

**Planning Committee 22 January 2019
Report of the Interim Head of Planning**

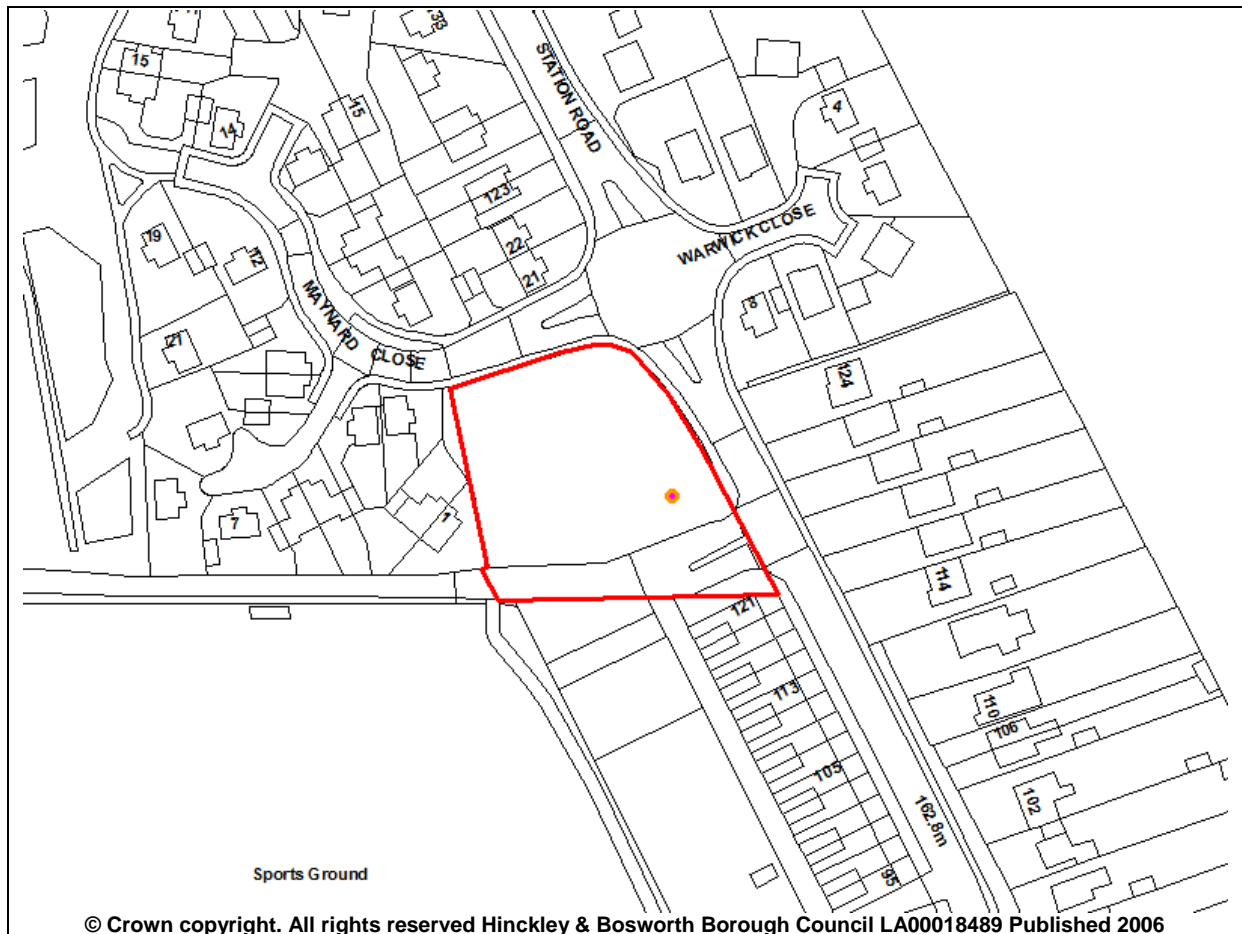
Planning Ref: 16/00758/FUL
Applicant: Mr Atul Lakhani
Ward: Ratby Bagworth And Thornton



Hinckley & Bosworth
Borough Council

Site: Land Adjacent 121 Station Road Bagworth

Proposal: Erection of 10 no. dwellings and 2 no. flats (100% Affordable Scheme)



1. Recommendations

1.1 Grant planning permission subject to:

- The prior completion of a S106 agreement to secure the following obligations:
- Affordable housing – Twelve (12) units (10 x 2 bedroom dwellings of shared ownership tenure and 2 x 1 bedroom flats of 100% social rent tenure)
- Planning conditions outlined at the end of this report.

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

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

2. Planning Application Description

- 2.1 The application seeks full planning permission for a 100% affordable housing scheme comprising 10 x 2 bedroom dwellings and 2 x 1 bedroom flats with associated vehicular parking including 2 visitor parking spaces. The tenure of the dwellings comprises 10 x 2 bedroom dwellings for shared Ownership and 2 x 1 bedroom flats for 100% social rent.
- 2.2 The original proposal was for a slightly larger scheme of 14 dwellings with a layout which was considered to be unacceptable by officers. There have been substantial delays to the application due to changes to the layout, issues in relation to road adoption, drainage and financial viability in regard to developer contributions. All outstanding issues have been resolved and are discussed within the main body of the report.

3. Description of the Site and Surrounding Area

- 3.1 The application relates to a site with an area of 0.25 ha to the west of Station Road, and South of Maynard Close which is allocated for housing in the Site Allocations and Development Management Policies DPD, (ref BAG02PP). The majority of the site is currently waste ground with the southern part of the site comprising the access road to the sports ground. This also allows access to the rears of the dwellings to the south fronting Station Road. Residential properties surround the site to the north, east and south east with the sports ground to the south west. The north eastern corner of the site is adjacent to a roundabout marking the junction between Station Road, Maynard Close and Warwick Close. The site has previously been granted planning permission as part of a larger development (02/00374/REM) and as a separate parcel of land with permission for 9 apartments and an A1 shop. Since this permission was granted, a shop has been built further to the north on Station Road.

4. Relevant Planning History

07/00013/PP	Mixed use development comprising three retail units (use class a1, a3 and d1) and nine apartments with associated parking and access	Permission	09.08.2007
01/01041/REM	External building materials and landscaping	Permission	07.12.2001
02/00120/REM	Residential development and associated works for 10 dwellings (amended layout) following the granting of outline planning permission 99/00820/out	Permission	17.04.2002
02/00236/REM	Residential development and associated works for 50 dwellings	Refused	09.10.2002
02/00374/REM	Erection of 55 dwellings and associated works	Permission	10.10.2002
99/00820/OUT	Residential development and associated open space including village green and play	Outline permission	01.05.2001

	areas and provision of a local retail facility		
06/01114/FUL	Mixed use development comprising three retail units (use class a1, a3 and d1) and nine apartments with associated parking and access	Refused	15.01.2007
10/00557/FUL	Mixed use development comprising of a retail unit (use class a1) and eight dwellings with associated parking and access	Permission	01.09.2010
10/00561/EXT	Extension of time for extant planning permission 06/01114/FUL for mixed use development comprising three retail units (use class a1, a3 and d1) and nine apartments with associated parking and access	Permission	15.09.2010
13/00478/EXT	Extension of time for extant planning permission 10/00561/EXT for mixed use development comprising three retail units (Use Class A1, A3 and D1) and nine apartments with associated parking and access	Refused	17.10.2013
13/00510/EXT	Extension of time application for planning permission 10/00557/FUL for mixed use development comprising of a retail unit (use class A1) and eight dwelling with associated parking and access	Permission	04.02.2014

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. There have been 27 objections from third parties with the following issues raised:
 - 1) Too many affordable housing schemes in the village
 - 2) No amenities in village (doctors, dentists, schools)
 - 3) Problems with access to sports ground to rear
 - 4) Loss of 'historic' access road layout
 - 5) No S106 monies to benefit village
 - 6) Too many cars/insufficient parking spaces on site/increase in vehicles on the main road
 - 7) Visual impact
 - 8) Effect on character of the neighbourhood/village
 - 9) Over-development of the site

6. Consultation

- 6.1. The following consultation responses have been received, no objections subject to conditions:

Severn Trent Water
HBBC (Affordable Housing)
HBBC (Drainage)
HBBC (Waste Services)
LCC (Highways)
LCC (Rights of Way)

- 6.2. Bagworth and Thornton Parish Council object to the scheme on the following grounds:

- 1) Thornton Primary School is already over-subscribed, Mercenfield Primary and South Charnwood Primary schools are also over subscribed with no room for on-site expansion.
- 2) The nearest GP surgery at Markfield is also operating at capacity.
- 3) There are no local services within Bagworth and the development would increase the need for car borne journeys and any new development within Bagworth should give serious attention to the provision of school places, health care and the economic stability of the village.
- 4) There does not appear to be sufficient parking on site and the right of way and current access for the Recreation Ground Bagworth New Wood and Bagworth Clay Pigeon needs to be accessible at all times.
- 5) The current layout of the access road is due to it being the in/out access to the former colliery and should, perhaps, be preserved as a memorial recognising the villages history and heritage.

7. Policy

- 7.1. Core Strategy (2009)

- Policy 7: Key Rural Centres
- Policy 10: Key Rural Centres within the National Forest
- Policy 15: Affordable Housing
- 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 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

- 7.3. National Planning Policies and Guidance

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

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
- Flood Risk and Drainage
- Affordable Housing
- Viability and Developer Contributions

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, 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) 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 Using the standard method as outlined by MHCLG, Hinckley and Bosworth Borough is able to demonstrate five years of deliverable housing. Due to the change in the housing figures required for the borough paragraph 11 of the NPPF is triggered. This is weighed in the balance of the merits of the application when considered with the policies in the Site Allocations and Development Policies DPD and the Core Strategy which are attributed significant weight as they are consistent with the Framework. Therefore, sustainable development should be approved unless other material considerations indicate otherwise.
- 8.6 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. Policy 10 of the Core Strategy relates to key rural centres within the National Forest of which Bagworth forms one of these key settlements. Housing within the settlement boundary is acceptable with developers required to demonstrate that the number, type and mix of housing proposed meet the needs of the settlement. The site is an allocated housing site and the proposed development comprises a mix of 2 and 1 bedroom dwellings. The two bedroom houses are proposed as shared-ownership whereas the one bedroom flats are for social rent offering a mix of dwelling types to provide variation and meet the identified housing requirements and the local area generally. The Housing Strategy and Enabling Officer has confirmed that the proposed housing type and tenures are considered to help meet the needs of the local population and therefore satisfy the requirements of Policy 10 and 16. The application site is therefore considered sustainable and acceptable in principle.

Design and impact upon the character of the area

- 8.7 Policy DM10 of the SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings
- 8.8 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 National

Forest Authority have confirmed that the site is below their threshold where appropriate landscaping or contributions would be required.

- 8.9 The development comprises a layout of 2 storey buildings which would front onto Maynard Close and Station Road with car parking and vehicular access to the rear accessed via the existing service road to the sports ground. Rear parking areas are considered to be acceptable in this scheme as front parking areas with cars having to reverse onto Station Road adjacent to the existing roundabout would likely cause highway hazard to other road users including pedestrians. In terms of outside amenity space, the rear gardens are sufficient for the purposes of providing adequate outside amenity space for future occupiers. However, the gardens would be severely compromised should, at a later date, extensions and/or conservatories were to be built and in this regard it is considered appropriate to remove Permitted Development Rights for extensions/conservatories. In regard to additional accommodation within the roof spaces, the design of the dwellings with first floor windows breaking through the eaves, additional dormer windows would not be an acceptable design feature. Therefore it is also considered appropriate to remove Permitted Development Rights for roof alterations. Proposed materials are similar to those on surrounding development. The layout, scale, character and appearance of the development is in-keeping with the adjacent development which it would be read against.
- 8.10 The site is within the settlement boundary where residential development is appropriate and the proposed development would both complement and enhance the character of the area and respect the character and appearance of the village setting within the National Forest. There is some feature soft landscaping proposed within the site which softens the hard landscaping areas and is considered adequate for the size of the site.
- 8.11 Overall, and taking all of the above into consideration, the proposal is considered to be in accordance with Policy DM10 of the SADMP and Policies 16 and 21 of the Core Strategy.

Impact upon neighbouring residential amenity

- 8.12 Policy DM10 of the adopted SADMP states that development should not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.13 The closest existing dwellings to the development are no's 1 and 3 Maynard Close. This pair of semi-detached dwellings sits at an oblique angle with the west boundary of the site which is proposed to be bounded with a 1.8m high close boarded fence along the length of the rear garden of the closest dwelling (annotated as Plot 1 on the proposed site plan) has a first floor rear bedroom window which would have an oblique view towards the front bedroom windows of no 1 Maynard Close. However there is a distance of approximately 19 metres between the two windows which is considered acceptable. The side flank wall of Plot 1 is approximately 20 metres to the north-east of the front elevation of no 3 Maynard Close. It is not considered that the development would reduce the light levels to this property due to the orientation of the two existing dwellings and the proposed dwellings along the northern boundary. As the majority of the new dwellings would be built around the north and east edge of the site with the rear windows of the dwellings on the eastern boundary of the site some 50 metres away from the dwellings in Maynards Close, it is considered that there would be no undue impact on existing dwellings including those fronting Station Road and the proposal is considered to be in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.14 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.
- 8.15 This application proposes to upgrade and use the existing access from Station Road which although in the applicant's ownership, does have easement rights for the benefit of the Parish Council and users of the recreation ground to the rear. None of the roads into the development are to be adopted by the County Council. A Public footpath (Q85) also runs through the site and this is to be retained and upgraded. The carriageway itself would be 5.5 metres wide with appropriate visibility splays. A raised block paved area on the southern side of the road has been designed to prevent parking along the access road without compromising existing vehicular access to the garages at the rear of the terrace of properties along Station Road and to the QEII park and sports ground to the rear. At the entrance to the Sports ground the block paved area is flush with the road surface thus retaining the usable road width at 5.5 metres. The RoW is unrestricted on the northern side of the access road as previously suggested by LCC RoW officers.
- 8.16 The proposed development provides one parking space per dwelling and 2 visitor spaces within the confines of the site and provides sufficient parking facilities to serve the occupiers. The internal road is to remain under private ownership and would not be adopted by the County Council. Although there have been concerns raised by local residents as to the impact the development may have on the existing road network, given the modest scale of the development and parking provision proposed it is not considered that it would give rise to adverse impacts on highway safety and overall is in accordance with Policies DM17 and DM18 of the SADMP.

Flood Risk and Drainage

- 8.17 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.
- 8.18 A Flood Risk Assessment and Drainage Strategy has been submitted with the application which demonstrates that all surface water drainage could be adequately discharged. 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 planning conditions.
- 8.19 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 therefore in accordance with Policy DM7 of the SADMP.

Affordable Housing

- 8.20 Policy 15 of the adopted Core Strategy requires the provision of 40% affordable housing on sites of over 4 dwellings or on sites measuring 0.13 hectares or more in rural areas. For all sites a tenure split of 75% social rented and 25% intermediate housing is required to support mixed sustainable communities. These figures may be negotiated on a site by site basis. The proposal is for 100% affordable dwellings and therefore Policy 15 is satisfied.
- 8.21 It has been identified that there are currently 972 applicants on the register for affordable dwellings, 12 of which have a connection to Bagworth.

- 8.22 Although concern has been raised by some local residents in regard to the amount of 100% affordable housing development that has been approved within Bagworth recently, as set out above, Policy 15 requires 40% of affordable units on sites of over 4 dwellings in all rural areas, in this regard, any land brought forward for housing development above these thresholds will be required to supply affordable units. In this case, the provision of a total of 12 affordable units, with a mix of one and two bedroom dwellings of mixed tenure of shared ownership and social rent is appropriate and provides housing opportunities for local people to get on the housing ladder.
- 8.23 Since the site is in a rural area of the Borough, a cascade mechanism would 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. 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.

Viability and Developer Contributions

- 8.24 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.
- 8.25 The request for any planning obligations (infrastructure contributions) must be considered alongside the requirement contained within regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations confirm that where developer contributions are requested they need to be necessary to make the development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the development proposed.
- 8.26 The total requirement for contributions for Education has been assessed as £52,132.06. The applicant submitted a Financial Viability Assessment (FVA) stating that the scheme would be rendered non-viable if these contributions were to be made. The FVA has been independently assessed by a third party instructed by the Local Planning Authority. The LPA have been advised by the independent assessors that the proposed scheme would not support any additional S106 contributions over and above gaining 100% on-site affordable housing and it is considered any additional planning obligations would prejudice the deliverability of the proposed scheme.
- 8.27 Although it is regrettable that the Financial Viability Assessment has concluded that there are no funds available for contributions towards education or community facilities, it is considered that on balance that the opportunity to provide much needed affordable housing in a tenure other than 100% social rental would provide an opportunity for local residents to engage with the housing market and allow them to get a foot on the housing ladder. The provision of affordable housing should be given significant weight due to the existing provision during the development plan period and the identified requirement for affordable housing across the Borough. In this instance it is considered that the provision of affordable housing outweighs the non-

provision of the requested contributions. The proposed development would therefore be in accordance with Policy DM3 of the SADMP.

- 8.28 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. It has already been agreed that there is no monies available for developer contributions and in this regard there has been no additional request for contributions towards green space or play provision within the local area.
- 8.29 Notwithstanding the above, there are existing green and play spaces adjacent to the site within the QEII park and the children play space at Maynards Walk. Whilst these are identified as requiring enhancement, lack of additional provision would not deprive the occupiers of the development access to these facilities. In this regard, no financial contributions are required as part of the S106 Agreement.
- 8.30 A Section 106 has been drafted to secure the scheme for 100% Affordable tenure. The S106 Agreement is to ensure the development is 100% affordable housing is 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 CIL regulations compliant.

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.
- 9.4. The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

- 10.1 Policy DM1 of the SADMP states that development proposals that accord with the policies in the development plan will be approved without delay unless material considerations indicate otherwise.
- 10.2 The proposed development is an allocated housing site. The development would be 100% affordable housing and would provide a mix of housing types and tenures in

accordance with Policy 16 of the Core Strategy. The development would not have an adverse impact on the amenity of surrounding residential occupiers and would provide a good standard of amenity for future occupiers. The proposal would not have an adverse impact on highway safety and would provide sufficient car parking provision to serve the occupiers in accordance with Policies DM7, DM10, DM17 and DM18 of the SADMP.

- 10.3 The Financial Viability Assessment has concluded that there are no funds available for contributions towards education or community facilities. Although regrettable, on balance the provision of 12 affordable dwellings of mixed tenure is considered a sustainable development in accordance with Policy DM1 of the SADMP.

11. Recommendation

11.1. Grant planning permission subject to

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

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

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.

11.2. Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 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:

Existing site levels P010 Received 17/08/16

Proposed Site Plan P001 Rev O Received 14/01/19

Proposed plans & elevations, Plots 1,2,8,9 P003 Rev C, Received 3/11/17

Proposed plans & elevations, Plots 3-5. 10-12 P004 Rev B, Received 03/11/17

Proposed plans & elevations, Plots 6 & 7 P005 Rev B, Received 3/11/17

Existing and Proposed Site Section A-A P006, Rev C, Received 11/12/18

Existing and Proposed Site Section B-B P007 Rev A, Received 19/10/17

Existing and Proposed Site Section C-C P008 Rev A, Received 19/10/17

Proposed Site Elevations A + B P009 Rev A, Received 19/10/17

Proposed Boundary Treatments P012 Rev G Received 14/01/19

Foul and Surface Water Drainage Layout Dwg no 101 Rev P6, Received 11/12/18

Foul and Surface Water Drainage Schedules Dwg no 103 Rev P3, Received 11/12/18

Drainage Details: Layout Dwg no 102 Rev P4, Received 11/12/18

Entrance to site layout Dwg no 111 Rev P11, Received 14/01/19

Visibility Splays Dwg no 112 Rev P11, Received 14/09/19

Swept Path Analysis- Access, Dwg no 113 Rev P11, Received 14/01/19

Swept Path Analysis – Egress, Dwg no 114, Rev P11, Received 14/01/19

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 shown on drawings:

Proposed Site Plan P001 Rev O Received 14/01/19

Proposed plans & elevations, Plots 1,2,8,9 P003 Rev C, Received 03/11/17

Proposed plans & elevations, Plots 3-5. 10-12 P004 Rev B, Received 3/11/17

Proposed plans & elevations, Plots 6 & 7 P005 Rev B, Received 3/11/17

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. Site preparation and 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. Notwithstanding submitted details, no development approved by this planning permission shall take place, until such time as a surface water drainage scheme has been submitted to, and approved in writing by the local planning authority. This must include written confirmation from Severn Trent Water that a surface water connection to their public system has been approved, including the point of connection location and confirmed maximum discharge rate.

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. Notwithstanding the submitted details, no development approved by this planning permission shall take place, until such time as details in relation to both the management of surface water on the site during the construction period and 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 prevent an increase in flood risk and / or damage to the final surface water management systems during the construction period and 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 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. Prior to first occupation of any dwelling, both hard and soft landscaping including the refuse collection point as shown on the submitted Plans, shall be carried out as per the details on drawing no's:

Proposed Site Plan P001 Rev O Received 14/01/19

Proposed Boundary Treatments, PO12 Rev G, Received 14/01/19

The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted.

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. No dwelling hereby permitted shall be occupied until such time as the Access, Visibility Splay and Parking Arrangements as shown on drawing no's:

Entrance to site layout Dwg no 111 Rev P11, Received 14/01/19

Visibility Splays Dwg no 112 Rev P11, Received 14/01/19

have been implemented in full. These shall be retained in perpetuity.

Reason: 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 and in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD.

11. 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 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.

11.3. 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 a surface water connection is proposed to a public sewer, a copy of the approval notice of the sewerage undertaker (Severn Trent Water) should be submitted to the LPA as part of the Discharge of Conditions application.³ If the roads within the proposed development are to be offered for adoption by the Local Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980. Detailed plans will need to be submitted and approved, the Agreement signed and all sureties and fees paid prior to the commencement of development. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/environment-andplanning/planning/leicestershire-highway-design-guide>.
3. If an Agreement is not in place when the development is commenced, the Local Highway Authority will serve Advanced Payment Codes in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please email road.adoptions@leics.gov.uk in the first instance.
4. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/environment-andplanning/>.