

Delegated Report

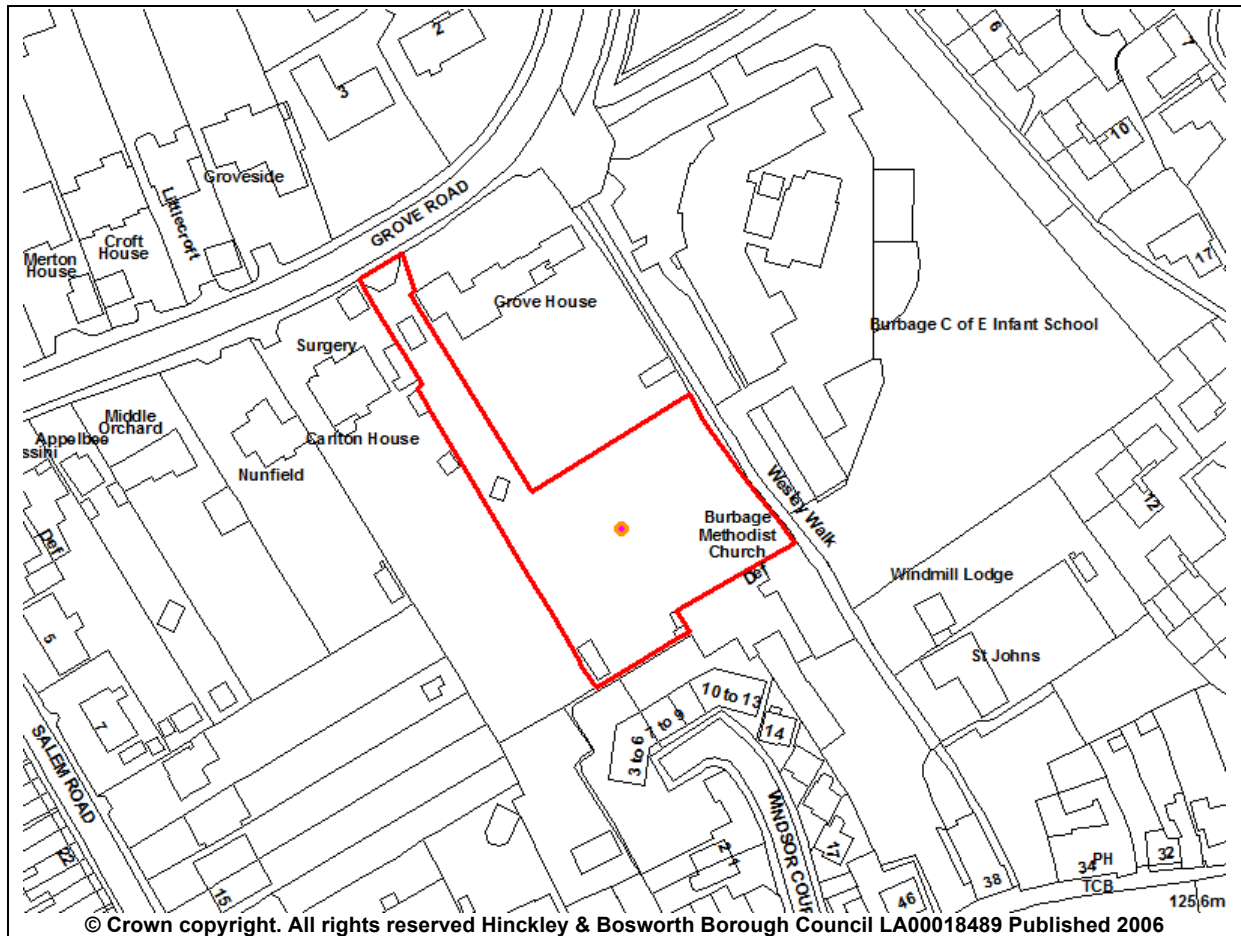
Planning Ref: 24/00601/FUL
Applicant: Grove Homes Midlands Limited
Ward: Burbage St Catherines & Lash Hill



Hinckley & Bosworth
Borough Council

Site: Grove House Grove Road Burbage

Proposal: Proposed Erection of five new dwellings to the rear of Grove House (retrospective), Grove Road, Burbage, Leicestershire



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

2. Planning Application Description

- 2.1. This application seeks full planning permission for the erection of five dwellings on land to the rear of Grove House, Grove Road, Burbage.
- 2.2. Final amended plans were submitted on 10 & 14 October 2024 (relationship between Plot 1 & 2 improved, distance between them maximised, boundary changed and improved, amenity improved). The submitted plans show the existing garden serving Grove House being subdivided, with five new dwellings to the rear. An existing garage to the side of the property has been demolished to make way for

the access to the new dwellings, which runs along the side boundary with Carlton House. A number of ancillary garden outbuildings, together with an underground brick shelter and boundary trees need to be removed for the new access. Car parking spaces for the proposed dwellings would include garage spaces as well as on-site parking. A pedestrian-only access/ exit on to Wesley Walk would also be provided. 3 visitor parking spaces are also provided along the main access to the site.

- 2.3. As the planning history below lays out the site benefitted from a 2019 permission for 5 dwellings (19/00743/FUL). Please see a comparison between the 2019 permission and the current proposal below:

Plot 1:

2019 = 90m²

2024 = 108m²

Amenity area proposed= 81m²

Plot 1 footprint increased marginally to improve living quality.

Ground Floor: Hall, wc, utility, study, lounge, sitting room, dining room, kitchen

First Floor: Hall, 3 bedrooms (1 en-suite), family bathroom

Plot 2:

2019 = 142m² (including 18m² for Carport)

2024 = 155m² (including 22m² for Garage)

Amenity area proposed= 153m²

Plot 2 footprint increased marginally to improve living quality.

Plot 2 Carport amended into Garage to provide improved security to dwelling.

Ground Floor: Hall, study, wc, lounge, open plan sitting room/ dining room/ kitchen

1st Floor: Hall, family bathroom, 4 bedrooms (2 en-suite)

Plot 3:

2019 = 216m² (including 34m² for Carport)

2024 = 220m² (including 17m² for Garage)

Amenity area proposed= 182m²

Plot 3 2019 included accommodation in loft space, now omitted from 2024.

Plot 3 Carport amended into Garage to provide improved security to dwelling.

Exact same accommodation provided above garage in 2024 application.

Ground Floor: Hall, utility, cloakroom, wc, lounge, open plan sitting room/ dining room/ kitchen, single bay integral garage

First Floor: 4 bedrooms (2 en-suite), 1 family bathroom

Plot 4:

2019 = 104m³ (Carport beneath Study)

2024 = 107m² (Carport beneath Bedroom 3)

Amenity area proposed= 94m²

Plot 4 additional 3m² is only front dormers to Bedroom 3.

Ground Floor: Hall, wc, lounge, open plan sitting room/ dining room/ kitchen

1st Floor: Hall, 4 bedrooms (1 en-suite), family bathroom

Plot 5:

2019 = 335m² (including Garage)

2024 = 381m² (including Garage & 14m² Rear GF Extension)

Amenity area proposed= 272m²

Plot 5 includes additional single storey GF extension to rear, additional accommodation (gym) within eaves of garage roof.

Ground Floor: Hall, cloak room, wc, utility room, play room, lounge, open plan sitting room/ dining room/ kitchen

1st Floor: Hall, study, family bathroom, 3 bedrooms (3 ensuite bathrooms, 1 with dressing room), gym over 2 bay integral garage

2nd Floor: Hall, Master ensuite bedroom with study and dressing room area.

- 2.4. All dwellings have generally been kept to the original dwelling layout as per the previous application, to ensure the site does not feel congested. Plots 3, 4, and 5 are following the original footprint, as they already have foundations formed. When compared to the 2019 permission bedroom numbers have not increased, therefore the occupancy of the development is not increasing. The ridge height of the proposed dwellings do not exceed what was approved on the previous planning application.
- 2.5. Each plot has also been allocated its own garden amenity space, designed to meet the requirements of the Hinckley and Bosworth 'The Good Design Guide', which states the requirement for 80sqm for a three+ bedroom house. All plots have at least this size amenity space.
- 2.6. The hardstanding/access road has been amended/widened. Car parking spaces have been improved from the previous application with now a provision for visitor parking too. The access is unchanged from the original approved application, with the road widened to ensure emergency service turning. There is a separate pedestrian access to the rear of the site from Wesley Walk for residents and visitors. The tree originally proposed to be retained along the side access has been removed in the past enabling the amendments to the access.
- 2.7. In terms of materials, brickwork is proposed for all dwellings to ensure there is cohesion between the development and Grove Road. Also proposed are interlocking slate tiles, stone window head, brick plinth at base, stone cill, green roof canopy, photovoltaic panels. The 5no. dwellings have taken complimentary features from Grove House to the frontage of Grove Road. Specifically, to Plot 5, which is visible from the street scene.

3. Description of the Site and Surrounding Area

- 3.1. The application site comprises an area of garden land, now cleared of lawn, to the rear of Grove House. It is generally rectangular in shape and was an underused part of the residential curtilage of the property. The proposed site is now separated from the main part of the garden which is immediately to the rear of Grove House.
- 3.2. Site levels are relatively flat with two storey residential properties immediately to the rear (south) and Burbage Methodist Church, which backs on to the south-east corner of the site. There are similarly large, detached dwellings located to the west, along Grove Road. To the north-east, the site is bounded by a public footpath (Wesley Walk), beyond which is Burbage C of E Infant School. With those two exceptions, the area otherwise comprises primarily residential development of varying styles and design. The application site is located within the settlement boundary of Burbage. The eastern boundary of the Burbage Conservation Area is located approximately 50 metres from the proposed access and 80 metres from the north-eastern corner of the proposed site, which shares its boundary with Wesley Walk. A tree preservation order is located to within the neighbouring dwelling, Carlton House, and within the boundary of the access proposed to serve the dwellings (ref:96/00011/TPORD).
- 3.3. Grove House is a large dwelling constructed in the 1930s on a plot formerly part of a nursery (part of the Hurst family horticultural business). The dwelling is of high quality with Domestic Revival and Neo-Classical architectural influences, these

being typical of dwellings of relatively high status constructed during the inter-war period. The plot also has an extensive width and depth providing it with a large rear garden, this being typical of the former Hurst land along Grove Road as it was sold off for similar single plot developments. For the reasons specified above Grove House has historic and aesthetic value ensuring it is of heritage interest. The original construction is largely unaltered and retains a great deal of integrity. The width of the dwelling, making full use of the plot, accompanied with its position ensures that the building has a visual prominence in the street scene. There is a clear historic and in part aesthetic association with the similar inter-war dwellings along Grove Road which provides Grove House with group value. Such integrity, landmark quality and group value ensures that the local significance of the building is special and it stands out within the surrounding environment. For these reasons the local planning authority identify Grove House as a locally important heritage asset (a non-designated heritage asset in terms of the National Planning Policy Framework), with this assertion being based on assessing the building against the Council's adopted selection criteria for local heritage assets. The building is also identified as being a local heritage asset within the Burbage Neighbourhood Plan.

- 3.4. The site is located close to the centre of Burbage and is therefore well served by the existing infrastructure of the urban centre. There is a bus stop located approximately 150 yards from the site and Hinckley train station is within 2 miles away of the development.

4. Relevant Planning History

23/00205/CONDIT	Variation of conditions 2, 3, 7, 9, 10, 11, 12, 13, 17 and 18 of planning permission 19/00743/FUL. Amendment to include approved plans, levels, materials, Arboricultural Method Statement and Tree Protection Plan, site specific no-dig drive construction method statement, sustainable drainage principles (SuDS), Construction Environmental Management Plan, hard and soft landscape works, Written Scheme of Investigation (WSI), and Archaeological Built Heritage Assessment.	Withdrawn	02/07/2024
22/00859/CONDIT	Variation of condition 02 & 9 (approved drawings) for Planning Permission 19/00743/FUL Date of Decision: 25/10/2019. Variation to include changes to plans of plots 1, 2, 3, 4 & 5.	Withdrawn	12/05/2023

19/00743/FUL	Erection of 5 dwellings with vehicular access and associated parking and garages	Permitted	25/10/2019
00/00223/FUL	Single storey front and rear extensions	Permitted	17.04.2000
03/01495/OUT	Residential development (Renewal of 01/00283/OUT)	Approved	07.06.2004
01/00283/OUT	Residential Development (Renewal of 98/00647/OUT)	Approved	16.05.2001
98/00647/OUT	Residential development (Renewal of 96/00146/OUT)	Approved	08.09.1998
96/00146/OUT	Residential development (Renewal of 92/01014/4)	Approved	23.04.1996
92/01014/4	Erection of three dwellings	Refused	23.12.1992

It is important to note that development has commenced on site subject to application 19/00743/FU. However, this is in the absence of pre-commencement conditions being discharged. Legal advice has been sought and those conditions were judged to go to the heart of the permission and therefore the development has commenced unlawfully. The applicant is aware of this and has continued on site at their own risk. Notwithstanding this the approval in 2019 is a material consideration.

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 and 2 objections have been received from 2 separate addresses, raising the following concerns:-

- 1) Why did the Conifer trees have to be cut down? They gave great cover and privacy.
- 2) There are 2 shipping containers next to a neighbours fence with constant overlooking from site workers.
- 3) There are 2 buildings that look very close to the fence on Wesley Walk
- 4) The access drive should have been placed down the Wesley Walk side of Grove House
- 5) Many mature trees were removed to make the current access.
- 6) The proposed is out of character with the surrounding area and is overdevelopment of the plot.
- 7) No parking should be allowed on this access drive to avoid noise and disruption.
- 8) Restrictions for ball games etc must be put in place.
- 9) Streetlights must be screened from this neighbouring dwelling
- 10) No refuse bins should be placed along the boundary with this neighbours dwelling.
- 11) A lot of biodiversity has been lost from the site. How is this to be rectified?

- 12) The density of development is considered excessive when compared to the 3 dwellings previously approved;
- 13) It is not in keeping with the existing texture and character of the built up area or the size and scale of neighbouring dwellings;
- 14) It does not protect the locally listed status of Grove House and will result in overdevelopment of one of the most iconic houses in Grove Road;
- 15) It will harm the amenity of neighbours including loss of privacy by overlooking and light pollution;
- 16) An additional access and traffic will be harm highway safety, especially in regard to schoolchildren;
- 17) How will waste collection and bin storage be carried out?
- 18) Oppressive impacts on outlook from the rear of neighbouring properties
- 19) Loss of property value;
- 20) Insufficient parking provision will lead to parking congestion and further harm to road safety;
- 21) Potential residents should be aware that the Burbage Methodist Church, which backs on to the site, is illuminated at night and has air conditioning units;
- 22) Burbage Neighbourhood Plan identifies a need only for small and medium houses, not large ones;
- 23) It will result in loss of wildlife and habitat;
- 24) The loss of features will change the nature of the setting of the locally listed building. It will also reduce the capacity for biodiversity enhancement. The design does not use green roof technology;
- 25) It will create a precedent for other similar developments, eroding the beauty and character of Grove Road;
- 26) It will result in the loss of an air raid shelter;
- 27) Any windows facing across the school should have frosted glass;

6. Consultation

6.1. Burbage Parish Council & a Local Cllr object for the following reasons:-

- The proposed amended scheme is considered to be over-development of the site as property sizes have increased from those previously approved
- Members are extremely concerned about the increased biodiversity loss that would be caused by the amended scheme and the absence of mitigating measures, leading to a failure to demonstrate biodiversity net gain.
- The external appearance of the proposed dwellings is felt to be out of keeping with the character of the area and incongruous in the setting.
- There is no pedestrian footpath provision along the access road, leading to concerns about pedestrian safety.
- No waste/recycling servicing area is indicated, suggesting that bins may be left on the highway on collection days, causing obstruction to pedestrians and further compromising pedestrian safety.
- There is insufficient parking provision for visitors.
- As a result of the issues outlined above, there is concern that emergency vehicles may be impeded in accessing the site and that pedestrians may be at risk should emergency vehicle access be required.

6.2. No objection subject to conditions from:-

- 1) LCC Highways

- 2) LCC Ecology- updated survey asked for but please see the Ecology section below for more info.
 - 3) LCC Archaeology- No objections
 - 4) HBBC Environmental Health (Drainage)
 - 5) HBBC Waste
- 6.3. No objection from HBBC Environmental Health (Pollution)
- 6.4. No objection from the LCC Conservation Officer
- 7. Policy**
- 7.1. Core Strategy (2009)
 - Policy 4: Development in Burbage
- 7.2. Site Allocations and Development Management Policies DPD (2016)
 - Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM3: Infrastructure and Delivery
 - Policy DM6: Enhancement of Biodiversity and Geological Interest
 - 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. Burbage Neighbourhood Plan (BNP) 2021
 - Policy 1 Settlement Boundary
 - Policy 2 Design and Layout
 - Policy 4 Parking
 - Policy 9 Wildlife and Green Corridors
 - Policy 12 Important Trees
- 7.4. National Planning Policies and Guidance
 - National Planning Policy Framework (NPPF) (2023)
 - Planning Practice Guidance (PPG)
 - Planning (Listed Buildings and Conservation Areas) Act (1990)
 - Burbage Conservation Area Appraisal
- 8. Appraisal**
- 8.1. Key Issues
 - Assessment against strategic planning policies
 - Design and impact upon the character of the area
 - Impact upon Trees
 - Impact upon neighbouring residential amenity
 - Impact upon highway safety
 - Drainage
 - Impact upon Archaeology
 - Impact upon Ecology
 - Obligations
 - Other issues

Assessment against strategic planning policies

- 8.2. Paragraphs 11-13 of the National Planning Policy Framework (NPPF) state that the development plan is the starting point for decision making. The NPPF is a material consideration in determining applications. The development plan in this instance consists of the Site Allocations and Development Management Policies (SADMP) DPD (2016) and the Core Strategy (2009).
- 8.3. Policy DM1 of the adopted SADMP and paragraph 12 of the NPPF provide a presumption in favour of sustainable development with planning applications that accord with the policies in the Local Plan should be approved unless material considerations indicate otherwise.
- 8.4. Core Strategy Policy 4 supports residential development in Burbage in principle with land to be allocated for a minimum of 295 residential dwellings. The site is within the settlement boundary for Burbage as outlined in the SADMP and Policy 1 of the Burbage Neighbourhood Plan (BNP) and within good access to public transport and local services.
- 8.5. The Council has published an updated 5yr housing land supply calculation on 29th July. This updates the 5yr housing land supply position from March 2023 to March 2028 and demonstrates a 5.6yr supply of housing, with a surplus supply of 145 dwellings over the five year period.
- 8.6. For decision taking, a 5yr housing land supply is a material consideration in all relevant applications for dwellings in the Borough. Despite being able to demonstrate a housing land supply, due to the age of relevant housing policies in the Core Strategy, in accordance with paragraph 11d) of the NPPF, the Council should still grant permission for housing unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.
- 8.7. Given the site is located within the settlement of Burbage the principle of the development is acceptable. This is subject to all other planning matters being satisfactorily addressed.

Design and impact upon the character of the area and Heritage Assets

- 8.8. Policy DM10 of the adopted SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the local area generally.
- 8.9. 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. The SPD advocates the use of a Building for Life Assessment.
- 8.10. 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.
- 8.11. Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD seek to protect and enhance the historic environment and heritage assets. Policy DM12 states that “development proposals should ensure the

significance of a conservation area is preserved and enhanced” and that “assets identified on the Locally Important Heritage Asset List” should be retained and enhanced wherever possible. The significance of the assets illustrated in the List and the impact on this significance should be demonstrated and justified in line with Policy DM11”. The SADMP DPD also states that “development proposals should make every effort to retain the significance of locally listed heritage assets”. Policy DM11 requires that all development proposals which have the potential to affect a heritage asset or its setting will be required to demonstrate:

- a) An understanding of the significance of the heritage asset and its setting, and
- b) The impact of the proposal on the significance of the asset and its setting, including measures to minimise or avoid these impacts; and
- c) How the benefits of the proposal will outweigh any harm caused

- 8.12. Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraph 201 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account. In weighing applications that directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the asset.
- 8.13. 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.
- 8.14. Policy 2 of the BNP outlines that residential development must respect its surroundings and, where appropriate, should follow the existing pattern of development and should retain existing important natural features on the site, such as trees, hedgerows and streams.
- 8.15. Grove House is a large dwelling and represents a high quality representation of the inter-war domestic architectural style with a relatively high status. The dwelling is of high quality with Domestic Revival and Neo Classical architectural influences, these being typical of dwellings of relatively high status. The original construction is largely unaltered and retains a great deal of integrity. The house is set within a large plot which allows for the appreciation of the scale with the building having a visual prominence within the streetscene. Similarly large plots are located in the vicinity and as such it is also considered to have group value.
- 8.16. Grove House is identified as a Local Heritage Asset within the Burbage Neighbourhood Plan. For these reasons the building is of historic and aesthetic value, and given its age, integrity, landmark quality and group value, Grove House is of special local significance, therefore it should be considered as a local heritage asset (a non-designated heritage asset in terms of the NPPF (para.209).
- 8.17. The proposal seeks to utilise an existing access point from Grove Road with a drive to the side of Grove House providing access to the land to the rear of the house. Five detached two storey dwellings are proposed on the application site. The proposed development would reduce the depth of the garden of Grove Road by approximately half to a distance of 30m from the rear elevation of the house to northern boundary of the application site, defined by a hedgerow. No alterations are proposed to Grove House itself.
- 8.18. The proposal will have no direct impact upon the aesthetic value and integrity of Grove House. By virtue of the siting of the proposed dwellings to the rear of Grove House and their scale they are not likely to be particularly visible from Grove Road,

so Grove House will continue to be a landmark within the street scene and the historic and aesthetic significance offered by this quality can continue to be appreciated. The extent of the depth of the plot to Grove House will be reduced by the proposed development; however Grove House will retain a large and wide garden allowing a sense of high status and its associated historic interest to be retained. Overall, it is considered that the proposal will have no adverse impacts upon the significance of Grove House.

- 8.19. As identified above the Burbage Conservation Area is located approximately 50m from the proposed application site access and approximately 80m from the north-eastern corner of the proposed site, therefore it must be assessed if the site falls within the setting of these assets. The NPPF (Annex 2) defines the setting of a heritage asset as “the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.” Historic England provide advice on the setting of heritage assets in their Good Practice in Planning Note 3 (2015), this identifies that the surroundings in which an asset is experienced may be more extensive than its curtilage. The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way which we experience an asset in its setting is also influenced by other factors such as noise, dust and vibrations from other land uses in the vicinity, and by our understanding of the historic relationship between places. The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting as this will vary over time and according to circumstance.
- 8.20. Historic England recommends undertaking a five step approach to assessing change in the setting of heritage assets. The first step is to identify which heritage assets and their settings of affected by the proposal. There is some distant inter-visibility between Pughes Paddock at the western edge of the conservation area and the frontage of Grove House. The western section of the conservation area is characterised by a number of mature trees located around Pughes Paddock and within the grounds of the Moat House care home. It is likely that a small number of these trees are visible from the application site looking north-eastwards. As a result it is considered that the application site is located within the extended setting of the conservation area.
- 8.21. Step 2 is to assess the degree to which these settings make a contribution to the significance of the heritage asset or allow that significance to be appreciated. There are a number of mature trees within the front garden and along the front boundary to Grove House. There is a limited visual relationship between the western section of the conservation area and the application site and any views between the two are set within the context of existing development, including large buildings set within mainly verdant plots. The application site has similar verdant characteristics to the western section of the conservation area but given the distance between them and the associated limited inter-visibility it is considered that the application site only makes a neutral contribution to the significance of the conservation area.
- 8.22. Step 3 is to assess the effects of the proposed development, whether beneficial or harmful, on the significance of the conservation area or on the ability to appreciate that significance. When viewed from Pughes Paddock the frontage of Grove House itself will remain unaltered and the visual impact of creating the access driveway is considered negligible. Any possible views of mature trees located within the

conservation area from the application site itself are likely to remain possible due to the siting of the proposed dwellings so the verdant character of the conservation area can continue to be appreciated. Existing trees and hedgerows on the site are to be retained which would maintain the verdant character of the setting of the conservation area along Grove Road. Such vegetation will also screen the development to a certain degree from the wider area. Due to the siting of the site access and proposed dwellings and the retention of mature trees and vegetation within the grounds the neutral contribution the application site makes to the significance of the conservation area will be maintained and therefore the impact of the development on its significance is not considered to be adverse.

- 8.23. Step 4 in the Historic England assessment approach is to explore ways to maximise enhancement and avoid or minimise harm, but given the neutral impact of the proposal on the significance of the conservation area it is not considered that any actions to be meet this aim are necessary. Step 5 relates to making and documenting the decision and monitoring outcomes. Such recommended good practice has been achieved by setting out the assessment stage of the decision-making process in an accessible way in the body of this report.
- 8.24. In conclusion it is considered that despite a reduction in the extent of its plot the key elements of significance of the local heritage asset known as Grove House will be retained and preserved. The application site is located within the extended setting of the Burbage Conservation Area, by virtue of the siting of the site access and proposed dwellings and the retention of mature trees and vegetation within the site the neutral contribution the application site makes to the significance of the conservation area will be maintained therefore the impact of the development on its significance is not considered to be adverse. For these reasons it is considered that the proposal complies with Policies DM11 and DM12 the SADMP and section 16 of the NPPF.
- 8.25. The principle of the layout/ backland has been established by the previous consent.
- 8.26. In terms of design & materials the nearby vicinity has a variety of high-quality traditional architecture including the Burbage Infant School, St Catherine's Church and multiple listed buildings along Church Street, just east of the proposed development. The main features present on these listed buildings along Church Street is their traditional design and detailing. As for the immediate site on Grove Road, there is a variety of large, gated dwellings set back from the street scene. These large dwellings range in materials, with brick and render being the prominent choices. Timber and cast stone can also be seen throughout dwellings on Grove Road, these materials however, are only noticeable as features on the front façades.
- 8.27. The aim of the proposed materials and the architectural style of the dwellings is to ensure there is cohesion between the development and Grove Road. Proposed materials are facing brickwork, stone sill, slate tiles, corner brick detail, stone window head, stone central window head detail, brick course detail, brick plinth detail, green canopy roof, pv panels, brick/ stone column, recessed brick detail to chimney, corner brick detail.
- 8.28. The choices of materials, as illustrated on the plans, would be appropriate for the site and would match well with the existing structures to be retained & existing dwellings along Grove Road. The proposed materials are considered acceptable.

The proposed site plan, elevations and floor plans, illustrate that the scheme would be a suitable form of development that respects the existing character of the site, whilst ensuring that the resultant built form is appropriate for the needs of modern habitation.

- 8.29. The design of the dwellings is considered to respect local distinctiveness and the street scene & complement the character of the surrounding area.
- 8.30. Final landscaping details could be secured by condition. Electric vehicle charging points could be secured by condition to secure compliance with policy DM10g).
- 8.31. Overall, it is considered that, on balance, the proposal complements the character of the surrounding area in scale, layout, density and design, in compliance with policy DM10 c) of the SADMP. Therefore, in accordance with NPPF paragraph 139 the development is considered to be reflective of local design.

Impact on trees

- 8.32. Policy DM6 of the adopted SADMP seeks to conserve and enhance features of nature conservation value and retain, buffer or manage favourably such features. Policy DM10 of the adopted SADMP requires development to incorporate a high standard of landscaping where this would add to the quality of the design.
- 8.33. There are a number of mature trees within and surrounding the site that contribute to the visual amenity of the surrounding area especially the trees to the front of the application site. An existing Tree Preservation Order (TPO) is in situ upon the neighbouring property and includes a large Chestnut which borders the application site access. The proposed layout has been designed to enable the important trees on the site to be retained. In order that the trees are protected before, during and post development conditions were added to the 2019 permission requiring, prior to any development, the submission of an Arboricultural Method Statement, a site specific Tree Protection Plan and a site specific no-dig drive construction method statement. These tree conditions were not complied with and the access was created, which was unlawful. No further tree information was submitted with the current application but as some work has already been carried out some of the above requirements are no longer necessary. Notwithstanding that a condition is required to ensure an updated tree survey is carried out alongside a tree protection plan to ensure that the development hereby approved does not add further damage to any onsite trees. As the development is being undertaken at present the condition requires submission of the tree protection plan and survey within 28 days of this permission to ensure swift protection of the trees.
- 8.34. A landscaping and BNG condition will also ensure that a suitable number and types of trees are planted to compensate for the few trees that were felled prior to their current ownership of the site.
- 8.35. It is therefore considered, on balance, and subject to strict adherence to the conditions that the current proposal is in line with the requirements of Policies DM6 and DM10 of the adopted SADMP.

Impact upon neighbouring residential amenity

- 8.36. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.

- 8.37. The application site is situated within a predominately residential area. The whole application site occupies over half of the area of the existing garden. To the south the application site backs onto the rear elevations of Windsor Court and the side elevation of Burbage Methodist Church. The rear elevations of Plots 3 – 5 would back onto these properties. Windsor Court is a two storey complex set away from the boundary by approximately 9 metres, affording an area of parking serving the residents, and the existing boundary comprises of a mix of mature hedging interspersed with trees. Plot 5 would have a rear garden depth of approximately 7 metres, with an overall height of approximately 8.7 metres. Given the separation distance which would be in excess of 20 metres, from the proposed rear elevation windows serving plot 5 and those windows contained within the rear elevations of Windsor Court, the proposed dwelling would not result in any significant overbearing impacts or loss of light or loss of privacy to the windows or private residential amenity areas serving Windsor Court. This is further reduced due to the existing boundary treatments along the boundary and the proposed laurel hedgerow.
- 8.38. Situated to the west of the application site, the site is adjoined by Carlton House, which is a large two storey detached dwelling, set away from the shared boundary by approximately 6 metres and approx. 57m from the front elevation of the proposed dwelling in plot 5. The internal access road to the dwellings would run along the boundary with Carlton House. The approved 2019 application was supported by a Road Traffic Noise Report, which models the sound pressure levels at existing residential receivers due to road traffic sources from this proposal, specifically along the internal access road which would serve the development. The report identified that the change in sound pressure levels as a result of road traffic using the proposed access would have a negligible impact in both short and long terms, and would not be sufficient to necessitate the requirement of noise insulation. Environmental Health have considered the application and supporting documents and have no objections to the proposed development. Given this and taking into consideration the extensive wide and long garden which serves Carlton House, it is not considered that the introduction of an internal access serving dwellings to the rear of the site would result in an adverse impact upon this dwelling, in terms of noise and disturbance.
- 8.39. Plot 5 would be situated immediately adjacent to the west facing boundary of Carlton House, and would be set away from the boundary by approximately 2.5 metres. There are two first floor windows which would face towards Carlton House, which would serve an ensuite bathroom and a secondary window to bedroom 4. On the 2nd floor roof space one roof light would serve as a secondary window for the master bedroom. Given this relationship to Carlton House, it is necessary to impose a condition to ensure that these 3 windows are obscurely glazed and retained as such. A wildflower meadow is to be planted along this boundary along with several trees which would further improve screening along this boundary but the details of this are to be finalised through conditions regarding BNG gain and landscaping.
- 8.40. Plot 1, is situated to the north eastern side of the proposed access, set in from the boundary of Carlton House by approximately 11 metres, and is a two storey dwelling. As a result of amended plans the dwelling in plot 1 has been rotated so that there is only 1 bedroom facing the rear elevation of plot 2. There are 2 first floor windows situated within the south west facing elevation which would serve 2 bedrooms, however given the separation distance across an access, with the proposed 2m high closed boarded fence along this western boundary and additional tree planting which will be conditioned it is not considered that this would result in significant overlooking or loss of privacy to the rear amenity serving Carlton House. The rear elevation of Plot 1 would be situated between 1 and 2m from the rear

boundary of Grove House and 25m from the rear elevation of Grove House itself. One first floor window is proposed for this rear elevation which would serve a bathroom. Given this close relationship it would be necessary to ensure that this window is conditioned to be obscurely glazed. The remaining rear garden is to be retained for Grove House therefore given the extensive length of the garden, the scale of the proposed dwellings and the proposed boundary, it is not considered that the proposed dwellings would have any adverse impact in terms of overbearing or overshadowing of Grove House. The ground floor rear elevation has a utility room entrance door. Amenity would be protected through boundary fencing and soft landscaping.

- 8.41. Plot 2 is also situated in close proximity to the boundary of Grove House but approx. 25m from the rear elevation of Grove House itself. The front elevation of Plot 2 faces the side elevation of Plot 1. On the ground floor would be an entrance door and hallway on the south-eastern corner along with a kitchen and hall window. On the 1st floor here would be 2 bedrooms and a landing area. The 1st floor landing area window would be obscure glazed by condition. The rear elevation of Plot 2 would have a sliding door for the lounge and sitting room area. The distance between the 1st floor bedrooms of plot 2 and the habitable rooms of plot 1 is only 12m which is not ideal but bearing in mind the 2019 permission, the internal re-arrangements made for plot 1 and conditions which will be imposed for additional landscaping on this side it is considered acceptable. On the elevation facing Grove House a ground floor entrance door is proposed only for this elevation. The 1st floor windows on the SE Elevation of plot 2 would be for bathrooms and would also be obscure glazed by condition to protect neighbouring amenity.
- 8.42. The relationship between the dwellings of plot 1 and plot 2 is of particular interest because they are just 12m from each other, which is acceptable but with minimal or no fenestration. As mentioned amendments have been made by reducing the number of bedrooms on the side elevation of plot 1 to one. The only habitable room window on the ground floor of plot 2 facing plot 1 would be a kitchen window and there would be adequate screening present. This would be improved by additional landscaping which will be conditioned. The relationship between these 2 dwellings isn't ideal at 1st floor level but due to the amendments made and the fact these dwellings are an equivalent distance from each other as the approved 2019 application, the relationship is considered acceptable in this case.
- 8.43. The rear of Plot 2 would face towards Burbage Infant School and there is a public footpath present between, known as Wesley Walk. The garden depth of Plot 2 would be approximately 10 metres, with the school positioned approximately 20 metres from the proposed rear elevation, with any views being limited to the existing roof scape of the school.
- 8.44. The rear elevations of plots 3 and 4 do not extend to the extent of Plot 5. The rear elevation of Plot 3 would face towards the side elevation of the Burbage Methodist Church, which has two high level windows which face onto the application site. The rear elevation of Plot 4 would also face this side elevation of the Methodist Church and a parcel of land situated to the west of the front elevation of the Methodist Church, Windsor Court continues beyond. A footpath would extend along the rear garden areas of Plots 3 and 4 from Wesley Close. Given the use of this neighbouring building, and the relationship between the proposed dwellings and the existing Church, it is not considered that the proposed development would have any adverse impacts on the Church, and there would be no adverse impact upon future residents which would arise from the existing use of this building.

- 8.45. The proposed dwellings would be served by reasonably sized gardens to provide adequate amenity space of future occupiers. The dwellings would be sufficiently separated from one another to avoid overlooking or inter visibility of windows. Therefore the proposed layout would afford future occupiers a reasonable level of amenity.
- 8.46. The development has been designed to ensure there would be no adverse impact upon the amenity of existing and future occupiers and is therefore in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.47. Policy DM17 of the SADMP supports development proposals where they demonstrate that there would be no adverse impacts on highway safety and that development is located where the use of sustainable transport modes can be maximised. Policy DM18 of the SADMP seeks an appropriate level of parking provision within sites to serve the development. Policy 5 of the BNP requires two off-street parking spaces to be provided for each new dwelling, unless it is unachievable.
- 8.48. The proposal seeks access off Grove Road, to serve a development of 5 dwellings to the rear of Grove House. A development for five new dwellings would not result in traffic movements on a scale that would exceed the capacity of the highway network.
- 8.49. The submitted proposal demonstrates that the proposed access is capable and can achieve adequate visibility to accord with Leicestershire Highway Design Guide. The Local Highway Authority has reviewed personal injury collision data for the most recent 5 year period, and there has been no recorded personal injury collision with the vicinity of the site. The proposed layout would provide a minimum of two off-street parking spaces to serve each of these three to five bedroom plots within detached garages and forecourt hardstanding providing parking and turning space within the site.
- 8.50. Leicestershire County Council (Highways) has assessed the scheme and raises no objection in principle subject to the imposition of a number of highway related conditions to control and manage construction traffic and surface water and the provision of satisfactory access and off-street parking provision in accordance with the submitted site layout plan and highway design guidance.
- 8.51. Subject to development in accordance with the recommended conditions, the proposal would be in accordance with Policies DM17 and DM18 of the adopted SADMP.

Drainage

- 8.52. Policy DM7 of the adopted SADMP seeks to prevent development from resulting in adverse impacts on flooding by ensuring that development does not create or exacerbate flooding.
- 8.53. The application site is within Flood Zone 1, (low less than 1 in 1,000 annual probability of flooding). Environmental Health (Drainage) has assessed the information submitted and raises no objection in principle to the scheme subject to a planning condition being imposed to require the submission of a surface water drainage system incorporating sustainable drainage principles for prior approval to ensure that the development would be compatible with Policy DM7 of the adopted SADMP.

Impact upon Archaeology

- 8.54. Policy DM11 and DM12 of the adopted SADMP seeks to ensure that development proposals shall protect, conserve and enhance the historic environment.
- 8.55. The application site is situated within an area of archaeological interest as identified within The Leicestershire and Rutland Historic Environment Record. The site is situated within the medieval and post medieval historic settlement core of Burbage (HER ref:MLE2848), as such it is anticipated that the site has the potential to contain buried above ground evidence of the occupation and settlement of the village dating from early medieval period to modern times. It is also possible that unrelated prehistoric and Roman remain may occur within the area, namely the supposed discovery of a Roman mosaic floor in the Horsepool/Croft area of Burbage (MLE7936). It is adjacent to Burbage Wesleyan Chapel and Day School (HER Ref:MLE18023 and MLE18024).
- 8.56. The development proposals include works such as foundations and services which would likely impact upon those remains. Leicestershire County Council (Archaeology) have received confirmation from the archaeological consultant who carried out the archaeological investigations (trial trenching and historic building recording) that the project archives for the above site have now been deposited. LCC Archaeology therefore recommend that no further archaeological involvement is required and no archaeological conditions will be necessary for the current planning application.
- 8.57. Therefore the development would not have a detrimental impact upon the understanding of the significance of any heritage asset, and would therefore be in accordance with Policies DM11 and DM12 of the SADMP.

Impact upon Ecology

- 8.58. Policy DM6 of the SADMP states that major developments must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services. On-site features should be retained, buffered and managed favourably to maintain their ecological value, connectivity and functionality in the long-term.
- 8.59. The 2019 application was supported with an Ecological Survey which showed that the buildings on site to be demolished were unsuitable to support roosting bats. No evidence of other protected species was recorded and the site was generally considered to have a low potential to support protected species and nesting birds. LCC Ecology had no objections to the proposal.
- 8.60. The current application is accompanied with a BNG statement and a BNG report and LCC Ecology were consulted. An updated BNG Survey was requested by LCC Ecology but as mandatory BNG doesn't apply to retrospective planning permissions this is not necessary prior to the determination of the application. 10% BNG can be encouraged though and agreement has been reached with the developer to come as close to this % increase as possible. With this in mind a landscaping & LEMP Condition which will require information on BNG % increase will be added to any permission, if granted.
- 8.61. Therefore subject to a condition, the development would accord with Policy DM6 of the SADMP.

Other matters

- 8.62. Street Scene Services (Waste) advises that refuse and recycling collection is from the public highway and therefore it is necessary to impose a condition to secure waste collection and storage across the site is submitted and agreed prior to the development being occupied.
- 8.63. Objections have been received in respect to loss of property value. Value of properties is not a material planning consideration, and therefore is not a matter which can be taken into consideration as part of this application. The other planning related matters raised have been addressed in the body of the report and through the conditions below.

9. Equality Implications

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

10. Conclusion

- 10.1. The application site is within the settlement boundary of Burbage where sustainable residential development is acceptable in principle, in accordance with Policy DM1 of the SADMP.
- 10.2. The application site is considered to be situated within the extended setting of the Burbage Conservation Area, and Grove House is also identified as a Local Heritage Asset, and as such given its given its landmark value, Grove House is considered as a local Heritage Asset. The proposed development due to its siting, scale and relationship to Grove House and the Conservation Area, is not considered to result in an adverse impact upon the significance of Grove House, and due to the siting of the site access and the retention of mature trees and vegetation within the grounds the neutral contribution the application site makes to the significance of the conservation area would be maintained. The proposed development by virtue of the proposed layout, scale, design and appearance would not give rise to any material adverse impacts on the amenities of the occupiers of any neighbouring properties. The proposed layout also allows adequate access and off-street vehicle parking and turning to be provided within the site to ensure that it would not result in any

adverse impact on highway safety, and neither would the proposed have an impact upon Archaeology.

- 10.3. The proposed scheme is considered to be in accordance with Policy 4 of the Core Strategy and policies DM1, DM6, DM7, DM10, DM11, DM12, DM13, DM17 and DM18 of the SADMP.

11. Recommendation

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

- Planning conditions outlined at the end of this report.

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

11.3. Conditions and Reasons

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

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

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

Site Location Plan Drg. 198-TAA-XX-ZZ-DR-A-0001-P01 received 19.06.2024

Proposed Site Plan Drg No. 198-TAA-XX-ZZ-DR-A-1000-P08 received 10.10.2024

Plot 1 Floor Plans Drg No. 198-TAA-XX-ZZ-DR-A-1100-P09

Plot 1 Elevations Drg. No. 198-TAA-XX-ZZ-DR-A-1101-P08 received 14.10.2024

Plot 2 Floor Plans Drg No. 198-TAA-XX-ZZ-DR-A-1200 P07

Plot 2 Elevations Drg No. 198-TAA-XX-ZZ-DR-A-1201-P07

Plot 2 Garage Plans, Elevations Drg No. 198-TAA-XX-ZZ-DR-A-1202-P05

Plot 3 Ground, First Floor Plans Drg No. 198-TAA-XX-ZZ-DR-A-1300-P07

Plot 3 Roof Plan Drg No. 198-TAA-XX-ZZ-DR-A-1301-P06

Plot 3 Elevations Drg No. 198-TAA-XX-ZZ-DR-A-1302-P06

Plot 4 Floor Plans Drg No. 198-TAA-XX-ZZ-DR-A-1400-P07

Plot 4 Elevations Drg No. 198-TAA-XX-ZZ-DR-A-1401-P06

Plot 5 Ground Floor Plans Drg No. 198-TAA-XX-ZZ-DR-A-1500-P05

Proposed Plot 5 First Floor Plans Drg No. 198-TAA-XX-ZZ-DR-A-1501-P06

Plot 5 Second Floor Drg No. 198-TAA-XX-ZZ-DR-A-1502-P05

Plot 5 Roof Plan Drg No. 198-TAA-XX-ZZ-DR-A-1503-P04

Plot 5 Front, Rear Elevations Drg No. 198-TAA-XX-ZZ-DR-A-1510-P05

Plot 5 Side Elevations Drg No. 198-TAA-XX-ZZ-DR-A-1511-P04 all received 10.10.2024

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

3. No part of the development hereby permitted shall be occupied until such time as the access arrangements, parking and turning as shown on 'Proposed Site

Plan', drawing number 198-TAA-XX-ZZ-DR-A-1000-P08 have been implemented in full. Once provided, they shall be maintained and made available for use in perpetuity.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner and to ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally and to enable vehicles to enter and leave the site in a forward direction in the interests of general highway safety and in accordance with the National Planning Policy Framework (December 2023).

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

Reason: To ensure the bin storage on site is not detrimental to the street scene and overall design of the scheme, in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document.

5. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order) no gates, barriers, bollards, chains, or other such obstructions shall be erected to the vehicular access within a distance of 5 metres of the highway boundary.

Reason: To allow vehicles to stand clear of the highway in the interests of highway safety to accord with Policies DM17 and DM18 of the Site Allocations and Development Management Policies Development Plan Document.

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

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

7. The window situated within the 1st floor landing window in the front elevation of Plot 2, the 1st floor ensuite window in the rear elevation of Plot 1 and the ensuite and bedroom windows within the first floor and 2nd floor of the south west facing side elevation of plot 5 shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale and non-openable prior to first occupation of each plot. Once so provided the windows shall be permanently maintained as such at all times thereafter.

Reason: To safeguard the privacy and amenity of neighbouring dwellings from potential overlooking in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

8. Within 3 months of the date of this decision surface water drainage details, incorporating sustainable drainage principles (SuDS) shall be submitted to and approved in writing by the local planning authority and the scheme shall subsequently be implemented in accordance with the approved details before the development is completed and any dwelling is occupied.

Reason: To ensure that the development is provided with satisfactory surface water drainage and does not create or exacerbate flooding in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2012).

9. Prior to the commencement of any development in accordance with this permission a Construction Environmental Management Plan shall be submitted to and agreed in writing by the local planning authority. The plan shall detail how, during the site preparation and construction phase of the development, the impact on existing and proposed residential premises and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light and land contamination. The plan shall detail how such controls will be monitored. The plan will provide a procedure for the investigation of complaints. The CEMP shall be submitted to the Local Planning Authority within 28 days of this decision. The agreed details shall be implemented throughout the course of the development.

Reason: To protect the amenity of the occupiers of neighbouring dwellings in accordance with Policies DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

10. Prior to the first occupation of any dwelling on the site full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:
 - a) Means of enclosure
 - b) Hard surfacing materials
 - c) Planting plans
 - d) Written specifications
 - e) Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
 - f) Implementation programme.

Soft landscaping/planting details shall be in accordance with the approved BNG details submitted in accordance with condition 12.

Reason: To enhance the appearance of the development, to protect the privacy and amenity of the future occupiers of the dwellings hereby permitted and the occupiers of neighbouring properties and to ensure that the works are carried out in a reasonable period of time to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11. Prior to first occupation of any dwelling on the site a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall include the following details:

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

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

Reason: In order to protect the protected wildlife species and their habitats that are known to exist on site in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

12. Prior to the commencement of any development in accordance with this permission, an updated Tree Survey (reflecting the current trees on site) and a Tree Protection Plan prepared by a suitably qualified arboriculturist shall be submitted to and approved in writing by the local planning authority. The Tree Survey and Tree Protection Plan shall be submitted to the Local Planning Authority within 28 days of this decision. The development shall then be carried out in strict accordance with the approved details.

Reason: To ensure the existing trees to be retained and their root systems are adequately protected during construction in the interests of conserving the visual amenity of the area and biodiversity of the site to accord with Policies DM6 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 136 of the National Planning Policy Framework (2023).

13. Before first occupation of any of the dwellings hereby permitted, the access drives, parking spaces and turning areas shall be 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 permanently so maintained at all times thereafter.

Reason: To reduce the possibility of deleterious material (loose stones etc.) being deposited in the highway in the interests of highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

14. Prior to first occupation of any dwelling details of any external lighting of the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. This information shall include a layout plan with beam orientation and a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details.

Reason: To help prevent and control light pollution in accordance with Policy DM6 & DM7 of the Site Allocations and Development Management Policies DPD (2016) and the NPPF

15. Within 3 months of the date of this decision a scheme for the installation of electric vehicle charging points will be submitted to and approved in writing by the local planning authority. The scheme shall identify the number of units to benefit from electric charging points, together with full detail of the location and fitting of the units. Thereafter the charging points shall be installed in accordance with the approved details prior to the first occupation of the dwelling to which they relate and they shall then be retained and maintained in perpetuity.

Reason: To ensure that the proposals meet the requirements of Policy DM10 (g) of the Site Allocations and Development Management Policies DPD (2016) and Paragraph 112 (e) of the National Planning Policy Framework.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended by (Amendment) (No.2) (England) Order 2008 (or any order revoking or re-enacting that Order with or without modification) development within Schedule 2, Part 1; Classes A to E; shall not be carried out unless planning permission for such development has first been granted by the Local Planning Authority.

Reason: To safeguard the privacy and amenity of the neighbouring ad future residents in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
3. Prior to construction, measures should be taken to ensure that users of the Public Right(s) of Way are not exposed to any elements of danger associated with construction works.
4. The Public Right(s) of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.
5. The Public Right(s) of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.
6. If the developer requires a Right of Way to be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application

should be made to networkmanagement@leics.gov.uk at least 12 weeks before the temporary diversion is required.

7. Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.
8. No new gates, stiles, fences or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way and the County Council may be obliged to require its immediate removal.
9. No trees or shrubs should be planted within 1 metre of the edge of the Public Right of Way. Any trees or shrubs planted alongside a Public Right of Way should be of a non-invasive species.
10. 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.
11. 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).