

Delegated Report

Planning Ref: 24/00240/OUT
Ward: Ratby, Bagworth and Thornton



Hinckley & Bosworth
Borough Council

Site: 44 Ratby Lane, Markfield

Proposal: Outline planning permission (access, landscaping, layout and scale) for the erection of a single dwelling

Recommendations

- 1.1. **Grant planning permission** for the reasons at the end of this report.

Planning application description

- 2.1. The application seeks Outline planning permission (access, landscaping, layout and scale) for the erection of a single dwelling as market housing at 44 Ratby Lane, Markfield. All other matters are reserved.
- 2.2. Following the receipt of amended site plan on 15 May the proposed is to retain the existing dwelling and erect a chalet bungalow and detached garage in the rear garden of No 44 Ratby Lane (which would face Thornton Lane and be perpendicular to No. 44 Ratby Lane). The original proposal was for a 2 storey dwelling.
- 2.3. The dwelling footprint has been designed to merge elements of traditional local vernacular design with a modern approach. The finished appearance of the proposed will be dealt with during the reserved matters stage of the application. The design and access statement & application form submitted with this application states that high quality materials such as bricks and tiles and upvc to match the existing dwelling will be used to reflect the character of the local area.
- 2.4. The indicative plans demonstrate a dwelling measuring 12m in width x between 6.5 and 10.5m in depth with a rear facing gable end. This gable end would be 2.5m from the rear boundary and 12m from the northern elevation of the existing bungalow with intervening trees proposed between the two dwellings for screening purposes. A detached 2 bay garage is proposed to the west of the dwelling. The proposal dwelling would be sited approx. 15m to the south of the highway boundary.
- 2.5. The proposed 'market build' dwelling has utilised the existing bungalow property, No. 44, as guidance in order to keep the street-scene consistent. Landscaping enhancements and creation of associated parking has also been taken into consideration. The vehicular access to the existing dwelling is from Ratby Lane. The proposed access to/from Thornton Lane would allow access and egress to the proposed dwelling. 3 on-site parking spaces are proposed including the proposed garage space.
- 2.6. In terms of landscaping, although the site is already well screened, proposed planting has been incorporated to help screen the development from No. 44 to the

south, 'Hawthorns' to the west and from the highway to the north and east. Private amenity spaces at the front and side have scope to further increase biodiversity.

- 2.7. A tree survey, arboricultural impact assessment and preliminary ecological appraisal have also been submitted with the application.
- 2.8. Bins would be kept at the front of the dwelling and taken to the nearest collection point on Thornton Lane on collection day.

Description of the site and surrounding area

- 3.1. The application site is located on Ratby Lane, one mile south west of the A50 and less than one mile north east of the M1, within the district of Hinckley & Bosworth. The proposed site is smaller than all the surrounding residential sites.
- 3.2. The area is made up of various types of housing styles, two storey houses and some single storey dwellings, all with a variety of elevational details, age, materials and styles, including brickwork and rendered properties. This creates a mixed vernacular within the local context.
- 3.3. The site sits on the southern side of Markfield, outside of the settlement boundary but just inside the neighbourhood area. The existing dwelling on the site is a 3 Bedroom detached bungalow with a blank northern elevation and vehicular access from Ratby Lane. Mature hedgerow and trees are on its western, eastern and northern boundary. The northern boundary of the site is set back from Thornton Lane by an 8m wide grassy edge. There are several larger residential dwellings to the west of the site as there are on the opposite side of Thornton Lane.
- 3.4. Thornton Lane is an adopted, classified 'C' road that is subject to a 40mph speed limit. The street scene is verdant in nature, lined with trees and hedgerows making a significant contribution to the semi-rural character of the area. The properties along Thornton Lane vary in size and design, but they are generally characterised as large, 2 storey detached dwellings, which are within large plots that are well-screened by mature vegetation.
- 3.5. The site is not in a flood risk zone or a designated conservation area and there are no top'd trees on site.

4. Relevant planning history

- 4.1. The application site has no relevant planning history

5. Publicity

- 5.1. No letters of representation have been received.

6. Consultations

- 6.1. Markfield Parish Council – No objections
LCC Highway Authority – Refer to standing advice
HBBC Waste – No objection subject to a condition.

HBBC Drainage – No objection

HBBC Pollution- No objection

National Forest Commission – Thank you for consulting the National Forest on the above outline application (access, landscaping, layout and scale) for the erection of a single dwelling.

The site area is below the threshold requiring National Forest planting.

It appears that the proposal would result in the removal of existing trees. The acceptability of this and mitigation planting will need to be considered by the Council's Tree Officer

Friends of Charnwood- No comment received

LCC Ecology- No objection subject to a condition.

7.0 Policy

7.1. Core Strategy (2009)

- Policy 7: Key Rural Centres
- Policy 16: Housing Density, Mix and Design

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2023)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

7.5. Other relevant guidance

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

7.6 Markfield Neighbourhood Plan

- Policy M1- Countryside
- Policy M2- Landscape Character
- Policy M10- Design

8. Appraisal

8.1. It is considered that the key issues in the determination of this application are:

- Principle of Development

- Design and Impact upon the Character of the Area
- Impact upon residential amenity
- Highway Safety

Principle of Development

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) July 2023)) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications.
- 8.3. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the adopted SADMP set out a presumption in favour of sustainable development, and state that development proposals that accord with the Development Plan should be approved unless other material considerations indicate otherwise.
- 8.4. Paragraph 12 of the NPPF states that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. Where planning applications conflict with an up-to-date plan, development permission should not usually be granted unless other material considerations indicate otherwise.
- 8.5. According to paragraph 14 of the NPPF, in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided that a number of criteria apply. One of these criteria is that the Neighbourhood Plan became part of the development plan two years or less before the date on which the decision is made. In this case, as the neighbourhood plan was made in September 2021, it is now more than two years old and therefore paragraph 14 does not apply.
- 8.6. The current Development Plan consists of the adopted Core Strategy (2009), the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016) and Markfield Neighbourhood Plan. The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough.
- 8.7. Footnote 8 of Paragraph 11 of the NPPF states that the housing policies are considered to be out-of-date where local planning authorities cannot demonstrate a five-year supply of deliverable housing sites. Using the standard method as outlined by the Ministry of Housing, Communities & Local Government (MHCLG), Hinckley and Bosworth Borough Council are able to demonstrate 4.89 years of deliverable housing on 1st April 2022. Due to this and the change in the housing figures required for the Borough, Paragraph 11(d) of the NPPF is triggered.
- 8.8. Therefore, this application should be determined in accordance with Paragraph 11(d) of the NPPF, whereby permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. This is weighed in the balance of the merits of the application when considered with the policies in the SADMP and the Core Strategy, which are attributed significant weight in accordance with Paragraph 219 of

the NPPF as they are consistent with the NPPF. Therefore, sustainable development should be approved unless other material considerations indicate otherwise.

- 8.9. Paragraph 123 of the NPPF states that, "Planning policies should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions."
- 8.10. Paragraph 124 of the NPPF states that Planning policies and decisions should: "c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land."
- 8.11. Section 15 of the NPPF requires planning policies and decisions to conserve and enhance the natural and local environment. Paragraph 180(b) specifically highlights that this should be achieved by, "Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services."
- 8.12. As set out above the site lies outside of the settlement boundary for the village. Therefore, the site lies within the countryside and Policy DM4 of the SADMP is applicable. Policy DM4 states that that the countryside will first and foremost be safeguarded from unsustainable development. Development in the countryside will be considered sustainable where:
 - It is for outdoor sport or recreation purposes, and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
 - The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
 - It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
 - It relates to the provision of stand-alone renewable energy developments; or
 - It relates to the provision of accommodation for a rural worker; And
 - 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
- 8.13. The application site lies outside of the identified settlement boundary of Markfield but falls just inside the Markfield Neighbourhood Plan (MNP) boundary. Policy M1 of the MNP states that the following type of development will be supported in countryside locations where development that is otherwise in accordance with: national policies; or strategic planning policies or allocations; or with the other policies of the Neighbourhood Plan or the subdivision of an existing residential dwelling. The purpose of these policies is to protect the intrinsic beauty, open character, and landscape character of the countryside.
- 8.14. The proposed development does not fall within any category of sustainable development that is considered acceptable in the countryside. The proposal is not supported in principle by Policy DM4 of the SADMP or Policy M1 of the MNP.

- 8.15. Notwithstanding this, it is acknowledged that the application site is located close to other residential properties along Ratby & Thornton Lane and is not considered to be in an isolated location. Nevertheless, policies restricting development outside of settlements still apply, even when the proposed development is not isolated, an assessment must be made on whether a location is or could be made locationally sustainable in terms of access to sustainable transport modes for everyday services/employment. In this case, future users would have access to a bus stop on Thornton Lane which could provide a reasonably regular service to Markfield & Leicester and surrounding villages/services. There is also a footpath along Thornton Lane & Ratby Lane whereby future occupiers could access services at the Hilmarco Farm Shop with educational facilities within 500m walking distance at the Markfield Institute of Higher Education. Markfield itself is located 1km to the north-west along Thornton Lane and could provide employment opportunities. With regards to the likelihood of future occupiers walking/cycling along Thornton Lane the attractiveness of this is tempered likely to be limited owing to the busy and fast nature of the road and unlit sections of the footpath. In this respect whilst some options for sustainable transport modes exist which temper the harm attributed to the sites unsustainable location to some degree, the site's access to a genuine choice of sustainable transport modes is still limited.
- 8.16. Overall, the application site falls outside of any identified settlement boundary, where new, unrestricted residential development is not considered sustainable development in principle. The development does not comply with any of the requirements of Policy DM4 of the SADMP or Policies M1 of the MNP. Although there is clear conflict with the spatial policies of the development plan paragraph 11(d) of the NPPF is engaged and therefore a 'tilted balance' assessment must be made. This must take into account all material considerations and any harm arising from the conflict with Policies DM4, and M1 must therefore be weighed in the planning balance along with the detailed assessment of the other relevant planning considerations in this case. Other material considerations are set out within the next sections of the report.

Design and Impact upon the Character of the Area

- 8.17. Policy DM4 of the adopted SADMP requires that development does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; does not undermine the physical or perceived separation and open character between settlements and does not create or exacerbate ribbon development. 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.
- 8.18. The appearance of the proposal is a reserved matter; therefore, this application is assessed via the indicative submitted plans which indicate the scale and layout.
- 8.19. Policy M10 of the adopted MNP generally reflects the aims of Policy DM10 with regards to development being in keeping with the surrounding scale, form and character of its surroundings. Policy M2 of the MNP states that development should be located and designed in a way that is sensitive to its landscape setting, retaining and, where possible, enhancing the distinctive qualities of the landscape character area. Policy M2 identifies an important long view from Billa Barra Hill from which the site may be visible and should be taken into consideration.

- 8.20. The development proposals would change the character of the site from a rear garden area to that of a residential development for 1 new dwelling.
- 8.21. The development site does not identify any designated sites deemed sensitive to the proposed development. The character of the proposed site is judged to have a low susceptibility to change and a low value.
- 8.22. The indicative scale and massing would be similar to the application property and smaller than the 2 storey neighbouring dwellings to the west. It is acknowledged that the street scene contains a variety of dwelling sizes and designs with all dwellings to the west along Thornton Lane being 2 storey detached dwellings in large sites set back from the highway and the application property No. 44 being an existing bungalow, closer to the highway.
- 8.23. The siting of the dwelling represents infill development along Thornton Lane but is on a site much smaller than sites to the west. This is considered to create a tight urban grain, which is uncharacteristic of the otherwise deep plots within the street. Nevertheless, the proposal has been amended to a chalet bungalow which would be more proportionate to the size of the proposed site and tie in better with the existing dwelling.
- 8.24. The proposed site is largely screened from public views by the mature vegetation to the front and side. This vegetation positively contributes to the character of the area and its retention is considered to have a positive impact on the character of the street scene. Some trees are to be removed from the centre of the site, which is regrettable however the submitted arboricultural report confirms these are category C trees. Furthermore, they are less visible than those on the site periphery which are largely to be retained.
- 8.25. In order to ensure that the dwelling is not extended to a degree that could detract from the character of the area, permitted development rights have been removed by condition.
- 8.26. The Good Design Guide states that, "Garages and car ports should generally be set back," from residential dwellings, "So as not to dominate the street scene." The proposed garage is sited on the western side of the plot and is set back from the front elevation of the proposed dwelling. This would comply with advice in the Good Design Guide and the garage would not dominate the character of the site or the street scene.
- 8.27. Though the development is only outline for scale, layout, access and landscaping to be determined, the finished dwellings will look to incorporate high quality materials which will reflect the best of local architecture.
- 8.28. The development is located in an area which already has urban characteristics, given the existing development & adjoining road networks. There would be no effect on the physical and perceived separation and open character between settlements. The existing visual appearance of the site is a well screened garden area.
- 8.29. To summarise, the layout, scale and massing of the proposed chalet bungalow development on this corner plot is considered to be acceptable within the character of the street scene as the proposed is proportionate to the size of the plot, similar in

size to the existing & most of the proposed would be screened by mature vegetation as well as additional landscaping. The proposed would divide an existing residential site, improving its visual appearance and vegetation along its boundaries. Given the above, the development is considered to result in an acceptable impact upon the intrinsic value, beauty, open character and landscape character of the open countryside, which is in compliant with, Policies DM4 and DM10 of the SADMP, Sections 12 and 15 of the NPPF, and the Good Design Guide.

Residential Amenity

- 8.30. Policy DM10 (a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.
- 8.31. The Good Design Guide SPD outlines that development will need to provide high quality internal amenity space as this is critical to the quality of life of residents. The guide states that new developments should meet minimum standards of garden sizes and separation distances between dwellings. The National Design Guide also promotes a healthy, comfortable and safe internal and external environment.
- 8.32. There are residential properties adjacent, however the layout has been devised to ensure there is no overlooking or negative impact on the nearby dwellings with adequate spacing between dwellings as well as additional landscaping measures.
- 8.33. The proposal is also considered to provide adequate amenity space for future occupiers. No floor plans have been provided but it is likely a dwelling of this size will be very likely able to satisfy national standards for residential usage.
- 8.34. Subject to detail at reserved matters stage, it is considered that the development does not result in any loss of light or overshadowing impacts for any adjacent property. Furthermore, the development is considered to have potential to be constructed without having a significant adverse impact on neighbouring residential amenity in relation to overlooking and loss of privacy impacts.
- 8.35. With the imposition of conditions, the proposal is considered to meet policies DM10(a) and (b) of the SADMP, the Good Design Guide SPD and national policy in the NPPF regarding neighbouring and occupier amenity.

Impact upon highway safety

- 8.36. Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 8.37. Policy DM10(g) states that where parking is to be provided, charging points for electric or low emission vehicles should be included, where feasible.
- 8.38. Paragraph 115 of the NPPF (2023) outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact

on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 116(e) of the NPPF states development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

- 8.39. The LCC Highways consultation response referred to standing advice. The proposed access for the development has an effective access width of over 10m where the proposed driveway meets the highway & a width of at least 3.5m for the remainder and it is considered acceptable. The Applicant has demonstrated visibility splays of 2.4m by 65m in both directions, which exceeds the visibility splays as required within Table DG4 of Part 3 of the LHDG.
- 8.40. The Applicant has demonstrated that the proposal accords with Part 3 of the Leicestershire Highway Design Guide. Turning space within the off-street parking area is adequate.
- 8.42 Due consideration should be given to waste collection provision; refuse vehicles operate along Thornton Lane less than 25m from the highway boundary. The Applicant should be aware, any bin collection point should not be located within the visibility splays.
- 8.43 In terms of the locational sustainability of the site, it is acknowledged that the proposed dwelling would be located more than 800m from Markfield and would therefore not be considered 'walkable' in accordance with the Manual for Streets. Whilst it is acknowledged that the dwelling would not be a walkable distance, for most people, to local amenities and services, the addition of one dwelling in this area would not represent a significant adverse impact in terms of allowing an additional dwelling which would be dependent on a private motor vehicle for travel. Whilst local amenities and services are more than 800m from the proposed dwelling, they are within 1.5km and the option for a sustainable transport method is still present.
- 8.44 Therefore, it is considered that the proposal conflicts with policy DM17 of the SADMP regarding transport sustainability but does not create an unacceptable impact on highway safety or the road network in accordance with Policy DM18 of the SADMP and the LHDG. These matters are weighed in the planning balance below.

Flood Risk & Drainage

- 8.45 Policy DM7 of the SADMP seeks to prevent development from resulting in adverse impacts on flooding by ensuring that development does not create or exacerbate flooding.
- 8.46 Paragraph 173 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 169 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should take account of advice from the LLFA, have appropriate proposed minimum operating standards, have maintenance arrangements for the lifetime of the development and where possible provide multifunctional benefits.
- 8.47 The site lies within Flood Zone 1 of the Environment Agency Flood Maps and is minor development. HBBC Drainage raises no objection, and it is considered that given the circumstances surface water drainage can be adequately dealt with via a condition should permission be granted. Subject to this condition the development is

considered to be acceptable with respect to flooding and surface water runoff issues and satisfies Policy DM7 of the SADMP and the NPPF.

Ecology, Biodiversity and Trees

- 8.48 Policy DM6 of the SADMP states that development proposals must demonstrate how they conserve and enhance features of nature conservation and geological value. The policy states that on-site features should be retained, buffered and managed favourably.
- 8.49 Paragraph 180 of the NPPF states that planning decisions should contribute to and enhance the natural environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services which includes trees.
- 8.50 The submitted AIA indicates a total of 20no. individual trees, 3no. groups of trees and 2no. hedgerows have been surveyed. These include 1no. category A, 4no. category B, 19no. category C and 1no. category U retention. The trees within the survey are typical rear garden specimens, ranging from young to semi-mature specimens primarily including ornamental species such as apple, cypress, common ash, magnolia, and common hawthorn. The trees on site are of limited arboricultural merit, & considered to be of a size and value that is readily replaceable within the short-term. To implement the Proposed Development there will be a requirement to remove 7no. individual trees and 1no. hedgerow. There will also be a requirement to partially remove 1no. group of trees and 1no. hedgerow. All of the proposed removals are of retention category C.
- 8.51. The proposed tree loss is of low arboricultural merit and of no visibility from the wider environment, as such, it is not considered a constraint to the Proposed Development. Should the Council be minded to grant planning permission, an Arboricultural Method Statement (AMS) will be conditioned to ensure sufficient protection of retained trees through the construction process
- 8.52 County Ecology have no objections to the proposal. The trees and shrubs proposed to be removed are likely to provide habitat for nesting birds, therefore all clearance should take place outside of nesting season. As required by the NPPF, all applications must demonstrate measurable net gain. To achieve this, a minimum of two bird nest boxes, or a sparrow terrace with at least two entrances should be included in plans at the reserved matters stage. The addition of native planting will also help to demonstrate biodiversity net gain, particularly fruit bearing trees such as hawthorn and crabapple.
- 8.53 In summary, subject to conditions, the proposed development would not adversely impact upon the habitat of protected species and subject to provision of biodiversity net gain complies with Policy DM6 of the SADMP. Net gain is not currently a mandatory requirement nor required within policy DM6 for minor development, thus the biodiversity gains are judged to be a benefit.

Planning Balance

- 8.54 The Council cannot demonstrate a five-year housing land supply and therefore, in accordance with paragraph 11(d) of the NPPF permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF when taken as a whole.

- 8.55 The scale of the dwelling is considered acceptable, and although a new access would be created from Thornton Lane access would ensure that the hedgerow & trees along the northern boundary of the site are retained which helps to preserve the character of the street scene. Subject to full details the additional landscaping would improve the visual appearance of the site for both nearby residents and the general visual amenity of the countryside, although it is acknowledge some trees are removed in the centre of the site tempering this enhancement. This enhancement to the character of the area is therefore attributed limited positive weight.
- 8.56 There would be some social benefits resulting from the proposal such as the provision of one dwelling and economic benefits associated with the construction of the dwelling and the future occupants' use of local businesses and services. Owing to the quantum of development the social and economic benefits are attributed only limited positive weight.
- 8.57 Whilst it is acknowledged that the dwelling would not be a walkable distance to local amenities and services, the addition of one dwelling in this area where there is some access to services via walking and bus would not represent a significant adverse impact in terms of allowing additional dwellings which would be dependent on private motor vehicles for travel, this is therefore attributed only limited negative weight.
- 8.58 The application site falls outside the settlement boundary of Markfield, and the development does not comply with any of the requirements of Policy DM4 of the SADMP and policies M1 and M17 of the MNP. The application site falls outside the settlement boundary of Markfield, and the development does not comply with any of the requirements of Policy DM4 of the SADMP. However, given the nature of the proposal being an infill development of a single dwelling in a semi-urban location which is well screened from public vantage points, the development would not have an adverse impact on the intrinsic value, beauty, open character, and landscape character of the countryside. So whilst in conflict with the aims of the spatial strategy the conflict with Policy DM4, M1 and M17 is therefore given very limited negative weight as no adverse harm has been identified as a result of the conflict in this case.
- 8.59 Overall, on balance, it is considered that the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits, and the provision of a dwelling and the associated social and economic benefits outweighs the harm identified. Despite conflict with Policies DM4 and DM17 of the SADMP, the proposal would not have a significant adverse impact on the character of the area, on residential amenity or highway safety and is therefore otherwise in accordance with the Development Plan.

9. Equality implications

- 9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

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.
- 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. Recommendation

10.1. Grant planning permission subject to conditions outlined below:

1. Application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. No development shall be commenced until details of the appearance of the development (hereafter called the reserved matters) have been submitted in writing to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved reserved matters.

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 facilities shown on Proposed Site Plan Dwg No. 5633/JM/23/003 Rev No. P2, received by the LPA on 15 May 2024 have been implemented in full and kept available for such 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 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 Policies DM17 and DM18 of the Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (December 2023).

4. The development hereby permitted shall not exceed 1 dwelling and shall be carried out in complete accordance with the submitted application details, as follows:
 - Site Location Plan Drg No. 5633/JM/23/100 Rev P1 received on 15/03/2024
 - Proposed Site Plan Drg No. 5633/JM/23/003 Rev P2 received on 15/05/2024
 - Tree Constraints Plan Drg No. 23091323080 received 13/03/2024
 - Tree Survey 23091323080 received 13/03/2024
 - Arboricultural Impact Assessment received 17/04/2024

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

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

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

6. Development shall not begin until surface water drainage details, incorporating sustainable drainage principles (SuDS) have been submitted to and approved by the Local Planning Authority, and the scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

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.

7. No development shall take place until a biodiversity enhancement scheme has been submitted to and approved in writing by the LPA. Enhancements shall include (but is not limited to) at least two woodcrete /integrated bird boxes, or a single woodcrete /integrated sparrow terrace with at least two entrances, the make/model and their locations. Any enhancement measures need to be shown on all relevant submitted plans. All works are to proceed strictly in accordance with the approved scheme.

Reason: To ensure that the development provide biodiversity enhancement and in compliance with Policy DM6 of the Site Allocations and Development Management Policies DPD 2016 and Government guidance contained within the National Planning Policy Framework (2023).

8. 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).

9. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A, B, C and E; of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling shall

be carried out unless planning permission for such development has been granted by the Local Planning Authority.

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

Notes to applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141
2. The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance, or alternatively assembled from modular surface water storage/soakaway cell systems, incorporating silt traps. Design and construction of all types of soakaway will be subject to the approval of the Building Control Surveyor.
3. Access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending upon ground strata permeability. On low-permeability sites, water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet. (See Environment Agency guidance on the permeable surfacing of front gardens).
4. 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.
5. Nesting birds are protected under the Wildlife & Countryside Act 1981 (as amended); therefore, vegetation clearance should take place outside the breeding season (March to August inclusive) unless carefully checked beforehand by a suitably qualified person.