

Delegated Report

Planning Ref : 23/00384/OUT

Applicant: H Davenport

Ward: Kirkby Mallory



Hinckley & Bosworth
Borough Council

Site: 2 Peckleton Road, Kirkby Mallory, Leicester

Proposal: Outline Planning Permission for 2 dwellings (All Matters Reserved except access)

1. Recommendations

Approve planning permission for the reasons outlined at the end of this report.

Planning application description

- 2.1. This application is submitted in outline form, with all matters reserved, except access, and proposes the demolition of the existing bungalow and the construction of two detached bungalows each served by three parking spaces.
- 2.2. An amended indicative layout plan was submitted on 6th June 2023 for 2 dwellings instead of the original 3 dwelling with the application showing the proposed dwellings sharing the existing driveway that serves 2 Peckleton Road. The proposed dwellings are shown to be located just inside the settlement boundary of Kirkby Mallory backing on to open countryside to the south & east.
- 2.3. Given the outline nature of the application, no elevation drawings have been provided. The applicant has however indicated that the proposed dwellings are intended to be 1.5 storey chalet bungalows, although the appropriate scale/design of development falls to be assessed under a later Reserved Matters application.

3. Description of the site and surrounding area

- 3.1. The site is located on an irregular shaped plot between Shilton Road and Peckleton Road, containing an existing bungalow. The character of the area is residential on the north & west with open countryside to the south & east. The site is largely screened from the two main roads by existing hedgerows and trees, although the site is reasonably open to views from the countryside with the eastern boundary having less vegetation. Vehicular and pedestrian access to the site is via an existing gated access way, located on Peckleton Road, with stonework walls. The property is in need of maintenance, with a structural issue and failure of the ridge line. Given the property age, there is no insulation within the floor, roof or walls, it is thermally inefficient. The site is generally level, with a drop of 600mm across the site, from the entrance to the furthest part in the southwest corner. At the entrance, and front of the dwelling, are parking and hardstanding areas. This area also extends to the northeast corner.
- 3.2. At the rear (easterly side) of the dwelling is an area of paving and landscaping, approximately 4.5m deep, this extends to the southern side of the dwelling, giving direct access to the internal spaces of the dwelling. South of the paved area is a small area of land used as a lawn area by the applicant but this area is outside the settlement boundary in the Countryside. Application 00/00024/CONDIT for 'Retention of residential use without compliance with condition 3 of planning consent No. 7658/1962 (Agricultural Occupancy restriction and change of use of land to form residential curtilage)' was approved on 09/02/2000 so use of this area of land as lawn is acceptable. In any case this is not the purpose of this application

but this area of domestic curtilage falls outside of the village envelope as shown upon the Site Allocations and Development Management Policies DPD. The vast majority of the site however sits within the village envelope and the proposed dwellings would be wholly built inside the settlement boundary. The site is in flood zone 1, an area with a low probability of flooding.

4. Relevant planning history

00/00024/CONDIT

- Retention of residential use without compliance with condition 3 of planning consent No. 7658/1962 (Agricultural Occupancy restriction and change of use of land to form residential curtilage)
- Approved 09/02/2000

21/10097/PREHMO

- Demolition of existing dwelling and erection of up to 3 dwellings
- Closed (only 2 dwllgs supported)

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.

3 letters of representation have been received, one of them from a local Cllr, objecting to the proposal. The main summarised points of objection are:

- Kirkby Mallory is at full capacity with regards infrastructure
- Sewage is at full capacity
- Constant power cuts
- More houses puts more strain on local doctors/ schools etc
- There is no bus route in the village so there's reliance on cars
- The site is on a busy corner. Additional traffic is not needed
- Council guidance is aimed at halting the encroachment of modern dwellings and dwellings should reflect the rural and agricultural vernacular
- 3 would be overdevelopment of the site & not comply with DM10
- 2 storey dwellings here would be too much but chalet bungalows would be alright
- Development could lead to overlooking
- The existing conifer screening should be retained or replaced with similar to prevent loss of privacy

6. Consultation

- 6.1. LCC Highways have no objection to the proposal subject to the imposition of several conditions should permission be granted.
- 6.2. Severn Trent Water- No objections subject to the imposition of a condition should permission be granted.
- 6.2. Kirkby Mallory Peckleton Stapleton Parish Council request that this application is refused on the following grounds- Increased traffic entering and exiting the site entrance which is only 20 yards from a busy crossroads. Lack of parking provision for visitors or deliveries. Lack of turning provision for visitors and deliveries. Density of development on a small site. Lack of infrastructure including no bus service. No pavement provision for pedestrians entering or leaving the site. A local councillor

was concerned that the third bungalow is on or over the settlement boundary and we would be grateful if this could be looked into.

6.3 LCC Ecology- Preliminary Roost Assessment needed. LCC re-consulted. No objection

6.4. No objections have been received from:

- HBBC Environmental Services (Pollution)
- HBBC Drainage
- HBBC Waste
- LCC Trees Officer
- Severn Trent Water

7. Policy

7.1. Core Strategy (2009)

- Policy 13: Rural Hamlets

7.2. 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 DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Prevention of Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2021)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

7.4. Other relevant guidance

- Good Design Guide (2020)
- Leicestershire Highway Design Guide (LHDG) (2022)

8. Appraisal

8.1. Key Issues

- Principle of Development
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Impact on Biodiversity
- Other Matters

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. As is set out in more detail below, HBBC is unable to demonstrate 5 years of deliverable housing. Due to this and the change in the housing figures required for the Borough paragraph 11(d) of the NPPF is triggered. Therefore, this application should be determined in accordance with Paragraph 11(d) of the NPPF whereby permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This is weighed in the balance of the merits of the application when considered with the policies in the SADMP and the Core Strategy which are attributed significant weight as they are consistent with the Framework.
- 8.7 With the exception of a small area of land to the south of the site, the site is located within the settlement boundary of Kirkby Mallory, a rural hamlet, where Policy 13 of the adopted Core Strategy supports small scale infill housing development. The indicative plans contain the built form of the development wholly within the settlement boundary and as such residential development for two new dwellings on the application site following the demolition of the existing bungalow would therefore be acceptable in respect of the strategic planning policies of the development plan subject to all other planning matters being satisfactorily addressed. The land contained within the site but outside of the settlement boundary would indicatively be retained as residential garden as per the existing situation. Whilst layout is not for consideration at this time, the indicative proposals indicate that development of the site for two dwellings can come forwards with the built form contained within the settlement boundary in compliance with Policy 13 of the Core Strategy. The principle of development therefore accords with the Development Plan.

Housing Land Supply

- 8.8 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.

- 8.9 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 local planning authorities cannot demonstrate a five-year supply of deliverable housing sites.
- 8.10 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.
- 8.11 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.
- 8.12 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.
- 8.13 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.
- 8.14 Paragraph 78 of the NPPF states that planning policies should be responsive to local circumstances and support housing developments that reflect local needs, and Paragraph 69 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 79 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.
- 8.15 The development is for 2 residential dwellings (following the demolition of the existing dwelling, so the proposed is for 1 additional dwelling) within the settlement boundary. Whilst the provision of one additional dwelling within this application site is unlikely to be a significant benefit to the housing land supply within the Borough, given the Council's failure to deliver a five-year supply of land for housing, it is considered that limited positive weight should be given to the provision of the proposed dwelling.

Design and impact upon the character of the area

- 8.16 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.

8.17 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.

8.18 The precise appearance of the scheme is reserved for later approval; therefore, the extent of the application is described and assessed via the indicative scales and appearance of the submitted plans. Subject to final details the indicative proposals suggest that a development of two dwellings could be accommodated within the settlement boundary which would not be at odds with the prevailing character of the area and edge of countryside location. The site contains the existing bungalow and its residential garden and as such is residential in character at the moment. Notwithstanding this, future proposals will need to ensure the scale of development is appropriate and this should likely be limited to bungalows or low 1 ½ storey bungalows as is indicated . A condition is recommended requiring the submission of the materials and levels given the edge of countryside location and desire to reflect the surrounding built form.

The Applicant has stated that the existing boundary treatment is not affected by this proposal and that no trees are to be removed as a result of the development. Details of landscaping are reserved for later approval, the indicative plan suggests a scheme for 2 dwellings can come forwards without significant harm to the existing landscaping. This will likely be a key consideration in any future reserved matters application, the retention and enhancement of existing features is strongly encouraged. A planning condition attached to this permission will require full landscaping details and management to be submitted.

8.19 Given the above, and subject to the submission of further details within the Reserved Matters stage of this development, the scheme is considered to respect the character of the surrounding area in accordance with Policy 13 of the adopted Core Strategy, Policy DM10 of the SADMP, and the Good Design Guide.

Impact upon neighbouring residential amenity

8.20 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.

8.21 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.

8.22 The Good Design Guide SPD outlines that development will need to demonstrate that it will not result in loss of amenity to neighbouring properties by way of overlooking, overshadowing or noise.

8.23 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.”

- 8.24 The precise appearance of the scheme is reserved for later approval; therefore, the extent of the application is described and assessed via the indicative scales and appearance of the submitted plans.
- 8.25 Nevertheless, the indicative layout of the development demonstrates that the two dwellings can be accommodated that could comply with the separation distances required in accordance with the Good Design Guide. Whilst there are no proposed elevations at this stage, it is likely that the scheme can be constructed without having a significant adverse impact on the neighbouring residential amenity of each other.
- 8.26 There are no immediate neighbours on this side of Peckleton Road & Shilton Road there are residential dwellings to the north of Peckleton Lane and to the west of Shilton Road, as a result of the separation distance, the layout of the surrounding area and the siting of these neighbouring properties, the development is not considered to result in any significant adverse harm to the residential amenity of these properties.
- 8.27 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. Whilst the scale of the units and bedroom numbers are reserved the private outdoor amenity space for the proposed dwellings is in accordance with the requirements of the Good Design Guide.
- 8.28 As a result of these considerations, and subject to further information, the proposal does not result in a significant adverse impact on the residential amenity of neighbouring properties. Therefore, the application is in accordance with Policy DM10 of the SADMP, and the Good Design Guide.

Impact upon highway safety

- 8.29 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.
- 8.30 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 level of parking provision to serve the development proposed. Policy 109 of the Framework states 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.
- 8.31 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.32 The Highways Officer is satisfied that, in principle, safe access can be achieved and that an appropriate level of car parking can be accommodated within the development. Several conditions are recommended should approval be granted.
- 8.33 It is considered that the residual cumulative impacts of the development can be mitigated and would not be considered severe in accordance with Paragraph 109 of the

NPPF and, at this stage there is no reason to consider the proposals to be contrary to Policies DM17 and DM18 of the SADMP.

Impact on Ecology

8.34 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.

8.35 Given the edge of settlement nature of the site there is a reasonable likelihood that the site is being used by protected species. LCC Ecology were consulted but initially objected to the proposal as additional ecological information was required relating to roosting bats. Once a ‘bat presence-absence survey’ report was provided LCC Ecology were re-consulted. Final comments from LCC Ecology were ‘The results of the single additional bat presence/absence surveys as recommended in the preceding Preliminary Roost Assessment report did not identify the presence of an active bat roost. Therefore I can conclude that there will be no impacts upon roosting bats as a result of the existing bungalow demolition and can remove my holding objection’.

8.36 It is therefore considered that the proposal would have an acceptable impact on biodiversity of the site. This factor should therefore be afforded moderate weight in the planning balance and such a proposal would comply with Policy DM6 of the SADMP.

Other Matters

8.40 Policy DM7 of the SADMP seeks to ensure that development does not create or exacerbate flooding. The site is located within Flood Zone 1 being at low risk of fluvial flooding and therefore passes the Sequential Test and does not require the Exception Test to be undertaken. The Council’s Drainage Engineer has been consulted on the application and has confirmed that they have no objections to the proposal. They have recommended the imposition of informatives advising the developer of sustainable surface water drainage techniques. Severn Trent have requested that drainage plans for surface and foul sewage are submitted to and approved by the LPA and this is suggested by condition, which alongside the use of the recommended informatives means there is no conflict with policy DM7 of the SADMP.

8.41 It is noted that the Environmental Health Officer has raised no objection to the planning application on the grounds of risk by contamination and so the proposals are considered to accord with Policy DM7 of the SADMP in respect of pollution and contamination.

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. There are no known equality implications arising directly from this development.
- 9.3 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 and Planning Balance

- 8.42 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.
- 8.43 The Council cannot demonstrate a five-year supply of housing land and the housing policies most important for determining the application are out of date. Therefore, it is necessary to consider the 'tilted' balance in accordance with Paragraph 11(d) of the NPPF, where planning permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 8.44 The development is in a sustainable location within the identified settlement boundary of Kirkby Mallory, and the provision of one additional dwelling (following the demolition of the existing dwelling) is not considered to result in a significant adverse impact on the character of the surrounding residential area, nor the residential amenity of neighbouring residents.
- 8.45 Furthermore, it is acknowledged that there are potential social benefits from the scheme such as providing one additional dwelling towards the Borough's housing land supply, which may also include economic benefits within the construction of these 2 dwellings along with the demolition of the existing dwelling and the future occupant's opportunity to act as new customers and employees for local businesses and services. It is considered that these benefits are offered limited weight within the planning balance owing to the small scale of the development.
- 8.46 However, these benefits when associated with a single additional dwelling are modest and are not considered to maintain or enhance the local community. In addition, there are no planning benefits such as affordable housing or essential infrastructure provision as identified within Paragraph 12.13 of the SADMP.
- 8.47 Nevertheless, it is ultimately considered that the benefits of this proposed dwelling outweigh any harm that is caused by the outline approval of this development. Furthermore, the development is considered to be in accordance with Policies DM1 and

DM10 of the SADMP, Policy 13 of the adopted Core Strategy, and the Good Design Guide, subject to further assessment at the Reserved Matter stage.

8.48 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 Approve planning permission subject to:

- Planning conditions outlined at the end of this report

11.1 That the Planning Manager be given powers to determine the final detail of planning conditions.

11.2 Conditions and Reasons

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

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

2. No development shall be commenced until plans and particulars of "the reserved matters" referred to in the above conditions relating to the:-
 - a) Appearance of the development
 - b) Landscaping of the site
 - c) Layout of the site
 - d) Scale of the developmenthave been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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).

3. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:
Site Plan Drawing No 393-002 Rev A

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).

4. Details of the existing and proposed ground levels of the site shall be submitted with the reserved matters application. The development shall then be implemented in accordance with these details.

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

5. No development shall take place until a scheme makes adequate provision for waste and recycling storage of containers and collection across the site which has been submitted to and approved in writing to the Local Planning authority. 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 protect the amenity of neighbours and character of the area in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. No development above foundation level, shall commence on site until representative samples and/or details of the materials and architectural detailing to be used on the buildings hereby permitted have been deposited with and approved in writing by the Local Planning Authority, thereafter the scheme shall be implemented in accordance with those approved details.

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

7. Prior to occupation of the development hereby permitted, a scheme to extend the existing pedestrian footway on Peckleton Lane to the site access shall be submitted to and agreed in writing by the Local Planning Authority, the scheme shall be installed in accordance with the agreed details.

Reason: To mitigate the impact of the development, in the general interests of 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 (2021).

8. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Planapp Site Plan Drawing No 393-002 Rev A has 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 (2021).

9. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 32.5 metres to the west and 2.4 x 43 metres to the east 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 Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2021).

10. 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 the access 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 Development Plan Document (2016) and the National Planning Policy Framework (2021).

11. The development hereby permitted shall not be occupied until such time as the existing gates to the vehicular access have been permanently removed. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 5 metres of the highway boundary, nor shall any be erected within a distance of 5 metres of the highway boundary unless hung to open away from the highway.

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2021).

12. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse is available as an alternative other sustainable methods should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public sewerage system is considered. No surface water to enter the foul or combined water systems by any means.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution and to reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with Policy DM7 and DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2021).

13. 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 Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2021).

11.3 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. The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance, or alternatively assembled from modular surface water storage/soakaway cell systems, incorporating silt traps. Design and construction of all types of soakaway will be subject to the approval of the Building Control Surveyor.
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. Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development. If the applicant proposes to divert the sewer, the applicant will be required to make a formal application to the Company under Section 185 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contacting our Developer Services Team (Tel: 0800 707 6600).
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. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
8. All proposed off site highway works, and internal road layouts shall be designed in accordance with Leicestershire County Council's latest design guidance, as Local Highway Authority. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>