

Report to the Planning Manager (Development Management)

Planning Ref: 23/00576/CONDIT

Applicant: Miss Katie Stanyard

Ward: Ambien



Hinckley & Bosworth
Borough Council

Site: Land South East Of 47 Wykin Lane Stoke Golding

Proposal: Variation of condition 1 (approved plans) and condition 2 (parking and turning facilities) of planning permission 22/01080/REM [Application for approval of Reserved Matters (relating to appearance, landscaping, layout and scale) of Outline Planning Permission 19/01324/OUT for the erection of 55 dwellings]

1. Recommendation

1.1. Grant planning permission subject to

- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. Outline planning permission was granted under appeal reference APP/K2420/W/20/3262295 for the residential development of the site to provide up to 55 dwellings. Since the appeal was allowed, as set out in the planning history section below, a number of conditions have been discharged and reserved matters approved in respect of appearance, landscaping, layout and scale. Access was a matter considered in detail in the context of the outline application that was the subject of the appeal.
- 2.2. The current application seeks to vary conditions 1 (approved plans) and 2 (parking and turning facilities) to amend the scheme. The changes proposed arise from the need to conform with the latest building regulations standards, including the need to accommodate increased wall cavities and the provision of solar panels. A number of the house types have also changed to reflect market demand and the developer's product offering and the site layout has been subject to minor changes to accommodate these amendments.

3. Description of the site and surrounding area

- 3.1. The application site comprises a single field of 2.12 hectares adjacent to the southern boundary of Stoke Golding. To the north the site is bounded by residential development on Wykin Lane, Stoneley Road and Arnold Crescent and to the northeast by the Stoke Golding Park. To the east the site is bounded by existing hedgerows beyond which is farmland and to the west, on the opposite side of Wykin Lane is the Wykin Lane Cemetery. The site is not publicly accessible and there are no public rights of way through or within the site.
- 3.2. The landscape character of the area is of small to medium sized rectilinear fields divided by low hedgerows and mature hedgerow trees. The boundary to Wykin Lane is marked by particularly mature hedging and many trees.
- 3.3. There are no designated or non-designated heritage assets within the vicinity of the site. The Stoke Golding Conservation Area lies approximately 250 metres to the north of the application site and the closest Listed Building, the Grade II Listed Royal Observer Corps underground monitoring post is located approximately 200 metres to the west.

4. Relevant planning history

20/00038/PP / APPEAL REF APP/K2420/W/20/3262295

- Residential development of up to 55 dwellings (Outline - access only)
- Appeal Allowed (21.05.2021)

19/01324/OUT

- Residential development of up to 55 dwellings (Outline - access only)
- REFUSED (17.06.2020)

22/00595/CONDIT

- Variation of Condition 14 (Biodiversity Management Plan) and Condition 16 (Vegetation Buffer) of Planning Permission ref: 19/01324/OUT (Construction of up to 55 dwellings, all matters reserved, except for access, at land at Wykin Lane, Stoke Golding, Nuneaton CV13 6JG) dated 21/05/2021. Variation to include; for Condition 14: removing the need to provide on-site mitigation for great crested newts as their mitigation is being addressed wholly off-site and for Condition 16: to reduce the extent of buffers proposed and references to great crested newts.
- PERMIT (04.11.2022)

22/00845/REM

- Approval of reserved matters of Outline planning permission 19/01324/OUT Residential development of up to 55 dwellings (Outline - access only)
- PERMIT (25.11.2022)

22/01080/REM

- Application for approval of Reserved Matters (relating to appearance, landscaping, layout and scale) of Outline Planning Permission 22/00595/CONDIT for the erection of 55 dwellings.
- Reserved Matters Approval (04.04.2023)

23/00550/DISCON

- Application to discharge Condition 14 (Biodiversity Management Plan) attached to planning application 22/00595/CONDIT
- DISCHARGED (03.08.2023)

23/00551/DISCON

- Application to discharge condition 10, (Surface Water Drainage) and 12, (Drainage Strategy) attached to planning application 22/00595/CONDIT

- DISCHARGED (15.08.2023)

23/00552/DISCON

- Application to discharge condition 21 (Waste and Recycling Storage and Collection) attached to planning permission 22/00595/CONDIT
- DISCHARGED (03.08.2023)

23/00553/DISCON

- Application to discharge condition 8 (Land Contamination) attached to planning permission 22/00595/CONDIT (19/01324/OUT)
- DISCHARGED (03.08.2023)

23/00554/DISCON

- Application to discharge condition no. 3 (Accessibility to Site) attached to planning permission 22/00595/CONDIT ((19/01324/OUT)
- DISCHARGED (03.08.2023)

23/00575/DISCON

- Application to discharge Condition 6 (CEMP) of planning application 22/00595/CONDIT (19/01324/OUT - APP/K2420/W/20/3262295)
- DISCHARGED (12.09.2023)

23/00635/DISCON

- Application to discharge condition 11 (Surface water during construction) attached to planning permission 22/00595/CONDIT
- DISCHARGED (17.08.2023)
- 17.08.2023

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 and a notice was displayed in the local press.
- 5.2. Two objection letters were received following the publicity surrounding the planning application. The concerns raised are summarised below:
 - Concern regarding reduced ecological buffer
 - Outbuilding of plot 1 excluded from the redline application boundary
 - Neighbour impacts arising from the relationship between plot 11 and 53 Arnold Road

6. Consultation

6.1. The following provides a summary of the consultation responses received. Where appropriate the responses have been incorporated into the body of the report below.

- LCC Highways – No objection
- Ecology – No objection
- LLFA – No objection
- HBBC Drainage – No objection
- Archaeology – No comments/objection
- Environment Agency – No comments
- LCC Minerals – No comments
- Conservation Officer – No comments
- Environmental Health – No comments

Parish Council Response

6.2. Stoke Golding Parish Council initially objected to the planning application. They were concerned about the loss of a boundary tree, the extent of the redline boundary and, as per the neighbour representations above, concern was raised in respect of the layout's impact on the amenity of neighbouring occupiers.

6.3. The applicant clarified some matters with the Parish such that only the concern regarding the potential conflict between the access and a boundary tree remains. The Parish's concern regarding the tree remains yet they have noted that: *"We understand any decision on these needs to be made by HBBC Planning in conjunction with LCC Highways and cannot be automatically assumed from the splay diagrams provided by Davidsons."*

6.4. The remaining area of concern will be carefully considered in the body of the report below.

7. Policy

7.1. Core Strategy (2009)

- Policy 11: Key Rural Centres Stand Alone
- Policy 14: Rural Areas Transport
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 19: Green Space and Play Provision
- Policy 20: Green Infrastructure

7.2. Site Allocations and Development Management Policies DPD (SADMP) (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. Stoke Golding Neighbourhood Plan (SGNP) (2022)

- Policy SG1: Housing Requirement
- Policy SG4: Housing Mix
- Policy SG5: Affordable Housing
- Policy SG7: Areas of Separation
- Policy SG11: Ecology and Biodiversity
- Policy SG12: Trees and Hedgerows
- Policy SG15: Design

7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2021)
- Planning Practice Guidance (PPG)

7.5. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)
- Housing Needs Study (2019)
- Affordable Housing SPD (2011)
- Leicestershire Highways Design Guide

8. Appraisal

8.1. Key Issues:

- Principle of Development
- Design and Impact upon the Character of the Area
- Housing Mix
- Impact upon Residential Amenity
- Impact upon Highway Safety & Parking
- Ecology and Biodiversity
- Flood Risk & Drainage

Principle of Development

- 8.2 In this instance the principle of development of the site has already been established through outline permission being granted for 55 dwellings through the Public Inquiry appeal process that took place under appeal reference APP/K2420/W/20/3262295. The principle of the development of the site has further been established by the approval of reserved matters under planning application reference 22/00845/REM and the discharge of the subsequent conditions applications referred to in the planning history section above.
- 8.3 The current application seeks to substitute the approved plans by varying the relevant conditions. The revised plans for consideration show changes to the site layout and substitutes a number of house types. It is necessary to assess the proposed changes against relevant planning policy and material considerations, whilst having regard for the fact that the principle of the proposed development is already established, to establish whether any of the proposed changes would result in a policy conflict that would warrant a different decision being taken. .
- 8.4 It is noted that the Stoke Golding Neighbourhood Plan has been adopted since that original decision on the outline application was made but the made plan takes account of the Inspector's decision and includes the site within the settlement boundary of Stoke Golding. The proposal is acceptable in principle subject to all other planning matters being satisfactorily addressed.

Design and impact upon the character of the area

- 8.5 Policy SG15 of the SGNP states that only development that reflects the traditional character of Stoke Golding will be supported unless the development is of exceptional quality or innovative design. It also requires that development must also comply with 12 points relating to detailed design that include that the development is in keeping with the scale, form and character of its surroundings and that it protects and where possible enhances important features such as hedges and trees.
- 8.6 Policy DM10 of the adopted SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the local area generally.
- 8.7 Paragraph 130 of the NPPF sets guidance against which planning decisions should be assessed with the objective of achieving well designed places. It provides (inter alia) that decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment, establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.
- 8.8 Paragraph 134 of the NPPF Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
- 8.9 As with the previously approved scheme, the layout has been designed to provide 'tenure blindness' between the open market and affordable units. Affordable dwellings are provided in two separate areas within the site.
- 8.10 As with previous iterations of the scheme, the layout sets development back from the tree and hedges planting on Wykin Lane and from open countryside to the eastern boundary of the site, provides overlooking and surveillance to areas of open space, defines key plots with corner turning buildings or buildings that address their key location and provides a variety of house types that add interest to the street scene

and provides different designs that all feature significant levels of brick detailing with use of several different but complementary bricks that add further design quality to the development.

- 8.11 Whilst the house types have been substituted, there has been no degradation in terms of the quality of design and the same level of elevational detail is proposed. An interesting and varied streetscene continues to be provided.
- 8.12 Plots 28 and 29 have been redesigned to avoid the need for angles, corner turning units. In response to officer comments, these house types have been substituted so that there is a reasonable amount of detailing on the public realm facing elevation so as to avoid blank elevations addressing the public realm. The same approach has been taken to the substituted unit on plot 51. There is no objection to the minor change to the garage which serves plot 1.
- 8.13 To respond to officer comments the boundary treatment of plot 17 has been amended to include metal railings, rather than wooden knee rails, which are a more appropriate interface with the public realm. The proposed layout together with the proposed elevational detail of the surrounding house types creates an appropriate relationship with the public open space.
- 8.14 The development as proposed continues to comply with SG NP policy SG15, SADMP policy DM10 and the advice contained in the NPPF.

Impact upon neighbouring residential amenity

- 8.15 Policy SG15 of the SGNP requires that the amenities of residents in the area should not be significantly adversely affected, including by loss of daylight/sunlight, privacy, air quality, noise and light pollution.
- 8.16 Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighbouring properties. The NPPF in paragraph 17 seeks to ensure a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.
- 8.17 The Good Design Guide sets out that principal windows to habitable rooms of neighbouring properties should be not less than 21 metres apart, unless they are across a road.
- 8.18 When considering the amenities of neighbouring occupiers, the north western boundary of the site provides a sensitive interface between the existing dwellings on Wykin Lane, Stonely Road and Arnold Road and the proposed dwellings on the application site. Plots 1 to 9 will remain unchanged and so there will be no additional impacts on neighbour amenity compared to the approved scheme. As with the approved scheme, the site accommodates at least 21 metres separation between all existing and proposed habitable room windows, alleviating potential issues of overlooking or loss of privacy. Some ground floor interface distances are less than 21 metres but as 1.8 metre close boarded fences are located between these windows no actual overlooking or loss of privacy would occur.
- 8.19 Plots 10 and 11 have however been redesigned. Plot 10 will continue to have 22 metres back to back separation with number 59 Arnold Road. This is considered to be an acceptable relationship between 2 no x two storey dwelling houses, such that no harmful impacts will occur and certainly none that would warrant the refusal of this application. Whilst there will be accommodation in the roofspace, outlook to the roofspace accommodation would be provided through front facing dormers which would not have an impact on occupiers to the rear.

- 8.20 Concern has been raised in connection to the relationship between the proposed dwelling on plot 11 and 53 Arnold Road. 12 metres flank to flank elevation separation will be retained. Whilst there will be a first floor level window in the north side elevation of the proposed dwelling at plot 11, it will light a void only and will be non-opening and so will not lead to any harmful overlooking or loss of privacy. The proposed house type will have a higher ridge height, due to the fact that it has accommodation within the roofspace, although the separation distances are such that no overbearing impacts or overshadowing will occur over and above what has already been approved. This relationship is considered to be acceptable and continues to provide acceptable amenity standards for both existing and future occupiers.
- 8.21 Notwithstanding the comments above, permitted development rights will be restricted in respect of plots 10 and 11, as has been the approach with earlier approvals, in order to ensure no further unmitigated impacts arise.
- 8.22 Overall the development proposals continue to provide appropriate amenity standards to both existing neighbouring occupiers and future occupiers of the site such that the proposals are in accordance with SADMP policy DM10 and the advice contained in the NPPF.

Housing Mix

- 8.23 Policy 16 of the adopted Core Strategy requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings and a minimum net density of 30 dwellings per hectare within Key Rural Centres.
- 8.24 The SGNP sets out an appropriate housing mix for market and affordable housing as follows:

	1 bedroom	2 bedroom	3 bedroom	4+ bedroom
Market Housing	5%	30%	45%	20%
Affordable Home ownership	10%	50%	30%	10%
Affordable housing (rented)	25%	40%	30%	5%

- 8.25 The reserved matters application granted approval for a housing mix comprising 33 market properties and 22 x affordable homes which are split between 16 x affordable rent and 6 x shared ownership properties. The approved mix of housing sizes was as follows:
- 6 x 1 bed
 - 18 x 2 bed
 - 18 x 3 bed
 - 7 x 4 bed
 - 6 x 5 bed
- 8.26 The revised scheme still proposes 55 dwelling houses, including 16 x affordable rent and 6 shared ownership units, at varying densities throughout the site. The proposed mix of housing types are as follows:
- 6 x 1 bed
 - 16 x 2 bed

- 11 x 3 bed
- 13 x 4 bed
- 9 x 5 bed

8.27 The table below provides an indication of the percentage of proposed housing mix (PRO) by unit type compared to the approved mix (APP) and the mix require by the Stoke Golding Neighbourhood Plan (NP)

	1 bedroom			2 bedroom			3 bedroom			4 + bedroom		
	NP	APP	PRO	NP	APP	PRO	NP	APP	PRO	NP	APP	PRO
Market Housing	5	0	0	30	18.2	12	45	45.5	24	20	36.3	64
Affordable Rent	10	37	37	50	44	44	30	19	19	10	0	0
Shared Ownership	25	0	0	40	83	83	30	0	0	5	17	17

8.28 The table above shows that the mix across the unit types in the affordable and shared ownership tenures are the same as previously approved. It would be unreasonable to take a different view on the appropriateness of the proposed mix in the context if the current application.

8.29 In the assessment of the approved reserved matters application it was observed that *“whether the mix is looked at on a combined basis or by way of individual tenure type there is a broad mix of properties and tenures achieved that does not reveal any great differences between what is set out in the SGNP and what is proposed. The thrust of the concerns set out in the SGNP is that a greater proportion of smaller properties is required. In this case two and three bed properties form by far the greatest proportion of dwellings proposed.”* The report added *“Furthermore, given that the Inspector did not require any specific mix of dwelling sizes to be provided it would not be considered reasonable to now require that the applicant meets the housing mix set out in the Neighbourhood Plan to the letter. Officers consider that the proposed housing mix is acceptable for the site and will provide a broad range of house types and tenures that will make a significant contribution to the needs of the community.”* It would be unreasonable to reach a different conclusion on this occasion, particularly in the light of the shortfall in Housing Land Supply, and it is also noted an edge of settlement location is one where you would normally expect to find more larger family units as oppose to more 1 or 2 bed units that might be found in a more central location. It is noted the neither the Affordable Housing Officer nor the Parish Council have objected to the proposed mix of housing.

8.30 In summary, the proposed housing mix is considered to be appropriate given the specifics of the site and its planning history. The proposals are considered to be in broad compliance with the housing mix required by the SGNP. The development proposals are considered to comply with Core Strategy policy 16 and the advice contained in the NPPF in respect of significantly boosting the supply of homes and meeting the housing needs of groups with specific requirements.

Impact upon highway safety & parking

8.31 Policy SG15 of the SGNP requires that development be designed in a way that encourages low vehicle speeds and that ensures that parking is integrated so that it does not dominate the street.

8.32 Policy DM17 of the adopted SADMP identifies a number of criteria which development should meet and requires proposals to demonstrate that there would

not be a significant adverse impact on highway safety and that proposals reflect the latest highway authority design standards. The current highway design standards are the 6C's Design Guide. Policy DM18 requires new development to provide an appropriate level of parking provision taking into account the sites location, type of housing and other modes of transport available.

- 8.33 Paragraph 110 of the NPPF requires the assessment of development proposals to ensure that appropriate opportunities to promote sustainable transport modes can be taken up; safe and suitable access to the site can be achieved for all users; the design of streets, parking areas, other transport elements reflects current national; and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 111 of the NPPF clarifies that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe. Paragraph 112 of the NPPF.
- 8.34 The Highways Authority has noted that the drawings have been amended to reflect a change in house types and parking/ turning provision. There is no change proposed to the site access as approved.
- 8.35 The Local Highway Authority has reviewed the proposed site layout. Whilst they have noted that a number of the garages do not meet the required standard to be considered as part of the parking provision, it has been advised that the revised parking and turning arrangements and quantum of parking provided overall are acceptable. This is due to each plot having an acceptable number of off-street parking spaces without the inclusion of any substandard garage.
- 8.36 The development proposals pose no threat to highway safety or convenience and continue to make appropriate arrangements for vehicle parking. The proposals are in accordance with SGNP policy SG15, SADMP policies DM17 and DM18 and the advice contained in the NPPF.

Ecology & Biodiversity

- 8.37 Policy SG11 of the SGNP states that development proposals should provide for biodiversity net gain. Policy SG12 of the SGNP states that development that damages or results in the loss of ancient trees, hedgerows or trees of good Arboricultural and amenity value will not normally be supported unless this is demonstrated not to be possible. Proposals should be designed to retain ancient trees, hedgerows or trees of arboricultural and amenity value.
- 8.38 Policy DM6 of the SADMP requires development proposals to demonstrate how they conserve and enhance features of nature conservation. Paragraph 174 bullet "d" of the NPPF requires planning decisions to contribute to and enhance the natural and local environment by (inter alia) minimising impacts upon and providing net gains for biodiversity.
- 8.39 The site contains habitat features that can support protected species such as great crested newts (GCN), bats, birds and badgers. Ecology matters have been satisfactorily addressed in the context of earlier applications and discharge of conditions. The Council's Ecologist has advised that the proposed plans are not significantly different from an ecology perspective and they raise no objection to the proposed amendments.
- 8.40 The scheme is proceeding under the District Level Licence for Great Crested Newts and off site mitigation is being provided. Precautionary measures will be taken in respect of badgers. The buffer area to the hedgerows will be implemented with

access for contractors to maintain the hedgerows. The amended development will continue to need to be carried out in accordance with the agreed Ecological Management Plan and other ecological matters considered under application references 23/00550/CONDIT and 22/00585/CONDIT. With continued adherence to these approved details, the development proposals will continue to accord with SG NP policies SG11 and SG12, SADMP policy DM6 and the advice contained in the NPPF.

- 8.41 Whilst it is noted that the Parish have raised concerns regarding the loss of an additional tree in the vicinity of the access, no changes to the access arrangement have been proposed. In effect permission has already been granted for the removal of the tree under the outline and reserved matters consent. It has always been the case that the tree would be removed as it is required for access to the development. No material changes in this respect arise from the proposed alterations to the application drawings.

Flood Risk & Drainage

- 8.42 Policy DM7 of the SADMP seeks to ensure that development does not create or exacerbate flooding. Paragraph 159 of the NPPF requires inappropriate development in areas at risk of flooding to be avoided by directing development away from areas at highest risk. Paragraph 167 continues by explaining that, when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 169 of the NPPF requires major developments to be served by drainage strategies based on sustainable drainage principles.
- 8.43 The LLFA has confirmed that the proposed layout amendments do not negatively impact on the site's ability to deliver a suitable surface water drainage scheme and as such, the LLFA has no objection to these variations. As the development will still be required to be carried out in accordance with the details that were supplied to discharge conditions 10 (Surface Water Drainage) and 12 (Drainage Strategy) of planning application reference 22/00595/CONDIT – as specified in the list of conditions below - the development as proposed will have no material impact on drainage and flood risk over and above what has already been approved. With updated conditions to refer to the approved drainage documents, the development proposals continue to comply with SADMP policy DM7 and the advice contained in the NPPF.

Other Matters

- 8.44 Queries were raised about the extent of the redline – the extent of the planning application. This has not changed since the earlier approvals. Confusion arose from the use of red cross hatching to denote areas of change on the proposed site plan. This has been clarified and made clear. The redline boundary has not changed.
- 8.45 Provision for planning obligations have been made in a S106 Agreement that was completed as part of the outline application. The clauses of the agreement continue to apply provided there are no changes to the conditions listed on the outline approval. The conditions listed below are the conditions originally listed on the reserved matters approval; decision notice but have been updated to reflect where conditions have already been discharged. The requirements of the legal agreement continue to apply.

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 in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 9.3 There are no known equality implications arising directly from this development.

10. Conclusion

- 10.1 Both the principle of development and the broad details have been established through the Inspector allowing the appeal in connection with outline planning application reference 19/01324/OUT and the subsequent approval of reserved matters. The appearance, landscaping, scale and layout of the proposed development has been subject to minor alterations throughout the various subsequent approvals and through the current application. The proposed changes remain in line with the parameters set by the outline consent. The changes are considered to be minor and are acceptable in accordance with the national and local planning policy as set out in the NPPF, the SADMP and the SGNP.
- 10.1 This report has shown that the proposed development safeguards the amenities of existing neighbouring residents and would not have any significant adverse impact upon highway safety, residential amenity, biodiversity or ecology. The proposal would provide a broad mix of house sizes and a design quality that is reasonable and acceptable. It would retain and improve hedgerows and trees bordering the site and is considered to meet the relevant requirements of the Stoke Golding Neighbourhood Plan and the Site Allocations and Development Management Policies Development Plan Document as well as the Good Design Guide. It is recommended that planning permission is granted subject to the conditions set out below.

11. Recommendation

- 11.1 **Grant planning permission** subject to the following planning conditions

Conditions and Reasons

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the following details received by the LPA on the 31st August 23 and the 11th September 23.

1189_100 P11 Planning Layout
1189_200 P10 Materials & Boundary Plan
DH200VE-5 (AS) P00
DH200VE-5 (OP) P00
DH201BR-5 (AS) P00
DH202BR-5 (AS) P00
DH302VE-5 (AS) P00
DH302VE-5 (OP) P00

DH302VI-5 (AS) P00
DH313B-5 (AS) P00
DH314V-5 (AS) P00
DH314V-5 (OP) Plot 51 P00
DH318B-5 (AS) P00
DH318B-5 (OP) P00
DH400B-5 (AS) P00
DH402R-5 (AS) P00
DH409GH-5 (AS) P00
DH409GH-5 (OP) P00
DH425GG-5 (OP) P00
DH425GH-5 (OP) P00
DH427G-5 (OP) P00
DH427G-5 (AS) P00
DH430B-5 (OP) P00
DH501G-5 (AS) Plot 11 P00
DH501G-5 (AS) P00
DH501G-5 (OP) P00
DH509V-5 (AS) P00
DH532BR-5 (OP) P00
AF12G-5 (AS) P00
AF12G-5 (OP) P00
AH16GE-5 (AS) P00
AH21GE-5 (AS) P00
AH21GE-5 (OP) P00
AH21GI-5 (AS) P00
AH31GE-5 (OP) P00
AH32GE-5 (AS) P00
LG1-4 Single Garage (AS) C01
LG2-4 Single Garage (AS) C01
SG1-4 Single Garage (AS) C01
SG3-4 Single Garage (AS) C01
SG10-4 Double Garage (AS) C01
SG10S-4 (AS) P00

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

2. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Davidsons Drawing No. 1189_102 P07 sheet 1 and 1189_102 P07 sheet 2 received by the LPA on 11th September 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 accordance with Policy DM17 and DM18 of the adopted Site Allocations and Development Management Policies Plan.

3. Any dwellings that are served by private access drives (and any turning spaces) shall not be occupied until such time as the private access drive that serves those dwellings has been provided in accordance with Figure DG17 of the Leicestershire Highway Design Guide. The private access drives should be 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 policy DM17 of the adopted Site Allocations and Development Management Policies DPD and the NPPF.

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 both sides of each private drive/ shared private drive 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 policy DM17 of the adopted Site Allocations and Development Management Policies DPD and the NPPF.

5. 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), other than those shown on the approved drawings, no gates, barriers, bollards, chains or other such obstructions shall be erected to the vehicular access.

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 and in accordance with policy DM17 of the adopted Site Allocations and Development Management Policies DPD and the NPPF.

6. The development shall only be carried out in accordance with the following drainage and surface water strategy details. The approved details shall be implemented in full before the development is first occupied.

- C10 & C12 Drainage General Arrangement - Received 2 August 2023
- E1189-ENG-0250 C10 & C12 Storm Area Plan - Received 2 August 2023
- E1189-ENG-0600 C10 & C12 Contour Layout - Received 2 August 2023
- E1189-ENG-1050 C10 & C12 Headwall Construction Details - Received 2 August 2023
- E1189-ENG-0800 C10 & C12 Control Chamber Details - Received 2 August 2023
- E1189-ENG-0850A C10 & C12 Permanent Water level - Received 10 July 2023
- C10 & C12 Drainage Operations & Maintenance - Received 6 June 2023

The system detailed in the documents listed above shall be implemented in accordance with the approved details and maintained in perpetuity.

Reason: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with policy DM17 of the adopted Site Allocations and Development Management Policies DPD and the NPPF.

7. Notwithstanding the submitted plans, any garage doors shall be set back from the highway boundary a minimum distance of 5.5 metres for sliding or roller/shutter doors/ 6.1 metres for up-and-over doors / 6.5 metres for doors opening outwards and thereafter shall be so maintained.

Reason: To enable a vehicle to stand clear of the highway whilst the garage doors are opened/closed, to protect the free and safe passage of traffic including pedestrians in the public highway and to ensure that adequate off street parking provision is available to reduce

the possibility of on street parking problems locally in accordance with policy DM17 of the adopted Site Allocations and Development Management Policies DPD and the NPPF.

8. The development hereby permitted shall be carried out in full accordance with the findings and recommendations contained within the Focus Environmental Consultants Badger Survey Report and Method Statement (August 2021).

Reason: In order to protect badgers and their habitat in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD 2016.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order) no fences, gates or walls shall be erected within the curtilage of any dwelling forward of any wall of the dwellinghouse which fronts on to a highway.

Reason: In the interests of road safety in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD 2016.

10. Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Classes A and B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order) no enlargement, improvement, or other alteration to any dwelling on Plots 1 to 11 shall be carried out unless planning permission for such development has been granted by the Local Planning Authority.

Reason: To safeguard the amenity of neighbouring residents in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD 2016.

11. Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order) no buildings etc incidental to the enjoyment of the dwellinghouse on Plot 11 shall be carried out unless planning permission for such development has been granted by the Local Planning Authority.

Reason: To safeguard the amenity of neighbouring residents in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD 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. 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.

3. If the roads within the proposed development are to be offered for adoption by the Local Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980. Detailed plans will need to be submitted and approved, the Agreement signed and all sureties and fees paid prior to the commencement of development. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information

please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg> If an Agreement is not in place when the development is commenced, the Local Highway Authority will serve Advanced Payment Codes in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please email road.adoptions@leics.gov.uk in the first instance.

4. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).

5. 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>