

Delegated Report

Planning Ref: 23/01201/CONDIT
Applicant: Tony Hopkin- Midland Heart Ltd
Ward: Earl Shilton



Hinckley & Bosworth
Borough Council

Site: Ashby House, Hill Top Farm, Hill Top, Earl Shilton

Proposal: Variation of conditions 2 (Approved plans) and 19 (Hard and soft landscape) for planning permission 20/00916/FUL (Demolition of farm buildings and Ashby House and development of 50 dwellings comprising 49 no. affordable houses and 1no. bungalow to replace Ashby House, with access road off Leicester Road, open space, landscaping, drainage basin, and foul pumping station)

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. Section 73 of the Town and Country Planning Act 1990 allows applications to be made to vary or remove conditions associated with a planning permission. In this case permission was granted in 2022 (20/00916/FUL) for the “Demolition of farm buildings and Ashby House and development of 50 dwellings comprising 49 no. affordable houses and 1no. bungalow to replace Ashby House, with access road off Leicester Road, open space, landscaping, drainage basin, and foul pumping station”.
- 2.2. This application seeks permission to vary condition 2 and 19 of the approved permission. Condition 2 of the planning permission required that the development be built in accordance with the approved plans that were submitted to the Local Planning Authority. Condition 19 required that the development be constructed in accordance with the approved hard and soft landscaping plans. The purpose of the application is to obtain approval to the variation of the proposed layout plan, presentation layout plan, boundary treatment plan, landscape character plan, site sections and drainage strategy drawings to amend the location of plots 31-32 & 38-50 and to adjust the proposed site levels, to suit the actual site topography on site and mitigate/re-design some of the extensive retaining structures that were impractical to construct on site.
- 2.3. The application has been submitted following meetings and discussions with the applicant, their agent and the former construction company. Following the site clearance at former Hill Top Farm it became apparent that the section drawings that were approved under Condition 2 of the granted planning permission could not realistically be built to. The decision to raise the levels on the south portion of site would reduce the risk of undermining adjacent properties and existing retaining walls and the amount of earth being transported from site, some homes have also been repositioned to move them away from the current boundary reducing the impact of retaining features further.
- 2.4. As a result of the need for new retaining structures it was requested during discussions with the LPA that amendments to the hard and soft landscaping scheme were made to mitigate the impact of the amendments to levels and additional/amended retaining structures.

3. Description of the site and surrounding area

- 3.1. The application site extends to 1.6 hectares approximately and lies to the northern edge of Earl Shilton, outside but adjacent to the settlement boundary. The eastern boundary of the site is Leicester Road and the western edge of the site follows a curving hedge line. The southern boundary is irregular and runs along part of an embankment and also an outbuilding retained with Hill Top House.
- 3.2. The site topography falls generally from north to south but some areas have been levelled for farm buildings most notably at the southern end of the site. Buildings to the southern part of the site were derelict and large areas are overgrown due to inactivity over the years. These have since been cleared following grant of planning permission and the site is now generally cleared.
- 3.3. The application site is a mixed greenfield and brownfield site and the site is within Flood Zone 1 (low risk of fluvial flooding) and therefore at low risk of surface water flooding.
- 3.4. The adjacent site to the north has outline planning permission for up to 140 dwellings. Whilst a planning application for 10 bungalows is under consideration on land to the west.

4. Relevant planning history

80/00784/4

- Removal of agricultural restriction on dwelling house
- Refused 22.07.1980

20/00916/FUL

- Demolition of farm buildings and Ashby House and development of 50 dwellings comprising 49 no. affordable houses and 1no. bungalow to replace Ashby House, with access road off Leicester Road, open space, landscaping, drainage basin, and foul pumping station.
- Permitted 10.11.2022

Various discharge of condition applications

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice displayed in the local press.
- 5.2. No comments have been received

6. Consultation

- 6.1. HBBC Environment Team – No objection
- 6.2. LCC Archaeology- No objections. Condition (24) attached to the planning permission for 20/00916/FUL remains outstanding
- 6.3. HBBC Waste- No objection.
- 6.4. LCC Ecology- No objection provided the ecology recommendations are still followed.
- 6.5. LCC Highways- No objection
- 6.6. HBBC Drainage- No objection
- 6.7. LLFA- No objection
- 6.8. HBBC Conservation Officer- No objection

“This application site is located to the north of and within the setting of the grade II listed building Top House, with this being a former farmhouse that had a historic functional relationship with the application site which used be fields utilised as part of the wider farming operation.

Despite less than substantial harm being caused by the proposal for 50 dwellings to be constructed within its setting (reference 20/00916/FUL), as per the provisions of the National Planning Policy Framework (NPPF) and the Site Allocations and Development Management Policies (SADMP) DPD the public benefits arising from the proposal outweighed the harm caused to this designated heritage asset and consent was duly granted. In my opinion this revised proposal which seeks to adjust the location of plots 31-32 and 38-50 due to land levels would have no discernible visual impact or adverse effects upon the setting of the listed building Top House and as such its significance would be preserved. Consequently, the proposal would comply with Policies DM11 and DM12 of the SADMP DOPD, Section 16 of the NPPF and Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.”

7. Policy

7.1. Core Strategy (2009)

- Policy 2: Development in Earl Shilton
- Policy 5: Transport Infrastructure in the sub regional centre
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 19: Green Space and Play Provision
- Policy 20: Green Infrastructure
- Policy 24: Sustainable Design and Technology

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- 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 DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. Earl Shilton and Barwell AAP 2006-26 (2014)

- Policy 21: Infrastructure and Delivery
- Policy 22: Development and Design

7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2023)
- Planning Practice Guidance (PPG)

7.5. Other relevant guidance

- National Design Guide (2019)

- Good Design guide (2020)

8. Appraisal

- 8.1. The principle of development has been established through the earlier grant of planning permission, no amendments are proposed to the number and/or tenure of housing. Furthermore the proposed amendments will not materially impact flooding/drainage, ecological, archaeological and highway matters subject to the imposition of conditions previously proposed. The infrastructure contributions remain to be secured through the S106 agreement. As this application relates to an amended layout, landscaping and levels, the key issues in respect of this application are therefore:

- Design and impact upon the character of the area/landscape
- Heritage impacts
- Impact upon residential amenity

Design and impact upon the character of the area

- 8.2 Policy DM4 of the adopted SADMP states that development in the countryside will be considered sustainable where 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. The site is located within open countryside, outside of the settlement boundary and is therefore considered against this policy.
- 8.3 The characteristics and sensitivities outlined in the Council's Landscape Character (LCA) and Landscape Sensitivity Assessments (LSA) (2017) as set out in detail in the committee report for application 20/00916/FUL are still relevant and shall not be repeated for brevity.
- 8.4 Policy DM10 of the adopted 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 that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the local area generally. The Good Design Guide SPD provides guidance upon how to design an appropriate new residential development. This includes appraising the context, creating appropriate urban structures through blocks, streets, enclosure, open space and landscaping, parking, amenity space and design detailing. The SPD advocates the use of a Building for Life Assessment.
- 8.5 Policy 16 of the Core Strategy requires a minimum net density of 40 dwellings per hectare on sites in Earl Shilton - with a net developable area of about 1.2ha the proposal will achieve a net density of at least 41dph and therefore will comply with the policy
- 8.6 The proposed amendments include alterations to the siting of plots 31-32 & 38-50, these amendments are minor in the context of the overall scheme and would not be readily discernible.
- 8.7 The sloping nature of the site makes it a challenging site to develop and retaining walls were approved as part of the original application through the approval of two section drawings (proposed to be varied). A further levels drawing was submitted but is not listed in the approved plans drawing, retaining walls were shown across the site with heights as less than 0.5m, 0.5m-1m, 1m-2m albeit, clearly the scheme was approved in the knowledge retaining walls would be required across the site. As above, following the site clearance it became apparent that the section drawings

that were approved under Condition 2 of the granted planning permission could not realistically be built to. This was confirmed via a site visit with officers prior to the submission of this application. Without amending the scheme, the southern section of the site would require retaining walls in excess of 5m in places, which would result in both residential amenity impacts, poor visual design and a risk of undermining adjacent properties. The revised levels strategy includes raise the levels on the southern portion of site, in turn reducing the amount of earth being transported from site, but as a consequence of this retaining structures would be required to be increased in height particularly in the northern areas of the site. The amendments to the levels on site and resultant retaining walls will be more discernible and the retaining walls will be visible elements in the scheme. Several discussions were held prior to the submission of the application to ensure the retaining walls were kept to a minimum in both length and height.

- 8.8 The retaining walls in the southern section of the site will not be readily visible from the public realm and will be lower in height than those previously approved in most places. The most impact will result from the retaining wall adjacent to the main access, whilst not an approved plan the previous levels drawing indicated a retaining wall of 1m-2m in height to the south of the main access. The proposals are within this threshold except for the closest point to the access, whereby a staggered retaining wall is proposed.
- 8.9 During discussions as part of the application additional landscaping has been secured in front of this retaining wall, larger species are proposed as part of a beech and holly hedge with 6 acer trees proposed in front of this. Previously an existing hedgerow was proposed to be retained in this area of the site, however, it was confirmed on site this is mainly brambles and unlikely to be suitable for long term retention. Given the important of long-term screening to the retaining wall, its replacement with a new robust hedgerow is judged to be acceptable. Whilst the retaining wall will be visible especially prior to the hedge becoming mature this will over time provide screening. In addition the applicant has agreed to a condition whereby the external finish of the retaining walls will be submitted to and approved by the LPA in due course.
- 8.10 The proposed development remains to be sited well below the buildings to the south and will not break the skyline when viewed from the north, which was and is still considered to be critical to minimising the scheme's landscape impact.
- 8.11 Subject to conditions and considering the extant consent the proposal is considered to be acceptable with respect to design and layout matters and complies with DM10 of the SADMP, policy DM4 and the Good Design Guide SPD.

Heritage Impact

- 8.12 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural and historic interest which it possesses.
- 8.13 Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraph 203 states that "the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."

- 8.14 Paragraph 206 of the NPPF states 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.
- 8.15 Policies DM11 and DM12 of the Site Allocations and Development Management Policies (SADMP) Development Plan Document seek to protect and enhance the historic environment and heritage assets. Policy DM11 states that the Borough Council will protect, conserve and enhance the historic environment throughout the borough. This will be done through the careful management of development that might adversely impact both designated and non-designated heritage assets.
- 8.16 The application site is located to the north of and within the setting of the grade II listed building Top House, with this being a former farmhouse that had a historic functional relationship with the application site which used be fields utilised as part of the wider farming operation.
- 8.17 Despite less than substantial harm being caused by the proposal for 50 dwellings to be constructed within its setting (reference 20/00916/FUL), as per the provisions of the National Planning Policy Framework (NPPF) and the Site Allocations and Development Management Policies (SADMP) DPD the public benefits arising from the proposal outweighed the harm caused to this designated heritage asset and consent was duly granted. This revised proposal would have no discernible visual impact or adverse effects upon the setting of the listed building Top House and as such its significance would be preserved. Consequently, the proposal would comply with Policies DM11 and DM12 of the SADMP, Section 16 of the NPPF and Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990

Impact upon residential amenity

- 8.18 Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy or amenity of nearby residents and occupiers of adjacent buildings and the amenity of occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site. The Good Design Guide also provides advice.
- 8.19 The proposals to the south of the site are likely to result in amenity benefit as the retaining walls will be further away from residential properties and a lower height. Otherwise the proposal would not materially alter the residential amenity impacts with all separation distances in accordance with the Good Design Guide. The proposal is therefore considered to be acceptable in terms of its impact on the amenities of neighbouring dwelling and complies with Policy DM10 of the SADMP and the Good Design Guide.

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. The previous application contained the below planning balance:

“The Council cannot demonstrate a 5 year housing land supply and the housing policies in the adopted Core Strategy and the housing policies of the adopted SADMP are considered to be out of date as they focused on delivery of a lower housing requirement than is now required. 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. The provision of 49x affordable housing units is considered to be a significant benefit of the proposal and weighs heavily in favour of the scheme. The scheme does not fully comply with Policy DM4 of the SADMP but the impact on landscape and visual amenity has been assessed and is considered to be minor for this development and the provision of affordable housing is considered to outweigh the minor impact identified. The local highway authority have stated that this application is acceptable in highway safety terms and the access provision for this site is suitable. In all other regards the application is considered to be acceptable subject to suitably worded conditions.”

- 10.2 The proposed amendments are judged to be acceptable when compared against the previously proposed scheme and subject to conditions. The above is still judged to apply.

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 planning permission 20/00916/FUL (10/11/2022).

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

2. The development hereby permitted shall not be carried out other than in accordance with the following plans:

Site Location Plan drawing number 40963 005

Oakley Architects External Works Plan drawing no. 202305/01H1

Boundary Treatment drawing no. 202305/05

Birmingham 2B4P and Bromwich 2B4P drawing number 40963 010 Rev D

Birmingham 2B4P and Bromwich 2B4P drawing number 40963 011 Rev D

Birmingham 2B4P x3 drawing number 40963 014 Rev C

Birmingham 2B4P x2 drawing number 40963 016 Rev D

Birmingham 2B4P x2 Hipped drawing number 40963 017 Rev B

Birmingham 2B4P x2 Rendered drawing number 40963 018 Rev B

Cosford 3B5P x2 Hipped drawing number 40963 020 Rev D

Cosford 3B5P x2 drawing number 40963 022 Rev B

Cosford 3B5P x2 Rendered drawing number 40963 023 Rev B

Material Distribution Plan drawing number 40963 024 Rev G

Cosford 3B5P x2 Hipped and Rendered drawing number 40963 025 Rev C

Bungalow drawing number 40963 026 Rev C

Birmingham 2B4P and Bromwich 2B4P OP drawing number 40963 028 Rev C

Birmingham 2B4P+Bromwich 2B4P hipped drawing number 40963 030 Rev C

Birmingham 2B4P and Bromwich 2B4P x3 drawing number 40963 040

PDP Associates Detailed Landscape Proposals drawing no. c-2191-01 Rev A

Oakley Architects Site Sections drawing no. 202305 04

Road adoption/Land use drawing number 40963 043 Rev D

Birmingham 2B4P and Bromwich 2B4P drawing number 40963 044

Birmingham 2B4P and Bromwich 2B4P drawing number 40963 045

Patrick Parsons S104 Approval Drainage Layout drawing no. HTF-PPC-00-XX-DR-C0501-P5

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

3. The development approved by this permission shall be commenced in accordance with the land contamination investigation submitted and approved under application 23/00802/DISCON. Any remediation works so approved shall be carried out prior to the site first being occupied. Once the approved mitigation and remediation works have been installed details of this shall be submitted to and approved in writing by the Local Planning Authority.

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).

4. 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).

5. The development shall commence in accordance with the scheme for protecting the proposed dwellings from noise from Leicester Road and the adjacent industrial/commercial operations submitted to and approved by the Local Planning Authority under application 23/00956/DISCON. Once the acoustic fence is installed a further noise assessment shall be carried out and if found to be require a further scheme for protecting the proposed dwellings from noise from Leicester Road shall be submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed before any of the permitted dwellings are first occupied.

Reason: To ensure that the development is protected from nearby noise sources in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD (2016).

6. The development shall be carried out in accordance with the Construction Environmental Management Plan approved under application 23/00801/DISCON.

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

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

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

8. The construction of the development shall be carried out in accordance with the details relating to the management of surface water on site during construction approved by the Local Planning Authority under application 23/00801/DISCON.

Reason: To prevent any increase in flood risk, maintain the existing surface water runoff quality and to prevent damage to the final water management systems through the entire development construction phase in accordance with Policy DM7 of the Site Allocations Development Management Policies DPD (2016).

9. The development shall be carried out in accordance with the SuDS Maintenance Plan approved by the Local Planning Authority under application 23/00957/DISCON.

Reason: To establish a suitable maintenance regime that may be monitored over time; that will ensure the long term performance, both in terms of flood risk and water quality, of the sustainable drainage system within the proposed development in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies DPD.

10. The development shall be carried out in accordance with the sustainable surface water drainage system approved by the Local Planning Authority under application 23/00957/DISCON. The scheme shall be implemented in accordance with the approved details before the development is completed.

Reason: To prevent flooding and ensure satisfactory storage and disposal of surface water from the site to accord with Policy DM7 of the Site Allocations and Development Management DPP (2016).

11. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Arcadis drawing number 10015653-ARC-XX-XX-SK-C-0007 Rev P.02 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 Site Allocations and Development Management Policies DPD (2016) and the National Planning Policy Framework (2023).

12. No part of the development hereby permitted shall be occupied until such time as vehicular and forward visibility splays shown on Arcadis drawing number 10015653-ARC-XX-XX-SK-C-0007 Rev P.02 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 Site Allocations and Development Management Policies DPD (2016) and the National Planning Policy Framework (2023).

13. No part of the development hereby permitted shall be occupied until such time as details of a scheme to widen the pedestrian footway to a minimum of 2.0 metres between the site access and the junction of Leicester Road/ Hill Top/Church Street has been submitted to the Local Planning Authority and agreed in writing. Thereafter the approved scheme shall be implemented in full prior to occupation of any dwelling.

Reason: In the interests of general highway safety and in accordance with the National Planning Policy Framework (2023).

14. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Oakley Architects External Works Plan drawing no. 202305/01H1. 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 (2023).

15. Prior to the occupation of the first dwelling on site a scheme that makes provision for waste and recycling storage and collection across the site shall be submitted to and approved in writing by the Local Planning Authority. The details should address accessibility to storage facilities and adequate collection point space at the adopted highway boundary. The approved scheme shall be implemented in accordance with the agreed details before the occupation of the first dwelling.

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

16. Any dwellings that are served by private access drives (and any turning spaces) shall not be occupied until such time as the private access drive that serves those dwellings has been provided in accordance with Figure DG20 of the Leicestershire Highways Design Guide. The private access drives should be surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with the National Planning Policy Framework (2023).

17. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 5 metres of the highway boundary.

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with the National Planning Policy Framework (2023).

18. No part of the development hereby permitted shall be occupied until such time as 1.0 metre by 1.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of all private accesses 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 the National Planning Policy Framework (2023).

19. The approved hard and soft landscaping scheme shall be carried out in accordance with Oakley Architects External Works Plan drawing no. 202305/01H1 and PDP Associates Detailed Landscape Proposals drawing no. c-2191-01 Rev A in the first planting season following the first occupation of the dwelling to which it relates, except for the proposed hedgerow planting to the northern and eastern boundaries of the site and along the retaining wall to the south of the access road which shall be carried out in the first planting season following the first occupation of any dwelling on the site. 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).

20. During the construction period, none of the trees or hedges indicated to be retained shall be cut down, uprooted or destroyed, nor shall be topped or lopped other than in accordance with the approved plans, without the written approval of the Local Planning Authority. If any of the trees or hedges to be retained are removed, uprooted or destroyed or dies, a replacement shall be planted at the same place and that tree or hedge shall be of such size and species, and shall be planted at such time, as maybe specified in writing by the Local Planning Authority.

Reason: To ensure that the existing trees on the site are retained and protected in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 170 of the National Planning Policy Framework (2023).

21. No external lighting of the site shall be installed until details have been submitted to and approved in writing by the Local Planning Authority. This information shall include a layout plan with beam orientation and a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: To protect the appearance of the area, the environment and local residents from nuisance from artificial light in accordance with Policies DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

22. The materials used on the external elevations of the dwellings hereby permitted shall be in accordance with the details approved under application 23/00847/DISCON.

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

23. No development shall commence above foundation level until a scheme for the installation of electric vehicle charging points shall be submitted to and approved in writing by the local planning authority. The scheme shall identify the number of units to benefit from electric charging points, together with full details of the location fitting and timetable for installation of the units.

Reason: To ensure that the proposals meet the requirements of Policy DM10 (g) of the Site Allocations and Development Management Policies DPD (2016) and Paragraph 116 (e) of the National Planning Policy Framework (2023).

24. The development shall be carried out in accordance with the Written Scheme of Investigation approved by the local planning authority under application 24/00158/DISCON.

Reason: To allow proper investigation and recording of the site, which is potentially of archaeological and historic significance in accordance with Policies DM11, DM12 and DM13 of the adopted Site Allocations Development Management Policies Development Plan Document (2016).

25. Prior to the occupation of the first dwelling, a Travel Pack informing residents what sustainable travel choices are in the surrounding area shall be submitted to and approved in writing by the Local Planning Authority. The agreed Travel Packs shall then be supplied to purchases on the occupation of each dwelling.

Reason: To reduce the need to travel by single occupancy vehicle and to promote the use of Sustainable modes of transport in accordance with the National Planning Policy Framework (2023).

26. The development shall be carried out in accordance with the badger mitigation strategy approved by the local planning authority under application 23/00810/DISCON. The

development shall only be carried out in accordance with the agreed measures within the approved strategy and retained as such thereafter.

Reason: To ensure that badgers are protected in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD (2016) and Section 15 of the National Planning Policy Framework (2023).

27. The development shall be carried out in full accordance with the measures and recommendations for reptiles and bats as set out within The Protected Species Report by Arcadis dated August 2020.

Reason: In order to protect the protected wildlife species and their habitats that are known to exist on site and to accord with Policy DM6 of the Site Allocations and Development Management Policies DPD (2016) and Section 15 of the National Planning Policy Framework (2023).

28. Notwithstanding the approved plans, prior to the construction of any retaining walls details of their external finishes and appearance shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the retaining walls shall be constructed in accordance with the approved details and retained as such in perpetuity.

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