

Delegated Report

Planning Ref: 24/01161/FUL

Applicant: MESSRS D & R JACKSON

Ward: Cadeby Carlton M Bosworth & Shackerstone



Hinckley & Bosworth
Borough Council

Site: Manor Farm, 2 Carlton Road, Barton In The Beans

Proposal: Conversion of two agricultural buildings to form two dwellinghouses

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. The proposal is for the conversion of two redundant farm outbuildings to provide two dwellings, one six-bedroom dwelling (plot A, being the southernmost building) and a five-bedroom dwelling (plot B, being the northernmost building).
- 2.2. Other than these alterations, the proposal utilises existing openings and minimal additional windows, and is to retain the exiting external materials with new vertical timber boarding and glazing on some parts of the building. A separate private amenity area is proposed to the west.
- 2.3. The proposal utilises the existing access arrangement from Carlton Road and provides four off street parking spaces.

3. Description of the site and surrounding area

- 3.1. The application site forms part of the Manor Farm complex, measures approximately 1.2 acres, and comprises of two rectangular plan steel framed agricultural buildings dating from the late-20th century. There a number of agricultural buildings laid out within a farmyard to the south of Manor Farmhouse, some of which have planning permission for conversion to residential dwellings. The site lies outside the settlement boundary of Barton in the Beans and is surrounded on three sides by open countryside, with the wider site and village boundary to the north.
- 3.2. The other buildings within the complex comprise of six red brick buildings to the south of the farmhouse, five of which date from the 19th century and one from the mid-20th century, and two Dutch barns to the west dating from the mid to late-20th. Historically the 19th century buildings formed a rectangular courtyard arrangement to the south of the farmhouse.

4. Relevant planning history

17/00428/CQGDO

- Prior approval for a proposed change of use of an agricultural building to three dwellings (C3) and associated operational development
- Permitted Development
- 16.08.2017

19/00093/FUL

- Demolition of existing agricultural buildings and erection of 8 dwellings with associated landscaping

- Refused
- 15.07.2019

22/00907/P3CQ

- Prior Approval for the conversion of an existing agricultural building to provide 5 residential dwellings
- Prior approval refused
- 25.11.2022

21/01170/P3CQ

- Change of use of an agricultural building to 5 dwellings (Use Class C3)
- Planning permission required
- 26.11.2021

21/01170/P3CQ

- Change of use of an agricultural building to 5 dwellings (Use Class C3)
- Planning permission required
- 26.11.2021

22/00909/FUL

- Full Planning Application for the conversion of buildings to form 6no. dwellings with associated alterations, car parking, hard and soft landscaping
- Planning permission
- 17.01.2023

23/00159/P3CQ

- Conversion of existing agricultural building to five residential dwellinghouses
- Planning permission required
- 17.04.2023

23/01183/FUL

- Conversion of agricultural building to single dwellinghouse
- Planning permission
- 03.05.2024

5. Publicity

- 5.1 The application has been publicised by posting a site notice within the vicinity of the site and letters sent to neighbours.
- 5.2 No representations have been received.

6. Consultation

- 6.1 LCC Highways: No objections subject to conditions.
- 6.2 LCC Minerals: No objection.
- 6.3 LCC Ecology: No objections subject to conditions.
- 6.4 HBBC Waste Management: No objections, condition and one note to applicant.
- 6.5 HBBC Drainage: No objections, notes to applicant.

- 6.6 HBBC Environmental Health – Pollution: No objections subject to conditions.
- 6.7 HBBC Conservation Officer: No objection.

7. Policy

Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM15: Redundant Rural Buildings
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2024)
- Planning Practice Guidance (PPG)

Other relevant guidance

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

8. Appraisal

Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact on heritage assets
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Ecology and biodiversity
- Flood risk and drainage

Assessment against strategic planning policies

- 8.1 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. Paragraph 2 of the NPPF also identifies that the NPPF is a material planning consideration in planning decisions. 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, permission should not usually be granted unless other material considerations indicate otherwise.
- 8.2 The development plan in this instance consists of the Core Strategy (2009), and the Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016).

- 8.3 The application site is located outside the settlement boundary of Barton in the Beans and is therefore sited within open countryside. Policy DM4 states that to protect its intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development.
- 8.4 According to Policy DM4 of the SADMP, development in the countryside will be considered 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 diversification of rural businesses; or
 - c) It significantly contributes to economic growth, job creation and/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.
- 8.5 Policy DM4 supports the re-use of buildings which lead to the enhancement of the immediate setting; or diversification of rural businesses, and therefore the proposal is considered acceptable.
- 8.6 Policy DM15 supports the re-use and/or adaption of redundant or disused rural buildings where:
- a) The applicant demonstrates the building is no longer viable in its current use;
 - b) The applicant has adequately demonstrated the building is in a structurally sound condition and is capable of conversion without significant rebuild or alteration; and
 - c) Any proposed extension(s) or alterations are proportionate to the size, scale, mass and footprint of the original building and situated within the original curtilage; and
 - d) The proposed development accords with Policy DM10: Development and Design and relevant design guidance, DM11: Protecting and Enhancing the Historic Environment and DM12: Heritage Assets.
- All development proposals for the re-use of redundant rural buildings should result in the enhancement of the immediate setting.
- 8.7 The two buildings subject to this application are visibly redundant, and the Applicant has confirmed that the buildings no longer serve a purpose for their previous agricultural use as the dairy farm is no longer operational. The buildings are however in a structurally sound condition and would not require significant alteration or rebuilding as part of the proposal. It is therefore considered that the building is capable of conversion without significant rebuilding or alteration in accordance with DM15. The LPA would usually request a structural survey for this type of application, however in this specific case as the applicant has submitted structural surveys for other buildings within the site, officers are satisfied that the buildings subject to this application are of a similar design and age and visually appear structurally sound, and a survey is therefore not necessary. The proposals do not include any extensions, however there are alterations including the removal of a mono-pitch extension and the removal of some of the roofscape to create a courtyard area. It is considered that the proposals would enhance the immediate

setting of the building and would secure a sustainable long-term future re-use of the building, thus according with Policies DM4 and DM15.

- 8.8 For the above reasons, the proposed change of use is consistent with the Development Plan, and the Framework. The principle of development is therefore considered acceptable.

Design and impact upon the character of the area

- 8.9 Policy DM4 of the SADMP seek to protect the intrinsic value, beauty, open character and landscape character of the countryside.
- 8.10 Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.11 Being situated within a prominent position along Carlton Road, the site lies within an area where open countryside can be viewed from the small hilltop village as characterised in the LCA as providing a rural setting to this settlement. The village continues to be set within rolling farmsteads which contribute to its rural character.
- 8.12 The main form and design of the buildings would remain largely unchanged, with the existing steel portal frame and profile sheet roofing to remain, with York boarding, timber cladding and concrete infill panels in sections. The existing openings are to be predominantly maintained and infilled with glazing, which is appropriate for this type of development. The eastern elevations of each building are proposed to be the principal façade and would be predominantly clad in timber, new openings for fenestration. It is considered that the rural and functional character of the buildings would be maintained and represent an enhancement to the immediate setting of the area, whilst also complementing the character of the surrounding area.
- 8.13 Details regarding landscaping are limited, therefore a pre-commencement condition has been added to secure these details. Specific elements to consider would be utilising native species hedgerows along the southern boundary of the access track and car parking area, retaining as much of the existing field boundary hedgerow to the south of the access and the western boundary with open countryside beyond, avoiding harmful effects upon the farmyard character of the site via unnecessary subdivision of the amenity areas through high boundary treatments, and considering typical hard surfaces within farm courtyards, such as concrete, for amenity areas and driveway finishes, rather than overly domestic finishes.
- 8.14 In summary, subject to conditions, it is considered that the proposal would complement and enhance the character and appearance of the area and the proposed would accord with Policies DM4, DM10, DM11 and DM12 of the SADMP, section 16 of the NPPF and the statutory duty of section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.

Impact on heritage assets

- 8.15 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural and historic interest which it possesses.
- 8.16 Section 16 of the National Planning Policy Framework provides the national policy on conserving and enhancing the historic environment. When considering the

impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (paragraph 193). Paragraph 196 states that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'.

8.17 In accordance with Policy DM11 of the SADMP and paragraph 196 of the NPPF the harm caused by the proposal should be weighed against the public benefits. Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the NPPF (paragraph 8). Public benefits may include heritage benefits as specified in the Planning Practice Guidance.

8.18 The Conservation Officer has no objection to the proposal, making the following comments:

"The proposal is for the conversion of the two late-20th century steel framed agricultural buildings, to form a six bedroom dwelling (plot A, being the southernmost building) and a five bedroom dwelling (plot B, being the northernmost building). I make no comments on the principle of the conversion of the buildings located within the countryside to form the dwellings.

As part of the proposed conversion of the buildings the existing profile sheet roofing material is to be refurbished and retained. The steel portal frame would be refurbished and left exposed. Where present the existing walling materials of York boarding, concrete infill panels and profile metal sheeting would be retained and refurbished, with any remaining openings infilled by timber cladding and glazing for doors and windows, with the fenestration being rectangular in size and methodically located across each elevation. In my opinion, the predominantly rural and functional character of the buildings would be maintained following their proposed conversion and alterations, and they would continue to be a neutral presence in the wider setting of Manor Farmhouse.

The site plan indicates that the existing farm access adjacent to the application buildings, to the west of Carlton Road, would be used to access the site, with a private driveway running along the eastern elevations of the buildings and providing access to dedicated parking areas for each dwelling. Large garden areas are proposed to the south and mainly the west of each dwelling, defined by the existing extent of the farmyard. In my opinion, this arrangement has the potential to maintain the rural setting of the site subject to the appropriate selection of hard and soft landscaping details and boundary treatments.

As details regarding landscaping are limited it is suggested that a pre-commencement condition is required to secure these details, with the applicant applying guidance provided within the Council's Good Design Guide in regard of the conversion of agricultural buildings. Specific elements to consider would be retaining the small line of trees to the south of building A, utilising native species hedgerows to define the southern boundary of the site, retaining as much of the existing field boundary hedgerow to the east and west of the site as possible (and if any section of hedgerow along Barton Road does require removal to provide visibility splays then a condition should be used to secure replanting and reestablishment at the back edge of the splays), avoiding harmful effects upon the farmyard character of the site via unnecessary subdivision of the amenity areas through high boundary treatments, and considering typical hard surfaces within

farm courtyards, such as concrete, for amenity areas and driveway finishes, rather than overly domestic finishes.

In my opinion the proposed conversion of the application buildings to two dwellings based on interventions that largely respect their predominantly rural and functional character would have no adverse impact upon the significance of the grade II listed building Manor Farmhouse, with the converted buildings continuing to be a neutral presence in its wider setting. Careful consideration must be given to the hard and soft landscaping details and boundary treatments surrounding the buildings and the wider application site. Should the application be approved, these details can be secured as part of a landscaping condition. For these reasons it is considered that the proposal would comply with Policies DM11 and DM12 of the SADMP, section 16 of the NPPF and the statutory duties of Section 66 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 8.19 For the above reasons it is considered that proposal would be compatible with the significance of the curtilage listed outbuildings of Manor Farm and it is compatible with the setting of the grade II listed building Manor Farmhouse. Consequently, the proposal would comply with Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD (SADMP), section 16 of the National Planning Policy Framework and the statutory duties of Sections 16 and 66 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact upon neighbouring residential amenity

- 8.20 Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.21 The converted dwellings would neighbour seven approved dwellings directly to the north, approved via permissions 22/00909/FUL and 23/01183/FUL. The rear (west) elevation of Building 'A' would face the front elevation of Building 'B' with a separation distance of approximately 10m. Whilst this is a shortfall of 2m when referring to separation distances between habitable rooms and two storey dwellings, in this specific case it is considered acceptable given the unique nature of the proposal, and the relatively open nature of the site. The rear elevation of Building 'B' would face the front elevation of the dwelling approved under application 23/01183/FUL. This is a single storey dwelling and there is an adequate separation distance of 12m between the habitable window and blank elevation. A condition has been included to ensure that windows on the upper floors of the approved dwellings shall be obscurely glazed, bottom hung and have restricted opening.
- 8.22 Both dwellings would have substantial garden areas far exceeding the minimum guidelines in the GDG. This is considered adequate for the size of the dwelling proposed.
- 8.23 Overall, the proposed development would not cause detrimental impacts to residential amenity and as such is in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.24 Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate/justified level of parking provision.
- 8.25 The LHA confirm that the existing access is acceptable but include a condition regarding its width and surface material. In terms of trip generation, the LHA do not consider that there would be a material increase in trip generation when compared to the existing use, therefore the LHA have no concerns in regard to highway safety. In regard to the internal layout and parking arrangement, the provision of three parking spaces for each dwelling is acceptable to the LHA.
- 8.26 Overall, the proposal would not result in adverse impacts upon highways safety and would be on in accordance with Policies DM17 and DM18 of the adopted SADMP.

Ecology & biodiversity

- 8.27 Policy DM6 of the SADMP states that major developments must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services. On-site features should be retained, buffered and managed favourably to maintain their ecological value, connectivity and functionality in the long-term.
- 8.28 The applicant has submitted a Preliminary Ecological Appraisal and BNG metric. The PEA is acceptable and requests ecological enhancement measures which are secured by condition.
- 8.29 The statutory framework for BNG has been designed as a post-permission matter to ensure that the biodiversity gain objective of achieving at least a 10% gain in biodiversity value will be met for development granted planning permission. Once planning permission has been granted, a 'Biodiversity Gain Plan' must be submitted and approved prior to commencement of the development. However, the PPG is clear that BNG is not just a post-permission matter, that it is a material consideration and that when determining a planning application LPA's need to consider whether the BNG condition is capable of being discharged successfully through the imposition of conditions and/or a legal agreement.
- 8.30 The BNG metric demonstrates on site increase in habitat units of 52.19%. A Habitat Management and Monitoring Plan is also conditioned, the development will also be subject to the mandatory Biodiversity Gain Plan condition.
- 8.31 Therefore, subject to conditions, it is considered that the proposal complies with Policy DM6 of the SADMP and paragraph 193 of the NPPF.

Flood risk & drainage.

- 8.32 Policy DM7 of the adopted SADMP requires that development does not create or exacerbate flooding.
- 8.33 Paragraphs 170 to 181 of the NPPF relate to flood risk and that new development should be both directed away from the areas at highest risk of flooding and should not increase flood risk elsewhere.
- 8.34 The site is located in flood zone 1, and there are no objections from HBBC Drainage and informative notes regarding surface water drainage and permeable surfacing have been included. It is therefore considered that the proposed development accords with Policy DM7 of the SADMP and would not create or exacerbate flooding and is in a suitable location with regard to flood risk.

8. Equality implications

- 8.1. 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.
- 8.2. 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.
- 8.3. There are no known equality implications arising directly from this development.
- 8.4. 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).

9. Conclusion

- 9.1. 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.
- 9.2. The NPPF is a material consideration in determining applications. Paragraph 11 of the NPPF identifies that plans and decisions should apply a presumption in favour of sustainable development, and for decision taking this means approving development proposals that accord with an up-to-date development plan.
- 9.3. The proposal is considered to be acceptable in principle as it involves the re-use existing buildings which leads to the enhancement of the immediate setting (Policy DM4), and also complies with Policy DM15, as the applicant has demonstrated that the buildings are no longer viable in their current use and are in a structurally sound condition, capable of conversion without significant rebuild or alteration. Neither of the conversions would involve any disproportionate extensions.
- 9.4. The proposal would not have any significant adverse impacts upon residential amenity, the character of the area or nearby heritage assets, ecology and biodiversity, and would not have an adverse impact on vehicular or pedestrian safety. It is considered that the proposed development would be in accordance with Policies DM4, DM10, DM11, DM12, DM15, DM17 and DM18 of the SADMP. Therefore, the proposal is recommended for approval subject to conditions.

10. Recommendation

- 10.1 Grant planning permission subject to:

- Planning conditions outlined at the end of this report

10.2. 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, as follows:
 - Location Plan
 - Proposed Site Layout - Drg No. HMD/PD/0563/01.
 - Proposed Elevations, Floor Plans and Design Section (Outbuilding 'A') – Drg. No. HMD/PD/0563/02.
 - Proposed Elevations, Floor Plans and Design Section (Outbuilding 'B') – Drg. No. HMD/PD/0563/03.
 - Site Access Arrangement – Drg. No. HMD/PD/0507/01

All plans received 24/12/2024.

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).

3. The materials to be used upon the external elevations of the hereby approved conversions for both buildings are to comply with those listed in the materials schedule of the approved plan:
 - Proposed Elevations, Floor Plans and Design Section (Outbuilding 'B') – Drg. No. HMD/PD/0563/03.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted in writing to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. 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 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).

6. Prior to first occupation, a scheme makes adequate provision for waste and recycling storage of containers and collection across the site which is to be 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 adequate provision for waste and recycling containers and collection is afforded, ensuring that the visual amenity of the area is safeguard in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

7. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Site Access Arrangements Drg. No. HMD/PD/0507/01, received by the Local Planning Authority on 24 December 2024, 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 Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (December 2024).

8. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with House Martins Designs drawing number HMD/PD/0563/01. 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 Policy DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (December 2024).

9. 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 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 2024).

10. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A-F 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).

11. Notwithstanding the approved plans all windows serving bathrooms or en-suites in both dwellings shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale and thereafter shall be retained as such in perpetuity.

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).

12. No development shall take place until a scheme of hard and soft landscaping works for the site, including details of boundary treatments, native planting, and 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, DM6 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

13. The development hereby approved shall, during the construction, ensure excavations or trenches left overnight are covered or have an escape route such as a shallow gradient at one or both ends. Ensure excavations or trenches are inspected each morning and evening to ensure no badgers have become trapped. Any open pipework with a diameter of more than 120mm should be properly covered or capped at the end of the working day to prevent badgers from entering and becoming trapped. During the work, the storage of any chemicals should be contained in such a way that they cannot be accessed or knocked over by any roaming badgers. Litter, tools and potentially dangerous materials on site should be cleared at the end of the working day. Care should be taken that there are no sharp metal objects or pointed protrusions on the ground which could seriously injure a badger due to their poor eyesight.

Reason: To protect and enhance biodiversity, and in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and the National Planning Policy Framework and paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990.

14. 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 integrated bat boxes, four integrated swift boxes, 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 protect and enhance biodiversity, and in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and the National Planning Policy Framework and paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990.

15. The development shall not commence until a 30-year Habitat Monitoring and Management Plan (HMMP), prepared in accordance with an approved Biodiversity Gain Plan, has been submitted to and approved in writing by the local planning authority. The approved HMMP shall be strictly adhered to and implemented in full for its duration and shall contain the following:

- a) Description and evaluation of the features to be managed;
- b) Ecological trends and constraints on site that may influence management;
- c) Aims, objectives and targets for management - links with local and national species and habitat action plans;
- d) Description of the management operations necessary to achieving aims and objectives;
- e) Preparation of a works schedule, including annual works schedule;
- f) Details and a timetable of the monitoring needed to measure the effectiveness of management;
- g) Details of the persons responsible for the implementation and monitoring;
- h) mechanisms of adaptive management to account for necessary changes in work schedule to achieve the required targets; and
- i) Details of methodology and frequency of monitoring reports to be submitted to the Local Planning Authority to assess biodiversity gain

Reason: To protect and enhance biodiversity, and in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and the National Planning Policy Framework and paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990.

16. Notwithstanding the approved Proposed Site Layout - Drg No. HMD/PD/0563/01, no part of the land shown as the dedicated Biodiversity Net Gain area shown on the Biodiversity Gain Plan on page 22 of the Revised Preliminary Ecology Appraisal by Wildlife Consultants Limited, shall be used as residential garden. The area shall be demarked by fencing, as approved under condition 12 of this permission, prior to first occupation of any dwelling hereby approved. The fencing shall be retained and maintained in perpetuity thereafter.

Reason: To protect and enhance biodiversity, and in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and the National Planning Policy Framework and paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990.

11.2 Notes to applicant

- 1. Insert Biodiversity Gain Plan condition- mandatory requirement.
- 2. 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.
- 3. Surface water should be managed by sustainable methods, preferably those which disperse runoff by infiltration into the ground strata: i.e. soakaways,

pervious paving, filter drains, swales, etc. and the minimisation of paved area, subject to satisfactory porosity test results and the site being free from a contaminated ground legacy. If the ground strata are insufficiently permeable to avoid discharging some surface water off-site, flow attenuation methods should be employed, either alone or in combination with infiltration systems and/or rainwater harvesting systems.

4. Any proposed 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. Please note, the collection point for domestic recycling, garden waste and refuse is from the adopted highway boundary. Please ensure there is adequate space on the property to store the waste containers and also space at the kerbside (where the property meets the public highway) for the placement of the containers on collection day. We do not travel along or collect from private roads or driveways. It would be advisable to include an area near to the roadside for safe placement of the various containers on collection day, up to two bins per property. It will be the responsibility of the occupiers to ensure that all containers/wheeled bins will be brought to the collection point and returned back to private property after collections have taken place, please ensure occupiers are advised of the procedure and bin collection point.
6. 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.
7. In relation to conditions 4 and 5 advice from Environmental Health should be sought via esadmin@hinckley-bosworth.gov.uk to ensure that any investigation of land contamination is in accordance with their policy.