

Delegated Report

Planning Ref: 23/00232/OUT

Applicant: Mr Max North

Ward: Ratby Bagworth And Thornton

Site: 130 Stamford Street Ratby Leicester



Hinckley & Bosworth
Borough Council

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

1. Recommendations

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

Planning application description

- 2.1. This application is submitted in outline form, with all matters reserved, and proposes the construction of two detached dwellings each served by a detached garage and two parking spaces.
- 2.2. An indicative layout plan has been submitted with the application showing the proposed dwellings sharing the existing driveway that serves 130, 132 and 134 Stamford Street. The proposed dwellings are shown to be located to the north west of 130 Stamford Street backing on to what's classed as open countryside to the north and northwest.
- 2.3. Given the outline nature of the application, no elevational drawings have been provided. The applicant has however indicated that the proposed dwellings are intended to be 1.5 storey chalet bungalows.

3. Description of the site and surrounding area

- 3.1. The site lies to the north west of a detached residential property known as No. 130 Stamford Street which is located within the settlement boundary for Ratby. 130 Stamford Street, which was originally of post war vernacular has been extended and modernised and is a 2 storey detached dwelling. 130 Stamford Street forms a group of dwellings that include 132 and 134 Stamford Street which are laid out in a linear pattern and mark the extent of the settlement of Ratby.
- 3.2. The application site lies just outside of the settlement boundary for Ratby. Open countryside lies beyond the north and western boundaries of the site whilst residential properties lie to the south and east of the site. The open countryside feel is quickly eroding however with the development of 90 dwellings on a site just to the north (20/00462/FUL) of the application site (approx. 100m away). These dwellings are currently being built. The dwellings to the south are characterised by groups of Victorian and post war terraced and semi-detached properties that are organised in a linear pattern of development located on the east and west side of Stamford Street. The dwellings located to the south west of the site comprise a group of three bungalows that face the open countryside. The site is within the National Forest and Charnwood Forest.
- 3.3. The countryside context within which the application is viewed has altered significantly since the previous refusal.

4. Relevant planning history

21/00825/OUT

- Residential development of 2 dwellings (Outline-all matters reserved)
- Refused 18/05/2022

The reasons for refusal were:

1. The proposed scheme would result in unsustainable residential development that would harm the intrinsic value, open character and landscape character of the countryside and would be harmful to the settlement pattern and character of Ratby. Such a proposal would therefore be contrary to Policy 8 of the adopted Core Strategy, Policies DM1 and DM4 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), along with guidance in paragraph 130 of the National Planning Policy Framework (2021)
2. The applicant has failed to demonstrate that the proposed development will not have any adverse impact on protected species and that there will be no losses to biodiversity contrary policy DM10 of the Site Allocations & Development Management Policies Development Plan Document (2016); along with guidance in paragraph 174 of the National Planning Policy Framework (2021), Circular 06/2005, the Wildlife & Countryside Act (1981), and the Conservation of Habitats & Species Regulations 2010

5. Publicity

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

3 letters of representation have been received objecting to the proposal. The main summarised points of objection are:

- Builders on previous jobs didn't respect residents
- There were regular fires, lots of noise, irregular work hours, smoke etc
- The entrance road isn't suitable for heavy construction traffic
- There is concern for the ecology of the site
- Will the sewage systems cope with additional development
- Someone was staring from scaffolding into a neighbours garden which was intimidating
- Not much space for parking and turning
- The character of this area is being damaged by development like this

6. Consultation

- 6.1. LCC Highways have no objection to the proposal.

- 6.2. Ratby Parish Council did not comment on this proposal but did object to the recent proposal on the same site for reasons of parking and access.

- 6.3 LCC Ecology- No objections subject to condition.

- 6.4. No objections have been received from:

- HBBC Environmental Services (Pollution)
- HBBC Drainage
- HBBC Waste

7. Policy

7.1. Core Strategy (2009)

- Policy 7: Key Rural Centre
- Policy 8: Key Rural Centre relating to Leicester
- Policy 21: National Forest
- Policy 22: Charnwood Forest

7.2. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance

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

7.4. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)
- HBBC Landscape Character Assessment (2017)
- HBBC Landscape Character Sensitivity Study (2017)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Impact on Biodiversity
- Other Matters

Assessment against strategic planning policies:

8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) (2019) 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.

8.3 Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the 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) and the Site Allocations and Development Management Policies DPD (2016).

8.4 The Council acknowledges that it cannot currently demonstrate a 5-year housing land supply. The standard method for calculating local housing need as set out in paragraph 2a-004 of the PPG results in a local housing need for the Borough of 444 dwellings per annum as of 1st April 2021. With a 5% buffer added as per the requirements this gives HBBC a need of 466 dwellings per annum for the next 5 years. As set out within the Residential Land Availability Assessment at 1st April 2021, the Council can demonstrate a 4.46-year supply of housing land.

8.5 Footnote 8 to paragraph 11 of the 2021 NPPF states that the housing policies are considered to be out-of-date where local planning authorities cannot demonstrate a five-year supply of deliverable housing sites and therefore paragraph 11(d) of the NPPF is triggered. The NPPF is a material consideration. Paragraph 11(d) states: *“Plans and decisions should apply a presumption in favour of sustainable development.”*

For decision taking this means:

(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission 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.”*

8.6 Paragraph 219 of the Framework states that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework. Due weight should be given to them according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). Furthermore, it is recognised by the courts that out-of-date policies can still be given some weight, particularly where their overall strategic aims might be designed to operate on a longer time scale than a particular plan period.

8.7 *“Plans and decisions should apply a presumption in favour of sustainable development. For decision taking this means:*

(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission 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.”*

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consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). Furthermore, it is recognised by the courts that out-of-date policies can still be given some weight, particularly where their overall strategic aims might be designed to operate on a longer time scale than a particular plan period.

- 8.6 Whilst some of the housing policies most relevant for this proposal are considered to be out-of-date, due to the lack of a 5 year housing land supply, paragraph 11(d) of the NPPF is triggered and 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 a material consideration to weigh in the context of the statutory requirement to determine applications and appeals in accordance with the Development Plan unless considerations indicate otherwise.
- 8.7 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. Ratby is identified as a Key Rural Centre relating to Leicester. Policy 7 supports proposals within the settlement boundaries of Key Rural Centres. Policy 8 of the Core Strategy provides the policy framework for each Key Rural Centre relating to Leicester. The first of the criteria seeks the provision of a minimum of 75 new homes in Ratby. This housing provision was exceeded when the SADMP was adopted in 2016 with extant planning permissions for 107 dwellings.
- 8.8 The site lies just outside of the settlement boundary of Ratby. The land is identified as countryside within the Borough Wide Policies Map and therefore Policy DM4 should be applied. Policy DM4 of the adopted SADMP seeks to protect the intrinsic value, beauty and open character and landscape character through safeguarding the countryside from unsustainable development.
- 8.9 Policy DM4 states that the countryside will first and foremost be safeguarded from unsustainable development. Development in the countryside will be considered sustainable where:
- It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
 - The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
 - It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
 - It relates to the provision of stand-alone renewable energy developments in line with policy DM2: Renewable Energy and Low Carbon Development; or
 - It relates to the provision of accommodation for a rural worker in line with Policy DM5: Enabling Rural Worker Accommodation.
- and:
- It does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and
 - It does not undermine the physical and perceived separation and open character between settlements; and
 - It does not create or exacerbate ribbon development.

8.10 The development proposals do not fall under any of the categories identified in Policy DM4 as sustainable development and so there is a clear conflict between the proposed development and the policy. Therefore, this housing proposal is outside of the settlement boundary of Ratby and within the countryside & is contrary to Policies 7 and 8 of the Core Strategy and Policy DM4 of the SADMP.

8.11 As such there is a conflict with the spatial policies of the development plan. However, paragraph 11(d) of the NPPF is engaged and therefore a 'tilted balance' assessment must be made. This must take into account all material considerations and any harm which is identified. All material considerations must be assessed to allow this balance to be made.

Design and impact upon the character of the area

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 DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.

8.14 The Council's Good Design Guide SPD sets out the process to be followed to ensure good quality design for new residential development.

8.15 The application site lies within the Charnwood Fringe Settled Forest Hills Landscape Character Area (LCA – B). This is characterised by a gently undulating landform with small plateaus on higher ground and rising to the adjacent Charnwood Forest area to the east; of a large scale irregular field pattern of mainly arable and some pasture, with smaller fields around settlements with fields enclosed by hedgerows with scattered trees; and, a dispersed pattern of former mining villages following a linear pattern on ridgetops with a good public access and footpath network throughout, especially within the National Forest area. The site is not a 'valued landscape' for the purposes of Paragraph 170 of the NPPF, does not have any national or local designations and is not unique or remarkable for any landscape purposes.

8.16 The landscape strategies for this area are to ensure new development should complement the existing settlement pattern and be well integrated within the wooded landscape, to support the National Forest Strategy and to encourage, connect and enhance habitats such as hedgerows, tree planting, farm woodlands and lowland meadow.

8.17 The Hinckley and Bosworth Sensitivity Study 2017 was undertaken to provide an overview of comparative landscape sensitivity around key settlements to provide context for policies and proposals within the emerging Local Plan, in particular in relation to built development. Within this Study the application site is assessed as part of the land to the west of Ratby. This land is described as follows:

"Despite its intact rural character providing an attractive setting to the settlement, the assessment area is considered to have overall medium sensitivity to residential

due to the relationship it has with built development and the visual containment from existing woodland in the north.”

- 8.18 The application site also lies immediately adjacent to the urban area of Ratby which is identified as Urban Character Area 8 (UCA-8) within the Landscape Character Assessment. The key characteristics of Ratby as relating to the application site are that it is a historic hilltop settlement with open countryside setting to the west and south, its compact streetscene of narrow lanes within the historic core which contrast sharply with the expansive design of later roads such as Markfield Road and the M1 as a strong urban influence.
- 8.19 The application proposal would replace land which is devoid of any structures with permanent residential built form which would cause harm to the landscape setting of the site. There are a number of public rights of way within close proximity of the site including public right of way R50 which lies directly to the south of the site. The walkers along these footpaths would be slow moving receptors and are considered to be of high sensitivity. A number of properties also have direct views across the application site from Stamford Street. Although on a higher ground level views from habitable rooms would be achieved and these residents are considered to be of high sensitivity.
- 8.20 The proposal would extend built development beyond the settlement boundary of Ratby and it is considered that the proposal would result in a low to moderate degree of harm to the character and appearance of the area which would conflict with Policy DM4 of the SADMP. The reason for the low to moderate harm is that there is now a site for 90 dwellings (20/00462/FUL) 100m to the north of the application site and development of this site is underway so it is felt that the first reason for the previous refusal on this site (21/00825/OUT) relating to harming the openness and intrinsic beauty of the countryside does not carry the same weight as before.
- 8.21 Whilst there is harm arising from the development associated with the introduction of built form on this site just outside the settlement boundary and in the countryside, the harm arising from the development of 2 dwellings on this site is minimal compared to the development on 90 dwellings on the adjacent site.

Impact upon neighbouring residential amenity

- 8.22 Policy DM10 of the adopted SADMP seeks to ensure that development does not adversely affect the amenity of occupiers of neighbouring properties. Similarly paragraph 130 (inter alia) requires development proposals to create places which promoted health and well-being, with a high standard of amenity for existing and future users.
- 8.23 Whilst the application is in outline form, an indicative layout has been submitted in support of the application. The indicative plan appears to show a layout that would not compromise the amenity of neighbouring occupiers when considering the potential for loss of privacy, loss of light, increased sense of enclosure or any overbearing/overshadowing impacts that would warrant the refusal of this planning application.
- 8.24 Consideration should also be taken for the amenity of the future occupiers of the proposed development. The proposed dwellings and their gardens appear to be capable of providing an acceptable standard of amenity to future occupiers. The front to front elevation separation distance in excess of 16 metres between Plot 1 and 130 Stamford Street is considered to be a reasonable relationship which is helped by the lower ground level of the site and the chalet bungalows being

proposed. The front elevation of the dwelling on Plot 2 looks onto a blank side elevation – blank other than a small obscure glazed window - of 130 Stamford Street. The separation distance here of 12.5 metres is considered acceptable. This application is in outline form and layout is deferred to reserved matters stage but overall it is considered the privacy and amenity of neighbouring properties and future occupiers of the site could be protected from any significant loss of privacy from overlooking. Sufficient outdoor amenity space could also be retained for the proposed dwellings.

Impact upon highway safety

- 8.26 Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision to serve the development proposed. Policy 109 of the Framework states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe.
- 8.27 The Highways Officer is satisfied that, in principle, safe access can be achieved and that an appropriate level of car parking can be accommodated within the development.
- 8.28 It is considered that the residual cumulative impacts of the development can be mitigated and would not be considered severe in accordance with Paragraph 109 of the NPPF and, at this stage there is no reason to consider the proposals to be contrary to Policies DM17 and DM18 of the SADMP.

Impact on Ecology

- 8.29 Policy DM6 of the SADMP requires development proposals to demonstrate how they conserve and enhance features of nature conservation. Paragraph 174 bullet “d” of the NPPF requires planning decisions to contribute to and enhance the natural and local environment by (inter alia) minimising impacts upon and providing net gains for biodiversity.
- 8.30 Given the countryside nature of the site there is a reasonable likelihood that the site is being used by protected species. The applicant has provided an Ecological survey that assesses the potential for the site to be used by protected species and LCC Ecology were consulted. LCC Ecology commented that ‘the proposed construction of 2no 3-bedroom 1.5storey bungalows is unlikely to result in any significant impacts to biodiversity and the habitats recorded on site are of generally low ecological value and common occurrence. I therefore do not have any holding objections to the proposals. I would like to see the recommendations made in the PEA (e.g. creation of wildflower grassland, bat boxes etc) implemented into the proposals, to provide biodiversity gain/enhancement and to mitigate the loss of the exiting grassland.
- The size and scale of the proposals do not meet the requirement to provide Biodiversity Net Gain (BNG) and therefore this will not be necessary on this occasion’.
- 8.31 It is therefore considered that the proposal would have an acceptable impact on biodiversity of the site. This factor should therefore be afforded moderate weight in

the planning balance and such a proposal would comply with Policy DM6 of the SADMP.

Other Matters

8.32 Policy DM7 of the SADMP seeks to ensure that development does not create or exacerbate flooding. The site is located within Flood Zone 1 being at low risk of fluvial flooding and therefore passes the Sequential Test and does not require the Exception Test to be undertaken. The Council's Drainage Engineer has been consulted on the application and has confirmed that they have no objections to the proposal. They have recommended the imposition of informatives advising the developer of sustainable surface water drainage techniques. With the use of the recommended informatives there is no conflict with policy DM7 of the SADMP.

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

9. Equality implications

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

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

9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application. There are no known equality implications arising directly from this development.

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

10. Conclusion and Planning Balance

10.1 This report has assessed the development proposals against the presumption that planning permission should be granted for sustainable development unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits. This report has demonstrated that due to the nearby development of 90 dwellings the impacts of the proposed on the open countryside would be minimal and would be outweighed by the benefits of the development.

- 10.2 The development would make a contribution to the supply of housing although this benefit would be tempered to moderate weight in the planning balance given the small number of units proposed. There would also be economic benefits in terms of the construction of the development, and those associated with the resultant increase in local population; although such positive weight would again be limited due to the small scale of the number of units proposed.
- 10.3 There are a number of areas of compliance with development plan policies including matters surrounding highway and car parking, drainage and environmental health which are not considered benefits as such and are subsequently held in neutral weight when considering the overall benefits of the scheme.
- 10.4 The benefits and adverse impacts are carefully weighed in the planning balance and it is considered that the moderate public benefits of the scheme identified above would outweigh the less than moderate harm apportioned to the countryside. The second reason for the 2021 refusal was related to Ecology. LCC Ecology have no objections to the proposal.
- 10.5 The public benefits from the proposed development is considered to outweigh the minimal harm to the countryside identified. Weighing all the above factors into the planning balance, and having regard to the NPPF as a whole, all relevant policies of the Development Plan, in applying paragraph 11 of the NPPF, it is considered that the identified adverse impacts would not outweigh the identifiable benefits of the proposal as a whole. The development proposals can be regarded to represent a sustainable form of development and it is recommended that the planning application is approved.

11. Recommendation

11.1 Approve planning permission subject to:

- Planning conditions outlined at the end of this report

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

11.2 Conditions and Reasons

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

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

2. No development shall be commenced until plans and particulars of "the reserved matters" referred to in the above conditions relating to the:-
 - a) Appearance of the development including the aspects of a building or place that determine the visual impression it makes, including proposed materials and finishes
 - b) Landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard boundary treatments including hedgehog highways and soft measures and details of boundary planting to reinforce the existing landscaping at the site edges

- c) Layout of the site including the location of electric vehicle charging points, the way in which buildings, routes and open spaces are provided and the relationship of these buildings and spaces outside the development. This should include a design statement that sets out how consideration has been given to lower density to edges of site and higher density along main routes.
have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

3. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:
Site location plan Drg No. 405-01 received 10/03/2023
Site Location & Block Plan Drg No. 405-03 received 10/03/2023

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

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

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

5. Notwithstanding the submitted plans, the proposed access shall have a width of a minimum of 4.25 metres for a distance of at least 5 metres behind the highway boundary and shall be surfaced in a bound material with a 7.3 metre dropped crossing (8 dropped kerbs). The access once provided shall be so maintained at all times.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

6. No part of the development hereby permitted shall be occupied until such time as 2.0 metre by 2.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway and, once provided, shall be so maintained in perpetuity.

Reason: In the interests of pedestrian safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

7. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Proposed Site Plan'. Thereafter the onsite parking provision shall be so maintained in perpetuity.

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

8. Development shall not begin until surface water drainage details, incorporating sustainable drainage principles (SuDS) have been submitted to and approved by the Local Planning Authority (LPA), and the scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraph 108 and 110 of the National Planning Policy Framework (2019).

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

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

10. No development shall take place until a scheme makes adequate provision for waste and recycling storage of containers and collection across the site which has been submitted to and approved in writing to the Local Planning authority. The details should address accessibility to storage facilities and confirm adequate space is provided at the adopted highway boundary to store and service wheeled containers.

Reason: To protect the amenity of neighbours and character of the area in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11.3 Notes to applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For

further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.

3. Vegetation clearance works must either take place outside the bird-nesting season (March to July inclusive), or within 24 hours of the 'all-clear' from an appropriately qualified ecologist following a negative bird-nesting survey. Netting to prevent bird nesting may only be done with prior approval of the LPA.
4. The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance, or alternatively assembled from modular surface water storage/soakaway cell systems, incorporating silt traps. Design and construction of all types of soakaway will be subject to the approval of the Building Control Surveyor.
5. 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).
6. The recommendations made in the PEA (e.g. creation of wildflower grassland, bat boxes etc) shall be implemented into any future proposals, to provide biodiversity gain/enhancement and to mitigate the loss of the existing grassland.