

Delegated Report

Planning Ref: 23/00423/CONDIT

Applicant: Mr Graham Linney

Ward: Burbage



Hinckley & Bosworth
Borough Council

Site: 13 Sapcote Road, Burbage, Hinckley, Leicestershire

Proposal: Variation of Condition 2 of Planning Application 22/00346/FUL. Amendment to approved plans and elevation.

Recommendations

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

Planning application description

- 2.1. Application 22/00346/FUL granted permission for the Erection of 2no. new dwellings at land adjacent to 13 Sapcote Road, new service road, refuse/recycling facilities and associated double garages.
- 2.2. This application seeks variation of condition 2 of application 22/00346/FUL which currently reads as;

‘The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

- o Location Plan: Dwg. No. 18-120-A-001 Rev A, received 07.04.2022
- o Site Constraints: Dwg. No. 18-120-A-010 Rev A, received 07.04.2022
- o Masterplan: Dwg. No. 18-120-A-011 Rev P, received 07.04.2022
- o Tracking: 18-120-A-012 Rev B, received 07.04.2022
- o Tracking House A: 18-120-A-013 Rev C, received 07.04.2022
- o Tracking House B: 18-120-A-014 Rev C, received 07.04.2022
- o Tracking Fire Tender: 18-120-A-015 Rev C, received 07.04.2022
- o Roof plan: Dwg. No. 18-120-A-016 Rev B, received 07.04.2022
- o Dwelling A Floor Plans: Dwg. No. 18-120-B-100 Rev K, received 07.04.2022
- o Dwelling A Elevations: Dwg. No. 18-120-B-110 Rev H, received 07.04.2022
- o Dwelling B Floor Plans: Dwg. No. 18-120-B-200 Rev K, received 07.04.2022
- o Dwelling B Elevations: Dwg. No. 18-120-B-210 Rev J, received 07.04.2022

- o Street Elevations: Dwg. No. 18-120-B-310 Rev H, received 07.04.2022
- o Drainage Layout: Dwg. No. 20256R-E01, received 07.04.2022

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

2.3 Specifically the proposed amendments would include:

Dwelling A

Ground Floor plan

- Utility room moved from the left of the dwelling to the right to allow better access to the rear of the property.
- New single storey flat roof projection from the kitchen to allow a better flow in the altered kitchen/ dining/ family area.
- Entrance hall has been rearranged to allow for a more open grand double height entrance area. W/C moved to the rear of the entrance hall.

First floor plan

- Current bedroom one to be made into two bedrooms, one being ensuite.
- Current bedroom three will now be part of the open plan double height landing space.

South East elevation

- Alterations to the entrance to remove porch and replace with double height entrance oak framed glazing.
- Current brickwork to be Terca Trentino/ Wienerberger apollo/ Ibstock Ivanhoe cottage blend/ Weinenberger Bellbrooke.
- Current roof tiles to be Marley Edgemore slate grey/ Marley farmhouse Edgemore

North West elevation

- Addition of dormer window to replace current on first floor left.
- Lower ridge height for the narrower building element on left.
- Removal of Juliet balcony at first floor on right.
- Alteration of first floor centre window at first floor.
- Removal of single door and window on ground floor replaced with bi fold doors.
- Removal of French doors on ground floor left,
- New vertical timber clad single storey flat roof element, centre with bi fold doors.
- Current brickwork to be Terca Trentino/ Wienerberger apollo/ Ibstock Ivanhoe cottage blend/ Weinenberger Bellbrooke.
- Current roof tiles to be Marley Edgemore slate grey/ Marley farmhouse Edgemore

North East elevation

- Brick chimney with stack showing on the elevation.
- Removal of two current windows on left ground floor,
- Removal of French doors with windows, ground floor right, replaced with single door and window.
- Current brickwork to be Terca Trentino/ Wienerberger apollo/ Ibstock Ivanhoe

- cottage blend/ Weinenberger Bellbrooke.
- Current roof tiles to be Marley Edgemore slate grey/ Marley farmhouse Edgemore
- Main roof pitch steepened

South West elevation

- Removal of current window at first floor.
- Current brickwork to be Terca Trentino/ Wienerberger apollo/ Ibstock Ivanhoe cottage blend/ Weinenberger Bellbrooke.
- Current roof tiles to be Marley Edgemore slate grey/ Marley farmhouse Edgemore
- Main roof pitch steepened

Dwelling B

Ground floor plan

- Existing family room to become office/ study.
- WC moved to front of the property accessed off the hallway where current study sits.

First floor plan

- Current bed one, to become beds one with ensuite and bed 3.
- Current bed three to form ensuite for bed one and double height entrance hall.

South West elevation

- Front gable eaves and ridge to be dropped.
- The gable dropping then forms new oak framed glazed entrance replacing the current door and canopy.
- Pitch of single storey element on right to increase to meet eaves of front gable.
- Window heads to go from arched, to straight.
- Windows on ground and first floor altered to meet requirements of building regulation part O.
- Corbelled eaves replaced with soffit and fascia boards.
- Current brickwork to be Terca Trentino/ Wienerberger apollo/ Ibstock Ivanhoe cottage blend/ Weinenberger Bellbrooke.
- Current roof tiles to be Marley Edgemore slate grey/ Marley farmhouse Edgemore

North East elevation

- Pitch of single storey element on left to increase to meet eaves of front gable.
- Window heads to go from arched, to straight.
- Windows on ground and first floor altered to meet requirements of building regulation part O.
- Corbelled eaves replaced with soffit and fascia boards.
- Current ground floor window left to be replaced with bi fold doors.
- Window added next to central door.
- Current brickwork to be Terca Trentino/ Wienerberger apollo/ Ibstock Ivanhoe cottage blend/ Weinenberger Bellbrooke.
- Current roof tiles to be Marley Edgemore slate grey/ Marley farmhouse Edgemore

North West elevation

- Window heads to go from arched, to straight.
- Windows on ground floor altered to meet requirements of building regulation part O.
- Corbelled eaves replaced with soffit and fascia boards.
- Current window on ground floor left to be removed.
- Oak entrance visible from front gable.
- Main roof pitch steepened.
- Current brickwork to be Terca Trentino/ Wienerberger apollo/ Ibstock Ivanhoe cottage blend/ Weinenberger Bellbrooke.
- Current roof tiles to be Marley Edgemore slate grey/ Marley farmhouse Edgemore

South East elevation

- Chimney stack altered to be symmetrical.
- Window heads to go from arched, to straight.
- Windows on ground floor altered to meet requirements of building regulation part O.
- Corbelled eaves replaced with soffit and fascia boards.
- New roof lights to single storey pitched roof.
- Main roof pitch steepened.
- Current brickwork to be, Terca Trentino/ Wienerberger apollo/ Ibstock Ivanhoe cottage blend/ Weinenberger Bellbrooke.
- Current roof tiles to be Marley Edgemore slate grey/ Marley farmhouse Edgemore

2.4 A 'Site Master Plan' Drwg. No. 8869-03-100 was received on 28th June 2023 & a location plan was received on 30th June 2023

Description of the site and surrounding area

- 3.1. The application site is located along the northern boundary of Sapcote Road approximately 28.0m east of its junction with Burbage Road. There is a range of unutilised outbuildings at the bottom of the garden (northern boundary) that would be demolished to accommodate the proposed development.
- 3.2. Along the north-eastern and south-western boundaries are mature hedgerow bordering No. 11 and No. 15 Sapcote Road. Both properties are sited approximately 12.0m from the public highway with large gardens at the rear. To the rear of the site is a public footpath (U15) with No. 17 and No. 19 Sapcote Road beyond.
- 3.3. The application site is within the settlement boundary of Burbage.

3.1. Relevant planning history

99/00563/OUT

- Erection of one dwelling.
- OUT
- 18.08.1999

06/00609/FUL

- Extensions and alterations to dwelling.
- PER
- 01.08.2006

19/01128/FUL

- Two dwellings with detached garages.
- PER
- 09.01.2020

22/00346/FUL

- Erection of 2no. new dwellings at land adjacent to 13 Sapcote Road, new service road, refuse/recycling facilities and associated double garages
- PER
- 10.06.2022

Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.
- 5.2. No letters of representation were received.

Consultation

- 6.1. Burbage Parish Council- No objections
- 6.2. HBBC Waste – No comment received

LCC Highways- The LHA note that the proposed garages are not shown on the newly submitted drawings. Notwithstanding this the LHA are satisfied that it is not the intention to replace Drawing No. 18-120-A-011 Rev P, which secures the garages as being part of the proposals as does Condition 7 attached to 22/00346/FUL (parking and turning facilities). No changes are proposed to the number of bedrooms for either dwelling and therefore the LHA have no objection to the Variation of Condition 2 of Planning Application 22/00346/FUL.

HBBC Drainage- No objections

LCC Ecology- No objections

HBBC Pollution- No objections

Policy

- 7.1. Burbage Neighbourhood Plan 2020-2039
 - Policy 1: Settlement Boundary
 - Policy 2: Design and Layout
 - Policy 4: Parking
 - Policy 12: Important Trees
- 7.2. Core Strategy (2009)
 - Policy 4: Development in Burbage
 - Policy 16: Housing Density, Mix and Design
- 7.3. Site Allocations and Development Management Policies DPD (2016)
 - Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM6: Enhancement of Biodiversity and Geological Interest
 - Policy DM7: Preventing Pollution and Flooding
 - Policy DM10: Development and Design

- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

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)

7.6 Leicestershire Highways Design Guide

Appraisal

7.7 Key Issues

- Assessment Against Strategic Planning Policies
- Design and Impact upon the Character of the Area
- Impact upon Neighbouring Residential Amenity
- Impact upon Highway Safety
- Impact upon Trees
- Drainage
- Biodiversity
- Other Matters
- Planning Balance

Assessment against strategic planning policies

7.7 This application is for the Variation of condition 02 (approved drawings) for Planning Permission 22/00346/FUL Date of Decision: 26/08/2022. Amendment to approved plans and elevations. The specific changes are listed at the beginning of this report.

7.8 The principle of development has already been established in application 22/00346/FUL

7.9 Design and impact upon the character of the area

7.10 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.

7.11 Policy 2 of the Burbage Neighbourhood Plan requires that future development must respect its surroundings and, where appropriate, should follow the existing pattern of development and should retain existing important natural features on the site such as trees and hedgerows.

- 7.12 The Good Design Guide SPD provides guidance upon how to design an appropriate new residential development. This includes appraising the context, creating appropriate urban structures through blocks, streets, enclosure, open space and landscaping, parking, amenity space and design detailing. The SPD advocates the use of a Building for Life Assessment. The SPD sets out minimum separation distances between dwellings and a general guideline for garden sizes.
- 7.13 Paragraph 134 of the NPPF states 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. Local policy is considered to accord with the NPPF. Policy DM10 is therefore consistent with the NPPF (2021).
- 7.14 It is acknowledged that to the west of the site the pattern of development is devoid of development at depth whilst to the north and east there are residential dwellings at depth, accessed off Sapcote Road via a private driveway. However, there is a mix of plot sizes, layouts and individually designed properties in the area, and existing forms of back land development set around the un-adopted access from Sapcote Road, which the proposed development would be seen in context. Therefore, the proposal would not severely impact on the character of the area and would assimilate into the existing grain of built development.
- 7.15 Given the siting of the properties behind the existing dwelling together with mature hedgerow boundary treatments along the side boundaries, the proposal would be significantly screened from public vantage points and the visual impact of the proposal would be minimal. Notwithstanding the presence of the mature boundary hedgerow, if this were not present the proposed development would be viewed in context with the dwellings to the north and east which form a residential character backdrop.
- 7.16 The site forms part of the former large curtilage to the existing dwelling at 13 Sapcote Road. The proposed dwellings are similar in scale to the existing dwelling & neighbouring dwellings. The dwellings are appropriately set back from the highway & set within a large plot. The 2 bay garage for each dwelling is between the proposed 2 dwellings. Proposed changes to Dwelling A & Dwelling B would be both internal and external as listed at the start of this report. Dwelling A would have a double height entrance area with the addition of a dormer window on the NW Elevation. Other changes would be internal or would be changes to roof steepness, removal of some windows and doors all of which are considered acceptable.
- 7.17 Proposed changes to Dwelling B would bring changes to the internal layout of some rooms, a lowering of the front gable eaves and ridge, an increase in pitch of a single storey element, a change from arched window heads to straight, additional roof lights.
- 7.18 The detailed design of the dwellings is considered acceptable, and the proposed development is considered to have an acceptable impact on the character of the area in accordance with the requirements of the Burbage Neighbourhood Plan, Policy DM10 and the NPPF.
- 7.19 Impact upon neighbouring residential amenity
- 7.20 Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighbouring properties and a good standard of amenity for all existing and future occupants of land and buildings.
- 7.21 Policy DM10 of the SADMP identifies that development should 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 (including odour), noise, vibration and visual intrusion.

- 7.22 The Good Design Guide SPD outlines that development will need to provide high quality internal amenity space as this is critical to the quality of life of residents. The guide states that new developments should meet minimum standards of garden sizes and separation distances between dwellings. The National Design Guide also promotes a healthy, comfortable and safe internal and external environment.
- 7.23 Paragraph 130 of the NPPF states that decisions should 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 7.24 Overall, the separation distances between buildings on the site, boundary treatments and surrounding properties as well as private amenity areas are in accordance with the extant planning permission and are not being reassessed.
- 7.25 It is not considered the additional dormer window on the NW elevation of dwelling A will have a detrimental impact on neighbouring amenity. It is not considered the other changes as listed above would have a negative impact on neighbouring amenity.
- 7.26 Although it is not considered that the proposal would result in overdevelopment of the site, given the short depth of the gardens coupled with incremental enlargements sought under the current application it would be appropriate to remove permitted development rights to the new dwellings.
- 7.27 The proposal would have a minimal impact on the amenities of surrounding residents and provides acceptable residential amenity for future occupiers. As such, the proposed development is in accordance with Policies DM7 and DM10 of the SADMP and the Good Design Guide.

Impact upon highway safety

- 7.28 Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highways authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 7.29 Policy DM10(g) states that where parking is to be provided, charging points for electric or low emission vehicles should be included, where feasible. This would be assessed and secured at reserved matters stage.
- 7.30 Paragraph 111 of the NPPF (2021) 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.
- 7.31 Policy 4 of the Burbage Neighbourhood Plan states that at least two parking spaces should be provided.
- 7.32 It is not considered the material changes will have a detrimental impact on highway safety.

7.33 Therefore, subject to conditions, the proposal would be considered in accordance with Policies DM17 and DM18 of the SADMP.

Drainage

7.34 Policy DM7 of the SADMP seeks to ensure that development does not create or exacerbate flooding. A Flood Risk Assessment should be submitted with the application in accordance with paragraph 163 of the NPPF.

7.35 Paragraph 167 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 169 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should take account of advice from the LLFA, have appropriate proposed minimum operating standards, have maintenance arrangements for the lifetime of the development and where possible provide multifunctional benefits.

7.36 The HBBC Drainage Officer has no objections to the proposal. A condition was imposed on the previous permission which will carry forward to this new permission. The condition proposed to ensure a positive means of drainage is installed at the access to avoid surface water being discharged directly onto the highway. The proposal accords with Policy DM7 of the SADMP.

7.37 Ecology and natural environment

7.38 Policy DM6 of the adopted SADMP states that development proposals must demonstrate how they conserve and enhance features of nature conservation.

7.39 The site is currently a residential garden occupied by modern outbuildings. Apart from boundary hedgerow and trees, there are no features likely to comprise important habitat for protected species. Whilst the proposal retains the existing hedges and a few trees, conditions relating to its retention during construction as well as a landscaping scheme from permission 22/00346/FUL are also proposed. Moreover, the County Ecologist concluded that the existing outbuildings to be demolished have low potential to support roosting bats and no further concerns were raised.

7.40 Therefore, the proposal would not have an adverse impact on the natural environment or protected species and complies with Policy DM6 of the SADMP.

7.41 Infrastructure contributions

7.42 Policy DM3 of the SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities. Policy 19 of the adopted Core Strategy seeks to address existing deficiencies in the quality, quantity and accessibility of green space and children's play provision within settlements.

7.43 The request for any planning obligations (infrastructure contributions) must be considered alongside the requirement contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations confirm that where developer contributions are requested, they need to be necessary to make the development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the development proposed.

7.44 Any requested infrastructure contribution for public play and open space facilities would need to be necessary to make the development acceptable in planning terms and therefore CIL compliant. However, in this case, the proposal is for only two additional dwellings which would not have any significant impact on existing play and open space facilities. The development is considered acceptable in planning terms without any contribution; therefore, the contribution would not be CIL compliant in this case. Notwithstanding Policy DM3 of the SADMP in conjunction with the extant planning permission, no contribution has been pursued.

Planning Balance and Conclusion

7.45 The NPPF is a material consideration in determining application. Paragraph 11 of the NPPF identifies that plans and decisions should apply a presumption in favour of sustainable development, and for decision taking this means approving development proposals that accord with an up-to-date development plan. As previously identified the housing policies in the adopted Core Strategy and the adopted SADMP are now considered to be out of date as they focussed on delivery of a lower housing requirement than required by the up-to-date figure. The Council also cannot demonstrate a 5-year housing land supply. Therefore, the 'tilted' balance in paragraph 11(d) of the NPPF applies where the 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.

7.46 Paragraph 8 of the NPPF states that sustainable development has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These objectives are Economic, Social and Environmental.

7.47 Economic: The scheme would provide some economic benefit through the creation of jobs and demand for services and materials for the construction of the development itself and from the future occupation of the development supporting businesses in the wider area.

7.48 Social: The scheme would provide a modest contribution to the overall housing supply within the Borough.

7.49 Environmental: The scheme would protect the natural environment and would safeguard the amenity of existing residents.

7.50 The proposal is inside the settlement boundary of Burbage as defined in the SADMP, surrounded by residential development. The siting, scale and design of the proposed dwellings complement the character of the site and does not detract from the character of the surrounding area. It would also have no adverse impact upon the residential amenity of any neighbouring dwellings or highway safety.

7.51 The application does not conflict with any of the policies set out within the Local Plan (2006-2026), and there are no significant or demonstrable adverse impacts that would outweigh the identified social and economic benefits and the presumption in favour of sustainable development. Therefore, no material considerations indicate that a decision should be made other than in accordance with the Development Plan.

Equality implications

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

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.1 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. There are no known equality implications arising directly from this development.
- 8.2 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).

Recommendation

9.1 Grant planning permission subject to

- Planning conditions outlined at the end of this report

9.2 Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of the original planning permission 22/00346/FUL (26th August 2022).

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 other than in accordance with the following plans received by the local planning authority on 10th November 2022:

Location Plan: Dwg. No. 18-120-A-001 Rev A, received 30.06.2023
'Site Master Plan' Drwg. No. 8869-03-100, received on 28.06.2023
Drainage Layout: Dwg. No. E01 Rev B, received 27.06.2023
Dwelling A Elevation Plans: Dwg. No. 8869-03-01 received 01.05.2023
Dwelling A Floorplans: Dwg. No.8869-03-02 received 01.05.2023
Dwelling B Elevation Plans: Dwg. No. 8869-03-03 Rev B, received 13.06.2023
Dwelling B Floorplans: Dwg. No.8869-03-04 received 01.05.2023

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

3. No development above floor plate level shall commence on site until representative samples of the types and colours of materials to be used on the external elevations of the dwellings 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 appearance in the interests of visual amenity in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. No development shall take place above slab level until a scheme of hard and soft landscaping works for the site, including an implementation scheme, has been submitted in writing to and approved in writing by the local planning authority. The scheme shall be carried out in full accordance with the approved landscaping scheme. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period, any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority. No trees or shrubs should be planted within 1 metre of the edge of the Public Right of Way. Any trees or shrubs planted alongside a Public Right of Way should be of a non-invasive species.

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), and to prevent overgrowth in the interests of protecting and enhancing Public Rights of Way and access in accordance with Paragraph 100 of the NPPF (2021).

5. During the construction period, none of the existing trees or hedges indicated to be retained on 'Site Master Plan' Drwg. No. 8869-03-100, received on 28.06.2023 shall be cut down, uprooted, or destroyed, nor shall be topped or lopped other than in accordance with the approved plans, without the written approval of the Local Planning Authority. If any of the trees or hedges to be retained are removed, uprooted, or destroyed or dies, a replacement shall be planted at the same place and that tree or hedge shall be of such size and species, and shall be planted at such time, as maybe specified in writing by the Local Planning Authority.

Reason: To ensure that the existing trees on the site are retained and protected in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraph 174 of the NPPF (2021).

6. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on 'Site Master Plan' Drwg. No. 8869-03-100, received on 28.06.2023 have been implemented in full.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the NPPF (2021).

7. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with 'Site Master Plan' Drwg. No. 8869-03-100, received on 28.06.2023 Thereafter the onsite parking provision shall be so maintained in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the NPPF (2021).

8. The development hereby permitted shall not be occupied until such time as the access drive (and any turning space) has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with the NPPF (2021).

9. Prior to construction, any changes to the existing boundary treatment currently separating the application site from the Public Right of Way, must be approved by the Local Planning Authority in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers.

Reason: in the interests of protecting and enhancing Public Rights of Way and access in accordance with Paragraph 100 of the NPPF (2021).

10. Prior to construction, measures should be taken to ensure that users of the Public Right(s) of Way are not exposed to any elements of danger associated with construction works.

Reason: to ensure the Public Right of Way is safe and available during the period of construction in the interests of protecting and enhancing Public Rights of Way and access in accordance with Paragraph 100 of the NPPF (2021).

11. Construction work of the development, hereby permitted, shall not take place other than between the hours of 07:30 hrs and 18:00 hrs on weekdays and 08:00 hrs and 13:00 hrs on Saturdays and at any time on Sundays and Bank Holidays unless other agreed in writing.

Reason: To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies DPD (2016).

12. No part of any new dwelling hereby permitted shall be occupied until such time as the waste and recycling storage of containers and collection across the site indicated on 'Site Master Plan' Drwg. No. 8869-03-100, received on 28.06.2023 have been provided.

Reason: To ensure the bin storage on site is not detrimental to the street scene and overall design of the scheme in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies DPD (2016).

13. Prior to occupation of the new dwelling, an electric vehicle charging point shall be provided in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority.

Reason: To maximise opportunities for sustainable energy and transport in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD (2016) and Paragraph 155 of the NPPF (2021).

14. No development shall take place above slab level until a scheme for the delivery of full fibre broadband connections to serve the new dwelling on the application site, shall be submitted to and approved in writing by the Council. The fibre broadband connection shall be made available to the new dwelling in accordance with the approved scheme.

Reason: To provide advanced high quality and reliable communications infrastructure to accord with Paragraph 114 of the NPPF (2021).

15. No part of any new dwelling hereby permitted shall be occupied until such time as a positive means of drainage has been provided at the access to avoid direct discharge of surface water onto the highway. Thereafter surface water shall not drain into the Public Highway and shall be so maintained.

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 (2016) and Paragraph 110 of the NPPF (2021).

16. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A-E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling shall be carried out unless planning permission for such development has been granted by the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring properties in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

17. 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 Article 3, Schedule 2, Part 2 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 the NPPF (2021).

11.0 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. Prior to construction, measures should be taken to ensure that users of the Public Right(s) of Way are not exposed to any elements of danger associated with construction works.

The Public Right(s) of Way must not be re-routed, encroached upon, or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.

The Public Right(s) of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.

If the developer requires a Right of Way to be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to networkmanagement@leics.gov.uk at least 12 weeks before the temporary diversion is required.

Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.

No new gates, stiles, fences, or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way and the County Council may be obliged to require its immediate removal.

4. Should the existing street lighting column and road sign close to the development access require relocation as part of the site access works, all works would be at the full expense of the Applicant.
5. The collection point for domestic recycling, garden waste and refuse are from the adopted highway boundary. Please refer to the following downloads on the website.

http://www.hinckley-bosworth.gov.uk/downloads/file/2952/wheeled_bin_information_for_developers_and_planning_officers

https://www.hinckley-bosworth.gov.uk/downloads/file/4647/wheeled_bin_and_container_policy_updated_march_2018

6. 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.
7. 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).