

**Planning Committee 7 July 2020  
Report of the Planning Manager**

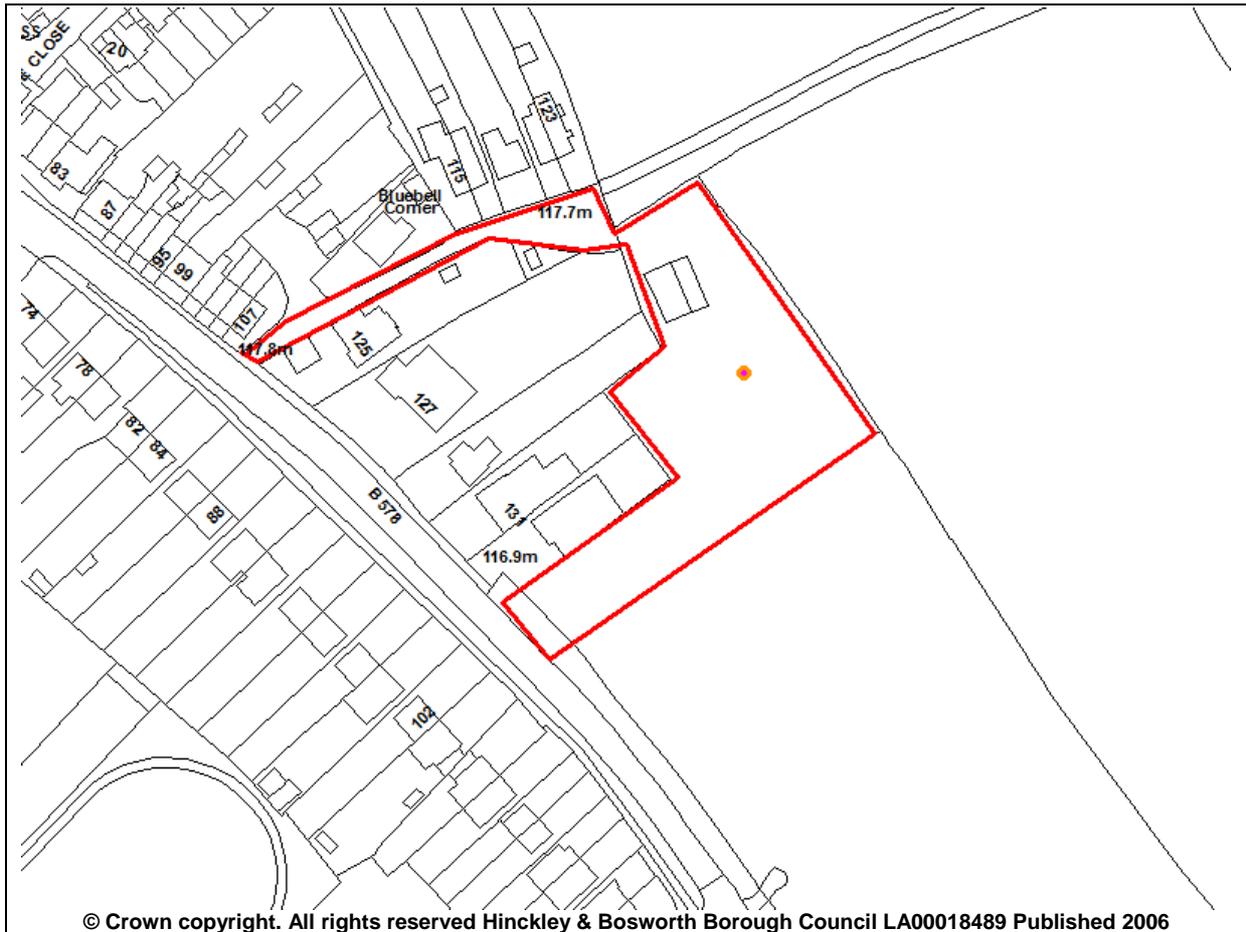
**Planning Ref:** 19/01112/OUT  
**Applicant:** Mr T Knapp  
**Ward:** Burbage Sketchley & Stretton



Hinckley & Bosworth  
Borough Council

**Site:** Land Rear Of 131 Lutterworth Road Burbage

**Proposal:** Residential development (outline- access only)



**1. Recommendations**

**1.1. Grant outline planning permission subject to:**

- Planning conditions outlined at the end of this report.

**2. Planning Application Description**

2.1. The application seeks outline permission for residential development with access a matter for consideration. All other matters are reserved. The exact number of dwellings has not been specified although an indicative layout plan has been received showing four detached dwellings. Three of those dwellings are positioned along the north east boundary with a further dwelling on the other side of the access track to the rear of the existing properties on Lutterworth Road. Boundary hedges are to be retained.

2.2. Access to the site from Lutterworth Road is to the side of 135 Lutterworth Road. Amended plans have been received removing the secondary access to the north west of the site. Amended plans also show the footway extended at the front of the site. The proposed access width is 4.8 metres.

2.3. The application is accompanied by a Design and Access Statement.

### **3. Description of the Site and Surrounding Area**

3.1. The application site consists of a parcel of relatively flat land located to the rear of numbers 125 to 135 Lutterworth Road. Three new dwellings have been constructed on Lutterworth Road to the south west of the site. A large majority of the site is located adjacent to, but outside of the settlement boundary of, Burbage and as such, within land designated as countryside. To the north of the site is a single storey building recently approved for conversion to residential (19/00573/FUL). To the north west of the site is a single track private road serving a number of dwellings and accessed off Lutterworth Road. This track is no longer part of this application. To the rear of the site and to the south and east beyond mature hedgerows is open countryside. The site area is 0.28 hectares.

### **4. Relevant Planning History**

18/00300/FUL	Demolition of existing workshop and erection of a new dwelling	Withdrawn	01.06.2018
18/00643/FUL	Change of use of building to light industrial (B1c) and raising of roof and extension to existing building	Withdrawn	16.11.2018
19/00573/FUL	Conversion of existing building to residential (C3) use and single storey extension to side	Permitted	21.08.2019

### **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. As a result of the public consultation for both the original and amended plans, responses from 7 different addresses have been received on the following grounds:

- 1) If the application were to be approved it would represent another nail in the coffin of the little remaining green space in Burbage
- 2) Additional traffic using the privately owned access
- 3) There is no need for an additional access
- 4) Located outside the settlement boundary and part of Burbage's highly valuable countryside
- 5) No indication of the scale of the development
- 6) It will set a precedent for building in the open countryside

### **6. Consultation**

6.1. No objection has been received from:  
LCC Highways  
LCC Archaeology

LCC Ecology  
Environmental Health (Drainage)  
Waste Street Scene Services

6.2. Burbage Parish Council objects to the application as it is outside of the settlement boundary.

## **7. Policy**

7.1. Emerging Burbage Parish Neighbourhood Plan (BNP)

- Policy 1: Settlement Boundary
- Policy 3: Design and Layout
- Policy 4: Parking
- Policy 9: Biodiversity

7.2. Core Strategy (2009)

- Policy 4: Development in Burbage
- Policy 16: Housing Density, Mix and Design
- Policy 19: Green Space and Play Provision

7.3. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2019)
- Planning Practice Guidance (PPG)

7.5. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)
- Leicestershire Highways Design Guide
- Landscape Character Assessment (2017)
- 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 residential amenity
- Impact upon highway safety and parking
- Drainage
- Infrastructure Contributions
- Planning Balance

### Assessment against strategic planning policies

- 8.2. Paragraph 2 of the National Planning Policy Framework February 2019 (NPPF) states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. 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 a planning application conflicts with up-to-date development plan permission should not usually be granted unless other material considerations indicate otherwise. The development plan in this instance consists of the Core Strategy (2009) and Site Allocations and Development Management Policies (SADMP).
- 8.3. 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.
- 8.4. Core Strategy Policy 4 provides the policy framework for development in Burbage, which seeks the provision of a minimum of 295 new homes. It identifies Burbage as a key urban centre which supports growth.
- 8.5. However, the housing policies in the development plan are considered to be out-of-date as they focus on delivery of a lower housing requirement than required by the up-to-date figure and the Council is unable to demonstrate a 5 year housing land supply when using the standard method set out by MHCLG. Therefore, the application should be determined against Paragraph 11(d) of the Framework whereby permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This is weighed in the balance of the merits of any application and 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.
- 8.6. The Borough Council is actively promoting the preparation of Neighbourhood Development Plans and is keen to see communities strongly involved in the planning and future growth of villages. Currently the Burbage Neighbourhood Plan (BNP) has been published Under Regulation 18, and although it is not fully adopted it can be now afforded substantial weight.
- 8.7. Policy 1 of the Burbage Neighbourhood Plan (BNP) sets out a presumption in favour of residential development adjacent to the defined settlement boundary within the BNP as long as it accords with other plan policies. The development lies adjacent to the settlement boundary and therefore is acceptable in principle subject to it complying with other policies within the plan.
- 8.8. Paragraph 14 of the NPPF, states that in situations where the presumption at 11d applies, the adverse impact of allowing development that conflicts with the Neighbourhood Plan is likely to significantly and demonstrably outweigh the benefits. However, in this instance the proposal does not conflict with the BNP Policies.
- 8.9. This site lies outside of the settlement boundary of Burbage and is identified as countryside on the Borough Wide Policies Map and therefore policy DM4 should be applied. Policy DM4 states that the countryside will first and foremost be safeguarded from unsustainable development. Development in the countryside will be considered sustainable where:

- a) It is for outdoor sport of recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
- b) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
- c) It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
- d) It relates to the provision of stand-alone renewable energy developments in line with policy DM2: Renewable Energy and Low Carbon Development; or
- e) It relates to the provision of accommodation for a rural worker in line with Policy DM5: Enabling Rural Worker Accommodation.

and

- i) It does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and
  - ii) It does not undermine the physical and perceived separation and open character between settlements; and
  - iii) It does not create or exacerbate ribbon development;
- 8.10. The site does not fall under any of the categories identified in DM4 as sustainable development and so there conflict between the proposed development and the policy. The harm arising from this conflict must be weighed in the planning balance along with the detailed assessment of the other relevant planning considerations in this case.
- 8.11. The proposed development accords with Policy 1 of the BNP, being adjacent to the settlement boundary. Therefore, notwithstanding the above conflict with Policy DM4 of the SADMP, Policy 1 of the BNP is the more recently examined policy whereby the examiners intention is clear that residential development adjacent to the settlement boundary is acceptable in principle. This has substantial weight in the planning balance.

#### Design and impact upon the character of the area

- 8.12. Policy DM4 of the SADMP requires that development in the countryside does not have a significant adverse effect on the open character or appearance of the surrounding landscape and countryside.
- 8.13. 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 the use and application of building materials respects the materials of existing, adjoining/neighbouring buildings and the area generally.
- 8.14. Policy 3 of the emerging Burbage Neighbourhood Plan advocates residential development which respects its surroundings in terms of design and layout.
- 8.15. The Good Design Guide SPD outlines that building plots should be a similar size, footprint and position to the wider context and the layout should not adversely impact upon the prevailing grain of development. Built form should be of a similar scale, mass and roof form. The proposal will be required to demonstrate that it would not result in the over densification of the land, leading to a loss of character. The use of existing accesses to serve new development is encouraged to avoid unnecessarily puncturing the character of the street scene and allowing highways to dominate.
- 8.16. The site falls within Landscape Character Area (LCA) F; Burbage Common Rolling Farmland identified by the Borough Council's Landscape Character Assessment (2017) although it is situated very close to Urban Character Area 1 (Burbage). The

key characteristics of this LCA are large scale, gently rolling arable and pasture farmland and medium to large scale rectilinear field pattern bounded by low hedgerows and post and wire fencing.

- 8.17. The key sensitivities of this landscape area are a generally rural character with undeveloped landscape, low hedgerows & trees reflecting the parliamentary enclosure field pattern and isolated farmsteads scattered through the farmland landscape. The area to the south and east of Burbage provides a rural setting.
- 8.18. The LCA links into the Landscape Sensitivity Study Area 8 (Burbage South and East). The separate criteria predominantly scored a low to medium rating in terms of sensitivity for the area in the study. The study recommends retaining the pattern of trees and hedgerows and incorporating a further buffer planting to major transport corridors. It also recommends promoting opportunities to maintain and promote an integrated green infrastructure network around the Burbage, Earl Shilton, Hinckley and Barwell urban edge.
- 8.19. The site is surrounded on two sides by open countryside and bound from these fields by mature hedgerows, subdividing it from the agricultural fields beyond. The site is currently rough grass enclosed by mature hedgerows. The proposed development will therefore introduce built form into an otherwise semi-rural edge of settlement location. The proposed access and part of the site are already hardstanding along the side of existing residential development. The site is situated to the rear of a row of houses forming a ribbon development along Lutterworth Road. The site is not clearly visible from Lutterworth Road, although it would be partly viewed when approaching Burbage from the south east beyond the boundary hedge. Nonetheless the site would retain a strong sense of enclosure through the retention of hedgerow planting. Landscaping details at reserved matters stage can ensure an appropriate landscape boundary with the open countryside beyond the site. Given the contained nature of the site provided by the existing boundaries and dwellings to the front, the impact on the wider countryside is limited and can be further mitigated by consideration of the landscaping treatments, scale and appearance of the proposed dwellings at the reserved matters stage. Therefore, notwithstanding the introduction of built development, that harm arising from this is localised with minimum impacts upon the wider landscape character.
- 8.20. The properties along this part of Lutterworth Road are generally characterised as relatively large detached properties on generous plots. There are some instances of development at depth in the area for example the properties to the north east of the site. However, these properties front out on to an historic public right of way and have a distinctive character which is different from the surrounding dwellings.
- 8.21. Initial concerns were raised that the size of the site was constrained and that it was not large enough to accommodate a development that creates a strong sense of place or character or one that is connected to the wider area. The indicative layout provides a density and size of plot that is similar to the surrounding properties, and providing evidence that the site could accommodate a development that would not be detrimental to the character of the area. The layout would provide suitable amenity space and areas for parking within the curtilage which is acceptable.
- 8.22. Core Strategy Policy 16 recommends a density of 40 dwellings per hectare in and adjoining Burbage. The likely density of the development although lower than this, provides for a scheme compatible with the surrounding properties and its edge of settlement location. The lower density is therefore considered appropriate. In accordance with Policy 16 lower densities may be acceptable where site context requires it. This is considered relevant in this instance.

- 8.23. It is considered that the proposal would not have a detrimental impact on the character of the street scene or the edge of settlement location. Neither would the proposal have a significant adverse impact upon the character of the countryside and would therefore be in accordance with policies DM4 and DM10 of the SADMP, policy 3 of the BNP and the Good Design Guide SPD.

Impact upon residential amenity

- 8.24. Policy DM10 of the SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.25. The Good Design Guide SPD outlines that backland development will need to demonstrate that it will not result in loss of amenity to neighbouring properties by way of overlooking, overshadowing or noise. Habitable rooms within a rear elevation should ideally not be less than 8 metres from the blank side of a single storey neighbouring property, rising to 12 metres for a two storey property. Habitable rooms within rear elevations of neighbouring properties should never be less than 21 metres apart.
- 8.26. As this is an outline application with only means of access for approval now the adherence of the layout with the Good Design Guide will be dealt with at Reserved Matters Stage.
- 8.27. The separation distance from the rear of the dwellings at 133 and 135 Lutterworth Road to properties within the development could be achieved in line with the Good Design Guide.
- 8.28. The removal of the secondary access to the north east of the site would reduce the noise and disturbance from vehicular movements to those properties that are served by that access. The site is approximately 45 metres from the closest of these neighbouring properties which is considered a reasonable separation distance to not impact upon their residential amenity.
- 8.29. The impact of the access drive on the currently unoccupied property has also been assessed. There are no principle window, located at ground floor level adjacent to the access road. It is also considered that boundary treatment which can be secured via condition along the access road can mitigate any noise or disturbance from vehicles travelling along the private drive.
- 8.30. The plot sizes on the indicative layout are reasonable and would provide in excess of the minimum 80 square metres of amenity space for each dwelling which is considered acceptable and in compliance with the Good Design Guide SPD.
- 8.31. The proposal is not considered to adversely affect the amenities of surrounding residents and provides acceptable residential amenity for future occupiers subject to acceptable details at the reserved matters stage. The proposal would therefore be in accordance with Policy DM10 of the SADMP and the Good Design Guide SPD.

Impact upon highway safety and parking

- 8.32. 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.
- 8.33. Policy 4 of the emerging Burbage Neighbourhood Plan outlines that at least two off-street car parking spaces shall be provided within the curtilage for each new dwelling developed.

- 8.34. Access is a matter for consideration. Some of the objections raised relate to the suitability of the access. The Local Highway Authority has been consulted on the application. They initially raised concern over the secondary point of access to the north of the site as it is undesirable in highway terms for a development proposal of this scale to be served by two points of access onto the highway network. In addition this access is poorly surfaced and would not have been best served by additional vehicles. An amended plan has been received removing the red line around the access to the north of the site thereby now only providing one point of access, which is an improvement in highway terms.
- 8.35. The revised access plan includes an extension of the adjacent footway to the northwest of the access to tie in with the existing provision along Lutterworth Road.
- 8.36. The Local Highway Authority is satisfied with the revised access arrangements subject to conditions with the access providing suitable visibility splays to serve the site. They consider that the impacts of the development on highway safety would not be unacceptable.
- 8.37. Overall the revised proposal would not have a significant impact on parking and highway safety in compliance with policies DM17 and DM18 of the SADMP and policy 4 of the emerging Burbage Neighbourhood Plan.

#### Drainage

- 8.38. Policy DM7 of the adopted SADMP requires that development does not create or exacerbate flooding.
- 8.39. The site is located within flood zone 1 indicating therefore is a low risk of surface water flooding. The Borough Councils Drainage Officer has no objection to the proposal subject to a condition for surface water drainage details incorporating sustainable drainage principles (SUDS). It is considered this condition is reasonable to reduced flood risk on the site in compliance with policy DM7 of the SADMP.

#### Infrastructure Contributions

- 8.40. 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. Policy 19 of the Core Strategy seeks to address existing deficiencies in the quality, quantity and accessibility of green space and children's play provision within settlements. However, the PPG is clear that obligations for affordable housing should not be sought from applications of 10 or less residential units or where a site area does not exceed 0.5ha. The site could not accommodate 10 dwellings and is less than 0.5ha and therefore no contributions can be sought
- 8.41. The request for any planning obligations (infrastructure contributions) must be considered alongside the requirement contained within 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.
- 8.42. The site is not within 400 metres of any play or open space provision. Notwithstanding Policy DM3 of the adopted SADMP and Policy 19 of the Core Strategy no contribution has been pursued in this case due to the scale of the development and that the development is not within close proximity to any play or open space. It is not therefore considered that any obligations are required to make the development acceptable in planning terms.

### Planning Balance

- 8.43. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.44. The site is predominantly located outside the settlement boundary for Burbage and is therefore within the countryside where Policy DM4 applies. The proposal would be in conflict with Policy DM4 as residential development is not considered to be sustainable in the countryside. This policy is in accordance with the Framework and has significant weight.
- 8.45. The housing policies in the adopted Core Strategy and the adopted SADMP are now considered to be out of date as they focussed on delivery of a lower housing requirement than required by the up-to-date figure. The Council also cannot demonstrate a 5 year housing land supply. Therefore, the 'tilted' balance in paragraph 11(d) of the Framework applies where the permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Paragraph 11 of the NPPF states that any harm identified should be significant and demonstrably outweigh the benefits of the scheme. It is therefore important to identify any benefits.
- 8.46. Burbage is an identified Neighbourhood Plan Area, which has reached Regulation 18 stage and can now be afforded substantial weight in the planning balance. Policy 1 of the Burbage Neighbourhood Plan identifies that residential development on land within or adjacent to the settlement boundary, will be supported, subject to complying with other development plan policy.
- 8.47. The proposal, whilst involving development on open land, has not been found to have substantial harm to the landscape character, as such there is limited conflict with Policy DM4 and DM10 of the SADMP. Notwithstanding the above conflict with Policy DM4 of the SADMP Policy 1 is the more recently examined policy whereby the examiners' intention is clear that residential development adjacent to the settlement boundary is acceptable in principle. This has substantial weight.
- 8.48. Weighed against the conflict with the Development Plan is the Government's commitment to significantly boosting the supply of housing through the Framework. The proposal would result in the delivery of market housing which weighs in favour of the application. However, the number of units is unknown at this stage and therefore, this has some weight in the planning balance as the scheme would provide only a small contribution to the overall housing supply within the Borough.
- 8.49. The proposal would result in economic benefits through the construction of the scheme, creation of jobs and construction spend, albeit for a temporary period. Additionally the residents of the proposed development would provide ongoing support to local services. However, given the scale of the proposal this benefit has limited weight.
- 8.50. There are no known environmental benefits from the proposed development.
- 8.51. Whilst there is conflict with the strategic policies of the Development Plan no significant landscape harm has been identified, it is considered on balance that the limited harm does not significantly and demonstrably outweigh the identified benefits of the scheme when assessed against the Framework as a whole. Therefore, the presumption in favour of sustainable development does apply in this

case and material considerations outweigh the conflict with some elements of the development plan.

#### Other matters

- 8.52. The collection point for domestic refuse, recycling and garden waste is from the adopted highway boundary. Provision needs to be made to provide a suitable and adequate collection point at the highway boundary. It will be the responsibility of the occupiers to bring the containers to the collection point.
- 8.53. The County Council Ecologist has been consulted on the application. They do not raise any objections to the proposal and they consider that it does not meet the trigger for an Ecology Survey.
- 8.54. The County Council Archaeologist has been consulted on the application. Given the location of the application area outside the historic settlement core of Burbage, the relatively small scale of the development site and the extent of previous ground disturbance, as shown through aerial photographs, the proposal will not result in a significant direct or indirect impact upon the archaeological interest or setting of any known or potential heritage assets. They therefore advise that the application warrants no further archaeological action.

### **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. The proposal, whilst involving development on open land, has not been found to have substantial harm to the landscape character, as such there is limited conflict with Policy DM4 and DM10 of the SADMP. Notwithstanding this identified conflict with Policy DM4 of the SADMP Policy 1 of the Burbage Neighbourhood Development Plan is the more recently examined policy whereby the examiners intention is clear that residential development adjacent to the settlement boundary is acceptable in principle. This has substantial weight and is a material

consideration in the determination of the application. The conflict with Policy DM4 from new residential development in the countryside would not significantly and demonstrably outweigh the identified benefits of the scheme. Therefore, the presumption in favour of sustainable development does apply in this case and material considerations do justify making a decision other than in accordance with the development plan.

- 10.2. The indicative layout of the scheme is acceptable, and the development is of a scale and density that is appropriate for the area. The proposal would therefore maintain the character of the area and would not significantly harm the intrinsic value, beauty and open character of the countryside in accordance with policies DM4 and DM10 of the SADMP.
- 10.3. The indicative layout demonstrates that the development would not have an adverse impact on the residential amenity of neighbouring properties whilst providing a suitable living environment for future residents. A suitable access from the highway is provided which has satisfactory visibility. Suitable parking and turning facilities are provided within the site. The proposal is therefore considered to comply with Core Strategy policy 4 and Site Allocations Management and Development DPD policies DM1, DM4, DM6, DM7, DM10, DM13, DM17 and DM18.

## **11. Recommendation**

### **11.1. Grant outline planning permission** subject to:

- Planning conditions outlined at the end of this report.

### **11.2. 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 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. No development shall be commenced until plans and particulars of "the reserved matters" referred to in the above conditions relating to the:-
  - a) Appearance of the development including the aspects of a building or place that determine the visual impression it makes, including proposed materials and finishes
  - b) Landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard (boundary treatments) and soft measures and details of boundary planting to reinforce and retain the existing landscaping at the site edges
  - c) Layout of the site including the location of electric vehicle charging points, the way in which buildings, routes and open spaces are provided and the relationship of these buildings and spaces outside the development. This should include a design statement that sets out how consideration has been given to lower density to edges of site and higher density along main routes.
  - d) Scale of each building proposed in relation to its surroundings

have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**Reason:** To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:  
Site location plan ref no. 4626/01 Rev A received 12 November 2020  
Proposed access layout ref no. 4626/02 Rev A received 12 November 2020

**Reason:** To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. No development shall commence until drainage details for the disposal of surface water and foul sewage have been submitted in writing 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 and to minimise the risk of pollution in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on 4626/02 Rev. A have been implemented in full.

**Reason:** To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

6. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 43 metres have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

**Reason:** To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

7. No part of the development hereby permitted shall be occupied until such time as 2.0metre by 2.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway and, once provided, shall be so maintained in perpetuity.

**Reason:** In the interests of pedestrian safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies

DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

8. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

**Reason:** To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area to accord with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016).

9. No part of the development hereby permitted shall be occupied until such time as site drainage details have been provided to and approved in writing by the Local Planning Authority. Thereafter surface water shall not drain into the Public Highway and thereafter shall be so maintained.

**Reason:** To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraph 108 and 110 of the National Planning Policy Framework (2019).

10. The development hereby permitted shall not be occupied until such time as the access drive (and any turning space) has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 10 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

**Reason:** To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

11. Prior to the first occupation of any dwelling on the site details of the boundary treatment along the access road and turning areas and the surrounding existing properties shall be submitted to and approved in writing. Once approved the boundary treatment shall be constructed prior to the first occupation of any dwelling and retained in perpetuity.

**Reason:** In the interests of residential amenity and to ensure a satisfactory form of development in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

12. 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 the approved details.

**Reason:** To ensure that the development has a satisfactory appearance and in the interests of visual amenity in accordance with Policy DM10 of the

12.1. **Notes to Applicant**

1. This application has been determined in accordance with the following submitted details;  
  
Indicative layout plan 4626/02 Rev B received 14 April 2020.
2. 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.
3. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
4. 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.
5. The collection point for domestic recycling, garden waste and refuse will be from the adopted highway boundary and so provision needs to be made on site for the storage of containers.