



Appeal Decision

Hearing (Virtual) Held on 4 August 2021

Site Visit made on 5 August 2021

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th October 2021

Appeal Ref: APP/K2420/W/20/3265143

Land East of Lutterworth Road, Burbage LE10 2DW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Davidsons Developments Ltd against the decision of Hinckley and Bosworth Borough Council.
 - The application Ref 19/01405/OUT, dated 16 December 2019, was refused by notice dated 30 September 2020.
 - The development proposed is described as "outline application for residential development of up to 165 dwellings, all matters reserved except for access".
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Decision

1. The appeal is allowed and outline planning permission is granted for outline application for residential development of up to 135 dwellings, all matters reserved except for access at Land East of Lutterworth Road, Burbage LE10 2DW in accordance with the terms of the application, Ref 19/01405/OUT, dated 16 December 2019, subject to the conditions on the attached schedule.

Preliminary Matters

2. The planning application was submitted in outline form with only access for consideration. Matters relating to appearance, landscaping, layout and scale are reserved for future determination. The appellant has provided an indicative layout which I have treated as illustrative for the purposes of this appeal.
3. The development as described on the application form and within the banner above refers to a development of 165 dwellings. However, this was amended to 135 dwellings during the determination of the application by the Council. Therefore, I have considered the appeal on that basis.
4. Since the submission of the appellant's appeal, the revised National Planning Policy Framework (the Framework) was published and came into force on 20 July 2021. In light of this I sought the views of the main parties during the hearing and I have taken subsequent responses into account in reaching my decision. In addition, since the Council made its decision, the Burbage Neighbourhood Plan 2015-2026 (BNP) was Made in May 2021 and now forms part of the development plan.
5. During the Hearing the appellant provided me with an Addendum Statement of Case¹, which was provided to the Council before the start of the event. I have

¹ Addendum Statement of Case, Pegasus Group, July 2021 BC P17-1701

also been provided with a completed legal agreement in the form of a planning obligation (the obligation), pursuant to section 106 of the Town and Country Planning Act 1990, which I will return to later in this decision letter.

Main Issue

6. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

7. The appeal site lies beyond the settlement boundary of Burbage and forms part of the open countryside that surrounds the settlement to the south and east. The Hinckley and Bosworth Borough Landscape Character Assessment 2017 (LCA) categorises the site as being within Landscape Character Area F: Burbage Common Rolling Farmland. The LCA identifies key characteristics of the area as gently rolling arable and pasture farmland with medium to large scale rectilinear field pattern bounded by low hedgerows.
8. The LCA also identifies key sensitivities and values and records that the area east and south of Burbage provides a rural setting to the settlement. The Landscape Sensitivity Assessment² (LSA) identifies the appeal site as being within Sensitivity Area 08: Burbage South and East (Area 08). The LSA also identifies low hedgerows to field boundaries and the semi-rural character of the area and provides guidance to ensure that new development avoids the higher ridge top area adjacent to the cemetery, which forms the immediate rural setting to the core of Burbage. Opportunities should ensure that the pattern of hedgerows and historic field patterns, where distinctive s-shaped or dog leg boundaries remain, are retained.
9. Policy DM1 of the Hinckley and Bosworth Site Allocations and Development Management Policies DPD 2016 (SADMP) sets out the presumption in favour of sustainable development. Policy DM4 of the SADMP seeks to protect the intrinsic value, beauty, open character and landscape character of the countryside from unsustainable development. Policy 4 of the Hinckley and Bosworth Borough Council Core Strategy 2009 (CS) also seeks, amongst other things, to ensure that development contributes to Burbage's character and sense of place.
10. Policy 11 of the BNP places the appeal site within an Area of Landscape Sensitivity (ALS), setting out criteria that development within it should comply with. Policy 10 of the BNP also identifies a Key Viewpoint that lies within the area of landscape sensitivity. Any development that has a significant impact on this Key Viewpoint, and cannot be sufficiently mitigated, will not be supported. Although the appeal site is within the ALS, it is evident that Policy 1 of the BNP still supports residential development on land that is within or adjacent to the settlement, as identified on Figure 2, page 19, which includes the appeal site.
11. Whilst covering quite a large area, the site is separated into smaller fields as a result of existing hedging which lends the site a degree of containment. The site also contains features identified within the LCA and LSA as well as other enhancing features such as areas of ridge and furrow earthworks. Although the LSA recognises that the M69 is a distracting feature in the landscape which interrupts the flow of pasture fields, the site retains a measure of beauty and

² Landscape Sensitivity Assessment, The sensitivity of areas of pressure. Prepared by LUC, September 2017

its size, relative openness and undeveloped nature forms part of the countryside that contributes towards the rural setting that surrounds Burbage.

12. The Council argue that the appeal scheme forms a sprawling peninsular of development across the site which would diminish the sense of containment that the field structure provides. From my visit I was able to appreciate this containment which is largely derived from the hedgerows and trees and to some degree, the levels of the land. Consequently, the majority of the appeal site is not readily visible from public views, save for those areas which back onto existing housing such as dwellings on Lychgate Close and Flamville Road or from footpath U79 that crosses a small portion of the site adjacent to Fosse Close. However, these properties, and indeed others on Lutterworth Road, are readily apparent from within the site and have a suburbanising impact upon its margins.
13. Whilst I have carefully considered the Council's landscape evidence, I am not persuaded that the development would lead to a total loss of key features and elements that contribute towards the rural setting of Burbage. I recognise that the proposal is not a field sized development, and clearly hedgerows would need to be removed and the historic field pattern altered or lost. However, a large amount of the existing hedging would be retained and complemented through additional planting. Moreover, at the Hearing was confirmed that to facilitate the development, only 16% of the existing hedgerow would be removed, along with two of 17 trees.
14. Furthermore, one must accept that the appeal site is not remote, there is no public access to the vast majority of the site and it is also heavily influenced by the presence of suburban features such as the M69, electricity pylons, existing housing on its fringes and its position adjacent to Lutterworth Road and indeed the built-up area of Burbage. Consequently, I agree with the LSA that the landscape within Area 08 is considered to have an overall low-medium sensitivity to residential development.
15. Additionally, although the layout of the proposal is reserved for future consideration, from the illustrative layout³ it is evident that large areas of the appeal site could remain undeveloped, not only retaining existing ridge and furrow earthworks, and the dog-leg field to the south, but also areas of open space around the southern and eastern fringes of the site so that there would be a transition to its central core where the majority of the development would occur. The intervisibility between the built up area of Burbage and the nucleus of the appeal site would be limited and development on the periphery would adjoin the existing built up area of Burbage.
16. Therefore, the areas of open land to be retained ensure that, to a degree, the rural setting of Burbage is preserved. However, one has to accept that development cannot retain every feature of a field that is in agricultural use when houses and essential infrastructure are placed upon it. Nevertheless, the Key Viewpoint identified within Figure 27 of the BNP will not be affected by the development and the church spire would remain a dominant feature within the landscape. Additionally, given its location to the northeast, its distance and intervening landscaping, the development is unlikely to be visible from Burbage cemetery. Furthermore, although part of the containment of the site as a defining feature is likely to be lost through the development, there are

³ Illustrative Masterplan P17-1701_96-1 Rev C

opportunities to provide mitigation through the introduction of additional landscaping throughout the site.

17. Nevertheless, whilst the development would be well related to the existing edge of Burbage in terms of proximity and access off Lutterworth Road, it would result in a built form that would inevitably result in a fundamental change to the character of the landscape, from open countryside to a suburban form. Although this harm could be tempered by additional landscaping, the contained layout and amount of development, the change to the character of the land would nonetheless result in some moderate harm to the character and appearance of the area. It would be in conflict with Policy DM4 of the SADMP and Policy 11 of the BNP which seek, amongst other things, to protect the intrinsic value, beauty, open character and landscape character of the countryside from unsustainable development and retain historic field patterns.

Other Matters

18. It was brought to my attention that Burbage has acute issues surrounding access to public services such as medical care at the local surgery and pupil places at local schools. It is argued that this has worsened following previous developments that have taken place within Burbage.
19. During the determination of the planning application, the Council consulted the NHS⁴ on the proposed development. It responded that although there had been a great deal of development within its registration area, it had benefitted from funding under the NHS Capital Scheme and monies from developments in Burbage. It envisages that, taking into account future growth, it will require developing over the recent single storey extension at Burbage Surgery to provide additional accommodation for 399⁵ patients. Thus, provided that an adequate financial contribution was secured to further extend the existing surgery at Burbage, no objection to the development was raised. In addition, the Council also consulted the appropriate authority on matters relating to education and again, subject to the appellant making contributions towards primary and secondary school funding, no objection to the development was raised.
20. I am acutely aware that the addition of 135 dwellings on the land has the ability to exacerbate the situation regarding the provision of public services. However, given that those services most affected by the development are satisfied with the level of contributions to be provided, I have no reason to disagree with its findings. Moreover, the Council is also satisfied with the appellant's agreement to fund services such as the local library as well as providing and maintaining open and equipped areas of space as part of the development.
21. From the ecological evidence that has been provided, the council confirm that the site is not designated as a local wildlife site nor is it covered by any other statutory designations. The appellant is required to provide further areas of grassland within the planning obligation that would result in a net gain for biodiversity. The Council is also satisfied that the grassland turf translocation is an acceptable method to retain and enhance biodiversity at the site. In the absence of substantive evidence to the contrary, I see no reason to disagree

⁴ NHS West Leicestershire Clinical Commissioning Group – The Burbage Surgery

⁵ Based upon 165 dwellings

with the findings of the ecological assessment that the appeal site is suitable for the proposed development.

22. Furthermore, I note the concerns regarding traffic through Burbage and indeed the challenge drivers face entering the A5 trunk road. However, Leicestershire County Council as Local Highway Authority is satisfied that the development would not result in harm to highway safety and from the evidence that has been provided, again I find no reason to disagree with that assessment.
23. The Council also refer to the need to provide acoustic fencing adjacent to the M69, which it considers would be similar to the neighbouring development at Passchendaele Drive and would further harm the character of the area and indeed the living conditions of future occupiers of dwellings sited close to the M69. I viewed the acoustic fence on Passchendaele Drive which is a substantial structure that follows the southern boundary of the site and is effective as a barrier to traffic noise. However, the illustrative plan places dwellings proposed within the site set further back than those on Passchendaele Drive, with an open field and buildings to the south separating them from the M69. Therefore, it is envisaged that should noise abatement structures be required, they could be provided through natural features such as bunding. Thus, given these differences, I am satisfied that this matter could be controlled by a condition, such as that suggested by the parties.
24. It is evident that a proportion of ridge and furrow earthwork as a non-designated heritage asset would be lost as a result of the development. However, although it has suffered degradation due to recent agricultural processes, the revised illustrative layout retains much of this landscape feature. Thus, I am satisfied that this particular element of the landscape could be addressed through a condition requiring the recording of archaeological features and finds.
25. With regard to carbon emissions, this particular matter would be dealt with at reserved matters stage. However, it should be noted that the suggested conditions require details of electric car charging points.

Planning Obligations

26. The planning obligation provided by the parties ensures the delivery of various financial contributions required by Development Plan policies, including Policy DM3 of the SADMP which seeks the provision of infrastructure and delivery. The obligation would secure on-site affordable housing at 20% of the total development, with a tenure split of 75% affordable rented dwellings and 25% intermediate dwellings. This would accord with Policy CS15 of the CS.
27. The obligation also ensures that Travel Packs and two bus passes are made available to the first occupants of each new dwelling to encourage the use of sustainable modes of transport. It would also provide a per dwelling financial contribution prior to the first occupation of the first dwelling towards library facilities in Burbage to address the increase in the catchment population.
28. The obligation would require a financial contribution towards off-site open space with the focus on providing and maintaining specific facilities at Burbage Common, Britannia Road Recreation Ground and/or Hinckley Road Recreation Ground. It would also ensure the provision and maintenance of open space within the development. Both elements would be in accordance with Policy 19

of the CS which seeks Green Space and Play Provision as part of development proposals.

29. The appellant will also be required to provide contributions towards a biodiversity gain scheme, and waste management. Additional contributions towards education and health facilities as discussed above will be required. The figures are based on calculations informed by the likely number of people generated by the development. The health facilities contribution would be made prior to the first occupation of the first dwelling while the education contribution would be staggered, with the first payment of 50% prior to the first occupation of the first dwelling and the remaining 50% prior to the first occupation of 50% of the dwellings.
30. Given the policy requirements and the infrastructure needs arising from the development, I am satisfied that all of the above obligations are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. They would accord with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended). Therefore, I can take all of the proposed obligations into account as part of my decision.

Housing Land Supply

31. The Framework states at paragraph 11 that plans and decisions should apply a presumption in favour of sustainable development. It continues at paragraph 11 d) ii, stating that where the policies which are the most important for determining the planning application are considered out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
32. Footnote 8 of the Framework confirms that in considering whether the policies that are most important are indeed out-of-date, this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites. In this instance, the Council agree through the Statement of Common Ground that it cannot demonstrate a five year supply of deliverable housing sites⁶. Consequently, although the shortfall may not be considered significant and the parties differ over the reasons for some of the policies from the Development Plan being out of date, the weight to be given to the policies and any conflict with them, the lack of a five year supply of deliverable housing sites alone engages the tilted balance in paragraph 11 d) of the Framework.

Overall Balance

33. The development would bring forward benefits through the provision of 135 dwellings, 20% of which would be affordable. This level of additional housing in the Borough would go some way to addressing the Council's identified housing delivery supply shortfall, in an area that has good access to existing services and facilities. To these particular matters I would afford significant weight.
34. There would also be economic benefits through the construction of the dwellings and the contribution to the local economy through the likely spending of future residents in the local area. The development is also likely to be

⁶ Paragraph 8.15 of the SoCG records that the Council has 4.44 years of deliverable housing sites

brought forward relatively quickly given the reduced time agreed by the appellant to submit reserved matters details to the Council for its consideration. These matters would attract moderate weight in my decision.

35. The contributions for infrastructure provision secured through the planning obligation would only be necessary to make the development acceptable in planning terms and thus, this aspect is a neutral factor in the case rather than a benefit.
36. The Council cannot demonstrate a five year supply of deliverable housing sites and therefore the policies that are the most important for the determination of the application are deemed to be out-of-date. However, this does not mean they do not apply and, overall, the proposal conflicts with the development plan as a whole. Nevertheless, for the reasons already given, the development would have only a modest adverse impact on the character and appearance of the countryside. As a result, the conflict with Policy DM4 of the SADMP and Policy 11 of the BNP is a matter of moderate weight against the scheme in this instance. Consequently, the adverse impacts of the development would not significantly and demonstrably outweigh its benefits.
37. Thus, taking these matters together, the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits. As a result, the application of paragraph 11 d) of the Framework indicates that permission should be granted, when assessed against the policies in the Framework taken as a whole.

Conditions

38. The Parties have provided a number of conditions within the Statement of Common Ground which I have considered in accordance with the Framework and the national Planning Practice Guidance. In the interest of precision and enforceability, in some instances I have amended or reworded the conditions.
39. The standard time condition (1) for the approval of reserved matters has been reduced to 18 months to ensure that the development is brought forward quickly. Both parties agree to this measure and I have nothing before me to suggest that this is not a reasonable approach to deliver housing for the Borough.
40. Details of the reserved matters (2) must be submitted and approved in writing by the Council and any reserved matters application shall be accompanied by a scheme detailing the appropriate housing mix (3) in accordance with the Council's adopted Development Plan. The approved plans (4 & 5) should be specified to provide certainty.
41. In the interest of highway safety, the following matters must be agreed with the Council; the access arrangement (6) must be implemented in full and vehicular visibility splays provided (7) before the development is occupied. Drainage (8) details must also be provided to ensure that surface water does not drain onto the highway. The new access shall not be used for more than one month unless existing and redundant accesses (10) onto Lutterworth Road have been permanently closed. A construction management plan (11) must also be agreed, to include such matters as wheel washing facilities and vehicle parking provision.

42. To promote sustainable modes of transport, a travel plan (9) shall be agreed with the Council. In the interest of visual amenity, details of waste and recycling storage and collection across the site (32) shall be agreed with the Council. Occupiers of the dwellings will also be provided with a Waste Minimisation and Recycling Pack (33) to promote sustainable waste management behaviours.
43. In the interest of public amenity, a scheme for the treatment of the public right of way (12) must be agreed with the Council and no trees or shrubs shall be planted within one metre of the right of way (13) and any changes along its boundary must also be agreed with the Council (14), together with a signage scheme (15).
44. To protect trees on the site, a tree protection plan (16) shall be agreed with the Council and none of the trees and hedges to be retained shall be removed or worked upon other than in accordance with the approved plans and replaced if they die or become diseased (17). All landscaping within the public open space and adjacent to its boundaries shall also use native species (22).
45. In order to protect wildlife at the site, the development is to be carried out in accordance with the agreed Ecological Mitigation Strategy (18) and details of the grassland turf translocation methodology (19) and an updated Biodiversity Metric Calculation (20) shall be agreed with the Council.
46. In the interest of the living conditions of future occupiers of the proposed dwellings, a scheme of protection from noise from the M69 (21) and a Construction Environment Management Plan (25) shall be agreed with the Council. The hours of construction shall also be restricted (26). In addition, details of finished floor levels (31) will also be submitted to the Council for consideration.
47. In order to protect human health, an investigation into potential land contamination (23) shall be submitted to the Council for consideration. Should any contamination not previously identified be found to be present at the site, it must be reported to the Council via an addendum to the initial investigation with details of remediation (24).
48. To prevent flooding at the site, the development shall be carried out in accordance with a scheme for the management of surface water drainage details and (27) and its maintenance (29) at the site. Additionally, a scheme for the management of surface water (28) shall also be agreed with the Council.
49. To allow the proper investigation and recording of potential archaeology at the appeal site, a programme of archaeological work (30) will be agreed with the Council. Details of the provision of electronic communications infrastructure to serve the development (34) shall also be submitted to the Council for its consideration.
50. The revised Framework requires at paragraph 131 that new streets are tree-lined. The parties agreed that this matter could be added to the existing reserved matters condition (2) which I have done. The parties also suggested a further condition requiring a Travel Pack to be provided, informing future residents of sustainable transport options in the area. However, as this matter

is within the planning obligation, there is no requirement to repeat it as a planning condition.

Conclusion

51. Thus, for the reasons given above, and having regard to the Development Plan and the Framework, when read as a whole, the appeal is allowed.

Graham Wyatt

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Thea Osmund-Smith	Counsel – No 5 Chambers
Guy Longley	Pegasus Group
Ben Cook	Pegasus Group
Kate Machin	Pegasus Group
Donald Sutherland	Pegasus Group

FOR THE COUNCIL

Leanne Buckley-Thompson	Counsel – No 5 Chambers
Adam Collinge	Crestwood Environmental
Jonathan Weekes	Aitchison Raffety Group
Sharron Wilkinson	Hinkley and Bosworth Borough Council

INTERESTED PARTIES

Councillor Paul Williams	Hinckley and Bosworth Borough Council
Mr Daniel Smith	Local Resident

DOCUMENTS

As a result of the hearing being undertaken virtually, the following documents were provided electronically:

Addendum Statement of Case, Pegasus Group, July 2021 BC P17-1701

Planning Obligation dated 25 August 2021

Schedule of Conditions

1. The application for the approval of reserved matters shall be made within 18 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.
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 tree lined streets in accordance with paragraph 131 of the National Planning Policy Framework, the 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.

3. The submission of any Reserved Matters dealing with Layout shall be accompanied by a scheme which details the proposed market 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.
4. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:
 - a) Site Location Plan DRWG: P17-1701_04 REV C received 5 August 2020
 - b) Proposed Access ADC2041-DR-004 P2
5. The reserved matters shall be implemented in general accordance with Illustrative masterplan P17-1701_96-1 | REV: C received on the 5 August 2020
6. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on ADC drawing number ADC2041-DR-004-P2 Proposed Access Junction Layout have been implemented in full and permanently retained thereafter.

7. 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.
8. No part of the development hereby permitted shall be occupied until such time as highway 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 shall be so maintained.
9. No part of the development hereby permitted shall be first occupied until a/an amended framework/full Travel Plan which sets out actions and measures with quantifiable outputs and outcome targets has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed Travel Plan shall be implemented in accordance with the approved details.
10. The new vehicular access(es) hereby permitted shall not be used for a period of more than one month from being first brought into use unless any existing vehicular access(es) on B578 Lutterworth Road that become redundant as a result of this proposal have been closed permanently and reinstated in accordance with details first submitted to and agreed in writing by the Local Planning Authority.
11. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of 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.
12. No development shall take place until a scheme for the treatment of the Public Right(s) of Way has been submitted 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 timetable.
13. No trees or shrubs should be planted within 1 metre of the edge of the Public Rights of Way. Any trees or shrubs planted alongside a Public Right of Way should be non-invasive species.
14. Prior to construction, changes to existing boundary treatments running alongside the Public Rights of Way must be approved by the Local Planning Authority in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers.
15. Prior to the completion of the development, a signing scheme in respect of the Public Rights of Way should be formulated by the developer and approved by the Local Planning Authority in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers.

The development shall be carried out in accordance with the approved scheme and permanently retained thereafter.

16. Before any development commences on the site, including site works of any description, a Tree Protection Plan prepared by a suitably qualified arboriculturist shall be submitted to and approved in writing by the local planning authority. The plan shall include protective barriers to form a secure construction exclusion zone and root protection area in accordance with British Standard 5837:2012 Trees in relation to design, any trenches for services are required within the fenced-off areas, they shall be excavated and back-filled by hand and any tree roots or clumps of roots encountered with a diameter of 25cm or more shall be left un-severed. The development shall be implemented in accordance with the approved Tree Protection Plan.
17. 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 maybe specified in writing by the Local Planning Authority.
18. The development shall be carried out in full accordance with the Focus Environmental Consultants Ecological Mitigation Strategy dated July 2020 ref 1459.
19. Development shall not commence until details of the of the grassland turf translocation methodology have been provided and agreed with the LPA. Development that would result in the loss of the grassland shown on 'Ecological Mitigation and Enhancement Plan dated July 2020 ref: 1459, as to be translocated cannot take place until the turf has been translocated in accordance with the agreed methodology. The translocation methodology should include details of locations and pre-translocation preparation of donor and receptor sites, method of translocation (which must be done in one operation without turf storage), monitoring and aftercare. The development shall be carried out in complete accordance with the agreed grassland turf translocation methodology.
20. Any Reserved Matters application considering matters of layout shall be accompanied by an updated Biodiversity Metric Calculation, demonstrating that the layout does not result in a net unit change that exceeds -21.51 habitat units and -1.46 hedgerow units as a result of the development carried out within the site identified on the submitted site location plan.
21. Development shall not begin until a scheme for protecting the proposed dwellings from noise from the M69 Motorway has been submitted to and approved by the Local Planning Authority; and all works which form part of the scheme shall be completed before any of the permitted dwellings are first occupied and permanently retained thereafter.
22. All landscape planting used within the public open space and adjacent to the boundaries of the site shall be native species only.

23. 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 in writing to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.
24. 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 in writing to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the first dwelling being occupied.
25. Prior to commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority. The plan shall detail how, during the site preparation and construction phase of the development, the impact on existing and proposed residential premises and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light and land contamination. The plan shall detail how such controls will be monitored. The CEMP will provide a procedure for the investigation of complaints. The agreed details shall be implemented throughout the course of the development.
26. Construction work of the development, hereby permitted, shall not take place other than between the hours of 07:30 hrs and 18:00 hrs on weekdays and 08:00 hrs and 13:00 hrs on Saturdays and at any time on Sundays and Public Holidays.
27. Development shall not begin until surface water drainage details and calculations, incorporating sustainable drainage principles (SuDS) have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in accordance with the full details prior to the completion of development and retained thereafter.
28. Prior to commencement of development details in relation to the management of surface water on site during construction of the development shall be submitted to, and approved in writing by, the Local Planning Authority. Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided. The approved scheme shall be implemented in accordance with the full details prior to the completion of development and retained thereafter.
29. Prior to commencement of development details in relation to the long term maintenance of the sustainable surface water drainage system on the

development shall be submitted to and approved in writing by the Local Planning Authority. Details of the SuDS Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the system and should also include procedures that must be implemented in the event of pollution incidents within the development site. The approved scheme shall be implemented in accordance with the full details prior to the completion of development and retained thereafter.

30.No development shall take place/commence until a programme of archaeological work, comprising further post-determination trial trenching, specific metal-detecting and as necessary targeted archaeological investigation. The full programme and timetable will be detailed within a Written Scheme of Investigation, submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

- The programme and methodology of site survey, investigation and recording (including assessment of results and preparation of an appropriate mitigation scheme)
- The programme for post-investigation assessment
- Provision to be made for analysis of the site investigation and recording
- Provision to be made for publication and dissemination of the analysis, interpretation and presentation of the site investigation
- Provision to be made for archive deposition of the analysis and records of the site investigation
- Nomination of a competent person or persons/organisation to undertake the works, with particular reference to the metal detecting survey, as set out within the Written Scheme of Investigation.

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

31.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.

32.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.

33.Upon occupation of each individual residential property on the development, residents shall be provided with a 'Waste Minimisation and Recycling Pack'. The details of this Pack shall be first agreed in writing by the Local Planning Authority (in consultation with Leicestershire County Council) and shall provide information to residents about sustainable waste management behaviours. As a minimum, the Pack shall contain the following:

- Measures to prevent waste generation
- Information on local services in relation to the reuse of domestic items
- Information on home composting, incentivising the use of a compost bin and/or food waste digester
- Household Waste Recycling Centre location, opening hours and facilities available
- Collection days for recycling services
- Information on items that can be recycled

34. Prior to the commencement of development full details for the provision of electronic communications infrastructure to serve the development, including full fibre broadband connections, shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and the infrastructure fully available prior to the occupation of each dwelling/unit on the site.

End.