

Planning Committee 10 October 2018
Report of the Interim Head of Planning

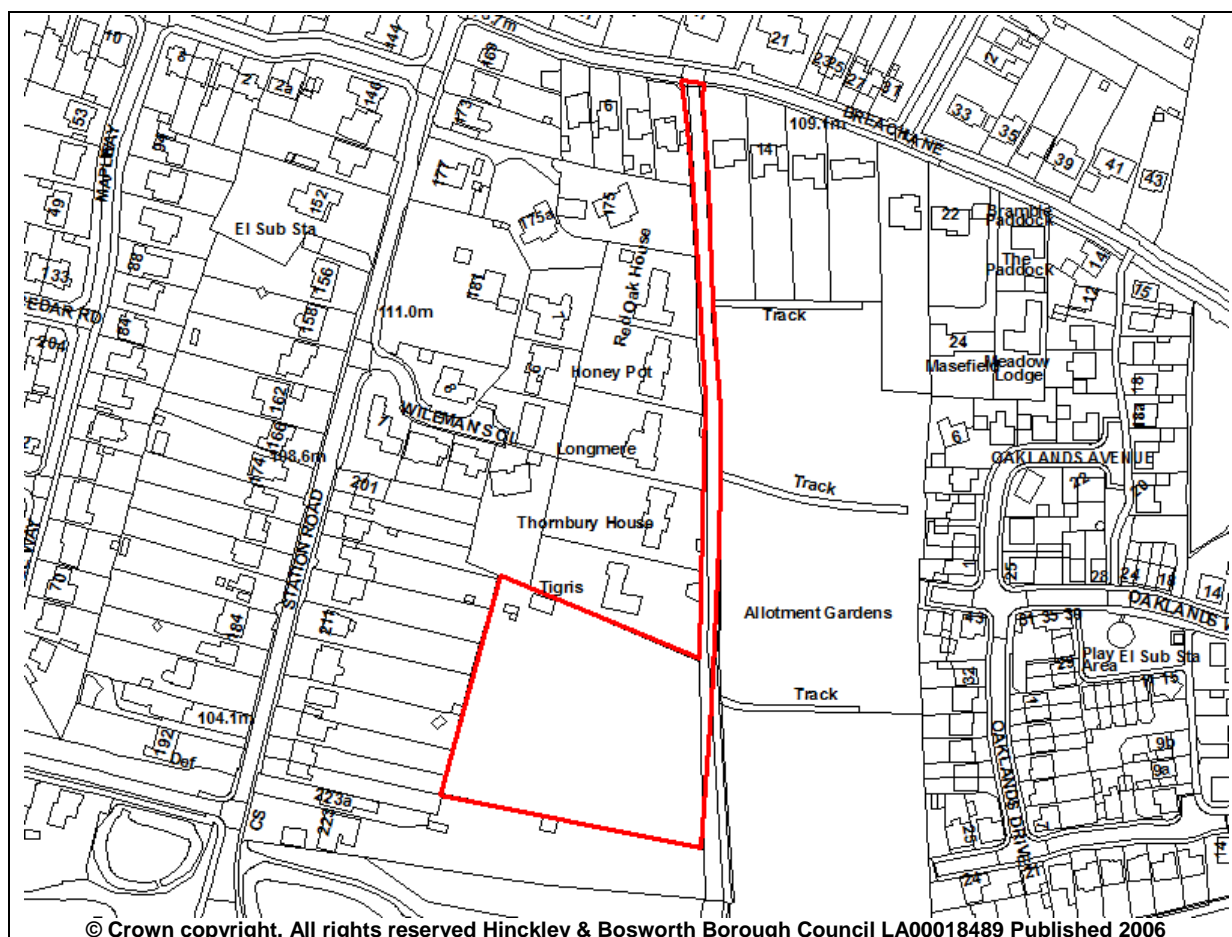


Hinckley & Bosworth
Borough Council

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. This application was taken to planning committee on the 28 August 2018. Notwithstanding the officer's recommendation that permission be granted, members were minded to refuse the application. The applicant does not propose to revise the scheme following the last committee, as the application is outline only with all matters reserved except for access, and therefore no amendments or revisions to the application have been submitted for consideration.
2. The assessment and recommendations to planning committee for this scheme have not altered from the previous report to committee. The original report to committee is attached as Appendix A.
3. The recommendation is to **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

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

4. **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.
 - d) 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.

4.4. 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'.