

Delegated Report

Planning Ref: 24/00067/CONDIT

Applicant: Daniel Swift

Ward: Witherley



Hinckley & Bosworth
Borough Council

Site: Atherstone Hunt Kennels, Kennel Lane, Witherley, Atherstone

Proposal: Variation of conditions 2, 18 and 22 of planning permission 23/00707/CONDIT. Changes to plot number, boundary treatment, material details, replace garage, hard & soft landscaping and biodiversity enhancement scheme

Recommendations

- 1.1. **Grant planning permission** subject to the conditions at the end of this report.

Planning Application Description

- 2.1. Application 22/00937/FUL for the 'Conversion, extension and alteration of former kennels and stables to form 7 no. dwellings, erection of replacement dwelling, erection of garages and formation of new vehicular access' was granted approval at Committee on 21/03/2023.
- 2.2. Application 23/00707/CONDIT for the 'Variation of condition 2 (plans), 19 (landscaping) and 25 (railings) of planning application 22/00937/FUL. Changes to boundary treatment, removal of railings and revised hard landscape' was granted approval on 28/11/2023.
- 2.3. The description of the current application was amended on 28 May 2024 to "Variation of conditions 2, 18 and 22 of planning permission 23/00707/CONDIT. Changes to plot number, boundary treatment, material details, replace garage, hard & soft landscaping and biodiversity enhancement scheme'. Final Amended plans were received on the 13 August 2024 to support this.
- 2.4. Amended plans submitted were:
- External Works Layout Drg No. 9754.22 Rev L
 - Boundary Details Drg No. 9754.98A received 13 August 2024
 - Northern Boundary Condition Drg No. 9754.123A received 5 July 2024
 - Bat Mitigation Design & Bird Nesting received 2 July 2024
 - Biodiversity Scheme Drg No. 9754.752
 - Proposed Elevations Sheet 1 or 2 Plots 1-5, Drg. No. 9754.25 Rev D
 - Proposed Elevations Sheet 2 or 2 Plots 1-5, Drg. No. 9754.26 Rev E
 - Proposed Elevations Sheet 1 of 1 Plots 6-7 Drg No. 9754.27 Rev E
 - Proposed Floor Plans & Elevations Plot 7 Drg No. 9754.28 Rev D
 - Street Scenes Drg. No. 9754.29 Rev E
 - Timber Cladding, Widows detail Drg No. 9754.32. Rev A
 - Proposed Landscaping Details Drg No. 9754.103
 - Proposed Floor Plans Plot 6 Drg No. 9754.750
 - Proposed Floor Plans Plot 6 Drg No. 9754.751 all received on 28 May 2024

2.5. The proposal seeks minor material changes to permission 23/00707/CONDIT. The specific changes relate to:

- Plots 6 and 7 to become one dwelling (plot 6).
- Garage to previous plot 7 omitted to provide access to field.
- New cart hovel style garage to plot 6 to replace previous garage.
- Cladding detail changed. (Amended drawing received 21/03/2024)
- References to plots 6, 7 and 8 changed on the drawings
- Post and rail fencing with hedgerow along northern boundary
- Ecological enhancements and mitigation

2.6 Condition 2 of 23/00707/CONDIT is an approved plans condition.

2.7 Condition 18 of 23/00707/CONDIT is: *'The development, hereby approved, shall be implemented according to the scheme of hard and soft landscaping works, including boundary treatments, for the site, including an implementation scheme which has been submitted in writing to and approved in writing by the local planning authority under application 22/00918/DISCON. 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).'

2.8 Condition 22 of 23/00707/CONDIT is: *'Prior to occupation a biodiversity enhancement scheme shall be submitted to and approved in writing by the LPA. Enhancements shall include (but is not limited to) the incorporation of bird boxes and native planting. Any enhancement measures need to be shown on all relevant submitted plans/elevations. All works are to proceed strictly in accordance with the approved scheme.'*

Reason: To maintain and improve biodiversity levels on site'

Description of the Site and Surrounding Area

- 3.1. The site area extends to approximately 0.48 hectares and is located within open countryside outside of the settlement boundary for Witherley. The existing buildings are not statutorily listed, nor do they lie within the Witherley Conservation Area. The site has two existing vehicular access points onto Kennel Lane, which serve the existing stables (southerly access) and the former kennels (northerly access).
- 3.2. The application site consists of a collection of buildings that once served the Atherstone Hunt but following a series of planning permissions as listed above have now been renovated and restored with the majority now ready to be occupied.
- 3.3. The site is situated on the eastern edge of the settlement of Witherley and has a largely rural context. The application site consists of an L-shape with the northern section stretching out into the countryside eastwards from Kennel Lane. The former

stables and associated bungalow are located closest to the Lane and to the west of this section of the site. There is a separate existing access to the stables from the Lane to the south of the stable building. The former kennels are in the east of this section of the site beyond the bungalow and its associated garden area. The kennels and bungalow are accessed from a large linear concrete yard situated off the Lane and to the north of the stables and kennels. The complex is bound by a combination of blank building walls, hedgerows, walls and railings, and post and rail fencing.

- 3.4. To the south of the stables are two semi-detached cottages associated with the Hunt but outside the red edged site plan. They face on to and are set slightly back from the Lane. There is a small paddock immediately to the south of the end cottage. There is a post and rail fence to the rear of the cottages bounding the larger paddock to the south-east of the wider site. There is a low level timber panelled fence to the site frontage and a small number of trees and section of hedgerow within and bounding the small paddock to the south of the end cottage.

Relevant planning history

23/00707/CONDIT

- Variation of condition 2 (plans), 19 (landscaping) and 25 (railings) of planning application 22/00937/FUL. Changes to boundary treatment, removal of railings and revised hard landscape
- Approved 28/11/2023

22/00937/FUL

- Conversion, extension and alteration of former kennels and stables to form 7 no. dwellings, erection of replacement dwelling, erection of garages and formation of new vehicular access.
- Approved at Committee meeting on 21/03/2023

22/00917/FUL

- Conversion, extension and alteration of former kennels and stables to form 7 no. dwellings, erection of replacement dwelling, erection of garages and formation of new vehicular access
- Application returned

22/00918/DISCON

- Application to discharge conditions 9 (Highway Drainage), 11 (Drainage), 12 (Written Scheme of Investigation), 13 (Waste & Recycling storage), 14 (Land Contamination), 17 (Landscaping), 18 (Materials), 20 (Electric Vehicle Charging), 21 (Boundary Treatment) attached to planning permission 21/00789/FUL
- Partial Discharge of Conditions 11/01/2023

21/00789/FUL

- Conversion, extension and alteration of former kennels and stables to form 8no. Dwellinghouses, erection of replacement dwellinghouse, conversion of outbuildings to home offices, erection of garaging and formation of new vehicular access and parking for adjacent cottages
- Approved 11/01/2022

97/00052/TEMP

- RETENTION OF CARAVAN AND STANDING

- PER
- 26.02.1997

93/00761/4

- RETENTION OF CARAVAN AND STANDING
- PER
- 08.11.1993

Publicity

- 5.1. Neighbouring properties have been notified of the application.
- 5.2. No representations have been received in response to the neighbour notification.

Consultation

- 6.1. All those consulted on the original full application (22/00937/FUL) have been re-consulted. The Conservation Officer & LCC Ecology comments were the most substantial with no objections coming from the remainder of those consulted.
- 6.2. Conservation Officer comments: *'My interpretation of the submitted information is that this proposal seeks to vary the approved development 22/00937/FUL (and 23/00707/CONDIT) and consists of the former kennels plots 6 and 7 being converted to a single dwelling (plot 6, with the new detached dwelling plot 8 becoming plot 7), associated landscaping changes to plot 6 with the erection of a detached car port (identified as a 'cart hovel'), and confirmation of the timber cladding details for the flat roof extensions to plots 5 and 6. There is reference to railings within the submitted information, but a solution to retain/reinstate a section of this key historic boundary feature to the kennel building was secured as part of the approved details of 23/00707/CONDIT, and this approved arrangement should be maintained. No alterations to the external elevations of the former kennel building are proposed to facilitate its conversion to a single dwelling rather than two dwellings as currently approved and the proposed alterations to surrounding hard and soft landscaping to facilitate its use as a single dwelling in my opinion maintain its setting and the character of the area.'*

The proposed car port building is appropriately sited close to the northern boundary of the plot and is of an appropriate scale, form, appearance and construction materials to respect the semi-rural context of the site. The proposed red western cedar horizontal boarding to the face of the walls of the extensions to plots 5 and 6 also respects the semi-rural context of the site and will complement the historic red brick of the host buildings. In my opinion the revised details are satisfactory and would ensure the development preserves the character and appearance and local heritage significance of the site'.

- 6.3 LCC Ecology final comments were no objection.

Policy

- 7.1. Core Strategy (2009)
 - Policy 12: Rural Villages
 - Policy 15: Affordable Housing

- Policy 16: Housing Density, Mix and Design
- Policy 19: Green Space and Play Provision

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance

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

7.4. Other relevant guidance

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

Appraisal

8.1. The principle of development has been approved under application 22/00937/FUL. The key issues are therefore:

- Design and Impact upon the Character of the Area
- Heritage Impacts and archaeology
- Impact upon Residential Amenity
- Ecology
- Drainage

Design and Impact upon the Character of the Area

- 8.2. Policy DM10 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 the use and application of building materials respects the materials of existing, adjoining/neighbouring buildings and the area generally and incorporates a high standard of landscaping.
- 8.3. The Council's Good Design Guide outlines that development will need to provide high quality design including internal amenity space, minimum garden sizes and separation distances between habitable room windows. The Guide also promotes a healthy, comfortable and safe internal and external environment. It provides guidance on detailed design and is supported in its aims to ensure good design in all development by paragraph 139 of the NPPF which states that 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. Policy DM10 is therefore consistent with the NPPF (2023).

- 8.4. The revisions as listed above in paragraph 2.3 are considered to be material but minor in nature and to accord with the requirements of the NPPF, Policy DM10 and the Good Design Guide.
- 8.5. It should be noted that a close boarded fence has been erected along the northern boundary of the site, this is contravention to the previously approved landscaping scheme. Several discussions have taken place over the course of this application to amend this fence line to a post and rail fence with soft landscaping to the rear with the exception of the north easternmost section which is retained as close boarded fencing when enclosing private amenity space. This is now judged acceptable in terms of its countryside and design impact.

Heritage Impacts and archaeology

- 8.6. Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraph 209 states that “the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect 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 heritage asset.”
- 8.7. Paragraph 212 of the NPPF states that local planning authorities should look for opportunities for new development within conservation areas, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
- 8.8. Policies DM11 and DM12 of the Site Allocations and Development Management Policies (SADMP) Development Plan Document and emerging Policy ENV7 of the Witherley Neighbourhood Plan seek to protect and enhance the historic environment and heritage assets. Policy DM11 states that the Borough Council will protect, conserve and enhance the historic environment throughout the borough. This will be done through the careful management of development that might adversely impact both designated and non-designated heritage assets.
- 8.9. All development proposals affecting the significance of heritage assets and their setting will be assessed in accordance with Policy DM11 and will require justification. Policy DM12 states that development proposals should make every effort to retain the significance of locally listed heritage assets.
- 8.10. In the formation of the Borough Councils list of Local Heritage Assets formal selection criteria were adopted and this forms the basis of identifying and assessing the significance of any non-designated heritage assets. The Atherstone Hunt Complex is listed on the Heritage Environmental Register.
- 8.11. In determining applications, paragraph 200 of the NPPF and Policy DM11 of the SADMP requires an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Paragraph 201 of the NPPF also requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal, including by

development affecting the setting of a heritage asset. A Heritage Statement has been submitted as part of this application.

- 8.12. Both the stables and kennels and the associated adjacent cottages are included on the Leicestershire Historic Environment Record (references MLE24332 and MLE24331) which provides some limited detail of their interest. The Atherstone Hunt traces its own history to 1815. The kennels and stables were constructed in c.1836 and consist largely of a complex of red brick buildings with slate roofs.
- 8.13. The majority of the buildings on the site (specifically the original stables, attached 1900 range, detached northern range, the original kennels, and the cottages) are of considerable historic interest and reasonable architectural interest. The buildings have a group value with a clear functional relationship to each other, due to the presence of surviving historic fabric and their plan form, the buildings retain a good degree of integrity, and the site consists of a landmark collection of buildings within the local street scene.
- 8.14. The proposed changes have been assessed by the Conservation Officer who has no objections to the proposal. The post and rail fencing with hedging will now form the majority of the northern boundary, going as deep as Plot 6, which is to the rear of the site.
- 8.15. Overall it is considered that the features of historic and architectural interest evident within the collection of original buildings at the Atherstone Hunt kennels will remain. Their setting and group value is preserved through appropriate landscaping, siting of ancillary structures, and the design of the replacement cottage. The significance of these local heritage assets will therefore be preserved and the proposal is considered to be acceptable and in compliance with Section 16 of the NPPF and Policies DM11 and DM12 of the SADMP DPD and emerging policy ENV7 of the Witherley Neighbourhood Plan with respect to historic and archaeological considerations.

Impact upon Neighbouring Residential Amenity

- 8.16. Policy DM10 of the SADMP states that 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.
- 8.17. Paragraph 135 of the NPPF states that decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 8.18. The proposed revisions as outlined above are considered to be material but minor in nature. It is therefore considered that the proposal accords with the requirements with regard to the protection of residential amenity for neighbours and with the requirement to provide future occupiers with adequate amenity. The proposal is in accordance with the requirements of Policy DM10 of the SADMP, the Good Design Guide and the NPPF.

Impact upon Highway Safety

- 8.19. 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 highways authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 8.20. The LHA have assessed the previously approved Proposed External Work Layout Drg No. 9754.22 Rev G in conjunction with the Proposed External Works Layout - Drg No. 9754.22 Rev H. The LHA note from the email submitted by the applicant to the Local Planning Authority (LPA) on 21st March 2024 that Plots 6 and 7 are to become one dwelling and that a garage will be added to Plot 6. The LHA also note that one visitor parking space will be removed. The LHA are unable to demonstrate the changes proposed would lead to a severe impact on the highway or a road safety issue. Therefore, the LHA have no objection to the Variation of Condition 2 attached to 23/00707/CONDIT.
- 8.21. It is considered that the proposed development provides sufficient parking and has an acceptable impact with regard to highway safety subject to compliance with the proposed conditions in accordance with the requirements of the SADMP and the NPPF.

Ecology

- 8.21 Policy DM6 of the adopted SADMP states that development proposals must demonstrate how they conserve and enhance features of nature conservation. 10% Biodiversity Net Gain (BNG) will be mandatory under Schedule 7A of the Town and Country Planning Act 1990.
- 8.22 A biodiversity scheme was submitted on 28 May 2024. An amended plan (External Works Layout Drg 9754.22 Rev L) was received on 13 August 2024 showing additional bat boxes around the site to provide alternative options for bat roosting opportunities as well as the agreed upon ecological enhancements around the site. A bat mitigation design and bird nesting report was submitted on 2 July taking into account various instruction from LCC Ecology following a site meeting on 12 June. A summary of what was agreed on site was:
- At each end of the car port areas to have bat crevices to access the building ensuring material of wall can be used by bats to hang and cling on to 2 Swallow Cups to be installed in the covered courtyard area
 - 2 house martin nest cups in the covered courtyard area
 - 4 in total swallow cups to be located just inside each of the 4 front pillars to the carports
 - Additional wood to be installed in the left hand roof loft area to provide small crevice's for the bats to hide
 - Carports to be restricted that they are not enclosed in perpetuity
- 8.23 LCC Ecology were re-consulted and their final comments were no objection.
- 8.24 The application would not significantly adversely impact features of nature conservation and together with mitigation measures secured through conditions, safeguards the natural environment in accordance with Policy DM6 of the SADMP.

Drainage

- 8.25 Policy DM7 of the Site Allocation and Development Management Policies DPD 2016 requires that adverse impacts from pollution and flooding are prevented and mitigated for. The Drainage Team at HBBC have raised no objections to the application proposal and it is considered that the scheme is acceptable with respect to surface water disposal and flooding matters and therefore accords with Policy DM7 of the SADMP.

Equality Implications

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

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

9.3 There are no known equality implications arising directly from this development.

9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

10.1. The proposed development is considered to be compliant with relevant national and local policy and guidance as it:

- Is of an appropriate scale and design
- Would not have a harmful impact upon the character and appearance of the area or this heritage asset
- Provides sufficient parking and has no adverse impact upon highway safety
- Would not have a significantly detrimental effect on the amenity of neighbouring residents
- Provides suitable landscaping
- Has various Ecological mitigation and enhancements

10.2. Taking national and local planning policies into account, and having regard for all relevant material considerations, it is recommended that planning permission be granted, subject to the imposition of appropriate conditions set out below.

11 Recommendation

11.1 **Grant planning permission** subject to the conditions below.

11.2 **Conditions**

Conditions have been copied across from application 23/00707/CONDIT except where they are the subject of this application. Plan numbers have been updated throughout the condition and changes made to reflect conditions that have subsequently been discharged. One additional condition has been inserted ensuring the removal of the unlawful close boarded fence to the north of the site within three months of the date of this permission to ensure that the development complies with the approved plans.

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of the original planning permission (22/00937/FUL) 19th May 2023.

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 other than in accordance with the following plans and amended plans:

- External Works Layout Drg No. 9754.22 Rev L
- Boundary Details Drg No. 9754.98A received 13 August 2024
- Northern Boundary Condition Drg No. 9754.123A- Proposed Boundary Elevation looking North received 5 August 2024
- Bat Mitigation Design & Bird Nesting received 2 July 2024
- Proposed Elevations Sheet 1 or 2 Plots 1-5, Drg. No. 9754.25 Rev D
- Proposed Elevations Sheet 2 or 2 Plots 1-5, Drg. No. 9754.26 Rev E
- Proposed Elevations Sheet 1 of 1 Plots 6-7 Drg No. 9754.27 Rev E
- Proposed Floor Plans & Elevations Plot 7 Drg No. 9754.28 Rev D
- Street Scenes Drg. No. 9754.29 Rev E
- Timber Cladding, Widows detail Drg No. 9754.32. Rev A
- Proposed Landscaping Details Drg No. 9754.103
- Proposed Floor Plans Plot 6 Drg No. 9754.750
- Proposed Floor Plans Plot 6 Drg No. 9754.751 all received on 28 May 2024

Reason: To ensure the development is carried out in accordance with the approved details.

3. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 43 metres by 2.4 metres have been provided on either side of each of the three site accesses. 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 the National Planning Policy Framework (2023).

4. No part of the development hereby permitted shall be occupied until such time as 1.0 metre by 1.0 metre pedestrian visibility splays have been provided on the highway boundary on the southern side of the northern access and both sides of the southern and field accesses with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway and, once provided, shall be so maintained in perpetuity.

REASON: In the interests of pedestrian safety and in accordance with the National Planning Policy Framework (2023).

5. No part of the development hereby permitted shall be occupied until such time as the southern access arrangements shown on jms Group drawing number 206 P1 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 the interests of general highway safety and in accordance with the National Planning Policy Framework (2023).

6. No part of the development hereby permitted shall be occupied until such time as the field access arrangements shown on jms Group drawing number 205 P1 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 the interests of general highway safety and in accordance with the National Planning Policy Framework (2023).

7. Notwithstanding the submitted plans, the proposed northern access shall have a width of a minimum of 4.25 metres for a distance of at least 5 metres behind the highway boundary. The access once provided shall be so maintained at all times.

REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2023).

8. The development hereby permitted shall not be occupied until such time as the existing gates to the vehicular access have been permanently removed.

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 vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 5 metres of the highway boundary for the two residential accesses and 11 metres from the highway for the agricultural access, nor shall any be erected within a distance of 5/11 metres of the highway boundary unless hung to open away from the highway.

REASON: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with the National Planning Policy Framework (2023).

9. The development hereby permitted shall be implemented according to the site drainage details provided to and approved in writing by the Local Planning Authority under application 22/00918/DISCON and 24/00172/DISCON. Thereafter surface water shall not drain into the Public Highway and the approved details shall be retained at all times.

REASON: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with the National Planning Policy Framework (2023).

10. The development hereby permitted shall not be occupied until such time as the access drive (and any turning space) has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary for the residential accesses and 11 metres behind the highway boundary for the agricultural access and, once provided, shall be so maintained in perpetuity.

REASON: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with the National Planning Policy Framework (2023).

11. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Bailey Design Limited drawing number 9754.22 Rev L. 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 on-street parking problems locally and to enable vehicles to enter and leave the site in a forward direction in the interests of highway safety and in accordance with the National Planning Policy Framework (2023).

12. Notwithstanding the submitted plans, any new / replacement windows and/or doors on the ground floor of the existing buildings fronting directly on to the Kennel Lane footway shall not open so to overhang the public highway and shall thereafter be maintained in perpetuity.

Reason: In the general interest of highway safety in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD (2016) and the National Planning Policy Framework (2023).

13. The development shall be implemented in accordance with the details of the 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 under application 22/00918/DISCON. The approved details shall be retained as such at all times.

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 adopted Site Allocations and Development Management Policies Development Plan Document (2016).

14. The development shall be implemented according to the scheme of investigation regarding potential land contamination on the site which has been submitted to and agreed in writing by the Local Planning Authority under application 22/00918/DISCON. 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).

15. Upon completion of the remediation works a verification report shall be submitted to and approved by the Local Planning Authority. The verification report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the verification report together with the necessary documentation detailing what waste materials have been removed from the site.

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).

16. 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).

17. Site preparation and construction shall be limited to the following hours;

Monday - Friday 07:30 - 18:00

Saturday 08:00 - 13:00

No working on Sundays and Bank Holidays

Reason: To help prevent and mitigate noise in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD (2016) and the requirements of the NPPF.

18. The development, hereby approved, shall be implemented according to the scheme of hard and soft landscaping works, including boundary treatments, for the site. The scheme shall be carried out in full accordance with the approved landscaping scheme (Proposed Landscaping Details Drg No. 9754.103) received on 28 May 2024). 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).

19. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A-H 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 in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

20. The development, hereby approved, shall be implemented according to the scheme for the installation of electric vehicle charging points which was submitted to and approved in writing by the local planning authority under application 22/00918/DISCON. The approved details of the scheme shall be retained at all times.

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.

21. The windows to all wcs, bathrooms and en-suites of the approved development shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale and non-openable. Once so provided the window(s) 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 adopted Site Allocations and Development Management Policies Development Plan Document (2016).

22. The development, hereby approved, shall be implemented according to the approved bat & bird mitigation scheme as received on 02 July 2024 and approved biodiversity enhancement scheme. All works are to proceed strictly in accordance with the approved scheme.

Reason: To ensure the development restores, preserves and enhances valuable habitats and future protection of protected species in accordance with Policy DM6 of the Site Allocation and Development Management Policies DPD 2016.

23. The railings to the side of unit 6 and frontage of plot 7 shall be as shown on the 'Boundary Details' Plan Drg No. 9754/98/A & external works drawing number: 9754/22/L

Reason: In the interests of the history of the site and the character of the area in accordance with Policy DM11 of the Site Allocations and Development Management Policies Development Plan Document.

24. Within three months of the date of this decision, except where the close boarded fence is in compliance with approved External Works Plan (drawing number: 9754/22/L) the close boarded fence which has been erected along the northern boundary of the site shall be removed and replaced with the post and rail fence in accordance with aforementioned approved details.

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).

Notes to applicant

1. 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.
2. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
3. All proposed off site highway works, and internal road layouts shall be designed in accordance with Leicestershire County Council's latest design guidance, as Local Highway Authority. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>
4. Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.
5. The applicant's ecologist has identified that a Natural England Licence will be required for the bat mitigation. It is the applicants' responsibility to liaise with their ecologist to ensure that all necessary licences are in place prior to the commencement of the works and to ensure that all licence conditions are adhered to.
6. All bat species are afforded full protection under UK and European legislation, including the Wildlife and Countryside Act 1981 (as amended), and The Conservation of Habitats and Species Regulations 2017 (as amended). Together, this legislation makes it illegal to: Intentionally or recklessly take, kill or injure a bat; Intentionally or recklessly damage, destroy or obstruct access to bat roosts; and Intentionally or recklessly disturb bats. A bat roost is defined in the legislation as "any structure or place which a bat uses for shelter or protection". Roosts are protected whether or not bats are present at the time. As the building has confirmed bat roosts present, the works may only proceed under a granted EPS Licence from Natural England.
7. Nesting birds are protected from disturbance under the Wildlife & Countryside Act 1981 (as amended); therefore all removal of trees/shrubs/hedges and building works should take place outside the breeding season (March to August inclusive) unless carefully checked beforehand by a suitably qualified person.