

**Planning Committee 20 November 2018  
Report of the Interim Head of Planning**

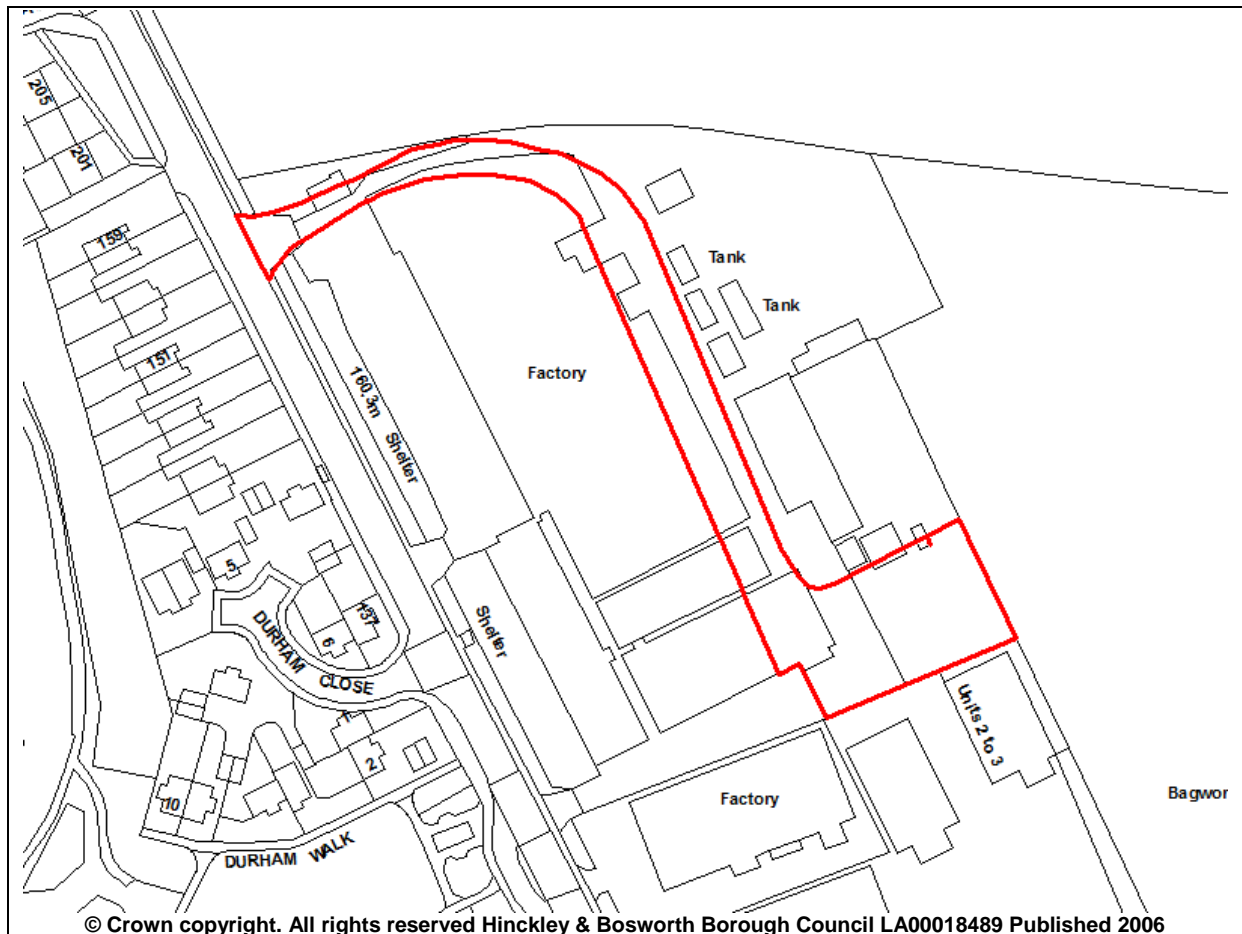


Hinckley & Bosworth  
Borough Council

**Planning Ref:** 18/00706/FUL  
**Applicant:** Mr Chris Loizou  
**Ward:** Ratby Bagworth And Thornton

**Site:** Dunlop Limited Station Road Bagworth

**Proposal:** Erection of 6 dwellings with associated parking and landscaping



**1. Recommendations**

**1.1. Grant planning permission** subject to

- The prior completion of a S106 agreement to secure the following obligations:
  - 100% affordable housing provision;
  - Primary education - £8, 301.06;
- Planning conditions outlined at the end of this report.

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

1.3. That the Interim Head of Planning and Development be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

## 2. Planning Application Description

- 2.1. This application seeks planning permission for the erection of 6 dwellings and associated infrastructure. The development proposes 100% affordable housing of a social rented tenure and comprises the following mix of dwellings
- 4 x 2 bedroom houses; and
  - 2 x 3 bedroom houses.
- 2.2. The layout of the scheme has been amended during the assessment of the application with the relocation of parking spaces (at the request of LCC Highways).
- 2.3. The scheme forms part of a larger (implemented) scheme for 61 dwellings approved under 17/00634/FUL.

## 3. Description of the Site and Surrounding Area

- 3.1. The application site is bounded by residential properties to the west facing Station Road and to the north and east are fields. Adjoining the southern end of the application site is an employment/industrial site.
- 3.2. The application site was previously used by Dunlop and land to the east comprising some woodland planting. The former Dunlop site was granted planning permission for 61 dwellings (100% Social Rented Tenure) under 17/00834/FUL and this scheme is currently under construction.

## 4. Relevant Planning History

10/00640/OUT	Mixed use development comprising up to 68 dwellings and employment (Use Classes B1c and B2) (Outline - access only).	Refused	02.12.2010
11/00063/OUT	Erection of up to 61 dwellings and 2800 square metres of employment floorspace (class b1) (outline - access and layout only)	Outline	28.04.2011
14/00426/OUT	Redevelopment of former factory for residential development and employment (B1 and B2) (outline - access only)	Permission	19.01.2016
17/00634/FUL	Demolition of existing industrial unit and erection of 61 dwellings	Permission	30.10.2017
86/00418/4	Retention of wooden storage building	Permission	03.06.1986

82/00964/4	Erection of single and two storey extension to factory building	Permission	25.01.1983
81/00692/4	Retention of wooden storage building	Permission	21.07.1981
74/00761/4	Retention of extensions to offices and mill room	Permission	29.10.1974

## 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.
- 5.2. Seven letters objecting to the application have been received; the comments are summarised as follows:
- 1) Loss of original commitment to provide employment opportunities
  - 2) The development will create a greater need for facilities including schools, doctor's surgeries, community facilities and parks
  - 3) Poor transport links
  - 4) Domination of affordable/social housing in the village
  - 5) Existing issues with cars speeding along Station Road
  - 6) No S106 Contributions were provided previously and unlikely to be any this time round

## 6. Consultation

- 6.1. No objection, some subject to conditions, has been received from the following:
- Leicestershire County Council (Highways)  
Leicestershire County Council (Ecology)  
Leicestershire County Council (Drainage)  
Leicestershire County Council (Education) request the £8,301.06 obligation for primary education  
Environmental Health  
Affordable Housing Officer  
Waste Services
- 6.2. Bagworth and Thornton Parish Council – object to the application because the development is not sustainable development for the following reasons:
- 1) There is an acute problem of educational provision for primary and secondary school places in the surrounding schools
  - 2) Due to the change to the previous application which resulted in the non contribution of S106 monies, which was estimated to be approximately £35,792, this further development would increase the strain on an already facilities lacking village
  - 3) With the addition of 61 dwellings already currently being built, Bagworth now has a total of approximately 690 dwellings. The settlement has no GP practice, supermarket, pharmacy, post office, library or dentist and has no significant employers. The development would therefore increase the existing pressure for car borne journeys to be made to access basic facilities and for work

## **Policy**

### 6.3. Core Strategy (2009)

- Policy 7: Key Rural Centres
- Policy 10: Key Rural Centres within the National Forest
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 19: Green Space and Play Provision
- Policy 21: National Forest

### 6.4. Site Allocations and Development Management Policies DPD (2016)

- Policy SA4: Former Dunlop Factory, Station Road, Bagworth
- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

### 6.5. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2012)
- Planning Practice Guidance (PPG)

## **7. Appraisal**

### 7.1. Key Issues

- Assessment against strategic planning policies
- Affordable housing
- Design and impact upon the character of the area
- Impact upon amenity
- Impact upon highway safety
- Flood risk and drainage
- Ecology
- Contamination
- Play and open space
- Planning obligations
- Viability
- Demolition and construction

#### Assessment against strategic planning policies

7.2. The application site is located within the settlement boundary of Bagworth and forms part of a designated mixed-use allocation.

7.3. Policy 7 of the Core Strategy identifies that to support the Key Rural Centres and ensure they can provide key services to their rural hinterland, the Council will support housing development within settlement boundaries that provides a mix of housing types and tenures as detailed in Policy 15 and Policy 16.

7.4. Policy 10 of the Core Strategy identifies that to create a new sense of place and improve the provision of local services the Council will allocate land for the development of a minimum of 60 new homes at Bagworth.

7.5. Policy SA4 of the SADMP states that development proposals for the site at the Former Dunlop Factory should ensure a mixed-use development which:

- Retains a minimum of 2,800sqm of B1/B2 employment floor space on site;
- Provides B1/B2 starter units of between 150-300sqm on site;
- Delivers a minimum of 61 dwellings with a housing density, mix and design in line with Core Strategy Policy 16; and
- Ensures the amenity of future occupiers of both residential and employment units would not be adversely affected in line with Policy DM10.

7.6. This application seeks planning permission for the erection of 6 additional dwellings taking the total number of dwellings on the site from 61 to 67. The number of dwellings would be in accordance with Policies 7 and 10 of the Core Strategy and Policy SA4 of the SADMP. Although this part of the site was excluded from the red lined site area within the 2017 application, it is currently used as the site offices/canteen facilities. The land does not form part of the allocated employment land.

7.7. The proposed development forms part of the allocation SA4 which seeks provision for B1 and B2 uses. The application site only forms part of the mixed-use allocation and retains sufficient land to the south which would be able to meet the employment needs as identified in Policy SA4.

7.8. The application is considered to be acceptable in-principle in accordance with Policies 7 and 10 of the Core Strategy and Policy SA4 of the SADMP, subject to an assessment of the impact of future occupiers made below, and satisfying all other relevant policies and material planning considerations.

#### Affordable Housing

7.9. Policy 15 of the Core Strategy states that to support the provision of mixed, sustainable communities, a minimum of 2090 affordable homes will be provided in the borough from 2006 to 2026. At least 480 dwellings will contribute to this target in rural areas. Policy 15 requires that for all sites, the tenure split will be 75% social rented and 25% intermediate housing. These figures may be negotiated on a site by site basis.

7.10. It has been identified that there are currently 939 applicants on the register for affordable dwellings, 14 of which have a connection to Bagworth. The Residential Land Availability Monitoring Statement for 1 April 2017 – 31 March 2018 identifies that since the start of the plan period to 31<sup>st</sup> March 2018, 1056 affordable dwellings have been provided. Therefore, the requirement to provide 2090 dwellings by 2026 is not on track to being met.

7.11. This development proposes an additional 6 dwellings on the site making a total of 67, all of which would be of a social rented tenure. Bagworth is a settlement which falls within the Protected Rural Areas in national guidance. This restricts the sale of shared ownership homes to 80% of the full market value, or obliges the Registered Provider to purchase the dwelling from the owner should they wish to sell the property. Such restriction makes it more difficult to obtain mortgages for the properties.

7.12. Whilst the tenure is not consistent with the 75% social rented and 25% intermediate housing split as set out in Policy 15, the Policy also states that figures can be negotiated on a site by site basis. In this case, the preferred option by the existing Registered Social Provider for this specific site is for 100% Social Rental and therefore is in accordance with Policy 15.

7.13. Since the site is in a rural area of the Borough, a cascade mechanism should be included within any Section 106 agreement to give preference in the first instance to applicants with a connection to the Parish of Bagworth and Thornton. If there are

surplus applicants from the parish the properties can be offered to people with a connection to the Borough of Hinckley and Bosworth.

- 7.14. The proposed development would make a further contribution towards meeting the identified affordable housing needs of the Borough over the plan period in accordance with Policy 15 of the Core Strategy.

Design and impact upon the character of the area

- 7.15. 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.
- 7.16. Policy 16 of the Core Strategy requires a mix of housing types and tenures to be provided taking into account the type of provision that is likely to be required.
- 7.17. Policy 21 of the Core Strategy seeks to support proposals that contribute to the delivery of the National Forest Strategy where the siting and scale of the proposed development is appropriately related to its setting within the Forest, the development respects the character and appearance of the wider countryside and the development does not adversely affect the existing facilities and working landscape of either the Forest or the wider countryside.
- 7.18. The proposed development comprises a mix of 2 and 3 bedroom houses which provides a mix of dwelling types to provide variation and meet the identified housing requirements.
- 7.19. The scheme follows through the original scheme with house types and materials to match those already approved. Car parking for each dwelling is also consistent with that already approved. The dwellings proposed are of a similar density and having regard to this, it is considered reasonable to remove permitted development rights for extensions, alterations to the roof and boundary treatments as per the previously approved scheme.
- 7.20. The proposed development would be in accordance with Policy DM10 of the SADMP and Policies 16 and 21 of the Core Strategy.

Impact upon amenity

- 7.21. Policy DM10 of the SADMP seeks to ensure that development proposals do not harm the amenity of neighbouring residential properties. Policy SA4 of the SADMP seeks to ensure the amenity of future occupiers of both residential and employment units would not be adversely affected in line with Policy DM10. Paragraph 182 of the NPPF seeks to ensure that where the operation of an existing business could have a significant adverse effect on new development in its vicinity, the applicant should be required to provide suitable mitigation before the development has been completed.
- 7.22. The proposed dwellings would form a coherent extension to the previously approved scheme. New dwellings are currently in construction to the north and to the west. There is sufficient space separation between the proposed dwellings with gardens of an appropriate length and those under construction and in this regard there will be no undue impact from overlooking or overshadowing.
- 7.23. Adjoining the southern side of the application site is a commercial site with two adjoining businesses; Pic-a-Chic and Presscut Components. The land immediately adjacent to the development (comprising Pic-a-Chic) forms part of the mixed use allocation and the employment uses are protected. Presscut Components which also abuts the site does not form part of the mixed use site. Operations and hours of operation are unrestricted.

- 7.24. Extensive discussions have been carried out in regard to potential impact to future occupiers of the proposed dwellings and the existing use of the commercial unit currently occupied by Pic-A-Chic. Mitigation measures have been put in place in regard to identified issues relating to noise and odour with the Councils Environmental Health Officers taking a pro-active role in the discussions and negotiations. The submitted Noise Impact Assessment has modelled the noise associated with commercial operations adjacent to the site, the findings of which state that all of the properties proposed will be exposed to noise levels above recommended internal noise levels. To militate against this, it is proposed to install double glazing and acoustic trickle ventilation in all plots to ensure that recommended noise levels are met. However, if a window is opened, the internal noise levels would not be met. To mitigate this, it is proposed to install mechanical ventilation. This would give the occupier the choice to either open the window and be exposed to noise or close the window and still be provided with ventilation. A condition is to be imposed in this regard.
- 7.25. An acoustic fence between 2 metres and 3.5 metres along the site boundary is also proposed and would be a continuation of the acoustic fencing approved under the previous application. The Environmental Health officer comments that *'it is predicted that with such a fence the external amenity space will not be exposed to significant noise levels. However, a small area adjacent to the side of plot 1 will be exposed to noise levels that are higher but should not cause significant impact'*.
- 7.26. Although recommended internal noise levels are not met, sufficient mitigation is recommended within the noise impact assessment to allow future occupiers to not be affected by a significant level of noise; and therefore there is no objection based on noise impact. Conditions requiring window and trickle ventilation specifications as detailed in the Noise impact Assessment along with the fence location, height and design to be submitted for further consideration are to be imposed. In addition, a fence maintenance plan was agreed on phase 1 of the development; and this is to also be applied to this development.
- 7.27. In regard to potential Odour issues emanating from Pic-A-chic, the odour assessment and modelling identifies that at times odour may be detected on the site but not at a level that would lead to significant impact. It is therefore for this reason that there are no objections to the application on odour impact grounds.
- 7.28. However, it is necessary to state that the odour assessment and modelling is only a prediction and as with all models there is uncertainty. Pic a Chic is a potentially odorous process; however they have undertaken significant mitigation works to reduce the odour emitted. If odour complaints are received then Environmental Health will be in a position where they would investigate and take appropriate enforcement action against Pic a Chic if a nuisance is determined. However, it must be noted that the new houses, will be situated in a mixed commercial/residential area and as such occupiers should not expect the same environment as those who live in a solely residential area. Given the above assessment, it is considered that the proposed development would provide an acceptable standard of amenity for the future occupiers and due to the proposed mitigation the proximity of residential dwellings to the commercial premises would not inhibit their operations. The proposed development is in accordance with Policies SA4 and DM10 of the SADMP and paragraph 182 of the NPPF.

#### Impact upon highway safety

- 7.29. Policy DM17 of the SADMP seeks to ensure new development would not have an adverse impact upon highway safety. Policy DM18 of the SADMP seeks to ensure parking provision appropriate to the type and location of the development.

- 7.30. This application does not propose any additional access onto Station Road and would be accessed via the previously approved internal road within the site which is to be adopted. The access is in the same position as the previously approved application.
- 7.31. Although some concern has been raised over speeding vehicles and illegal vehicles travelling along Station Road, illegal vehicles along Station Road are an existing issue and are not directly related to the proposed development.
- 7.32. The proposed development would not have an adverse impact on highway safety and would provide sufficient car parking to serve the occupiers. The proposed development is in accordance with Policies DM17 and DM18 of the SADMP.

#### Flood risk and drainage

- 7.33. Policy DM7 of the SADMP seeks to ensure that surface water and groundwater quality are not adversely impacted by new development and that it does not exacerbate flood risks.
- 7.34. A flood risk assessment and drainage strategy has been submitted with the application which demonstrates that all surface water drainage could be adequately discharged with the use of an attenuation pond to be located to the east of the application site. HBBC Environmental Health (Drainage) and Leicestershire County Council (as Local Lead Flood Authority) have raised no objection to the development subject to the submission of a detailed drainage scheme to be secured through the imposition of a planning condition.
- 7.35. It is considered that the proposed development would not adversely impact on water quality and would not create or exacerbate flood risk. The proposed development is in accordance with Policy DM7 of the SADMP.

#### Ecology

- 7.36. Policy DM6 of the SADMP requires development proposals to demonstrate how they conserve and enhance features of nature conservation.
- 7.37. An ecological Appraisal and subsequent Bat Emergence Survey have been submitted. The site is infrequently used by bats for foraging but there are no roosts on site. Additionally, no other protected species have been found to be present on the site. The hedgerow on the northern boundary of the site has ecological potential and should be retained and enhanced although it is identified as presently being species-poor. Leicestershire County Council (Ecology) has raised no objection to the application subject to the recommendations of the reports for ecological enhancements to be secured through a planning condition.
- 7.38. The proposed development would not result in the loss of features of biodiversity value. The proposed development is considered to be in accordance with Policy DM6 of the SADMP.

#### Contamination

- 7.39. Policy DM7 of the SADMP seeks to ensure appropriate remediation of contaminated land in line with minimum standards.
- 7.40. A Ground Condition Desk Top Survey and Pre-Demolition Phase II Ground Investigation have been undertaken and submitted. The report makes numerous recommendations for further investigation of differing substances and at differing stages. Environmental Health (Pollution) has commented that the additional information could be secured through planning conditions.
- 7.41. Subject to the imposition of planning conditions, appropriate remediation of contaminated land could be secured in accordance with Policy DM7 of the SADMP.



### Play and open space

- 7.42. Policy 19 of the Core Strategy and Policy DM3 of the SADMP requires new residential development over 10 dwellings to contribute towards the provision and maintenance of green space and play provision.
- 7.43. Although the scheme is for 6 dwellings, it is being assessed as part of the overall larger scheme and in this regard, contributions would be required. These are discussed below.
- 7.44. Whilst the development proposes no green space or play provision there are existing green and play spaces in close proximity to the application site. Whilst these are identified as requiring enhancement, lack of additional provision would not deprive the occupiers of the development access to these facilities.

### Viability

- 7.45. Policy DM3 of the SADMP states that where, because of the physical circumstances of the site and/or prevailing and anticipated market conditions, a developer can demonstrate that the viability of a development proposal affects the provision of affordable housing and/or infrastructure provision, the Borough Council will balance the adverse impact of permitting the scheme on the delivery of such provision, with any appropriate evidence to support this justification. The policy also goes on to state that where development will create a need to provide additional or improved infrastructure, amenities or facilities, developers will be expected to make such provision directly or indirectly. Although the site is for 6 dwellings, a Viability Assessment combining this with the larger (previously approved) scheme has been submitted and assessed.
- 7.46. The Viability Statement has been independently assessed by a third party instructed by the Local Planning Authority and it has been agreed, based on similar calculations used within the previous FVA, a sum of £8,301.03 (equating to approximately £1,300 per dwelling) can be provided.

### Planning obligations

- 7.47. At the time of the previous application, a similar exercise was undertaken. Despite the requirement for contributions totalling £326,097.92, a FVA was undertaken and it was finally agreed that a 'good will' sum of £82,831 could be accepted. This has been paid in full. Following similar calculations, an additional sum of £8,301.06 has been agreed and this money has been requested by both LCC (as Local Education Authority) for Primary Education purposes and by Thornton and Bagworth Parish Council for recreational equipment. Both requests have been considered.
- 7.48. The Local Education Authority has a statutory duty to provide school places for children and although occupants may have to travel, they should not be deprived school places.
- 7.49. There are existing green and play spaces in close proximity to the application site. Whilst these are identified as requiring enhancement, lack of additional provision would not deprive the occupiers of the development access to these facilities.
- 7.50. On balance, the need for educational facilities outweighs the need for additional provision of recreational equipment and it is therefore recommended by officers that the sum of £8,301.06 would be more beneficial in providing a partial contribution towards primary education facilities.
- 7.51. A S106 Agreement has been drafted to reflect this Contribution whilst securing the scheme for 100% Social Rented Tenure.

7.52. The above contributions are considered to be necessary to make the development acceptable in planning terms, directly related and fairly and reasonably relate in scale and kind to the development proposed and therefore Community Infrastructure Levy regulations compliant.

## **8. Equality Implications**

8.1. 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.

8.2. 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.

8.3. There are no known equality implications arising directly from this development.

## **9. Conclusion**

9.1. The proposed development forms part of the allocation SA4 within the SADMP. The development would be 100% affordable housing of a social rented tenure and would provide a mix of housing types. The requisite employment land would be retained. The development would be in accordance with Policy SA4 of the SADMP and Policies 7, 10, 15 and 16 of the Core Strategy.

9.2. The development would not have an adverse impact on the amenity of surrounding residential and commercial premises and would provide a good standard of amenity for future occupiers. Mitigation measures are to be put into place to guard against harm from the existing commercial premises in terms of noise and odour nuisance. The proposal would not have an adverse impact on highway safety and would provide sufficient car parking provision to serve the occupiers. The proposed development is considered to be in accordance with Policies DM6, DM7, DM10, DM17 and DM18 of the SADMP.

9.3. The Financial Viability Assessment has concluded that there are some funds available for contributions towards education or community facilities to the total of £8,301.06. A 'balancing exercise' concluded that the monies should go towards a contribution to primary education.

9.4. In conclusion, the scheme is considered to accord with Policies 7, 10, 15 and 16 of the Core Strategy and Policies SA4, DM1, DM3, DM6, DM7, DM10, DM17 and DM18 of the SADMP.

## **10. Recommendation**

10.1. **Grant planning permission** subject to:

- The prior completion of a S106 agreement to secure the following obligations;
  - 100% affordable housing provision;
  - Primary education - £8, 301.06;
- Planning conditions outlined at the end of this report.

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

10.3. That the Interim Head of Planning and Development be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

10.4. **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 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:

70170 D00 – Site Location Plan (received on 23 June 2017)

70170 DO5 rev F – Site Layout (received on 3 September 2018)

70170 D08 rev B – location plan (received on 5 November /2018)

70170 D09 Rev B – site plan (received on 5 November 2018)

70170 D12 rev A – House Type F131 (received on 17 July 2018)

70170 D13 rev A – House Type F133 (received on 17 July 2018)

70170 D15 rev B - Phase i & ii site layout combined (received 5 November 2018)

70170 D901 rev B – landscape plan (received 5 November 2018)

70170 D23A – Street elevations (received 5 November 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.

3. The external materials to be used in the development hereby permitted shall be in strict accordance with those as set out within section 7 of the application form and as shown on drawings 70170 D12 Rev A and 70170 D13 Rev A (received on 17<sup>th</sup> July 2018) unless alternative materials are first agreed in writing with the Local Planning Authority.

**Reason:** To ensure that the development has a satisfactory external appearance and in the interests of visual amenity to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD.

4. If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.

**Reason:** To ensure appropriate remediation of contaminated land to accord with Policy DM7 of the Site Allocations and Development Management Policies DPD.

5. All construction works shall be limited to the following hours:

Monday – Friday 07:30 – 18:00

Saturday – 08:00 – 13:00

No work shall be undertaken on Sundays and Bank Holidays

**Reason:** To ensure no harm to occupiers of nearby dwellings or the environment surrounding the application site to accord with Policies DM7 and DM10 of the Site Allocations and Development Management Policies DPD.

6. No above ground development shall commence, until such time as a surface water drainage scheme has been submitted to, and approved in writing by, the local planning authority. The surface water drainage scheme shall be implemented in accordance with the approved details prior to first occupation of any dwelling hereby permitted.

**Reason:** To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site to accord with Policy DM7 of the Site Allocations and Development Management Policies DPD.

7. No above ground development shall commence, until such time as details in relation to the long term maintenance of the sustainable surface water drainage system within the development have been submitted to, and approved in writing by, the Local Planning Authority.

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

8. No above ground development shall commence, until such time as infiltration testing has been carried out to confirm (or otherwise) the suitability of the site for the use of infiltration as a drainage element, and the flood risk assessment (FRA) has been updated accordingly to reflect this in the drainage strategy.

**Reason:** To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy to accord with Policy DM7 of the Site Allocations and Development Management Policies DPD.

9. No above ground development shall commence, until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have first been submitted to and approved in writing by the Local Planning Authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.

**Reason:** To ensure that the development has a satisfactory external appearance and in the interests of visual amenity to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD.

10. Notwithstanding the details shown on the submitted Landscape Plan, drawing no. 70170 D901, rev B, no above ground development, shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

- a) Means of enclosure
- b) Car parking layouts
- c) Other vehicle and pedestrian access and circulation areas
- d) Hard surfacing materials
- e) Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.)
- f) Planting plans

- g) Written specifications
- h) Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
- i) Implementation programme

**Reason:** To ensure that the development has a satisfactory external appearance and in the interests of visual amenity to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD.

11. Prior to occupation of any dwelling hereby permitted, an acoustic fencing scheme shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include the detailed design of the fencing and a program for its maintenance. The agreed scheme shall be implemented prior to occupation of any dwelling hereby permitted.

**Reason:** To ensure a good standard of amenity for future occupiers of the proposed dwellings and to ensure the dwellings do not restrict operations of the adjacent commercial uses to accord with Policies SA4 and DM10 of the Site Allocations and Development Management Policies DPD.

12. Prior to occupation of any dwelling hereby permitted, a scheme for the installation of mechanical ventilation to all plots shall be submitted to and agreed in writing by the Local Planning Authority. The mechanical ventilation shall be installed on the applicable plots in accordance with the approved details prior to first occupation of the dwellings.

**Reason:** To ensure a good standard of amenity for future occupiers of the proposed dwellings and to ensure the dwellings do not restrict operations of the adjacent commercial uses to accord with Policies SA4 and DM10 of the Site Allocations and Development Management Policies DPD.

13. No dwelling hereby permitted shall be occupied until such time as the accesses, parking, and turning arrangements shown on drawing number D05 Rev F have been implemented in full and these shall be retained 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 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, in the interests of highway safety and in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD.

14. Notwithstanding the provisions of Classes A, B, C and E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order with or without modification) the buildings hereby approved shall not be extended or altered or buildings incidental to the enjoyment of the dwellinghouse erected without the grant of planning permission for such development by the Local Planning Authority.

**Reason:** To ensure that the development has a satisfactory external appearance and in the interests of visual amenity to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD.

15. Notwithstanding the provisions of Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order with or without modification) no gate, wall, fence or other means of enclosure shall be

erected or constructed without the grant of planning permission for such development by the Local Planning Authority.

**Reason:** To ensure that the development has a satisfactory external appearance and in the interests of visual amenity to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD.

10.5. **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](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.