

Delegated Report

Planning Ref: 24/01155/FUL
Applicant: Mr Godden
Ward: Markfield Stanton & Fieldhead



Hinckley & Bosworth
Borough Council

Site: Upper Grange Farm, 1A Ratby Lane, Markfield

Proposal: Erection of a dwelling (self-build) with associated parking and landscaping

1. Recommendations

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

2. Planning Application Description

2.1. The applicant seeks full planning permission for the demolition of the existing hydrotherapy building and the erection of one two-storey, 3-bedroom self-build dwelling at Upper Grange farm, Markfield.

2.2. The application proposes the following key elements:

- Demolition of existing building and construction of Self-Build dwelling
- Replacement of existing shed/storage buildings for proposed storage/car port built to same footprint, height and design of existing building
- Retention of menage
- Creation of residential garden to the rear
- Retention of existing shared access
- Car parking provision with EV charging facility; and
- New planting and landscaping

3. Description of the Site and Surrounding Area

3.1. The site consists of an existing business which operates as a kennels and cattery. The development site is located to the rear of the dwellings located on Ratby Lane and is proposed to be access via the existing gated access serving the business function. The proposed location of the development is between the existing residential development on Ratby Lane and the business use, including buildings serving the kennels and cattery. The land which the proposal is situated currently consists of a building serving as a hydrotherapy unit serving the business, the use of which is to be relocated within one of the other buildings on site.

4. Relevant Planning History

- **19/01223/FUL** – Construct extension to existing building to create dog rehabilitation facility – Permission 06.01.2020
- **16/00944/FUL** - Erection of new dwelling and conversion of existing hydro pool to garages – Refused 16.12.2016
- **16/00346/FUL** – Erection of 2 dwellings to replace existing stables (revised proposal) retrospective – Permission 10.06.2016
- **15/00019/FUL** - Erection of two dwellings to replace existing stables (revised scheme) – Permission 20.07.2015

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents, and a site notice was erected at the site access.
- 5.2. No objections or representations have been received.

6. Consultation

- LCC Highways - standing advice.
- HBBC Pollution - No objection.
- National Forest – The site area is below the threshold requiring National Forest planting.
- HBBC Waste - I have viewed the plans to consider the implications for the recycling and refuse collections, please note, the collection point for domestic refuse and recycling waste is from the adopted highway boundary. We cannot travel along or collect from the private driveway, therefore it would be advisable to include an area next to the highway for safe placement of the various containers on collection day.
- LCC Ecology – No objection subject to conditions.
- HBBC Drainage – No objection – notes to applicant.

7. Policy

- 7.1. Core Strategy (2009)
 - Policy 8: Key Rural Centres Relating to Leicester
 - Policy 16: Housing density, mix and design
 - Policy 21: National Forest
 - Policy 22: Charnwood Forest
 - Policy 24: Sustainable design and technology
- 7.2. Site Allocations and Development Management Policies DPD (2016)
 - Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM7: Preventing Pollution & Flooding
 - Policy DM10: Development and Design
 - Policy DM17: Highways and Transportation

- Policy DM18: Vehicle Parking Standards
- 7.3. Markfield Parish Neighbourhood Plan (MPNP) (2021)
- Policy M1: Countryside
 - Policy M2: Landscape Character
 - Policy M8: Electric Vehicle Chargepoints
 - Policy M10: Design
 - Policy M15: Housing Provision
 - Policy M17: Infill Housing Development
 - Policy M18: Housing Mix
- 7.4. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2024)
 - Planning Practice Guidance (PPG)
- 7.5. Other relevant guidance
- Good Design Guide (2020)
 - Leicestershire Highway Design Guide (2024)

8. Appraisal

- 8.1. Key Issues
- Assessment against strategic planning policies (including Custom & Self-Build housing)
 - Design and impact upon the character of the area
 - Impact upon neighbouring residential amenity
 - Impact upon highway safety
 - Planning balance

Assessment against strategic planning policies

- 8.2. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and states that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) and the Site Allocations and Development Management Policies DPD (2016).
- 8.3. 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.
- 8.4. The Planning Policy team are currently reviewing the revised NPPF and implications for the Council's Five-Year Housing Land Supply. A revised position will be published in the coming months once the monitoring for the 2024/25 year has been completed. It is however likely that, with the revised need figure of 682 dwellings per annum from the Dec 2024 NPPF (649dpa + 5% buffer as per Para 78a), that the Council will be unable to demonstrate a Five-Year Housing Land Supply once the revised position is published.

- 8.5. Therefore, the application should be determined against Paragraph 11(d) of the Framework 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.
- 8.6. Markfield is identified as a Key Rural Centre Relating to Leicester in Policy 8 of the Core Strategy. Key Rural Centres are those villages with larger populations and a good level of facilities and employment opportunities which provide localised provision for everyday needs. That being said the development site is located out of the settlement boundary of Markfield and is classified as development in the countryside.
- 8.7. The site lies outside of the settlement boundary within the countryside, therefore the proposal is assessed against Policy DM4 of the SADMP. Policy DM4 of the SADMP seeks to protect the intrinsic value, beauty, open character and landscape character, to safeguard the countryside from unsustainable development. Development in the countryside is 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
- 8.8. Importantly, Policy DM4 also requires that development meets five further requirements to be considered as sustainable development, these are discussed in detail further in the response.
- 8.9. Furthermore, Policy M1 of the MPNP is relevant in this case and states that:
- “The Countryside (land outside the Settlement Boundary defined on Map 2 and the Policies Maps) will be protected for the sake of its intrinsic character, beauty, heritage and wildlife, the wealth of its natural resources and to ensure it may be enjoyed by all. The following types of development will be supported in countryside locations:*
- 1. Recreation and tourism that cannot be provided within the Settlement Boundary;*
 - 2. Development by statutory undertakers or public utility providers;*
 - 3. The subdivision of an existing residential dwelling; and*
 - 4. Development that is otherwise in accordance with: national policies; or strategic planning policies or allocations; or with the other policies of the Neighbourhood Plan”.*
- 8.10. The proposal does not satisfy any of the criteria set out within Policy DM4 (a-e) or Policy M1 and as such the development would present conflict with both policies.

- 8.11. It is acknowledged that, through its intentions to implement the Core Strategy through its approach to the countryside and settlement boundaries, Policy DM4 is considered out-of-date. Nevertheless, the emphasis of Policy DM4 is to promote sustainable development proposals within the countryside and to safeguard it from unsustainable schemes. In this regard, Policy DM4 is consistent with, and accords with, the NPPF, and therefore it can be afforded significant weight within the planning balance. However, an assessment would need to be made as to whether the development does truly represent unsustainable development in the countryside.
- 8.12. Whilst the site is located out of the settlement boundary, it lies adjacent to existing residential development and a significant amount of existing built development relating to the commercial use on site. Furthermore, the development on 'Land off London Road, Markfield' once completed will introduce built development to the north (albeit with a significant buffer between). Therefore, as explored fully below, the impact on the countryside would be limited due to the proposal's location.
- 8.13. In terms of locational sustainability, the site is at the maximum sustainable walking distance from local amenities such as shops and schools contained within the settlement boundary of Markfield. The pedestrian route along Ratby Lane is fully surfaced but is not fully lit, which reduces the likelihood of pedestrian movements. There is also a PRow running through the site which provides an alternative walking route, although the current lack of surfacing and lighting would deter use of this. The completion of the 'Land off London Road, Markfield' development will likely improve this route in terms of the extent of a surfaced and street lit route which will offer a choice of routes to services longer term.
- 8.14. The site is within walking distance of Markfield Court bus stop with bus services running between Leicester and Castle Donington offering some choice of public transport options, albeit the service timetable is limited.
- 8.15. Given there is some choice of public transport and that the site is within the maximum walking distance to a wide range of services, it is not a wholly unsustainable location for a single unit, thus reducing the negative weight attributed to Policy DM4.
- 8.16. In addition, the site is previously developed and the NPPF offers some support for the use of previously developed land in rural areas where suitable (para. 89). Whilst not a determinative factor in the acceptability of the scheme, this again adds some support to the proposal in sustainability terms.
- 8.17. Paragraph 14 of the NPPF states that in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:

a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and

b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 69-70)

Paragraph 69 and 70 of the NPPF state:

69. *Strategic policy-making authorities should establish a housing requirement figure for their whole area, which shows the extent to which their identified housing need (and any needs that cannot be met within neighbouring areas) can be met over the plan period. The requirement may be higher than the identified housing need if, for example, it includes provision for neighbouring areas, or reflects growth ambitions linked to economic development or infrastructure investment. Within this overall requirement, strategic policies should also set out a housing requirement for designated neighbourhood areas which reflects the overall strategy for the pattern and scale of development and any relevant allocations. Once the strategic policies have been adopted, these figures should not need re-testing at the neighbourhood plan examination, unless there has been a significant change in circumstances that affects the requirement.*

70. *Where it is not possible to provide a requirement figure for a neighbourhood area, the local planning authority should provide an indicative figure, if requested to do so by the neighbourhood planning body. This figure should take into account factors such as the latest evidence of local housing need, the population of the neighbourhood area and the most recently available planning strategy of the local planning authority.'*

- 8.18. With regard to Paragraph 14 of the NPPF, in strict terms the LPA would assert that it applies in this case as the MNP became part of the Development Plan less than 5 years ago, and that the MNP contains policies and allocations to meet its identified housing need. However, the made MNP does not take into account the latest evidence of housing need, and allocated sites within the MNP are based on figures that are now out of date. On this basis, the LPA agree that whilst the neighbourhood plan contains policies and allocations to meet a housing need, this need was identified when the housing need figure was significantly lower. On this basis, it is considered that the neighbourhood plan does not contain policies and allocations to meet its identified housing requirement, therefore Paragraph 14 would not be applicable in this specific case.

Custom and Self-Build Housing (CSB)

- 8.19. Paragraph 63 of the NPPF states that the need, size, type, and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but are not limited to) those who required affordable housing; families with children; older people (including those who require retirement housing, housing-with-care, and care homes); students; people with disabilities; service families; travellers; people who rent their homes; and people wishing to commission or build their own homes.
- 8.20. As of 31 January 2024, Section 123 of the Levelling Up and Regeneration Act 2023 (LURA) came into force regarding amendments to the duty in relation to self-build and custom housebuilding within Section 2A of the Self-Build and Custom Housebuilding Act 2015.
- 8.21. Section 2A of the Self-Build and Custom Housebuilding Act places a statutory duty on the Local Planning Authority to give permission to a sufficient number of self-build and custom housebuilding developments on serviced plots to meet the demand for self-build and custom housebuilding in the Authority's area.

- 8.22. Section 6 of Section 2A of the Self-Build and Custom Housebuilding Act confirms that the demand for self-build and custom housebuilding in an authority's area in respect of a base period is an aggregate of:
- (i) The demand for self-build and custom housebuilding arising in the authority's area in the base period; and
 - (ii) Any demand for self-build and custom housebuilding that arose in the authority's area in an earlier base period and in relation to which:
 - (a) The time allowed for complying with the duty in Subsection (2) expired during the base period in question, and
 - (b) The duty in Subsection (2) has not been met.
- 8.23. The demand for self-building and custom housebuilding arising in an authority's area in a base period is evidence by the number of entries added during that period to the authority's Self-Build and Custom Housebuilding Register. At the end of each base period, the Local Planning Authority have three years in which to approve an equivalent number of plots of land for self-build and custom housebuilding on serviced plots of land as there are entries for that base period. However, there is no duty for the Local Planning Authority to grant permission for land that specifically meets the requirements expressed by those on the Register.
- 8.24. Section 5 of the Self-Build and Custom Housebuilding Act confirms that a "*Serviced plot of land,*" means a plot of land that has access to a public highway, and has connections for electricity, water, and wastewater, or can be provided with those things in specified circumstances or within a specified period. For clarity, "*Specified*" in this instance means specified by regulations.
- 8.25. Section 1 of the Self-Build and Custom Housebuilding Act defines self-build and custom housebuilding as the building or completion of houses by individuals, associations of individuals, or persons working with or for individuals or associations of individuals to be occupied by as homes by those individuals.
- 8.26. The Local Planning Authority notes that the Applicant has signed a self-build declaration form confirming that the proposal is in line with the definition within the regulations, and that the applicant intends to live in the dwelling. A legal agreement in the form of a Unilateral Undertaking has also been completed.
- 8.27. To date, Hinckley and Bosworth Borough Council has a shortfall of self-build and custom housebuilding, requiring 5 suitable cumulative permissions to be granted by 30 October 2025. Limited weight can be given to the benefits of contributing one self-build dwelling to the supply of self-build and custom build dwellings at this moment in time.

Design and impact upon the character of the area

- 8.28. Section 12 of the NPPF confirms that good design is a key aspect of sustainable development, and the creation of high quality, beautiful, and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 135 of the NPPF details the six national policy requirements of development to ensure the creation of well-designed and beautiful places.

- 8.29. Paragraph 139 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.
- 8.30. Policy DM10(c), (d) and (e) of the SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and the use and application of building materials respects the materials of existing, adjoining/neighbouring buildings and the area generally and incorporates a high standard of landscaping.
- 8.31. Policy M1 of the MPNP states that the countryside will be protected for the sake of its intrinsic character, beauty, heritage and wildlife. Policy M1 sets out a list of acceptable forms of development, of which as above the erection of a dwelling does not accord.
- 8.32. Policy M10 of the MPNP sets out a list of design criteria and states that to be supported development must be sympathetic to local character and history.
- 8.33. The site is located within the National Forest and Charnwood Forest, therefore in addition to the above Policies 21 and 22 of the Core Strategy are applicable to this proposal. Policy 21 supports proposals that contributed to the delivery of the National Forest Strategy provided that:
- The siting and scale of the proposed development is appropriately related to its setting within the Forest
 - The development respects the character and appearance of the wider countryside
- and
- The development does not adversely affect the existing facilities and working landscape of either the Forest or the wider countryside
- 8.34. The site is also located within Charnwood Forest, Policy 22 states that within Charnwood Forest proposals will be supported that:
- Maintain the traditional working landscape of the forest, particularly those which involve rural diversification and sustainable tourism, including green tourism initiatives
 - Provide new recreation facilities around the fringes of the area
 - Provide access to and from the rural areas into and within the regional park by non vehicular means, provided that they:
 - Retain local character and complement the local landscape
 - Enhance open spaces, including the treatment of built edges
 - Enhance woodland and habitat provision and connectivity
 - Manage and enhance the cultural heritage of the area

- 8.35. As set out earlier, the impact on the countryside from the proposed development would be limited due to the existing built form surrounding the site, including a mix of residential and commercial units. Due to its siting, the development would act as backland development, however, the proposed development site relates well to the residential dwellings within the area and with the commercial elements of the site being located to the rear.
- 8.36. The proposed dwelling would be two storey with an L-shaped plan form, including a single storey element located towards the south east. The scale of the proposal is considered appropriate in this area and the overall design, including its orientation, are considered to be acceptable. The design includes architectural features such as a recessed corner balcony, dormer windows and porches which are considered appropriate and add to the visual appeal of the dwelling. The development is also not considered to be highly visible from the public realm and would have a limited visual impact upon the character of the area.
- 8.37. Overall, it is considered that the proposed development is acceptable and in accordance with Policy DM10 of the SADMP. The proposal is not in accordance with Policy DM4 of the SADMP nor Policy M1 of the MPNP, however it is considered that the dwelling would not harm the intrinsic character/appearance of the countryside.

Impact upon neighbouring residential amenity

- 8.38. Policy DM10 of the SADMP states that development should be permitted providing that the development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting, air quality, noise, vibration and visual intrusion.
- 8.39. Paragraph 135 of the NPPF states that planning decisions should 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.
- 8.40. The proposal has been designed to limit any impacts to the existing residential dwellings located along Ratby Lane. The first-floor window, serving the landing, is the only window which may cause a degree of overlooking into the private garden amenity space of the neighbouring properties. However, from the plans provided and the design and access statement it is considered that the window is located a sufficient distance from the neighbouring residential property, in accordance with the HBBC Good Design Guide.
- 8.41. The development is not considered to create any detrimental impacts to neighbouring amenity in terms of overbearing, overshadowing or loss of light impacts. In addition, the impact to the future occupiers of the dwelling when considering the relationship with the commercial premises HBBC Environmental Health provided no objections to the proposal.
- 8.42. In summary, it is considered that the proposed development would provide sufficient private amenity space and would not lead to any neighbouring amenity issues and would be in accordance with Policy DM10(b) of the Site Allocations and Development Management Policies DPD paragraph 135 of the NPPF.

Impact upon highway safety

- 8.43. Policy DM17 and DM18 of the SADMP require development to accord with the adopted highway design and vehicle parking standards to ensure that there is adequate highway visibility for road users and adequate provision of off-street parking and manoeuvring facilities. Paragraph 32 of the NPPF states that development should only be refused on highway grounds where the cumulative impact of the development is severe.
- 8.44. The LHA have no objection and refer to standing advice. The site would be served via the existing access arrangement. The addition of one dwelling would not result in any significant trip generation whilst the wider business operations would continue as existing. A new driveway is to be created, with a driveway accommodating three off street parking spaces, which is sufficient for a dwelling of this size.
- 8.45. As such the proposal satisfies the requirements of Policy DM17 & DM18 in regard to appropriate levels of parking provision & highway safety.

Impact on ecology and biodiversity

- 8.46. Policy DM6 of the SADMP states that Development proposals must demonstrate how they conserve and enhance features of nature conservation and geological value including proposals for their long-term future management. Paragraph 180 of the NPPF states that development proposals should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity.
- 8.47. As a self-build development, the application would be exempt from securing mandatory Biodiversity Net Gain. A preliminary ecological assessment has been submitted, as well as a presence/absence survey for bats.
- 8.48. LCC Ecology have been consulted and have no objections subject to conditions. Therefore, the proposal is considered to comply with policy DM6 of the SADMP.

Planning Balance

- 8.49. The Council cannot demonstrate a 5-year housing land supply, therefore the housing policies in the adopted Core Strategy and the housing policies of the adopted SADMP are considered to be out of date as they focused on delivery of a lower housing requirement than is now required. It is necessary therefore to consider that the 'tilted' balance in paragraph 11(d) of the NPPF applies and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 8.50. The site is located outside the settlement boundary and the proposed development does not meet any of the criteria as part of Policy DM4 of the SADMP or Policy M1 of the Neighbourhood Plan, and is therefore in conflict with the development plan. However, due to the previously developed nature of the site, and the locational sustainability merits of the site, it is considered that this conflict is limited.
- 8.51. Additionally, regarding paragraph 14 of the NPPF, the LPA considers that whilst the neighbourhood plan contains policies and allocations to meet a housing need, this need was identified when the housing need figure was significantly lower. It is therefore concluded that the neighbourhood plan does not contain policies and

allocations to meet its identified housing requirement, therefore Paragraph 14 would not be applicable in this specific case.

- 8.52. The proposal would not result in any significant harm to the character and appearance of the area and is in compliance with policy DM10 of the SADMP. Additionally, the proposed development would provide sufficient garden and private amenity space for the proposed dwelling, and would not result in any harm to occupier or neighbouring amenity.
- 8.53. There are social benefits associated with the erection of a dwelling such as providing housing for a range of occupants including families, and economic benefits associated with the construction of the dwelling and the future occupant's opportunity to act as new customers and employees for local businesses and services. The proposal would also make a minor contribution towards the LPAs identified 5YHLS shortfall. Notwithstanding this, as the application proposal is for the provision of a single dwelling, these social and economic benefits are afforded limited weight.
- 8.54. It is acknowledged that the Council has a minor shortfall in the supply of custom and self-build developments of 5 dwellings for Base Period 10 31st October 2024 to 30th October 2025. The framework states that small and medium sized sites can make an important contribution to meeting housing requirements of an area and can be built out quickly. The proposal would deliver one new dwelling which would make a positive contribution to addressing the minor shortfall in self-build plots. As the scheme is only for one dwelling and the shortfall is not considered to be significant, the LPA affords limited weight to this aspect of the proposal.
- 8.55. In summary, whilst there is some conflict with Policy DM4 of the SADMP, the Neighbourhood Plan, it is considered that the proposed dwelling would result in a development which would respect the character and appearance of the area, whilst also protecting residential amenity for both the prospective and existing residents. The provision of one self-build dwelling would help towards the Council's housing land supply shortfall and self-build shortfall, and the combination of these benefits are considered to outweigh the identified harm in this case, which is conflict with policy DM4 of the SADMP and Policy M1 of the MNP and paragraph 14 of the NPPF.

9. Equality Implications

- 9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
(1) A public authority must, in the exercise of its functions, have due regard to the need to:
(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2. Officers have taken this into account and given due regard to this statutory duty 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. The proposed development would be in conflict with Paragraph 14 of the NPPF, Policy M1 of the Neighbourhood Plan, and Policy DM4 of the SADMP, however in this case the degree of harm is considered to be limited overall.

10.2. There are social benefits associated with the proposal, such as providing housing, and economic benefits associated with the construction of the dwelling and the future occupant's opportunity to act as new customers and employees for local businesses and services. The proposal would also make a minor contribution towards the LPAs identified 5YHLS shortfall and a moderate contribution towards the LPAs custom and self-build shortfall. Notwithstanding this, as the application proposal is for the provision of a single dwelling, these social and economic benefits are afforded limited weight, and the provision of a single self-build dwelling is afforded moderate weight.

10.3. Overall, it is considered that the benefits of allowing the development would outweigh the limited harm in this case, and the proposal is in compliance with the relevant Policies of the Core Strategy, SADMP, Markfield Neighbourhood Plan, and National Planning Policy Framework (December 2024) and should therefore be approved.

11. Recommendation

11.1. **Grant planning permission** subject to the following conditions:

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:

- Site Location Plan - Drg No.WA 677 (04) 01
- Proposed Site Block Plan - Drg No.WA 677 (04) 03
- Proposed Site Plan - Drg No.WA 677 (04) 04
- Proposed Ground, First Floor Plans, Drg No.WA 677 (04) 05A
- Proposed Elevations, Drg No.WA 677 (04) 06A

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) and the Markfield Neighbourhood Plan (2021).

3. No development above foundation level shall commence on site until representative samples of the types and colours of materials to be used on the external elevations of the dwelling hereby permitted have been deposited with and approved in writing by

the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Policy M10 of The Markfield Neighbourhood Plan (2021).

4. No development above foundation level shall take place until a scheme of hard and soft landscaping works, including boundary treatments, for the site, including an implementation scheme, has been submitted to and approved in writing by the Local Planning Authority. Thereafter scheme shall be carried out in full accordance with the approved landscaping and implementation 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 are seriously diseased shall be replaced by trees or shrubs of a similar size and species (native) to those originally planted at which time shall be specified by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies DPD (2016).

5. All mitigation measures and/or works shall be carried out in accordance with the details contained in the submitted Preliminary Ecological Appraisal (Elite Ecology, December 2024). This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

6. Prior to the demolition of the existing building, a Precautionary Working Method Statement shall be submitted to and approved in writing by the local planning authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to reptiles, amphibians, nesting birds, bats and hedgehog during the construction phase. The measures and/works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended), and in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies DPD (2016).

7. No development above foundation level shall be completed until a Biodiversity Enhancement Layout for biodiversity enhancements listed in the Preliminary Ecological Appraisal (Elite Ecology, December 2024) report shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Layout shall include the following:

a) detailed designs or product descriptions for biodiversity enhancements; and

b) locations, orientations and heights for biodiversity enhancements on appropriate drawings. The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.”

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under paragraph 187d of the NPPF 2024 and s40 of the NERC Act 2006 (as amended) and in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies DPD (2016).

8. Prior to first occupation of the dwelling hereby approved, a “lighting design strategy for biodiversity” in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The strategy shall:

a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended) and in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies DPD (2016).

Informatives

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. 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.

3. 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).
4. Should any bats or evidence of bats be found prior to or during the development, all works must stop immediately, and a suitably qualified ecologist contacted for further advice before works can proceed. All contractors working on site should be made aware of the advice and provided with the contact details of a relevant ecological consultant. If a Bat is found during the works the ecological consultant or National Bat Helpline should be contacted for advice on: 0345 1300 228.