



- 40 x four-bedroom properties.
- 23 x five-bedroom properties.

The design of these properties includes 18 distinct house types designs.

- 2.3. The development also features 25 affordable housing units that are designed with five further distinct housing types. The affordable housing units comprise of:
- 4 x one-bedroom properties (two of which are affordable rent units and two are intermediate shared ownership).
  - 12 x two-bedroom properties (six are affordable rent units, three are intermediate shared ownership, and three are affordable housing ownership units).
  - 9 x three-bedroom properties (six are affordable rent units and three are intermediate shared ownership).
- 2.4. All the dwellings are two-storey in massing within the site and utilise Duo TLE roof tiles in either a grey, brown, or terracotta finish, and one of four types of Ibstock brick that are either Welbeck Autumn Antique, Brunswick Antique, Brunswick Farmhouse, or Balmoral in type and finish. There are also several properties on feature locations within the site that have a rendered or partially rendered finish. Where exposed to the street frontage, brick walls will enclose rear gardens. Most properties are provided with off-street vehicle parking to the front, side, or rear of plots and several dwellings also benefit from detached garages.
- 2.5. The development also includes a substantial area of public open space (8.58ha) to the west and south of the scheme including an equipped children's play area to the south. Two greens and a pocket park are also provided within the built area of the development. The main pedestrian routes within the site utilise hoggin surfacing, as requested by Burbage Parish Council, but the pedestrian routes around the attenuation pond are mown grass footpaths. A substation is provided to the northwest corner of the application site that is 4m in width by 4m in depth and has a pitched roof with a ridge height of 4.2m.
- 2.6. Several amendments have been made to the scheme following concerns raised by the Local Planning Authority regarding design, harm to residential amenity, and accessibility. At the time of writing this report, several matters remain outstanding including finalised details on the internal road layout, and details regarding ecological and public open space provision and their funding.
- 2.7. The application is supported by the following documents:
- Basin Sections
  - Biodiversity and Landscape Management Plan
  - Boundary Treatment Plan
  - Building for a Healthy Life Assessment
  - CGIs
  - Colour Masterplan
  - Design Justifications
  - Drainage Statement and Strategy Plan
  - External Levels
  - Flood Route Plans
  - Finished Floor Levels (FFLs) and Site Levels
  - General Arrangement Planning
  - House Type Plans and Elevations
  - Materials Plan

- Noise Impact Assessment
- Parking to Garden Ratio
- Planning Layouts
- Public Open Space Categorisation Plan
- Public Open Space Phasing Plan
- Proposed Detailed Hard Landscaping
- Proposed Detailed Soft Landscaping
- Proposed Equipped Play Area
- Site Location Plan
- Site Sections
- Street Scenes
- Substation Elevations
- Submission Compliance Statement
- SuDS Maintenance Plan
- Swept Path Analysis
- Temporary Haul Road Access Plan
- Topographic Site Survey
- Vehicle Tracking

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

- 3.1. The 12.74ha application site is located to the southwest of, but outside of, the identified settlement boundary of Burbage in the designated open countryside. However, the application site is identified within the boundaries of the Burbage Neighbourhood Plan (BNP) (2021) and is located within an Impact Risk one for a Site of Special Scientific Interest (SSSI), and a Mineral Safeguarding Area (MSA). Notwithstanding this, the Local Planning Authority confirmed during the appeal of outline planning application 21/01131/OUT that the application was site not subject to any Local Wildlife Site designations, but the BNP does identify the south and the west of the site as a part of a wider Green Corridor within Burbage.
- 3.2. The Council's Landscape Character Assessment (LCA) (2017) locates the application site within Character Area F (Burbage Common Rolling Farmland), which consists of large scale, gently rolling arable and pasture farmland in medium-to-large scale rectilinear field patterns that are bounded by low hedgerows, and post and wire fencing. Most of Character Area F lies to the east of Hinckley and to the southeast of Burbage and the influence of its urban fringe location is one of its key characteristics.
- 3.3. The application site also forms part of Landscape Sensitivity Area 7 (Sketchley) in the Landscape Sensitivity Assessment (2017), where the site is considered to have a low sensitivity to residential development. This low sensitivity is reinforced by the fact that the application site is not identified as an area of landscape sensitivity, nor an area featuring important views within the BNP.
- 3.4. The application site is adjacent to Urban Character Area 1 (Burbage), as identified within the LCA, which is characterised as a ridgetop settlement that features a strong vernacular of local red brick.
- 3.5. The application site itself comprises several irregularly shaped agricultural fields that are separated by mature hedgerows and trees and are currently utilised for grazing cattle and horses. The application site slopes broadly north-east-to-south-west with a shallow valley profile through the southern part of the land. Whilst the relative openness and size of the application site currently provides visual break

from the surrounding built development, this relief is considered to be highly localised and has a limited contribution to the character and setting of Burbage.

- 3.6. The application site is surrounded by a mixture of uses, some of which are at a higher level than the site, which include an extensive Business Park (Sketchley Meadows Business Park) that features tall utilitarian buildings to the west, a sprawling hotel complex (Sketchley Grange Hotel and Spa) to the north, the residential built form of Burbage to the north, east, and south, and the highly trafficked A5 to the southwest. Together these elements exert a very significant influence on the character of the site causing the site to display a classic urban fringe character.
- 3.7. The site is accessed via Sketchley Lane to the north, which is an adopted, but unclassified, public highway that is subject to a 30mph speed limit. A Public Right of Way (PRoW), Bridleway U67, runs north-to-south along the eastern side boundary of the site. A separate element of this Bridleway also runs from the south-eastern corner to the northern boundary of the application site between the three residential dwellings, Kinder Lodge, Sketchley Lodge and Sketchley Lodge Farmhouse on to Sketchley Lane.
- 3.8. However, it is noted that there is no access to the aspect of Bridle U67 that crosses the site currently, and this appears to have been the existing situation for some considerable time as evidenced by the mature hedgerow and fencing, and the significant change in level between the application site and the residential properties to the south. A further PRoW, Footpath U64, runs along the western boundary of the application site, which then proceeds northwest towards Watling Close.
- 3.9. The application site benefits from outline planning permission following an allowed appeal, APP/K2420/W/22/3301735, against the refusal of planning application 21/01131/OUT for the provision of 150 dwellings with vehicular access from Sketchley Lane. The planning permission was subject to 27 planning conditions.
- 3.10. Planning Conditions 13 (Tree Protection Plan) and 19 (Construction Traffic Management Plan) were discharged by planning application 23/01208/DISCON. Planning Condition 20 (Written Scheme of Investigation) was also discharged via planning application 24/00160/DISCON.

#### **4. Relevant Planning History**

##### **4.1 24/00160/DISCON**

- Application to fully discharge Condition 20 (WSI) on Appeal Decision APP/K2420/W/22/3301735 relating to planning application 21/01331/OUT.
- Discharged.
- 11.03.2024.

##### **4.2 23/01208/DISCON**

- Application to discharge Condition 13 (Tree Protection Plan) and 19 (CTMP) from (appeal decision APP/K2420/W/22/3301735 relating to application 21/01331/OUT.
- Discharged.
- 26.01.2024.

##### **4.3 22/00017/PP**

- Demolition of existing poultry and cattle buildings and residential development of up to 150 dwellings with vehicular access from Sketchley Lane (outline – vehicular access only).
- Appeal Allowed.
- 04.01.2023.

4.4 **21/01131/OUT**

- Demolition of existing poultry and cattle buildings and residential development of up to 150 dwellings with vehicular access from Sketchley Lane (outline – vehicular access only).
- Refused.
- 16.06.2022.

4.5 **20/00034/PP**

- Development comprising of up to 140 dwellings and extension of Sketchley Meadows Business Park for up to 30,000sqm (322,920 sq ft) gross external floor space for Class B2 General Industrial/Class B8 Warehousing and Distribution use with associated means of access from Watling Drive and Sketchley Lane, associated internal estate roads, parking, landscaping, open space and sustainable drainage (Outline – including access).
- Appeal Dismissed.
- 07.04.2021.

4.6 **19/00947/OUT**

- Development comprising of up to 140 dwellings and extension of Sketchley Meadows Business Park for up to 30,000sqm (322,920 sq ft) gross external floor space for Class B2 General Industrial/Class B8 Warehousing and Distribution use with associated means of access from Watling Drive and Sketchley Lane, associated internal estate roads, parking, landscaping, open space and sustainable drainage (Outline – including access).
- Refused.
- 20.05.2020.

**5. Publicity**

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

5.2 As a result, nine members of the public objected to the development for the following reasons:

- The application site is not a practical area for new development.
- Construction traffic concerns.
- Congestion concerns.
- Concern's with Sketchley Lane's ability to cope with the traffic generated from the development.
- Ecological concerns.

- Harm to the environment.
- Highway safety concerns.
- Loss of green space for the enjoyment of existing residents.
- Lack of infrastructure capacity within Burbage to cope with the development.
- Loss of mature trees to facilitate site access.
- Loss of ridge and furrow heritage.
- Maintenance of open public space concerns.
- No affordable housing provision.
- No information regarding the provision of electric charging points.
- No information regarding the provision of heat pumps.
- Noise pollution.
- Overdevelopment of Burbage.
- Safety concerns relating to the site access.
- The development is, “*Not well thought out.*”
- The remaining land in the site might be used for the provision of industrial units.
- The scheme does not allow for the retention of the green corridor within the site.
- Unsuitable development for the area and the Borough.
- Unsuitable site access.

5.3 *The Planning Officer notes that the principle of the development, which included the acceptability of the proposed site access; the scheme’s impact on traffic generation, highway safety and congestion; the wider area’s infrastructure ability to cope with such a scheme; and the proposal’s impact on the ridge and furrow within the site were critically assessed and determined by the Inspector within the allowed appeal decision of outline planning application 21/01131/OUT.*

5.4 No further responses have been received.

## **6. Consultation**

6.1 There have been no objections from the following consultants:

- Burbage Parish Council
- Hinckley & Bosworth Borough Council (HBBC)’s Affordable Housing Officer
- HBBC’s Drainage Officer
- HBBC’s Environmental Services’ Pollution Officer (subject to conditions)
- Leicestershire County Council (LCC)’s Drainage
- LCC’s Ecology Department (subject to conditions)
- LCC Minerals
- Leicestershire Police
- National Highways

### Statutory Consultees with No Comments

6.2 The Coal Authority, Hinckley Area Committee, Natural England, NHS England, the Ramblers’ Association, Severn Trent Water Ltd., the County Council’s Archaeological and Mineral Departments, and the Council’s Waste Management Officer offered no comment on the planning application.

6.3 Rugby Borough Council have no planning comments in relation to this application, subject to no objection from relevant technical consultees, residents, or businesses within the Rugby Borough Council area.

6.4 The Council's Arboricultural Officer did not respond to the planning application proposal.

Affordable Housing

6.5 The Council's Affordable Housing Officer confirmed that a development of 127 dwellings within Burbage required 26 units of affordable housing. In accordance with National Policy, the delivery of affordable housing within the site should be achieved via the provision of 50% affordable rent properties (13 units), and the provision of 50% affordable home ownership properties (13 units). As the outline planning permission for this development predates the introduction of First Homes, no First Homes units are required to be delivered on this site.

6.6 As of 11 January 2024, the Council's Housing Register has 564 live applicants waiting for rented housing with a preference for Burbage for the following housing capacities:

- 314 applicants for one-bedroom properties.
- 144 applicants for two-bedroom properties.
- 74 applicants for three-bedroom properties.
- 32 applicants for four-or-more bedroom properties.

6.7 The Applicant provided 25 affordable housing dwellings, which is slightly below the required 20% affordable housing provision at 19.69%.

6.8 Nevertheless, The Affordable Housing Supplementary Planning Document requires fractions of percentages to be rounded up, which means that the development meets the required provision of affordable housing in accordance with the Council's Development Plan.

6.9 However, the Applicant's proposed tenure mix was not compliant with the National Planning Policy Framework (NPPF)'s requirement for 10% of all dwellings to be for affordable home ownership. As the NPPF supersedes the policies within the adopted Core Strategy (2009), the tenure mix needs to be reconfigured to meet the requirements of the NPPF. Notwithstanding this, the Affordable Housing Officer confirmed that the size of the properties within the development and the spacing of affordable housing properties across the site is acceptable.

6.10 The Applicant revised their affordable housing tenure mix to accommodate a policy compliant provision of affordable home ownership units within the site.

6.11 As the site is in the urban area of the Borough, there should be a requirement within the Section 106 Legal Agreement for applicants for affordable housing to have a connection to the Borough of Hinckley and Bosworth.

*The Planning Officer notes that this is secured within the Unilateral Undertaking from the allowed appeal decision of outline planning application 21/01131/OUT.*

Burbage Parish Council

6.12 Burbage Parish Council raised no objections to the application on the assumption that all roads are made to adoptable standards. The Parish Council welcomed the provision of open space and requested discussion on transferring open space or formal play areas into the ownership of the Parish.

6.13 It was confirmed in February 2024 that Burbage Parish Council would be formally taking ownership of the public open space and formal play area provision, subject to further discussions with the Applicant.

## Developer Contributions

### *Healthcare*

- 6.14 On 19 January 2024, the Leicester, Leicestershire, and Rutland Integrated Care Board (LLR ICB) requested a financial contribution of £98,348.80 to expand GP facilities to meet the population increase created by the development.

*It was noted by the Planning Officer that the Unilateral Undertaking from the allowed appeal decision of outline planning application 21/01131/OUT secured the required financial contribution to address the capacity issues arising from the development at The Burbage Survey and the need to accommodate the increase in the need for such services. In addition, the First Schedule of this Unilateral Undertaking included details for indexing such provisions to ensure that the relevant contribution is equal to the worth of the original financial figure when public and on the respective dates upon when the relevant contribution became due for payment. Therefore, it is not considered that the new contribution request from the LLR ICB is appropriate at this stage of the planning process.*

### *Public Open Space (POS)*

- 6.15 The Council's S106 Compliance and Monitoring ('S106') Officer revised the development's contribution requirements to Public Open Space (POS) to accord with the reduced dwelling provision within this application in comparison to the allowed outline planning application. For a development of 127 dwellings, the proposal now has to provide the following on-site play and space contributions:
- 457.20sqm of Equipped Children's Play Space with a provision contribution of £83,178.40, and a maintenance contribution of £80,284.32.
  - 2,133.60sqm of Casual/ Informal Play Spaces with a maintenance contribution of £23,042.88.
  - 5,080sqm of Accessibility Natural Green Space with a maintenance contribution of £72,136.00.
- 6.16 This results in a total on-site provision contribution of £127,313.44, and a maintenance contribution total of £217,403.68. Nevertheless, the development must also take into account and provide for its overprovision of public open space. This over contribution should be totalled utilising the following methodology rates:
- Equipped Children's Play Space (£181.93 per sqm contribution / £175.60 per sqm maintenance).
  - Casual/ Informal Play Space (£4.44 per sqm / £10.80 per sqm maintenance).
  - Accessible Natural Green Space (£4.09 per sqm / £14.20 per sqm maintenance).

The S106 Officer noted that areas designated as protected ecological areas will require a higher contribution and maintenance provisions to ensure that they are appropriated secured and mitigated.

- 6.17 The S106 Officer also requested further clarity on the costings, levels, phasing of the POS and the discrepancies regarding boundary treatments within the submitted plans.

### *Monitoring Fees*



- 6.18 Please note, the Council also requires monitoring fees for each planning obligation that is secured within a Section 106 Agreement, which include the following:
- 11 to 50 dwellings or 1,000 to 3,000sqm gross floorspace: (£419 per obligation).
  - Site Inspection Fee: (£219 per visit).
  - Approval of Details/ Documents: (£327 per document).
  - Deed of Variation: (£649 per Section 106 topic).

#### Drainage

- 6.19 The Environment Agency advised that they intend to make new comments at the discharge of conditions stage when the conditions they previously recommended are being discharged.
- 6.20 The County Council as the Lead Local Flood Authority (LLFA) stated that the application site is located within Flood Zone 1 and is considered to be at low risk of fluvial flooding. Although a surface water flow path is indicated to be present in the site, the development is shown to be outside of this existing flow path.
- 6.21 The scheme has retained the general layout from the allowed outline planning application and has identified a riparian corridor, which accommodates flows from the main surface water flow path across the site. The development also proposes water discharging into an ordinary watercourse at the southwest corner of the site that is limited at a runoff rate of 13.l/s via an attenuation basin. As such, the LLFA have no concerns that this layout is likely to significantly impact the drainage proposals outlined in the allowed outline planning application.
- 6.22 The Council's Drainage Officer had no objections to the development because a scheme of suitable SuDS is secured by specific conditions within the allowed outline planning application 21/01131/OUT.

#### Ecology

- 6.23 The County Council's Ecology Department highlighted that no updated ecology surveys have been carried out, and the previous ecology surveys that were submitted with the 2021 outline planning application are now considered to be outdated. As a result, Leicestershire County Council (LCC)'s Ecology Department referred to Paragraph 99 of the ODPM Circular 06/2005 (Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System), which requires all ecological surveys to be submitted prior to the determination of a planning application so that the presence or otherwise of protected species, and the extent to which they may be affected by the development is established before planning permission is granted.
- 6.24 It was highlighted to LCC Ecology that all ecological requirements of the scheme were detailed within the Unilateral Undertaking from the allowed appeal decision of outline planning application 21/01131/OUT.
- 6.25 Following this, the Applicant submitted a Biodiversity and Landscape Management Plan that included the required badger survey on 12 March 2024. Following this, LCC Ecology confirmed on 18 March 2024 that this Management Plan was acceptable and should be secured via planning condition.

#### Highways

- 6.26 National Highways stated that the Applicant addressed the issues that they raised within the allowed outline planning application 21/01131/OUT. Therefore, National Highways offered no objection to the development and referred to standing advice.
- 6.27 On 30 January 2024, the Local Highway Authority (LHA), did not consider the application as submitted to fully assess the highway impact of the proposal.
- 6.28 Consequently, the LHA requested a significant number of alterations to the scheme to ensure that the layout of the development was designed to an acceptable standard, which included, but was not limited to: a Public Right of Way (PRoW) Management Plan; amendments to shared surface private drives; amendments to the proposed garages, bend widening; detailed junction radii; the incorporation of 20mph street design features; the provision of suitable visibility splays; the reduction in the length of turning head arms; the relocation of trees and highway verges outside of the public highway; the removal of hoggin surfacing materials along pedestrian routes; swept path analysis and of private drives; and the widening of public footways; amongst others.
- 6.29 As a result, the Applicant provided revised plans and further vehicle tracking and swept path analysis information to support their development.
- 6.30 Additional information was also provided on 22 March 2024, but the LHA confirmed that re-consultation would be required to critically assess this information and therefore it was not reviewed as part of their latest response.
- 6.31 On 25 March 2024, the LHA identified a number of concerns that need to be resolved prior to planning permission being granted. These include but are not limited to (at the discretion of the LHA): visibility, vehicular tracking, the adoptability of the site, verges and trees, build outs, shared surface roads, the excessive length of turning head arms, and remote parking.
- 6.32 Ultimately, the LHA have confirmed that the proposed road layout does not conform to the acceptable standard for adoption, and therefore it will not be considered for adoption and future maintenance by the LHA. Should the Applicant wish for the site to be considered for adoption by the LHA, the concerns of the LHA will need to be addressed prior to planning permission being granted.
- 6.33 Furthermore, the LHA have noted that the submitted tracking drawings are not adequately designed to facilitate the safe passage of refuse vehicles, which is not considered to be acceptable and is likely to present a severe highway safety concern.
- Leicestershire Police
- 6.34 Leicestershire Police confirmed that they have no formal objections in principle to the application. Leicestershire Police noted that there are no through roads within the site and therefore they did not consider there to be any permeability issues in respect to the site. Moreover, Leicestershire Police did not recommend the use of CCTV coverage within the site due to the size and scale of the development.
- 6.35 However, Leicestershire Police recommended that any pedestrian walkways situated within the site are illuminated to British Standard BS5489, and the provision of gable end windows where possible to increase natural observation.

6.36 Leicestershire Police also made an expression of interest regarding a Section 106 contribution due to the size and scale of the development and the additional demand this will generation on policing within the area.

6.37 Leicestershire Police have also offered the following general guidance:

- Street lighting columns to BS 5489 are recommended.
- Appropriate fencing should be used to enclose the perimeter and is recommended to be 1.8m in height. This can be via planting or manufactured fencing.
- Key access points leading into the development should be considered for CCTV coverage supported by lighting to allow identification during day and night. This would allow vehicle and facial recognition in key areas. Appropriate signage should be in place to be compliant with the Data Protection Act.
- Natural surveillance should be possible via ground level foliage being trimmed to 1m high and trees to have no foliage lower than 2m from the ground to allow a clear field of vision.
- Vehicular parking is recommended to be in curtilage as part of the dwellings where possible. Communal parking should be supported by natural observation, lighting and be set in clearly defined areas to deter unauthorised access.
- Consideration of Secured by Design principles is recommended and information in respect to the different standards is available on request.
- Opportunities to explore the potential for S106/CIL funding should be undertaken with relevant parties if appropriate.
- Dwellings are recommended to have an Alarm System to BS7958 with coverage of garages included where applicable.
- Commercial sites may benefit from smoke cloaking devices to deter access and reduce potential loss.
- An electrical spur is recommended under a Section 38 agreement at each vehicular entry point leading into the development.
- Consideration of Park Mark accreditation should be considered in the event of appropriate communal parking within the application.
- Consideration of Safe Routes through open space and walkways should account for the use of women and girls.

#### Pollution

6.38 The Council's Pollution Officer highlighted that Condition 07 of the allowed appeal of outline planning application 21/01131/OUT required a scheme for protecting the proposed dwellings from noise from the road network and the nearby hotel. Whilst a Noise Impact Assessment was submitted alongside this planning application, the Pollution Officer did not consider this to appropriately protect the residential amenity of the future occupants of the proposed dwellings from noise pollution.

6.39 On 26 March 2024, it was confirmed by the Pollution Officer that a suitably worded pre-commencement condition could be utilised to appropriately address their concerns.

6.40 No further responses have been received.

## **7. Policy**

7.1 Core Strategy (2009):

- Policy 4: Development in Burbage
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design

- 7.2 Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016):
- Policy DM1: Presumption in Favour of Sustainable Development
  - 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 DM17: Highways and Transportation
  - Policy DM18: Vehicle Parking Standards
- 7.3 Burbage Neighbourhood Plan 2015 – 2026 (BNP) (2021):
- Policy 1: Settlement Boundary
  - Policy 2: Design and Layout
  - Policy 4: Parking
  - Policy 5: Footpaths and Cycleways
  - Policy 9: Wildlife and Green Corridors
  - Policy 12: Important Trees
- 7.4 National Planning Policies and Guidance:
- National Planning Policy Framework (NPPF) (December 2023)
  - Planning Practice Guidance (PPG)
  - National Design Guide (2019)
- 7.5 Other Relevant Guidance:
- Affordable Housing Supplement Planning Document (SPD) (2011)
  - Good Design Guide (2020)
  - Leicestershire Highway Design Guide (LHDG) (2022)
  - Technical Housing Standards – Nationally Described Space Standards (2015)

## 8. **Appraisal**

- 8.1. In this instance, the principle of the development of the site has already been established through the allowed appeal decision of outline planning application 21/01131/OUT (appeal reference: APP/K2420/W/22/3301735). Therefore, the key issues in respect of this application are therefore:
- Housing mix
  - Design and impact upon the character of the area
  - Impact upon residential amenity
  - Impact upon parking provision and highway safety
  - Planning balance

### Housing Mix

- 8.2 Section 5 of the NPPF requires planning policies and decisions to deliver a sufficient supply of homes to support the Government's objective of significantly boosting the supply of homes without unnecessary delay. The overall aim is to meet as much of the area's identified housing need as possible with an appropriate mix of housing types for the local community.
- 8.3 Condition 05 of the allowed outline planning application requires any Reserved Matters application relating to scale or layout to be accompanied by a scheme that

details the proposed housing mix for the development, which should be in accordance with the first paragraph of Policy 16 of the adopted Core Strategy.

- 8.4 Policy 16 of the adopted Core Strategy requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings and a minimum net density of 40 dwellings per hectare for developments within, or adjoining, Hinckley, Burbage, Barwell, and Earl Shilton. However, in exceptional circumstances where individual site characteristics dictate, a lower density may be acceptable.
- 8.5 The development is for 127 residential properties adjacent to the defined settlement boundary of Burbage. In its current layout, this equates to 32 dwellings per hectare, which is less than the density required within Policy 16 of the adopted Core Strategy.
- 8.6 Nevertheless, the density of the development is in keeping to the density within the surrounding area and it is considered that such a density is appropriate for a scheme on the edge of the settlement adjacent to open countryside. This can also be seen via the wording of Condition 03 of the allowed outline planning application, which states that the design statement supporting any Reserved Matters application should set out how consideration has been given to a lower density to the edges of the site and higher density along the main routes within the layout of the site.
- 8.7 Given the above, the density of the development is considered to be acceptable in these site-specific circumstances.
- 8.8 Policy 15 of the adopted Core Strategy states that developments in urban areas, including Burbage) that provide 15 dwellings or more should allocate 20% of its units towards affordable housing. For all sites, Policy 15 of the adopted Core Strategy requires a tenure split of 75% social rented units and 25% intermediate housing units.
- 8.9 However, Paragraph 66 of the NPPF expects at least 10% of the total number of homes of major development to be available for affordable home ownership units. As the NPPF supersedes the policies within the adopted Core Strategy (2009), the tenure mix needs to be reconfigured to meet the requirements of the NPPF. Nevertheless, as the outline planning permission for this development predates the introduction of First Homes, there is no requirement for First Homes units to be delivered within the site.
- 8.10 The Applicant has provided 25 affordable housing units with the following mix of tenures:
- 11 x social rented units (44%)
  - 11 x intermediate housing units (44%)
  - 03 x affordable housing units (12%).
- 8.11 Whilst this provision is slightly below the required 20% affordable housing provision at 19.69%, the Affordable Housing Supplementary Planning Document requires fractions of percentages to be rounded up, which means that the development meets the required provision of affordable housing in accordance with the Council's Development Plan.
- 8.12 Ultimately, this mix has been reviewed by the Council's Affordable Housing Officer who raised no concerns or objections to the affordable housing provision nor its tenure mix.

- 8.13 In light of the above, the proposed housing mix is acceptable in these site-specific circumstances and is likely to provide a broad range of house types that make a significant contribution to the need of the community.

#### Design and Impact upon the Character of the Area

- 8.14 Section 12 of the NPPF confirms that good design is a key aspect of sustainable development, and the creation of high quality, beautiful, and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 135 of the NPPF details the six national policy requirements of development to ensure the creation of well-designed and beautiful places.
- 8.15 Paragraph 139 of the NPPF states that 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 and supplementary planning documents such as design guides and codes.
- 8.16 Outside the defined settlement boundaries, the countryside is not regarded as a sustainable location for new development. Section 15 of the NPPF requires planning policies and decisions to conserve and enhance the natural and local environment.
- 8.17 Paragraph 180(b) specifically highlights that this should be achieved by, *“Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.”*
- 8.18 This is supported by Policy DM4 of the SADMP, which states that development in the countryside will be considered sustainable where:
- i.) It does not have a significant adverse effect on the intrinsic value, beauty, open character, and landscape character of the countryside; and
  - ii.) It does not undermine the physical and perceived separation and open character between settlements; and
  - iii.) It does not create or exacerbate ribbon development.
  - iv.) If within a Green Wedge, it protects its role and function in line with Core Strategy Policies 6 and 9; and
  - v.) If within the National Forest, it contributes to the delivery of the National Forest Strategy in line with Core Strategy Policy 21.
- 8.19 Policy DM10(c) 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.
- 8.20 Policy 2 of the BNP requires any residential development within the Parish of Burbage to respect its surroundings and, where appropriate, follow the existing pattern of development and retain existing important natural features on the site, such as trees, hedgerows, and streams.
- 8.21 The Good Design Guide provides detailed advice to developers on standards that are expected when delivering new development within the Borough.
- 8.22 Condition 04 of the allowed outline planning application required the development to be carried out in accordance with the Building Heights Plan and Land Budget Plan submitted within the original application. To support this, Condition 06 of this decision required full details of the finished levels of the ground floors of the proposed buildings in relation to existing ground levels.

- 8.23 It is considered that the development is located in a similar position and accords with the Land Budget Plan. The proposal lowers the finished floor level of existing dwellings by 2m in comparison to the existing ground levels to accommodate the requirements of the Building Heights Plan. Given its location and the experience of the site, the reduction of the ground levels within the built form of the development is not considered to result in any significant harm to the character of the site or the surrounding area. Moreover, the compliance with the Building Heights Plan is considered to ensure the visual impact of the development is at an acceptable level.
- 8.24 In addition, the Public Open Space is provided along the southern and western boundaries of the built form that ensures the gradual transition between the development and the countryside, which is considered to reduce the visual impact of the scheme to the south and west of the site.
- 8.25 Condition 08 of the allowed outline planning application required a natural vegetation buffer zone of at least 5m alongside all retained hedgerows within the application site.
- 8.26 As per the Faunal-Specific Habitat Features Plan within the Biodiversity and Landscape Management Plan (BLMP), it is considered that the scheme provides such a buffer for all retained hedgerows.
- 8.27 Condition 03(a) of the allowed outline planning application required the Reserved Matters stage of the development to detail the appearance of the development, including the aspects of the building or place that determine the visual impression it makes, including proposed materials and finishes.
- 8.28 The scheme provides a variety of house types, including dual-aspect designs that are considered to add interest to the area and prevent any dead elevations fronting the public highway. The use of different designs, architectural detailing, and a variety of different materials are considered to add further design quality to the development. Burbage contains dwellings of a variety of styles, designs, and sizes, and therefore it is considered that the proposed house types fit into, and preserve, the character of the area.
- 8.29 Furthermore, the scheme features tree-lined streets, which are considered to enhance the character of the site.
- 8.30 Although there is a lot of off-street parking in front of properties, which can, in some cases, equate to more than 50% of individual properties being covered in hard surfacing, the Applicant has provided a Parking to Garden Ratio Plan that demonstrates that the design of the primary street ensures that there is currently an overall ratio of 33% off-street parking to 67% garden on the front elevations onto the street. This is considered to be acceptable as it is likely to enhance the character of the site.
- 8.31 Condition 03(a) of the allowed outline planning application required the Reserved Matters stage of the development to detail the landscaping of the site including the treatment of public and private spaces to enhance and protect the site's amenity.
- 8.32 The development primarily utilises 1.8m high timber close-boarded fencing for private boundary treatment, which is typical of a residential scheme. However, the proposal utilises brick walls as boundary treatment for residential properties where their boundaries are shared with the highway. Whilst this is still a dead elevation, it

is considered that brick walls are more appropriate boundary treatment for enhancing the character of the public realm.

- 8.33 450mm high knee rails are provided around the Equipped Children's Play Area and 1.2m high post and rail fencing is utilised around the attenuation basin pond and along the southern boundary of the residential development to prevent inappropriate off-street parking. Ultimately, it is considered that these boundary treatments are suitable and preserve the character of the site and the surrounding area.
- 8.34 In light of the above, it is considered that the proposal respects the character of the existing dwelling and surrounding area and is in accordance with Policy 2 of the BNP, Policies DM4 and DM10 of the SADMP, and the Good Design Guide.

*Impact upon Residential Amenity*

- 8.35 Paragraph 135(f) of the NPPF requires planning policies and decisions to ensure that developments create places that are safe, inclusive, and accessible, which promote health and well-being, and a high standard of amenity for existing and future users.
- 8.36 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.
- 8.37 The Good Design Guide requires the way buildings to relate to each other, and their orientation and separation distances, to provide and protect acceptable levels of amenity.
- 8.38 The Good Design Guide recommends that a principal window to a habitable room should ideally be no less than 8m from the blank side of a single storey neighbouring property, rising to 14m for a two-storey property.
- 8.39 In addition, the separation distance between two principal windows to habitable windows should be a minimum of 21m. However, the Good Design Guide also states that, "*An exception to this rule is in an urban location where it may be acceptable to have a reduced distance where issues of amenity and overlooking are dealt with by good design.*"
- 8.40 Notwithstanding this, these separation distances are the minimum standards that are required, and every application will be assessed on its own merits depending on the individual characteristics of the site such as orientation, ground levels, window positions, garden size, and shape.
- 8.41 It is noted that Condition 18 of the allowed outline planning application required a Construction Environmental Management Plan to be approved in writing by the Local Planning Authority that detailed how the impact of dust, odour, noise, smoke, light, and land contamination on existing and proposed residential premises throughout the construction phase of the development.



- 8.42 Furthermore, Condition 27 of the allowed outline planning application limited the site preparation and construction work hours of the development to safeguard the residential amenity of neighbouring properties.
- 8.43 Condition 07 of the allowed outline planning application also required all Reserved Matters applications relating to layout, scale, and appearance to be accompanied by a scheme for protecting the proposed dwellings from noise from the road network and the nearby hotel.
- 8.44 The Applicant has not provided this information at this stage, contrary to the requirements of Condition 07 of 21/01131/OUT. Notwithstanding this, following discussion with the Council's Pollution Officer, it is considered that a suitably worded pre-commencement planning condition can secure these details at this stage to protect the residential amenities of the future occupants of the scheme and existing neighbouring residents.
- 8.45 Therefore, subject to this information being approved by the Local Planning Authority, it is considered that the scheme is not likely to result in any significant adverse impacts to the future occupants of the development or the neighbouring residents in relation to noise pollution.
- 8.46 The neighbouring properties to the south of the site are over 114m from the proposal. As a result, the scheme is not likely to result in any significant harm to the residential amenity of these properties in relation to overlooking, loss of privacy, nor overbearing or loss of light impacts.
- 8.47 In addition, the rear boundaries of the neighbouring dwellings to the east of the site are separated from the rear elevations of the dwellings within the development by a minimum of 21.5m, which includes the heavily vegetated Public Right of Way. Whilst the side elevation of Plot 1 is closer to this shared boundary, this is not considered to result in any significant harm by virtue of its siting. Therefore, the scheme is not considered to result in any significant harm to the residential amenity of these properties in relation to overlooking, loss of privacy, nor overbearing or loss of light impacts.
- 8.48 The rear elevations of the existing residential properties to the west of the site are approximately 23m from the rear elevation of the Plots 124 to 126 at minimum. This is in accordance with the separation distances of the Good Design Guide, and consequently, the scheme is not considered to result in any significant harm to the residential amenity of these properties in relation to overlooking, loss of privacy, nor overbearing or loss of light impacts.
- 8.49 Based on the submitted plans, it is not considered that the layout of the scheme results in any loss of privacy, loss of light, nor any overbearing or overlooking impacts to the future occupants of the scheme.
- 8.50 To support the residential amenity of future occupiers of the scheme, one of the aims of Section 4 (New Residential Development) within The Good Design Guide is to ensure that new residential development exceeds the internal space standards set by the Technical Housing Standards (THS) (2015) wherever possible.
- 8.51 It is considered that the dwellings comply with the internal floor space standards of required by the THS.

- 8.52 In accordance with Paragraph 10(c) of the THS, to provide one bed space, a single bedroom should have a floor area of at least 7.5sqm, and a width of at least 2.15m. In order to provide two bed spaces, a double or twin bedroom should have a floor area of at least 11.5m, and a width of 2.75m for the master bedroom, and a width of 2.55m for every other bedroom in accordance with Paragraphs 10(d) and (e) of the THS.
- 8.53 To comply with the Good Design Guide, two-bedroom houses must also provide a minimum of 60sqm of private outdoor amenity space with a minimum length of 7m. This requirement increases to 80sqm for the provision of three-bedroom properties or larger.
- 8.54 The Applicant has submitted a Garden Schedule that demonstrates 22 properties do not comply with the required minimum private amenity space by a mean average of 33sqm. 13 of these properties are affordable housing units, which is over half of the scheme's affordable housing provision. This not considered to provide a high standard of amenity for the future occupants of the dwellings, contrary to the guidance within the Good Design Guide and the requirements of the NPPF.
- 8.55 Notwithstanding this, the development is providing a significant level of Public Open Space that is in within close proximity to the properties with substandard private outdoor amenity space.
- 8.56 As a result, it is not considered that the substandard provision of private outdoor amenity space for less than 10% of the dwellings within the site is considered to result in significant harm to the residential amenity of the future occupants of the scheme in light of the provision of 8.58ha of Public Open Space.
- 8.57 By virtue of these factors, the proposal is not considered to result in any significant adverse impacts to the residential amenity of the future occupants of the scheme or neighbouring residents. Therefore, the proposal is considered to be in accordance with Policy DM10 of the SADMP and the Good Design Guide.

#### Impact upon Parking Provision and Highway Safety

- 8.58 Section 9 of the NPPF promotes sustainable transport. Paragraph 114 of the NPPF states that planning decisions should ensure that developments provide appropriate opportunities to promote sustainable transport modes, given the type of development and its location and a safe and suitable access to the site for all users. Any proposal should ensure that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 8.59 Ultimately, development should on 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, in accordance with Paragraph 115 of the NPPF.
- 8.60 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)).

- 8.61 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.62 Paragraph 3.151 (Quantum) of Part 3 of the LHDG requires three off-street vehicle parking spaces for four-bedroom dwellings. Paragraph 3.165 (Dimensions) of Part 3 of the LHDG requires minimum parking sizes to be 2.4m x 5.5m, and an additional 0.5m in width is required the parking space is bounded by a wall, fence, hedge, line of trees or other similar obstructions on one side. This width increases to 1m if the parking space is bounded on both sides.
- 8.63 Policy 4 of the BNP requires the provision of at least two off-street vehicle parking spaces within the curtilage of each new residential property that has a capacity of two-bedrooms or larger unless the site-specific circumstances make this requirement unachievable.
- 8.64 Policy 5 of the BNP also supports the protection of footpaths and cycleways.
- 8.65 Access was a matter for consideration at the outline stage of the planning process, and the Inspector considered that the proposed access arrangements were sufficient to serve the development. A Construction Traffic Management Plan has also been secured via Condition 19 of this allowed outline planning permission.
- 8.66 Condition 03(c) of the allowed outline planning permission required a scheme for the treatment of the Public Rights of Way within the site, including the provision for their management during construction, surfacing, width, structures, signing, landscaping, and details of suitable crossings, and safe segregation between equestrian users and vehicular traffic, in accordance with the principles set out in Leicestershire County Council's Guidance Notes for Developments at the Reserved Matters stage of the development.
- 8.67 This information has not been provided, contrary to the requirements of Condition 03 of this allowed outline planning permission. Nevertheless, it is considered that these details can be secured via a planning condition prior to the commencement of development on-site.
- 8.68 Condition 03(e) of this allowed outline planning permission also requires details regarding non-vehicular access for pedestrians, cycles, and equestrian users.
- 8.69 The development provides primary pedestrian routes to the south and west of the site in hoggin surfacing. Whilst the Local Highway Authority have expressed concerns regarding the use of this surfacing material, Burbage Parish Council have confirmed that they prefer this finish in the interests of the visual impact of the surfacing in comparison to tarmac, as suggested by the LHA. Therefore, this surfacing is considered to be acceptable in these site-specific circumstances.
- 8.70 The Local Highway Authority have confirmed that the proposal is not currently suitable for adoption, and they have raised several concerns regarding visibility, vehicular tracking, the adoptability of the site, verges, and trees, build outs, shared surface roads, the excessive length of turning head arms, and remote parking.
- 8.71 Ultimately, this will require verges and trees to be relocated outside of the highway boundary. However, Burbage Parish Council have confirmed that they are willing to adopt these street trees and plantings subject to confirmation of the Applicant's contribution and maintenance provisions to these features.

- 8.72 Within their response to the LHA's comments, the Applicant has confirmed that they have removed build outs from the scheme, the private drive radius between Plots 4 and 13 has been removed, vehicle tracking has been amended, and speed control measures have been added along the primary route. However, these amendments have not yet been approved by the LHA.
- 8.73 On balance, it is not considered that the amendments required by the Local Highway Authority are likely to result in a significant change to the layout of the current scheme. Furthermore, whilst it is likely that the proposal won't create an unacceptable impact upon highway safety or the road network, planning permission should not be granted without written confirmation from the Local Highway Authority to demonstrate this.

#### Ecology

- 8.74 Policy DM6 of the SADMP states that major development must include measures to deliver biodiversity gains through opportunities to restore, enhance, and create valuable habitats, ecological networks, and ecosystem services. On-site features should be retained, buffered, and managed favourably to maintain their ecological value, connectivity, and functionality.
- 8.75 Policy 9 of the BNP requires development to protect and enhance the network of green spaces, stepping stones, and wildlife corridors including species rich hedgerows.
- 8.76 The details of the ecological requirements of the scheme were detailed within the Unilateral Undertaking for the allowed appeal of the outline planning application.
- 8.77 The development has been subject to consultation with Leicestershire County Council's Ecology Team who confirmed that the Biodiversity and Landscape Management Plan was satisfactory, and its implementation should be secured via planning condition.
- 8.78 However, it is noted that the Applicant has not provided sufficient information regarding the funding of ecological commitments and their future maintenance, nor the enhancements of retained habitats, which includes gap planting of existing hedgerows with suitable native species and works required for the retention of U-grade trees as required by the Unilateral Undertaking.
- 8.79 Notwithstanding this, it is considered that these can be provided prior planning permission is granted. Therefore, subject to these additional details, the development is considered to be in accordance with Policy DM6 of the SADMP.

#### Other Matters

- 8.80 Should permission be granted, the development shall still be subject to all planning conditions that were attached to the allowed appeal decision of outline planning application 21/01131/OUT. These conditions related to: the provision of electric vehicle charging points to dwellings; the investigation of any potential land contamination; tree retention; a sustainable surface water drainage scheme and a scheme for its long-term maintenance; the provision of storage and collection facilities for waste and recycling containers; a Construction Environmental Management Plan; a Construction Traffic Management Plan; the provision of electronic communications; the implementation of off-site; the implementation of access arrangements, visibility splays, and the agreed Travel Plan; the protection of

trees and shrubs during the bird nesting season; and the restriction of site preparation and construction hours.

## **9 Equality Implications**

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

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
  - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

9.3 There are no known equality implications arising directly from this development.

9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

## **10 Conclusion**

10.1 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission to be granted, subject to the imposition of appropriate conditions within this application and the conditions imposed within the allowed outline planning application, 21/01131/OUT; the written confirmation of the acceptability of the road layout of the scheme by the Local Highway Authority; and the written confirmation of the final details and agreement to the Public Open Space provision and further ecological information that are approved in writing by the Local Planning Authority.

## **11 Recommendation**

11.1 **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report.
- That the Head of Planning be given powers to determine the final detail of the internal road layout.
- That the Head of Planning be given powers to determine the final detail of planning conditions and obligations including Public Open Space provision and further ecological information.

11.2 **Conditions and Reasons**

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

**Reason:** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details received by the Local Planning Authority as follows:

- Basin Sections 030A (submitted: 25.03.2024)
- Boundary Treatment Plan BTP-1 (Rev D) (submitted: 25.03.2024)
- Colour Masterplan CMP-1 (Rev D) (submitted: 25.03.2024)
- Colour Planning Layout CPL1 (Rev D) (submitted: 25.03.2024)
- Detailed Hard Landscape Proposals 13 (Rev D) (submitted: 08.03.2024)
- Detailed Hard Landscape Proposals 14 (Rev D) (submitted: 08.03.2024)
- Detailed Hard Landscape Proposals 15 (Rev D) (submitted: 08.03.2024)
- Detailed Hard Landscape Proposals 16 (Rev D) (submitted: 08.03.2024)
- Detailed Soft Landscape Proposals 01 (Rev D) (submitted: 08.03.2024)
- Detailed Soft Landscape Proposals 02 (Rev D) (submitted: 08.03.2024)
- Detailed Soft Landscape Proposals 03 (Rev D) (submitted: 08.03.2024)
- Detailed Soft Landscape Proposals 04 (Rev D) (submitted: 08.03.2024)
- Detailed Soft Landscape Proposals 05 (Rev D) (submitted: 08.03.2024)
- Detailed Soft Landscape Proposals 06 (Rev D) (submitted: 08.03.2024)
- Detailed Soft Landscape Proposals 07 (Rev D) (submitted: 08.03.2024)
- Detailed Soft Landscape Proposals 08 (Rev D) (submitted: 08.03.2024)
- Detailed Soft Landscape Proposals 09 (Rev D) (submitted: 08.03.2024)
- Detailed Soft Landscape Proposals 10 (Rev D) (submitted: 08.03.2024)
- Detailed Soft Landscape Proposals 11 (Rev D) (submitted: 08.03.2024)
- Detailed Soft Landscape Proposals 12 (Rev D) (submitted: 08.03.2024)
- Drainage Strategy 005D (submitted: 25.03.2024)
- External Levels SH1 020D (submitted: 25.03.2024)
- External Levels SH2 021D (submitted: 25.03.2024)
- External Levels SH3 022B (submitted: 25.03.2024)
- Flood Route Plans 035C (submitted: 25.03.2024)
- Materials Plan MP-1 (Rev C) (submitted: 25.03.2024)
- Planning Layout PL1 (Rev D) (submitted: 25.03.2024)
- Planning Layout PL1 500 (Rev C) (submitted: 25.03.2024)
- POS Categorisation Plan POS-CP (Rev C) (submitted: 25.03.2024)
- Proposed Equipped Play Area Q10013 (submitted: 18.03.2024)
- Proposed House Types & Elevations Part 1 (Rev 2) (submitted: 08.03.2024)
- Proposed House Types and Elevations Part 2 (Rev 2) (submitted: 08.03.2024)
- Proposed POS Soft Landscaping 04 Rev D (submitted: 18.03.2024)
- Proposed POS Soft Landscaping 05 Rev D (submitted 18.03.2024)
- Public Open Space Phasing Plan 001 (submitted: 25.03.2024)

**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. Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Classes A, AA, B, C, D, and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or

other alteration to the dwellings shall be carried out unless planning permission for such development has been granted by the Local Planning Authority.

**Reason:** To protect the character of the surrounding area and to safeguard the privacy and amenity of neighbouring dwellings from potential overlooking in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. The development hereby approved shall be implemented in strict accordance with the measures stated in the Biodiversity and Landscape Management Plan Report (Rev B) (submitted: 25.03.2024), unless otherwise agreed in writing with the Local Planning Authority

**Reason:** In order to protect the protected wildlife species and their habitats that are known to exist on site to accord with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. No development shall take place until details of the proposed garages and substation have been submitted in writing to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved plans.

**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 shall take place until a scheme for the treatment of the Public Rights of Way within the site has been submitted in writing to, and approved in writing by, the Local Planning Authority. Such a scheme shall include provision for management during construction, surfacing, width, structures, signing, and landscaping, together with a timetable for its implementation. Thereafter, the development shall be carried out in accordance with the agreed scheme and timetables.

**Reason:** In the interests of amenity, safety, and security of users of the Public Rights of Way in accordance with Paragraph 104 of the National Planning Policy Framework (December 2023).

7. No development shall commence on site until an updated Noise Impact Assessment and a scheme for protecting all proposed dwellings that are potentially affected by noise from the road network and the nearby hotel are submitted in writing to, and agreed in writing by, the Local Planning Authority. The agreed scheme shall be implemented in full prior to the first occupation of any dwelling.

**Reason:** To protect the residential amenity of the future occupiers of the development in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

8. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with the Colour Planning Layout CPL1 (Rev D) (submitted: 25.03.2024). Thereafter

the onsite parking (and turning) provision shall be kept available for such uses in perpetuity.

**Reason:** To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (December 2023).

9. The development hereby permitted shall not be occupied until such time as secure cycle parking shall be provided in accordance with details first submitted to, and agreed in writing by, the Local Planning Authority. Thereafter, the cycle parking shall be maintained and kept available for use.

**Reason:** To promote travel by sustainable modes in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and Section 9 of the National Planning Policy Framework (December 2023).

a. **Notes to Applicant:**

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at [buildingcontrol@hinckley-bosworth.gov.uk](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.
2. The proposed road layout does not conform to an acceptable standard for adoption, and therefore it will not be considered for adoption and future maintenance by the Local Highway Authority. The Local Highway Authority will, however, serve Advance Payment Codes in respect of all plots served by (all) the private road(s) within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please note that the Highway Authority has standards for private roads, which will need to be complied with to ensure that the Advance Payment Code may be exempted, and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details, please email [road.adoptions@leics.gov.uk](mailto:road.adoptions@leics.gov.uk). Signs should be erected within the site at the access advising people that the road is a private road with no highways rights over it.
3. All internal road layouts should be designed in accordance with Leicestershire County Council's latest design guidance, as Local Highway authority. For further information, please refer to the Leicestershire Highway Design Guide (2022), which is available at: <https://resources.leicestershire.gov.uk/lhdg>.
4. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at: <https://resources.leicestershire.gov.uk/lhdg>.



5. To erect temporary directional signage, you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
6. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.