

Delegated Report

Planning Ref: 24/00285/FUL

Applicant: Mr M Evans

Ward: Hinckley DeMonfort



Hinckley & Bosworth
Borough Council

Site: Land Adjacent 2 Hangmans Lane Hinckley

Proposal: Erection of one dwelling and associated access and landscaping

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

2. Planning Application Description

- 2.1. This planning application seeks full planning permission for the provision of one detached, single storey, four-bedroom dwelling with accommodation in the roof space and a new associated access at the Land adjacent to 2 Hangman's Lane, Hinckley.
- 2.2. The dwelling externally measures 15.7m in width by 11.1m in depth, which creates a total footprint of 140.5sqm. The scheme's main roof is a 40-degree gable-ended pitched roof that has a ridge height of 6.2m and an eaves height of 2.4m. The development also features a gable-fronted roof structure on the principal elevation of the scheme that has a ridge height of 5.4m as well as a smaller gable-ended pitched roof on the eastern side of the property that has a ridge height of 5.3m. Two pitched dormer windows are also provided on the front elevation of the scheme and a further flat roofed dormer window is provided on the rear of the property.
- 2.3. The development is constructed with a mixed red and buff brickwork finish on the bulk of the dwelling and through-coloured, smooth render in an off-white or cream finish is utilised on the front gable, the dormers and the eastern wing of the scheme. Concrete pantiles are utilised on the pitched roof of the proposal.
- 2.4. Although the Applicant has stated that the proposal utilises a mixture of buff brick and red brickwork finishes alongside a smooth off-white render and concrete pantiles, the exact details of these finishes have not been provided at this stage.
- 2.5. Following the Case Officer's concerns regarding the scheme's compliance with the Leicestershire Highway Design Guide (LHDG) (2022), and the development's impact on the residential amenity of the future occupants, several amendments have been made to the parking layout and the design of the site access.

3. Description of the Site and the Surrounding Area

- 3.1. The 974.5sqm application site is to the north of, but within the identified settlement boundary of, Hinckley. The application site is on the corner confluence of Hangman's Lane with the private access track to Ashby Road Sports Club to the northwest, and Sunnyside to the southwest. Sunnyside and Hangman's Lane are both adopted, but unclassified, public highways that are subject to a 30mph speed limit. The application site is also 94m west of Ashby Road, which is a classified 'B' road (B4667) that is subject to a 30mph speed limit.
- 3.2. With the exception of Ashby Road Sports Club, the area is wholly residential in character that does not have a discernible unique character due to the variety of styles and designs of dwellinghouses in the proximity of the site. Nevertheless, 2 Merrylees Road and 53 Sunnyside are adjacent to the south-eastern and southern boundaries of the site respectively, which are both single storey bungalows that are constructed in buff and red brick finishes with concrete roof tiles.
- 3.3. The site itself comprises an irregularly shaped undeveloped plot of land that is bordered by 1.8m high timber fencing and internally features a number of mature trees that are protected by two Tree Preservation Orders (TPO) (76/00004/TPORD and 02/00004/TPORD).
- 3.4. TPO 76/00004/TPORD protected five trees within the application site, identified as T12 to T16 inclusively, which are a selection of Willow and Oak trees. On the other hand, TPO 02/00004/TPORD protected a group of 14 trees within the site including eight Willow trees, three Ash trees, two Oaks trees, and one Silver Birch tree.
- 3.5. The group of crack willow trees can be clearly seen from Hangman's Lane and are particularly prominent from the adjacent playing field of the Ashby Road Sports Club. They are also visible from more distant viewpoints. The willows stand out because their stature and proximity to the edge of the playing field; and the group as a whole makes a very significant contribution to the character and appearance of the area.
- 3.6. Until recently, the application site was heavily overgrown. However, following the recent storm events in January 2024, an emergency five-day order was granted for the felling and removal of several trees from the site as they were damaged and left in a dangerous state that posed a risk to the public.
- 3.7. Following this, a related tree works application, 24/00201/TPO, was submitted and approved, which sought approval for the removal of the crack willow trees (identified as Group G1), the Ash tree (identified as T2), and the Weeping Willow tree (identified as T3) to ground level and the provision of replacement planting.
- 3.8. Within the Delegated Report of 24/00201/TPO, the Case Officer noted that:

“The proposed works would unarguably detract significantly from the amenity value of the area; however, the Local Planning Authority deem the impact unavoidable due to the tree's poor health. A condition has been implemented for the replacement planting at the site as in accordance with the submitted Replacement Plan.”

4. Relevant Planning History

4.1 24/00201/TPO

- (G1) – Remove to ground level the crack willow trees in the group G1 and plant replacements. (T2) – Remove to ground level and plant a replacement. (T3) – Remove to ground level and plant a replacement.
- Permitted
- 10.05.2024

4.2 17/01288/TPO

- T1 Lime, Crown lifting over the highway to 5.1m including the removal of epicormic or lower trunks shoots
- Permitted
- 09.02.2018

4.3 17/00018/TREE

- Removal of group of crack willow trees
- Appeal dismissed.
- 01.03.2018

4.4 17/00259/TPO

- Removal of group of crack willow trees
- Refused
- 08.05.2017

4.5 16/00571/TPO

- Remove 6 multi-stemmed willow trees
- Refused
- 03.08.2016

4.6 07/00657/FUL

- Erection of a single storey dwelling
- Refused
- 31.07.2007

4.7 06/00036/PP

- Erection of a single storey dwelling
- Appeal dismissed.
- 16.04.2007

4.8 06/00130/FUL

- Erection of a single storey dwelling
- Refused
- 05.04.2006

4.9 04/00251/OUT

- Erection of one dwelling
- Withdrawn
- 05.07.2004

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.

5.2 Three members of the public have objected to the scheme for the following reasons:

- Drainage concerns
- Ecological concerns (including bats)
- Harm to neighbouring residential amenity.
- Highway safety concerns.
- Harm to protected trees.

5.3 Two members of the public have referred to the plot deeds for the site to ensure effective drainage in the area and the unlawful loss of protected trees.

The Planning Officer notes that this is a legal agreement that is controlled outside of the powers of planning. The concerns regarding the unlawful removal of protected trees have been raised with, and investigated by, the Planning Enforcement Department.

5.4 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 Drainage Officer
- HBBC's Environmental Services' Pollution Officer
- HBBC's Waste Management Officer (subject to conditions)
- Leicestershire County Council (LCC)'s Ecology Unit (subject to conditions)

Drainage:

- 6.2 Following concerns raised by members of the public, the Planning Officer requested further clarification on the assessment of drainage within the site from the Council's Drainage Officer.
- 6.3 On 17 May 2024, the Drainage Officer confirmed that the checking and approval of surface water drainage is undertaken at the construction stage of the development, which is a matter for the appointed Building Control Surveyor. However, the Drainage Officer did note that the Applicant had installed land drains into the site, which was likely to be a positive step to mitigate the risk of flooding on the development site and the adjacent driveway.

Ecology:

- 6.4 The County Council's Ecology Department confirmed their holding objection to the development until a Preliminary Roost Assessment (PRA) of all trees has been submitted. The Ecology Department also stated that a Biodiversity Enhancement and Mitigation Scheme (BEMS), which is informed by the PRA, should be secured via planning condition.
- 6.5 The Applicant agreed to the BEMS planning condition on 15 May 2024, and submitted a PRA on the same day.
- 6.6 On 28 May 2024, the County Council's Ecology Department confirmed that the PRA was acceptable, and that no further surveys are required.

Highways:

- 6.7 The Local Highway Authority (LHA) has referred to standing advice and referred the Local Planning Authority's attention to the requirement to provide pedestrian visibility splays of 1m x 1m on either side of the proposed site access.
- 6.8 On 10 June 2024, the Applicant provided a revised Proposed Site Plan.
- 6.9 On 11 June 2024, the LHA confirmed that the revised vehicular and pedestrian visibility splays were acceptable.

Waste:

- 6.10 The Council's Waste Management Officer requested a planning condition that secures the adequate provision of storage and collection of refuse and recycling containers. The Applicant agreed to this condition on 15 May 2024.
- 6.11 No further responses have been received.

7. Policy

7.1 Core Strategy (2009):

- Policy 1: Development in Hinckley

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- 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

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 Development Plan Document (SADMP). The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the 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 within the identified settlement boundary of Hinckley. As such, the application accords with Development Plan Policy and is 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. The latest figures up to 01 April 2023 are currently being worked on and will be available in due course.
- 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 one residential property, 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 Whilst the Council is unable to deliver a five-year supply of land for housing, given the provision of one dwelling within this application site is unlikely to be a significant benefit to the housing land supply within the Borough, it is considered that limited weight should be given to the provision of the proposed dwelling.

Design and Impact upon the Character of the Area

- 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 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.
- 8.21 The provision of a residential property, which is adjacent to dwellinghouses in area that is residential in character, is acceptable in principle in relation to its impact upon the character of the area.
- 8.22 The proposal features a dormer bungalow. Due to the presence of bungalows, two-storey bungalows, and a dormer bungalow at 49 Sunnyside, the scale and massing of the development is considered to preserve the character of the application site and the surrounding area.
- 8.23 Although the proposal removes the crack willow trees (identified as Group G1), the Ash tree (identified as T2), and the Weeping Willow tree (identified as T3) to ground level, it is noted that this has been approved via planning application 24/00201/TPO. Furthermore, additional tree planting was secured within 24/00201/TPO to compensate the loss of these protected trees.
- 8.24 Nevertheless, additional planting has been secured within this planning application along the south-western boundary of the application site to replace the existing timber fencing boundary treatment that currently acts as a dead frontage to the street scene. This is considered to improve the character of the area. The details of this planting can be secured via planning condition.
- 8.25 By virtue of the scale, size, volume, massing, siting, design, and the proposed use of external materials, the proposal is considered to respect the character of the surrounding area and is in accordance with Policy DM10 of the SADMP, and the Good Design Guide.

Impact upon Residential Amenity

- 8.26 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.
- 8.27 Policy DM10(a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.

- 8.28 The Good Design Guide requires the way buildings to relate to each other, and their orientation and separation distances, to provide and protect acceptable levels of amenity.
- 8.29 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.
- 8.30 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."*
- 8.31 Notwithstanding this, these separation distances are the minimum standards that are required, and every application will be assessed on its own merits depending on the individual characteristics of the site such as orientation, ground levels, window positions, garden size, and shape.
- 8.32 There are no residential properties to the northwest of the application site. Although there is an area of land to the west of the site that it utilised as residential garden, this garden area is distinct from the main garden area of the neighbouring property. In addition, whilst the window of Bedroom 2 on the first floor of the western side elevation of the scheme faces this area of land, the distance between this window and the western boundary of the site is 12.7m, which shall be further separated by new tree planting, which is secured within Tree Preservation Order application 24/00201/TPO, and can be secured via a planning condition within this application. Therefore, this development is not considered to result in any significant harm to the residential amenity of the neighbouring property with access to this land to the west of the site.
- 8.33 Due to the massing of the development, and the use of opaque glazing on the windows on the northern elevation of the development, and the distance of the scheme from the properties to the north, the proposal is unlikely to result in any significant harm to the residential amenity of the properties along Ashby Road.
- 8.34 Furthermore, due to the size, scale, massing, siting, and orientation of the development, and the neighbouring properties, and the distance between them beyond the private driveway, the proposal is not considered to result in any significant harm to the residential amenity of 53 Sunnyside, nor 7 Beatty Close.
- 8.35 2 Hangman's Lane is adjacent to the eastern boundary of the application site and features two windows on this western side elevation for the lounge and the kitchen respectively. Notwithstanding this, it is noted that these two windows are not principal windows to the habitable rooms. Furthermore, although there is a proposed window on the eastern side elevation of the scheme for the master bedroom, this is not a principal habitable window, and this can opaque glazed via planning condition.

- 8.36 Therefore, as a blank side elevation, there is a minimum separation distance of 12.5m to these two windows from the eastern side elevation of the development, which increases to a minimum of 16.2m for the higher, one-and-a-half-storey elements of the scheme. These separation distances are in accordance with the Good Design Guide.
- 8.37 It is also noted that the concrete and timber fencing between the sites is existing and shall remain unchanged. Therefore, this boundary treatment is unlikely to result in any significant harm to the neighbouring property. In light of above, it is considered that the scheme does not result in any significant harm to the neighbouring residential amenity of 2 Hangman's Lane.
- 8.38 To support the residential amenity of future occupiers of the scheme, one of the aims of Section 4 (New Residential Development) within The Good Design Guide is to ensure that new residential development exceeds the internal space standards set by the Technical Housing Standards (THS) (2015) wherever possible.
- 8.39 Proposals for four-bedroom, two-storey dwellings should provide a minimum of 97sqm of floor space and 3sqm of built-in storage in accordance with the Technical Housing Standards (THS).
- 8.40 The scheme provides 168.4sqm of floor space and 4.7sqm of in-built storage for the dwelling, which exceeds the requirements of the THS.
- 8.41 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.
- 8.42 All bedrooms within the proposal are considered to comply with the requirements of the THS.
- 8.43 To comply with the Good Design Guide, four-bedroom houses must also provide a minimum of 80sqm of private outdoor amenity space with a minimum length of 7m.
- 8.44 The development is provided with a private rear amenity space that exceeds the requirements of the Good Design Guide.
- 8.45 By virtue of these factors, the proposal is not considered to result in any significant adverse impacts to the residential amenity of neighbouring properties, nor the future occupants of the scheme. Therefore, the proposal is considered to be in accordance with Policy DM10 of the SADMP and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.46 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.
- 8.47 Ultimately, development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, in accordance with Paragraph 115 of the NPPF.
- 8.48 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)).
- 8.49 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.50 Paragraph 3.151 (Quantum) of Part 3 of the LHDG requires three off-street vehicle parking spaces for four-bedroom dwellings. Paragraph 3.165 (Dimensions) of Part 3 of the LHDG requires minimum parking sizes to be 2.4m x 5.5m, and an additional 0.5m in width is required the parking space is bounded by a wall, fence, hedge, line of trees or other similar obstructions on one side. This width increases to 1m if the parking space is bounded on both sides.
- 8.51 The scheme provides three off-street parking spaces and turning facilities for these spaces. These facilities are considered to be compliant with Paragraph 3.165 of Part 3 of the LHDG.
- 8.52 The development has an effective access width of 5m, which is almost double the required minimum effective width highlighted within Figure DG17 of Part 3 of the LHDG. In addition, the scheme benefits from 1m x 1m pedestrian visibility splays in accordance with Figure DG17 of Part 3 of the LHDG. Through discussions with the Local Highway Authority, it has been confirmed that the vehicular visibility splays for the scheme are also acceptable.
- 8.53 Given the above, the proposal is not considered to create an unacceptable impact on highway safety or the road network. Therefore, the scheme is regarded as in accordance with Policies DM17 and DM18 of the SADMP, 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:

- First Floor Plan (submitted: 25.03.2024)
- Ground Floor Plan and Elevations (submitted: 25.03.2024)
- Proposed Site Plan 3215-2 -3B (submitted: 10.06.2024)

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. No development shall take place until a Biodiversity Enhancement Scheme has been submitted to, and approved in writing by, the Local Planning Authority. Enhancements should include, but is not limited to, a native planting scheme, at least one woodcrete/integrated bat box, two woodcrete/integrated bird boxes, and their make/model and locations. Any enhancement measures need to be shown on all relevant submitted plans. All works are to proceed strictly in accordance with the approved scheme.

Reason: In order to protect the protected wildlife species and their habitats that are known to exist on site to accord with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. The development hereby permitted shall not be brought into use until a scheme of hard and soft landscaping works, including boundary treatments, for the site including an implementation scheme, has been submitted in writing to, and approved in writing by, the Local Planning Authority. The scheme shall be carried out in full accordance with the approved landscaping scheme. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period, any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

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).

5. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Proposed Site Plan 3215-2 -3B (submitted: 10.06.2024) have been implemented in full and thereafter maintained in perpetuity.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of

general highway safety and in accordance with the National Planning Policy Framework (December 2023).

6. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 43 metres to the southeast of the access have been provided at the site access, and vehicular visibility splays of 2.4 metres by 25 metres to the northwest of the access 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 the National Planning Policy Framework (December 2023).

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 3215-2 -3B (submitted: 10.06.2024). Thereafter the onsite parking (and turning) provision shall be kept available for such uses in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (December 2023).

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

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

9. 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).

10. 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, nor shall any be erected within a distance of 5 metres of the highway boundary unless hung to open away from the highway.

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

11. The window on the southern side elevation of the development that is utilised as a secondary window to the Master Bedroom, and the window for the Bathroom on the first floor of the north-eastern side elevation shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale and non-openable. 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. Surface water should be managed by sustainable methods, preferably those which disperse runoff by infiltration into the ground strata: i.e. soakaways, pervious paving, filter drains, swales, etc., and the minimisation of paved area, subject to satisfactory porosity test results and the site being free from a contaminated ground legacy. If the ground strata are insufficiently permeable to avoid discharging some surface water off-site, flow attenuation methods should be employed, either alone or in combination with infiltration systems and/or rainwater harvesting systems.
3. 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).

4. Nesting birds are protected under the Wildlife & Countryside Act 1981) as amended); therefore, all removal of trees, shrubs, and hedges should take place outside the breeding season (March to August inclusive) unless carefully checked beforehand by a suitably qualified person.