

Committee Report 22nd August 2023
Report of the Head of Planning (Development Management)

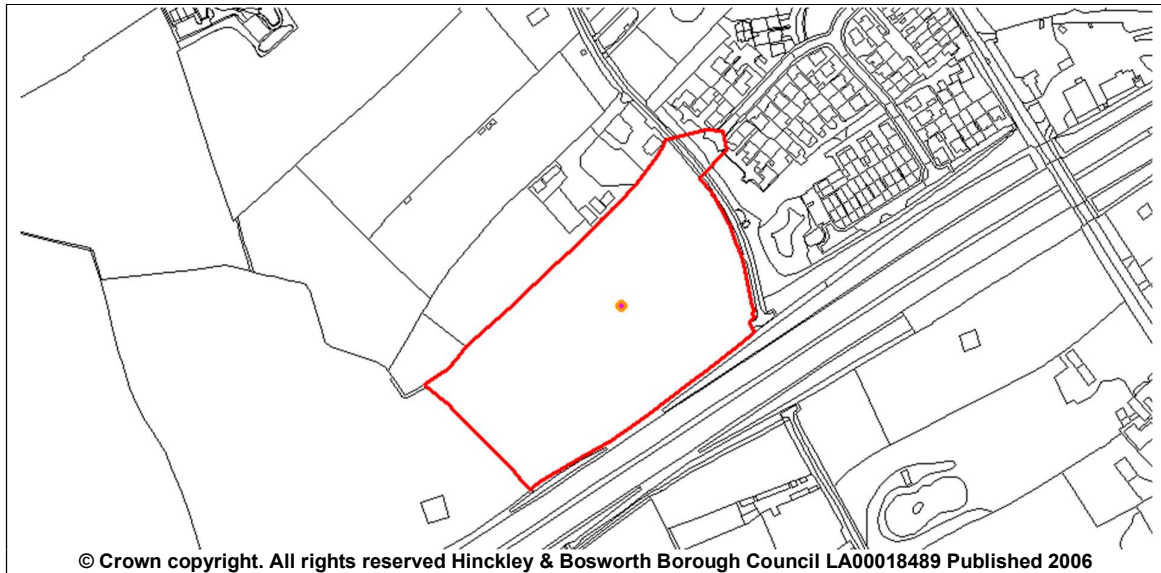


Hinckley & Bosworth
Borough Council

Planning Ref: 23/00148/OUT
Applicant: Redrow Homes and Peter Andrew Farmer
Ward: Burbage Burbage Sketchley and Stretton

Site: Land To The South West Of Lutterworth Road Burbage Leicestershire

Proposal: Outline planning application for the erection of up to 80 residential dwellings (Use Class C3), open space provision and associated infrastructure, with all matters reserved except access.



1. Recommendations

1.1. Grant planning permission subject to:

- S.106 (as per the Heads of Terms set out in this report), and;
- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. The application seeks outline permission for the erection of up to 80 dwellings, open space and associated infrastructure, with all matters reserved except for access.
- 2.2. 20% of the dwellings would be affordable housing.
- 2.3. The Council has worked proactively with the applicant to overcome various issues during the planning process
- 2.4. The applicant sought pre-application advice on the proposal under reference 20/10146/PREMAJ. An application was made in 2021 ref 21/00502/OUT and refused by Planning Committee in August of 2022. An appeal has been lodged.

3. **Description of the site and surrounding area**

- 3.1. The application site is located to the south of Burbage town centre and to the west of Lutterworth Road and Workhouse Lane. The site includes access from Flanders Close (off Lutterworth Road) but the site lies to the west of Workhouse Lane. The site access will be made through the existing site boundary to the Flanders Close development, and require the removal of part of the approved noise mitigation fencing and bund.
- 3.2. The site is approximately 3.01 hectares in size and roughly rectangular in shape. The site is currently in agricultural use. The site abuts the M69 to the south and agricultural land to the west and north. Also to the northern boundary, the site abuts the dwelling 'Leachmore' and its curtilage.
- 3.3. The application site is located within flood zone 1. The site's topography slopes from east to west down to the watercourse, with the lowest part of the site in the south-west corner. Here, overhead cables from a pylon in the adjacent field cross the corner of the site.

4. **Relevant planning history**

21/00220/SCOPE

- Screening Opinion for Residential development of up to 80 dwellings.
- Opinion Issued
- 05.03.2021

21/00502/OUT

- Outline application for up to 80 dwellings. All matters reserved except for access
- Refused
- 16.08.2022

Relevant planning history for the adjacent site (from which the access is proposed):

20/01085/DISCON

- Application to fully discharge condition 13 (noise) attached to planning permission 15/01292/OUT
- Discharged
- 23.12.2020

18/01296/NOMAT

- Residential development for up to 80 dwellings open space and associated works (outline access only) - 15/01292/OUT
- Application Returned
- 03.01.2019

18/00918/CONDIT

- Variation of Condition 4 of planning permission reference 15/01292/OUT to enable the extension of construction working hours to 8:00-18:00 hours Monday to Friday and 8:00-13:00 hours on Saturdays with no working on Sundays or Bank Holidays. construction for up to 80 dwellings, open space and associated works (15/01292/OUT)
- Withdrawn
- 13.12.2018

17/00795/REM

- Approval of reserved matters (appearance, layout, scale and landscaping) of outline planning permission 15/01292/OUT for residential development of 72 dwellings).
- Permitted
- 10.11.2017

15/01292/OUT

- Residential development for up to 80 dwellings, open space and associated works (outline - access only) (resubmission)
- Permitted
- 27.01.2016

15/00028/PP

- Residential development for up to 80 dwellings, open space and associated works (outline - access only)
- Withdrawn
- 28.01.2016

14/01205/OUT

- Residential development for up to 80 dwellings, open space and associated works (outline - access only)
- Refused
- 02.04.2015

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.

11 Letters of objection have been received, raising the following concerns:

- The use of an originally planned cul de sac estate road being used as an access to a further 80 houses would leave the estate and join Lutterworth Road where there have already been several accidents just outside the estate
- New builds do not have sufficient off road parking, meaning many residents and visitors have to park on the road as it stands today. So one can only imagine how traffic will build up trying to get through to the larger, new estate
- Redrow sold this existing development on the grounds it was complete and all cul de sac homes.
- Insufficient capacity in local schools
- Insufficient capacity in local GP surgeries and Dentists
- Too much development
- Noise impact
- Construction traffic damage
- Impact on safety for users of Flanders Close and children
- Contrary to Burbage Neighbourhood Plan
- Out of character
- Air quality/pollution
- Lack of transparency relating to future developments to the west
- Loss of green corridor
- Impact on play area – The existing development does not have enough open space
- Removal of native trees and woodland

6. Consultation

6.1. No objection has been received from:

- LCC Ecology – subject to conditions in respect of Biodiversity Net Gain, Recommendations within the Ecological Appraisal, Construction and Environmental Management Plan, Breeding Birds and a Badger Survey
- LCC Minerals and Waste
- LCC Tree Officer
- LCC Archaeology
- National Highways – subject to conditions in respect of geotechnical risk (noise bund) and drainage details
- Leicestershire Police
- Environment Agency
- HBBC Waste – subject to a waste/recycling condition
- HBBC Environmental Health – subject to conditions in respect of contaminated land, construction hours, noise attenuation and a Construction Environmental Management Plan
- HBBC Conservation Officer
- HBBC Drainage – subject to drainage conditions
- S106 Monitoring Officer – Subject to suitable provision of play and open space areas and an off site sports contribution

6.2. Burbage Parish Council – Objection. It is deemed that the development would contravene planning policy DM10 (a) in that it would have a significant adverse effect on the privacy and amenity of existing residents. The proposed access via Flanders Close is felt to be unacceptable for reasons of highway safety, noise and air pollution, and loss of privacy, as it would generate high levels of extra traffic to the proposed new development, along what is currently a closed cul-de-sac. The proposed removal of a section of the acoustic screen and established trees behind it would also open residents to increased levels of noise pollution. The extra traffic generated by the proposed new development would exacerbate already excessive levels of traffic on Lutterworth Road, where the existing junction with the A5 is especially dangerous, and the proposed new properties would be subject to unacceptable levels of noise and air pollution, being so close to the motorway. Members do not agree with the supporting documentation assessment that the proposed highway arrangement would not be dangerous. It is already difficult and dangerous for traffic tuning right out of Lutterworth Road and this development would only compound the issue and likely encourage more traffic to travel back into the village to find an alternative route. Traffic data presented in support of the application is out-dated and no longer relevant. The addition of up to 80 new households in this area would add pressure of demand on already over-subscribed community provision, including GP surgeries, dentists, veterinary practices and schools. Figures provided by Hastings High School (secondary school) on the day the application was considered recorded a total of 846 pupils on roll - 31 more than the maximum approved pupil capacity of 815. In addition, the school had already received 388 application for only 165 available places for the 2023 September term. Following the national formula for estimating the number of school pupils likely to be generated by a new development, this proposed development would add an extra 14 pupils to the parish, without any proposed supporting provision. It is expected that similar extra pressure would be put on other schools in the parish.

6.3. LCC Drainage (LLFA) – Further Information required.

Further response received from the LLFA 22/06/2023 – No objection subject to conditions.

- 6.4. LCC Developer Contributions – Financial Contributions sought towards the following:
Waste - Barwell HWRC = £3,962.40
Libraries - Burbage Library = £2,415.82
Primary Education - Burbage Church of England Infant School and Burbage Junior School = £440,544.00
Secondary Education (11-16) Hastings High School - No requirement = £0.00
Post 16 Education - The Hinckley School - No requirement = £0.00

- 6.5. NHS Health Response – Financial contribution sought towards the Burbage Surgery and Station View Health Centre = £38,645.76

- 6.6. HBBC Affordable Housing Officer - 20% of the dwellings in the urban areas should be for affordable housing comprising:

4x properties should be provided as First Homes
8x properties for affordable rent and
4x for shared ownership.

This would satisfy the requirements in NPPF that 25% of all affordable housing should be provided as First Homes, and meet the requirement for 10% of all dwellings for affordable home ownership. The preference would be for the affordable housing to be split between 2 bed 4 person and 3 bed 5 person houses and to meet Nationally Described Space Standards. The properties should be spread across the site and not clustered in one location. As this site is in the urban area, the section 106 agreement should contain a requirement for applicants for rented properties to have a local connection to the Borough of Hinckley and Bosworth. First Homes applicants will also be required to have a local connection. The Borough Council is following national guidance with respect to First Homes properties, therefore the local connection will be set as people who have current residency, employment requirements, family connections or special circumstances, such as caring responsibilities. The level of discount for the First Homes properties will be at 30% discount from open market values.

- 6.7. Local Highway Authority – The impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 111 of the National Planning Policy Framework (2021), subject to the conditions and/or planning obligations outlined in this report.

7. Policy

7.1. Core Strategy (2009)

- Policy 4: Development in Burbage
- Policy 5: Transport Infrastructure in the sub regional centre
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 19: Green Space and Play Provision
- Policy 20: Green Infrastructure
- Policy 24: Sustainable Design and Technology

- 7.2. Site Allocations and Development Management Policies DPD (2016)
 - Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM3: Infrastructure and Delivery
 - Policy DM4: Safeguarding the Countryside and Settlement Separation
 - Policy DM6: Enhancement of Biodiversity and Geological Interest
 - Policy DM7: Preventing Pollution and Flooding
 - Policy DM10: Development and Design
 - Policy DM11: Protecting and Enhancing the Historic Environment
 - Policy DM12: Heritage Assets
 - Policy DM13: Preserving the Borough's Archaeology
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards

- 7.3. Burbage Neighbourhood Plan
 - Policy 1: Settlement Boundary
 - Policy 2: Design and Layout
 - Policy 4: Parking
 - Policy 5: Footpaths and Cycleways

- 7.4. National Planning Policies and Guidance
 - National Planning Policy Framework (NPPF) (2021)
 - Planning Practice Guidance (PPG)
 - National Design Guide (2019)

- 7.5. Other relevant guidance
 - Good Design Guide (2020)
 - Leicestershire Highway Design Guide
 - Landscape Character Assessment (2017)
 - Landscape Sensitivity Assessment (2017)
 - Open Space and Recreation Study (2016)
 - Housing Needs Study (2019)
 - Affordable Housing SPD (2011)
 - Leicestershire Minerals and Waste Local Plan

- 8. **Appraisal**
- 8.1. As this is an outline planning application with all matters reserved except for access, the number of detailed considerations relevant at this stage are limited. Nonetheless, the following represent the key issues
 - Principle of Development
 - Housing Land Supply
 - Housing Mix and Supply
 - Impact upon Highway Safety
 - Landscape and Visual Impact
 - Design and Layout
 - Residential Amenity
 - Flood Risk and Drainage
 - Ecology and Biodiversity
 - Heritage
 - Archaeology
 - S106 Heads of Terms
 - Planning balance

Principle of Development

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) July 2021) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.
- 8.3. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) (CS) the Site Allocations and Development Management Policies DPD (2016) (SADMP).
- 8.4. The Emerging Local Plan for 2020-39 has previously been out for consultation at Regulation 19 draft stage (February to March 2022). The latest Local Development Scheme (LDS), was approved at Full Council on 13 December 2022. The updated LDS extends the Local Plan period to 2041, revises the timetable for production of the Local Plan and establishes key milestones for public consultations, including a second Regulation 19 Consultation which is not scheduled until May-June 2024. The Replacement Local Plan is therefore delayed. Therefore little weight can be given to this.
- 8.5. The Core Strategy identifies housing allocations in a hierarchy of settlements within the Borough. Policy 4 relates to Burbage and seeks to support Burbage as local centre and its role in supporting Hinckley as a sub-regional centre. The Neighbourhood Plan updated the settlement boundary identified in the Hinckley and Bosworth Site Allocations and Development Management Policies (SADM) DPD (2016). Policy 1 of the Neighbourhood Plan (below) should be considered alongside DM1 of the SADMP and the presumption in favour of sustainable development will apply when development has been found to be sustainable. Policy 1 of the BNP states that:
- 'Residential development on land within or adjacent to the settlement boundary, as shown on Figure 2, page 19 will be supported, subject to complying with other development plan policy.'*
- 8.6. The site is adjacent to the settlement boundary, with the proposed access for this development crossing the settlement boundary from the end of a cul de sac, Flanders Close.
- 8.7. Policy DM4 of the SADMP states "that to protect its intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development.
- 8.8. Development in the countryside will be considered sustainable where:
- a) It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
 - b) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or

- c) It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
- d) It relates to the provision of stand-alone renewable energy developments in line with Policy DM2: Renewable Energy and Low Carbon Development; or
- e) It relates to the provision of accommodation for a rural worker in line with Policy DM5 - Enabling Rural Worker Accommodation”.

8.9. Despite the proposal not complying with Policy DM4, the proposal does accord with the Burbage Neighbourhood Plan Policy 1 and therefore it is considered that it does represent sustainable development in this location, subject to the material considerations set out below.

Housing Land Supply

8.10. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

8.11. The Council has acknowledged at Public Inquiry and in public documents that it cannot currently demonstrate a deliverable 5-year housing land supply. As of 1st April 2022, the deliverable supply was 4.76 years.

8.12. The strategic housing policies are considered to be out-of-date and paragraph 11(d) of the NPPF is triggered. Planning permission should therefore be granted unless any adverse impacts which would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This is a material planning consideration to weigh in the context of the statutory requirement to determine applications and appeals in accordance with the Development Plan unless material considerations indicate otherwise.

8.13. Paragraph 60 of the NPPF relates to the government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The number of dwellings built in England between 2021-22 dropped to 232,816 well below the Government target for England of 300,000 pa.

8.14. The NPPF sets out, in paragraph 11d) that, for decision makers:

“where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (8), granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”*

8.15. Footnote 8 in the NPPF states that the application of this approach *“includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery*

Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years”.

- 8.16. Paragraph 77 of the NPPF sets out that *“To maintain the supply of housing, local planning authorities should monitor progress in building out sites which have permission. Where the Housing Delivery Test indicates that delivery has fallen below 95% of the local planning authority’s housing requirement over the previous three years, the authority should prepare an action plan in line with national planning guidance, to assess the causes of under delivery and identify actions to increase delivery in future years.”*
- 8.17. The 2021/ 22 housing land monitoring statement is currently being prepared but on the basis of the previous years’ assessment, section 2.2 of the aforementioned monitoring statement required an action plan to be produced to set out how the Council will deal with under delivery in light of achieving 86% of the Housing Delivery Test (HDT).
- 8.18. Therefore, currently the ‘tilted’ balance in paragraph 11(d) of the NPPF applies and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 8.19. The provision of up to 80 dwellings, 20% of which is to be Affordable Housing, is considered to be a significant benefit of the proposal and weighs heavily in favour of the scheme and would positively contribute towards the Council’s need for a 5 year housing land supply.

Housing Mix and Supply

- 8.20. Policy 16 of the CS requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings, taking account of the type of provision that is likely to be required, based upon table 3 in the CS and informed by the most up to date housing needs data. All developments of 10 or more dwellings are also required to meet a ‘very good’ rating against Building for Life, unless unviable. A minimum density of 30 dwellings per hectare is required in rural areas, a lower density may be required where individual site circumstances dictate and are justified.
- 8.21. The Good Design Guide SPD advocates the use of the Building for Life assessment.
- 8.22. Paragraph 62 of the NPPF states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. The above policy allows for the most recent evidence to be taken into account in decisions and thus policy 16 is considered up to date in this regard.
- 8.23. Final number and mix of dwellings will be determined at Reserved Matters stage, but the illustrative layout shows a mix of types and sizes can be accommodated. The development is for up to 80 dwellings and the appropriate layout and density will be determined at Reserved Matters stage.
- 8.24. The Council’s Housing Officer has requested 20% of units on the site to be affordable, comprising:
- 4x properties should be provided as First Homes
 - 8x properties for affordable rent and
 - 4x for shared ownership.

The Housing Officer has stated that this affordable housing mix would satisfy the requirements in NPPF that 25% of all affordable housing should be provided as First Homes, and meet the requirement for 10% of all dwellings for affordable home ownership. The preference would be for the affordable housing to be split between 2 bed 4 person and 3 bed 5 person houses and to meet Nationally Described Space Standards. The properties should be spread across the site and not clustered in one location. As this site is in the urban area, the section 106 agreement should contain a requirement for applicants for rented properties to have a local connection to the Borough of Hinckley and Bosworth. First Homes applicants will also be required to have a local connection. The Borough Council is following national guidance with respect to First Homes properties, therefore the local connection will be set as people who have current residency, employment requirements, family connections or special circumstances, such as caring responsibilities. The level of discount for the First Homes properties will be at 30% discount from open market values.

- 8.25. Subject to these requirements being met through the completion of a Section 106 legal agreement, this proposal is deemed to be acceptable with respect to housing mix and affordable housing.

Impact upon Highway Safety

- 8.26. Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highways authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 8.27. Policy DM10(g) states that where parking is to be provided, charging points for electric or low emission vehicles should be included, where feasible.
- 8.28. Paragraph 111 of the NPPF (2019) outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 112(e) of the NPPF states development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 8.29. Policy 4 of the Burbage Neighbourhood Plan (BNP) requires that new dwellings of 2 or more bedrooms accommodate at least two off-street car parking spaces within the curtilage of the dwelling.
- 8.30. Vehicular access to the site is proposed by seeking to extend the existing carriageway of Flanders Close (within Redrow's Ambion Way development) into the application site, which will in turn provide access onto Lutterworth Road. A combination of adopted road and private drives (built to adopted standards) will provide vehicular access to all of the proposed dwellings. Pedestrian/cycle access will be made available onto Workhouse Lane.
- 8.31. National Highways have no objection to the scheme, but have requested conditions in relation to drainage and geotechnical details in respect of the noise bund in order to ensure that the M69 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

- 8.32. A consultation response has been received from the Local Highway Authority. They do not object to the proposal subject to planning conditions and obligations.
- 8.33. The site, which is to the south of Burbage, is currently vacant agricultural pastureland. It is bound by agricultural fields to the north and west, with the M69 to the south and estate roads from Phase 1 to the east. The proposed development is described as Phase 2 of the Burbage Fields Farm development following the Phase 1 development in 2015 for 72 dwellings. The LHA is aware of several planning applications for the wider site, including the most recent application on the same parcel of land, 21/00502/OUT – Outline planning application for the erection of up to 80 residential dwellings (Use Class C3), open space provision and associated infrastructure, with all matters reserved except access which is the subject of an appeal.
- 8.34. In line with the 2021 application, vehicular and pedestrian access to the proposed development is by means of an extension to Flanders Close, Burbage. Flanders Close which is currently under a Section 38 agreement and was delivered as part of LPA ref: 17/00795/REM, then joins Passchendaele Drive and eventually B578 Lutterworth Road via a priority junction. The LHA had various discussions with the applicant regarding the access arrangements until they were considered acceptable.
- 8.35. The applicant has tested the site access design with the predicted flows in the 2025 Design Year + proposed development scenario. This predicts that the site access would operate within practical capacity in both the AM and PM peak hours. The applicant has included a Stage 1 Road Safety Audit (RSA) in Appendix G of the revised TA. The LHA has previously accepted the applicants Stage 1 RSA and Designer's Response to the issues and as the site access arrangements are the same submitted for the 2021 application no further comments are provided on this issue. Based on the information submitted and previous discussions, the LHA is satisfied that a safe and suitable access can be achieved in accordance with Paragraph 110 of the National Planning Policy Framework (NPPF). A condition for the delivery of the site access is advised.
- 8.36. It is noted that the applicant wishes to 'Stop Up' part of Workhouse Lane, Burbage. The LHA would advise that Section 249 of the Town and Country Planning Act 1990 may not be relevant to this planning application, as it refers to a proposal by a LPA to improve the amenity of an area, rather than the need for an extinguishment or diversion arising as a result of development. However the LHA acknowledge the LPA may have an alternative view on this. Therefore the applicant may wish to pursue the stopping up via section 247 or 248 of the Town and Country Planning Act in respect of Workhouse Lane. The LHA would advise the applicant that although not explicitly stated in those sections the Secretary of State may make such an order reserving highway rights for pedestrians / other classes of user as would be the case with Section 116 of the Highways Act 1980. However the LHA is not entirely sure whether the removal of the existing turning head on Flanders Close will require a stopping up of highway rights. The note on the Section 278 general arrangement plan states, 'Existing turning head/private drive to be re-constructed to suit proposed vehicle dropped crossing access', but this does not seem to include the whole area of the turning head. Nevertheless the LHA would agree that section 247 would appear to be the appropriate mechanism for any such stopping up. As Flanders Close is to be widened in part, the LHA would suggest this could be achieved by way of a S278/72 agreement. There is a possibility that this could be combined with the Section 38 agreement for the new road.

8.37. Notwithstanding the above, the LHA would advise the applicant to seek legal advice to ensure the correct areas of highway are stopped up and appropriate sections of road are amended.

8.38. With respect to highway safety, the applicant has reviewed the Personal Injury Collision (PIC) data for the period from 1 January 2017 to 4 November 2022 from Leicestershire County Council. The study area covers the B578 Lutterworth Drive (between A5 and Lychgate Lane), Windsor Street (between Lutterworth Road and Salem Road) and Lychgate Lane (between B578 Lutterworth Road and Flamville Road). There were 14 PICs during period under consideration. The key findings of the applicant's review are detailed below:

- 1 serious and 13 slight collisions in the study area during period under consideration; and
- 1 collision in 2017, 2021 and 2022, five collisions in 2018, three collisions in 2019 and two collisions in 2020.

The applicant has concluded that based on the PIC record there is no spatial clustering or trends and there are no existing road safety issues that could be exacerbated by the proposed development. The LHA has reviewed its own database for the period from 1 November 2022 to 31 December 2022. There has been one more PIC on the local highway network covered by the study area. This additional collision occurred in November 2022 and was classified as serious. However, after a review of the additional PIC data the LHA is satisfied that there are no existing patterns / trends that could be exacerbated by the proposed development on the local highway network. Therefore, the LHA would not seek to resist the application based on the highway safety records.

8.39. The LHA accepted the trip rate, trip generation and trip distribution submitted by the applicant for the 2021 application. It should be noted that the applicant has again calculated the trip generation for the proposed development based on 86 dwellings rather than up to 80 dwellings as described in the planning application so the actual number of cars on the network would be slightly lower if the predicted trip rates are reflected in reality. The applicant has considered three other applications in their assessments of the four junctions in the area, Phase 1 of the Burbage Fields Farm development (LPA ref: 15/01292/OUT and 17/00795/REM), 135 dwellings at Lutterworth Road (Davidsons development: 19/01405/OUT) and 17/01043/HYB M69 Junction 1.

8.40. Following initial discussions with the LHA and National Highways the applicant has undertaken capacity assessments at the following junctions to understand the impact of the proposed development on the highway network:

1. Lutterworth Road / Flanders Close (site access);
2. Sapcote Road / Hinckley Road / Burbage Road;
3. Lutterworth Road / Lychgate Lane / Windsor Street; and
4. Lutterworth Road / Davidsons development.

The LHA was previously satisfied that there are no capacity issues at junctions 1, 3 and 4 so no mitigation was required. The 2021 application indicated that a scheme of mitigation was required at junction 2 given the current and future performance of that junction. To address the impact of the proposed development at the Sapcote Road / Hinckley Road / Burbage Road junction the applicant has submitted a scheme of mitigation. The proposed highway improvement scheme put forward by

the applicant would involve replacing the current priority junction with a new signalised junction.

- 8.41. Following a review of the highway improvement scheme at the Sapcote Road / Hinckley Road / Burbage Road junction and the junction capacity analysis, the LHA accepts the applicant's conclusion that the highway improvement scheme will mitigate the impact of the development. A relevant condition is advised.
- 8.42. The applicant has also considered the transport sustainability of the site. The applicant is planning to provide pedestrian links from the proposed development to tie in with the existing footway provision on Flanders Close and then Lutterworth Road. These new links will be delivered to ensure connectivity to the proposed development and encourage residents to make non car journeys at times.
- 8.43. Based on the all the information submitted the LHA is satisfied that the applicant has demonstrated that a safe and suitable access to serve the proposed development could be delivered in line with Paragraph 110 of the National Planning Policy Framework. The applicant has also tested the impact of the proposed development on the local highway network and the LHA considers that the residual cumulative impacts of the development can be mitigated subject to conditions and financial contributions.

Landscape and Visual Impact

- 8.44. Policy DM4 of the adopted SADMP states that development in the countryside will be considered sustainable where it does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and it does not undermine the physical and perceived separation and open character between settlements; and it does not create or exacerbate ribbon development. The site is located within open countryside, outside of the settlement boundary and is therefore considered against this policy.
- 8.45. A Landscape and Visual Impact Assessment (LVIA) has been submitted as part of the outline planning permission.
- 8.46. The site lies within a number of character areas at national, regional and local level. With respect to the national designation, it lies within the NCA 94 (Leicestershire Vales National Character Area), which is defined as large, relatively open, uniform landscape composed of low-lying clay vales interrupted by a range of varied river valleys. Its sense of place comes less from its overall landform, and more from its visually dominant settlements and views towards surrounding higher ground.
- 8.47. With respect to its regional designation, it is situated within the character area 5a (Village Farmlands) of the East Midlands Regional Landscape Character Assessment; which is defined as gently undulating lowlands dissected by stream valleys, localised steep slopes, moderately fertile loamy and clayey soils, mixed agricultural regime, small and moderately sized woodlands, hedgerows, and localised influence of large estates.
- 8.48. The site lies within the local landscape character area of LCA F (Burbage Common Rolling Farmland); defining characteristics of which include large scale, gently rolling arable and pasture farmland, some pockets of ancient woodland, medium to large scale rectilinear field patterns, urban fringe influences as a result of exposed settlement edges, major transport corridors dissecting the landscape and introducing noise, and green wedge providing green infrastructure to Burbage, Hinckley, Barwell and Earl Shilton.

- 8.49. The Landscape Sensitivity Assessment (2017) (HBBC) assesses the key sensitivities and values of the character area (8 – Burbage South and East) as being:
- Low hedgerows to field boundaries reflecting the post-medieval field pattern and form part of the overall ecological network
 - The semi-rural character of the area and its role as the setting to Burbage historic core
 - Woodland spinneys, streams and small water bodies in the area around Lutterworth Road provide ecological interest
- 8.50. It suggests that new development should:
- seek to avoid development on the higher ridge top area adjacent to the cemetery which forms the immediate rural setting to the historic core of Burbage – and maintain this area as a rural green wedge
 - Plan for successful integration of development in the landscape through sensitive design and siting, including use of appropriate materials & landscape mitigation to enhance sense of place.
 - Seek to retain historic field patterns where distinctive s-shaped or dog-leg boundaries remain.
 - Retain the pattern of hedgerows and hedgerow trees and incorporate further buffer planting to major transport corridors and new development.
 - Promote opportunities to maintain and enhance the network of rights of way and consider opportunities to create and promote integrated green infrastructure network around the Burbage, Hinckley, Barwell and Earl Shilton edge.
 - Protect localised areas that retain a natural character, notably the small areas of semi-natural woodland, plus the streams and small waterbodies.
- 8.51. Overall, the landscape in this character area is considered to have a low-medium sensitivity to residential development due to the strong influences of the existing settlement edge and the M69 on the rural agricultural character. Part of the area makes a positive contribution to the setting of Burbage (not this site). Hedgerows and hedgerow trees demarcate a historic piecemeal enclosure pattern and provide visual containment. The M69 restricts intervisibility with the wider landscape to the south.
- 8.52. It is of materiality to note that the area is not a 'valued landscape' for NPPF purposes. Indeed there are no landscape or environmental designations or sensitivities or note for the site and its immediate surroundings.
- 8.53. The LVIA submitted as part of the application assesses the proposals' impact on landscape as such:
- Ordinary Quality (not a good example of the character area)
 - Poor/Ordinary Landscape Value (based on scenic quality and landscape intactness)
 - Ordinary/good landscape value (site context - wider study area, particularly further south across the M69)
 - Low/medium sensitivity (some potential to accommodate change, particularly due to urban fringe and M69)
 - Medium/high sensitivity (site context – wider study area)
 - Minor/moderate adverse magnitude of change (i.e. the development would not constitute a significant effect on the character area)

- 8.54. The LVIA proposes 8 points of mitigation, which if integrated into the scheme at Reserved Matters stage would remove any significant negative effects. These are as follows:
1. Development set back from Workhouse Lane behind retained hedgerow and trees to preserve the existing rural character of the street.
 2. Development set back from the southern boundary of the site in order to maintain a physical and visual buffer to the M69.
 3. Development set back from the south western boundary of the site to allow the creation of a drainage area.
 4. The retention of mature trees and hedgerows on the perimeter of the site, particularly to the north and east.
 5. The provision of additional tree planting on plot and along streets to soften the character of the proposals and filter through views.
 6. Provision of open space and appropriate planting throughout the site.
 7. Consideration should be given to minimising any street lighting along the access road and if and where required, this should be low level lighting to reduce and visual impact during the day and evening.
 8. Provision of a landscape bund along the southern site boundary.
- 8.55. The application has demonstrated that it will not have an unacceptable impact on the surrounding area from a landscape character or visual impact perspective. This is considered as such when taking into account the council's lack of 5-year housing land supply and because this scheme will provide 80 dwellings comprising 20% affordable housing.

Design and Layout

- 8.56. 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.
- 8.57. Policy 2 of the Burbage Neighbourhood Plan (BNP) requires new development to respect its surroundings, follow the existing street pattern and retain existing important natural features on site.
- 8.58. The Good Design Guide SPD provides guidance upon how to design an appropriate new residential development. This includes appraising the context, creating appropriate urban structures through blocks, streets, enclosure, open space and landscaping, parking, amenity space and design detailing. The SPD advocates the use of a Building for Life Assessment.
- 8.59. Paragraphs 124-132 of the National Planning Policy Framework (NPPF) emphasises the importance of design of the built environment, stating that planning policies and decisions should ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

- d) establish or maintain a strong sense of place, using the arrangement of streets spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and
- g) where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience

8.60. This is an outline application and therefore detailed layout and appearance considerations are not being assessed at this stage - however, they will form details at the Reserved Matters stage if the outline application is approved. Notwithstanding this, the indicative plans illustrate that the development will be accessed through Redrow's recent 'Ambion Way development'. As such, the immediate context that the proposed development will sit within comprises Redrow's "Heritage" collection of homes. These dwellings feature design cues inspired from the Arts and Crafts movement of the early 20th century. Architectural features include:

- Bay Windows
- Brick Detailing
- Canopy Porches
- Traditional Brick, Render and Tile Palette
- Brick Detailing
- Mixed "Front" and "Gable" Elevations

The masterplan indicates that the development will comprise housing set back from the southern and western boundaries. A corridor of open space is proposed along the southern boundary with a larger area of open space proposed to the west of the site, where children's play equipment will be provided. The details submitted with the application indicate that dwellings will back / side on to the existing northern and eastern boundaries of the site, whilst dwellings facing out on to the western and southern boundaries will by their orientation help to provide natural surveillance over the public realm.

8.61. It is considered at this outline stage that the indicative design and layout proposals are acceptable and accord with the Development Plan Policies set out above.

Impact upon Residential Amenity

8.62. Policy DM10 (a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.

8.63. The Good Design Guide SPD outlines that development will need to provide high quality internal amenity space as this is critical to the quality of life of residents. The guide states that new developments should meet minimum standards of garden sizes and separation distances between dwellings. The National Design Guide also promotes a healthy, comfortable and safe internal and external environment.

- 8.64. Paragraph 130 of the NPPF states that decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 8.65. Paragraph 185 of the NPPF states that decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
- 8.66. A baseline noise survey was undertaken to establish the existing noise levels across the site, this demonstrated that the site is constrained by noise from the M69 and that mitigation measures would be required in order to develop the site for housing and protect the amenity of future occupants.
- 8.67. The Environmental Health Officer has requested additional information with respect to a Noise Impact Assessment, Construction Environmental Management Plan and Land Contamination. These are all reasonable requests for information that can be appropriately sought through condition.
- 8.68. The concerns raised by the neighbours to the scheme are noted, but it is considered that the proposed conditions to be placed on the scheme (particularly those relating to noise, air quality and construction management), together with the Council's continued role in approving detailed plans at Reserved Matters stage, will ensure that sufficient scrutiny and control will be retained to ensure all concerns are addressed in full.
- 8.69. Subject to conditions and receipt of amended plans this application is considered to be acceptable in amenity terms and in compliance with Policy DM10 a and b of the SADMP, The Good Design Guide SPD and the requirements of the NPPF.
- Flood Risk and Drainage
- 8.70. Policy DM7 of the SADMP seeks to prevent development from resulting in adverse impacts on flooding by ensuring that development does not create or exacerbate flooding.
- 8.71. Paragraph 167 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 169 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should take account of advice from the LLFA, have appropriate proposed minimum operating standards, have maintenance arrangements for the lifetime of the development and where possible provide multifunctional benefits.
- 8.72. Leicestershire County Council as Lead Local Flood Authority (LLFA) notes that the 3ha greenfield site is located within Flood Zone 1 being at low risk of fluvial flooding and a medium to high risk of surface water flooding due to an on-site watercourse reaching the upstream end of a culvert. The proposals seek to discharge at 10.1 l/s via an attenuation basin to the on-site watercourse.
- 8.73. Subsequent to the previous LLFA response requesting further information the applicant has submitted surface water drainage strategy plans and accompanying calculations. The information provided is considered to be acceptable.

- 8.74. The watercourse connectivity is dependent on a culvert under the highway. The applicant should consider a condition assessment of this structure in the site's detailed design to ensure the long-term viability of the outfall.
- 8.75. Therefore subject to conditions, the proposal is considered to satisfy Policy DM7 of the SADMP and the requirement of the NPPF with respect to drainage and flooding matters.

Ecology and Biodiversity

- 8.76. Policy DM6 of the SADMP states that development proposals must demonstrate how they conserve and enhance features of nature conservation and geological value including long term future management. Paragraph 174 of the NPPF states that development proposals should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity.
- 8.77. LCC Ecology have been consulted on the application. They have responded to say that the Ecological Appraisal submitted with the application has identified relatively low prevailing habitat value and potential for notable and protected species. The layout and habitat plan includes a considered ecological mitigation and enhancement strategy given the scale and context of the proposed development.
- 8.78. Therefore subject to conditions as recommended by LCC Ecology the application is considered to be acceptable and in accordance with Policy DM6 of the SADMP and the requirements of the NPPF.

Heritage

- 8.79. Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. In determining planning applications, local planning authorities should take account of paragraph 197 of the NPPF and:
- a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) The desirability of new development making a positive contribution to local character and distinctiveness.
- 8.80. Policies DM11 and DM12 of the Site Allocations and Development Management Policies (SADMP) Development Plan Document seek to protect and enhance the historic environment and heritage assets. Policy DM11 states that the Borough Council will protect, conserve and enhance the historic environment throughout the borough. All development proposals affecting the significance of heritage assets and their setting will be assessed in accordance with Policy DM11 and will require justification as set out in this policy. Policy DM12 requires all development proposals to accord with Policy DM10: Development and Design. Policy DM12 also states that all proposals for development affecting the setting of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting.
- 8.81. The application site consists of an agricultural field to the west of Workhouse Lane situated to the south of the settlement of Burbage. There are no designated heritage assets within the site but some are located within a proportionate study area from this application site (particularly to the north) including the Burbage Conservation Area which is c.750m from the site boundary. Within the historic core

of the conservation area there are also a small number of listed buildings which includes The Church of St. Catherine, this being a Grade II* Listed building with a spire that is a prominent feature within the landscape, although this asset is c.1.4km north of the application site.

- 8.82. Local (non-designated) heritage assets are identified within the Burbage Neighbourhood Plan and there is a small cluster of assets along Lutterworth Road c.350m to the north of the application site and a building known as The Hollies on Lutterworth Road is c.400m to the south-east of the application site.
- 8.83. There is no inter-visibility between the application site and any of the designated and non-designated heritage assets identified above, nor is there any known key historic, functional or other relevant relationships between the application site and these heritage assets. The application site is therefore not considered to fall within their setting and due to the form of the proposal it is considered that none of the heritage assets would be sensitive to or affected by appropriate development within the application site.
- 8.84. It is therefore considered that the proposal will have no effect upon the significance of any designated heritage assets nor the non-designated heritage assets identified above and accords with Policies DM11 and DM12 of the SADMP and the requirements of the NPPF.

Archaeology

- 8.85. Policy DM13 of the SADMP states that where a proposal has the potential to impact a site of archaeological interest developers should provide an appropriate desk based assessment and where applicable a field evaluation. Paragraph 194 of the NPPF also reiterates this advice.
- 8.86. In line with the NPPF Section 16, the planning authority is required to consider the impact of the development upon any heritage assets, taking into account their particular archaeological and historic significance. Paragraph 199 states that where loss of the whole or a material part of the heritage asset's significance is justified., local planning authorities should require the developer to record and advance understanding of the significance of the affected resource prior to its loss. The archaeological obligations of the developer, including publication of the results and deposition of the archive, must be proportionate to the impact of the proposals upon the significance of the historic environment.
- 8.87. Discussions between the applicant and LCC Archaeology led to the following actions being taken with respect to the previous application 21/00502/OUT:
- 15 trial trenches were excavated (3% of the total site area using a 13 ton tracked excavator (1.8m wide trenches)
 - Trenches re 30m in length to give as even a distribution as possible
 - Trenches 4, 7, 8 and 13 are placed to also intersect field boundary anomalies.
- 8.88. LCC Archaeology have responded to this application to say that they do not consider the proposal as submitted would result in a significant direct or indirect impact upon the archaeological interest or setting of any known or potential heritage assets. As such they have advised that the application warrants no further archaeological action. The application is therefore considered to be acceptable with respect to archaeological considerations and accords with Policy DM13 of the SADMP and the requirements of the NPPF.

S106 Heads of Terms

- 8.89. Policy DM3 of the adopted SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities. Policy 19 of the Core Strategy identifies standards for play and open space within the borough. Developments should accord with the policy and provide acceptable open space within the development, or if that is not possible contribute towards the provision and maintenance of open space off site. The Open Space and Recreation Study 2016 updates these standards and also identifies the costs for off-site and on-site contributions.
- 8.90. The request for any planning obligations (infrastructure contributions) must be considered alongside the requirement contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations and paragraph 57 of the NPPF state that planning obligations must only be sought where they meet all of the following tests:
- A) Necessary to make the development acceptable in planning terms;
 - B) Directly related to the development; and
 - C) Fairly and reasonably related in scale and kind to the development.
- 8.91. The contributions sought are detailed below:
- Open Space – on site equipped children’s play space provision = **£52,395.84** (to be maintained by a management company)
 - Off site outdoor sports contribution provision = **£27,801.60** and maintenance = **£13,209.60** (towards Hinckley Road or Britannia Road)
 - Affordable Housing – **20% (16 units)**
4x properties should be provided as First Homes
8x properties for affordable rent and
4x for shared ownership
(The preference would be for the affordable housing to be split between 2 bed 4 person and 3 bed 5 person houses and to meet Nationally Described Space Standards. The properties should be spread across the site and not clustered in one location. The section 106 agreement should contain a requirement for applicants for rented properties to have a local connection to the Borough of Hinckley and Bosworth. First Homes applicants will also be required to have a local connection).
 - Primary Education - Burbage Church of England Infant School and Burbage Junior School = **£440,544.00**
 - Burbage Library Services = **£2,415.82**
 - LCC Waste Management Barwell HWRC = **£3,962.40**
 - Healthcare Burbage Surgery and Station View Health Centre = **£38,645.76**
 - A contribution of **£6,000.00** prior to commencement of development for the monitoring of the Residential Travel Plan and the effects of the development using the County Council’s monitoring programme payable prior to the occupation of any part of the development hereby permitted
 - Appointment of a Residential Travel Plan Co-ordinator from commencement of development until five years after the occupation of the last unit. The Residential Travel Plan Co-ordinator shall be responsible for the implementation of measures as well as monitoring and implementation of remedial measures.
 - Travel Packs (one per dwelling), identifying what sustainable travel choices there are in the surrounding area including incentives to encourage changes in travel behaviour towards the greater use of sustainable travel modes can be supplied through LCC at (average) **£52.85 per pack**

- Two x six-month bus passes per dwelling (application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services = cost of **£360.00 per pass**
- Council Monitoring and Legal Fees

8.92. All of the above contributions are considered to meet the tests for planning obligations, and, will therefore form part of the S.106 legal agreement to be formulated should the application be approved.

Planning Balance

8.93. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

8.94. The Council cannot demonstrate a 5-year housing land supply and the housing policies in the adopted Core Strategy and the housing policies of the adopted SADMP are considered to be out of date as they focused on delivery of a lower housing requirement than is now required. Therefore, the 'tilted' balance in paragraph 11(d) of the NPPF applies and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

8.95. The provision of up to 80 dwellings (20% of which to be affordable units) is considered to be a significant benefit of the proposal and weighs heavily in favour of the scheme.

8.96. The scheme does not fully comply with Policy DM4 of the SADMP but is considered to accord with Policy 1 of the Burbage Neighbourhood Plan. The impact on landscape and visual amenity has been assessed and is considered to be moderate to minor for this development and the provision of much-needed housing is considered to outweigh the moderate to minor impact identified. The scheme is deemed to be acceptable subject to conditions and also the requirements and financial contributions set out above to be agreed as part of a signed Section 106 Agreement.

9. **Equality implications**

9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

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.
- 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. **Recommendation**

10.1 **Grant planning permission subject to:**

- The completion within 3 months of this resolution a S106 agreement to secure the following obligations:
 - Open Space – on site equipped children’s play space provision = £52,395.84 (to be maintained by a management company)
 - Off site outdoor sports contribution provision = £27,801.60 and maintenance = £13,209.60 (towards Hinckley Road or Britannia Road)
 - Affordable Housing – 20% (16 Units)
4x properties should be provided as First Homes
8x properties for affordable rent and
4x for shared ownership
(The preference would be for the affordable housing to be split between 2 bed 4 person and 3 bed 5 person houses and to meet Nationally Described Space Standards. The properties should be spread across the site and not clustered in one location. The section 106 agreement should contain a requirement for applicants for rented properties to have a local connection to the Borough of Hinckley and Bosworth. First Homes applicants will also be required to have a local connection).
 - Library Services Burbage Library = £2,415.82
 - LCC Waste Management Barwell HWRC = £3,962.40
 - Primary Education - Burbage Church of England Infant School and Burbage Junior School = £440,544.00
 - Healthcare contribution towards Burbage Surgery and Station View Health Centre = £38,645.76
 - A contribution of £6,000.00 prior to commencement of development for the monitoring of the Residential Travel Plan and the effects of the development using the County Council’s monitoring programme payable prior to the occupation of any part of the development hereby permitted
 - Appointment of a Residential Travel Plan Co-ordinator from commencement of development until five years after the occupation of the last unit. The Residential Travel Plan Co-ordinator shall be responsible for the implementation of measures as well as monitoring and implementation of remedial measures.
 - Travel Packs (one per dwelling), identifying what sustainable travel choices there are in the surrounding area including incentives to encourage changes in travel behaviour towards the greater use of sustainable travel modes can be supplied through LCC at (average) £52.85 per pack

- Two x six-month bus passes per dwelling (application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services = cost of £360.00 per pass
 - Monitoring and Legal Fees
- Planning conditions outlined at the end of this report
- 10.2 That the Planning Manager be given powers to determine the final detail of planning conditions.
- 10.3 That the Planning Manager be given delegated powers to finalise the terms of the S106 agreement including trigger points and claw-back periods.

Conditions and Reasons

1. Application for the approval of reserved matters shall be made within two years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

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

3. The development hereby permitted shall not exceed 80 dwellings in total and shall be in accordance with the following approved details:
 - Site Location Plan ref 1693-08-02-120 received 17 February 2023
 - Site Access general arrangement plan ref 19409-RLL-20-XX-DR-C 2100F

Where the above documents and plans include recommendations or propose mitigation measures, they shall be implemented in accordance with the approved details and timeframes and retained thereafter.

Reason: To ensure a suitable form of development comes forward in accordance with Policy DM3 of the Site Allocations and Development Management Policies DPD 2016.

4. All Reserved Matters submissions to be in broad accordance with the indicative layout as illustrated on Drawing Number RED0623 001 Rev E received 17 February 2023 and the Land Use Parameter Plan 002 Rev B received 17 February 2023.

Reason: To ensure the development broadly accords with the details/information submitted to inform the consideration of the outline application in accordance with Policy DM3 of the Site Allocations and Development Management Policies DPD 2016.

5. Land Contamination
 - a) 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.
 - b) 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).

6. Land Contamination Found Later
 - a) 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.
 - b) 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).

7. Noise Attenuation
 - a) Development shall not begin until a scheme for protecting the proposed dwellings from noise from the M69 has been submitted to and approved in writing by the Local Planning Authority
 - b). 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 suffer from annoyance as a result of nearby noise sources in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

8. No part of the development hereby permitted shall commence until details of the geotechnical risk relating to the noise attenuation bund have been submitted to and approved in writing by the Local Planning Authority in consultation with National Highways.
(The applicant should note that in accordance with paragraph A1 of Circular 02/2013, all noise fences, screening and other structures must be erected on the developer's land, and far enough within the developer's land to enable maintenance to take place without encroachment onto highway land).

Reason: To ensure that the M69 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

9. Prior to the commencement of development, full details of drainage and its location shall be submitted to and approved in writing the Local Planning Authority (in consultation with the Highway Authority for the M69). The development shall thereafter be undertaken in strict accordance with the approved details prior to the first occupation of the development hereby permitted and retained in accordance with the agreed specification. No surface water shall be permitted to run off from the development hereby permitted on to the Strategic Road Network or into any drainage system connected to the Strategic Road Network. No drainage connections from any part of development hereby permitted may be made to any Strategic Road Network drainage systems.

Reason: To ensure that the M69 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

10. No occupation of any dwelling shall take place until a scheme that makes adequate provision for waste and recycling storage of containers and collection across the site has been submitted to and approved in writing by the Local Planning authority. The details should address accessibility to storage facilities and confirm adequate space is provided at the adopted highway boundary to store and service wheeled containers. The approved details shall be implemented prior to the occupation of the dwelling/unit to which the waste facilities are associated.

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).

11. a). Prior to commencement of development a Construction Environmental Management Plan shall be submitted to and agreed in writing by the LPA. 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.

- b) The agreed details shall be implemented throughout the course of the development.
- c). Site preparation and construction shall be limited to the following hours;
 - Monday - Friday 07:30 - 18:00
 - Saturday 08:00 - 13:00
 - No working on Sundays and Bank Holidays

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).

- 12. The development hereby permitted shall be carried out in accordance with the recommendations of Section 4.0 of the fpcr Ecological Appraisal dated Nov 2022 (Land to the South West of Lutterworth Road, Phase 2). Specifically the development should include the retention of existing hedgerows and recommended mitigation, provision of dark buffer zones and lighting strategies in relation to commuting and foraging bats and the retention of trees where there is potential for roosting bats and habitat creation.

Reason: To protect and enhance the landscape, flora and fauna in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

- 13. As part of the Reserved Matters submission a landscape and ecology management plan (LEMP) shall be submitted to and approved in writing by the local planning authority. The plan shall include the proposed ecological enhancement measures as set out within the habitat plan and ecological mitigation and enhancement strategy to ensure that Biodiversity Net Gain can be achieved on site and a mechanism for securing the implementation of the biodiversity off-setting and its maintenance/management for a period of 30 years in accordance with details approved in the Plan.

Reason: To protect and enhance the landscape, flora and fauna in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

- 14. No trees and shrubs shall be removed on site during the bird nesting season (1st March - 31st July inclusive) unless it has been previously surveyed by a suitably qualified ecologist and the absence of nesting birds has been confirmed.

Reason: To ensure the development does not have a detrimental impact upon nesting birds in accordance with DM6 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

- 15. Prior to commencement of development a walkover survey for badgers shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with any findings/recommendations.

Reason: To ensure the development does not have a detrimental impact upon badgers in accordance with Policy DM6 of the Site Allocations and

Development Management Policies DPD 2016 and the requirements of the NPPF.

16. 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).

17. No development shall commence above foundation level until a scheme for the installation of electric vehicle charging points shall be submitted to and approved in writing by the local planning authority. The scheme shall identify the number of units to benefit from electric charging points, together with full details of the location fitting and timetable for installation of the units.

Reason: To ensure that the proposals meet the requirements of Policy DM10 (g) of the Site Allocations and Development Management Policies DPD (2016) and Paragraph 112 (e) of the National Planning Policy Framework.

18. A 'Building for a Healthy Life' assessment shall be submitted as part of the reserved matters submission details for this development. The details of the development shall incorporate the 12 considerations set out within the 'Building for a Healthy Life' document (Homes England) and parameters shall be agreed with the local planning authority and implemented on site in accordance with the approved details.

Reason: To ensure the site is delivers design quality, health and wellbeing provision and an integrated neighbourhood in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD and Paragraph 130 of the NPPF.

19. No development shall commence until representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings and garages have been deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

Reason: To ensure that the development has a satisfactory external appearance to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document 2016.

20. No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by the Local Planning Authority. The development must

be carried out in accordance with these approved details and completed prior to first occupation of the development hereby approved.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

21. No development approved by this planning permission shall take place until such time as 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. The construction of the development must be carried out in accordance with these approved details.

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 Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

22. No occupation of the development approved by this planning permission shall take place until such time as details in relation to the long-term maintenance of the surface water drainage system within the development have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage system shall then be maintained in accordance with these approved details in perpetuity.

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 system (including sustainable drainage systems) within the proposed development in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

23. No development approved by this planning permission shall take place until such time as infiltration testing has been carried out (or suitable evidence to preclude testing) to confirm or otherwise, the suitability of the site for the use of infiltration as a drainage element, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

24. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum detail of the routing of construction traffic, 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 in accordance with Policies DM10 and DM17 of the Site Allocations and Development Management Plan DPD 2016 and the requirements of the NPPF.

25. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on RLRE drawing number: 19409-RLL-20-XX-DR-C-2100 Revision F 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 accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD 2016 and the National Planning Policy Framework (2021).

26. Development shall not commence before a scheme of highway improvements for the junction of Burbage Rd/ Hinckley Rd/ Sapcote Rd (as currently shown on drawing number: 19409-RLL-22-XX-DR-D-5006 Revision A) has been submitted to and approved by the Local Planning Authority. No dwellings shall be occupied before the improvements have been completed in accordance with the approved details.

Reason: To mitigate the impact of the development, in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD 2016 and the National Planning Policy Framework (2021).

27. The measures and incentives included in RLRE, Document Ref: 19409-RLL-20-XX-RP-D-503, Residential Travel Plan (RTP), 'Burbage Fields Farm - Phase 2', Revision A, dated 12 July 2021 and submitted to the Local Planning Authority on 12 August 2021 shall be implemented in full from first occupation unless an alternative timetable is submitted to and approved in writing by the Local Planning Authority.

Reason: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework (2021).

11. Notes to applicant

1. Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under, The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.
2. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit

mud on the public highway and therefore you should take every effort to prevent this occurring.

3. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
4. All proposed off site highway works, and internal road layouts shall be designed in accordance with Leicestershire County Council's latest design guidance, as Local Highway Authority. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>
5. The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations.

Full details for the drainage proposal should be supplied including, but not limited to; construction details, cross sections, long sections, headwall details, pipe protection details (e.g. trash screens), and full modelled scenarios for the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change storm events.

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.

Details of the surface water Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the surface water drainage system that will not be adopted by a third party and will remain outside of individual householder ownership.

The results of infiltration testing should conform to BRE Digest 365 Soakaway Design. The LLFA would accept the proposal of an alternative drainage strategy that could be used should infiltration results support an alternative approach.