

Planning Inspectorate Reference: APP/K2420/W/24/3336777

HBBC Ref: 23/00767/FUL

Appeal by: A T Contracting and Plant Hire

Barrow Hill Quarry, Mill Lane, Earl Shilton, LE9 7TR

Proposal: Erection of 36 holiday lodges and a management building with associated vehicular accesses, parking, surface water balancing and landscaping (revised scheme of application reference 21/01390/FUL).

Statement of the Local Planning Authority

14/05/24

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1.0 Introduction

- 1.1 The Local Planning Authority's assessment of the application is set-out in section 2 of this report. The Local Planning Authority (LPA) maintain their position that planning permission should be refused. The reason for refusal is that the proposal if permitted would constitute overdevelopment of the site which would not complement or enhance the character of the surrounding area with regards to scale, layout and density.

2.0 Assessment of application

2.1 Description of site

- 2.1.1 The application site lies to the south of Mill Lane approximately 2 kilometres from the centre of Earl Shilton. The nearest farm is The Yennards, which is accessed off Potters Marston Lane to the east. Mill Lane also serves Hinckley Equestrian Centre at Mirfield Farm, an existing riding school.
- 2.1.2 The site comprises a former quarry area. A number of PRow footpaths surround the Site including PRow Bridleway U107 that lies along the track at the northern boundary of the Site and leads to the public highway to the east. PRow Footpath T88/1 is at the north western corner of the Site and runs roughly parallel to Mill Lane. The M69 lies to the south of the site
- 2.1.3 The site is within the Burbage Common Rolling Farmland landscape character area, as defined by the Council's Landscape Character Assessment (2017).

2.2 Description of proposal

- 2.2.1 The application seeks permission for the erection of 36 holiday lodges and a management building with associated vehicular access, parking, surface water balancing and landscaping.
- 2.2.2 The application follows a previous permission for 21 holiday lodges on the same site as a revised scheme.

2.3 Site history

2.3.1 21/01390/FUL

- Construction of 21 holiday lodges and associated infrastructure Outline planning permission
- Permitted 11/04/23

2016/CM/0302/LCC

- Restoration of former Barrow Hill Quarry to an agricultural use with inert waste and soils including temporary passing bays on Mill Lane Approval of Reserved Matters (Leicestershire County Council application)
- Refused

2.4 Representations as a Result of Publicity

2.4.1 The application has been publicised by a site notice in close proximity to the site, an advert in the local newspaper and sending out letters to local residents. 2 letters of objection have been received which make the following comments:

- Increasing the number of residential holiday lodges will increase the number of vehicle movements, the turning into Mill Lane is on a blind summit with traffic travelling at 60 mph accidents have already occurred.
- Mill Lane is a single track road, with no passing places, not maintained and suitable only for farm traffic. The applicant states they are willing to upgrade the road and it will be resurfaced and passing places put in but stated that the road may need to be closed for 6 months. But we will require access at all times with large agricultural machines with no other way of getting to our fields available, the ditches each side of road will need to be upgraded to take water run off, currently used by some for regular fly tipping. Also being 'willing' does not necessarily mean 'required to' as part of planning application
- For a "luxury" site all these extra lodges will not enhance the site because of overcrowding leading to loss of privacy for occupants.
- I am deeply sceptical of the whole planning application, as I cannot see the attraction of such a site for a luxury holiday destination
- It should be filled and planted with trees which would be far more beneficial for the environment and the local area.
- Clear contraventions of the Council's own planning policies remain, the same as the last planning application that was approved. These being:
- the proposal contravenes Development Management Policy 4 A, B, C, E and possibly also D as no proposals to date for renewable energy. This also relates to Development Management Policy 10 F and G.
- I can't see how the site will be managed such that it does not infringe on Development Management Policy 7 C or D.
- The requirements of Development Management Policy 10 B and C cannot be met due to the nature of the areas surrounding the site.
- Due to the isolated location of the site Development Management Policy 17 cannot be met. Development Management Policy 17 C is of particular importance and cannot be adhered to due to the access point being from a major A road with a national speed limit.
- Due to the isolated location of the site Development Management Policy 24 also cannot be met.
- No flood risk assessment submitted. Developments over 1ha require an FRA.
- As the conflicts with the Council's own policies above were ignored through the planning phase and again by committee members at hearing, my additional comments are as follows.
- Clearly the initial development was commercially unviable, requiring the applicant to resubmit to include additional units on the site. As the amount of units has increased, all previously approved reports should be reassessed. The additional units will inevitably increase demands on the already approved services, increased frequency of traffic, refuse vehicles, foul sewerage tankers, delivery vehicles, increase in vehicular movements through the Mill Lane/A47 junction, storm water run-off via impermeable surfaces. There will also be a decrease in bio-diversity. • Planning approval for this new application should not be warranted on an initial ill thought out, bad business venture.

- There is also STILL no information relating to the existing or proposed ground levels on the development. The site currently lies lower than Mill Lane. If ground levels were to be raised then any buildings placed on site will be clear to see, absolutely not in keeping with the surrounding countryside.
- Unless restrictions are placed on proposed levels then the applicant, who is known to have a very large quantity of material associated with earthworks activities stored locally, will have the perfect opportunity to dispose of this material within the site. Do earthworks exercises constitute a commencement of development? If not, how will the council ensure that the proposed road improvement scheme will be delivered, once the applicant has filled the site in question and destroyed Mill Lane in the process?
- At the committee meeting where the previous scheme was approved it was stated that this site will absolutely not be used as a traveller's site. This new application has increased unit numbers with a much denser overall layout. I feel that this is just the start, with the site ultimately evolving into exactly that, a traveller's site.
- If this site was proposed in the middle of any of the surrounding villages then it would never have been granted approval. Therefore, why is it acceptable in the countryside? It seems there are different rules in that regard?

2.4.2 Earl Shilton Town Council did not provide comments for this application. However, the Town Council did object to the previous scheme, making the following comments:

- This application fails to address certain concerns or is contrary to HBBC planning policies:
- HBBC policy DM4 – ‘development in open countryside outside the settlement boundary’.
- Mill Lane from the A47 Clickers Way to Barrow Hill Quarry is a farm track so only accessible safely by 4 wheel drive vehicles during the best of weather conditions. It is not suitable for family saloon holiday traffic.
- Health and safety issues. The site is close to the M69 and subject to exhaust fume and noise pollution due to the prevailing wind and cannot be seen in isolation to the plans for the HNRFI; in particular new M69 junctions proposed for the motorway.
- What lies beneath the quarry site? Is there methane under where the 21 lodges are to be sited as has been the recent major issue at Huncote Leisure Centre, (a former household waste site)?

Given that this scheme is very similar to that which the Town Council previously objected to, it is reasonable to assume that their objections would be maintained in this instance.

2.4.3 No objections were received from any other statutory consultees, including no objections from Leicestershire County Council Highways.

3.0 Reason for refusal

3.1 The reasons of refusal given is:

‘The proposal would lead to the overdevelopment of the site which would not complement or enhance the character of the surrounding area with regards to scale,

layout and density contrary to policy DM10 of the Site Allocations and Development Management Policies DPD 2016.

- 3.1.1 Policy DM4 of the SADMP states that development in the countryside will be considered sustainable where it does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and it does not undermine the physical and perceived separation and open character between settlements; and it does not create or exacerbate ribbon development.
- 3.1.2 Policy DM10 of the 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.
- 3.1.3 The site is within Landscape Character Assessment Area (LCA) F: Burbage Common Rolling Farmland, identified by the Borough Council's Landscape Character Assessment (2017). The key characteristics of this Landscape Character Area, as relevant to the Site, are listed below:
- 1) Large scale, gently rolling arable and pasture farmland with local variations in topography influenced by small streams.
 - 2) Burbage Common and ancient woodland is of national and local importance as an ecological and recreational resource.
 - 3) Medium to large scale rectilinear field pattern bounded by low hedgerows and post and wire fencing with smaller scale pasture fields around the settlements. Field boundaries and hedgerows generally follow contours.
 - 4) Urban fringe influences as a result of exposed settlement edges of Hinckley and Earl Shilton situated on higher ground and recreational uses around Burbage Common.
 - 5) Sparse settlement within the area, comprising individual buildings and scattered farm complexes.
 - 6) Major transport corridors dissect the landscape and introduce noise and movement.
 - 7) Open landform and lack of tree cover allows for expansive and distant views to edge of settlement, often situated on the skyline, and punctuated by major infrastructure.
 - 8) Public rights of way including the Leicestershire Round, concentrated around Burbage Common and extending outside the borough into Blaby.
 - 9) Green Wedge providing separation between Hinckley and Barwell and green infrastructure to the cluster of settlements of Burbage, Hinckley, Barwell and Earl Shilton."
- 3.1.4 The application site falls within sensitivity area 11: Earl Shilton East. The area is described as 'a semi-rural area in arable land use with limited tree planting'. The key sensitivities for this area are listed below:
- Mature trees in hedgerow and woodland in the landscape;
 - Open views and some intervisibility to higher lying land including parts of Earl Shilton settlement;
 - Semi-rural nature of the landscape;
 - Isolated farmsteads; and
 - Woodland and wetland habitats

- 3.1.5 The application site is within the boundaries of the former quarry, but outside of the lake that lies to the south. More mature scrub with some trees lies at the boundaries of the site, with greater gaps in this boundary vegetation and security fencing at the roadside, along the access track and designated PRow bridleway to the north, and to the eastern boundary, that allow for some visibility into the site at these accessible locations.
- 3.1.6 Views of the site from the north, from Earl Shilton, are considered to be limited, however the site is visible from nearby public rights of way and from passing traffic on the M69 to the south. The existing permission for 21 holiday lodges on the site is noted, however the increased proposal to 36 lodges is considered to be harmful in terms of the impact on nearby views of the site and the wider countryside.
- 3.1.7 The existing permission for 21 holiday lodges allows for a significant proportion of the site to remain undeveloped, allowing sufficient space for landscaping, sufficiently allowing for non developable areas due to levels and allowing for relevant drainage infrastructure to be provided. The existing permission is low in density, in keeping with the surrounding area by not introducing significant built form and allowing for an open layout of the site and allowing for wide amenity areas between the lodges.
- 3.1.8 This application does not allow for any of the above. The increase in density of the scheme results in significantly greater built form on the site, allowing for less space for landscaping, both to the boundaries and internally on the site, and allows for less space between the lodges. This contrasts with the previous permission, with any views of the site noting the open nature of the site and space provided, compared to this application scheme of high density and an appearance of holiday lodges back to back and cheek by jowl when viewed from any surrounding perspective. Together with the increase in density of holiday lodges, this proposal will have a resulting increase in provision of hardstanding on the site to allow for the increase in parking provision to serve the lodges and likely increase in hardstanding to amenity areas around the lodges.
- 3.1.9 The proposal is considered to be harmful through its scale, layout and density. The proposal is located in an open countryside location that is agricultural in nature immediately to the north, east and west of the site. This agricultural nature of the surroundings is emphasised by the nature of Mill Lane to the south of the A47, with this road only tarmacked in surface for the first few meters to allow access to the equestrian centre, thereafter becoming a rough track leading to the site. Views along this track in all directions are of open countryside.
- 3.1.10 The proposal, at the increased density proposed, is considered to be incongruous in this open countryside setting, with an appearance of an entrance to a modern residential estate or commercial caravan site, insufficient in provision of sufficient landscaping and open space within the site boundary. The proposal is therefore not considered to be justified in its countryside setting at this increased scale, with no suitable justification put forward by the applicant.
- 3.1.11 The proposal is therefore considered to fail to meet any criteria (a-e) of Policy DM4 of the Council's Site Allocations and Development Management DPD and does not protect the intrinsic value, beauty, open character and landscape character of the countryside. Furthermore, the proposal does not complement or enhance the character of the surrounding area with regard to scale, layout, and density. The proposal is therefore considered to be contrary to Policies DM4 and DM10 of the Site Allocations and Development Management DPD. There are not considered to be any

public benefits arising from the proposal, of an increased density over and above the existing permission for 21 holiday lodges, that would outweigh the identified harm to the character and appearance of the site and wider open countryside.

4.0 Conclusion

- 4.1 The Local Planning Authority maintain their position that planning permission should be refused for the reasons set-out on the decision notice.
- 4.2 Policy DM10 of the adopted SADMP seeks to ensure that development complements or enhances the character of the surrounding area. The application site is located in the open countryside, remote from services and facilities, and the proposal would be visible from public viewpoints. The increased density of the site, adding 15 additional holiday lodges over and above those already permitted, is considered to introduce an incongruous form of development in the countryside, resulting in additional built form and cramped layout of development not in keeping with its setting. Whilst further landscaping details would be considered, the increase in density of the site is considered to result in significantly less open space within the site and less space available for both internal and buffer landscaping.
- 4.3 There are no public benefits arising from the proposal for additional holiday lodges on the site over and above those already permitted which would outweigh the significant and permanent harmful effects of the scheme on the open and undeveloped rural character of the site. Therefore the proposed scheme would be contrary to Policies DM4 and DM10 of the adopted SADMP.

5.0 Planning Conditions

5.1 If the Inspectorate is minded to allow the appeal, the following conditions are suggested:

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 be carried out in accordance with the following details:
 - a. Site Location Plan drawing number 5001 received 7 August 2023
 - b. Layout Plan drawing number 5002 received 7 August 2023
 - c. Access Plan drawing number 5003 received 7 August 2023
 - d. Elevations and Floorplans drawing number 5004 received 7 August 2023
 - e. Elevations and Floorplans drawing number 5005 received 7 August 2023
 - f. Noise Assessment ref 26726-04-NA-O1 dated October 2021
 - g. Ecological Impact Assessment ref RSE_5294_R2_V2_ECIA June 2023Reason: To ensure the development is carried out in accordance with the approved details.
3. No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted in writing to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.
Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).
4. If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted in writing to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the first dwelling being occupied.
Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).
5. No development approved by this permission shall be commenced until a scheme for gas protection on the site has been submitted to and agreed in writing by the Local Planning Authority which shall include details of how any landfill gas shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.
Reason: To ensure public safety and monitor risk in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.
6. Development shall not begin until a scheme for protecting the proposed mobile homes/lodges from noise from the M69 has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the scheme shall be completed before any of the permitted holiday lodges are first occupied.

Reason: To protect amenity and mitigate noise impact in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

7. No development shall take place until a scheme which makes adequate provision for waste and recycling storage of containers and collection across the site has been submitted to and approved in writing by the Local Planning authority. The details should address accessibility to storage facilities and confirm adequate space is provided to facilitate collection of waste via a registered waste carrier. The development shall be carried out in accordance with the approved details.

Reason: To ensure the bin storage on site is not detrimental to the character and appearance of the area and waste can be collected satisfactorily in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

8. The holiday accommodation units shall be for holiday purposes only and shall not be used as the sole or main residence of the occupiers. No person shall occupy any part of the accommodation for a period exceeding four weeks. Furthermore, no person shall occupy the accommodation within a period of two weeks following the end of a previous period of occupation by that same person. The owners/operators of the holiday accommodation shall maintain an up-to-date register of the names and main home addresses of all the individual occupiers and shall make this information available for inspection within 7 days of any request in writing from the Local Planning Authority.

Reason: The site of the permission is outside any area where planning permission would normally be forthcoming for residential development and is permitted only as a dwelling for holiday purposes in the interests of contributing to tourism and the economy of the area and to ensure compliance with Policy DM4 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

9. No development shall take place until a scheme of hard and soft landscaping works, including boundary treatments, for the site, including an implementation scheme, has been submitted in writing to and approved in writing by the local planning authority. The scheme shall be carried out in full accordance with the approved landscaping scheme. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

10. No development shall take place (including ground works or vegetation clearance) until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the LPA. The LEMP shall include the following details: A) Description and evaluation of the features to be created/managed B) Aims and objectives of management C) Appropriate management options for achieving aims and objectives D) Prescriptions for management actions E) Work schedule F) Species/seed mixes to be planted/sown G) Ongoing monitoring and remedial measures The approved plan will be implemented in accordance with the approved details.

Reason: To ensure that the work is carried out within a reasonable period and thereafter maintained in accordance with Policies DM6 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the requirements of the NPPF.

11. No development above foundation level shall commence on site until representative samples of the types and colours of materials to be used on the external elevations

of the holiday lodges and management building hereby permitted have been deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.
Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

12. No external lighting of the site shall be installed until details have been submitted to and approved in writing by the Local Planning Authority. 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 unless the Local Planning Authority gives its written consent to the variation.

Reason: To protect the appearance of the area, the environment and local residents from nuisance from artificial light in accordance with Policies DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

13. Prior to first occupation of the holiday lodges hereby permitted details of the acoustic fence for the development site in relation to height, length, location and proposed materials shall be submitted to and approved in writing by the local planning authority. The acoustic fence shall be erected and in place on site before the holiday lodges are first brought into use.

Reason: In order to help protect users of the site from noise pollution in accordance with Policies DM7 and DM10 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

14. Prior to development above slab level 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.

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.

15. No development shall take place (including ground works or vegetation clearance) until a Construction Environment Management Plan for biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the LPA. The CEMP shall include the following details: A) Identification of potentially damaging construction activities B) Identification of biodiversity protection zones C) practical measures and sensitive working practices to avoid or reduce impacts during construction, in particular for badgers and reptiles D) Timing of works to avoid harm to nesting birds E) Responsible persons for overseeing sensitive works F) Use of protective fencing where required The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the LPA.

Reason: To help to protect and enhance ecological features, habitats and wildlife in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

16. No development shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by the Local Planning Authority. The development must be carried out in accordance with these approved details and completed prior to first occupation on site.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

17. No development shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by the Local Planning Authority. The construction of the development must be carried out in accordance with these approved details.
Reason: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems though the entire development construction phase in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.
18. No occupation of the development approved by this planning permission shall take place until such time as details in relation to the long-term maintenance of the surface water drainage system within the development have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage system shall then be maintained in accordance with these approved details in perpetuity.
Reason: To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development phase in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.
19. No development approved by this planning permission shall take place until such time as infiltration testing has been carried out (or suitable evidence to preclude testing) to confirm or otherwise, the suitability of the site for the use of infiltration as a drainage element, has been submitted to and approved in writing by the Local Planning Authority.
Reason: To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.
20. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of the routing of construction traffic, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.
Reason: To reduce the possibility of deleterious material being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the National Planning Policy Framework 2021.
21. Prior to commencement of development, further details of access road reconstruction and surfacing, to include a bituminous road base, binder and surface course construction dependent on ground investigation and CBR readings, shall be submitted to and approved in writing by the Local Planning Authority. The improvements to the access road, for the full length from the A47 junction to the access to the development, shall then be implemented in accordance with the approved carriageway reconstruction and surfacing details and in accordance with the passing places shown on Bancroft Consulting drawing number F21116/05 prior to first occupation of the development.
Reason: To mitigate the impact of the development and for highway safety reasons in accordance with Policy DM17 of the Site Allocations and Development

Management Policies DPD 2016 and the requirements of the National Planning Policy Framework (2021).

22. No part of the development hereby permitted shall be first used until such time as the access arrangements shown on Bancroft Consulting Drawing Number F21116/01 Rev C have been implemented in full.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the National Planning Policy Framework (2021).

23. No part of the development hereby permitted shall be first used until such time as vehicular visibility splays of 2.4 x 43 metres have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the National Planning Policy Framework (2021).

24. The development hereby permitted shall not be first used until such time as the parking (and turning facilities) have been implemented in accordance with BHC drawing number 5002 Rev C. Thereafter the onsite parking (and turning) provision shall be kept available for such use(s) in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the National Planning Policy Framework (2021).

25. No part of the development hereby permitted shall be first used until such time as the existing gate to prevent unauthorised vehicular access to The Yennards has been relocated to the east of the proposed development access, as detailed within the Applicants Technical Note dated April 2022.

Reason: In the general interests of highway safety in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the National Planning Policy Framework (2021).

26. Prior to construction, any changes to the existing boundary treatment currently separating the application site from the Public Rights of Way U106 and U107, must be approved in writing by the Local Planning Authority in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers Reason: In the interests of protecting and enhancing Public Rights of Way and access in accordance with Paragraph 100 of the National Planning Policy Framework 2021.

27. No trees or shrubs should be planted within 1 metre of the edge of Public Rights of Way U106 and U107. Any trees or shrubs planted alongside a Public Right of Way should be of a non-invasive species.

Reason: To prevent overgrowth in the interests of protecting and enhancing Public Rights of Way and access in accordance with Paragraph 100 of the National Planning Policy Framework 2021.