

Delegated Report

Planning Ref: 23/01102/OUT

Applicant: Mr A Tarver

Ward: Cadeby Carlton Market Bosworth & Shackerstone

Site: Land South West of Sutton Lane, Market Bosworth

Proposal: Erection of detached dwelling and garage with associated works (including barn renovation) and landscaping

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

2. Planning application description

- 2.1. The proposal seeks full planning approval for a detached 4-bedroom dwelling, with a gross internal floor area of interior of 430m². The layout proposes a new access from Sutton Lane running south-westerly to the dwelling, which is to be set back from the lane by approximately 200 metres. The proposed dwelling is to be located in the southwest corner of the site, close to an existing copse which is to be strengthened with new planting as part of the proposal.
- 2.2. Domestic external areas are sited to the south behind the main front elevation, and the historic field boundary is to be reinstated as part of the landscaping scheme. The massing reads as a cluster of forms and a central water tower forms a focal connecting element within the proposal, using the adjacent brook as a water source. The proposal is designed to attempt to meet the parameters of paragraph 84 of the NPPF, and as such is in an isolated location and is not designed to be in keeping with traditional dwelling types.
- 2.3. The proposed dwelling would have four bedrooms, all located on the first floor. On the ground floor are the main living areas, including a large kitchen/lounge area, bathroom, utility room, and three bay car port with EV charging ports. The second and third floors house the elements within the water tower, including a mezzanine, tank room and terrace. The ground floor section would span 51.5m in length and 5.8m in depth, with staggered roof heights between each section of the building. The water tower has a maximum height of 12.2m, the first-floor section housing the bedrooms 8m, with the rest of the dwelling 5.2m in height. There are two single storey wings projecting perpendicularly from the main building, measuring 12m and 8.5 in length respectively.
- 2.4. The materials proposed include reclaimed red brick and natural timber cladding to all elevations, with reclaimed blue pegtiles for the roof. A mix of glazing types is proposed in the form of traditional windows, roof windows, and rear facing dormers.
- 2.5. The existing site contains a barn which is a non-designated heritage asset and a locally listed building. This building has previously had planning permission to be converted from an agricultural building to a dwelling (Class Q and full permission), however this application proposal involves the preservation and enhancement of the barn structure to enable its continued use as an agricultural building.
- 2.6. The proposed access uses an existing gap in the hedgerow and weaves through the site with the intention of creating a sense of arrival, around the existing oak tree

and proposed meadow planting. On the approach to the proposed dwelling via the new access track, the landscaping proposed will consist of a wet meadow, enriched wildflower meadow, reinstated historical copse, successional tree planting, a new pond and reinstated field boundaries.

2.7. This application is accompanied by the following plans:

- Site Location Plan
- Site section plans
- Proposed elevations
- Proposed and existing Barn elevations
- Proposed floor plans
- Proposed and existing Barn floor plans
- Roof Plan
- Block Plan
- Tree Plans
- Comparative plans and elevations (Stage 2 and Stage 3)

2.8. The application is also supported by:

- Design and Access Statement (including Heritage Statement)
- Flood risk assessment
- Highways and access review
- Preliminary Ecological Appraisal
- Biodiversity Net Gain Report
- Arboricultural Impact Assessment and Method Statement
- Tree Survey and constraints plan
- Sustainability assessment
- Trent Rivers Trust Plan and Letter
- Landscape and Visual Appraisal
- Estate Management Plan
- Landscape Strategy
- Design Midlands responses.
- Energy Strategy

Pre-application engagement

2.9. Prior to submitting this application, over the course of three years the site has been subject to pre-application engagement in the form of two design review panels with Design Midlands and the Council, along with two separate pre-application responses at different stages of the design concept.

3. Description of the site and surrounding area

3.1. The application site is located 1.5km south of Market Bosworth and 1km north of Sutton Cheney, with the closest neighbour 1km to the east (Woodhouse Farm). The site consists of two pasture meadows and an existing agricultural barn which have historically been used to graze and house cattle.

3.2. The site consists of two irregularly shaped paddocks (c.30 acres in total) bound by hedgerows, hedgerow trees, and along the southern boundary a stream and copse woodland. The site has been in agricultural use through recorded history and forms part of the wider land holding of South Farm. Within the north-western corner of the application site, adjacent to the Lane, is an existing barn (known as The Barn) with

a gated access to the barn and the paddock. Sutton Lane provides access to Market Bosworth, c.1km north of the application site, and Sutton Cheney, c.1km south-east of the application site, with the Lane being a historic drover's route between these two settlements. The existing barn is to be renovated to serve as a useful function for land management, and the two fields will be managed ecologically through more traditional farming methods.

- 3.3. The existing barn sits adjacent to Sutton Lane and is a non-designated heritage asset. The gated Sutton Lane is also within the ownership boundary; historically this was a drove way for moving cattle to market, but in more recent times it was predominantly used for livestock grazing. Today it provides amenity value for local residents walking/cycling, as well as giving access to the site itself.
- 3.4. There are several landscape features which contribute to the site's character. The landscape within which the site sits is one of open views across rolling arable fields and managed grassland with a random array of mature plantation and mixed woodlands focused in the historic Bosworth Park. These fields are connected through mixed hedgerow field boundaries which provide both enclosed and wider framed views across the local landscape. Sutton Lane is a dominant landscape feature as it forms the northeast boundary of the site. The lane has wide grassy verges and mature trees which form a distinct avenue.

4. Relevant planning history

17/00773/CQGDO

- Prior approval for a proposed change of use of an agricultural building to one dwelling (C3) and associated operational development
 - Prior approval given
 - 17.10.2017

19/01217/CQGDO

- Prior approval for a proposed change of use of an agricultural building to one dwelling (C3) and associated operational development
 - Prior approval not required
 - 12.12.2019

20/00588/FUL

- Conversion of agricultural building to 3 bedroom dwelling including basement accommodation
 - Approved
 - 06.08.2020

5. Publicity

- 5.1. The application has been publicised by sending out letters to residents. A site notice was also posted in the vicinity of the site.

- 5.2. 1 letter of objection and 5 letters of support have been received from residents within the Borough raising the following matters:

Objection:

- 1) The property has no access except along a gated lane.
- 2) The development would create excessive traffic during the day.
- 3) Construction traffic will have an adverse environmental impact.
- 4) Heavy vehicles will disturb the existing road surface.
- 5) The property will struggle to be served by refuse collectors.

Support:

- 1) The proposal will enhance the countryside.
- 2) The proposal is environmentally friendly.
- 3) An example of modern and inspiring architecture.
- 4) Old barn is preserved and enhanced.
- 5) Cattle returning to the field.
- 6) In keeping with the surrounding countryside.
- 7) Maintenance and enhancements to gated road verges.
- 8) Biodiversity enhancements.

6. Consultation

6.1. The following consultees raise no objection, some subject to conditions:

- LCC Highways (conditions)
- LCC Ecology (conditions)
- HBBC Environmental Services (Pollution) (Condition)
- HBBC Drainage (condition)
- HBBC Conservation Officer
- Environment Agency (informative)
- Market Bosworth Society

6.2. Market Bosworth Parish Council – Objection (summarised):

- 1) Does not meet Class Q criteria.
- 2) Sets a precedent for further housing along Sutton Lane.
- 3) Adverse impact on the significance of the heritage asset of Sutton Lane and its setting.
- 4) Contrary to Policies CE2, CE3 and CE5 of the MBNP.
- 5) Contrary to Policies DM4, DM10, DM11, and DM15 of the SADMP.
- 6) Contrary to Paragraph 174 of the NPPF.
- 7) Lack of utilities and services.

7. Policy

- NPPF (2023):
 - Paragraph 84: isolated homes in the countryside
 - Paragraphs 131-141: Achieving well-designed places
- Core Strategy (2009):
 - Policy 7: Key Rural Centres
 - Policy 16: Housing density, mix and design
 - Policy 17: Rural needs
 - Policy 24: Sustainable design and technology
- Site Allocations and development Management Policies (SADMP) Development Plan (2016) (SADMP):
 - Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM2: Delivering Renewable Energy and Low Carbon Development
 - Policy DM4: Safeguarding the Countryside and Settlement Separation
 - Policy DM6: Enhancement of Biodiversity and Geological Interest
 - Policy DM7: Preventing Pollution and Flooding
 - Policy DM10: Development and Design
 - Policy DM11: Protecting and Enhancing the Historic Environment
 - Policy DM12: Heritage Assets

- Policy DM17: Highways and Transportation
- Market Bosworth Neighbourhood Plan
 - Policy CE1: Character and Environment
 - Policy CE2: Local Green Space
 - Policy CE3: Important Views and Vistas
 - Policy CE5: Landscape of the wider Parish

7.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Paragraph 84 of the NPPF
- Impact on heritage assets
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Drainage

Assessment against strategic planning policies

- 8.1. Paragraph 2 of the National Planning Policy Framework states 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 consideration in determining applications. Paragraph 12 of the NPPF confirms 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.
- 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 state 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) (CS) the Site Allocations and Development Management Policies DPD (2016) (SADMP), and the Market Bosworth Neighbourhood Plan (MBNP).
- 8.3. Policy CE5 of the MBNP states that in the open countryside outside the settlement boundary, new development will only be permitted a) where it contributes to the local economy b) for the re-use or extension of an existing building or c) for sport or recreation or d) For new dwellings in the circumstances identified in paragraph 55 (now paragraph 84) of the Framework. In all cases development will only be permitted where it does not cause harm to the landscape or biodiversity of the countryside that cannot be effectively mitigated.
- 8.4. The proposed dwelling is located outside the settlement boundary of Market Bosworth and is not within 800m of any services or facilities. The site is approximately 1.5km from key services found in Market Bosworth, and whilst this distance is walkable and cyclable for some, is not considered to be easily accessible in general terms as there are no nearby public transport links. In this instance, as there are no key amenities within 800m walking distance of the site, the proposed dwelling would be sited in an isolated location with poor access to key services and infrastructure and would be environmentally unsustainable due to its location, as future occupiers would be almost entirely reliant on the use of private cars.

- 8.5. However, having regard to paragraph 84 of the NPPF, an isolated dwelling in the countryside may be acceptable through meeting the relevant criteria. Paragraph 84 states;

Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- 8.6. In this case, the relevant criterion is (e), which states;

the design is of exceptional quality, in that it:

- is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.*

- 8.7. The proposed dwelling is to be zero carbon, utilising a mix of glazing, insulation, shading, water tower, and solar energy to achieve these standards. This report forms an assessment of whether the proposal meets the relevant criteria of Paragraph 84 of the NPPF as well as the relevant policies from 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. Using the standard method as outlined by MHCLG, Hinckley and Bosworth Borough is able to demonstrate 4.89 years of deliverable housing at 1st April 2022. 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 National Planning Policy Framework (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. Therefore, sustainable development should be approved unless other material considerations indicate otherwise.
- 8.10. In this case, the provision of one dwelling would make a very minor contribution to the Council's housing requirement and is therefore given very limited weight in the planning balance.

Design and impact upon the character of the area (including landscape)

- 8.11. 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.

- 8.12. Policy DM4 of the SADMP requires that development in the countryside does not have an adverse effect on the intrinsic value, beauty, open character, and landscape character of the countryside, does not undermine the physical and perceived separation and open character between settlements and does not create or exacerbate ribbon development.
- 8.13. Policy CE1 of the MBNP states that all new development within Market Bosworth should be in keeping with its Character Area with regards to scale, layout and materials to retain local distinctiveness and create a sense of place. Where new development would be visible from an adjacent Character Area it should be sensitive to the principal characteristics of that area. Innovative or outstanding design will be supported if it raises the overall quality of the Character Area.
- 8.14. The proposal is for a single detached dwelling (known as 'Breach House') located within the south-western portion of the application site. The design concept draws on the character of water within the landscape around Bosworth Hall and its water tower, as well as windmills using water and wind to generate energy. The dwelling comprises a tower as a central connecting element, with an orthogonal arrangement to the building and the height and roof forms informed by the function of the spaces. The dwelling is proposed to be constructed of a timber portal frame with external buttress elements and clad in materials including brick, limestone, shingles, clay tiles and timber boarding.
- 8.15. The proposed dwelling takes a form and appearance unlike any other dwellings in the Borough. The proposed dwelling would contain several features enabling a carbon neutral dwelling, with a unique design and layout. The siting and layout proposed, showing retention of the existing trees and the reinstatement of the historic field boundary hedgerow, would ensure that the proposed dwelling is not visually prominent from the public realm. When viewed from Sutton Lane the dwelling will be set back almost 200m from the entrance, with the driveway meandering through the trees and planted meadow to the front of the site.
- 8.16. The application site falls outside any defined settlement boundaries and is therefore within an isolated location in the open countryside, and does not fall within any of the character areas as defined by the MBNP. The erection of a dwelling on this site would change the open, rural, and undeveloped character and appearance of the countryside in this setting. If the site was to be developed, it would create additional built form in an open rural area and therefore it is important to integrate development to be as visually unobtrusive as possible. It should be noted that whilst the proposed dwelling would be sited in open countryside, the existing barn lies within the site and would be viewed in context with the proposed dwelling, despite the separation distance between the two buildings.
- 8.17. The applicant has studied and highlighted a selection of significant buildings in the surrounding area which have provided context and influence the form, scale, and materials of the proposed dwelling. The key characteristics include steep pyramidal roofs, prevalent use of brick, limestone, and clay, often in combination, external timber frames. It is evident that the surrounding local context has informed the design and materials and is successfully reflected in the proposal.
- 8.18. The proposed materials include reclaimed red brick and natural timber cladding to all elevations, with reclaimed blue pegtiles for the roof. A mix of glazing types is

proposed in the form of traditional windows, roof windows, and rear facing dormers. This palette of materials is considered acceptable, and effectively combines a mix of high-quality materials which provides visual interest through breaking up the varying aspects of the front elevation, in conjunction with the 'cluster of forms' design concept. The materials also provide local coherence, as the proposal makes use of a palette of contextual materials are informed by the local architectural vernacular. This ensures that the proposal would appear sensitive to the defining characteristics of the area, whilst also having a contemporary and unique appearance, avoiding a pastiche look.

- 8.19. The layout of the dwelling combines a wide rectangular footprint with rear extensions projecting towards the south. The massing integrates a cluster of forms at varying heights and designs, breaking down the overall massing of the proposal ensuring its sensitive relationship with the surrounding area. The ground floor section would span 51.5m in length and 5.8m in depth, with staggered roof heights between each section of the building. The water tower has a maximum height of 12.2m, the first-floor section housing the bedrooms 8m, with the rest of the dwelling 5.2m in height. There are two single storey wings projecting perpendicularly from the main building, measuring 12m and 8.5 in length respectively. The water tower forms a focal connecting element of visual interest, whilst also providing a key functional purpose as the water source for the dwelling.
- 8.20. A Landscape and Visual Appraisal has been submitted in support of the application. The Appraisal assesses the landscape and visual effects of the proposal on land to the south west of Sutton Lane. Specifically, this relates to the surrounding landscape character, identified landscape receptors and the possible views from local visual receptors (including PRow, roads, and nearby houses). The Appraisal concludes that the proposal will change a small proportion of the site's land use from agricultural to residential, although the site will remain fairly isolated by existing boundary vegetation. The proposals will also introduce a range of green infrastructure to further augment the boundaries, reintroduce historic field boundaries, and provide a range of ecological benefits. Therefore, the proposed development, along with the principles set out in the landscape strategy, respond to the local context and field pattern. The scale, form, and materials of the proposed development along with the retained and reinforced boundary vegetation will visually integrate the proposal within the wider setting and will form an appropriate transition to the wider countryside.
- 8.21. Extensive landscaping is proposed throughout the site, as influenced by existing and historic landscape character, and includes numerous individual and clusters of trees throughout the site. A new field access is proposed from Sutton Lane, located to the south of The Barn, with a driveway providing a new access to The Barn via its existing courtyard, before travelling along the western field boundary and providing access to the new dwelling. A short section of existing hedgerow and verge to the Lane will be required to provide the access, with two short new sections of hedgerow proposed at each side.
- 8.22. Regarding the landscaping around the domestic area, the siting and form of the house creates privacy for the garden areas to the south, screening domestic external spaces from public view. The introduction of significant additional hedges and woodland planting helps to assimilate the building into the landscape and provide further buffering. In the immediate landscaping around Breach House, water features form linking elements and thresholds between key areas and are fed via excess water from the water tower, which in turn has been harvested from surrounding drainage channels.

- 8.23. The proposed landscaping of the wider site takes cues from the existing surrounding landscape which is characterised by agricultural fields and pasture with clusters of woodlands and spinneys distributed throughout. A network of small brooks, streams and ponds is a strong defining aspect of the context, and one which is effectively incorporated into the proposed development. The proposal also incorporates a wet and wildflower meadow setting and includes a re-designed access which aims to create a better relationship with the existing barn and a more cohesive narrative to the approach to the dwelling. Furthermore, in respect of boundary treatments, the proposed development would retain the character of Sutton Lane by infilling gaps in the hedgerows and planting with successional oak trees to enhance the appearance of the lane.
- 8.24. The LPA acknowledges the objection from MBPC regarding the introduction of built development to Sutton Lane. Despite the proposed dwelling introducing additional built form to the gated section of Sutton Lane, it is not considered that the proposed development would be visually harmful, nor does it adversely affect the transition between rural area and Market Bosworth. This is by virtue of the high-quality, sensitive design and landscape enhancements of the proposal, which create an attractive and harmonious addition to the existing landscape.
- 8.25. Additionally, the objection by MBPC refers to Policy CE2: Local Green Space, of the MBNP. The policy states that new development that is incompatible with the importance of the Local Green Space as an attractive publicly accessible area will not be allowed unless there are very special circumstances where the benefits of the development clearly outweigh any harm. As outlined in this report, the LPA considers that the benefits of the development outweigh any identified harm, and that the proposal would comply with all relevant local and national planning policies.

Paragraph 84 of the NPPF

- 8.26. Paragraph 84 of the NPPF states:

Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;

b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;

c) the development would re-use redundant or disused buildings and enhance its immediate setting;

d) the development would involve the subdivision of an existing residential building; or

e) the design is of exceptional quality, in that it:

- is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and

- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

8.27. In this process of this application and two previous pre-applications submissions, Design Midlands have been undertaken to engage in two design review panels, which included site visits, subsequent roundtable discussions, and written responses and recommendations.

8.28. The latest Design Midlands response summarised key points and made recommendations as follows:

The Panel commend you and your team on the design process undertaken, which is based on a rigorous analysis of site, brief and options. The design approach has resulted in an exceptionally high-quality scheme with a unique language which is contemporary, while echoing the typology / vernacular of local farmsteads. The proposals promise an exemplary scheme of outstanding quality, which will enhance its immediate setting and raise the standard of design in rural areas.

The level of work undertaken since the Walk and Talk was applauded, in particular expanding the design team to include landscape architects; undertaking a truly collaborative design process and the provision of an exceptional, comprehensive and carefully curated package of information. The next stage of the scheme should address the following:

- Develop and detail the client narrative i.e. how you intend to live on the site;*
- Undertake an exercise to better understand the impact of the proposals on heritage assets specifically Bosworth Battlefield and St Peters Church;*
- Explore options for the site entrance and track i.e. would a direct track be more in keeping with the agricultural landscape character;*
- Develop the proposals for the tower drawing on the form follows function approach of the existing water tower and windmills;*
- Develop the proposals for the formal open spaces including what has informed the position, form and character of the open spaces;*
- Testing the formal spaces will be comfortable and functional including potential refining the position of the house;*
- Undertaking a study to better understand copses in the areas and to utilise to inform the proposals; and*
- Provision of Estate Management Plan.*

8.29. The information submitted as part of this application addresses all of the above points. The submitted design and access statement describes the client narrative and how the intended occupiers would use the site in day-to-day life. The DAS also includes a heritage statement which addresses potential impacts on nearby heritage assets. The tower design has been further developed and pared down from the previous iterations, and the formal open spaces, predominantly to the rear of the dwelling, have been adapted to maximise their usability and solar gain. A study of the copses and strengthening of this part of the site has been proposed, and a satisfactory Estate Management Plan has been included.

- 8.30. In terms of meeting the strict criteria of NPPF paragraph 84, this application relates to criterion (e):

e) the design is of exceptional quality, in that it:

- is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and

- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

- 8.31. The proposal is considered to demonstrate an exemplary contemporary rural house which has undergone numerous stages of rigorous design and concept evolution. The design meets the highest levels of environmental performance, being energy positive and carbon negative in tandem with landscaping strategy over the whole life of the scheme. The dwelling itself has been uniquely and sensitively designed to incorporate a farmstead type design, which has been moulded to suit the Applicant's requirements, as well as using the existing characteristics of the site to create a scheme that is both harmonious and uniquely tied with its individual surroundings. It is considered that the development of this scheme would illustrate the highest standards of practice, helping to raise standards of design generally, and thus meeting this criterion of paragraph 84.
- 8.32. The reinstatement of the historic hedgerow and introduction of a wet and wildflower meadow, along with the repairs and enhancements to the existing barn, would significantly enhance the immediate setting of the site, particularly from the key public realm along Sutton Lane. Views across the site would include the proposed dwelling, which despite introducing an urban feature, would be sensitive to the defining characteristics of the area due to its siting, design, and proposed materials. The siting of the dwelling amongst the backdrop of the existing copse, together with the proposed landscaping, means that the dwelling will not appear prominent or incongruous with the surrounding area.
- 8.33. The current application has been subject of an evolution of over 3 years from the first pre-application submission to the current proposal. It is considered that this proposal addresses the points raised by the LPA and Design Midlands throughout each stage of the process, including the granting of previous planning permission (Class Q), design review panels, and pre-application submissions. The proposal, both in terms of the design of the dwelling and landscaping, has evolved and improved at each stage, with justification and narrative to support the overall concept. Further, the proposed dwelling has developed in terms of sustainability and energy efficient proposals, with an 'off-grid' concept including the water tower along with a focus on maximising solar gain and biodiversity enhancements. Whilst appropriate conditions are considered necessary for the dwelling to meet the strict criteria, based on the proposed submission, the application is considered to comply with paragraph 84 of the NPPF. Furthermore, the application is considered to comply with Policies DM4 and DM10 of the SADMP, and Policy CE1 of the MBNP.

Impact upon heritage assets

- 8.34. Sections 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications to pay special attention to the desirability of preserving or enhancing the character or appearance of any Conservation Area. Section 66 of the same Act places a duty on the local planning authority when determining applications that affect a listed building

or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

- 8.35. Policy DM12 states that development affecting the setting of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting.

The Church of St Peter

- 8.36. The grade II* listed Church of St Peter is a medieval church with 13th, 14th and 15th century elements as well as some later alterations. The church is located on a ridge top within an associated churchyard in the historic core of Market Bosworth. As a grade II* listed building the church is a designated heritage asset of high significance. It principally derives this significance from the historic and architectural interest of its built form as a medieval church, and its corresponding evidential, historic, and aesthetic values. There is also communal value which contributes to the overall significance of the church, derived from the role it has continuously played as a religious centre for the community from the 13th century through to the present day.
- 8.37. The application site, as agricultural land, does not make any direct contribution to the significance of the church. Intervening built form prevents views of the churchyard and main building from the application site. However, the tall church spire is visible from large parts of the surrounding area giving it a commanding presence in the landscape. There are long distance glimpses of the church spire from within the application site and from other local viewpoints within the vicinity of the site. These views do allow for the prominence and significance of the church to be appreciated, but only to a minor degree due to the considerable intervening distance.
- 8.38. Due to the limited extent of the proposed development, focused within the south-western section of the site only, the majority of existing glimpses of the church spire from within the site itself would remain. The views of the church from within the site are to the north, away from the proposed dwelling, so it would not be a feature in such views because of its siting. The height of the tower of the dwelling is designed to be lower than the height of the existing copse, whilst the amount of vegetation surrounding the dwelling will also be increased which will strengthen its screening effect. Therefore, there would be no combined visibility of the proposed dwelling and the church spire from wider local viewpoints. For these reasons it is considered that the proposed dwelling and its associated landscaping and works would be a neutral presence within the wider setting of the church, and thus it would be compatible with the significance of this listed building and its setting.

The Battle of Bosworth Field (1485)

- 8.39. The Battle of Bosworth is one of the most important battles and an iconic event in English history and the deciding battle of the Wars of the Roses. The principal reasons for its designation are provided by Historic England in the designation description, with of particular relevance for this application being its:
- Historical importance: an iconic event in English history, the Battle of Bosworth brought the Tudor dynasty to the throne and saw the last death of an English king in battle
 - Topographic integrity: while agricultural land management has changed since the battle, the battlefield remains largely undeveloped and permits the site of encampments and the course of the battle to be appreciated

- 8.40. Ambion Hill has long been associated with the battle and is believed to have been the location of at least part of King Richard III's encampment on the night before the battle. Discrete artefact scatters to the south east of Shenton, on Ambion Hill and to the south east of Sutton Cheney have led to postulation that there was in fact a series of camps occupying the higher ground to the north and north east of the area, all of which would have afforded views of the lower marshlands and the proposed battlefield.
- 8.41. When looking south from within the application site and other local viewpoints within the vicinity of the site, the higher ground of Ambion Hill and the east-west aligned ridge that extends towards Sutton Cheney, is visible in the longer distance. The visibility of the higher ground from within the site allows for an appreciation of the significance of the battle and the events that led up to it. Whilst the new dwelling would introduce development into the site, the number and extent of views of the higher ground would remain. Where the new dwelling would be visible it would set against the backdrop of the copse to the south and is designed to assimilate into the landscape where possible. Where perceptible the new dwelling would be a new addition into such views, but it would not prevent or reduce the observer's ability to appreciate the topography of the battlefield and any key elements of its significance. It should also be noted that in views back from the higher ground of the battlefield looking north towards the application site the dwelling itself would not be visible because of the existing copse and the tower being designed to sit below the copse height. For these reasons it is considered that the proposed dwelling and its associated landscaping and works would be a neutral presence within the wider setting of the battlefield, with the proposal having no adverse impact upon its significance.

The Barn

- 8.42. The Barn is a collection of isolated former cow-sheds located in the northwest corner of the site. The oldest section (of possible mid-19th century date), has a fully unbroken north-eastern elevation and gable ends, whilst the south-western elevation to the field has an open fronted section of two bays to the right and an enclosed section to the left. Two later and functional open bay buildings consisting of steel posts, timber rafters and corrugated sheet roofs extend from the original building. The old section is of brick and has a fish scale tile roof, with hay racks inside the open bays. For the reasons above the brick built mid-19th century barn has historic and aesthetic value ensuring it is of heritage interest. The building retains a level of integrity due to the retention of some original historic fabric (such as the fish scale tiles) and its location at the back edge of road marks it out as a visually prominent landmark feature along Sutton Lane. Therefore, the building is recognised as a locally important heritage asset (a non-designated heritage asset), with this conclusion being based on assessing the building against the Council's adopted selection criteria for local heritage assets.
- 8.43. It is proposed to repurpose The Barn for storage use as part of the management of the livestock on the application site and the wider agricultural land holding, so the historic use and function of The Barn would remain. No additions or alterations to its footprint are proposed. To facilitate its repurposing it is proposed to infill most of the open bays with natural timber cladding and sliding doors. On the north-east elevation facing the Lane it is proposed to replace the corrugated metal sheet wall cladding, which is in a poor condition and has a very functional appearance, with black timber cladding for the walls. All metal sheet roofing through will be replaced with black sheet roofing. Solar PV panels are proposed but for the interior facing elevations and fixed upon the metal sheet roofing only. The extent of the courtyard to the barn will

remain, including the existing access to it for infrequent use. The sluice within the courtyard is also proposed as a micro hydro power source for the proposed dwelling.

- 8.44. Overall, it is considered that the proposed alterations to The Barn will maintain its historic and traditional character and appearance and retain its local significance, leading to its long-term conservation, whilst also leading to a minor enhancement to the setting of the Lane due to its improved condition and appearance.

Sutton Lane

- 8.45. The Market Bosworth Neighbourhood Plan identifies Sutton Lane as a non-designated heritage asset of local value. Associated documentation states that *“Sutton Lane (The Gated Road) is an ancient drover’s way which linked Market Bosworth to Hinckley and beyond, dating at least to the 11th Century. It was the main road until the A447 was laid. Now it is a haven for wildlife and humans. On any day dozens can be seen walking or cycling between the gates. The mile long stretch between the two gates is a highly valued community asset.”* A key landscape characteristic of the Lane is its wide verges and flanking hedgerows along its length.
- 8.46. When considered against the Council’s adopted selection criteria for local heritage assets it is considered that the Lane is of some evidential and historic value and is therefore a feature of local heritage interest.
- 8.47. The physical impacts upon the Lane resulting from the creation of a new access to the application site and the removal of a short section of hedgerow and verge to the south-east of The Barn are minimal in extent. The loss of the hedgerow is supplemented by additional hedgerow planting behind to maintain this key characteristic of The Lane, so overall the direct impacts of the proposal upon the Lane as a feature of local heritage interest are negligible.
- 8.48. The continued use of The Barn and its associated activities along The Lane would be compatible with its historic function as a drover’s way and its rural context. The addition of one dwelling associated with management of the land surrounding the Lane, would be a minor presence within its setting and add limited activity to the Lane. It is therefore considered that the indirect impacts of the proposal upon the Lane as a feature of local heritage interest are also negligible.
- 8.49. The proposal has the potential to affect a small number of designated and non-designated heritage assets. It is concluded that the proposal:
- would be a neutral presence within the wider setting of the grade II* listed building the Church of St Peter and thus it would be compatible with the significance of this listed building and its setting.
 - would be a neutral presence within the wider setting of the registered battlefield The Battle of Bosworth Field (1485), with the proposal having no adverse impact upon its significance.
 - would maintain the historic and traditional character and appearance of The Barn and retain its local heritage significance, leading to its long-term conservation, whilst also leading to a minor enhancement to the setting Sutton Lane due to its improved condition and appearance.
 - would result in negligible direct and indirect impacts upon the local heritage interest of Sutton Lane thus retaining its significance.

- 8.50. Consequently, the proposal complies with Policies DM11 and DM12 the SADMP, section 16 of the NPPF, and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact upon neighbouring residential amenity

- 8.51. 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 with in the vicinity of the site.
- 8.52. 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.
- 8.53. Paragraph 135 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.
- 8.54. Paragraph 191 of the NPPF states that decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
- 8.55. The Environmental Health officer raises no objection to the proposal, subject to a condition relating to contaminated land.
- 8.56. The nearest residential property is Woodhouse Farm which is located approximately 1km northeast of the proposed dwelling, therefore the proposals will have no impact on the amenity of its occupiers.
- 8.57. With the imposition of conditions, the proposal is considered to meet policies DM10(a) and (b) of the SADMP, the BNP, the Good Design Guide SPD and national policy in the NPPF.

Impact upon ecology and trees

- 8.58. Policy DM6 of the SADMP requires development proposals to demonstrate how they conserve and enhance features of nature conservation. If the harm cannot be prevented, adequately mitigated against or appropriate compensation measures provided, planning permission will be refused.
- 8.59. Paragraph 180 of the NPPF states that development proposals should protect and enhance the natural environment by minimising impacts on and providing net gains for biodiversity.

- 8.60. The applicant has submitted a Preliminary Ecological Appraisal, Biodiversity Net Gain Report, Arboricultural Impact Assessment and Method Statement, and a Tree Survey and constraints plan in support of the proposal.
- 8.61. The presence of protected species is a material consideration in any planning decision, it is essential that the presence or otherwise of protected species, and the extent to which they are affected by proposals is established prior to planning permission being granted. Furthermore, where protected species are present and proposals may result in harm to the species or its habitat, steps should be taken to ensure the long-term protection of the species, such as through attaching appropriate planning conditions.
- 8.62. LCC Ecology initially sought clarification on several matters, including the absence of nocturnal bat survey, recommendation on the protection of priority habitats, Great Crested Newt search radius, and priority species safeguarding.
- 8.63. The applicant provided further justification and evidence on these matters, and LCC Ecology subsequently concluded that adequate justification was provided regarding the undertaking of only a single bat survey in September, along with other protected species surveys which are considered satisfactory. Several pre-commencement conditions are proposed by LCC Ecology.
- 8.64. The submitted Arboricultural Impact Assessment and Tree Survey is considered satisfactory, and indicates that no trees within the site are to be removed as part of the development. A condition has been included regarding root protection areas.
- 8.65. In conclusion, subject to the conditions, the proposal is considered to satisfy policy DM6 of the SADMP, policies ENV7 and ENV8 of the BNP, and paragraph 174 of the NPPF.

Impact upon highway safety

- 8.66. 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 highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 8.67. 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.
- 8.68. Access to the site is provided via a new opening onto Sutton Lane, which is an unclassified road subject to the national speed limit. The Applicant has undertaken an Automatic Traffic Counter (ATC) speed survey on Sutton Lane. The ATC survey results show that the speeds are significantly below the existing 60mph national speed limit and do not highlight any issues in relation to speeding at this location.
- 8.69. The Applicant has indicated visibility splays of at least 2.4m by 70m on the submitted drawing titled 'Potential Access Strategy', drawing no. 2792/03/001. The LHA is satisfied that this is in accordance with guidance set out in Table DG4 of the Leicestershire Highway Design Guide (LHDG), which states that visibility splays of

2.4m by 43m should be achievable where measured 85th%ile speeds are between 26mph and 30mph.

- 8.70. In terms of the internal layout, the Applicant is proposing three car parking spaces within the site. The LHA is satisfied that this is in accordance with paragraph 3.151 of the LHDG which states that three spaces should be provided for a four-bedroom dwelling. The Applicant has also stated that there will be four cycle parking spaces provided within the site.
- 8.71. One objection received refers to issues of highway safety, including the lack of an access, traffic issues, and construction traffic. These matters have been assessed by both the LPA and LHA and are not considered to be concerns which should prohibit planning permission being granted subject to conditions.
- 8.72. Overall, the LHA are satisfied that a safe and suitable access could be provided off Sutton Lane and have no objections to the proposed development subject to conditions. Therefore, with the suggested conditions the proposal is considered to satisfy policies DM17 and DM18 of the SADMP and the NPPF.

Flood Risk and Drainage

- 8.73. Policy DM7 of the SADMP seeks to prevent development from resulting in adverse impacts on flooding by ensuring that development does not create or exacerbate flooding.
- 8.74. Paragraph 167 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment, and this has been provided by the applicant in this case.
- 8.75. The majority of the site is located within flood zone 1 indicating a low probability of flooding, with some parts of the site to the south falling within flood zones 2 and 3.
- 8.76. The submitted Flood Risk Assessment concludes that that the provision of a formal surface water management system, which incorporates on-site attenuation and water quality treatment, will ensure that potential detrimental impacts to flood risk and water quality are suitably mitigated throughout the anticipated development lifetime, in accordance with the National Planning Policy Framework and its accompanying Planning Practice Guidance. The requirements of Local Planning Policy and Technical studies have also been accounted for within the assessment.
- 8.77. HBBC Drainage have no objections to the proposal subject to the development being carried out in accordance with the submitted Flood Risk and Drainage Assessment. This has been included as a condition.
- 8.78. The Environment Agency have no objection to the proposal, acknowledging that the development falls within flood zone 2/3 and therefore the LPA should apply national flood risk standing advice (FRSA) in this instance.
- 8.79. Therefore, subject to the conditions, the proposal is considered to accord with policy DM7 of the SADMP and national policy in the NPPF.

Equality implications

- 8.80. 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.
- 8.81. 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.
- 8.82. There are no known equality implications arising directly from this development.
- 8.83. The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

9. Conclusion and planning balance

- 9.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 9.2. The Council cannot demonstrate a 5-year housing land supply and the housing policies in the adopted Core Strategy and the adopted SADMP are considered to be out of date as they focussed on delivery of a lower housing requirement than now required. Therefore, 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.
- 9.3. The proposal would make a minor contribution to housing development in the Borough, which is a material consideration which provides limited positive weight in favour of the proposal.
- 9.4. The proposed dwelling, whilst outside of a sustainable location and outside the settlement boundary of Market Bosworth, is considered to meet the strict criteria of Paragraph 84 of the NPPF, by demonstrating a commitment to a design and landscape scheme of truly exceptional quality, in addition to the incorporation of an 'off grid' scheme, incorporating of sustainable technology and techniques based on the presence of a natural water source on the site, whilst also being of an unique design and concept intrinsically tied to the characteristics of the application site and surrounding area.

- 9.5. The proposal will have a neutral impact causing no harm to the significance of designated heritage assets. The site has been subject to trial trenching investigation which confirmed the site contains no significant archaeological remains. This proposal therefore accords with policies DM11, DM12 and DM13 of the SADMP and the NPPF.
- 9.6. The scale, design, and form of the development respects the character of the surrounding area, and it will integrate in to its surroundings. Residential amenity is safeguarded, and LCC Highways have raised no objections to the proposal. The proposal therefore complies with Policies DM4, DM10, DM17 and DM18 of the SADMP.
- 9.7. The proposed development will not have an unacceptable impact upon amenity and would accord with policy DM10(a) and (b) of the SADMP, the Good Design Guide SPD and national policy in the NPPF.
- 9.8. In conclusion, the proposal, by virtue of its design, siting, landscaping, and low carbon, sustainable design, is considered to meet the exceptional criteria of paragraph 84 of The Framework. The proposal would not cause significant harm to the character and appearance of the site and its surroundings, would not harm amenities of the surrounding residents, would not adversely affect ecological, archaeological or arboriculture, or heritage interests, would not cause flood risk and would not cause significant detriment to highway safety. The proposal therefore accords with Policies DM1, DM2, DM4, DM6, DM7, DM10, DM12, DM17, DM18 of the SADMP and Policies CE1, CE2, CE3 and CE5 of the Market Bosworth Neighbourhood Plan. The conflict with Policies DM1 and DM4 in terms of locational sustainability and development in the countryside does not warrant refusal of planning permission when weighed against the benefits of the proposal and compliance with paragraph 84 of The Framework.

10. Recommendation

10.1. Grant planning permission subject to:

Planning conditions outlined at the end of this report.

10.2. Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions 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 – Drawing No. 0100 Rev A
 - Block Plan - Drawing No. 0101 Rev A
 - Barn Proposed Floor Plan - Drawing No. 1200 Rev A
 - Barn Proposed Elevations – Drawing No. 2002 Rev A
 - Proposed Ground Floor Plan - Drawing No. 1201 Rev A
 - Proposed First Floor Plan - Drawing No. 1202 Rev A
 - Proposed Second Floor Plan - Drawing No. 1203 Rev A

- Roof Plan – Drawing No. 1900 Rev A
- Proposed North East and North West Elevations – Drawing No. 2201 Rev A
- Proposed South West and South East Elevations – Drawing No. 2202 Rev A
- Section AA + Section BB – Drawing No. 3201 Rev A
- Section CC + Section DD – Drawing No. 3202 Rev A
- Section EE + Section FF – Drawing No. 3203 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).

3. The materials to be used on the external elevations of the dwelling and barn shall accord with the approved plans as follows:

- Proposed North East and North West Elevations – Drawing No. 2201 Rev A
- Proposed South West and South East Elevations – Drawing No. 2202 Rev A
- Barn Proposed Elevations – Drawing No. 2002 Rev A

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

4. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on 'Potential Access Strategy', drawing no. 2792/03/001 have been implemented in full.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with Policy DM17 of the SADMP and the National Planning Policy Framework (2023).

5. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 43 metres 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 SADMP and the National Planning Policy Framework (2023).

6. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with 'Presentation Design 04 - Dwelling/Garden', drawing number S31 22199 D04. Thereafter the onsite parking and turning provision shall be kept available for such uses in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street

parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with Policy DM17 of the SADMP and the National Planning Policy Framework (2023).

7. 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 SADMP and the National Planning Policy Framework (2023).

8. Should works not have commenced within 12 months since the ecological site walkover (5th January 2024), an updated badger survey should be undertaken, in addition to the recommended pre-works badger walkover, and thereafter the findings should be submitted to and approved by the Local Planning Authority.

Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD 2016 and Government guidance contained within the National Planning Policy Framework.

9. Prior to the commencement of development, the production of a bat-sensitive artificial lighting scheme shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD 2016 and Government guidance contained within the National Planning Policy Framework.

10. Prior to the commencement of development, a Landscape Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority to ensure agreed biodiversity net gain (BNG) is reached and the proposed created habitats achieve conditions specified in the BNG calculation.

Reason: To ensure that the development does not cause harm to any protected species or their habitats and to ensure that the scheme delivers biodiversity net gain in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD 2016 and Government guidance contained within the National Planning Policy Framework.

11. Prior to the commencement of development, a biodiversity Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD 2016 and

Government guidance contained within the National Planning Policy Framework.

12. No part of the development hereby permitted shall be occupied until the ecological enhancements recommended in Section 7 of the BNG Report (Elton Ecology, April 2023) have been submitted to and approved in writing by the Local Planning Authority. This should include a bat roosting loft, swallow cups, and invertebrate bricks as outlined in the BNG Report. The enhancements should be indicated on plans with photographic evidence.

Reason: To ensure that the development makes adequate provision for enhancements to the habitats of protected species in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD 2016 and Government guidance contained within the National Planning Policy Framework.

13. The development hereby approved shall be carried out in accordance with the submitted Flood Risk and Drainage Assessment prepared by Amber Planning dated November 2023.

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 in accordance with Policy DM7 of the SADMP.

14. If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted in writing to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the first dwelling being occupied.

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

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A-F, and Part 2, Class A, shall take place on the dwelling house hereby permitted or within its curtilage.

Reason: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions, or enlargements and to accord with Policy DM10 of the SADMP.

16. No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

Reason: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site and to accord with SADMP Policy DM10.

17. The approved hard and soft landscaping scheme shall be carried out in accordance with the submitted Landscape Strategy (studio 31, October 2023) and Estate Management Plan (studio 31, October 2023) in the first planting season following the first occupation of the dwelling. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reason: To ensure that the work is carried out within a reasonable period and thereafter maintained in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

18. The development hereby approved shall be carried out in accordance with the submitted Energy Strategy (Max Fordham, September 2023) and Sustainability Statement (Studio Bark, 2023).

Reason: To ensure the delivery of a sustainable, low carbon development in accordance with SADMP Policy DM2 and Section 14 of the NPPF (2023).

19. The development hereby approved shall be carried out in full accordance with the submitted Tree Survey (RJS Tree Services, July 2022), Arboricultural Impact Assessment & Method Statement (RJS Tree Services, September 2023), and Tree Survey Constraints Plan (RJS Tree Services, July 2022).

Reason: To ensure that the trees on site are to be retained and adequately protected during and after construction in the interests of the visual amenities of the area and biodiversity in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 136 of the National Planning Policy Framework (2023).

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. It is recommended that no burning of waste on site is undertake unless an exemption is obtained from the Environment Agency. The production of dark smoke on site is an offence under the Clean Air Act 1993. Notwithstanding the above, the emission of any smoke from the site could constitute a Statutory Nuisance under Section 79 of the Environmental Protection Act 1990.