

**Planning Committee 12 January 2021
Report of the Planning Manager**

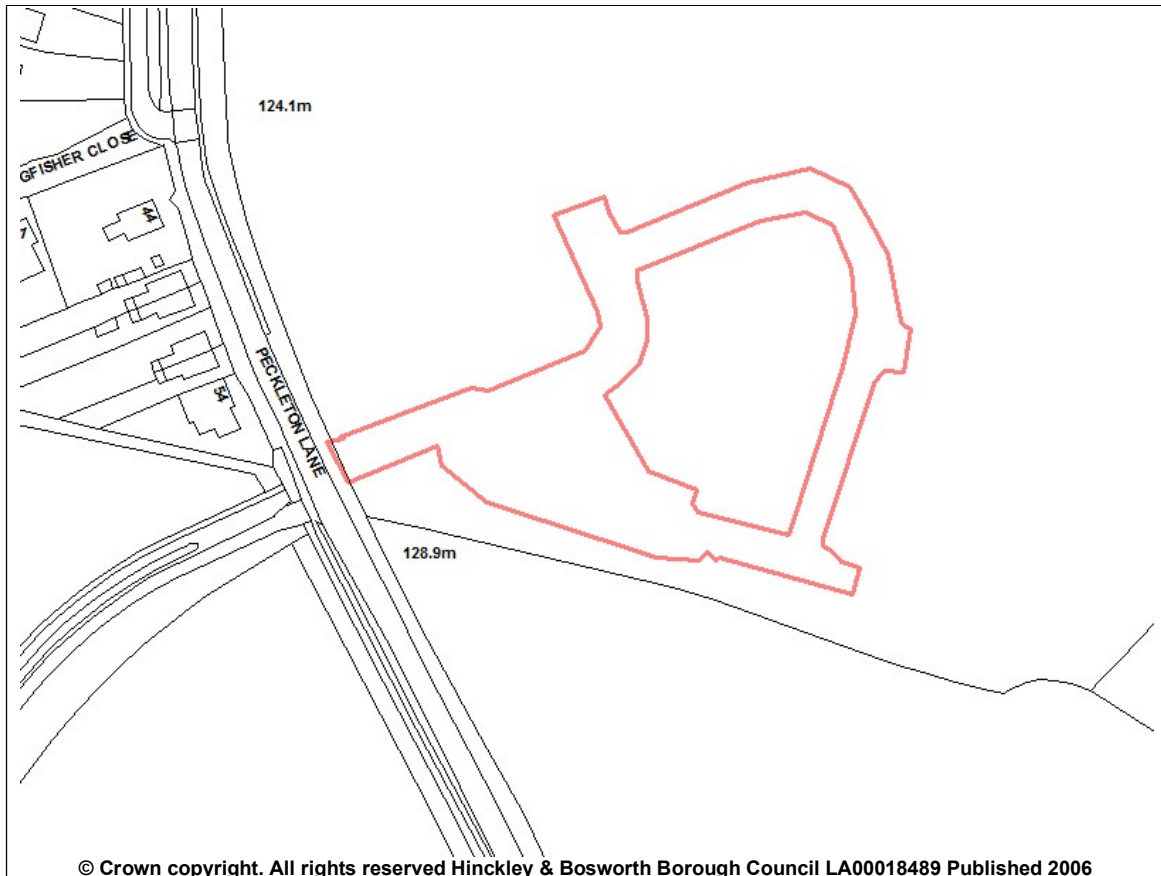
**Planning Ref: 20/00937/FUL
Applicant: Owl Homes
Ward: Newbold Verdon With Desford & Peckleton**



Hinckley & Bosworth
Borough Council

Site: Land East Of Peckleton Lane Desford

Proposal: Erection of 5 dwellings



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. The proposal relates to the construction of 5 dwellings on land previously granted planning permission for residential development under refs: 18/01252/OUT and 20/00347/REM.
- 2.2. Following concerns raised regarding the original scheme submitted with this application the proposal has been amended. The amended scheme is for the replacement of a detached dwelling approved on plot 80 with a block of 3 residential units orientated to face towards Peckleton Lane. A further 2 properties would be constructed to the south east of this block and would comprise of a pair of semi-detached properties.

- 2.3. The housing mix proposed comprises of 5 market properties with 3 x 2-bed and 2 x 3-bed properties. The properties proposed are of traditional construction comprising of facing bricks with roofing tiles. All of the properties would be built to a height of two-storeys.
- 2.4. A detailed access plan showing a new road off Peckleton Lane in the location of an existing field gate was approved under consent ref: 18/01252/OUT. This proposal would utilise this access. Two car parking spaces would be provided for each property.

3. Description of the site and surrounding area

- 3.1. The application site comprises part of a single pasture field with well-defined hedgerow boundaries. Located close to the approved access road from Peckleton Lane into this housing development the site includes plot 80 which has planning permission for a detached dwelling. The site also includes an area of open space with the public footpath forming the southern boundary of the site.

4. Relevant planning history

18/01252/OUT

- Residential development up to 80 dwellings with associated works (Outline - access only)
Planning application refused but allowed at appeal
29.07.2019

20/00347/REM

- Approval of reserved matters (layout, scale, appearance and landscape) of planning permission ref: 18/01252/OUT for 80 dwellings and details of the Affordable Housing Scheme and On-Site Open Space Area Scheme
Planning Permission
05.08.2020

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.
- 5.2. Letters of objection have been received from 5 residential addresses raising the following issues:
- 1) The proposal would generate additional traffic on the surrounding roads
 - 2) Additional residents would be using already overstretched services and facilities in Desford
 - 3) The proposal would result in the loss of green space on the site
 - 4) The proposed layout will alter the aesthetics of the entrance into this development
 - 5) The buildings would be in close proximity to the public footpath

6. Consultation

- 6.1. LCC Ecology has placed a holding objection on the proposal until amendments are made to the proposed landscaping scheme. An amended landscaping scheme has been submitted and LCC Ecology's comments are awaited.
- 6.2. No objections have been received from:
Environmental Services (Pollution) – subject to pre-commencement conditions
HBBC Waste Services
LCC Ecology
HBBC Section 106 Monitoring Officer

LCC as Highway Authority – subject to conditions

6.3. Desford Parish Council objects to the scheme as additional dwellings would increase traffic volumes on Peckleton Lane and add to the significant congestion on local village roads.

6.4. No comments have been received from HBBC Waste Services

7. Policy

7.1. Core Strategy (2009)

- Policy 7: Key Rural Centres
- Policy 8: Key Rural Centres relating to Leicester
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 17: Rural Needs
- Policy 19: Green Space and Play Provision
- Policy 20: Green Infrastructure

7.2. 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
- Policy DM25: Community Facilities

7.3. Desford Neighbourhood Plan Referendum Version (2020)

- Policy H1: Settlement Boundary
- Policy H5: Housing Mix
- Policy H6: Windfall Site Development
- Policy H7: Housing Design

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)
- 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 neighbouring residential amenity
- Highway Safety

Assessment against strategic planning policies

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) (2019) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms 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.
- 8.3. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) and the Site Allocations and Development Management Policies DPD (2016).
- 8.4. The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough. Desford is identified as a Key Rural Centre within Policy 8 of the Core Strategy. To support its role as a Key Rural Centre focus is given to limited development in these areas that provides housing development within settlement boundaries that delivers a mix of housing types and tenures as detailed in Policy 15 and Policy 16 as well as supporting development that meets Local Needs as set out in Policy 17.
- 8.5. Policy 8 provides the policy framework for each Key Rural Centre relating to Leicester. The first criterion for Desford seeks the provision of a minimum of 110 new homes.
- 8.6. 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 (450dpa) than required by the up-to-date figure using the standard methodology of 452 dwellings per annum. Notwithstanding the very limited change in housing requirements per year, 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.
- 8.7. Nevertheless, using the Standard Methodology set by MHCLG, as of the 1 April 2020 the Council is able to demonstrate 5.15 years of deliverable housing supply.
- 8.8. This site lies outside the settlement boundary of Desford and is identified as countryside on the Borough Wide Policies Map and therefore Policy DM4 should be applied. Policy DM4 of the SADMP seeks to protect the intrinsic value, beauty and open character and landscape character through safeguarding the countryside from unsustainable development. The site does not fall under any of the categories identified in DM4 as sustainable development.
- 8.9. 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. Under Regulation 25 of the Neighbourhood Planning (General) Regulations 2012, HBBC has issued a decision statement following the examination and subsequent Inspector's report of the Desford Neighbourhood Plan (DNP), detailing its intention to send the neighbourhood plan to referendum. The plan is however unable to proceed to referendum because of the current Covid-19 restrictions.

- 8.10. As the DNP has not been to Referendum and is not a “made plan” paragraph 14 of the Framework is not applicable. Notwithstanding this, Planning Practice Guidance at paragraph 107 provides that where the local planning authority has issued a decision statement (as set out in Regulation 18 of the Neighbourhood Planning General Regulations 2012) detailing its intention to send the Neighbourhood Plan for referendum that plan can be given significant weight in decision taking. Therefore, the DNP is afforded significant weight in the decision making process.
- 8.11. Policy H1 of the DNP identifies a settlement boundary for the settlement of Desford and the application site lies within this settlement boundary. Policy H1 supports development proposals within the settlement boundary where they respect the character of Desford. Policy H6 in the DNP also supports small residential development proposals on infill and redevelopment sites where they are located within the settlement boundary. Therefore, the principle of residential development on the site is accepted under the Neighbourhood Plan subject to compliance with other policies in the Plan.
- 8.12. The site is in a sustainable location in relation to the settlement boundary of Desford where there is generally a presumption in favour of residential development. In addition, the site has good access to services and facilities within Desford and to good public transport links. The application site is also sited within the boundary of an extant residential development granted permission under ref: 18/01252/OUT. Residential properties have been approved to the north and east of the application site.
- 8.13. Therefore, whilst there is a clear conflict between the proposed development and Policy DM4 of the SADMP, under Policy H1 of the DNP does identify the settlement boundary of Desford and the application site is included within this settlement boundary. Policy H6 also supports windfall site development within the settlement boundary. Therefore, Policies H1 and H6 do support development proposals within the settlement boundary where they respect the character of Desford. As stated above these policies have significant weight in the planning balance.

Design and impact upon the character of the area

- 8.14. Policy DM4 of the SADMP requires that development in the countryside does not have an adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside, does not undermine the physical and perceived separation and open character between settlements and does not create or exacerbate ribbon development.
- 8.15. Policy DM10 of the adopted SADMP seeks to ensure that proposals complement or enhance surrounding development through materials, design and architectural features.
- 8.16. Policy H7 of the emerging DNP states that new development should enhance and reinforce the local distinctiveness and character of the area in which it is situated.
- 8.17. The Council’s Good Design Guide SPD sets out the process to be followed to ensure good quality design for new residential development.
- 8.18. The application site lies within the Newbold and Desford Rolling Farmland in the Hinckley and Bosworth Borough Landscape Character Assessment (2017) (LCA). The Landscape Sensitivity Assessment (2017) makes an assessment of the landscape sensitivity around Desford. The assessment area covers the area to the south, west and east of the settlement.
- 8.19. The application site is situated within a prominent location on this residential site being located near to the access road onto Peckleton Lane and next to public footpath R99/1. The landscape sensitivity study gives guidance for new

development in this area to maintain and enhance the recreational assets including rights of way network. Following concerns raised about the potential impact of the built development in close proximity to the public footpath including a high brick boundary wall of some 1.8 metres in height within 2 metres of the public footpath, an amended scheme has been submitted.

- 8.20. The scheme approved under ref: 18/01252/OUT was based around the need for the public footpath to be retained and enhanced as part of a green buffer and associated public open space. The layout submitted with the amended scheme realigns the block of three residential units away from the public footpath so that the area of land to the west of the site can remain open. Four car parking spaces are proposed within this area, however, the boundary treatment for this parking would comprise a native hedgerow to soften the development.
- 8.21. The amended plans also show two properties re-sited further to the north of the site. Bound by a native hedgerow, the siting of the rear garden of plot 84 would allow an area to remain free of development alongside the public footpath. Designed as a corner property the entrance door and footpath leading up to this door along with two parking spaces would be within 2 metres of the public footpath. However, this area would be bound by a native hedgerow to reduce the impact of this built development on users of the public footpath. The design of plot 84 as a corner property with habitable rooms facing onto the public footpath would also provide natural surveillance over this area to the benefit of users of the footpath.
- 8.22. Whilst the proposal would involve building on land approved as open space under ref: 18/01252/OUT, the development proposal involved a greater area of open space than required under the Council's Open Space and Recreation Study (2016). Therefore, the proposed development would not result in the loss of open space as designated in the legal agreement for the permission.
- 8.23. The proposal would result in the loss of an area proposed as wildflower meadow. However, as confirmed by LCC Ecology, the loss of this area would still result in a net gain for biodiversity as the residential scheme approved under ref: 18/01252/OUT did approve a greater net gain for biodiversity than required.
- 8.24. Following concerns raised by LCC Ecology with regards to the species within the proposed landscaping scheme, an amended scheme has been submitted by the applicant to address these concerns. The *Tilia euchlora* trees have been replaced with locally native species and a new hedgerow is shown planted along the boundary fences of the plots next to the open space. LCC Ecology has been consulted on this amended plan and their comments are awaited.
- 8.25. The properties proposed are of a traditional design comprising of facing brickwork with roofing tiles. The variations in roof styles and orientations proposed would create variety and rhythm within the street scene and would be in keeping with the surrounding housing scheme as approved. The parking areas set between and behind dwellings would reduce the visual impact of cars on the street scene. Landscaping and grass verges are proposed to soften the built development.
- 8.26. Objections have been received regarding the impact on the character of the area with regards to an additional four dwellings sited on this housing development. Policy 16 of the Core Strategy requires a minimum of 30 dwellings per hectare on this site. The proposal along with the additional dwellings (84 dwellings) on this 3.76 hectare site would still be below 30 dwellings per hectare. Paragraph 123 of the Framework requires development to make an efficient use of land. This proposal for four additional dwellings would be in accordance with Policy 16 of the Core Strategy and guidance in the NPPF on the need to make the efficient use of land.

8.27. Therefore, it is considered that the design, layout, scale and landscaping details of the proposal as submitted along with the improvements to landscaping would reflect the character of the surrounding area, in accordance with Policies DM4 and DM10 of the SADMP and Policy H7 of the emerging DNP.

Impact upon neighbouring residential amenity

8.28. Policy DM10 of the adopted SADMP seeks to ensure that development does not adversely affect the amenity of occupiers of neighbouring properties.

8.29. Policy H6 of the emerging DNP requires that development does not result in an unacceptable loss of amenity for neighbouring occupiers by reason of loss of privacy, loss of daylight, visual intrusion or noise in line with HBBC advice and Planning Guidance.

8.30. There are no existing residential properties near to the site which may be affected by the proposal. However, the application site is surrounded by residential properties which are due to be constructed under the extant planning permission.

8.31. The layout of the proposal has been designed to comply with the minimum standards laid out in the Council's Good Design Guide SPD. This includes rear gardens which exceed 7 metres in depth and distances between first floor principal windows of some 24 metres. The orientation of the dwellings ensures that each plot has been designed to minimise the impact of overlooking whilst providing some surveillance over rear gardens to assist in providing security.

8.32. Based on the above, the proposal would not have a significant adverse impact on the residential amenity of either nearby residential properties or on the future occupiers of the site. The proposal would therefore be in accordance with Policy DM10 of the SADMP and Policy H6 of the emerging DNP.

Highway Safety

8.33. Policy DM17 of the SADMP states that all new development should be in accordance with the highway design standards. Policy DM18 ensures that development provides appropriate parking provision.

8.34. Policy T1 of the emerging DNP requires all housing development to be designed to minimise additional traffic generation and movement through the villages and provide sufficient off-road parking.

8.35. The proposal would be accessed via the previously approved (18/01252/OUT) new access directly from Peckleton Lane which gained permission to serve 80 dwellings at the site.

8.36. Objections have been received with regards to the additional traffic generated from 4 additional dwellings on the site. The local Highway Authority has been consulted on this proposal and has confirmed that they have no further comments to make on the proposed access which would be adopted by the Highway Authority. They advise that in their view, the impacts of the development on highway safety would not be unacceptable and when considered cumulatively with other developments, the impacts on the road network would not be severe based on advice in the NPPF and Policy DM17 of the SADMP.

8.37. With regards to the internal road network on the site, this to be adopted as evident in previous planning permissions for the site where the Highway Authority commented that they were "satisfied an adoptable road layout can be achieved without further amendments." They confirm that the proposal for additional 4 dwellings at the site would not change the internal road network at the site and so have no further comments to make.

- 8.38. The site layout drawing shows that 2 car parking spaces would be provided for each dwelling. The Highway Authority confirm that this level of parking is consistent with the guidelines contained in the Leicestershire Highway Design Guide which advises that 2 spaces are required for 3 bedroom dwellings. They recommend that planning conditions are imposed to ensure that the parking and turning areas are provided and maintained in perpetuity.
- 8.39. As such the scheme would comply with Policies DM17 and DM18 of the SADMP (2016).

Other Matters

- 8.40. Policy DM3 of the 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.
- 8.41. 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. In this instance, the proposed site area and number of dwellings do not exceed the thresholds for requiring the delivery of affordable housing or on site play and open space. Any requested infrastructure contribution for public play and open space facilities off site would need to be necessary to make the development acceptable in planning terms and therefore CIL compliant. The Unilateral Undertaking signed as part of the outline permission included a requirement for the provision of equipped children's play space and casual/informal play spaces along with off-site play and open space provision of accessible natural green space. The on-site open space provided on the 80 house development scheme involved a greater area of open space than required under the Council's Open Space and Recreation Study (2016). The proposed development would not result in the loss of open space as designated in the legal agreement for the permission and would not require any additional open space for the 4 dwellings proposed.
- 8.43. The proposed development would not cause significant pressures on facilities that would warrant a contribution being sought.
- 8.44. Further to this, as the proposal is for 4 additional dwellings, it is not expected that the proposal would have an adverse impact on other infrastructure services and facilities within Desford that would require mitigating, in line with LCC Planning Obligations Policy (2019). The development is considered to be acceptable in planning terms without any contributions and therefore any contribution would not be CIL compliant in this case. Therefore, notwithstanding Policy DM3 of the adopted SADMP and Policy 19 of the adopted Core Strategy, no contribution has been pursued.

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. Planning Balance and Conclusion

- 10.1. The application site lies within the countryside as identified in the proposals map attached to the SADMP and so there is conflict with Policy DM4. However, Policy H1 of the DNP does identify the settlement boundary of Desford and the application site is included within this settlement boundary. Policy H6 also supports windfall site development within the settlement boundary. Therefore, Policies H1 and H6 do support residential development proposals within the settlement boundary where they respect the character of Desford. These policies have significant weight in the planning balance.
- 10.2. Paragraph 11 of the NPPF recites the presumption in favour of sustainable development. Whilst the Council can demonstrate a five year supply of housing land, the associated settlement boundaries are considered to be out-of-date. In such circumstances, permission should be granted unless any adverse impacts of so doing would significantly and demonstrably outweigh the benefits.
- 10.3. The proposal seeks additional development on an extant residential site and would involve the efficient use of land. Whilst the site is identified as open space on the approved plans, the extant residential permission does involve a greater area of open space and biodiversity than is required by the Council's policies. Given the surrounding development and the character of the area, the land is residential in character and is not interpreted as countryside. The proposed layout development of this land would not result in significant adverse harm given the surrounding built form, and its relationship within the settlement boundary.
- 10.4. The NPPF does seek to significantly boost the supply of housing. However, the small scale of this proposal means that 4 additional units would attract limited weight in the planning balance. Indeed, the Council does not have a shortfall of housing. The proposal does not include any affordable housing provision or any provision towards public open space in Desford. There would be some short-term economic benefit from the investment in construction but this would be small in scale and temporary.
- 10.5. Whilst there is conflict with Policy DM4 of the SADMP, the proposal would not have a significant impact on the character of the area, on residential amenity, ecology or highway safety and is therefore in accordance with Policies DM6, DM7, DM10, DM17 and DM18 of the SADMP (2016) and Policies H1, 5, 6 and 7 of the emerging Desford Neighbourhood Plan.

10.6. Having regard to Policy DM1 of the SADMP, to Policy H1 in the emerging DNP and the presumption in favour of sustainable development along with taking into account the relevant Development Plan policies and material planning considerations, it is considered, on balance, that the proposed development constitutes sustainable development. Therefore, the proposal is recommended for approval subject to conditions.

11. Recommendation

11.1 **Grant planning permission** subject to:

- 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 accordance with the submitted application details, as follows:

Drgs no: 1026-AD-201A; 202C; 204B and 205B all received on 17 November 2020

Drgs no: PD-001-1; 001-2; 002-1 and 002-2 all received on 17 November 2020

Drg no: C-1758-05 received on 15 December 2020

Reason: To ensure a satisfactory impact of the development to accord with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies DPD.

3. No works shall commence on site until full details of the finished floor levels for each of the approved dwellings has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in full accordance with the approved details.

Reason: To ensure that the development has a satisfactory appearance in accordance with Policies DM4 and DM10 of the SADMP (2016).

4. No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted in writing to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016).

5. 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 in writing 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 first dwelling being occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016).

6. Prior to the commencement of development, a scheme for the delivery of full fibre broadband connections to serve each dwelling on the application site shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full.

Reason: To ensure the provision of a high quality and reliable communications infrastructure network to serve the development to accord with paragraph 112 of the NPPF (2019).

7. Each dwelling hereby permitted shall not be occupied until such time as the parking and turning facilities for that dwelling have been implemented in accordance with Drg No: C170-DR-A-0100 Rev 13. 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 in the interests of highway safety and in accordance with Policy DM17 of the SADMP (2016).

8. Any dwellings that are served by private access drives (and any turning spaces) shall not be occupied until such time as the private access drive that serves those dwellings has been provided in accordance with Figure DG20 of the Leicestershire Highway Design Guide. The private access drives shall be surfaced with tarmacadam or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and once provided, 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 in the interests of highway safety and in accordance with Policy DM17 of the SADMP (2016).

9. The dwellings hereby approved shall only be constructed from the materials as contained within approved Drg No: 1026-AD-204.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM10 of the SADMP (2016).

10. Prior to the occupation of 20% of the dwellings hereby approved the landscaping scheme as shown on approved Drw no: C-1758-05 shall be implemented in full to the satisfaction in writing of the local planning authority. 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 at which time shall be specified in writing by the local planning authority.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the Site Allocations and Development Management Policies DPD (2016).

11.3 Notes to applicant

1. 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/lhdg>.
2. 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/lhdg> 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.
3. Prior to construction, measures should be taken to ensure that users of the Public Right of Way are not exposed to any elements of danger associated with the construction works.
4. Public Rights of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highway Act 1980.
5. If the developer requires a Right of Way to be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to networkmanagement@leics.gov.uk at least 12 weeks before the temporary diversion is required.