the [planning portal](#).

We would be grateful if you could email the development address and application reference number with your contact details and the intended start date by email to planning@hinckley-bosworth.gov.uk or complete the form on the reverse.

Hinckley & Bosworth Borough Council
Hinckley Hub, Rugby Road, Hinckley, Leicestershire, LE10 0FR
TEL: 01455 238141 EMAIL: planning@hinckley-bosworth.gov.uk



Hinckley & Bosworth
Borough Council

Development Details

Planning application ref:	22/01232/CONDIT
Proposal:	Variation of Condition 02 (Approved Plans) and Condition 05 (Parking Spaces) for Planning Permission 22/00660/FUL. Date of Decision: 23/09/2022. Variation to include amendments to location of car parking provision.
Site Location:	57 Kennel Lane Witherley Atherstone Leicestershire CV9 3LJ

Date when work is intended to start:	
Have all pre-commencement conditions been discharged?	
Signed:	Print Name:

Your contact details (or attach letterhead/business card):

Name:	
Address:	
Telephone:	
Mobile:	
Email:	

Hinckley & Bosworth Borough Council
Hinckley Hub, Rugby Road, Hinckley, Leicestershire, LE10 0FR
TEL: 01455 238141 EMAIL: planning@hinckley-bosworth.gov.uk

Delegated Report

Planning Ref: 22/01232/CONDIT
Applicant: Mr Daniel Swift
Ward: Twycross Sheepy & Witherley



Hinckley & Bosworth
Borough Council

Site: 57 Kennel Lane Witherley Atherstone

Proposal: Variation of Condition 02 (Approved Plans) and Condition 05 (Parking Spaces) for Planning Permission 22/00660/FUL. Date of Decision: 23/09/2022. Variation to include amendments to location of car parking provision.

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. Section 73 of the Town and Country Planning Act 1990 allows applications to be made for permission to develop without complying with a condition previously imposed on a planning permission. In this case, planning permission for application 22/00660/FUL granted full planning permission for the erection of a two-storey rear extension that extended across two existing semi-detached dwellings at 57 and 59 Kennel Lane, Witherley.
- 2.2. The planning permission approved a two-storey rear extension that extended the entire width, 20.6m, of two existing semi-detached dwellings at 57 Kennel Lane, Witherley. The new kitchen, utility and store components of the extension have an external width of 6m and a depth of 4.3m, whereas the new dayrooms have an external width of 4.4m and a depth of 3.4m. This increased the capacity of both dwellings to four-bedroom properties. The development was gable-ended and matched the roof ridge height (6.5m) and the eaves height (3.9m) of the existing dwellings.
- 2.3. Condition 02 of that planning permission required the development to be built in complete accordance with the approved plans that were submitted to the Local Planning Authority. Condition 05 of that planning permission required the implementation of the six proposed designated off-street vehicle parking spaces prior to the first use of the properties.
- 2.4. This application seeks planning permission for the variation of Condition 02 and Condition 05 of that planning permission to enable the development to relocate the proposed parking provision for the development from the south of the site to the front western elevation of 57 Kennel Lane and to the southern side elevation of 59 Kennel Lane. The approved development proposed six to eight off-street vehicle parking spaces; however, this Section 73 application only proposes six parking spaces.
- 2.5. In line with guidance from the Good Design Guide, the Planning Officer highlighted concerns to the Applicant regarding the off-street parking provision, which consisted of over half of the front elevation of the property. The Applicant provided revised plans on 20 March 2023.

3. Description of the site and surrounding area

- 3.1. According to the Witherley Conservation Area Appraisal (2007), the 960sqm application site is located outside of the conservation area and settlement boundary of the rural village of Witherley. However, the site is identified within Witherley's settlement boundary in Policy H2 of the Witherley Neighbourhood Development Plan (WNDP), which is currently subject to public consultation as per Regulation 156 of the Neighbourhood Planning (General) Regulations 2012. Policy H1 of the WNDP also highlights the site as an area that is supported for the development of 15 dwellings by 2039.
- 3.2. 57 and 59 Kennel Lane are associated with the historic Atherstone Hunt buildings that are identified within the WNDP and Leicestershire & Rutland Historic Environment Record MLE 24331 as unlisted buildings of local historical or architectural significance. The stables and kennels of the Atherstone Hunt are to the north of the cottages and have recently had planning approval (21/00789/FUL) for the extension and alteration of these former kennels and stables to form eight dwellinghouses.
- 3.3. On the eastern edge of Witherley's settlement boundary, the application site has a largely rural context, with open countryside to the south and east of the site. However, there are residential properties to the north, northeast, southwest and west of the site. The site is accessed to the south of the cottages.

4. Relevant planning history

22/00660/FUL

- Proposed two storey rear extensions to existing 2no dwellings
- Permitted
- 23.09.2022

21/00789/FUL

- Conversion, extension and alteration of former kennels and stables to form 8no. Dwellinghouses, erection of replacement dwellinghouse, conversion of outbuildings to home offices, erection of garaging and formation of new vehicular access and parking for adjacent cottages
- Permitted
- 26.01.2022

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.
- 5.2. No responses have been received.

6. Consultation

- 6.1. Witherley Parish Council have objected to the application because the relocation of the off-street vehicle parking has a significant detrimental impact to the historical interest of the locally designated heritage asset and the character of the street scene.
- 6.2. There have been no objections from the following consultants:
- Hinckley & Bosworth Borough Council (HBBC)'s Conservation Officer
 - HBBC's Drainage Officer
 - HBBC's Pollution Officer
 - HBBC's Waste Management Officer

- Leicestershire Highway Authority (LHA) (subject to conditions)

6.3. No further responses have been received.

7. Policy

7.1. Core Strategy (2009)

- Policy 12: Rural Villages

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

- Policy DM1: Presumption in Favour of Sustainable Development
- 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. Witherley Neighbourhood Development Plan

- Policy H1: Residential Site Allocations
- Policy H2: Settlement Boundary
- Policy H5: Design

7.4. National Planning Policies and Guidance

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

7.5. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)
- Highway Authority Design Guide

8. Appraisal

8.1. The principle of development, siting and design of the proposed extensions and alterations have already been established through the earlier grant of the extant planning permission on the site. As this application only involves the alteration of the development's materials, the key issue in respect of this application is therefore:

- Design and impact upon the character of the area
- Other Issues
- Conditions

Design and impact upon the character of the area

8.2 Policy DM10 requires new development to complement or enhance the character of the surrounding area with regards to scale, layout, density, mass, design, materials, and architectural features.

8.3 The Good Design Guide recommends that, where hard standing is proposed at the front of a property, this should not constitute more than 50% of the total area.

8.4 Concerns were raised regarding the application by the Council's Conservation Officer and Witherley Parish Council in relation to the off-street parking provision having a detrimental impact on the character of the non-designated heritage assets and the wider street scene. The proposed parking provision for 59 Kennel Lane is to the side of the property, which is not considered to result in a significant adverse impact to the front elevation of the property or the wider street scene.

- 8.5 Revised plans were submitted on 20 March 2023 that relocated the parking provision for 57 Kennel Lane so that Parking Spaces 1 and 3 are in tandem on the northern side elevation of the property, and Parking Space 2 is adjacent to Parking Space 1. As a result, the proposal's provision of hardstanding does not consist of over half of the front of the property, which is considered to reduce its impact on the character of the locally designated heritage asset, and the wider street scene.
- 8.6 Furthermore, this Section 73 Application provides landscaping features in the form of garden walls and hedging that flanks the parking spaces and divided the front gardens of the two semi-detached properties. This is considered to represent a minor improvement to the character of the site in comparison to the low timber boarded fences that were in situ prior to the commencement of the development.
- 8.7 On balance, and by virtue of the landscaping provision and the relocation of the parking spaces for 57 Kennel Lane prior to determination, it is considered that the relocation of the off-street parking provision for 57 and 59 Kennel Lane, Witherley does not have a significant adverse impact on the character of the surrounding area in accordance with Policies DM10, DM11, and DM12 of the adopted SADMP, and the adopted Good Design Guide.

Other issues

- 8.8 The proposed amendments to the parking provision within the previously approved planning permission have no adverse impacts on neighbouring residential amenity in accordance with Policy DM10 of the adopted SADMP.
- 8.9 For single dwellings, private accesses require a minimum effective width of 2.75m in accordance with Table DG17 of Part 3 of the Leicestershire Highway Design Guide (LHDG). 57 Kennel Lane has a minimum effective access width of 5.3m, and 59 Kennel Lane has a minimum effective access width of 4.25m, which are both in accordance with Table DG17 of Part 3 of the LHDG.
- 8.10 Both properties have visibility splays of 2.4m by 43m in both directions, which is considered acceptable by the Local Highway Authority (LHA). Whilst the LHA note that vehicles for 57 Kennel Lane are required to reverse onto a busy classified 'C' road, the LHA state that this is a similar situation to the majority of other dwellings along Kennel Lane and, as such, is not considered a reason for refusal.
- 8.11 The application provides three off-street vehicle parking spaces for both properties and it is considered that the internal layout of the development is in accordance with Paragraph 3.151 (Quantum of Parking Provision), Paragraph 3.165 (Parking Dimensions), and Figure D13 (Turning Facilities) of Part 3 of the LHDG. Given the above, it is considered that the proposal does not create a significant adverse impact on highway safety and the road network in accordance with Paragraph 111 of the NPFF, and Policies DM17 and DM18 of the SADMP.

Conditions

- 8.12 Planning permission 22/00660/FUL was subject to six conditions.
- 8.13 Time cannot be extended or altered for Section 73 applications and, as such, Condition 01 (Time) needs to refer to the original 3-year time scale for implementation of the development.

- 8.14 The approved plans in Condition 02 (Approved Plans) require amendment to demonstrate the location of the new off-street vehicle parking spaces.
- 8.15 Condition 03 (Materials), Condition 04 (Matching External Materials), and Condition 06 (Provision of Waste and Recycling Storage) do not relate to off-street vehicle parking and therefore do not require amendment.
- 8.16 Condition 05 (Parking Spaces) needs amending to specify and identify the new amended plans that demonstrate the location of the off-street vehicle parking spaces.
- 8.17 All the conditions remain reasonable and necessary to ensure satisfactory development of the site. Two additional conditions are recommended by the Local Highway Authority regarding access arrangements, visibility splays and access drive surfacing, which are considered necessary in the interests of highway safety in accordance with the National Planning Policy Framework.

9. Equality implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states: -
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.
- 9.3 There are no known equality implications arising directly from this development.
- 9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

- 10.1. The proposed development is considered to be compliant with Policies DM1, DM10, DM11, DM23, DM17 and DM18 of the SADMP, Policy 1 of the adopted Core Strategy and relevant national as it:
- Does not have an adverse impact upon the character and appearance of the area
 - Does not have a significant adverse impact upon the amenity of neighbours
 - Does not affect the sufficient provision of off-street vehicle parking
- 10.2. Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission is granted,

subject to amended conditions. Two additional conditions are considered necessary in the interests of highway safety.

11. Recommendation

11.1 Grant planning permission subject to:

- Planning conditions outlined at the end of this report

11.2 Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of the original planning permission 22/00660/FUL on 23 September 2025.

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 received by the Local Planning Authority, as follows:
 - Location Plan, Block Plan & Site Plan 9754-03E (submitted: 20.03.2023)
 - Existing and Proposed Floor Plans and Elevations (submitted: 18.07.2022)

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

3. The materials to be used on the external elevations of the proposed extension and alteration shall accord with the approved Existing and Proposed Floor Plans and Elevations (submitted: 18.07.2022).

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

4. The materials to be used on the external elevations of the proposed extension and alteration shall match the corresponding materials of the existing dwelling.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. The development hereby permitted shall not be first used until such time as the 6 designated parking spaces identified in the Location Plan, Site Plan & Block Plan 9754-03E (submitted 20.03.2023) have been implemented. 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 in the interests of highway safety and in accordance with the National Planning Policy Framework (2021).

6. The development hereby permitted shall not be first used until such time as the scheme makes adequate provision for waste and recycling storage of containers and collection across the site which has been submitted to and approved in writing to the Local Planning Authority. The details should address accessibility to storage facilities and confirm adequate space is provided at the adopted highway boundary to store and service wheeled containers.

Reason: To support the policies within the Wheeled Bin and Container Policy (updated March 2018) and to ensure that there is adequate provision of waste and recycling storage so that the amenity of the occupants of the proposed development are not adversely affected in accordance with Hinckley and Bosworth Borough Council's Wheeled Bin and Contained Policy (updated March 2018), Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Section 46 of the Environmental Protection Act 1990.

7. No part of the development hereby permitted shall be occupied until such time as the access arrangements, visibility splays of 2.4 metres by 43 metres, parking and turning for number 57 and 59 Kennel Lane as demonstrated on Location Plan, Block Plan & Site Plan', drawing number 9754.03E have been implemented in full. These shall thereafter be permanently maintained with nothing within the splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To ensure that vehicles entering and leaving the site may do so in a slow and controlled manner, to afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, and that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally in the interests of general highway safety and in accordance with the National Planning Policy Framework (2021).

8. The development hereby permitted shall not be occupied until such time as the access drive (and any turning space) has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

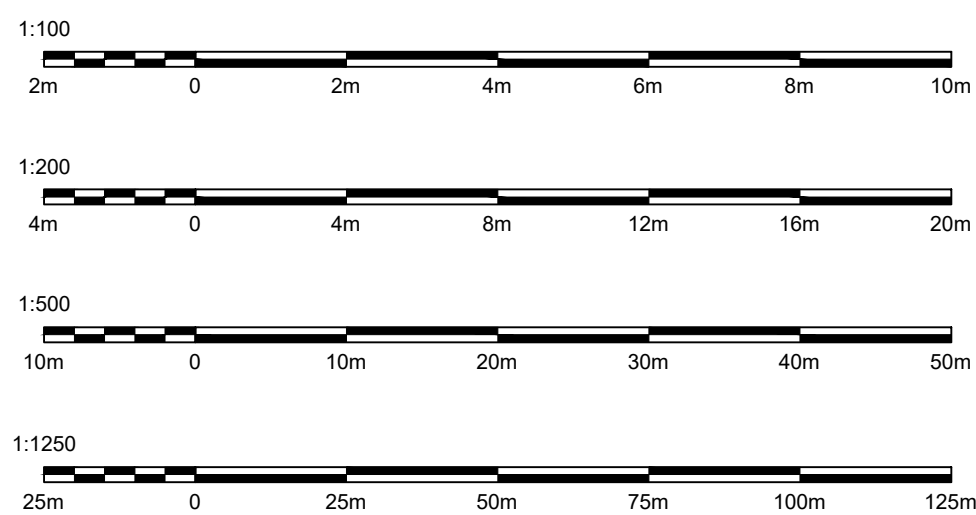
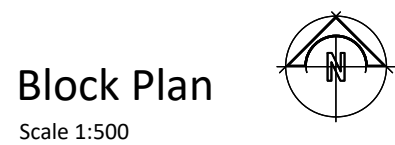
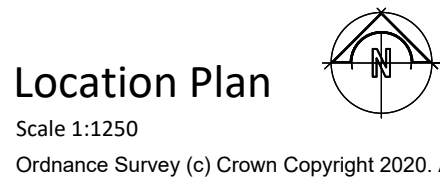
Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with the National Planning Policy Framework (2021)

a. **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. The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance, or alternatively assembled from modular surface water storage/soakaway cell

systems, incorporating silt traps. Design and construction of all types of soakaways will be subject to the approval of the Building Control Surveyor.

3. 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).
4. The LHA note there is a lighting column that would be likely to obstruct vehicles accessing and egressing the site. This would highly likely be required to be relocated entirely at the Applicants expense.
5. The Applicant is advised that notwithstanding planning consent, a separate application will be required to be made to the LHA for Vehicular Accesses for both number 57 and Number 59 Kennel Lane. Further information can be found at <https://www.leicestershire.gov.uk/roads-and-travel/cars-and-parking/vehicle-access-dropped-kerbs>.
6. 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.



The Builder is to check and verify all buildings and site dimensions, levels and sewer invert levels prior to commencement of work.

Do not scale off this drawing, work to figured dimensions only.

This drawing must be read and checked with all structural and relevant specialist drawings.

The Builder is to comply in all respects with the current Building Regulations and latest Codes of Practice.

revisions		JOB No.
No.	Description	Date
A	Site Plan amended	10.01.23
B	Scale bars and parking bay dimensions added.	11.01.23
C	Parking bays 1 & 2 to 59 Kennel Lane amended	11.01.23
D	Landscaping noted	02.02.23
E	Parking bays 57 Kennel Lane amended and visibility displays shown	20.03.23

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Proposed Extensions and Alterations at
57 & 59 Kennel Lane, Witherley. CV9 3LJ

Location Plan, Block Plan & Site Plan

SCALE	DATE	DRAWN	JOB No.
Noted @ A1	May 22	ae	9754.03E

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