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COMMERCIAL PROPERTY ADVICE



**Town and Country Planning Act 1990**  
**Planning and Compulsory Purchase Act 2004**  
**Localism Act 2011**

## **STATEMENT OF COMMON GROUND**

**Land at Crabtree Farm, Hinckley Road, Barwell, Leicestershire**  
**Appeal Reference: APP/ APP/K2420/W/21/3284379**  
**Local Planning Authority Reference No: 21/00581/OUT**

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Date: 14<sup>th</sup> January 2022

Final Version

**STATEMENT OF COMMON GROUND**

**LAND AT CRABTREE FARM, HINCKLEY ROAD, BARWELL,  
LEICESTERSHIRE**

**PLANNING APPEAL REFERENCE: APP/ APP/K2420/W/21/3284379**

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**Issued By**

**Signature:**



**Print Name: SIMON HAWLEY**

**Date: 14<sup>th</sup> January 2022**

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**Approved By Signature Helen Nightingale**

**Print Name HELEN NIGHTINGALE**

**on behalf of Hinckley and Bosworth Borough Council**

**Date 14<sup>th</sup> January 2022**

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## **1.0 INTRODUCTION**

- 1.1 This Statement of Common Ground (“**SoCG**”) has been prepared in support of a planning appeal submitted by Barwell Capitol Ltd (“**the Appellant**”) in relation to a non-determination appeal made against Hinckley and Bosworth Borough Council (“**HBBC**”) in respect of planning application 21/00581/OUT. It has been prepared in accordance with the guidance set out in the Procedural Guide: Planning Appeals England (October 2021) Annexe R – Statement of Common Ground.
- 1.2 The SoCG records the agreed position between the Appellant and HBBC in respect of the Appeal Site, the surrounding area and material planning considerations. It is signed by Harris Lamb Planning Consultancy (“**HLPC**”) on behalf of the Appellant and Matthew Bowers on behalf of HBBC. The SoCG has been prepared in order to assist the Inspector in determining the procedure and outcome of the planning appeal.
- 1.3 An appeal has been submitted following HBBC not determining planning application 21/00581/OUT (“**the Application**”) within the 13 week period. The Application has been submitted in outline form with all matters reserved for subsequent approval other than access. It proposes the development of up to 25 dwellings (Use Class C3) and associated public open space and infrastructure. The description of development assigned to the application by HBBC is:
- “Residential development of up to 25 dwellings with associated public open space and infrastructure (outline - access to be considered) - Land At Crabtree Farm Hinckley Road Barwell Leicestershire”***
- 1.4 The Planning Application was submitted to HBBC on 7<sup>th</sup> May 2021 and was validated on 2<sup>nd</sup> June 2021. As a ‘major’ application the Scheme had a 13 week determination period. As such the application should have been

determined by 1<sup>st</sup> September 2021. HBBC were notified of the Appellants intention to submit a non determination appeal on 3<sup>rd</sup> September and 21<sup>st</sup> September 2021 unless further progress had been made with the determination of the application

- 1.5 Should the Appeal be allowed a draft schedule of suggested conditions is provided in Section 8. At the conditions round table session the Appellant would like to discuss the wording and necessity of proposed conditions 2, 4, 5, 7, 25 and 28 (marked with a \*).

## **2.0 DESCRIPTION OF THE APPEAL SITE AND SURROUNDING AREA**

- 2.1 The Appeal Site comprises a broadly rectangular shaped parcel of land extending to approximately 2 hectares. It comprises an agricultural/pasture field and is consequently greenfield in accordance with the definition of greenfield land provided by the NPPF.
- 2.2 There are no particular features of note within the Appeal Site boundary. Its boundaries are formed by well defined hedgerows that include interspersed trees. It is not subject to any of the environmental designations referred to in paragraph 6 of the NPPF. It is not designated as a habitat site, SSSI, Green Belt, Local Green Space, an Areas of Outstanding Natural Beauty, National Park, defined heritage coast, irreplaceable habitats, a designation heritage asset or an area at risk of flooding or coastal change.
- 2.3 The Appeal Site has strong boundary features. The northern boundary of the site is formed by the Hinckley Road. There is a ribbon development along the northern side of Hinckley Road immediately opposite the Appeal Site.
- 2.4 The land to the east comprises two agricultural fields. As detailed in Section 4 – Planning History, of this SoCG these two fields have the benefit of an extant permission for the development of 25 dwellings. These two fields are also currently the subject of an undetermined full planning application proposing the development of 51 dwellings with associated public open space and infrastructure (reference 21/00695/FUL) that has been submitted by the Appellant.
- 2.5 Further east are residential properties located off Crabtree Road and Powers Road. To the south of the site are a series of agricultural fields beyond which is the A47. The land to the west of the Appeal Site comprises agricultural fields, including farm buildings and residential dwellings located immediately to the north east of the Appeal Site's boundary.
- 2.6 Barwell has a good range of shops, services and facilities within the settlement including an infant and primary school, a Co-Op supermarket,

restaurants and public houses, a bank, medical centre and village/community hall, all of which are located within one kilometre of the site and therefore accessible by walking or cycling. The range of shops and services is sufficient to meet the day-to-day needs of residents.

- 2.7 Employment opportunities are available in the industrial estate located on the north side of Mill Street, just to the north of the site. Higher order shops, services and employment opportunities, along with secondary school provision, can be found in Hinckley which is located approximately two kilometres to the south of Barwell.
- 2.8 The closest bus stops to the site are located on Hinckley Road, approximately 200 metres from the entrance to the residential part of the scheme, with services 43 and 158 stopping here and providing links to the centre of Barwell, Leicester, Nuneaton and Coventry. The closest train station is in Hinckley which provides links between Leicester and Birmingham.
- 2.9 The site is well served by existing local shops, services and facilities, which are all accessible by cycling, walking or public transport. It can, therefore, be considered to be a suitable location for new residential development in this regard.

### **3.0 PROPOSED DEVELOPMENT**

- 3.1 The Scheme comprises an outline planning application proposing the development of up to 25 dwellings and associated public open space and infrastructure. All matters other than access are reserved for subsequent approval. Access will be taken from Hinckley Road to the north via a new vehicular access.
- 3.2 The exact design, layout, appearance and landscaping of the scheme will be determined at the Reserved Matters stage. An indicative Masterplan was submitted with the application in order to demonstrate how the site could come forward for development (CD 10 & 11).
- 3.3 The indicative masterplan shows the north eastern section of the site being used as public open space incorporating a SuDS balancing pond. To the west of this area is a central spine road, beyond which are three dwellings fronting onto the Hinckley Road. To the south of this area will be an area of public open space that will serve development.
- 3.4 The bulk of residential properties are shown towards the central and southern section of the site. The indicative Masterplan shows residential properties fronting onto the central spine road along the south eastern edge. Two areas of residential development are shown to the west of the spine road, with properties looking onto the spine road and outwards on the site's western edge into the open land beyond. These properties are shown as served by a private drive.
- 3.5 A mix of property types are proposed. The indicative schedule of accommodation is set out below.



**Table 1 – Indicative Schedule of Accommodation**

<b>Accommodation Schedule</b>		
<b>Private Dwellings</b>		
<b>Type Ref</b>	<b>No. Beds</b>	<b>No. Units</b>
A Type House	4	6
B Type House	4	7
C Type House	4	3
D Type House	4	1
E Type House	3	3
F Type House	3	1
G Type Bungalow	2	4
<b>Total</b>		<b>25</b>

3.6 Whilst this is an outline planning application, the location and scale of development has been informed by a Landscape and Visual Appraisal (“**LVA**”) prepared by Incola Landscape Planning(CD C8) submitted with the planning application.

## 4.0 PLANNING HISTORY

4.1 The Appeal Site has been the subject of a number of planning applications and an appeal, that are relevant to the Appeal Scheme. The site's planning history is summarised below.

### ***Crabtree Farm Planning Application 18/00279/OUT***

4.2 Planning application 18/00279/OUT was registered by HBBC on 15 March 2018. The planning application was submitted in outline form proposing the development of 25-dwellings, public open space and land for a new burial ground on land at Crabtree Farm. The indicative masterplan submitted with the application showed a scheme of 25 units on the eastern section of the site and land for a burial ground on the western section of the site. The application proposed the creation of two separate accesses to serve the housing element and burial ground respectively. The site location plan and indicative masterplan submitted with this application can be found at **CD C12 and CD C11** respectively. The Appellant now controls the entirety of this application site.

4.3 The Appeal Scheme relates to the burial ground element of this planning application. It does not include the eastern section of the site where the dwellings are proposed.

4.4 . The Delegated Report (**CD E2**) contained a single reason for refusal, set out below:

***'The proposed scheme would result in unsustainable residential development in the designated countryside outside the settlement boundary of Barwell and within the Hinkley/Barwell/Earl Shilton/Burbidge Green Wedge, resulting in significant and permanent environmental harm that would damage the function of the Green Wedge and neither compliment nor enhance the intrinsic value, beauty, undeveloped rural character of the area. The proposal would***

*therefore be contrary to policies 6 and 20 of the adopted Core Strategy and policies DM1, DM4 and DM10 of the adopted Site Allocations & Development Management plan document (2016) and the overarching principles of the National Planning Policy Framework (2018).'*

**Crabtree Farm Planning Appeal APP/K2420/W/19/3252850**

4.5 Following the refusal of planning application 18/00279/OUT an appeal was made. The appeal decision was published on 2<sup>nd</sup> July 2019 (**CD H1**) and the Inspector decided to grant planning permission. The Inspector identified two main issues for consideration as part of the appeal (paragraph 4): -

- Whether the proposed housing would be in an acceptable location, having regard to development plan and national planning policies that seek to manage the location of new development; and
- The effect of the development on the character and appearance of the area and on the role and function of the Hinckley/ Barwell/Earl Shilton/Burbidge Green Wedge.

4.7 In granting planning permission, the Inspector concluded that the “tilted” balance referred to in paragraph 11d of the NPPF was engaged. The proposed dwellings would be located in an accessible location and will bring economic and other benefits. This should be weighed against the harm, in respect of the character and appearance of the area and the role and function of the Green Wedge. It was the Inspector's view that harm would be limited in the wider context and would not outweigh the significant benefits of the proposal. “Let alone, significantly and demonstrably outweigh when assessed against the Framework as a whole.” (paragraph 54).

***Reserved Matters Application 20/01172/REM***

- 4.8 A Reserved Matters application, seeking approval of appearance, landscaping, layout and scale (all outstanding reserved matters) related to the residential element of outline planning permission 18/00279/OUT was submitted to the Council on 5th November 2020. This application was submitted by the Appellants. This application was approved on 30<sup>th</sup> June 2021 (the approved layout plan is provided at **CD F11** and the Decision Notice at **CD F10**). The Reserved Matters application is extant, Condition 3 of the outline planning permission requires the Reserved Matters application to be implemented within two years from the date of its approval i.e. 30<sup>th</sup> June 2023. Development has not, however, commenced.
- 4.9 The Reserved Matters application did not seek approval for the burial ground, no details of a burial ground scheme were provided as part of the submission. It is no longer possible to apply for Reserved Matters approval for the burial ground, as condition 2 of the outline planning permission required all application for Reserved Matters to be made within 18 months of the approval of the outline planning permission i.e. 2<sup>nd</sup> January 2021. The S.106 associated with outline planning permission 18/00279/OUT requires the burial ground land to be transferred to the Parish Council for £1 at first occupation. Given that no dwellings have been built or occupied this trigger has not been met.

***Planning Application 19/00393/FUL***

- 4.10 On 4<sup>th</sup> April 2019 a planning application was submitted proposing the change of use of land to a burial ground, new access, landscaping and carparking. This planning application relates to the site that is subject Appeal Scheme. Planning permission was subsequently granted on 4 September 2019 (Decision Notice and site location plan are provided at **CD F16** and **CD F15** respectively). The planning permission has not been implemented.

***Planning Application 21/00695/FUL***

- 4.11 The Appellant controls the land to the immediate east of the Appeal Site. This is the site that has the benefit of Reserved Matters planning permission for the development of 25 dwellings by virtue of permission 20/01172/REM.

Planning application 21/00695/FUL is a full planning application proposing the development of 51 dwellings on this site. The layout plan submitted with this application is provided at **CD F17**. It was registered by HBBC on 12<sup>th</sup> July 2021. At the present time it remains undetermined. The Inspector will be updated on the progress of this application through the Appeal process.

## **5.0 PLANNING POLICY GUIDANCE**

5.1 A number of planning policy documents are relevant to the consideration of the appeal. These include national planning policy, development plan policy and supplementary planning documents/guides. A list of the relevant policies is set out below:

### **LEGISLATION AND NATIONAL PLANNING POLICY**

5.2 Relevant legislation and national planning policy comprises of:

- Town & Country Planning Act 1990
- Planning & Compulsory Purchase Act 2004
- Town & Country Planning (Development Management Procedures) (England) Order 2010
- Community Infrastructure Levy Regulations 2010
- Localism Act 2011
- Growth & Infrastructure Act 2013
- National Planning Policy Framework ( February 2019)
- Planning Practice Guidance

### **THE DEVELOPMENT PLAN**

5.3 The Hinckley and Bosworth Development Plan consists of the:

- Core Strategy (adopted 2009)
- Site Allocations and Development Management Policies (SADMP) DPD (2016)
- Earl Shilton and Barwell Area Action Plan (ESBAAP) (2014)

### **Hinckley and Bosworth Core Strategy (2009)**

5.4 The Core Strategy was adopted in 2009 and covers the period 2006 to 2026. Relevant policies include:

- Policy 3: Development in Barwell
- Policy 6: Hinckley/Barwell/Earl Shilton/Burbage Green Wedge
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 19: Green Space and Play Provision
- Policy 20: Green Infrastructure

5.5 Copies of the above policies have been forwarded to the Planning Inspectorate with the Council's questionnaire and are contained within CD B1.

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

5.6 The SADMP DPD was adopted in 2016 and identifies sites and includes development management policies which will be used to assess planning applications over the plan period. Relevant policies include:

- 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 DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

5.7 Copies of the above policies have been forwarded to the Planning Inspectorate with the Council's questionnaire and are contained within CD B2.

## Emerging Planning Policy

5.8 HBBC commenced a Local Plan Review in January 2018. Regulation 18 – Public Consultation on Draft Plan, was undertaken in June – August 2021. The constitution document advises that HBBC intend to plan for the delivery of 9,280 dwellings during the course of the plan. There are 4,087 “commitments” in place that can contribute towards the draft housing requirements. The proposed Strategic Urban Extensions at Earl Shilton and Barwell could deliver 1,990 additional dwellings during the plan period. Further allocations are required for the residual requirement for 3,203 dwellings.

5.9 The Regulation 18 consultation draft Plan does not identify any potential allocations to meet this housing requirement. Paragraph 4.21 of the constitution document states:

***“To meet the residual housing land requirement set out above we are assessing all land options that have been submitted to the authority through previous consultations and call for sites. We are undertaking a range of assessments of these sites to consider the suitability, sustainability and deliverability of these sites. Work is currently ongoing in particular with regard to site viability and infrastructure requirements and highways modelling and mitigation. “***

5.10 The Council's expected timetable for the preparation of the emerging Plan is:

- Regulation 18 Consultation – June – August 2021
- Regulation 19 Consultation – February – March 2022 Submission to Secretary of State for Examination – March - April 2022
- Adoption – March 2023

## OTHER MATERIAL CONSIDERATION

### National Planning Policy Framework

5.11 The relevant sections of the Framework are:



- Section 1 - Introduction
- Section 2 – Achieving Sustainable Development
- Paragraph 11 – The presumption in favour of sustainable development
- Section 5 – Delivering a sufficient supply of homes
- Section 8 – Promoting healthy and safe communities
- Section 11 – Making efficient use of land
- Section 12 – Achieving well-designed places
- Section 15 – Conserving and enhancing the natural environment
- Section 16 – Conserving and enhancing the historic environment
- Paragraph 48 – the weight to give policies in emerging plans
- Paragraphs 218 and 219 – the weight to be given to policies in development plans adopted before the publication of the Framework.
- Annex 1 and Annex 2

**Residential Land Availability Monitoring Statement - 1<sup>st</sup> April 2020 – 31<sup>st</sup> March 2021**

5.12 The Residential Land Availability Monitoring Statement confirms HBBCs five year housing land supply position as of 1<sup>st</sup> April 2021. It is based on the most recent monitoring figures available and concludes that the Council have 4.46-year supply of housing land.

5.13 Other relevant guidance/ studies:

- Landscape Character Assessment (2017) (CD G3)
- Landscape Sensitivity Study (2017) (CD G5)
- Leicester and Leicestershire Housing and Economic Development Needs Assessment (HEDNA) (CD B9)
- Affordable Housing SPD (2011) (CD B10)
- Open Space, Sports and Recreational Facilities Study (PPG 17) 2016 (CD B11)
- The Burbage Neighborhood Plan Inspectors Report – In so far as it relates to the status of Development Plan policies.(CD B6)
- Hinckley/Barwell/Earl Shilton/Burbage Green Wedge Review (2020)

(CD G4)

- Hinckley and Bosworth green Infrastructure Strategy (2020) (CD G6)

5.14 Copies of the above guidance/studies have been forwarded to the Planning Inspectorate with the Council's questionnaire and Statement of Case.

## **6.0 MATTERS OF AGREEMENT**

6.1 The following matters are agreed by all parties:

### ***Local Development Plan and other policy matters***

- 1) In terms of the Core Strategy, the Council asserts conflict with the following policies:
  - Policy 6; and
  - Policy 20
  
- 2) In terms of Site Allocations and Development Management Policies Development Plan, the Council asserts conflict with the following policies:
  - Policy DM4

6.2 The weight that can be afforded to these policies in the decision making process is addressed in Proofs of Evidence.

6.3 There is no conflict with any other Development Plan Policy.

### ***The NPPF***

- 3) Paragraph 11(d) of the NPPF is engaged due to a five-year housing land supply shortfall and due to the fact that the Development Plan is out of date in its own right. As such 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 NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted.
  
- 4) The site is not subject to any of the protected area policies or assets of particular importance identified in footnote 7 of the NPPF.
  
- 5) There are no specific policies in the NPPF that indicate development should be restricted on this site.

- 6) The proposed scheme would be 'small scale' in the context of Barwell.
- 7) The appeal site is not a valued landscape within the context of paragraph 174(a) of the Framework.

***The Appeal Site***

- 8) Notwithstanding the alleged conflict with policies 6 of the CS and DM4 of the SADMP, the site is a locationally sustainable site in terms of access to services, facilities and means of transport other than the car for a residential development of the proposed scale.

***Other material considerations***

- 9) No objection was received from the following consultees:
  - Ecology
  - Land Contamination
  - Drainage
  - Waste Management
  - County Council Highways
  - All other consultee responses have been responded to (to be kept under review)
- 10) No concerns have been raised in relation to:
  - The accessibility of the site to services, facilities and other means of transport
  - residential amenity of existing adjoining residents,
  - flood risk and drainage,
  - archaeology
  - contamination, or
  - trees

## **7.0 MATTERS OF DISPUTE**

7.1 The matters of dispute between the Appellant and the LPA are:

1. The impact the proposals will have on the function of the Green Wedge
2. The impact the proposals will have on the character and appearance of the area.
3. The weight that should be attached to the benefits of the Appeal Scheme in the planning balance.

## 8.0 CONDITIONS

1. Details of appearance, landscaping, layout, and scale, (hereinafter called “the reserved matters”) shall be submitted to and approved in writing by the local planning authority before any development begins. The development shall be carried out in accordance with the approved details.

Reason: This planning permission is submitted in outline form only and the reserved matters are required to be submitted in accordance with the requirements of Part 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2010.

2. \*Application for the approval of reserved matters shall be made within 18 months from the date of this decision notice 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 51 of the Planning and Compulsory Purchase Act 2004.

3. 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).

4. \*The development hereby permitted shall be carried out broadly in accordance with Plan, Drawing No 951-001 Rev C. subject to the details to be submitted to, and approved in writing by, the Local Planning Authority in condition 2 above.

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).

5. \*Unless otherwise agreed in writing by the Local Planning authority, the development shall be carried out in accordance with the plans and documents detailed below:
  - Location Plan Drawing Number 951-002 Rev A
  - Site Access and Visibility Splays DWG 02 Rev C
  - Crabtree Farm Barwell West Transport Final

- DAS Crabtree Farm Barwell
- Barwell West – Arboricultural Statement – Revised June 2021
- Barwell West Archeological DBA 290421
- Ecologist Report Crabtree Farm West S2-P02
- Flood Risk Assessment and Drainage Strategy – Travis Baker – Rev B May 2021
- Landscape and Visual Assessment - Landscape Strategy Plan 1016-P01a
- EAL.02.20 Crabtree Farm, Barwell (Parcel 2) – Factual Report (Rev 1) 26.04.2021
- Phase II Geo-Environmental Assessment June 2021

Reason: To ensure a satisfactory appearance and impact of the development to accord with Policies DM1, DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. 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.

7. \*No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Site Access and Visibility Splays - DWG-02 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 controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework 2021 and Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document (2016).

8. 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 and in accordance with Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document (2016).

9. No development shall commence on site until representative samples of the types and colours of materials to be used on the external elevations of the dwellings hereby permitted 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 appearance in the interests of visual amenity in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

10. No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and

agreed in writing by the local planning authority. The development shall then be implemented in accordance with the approved details.

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

11. No development shall commence on site until a scheme that makes provision for waste and recycling storage and collection across the site has been submitted in writing to and approved in writing by the Local Planning Authority. The details should address accessibility to storage facilities and adequate collection point space at the adopted highway boundary. The approved scheme shall be implemented in accordance with the agreed details.

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

12. No development shall commence until a written scheme of investigation (WSI) has been [submitted to and] approved by the local planning authority in writing. For land that is included within the WSI, no 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 (trial trenching and targeted excavation) 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 and recording in accordance with Policy DM13 of the Site Allocations and Development Management Policies Development Plan Document (2016).

13. No waste materials shall be burnt on the site at any time during any construction phase.  
Reason: In the interests of residential amenity and highway safety in accordance with Policy DM10 and DM17 of the Site Allocations and Development Management Policies Development Plan Document (2016).

14. Construction shall be limited to the following hours;  
Monday - Friday 08:00 - 18:00  
Saturday 09:00 - 13:00  
No working on Sundays and Bank Holidays

Reason: In the interests of neighbouring residential amenity in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

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



Reason: To protect future users of the land from land contamination in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016).

16. No development shall commence until a scheme identifying the provision and location of charging points for electric or low emission vehicles within the development site is submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of promoting a change to low carbon transport options in accordance with Policy DM10 Site Allocations and Development Management Policies DPD.

17. The development shall be implemented in accordance with the discussion and recommendations contained within the submitted Biodiversity and Ecological Management Plan (BWB August 2021).

Reason: To ensure appropriate conservation and protection of biodiversity in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 118 of the National Planning Policy Framework (2012).

18. Notwithstanding condition 16 above, if development has not commenced prior to March 2023, an updated Ecological Appraisal shall be submitted and approved in writing to the Local Planning Authority prior to the commencement of development and the development shall be carried out in accordance with the recommendations of the approved updated Ecological Appraisal.

Reason: To ensure appropriate conservation and protection of biodiversity in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 118 of the National Planning Policy Framework (2012).

19. 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 DM7 of the 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 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 though the entire development construction phase in accordance with DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016).

21. 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 sustainable drainage system within the proposed development in accordance with DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016).

22. 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 DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016).

23. No part of the development shall be occupied until such time as the offsite works being a 2m wide pedestrian footway alongside Hinckley Road and to the east of the site access, to tie in to existing footway provisions, have 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).

24. 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 in accordance with Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document (2016).

25. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 59 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).

26. 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).

27. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other

such obstructions shall be erected within a distance of 10 metres of the highway boundary, nor shall any be erected within a distance of 10 metres of the highway boundary unless hung to open away from the highway.

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

28. \*No development shall take place until a scheme of hard and soft landscaping works, including boundary treatments, for the site, including an implementation scheme, has been submitted in writing to and approved in writing by the local planning authority. The scheme shall be carried out in full accordance with the approved landscaping scheme. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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

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

**Informatives - standard**