

**Planning Committee 28 July 2020  
Report of the Planning Manager**

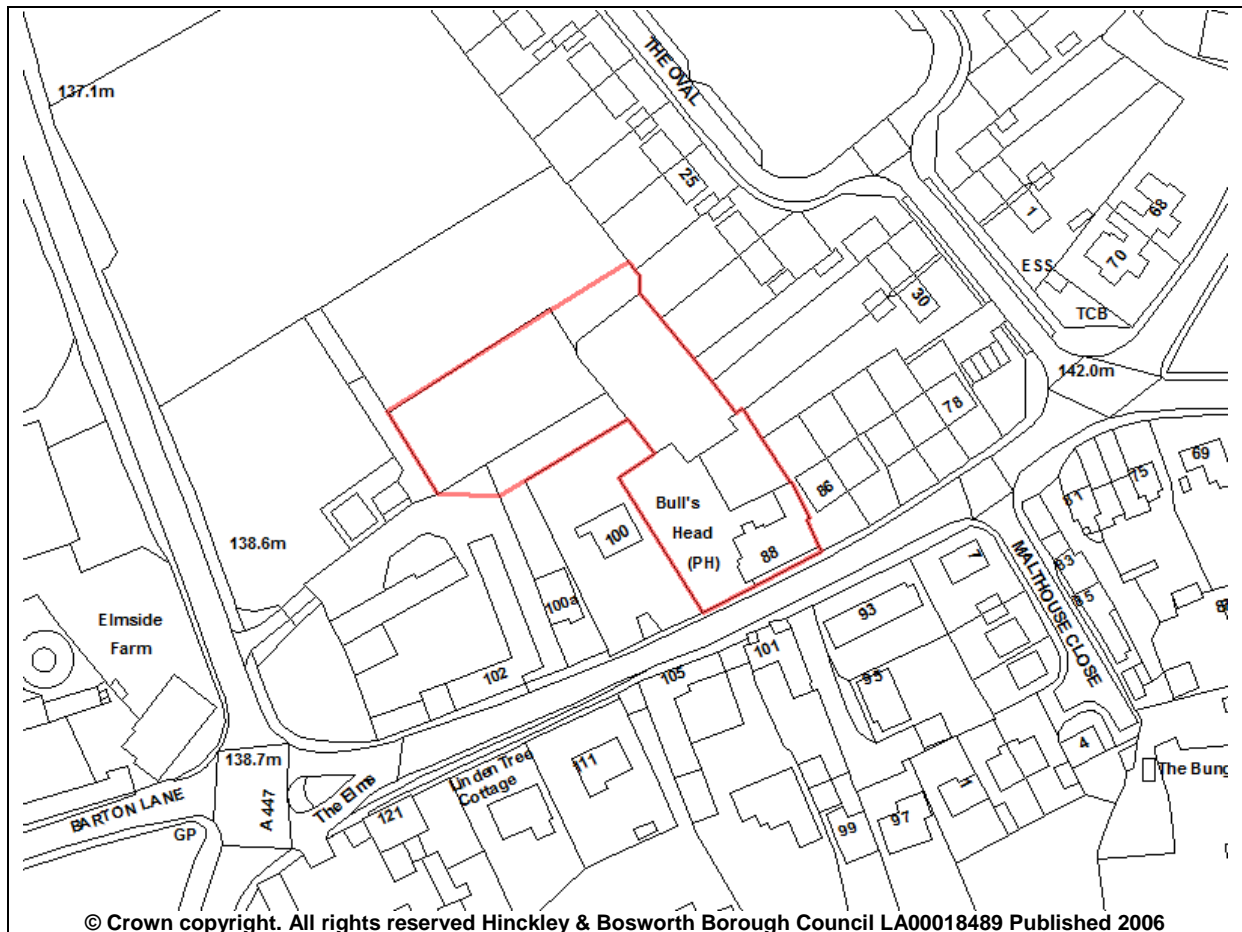
**Planning Ref:** 18/01288/FUL  
**Applicant:** Mr Andrew Lloyd  
**Ward:** Barlestone Nailstone And Osbaston



Hinckley & Bosworth  
Borough Council

**Site:** The Bulls Head 88 Main Street Nailstone

**Proposal:** Erection of six dwellings and alterations to the existing Public House



1. This application was taken to a previous Planning Committee on the 7 July 2020. The Officer report is attached to this report as Appendix A.
2. At that Committee the item was deferred for more information from LCC Highways, with regards to the withdrawal of the obligation to provide traffic calming measures via a legal agreement.
3. The previously resolved decision to include a S.106 agreement required traffic calming measures to be delivered to the entrance to the site, within the adopted highway. It contained no other obligations of the developer.
4. However, during negotiations regarding the wording of the appropriate section 106 agreement LCC Highways informed the Council that they no longer sought any highway mitigation from this development and therefore the obligation in the legal agreement was not required. LCC Highways do not wish to enter into any legal agreement requiring these works.

5. At the previous Committee it was reported that LCC as the Highway Authority confirmed that the traffic calming measures are not necessary or justified the reasons given for this are as follows;
  - a) The additional vehicle movements is insignificant compared to those of the public house
  - b) The speed readings are not significantly high
  - c) The location of the cushions is likely to be objected as they clash with private accesses
  - d) The highest speed reading is in the SW direction and the cushions are SW of the site, which doesn't mitigate the impact of the site
6. Further discussions have taken place with LCC Highways who have since confirmed that the above comments have not changed from those reported at the previous Committee. The most recent speed surveys show that traffic travelling along here is below the 30mph speed limit and therefore no traffic calming measures are necessary and it would not be reasonable to require this proposal to provide any.
7. LCC Highways also confirmed that this is inclusive of speed signs, including Vehicle Activated Signs (VAS) (such as the one provided by the Nailstone Colliery development). A VAS cannot be justified as a consequence of this application given the measured speeds.
8. 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.
9. The request for any planning obligations (infrastructure contributions) must be considered alongside the requirement contained within the Community Infrastructure Levy Regulations 2010 (As Amended) (CIL) and paragraph 56 of the Framework. The CIL Regulations and NPPF 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.
10. The Local Highway Authority have stated that the contributions sought are not necessary to make the development acceptable in highway terms and are not fairly and reasonably related in scale to the development proposed. The contributions sought therefore no longer meet the requirements of the CIL Regulations and should be removed.
11. The application proposal has not been altered, given the comments above, the recommendations to Planning Committee do not alter from those identified in the previous report and the proposal is considered acceptable in planning terms and recommended for approval subject to the conditions contained in the previous report attached at appendix A.

## APPENDIX A

Planning Committee 20 August 2019  
Report of the Planning Manager

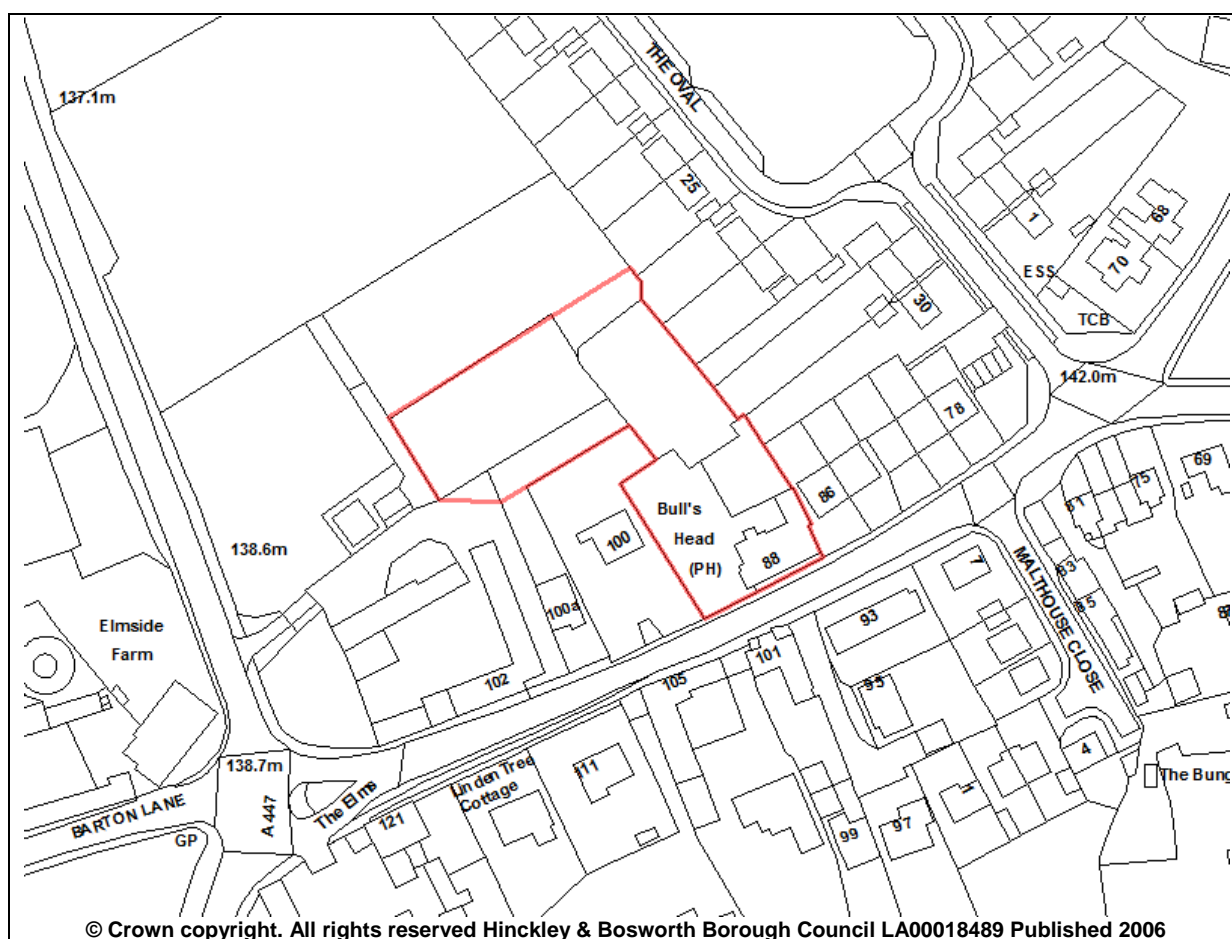
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Site: The Bulls Head 88 Main Street Nailstone

Proposal: Erection of six dwellings and alterations to the existing Public House



### 1. Recommendations

#### 1.1. Grant planning permission subject to:

- The prior completion of a S106 agreement to secure the following obligations
  - Highways – to deliver a traffic calming scheme
- Planning conditions outlined at the end of this report.

#### 1.2. That the Planning Manager be given powers to determine the final detail of planning conditions.

#### 1.3. That the Planning Manager 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 is a full planning application for alterations to the public house and the construction of 6 no. dwellings (a block of 4 x four bed barn style dwellings and a pair of two bed semi-detached cottage style) with associated parking, landscaping and amenity space.
- 2.2. The proposed barn style dwellings have been amended in scale and design to replicate a former farmstead, with the semi-detached dwellings comprising a pair of cottage style dwellings incorporating eyebrow dormers.
- 2.3. The external alterations to the public house would follow a schedule of works that has been discussed and agreed with the Conservation Officer. These works include the removal of a side extension, replacement first floor windows, repainting and the replacement of the front porch.
- 2.4. Access to the site is to be taken from Main Street, utilising the existing access to the site.
- 2.5. This application covers a slightly larger, more squared off area than that approved under 15/01202/FUL, considered by this committee on 11 October 2016 and subsequently granted planning permission on 22 May 2018 following completion of the s.106 agreement. The site area has been amended during the course of the application to show a blue line area around the paddock to the rear of Plots 1 – 4 and the red line reduced to the rear of their immediate patio and garden areas.

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

- 3.1. The Bulls Head is an early 19<sup>th</sup> century public house, located on the north side of Main Street near the junction with the A447 Ibstock Road. To the rear of the pub is a car park and a grassed amenity area. The pub itself is modest in scale. To the east of the site are 1960's semi detached bungalows; immediately to the west the site is being developed with 2no. two-storey dwellings approved under 17/00730/FUL. To the north of the site the remainder of the application site comprises a former manege and a grassed paddock.
- 3.2. The public house and car park is within the Nailstone Conservation Area whilst the remainder of the site lies outside. The majority of the site, with the exception of the whole rear garden to plot 4, and part of the rear garden of Plot 3, is located within the settlement boundary of Nailstone which was amended following the adoption of the Site Allocations and Development Management Policies Development Plan Document (SADMP) in July 2016.
- 3.3. Access to the site is via the existing pub car park access.

## **4. Relevant Planning History**

13/00030/PP	Demolition of existing public house and erection of three detached dwellings	Refused & Appeal dismissed	28.02.2014
12/00304/FUL	Demolition of existing public house and the erection of three new dwellings with associated access and parking	Withdrawn	31.05.2012

13/00458/FUL	Demolition of existing public house and erection of three detached dwellings	Refused	20.09.2013
15/01202/FUL	Alterations to public house and erection 4 no dwellings	Permitted	22.05.2018

## **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. Three letters of representation have been received from 2 different households raising the following comments:
- 1) Poor access visibility as whilst hedge has been removed from front of 100 Main Street, a new dwelling has been constructed at the back of the pavement. Also, no parking restrictions on this part of Main Street so anyone could park there and block visibility
  - 2) Proposal should incorporate preventative measures to address severe risk to Highway safety
  - 3) Close proximity of plots 5/6 to the Bulls Head PH will fail to preserve its setting
  - 4) Concern over highway safety, impact upon known and unknown heritage assets and refuse collection – need to ensure the same conditions are imposed as for 15/01202/FUL
  - 5) Site is clearly visible from the A447 which is not referenced at Q22 of the application form
  - 6) Would the boundary treatment to the rear of plots 5/6 prevent overlooking into 28 and 30 The Oval?
  - 7) The Bulls Head PH is a designated Community Asset but no apparent regard has been paid to ensuring that it is not negatively impacted upon by the development

## **6. Consultation**

- 6.1. Nailstone Parish Council have commented as follows:
- 1) Concerns about highway safety and exiting the proposed development because the visibility splay has been reduced since the previous application, this has been caused by the building of a new house right on the road side
  - 2) Concerns about the increase from 4 to 6 properties and the obvious increase in vehicles that goes with this
  - 3) The new planning application refers to the removal of some of the existing outbuildings, it was a condition of the previous planning application that the current site of the Bulls Head should be preserved
  - 4) That agreed is reached that all of the conditions confirmed in the previous application are included in the new planning application
- 6.2. No objection, some subject to conditions have been received from:
- Leicestershire County Council (Highways)  
HBBC Conservation Officer  
Severn Trent Water Limited  
HBBC Waste Services  
HBBC Environmental Services (Pollution)

## **7. Policy**

### **7.1. Core Strategy (2009)**

- Policy 12: Rural Villages

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM25: Community Facilities

### **7.3. National Planning Policies and Guidance**

- National Planning Policy Framework (NPPF) (2019)
- Planning Practice Guidance (PPG)
- Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

### **7.4. Other guidance**

- Nailstone Conservation Area Appraisal and Management Plan (2015)

## **8. Appraisal**

### **8.1. Key Issues**

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Drainage

#### Assessment against strategic planning policies

8.2. Paragraph 11-12 of the National Planning Policy Framework (NPPF) states that the development plan is the starting point for decision taking. The NPPF is a material consideration in determining applications. The development plan in this instance consists of the Core Strategy (2009) and the Site Allocations and Development Management Policies Development Plan Document (SADMP).

8.3. Policy DM1 of the SADMP sets out a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved without delay unless material considerations indicate otherwise.

8.4. Nailstone is identified as a Rural Village within Policy 12 of the Core Strategy. The focus of such settlements is to support the existing services within these villages by supporting housing development within settlement boundaries that provides a mix of housing types and tenures as detailed in Policy 15 and 16. The application site is located predominantly within the settlement boundary of Nailstone as defined within the SADMP, as such the site is considered to be situated within a sustainable location.

- 8.5. Policy 12 of the Core Strategy seeks to allocate land for the development of a minimum of 20 new homes in Nailstone. The site is allocated within the SADMP for residential development up to 4 dwellings (allocation reference NAI09). This carries significant weight in the assessment of the application. Policy SA1 of the SADMP seeks to safeguard allocated sites for the same land uses, in this case this is safeguarding for residential use.
- 8.6. This application proposes to refurbish and retain The Bulls Head public house. Policy DM25 of the SADMP and the wider overarching policy within the NPPF supports the retention of community facilities in villages such as public houses and in order to stem their loss, they have been designated as community facilities within the SADMP.
- 8.7. Given the above policy context, the application site is considered to be in a sustainable location and the refurbishment and retention of the public house and new residential development is acceptable in principle subject to all other planning matters being appropriately addressed.

Design and impact upon the character of the area

- 8.8. Policy DM10 of the SADMP requires development to complement and enhance the character of the surrounding area. Paragraph 124 of the NPPF states that 'good design is a key aspect of sustainable development', with Paragraph 127 going on to state that 'decisions should ensure that developments: are visually attractive as a result of good architecture, layout and appropriate and effective landscaping'.
- 8.9. Policy DM4 of the SADMP seeks to protect the intrinsic value, beauty, open character and landscape character of the open countryside.
- 8.10. Policy DM11 of the SADMP requires development proposals which have the potential to affect a heritage asset or its setting to demonstrate an understanding of the significance of the asset and its setting; the impact of the proposal on the asset including measures to minimise or avoid these impacts and how the benefits of the proposal will outweigh any harm caused and consider any impact on archaeology in line with Policy DM13. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that, when determining applications for development which affects any buildings or other land in a conservation area, a local planning authority shall pay special attention to the desirability of preserving or enhancing the character and appearance of that area.
- 8.11. Policy DM12 of the SADMP provides that development proposals should ensure the significance of a conservation area is preserved and enhanced through the consideration and inclusion of important features including appropriate boundary treatments which reflect the local style, and materials which are characteristic of the conservation area.
- 8.12. Policy DM13 of the SADMP requires that where a proposal has the potential to impact a site of archaeological interest, developers to set out in their application an appropriate desk based assessment and, where applicable, results of a field evaluation detailing the significance of any affected asset. Conditions in this regard were imposed on the previous approval on the site (15/01202/FUL) and have been discharged. It is not therefore considered necessary or reasonable to impose them again on any further planning permission as the findings have been recorded recently.
- 8.13. The Leicestershire and Rutland Historic Environment Record (HER) notes that the Bulls Head and associated outbuildings appear on early Ordnance Survey maps of the 19<sup>th</sup> century. The Bulls Head is constructed from red brick in an unusual bond, it features a clay tiled roof, eyebrow dormer windows, gable end stacks and metal rise

and fall gutter brackets. These architectural characteristics indicate that the building was constructed as part of the Gopsall Estate. The building is therefore considered to be a heritage asset in its own right, of local, if not regional significance which makes a positive contribution to the special character and appearance, and thus significance of the Nailstone Conservation Area.

- 8.14. With regard to the proposed alterations to the Bulls Head itself, the Conservation Officer met with the applicant on site in September 2018 and is satisfied that the works set out in Appendix 1 of the submitted Design, Access & Heritage Statement will restore some of the building's local interest and enhance the character of the conservation area. Further details of the external finishes to the Bulls Head as part of the works will also be conditioned.
- 8.15. The proposed development is located off one of the main roads into Nailstone and is characterised by traditional properties located on the back edge of the highway, with more modern properties set further back, resulting in no definitive building line. Traditional properties incorporate eyebrow dormers above first floor windows, a feature which has been replicated on some modern infill developments, most notably that which is immediately neighbouring the site and nearing completion.
- 8.16. The layout of the proposal is two semi-detached dwellings (plots 5 & 6) located to the rear of the pub garden which are at 90 degrees to Main Street and facing the private access drive. The layout and orientation of these dwellings is very similar to that approved on plot 1 of a current permission on the site (15/01202/FUL); the dwellings are considered to appropriately reflect the varied front building line found on historical plots located elsewhere in the conservation area. Plots 1-4 are proposed to be barn style dwellings with the orientation turned back 90 degrees so the principal elevations face south. This orientation again is similar to that approved for plots 3 and 4 of the current permission. These four dwellings would be attached following the submission of amended plans which successfully give the illusion of a complex of connected agricultural buildings. The use of garages to either end and a car port to the central plots perpendicular to the dwellings overall provides an E-shaped plan form for the development, which although is not prevalent in the area (like an L or U shape) it is not wholly out of keeping and would provide an appropriate layout of linear ranges.
- 8.17. Plots 5 and 6 will be two storeys in height which reflects the prevalent building scale in the area for this type of dwelling. They have a simple design which includes the use of eyebrow dormer windows which reflects the local vernacular. They are to be constructed of red brick and a blue clay tile which are traditional materials that respect those used in the local area.
- 8.18. Plots 2 & 3 are full two storey in height seeking to provide the appearance and scale of a former threshing barn that would be the dominant building within an agricultural complex. Plots 1 and 4 would be one and a half storeys in height, with Plot 1 appearing lower than Plot 4 due to site levels, this would result in them being subservient to the more dominant central plots. Overall it is considered that the proposal reflects the ranges of heights and scales of buildings located within agricultural complexes within the village and elsewhere. Agricultural style openings are proposed for the fenestration which provides each dwelling with an appropriate organic appearance that can be appreciated in both direct views of the front elevations from the access drive and the rear elevations when viewed from the wider countryside to the north. A number of conservation style roof lights are proposed to provide natural light to the upper floors, these are not considered to have any adverse visual impact on any elevations. The dwellings are to be constructed of red brick and a blue clay tile with timber windows and doors, all of which are appropriate traditional materials that respect those used in the local area.



- 8.19. The site plan indicates that there will be short rear gardens to serve plots 1-4. This would provide a tight rather than extended curtilage which is closely related to the existing built form and ensures that the current open and rural character of the northern paddock. As a result it is considered that this arrangement has no adverse impact on the setting of the conservation area.
- 8.20. Overall it is considered that the design, form, scale and materials of the proposed new dwellings reflect the local vernacular and are appropriate for a site located within the setting of the conservation area and preserve its special character.
- 8.21. Details of boundary treatments have not been submitted with the application. A condition would therefore be imposed on any planning permission granted to require the submission of a detailed hard and soft landscaping scheme to be approved by the Local Planning Authority. It is considered necessary and reasonable to suggest that a low post and rail fence be used to the north western boundary of Plots 1 – 4 in order to maintain the rural character.
- 8.22. Given the above, it is considered that the site has the potential to accommodate a high quality and sustainable residential development to take account of the site characteristics and the character of the local area in accordance with Policy DM1, DM4, DM10, DM11 and DM12 of the SADMP. In making the above assessment, special attention has been had to the provisions of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact upon neighbouring residential amenity

- 8.23. Policy DM10 of the SADMP seeks to ensure that development does not adversely affect the privacy or amenity of neighbouring properties.
- 8.24. To the west of the site planning permission under 17/00730/FUL has been granted for the erection of 2 dwellings on the site of the former modern bungalow at 100 Main Street. The dwellings are both nearing completion and have been designed so as to respect the extant planning permission on the application site. There would be sufficient distance between the proposed dwellings and the newly completed ones on the site of the former 100 Main Street to prevent loss of amenity through either overlooking or loss of light.
- 8.25. To the east of the site No 86 Main Street, is a semi detached bungalow, there are no windows or openings on the western elevation facing the site. The rear garden to no 86 will be adjacent to the pub garden. This is the current relationship and so it is not considered that there will be any additional significant adverse impact on the residential amenity of this property as a result of this proposal.
- 8.26. Windows are proposed in the east facing elevations to plots 5 and 6. Separation distances to neighbouring properties located on The Oval, which share a rear boundary with the application site, would be around 25 metres. This is considered adequate to avoid any significant overlooking of neighbouring gardens. Separation distances with the properties to the west are similarly considered adequate. All windows to the gable walls of the proposed new dwellings which face onto neighbouring properties would be obscurely glazed.
- 8.27. The internal layouts of plots 1 – 4 have been designed with very few first floor windows on either the front or rear elevations. This is to be in keeping with the style of agricultural conversions where the large openings were at ground floor. This design reduces any potential impact from the development through overlooking or loss of privacy. Plots 1 – 4 would also be a sufficient distance away from neighbouring properties to prevent overbearing impact.

- 8.28. Policy DM10 provides that development will be permitted providing that the amenity of the occupiers of the proposed development would not be adversely affected by activities in the vicinity of the site. Plot 6 would be the closest property to the Bulls Head, sharing a boundary with the public house garden. The property has been designed with a single garage adjacent to the boundary and no windows within this elevation to reduce any impact through noise and disturbance. The previous planning permission on the site included a dense landscaped barrier between the pub garden and the nearest property and it is considered reasonable to impose a condition requiring such a boundary treatment in this instance. No objections to the proposed development have been received from the Environmental Health Officer.
- 8.29. Taking the above context into account, it is considered that the development will be in accordance with Policy DM10 of the SADMP with regard to impacts on neighbouring residential amenity and the amenity of occupiers of the proposed development.

#### Impact upon highway safety

- 8.30. Policies DM17 and DM18 of the SADMP require adequate access and off-street vehicle parking facilities to be provided to serve developments.
- 8.31. The Local Highway Authority is of the view that the provision of an additional six dwellings is unlikely to lead to any significant intensification of vehicles utilising this existing access, nor will the additional trips have a material impact on the capacity of the local road network. Given the above, the Local Highway Authority considers that the residual cumulative impacts of the development can be mitigated and are not considered severe in accordance with paragraph 109 of the NPPF.
- 8.32. Vehicular and pedestrian access to the public house and new dwellings would be from the existing access to the Public House car park from Main Street. Whilst Leicestershire County Council (Highways) are not concerned that the proposal would have a material impact upon the capacity of the local road network it is considered that in line with the previous approval on the site, an off-site traffic calming scheme is required with the costs to be met by the applicant. This needs to be secured through a new s.106 agreement as the red line of the application site has changed, and would need to consist of the provision of speed cushions which would assist in reducing speeds on the approach to the site access from the west.
- 8.33. 19 off-street parking spaces are to be provided to serve the public house as per the previous approval on the site, and the dwellings would have two parking spaces for the 2-bed properties with the larger 4-bed dwellings having either three or four off-street parking spaces which is in line with LCC Highways guidance.
- 8.34. The appropriateness of access to the residential properties being provided through the pub car park has been raised by an objector to the scheme. However, neither Leicestershire County Council (Highways) nor the Environmental Health Officer has any objection to the arrangement submitted subject to the imposition of planning conditions. Given this context, the scheme is considered to be in accordance with Policies DM17 and DM18.

#### Planning Obligations

- 8.35. 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.
- 8.36. 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.

- 8.37. In this instance the development is not 'major' development, as such contributions towards affordable housing can not be sought in accordance with the Planning Practice Guidance.
- 8.38. LCC (Highways) have requested that the proposal provides off site traffic calming measures to ensure that the use of the access is safe in highways terms. Therefore, it is considered that this request would make the development acceptable in planning terms, directly relates to the proposal and is fairly and reasonably related in scale and kind.
- 8.39. There are no other obligations being sought from the proposal, which is considered to be acceptable in planning terms without any further obligations.

## **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. Overall, it is considered that this proposal will preserve and enhance the special character, and thus significance of the conservation area. The retention and improvement of the pub; which is a community facility as defined within the SADMP will contribute to the social well being of the village, and the provision of four new dwellings is in line with the allocation within the SADMP. The proposals accords with Policy 12 of the Core Strategy and Policies DM1, DM10, DM11, DM12, DM13, DM17, DM18, DM25 of the SADMP.

## **11. Recommendation**

- 11.1. **Grant planning permission** subject to:

- The prior completion of a S106 agreement to secure the following obligations:
  - Highways – to deliver a traffic calming scheme

- Planning conditions outlined at the end of this report.

## 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 otherwise than in complete accordance with the submitted application details, as follows:

Site Location Plan, Block Plan and Streetscene Drg No 933 - LB - 02 - Rev C  
Received by the Local Planning Authority on 2 August 2019.

Proposed Floorplans Drg No 933 - LB - 03 - Rev C  
Proposed Elevations Drg No 933 - LB - 04 - Rev C  
Received by the Local Planning Authority on 12 July 2019.

Detailed Access Plan (scale 1:200)  
Received by the Local Planning Authority on 3 April 2019.

**Reason:** To ensure a satisfactory appearance and impact of the development and to accord with Policies DM1, DM10 and DM12 of the Site Allocations and Development Management Development Plan Document (2016).

3. No development above foundation level shall commence on site until representative samples of the types and colours of materials to be used on the external elevations of the dwellings and for the renovation of the Bulls Head public house shall be made available to view on site and on acceptance approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with those approved materials.

**Reason:** To ensure that the development has a satisfactory appearance in the interests of visual amenity to accord with Policy DM10 and Policy DM12 of the Site Allocations and Development Management Policies Development Plan Document.

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

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

5. No development beyond foundation level shall commence until there has been submitted to and approved in writing by the Local Planning Authority, a scheme of hard and soft landscaping works for the site, including boundary treatments. All hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die are removed or seriously damaged or

seriously diseased shall be replaced in the next planting season with others of a similar size and species.

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

6. No part of the development hereby permitted shall be occupied until such time as off-street car parking and turning facilities has been provided and hard surfaced with permeable surfacing in accordance with 933-LB Drg No: 02 Rev C. Thereafter the onsite parking provision shall be so maintained in perpetuity.

**Reason:** 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 to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with Policy DM17 and 18 of the Site Allocations and Development Management Policies DPD (2016) Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

7. The development hereby permitted shall not commence until drainage plans for the disposal of surface water, incorporating sustainable drainage principles (SuDS) and foul sewage have been submitted in writing to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details 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 and exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document.

8. No development beyond foundation level shall commence until a scheme that makes provision for waste and recycling storage and collection across the site has been submitted in writing to and approved in writing by the Local Planning Authority. The details should address accessibility to storage facilities and adequate collection point space at the adopted highway boundary.

**Reason:** In the interests of protecting the visual amenity of the area, in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document.

9. No demolition/development shall take place other than in accordance with the Written Scheme of Investigation submitted 22 May 20188 and approved under condition 9 of 15/01202/FUL.

**Reason:** To ensure satisfactory historic building survey and archaeological investigation to record and advance understanding of the significance of the affected resource prior to its loss and to accord with Policies DM11 and DM12 of the Site Allocations and Development Management Development Plan Document.

10. The development shall not be occupied until the site investigation and post investigation assessment have been completed in accordance with the programme set out in the Written Schemes of Investigation approved under c.

9 of 15/01202/FUL and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

**Reason:** To ensure satisfactory historic building survey and archaeological investigation to record and advance understanding of the significance of the affected resource prior to its loss and to accord with Policies DM11 and DM12 of the Site Allocations and Development Management Development Plan Document (2016).

11. Notwithstanding the submitted plans prior to the first occupation of either the dwellings or the refurbished public house the site access shall be a minimum of 4.8 metres wide for at least the first 5 metres behind the highway boundary and have have a drop crossing of a minimum size as shown in Figure DG20 of the Leicestershire Highway Design Guide at its junction with the adopted road carriageway. Nothing shall be allowed to grow above a height of 0.6 metres above ground level within the visibility splays. The access drive once provided shall be so maintained at all times.

**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 the interests of highway safety and in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD (2016) Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

12. There shall be no occupation of the sixth dwelling authorised to be constructed pursuant to the planning permission unless and until the works of alteration and refurbishment to the Bulls Head public house have been completed in accordance with Appendix 1 of the Design, Access and Heritage Statement received 3 January 2019.

**Reason:** To secure the enhancement of the conservation area and the community facility in accordance with Policies DM11, DM12 and DM25 of the Site Allocations and Development Management Policies Development Management Plan.

13. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A to H (inclusive); of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling shall be carried out unless planning permission for such development has been granted by the Local Planning Authority.

**Reason:** To safeguard the character and openness of the countryside in accordance with Policy DM4 of the Site Allocations and Development Management Policies Development Plan Document (2016).

### 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](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.
2. This decision is also conditional upon the terms of the planning agreement which has been entered into by the developer and the Council under Section 106 of the Town and Country Planning Act 1990 (as amended). The Agreement runs with the land and not to any particular person having an interest therein.

3. Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.
4. Where a soakaway 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 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.
5. 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. The Applicant is advised that 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. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg> or telephone 0116 305 0001.