

Delegated Report

Planning Ref: 23/00629/FUL
Applicant: Mr & Mrs George Burton
Ward: Hinckley Castle



Hinckley & Bosworth
Borough Council

Site: 42 – 42A Mill Hill Road Hinckley Leicestershire

Proposal: Proposed 2no. detached dwellinghouses and associated works

1. Recommendations

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

2. Planning Application Description

- 2.1. This planning application seeks full planning permission for the provision of two new detached dwellinghouses following the demolition of the existing joinery workshop at 42 – 42A Mill Hill Road, Hinckley. This development results in the loss of 251sqm of Use Class E(g)(iii) commercial floor space, and the provision of an additional vehicular access.
- 2.2. The first dwelling, No. 42, is a four-bedroom property that externally measures 8.2m in width by 15.9m in depth, with a total footprint of 104.7sqm. The second dwelling, No. 42A, is a three-bedroom property that externally measures 5.5m in width x 15.9m in depth, with a total footprint of 84.1sqm.
- 2.3. Both dwellings are two-storey in massing with further accommodation in the roof space and utilise a pitched roof that has a ridge height of 8.6m, and an eaves height of 5.2m. In addition, both properties feature a 5.3m deep single storey element to their rear, which has a flat roof with a maximum height of 2.9m.
- 2.4. No. 42 also includes a single storey-pitched roof on the southern side of the property that has a ridge height of 5.6m, and an eaves height of 2.5m. On the other hand, No. 42A incorporates a pitched roof porch on its front elevation that has a ridge height of 3.6m, and an eaves height of 2.5m.
- 2.5. The materials utilised within this development are subject to the approval of the Local Planning Authority.
- 2.6. The development was revised following concerns raised by the Local Planning Authority regarding visibility splays and harm to neighbouring residential properties as a result of overbearing impacts. The revisions included, but were not limited to, the removal of the rear gables and a proportion of two-storey massing from the rear of both properties.

3. Description of the Site and the Surrounding Area

- 3.1. The 643sqm application site currently has a disused single-storey, flat-roofed former joinery workshop that is located towards the east end of the site. In front of the building is a hard surfaced area for off-street vehicle parking for staff and visitors. The site directly faces Mill Hill Road's confluence with Linden Road and both are adopted and unclassified roads that are subject to a 30mph speed limit.
- 3.2. The application site is located within the immediate setting of the Hollycroft Conservation Area, which is immediately to the north. This section of the

Conservation Area is characterised by suburban style dwellings focused around the inter-war Hollycroft Park. The properties along Mill Hill Road are predominantly two-storey, semi-detached properties, but there are detached and terraced properties in close proximity to the site on adjacent streets.

3.3. When the Conservation Area was most recently appraised in 2011, the land to the north of the application site consisted of a large garden plot that was situated on the corner of Canning Street and Mill Hill Road. This plot has subsequently been developed for housing, via planning application 11/00627/FUL, which was allowed at appeal. Generally, the new dwellings respect the architectural characteristics of the wider Conservation Area.

3.4. Subsequently, the application site now stands out as an incongruous use within an area of suburban character and due to the poor condition of the workshop, the unkempt nature of the site, and its boundary features, it is considered to be a negative presence within the immediate setting of the Conservation Area.

4. Relevant Planning History

4.1 11/01019/OUT

- Erection of two dwellings (Outline – Access and Layout only)
- Permitted
- 05.04.2012

4.2 08/00609/OUT

- Erection of 2no. dwellings
- Permitted
- 01.09.2008

5. Publicity

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

5.2 Three responses were received from the same address that neither objected nor supported the scheme. However, the member of the public raised concerns regarding land contamination within the site, and the impact that the development may have on surface water run-off and flood risk. Concerns were also raised in relation to off-street parking for Mill Hill Road residents, and highway safety issues as a result of vehicular and pedestrian visibility splays from the site's accesses.

5.3 No further responses have been received.

6. Consultation

6.1 There have been no objections from the following consultants:

- Hinckley & Bosworth Borough Council (HBBC)'s Conservation Officer
- HBBC's Drainage Officer
- HBBC's Environmental Services' Pollution Officer (subject to conditions)
- HBBC's Waste Management Officer
- Local Highway Authority (LHA) (subject to conditions)

Highways

6.2 On 20 July 2023, the Local Highway Authority (LHA) requested further details regarding the proposed site accesses that are in accordance with Figure DG17 of Part 3 of the Leicestershire Highway Design Guide (LHDG) and include visibility splays in line with Table DG4 of Part 3 of the LHDG. The LHA advised that it may

be necessary to commission a speed survey to ascertain the 85th percentile vehicle speeds along Mill Hill Road.

- 6.3 On 04 August 2023, the Applicant provided a revised site plan. On 31 August 2023, the LHA asserted that the revised drawings failed to demonstrate that the vehicular visibility splays are appropriate for the 85th percentile speeds on Mill Hill Road. The LHA reiterated its advice that a speed survey should be undertaken to ascertain the 85th percentile speeds. However, as there is an existing workshop on the site, the LHA have requested that the Applicant provides details of the level of trips that would have been generated to and from the site.
- 6.4 On 20 September 2023, the Applicant provided trip rate calculations from similar sites to demonstrate the likely existing and proposed traffic generation scenarios for the two different uses of the site. Ultimately, the Applicant suggested that there is no predicted change in the overall vehicle trips to the site in terms of peak hour generation and as such the development does not result in any material increase in traffic generation.
- 6.5 On 04 October 2023, the LHA advised that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe, subject to two planning conditions.
- 6.6 No further responses have been received.

7. Policy

7.1 Core Strategy (2009):

- Policy 1: Development in Hinckley
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design

7.2 Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016):

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3 National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (December 2023)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

7.4 Other Relevant Guidance:

- Good Design Guide (2020)
- Leicestershire Highway Design Guide (LHDG) (2022)
- Technical Housing Standards – Nationally Described Space Standards (2015)

8. Appraisal

8.1 The key issues in respect of this application are therefore:

- Principle of development
- Housing land supply
- Design and impact upon the character of the area
- Impact upon residential amenity

- Impact upon parking provision and highway safety
- Planning balance

Principle of Development

- 8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF is a material planning consideration in planning decisions.
- 8.3 Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The three overarching objectives of sustainable development (economic, social, and environmental) are detailed within Paragraph 8 of the NPPF. Therefore, in accordance with Paragraph 11 of the NPPF, planning decisions should apply a presumption in favour of sustainable development.
- 8.4 However, 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. Where planning applications conflict with an up-to-date plan, development permission should not usually be granted unless other material considerations indicate otherwise.
- 8.5 The current Development Plan consists of the adopted Core Strategy and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document. The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough.
- 8.6 Both the Core Strategy and the SADMP are over 5 years old and were adopted prior to the publication of the current NPPF. Paragraph 33 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary.
- 8.7 Nevertheless, in accordance with Paragraph 225 of the NPPF, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF. Due weight should be given to existing policies according to their degree of consistency with the NPPF. Ultimately, the closer the policies in the plan are to the policies in the NPPF, the greater weight they may be given. Therefore, this report sets out the relevant adopted Core Strategy and SADMP policies and refers to the NPPF and notes any inconsistencies between them.
- 8.8 The development is located within the settlement boundary of Hinckley, and the principle of the provision of two dwellings has been established within this application site via two outline planning permissions (08/00609/OUT and 11/01019/OUT). Therefore, the scheme is considered to be acceptable in principle, subject to the assessment of all other material considerations. Other material considerations are set out within the next sections of the report.

Housing Land Supply

- 8.9 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.
- 8.10 Paragraph 11(d) of the NPPF states that planning decisions should apply a presumption in favour of sustainable development where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date. Footnote 8 of Paragraph 11 of the NPPF highlights that housing policies are considered to be out-of-date where local planning authorities cannot demonstrate a five-year supply of deliverable housing sites.
- 8.11 Using the standard method as outlined by the Ministry of Housing, Communities & Local Government (MHCLG), Hinckley and Bosworth Borough Council are able to demonstrate 4.89 years of deliverable housing on 01 April 2022.
- 8.12 Given the above and the change in the housing figures required for the Borough, the 'tilted' balance in Paragraph 11(d) of the NPPF is triggered.
- 8.13 Paragraph 11 (d) of the NPPF requires planning permission to be granted unless:
- i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 8.14 Section 5 of the NPPF requires planning policies and decisions to deliver a sufficient supply of homes to support the Government's objective of significantly boosting the supply of homes without unnecessary delay. The overall aim is to meet as much of the area's identified housing need as possible with an appropriate mix of housing types for the local community.
- 8.15 Paragraph 70 of the NPPF states that small and medium sized sites, such as windfall sites, can make an important contribution to meeting the housing requirements of an area. In order to promote sustainable development in rural areas, Paragraph 83 of the NPPF requires new housing to be located where it will enhance or maintain the vitality of rural communities.
- 8.16 The development is for two residential properties, and therefore Policy 15 (Affordable Housing) and Policy 16 (Housing Density, Mix and Design) of the adopted Core Strategy are not applicable for this scheme.
- 8.17 As the provision of two dwellings within this application site is unlikely to be a significant benefit to the housing land supply within the Borough, nor in supporting its delivery of a five-year supply of land for housing, it is considered that limited weight should be given to the provision of the proposed dwellings.

Design and Impact upon the Character of the Area and the Historic Environment

- 8.18 Section 12 of the NPPF confirms that good design is a key aspect of sustainable development, and the creation of high quality, beautiful, and sustainable buildings and places is fundamental to what the planning and development process should

achieve. Paragraph 135 of the NPPF details the six national policy requirements of development to ensure the creation of well-designed and beautiful places.

- 8.19 Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.
- 8.20 Section 16 of the National Planning Policy Framework provides the national policy on conserving and enhancing the historic environment. Heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
- 8.21 Therefore, Paragraph 205 of the NPPF requires great weight to be given to the conservation of designated assets and the more important the asset, the greater the weight should be. Paragraph 206 of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification. The need for clear and convincing justification is re-iterated in Policy DM12 of the SADMP.
- 8.22 Nevertheless, Paragraph 212 of the NPPF confirms that local planning authorities should look for opportunities for new development within Conservation Areas, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
- 8.23 Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment and heritage assets. All proposals for extensions and alterations of listed buildings and 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. Development proposals should ensure the significance of a conservation area is preserved and enhanced.
- 8.24 Policy DM10(c) of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.25 The development replaces an existing incongruous commercial use with two residential properties. This is considered to be more in keeping with the character of the surrounding area, and the Hollycroft Conservation Area.
- 8.26 Although the proposal creates two detached properties in comparison to the semi-detached property types that are prominent in the area, the application site is adjacent to 40 Mill Hill Road, which is a detached property. Consequently, this is not considered to result in any significant harm to the character of the surrounding area.
- 8.27 The two properties also follow a similar building line to the properties to the north of the site, which is likely to enable the development to sit comfortably within the character of the street scene. Furthermore, the ridge heights within the development are lower than the adjacent properties to the north and south. This can be seen via the details submitted within planning permission 20/00739/HOU, which states that both 44 and 46 Mill Hill Road to immediate north of the site have a ridge

roof height of 9.2m in comparison to the current development's ridge heights of 8.6m. Given the above, the scheme is not considered to be overly prominent in the street scene.

- 8.28 The Good Design Guide states that hard standing at the front of a property should not constitute more than 50% of the total area.
- 8.29 Contrary to this, it is considered that the development incorporates hard surfacing for over 50% of the total area of the front of each property. However, it is noted that there is very limited soft landscaping within the surrounding area, or within the existing application site. In addition, the development proposes additional soft landscaping within the site, which is likely to soften and improve the character of the street scene. Therefore, the landscaping of the principal elevation of the scheme is considered to be acceptable, subject to further details being provided by the Applicant, which is secured via planning condition.
- 8.30 To summarise, the scale, form, and siting of the development respects the design and architectural characteristics of the surrounding area, so it is considered that the scheme sits comfortably within the suburban street scene. Although limited in extent, the proposed soft landscaping to the front of each dwelling is also likely to soften the street scene. Overall, it is considered that the proposal results in an improvement to the character of the immediate setting of the Hollycroft Conservation Area, and thus, enhance its significance.
- 8.31 Given the above, the proposal is considered to respect the character of the surrounding area and the Hollycroft Conservation Area in accordance with Policy DM10, DM11, and DM12 of the SADMP, and the Good Design Guide.

Impact upon Residential Amenity

- 8.32 Paragraph 135(f) of the NPPF requires planning policies and decisions to ensure that developments create places that are safe, inclusive, and accessible, which promote health and well-being, and a high standard of amenity for existing and future users.
- 8.33 Policy DM10(a) and (b) of the SADMP states that development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.
- 8.34 The Good Design Guide SPD outlines that development will need to demonstrate that it will not result in loss of amenity to neighbouring properties by way of overlooking, overshadowing or noise.
- 8.35 The Good Design Guide recommends that a principal window to a habitable room should ideally be no less than 8m from the blank side of a single storey neighbouring property, rising to 14m for a two-storey property. In addition, the separation distance between two principal windows to habitable windows should be a minimum of 21m. However, the Good Design Guide also states that, *"An exception to this rule is in an urban location where it may be acceptable to have a reduced distance where issues of amenity and overlooking are dealt with by good design."*

- 8.36 The rear of both properties faces towards 34 Chessher Street to the east. There is only one window on the side elevation of this property on the first floor, which is not considered to be a principal habitable window. No. 42A is 1m set further back than No. 42 and, at ground floor, the rear of No. 42A is 19.7m from 34 Chessher Street. This increases to 24.7m at first floor, and therefore the separation distances between the two properties and 34 Chessher Street are compliant with the requirements of the Good Design Guide. Therefore, the development is not considered to result in any loss of light, loss of privacy, overbearing or overshadowing impacts to 34 Chessher Street.
- 8.37 Furthermore, there is one window on each floor of the northern side elevation of No. 42A, which are 2.3m from 44 Mill Hill Road and its blank southern side elevation. Given the fact that these windows are not principal habitable windows, this is not considered to result in any harm to the residential amenity of the occupiers of 44 Mill Hill Road or the future occupants of No. 42A.
- 8.38 Moreover, whilst the development appears to extend further to rear of the 44 Mill Hill Road, the two-storey elements of No. 42A do not contravene the 45-degree rule of the principal habitable windows of the Sitting Room on the first floor of the 44 Mill Hill Road. In addition, this dwelling has recently been granted planning permission for a 5.4m deep single storey rear extension via 20/00739/HOU, which extends further to the rear of the property than No. 42A's two-storey elements. Therefore, the development is not considered to result in any loss of light, or any adverse overshadowing or overbearing impacts to the residential of 44 Mill Hill Road.
- 8.39 There are also three non-principle habitable windows on the southern side elevation of No. 42, which face towards the side elevation of 40 Mill Hill Road. 40 Mill Hill Road has one side window its ground floor and its first floor. Nevertheless, by virtue of the siting of the two properties and the 8m separation distance between the two elevations, this is not considered to result in any significant adverse impacts to the residential amenity of the occupiers of 40 Mill Hill Road or the future occupants of No. 42.
- 8.40 In addition, although the rear elevation of 40 Mill Hill Road is only 5.4m from the two-storey side elevation of No. 42, only 2.4m of the proposed dwelling is two storey in massing with the further 5.2m of the development being single storey in massing. Given the above and its siting, the development is not considered to result in any significant detrimental impacts to the residential amenity of 40 Mill Hill Road.
- 8.41 There are no principal habitable windows between the two dwellings, and therefore the scheme is not considered to result in any loss of privacy to future occupants of the development.
- 8.42 To support the residential amenity of future occupiers of the scheme, proposals for three-and-four bedroom, two-and-a-half-storey dwellings should provide a minimum of 90sqm and 103sqm of floor space respectively and 2.5sqm and 3sqm respectively of built-in storage in accordance with the Technical Housing Standards (THS).
- 8.43 No. 42 provides an overall internal floor space of 90.1sqm on its ground floor alone alongside 1sqm of built-in storage. On the other hand, No. 42A provides an overall internal floor space of 133.1sqm, and 2.1sqm of built-in storage. Therefore, both properties provide sufficient overall floor space that is in accordance with the requirements of the THS, but not the minimum area of in-built storage.

- 8.44 In accordance with Paragraph 10(c) of the THS, to provide one bed space, a single bedroom should have a floor area of at least 7.5sqm, and a width of at least 2.15m. In order to provide two bed spaces, a double or twin bedroom should have a floor area of at least 11.5m, and a width of 2.75m for the master bedroom, and a width of 2.55m for every other bedroom in accordance with Paragraphs 10(d) and (e) of the THS.
- 8.45 Bedrooms 1, 2, and 4 in both schemes exceed the requirements of Paragraphs 10(d) and 10(e) of the THS, and Bedroom 3 of No. 42A is compliant with Paragraph 10(c) of the THS.
- 8.46 To comply with the Good Design Guide, three-and-four-bedroom houses must also provide a minimum of 80sqm of private outdoor amenity space with a minimum length of 7m.
- 8.47 Both dwellings have a total area and depth that exceed the minimum requirements of the Good Design Guide. Therefore, it is considered that the development safeguards the residential amenity of the future occupants of the scheme.
- 8.48 By virtue of these factors and the fact that there have been no objections to the scheme, the proposal does not result in any significant adverse overbearing or overshadowing impacts or any significant overlooking or loss of privacy to the neighbouring properties and is considered to safeguard the residential amenity of the future occupiers of the scheme. Therefore, it is considered to be in accordance with Policy DM10 of the SADMP and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.49 Section 9 of the NPPF promotes sustainable transport. Paragraph 114 of the NPPF states that planning decisions should ensure that developments provide appropriate opportunities to promote sustainable transport modes, given the type of development and its location and a safe and suitable access to the site for all users. Any proposal should ensure that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 8.50 Ultimately, development should not 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, in accordance with Paragraph 115 of the NPPF.
- 8.51 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)).
- 8.52 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.53 The Applicant has interrogated the industry standard TRICS database for a unit of similar size to the existing workshop to understand the levels of trips which could have been generated. This exercise has shown that the extant site could reasonably be expected to generate approximately 11 two-way trips per day. Based

on a residential dwelling generating between six and eight two-way trips per day, it is predicted that the proposal will create between 12 and 16 two-way trips. Therefore, the LHA cannot demonstrate that there is a material increase in the level of trips from the proposed development compared to the existing use of the site and as a result the LHA does not seek to refuse the proposed development. Given the additional information, the LHA now consider the site access arrangements to be acceptable.

8.54 According to the Local Highway Authority's Personal Injury Collision (PIC) database, there have been no recorded PICs in the last five years on Mill Road.

8.55 The internal layout of the site provides five off-street parking spaces for the two dwellings, which is in accordance with the requirements of Paragraph 3.151 (Quantum) of Part 3 of the Leicestershire Highway Design (LHDG). The dimensions of these parking spaces are also 2.4m in width x 5.5m in depth, which is compliant with Paragraph 3.165 (Dimensions) of Part 3 of the LHDG.

8.56 To summarise, it is considered that the development provides adequate off-street vehicle parking for the dwellings, and it does not create an unacceptable impact on highway safety or the road network in accordance with Policies DM17 and DM18 of the SADMP, the Good Design Guide, and the LHDG.

9. Equality Implications

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

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

9.3 There are no known equality implications arising directly from this development.

9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

10.1 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission to be granted, subject to the imposition of appropriate conditions.

11. Recommendation

11.1 Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

11.2 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 comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details received by the Local Planning Authority as follows:
 - Proposed Elevations and Floor Plans 4795-02 B (submitted: 04.03.2024)
 - Proposed Site Plan and Street Scene 4795-01 E (submitted: 04.03.2024)

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. Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Classes A, AA, B, C, D, and 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 protect the character of the surrounding area and to safeguard the privacy and amenity of neighbouring dwellings from potential overlooking in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted to, and agreed in writing by, the Local Planning Authority, which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details, and any remediation works so approved shall be carried out prior to the site first 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 Site Allocations and Development Management Policies Development Plan Document (2016).

5. 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 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 site first 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 Site Allocations and Development Management Policies Development Plan Document (2016).

6. 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 dwelling hereby permitted have been deposited with, and approved in writing by, the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.

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

7. No part of the development hereby permitted shall be occupied until such time as the access arrangements including the pedestrian and vehicular visibility splays and the raised 'rumble strip' in granite setts shown on the Proposed Site Plan and Street Scene 4795-01 E 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 and to afford adequate visibility at the access to cater for the expected volume of traffic, which is in the interests of general highway safety and in accordance with the National Planning Policy Framework (December 2023).

8. The development hereby permitted shall not be occupied until such time as the parking provision has been implemented in accordance with the Proposed Site Plan and Street Scene 4795-01 E. Thereafter the onsite parking shall be kept available for such use 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 National Planning Policy Framework (December 2023).

9. The windows on the side elevations of No. 42 and No. 42A that are utilised within WCs, en-suites, and bathrooms on all levels of the properties be fitted with obscure glazing to a minimum of level 3 of the Pilkington Scale. Once so provided the window(s) shall be permanently maintained as such at all times thereafter.

Reason: To safeguard the privacy and amenity of neighbouring dwellings from potential overlooking in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

a. **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. In relation to Conditions 04 and 05, advice from Environmental Health should be sought via esadmin@hinckley-bosworth.gov.uk to ensure that any investigation of land contamination is in accordance with their policy.
3. Hinckley & Bosworth Borough Council's recycling and refuse collection services are from the boundary to the adopted highway. It will be the responsibility of the occupiers to ensure that all containers/wheeled bins are brought to the collection point.
4. 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.
5. 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 soakaways will be subject to the approval of the Building Control Surveyor.
6. 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).