

Planning Committee 28 August 2018
Report of the Interim Head of Planning

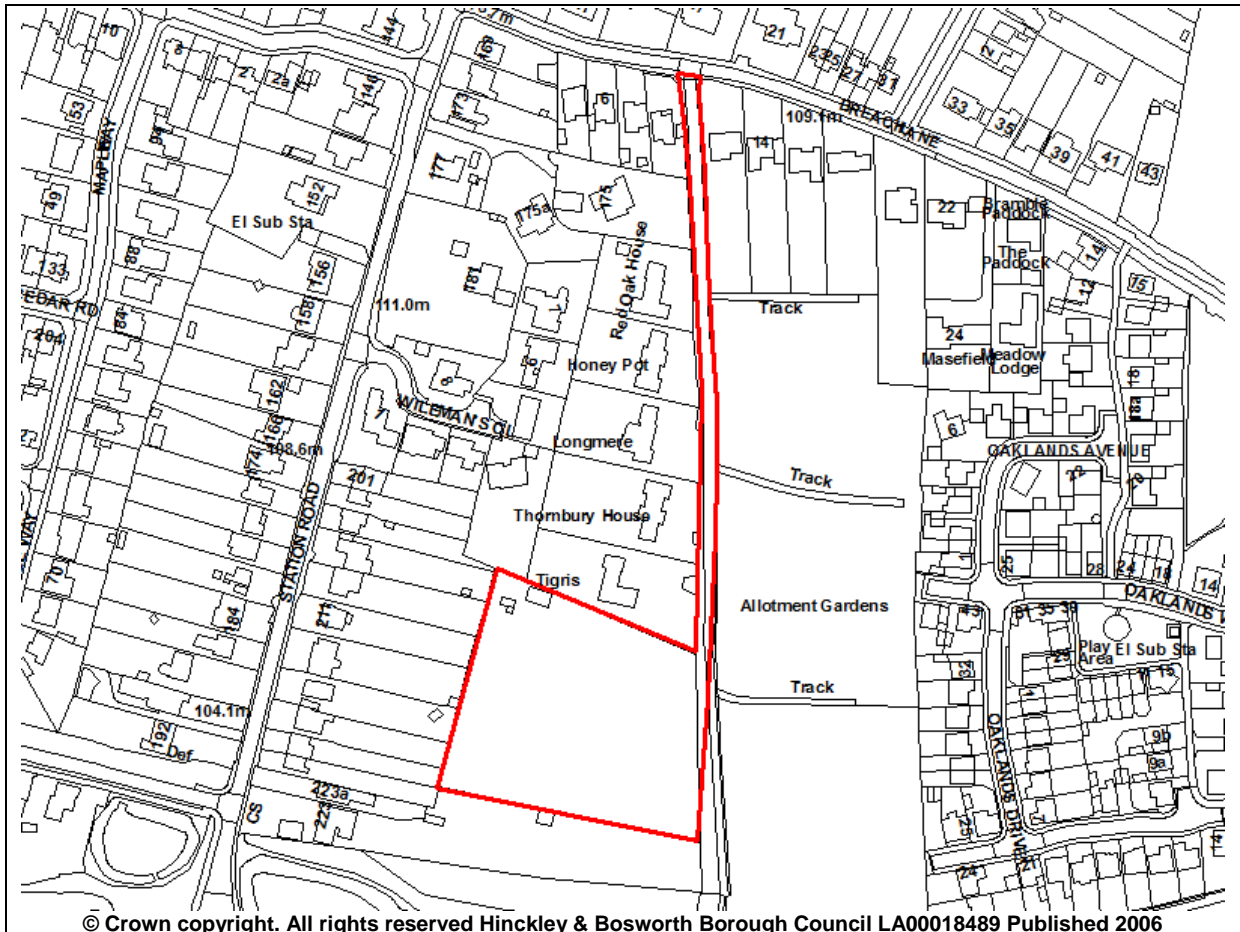


Hinckley & Bosworth
Borough Council

Planning Ref: 18/00530/OUT
Applicant: Mr James Hudson
Ward: Earl Shilton

Site: Land West Of Breach Lane Earl Shilton

Proposal: Erection of three dwellings (Outline - access only)



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.
- The completion of a Unilateral Undertaking to secure play and open space contributions and any other CIL compliant obligations if the gross floor space of the resulting dwellings exceed 1000m²

1.2. That the Interim Head of Planning be given powers to determine the final detail of planning conditions.

2. Planning Application Description

- 2.1. This application seeks outline planning permission for the erection of three dwellings with all matters reserved, except for access. A plan has been submitted as part of this application to indicatively illustrate that the site could accommodate three dwellings.
- 2.2. The site would be accessed via a private road from Breach Lane, Earl Shilton, which is a single width track.

3. Description of the Site and Surrounding Area

- 3.1. The application site is situated outside the settlement boundary of Earl Shilton, to the south of existing dwellings along Breach Lane and to the rear of dwellings situated along Station Road, Earl Shilton.
- 3.2. The site is accessed via an un-adopted carriageway off the public highway of Breach Lane to the north. The area within which the application site is situated is characterised by ribbon development with frontages of housing facing east towards the access and the allotments situated on the opposite side of access road. The dwellings occupy large plots set back from the access and comprise of detached dwellings with a range of designs and finishes.
- 3.3. The site is accessible from an un-adopted access, off Breach Lane. Part of the access located to the north towards Breach Lane would be located within the settlement boundary, however the application site and access into the site is located outside the defined settlement boundary.

4. Relevant Planning History

17/00532/OUT	Erection of five dwellings (Outline - access only)	Withdrawn	10.08.2017
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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 was displayed in the local press. During the course of the application 6 objections from separate addresses have been received, 2 letters were received in support.
- 5.2. The objections raise the following issues:-
 - 1) The existing access is a narrow single track lane, and already over loaded by cars serving the allotments and existing residents
 - 2) The lane is heavily used by dog and leisure walkers throughout the year, and there is no footpath to allow safe passage.
 - 3) Building dwellings with parking for up to 18 cars, doubtful the proposal is therefore for 3 houses. Also represents a considerable amount of additional vehicles.
 - 4) Given the narrow single track nature of the existing lane car users use private driveways as passing places.
 - 5) During the summer months the access becomes busy due to the allotments being worked.
 - 6) Lorries for the proposed development may struggle to access the site when cars are parked.
 - 7) There is an existing management fund to maintain the road which was set up 15 years ago, to keep the tarmac and pipes maintained.
 - 8) There are potential sewerage problems as the existing properties can not be directly connected to main drainage and have to be pumped up the road by their own pumping station.

- 9) The proposed area is designated countryside and the Borough has a 5 year supply of housing, there is clearly no need for additional housing, especially which isn't building land.
- 10) Drainage around Station Road and Breach Lane is a problem which surface water and additional building could affect.
- 11) The development would increase the amount of traffic travelling adjacent to existing housings and fence lines.
- 12) The current width of the access was originally constructed to support five dwellings.
- 13) Condition should be sought for damages to adjoining neighbours during construction phases to restore any damages like for like or better replacements. Developers should be held accountable.
- 14) There would be unsociable delivery hours and noise of vehicles reversing due to the unavailability of turning space at the bottom of the access.
- 15) Previous development attracted undesirable elements during darkness, and required 24 hour CCTV.
- 16) Earl Shilton is in short supply of green space and to use this pocket of lane would be a short-sighted decision.
- 17) The footpath, wildlife and trees will be overridden by development of housing.
- 18) The site is said to be in a 'dip' and therefore visually less intrusive, however the dwellings along Station Road rise up from the site and therefore the visual impact of the proposed development would be very intrusive.
- 19) The owner has cut back hedgerows and a tree on site.
- 20) There is a soakaway which runs from the properties at Station Road into the paddock and an existing stream is present along the rear of the properties.
- 21) Station Road is already used as a rat run, and this would exacerbate this.
- 22) The site was identified within the SHLAA as being development in 2014, but the site falls outside of the deemed settlement boundary of the SADMP.
- 23) The application states that precedents have been set locally for granting of planning permission on open countryside, however continuing to replicate this exceptional permission to build on land set as open countryside would make a mockery of the councils work setting out the plans for the next 10years.
- 24) The proposed development would be contrary to the 6Cs design guide.
- 25) The proposal does not fall within one of the acceptable development categories identified in Policy DM4.
- 26) The traffic survey is not representative of the situation at peak times.
- 27) Entrance has limited visibility in both directions. The position of the telegraph pole obstructs view.
- 28) The owner would have to approach residents of Breach Lane to secure the purchase of land to enable them to put the required road in and any upgrades.
- 29) Impact upon Ecology
- 30) The proposed development would devalue property.
- 31) Robust landscaping scheme should be required should permission be granted.
- 32) The applicant claims the site can not be used by horses, however up until recently (4 years) the site has been used as a paddock. No reason for not being used as paddock.
- 33) This section of Breach Lane is regularly used by horses to access lengthy bridle paths.
- 34) Approving this development would set a precedent
- 35) The addition of three dwellings would increase the traffic and cause an unsafe environment for all users of the lane, increasing the use of the land by at least 10 additional cars.

5.3. Two letters have been received making the following representations:-

- 1) Would develop the lane onto the bypass and supplement the housing on Masefield Drive estate at the rear of the allotments. The lane has already been used for access to the building yard at the bottom of the land and previously provided access to the bungalow which is not cut off by the bypass.

6. Consultation

6.1. No objections, some subject to conditions, have been received from:-

HBBC Waste Services
HBBC Environmental Health (Drainage)
HBBC Environmental Health (Pollution)
Leicestershire County Council (Highways)
Leicestershire County Council (Ecology)

6.2. No response has been received from:-

Severn Trent Water
Earl Shilton Town Council

7. Policy

7.1. Core Strategy (2009)

- Policy 2: Development in Earl Shilton
- Policy 19: Green Space and Play Provision

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
- Policy DM19: Existing Employment Sites

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2018)
- Planning Practice Guidance (PPG)

7.4. Other relevant guidance

- Housing and Economic Development Needs Assessment
- Earl Shilton and Barwell Area Action Plan (AAP)
- Open Space and Recreation Study (2016)

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
- Drainage
- Pollution
- Impact upon ecology
- Other matters
- Other material considerations

Assessment against strategic planning policies

- 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. Paragraph 2 of the NPPF also identifies that the NPPF is a material planning consideration in planning decisions. Paragraph 12 of the NPPF states 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.
- 8.3. The development plan in this instance consists of the Core Strategy (2009), Earl Shilton and Barwell Area Action Plan (2014) and the Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016).
- 8.4. The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough.
- 8.5. As of the 20 July 2018, following the publication of the Inspector's appeal decision on 'Land east of The Common, Barwell' (Appeal reference APP/K2420/W/17/3188948) the Council is currently able to demonstrate a 5.5 years housing land supply (reduced from 5.74 years). However, the development plan policies relating to the supply of housing are now considered to be out-of-date and therefore the presumption in favour of sustainable development within paragraph 11 of the NPPF (2018) is triggered.
- 8.6. As the site is situated outside the defined settlement boundary of Earl Shilton which is situated along the north boundary of the application site and travels south along its west facing boundary. Policy DM4 of the SADMP is therefore applicable and 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;
- 8.7. The site does not fall under any of the categories identified in DM4 as sustainable development and there is a clear conflict therefore between the proposed development and the policy. This issue will need to be carefully weighed in the

planning balance along with the detailed assessment of the other relevant planning considerations in this case.

Design and impact upon the character of the area

- 8.8. 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.
- 8.9. 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. It should be noted that as the development is not considered to be sustainable development in the countryside in accordance with the first part of Policy DM4, any harm to the intrinsic value, beauty, open character and landscape character of the countryside would therefore be unjustified.
- 8.10. Objections to the application have been received on the grounds that the proposal would be detrimental to the character of the area.
- 8.11. The application site is located to the south of existing residential dwellings, along an access off Breach Lane Earl Shilton. The land immediately surrounding the application site comprises of a mix of large detached dwellings along the west side of the Breach Lane access, the rear gardens of the dwellings to the west of application site along Station Road, and allotment land to the east. The application site comprises of an undeveloped paddock with the exception of a small stable block building. The existing boundary treatment comprises of mature trees and hedgerow which shields it from view within the street scene. The track serving the land and existing properties narrows as it extends towards the application site entrance.
- 8.12. The indicative layout, demonstrates that three dwellings could be situated in a linear formation with a staggered building line. The indicative layout proposes 3 dwellings which have a similar footprint to those dwellings situated to the north of the application site, with rear gardens extending west to meet the rear gardens of those along Station Road. A single point of access to the three dwellings is proposed, the existing access would be replaced with native hedge species and the new access located north of the existing.
- 8.13. The proposed development based on the indicative layout seeks to extend the existing pattern of linear development along Breach Lane. The building of dwellings, along a road, especially which leads out of a town or village, is deemed as ribbon development, and Policy DM4 of the SADMP seeks to resist such development. Breach Lane, is not a main road, nor vehicle thoroughfare out of the town, however it does provide pedestrian access south to Clickers Way by pass and the countryside beyond. To the south of Breach Lane, the Clickers Way bypass runs east to west and encloses the south of Earl Shilton, and severs the application site from the wider countryside. To the west of the application site, dwellings along Station Road extend up to the boundary of Clickers Way and beyond the allotments to the east; the Masefield Drive development. Although the development would exacerbate ribbon development along Breach Lane and is situated outside the settlement and therefore within the countryside, the development of this land would not result in significant adverse harm given the surrounding built form, and its close relationship with the immediately adjoining neighbouring settlement boundary. The positioning of Clickers Way by pass in this instance having regard to the

surrounding built form, ensures that the perceived separation between the settlement and the wider countryside is observed and maintained.

- 8.14. Should this application be approved, any reserved matters application, should seek to ensure that any hard surfacing is limited to what is necessary, in addition it should incorporate a landscaping scheme which strengthens the existing hedgerow to the east. Any dwellings should also be limited to two storeys in height to reflect the wider character of the area.
- 8.15. In summary, the proposed development of 3 dwellings would not result in a significant adverse impact upon the character and landscape character of this area of countryside, having regard to the wider pattern of development, although the proposal would exacerbate ribbon development, it is not considered to be harmful in this instance for the reasons set out above, the proposal is therefore in accordance with Policy DM4 and DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.16. Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighbouring properties.
- 8.17. As this application is outline with the only matter for consideration at this time being access, details such as scale, layout, appearance and landscaping would be considered at a later date and any reserved matters application would be required to demonstrate that the impact of the proposal would not be adverse in terms of impact on existing and proposed residential amenity.
- 8.18. The nearest neighbouring dwelling is Tigris, Breach Lane, which is situated to the north of the application site. Tigris is a two storey detached dwelling with a south facing side gable looking towards the application site. The indicative layout plan demonstrates that, subject to design and appropriate positioning of windows, the proposed siting of three dwellings would not result in any significant overbearing impacts, overshadowing or loss of privacy to this neighbour.
- 8.19. To the west of the application site the rear gardens of dwellings No.207 to 219 Station Road, Earl Shilton, back onto the application site. The rear garden depths of these properties are in excess of 40 metres and therefore given this significant distance this proposal would not result in any loss of amenity to these properties.
- 8.20. Therefore subject to siting, design and landscaping being considered with any subsequent reserved matter application, the proposal would be considered to be in accordance with Policy DM10 of the SADMP in terms of residential amenity.

Impact upon highway safety

- 8.21. Policy DM17 of the SADMP states that all new development should in be accordance with the highway design standards. Policy DM18 ensures that development provides appropriate parking provision.
- 8.22. Objections have been received on the grounds of adverse impacts on highway and pedestrian safety as a result of the constrained nature of the un-adopted highway and the increased traffic movements along this stretch of Breach Lane.
- 8.23. This section of Breach Lane, Earl Shilton is an un-adopted single width carriage way, and the proposed development site would be situated approximately 200 metres to the south of the publically maintained highway.
- 8.24. Leicestershire County Council (Highways) advises that their concerns with the development relate to how the development may interrelate to traffic on the adopted highway. Having considered the application improvements to the junction of the private part of Breach Lane with the publicly maintainable part is required to be

upgraded, to allow passing, however due to the limited number of dwellings proposed, Highway Authority do not deem it necessary that passing places is required along the private road.

- 8.25. It is considered that the residual cumulative impacts of development can be mitigated and would not be considered severe in accordance with Paragraph 32 of the NPPF and the proposal is in accordance with Policies DM17 and DM18 of the SADMP.

Drainage

- 8.26. Policy DM7 of the SADMP seeks to ensure that development does not exacerbate or create flooding.
- 8.27. Objections have been received on the grounds that the development would result in flooding from an increase in surface water run-off (from additional hard surfacing and natural springs) on this elevated land.
- 8.28. The Environment Agency flood maps identify the site as being located within flood zone 1 and do not highlight any concerns relating to surface water flooding. No evidence has been provided to demonstrate that the proposed dwellings would adversely impact on flood risk. However, it is considered reasonable to require drainage details to be provided through a condition to ensure surface water is being discharged incorporating sustainable urban drainage. It is considered that the development would be in accordance with Policy DM7 of the SADMP.

Pollution

- 8.29. Policy DM7 of the adopted SADMP seeks to prevent adverse impacts from all forms of pollution.
- 8.30. HBBC Environmental Health (Pollution) have not objected to the proposal subject to a scheme of investigation being carried out on site to determine any land contamination issues, and if contamination is found, the carrying out of remediation works as required.
- 8.31. It has been requested by Environmental Health (Pollution) that a condition be included requesting provision of a land contamination report. Due to the past agricultural activities that have taken place within the site and the potential risk of contamination it is considered that this condition is reasonable and necessary to the development of the land to residential.

Impact upon Ecology

- 8.32. Policy DM6 of the SADMP states that major developments must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services. On-site features should be retained, buffered and managed favourably to maintain their ecological value, connectivity and functionality in the long-term.
- 8.33. Leicestershire County Council (Ecology) have been consulted on the application, and considers that due to the grassland having been overgrazed it is therefore unlikely to be species rich. The existing stable building on site, has an open roof space and constructed in the 90s and therefore fall outside the scope of requiring a bat survey. Therefore Leicestershire County Council (Ecology) has no objection to the proposed development. Accordingly the proposed development would comply with Policy DM6 of the SADMP.

Other matters

- 8.34. Policy DM3 of the adopted SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of

additional development on community services and facilities. To support the provision of mixed, sustainable communities. Policy 19 of the adopted Core Strategy seeks to address existing deficiencies in the quality, quantity and accessibility of green space and children’s play provision within settlements.

- 8.35. However, Paragraph: 031 Reference ID: 23b-031-20160519 of the Planning Practice Guidance, which is a material consideration, notes that tariff style planning obligations should not be sought for developments of 10 units or less and which have a maximum combined gross floor space of no more than 1000 square metres.
- 8.36. The submitted indicative floor plan, identifies that the proposed dwellings would have a combined gross floor space in excess of 1000 square metres, and therefore the following contribution from the development would be sought.
- 8.37. The proposed development seeks to erect three large dwelling, with all matters reserved except for access, and therefore the resultant gross floor space of the dwellings proposed can not be calculated. Therefore in this instance it is necessary to secure a Unilateral Undertaking to ensure that should the proposed dwellings result in gross floor space in excess of 1000m2 the Local Planning Authority are able to secure contributions towards play and open space, in accordance with Policy 2 and 19 of the Core Strategy and Policy DM3 of the SADMP.
- 8.38. A proposal which would result in the gross floor space of 1000m2 would need to provide green space and play provision using the quantity standards outlined in Core Strategy 19. The overall provision is dependant upon the number of dwellings to be provided on site. To ensure that the development is in accordance with Policy 19 of the Core Strategy if the full on-site green space and play provision is not provided contributions towards the off-site provision and maintenance of open space will be requested through a Section 106 legal agreement. For clarity, the quantity required is broken down per dwelling and the provision and maintenance figures per square metre. The contributions sought will therefore be based upon the table below:

	Provision per dwelling (Based upon 2.4 people per dwelling taken from the Census)	Off site provision per square metre	Maintenance contribution per square metre (10 Year Maintenance)
Equipped Children Play Space	3.6sqm	£181.93	£87.80
Casual/Informal Play Spaces	16.8sqm	£4.44	£5.40
Outdoor Sports Provision	38.4sqm	£9.05	£4.30
Accessibility Natural Green Space	40spm	£4.09	£7.10

- 8.39. The application site is located within 400 metres of Jubilee Drive, which provides amenity space and children play space. The quality score Jubilee Drive is 68% within the Open Space and Recreation Study 2016, which is below the 80% quality target score. It is considered that the future occupiers would use the facilities of this site. Core Strategy 19 and the open space recreation study seeks that provision for

children should be within a catchment area of 400 metres and Provision for young people within a catchment of 500 metres from the application site. Within 500 metres of the application site, is Maple Way, which provides space for young people, which has a quality score of 74%, which is below target score of 80%. As such the proposed development would attract the following contributions:-

	Provision per dwelling (2.4 people per dwelling)	Number of dwellings	Sqm to be provided	Off site provision per square metre	Provision Contribution	Maintenance contribution per square metre	Maintenance contribution
Equipped Children's Play Space	3.6	3	10.8	£181.93	£1,964.84	£87.80	£948.24
Casual/ Informal Play Spaces	16.8	3	50.4	£4.44	£223.78	£5.40	£272.16
Outdoor Sports Provision	38.4	3	115.2	£9.05	£1,042.56	£4.30	£495.36
Accessibility Natural Green	40		0	£4.09	£0.00	£7.10	£0.00
			Provision total		£3,231.18	Maintenance total	£1,715.76

8.40. The contribution of £4,946.94 is considered reasonable in mitigating the impact of the proposed development upon the existing facilities and/or maintaining the green space and play provision provided on site. Therefore should an application which proposes dwellings which would result in a gross floorspace of 1000m² the above contributions would be deemed necessary and reasonable, in addition to and any other CIL compliant obligations which are considered as necessary.

Whether on balance the development would be sustainable

8.41. The NPPF is a material consideration in determining applications. Paragraph 11 of the NPPF (2018) identifies that plans and decisions should apply a presumption in favour of sustainable development, and for decision taking this means approving development proposals that accord with an up to date development plan. As previously identified following the publication of the Inspector's Report on 'Land East of the The Common Barwell' (Ref: APP/K2420/W/17/3188948) on the 20 July 2018, whilst the Council is able to demonstrate a housing land supply of 5.5 years housing land supply, it was found that the policies relating to the supply of housing are now considered out of date and therefore the presumption in favour of sustainable development within paragraph 11 of the NPPF (2018) is triggered.

8.42. Paragraph 8 of the NPPF states that sustainable development has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. The assessment of the three dimensions relative to this proposal are as follows:

8.43. Economic – The scheme would provide limited benefits to the local economy through the creation of jobs and demand for services and materials for the construction of the development itself and from the future occupation of the development supporting businesses in the wider rural area.

8.44. Social – The scheme would provide a small contribution to the overall housing supply within the Borough through the provision of three new dwellings. The

proposal would however provide dwellings in an area where there is no additional housing allocation outside the defined settlement boundary of Earl Shilton other than the proposed Sustainable Urban Extension to the south of the settlement boundary.

- 8.45. Environmental - Although the proposal is situated outside the settlement boundary, it is immediately adjacent to it, and not in an isolated position, with development positioned to the east and west of the site. The development would be in close proximity to the local services of Earl Shilton, given the positioning of the site in relation to the wider area the proposal would not result in a significant adverse impact upon the countryside.
- 8.46. The proposed development would not result in any adverse impacts which would significantly and demonstrably outweigh the benefits, when assessed against the NPPF.

Other matters

- 8.47. Objections have been received in respect of precedent setting; all applications are considered on their individual merits, and therefore this application would not set a precedent for development in the wider Borough.
- 8.48. Comments have been received in respect of the ownership of the private drive and its funding. Land ownership is a civil matter, however as part of this application, the owner has provided the land registry details as there is no titled owner of the road and therefore served notice within the local paper to ensure all interested parties are notified of the proposal. However should permission be granted it would be a civil matter to ascertain ownership to implement any permission.

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 in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 9.3. There are no known equality implications arising directly from this development.

10. Conclusion

- 10.1. The proposal seeks development of the existing land for the erection of three dwellings. The site is currently a grassed paddock area, and situated outside but immediately adjacent to the defined settlement boundary of Earl Shilton, and therefore would not accord with Policy DM4 of the SADMP.
- 10.2. However although the application site is considered to be countryside, given the surrounding development and the character of the area, the land is not interpreted as countryside, nor an area of physical and perceived separation. Therefore having regard to the NPPF and the fact that policies relating to the supply of housing are

now out of date, following the publication of the Inspector's Report on Land East of The Common Barwell (Ref: APP/K2420/W/17/3188948) on the 20 July 2018, paragraph 11 of the NPPF is triggered, and therefore the presumption in favour of sustainable development is triggered, and in this instance the provision of three houses on this site would not result in a significantly and demonstrably adverse impact which would outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

- 10.3. In addition, the proposal would not have any significant adverse impacts upon residential amenity, or on vehicular or pedestrian safety and Ecology, and subject to conditions would not result in any adverse impact upon drainage and Pollution. It is considered that the proposed development is in accordance with Policies DM1, DM4, DM7, DM10, DM17 and DM18 of the SADMP and paragraph 11 of the NPPF.
- 10.4. Having regard to Policy DM1 of the SADMP, presumption in favour of sustainable development, and taking into account the relevant Development Plan policies and material planning considerations, it is considered, on balance, that the proposed development constitutes sustainable development. This outline application is therefore recommended for approval subject to conditions.

11. Recommendation

11.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.
- The completion of a Unilateral Undertaking to secure play and open space contributions and any other CIL compliant obligations if the gross floor space of the resulting dwellings exceed 1000m²

11.2. That the Interim Head of Planning be given powers to determine the final detail of planning conditions.

11.3. 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 51 of the Planning and Compulsory Purchase Act 2004.

2. Approval of the following details (hereinafter called "reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced:
 - a) The layout of the site including the way in which buildings, routes and open spaces are provided and the relationship of these buildings and spaces outside the development;
 - b) The scale of each building proposed in relation to its surroundings;
 - c) The appearance of the development including the aspects of a building or place that determine the visual impression it makes;
 - d) The landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard and soft measures.

The development shall be implemented in accordance with the approved details. There shall be no amendments or variations to the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: This planning permission is submitted in outline form only and the reserved matters are required to be submitted in accordance with the requirements of Part 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2010.

- 3 The development hereby permitted shall not be carried out other than in complete accordance with site location plan Dwg No. 3239 Rev B and Block Plan Dwg No.3239 Rev A received on the 29 May 2018.

Reason: To ensure a satisfactory impact of the development to accord with Policy DM1 of the adopted Site Allocations and Development Management Policies DPD.

4. Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings shall be deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

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

5. No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the local planning authority. The development shall then be implemented in accordance with approved proposed ground levels and finished floor levels.

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

6. No development shall commence until a scheme for the investigation of any potential land contamination on the site has first been submitted to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with and a period of implementation. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out in accordance with the agreed implementation period.

Reason: To ensure that risks from land contamination to future users of the site are minimised thus ensuring that the land is fit for purpose and to accord with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

7. 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 and implementation is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out in accordance with the agreed implementation period.

Reason: To ensure that risks from land contamination to future users of the site are minimised thus ensuring that the land is fit for purpose and to accord

with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

8. No development shall commence until surface water drainage details, incorporating sustainable drainage principles (SuDs) have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016).

9. Prior to occupation of any dwelling hereby approved, the proposed access off Breach Lane into the application site shall be completed in accordance with the details contained within the submitted Allan Joyce Architects Proposed layout drawing 05 Rev G, 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 highway safety to accord with Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document (2016).

10. Prior to development a scheme shall be submitted to the Local Planning Authority, detailing the design of the proposed off site highway works, which include the widening of the junction of the private drive with Breach Lane to create a carriageway width of 4.8 metres for a distance of 12 metres back from the carriageway of the publicly maintained/adopted section of Breach Lane. The proposed scheme shall be approved in writing by the Local Planning Authority and completed in accordance with the agreed details prior to first occupation of any dwelling hereby approved.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway to accord with Policy DM17 of the Site Allocations and Development Plan Document (2016).

11. No development shall commence until a Construction Transport Management Plan (TMP) is submitted to and approved in writing by the local planning authority. The plan shall set out details and schedule of works and measures to secure:-

- a) cleaning of site entrance, facilities for wheel washing, vehicle parking and turning facilities;
- b) On site construction traffic parking
- c) Details of the how the site will be accessed and measures to ensure the existing public and private highway condition is maintained and any required repair works upon completion of construction.
- c) details of the routes to be used to access the site, including measures to ensure the existing highway condition is maintained and any required repair works upon completion of construction.

Reason: To ensure the protection of neighbouring residential amenity during Construction and to ensure construction traffic does not cause a highway danger, to accord with Policies DM7 and DM17 of the Hinckley and Bosworth Site Allocations and Development Management Policies Development Plan Document 2014 .

12. No development shall take place until a scheme which makes adequate provision for waste and recycling storage of containers and collection across the site 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: In the interests of the amenity of future occupiers of the proposed development, to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD.

11.4. **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. Where soakaway drainage is initially proposed, the suitability of the ground strata for infiltration should be ascertained by means of the test described in BRE Digest 365, and the results submitted to the LPA and approved by the Building Control Surveyor before development is commenced. If the ground strata proves unsuitable for infiltration, alternative SuDS proposals will require the further approval of the LPA before this condition can be discharged.
3. This planning permission does NOT allow you to carry out access alterations in the highway. Before such work can begin, separate permits or agreements will be required under the Highways Act 1980 from the Infrastructure Planning team. You will be required to enter into a suitable legal agreement with the Highway Authority for the off-site highway works before development commences and detailed plans shall be submitted and approved in writing by the Highway Authority. The agreement must be signed and all fees paid and surety set in place before the highway works are commenced. Any street furniture, street lights or lining that requires relocation or alteration shall be carried out entirely at the expense of the applicant/developer, who shall first obtain the separate consent of the Highway Authority. For further information, including contact details, you are advised to visit the County Council website: - see Part 6 of the '6Cs Design Guide'.