

Delegated Report

Planning Ref: 23/01035/FUL
Applicant: Mr and Mrs Hunt
Ward: Twycross Sheepy & Witherley



Hinckley & Bosworth
Borough Council

Site: Willow Farm Fenn Lanes Fenny Drayton

Proposal: Construction of new dwellinghouse (following the demolition of existing agricultural building)

1. Recommendations

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

2. Planning Application Description

- 2.1. This planning application seeks full planning permission for the provision of a new two-storey, three-bedroom dwellinghouse at Willow Farm, Fenn Lanes, Fenny Drayton.
- 2.2. To facilitate the development, the existing adjoined central and attached western agricultural buildings are demolished, and the adjoined eastern agricultural building is converted into a covered amenity space and parking area. The scheme utilises an access onto Fenn Lanes, that was approved via 21/00586/FUL.
- 2.3. The new structure retains the existing eaves height of the existing agricultural buildings but increases the ridge height from 5.3m to 6.4m. The proposal features dark grey vertical cladding and grey metal roof cladding.

3. Description of the Site and the Surrounding Area

- 3.1. The application site consists of three adjoined agricultural buildings. The central barn benefits from a prior approval permission to be converted into a single dwelling via planning application 23/00637/P3CQ.
- 3.2. The application site is located outside of any identified settlement boundary within the designated open countryside. The wider application site is bordered by open agricultural fields to the north, White Gables Farm to the west, and Stoke Road and Fenn Lanes bound the site to the east and south respectively. Beyond these two roads is further open agricultural fields. Public Right of Way (PRoW), Footpath T41A, runs to the north of the application site. The area surrounding the site is rural in nature, and the nearest settlement to the application site is Fenny Drayton, which is classified as a rural hamlet within the adopted Core Strategy.
- 3.3. Fenn Lanes is a typical country road, whereby it has one lane in each direction with a 50mph speed limit.

4. Relevant Planning History

- 4.1 **23/00637/P3CQ**
- Change of use of agricultural building to a single dwelling
 - Permitted
 - 21.08.2023

- 4.2 **23/00468/DISCON**
- Application to discharge condition 7 (Archaeology) of planning application 21/00586/FUL
 - Partial Discharge of Conditions
 - 09.06.2023
- 4.3 **21/00586/FUL**
- Creation of a new access track
 - Permitted
 - 13.07.2022
- 4.4 **13/00721/HOU**
- Extensions and alterations to dwelling
 - Permitted
 - 23.10.2013
- 4.5 **03/00459/FUL**
- Construction of manège
 - Permitted
 - 16/06/2003
- 4.6 **02/01233/FUL**
- Conversion of stable to living accommodation with extensions and alterations
 - Permitted
 - 13.12.2002
- 4.7 **00/00932/C**
- Coppicing Spinney and General Maintenance Including Deadwooding
 - Recommendation Only
 - 06.10.2000
- 4.8 **98/00430/FUL**
- Conversion of existing storage building to additional living accommodation
 - Permitted
 - 22.07.1998
- 4.9 **98/00429/FUL**
- Erection of stable block and tractor shed
 - Permitted
 - 19.08.1998
- 4.10 **96/00575/FUL**
- Erection of replacement stables
 - Permitted
 - 16.09.1996
- 4.11 **95/00372/FUL**
- Erection of garages
 - Permitted
 - 19.06.1995

4.12 **94/00283/GDO**

- Agricultural Building
- Permitted
- 27.04.1994

4.13 **86/01116/4**

- Conversion of barn to dwelling
- Permitted
- 27.01.1987

4.14 **79/02375/4**

- Formation of vehicular access and closing of existing access
- Permitted
- 11.01.1980

5. Publicity

5.1 The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.

5.2 No responses have been received.

6. Consultation

6.1 There have been no objections from the following consultants:

- Hinckley & Bosworth Borough Council (HBBC)'s Drainage Officer
- HBBC's Environmental Services' Pollution Officer (subject to conditions)
- HBBC's Waste Management Officer (subject to conditions)
- Leicestershire County Council (LCC)'s Ecology Unit (subject to conditions)
- Local Highway Authority (LHA) (subject to conditions)

6.2 Witherley Parish Council did not comment on the planning application.

Ecology

6.3 On 29 November 2023, LCC Ecology stated that, providing appropriate planning conditions and technical notes are attached to any approved scheme, they have no holding objections to the proposal.

6.4 LCC Ecology consulted the Leicestershire and Rutland Environmental Records Centre (LRERC) for existing protected species data and designated sites within the locality, which may incur potential impacts depending on the proposals. Subsequently, LCC Ecology identified that the application site lies within a 'Great Crested Newt' impact buffer zone due to the presence of waterbodies and records within the immediate locality.

6.5 However, LCC considered the Applicant's Preliminary Bat Roost Assessment (PRA) and Barn Owl Presence / Absence Survey Report to be sufficient. Whilst no further survey effort was required because the assessment did not identify any potential for roosting bats or nesting birds within the current structure, the assessment did advise a number of precautionary safeguard recommendations and biodiversity enhancements. The LCC stated that these should be adhered to at all times and can be from a combination of technical notes and planning conditions. The proposed enhancements should be shown on relevant plans and submitted to the Local Planning Authority to discharge that condition.

- 6.6 LCC also considered the Applicant's Badger Surveys and Great Crested Newt Assessment report to be acceptable.

Badgers

- 6.7 The report identified a badger sett, comprising three entrance holes, within close proximity to the access track to the south. As per the recommendations made within this report, LCC advised that all site enabling works and construction activities should be completed in strict accordance with the Reasonable Avoidance Measures (RAMs) Non-Licensed Method Statement (NLMS) for badgers, which have been provide in Appendix 03 of the report. Therefore, the LCC recommended that two planning conditions secure an updated badger walkover survey and a RAMs NLMS for badgers.

Great Crested Newts

- 6.8 The LRERC data identified that great crested newts have been recorded within the pond to the north of the track and the pond to the south of the track. However, the route of the proposed access track runs through a short grassland field providing poor potential terrestrial habitat for newts and the section through the line of shrubs/trees is extremely limited in extent and is approximately 130m away from the second pond.
- 6.9 Therefore, LCC has advised that if precautionary mitigation is implemented then adverse impacts to great crested newts will be avoided and no further newt surveys or EPS mitigation licencing will be required. In accordance with recommendations made within the report, all site enabling works and construction activities should be completed in strict accordance with the Reasonable Avoidance Measures (RAMs) Non-Licensed Method Statement (NLMS) for great crested newt, which has been provided in Appendix 4 of the report. LCC recommended that this secured via planning condition.

Reptiles

- 6.10 LCC advised that the majority of the site provides poor potential reptile habitat (i.e. shortly grazed grassland field). However, precautionary mitigation is advised so that adverse impacts to reptiles are avoided/minimised. Such potential impacts are covered under the Reasonable Avoidance Measures (RAMs) Non-Licensed Method Statement (NLMS) for great crested newt, which includes ecological site supervision during vegetation clearance. LCC have recommended that this secured via planning condition.
- 6.11 The Applicant agreed to the recommended conditions on 05 December 2023.

Pollution

- 6.12 On 09 November 2023, the Council's Pollution Officer stated that removing the buildings from the east and west from an agricultural use addresses noise and odour concerns. However, in light of the submitted Phase I Risk Assessment, the Pollution Officer has requested that a planning condition is secured to cater for the potential discovery of contamination during the construction phase.

Waste

- 6.13 On 10 November 2023, the Council's Waste Management Officer has requested a planning condition to secure the provision of waste and recycling storage of containers and collection across the site.

6.14 No further responses have been received.

7. Policy

7.1 Core Strategy (2009):

- N/A.

7.2 Site Allocations and Development Management Policies Development Plan Document (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 DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM13: Preserving the Borough's Archaeology
- 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)
- National Design Guide (2019)

7.4 Other Relevant Guidance:

- Good Design Guide (2020)
- Leicestershire Highway Design Guide (LHDG) (2022)
- Technical Housing Standards – Nationally Described Space Standards (2015)

8. Appraisal

8.1. The key issues in respect of this application are therefore:

- Principle of development
- Housing land supply
- Design and impact upon the character of the area
- Impact upon residential amenity
- Impact upon parking provision and highway safety

Principle of Development

8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) identifies 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 planning consideration in planning decisions.

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 The current Development Plan consists of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016). 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.
- 8.6 Both the adopted Core Strategy and the SADMP are over 5 years old, and Paragraph 33 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. Therefore, this report sets out the relevant adopted Core Strategy and SADMP policies and refers to the NPPF and notes any inconsistencies between them.
- 8.7 Outside the defined settlement boundaries, the countryside is not regarded as a sustainable location for new development. Section 15 of the NPPF requires planning policies and decisions to conserve and enhance the natural and local environment. Paragraph 174(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.”*
- 8.8 This is supported by Policy DM4 of the SADMP, which states that the Council will protect the intrinsic value, beauty, open character, and landscape character of the countryside from unsustainable development. Policy DM4 of the SADMP only considers residential development in the countryside sustainable where:
- (a) It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
 - (b) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
 - (c) It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
 - (d) It relates to the provision of stand-alone renewable energy developments in line with Policy DM2: Renewable Energy and Low Carbon Development; or
 - (e) It relates to the provision of accommodation for a rural worker in line with Policy DM5 - Enabling Rural Worker Accommodation”.
- 8.9 Therefore, the proposed development does not relate to, or comply with, any of the criteria above in either Policy DM4, but this does not mean that the development is not sustainable.
- 8.10 The application site benefits from a Class Q conversion of the agricultural barn on site into a residential dwelling via 23/00637/P3CQ, and this is a key material consideration within this application. This is because the principle of a residential dwelling in this location has already been established.
- 8.11 Importantly, Policy DM4 also requires that development meets five further requirements to be considered as sustainable development. These are discussed in detail further in the report.
- 8.12 To summarise, the proposal is offered no support by Policy DM4 of the SADMP. However, in light of the prior approval for the conversion of the existing agricultural

building into a residential dwelling via 23/00637/P3CQ, the provision of a residential dwelling in this location is not considered to be unacceptable in principle, subject to the assessment of all other material considerations. Other material considerations are set out within the next sections of the report.

Housing Land Supply

- 8.13 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 8.14 Paragraph 11(d) of the NPPF states that planning decisions should apply a presumption in favour of sustainable development where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date. Footnote 8 of Paragraph 11 of the NPPF highlights that housing policies are considered to be out-of-date where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 8.15 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 01 April 2022. In addition, both the adopted Core Strategy and the SADMP are over 5 years old, and Paragraph 33 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. Therefore, this report sets out the relevant adopted Core Strategy and SADMP policies and refers to the NPPF and notes any inconsistencies between them.
- 8.16 Given the above and the change in the housing figures required for the Borough, the 'tilted' balance in Paragraph 11(d) of the NPPF is triggered.
- 8.17 Paragraph 11 (d) of the NPPF requires planning permission to be granted unless:
 - i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 8.18 Section 5 of the NPPF requires planning policies and decisions to deliver a sufficient supply of homes to support the Government's objective of significantly boosting the supply of homes without unnecessary delay.
- 8.19 Paragraph 82 of the NPPF states that, in rural areas, planning policies should be responsive to local circumstances and support housing developments that reflect local needs. Paragraph 70 of the NPPF states that small and medium sized sites, such as windfall sites, can make an important contribution to meeting the housing requirements of an area. Paragraph 83 of the NPPF states that, to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

- 8.20 The development is for a single residential property within a rural area, and therefore Policy 15 (Affordable Housing) and Policy 16 (Housing Density, Mix and Design) of the adopted Core Strategy are not applicable for this scheme.
- 8.21 Whilst the Council is unable to deliver a five-year supply of land for housing, given the provision of one dwelling within this application site is unlikely to be a significant benefit to the housing land supply within the Borough, it is considered that limited weight should be given to the provision of the proposed dwelling.

Design and Impact upon the Character of the Area

- 8.22 Paragraph 134 of the NPPF 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 and supplementary planning documents such as design guides and codes.
- 8.23 Policy DM4 of the SADMP states that development in the countryside will be considered sustainable where:
- i.) It does not have a significant adverse effect on the intrinsic value, beauty, open character, and landscape character of the countryside; and
 - ii.) It does not undermine the physical and perceived separation and open character between settlements; and
 - iii.) It does not create or exacerbate ribbon development.
 - iv.) If within a Green Wedge, it protects its role and function in line with Core Strategy Policies 6 and 9; and
 - v.) If within the National Forest, it contributes to the delivery of the National Forest Strategy in line with Core Strategy Policy 21.
- 8.24 Policy DM10(c) of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.25 The development is 89.7m north of the public highway and over 240m from the site's proposed access. Given the distance from the development and the site access and the existing mature vegetation along the northern boundary of Fenn Lanes, it is unlikely that views of the site are possible from the new site access.
- 8.26 Whilst views of the development are visible from Willow Farm's existing access, these views are obstructed by existing agricultural buildings and outbuildings associated with the existing residential property within the site. Moreover, views of the site are experienced fleetingly whilst driving at 50mph parallel to the development.
- 8.27 The development retains the same width, depth, and footprint of the existing central agricultural building that it is replacing. In addition, the scheme results in the demolition of the adjoined western agricultural building, which reduces the overall built footprint of the site.
- 8.28 The use of dark grey vertical cladding grey metal roof cladding is considered to be appropriate in this agricultural location and is likely to preserve the character of the site.
- 8.29 Whilst the proposal increases the ridge height of the development by 1.1m, the proposal retains a similar roof structure to the existing structure. In light of the

above, this increase is not considered to result in any significant harm to the character of the site or the surrounding area.

- 8.30 Furthermore, although glimpses of the site may be possible from PRow, Footpath T41A, the application site is experienced in the context of the surrounding agricultural structures and rural character. As the development retains many of the existing features of the built form within the site, the scheme is not considered to result in any significant adverse impacts to the character of the surrounding area.
- 8.31 The access track to the application site is over 235m in distance and was approved via planning permission 21/00586/FUL. In accordance with the Proposed Access plan of this planning permission, submitted on 11 April 2022, the access track utilises a grass finish and is built with a no-dig Geosynthetics Cellweb system. The Applicant has confirmed within their Proposed Site Plan that the access track is still built in accordance with the approved details of planning permission 21/00586/FUL. It is considered that the grass finish of the access track is likely reduce the impacts of the development on the character of the countryside.
- 8.32 Moreover, additional landscaping is secured via planning condition to further address the potential harm of the track from the public highway and the development from wider views from the north, east, and southeast as well as to improve the character of the site.
- 8.33 By virtue of the distance from the highway, its scale and design, and its proposed use of external materials, the proposal respects the character of the surrounding area and the intrinsic value, beauty, open character, and landscape character of the countryside in accordance with Policies DM4 and DM10 of the SADMP, and the Good Design Guide.
- 8.34 A condition is attached ensuring the archaeological interests relating to that part of the red line that lies within the site of the Battle of Bosworth are secured.

Impact upon Residential Amenity

- 8.35 Paragraph 130(f) of the NPPF requires planning policies and decisions to ensure that developments 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.
- 8.36 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.
- 8.37 The Good Design Guide requires the way buildings to relate to each other, and their orientation and separation distances, to provide and protect acceptable levels of amenity.
- 8.38 The Good Design Guide recommends that a principal window to a habitable room should ideally be no less than 8m from the blank side of a single storey neighbouring property, rising to 14m for a two-storey property. In addition, the separation distance between two principal windows to habitable windows should be a minimum of 21m. However, the Good Design Guide also states that, *“An exception to this rule is in an urban location where it may be acceptable to have a*

reduced distance where issues of amenity and overlooking are dealt with by good design.” Notwithstanding this, these separation distances are the minimum standards that are required, and every application will be assessed on its own merits depending on the individual characteristics of the site such as orientation, ground levels, window positions, garden size, and shape.

- 8.39 There are no neighbouring properties within 21m of the application site, and therefore the scheme does not result in any harm to the residential amenity of surrounding residential properties.
- 8.40 However, the principal habitable windows to Bedrooms 2 and 3 are only 5m from the blank single storey side elevation of an adjacent agricultural structure, following the demolition of the existing adjoined western building. This is less than the 8m separation distance requirement of the Good Design Guide and is likely to result in harm to the visual amenity of the future occupants of the scheme. The Planning Officer highlighted this issue to the Applicants on 09 November 2023 who confirmed that they wished to proceed with the un-amended design of the scheme on 23 November 2023.
- 8.41 Notwithstanding this, the application site benefits from a prior approval planning permission to convert the existing central barn into a single dwelling via planning application 23/00637/P3CQ. It is noted that within this prior approval, Bedrooms 2 and 3 are located in the same position. As a result of this significant material consideration, this potential harm is not considered to justify a recommendation for refusal of this application in these site-specific circumstances.
- 8.42 The Council’s Pollution Officer has confirmed that they have no concerns regarding noise pollution impacting the residential amenity of the future occupiers of the site.
- 8.43 To support the residential amenity of future occupiers of the scheme, one of the aims of Section 4 (New Residential Development) within The Good Design Guide is to ensure that new residential development exceeds the internal space standards set by the Technical Housing Standards (THS) (2015) wherever possible.
- 8.44 In accordance with the Technical Housing Standards (THS), proposals for three-bedroom, two storey dwellings should provide a minimum of 84sqm of floor space and 2.5sqm of built-in storage.
- 8.45 The scheme provides 132.8sqm of floor space on its ground floor alone. Although in-built storage is not clear within the proposed floor plan, it appears that 2.8sqm of storage space is provided solely within Bedrooms 2 and 3. As a result, the scheme is in accordance with the requirements of the THS.
- 8.46 In accordance with Paragraph 10(c) of the THS, to provide one bed space, a single bedroom should have a floor area of at least 7.5sqm, and a width of at least 2.15m. In order to provide two bed spaces, a double or twin bedroom should have a floor area of at least 11.5m, and a width of 2.75m for the master bedroom, and a width of 2.55m for every other bedroom in accordance with Paragraphs 10(d) and (e) of the THS.
- 8.47 All three bedrooms exceed 2.75m in width and 11.5sqm in area, in accordance with Paragraphs 10(d) and (e) of the THS.
- 8.48 To comply with the Good Design Guide, three-bedroom houses must also provide a minimum of 80sqm of private outdoor amenity space with a minimum length of 7m.

- 8.49 The scheme provides a private outdoor rear amenity space that exceeds all the requirements of the Good Design Guide.
- 8.50 By virtue of these factors and the fact that there have been no objections to the scheme, the proposal does not result in any significant adverse impacts to the residential amenity of neighbouring properties, nor the future occupiers of the scheme. Therefore, the development is considered to be in accordance with Policy DM10 of the SADMP and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.51 Paragraph 110 of the NPPF states that it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 111 of the NPPF 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.
- 8.52 Section 9 of the NPPF promotes sustainable transport. Paragraph 124(c) of the NPPF states that planning decisions should support development that makes efficient use of land, when taking into account, *“The availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use.”*
- 8.53 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)).
- 8.54 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.55 Paragraph 3.151 (Quantum) of Part 3 of the LHDG requires three off-street vehicle parking spaces for four-bedroom dwellings. Paragraph 3.165 (Dimensions) of Part 3 of the LHDG requires minimum parking sizes to be 2.4m x 5.5m, and an additional 0.5m in width is required the parking space is bounded by a wall, fence, hedge, line of trees or other similar obstructions on one side. This width increases to 1m if the parking space is bounded on both sides.
- 8.56 The development provides three parking spaces that are appropriately sized in accordance with the requirements of Paragraphs 3.151 and 3.165 of Part 3 of the LHDG.
- 8.57 The Local Highway Authority (LHA) confirmed that, as per planning permission 21/00586/FUL, the access arrangements to the development are satisfactory.
- 8.58 Based on available records to the LHA, there has been one Personal Injury Collision (PIC) recorded within 500m either side of the site access within the last five years. This was recorded as serious and occurred in June 2023 at the junction of Fenn Lanes with Stoke Road, involving a vehicle and a turning cyclist. Whilst the PIC is regrettable, the LHA do not consider the proposals to exacerbate the existing highway safety situation.

8.59 Conditions as attached to the previous approval for the access (21/00586/FUL) are attached.

8.60 In light of the above, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe in accordance with Policies DM17 and DM18 of the SADMP, the LHDG, and the NPPF.

9. Equality Implications

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

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

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

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

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

10. Conclusion

10.1 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission to be granted, subject to the imposition of appropriate conditions.

11. Recommendation

11.1 **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report.

11.2 Conditions and Reasons

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

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

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

- Existing Plans and Elevations – Drg No. E010 Rev A (submitted: 30.10.2023)
- Existing Site and Location Plan – Drg No. E001 Rev A (submitted: 30.10.2023)
- Proposed Floor Plans and Elevations Rev D (submitted: 05.12.2023)
- Proposed Site and Location Plan Rev D (submitted 05.12.2023)

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

3. Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Classes A, AA, B, C, D, 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 protect the character of the surrounding area in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. Immediately prior to commencing onsite enabling or construction works, an update badger walkover will be completed by a competent and experienced ecologist to update survey effort completed during 2021 and 2022. This is due to the inherent nature of badgers changing sett locations and creating new ones in short periods of time. A report detailing the outcome of the updated walkover should be provided to the LPA Ecology department for discharge.

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

5. All site enabling works and construction activities should be completed in strict accordance with the Reasonable Avoidance Measures (RAMs) Non-Licensed Method Statement (NLMS) for badger provided in the 'Badger Surveys and Great Crested Newt Assessment' report dated June 2022 completed by Udall-Martin Associates Ltd.

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

6. All site enabling works and construction activities should be completed in strict accordance with the Reasonable Avoidance Measures (RAMs) Non-Licensed Method Statement (NLMS) for great crested newt provided in the 'Badger Surveys and Great Crested Newt Assessment' report dated June 2022 completed by Udall-Martin Associates Ltd.

Reason: In order to protect the protected wildlife species and their habitats that are known to exist on site in accordance with Policy DM6 of the adopted

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

7. The development shall be carried out in full accordance with the recommendations within Section 5 (Recommended Precautionary Mitigation, Safeguarding, and Enhancement Measures) of the Bat and Barn Owl Survey Report (submitted: 30.10.2023)

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

8. The development shall be carried out in full accordance with the recommendations within Section 6 (Recommendations) of the Badger and Great Crested Newt Assessment (submitted: 22.11.2023)

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

9. The access track for the development hereby shall be constructed to facilitate a grassed finish via a no-dig Geosynthetics Cellweb System, in accordance with the Proposed Site and Location Plan Rev D (submitted: 05.12.2023).

Reason: To protect the character of the surrounding area in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

10. The development hereby permitted shall not be occupied until such time as the existing adjoining structure to the west of the building, adjacent to Bedrooms 2 and 3, has been demolished.

Reason: In order to provide adequate natural light to the habitable rooms in the interests of protecting the residential amenity of the future occupants of the scheme in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11. The development hereby permitted shall not be occupied until such time as the existing adjoining structure to the east of the building, situated next to the Kitchen/Living/Dining Room, has been removed from agricultural use. This structure will then be restricted to the ancillary residential use of the Applicant in perpetuity.

Reason: In the interests of protecting the residential amenity of the future occupants of the scheme in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

12. The development hereby permitted shall not be first used until such time as the scheme makes adequate provision for waste and recycling storage of containers and collection across the site which has been submitted in writing to, and approved in writing by, the Local Planning Authority. The details should address accessibility to storage facilities and confirm adequate space

is provided at the adopted highway boundary to store and service wheeled containers.

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

13. The development hereby permitted shall not be first used 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).

14. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with the Proposed Floor Plans and Elevations Rev D (submitted: 05.12.2023). Thereafter the onsite parking provision shall be so maintained in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (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).

15. If during development, contamination not previously identified is found to be present at the site, no further development shall take place until a 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 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).

16. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 160 metres by 160 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 the National Planning Policy Framework (2021)

17. The development hereby permitted shall not be carried out otherwise than in complete accordance with the Proposed Access dwg no 01L (submitted: 11.04.2022), which was submitted for, and secured via planning condition within, the approved planning application 21/00586/FUL. No part of the development hereby permitted shall be occupied until such time as these access arrangements have been implemented in full.

Reason: To ensure that vehicles entering and leaving the site may do so in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (December 2023).

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

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with the National Planning Policy Framework (December 2023), and to protect the character and the significance of the designated battlefield site, The Battle of Bosworth Field 1485, in accordance with Policies DM4, DM10, DM11, DM12, and DM13 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

19. No development of the access track within the identified boundary of the registered battlefield, The Battle of Bosworth Field 1485, shall take place/commence until a Written Scheme of Investigation (WSI) has been submitted in writing to, and approved in writing by, the Local Planning Authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives and

i. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.

ii. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI

Reason: To ensure satisfactory archaeological investigation and recording has taken place to protect the historic and archaeological character and significance of the designated battlefield site, The Battle of Bosworth Field, 1485, in accordance with Policies DM4, DM10, DM11, DM12, and DM13 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. To avoid adverse impacts to nesting birds, the removal of shrubs ideally would be carried out outside the bird breeding season (which runs from March to September, inclusive). If this cannot be achieved, then pre-vegetation clearance nesting bird checks completed by an appropriately experienced ecologist would be required prior to removal works.
3. The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance, or alternatively assembled from modular surface water storage/soakaway cell systems, incorporating silt traps. Design and construction of all types of soakaways will be subject to the approval of the Building Control Surveyor.
4. Any access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet (See Environment Agency guidance on the permeable surfacing of front gardens).
5. Hinckley & Bosworth Borough Council's recycling and refuse collection services are from the boundary to the adopted highway. Please refer to the policies within the Wheeled Bin and Container Policy (updated March 2018). It would be advisable to include an area near the roadside for the safe placement of the various containers on collection day. This will then keep the access clear to allow vehicular access. It will be the responsibility of the occupiers to ensure that all containers/wheeled bins are brought to the collection point.