

Planning Committee 13th February 2024
Report of the Head of Planning

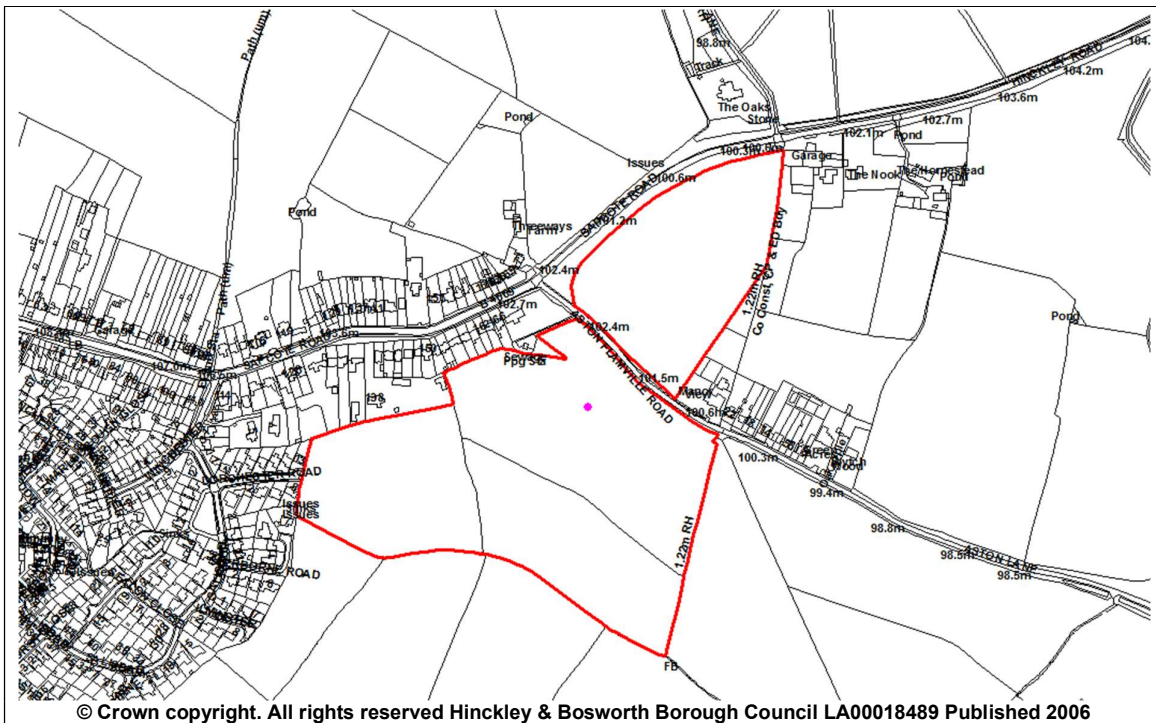
Planning Ref: 23/00673/OUT
Applicant: Jelson Homes Ltd
Ward: Burbage St Catherines & Lash Hill



Hinckley & Bosworth
Borough Council

Site: Land opposite and south of pumping station, Aston Flamville Road, Burbage

Proposal: Residential development of up to 343 dwellings (Class C3), including provision of public open space, associated infrastructure and all matters reserved except access.



1. Recommendations

1.1. That the application be approved subject to:

- Conditions outlined at the end of this report.
- A S106 Agreement to secure the following:
 - Health contribution - £265,619.20
 - Waste – Barwell RHWS - £16, 988.79
 - Libraries – Market Bosworth Library - £10, 357.81
 - Primary Education – Burbage Church of England Infant School & Burbage Junior School – £1, 119, 716.00
 - Secondary Education (11-16) – Hastings High School - £750,792.00
 - Post 16 Education – The Hinckley School- £218,762.31
 - SEND Education – Dorothy Goodman School Hinckley - £193,618.12

20% Affordable Housing provision – up to 69 homes comprising 75% social or affordable rented and 25% intermediate tenure/shared ownership.

Travel Pack provision of £52.85 per dwelling - £18,127.55 (subject to final dwelling numbers)

Six-month bus passes (two per dwelling) supplied by LCC at £415 per pass – up to £284,690 (subject to final dwelling numbers and resident applications)

STARS (Sustainable Travel Accreditation and Recognition Scheme) monitoring fee of £6,000

Contribution towards a Traffic Regulation Order (TRO) for the reduction/relocation of the existing speed limit - £12,995.00

Contribution for the purpose of funding the re-validation of the Microprocessor Optimised Vehicle Actuation (MOVA) at the Brookside/ Burbage Road/ Elm Tree Drive junction - £5,000.

Off-site outdoor sports contribution - £119,199.36

Off-site outdoor sports maintenance contribution- £56,636.16

On site equipped children's play space contribution- £224,647.16

On site equipped children's play space maintenance contribution- £216,830.88

On site casual/informal play spaces maintenance contribution- £62,233.92

On site natural green space maintenance contribution - £194,824.00

S106 legal and monitoring fees

- 1.2. That the Head of Planning be given powers to determine the final detail of the conditions.

2. **Planning Application Description**

- 2.1. The application seeks outline permission for the erection of up to 343 dwellings (including 20% affordable housing), public open space and associated infrastructure that includes two separate vehicular accesses, landscaping and a sustainable drainage system (SuDS), with all matters reserved except for access.
- 2.2. This application follows a previous application for outline planning permission which was submitted in October 2022 (Ref. 22/01037/OUT) and refused under delegated powers in March 2023, on the grounds that the applicant had failed to demonstrate safe and suitable access to the site and the impact of the proposed development on the local highway network. The applicant aims to address both issues through this revised application.
- 2.3. The refused application is the subject of a live appeal. A Public Inquiry into that appeal opened on 23 January 2024. Before the Inquiry opened, the County Council and National Highways agreed a Statement of Common Ground that confirmed that the reasons for refusal had been addressed to their satisfaction. Consequently, neither party offered any evidence against the proposed development. Notwithstanding this, the Inquiry was adjourned at the end of the first day because the Inspector wished to discuss a number of matters beyond the highway issues referred to in the reasons for refusal and the Parties were not in a position to be able to address them. These other matters are not in dispute, are not the subject of detailed evidence and required the input of experts not present. The Inquiry will re-open at a date to be agreed, when additional experts can be made available.

- 2.4. The previous refused application proposed two new accesses including a priority junction on to the B4669 Sapcote Road and a ghost Island Priority junction from Aston Flamville Road to serve the larger parcel of land. This proposal includes a single roundabout access from Aston Flamville Road which will serve both the northern and southern parcels.
- 2.5. Illustrative layout plans indicate the majority of trees and hedgerows on the site to be retained, and a mix of natural and semi-natural greenspace and amenity space provided along with two children's play spaces (one equipped and one not) in the southern parcel of the site. Attenuation ponds are indicated in the northern, eastern and southern boundaries, and new footpath links are indicated to existing public rights of way and the existing road network. Approximately 6.2 hectares of formal and informal green/open space is provided comprising approximately 39% of the total site area.
- 2.6. The illustrative masterplan shows a large area of green space along the eastern side of the larger southern parcel, along with smaller areas of green space in the south-western corner of the larger parcel and along the eastern boundary of the smaller parcel. These areas include structural planting and part of the pedestrian network follows this passage through the site.
- 2.7. The application is accompanied by the following reports and documents:
- Planning Statement
 - Design and Access Statement
 - Development framework
 - Illustrative Masterplan
 - Transport Assessment
 - Travel Plan
 - Parking Plan
 - Flood Risk Assessment and Drainage Strategy
 - Archaeology Desk-Based Assessment
 - Geophysical survey
 - Landscape and Visual Appraisal
 - Arboricultural Assessment
 - Topographical survey
 - Ecological Appraisal
 - Phase 1 Environmental Assessment
 - Agricultural Considerations Report

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

- 3.1. The application site covers an area of 16 hectares and is made up of two parcels of land to the north-east and south-west of Aston Flamville Road, located on the eastern edge of Burbage. The northern parcel is approximately 4.3 hectares in area and is bound to the north and west by Sapcote Road, to the south by Aston Flamville Road, and to the east by existing development and agricultural fields.
- 3.2. The southern parcel is the larger of the two parcels at approximately 11.7 hectares and comprises three field parcels. The north-western and western boundaries of this parcel are defined by the built urban edge of Burbage, beyond which is residential development. To the north of this parcel is Aston Flamville Road, and to the south and east are agricultural fields. An existing watercourse runs west to east adjacent to the southern site boundary.

3.3. The site generally slopes from west to east with high points of around 105m above Ordnance datum (AOD) on the western boundary, falling to below 100m AOD at the lowest point in the south-eastern corner. There are hedgerows and trees along both the site boundaries and internal field boundaries.

3.4. The application site is entirely within flood zone 1. A public footpath (Footpath U56) runs south-eastwards from Sherborne Road beyond the southern boundary of the site.

4. **Relevant planning history**

4.1. 21/00988/OUT – Residential development of up to 351 dwellings (Class C3), including provision of public open space, associated infrastructure and all matters reserved except access – Application returned 16.03.2022.

22/01037/OUT - Residential development of up to 343 dwellings (Class C3), including provision of public open space, associated infrastructure and all matters reserved except access – Refused, appeal decision pending.

5. **Publicity**

5.1. The application has been publicised by sending out letters to 38 local residents. Three site notices were also posted within the vicinity the site and a notice was displayed in the local press.

5.2. A total of 41 objections have been received from the occupiers of neighbouring properties, raising the following concerns and points:

- Visual impact
- Drainage in the northern part of the site is unsatisfactory.
- Flooding risk to Sapcote Road
- Access via Aston Flamville Road is unsatisfactory.
- Loss of local green space and hedgerows
- Impact on wildlife
- Climate change concerns
- Inadequate foul sewerage facilities
- Obscuration of view to St Catherine's Church
- Conflict with Development Plan
- Conflict with Government Guidance
- Air pollution
- Further traffic congestion
- Highway safety
- Noise pollution
- Light pollution
- Archaeological impact
- Loss of valuable agricultural land
- Impact on area designated as 'area of landscape sensitivity'
- Impact upon local facilities inc. schools, doctors, dentists.
- Poor connectivity to the centre of Burbage
- No bus service connecting the site to the centre of Burbage
- Amenity impact to existing dwellings
- Cumulative impact from National Rail freight Interchange

- Evidence of medieval ridge & furrow cultivation
- Contrary to SADMP Policy DM4
- Encroachment of development close to SSSI area
- Insufficient provision of affordable housing
- Precedent for further development on neighbouring sites
- Contrary to Burbage Neighbourhood Plan
- Poor public transport links to the site
- Lack of places or funding for local schools

5.3. The above objections include representations objecting to the proposed development from Cllrs Shirley and Taylor of Highcross Ward (Blaby DC), and Aston Flamville Parish Council.

6. **Consultation**

6.1. **Burbage Parish Council** – objects to the proposal for the following reasons:

- The development would significantly over-burden the existing infrastructure, including roads, public services and other community provision and is therefore not sustainable.
- There are already insufficient Burbage school places for existing Burbage residents. There is no extra school provision planned.
- GP and dental provision in the parish is already over-subscribed.
- Contrary to the developer's suggestion, there is a lack of a public transport/bus service to the proposed site.
- The development would cause increased traffic flow along Sapcote Lane, which would lead to potential difficulties, including traffic backing up, at the two proposed access points to the site, on Aston Flamville Lane and Sapcote Road, increasing the risk to highway safety.
- The site lies outside the settlement area identified in the Burbage Neighbourhood Plan.
- Flooding is an existing issue on Sapcote Road and a report of sewage in flood water in a residential back garden has been made to the Environment Agency. Mitigation measures would need to be in place if development was to be considered.
- It is noted that much of the proposed open space on the development is taken up by lakes, most likely to mitigate the afore-mentioned flood risk. The lakes result in the loss of large areas of useable open space within the development and pose a safety hazard.
- The development itself would lead to significant loss of open green space within the parish, which would in turn have a significant adverse impact on local wildlife and biodiversity.
- Much of the proposed development site is identified in the Burbage Neighbourhood Plan (see policies 10 & 11) as an area of sensitive view.
- As highlighted in the LCC Highways consultation response, the applicant has failed to fully demonstrate the impact of the proposed development on the local highway network, contrary to policy DM17, and the proposals are based on outdated data.

6.2. Blaby District Council –

“If HBBC does consider the development to be acceptable in principle, Blaby District Council would ask that the following matters are taken into consideration when determining the planning application:

- The number of dwellings proposed as part of the planning application (343) is approximately double the proposed allocation in the emerging Local Plan. If HBBC is minded to grant planning permission, BDC would wish to ensure that the development is of an appropriate density and allows for appropriate on-site open space provision.
- The impact of other developments should be taken into account when considering the highway impacts of the development, including the proposed Hinckley National Rail Freight Interchange which would be located close to the site.
- The development should ensure that improvements to pedestrian and cycle connectivity are secured (such as the link to Dorchester Road) to provide better linkages for future residents and existing residents on Aston Lane.
- In addition, improvements to footpath provision on Aston Flamville Lane should be secured (the existing footpath appears to be very narrow). The Transport Assessment indicates that the existing footpath on the northeast side of Aston Flamville Lane will be widened to 2 metres in width. Consideration should also be given to the provision of a footpath on the southwest side of Aston Flamville Lane so that the development parcels on both sides of the road can be appropriately accessed from Sapcote Road.
- All junctions which would be impacted by the development should be properly assessed, including the junction of Aston Flamville Lane and Sapcote Road and any other junctions along Sapcote Road which may be impacted by the development.
- The development could lead to an increase in vehicular traffic using Aston Lane through Aston Flamville, which is a quiet country lane, to reach the B4114 at Sharnford and onwards to access the A5. This impact should be assessed as part of the application.
- The development site is in close proximity to a number of residential properties along the north side of Aston Lane which are located within Blaby District. The properties are within Aston Flamville Parish, but are physically detached from the settlement of Aston Flamville, which is approximately 750 metres to the southeast, on the opposite side of the M69. When considering the planning application, Blaby District Council asks that HBBC considers the impact of the proposed development on these residential properties, taking into account factors including privacy, light, noise, disturbance, overbearing effect, as well as vibration, emissions, hours of working and vehicular activity.
- The impact on existing services and facilities, such as education and health care should be considered. It is understood that secondary schools in the area are currently oversubscribed and there may be little room for expansion on existing sites. • Consideration should be given to access to the site by public transport. The X55 Arriva service, which was understood to serve Sapcote Road, has recently been withdrawn in October 2022.

- Consideration should be given to the impact of surface water flooding. The Environment Agency's surface water flood map indicates that areas of the southern parcel of land forming the application site are at higher risk of surface water flooding.

The development in the latest application remains similar to that proposed in application 22/01037/OUT, with the exception that access to both parts of the site (either side of Aston Flamville Road) is now from a proposed roundabout on Aston Flamville Road, rather than part of the site being accessed from Hinckley Road. It is noted that the maximum quantum of development remains the same at 343 dwellings which is double the number in the emerging Local Plan. Given that Hinckley and Bosworth Borough Council cannot currently demonstrate a five year housing land supply, paragraph 11(d) of the National Planning Policy Framework was engaged in the determination of 22/01037/OUT (whereby planning permission should be granted unless the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole). The provision of up to 343 dwellings was therefore considered to be a benefit of the proposal to which significant weight in favour of the scheme was given. The application was, however, refused planning permission due to the adverse impacts in terms of highway safety and the impact on the local highway network, together resulting in a severe impact.

Blaby District Council acknowledges HBBC's five year land supply position, meaning it may not be able to resist the development in principle. However, BDC would ask that those comments previously made (included above) are taken into consideration insofar as they relate to the highway impacts of the development. It is noted that the Proposed Access Strategy included in the Transport Assessment (Appendix D) only shows a footpath on the northeast side of Aston Flamville Road. Consideration should be given to providing a footpath on the southwest of Aston Flamville Road (as this will be the desired route for pedestrians accessing destinations in Hinckley/ Burbage to the west), or alternatively ensuring the link to Dorchester Close is secured."

6.3. **LCC Highway Authority** – no objection subject to conditions and S106 contributions.

03.08.2023

"Given the scale of development and due to the volume and complexity of technical evidence submitted, the Local Highway Authority (LHA) would advise the Local Planning Authority (LPA) that whilst the analysis has commenced formal observations are still forthcoming.

In addition, the LHA note that the PRTM assessment submitted in support of this application is the same work as had been considered in support of the previous, 22/01037/OUT application and which was relevant to the second reason for refusal on the decision notice for application 22/01037/OUT:

The Applicant has failed to fully demonstrate the impact of the proposed development on the local highway network, contrary to Policy DM17 of the Site Allocations and Development Management Policies DPD and paragraphs 110 and 111 of the National Planning Policy Framework (2021).

Consequently, in accordance with previous advice provided by the LHA and also National Highways, the Applicant should update the PRTM assessment using the most recent 2019 model and also note the sensitivity test requirements for the Hinckley National Rail Freight Interchange (HNRFI) on the basis of the proximity to this planning proposal and its progression to acceptance for examination by the Planning Inspectorate. The LHA would welcome involvement in this work (including agreeing the necessary inputs) at an early stage along with other relevant stakeholders.”

31.01.2024

Site Access

The LHA previously advised refusal as one of the proposed accesses was located on Sapcote Road which is a B classified road and subject to a 60 mph speed limit. The access was considered contrary to Policy IN5 and presented significant highway safety concerns.

As part of this application, the Applicant has revised the access which comprises of a four arm roundabout located off Aston Flamville Road to serve both parcels of land. The LHA is aware that the Applicant has presented the revised access arrangements to be considered as part of the planning appeal. The LHA are supportive of this approach, on the basis the revised access design removes the proposed priority junction onto the B4669 Sapcote Road. The revised access proposals consolidate access into a single roundabout junction on Aston Flamville Road and which satisfies the pre-application advice provided to the Applicant as referenced above.

Having reviewed the revised access proposals, the LHA are now satisfied that a safe and suitable site access can now be achieved to serve the site as the roundabout has been designed in accordance with the LHA's Leicestershire Highway Design Guide (LHDG) available at; <https://resources.leicestershire.gov.uk/sites/resource/files/field/pdf/faq/2022/3/18/Part-3-design-guide-interim.pdf> and the Design Manual for Roads and Bridges (DMRB). This is further supported by the findings of a Stage 1 Road Safety Audit and Designer's Response which has been submitted in support of the access arrangements.

Modelling Assessment

A strategic assessment was previously undertaken by the Applicant in Leicestershire County Council's Pan Regional Transport Model (PRTM), the LHA considered there to be deficiencies and concerns with the assessment work, which include inputs and assumptions not being agreed prior to the forecast work being undertaken. For example; no local model validation was undertaken in the assessment area, no agreement of planning and network assumptions and disregard for the requirement for sensitivity tests with the Hinckley National Rail Freight Interchange (NRFI).

Whilst the LHA's preference for a revised assessment would be to use PRTM, the LHA in this instance understand due to timescale constraints prior to the inquiry, an alternative modelling approach which involves a spreadsheet based approach was necessary. Notwithstanding this, the LHA sought to work collaboratively with the applicant team and were content with the alternative modelling approach including the inputs and assumptions on this specific occasion.

The alternative modelling approach included the following:

- Confirm the study area with the LHA;
- Obtain full classified turning counts at study area junctions;
- Apply growth factors derived from TEMPro v8.1 to traffic count data to obtain future year base flows;
- Manually add traffic from committed developments to study area junctions to obtain future year base plus committed development flows;
- Calculate development trip generation using trip rates from the TRICS database;
- Use Census Travel to Work data to distribute development trips;
- Add development flows to future year base plus committed development flows; and
- Assess the capacity of individual junctions using junction modelling software.

Off-Site Mitigation

The results of the modelling undertaken has demonstrated that mitigation is required to mitigate an otherwise severe impact from the proposed development on the local highway network.

A package of mitigation to mitigate the highway impact of the development on both the local highway network and strategic road network (SRN) have therefore been proposed by the applicant and agreed by the LHA and National Highways (NH). To summarise, this includes a package of improvements covering highway capacity and active travel improvements including enhanced bus service provision near to the site, a package of pedestrian infrastructure and crossing improvements along the main Sapcote Road / London Road corridor between the site and Hinckley. Improvements to bus services and pedestrian infrastructure will encourage modal shift from journeys by car and will therefore contribute towards off setting any increase in vehicle trips as a result of the proposed development.

The improvements are demonstrated on the following drawings which will be secured via condition which are included within the Highways Proof of Evidence document dated 22nd December 2023 available on HBBC's planning portal:

- A109159-TTE-00-ZZ-DR-H-0031-P01;
- A109159-TTE-00-ZZ-DR-H-0034-P01;
- A109159-TTE-XX-XX-DR-H-014-P01; and
- A109159-TTE-00-ZZ-DR-H-0033-P01

Internal Layout

As the application is in outline, with only access to be determined at this stage, the submitted indicative site layout and matters such as the proposed numbers of parking spaces have not been reviewed or considered by the LHA in preparing this response. However, the TA suggests that the internal road network would be put forward for adoption and accordingly, the LHA advises that the proposed internal roads and parking are required to be designed in accordance with the prevailing Leicestershire Highway Design Guide (LHDG) when a future reserved matters application is submitted.

Transport Sustainability

The LHA note that although there has been some consideration to the existing transport options, the TP does not set out a detailed plan of action on how the 10% reduction in single occupancy vehicle trips to and from site over the 5 years and 80% awareness of the TP amongst residents will be achieved. Therefore, the LHA are unable to approve the TP and condition an amended TP to be submitted. As part of the mitigation proposed, it has been agreed by the LHA that the Applicant will propose and implement a Public Transport Strategy which will be secured via condition.

- 6.4. **National Highways** – recommend that conditions should be attached to any planning permission that may be granted.

25.07.2023

“We have specific concerns that the development proposals will have significant impacts on the safe and efficient operation of the A47 The Longshoot and Dodwell Roundabout junctions with the A5. In light of the above, National Highways recommends that planning permission not be granted for a period of one month from the date of this notice.”

25.08.2023

“Having reviewed the submitted Transport Assessment National Highways requires a number of points of clarification as detailed below.

The trip generation as set out in Tables 5 and 6 of the TA has been previously agreed, with the development generating 189 and 201 two-way trips in the weekday AM and PM peaks respectively. However, it is noted within Appendix G of the TA PRTM Modelling Report dated December 2021, that only 157 and 161 two-way trips in the weekday AM and PM peaks have been used. Clarification needs to be made around this variation and a further analysis will be required.

With reference to Appendix G of the TA PRTM Modelling Report dated December 2021, the development is predicted to add 38 and 52 two-way trips to junction 2 of the M69, although as stated above this cannot be accepted at this time due to the query around what level of traffic generation has been included within the PRTM modelling.

There also appears to be a reduction in traffic in the AM peak with development scenario, of 17 trips turning right from the M69 (N) to the B4669 Hinckley Road, which would indicate that some base traffic is being diverted in the PRTM modelling. A full understanding of the level of any diversion of traffic away from the SRN is needed, as this may then result in impacts on other, less suitable Local Road Network routes. Mitigation may then be required in order to realign traffic back onto the SRN.

The JUNCTIONS modelling output for the M69 Junction 2 shows the increase in traffic between the base and base plus development is 27 in the weekday AM peak and 43 in the weekday PM peak, and therefore clarification is required before the modelling can be accepted.

Regardless of the above comments the PRTM modelling appears to have been undertaken in December 2021 in support of the previous planning application, and we would consider that this should be updated to reflect the most recent conditions in terms of both planning and network assumptions.

In accordance with Paragraph 50 of DfT Circular 01/22 an assessment of the SRN is also required to be undertaken at 2031 as this is given as the year in which the full development of 370 houses will be built and occupied rather than 2026 which only relates to the first phase of 250 dwellings.

In accordance with the planning protocol for developments affecting the A5 junctions with the A47 at The Longshoot and Dodwells circulatory a VISSIM assessment will also be required to demonstrate the development impact at those junctions.

It is proposed a meeting to discuss the requirements of the modelling protocol is held jointly with National Highways, Leicestershire County Council, and Warwickshire County Council at the earliest available opportunity to ensure the modelling undertaken aligns with the current protocol.

Based on the above, we recommend that the application not be determined for a period of three months from the date of this notice. This is to enable the applicant to provide further information with regards to the information/requirements detailed above and the potential impacts on the SRN.”

29.01.2024

“Further to our previous response of 29 January 2024 and the current planning appeal proceeding under application reference 22/01037/OUT, the applicant has submitted documentation to this application consultation that has addressed the matters of concern for National Highways.”

- 6.5. **Active Travel England** - Deferral: ATE is not currently in a position to support this application and requests further assessment, evidence, revisions and/or dialogue as set out in this response.

“The TA considers a multi modal trip rate using a suitable TRICS data set, including active modes. Junction capacity for the existing road layout and the proposed mitigation is assessed, but this could be bolstered by a more detailed assessment of likely cycle movements, including growth from a strong aspiration target in a Travel Plan (TP). LTN 1/20 Cycle Infrastructure Design includes a Junction Assessment Tool that should be applied.

It is noted that the new roundabout includes pedestrian refuge on all arms and would connect into a new footway running along the north west side of the Aston Flamville Road. This should consider the movement hierarchy with pedestrians followed by cyclists at the top. Given the distance to key facilities, the use of the bus stops along Sapcote Road will be vital to support active travel. For journeys into Burbage, Hinckley or further, an identical footway on the south west portion of the Aston Flamville Road would be extremely helpful to access west bound bus stops and save an additional crossing point for those living in the northern portion of the southern site. It is noted that the distance from the centre of the site to the nearest bus stop is closer to 700m, and it will be even further from the south east of the site. There does not appear to be any street lighting on Aston Flamville Road, while the west bound bus stop on Sapcote Road does not have a raised kerb to aid boarding and alighting for those with mobility impairments. As such, there are opportunities to improve accessibility for walking and wheeling.

The TA does provide some limited assessment of the surrounding quality of walking provision and indicates that the majority of neighbouring built-up areas are within a 5km cycle distance from the site. It would be extremely helpful to have off-site

infrastructure assessed against national design guidance in Inclusive Mobility and LTN 1/20 to develop a more objective audit alongside setting the design specification for the proposed shared access to Dorchester Road. This should include the full assessment of surrounding infrastructure to key amenity destinations, including Hinckley Rail Station. We note the TA includes collision data and there was one serious collision involving a cyclist in the vicinity of the station.

Paragraph 3.4.3 in the TA refers to the outdated LTN 2/08, which was replaced in 2020 by LTN 1/20 Cycle Infrastructure Design.

Site permeability could be enhanced further by using the established public right of ways adjacent to the site and making sure connections to them follow the shortest and most efficient route to enable access for onward journeys and facilities. An off road pedestrian route within the site masterplan is welcome but appropriate surfacing is vital to ensure it will support wheelers and pushchairs and be lit. Lighting and surfacing are crucial where the route will facilitate the shared path connection with Dorchester Road.

As stated, the TA falls short of understanding the surrounding routing infrastructure for active travel modes and how this would connect into the development. Given access is for consideration, full details of the design for the shared use path and its junction at Dorchester Road needs to be submitted. The Travel Plan is only a framework approach however there is no strong aspiration for active travel. Whilst it includes a mode share split based on 2011 census data, initial targets do not include active travel. This should be far more ambitious for active travel routing and consider the infrastructure proposed against specific targets for these modes. Some ideas for monitoring is proposed but there are no details on remedial measures if targets are not met.”

- 6.6. **LCC Tree Officer** – As the proposed development does not directly impact on any Leicestershire County Council Tree Preservation Order I have no further comments to make on this application.

Officer comment: Three oak trees within the site have recently been protected by Tree Preservation Orders. The latest tree retention plan indicates that these are to be retained and would not be impacted by the proposed development.

- 6.7. **LCC Ecology** –

The survey work carried out to date is considered sufficient to make an assessment for this outline planning application. The main habitat within the site is species-poor grassland fields. Hedgerows, trees and ditches are also present; however, these are proposed to be retained within the development (and it should be demonstrated within the Reserved Matters stage how these will be protected during construction works).

The BNG calculations for post-development currently appear to be optimistic, showing all of the mixed scrub areas in good condition and proposed grassland areas as moderate distinctiveness and moderate condition, even where the areas will have a more amenity use (such as surrounding play areas). These conditions are sometimes possible, but it will need to be clearly demonstrated how these habitats will be managed long-term to achieve these goals, or should be amended to reflect an achievable condition. The BNG calculations should be redone when the site layout has been finalised in the Reserved Matters stage.

There was little evidence of protected species within the site. There were breeding birds using the site and foraging bats. It is unlikely that great crested newts will be present; however, one pond did return inconclusive eDNA results, therefore the presence cannot be fully ruled out at this stage. Updated survey work should be carried out to inform any Reserved Matters application (an updated eDNA assessment of the inconclusive pond should be carried out).

Therefore, I recommend Conditions are attached to any permission requiring a BNG Plan, along with an ecological mitigation and enhancement strategy, both prior to commencement.

6.8. **LCC Planning Obligations** – The following contributions totalling £2,310,235.03, are required as a result of this development:

- Waste – Barwell HWRC - £16,988.79
- Libraries – Burbage Library - £10,357.81
- Primary Education – Burbage Church of England Infant School & Burbage Junior School – £1,119,716.00
- Secondary Education – Hastings High School - £750,792.00
- Post 16 Education – The Hinckley School - £218,762,31
- SEND Education – Dorothy Goodman School - £193,618.12
- Early Years Education – Burbage Church of England Infant School – No requirement.

6.9. **Lead Local Flood Authority** –

“It is noted that the 16ha greenfield site is located within Flood Zone 1 being at low risk of fluvial flooding and a low to high risk of surface water flooding. The proposals seek to discharge at a total of 27 l/s, with peak flows limited to greenfield flow rates by SuDS attenuation basins discharging to existing watercourses. The proposals also suggest that bank levels of the main drain and drain will be raised, a flood storage area with flow control at the southern end of the site, and a 1m deep low flow channel adjacent to the Flood Storage Area with a lowered left-hand bank to allow excess waters to spill into the Flood Storage Area will be incorporated.”

Leicestershire County Council as the LLFA advises the LPA that the proposals are considered acceptable to the LLFA subject to planning conditions listed at the end of this report.”

6.10. **Severn Trent Water** – No response to date.

6.11. **Ramblers Association** – No response to date.

6.12. **Western Power Distribution** – No response to date

6.13. **LCC Public Rights of Way** – No response to date

6.14. **Leicestershire Police** – No objections but provides advice.

6.15. **NHS England** – Housing developments are known to put additional pressure on healthcare infrastructure and their requirements based in Primary, Community and Secondary Care facilities. To ensure that the health and well-being of the local community is protected, S106 funding is essential to help mitigate/support the needs arising from an increase in population and is used towards increasing access to these services. A contribution of £265,619.20 is required towards the mitigation and support

of Burbage Surgery against additional pressures associated with an increasing local population.

The ICB would also like the council to carefully consider the developer occupancy trigger points and allow the Strategy Estates Team to have the opportunity to review the S106 agreement and terms ahead of signing. The ICB would wish for any contributions to be released prior to first occupation.

6.16. HBBC Conservation (summarised) –

This proposal affects the significance of the grade II* listed building the Church of St Catherine and the Burbage Conservation Area by virtue of its location within the wider setting of these designated heritage assets. Overall, the proposal is considered to have a negligible impact causing no harm to their significance. A component of determining this impact is the requirement for an appropriate layout with large area for green infrastructure around the site edges and the retention existing southern and eastern boundary treatments, supplemented where required, all of which must be confirmed at reserved matters stage if the application is to be approved.

The proposal is therefore compatible with the significance of the listed building and will preserve the significance of the conservation area, so consequently the proposal accords with Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD, section 16 of the National Planning Policy Framework and the statutory duty of Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.

6.17. HBBC Affordable Housing –

Policy set out in the Core Strategy, policy 15, states that sites of 15 dwellings or more, or 0.5 hectares or more in urban settlements, require 20% of the housing to be offered for affordable housing.

Since the Core Strategy was adopted there have been changes introduced nationally which affect the delivery of on-site affordable housing. The main changes in urban areas are to tenure types. Section of the NPPF requires 10% of all homes on qualifying sites to be for affordable home ownership. Subsequent to this guidance, NPPF also introduced a new affordable home ownership product called First Homes. On qualifying sites, 25% of all affordable housing should be for First Homes.

The tenure breakdown for this site will therefore need to be:
35 homes for affordable rent
17 homes for First Homes
17 homes for shared ownership.

On 18 November 2022 there are the following number of live applications for rented housing in Burbage on the Council's housing register:

1 bed 252
2 bed 123
3 beds 70
4 or more beds 19
Total 464

The preference on this site would be for affordable rent:

6 or 8 x1 bedroomed 2 person properties, preferably quarter houses or maisonettes, 2 x 4 bedroomed 6 person houses. The remainder of the affordable rent should be a mixture of 2 bed 4 person and 3 bed 5 person houses. Affordable home ownership properties should be a mixture of 2 and 3 bedroomed houses.

All properties where possible should meet the space standards set out in the Nationally Described Space Standards (NDSS).

The section 106 agreement should include a clause regarding the affordable rented properties that allocation would be to people with a connection to the borough of Hinckley and Bosworth, as defined in the council's Housing Allocations Policy.

6.18. HBBC Compliance and Monitoring –

“The S106 should detail the calculations for area and associated maintenance for each type of open space being proposed on site per dwelling, which is to include the minimum cost of the LEAP to be provided.

At present Burbage Parish Council are welcoming transfers of open space but not necessarily balancing ponds. The wording of the agreement should allow HBBC to nominate the Parish should the Parish wish to taken the open space. the Agreement should also provide a Management Company maintenance back up for each of the areas should HBBC or the Parish Council decline any transfer.

Transfers of the open space should be given a timeframe and costs of the transfer be covered by the developer. The agreement should detail an off-site contribution for Outdoor Sports if not providing on site.

The implementation trigger for the on site open spaces should be provided by the developer to ensure that the trigger for implementation will work with the build out programme.

Clawbacks for Off Site Provision and Maintenance should be 5 and 15 years. Please ensure that the S106 Monitoring fee is included in the legal agreement and payable prior to commencement of development.

Based on 343 dwellings the monitoring fees will be £628.00 per obligation £219 per site visit and £327.00 per document requested to be approved.

Each obligation should be set out separately for example but not limited to ; Equipped On site Open Space , informal on site open space, Accessible and natural Green space on site , maintenance of each. Then any off site.”

6.19. HBBC Drainage – No objections subject to conditions regarding surface water drainage.

6.20. HBBC Environmental Health –

Contaminated land

The Phase I risk assessment recommends that further intrusive works should be carried out to characterise the site. This should be done and may be conditioned.

Noise

Noise impact from the garage, dance studio, pumping station and road network should be assessed. Potential noise form the proposed play area should be

considered.

Air Quality

Air quality has not been considered- due to the size of the site and Air Quality Assessment should be submitted.

Construction Phase

Should planning permission be granted a CEMP would be a recommended condition.

6.21. **HBBC Tree Officer** – No response to date.

7. Policy

7.1. Burbage Neighbourhood Plan 2015-2026 (6 May 2021)

- Policy 1: Settlement Boundary
- Policy 2: Design and Layout
- Policy 4: Parking
- Policy 9: Wildlife and Green Corridors
- Policy 10: Landscape Character
- Policy 11: Area of Landscape Sensitivity
- Policy 12: Important Trees

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
- Policy 20: Green Infrastructure
- Policy 24: Sustainable Design and Technology

7.3. 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

7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2023)
- 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 Study (2017)
- The Green Infrastructure Strategy (2020)
- Open Space and Recreation Study (2016)
- Heritage Strategy (2020)
- 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
- Impact on the Character and Appearance of the Area
- Impact on Heritage Assets
- Design and Layout
- Residential Amenity
- Flood Risk and Drainage
- Ecology and Biodiversity
- Archaeology
- Impact on Trees
- Impact on Air Quality
- S106 Heads of Terms
- Conclusions and Planning Balance

Principle of Development

8.2. 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. Paragraph 2 of the National Planning Policy Framework (NPPF) 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) and the Burbage Neighbourhood Plan (BNP) which was made in May 2021 and carries full

weight as part of the development plan. The NPPF states at paragraph 12 that where a planning application conflicts with an up-to date neighbourhood plan, permission should not usually be granted.

- 8.4. Paragraph 14 of the NPPF states that in situations where the presumption in favour of sustainable development referred to in paragraph 11, applies to applications for housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:
- The neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;
 - The neighbourhood plan contains policies and allocations to meet its identified housing requirement;
 - The LPA has at least a three year supply of deliverable housing sites;
 - The LPA's housing delivery was at least 45% of that required over the previous three years.

These circumstances do not apply in this instance, as the BNP does not allocate further development sites.

- 8.5. 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 with adoption due around January 2025. The Replacement Local Plan is therefore delayed.

- 8.6. Within the Pre-Submission Regulation 19 document, the site is allocated for a minimum of 180 dwellings under Site Allocation references BUR01H (northern parcel) – minimum of 75 homes and BUR02H (southern parcel) - minimum of 105 homes.

- 8.7. The Core Strategy (CS) sets out the settlement hierarchy for the Borough. The application site is located adjacent to the settlement boundary of Burbage which is defined as an Urban Area. As the site is located outside of the settlement boundary on land designated as countryside, Policies DM4 of the SADMP and Policy 1 of the BNP are of most relevance with regard to the principle of development.

- 8.8. Policy 1 of the BNP sets out that the purpose of a settlement boundary is to ensure sufficient housing and economic activity is available in appropriate locations whilst minimising Urban sprawl and provision definition of open countryside. The Policy 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.

- 8.9. Policy 11 of the BNP states that:

An area of open countryside will be designated as an area of landscape sensitivity as shown on the Landscape Setting and Key Views Map (Figure 27, Page 66).

Any new development should:

- a) 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.
 - b) Plan for successful integration of development in the landscape through sensitive design and siting, including use of appropriate materials and landscape mitigation to enhance sense of place.
 - c) Seek to retain historic field patterns where distinctive s-shaped or dog-leg boundaries remain.
 - d) Retain pattern of hedgerows and hedgerow trees and incorporate further buffer planting to major transport corridors and new development.
 - e) Promote opportunities to maintain and enhance the network of rights of way and consider opportunities to create and promote an integrated green infrastructure network around Burbage, Hinckley, Barwell and Earl Shilton urban edge.
 - f) Protect localised areas that retain a natural character, notably the small areas of seminatural woodland, plus streams and small waterbodies.
- 8.10. 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.
- 8.11. 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”.
- 8.12. The proposed development does not relate to any of the criteria in Policy DM4, but this does not mean that the development is not sustainable. Part of the justification for the proposal is that it would contribute to the identified lack of a five-year housing land supply in the Borough. The urbanising effects of the proposal are acknowledged by the applicant, but these are said to be minimised and acceptable and the applicant considers that the development is not out of character within its settlement edge location. The proposal is also supported by a Landscape Visual Assessment (LVA) setting out the impact on the wider landscape character.
- 8.13. Policy DM4 also requires that development meets five further requirements, of which the key one relevant to this application is that development is only considered to be sustainable where it does not have a significant adverse effect on the intrinsic value,

beauty, open character, and landscape character of the countryside. This is discussed in more depth later in this report, however in summary Officers agree that the proposal would not have a significant adverse effect on the intrinsic value, beauty, open character, and landscape character of the countryside despite not fully complying with each criterion in this policy.

- 8.14. The proposal is adjacent to the settlement boundary thus complying with Policy 1 of the BNP subject to complying with all other development plan policy. Regarding Policy 11, the proposal meets each criterion in terms of avoiding development on the higher ridge top area, integration of development in the landscape through sensitive design and siting, retention of historic field patterns and patterns of hedgerows and hedgerow trees with additional buffer planting, promoting opportunities to maintain and enhance the network of rights of way, consider opportunities to create and promote an integrated green infrastructure network around Burbage, and protect localised areas that retain a natural character.
- 8.15. In terms of weight afforded to DM4, the emphasis of the policy is to promote sustainable development proposals within the countryside and protect it from unsustainable proposals. Given that the site is included as two separate housing allocations in the Pre-Submission Regulation 19 Local Plan, the most up to date published direction for housing growth, it has been identified as a sustainable location for development and identifies a clear direction of future growth for Burbage. Whilst the Pre-Submission Regulation 19 Plan is afforded limited weight, given the lack of a 5-year housing land supply, it is accepted that this site is identified for housing in what is the most up-to-date draft Local Plan document available thus far.
- 8.16. In summary, despite not fully complying with Policy DM4, the proposal complies with the relevant Policies in the BNP and is considered to represent sustainable development in this location and is therefore judged to be acceptable in principle.

Housing Land Supply

- 8.17. 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.
- 8.18. Using the standard method as outlined by MHCLG, Hinckley and Bosworth Borough is able to demonstrate 4.89 years of deliverable housing at 1st April 2022. Due to this and the change in the housing figures required for the Borough paragraph 11(d) of the NPPF is triggered. Due to this paragraph 11(d) of the NPPF is engaged. 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. 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.
- 8.19. Paragraph 11d) of the NPPF states 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 proposed⁷; 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”*

8.20. 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”*.

8.21. Paragraph 60 of the NPPF sets out that *“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”*.

8.22. 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.”*

8.23. Development on this site would contribute to the housing land supply and consideration should be given to paragraph 77 of the NPPF which states:

“To help ensure that proposals for housing development are implemented in a timely manner, local planning authorities should consider imposing a planning condition providing that development must begin within a timescale shorter than the relevant default period, where this would expedite the development without threatening its deliverability or viability.”

8.24. 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.

8.25. The Burbage Neighbourhood Plan identifies no further sites for housing as Burbage has already exceeded its minimum housing target as per HBBC Local Plan 2006-2026: Site Allocations and Development Management Policies DPD - Residual Housing Requirements. However, it also states that the Neighbourhood Plan is obliged to work within the broad housing requirements specified by HBBC.

8.26. The provision of up to 343 dwellings, a proportion of which (up to 69) is to be Affordable Housing, is therefore considered to be a significant benefit and in light of the failure to deliver a 5-year supply it is considered that moderate weight should be given to the provision of the proposed dwellings.

Housing Mix and Supply

- 8.27. 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.
- 8.28. The Good Design Guide SPD advocates the use of the Building for Life assessment.
- 8.29. 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.
- 8.30. The final number, mix of dwellings, layout and density will be determined at Reserved Matters stage, but the illustrative layout shows that a mix of types and sizes can be accommodated. The development is for up to 343 dwellings and the appropriate layout and density will be determined at Reserved Matters stage. The applicant has not undertaken a Building for Healthy Life Assessment (the replacement for Building for Life). A detailed assessment could be provided at Reserved Matters stage and could be required as a condition.
- 8.31. Policy 15 of the CS sets out that a minimum of 2,090 affordable homes will be provided in the Borough from 2006 to 2026. At least 480 dwellings will be in the rural areas, at a rate of 40%. The rest will be delivered in urban areas at a rate of 20%. The Borough has an unmet affordable housing need and this is given significant weight in the planning balance. The Housing Needs Study (2019) identifies a Borough need for 271 affordable dwellings per annum (179 in the urban area and 92 in the rural area) for the period 2018-36. The Study states this is not a target, but that affordable housing delivery should be maximised where opportunities arise.
- 8.32. The housing officer has requested 20% of units on the site to be affordable, comprising 75% social or affordable rented and 25% intermediate tenure/shared ownership. The greatest need for affordable rented housing in the Borough is for smaller units of accommodation to assist single people or childless couples, and for small families with or two children.
- 8.33. The applicant has indicated that the site will provide the policy-compliant requirement of 69 affordable homes. The preferred mix of property types for rent would be of smaller properties comprising 1, 2 and 3 bedrooms and all should meet the Nationally Described Space Standards.
- 8.34. Subject to these requirements being met through 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

- 8.35. 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 highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)).

- 8.36. Policy DM10(g) states that where parking is to be provided, charging points for electric or low emission vehicles should be included, where feasible.
- 8.37. Paragraph 110 of the NPPF states that it should be ensured that safe and suitable access to the site can be achieved for all users Paragraph 111 of the NPPF 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.
- 8.38. The applicant has been in lengthy discussions with the Local Highway Authority (LHA) and National Highways (NH) to overcome a number of concerns that were raised.
- 8.39. The specific concerns highlighted by the LHA related to the PRTM assessment submitted in support of this application (along with 22/01037/OUT) was relevant to the second reason for refusal on the decision notice for application 22/01037/OUT:
- The Applicant has failed to fully demonstrate the impact of the proposed development on the local highway network, contrary to Policy DM17 of the Site Allocations and Development Management Policies DPD and paragraphs 110 and 111 of the National Planning Policy Framework (2021).*
- 8.40. The LHA therefore requested that the applicant should update the PRTM assessment using the most recent 2019 model and also note the sensitivity test requirements for the Hinckley National Rail Freight Interchange (HNRFI) on the basis of the proximity to this planning proposal.
- 8.41. The specific concerns raised by the National Highways were that the development proposals would have significant impacts on the safe and efficient operation of the A47 The Longshoot and Dodwell Roundabout junctions with the A5.
- 8.42. Regarding the site access, the Applicant has revised the access which comprises of a four-arm roundabout located off Aston Flamville Road to serve both parcels of land. The LHA are supportive of this approach, on the basis the revised access design removes the proposed priority junction onto the B4669 Sapcote Road. The revised access proposals consolidate access into a single roundabout junction on Aston Flamville Road and which satisfies the pre-application advice provided to the Applicant. Having reviewed the revised access proposals, the LHA are now satisfied that a safe and suitable site access can now be achieved to serve the site as the roundabout has been designed in accordance with the LHA's Leicestershire Highway Design Guide.
- 8.43. In terms of traffic modelling, the LHA's preference for a revised assessment was to use PRTM. However, the LHA in this instance considered that due to timescale constraints, an alternative modelling approach which involves a spreadsheet-based approach was necessary. Notwithstanding this, the LHA sought to work collaboratively with the applicant team and were content with the alternative modelling approach including the inputs and assumptions on this occasion.
- 8.44. On the matter of off-site mitigation, the results of the modelling demonstrated that mitigation is required to prevent an otherwise severe impact from the proposed

development on the local highway network. A package of measures to mitigate the highway impact of the development on both the local highway network and strategic road network (SRN) have been proposed by the applicant and agreed by the LHA and National Highways (NH). This includes a package of improvements covering highway capacity and active travel improvements including enhanced bus service provision near to the site, a package of pedestrian infrastructure and crossing improvements along the main Sapcote Road / London Road corridor between the site and Hinckley. Improvements to bus services and pedestrian infrastructure will encourage modal shift from journeys by car and will therefore contribute towards offsetting any increase in vehicle trips as a result of the proposed development.

- 8.45. Regarding the internal layout, as the application is in outline, with only access to be determined at this stage, the submitted indicative site layout and matters such as the proposed numbers of parking spaces have not been reviewed or considered by the LHA. However, the TA suggests that the internal road network would be put forward for adoption and accordingly, the LHA advises that the proposed internal roads and parking are required to be designed in accordance with the Leicestershire Highway Design Guide (LHDG) when a reserved matters application is submitted.
- 8.46. When considering transport sustainability, The LHA note that although there has been some consideration to the existing transport options, the Travel Plan (TP) does not set out a detailed plan of action on how the 10% reduction in single occupancy vehicle trips to and from site over the 5 years and 80% awareness of the TP amongst residents will be achieved. Therefore, the LHA are unable to approve the TP and condition an amended TP to be submitted. As part of the mitigation proposed, it has been agreed by the LHA that the Applicant will propose and implement a Public Transport Strategy which will be secured via condition.
- 8.47. In addition to this, the LPA note that Active Travel England have outlined concerns surrounding routing infrastructure for active travel modes and how this would connect into the development. The LPA consider that the aforementioned Public Transport Strategy can resolve these concerns and that Active Travel England have raised, and they will be consulted as part of the discharge of conditions application should this application be approved.
- 8.48. Overall, therefore whilst the objections with regards to the highway network are noted, the impacts of this proposed development in relation to access are not considered to be severe to pose an unacceptable impact on highway safety. The proposal is judged to comply with Policy DM17 and Policy DM10 of the SADMP and the aforementioned policies of the NPPF subject to conditions and S106 contributions.

Impact on the Character and Appearance of the Area

- 8.49. 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.
- 8.50. Point c) of Policy DM10 of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.

- 8.51. The Council's Landscape Character Assessment states that the site falls within Landscape Character Area F: Burbage Common Rolling Farmland. Characteristics of this landscape include:
- "Large scale, gently rolling arable and pasture farmland with local variations in topography influenced by small streams",
 - "Medium to large scale rectilinear field pattern bounded by low hedgerows and post and wire fencing with smaller scale pasture fields around the settlements. Field boundaries and hedgerows generally follow contours",
 - "Major transport corridors dissect the landscape and introduce noise and movement",
 - "Open landform and lack of tree cover allows for expansive and distant views to edge of settlement, often situated on the skyline, and punctuated by major infrastructure",
 - "Public rights of way including the Leicestershire Round, concentrated around Burbage Common and extending outside the borough into Blaby".
- 8.52. Key Sensitivities in this assessment include "extensive visibility and long-distance views across open expanses of rolling farmland". The report also notes that "The area east and south of Burbage provides a rural setting to the historic settlement." The assessment also notes "uncluttered views of church spires in the nearby ridge top settlements (e.g. Burbage) provide an important sense of place".
- 8.53. Key characteristics of the Urban Character Area 6 as part of HBBCs character assessment include the close relationship between the village and the open landscape to the east is of key importance, and this should be protected and preserved.
- 8.54. Policy 10 of the BNP states that development which has a significant adverse impact on the viewpoint shown on the Landscape Settings and Key View Map, which cannot be mitigated, will not be supported.
- 8.55. Policy 11 of the BNP designates an area of open countryside as an area of landscape sensitivity which the application site lies entirely within. Any new development should:
- a) 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.
 - b) Plan for successful integration of development in the landscape through sensitive design and siting, including use of appropriate materials and landscape mitigation to enhance sense of place.
 - c) Seek to retain historic field patterns where distinctive s-shaped or dog-leg boundaries remain.
 - d) Retain pattern of hedgerows and hedgerow trees and incorporate further buffer planting to major transport corridors and new development.
 - e) Promote opportunities to maintain and enhance the network of rights of way and consider opportunities to create and promote an integrated green infrastructure network around Burbage, Hinckley, Barwell and Earl Shilton urban edge.

f) Protect localised areas that retain a natural character, notably the small areas of seminatural woodland, plus streams and small waterbodies.

- 8.56. The site comprises four fields to the south of Sapcote Road, one north of Aston Flamville Road/Aston Lane, and three fields south of Aston Flamville Road and is under pasture. The fields are bordered by hedgerows in varied conditions, with some relatively well grown and thick and other sections contains gaps in the hedgerow. The residential areas of Winchester Drive and Dorchester Road lie to the west. A small row of properties along Aston Lane lie immediately to the east, with a former filling station close to the boundary of the northern field (in Blaby District). Woodland at Aston Firs and Burbage Wood lie to the north of the site, whilst the M69 runs through the wider landscape to the east. The Leicestershire Round Footpath passes to the south of the site from Sherborne Road before continuing east and south. The local area comprises pasture fields mostly enclosed by hedgerows with some hedgerow trees to the east of Burbage. The urban edge is visible to varying degrees, with the spire of St Catherine's Church visible on the horizon. There are some belts of trees, but little woodland.
- 8.57. The commentary on page 63 of the BNP refers to the village hilltop situated above the open country of the River Soar. The most important aspect of this vista is where the village hilltop and historic core of Burbage can be viewed to and from the village via Aston Flamville to the east, and this is indicated as a 'Key Viewpoint' in Figure 27. The proposed development is sited beyond this viewpoint to the north, therefore the key viewpoint as indicated of the BNP would not be affected by the scheme and the proposal is considered to comply with Policy 10 of the BNP.
- 8.58. Policy 11 of the BNP is not a restrictive policy in the sense that if proposed development accords with each criterion of the Policy, then it is accepted that the area of landscape sensitivity is preserved in accordance with the policy. The indicative masterplan indicates that this policy has been acknowledged, as historic field patterns and hedgerow patterns are retained, whilst additional buffer planting has been provided. Furthermore, the indicative plan maintains the right of way network and proposes an integrated footpath network. The site is not located close to the higher ridge top area adjacent to Burbage Cemetery. The proposal is therefore considered to comply with this policy.
- 8.59. It is considered that the proposed development is located where it would have a moderate to minor impact on the character and appearance of the area and be categorised as urban fringe due to its location adjacent to the settlement boundary and existing residential development of a similar density. The development framework and indicative masterplan demonstrates a development which would integrate well with the existing built form on the eastern edge of Burbage and would retain and strengthen many of the established landscape features, as well as creating a new landscape buffer to the north, south and east of the site, within the area of landscape sensitivity as defined in the BNP. It is therefore concluded that the scheme would not have a significant adverse effect on the intrinsic value, beauty, open character, and landscape character of the countryside; and it would not undermine the physical and perceived separation and open character between settlements; and it does not create or exacerbate ribbon development.
- 8.60. A Landscape and Visual Appraisal (LVA) has been submitted as part of the application.
- 8.61. Within this appraisal, a Visual Baseline assessment summarises that:

- The site occupies an area of relatively low and visually enclosed land, minimising the potential visual effects on the wider area.
- The scheme is set back from the existing properties along Aston Lane and would not restrict views towards the village centre from the front of these properties.
- Principal views towards the church Spire from the east would remain.
- The Key View identified in the Neighbourhood Plan would not be affected by the scheme, as it is behind the viewpoint.
- The scheme retains the visually open land between the village centre and the M69 motorway.
- The rural setting of the historic core of Burbage would be retained.
- The proposal would not affect the rural hinterland / visual relationship between Burbage and Aston Flamville.

- 8.62. In terms of landscape proposals, the scheme would provide 6.2 hectares (approximately 40% of the site) of land dedicated to landscape, open space, play and habitats. This comprises a network of spaces, retaining the existing pattern of field parcels and hedgerow trees as corridors of green space. The southern site boundary would retain and reinforce its well-established hedge, providing a habitat corridor along the watercourse. To the east a larger area of multifunctional green space will be established. A mixture of small woodland copses, scrub and grassland would be established throughout the site. The northern development parcel would also include greenspace, mainly focused to the east, providing a strong edge to the settlement also acting as a multifunctional area for informal recreation.
- 8.63. The LVAs conclusion to the characteristics of the site are that the site and the immediate landscape is of medium landscape value, with medium susceptibility to change and medium overall sensitivity, which Officers agree with.
- 8.64. The LVA finds that the development has negligible to minor impacts upon both the National Landscape Character (Leicestershire Vales) and Landscape Character Area F (Burbage Common Rolling Farmland) respectively. The scheme would be fully integrated into and informed by the landscape through the incorporation of a large percentage of green infrastructure into the development providing accessible greenspace whilst at the same time softening the edge of the development upon completion and maturity of the proposed landscaping. Officers agree with this assessment and consider that the effects on the character and appearance of the site and surrounding area would amount to negligible to minor, with some moderate impacts during the construction phase.
- 8.65. In terms of impacts upon the site and its immediate context, the LVA concludes that the landscape impact will be minor to moderate in the long term (15 years post completion), with moderate to major impacts during the construction phase. Within this area the scheme would introduce additional housing and Green Infrastructure. These are elements that already exist in the locality and would not change the overall character of the area, even with the additional built development. The form of the settlement would continue, extending the urban form already established. The area of open land extending between the M69 and Burbage village centre would remain, and the development would not materially change this form.

- 8.66. Officers agree with this assessment and consider that the effects on the character and appearance of the site and surrounding area would amount to negligible to minor in terms of the wider character area, with minor to moderate impacts upon the site and its immediate context during in the long-term post completion. It is acknowledged that the proposal will provide a new edge of settlement development to the east side of Burbage and will be prominent in immediate views when travelling along Sapcote Road, however the development will sit between existing built form of the existing edge of Burbage on Sapcote Road, Dorchester Road, Sherborne Road and Salisbury Road to the west, a small row of dwellings along Aston Flamville Road/ Aston Lane to the south and the former filling station to the east. The proposal is therefore judged to not have an unacceptable impact on the surrounding area from a landscape character or visual impact perspective that would outweigh the identified benefits of the proposal and is considered to comply with Policies 10 and 11 of the BNP and the requirements of the NPPF.

Impact on Heritage Assets

- 8.67. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural and historic interest which it possesses.
- 8.68. Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraphs 199-202 of the NPPF require great weight to be given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have clear and convincing justification, and for that harm to be weighed against the public benefits of a proposal.
- 8.69. Policies DM11 and DM12 of the Site Allocations and Development Management Polices DPD 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. This will be done through the careful management of development that might adversely impact both designated and non-designated heritage assets. All development proposals which have the potential to affect a heritage asset, or its setting will be required to demonstrate:
- A) An understanding of the significance of the heritage asset and its setting, and
 - B) The impact of the proposal on the significance of the asset and its setting, including measures to minimise or avoid these impacts; and
 - C) How the benefits of the proposal will outweigh any harm caused
 - D) Any impact on archaeology in line with Policy DM13
 - E) 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, and that development proposals should ensure the significance of a conservation area is preserved and enhanced.
- 8.70. 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,

and that development proposals should ensure the significance of a conservation area is preserved and enhanced.

- 8.71. Within the western section of the application site and when positioned within the site surroundings there are views the spire of the grade II* listed Church St Catherine and physical elements of the eastern boundary and section of the Burbage Conservation Area. The application site is therefore considered to fall within the setting of these designated heritage assets.
- 8.72. Due to either the topography and presence of intervening-built form and vegetation there is no particular or clear inter-visibility between the application site and any of the other grade II and grade II* listed buildings located within Burbage, 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 this position would not be altered following the development.
- 8.73. There is also a conservation area and a small number of listed buildings located within Aston Flamville, approximately 1km east of the application site. These designated heritage assets are located within Blaby District Council so a determination as to whether they are affected by the proposal is left to that local authority, with their comments on the application provided above.
- 8.74. The church is located within a large church yard and is surrounded by built form. This immediate setting contributes positively to the church's significance, reinforcing its historic, architectural and communal values. By virtue of the height of the church spire, its hilltop position and the sloping topography of the surrounding landscape the church can also be seen within a much wider setting, particularly to the east of the village core. This reflects the status and role of the church, although its visibility is sometimes incidental and obscured by intervening built form and vegetation. Looking west from within the application site, and when positioned within the surroundings of the site including at publicly accessible points along Aston Flamville Road/Aston Lane and the public bridleway between Aston Lane and Sapcote Road, there are views where varying extents of the church tower and spire can be seen above any intervening vegetation and built form. These views do demonstrate the importance of the church as a visible presence within a wider semi-rural landscape and setting. The application site and its surroundings forms part of this wider setting, where a moderate appreciation of the significance of the church can be obtained from the views due to their extent, despite on occasions there being a considerable intervening distance.
- 8.75. Due to the significant amount of tree cover along the eastern boundaries of the Burbage Conservation area it has a semi-rural character. The conservation area has a rural setting to the east and the application site and its surroundings forms part of this wider setting, where a moderate appreciation of this aspect of the conservation area's significance can be obtained from the views.
- 8.76. A development framework plan has been submitted which indicates outline details of the proposal. New vehicular access points are to be located off Aston Flamville Road and Sapcote Road with pedestrian access from Dorchester Road. Up to 343 dwellings are proposed within development blocks within each field. Existing field boundaries would be retained and supplemented by some new areas of tree planting. Along the southern and eastern boundaries and set back from those is a large area for green infrastructure and attenuation ponds.

- 8.77. It is likely that some current views and glimpses of the tower and spire of the grade II* listed Church of St Catherine and the eastern edges of the Burbage Conservation Area would be lost by the proposed development when positioned within the areas proposed for dwellings, although the laying out the development would likely maintain views of these heritage assets when located within the areas proposed for green infrastructure. The views of these assets from within the site are not currently accessible to the wider public but would be more widely available from the green infrastructure area if the proposal was implemented. When located outside of the site, views of these heritage assets would only be lost from a short section of Aston Flamville Road due to the siting of the proposed dwellings.
- 8.78. The application site makes no direct contribution to the significance of the church and conservation area but does allow for a moderate appreciation of the significance of these heritage assets due to its position within their settings. Whilst visibility of these assets will be reduced via the proposed development within their wider setting, the extent of this reduction is limited and an appreciation of the significance of the heritage assets would remain available from their wider landscape including from publicly accessible positions on the public right of way network, and from these positions the appreciation would not be materially affected by the proposal due to the mitigating effects of the green infrastructure area, retention of traditional boundary features, and supplementary planting. As a result, the impact of the proposal upon the significance of the grade II* listed Church of St Catherine and the Burbage Conservation Area is considered to be negligible and not adverse.
- 8.79. This proposal affects the significance of the grade II* listed building the Church of St Catherine and the Burbage Conservation Area by virtue of its location within the wider setting of these designated heritage assets. Overall, the proposal is considered to have a negligible impact causing no harm to their significance. A component of determining this impact is the requirement for an appropriate layout with large areas for green infrastructure around the site edges and the retention of existing southern and eastern boundary treatments, supplemented where required, all of which must be confirmed at reserved matters stage. The proposal is therefore considered to be compatible with the significance of the listed building and will preserve the significance of the conservation area, so consequently the proposal accords with Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD, Policy 11 of the BNP, section 16 of the National Planning Policy Framework and the statutory duty of Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.

Design and Layout

- 8.80. 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.
- 8.81. Paragraph 134 of the NPPF states development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance. Local policy is considered to accord with the NPPF.
- 8.82. 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.

- 8.83. This is an outline application with all matters reserved except for access and therefore detailed layout and appearance considerations are not being assessed at this stage - however, they would form details at the Reserved Matters stage.
- 8.84. Notwithstanding this, the indicative plans illustrate that the development will comprise up to 343 dwellings across two parcels of land, with access into the site from Aston Flamville Road. It provides a reasonable approach to the scheme that would translate to the detailed plans submitted at Reserved Matters stage and indicate that a suitable form of development could be brought forward in accordance with Policy DM10 of the SADMP and the Good Design Guide SPD.

Impact upon Residential Amenity

- 8.85. 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.
- 8.86. 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.
- 8.87. 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.
- 8.88. 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.
- 8.89. It is considered that the scheme, subject to the detailed matters to come forward at Reserved Matters stage, could be designed such to have a suitable relationship with nearby residential units.
- 8.90. Additional information with respect to contamination and a Construction Environmental Management Plan could be appropriately sought via condition.
- 8.91. Some objections have been received in relation to noise and disturbance. The Environmental Health Officer requested a noise assessment, and this has been included as a condition (condition 18) to determine which, if any, residential properties are affected by noise and how this could be mitigated or controlled if required.
- 8.92. Concerns raised by the neighbours to the scheme are noted, but it is considered that the use of conditions, together with the Council's continued role in assessing detailed

plans at Reserved Matters stage, would ensure that sufficient scrutiny and control would be retained to ensure all concerns are appropriately addressed.

- 8.93. It is considered that the proposed development could be designed such 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

- 8.94. 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.
- 8.95. 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.
- 8.96. The site lies within Flood Zone 1 on the Environment Agency Flood Maps for Planning. Large parts of the southern parcel of land are at a medium to high risk of surface water flooding. The indicative site layout indicates that attenuation ponds are located in the northern, eastern and southern boundaries of the site.
- 8.97. The HBBC Drainage Officer advises that the proposals are acceptable subject to conditions to secure a surface water drainage scheme, management and maintenance of surface water and infiltration testing.
- 8.98. The LLFA notes that the proposals seek to discharge at a total of 27 l/s, with peak flows limited to greenfield flow rates by SuDS attenuation basins discharging to existing watercourses. The proposals also suggest that bank levels of the main drain and drain will be raised, a flood storage area with flow control at the southern end of the site, and a 1m deep low flow channel adjacent to the Flood Storage Area with a lowered left-hand bank to allow excess waters to spill into the Flood Storage Area will be incorporated.
- 8.99. The site is at risk of surface water flooding in the 1 in 100 year plus climate change event. It is noted that the 1 in 100 year plus 50% climate change event has been provided for the pre-development scenario, but only the 1 in 100 year plus 30% for the post development scenario. National guidance states that for development with a lifetime beyond 2080, flood risk assessments are required to assess the upper end allowances. The proposals fall within the Soar catchment for which the upper end climate change allowance is 60%. Modelling should be updated to reflect this requirement for both the proposed and existing scenarios. It is advised that any modelling submitted to support a planning application must be checked and supported by the Environment Agency or an appropriately qualified third-party consultant. As this application is for outline approval, it is advised that this should be submitted at reserved matters application stage in order to support the proposed layout.
- 8.100. The proposals make no commitment to source control SuDS. This should be fully considered at reserved matters stage and implemented unless adequately demonstrated to not be reasonable.
- 8.101. British Geological Survey data indicates that infiltration will likely not be feasible. However, ground investigations will be needed to confirm this, the applicant notes in

the Flood Risk Assessment that this will be completed in the detailed design application and that QBar has been used to calculate runoff.

- 8.102. During the Public Inquiry relating to the preceding application (22/01037/OUT) the Inspector questioned whether Sequential Testing or other additional information may be required due to parts of the site falling within flood zone 3b for surface water flooding. The LLFA were re-consulted for comment as a result of this and their response will be documented and addressed in the supplementary list.
- 8.103. In summary, neither HBBC Drainage or the LLFA have any objections to the proposal in terms of flood risk and drainage and consider that the proposal would be acceptable in this regard subject to conditions and matters which can be appropriately addressed at reserved matters stage. Therefore, subject to the suggested conditions, it is considered that the proposed development would satisfy Policy DM7 and the NPPF.

Ecology and Biodiversity

- 8.104. 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.
- 8.105. The ecology information submitted with the application indicates that the site comprises species-poor grassland with boundary treatments which should be retained. The County Ecologist has assessed the information and considers that while no further surveys are required, the BNG calculations for post-development appear to be optimistic and should be redone when the site layout has been finalised in the Reserved Matters stage. There was little evidence of protected species within the site. There were breeding birds using the site and foraging bats. It is unlikely that great crested newts will be present; however, one pond did return inconclusive eDNA results, therefore the presence cannot be fully ruled out at this stage. Updated survey work should be carried out to inform any Reserved Matters application (an updated eDNA assessment of the inconclusive pond should be carried out).
- 8.106. It is considered that the provision of a biodiversity net gain and appropriate protection of existing habitats and wildlife could be secured via condition, with further BNG calculations and further surveys required at reserved matters stage. Subject to the condition requirements this application is considered acceptable with respect to ecology and biodiversity matters and complies with Policy DM6 of the SADMP.

Archaeology

- 8.107. 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.
- 8.108. 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.

- 8.109. Paragraph 203 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application and that in weighing applications that directly affect non-designated assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage assets.
- 8.110. An archaeological desk-based assessment has been submitted as part of the proposal. The Historic Environment Record has identified prehistoric and Roman finds in the area. The site lies outside the historic cores of Burbage and Aston Flamville and historic mapping suggests the site has been largely undeveloped fields probably since the medieval period with evidence for medieval ridge and furrow across much of the site. A geophysical survey of the site found no clear evidence for archaeological remains but did record some anomalies that could be archaeological in origin. There is therefore moderate potential for prehistoric and Roman remains and low potential for Anglo-Saxon, medieval and post-medieval remains to be present within the site. There will be an impact on the Historic Landscape Character of the site, with the change from agricultural fields and enclosed land to residential development, although the retention of hedgerows within the development will help to preserve the field patterns.
- 8.111. LCC Archaeology initially recommended that a programme of archaeological work must be completed prior to determination of the application. Following further discussions with the applicant, it was agreed that the programme of archaeological work could take place prior to commencement of development rather than pre-determination, if the application is approved. This is included as condition 17. Therefore, subject to the condition outlined above, it is considered that the proposal would ensure satisfactory archaeological investigation, recording, dissemination and archiving and thus complies with Policies DM12 and DM13 of the Site Allocations and Development Management Policies DPD 2016.

Impact on Trees

- 8.112. Policy DM6 of the SADMP sets out that on site features should be retained, buffered and managed favourably to maintain their ecological Value, connectivity and functionality in the long term.
- 8.113. Policy 12 of the BNP states that development proposals that damage or result in the loss of a tree or trees protected with a tree preservation order (TPO) or a tree or trees of significant amenity value and with important arboricultural, landscape or ecological significance, will only be permitted in exceptional circumstances. Where any trees are felled as part of the development, there is a presumption that they should be replaced on at least a one-to-one basis as part of any landscaping scheme.
- 8.114. In this instance the County Tree Officer has commented on the proposals and does not have significant concerns as the development does not directly impact the Leicestershire County Council Tree Preservation Order. There are three oak trees which are in the process of a TPO application, however these are indicated as being retained in the submitted tree retention plan. In addition, the proposals provide for significant new tree planting which is supported by the Council.

- 8.115. It is considered therefore that the proposal is acceptable with regard to the requirements of policies DM6 and Policy 12 of the BNP.

Impact on Air Quality

- 8.116. Policy DM7 requires adverse impacts from pollution and flooding to be prevented by ensuring that development proposals demonstrate compliance with eight criteria. Criterion f) seeks to ensure that proposals do not contribute to poor air quality. Policy DM10 requires developments to ensure that there would be no significant adverse air quality impacts on the amenity of nearby residents and occupiers of adjacent buildings.
- 8.117. HBBC Environmental Health requested an Air Quality Assessment during the consideration of the application due to the scale of the proposals.
- 8.118. However, the proposed development is in a sustainable location immediately adjacent to the main urban area of the Borough, where residents will be able to walk and cycle to shops, services, facilities and places of work. There is no Air Quality Management Area in the Borough (i.e. no areas where national air quality objectives are not met, or at risk of not being met).
- 8.119. The appellant has also agreed to the delivery of a comprehensive package of measures that will improve walking and cycling links to facilities and services, including in Hinckley Town Centre. It has also agreed to deliver a public transport strategy which would improve public transport connections between the site, Hinckley Railway Station and Town Centre further enhancing the site's sustainability credentials and encouraging use of non-car modes of travel.
- 8.120. The applicant has agreed to provide two, six month bus passes per dwelling to encourage public transport usage together with a Travel Plan containing measures designed to further encourage travel by sustainable modes.
- 8.121. The proposals will also include electric vehicle charging infrastructure for new dwellings in accordance with Building Regulations.
- 8.122. It is considered that a condition requiring a Construction Environmental Management Plan to be submitted by the developer and approved in writing by the LPA prior to commencement would be sufficient to ensure to the control, mitigation and/or prevention of dust, odour and other emissions during the site preparation and construction phases.
- 8.123. Taking into account all of the above, it is considered that the proposals would not give rise to unacceptable adverse effects in air quality terms and there are no reasonable grounds on which to insist on the submission of an Air Quality Assessment.

Impact on Agricultural Land

- 8.124. Paragraph 180 of the Framework states that that planning policies and decisions should contribute to and enhance the local environment by recognising the intrinsic character and beauty of the countryside and wider benefits from natural capital and ecosystem services including the economic and other benefits of the best and most versatile agricultural land.
- 8.125. Annex 2 of the NPPF defines 'best and most versatile' land as land in Grades 1, 2 and subgrade 3a of the Agricultural Land Classification.

- 8.126. Footnote 62 of the NPPF states that where “significant development” of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.
- 8.127. The application is accompanied by an Agricultural Land Report. This includes the results of a detailed Agricultural Land Classification Survey of the site and adjacent land, which identifies that 36% of the site (5.7ha) is classified as Subgrade 3a which would fall within the definition of ‘Best and Most Versatile’ agricultural land. The remainder of the site comprises Subgrade 3b ‘moderate quality’ land which does not constitute ‘Best and Most Versatile’ land. The 5.7ha of ‘Best and Most Versatile’ land is split in to two separate parcels located to either side of Aston Flamville Road.
- 8.128. The applicant has assessed the economic impacts of the loss of the ‘Best and Most Versatile Land’ which would be up to £185 per hectare (i.e. up to £1,050 for the 5.7ha).
- 8.129. The amount of BMV present on site falls well below the threshold of 20Ha above which Natural England would be consulted on development proposals and above which impacts are generally considered significant.
- 8.130. The applicant’s Agricultural Land Report indicates that most of the land around the urban area of the Borough is of moderate to high probability of being ‘Best and Most Versatile’.
- 8.131. The amount of ‘Best and Most Versatile’ land that would be lost to the proposed development is not significant in this case and nor would its loss have a material economic impact. Accordingly, whilst the loss of Best and Most Versatile land is a matter to be weighed on the negative side of the planning balance, it is a factor that is to be afforded very limited weight.

Other matters

- 8.132. During the determination of this application, the Leicester, Leicestershire & Rutland NHS Integrated Care Board submitted two different requests for Section 106 Healthcare contributions.
- 8.133. The initial response on 01.08.23 was for £167,074.48. Subsequently, on 25.01.24, a second larger request was made for £265,619.20. The LPA and applicant sought reasoning and justification for this increase from the NHS ICB. They explained that when the original submission was made the build costs were lower than what they are now, and that this is an ongoing factor the ICB have considered whilst applications go through the council’s process. Therefore, cost multiplier for the cost of extensions required (including fees) had increased from £2,516 per sqm to £4,000 per sqm.
- 8.134. The increase factors in inflation, current build costs and considers recent programmes of work of extension work within Leicester, Leicestershire, and Rutland.
- 8.135. Whilst the LPA acknowledge that the increase in the amount requested is significant, The LPA considers that the revised request is compliant with Para 57 of the NPPF and the CIL Regulation tests and that the latest figure (£265,619.20) should be implemented into the Section 106 Agreement.

S106 Heads of Terms

- 8.136. 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.
- 8.137. 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.
- 8.138. The contributions sought are detailed below:
- Affordable Housing – 20% (75% social or affordable rented and 25% intermediate tenure/shared ownership).
 - Library Services (£10,357.81)
 - LCC Waste Management (£16,988.79)
 - Healthcare (£265,619.20)
 - Primary Education (£1,119,716.00)
 - Secondary Education (£750,792.00)
 - Post 16 Education (£218,762.31)
 - SEND Education (£193,618.12)
 - Early Years Education (£0)
 - Travel Pack provision of £52.85 per dwelling - £18,127.55 (subject to final dwelling numbers)
 - Six-month bus passes (two per dwelling) supplied by LCC at £415 per pass – up to £284,690 (subject to final dwelling numbers and resident applications)
 - STARS (Sustainable Travel Accreditation and Recognition Scheme) monitoring fee of £6,000
 - Contribution towards a Traffic Regulation Order (TRO) for the reduction/relocation of the existing speed limit - £12,995.00

- Contribution for the purpose of funding the re-validation of the Microprocessor Optimised Vehicle Actuation (MOVA) at the Brookside/ Burbage Road/ Elm Tree Drive junction - £5,000.
- Off-site outdoor sports contribution - £119,199.36
- Off-site outdoor sports maintenance contribution- £56,636.16
- On site equipped children's play space contribution- £224,647.16
- On site equipped children's play space maintenance contribution- £216,830.88
- On site casual/informal play spaces maintenance contribution- £62,233.92
- On site natural green space maintenance contribution - £194,824.00
- S106 legal and monitoring fees

8.139. All of the above contributions are considered to meet the tests for planning obligations and should therefore form part of the Section 106 legal agreement to be formulated should the application be approved. No such S106 agreement has been submitted and as such the application is not considered to comply with the requirements of Policy DM3 of the SADMP and Policy 19 of the Core Strategy and is therefore a reason for refusal of the application.

Conclusions and Planning Balance

- 8.140. 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.
- 8.141. As 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. The BNP was made within the last two years and is considered to be up to date; however, it does not include any further housing provision through site allocations. It is accepted to be prudent therefore to consider that 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.
- 8.142. The site lies in an accessible and sustainable location close to the facilities located in Burbage and Hinckley. Following extensive dialogue with the LHA and NH, neither have objected to the proposal. The proposed access is considered acceptable, and conditions have been included securing highway improvements to the junction of Burbage Road/Hinckley Road/ Sapcote Road, the junction of Brookside/ Elm Tree Road / Burbage Road, and the Park Road/ London Road junction. Additionally, offsite highway improvements particularly to the surrounding footpath network are also judged to be public benefits beyond mitigation of the development itself which are attributed moderate positive weight. Furthermore, the proposal complies with Policy DM17 of the SADMP.

- 8.143. The provision of up to 343 dwellings, 20% of which are to be affordable units, is considered to be a benefit of the proposal to which significant weight in favour of the scheme is afforded.
- 8.144. It is considered that the proposal is offered no support by Policy DM4 of the SADMP and Policy 12 of the Core Strategy owing to its location outside of the settlement boundary. As such the application does not accord with development plan policy and is unacceptable in principle. These policies are considered to be broadly consistent with the overall aims of the NPPF and significant weight should be attached to the fact that the proposal is contrary to the development plan and would undermine the plan led approach endorsed by the Framework.
- 8.145. Notwithstanding that, the proposed development is not considered to have a significant harmful effect on the character and appearance of the countryside. In this regard it would be broadly acceptable and consistent with the requirements of Policy DM4 and Policy DM10 of the SADMP.
- 8.146. Other benefits of the scheme apart from the delivery of market and affordable homes include the relative accessibility to facilities and services, the likely increase in biodiversity on the site and the economic and social benefits through the construction of dwellings, the financial contributions as set out in para 1.1 above and from subsequent activities of future residents in the local area. These benefits are considered to attract moderate weight.
- 8.147. As the tilted balance applies, paragraph 11(d) of the NPPF requires that 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. Taking into account the housing land supply position and the need for affordable homes within the Borough, it is considered that the adverse impacts of the proposed development would not significantly and demonstrably outweigh the benefits (identified above) when assessed against the policies in the NPPF when taken as a whole. Therefore, planning permission should be granted in this instance.

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 That the application be **Approved** subject to the conditions set out below and subject to the entering into of a S106 Agreement to secure the required financial contributions and other measures set out above at paragraph 1.1 that include affordable housing, highway improvements, open space, maintenance, and monitoring costs.

10.2 **Conditions**

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: appearance; landscaping; layout; and scale shall be submitted to and approved, in writing, by the local planning authority. The development shall be carried out in accordance with the approved detailed.

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. No development shall take place until a phasing plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved phasing plan, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the satisfactory phasing of the development and to ensure that utility infrastructure is delivered in a coordinated and planned way in accordance with Policy DM3 of adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. Any reserved matters application shall be accompanied by a scheme which details the proposed housing mix for the relevant phase of the development which should be in accordance with the Council's adopted Development Plan and the housing needs of the area. The development shall then be completed in accordance with the approved details.

Reason: To ensure an appropriate housing mix to meet the housing needs of the locality is provided in accordance with Policy 16 of the Core Strategy 2009.

5. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:
- Site Location Plan - (7162-L-01 Rev A) received 03/11/22
 - Proposed Access Strategy (Tetra Tech A109159-TTE-00-ZZ-DR-H 0004-P07).

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).

6. No development in each phase shall commence on site until such time as the existing and proposed ground levels of the site and proposed finished floor levels in the relevant phase have been submitted to and approved 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).

7. No development shall commence in any phase until a scheme that makes provision for waste and recycling storage and collection within that phase 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).

8. 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 and retained thereafter.

Reason: To ensure the development is appropriate to the local area and meets amenity standards in accordance with policy DM10 of the Site Allocations and Development Management Policies DPD, Policy 16 of the Core Strategy, and the Good Design Guide SPD.

9. No development approved by this permission shall be commenced in each phase until a scheme for the investigation of any potential land contamination within the relevant phase 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).

10. If during development, contamination not previously identified is found to be present at the site, no further development shall take place in the relevant phase 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 in the relevant phase.

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).

11. Upon completion of the remediation works a verification report shall be submitted to and approved by the Local Planning Authority. The verification report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the verification report together with the necessary documentation detailing what waste materials have been removed from the site.

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. 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.

The agreed details shall be implemented throughout the course of the development.

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).

13. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details 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 to accord with policy DM17 of the adopted Site Allocations and Development Management Policies DPD 2016.

14. No part of the development hereby permitted shall be occupied until such time as the access arrangements and proposed footway improvements shown on Drawing A109159-TTE-00-ZZ-DR-H-0004-P07 have been delivered 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 policy DM17 of the adopted Site Allocations and Development Management Policies DPD 2016 and the National Planning Policy Framework (2021).

15. Prior to the commencement of each phase of development, a Biodiversity Net Gain Strategy (BNGS) and a Project Implementation Plan (PIP) for that phase shall be submitted to and approved in writing by the local planning authority, unless a BNGS and PIP have previously been submitted to and approved in writing by the local planning authority for the whole site. The BNGS shall detail proposals to redress loss of biodiversity and the mitigation strategy proposed shall include all on and off-site habitats required to deliver a net gain. The BNGS shall use the Biodiversity Metric 4.0 Calculation Tool unless an amended statutory Biodiversity Metric Calculator associated with the Environment Act 2021 becomes mandatory.

The PIP shall detail the delivery of ecological BNG mitigation and compensation, in accordance with the approved BNG strategy. The PIP shall include timescales for implementation, and an ongoing management and maintenance plan. The BNGS and PIP shall be implemented, managed and maintained in accordance with the approved details.

On completion of each phase, an update of the BNG Strategy shall be submitted to the local planning authority to demonstrate how a BNG has been delivered for that phase.

Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD 2016, and to ensure that the development achieves Biodiversity Net Gain in accordance with paragraph 180 of the NPPF (2023).

16. No development or site clearance shall take place until an ecological mitigation and enhancement strategy has been submitted to and approved in writing by the LPA. All works are to proceed strictly in accordance with the approved scheme.

Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy DM6 of the Site Allocations

and Development Management Policies DPD 2016 and Government guidance contained within the National Planning Policy Framework.

17. No development shall take place/commence until the necessary programme of archaeological work has been completed. The programme will commence with an initial phase of trial trenching to inform a final archaeological mitigation scheme. Each stage will be completed in accordance with a written scheme of investigation (WSI), which has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed mitigation WSI, which shall include the statement of significance and research objectives, and
- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
 - The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: To ensure satisfactory archaeological investigation, recording, dissemination and archiving in accordance with Policy DM12 and DM13 of the Site Allocations and Development Management Policies DPD 2016.

18. Prior to the commencement of development, a noise assessment to determine which, if any, residential properties are affected by noise from Woodside garage, Burbage dance studio and the road network shall be submitted to and approved, in writing, by the Local Planning Authority. The assessment shall have been undertaken by a competent person, shall include periods for daytime as 0700-2300 hours and night-time as 2300-0700 hours, and identify appropriate noise mitigation measures. All residential units shall thereafter be designed so as not to exceed the noise level criteria as referenced in BS8233:2014 Guidance on sound insulation and noise reduction for buildings.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the future residents by reason of undue external noise where there is insufficient information within the submitted application, in accordance with Policy DM10 of the SADMP.

19. No approval of reserved matters shall take place until such time as the following details have been submitted to, and approved in writing by the Local Planning Authority. Any subsequent design must be carried out in accordance with these approved details.
- a. Modelling updated to reflect upper end climate change allowance for both the proposed and existing scenarios.
 - b. Full details of flood compensations areas supported by revised modelling, unless modelling/layout demonstrates that compensation is not required.
 - c. Details demonstrating finished floor levels are set at least 300mm above the modelled 1 in 100 year plus upper end climate change allowance.
 - d. Full consideration of source control SuDS.

Reason: To prevent flooding by ensuring the satisfactory placement and level of development relative to the existing watercourses and to minimise off-site surface water pollution risk in accordance with Policy DM7 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.

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).

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.

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).

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.

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

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

24. No development shall take place in any phase until an Arboricultural Method Statement for the relevant phase, including details of the position, species, size and condition of each existing tree and hedgerow on and adjacent to the phase, and identifying those trees and hedgerows to be retained, has first been submitted to and approved in writing by the local planning authority. This shall include full details of measures for the protection of trees and hedgerows to be retained during the course of development. Thereafter, the development shall be carried out in accordance with the approved Arboricultural Method Statement.

Reason: To ensure that trees and hedgerows are retained and adequately protected during and after construction in the interests of visual amenity and biodiversity, in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

25. No part of the development hereby permitted shall be first occupied until an amended full Travel Plan which sets out actions and measures with quantifiable outputs and outcome targets has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed Travel Plan shall be implemented in accordance with the approved details.

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 (2023).

26. No dwelling hereby approved shall be occupied unless and until a Public Transport Strategy has been submitted to and agreed in writing by the Local Planning Authority. The Public Transport Strategy shall include details of a bus service that shall: (i) be provided by the developer; (ii) run, as a minimum, between the site (or a location no more than 400m from one of the site's boundaries), Hinckley Railway Station and Hinckley Town Centre; (iii) shall operate either on a demand responsive basis or to a specified timetable; and (iv) shall operate Mondays to Fridays between 0700 hours and 0930 hours, and 1600 hours and 1830 hours. The Public Transport Strategy shall also include details of any bus stop infrastructure that is proposed to be delivered in connection with the proposed service and shall describe when the bus service will be introduced and for how many years it will operate. The Strategy shall be implemented as approved unless, by the time at which it is due to be delivered, an alternative service has already been provided by either the Local Highway Authority or a different developer, and the Local Planning Authority is satisfied that the alternative service will provide appropriate public transport links between the site, Hinckley Railway Station and Hinckley Town Centre.

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 (2023).

27. No development shall commence until details of the proposed pedestrian link to Dorchester Road have been submitted to and approved in writing by the Local Planning Authority. The proposed pedestrian link shall be provided in accordance with the approved details.

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 (2023).

28. No development shall commence until details of the proposed pedestrian link from the site to PRow U56 have been submitted to and approved in writing by

the local planning authority. The proposed pedestrian link shall be provided in accordance with the approved details.

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 (2023).

29. No development shall commence until a scheme of highway improvements for the junction of Burbage Road/Hinckley Road/ Sapcote Road have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed in broad accordance with the details shown on (Drawing No. A109159-TTE-XX-XX-DR-H-014-P01). No dwellings shall be occupied until improvements have been made to the Burbage Road/ Sapcote Road/ Hinckley Road Junction in accordance with the approved details, unless by the time at which a scheme is to be submitted for approval or is due to be delivered, a scheme to improve the Burbage Road/ Sapcote Road/ Hinckley Road junction has already been constructed, or is being constructed by another party.

Reason: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2023).

30. No development shall commence until a scheme of highway improvements for the junction of Brookside/ Elm Tree Road / Burbage Road have been submitted to and approved in writing by the Local Planning Authority. The improvements shall be designed in broad accordance with the details shown on (Drawing No. A109159-TTE-00-ZZ-DR-H-0033-P01). No dwellings shall be occupied until improvements have been made to the Brookside/ Elm Tree Road / Burbage Road Junction in accordance with the approved details.

Reason: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2023).

31. No development shall commence until a scheme of highway improvements at the Park Road/ London Road junction has been submitted and approved in writing by the Local Planning Authority. The improvements shall be designed in general accordance with the details shown on (Drawing No. A109159-TTE-00-ZZ-DR-H-0034-P01). No dwellings shall be occupied until the approved scheme has been implemented in accordance with the approved details.

Reason: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2023).

32. No development shall commence until a scheme of footway widening on the western side of Burbage Road between Hinckley Road and Brookside has been submitted to and approved in writing by the Local Planning Authority. The proposed improvements shall be designed in broad accordance with the details shown on (Drawing No. A109159-TTE-00-ZZ-DR-H-0031-P01). No dwellings

shall be occupied until the scheme has been provided in accordance with the approved details.

Reason: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2023).