

- Planning conditions outlined at the end of this report.
- 1.2. That the Planning Director be given powers to determine the final detail of planning conditions.
 - 1.3. That the Planning Director 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 40 new dwellings of which 8 will be affordable dwellings. The scheme comprises 12 x 2 bed dwellings, 26 x 3 bed dwellings and 2 x 4 bed dwellings. The scheme has terraced, semi-detached and detached two-storey and two-and-a-half-storey dwellings. A total of 80 parking spaces are proposed throughout the development. Twenty percent of the proposed dwellings are to be affordable units for social rent and shared ownership.
- 2.2. A Design and Access Statement, Transport Statement, Travel Plan, Flood Risk Assessment, Archaeological Desk Based Assessment, Phase 1 Geo-Environmental Desk Study, Noise Impact Assessment and Drainage Statement 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 41 to 40 dwellings. Re-consultation has been undertaken.

3. Description of the site and surrounding area

- 3.1. The application site measures approximately 1.04 hectares and is located within the settlement boundary of Burbage to the south of the railway line. The site currently comprises factory buildings which vary in scale are of a standard industrial design.
- 3.2. Planning permission was granted on the adjacent site for the 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. The majority of this development has now been built out. To the west of the site is a build-out residential site of 212 dwellings (reference: 12/00697/REM) which was under the main outline permission.
- 3.3. The land to the south comprises the recently built out permitted development of 40 dwellings (reference: 18/00302/FUL) and a further 30 new dwellings on land imminently to the south-west (reference: 17/00964/FUL).
- 3.4. The site comprises a vacant Employment building with a B2 use. The site is allocated as BUR02 within the Site Allocations and Development Monitoring DPD (2016). This allocation is a mixed use allocation for employment, retail and residential uses.

4. Relevant planning history

17/00964/FUL (Crimson Way)

- Erection of 30 dwellings
Permission
02.07.2018

18/00302/FUL (Amber Way)

- Erection of 40 dwellings and associated infrastructure
Refused (Appeal Allowed)
18.10.2018

18/00844/FUL (DM Rock & Sons)

- Demolition of former DM Rock & Sons Garage and Johnsons Dry Cleaners including associated structures and the redevelopment for mixed uses (A1, A3 and B8) with associated parking and substation and provision of temporary accommodation for Johnsons Cleaners during the construction phase
Permission
01.02.2019

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.
- 5.2. No comments have been received.

6. Consultation

- 6.1. No objection, some subject to conditions/contributions has been received from:-
- Leicestershire County Council (Drainage)
 - Leicestershire County Council (Ecology)
 - Leicestershire County Council (Highways)
 - Environmental Health (Drainage)
 - Environmental Health (Pollution)
 - Street Scene Services (Waste)
 - National Grid/Cadent
 - HBBC Affordable Housing
- 6.2. Leicestershire County Council (Developer Contributions) request the following infrastructure contributions:-
- 1) Director of Children and Family Services requests a contribution of £25,511.64 towards Post 16 Sector Requirement to mitigate additional demands;
 - 2) Director of Environment and Transport requests a contribution of £1,981 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) requests a contribution of £1,210 towards library facilities to mitigate additional demands.
- 6.3. West Leicestershire CCG requests a contribution of £20,252.50 towards the improvement of local health care facilities to mitigate additional demands on the local surgery as a result of the proposed development.
- 6.4. Burbage Parish Council (BPC) objection to the application for the following reasons:
- 1) The unacceptable extent of non-adopted and non-adoptable highway leading to the proposed estate, including the parent road
 - 2) The feasibility of providing electrical charging points for vehicles using the parking lots
 - 3) The lack of consideration given to proposed landscaping provision, which does not appear to be of great ecological value.
- 6.5. Since the above object was received the scheme has been amended, however BPC still object to the development on the grounds that vegetation will be removed with resulting loss of habitat, lack of landscaping on the whole site and poor screening.

7. Policy

7.1. Burbage Neighbourhood Plan (2006-2026)

- Policy 1: Settlement Boundary
- Policy 2: Design and Layout
- Policy 4: Parking

7.2. 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

7.3. Site Allocations and Development Management Policies 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 DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM19: Existing Employment Sites

7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2021)
- Planning Practice Guidance (PPG)
- Community Infrastructure Levy (CIL) Regulations (2010)

7.5. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)
- Open Space and Recreation Study (2016)
- Leicestershire Highways Design Guide (Part 3)

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
- Land Contamination
- Ecology
- Affordable Housing
- Infrastructure contributions
- Other matters
- Planning balance

Assessment against strategic planning policies

- 8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) (2021) identifies that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 2 of the NPPF also identifies that the NPPF is a material planning consideration in planning decisions. Paragraph 12 of the NPPF states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where planning applications conflict with an up-to-date plan, development permission should not usually be granted unless other material considerations indicate otherwise.
- 8.3 The current development plan consists of the adopted Core Strategy (2009), the adopted Site Allocations and Development Management Policies Development Plan Document (2016) (SADMP) and the Burbage Neighbourhood Plan (2020). The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough. 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.
- 8.4 Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) sets 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.
- 8.5 Policy 1 of the BNP states that residential development within or adjacent to the settlement boundary is supported subject to complying with the other policies within the development plan.
- 8.6 Using the standard method as outlined by MHCLG, Hinckley and Bosworth Borough is able to demonstrate only 4.45 years of deliverable housing at 1st April 2021. In addition, due to the change in the housing figures required for the borough paragraph 11d of the NPPF is triggered. Therefore, this application should be determined in accordance with Paragraph 11(d) of the National Planning Policy Framework (NPPF) 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 This is weighed in the balance of the merits of the application when considered with the policies in the SADMP and the Core Strategy which are attributed significant weight as they are consistent with the Framework. Therefore, sustainable development should be approved unless other material considerations indicate otherwise.
- 8.8 Policy SA3 of the SADMP relates to the mixed use allocation at Land at Brookfield Road and Sketchley Brook, Burbage. This policy seeks to retain existing employment uses on the site, deliver a neighbourhood centre and deliver a

minimum of 46 dwellings. The neighbourhood centre was delivered through the development of the DM Rock & Sons site to the east of the application site. The housing sites within this allocation are Amber Way which delivered 40 dwellings and has just been completed and Crimson Way which delivered 30 dwellings. Therefore 70 dwellings have been delivered within the allocation already but the policy does specify a minimum requirement. The employment uses on the site will be discussed more below.

- 8.9 DM19 identifies existing employment sites and the approach to their retention dependant on their categorisation.
- 8.10 The site is a category C site within the Employment Land and Premises Study (ELPS) 2020. Policy DM19 states that the Council will take a flexible approach to category C sites for alternative uses in accordance with the most up-to-date ELPS and other local plan policies.
- 8.11 The site comprises previously developed land consisting of industrial units which were no longer in use and have since been demolished. The factory has been vacant for 2 years whilst being advertised.
- 8.12 The employment uses to the east of the site which include a motor garage and other motor trade services are still to be retained. Policy SA3 seeks to retain existing employment uses on site however due to the categorisation of the site and the fact that it has been vacant for over 2 years whilst being advertised it is considered that this site within the allocation is not worthy for retention as an employment use. As other employment uses are still being retained within the allocation boundary it is considered that the site allocation policy is adhered to. Therefore the approval of this proposal would not prejudice the policy requirement for the wider site.
- 8.13 It is therefore considered that residential development on the application site would be acceptable in respect of 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

- 8.14 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.
- 8.15 Policy 2 of the BNP seeks to ensure residential development respects its surroundings and follows the existing pattern of development (where appropriate) and should retain existing important natural features on the site, such as trees, hedgerows and streams.
- 8.16 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.
- 8.17 Paragraphs 126 and 130 of the NPPF (2021) states that good design is a key aspect of sustainable development and planning decisions as it creates better places in which to live and work and helps make development acceptable to communities. Decisions should ensure that development; will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate landscaping, are sympathetic to local character, establish/maintain a strong sense of place and optimise the potential of the site.

- 8.18 Paragraph 134 of the NPPF (2021) states that permission should be refused for development of poor design that fails to improve the character and quality of an area and the way it functions. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.
- 8.19 The scheme would provide 40 dwellings on this 1.04 hectare site and a mix of 2, 3 and 4 bedroom dwellings through the site in accordance with Policy 16 of the adopted Core Strategy. Amended plans have been submitted during the course of the application to address issues with the layout and house type designs originally submitted.
- 8.20 The proposed dwellings are all two or two and a half storey dwellings and are similar in style and design to the adjacent residential dwellings. The developers of this site have developed a number of sites in the surrounding area and therefore some of the house types are replicated on this site.
- 8.21 This site is highly visible in a prominent location upon the Hinckley/Burbage boundary adjacent to a large roundabout. It is therefore important that this proposal is of high quality and inclusive design and complements or enhances the character of the surrounding area in accordance with paragraphs 126 and 130 of the NPPF (2021) and Policy DM10 of the adopted SADMP.
- 8.22 The scheme comprises 12 x 2 bed dwellings, 26 x 3 bed dwellings and 2 x 4 bed dwellings. The amended plans propose a range of terraced, semi-detached and detached dwellings with strong frontage to, but set back from, Amber Way. Plots in critical prominent locations are provided with dual frontages to enhance the appearance of the street scene. There is a proposed driveway to the front of the site however there would be a green buffer between this surface and the pathway, in addition there are also trees proposed within this street scene. To the south-west corner of the site a green space is provided which will provide a focal landscaped area to the front of the site.
- 8.23 To reduce car dominance within street scenes, parking spaces are provided either to the side of each dwelling except for plots 28-39 which are provided to the front of the dwellings.
- 8.24 Details of external construction materials comprising two red brick varieties (Forterra Rannoch and Forterra Worcester) and two roof tile varieties have been submitted (TLE Grey and TLE Brown) and are acceptable. 1.8 metre high brick walls in critical locations provide continuity within the street scenes. Details of both soft landscaping proposals have been submitted which show native planting species, tree planting, hedgerows along the main street scenes and a turfed area to the front south-west of the site. The landscaping to the front of the site boundary will be native shrub mix. The hard surfacing includes both tarmac but the materials of the private driveways are currently unknown and will therefore be conditioned.
- 8.25 It should be noted that the scheme has been reviewed by HBBC Conservation Officer and due to the topography and presence of intervening form and vegetation there is no clear inter-visibility between the application site and any designated heritage assets (which includes the grade II* listed buildings the Church of St Catherine in Burbage and the church of the Assumption of St Mary), nor is there any key historic, functional or other relevant relationships between the application site and any heritage assets. The application site is therefore not considered to fall within the setting of any designated heritage assets and due to the form of the proposal it is considered this position would not be altered following the development. The proposal will therefore have no impact upon designated heritage

assets or the historic environment in accordance with Policies DM11 and DM12 of the SADMP.

- 8.26 The density, layout and two/two and a half storey scale and design of the dwellings along with the use of complementary external materials of red brick and brown and grey roof tiles and proposed landscaping would complement and enhance the character and appearance of the site and neighbouring development within the Sketchley Brook development. Therefore, it would be acceptable in respect of Policy DM10 of the adopted SADMP, the overarching design principles of the NPPF (2021) and Policy 2 of the BNP.

Impact upon neighbouring residential amenity

- 8.27 Policies SA3 and DM10 of the adopted SADMP and Policy 2 of the BNP require that development would not have a significant adverse effect on the privacy or amenity of nearby residents and occupiers of adjacent buildings and the amenity of the occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site. Policy DM7 of the adopted SADMP seeks to prevent adverse impacts from pollution and requires development proposals to demonstrate that appropriate investigation and remediation of contaminated land in line with minimum national standards is undertaken.
- 8.28 By virtue of separation distances and relative positions to any neighbouring existing properties the proposal would not result in any significant adverse impacts on the privacy or amenity of the occupiers of any neighbouring properties. The layout would provide satisfactory back to back separation distances of 21 metres and back to side distances of 14 metres between the proposed dwellings within the site to avoid unacceptable loss of privacy from overlooking.
- 8.29 The proposed gardens are provided for each dwelling and all sizes adhere to the requirements within the Good Design Guide (2020).
- 8.30 A noise impact assessment has been submitted as part of the application which assesses the noise from the road and railway line.
- 8.31 Environmental Health (Pollution) team have assessed the application and state that the commercial buildings to the east of the site have not been assessed. However, there is a recommendation for mechanical ventilation to plots 9-28 and this would be sufficient to protect against noise internally. It is also recommended that the boundary treatment to plots on the North-west, northern and western boundaries will need to be assessed fully. The boundary treatment plan shows that an acoustic fence will be provided however the details of this fencing will be conditioned to be submitted at a later date. A Construction Environmental Management Plan for the site will also be secured by a planning condition to control the working practices and hours of construction of the site to protect the amenity of the occupiers of nearby properties during the construction phase.
- 8.32 Subject to the submission of satisfactory details to discharge the conditions, the amended scheme would be acceptable in terms of the residential amenities of existing and future occupiers of the site and in accordance with Policies DM7 and DM10 of the adopted SADMP and Policy 2 of the BNP in this respect.

Impact upon highway safety

- 8.33 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 111 of the NPPF (2021) states that development should only be prevented or refused on highway grounds if there would be an

unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe.

- 8.34 Policy 4 of the BNP states that at least 2 off-street car parking spaces shall be provided within the curtilage of each new dwelling of 2 bedrooms or larger.
- 8.35 Paragraph 112 of the NPPF states that applications should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 8.36 A Transport Statement (TS) and Travel Plan (TP) have been submitted in support of the application.

Site Access

- 8.37 Access to the site is proposed via an existing access point on to Brookfield Road, an unclassified road subject to 30mph speed limit.
- 8.38 Site access drawing no. FW2039-H-800-01 Rev A3 details a 4.8 metre wide access with 2m wide footways on both sides and a 6m junction radii. Vehicle tracking of a refuse collection vehicle has also been provided detailing the vehicle arriving and departing the site.
- 8.39 A speed survey has been undertaken in the vicinity of the site access. This indicated average 85%ile speeds of 24.5mph eastbound and 24.4mph westbound. Visibility splays of 2.4 x 33 metres are therefore required in each direction. These have been shown on the submitted drawing and are therefore acceptable to the Local Highway Authority. The overall design of the access has been designed in accordance with highways design guidance and therefore it is considered to be acceptable.
- 8.40 While the details of re-instatement of the existing access on to Brookfield Road with full height kerbs and pedestrian footway (where necessary) have not been provided, the LHA advise that these details can be conditioned.

Highway Safety

- 8.41 The applicant has given consideration to Personal Injury Collisions (PICs) which have occurred within the study area identified within the TS. PIC data was obtained from LCC between 01/01/2015 and 25/10/2020. Based on available records to the LHA, no additional PICs have occurred within the study area since October 2020.
- 8.42 The applicant's analysis concludes that the PICs were all down to driver error rather than road layout. The LHA highlight that there is a cluster of PICs at the Rugby Road/Hawley Road/Westfield Road junction and also the Rugby Road/Brookside/Dudley rise junction, however LCC is due to implement improvement schemes at the two junctions. No PICs have occurred at the existing site access with Brookfield Road.

Internal Layout

- 8.43 The LHA advise that that the current internal layout is not to an adoptable standard. However the minor amendments can be submitted at the highways technical approval stage which would enable the majority of the roads within the site to be adopted by the County Council. The status of the roads within the application is not considered to be an adequate reason for refusal.

Parking Provision

- 8.44 The number of parking spaces allocated to each dwelling is in accordance with the highways design guide and the Burbage Neighbourhood Plan. The garage dimensions are acceptable where a minimum of three parking spaces are required.

- 8.45 The latest materials plan shows that where driveways are located adjacent to the dwelling electrical vehicle charging provision will be provided in accordance with paragraph 112 of the NPPF. This equates to 50% of the properties on site.

Trip Generation

- 8.46 The site has been vacant for 2 years therefore the industry standard TRICS database has been used to ascertain the level of trips that the extant site could generate. The LHA has assessed the submitted data and considers the trip rates for the extant site to be acceptable.
- 8.47 The TRICS database has also been used in order to calculate the predicted level of vehicular trips the proposed development would generate during the AM and PM peaks. The LHA considers the proposed residential trip rates to be acceptable and comparable to the nearby applications in the area.
- 8.48 Overall, the level of traffic which would be generated by the proposed development is likely to represent a reduction in the level of traffic on the network of approximately 11 (two-way) trips in the AM peak and 7 (two-way) trips in the PM peak in comparison to the level that could be generated by the extant use.
- 8.49 Given the level of traffic which the development would generate, junction capacity assessments of nearby junctions have not been undertaken. This is accepted by the LHA given the site specific circumstances.

Transport sustainability

- 8.50 The applicant has submitted a Travel Plan (TP) in support of the application. A TP is not required for this quantum of development; nevertheless, the LHA welcomes its submission and would encourage the applicant to adopt the measures put forward within the TP.
- 8.51 The centre of the site is an approximate 300 metre walk from bus stops on Rugby Road with regular bus services to Burbage and Nuneaton. The LHA requests that one travel pack and two x 6 month bus passes per dwelling are included as part of a Section 106 agreement to encourage sustainable travel.

Off-site Implications

- 8.52 The LHA has advised Section 106 contributions towards the Hinckley Area Project as part of other recent planning applications in the area, notably 20/00249/OUT for 80 dwellings at Sketchley Farm. The LHA consider those proposals would have an impact on the operation of Rugby Road/Hawley Road/Westfield Road junction and the Rugby Road/Brookside/Dudley Rise junction, which is forecast to worsen without intervention, and should therefore contribute to the planned improvement works.
- 8.53 As detailed above, this current application would result in a reduction of approximately 18 vehicle trips arriving at the site in the AM peak and a reduction of 19 trips departing the site in the PM peak in comparison to the extant use. There would however be an increase in departures from the site in the AM peak by approximately 7 vehicle trips and an increase in arrivals to the site in the PM peak by approximately 12 vehicle trips. Based on the trip distribution for the Sketchley Farm application, this would result in an increase of 3 departures for the Rugby Road/Hawley Road/Westfield Road junction and 4 departures at the Rugby Road/Brookside/Dudley Rose junction in the AM peak and an increase of 5 arrivals and 7 arrivals respectively in the PM peak. Overall there would be a reduction of 11 two way trips travelling through the junctions during the AM peak and 7 two way trips in the PM peak.

- 8.54 The LHA therefore consider that a contribution towards improvements to the wider highway network within Hinckley could therefore not be justified given the site specific circumstances.

Highway summary

- 8.55 Overall, the impacts of the development on highway safety would be acceptable when considered cumulatively with other developments, the impact upon the road network would not be severe. Therefore the application would comply with Policy 4 of the BNP, Policies DM17 and DM18 of the SADMP and the wider policies of the NPPF, in particular paragraphs 111 and 112.

Drainage

- 8.56 Policy DM7 of the SADMP seeks to avoid adverse impacts on flooding by ensuring that development does not create or exacerbate flooding.
- 8.57 A Flood Risk Assessment (FRA) and a drainage statement have been submitted to support the application proposing the use of sustainable drainage measures.
- 8.58 Leicestershire County Council (Drainage) and Environmental Health (Drainage) have assessed the information submitted and raise no objections to the scheme subject to conditions to require the submission of further surface water drainage scheme details in accordance with the submitted 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 for prior approval. 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.
- 8.59 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.

Land contamination

- 8.60 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.
- 8.61 By virtue of the former uses of the application site a Phase I Geo-Environmental Desk Study has been submitted to support the application
- 8.62 Environmental Health (Pollution) team has assessed the submitted information. The Phase I risk assessment recommends further intrusive works are carried out at the site to determine the potential impact of land contamination and ground gas/vapour. This will therefore be conditioned. A separate condition in respect of any further contamination discovered during the construction phase and necessary remediation is also required.
- 8.63 Subject to satisfactory remediation being undertaken and validation being submitted in line with the approved schemes, the proposal would be in accordance with Policy DM7 of the adopted SADMP.

Ecology

- 8.64 Policy DM6 of the SADMP requires development proposals to demonstrate how they conserve and enhance features of nature conservation. If the harm cannot be prevented, adequately mitigated against or appropriate compensation measures provided, planning permission will be refused.

- 8.65 Paragraph 170 of the NPPF states that development should result in a net gain for biodiversity by including ecological enhancement measures within the proposal.
- 8.66 A Bat survey was requested due to the site's location and its redundant use for the past two years. LCC Ecology state that the bat survey report (FCPR, July 2021) is satisfactory. No bats or evidence of such was found and the buildings have negligible potential for roosting bats. No further survey work is required. The enhancement recommendations from the report (paragraph 4.5) will be conditioned.
- 8.67 The latest site layout shows that the buffer to the railway and associated vegetation to the north is no longer being proposed. This buffer was proposed to strengthen habitat connectivity along the railway corridor and therefore LCC Ecology state that the latest proposed layout is unacceptable.
- 8.68 As the site is previously developed it is considered that a net gain in biodiversity can easily be achieved in accordance with paragraph 170 of the NPPF.
- 8.69 In regards to LCC Ecology's objection it is considered that the proposal of no vegetation to the north of the site would cause harm to habitat connectivity and therefore there is some conflict with Policy DM6 of the SADMP. This will be weighed within the planning balance later in this report.

Affordable Housing

- 8.70 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 affordable rent and 25% for intermediate tenure.
- 8.71 The proposed scheme includes the provision of 20% affordable housing units (8 dwellings) with a tenure split of 75% affordable rented (6 units) and 25% intermediate housing (shared ownership) (2 units). The affordable rented dwellings will be 2 bedroomed and the intermediate tenure will be 3 bedroomed. The size and location of the properties is deemed to be acceptable.
- 8.72 The proposal is therefore in accordance with the requirements of Policy 15 of the adopted Core Strategy. The affordable housing would be secured by the completion of a section 106 agreement which will specify that the occupiers should have a connection to the Borough due to the site being in the urban area of the Borough.

Infrastructure Contributions

- 8.73 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.
- 8.74 The request for any planning obligations (infrastructure contributions) must be considered alongside the guidance 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.

Public open space/public realm

- 8.75 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. Policy 1 of the adopted Core Strategy and Policy 11 of the adopted Hinckley Town Centre AAP seek new development to enhance the public realm within Hinckley town centre. The Open Space and Recreational Study (2016) provides further advice on the quality of facilities at each designated public

open space. In line with the up to date standards identified in the 2016 study the table below identified the requirements for open space. There would also be a requirement for the maintenance of on-site open space provision for a 20 year period and for the maintenance of off-site open space provision for a 10 year period.

	Policy Requirement per dwelling based on 2.4 people per dwelling using CENSUS average	Requirement of open space for the proposed development of 40 dwellings (square metres)	Provided on site (square Meters)	Remaining requirement to be provided off site
Equipped Children's Play Space	3.6	144	0	144 (£26,197.92 off site contribution and £12,643.20 maintenance contribution)
Casual/Informal Play Spaces	16.8	672	0	672 (£2,983.68 off site contribution and £3,628.80 maintenance contribution)
Outdoor Sports Provision	38.4	1536	N/A	1536 (£13,900.80 off site contribution and £6,604.80 maintenance contribution)
Accessibility Natural Green Space	40	1600	0	1600 (£6,544.00 off site contribution and £11,360.00 maintenance contribution)

8.76 The provision of Play and Open Space is required for compliance with Policies 1 and 19 of the Core Strategy and Policy DM3 of the adopted SADMP. These Policies are consistent with the NPPF in helping to achieve the social objective of sustainable development through promoting healthy and safe communities as addressed in section of 8 of the NPPF. The provision of play and open space helps support communities health, social and cultural well-being and is therefore necessary. Core Strategy Policy 4 requires development in Burbage to address existing deficiencies in the quality, quantity and accessibility of green space and play provision. Policy 19 sets out the standards to ensure all residents within the borough, including those in new development have access to sufficient high quality accessible green spaces.

8.77 The Open Space and Recreational Study (2016) requires developments of over 40 dwellings to provide a LEAP on site. This is not provided however, in this case, the site is located within the urban area of the Borough and within 400 metres of both Indigo Drive (BURNEW3) and Rugby Road Park (BUR09) which provide a range of public play and open space facilities. Rugby Road Park also now contains a MUGA and therefore although the 2016 study does not identify this site as having outdoor sports provision it now does and therefore the site is within the accessibility

requirements for this provision. In addition the site is within 700 metres of Sketchley Brook recreational corridor (BUR10) which is identified as accessible natural and semi-natural open space. In order to mitigate the impact of additional users of these facilities as a result of the proposed development, the above contributions (£83,863.20 total) have been identified towards improving public open space facilities within the vicinity. The site is within the accessibility distances for all of the typologies above. In terms of quality the Sketchley Brook recreational corridor scores 50% and Rugby Road Park scores 60% and therefore contributions to improve these sites are justified. It is considered that it is acceptable for these types not to be provided on site due to the type of development and town centre location.

- 8.78 The extent of the Open Space and Recreation contribution and provision is directly related in scale and kind to the development and its impacts upon surrounding publicly accessible open spaces. The delivery of these obligations is policy compliant and has been applied fairly as with all development of this typology, the developer is not obligated to provide anything above policy compliant position and therefore the contribution relates in scale and kind.

Education Facilities

- 8.79 The Director of Children and Family Services requests a contribution of £25,511.64 towards education facilities in Burbage/Hinckley to mitigate the impact of additional users from the development on the Post 16 Sector where deficits have been identified and additional facilities are required to meet increased demand from the development. No contributions are requested for the Secondary School Sector, Primary School Sector or Special Schools Sector.

Civic Amenity Facilities

- 8.80 The Director of Environment and Transport requests a contribution of £1,981 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.

Library Facilities

- 8.81 LCC Library services have requested a sum of £1,210.00 towards provision of additional resources for library facilities at Hinckley Library which is the nearest library to the development. The contribution is calculated using a methodology that is attributed to all developments of this typology and has only been requested where there is a deficiency in stock level. Therefore the contribution relates fairly and reasonably in scale and kind.

Healthcare Facilities

- 8.82 The West Leicestershire CCG requests a contribution of £20,252.20 towards addressing the deficiencies in services in Burbage. The practices are already experiencing capacity issues in relation to their premises and would need to make improvements to enable them to register new patients' resultant of this development. An increase of 97 patients from the proposal would significantly impact on patient demand in the area.
- 8.83 The provision of a Health Care contribution is required for compliance with Policy DM3 of the adopted SADMP. The requirement of funding for Health Care Provision at identified local GP Surgeries, addresses the impacts of the development on existing and future need of this vital infrastructure provision, helping to meet the

overarching social objectives contained within the NPPF in achieving sustainable development, thus making the obligation necessary. The identified increase in patients would have a direct impact on the GP practises in Burbage, as set out in the request, arising from the additional demand on services directly related to the population generated from the development. The extent of the Health Care contribution is directly related in scale and kind to the development, the obligation is calculated using population projections applied to all developments of this typology. The obligation sets out current capacity or otherwise of local services and how this proposal leads to direct impact, the developer is not obligated to provide contributions to address need in excess of that generated directly from the development, therefore the contribution fairly relates in scale and kinds to the development proposed.

Transport

- 8.84 Leicestershire County Council (Highways) requests a number of contributions to satisfactorily mitigate the impact of the proposed development on the local highway network and to promote and encourage sustainable travel.
- a) The provision of Travel Packs for each dwelling (£52.85 per pack) to promote and encourage sustainable travel by the future occupiers of the site.
 - b) The provision of six month bus passes (two per dwelling) at approximately £360 per pass to establish and promote changes to travel behaviour and encourage future occupiers of the site to use sustainable travel modes.

Infrastructure Summary

- 8.85 The infrastructure contributions identified above are considered 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 and therefore CIL compliant. The contributions could be secured through the completion of a suitable section 106 planning obligation. Subject to the section 106 agreement completion the development would be in accordance with Policies DM3 of the adopted SADMP and Policy 19 of the adopted Core Strategy.

Other matters

- 8.86 Street Scene Services (Waste) recommend the imposition of a condition to require the submission of a scheme for refuse and recycling storage.

Planning balance

- 8.87 The Council cannot demonstrate a 5-year housing land supply and the housing policies in the adopted Core Strategy and the adopted SADMP are considered to be out of date as they focussed on delivery of a lower housing requirement than now required. Therefore, the 'tilted' balance in paragraph 11(d) of the NPPF applies where the permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 8.88 The application site is located within the Settlement Boundary of Burbage where the principle of residential development is accepted under Policy DM1 of the SADMP. It would regenerate a redundant site within Burbage. The site is allocated as BUR02 within the Site Allocations and Development Monitoring DPD (2016). This allocation is a mixed use allocation for employment, retail and residential uses.
- 8.89 The site is a category C site within the Employment Land and Premises Study (ELPS) 2020. Policy DM19 states that the council will take a flexible approach to category C sites for alternative uses in accordance with the most up-to-date ELPS and other local plan policies. The employment uses to the east of the site which

include a motor garage and other motor trade services are still to be retained. Policy SA3 seeks to retain existing employment uses on site however due to the categorisation of the site and the fact that it has been vacant for over 2 years whilst being advertised it is considered that this site within the allocation is not worthy for retention as an employment use. As other employment uses are still being retained within the allocation boundary it is considered that the site allocation policy is adhered to therefore the application adheres to Policies SA3, DM19 and DM1 of the SADMP and Policy 1 of the BNP. There is no identified conflict with the majority of the other policies identified within this report (including the Burbage Neighbourhood Plan policies) subject to conditions and a Section 106 agreement.

- 8.90 The only policy the scheme does not comply with is Policy DM6 of the SADMP due to no vegetation buffer being proposed to the north of the site. If this buffer was proposed as per previous plans it would strengthen habitat connectivity along the railway corridor and therefore LCC Ecology state that the latest proposed layout is unacceptable.
- 8.91 Weighed against this conflict with the Development Plan is the Government's commitment to significantly boosting the supply of housing through the Framework. The proposal would result in the delivery of 40 houses. This has significant weight in the planning balance.
- 8.92 Paragraph 11 of the NPPF states that any harm identified should be significant and demonstrably outweigh the benefits of the scheme. It is therefore important to identify any further benefits. Following the three strands of sustainability the benefits are broken down into economic, social and environmental.
- 8.93 The proposal would result in economic benefits through the construction of the scheme albeit for a temporary period. Additionally the residents of the proposed development would provide ongoing support to local services.
- 8.94 As discussed above, the proposal would deliver 40 dwellings. This would result in a very significant social benefit to the area and also to the borough.
- 8.95 Some environmental benefits would be provided such as additional planting to be provided within the site. Additionally there would be some benefit for biodiversity associated with the reinforcement and new planting of hedgerow and trees around the site.
- 8.96 The only harm identified is that with Policy DM6 of the SADMP. The scheme could still deliver a net gain of biodiversity due to its current use and the tree boundary to the west of the site is still being retained. It is considered on balance that this level of harm does not significantly and demonstrably outweigh the identified benefits of the scheme when assessed against the Framework as a whole and the significant need to provide housing. Therefore, the presumption in favour of sustainable development does apply in this case and material considerations outweigh the conflict with some elements of the development plan.

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, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.
- 9.3 There are no known equality implications arising directly from this development.
- 9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

- 10.1. Policy DM1 of the SADMP states that development proposals that accord with the policies in the development plan will be approved without delay unless material considerations indicate otherwise.
- 10.2. The application site forms part of a mixed use development site allocation (reference BUR02). This full application for residential development on an allocated site in a sustainable location within the settlement boundary of Burbage would make use of a redundant site. The retail development referenced within the allocation has been provided and the employment to the east of the site is to be retained.
- 10.3. The proposed development would complement the scale, design and appearance of neighbouring development and enhance the appearance of this vacant site. 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 in accordance with Policies SA3 and DM10 of the adopted SADMP and Policy 2 of the BNP. The development would provide 20% 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.
- 10.4. The scheme would provide contributions towards promoting sustainable travel and therefore would not have any significant adverse impact on highway safety or the local road network. Given the sustainable urban location of the site with access by sustainable transport modes to a range of services and facilities the proposed scheme would provide sufficient off-street car parking provision to serve the future occupiers in accordance with Policies DM17 and DM18 of the adopted SADMP and Policy 4 of the BNP.
- 10.5. Conditions can be imposed to ensure that the proposal would not result in any flooding, noise 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 planning obligation. The development would be in accordance with Policies 19 of the adopted Core Strategy, Policies DM3 and DM7 of the adopted SADMP.
- 10.6. There would be conflict with DM6 of the SADMP due to the vegetation to the north of the site being removed however on balance it is deemed that this harm would be outweighed by the significant benefits of the scheme.

10.7. 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 planning obligation to secure affordable housing and CIL compliant infrastructure contributions.

11. Recommendation

11.1 **Grant planning permission** subject to:

- The completion within 6 months of this resolution of a S106 agreement to secure the following obligations:
 - 20% affordable housing units (8 units)
 - Education facilities contribution of £25,511.64
 - Health care facilities contribution of £20,252.50
 - Public play and open space contribution of £83,863.20
 - Library facilities contribution of £1,210
 - Civic amenity contribution of £1,981
 - Travel Packs for the future occupiers (£52.85 per pack)
 - Six month bus passes (two per dwelling) at approximately £360 per pass
- Planning conditions outlined at the end of this report.

11.2. That the Planning Director be given powers to determine the final detail of planning conditions.

11.3. That the Planning Director 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 91 of the Town and Country Planning Act 1990, as amended by 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:

Materials Layout Drg No: BF_ML_01 Rev: B
received by the Local Planning Authority on 22 November 2021.

Detailed Planting Plan sheet 1 of 3 Drg No: 10192-FPCR-XX-XX-DR-L-0001
Detailed Planting Plan sheet 2 of 3 Drg No: 10192-FPCR-XX-XX-DR-L-0002
Detailed Planting Plan sheet 3 of 3 Drg No: 10192-FPCR-XX-XX-DR-L-0003
received by the Local Planning Authority on 10 November 2021.

Proposed Site Sections Drg No: SS-01 20.2027 Rev B
Proposed Street Elevations Drg No: SE-01 20.27 Rev: B
Coloured Planning Layout Drg No: PL-01 20.27 Rev: D
received by the Local Planning Authority on 2 November 2021.

Planning Layout Rev: H
House Type Pack Rev: E
received by the Local Planning Authority on 25 October 2021.

Engineering Layout Plan Drg No: 1707 101F

received by the Local Planning Authority on 20 October 2021.

Amended Transport Assessment – Oct 21
received by the Local Planning Authority on 7 October 2021.

Amended Drainage Layout
received by the Local Planning Authority on 24 September 2021.

Garden Size Schedule
received by the Local Planning Authority on 20 August 2021.

Topographical Survey Drg No: 38479_T
Typical Tree Pit Details Drg No: P20-2960_03
Location Plan Drg No: MJ/Burgess/02
received by the Local Planning Authority on 18 February 2021.

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

3. The materials to be used on the external elevations of the proposed extension and alteration shall accord with the approved Materials Layout Drg No: BF_ML_01 Rev: B received by the Local Planning Authority on 22 November 2021.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM10, DM11 and DM12 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 the approved details.

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

5. No development shall commence on site 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. The approved scheme shall be implemented in accordance with the agreed details.

Reason: To ensure the bin storage on site is not detrimental to the street scene and overall design of the scheme in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. Prior to the commencement of development full details for the provision of electronic communications infrastructure to serve the development, including full fibre broadband connections, shall be submitted to and approved in writing by the local planning authority. The development shall be implemented

in accordance with the approved details and the infrastructure fully available prior to the occupation of each dwelling/unit on the site.

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 National Planning Policy Framework (2021).

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

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

8. Development shall not begin until a scheme for protecting the proposed dwellings from noise from road, railway and the adjacent employment uses has been submitted to and approved by the Local Planning Authority; and all works which form part of the scheme shall be completed before any of the permitted dwellings are first occupied.

Reason: To ensure that the proposed use does not become a source of annoyance to nearby residents in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

9. 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, 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 minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

10. Construction work of the development, hereby permitted, shall not take place other than between the hours of 07:30 hrs and 18:00 hrs on weekdays and 08:00 hrs and 13:00 hrs on Saturdays and not at any time on Sundays and Bank Holidays unless other agreed in writing by the local planning authority.

Reason: To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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

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

13. Prior to commencement of development a scheme for the monitoring of landfill gas on the site shall be submitted to and in writing by the Local Planning Authority which shall include details of how any landfill gas 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: As the site lies within 250 metres of a known landfill/made up ground site and in the absence of detailed information which demonstrates that the site does not have ground gas egress, in order to safeguard human health and to ensure that the necessary measures are taken to avoid any risk to public safety, in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

14. The use of the garage(s) shall remain at all times for the purpose of parking a motor vehicle and shall not be converted to additional living accommodation, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate off-street parking facilities are available in accordance with Policy DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

15. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Farrow Walsh drawing number FW2039-H-800-01 Rev A3 have been implemented in full.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2021) and Policy DM17 of the Site Allocations and Development Management Development Plan Document (2016).

16. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 33 metres have been provided at the site access. These shall thereafter be permanently maintained

with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (2021) and Policy DM17 of the Site Allocations and Development Management Development Plan Document (2016).

17. The development hereby permitted shall not be occupied until such time as the parking and turning facilities for each dwelling have been implemented in accordance with Persimmon drawing number BF_PL_01 Rev. H. 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 the National Planning Policy Framework (2021) and Policies DM17 and DM18 of the Site Allocations and Development Management Development Plan Document (2016).

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

Reason: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with the National Planning Policy Framework (2021) and Policy DM17 of the Site Allocations and Development Management Development Plan Document (2016).

19. 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 Highways Design Guide. The private access drives should 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 reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with the National Planning Policy Framework (2021) and Policy DM17 of the Site Allocations and Development Management Development Plan Document (2016).

20. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 5 metres of the highway boundary.

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with the National Planning Policy Framework (2021) and Policy DM17 of the Site Allocations and Development Management Development Plan Document (2016).

21. No part of the development hereby permitted shall be occupied until such time as 1.0 metre by 1.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of all private accesses with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway and, once provided, shall be so maintained in perpetuity.

Reason: In the interests of pedestrian safety and in accordance with the National Planning Policy Framework (2021) and Policy DM17 of the Site Allocations and Development Management Development Plan Document (2016).

22. The new vehicular access hereby permitted shall not be used for a period of more than one month from being first brought into use unless the existing vehicular accesses on Brookfield Road that become redundant as a result of this proposal have been closed permanently and reinstated in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of highway and pedestrian safety in accordance with the National Planning Policy Framework (2021) and Policy DM17 of the Site Allocations and Development Management Development Plan Document (2016).

23. Prior to the occupation of each dwelling/unit on site full details of the electric vehicle charging points identified on the approved Materials Layout Drg No: BF_ML_01 Rev: B shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and the infrastructure fully available prior to the occupation of each dwelling/unit on the site.

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 National Planning Policy Framework (2021).

24. Development shall not begin until a scheme to provide a sustainable surface water drainage system has been submitted to and approved 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 prevent flooding 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).

25. Prior to commencement of development details in relation to the management of surface water on site during construction of the development shall be submitted to, and approved in writing by, the Local Planning Authority. 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.

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 in

accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

26. Prior to commencement of development details in relation to the long term maintenance of the sustainable surface water drainage system on the development shall be submitted to and approved in writing by the Local Planning Authority. Details of the SuDS Maintenance Plan should include responsibilities and schedules 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.

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 surface water drainage in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

27. No development shall commence on the site until details of the mechanical ventilation of Plots 9-28 has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and shall be retained in perpetuity.

Reason: To minimise noise disturbance to the future residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

28. No development shall take place until a scheme of hard landscaping works for the site, including an implementation scheme, has been submitted in writing to and approved in writing by the local planning authority. The scheme shall be carried out in full accordance with the approved landscaping scheme. The soft landscaping scheme shall accordance with approved Soft Landscaping drawings (Drg no.'s: 10192-FPCR-XX-XX-DR-L- 0001, 0002, 0003) and 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 adopted Site Allocations and Development Management Policies Development Plan Document (2016).

29. A landscape management plan, including long term objectives, management responsibilities and maintenance schedules for all landscape areas, other than small privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as per the approved details.

Reason: To ensure that the work is carried out within a reasonable period and thereafter maintained in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

30. The approved hard and soft landscaping scheme shall be carried out in accordance with the conditions 28 and 29 in the first planting season following

the first occupation of the dwelling to which it relates. 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 work is carried out within a reasonable period and thereafter maintained in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

31. Prior to any development above foundation level hereby permitted the details of the boundary treatments shown on Planning Layout Drg No. BF_PL_01 Rev: H shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall then implemented in full prior to first occupation of any of the dwelling and the boundaries permanently maintained as such at all times.

Reason: To ensure a satisfactory level of amenity to future occupiers in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

32. The recommendations within paragraph 4.5 of the bat survey report (FCPR, July 2021) should be adhered to.

Reason: To ensure satisfactory protection of protected species in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD.

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 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. Application forms to discharge conditions and further information can be found on the planning portal website www.planningportal.gov.uk.
4. In relation to conditions 11 and 12 advice from Environmental Health should be sought via esadmin@hinckley-bosworth.gov.uk to ensure that any investigation of land contamination is in accordance with their policy.
5. 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>

6. The proposed road layout does not conform to an acceptable standard for adoption and therefore it will not be considered for adoption and future maintenance by the Local Highway Authority. The Local Highway Authority will, however, serve Advance Payment Codes in respect of all plots served by (all) the private road(s) within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the Advanced Payment Code may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details please email road.adoptions@leics.gov.uk. Signs should be erected within the site at the access advising people that the road is a private road with no highway rights over it.
7. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).