

TOWN AND COUNTRY PLANNING ACT 1990

SECTION 78 APPEAL

List of Conditions

Site address: Land West Of Workhouse Lane Burbage Leicestershire

Description: Residential development up to 40 dwellings, public open space and associated Infrastructure
(Outline - access only)

APPEAL REFERENCE: APP/K2420/W/22/3311038

PLANNING APPLICATION REFERENCE: 20/01012/OUT

Should the Inspector be minded to allow the appeal, please find below a list of proposed planning conditions:

1. Application for the approval of reserved matters relating to the dwellings shall be made within 24 months from the date of this permission and the development shall be begun not later than one year from the date of approval of the last of the reserved matters to be approved.

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

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

The development shall be carried out in accordance with the approved details.

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

3. Any reserved matters application shall be accompanied by a scheme which details the proposed housing mix for 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.

4. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:
 - Drg No P1672 - Site Location Plan (Received 19/10/2020)
 - Archaeology Evaluation Report (July 2022) (Received 27/07/2022)
 - Minerals Assessment (February 2021) (Received 16/02/2021)
 - Air Quality Assessment (January 2021) (Received 08/02/2021)
 - Flood Risk Assessment (April 2020) (Received 28/09/2020)
 - Landscape and Visual Appraisal (August 2020) (28/09/2020)

- Drg No 3518 SK02 A2 – Parameters Plan (Received 28/09/2020)
- Design and Access Statement (August 2020) (Received 28/09/2020)
- Proposed Access Arrangement Drg no. JNY10215-01_Rev C (Received 29/01/2021)
- Geo-Physical Survey Report_16634 (Nov 2019) (Received 28/09/2020)
- Ground Investigation Monitoring Report (Nov 2019) (Received 28/09/2020)
- JNY10215-01 Transport Assessment Version 01 (Aug 2020) (Received 28/09/2020)
- Preliminary Development Tree Survey (July 2019) (Received 28/09/2020)
- Preliminary Ecological Appraisal (May 2020) (Received 28/09/2020)

Where the above plans and documents include proposed mitigation measures, these shall be implemented in accordance with the approved details, unless otherwise dealt with by conditions to follow.

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).

5. The development hereby permitted shall be implemented in general accordance with the illustrative masterplan Drg No 3518-SK01D received by the Council on 04/11/2021.

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

6. Any reserved matters application relating to scale or layout shall be accompanied by full details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings in relation to existing ground levels. The details shall be provided in the form of site plans showing sections across the site at regular intervals with the finished floor levels of all proposed buildings and adjoining buildings. The development shall be carried out in accordance with the approved levels.

Reason: To ensure that a satisfactory relationship is achieved between buildings in particular those along Troon Way, in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD.

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

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

8. Notwithstanding the recommendations within the Phase 1 Ground Condition Assessment no development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted to and

agreed in writing by the local planning authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.

Reason: To ensure that risks from land contamination to future users of the site are minimised thus ensuring that the land is fit for purpose and to accord with Policy DM7 of the SADMP 2016.

9. If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination and implementation is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out in accordance with the agreed implementation period.

Reason: To ensure that risks from land contamination to future users of the site are minimised thus ensuring that the land is fit for purpose and to accord with Policy DM7 of the SADMP 2016.

10. Development shall not commence until details of all trees, shrubs and hedges to be retained, including any trees located outside but adjacent to the site boundary, together with the means of protecting them from damage during the carrying out of the development have been submitted to and approved in writing by the local planning authority. The approved means of protection shall be installed prior to the commencement of development and shall remain in place until after the completion of the development.

Reason: Whilst landscaping is a reserved matter, a condition is necessary at this stage to ensure that the existing landscaping on the site is protected in accordance with DM4 and DM10 of the Site Allocations and Development Management Policies DPD.

11. During the construction period, none of the trees or hedges indicated to be retained shall be cut down, uprooted or destroyed, nor shall be topped or lopped other than in accordance with the approved plans, without the written approval of the Local Planning Authority. If any of the trees or hedges to be retained are removed, uprooted or destroyed or dies, a replacement shall be planted at the same place and that tree or hedge shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason: To ensure that the existing trees on the site are retained and protected in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document (2016)

12. No development shall commence on site until a Biodiversity Management Plan for the site which shall set out the site-wide strategy for protecting and enhancing biodiversity including the detailed design of proposed biodiversity enhancements and their subsequent management once the development is completed, has been submitted to the local planning authority for their approval in writing and has been so approved. The submitted plan shall

include all retained and created habitats including SUDs, and bat and bird boxes. Development shall be implemented and thereafter maintained in accordance with the approved Management Plan.

Reason: To enhance the ecological value of the proposed development in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD.

13. The layout submitted at Reserved Matters shall provide a natural vegetation buffer zone of at least 5m alongside all retained hedgerows of the application site.

Reason: To ensure that the development has a satisfactory landscaping scheme in the interests of Ecology in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

14. No trees and shrubs shall be removed on site during the bird nesting season (1st March - 31st July inclusive).

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

15. No development shall commence on site until a Construction Environmental Management Plan has been submitted to and approved in writing by the local planning authority and the approved details shall then remain in force throughout the construction period. 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 and a procedure for the investigation of complaints. Site preparation and construction work shall be limited to between 0730 to 1800 Monday to Friday and 0800 to 1300 on Saturdays. There shall be no working on Sundays and Bank Holidays.

Reason: To ensure the protection of neighbouring residential amenity during construction to accord with Policies DM7 and DM17 of the SADMP.

16. No development shall commence on site until a Noise Impact Assessment has been submitted to and approved in writing by the local planning authority and the approved details shall then be implemented in full prior to the first occupation of the first dwelling on site. The approved details, once implemented, shall be retained thereafter.

Reason: To ensure the protection of neighbouring residential amenity to accord with Policies DM7 and DM17 of the SADMP.

17. 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, and lead to on-street parking problems in the area in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD.

18. No development shall commence on site until a surface water drainage scheme has been submitted to and approved in writing by the local planning authority. The submitted scheme should include infiltration testing to confirm (or otherwise) the suitability of the site for the use of infiltration as a drainage element and should ensure that surface water does not drain into the Public Highway. Development shall be carried out in accordance with the approved details.

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

19. No development shall commence on site 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. Development shall be carried out in accordance with the approved details.

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

20. No development shall commence on site until such time as details in relation to the long term maintenance of the sustainable surface water drainage system within the development have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

21. No demolition/development shall take place/commence until a written scheme of investigation for L2 Historic Building Survey and Topographic Survey has been submitted to and approved in writing by the Local Planning Authority. For the land and structures that are included within the WSI, no demolition or development shall take place other than in accordance with the agreed 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 and 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.

No development shall then take place other than in accordance with the approved Written Scheme of Investigation.

Reason: To allow proper investigation and recording of the site, which is potentially of archaeological and historic significance in accordance with Policies DM11, DM12 and DM13 of the adopted Site Allocations Development Management Policies Development Plan Document (2016).

22. Prior first occupation details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. This information shall include a layout plan with beam orientation and a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: To protect the appearance of the area, the environment and local residents from nuisance from artificial light in accordance with Policies DM7 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

23. Reserved matters application shall be accompanied by a scheme for protecting the proposed and existing dwellings from noise from the road network and the nearby hotel. The agreed scheme shall be completed in full accordance prior to first occupation of any dwelling.

Reason: To ensure that the proposed use does not become a source of annoyance to nearby residents in accordance with Policies DM7 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

24. Prior to the occupation of any of the dwellings on site, full fibre broadband connection shall be made available and ready for use.

Reason: To ensure the provision of a high quality and reliable communications infrastructure network to serve the development to accord with paragraph 112 of the NPPF (2021).

25. Prior to first occupation a scheme that makes provision for waste and recycling storage and collection across the site has been submitted in writing to and approved in writing by the Local Planning Authority. The details should address accessibility to storage facilities and adequate collection point space at the adopted highway boundary. The approved scheme shall be implemented in accordance with the agreed details.

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

26. Prior to first occupation a scheme for the installation of electric vehicle charging points will be submitted to and approved in writing by the local planning authority. The scheme shall identify the number of units to benefit from electric charging points, together with full detail of the location and fitting of the units.

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

27. Prior to first occupation a scheme that makes provision for the secure storage of cycles for each dwelling has been submitted in writing to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the agreed details.

Reason: In the interests of promoting a modal shift in transport movements and in accordance with the National Planning Policy Framework (2021).

28. 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.

29. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on RPS drawing number JNY10215-01 Rev. C have been implemented in full.

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

30. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 x 43 metres have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

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

31. No part of the development shall be occupied until such time as the offsite works shown on RPS drawing number JNY10215-01 Rev. C (carriageway widening and pedestrian footway) have been implemented in full.

Reason: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2021).

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

Reason: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with the National Planning Policy Framework (2021).

Informatives

- 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>
- To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
- All proposed off site highway works, and internal road layouts shall be designed in accordance with Leicestershire County Council's latest design guidance, as Local Highway Authority. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>