

Planning Committee 10 April 2018  
Report of the Planning Manager, Development Management

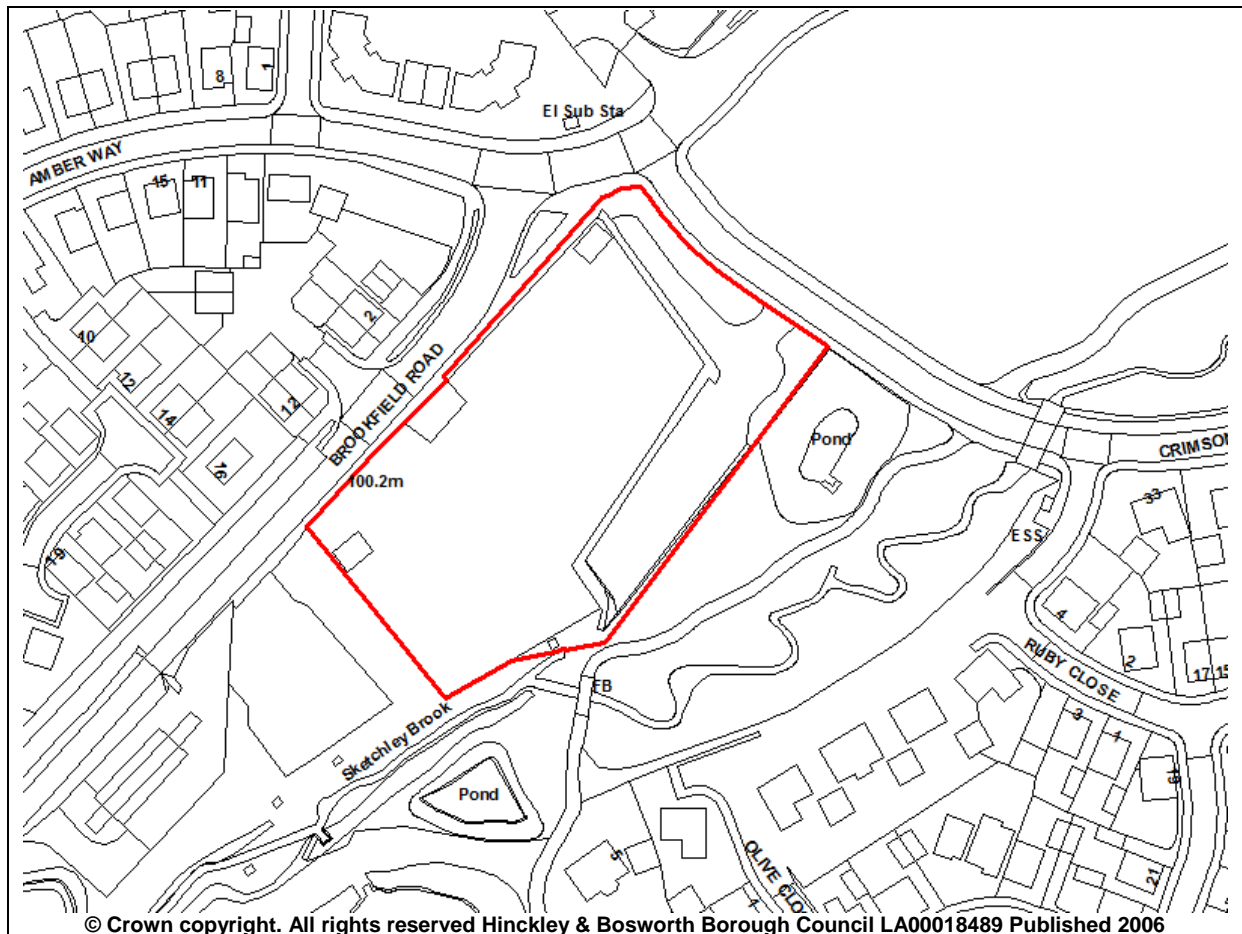


Hinckley & Bosworth  
Borough Council

Planning Ref: 17/00964/FUL  
Applicant: Westleigh Partnership Ltd  
Ward: Burbage Sketchley & Stretton

Site: Land South Of Crimson Way Burbage

Proposal: Erection of 30 dwellings



## 1. Recommendations

### 1.1. Grant planning permission subject to:

- The prior completion of a S106 agreement to secure the following obligations:
  - 100% affordable housing units, (20% policy provision and 80% additionality)
  - Education facilities contribution of £72,594.06 (subject to reduction due to loss of units from original scheme)
  - Health facilities contribution of £9,145.44
  - Public Play and Open Space contribution of £46,171.44
- Planning conditions outlined at the end of this report.

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

- 1.3. That the Planning Manager, Development Management be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

## **2. Planning Application Description**

- 2.1. This application seeks full planning permission for the erection of 30 new dwellings. The scheme comprises 8 x 1 bed flats, 12 x 2 bed dwellings, 8 x 3 bed dwellings and 2 x 4 bed dwellings. The flats are to be provided in a single 'L' shaped block facing the junction of Brookfield Road and Crimson Way. The 2, 3 and 4 bed houses are arranged as semi-detached and terraced properties facing Brookfield Road, Crimson Way and a new access road off Crimson Way adjacent to the existing open space. A total of 51 parking spaces are proposed throughout the development. All of the proposed dwellings are to be affordable units for social rent and intermediate tenure.
- 2.2. A Design and Access Statement, Transport Assessment, Flood Risk Assessment and Drainage Strategy have been submitted to support the application.
- 2.3. Amended plans have been submitted during the course of the application to reduce the scheme from 35 to 30 dwellings. Re-consultation has been undertaken.

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

- 3.1. The application site measures approximately 0.66 hectares and is located within the settlement boundary of Burbage to the south of the junction of Crimson Way and Brookfield Road. It is a vacant, predominantly hard-surfaced site that was most recently used as a storage compound associated with the construction of the wider Sketchley Brook development that includes residential properties, a public house and open space. A large part of the site is enclosed by 2 metre high metal palisade security fencing.
- 3.2. To the north west of the site there are two storey residential properties on Brookfield Road. To the north east there is a vacant plot between Crimson Way and Rugby Road. Sketchley Brook lies to the south east of the site with a public footpath through open space and residential development beyond. To the south west there is land in the ownership of Severn Trent Water Limited.

## **4. Relevant Planning History**

10/00518/OUT	Mixed use development comprising up to 375 dwellings, employment (Use Classes B1a, B1c, B2 and B8), local centre (Use Classes A1-A5 and D1), live-work units, works to Sketchley Brook corridor, remodelling of lake and associated open space, parking and accesses (outline – access only)	Permitted	30.08.2011
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## **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. Responses have been received from 32 separate addresses as a result of public consultation raising the following objections and concerns:-
- 1) Highway safety – inadequate road infrastructure to take increased traffic flow from additional dwellings resulting in additional traffic congestion

- 2) Services and facilities – inadequate school facilities and health care facilities to serve additional dwellings
- 3) The application site was meant to be used for retail or commercial outlets or open green space facilities, not additional housing which is not needed
- 4) Lack of broadband infrastructure.

## **6. Consultation**

6.1. No objection, some subject to conditions has been received from:-

Leicestershire County Council (Rights of Way)  
Leicestershire County Council (Drainage)  
Leicestershire County Council (Ecology)  
Environmental Health (Drainage)  
Environmental Health (Pollution)  
Street Scene Services (Waste)

6.2. Leicestershire County Council (Highways) have advised that additional information is required and raised issues with the originally proposed site access and internal layout. The re-consultation response on the submitted amended plans has not yet been received.

6.3. Leicestershire Fire and Rescue Service refer to standing advice and Building Regulations.

6.4. Leicestershire County Council (Developer Contributions) request the following infrastructure contributions:-

- 1) Director of Children and Family Services requests a total contribution of £72,594.06 (subject to reduction due to loss of units from original scheme) towards education facilities to mitigate capacity issues resulting from the proposed development (Primary School Sector);
- 2) Director of Environment and Transport requests a contribution of £1,734 (subject to reduction of four units) towards civic amenity facilities to mitigate additional demands on Barwell Civic Amenity site as a result of the proposed development;
- 3) Library Services (Locality Manager – North) considers that the development would not have any adverse impact on Burbage Library and therefore no contribution is requested on this occasion.

6.5. NHS England requests a contribution of £9,145.44 towards the improvement of local health care facilities to mitigate additional demands on the local surgery as a result of the proposed development.

6.6. Burbage Parish Council object to the application on the grounds that there are too many properties proposed on the site, insufficient parking and turning with issues of highway safety and neighbours have inadequate broadband provision.

6.7. No response has been received from:-

Severn Trent Water Limited  
Leicestershire Police  
Cycling UK  
Ramblers Association.

## **7. Policy**

7.1. Core Strategy (2009)

- Policy 4: Development in Burbage
- Policy 15: Affordable Housing

- Policy 16: Housing Density, Mix and Design
  - Policy 19: Green Space and Play Provision
- 7.2. Site Allocations and Development Management Policies (SADMP) DPD (2016)
- Policy SA3: Land at Brookfield Road and Sketchley Brook, Burbage
  - Policy DM1: Presumption in Favour of Sustainable Development
  - Policy DM3: Infrastructure and Delivery
  - Policy DM7: Preventing Pollution and Flooding
  - Policy DM10: Development and Design
  - Policy DM17: Highways and Transportation
  - Policy DM18: Vehicle Parking Standards
- 7.3. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2012)
  - Planning Practice Guidance (PPG)
  - Community Infrastructure Levy (CIL) Regulations (2010)
- 7.4. Other relevant guidance
- Open Space and Recreation Study (2016)
  - Burbage Neighbourhood Plan (BNP) 2015 – 2026 (Pre-Submission Draft)
  - Burbage Village Design Statement (BVDS)

## **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
- Pollution
- Affordable Housing
- Infrastructure contributions
- Other issues

#### Assessment against strategic planning policies

- 8.2. Paragraph 11 of the National Planning Policy Framework (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 development plan is the starting point for decision making and that proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Paragraph 13 of the NPPF states that the NPPF is a material consideration in determining applications.
- 8.3. The relevant development plan documents in this instance consist of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies Development Plan Document (2016) (SADMP). The emerging Burbage Neighbourhood Plan (BNP) is still in development, not yet having been submitted to the local planning authority for comment prior to Examination by an Inspector and subsequent referendum. Therefore, only very limited weight can be afforded to this document at this time.
- 8.4. 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 materials consideration indicate otherwise.

- 8.5. The application site falls within a wider redevelopment site, referred to in this report as 'Sketchley Brook site', which was approved in August 2011 (planning reference 10/00518/OUT). This outline application was for 'mixed use development comprising up to 375 dwellings, employment (use classes b1a, b1c, b2 and b8), local centre (use classes a1-a5 and d1), live-work units, works to Sketchley Brook corridor, remodelling of lake and associated open space, parking and accesses.
- 8.6. Objections to the current application have been received on the grounds that the application site was allocated in the outline planning permission masterplan for retail/commercial outlets and open space and that additional housing is not needed.
- 8.7. Notwithstanding these objections, the application site was clearly identified for potential residential development in the approved masterplan for the site. The open space identified in the masterplan has also been provided to the south of the site. Employment development has been provided to the west of the site (DPD). The local centre referred to was identified on land further to the north east of the application site and other than a public house/restaurant is currently vacant and therefore (notwithstanding a recent refusal of planning permission for 49 dwellings) still potentially available for such development. The two previous reserved matters applications approved within the wider site for 345 dwellings (212 and 133 dwellings) fall short of the outline planning permission range of up to 375 new dwellings. The current proposal is a full application (not reserved matters) for 30 new dwellings and would meet the shortfall from the outline planning permission.
- 8.8. The site is located within the settlement boundary of Burbage where Policy 4 of the adopted Core Strategy seeks to support Hinckley's role as a sub-regional centre through the allocation of land for residential, employment and retail land uses. Policy SA3 of the adopted SADMP seeks to ensure a mixed use development on the Sketchley Brook site which retains existing employment uses on site; delivers a neighbourhood centre comprising retail units (A1-A5); delivers a minimum of 46 dwellings with a housing density, mix and design in line with Policy 16 of the adopted Core Strategy and also ensures that the amenity of future occupiers of both residential and employment units would not be adversely affected in line with Policy DM10 of the adopted SADMP.
- 8.9. It is therefore considered that residential development on the application site would be in accordance with the strategic planning policies of the development plan subject to all other planning matters being satisfactorily addressed.

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

- 8.10. Policy DM10 of the adopted SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the local area generally.
- 8.11. Policies 2 and 4 of the emerging BNP support residential proposals that do not cause adverse impacts on the character of the area, are within the continuity of existing frontage buildings, are comparable in layout, size, scale and design to neighbouring properties and retain important natural boundaries. Policy 3 of the emerging BNP seeks to restrict the size of new dwellings to the housing needs within the Parish.

- 8.12. Policy 16 of the adopted Core Strategy requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings and a minimum net density of 40 dwellings per hectare within Burbage.
- 8.13. Burbage Parish Council objects to the application on the grounds that there are too many properties being proposed.
- 8.14. Amended plans have been submitted during the course of the application to reduce the number of units proposed on the site from 35 to 30 to enable an acceptable layout to be achieved with parking located predominantly to the side and rear of dwellings. The proposed density at 45 dwellings per hectare would be in accordance with Policy 16 of the adopted Core Strategy.
- 8.15. The amended proposal would provide a mix of different sized dwellings comprising 8 x 1 bed flats, 12 x 2 bed dwellings, 8 x 3 bed dwellings and 2 x 4 bed dwellings. The flats are to be provided in a single 'L' shaped block facing the junction of Brookfield Road and Crimson Way. The 2, 3 and 4 bed houses are arranged as semi-detached and terraced properties set back from Brookfield Road, Crimson Way and a new access road off Crimson Way adjacent to the existing open space. Satisfactory amenity spaces of at least 40 square metres for the smaller houses and up to 90 square metres for the larger houses are provided within the layout. The two parking courts proposed are provided with natural surveillance. A condition could be imposed to ensure satisfactory hard and soft landscaping within the site to enhance its appearance.
- 8.16. The density, layout and two storey scale and design of the dwellings along with the use of complementary external materials of red brick and occasional render would complement the character of neighbouring development to the north west and would therefore be acceptable in respect of Policy DM10 of the adopted SADMP and Policies 2 and 4 of the emerging BNP.

Impact upon neighbouring residential amenity

- 8.17. Policy DM10 of the adopted SADMP and Policy 2 of the emerging BNP require that development would not have a significant adverse effect on the privacy or amenity of nearby residents and occupiers of adjacent buildings or the future occupiers of the site.
- 8.18. By virtue of the separation distances of over 25 metres to all neighbouring existing properties the proposal would not result in any significant adverse impacts on the privacy or amenity of the occupiers of any neighbouring dwellings.
- 8.19. A majority of the proposed dwellings have back to back separation distances between habitable room windows of between 19 metres and 21 metres with 1.8 metre high close boarded fencing providing privacy between opposing rear gardens. Where separation distances are lower at approximately 15 metres, the dwellings are slightly offset such that the privacy of the future occupiers would not be significantly compromised.
- 8.20. The amended scheme would therefore be acceptable in terms of the residential amenities of existing and future occupiers and in accordance with Policy DM10 of the adopted SADMP and Policy 2 of the emerging BNP in this respect.

Impact upon highway safety

- 8.21. Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision to serve the development proposed. Policy 5 of the emerging BNP requires two off-street parking spaces to be provided for each new dwelling, unless it is unachievable.

- 8.22. Objections have been received on highway safety grounds that there is inadequate road infrastructure to take any increased traffic flow from additional dwellings on the Sketchley Brook site and resulting in additional traffic congestion. Burbage Parish Council object to the scheme on highway safety grounds resulting from insufficient parking and turning circles.
- 8.23. A Transport Statement has been submitted to support the application. This refers to the previous Transport Assessment and Travel Plan submitted to support the outline application for the wider Sketchley Brook site for a mixed use development of 375 dwellings, employment and a local centre. The statement suggests that the highway infrastructure proposed to serve that development has been largely completed and the current proposal for 30 dwellings does not exceed the overall housing numbers for the wider site. It therefore concludes that traffic implications from the proposed residential scheme would not be severe or adversely affect the operation of the highway network to any significant degree.
- 8.24. The amended layout proposes 51 parking spaces within the development with a majority of the houses to be provided with at least two parking spaces and the proposed flats with one parking space. The Transport Statement suggests that the provision can be justified through a submitted assessment of local car ownership levels, the sustainable location of the site in close proximity to a range of services and facilities within the town centre and to public transport links.
- 8.25. Leicestershire County Council (Highways) has assessed the scheme and has indicated that there is not likely to be any in-principle objection to the scheme in this case as the number of units throughout the wider site would not exceed the overall approved outline planning permission of 375 dwellings. Amended plans have been submitted to seek to address highway design issues in the layout raised in initial consultation responses and re-consultation has been undertaken. The re-consultation response from the Highway Authority has not been received at the time of writing this report and will be reported as a late item to this agenda. In the meantime, standard highway conditions have been included in the recommendation.

#### Drainage

- 8.26. Policy DM7 of the adopted SADMP seeks to prevent development from resulting in adverse impacts on flooding by ensuring that development does not create or exacerbate flooding.
- 8.27. A Flood Risk Assessment (FRA) and Drainage Strategy have been submitted to support the application proposing the use of sustainable drainage measures.
- 8.28. Leicestershire County Council (Drainage) and Environmental Health (Drainage) have assessed the information submitted and raise no objection to the scheme subject to planning conditions being imposed to require the submission of a surface water drainage system in accordance with the submitted FRA and Drainage Strategy for prior approval, infiltration testing, management of surface water during construction of the development and a long term maintenance plan for the sustainable surface water drainage system to be approved. The conditions would be reasonable and necessary to prevent flooding and maintain water quality by ensuring the satisfactory storage and disposal of surface water from the site and a suitable maintenance regime for its long term performance.
- 8.29. Subject to the satisfactory discharge of such conditions, the proposal would be in accordance with Policy DM7 of the adopted SADMP in respect of surface water drainage and water quality.

### Pollution

- 8.30. Policy DM7 of the adopted SADMP seeks to prevent adverse impacts from pollution by ensuring that development proposals demonstrate that appropriate remediation of contaminated land is undertaken in line with minimum national standards.
- 8.31. By virtue of the former uses of the application site the Environmental Health (Pollution) team recommend conditions to require the submission of a scheme for the investigation of potential land contamination and any necessary remediation works for prior approval in order to protect the amenity of the future occupiers of the site.
- 8.32. Subject to satisfactory investigation/remediation being undertaken in line with any approved scheme, the proposal would be in accordance with Policy DM7 of the adoptee SADMP.

### Affordable Housing

- 8.33. Policy 15 of the Core Strategy states that to support the provision of mixed, sustainable communities, a minimum of 2090 affordable homes will be provided in the borough from 2006 to 2026. Policy 15 seeks the provision of 20% affordable housing on all sites in urban areas of 15 dwellings or more or 0.5 hectares or more with a tenure split of 75% for social rent and 25% for intermediate tenure.
- 8.34. The scheme proposed is for 100% affordable housing which would meet the 20% policy requirement and provide 80% additional affordable housing to provide a significant contribution to the affordable housing needs of the Borough over the plan period. The proposed tenure split is 50% social rented and 50% intermediate housing. By virtue of the overall gain in the number of rented units above the policy position the split is considered acceptable in terms of the requirements of Policy 15 of the adopted Core Strategy. The scheme provides an acceptable mix of 1, 2, 3 and 4 bedroom dwellings through the site which is acceptable in respect of Policy 16 of the adopted Core Strategy.
- 8.35. Developments in Hinckley meet the needs of housing applicants for the entire Borough and the section 106 agreement will include provision for the type of tenure and the allocation of dwellings in accordance with the Council's Housing Allocations Policy.

### Infrastructure contributions

- 8.36. 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 adopted Core Strategy seeks to address existing deficiencies in the quality, quantity and accessibility of green space and children's play provision within settlements.
- 8.37. The request for any planning obligations (infrastructure contributions) must be considered against the requirements contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations require 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.
- 1) Public play and open space
- 8.38. Policies 1 and 19 of the adopted Core Strategy seek to address existing deficiencies in the quality, quantity and accessibility of green space and children's play provision within Hinckley. The Open Space, Sports and Recreational Facilities (PPG17) Study provides further advice on the quality of facilities at each designated public open space.



- 8.39. In this case, the site is located within 300 metres of Rugby Road Recreation Area (reference BUR09 in the SADMP) which provides formal park facilities with equipped and casual/informal children and young peoples play areas and outdoor sports facilities with a quality score of just 60%. It is also with 300 metres of the newly formed Indigo Drive amenity area (reference BURNEW3).
- 8.40. In order to mitigate the impact of additional users of these facilities as a result of the proposed development, a contribution of £46,171.44 has been calculated using the figures provided in the Open Space and Recreation Study. This equates to £1,648.98 per unit with a 25% reduction for each one bedroom unit and would be used towards schemes aimed at improving the range of public open space and children's play facilities within the vicinity of the site.
- 8.41. As a result of public consultation the following infrastructure contributions have been identified:
- 2) Education
- 8.42. The Director of Children and Family Services requests a contribution of £72,594.06 (subject to reduction due to loss of units from original scheme) towards education facilities in Burbage/Hinckley to mitigate the impact of additional users from the development on the Primary School Sector where deficits have been identified. No contributions are requested for the Secondary School Sector, Post 16 Sector or Special Schools Sector.
- 3) Civic Amenity
- 8.43. The Director of Environment and Transport requests a contribution of £1,734 (subject to reduction of four units) towards the delivery of civic amenity services and facilities at the nearest site in Barwell to mitigate the impact of additional users from the development on the facility. Due to the small scale of the estimated impact from the development on the civic amenity facility, it is considered that the impact would not be so significant to justify mitigation by way of a financial contribution from the development. In this instance the contribution is not considered to be CIL compliant and therefore is not requested from the developer.
- 4) Health care facilities
- 8.44. NHS England requests a contribution of £9,145.44 towards the improvement of local health care facilities to mitigate additional demands on the local Burbage surgery as a result of the proposed development. The contribution has been identified for the installation of a new telephone system to provide more effective triage of patient calls and improve access for patients to out of hours facilities and services.
- 8.45. The infrastructure contributions identified above, with the exception of civic amenity facilities, are considered to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed and therefore CIL compliant and could be secured through the completion of a suitable section 106 planning obligation which is currently under negotiation.
- Other issues
- 8.46. Leicestershire County Council (Rights of Way) has confirmed that the public footpath (U64) Diversion Order has been confirmed and therefore raises no objection to the scheme.
- 8.47. In view of the previous use of piling foundations within the wider site Environmental Health (Pollution) recommend the imposition of conditions to require the prior submission of a construction environmental management plan for prior approval

and working hours restrictions which would be reasonable to protect the residential amenity of existing neighbouring properties.

- 8.48. Burbage Parish Council and existing residents have objected to the scheme on the grounds that the previous developer did not install fibre broadband on the estate and therefore broadband speeds are slow and additional connections will slow it further, the service should be upgraded to provide fibre broadband to the estate. There is no policy requirement for the developer to pay for upgrading the broadband system on the estate. The scheme is providing 100% affordable housing in a highly sustainable urban location and in an area of identified need, along with a range of other recognised CIL compliant infrastructure contributions.

## **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.

## **10. Conclusion**

- 10.1. Policy DM1 of the SADMP states that development proposals that accord with the policies in the development plan will be approved without delay unless material considerations indicate otherwise.
- 10.2. The application site is located within the settlement boundary of Burbage and adjacent to Hinckley and forms part of a mixed use development site allocation (reference BUR02) with outline planning permission including 375 new dwellings. Notwithstanding that this is a full application the proposed scheme for 30 dwellings would make up the existing shortfall on the site allocation and outline planning permission. The development would be 100% affordable housing with a mix of tenures and would provide a mix of housing types. The development would be in accordance with Policy SA3 of the SADMP and Policies 4, 15 and 16 of the adopted Core Strategy.
- 10.3. The proposed development would complement the scale, design and appearance of neighbouring development and enhance the appearance of this hard-surfaced former construction compound. The development would not have any significant adverse impact on the amenity of surrounding residential properties and would provide a good standard of amenity for future occupiers. The amended proposal is not likely to have a significant adverse impact on highway safety and given the sustainable urban location with access by sustainable transport modes to a range of services and facilities would provide sufficient car parking provision within the site to serve the future occupiers. Subject to the re-consultation response from Leicestershire County Council (Highways) the amended scheme would be in accordance with Policies DM10, DM17 and DM18 of the adopted SADMP.

- 10.4. Conditions can be imposed to ensure that the proposal would not result in any flooding or pollution impacts. In addition to the affordable housing provision, a range of infrastructure contributions have been identified to mitigate impacts from the development on local services and can be secured through the completion of a suitable section 106 legal agreement. The development would be in accordance with Policies 19 of the adopted Core Strategy, Policies DM3 and DM7 of the adopted SADMP.
- 10.5. The scheme would result in a sustainable development in accordance with Policy DM1 of the adopted SADMP and is therefore recommended for approval subject to conditions and completion of a suitable section 106 legal agreement to secure affordable housing and CIL compliant infrastructure contributions.

## 11. Recommendation

### 11.1. Grant planning permission subject to:

- The prior completion of a S106 agreement to secure the following obligations:
  - 100% affordable housing units (20% policy provision and 80% additionality)
  - Education facilities contribution of £72,594.06 (subject to reduction due to loss of units from original scheme)
  - Health facilities contribution of £9,145.44
  - Public play and open space facilities contribution of £46,171.44
- Planning conditions outlined at the end of this report.

11.2. That the Planning Manager, Development Management be given powers to determine the final detail of planning conditions.

11.3. That the Planning Manager, Development Management be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

### 11.4. Conditions and Reasons

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

**Reason:** To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan Drawing No. 40145 022 received by the local planning authority on 22 September 2017; Plots 1 - 4 Floor Plans and Elevations Drawing No. 40145 013, Plots 5 - 7 Floor Plans and Elevations Drawing No. 40145 014B, Plots 8 - 10 Floor Plans and Elevations Drawing No. 40145 015A, Plots 11 - 12 Floor Plans and Elevations Drawing No. 40145 016A, Plots 13 - 14, 19 - 20, 21 - 22 Floor Plans and Elevations Drawing No. 40145 017B and Plots 15 - 16, 17 - 18 Floor Plans and Elevations Drawing No. 40145 018B received by the local planning authority on 24 January 2018; Plots 23 - 30 Floor Plans and Elevations Drawing No. 40145 027C, External Materials Plan Drawing No. 40145 026B, Materials Distribution Plan Drawing No. 40145 025A received by the local planning authority on 13 March 2018 and Site Layout Drawing No. 40145 003AF, Technical Site Layout Drawing No. 40145 023J and Boundary Treatment Plan Drawing No. 40145 024B received by the local planning authority on 21 March 2018.

**Reason:** To define the permission and ensure satisfactory impact of the development to accord with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. The materials to be used on the external elevations of the dwellings hereby permitted shall be in accordance with the approved External Materials Plan Drawing No. 40145 026 Rev B and Materials Distribution Plan Drawing No. 40145 025 Rev A received by the local planning authority on 13 March 2018.

**Reason:** To ensure that the development has a satisfactory appearance in the interests of visual amenity to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. 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 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 adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. 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 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 safe development of the site and to safeguard the health and residential amenities of the future occupiers of the site in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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

**Reason:** To ensure safe development of the site and to safeguard the health and residential amenities of the future occupiers of the site in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

7. No development shall commence until a scheme to provide a surface water drainage system in accordance with the submitted Flood Risk Assessment v 2.0 dated October 2017 and Drainage Strategy dated September 2017 has been submitted to and approved in writing by the local planning authority, and the scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

**Reason:** To ensure that the development is provided with a satisfactory means of surface water drainage to prevent flooding and minimise the risk of pollution by ensuring the satisfactory storage and disposal of surface water from the site in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

8. No development shall commence until such time as full details in relation to the management of surface water on site during construction of the development has been submitted to and approved in writing by the local planning authority, and the scheme shall subsequently be implemented in accordance with the approved details for the duration of the construction period.

**Reason:** To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase to accord with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

9. No development shall commence until such time as full details in relation to the long term maintenance of the sustainable surface water drainage system within the development have been submitted to, and approved in writing by, the local planning authority. The system shall subsequently be maintained in accordance with the approved details at all times thereafter.

**Reason:** To establish a suitable maintenance regime, that may be monitored over time; that will ensure the long term performance, both in terms of flood risk and water quality, of the sustainable drainage system within the proposed development to accord with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

10. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

- a) Hard surfacing materials
- b) Planting plans
- c) Written specifications
- d) Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
- e) Implementation programme

**Reason:** To enhance the appearance of the development and to ensure that the works are carried out in a reasonable period of time to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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

**Reason:** To ensure that the works are carried out within a reasonable time period and thereafter maintained to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

12. No part of the development hereby permitted shall be occupied until such time as the accesses, off-street parking and turning arrangements shown on Site Layout Drawing No. 40145 003AF have been implemented in full. Once provided the access, off-street parking and turning facilities shall be permanently retained as such at all times thereafter.  
**Reason:** To ensure adequate access, off-street parking and turning is available to serve the development in the interests of highway and pedestrian safety in accordance with Policies DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).
13. The development hereby permitted shall not be occupied until such time as the accesses, parking and turning spaces have been surfaced with tarmacadam or similar hard bound materials (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be permanently so maintained at all times thereafter.  
**Reason:** To reduce the possibility of deleterious material (loose stones etc.) being deposited in the highway in the interests of highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).
14. Prior to the first occupation of any of the dwellings hereby permitted the boundary fencing shown on Boundary Treatment Plan Drawing No. 40145 024B shall be implemented in full and the boundaries permanently maintained as such at all times thereafter.  
**Reason:** To protect the privacy and amenity of neighbouring properties and the future occupiers of the site in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).
15. Prior to commencement of development a Construction Environmental Management Plan shall be submitted to and agreed in writing by the local planning authority. The plan shall detail how, during the site preparation and construction phase of the development, the impact on existing and proposed residential premises and the environment shall be prevented or mitigated from dust, odour, noise, vibration, smoke, light and land contamination. The plan shall detail how such controls will be monitored. The plan will provide a procedure for the investigation of complaints. The agreed details shall be implemented throughout the course of the development.  
**Reason:** To protect the residential amenity of existing and future occupiers of the site in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).
16. Site preparation and construction works shall be limited to the following hours: Mondays to Fridays 07:30 – 18:00; Saturdays 08:00 – 13:00 and no working on Sundays or Bank Holidays.  
**Reason:** To protect the residential amenity of existing and future occupiers of the site in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

## 11.5. Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at [buildingcontrol@hinckley-bosworth.gov.uk](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.
2. Application forms to discharge conditions and further information can be found on the planning portal website [www.planningportal.gov.uk](http://www.planningportal.gov.uk).
3. In relation to conditions 6 and 6 advice from Health and Environment Services can be viewed via the following web address:- <http://www.hinckley-bosworth.gov.uk/contaminatedsite> which includes the Borough Council's policy on the investigation of land contamination. Any scheme submitted shall be in accordance with this policy.
4. In relation to condition 8, details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.
5. In relation to condition 9, details of the SuDS Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the system, and should also include procedures that must be implemented in the event of pollution incidents within the development site.
6. The suitability of the ground strata for soakaway drainage should be ascertained by means of the infiltration test described in BRE Digest 365 Soakaway Design.
7. Planning Permission does not give you approval to work on the public highway. The highway boundary is the wall/hedge/fence etc. fronting the premises and not the edge of the carriageway/road. 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. All works within the limits of the highway with regard to the access shall be carried out to the satisfaction of the Highways Manager- (telephone 0116 3050001. Any street furniture or lining that requires relocation or alteration shall be carried out entirely at the expense of the applicant, who shall first obtain the separate consent of the Highway Authority.