



Appeal Decision

Hearing held on 15 April 2026

Site visit made on 15 April 2026

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 May 2026

Appeal A Ref: 6002755

Land at Crabtree Farm, Hinckley Road, Barwell, Leicestershire LE9 8DB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Barwell Capitol Limited against the decision of Hinckley and Bosworth Borough Council.
 - The application Ref is 23/01184/FUL.
 - The development proposed is a residential development of 16 dwellinghouses with associated garages, driveway, open space, landscaping and drainage.
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Appeal B Ref: 6002756

Land at Crabtree Farm, Hinckley Road, Barwell, Leicestershire LE9 8DB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Barwell Capitol Limited against the decision of Hinckley and Bosworth Borough Council.
 - The application Ref is 23/01175/FUL.
 - The development proposed is a residential development of 51 dwellings with associated access and parking and LEAP.
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Appeal C Ref: 6002757

Land at Crabtree Farm, Hinckley Road, Barwell, Leicestershire LE9 8DB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Barwell Capitol Limited against the decision of Hinckley and Bosworth Borough Council.
 - The application Ref is 23/01186/FUL.
 - The development proposed is a residential development of 13 dwellinghouses with associated garages, driveway, open space, landscaping and drainage.
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Appeal D Ref: 6002758

Land at Crabtree Farm, Hinckley Road, Barwell, Leicestershire LE9 8DB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Barwell Capitol Limited against the decision of Hinckley and Bosworth Borough Council.
 - The application Ref is 23/01177/FUL.
 - The development proposed is a residential development of 44 dwellinghouses with garage and associated driveway, open space, landscaping, drainage and LEAP.
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Decision

1. Appeal A is allowed and planning permission is granted for a residential development of 16 dwellinghouses with associated garages, driveway, open space, landscaping and drainage at Land at Crabtree Farm, Hinckley Road, Barwell, Leicestershire LE9 8DB in accordance with the terms of the application, Ref 23/01184/FUL, subject to the conditions in the attached schedule.
2. Appeal B is allowed and planning permission is granted for a residential development of 51 dwellings with associated access and parking and LEAP at Land at Crabtree Farm, Hinckley Road, Barwell, Leicestershire LE9 8DB in accordance with the terms of the application, Ref 23/01175/FUL, subject to the conditions in the attached schedule.
3. Appeal C is allowed and planning permission is granted for a residential development of 13 dwellinghouses with associated garages, driveway, open space, landscaping and drainage at Land at Crabtree Farm, Hinckley Road, Barwell, Leicestershire LE9 8DB in accordance with the terms of the application, Ref 23/01186/FUL, subject to the conditions in the attached schedule.
4. Appeal D is allowed and planning permission is granted for a residential development of 44 dwellinghouses with garage and associated driveway, open space, landscaping, drainage and LEAP at Land at Crabtree Farm, Hinckley Road, Barwell, Leicestershire LE9 8DB in accordance with the terms of the application, Ref 23/01177/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

5. After the determination of the four planning applications, the appellant undertook what they refer to as the 'Wheatcroft consultation' on a set of amended plans. Those plans sought to address design matters arising from reason for refusal two, primarily in terms of highway matters. The scheme under consideration in Appeal C has as a result been reduced from 14 to 13 dwellings but otherwise the amendments do not materially affect the proposals that are before me in terms of any external impacts they might have. Nonetheless, I am satisfied that interested parties have had the opportunity to make representations on those amended plans during both the Wheatcroft consultation and at this appeal stage, and I have therefore considered each appeal on the basis of those amendments.
6. Following the amendments, the Council does not wish to pursue reason for refusal two, which is the same for all the applications. They have set out in detail their planning balance on the proposals, including considerations relating to design, the extant planning permissions, conflict with policies of the development plan, housing land supply and the benefits of the scheme. This forms common ground between the main parties with the only area of dispute relating to contributions towards education and healthcare provision. Having considered the submissions provided by the main parties, consultees and interested parties, I find no reason to take a different view on either where the planning balance should lie or that the sole main issue should now relate to the two contributions.
7. Two completed planning obligations have been provided, one for the two applications on the 'east field' (consisting of Appeals A and B) and one for the two applications on the 'west field' (consisting of Appeals C and D). Both obligations contain provision to make the contributions towards education and healthcare

provision, but they also provide a 'blue pencil' clause which would enable me to strike those contributions out of the agreements if I find that they do not meet the relevant tests set out in the Community Infrastructure Levy Regulations 2010. Because of my agreement with the main parties as to where the planning balance lies aside from the matter of the disputed contributions, the blue pencil clause in effect means that there is provision in place for all the appeals to be allowed, either with or without the disputed contributions in place.

8. The descriptions of development that I have used in the banner header and formal decisions reflect amendments made subsequent to the submission of the planning applications, including a reduction of the number of dwellings in the case of Appeal C. They are the descriptions presented by the main parties as being agreed between themselves. Notwithstanding that the description for Appeal B follows a different format to the others, it is clear from the plans submitted for what planning permission is sought. As was discussed at the hearing, I have omitted reference to the LEAP from Appeals A and C as this is not within the red line site area of either of those applications and instead added the reference to the LEAP to Appeal B.

Main Issue

9. The main issue in all of the appeals is whether the planning obligations requested with respect to education and healthcare provision would meet the tests set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (CIL Regs).

Reasons

Education

10. Leicestershire County Council (LCC) request contributions towards early years education (£177,869.64), Primary SEND education (£27,173.08) and Secondary SEND education (£37,178.14). They did not request any of those contributions during the course of the planning applications. The basis of reason for refusal on all of the decision notices relates to the refusal by the appellant to agree to contributions towards secondary and post-16 education provision. It is now common ground between the main parties that neither of those contributions would meet the tests set out in the CIL Regs. LCC state that they have arrived at their revised position on the early years education, Primary SEND education and Secondary SEND education contributions being required following a review at this appeal stage and having had the benefit of reading the Council's Committee Report and its approach to the assessment of the four planning applications. Whilst it is unfortunate that they have changed their position mid-appeal, it nonetheless falls to me to consider their revised request on its merits, and in doing this I do not attach any weight to the absence of the request at planning application stage.
11. The main consideration is, in essence, whether what is proposed under the four appeals represents a single development of over 100 dwellings or alternatively whether they are developments of under 100 dwellings, either four individual developments or two developments in the form of the east field and west field. The figure of 100 dwellings is of importance as that is the figure which is referred to in LCC's Planning Obligations Policy 2019 (POP) as the threshold figure for contributions to be made towards early years education, Primary SEND education and Secondary SEND education. Although not a development plan document, the

POP sets out an evidence base for requesting contributions towards education provision, and the various formulas for doing this. The appellant does not dispute the methodology set out in the POP or the resultant calculations that LCC have provided. They also do not dispute that if it is found that the 100 dwelling threshold set out in the POP is exceeded in this instance, that the contributions would meet the tests set out in the CIL Regs.

12. It is common ground between the main parties that four planning applications were submitted to make use of the 'free go' planning fee provision that was in place at the time. Consequently, I do not consider that there is any reasonable basis to support a proposition that the appellant purposely carved up the applications with the intention of avoiding the obligations that LCC now seeks. The primary argument put forward by the appellant is that the schemes on the east and west field could be granted planning permission, and then be implemented, independently as they have their own access points onto Hinckley Road and are subject to separate planning obligations. This too is common ground between the main parties. There appears to be less potential that the four application proposals could come forward individually, and that is not an argument that the appellant has pursued with any vigour.
13. However, to my mind it is also relevant to consider how the appellant approached their planning submission. They submitted a single planning statement (PS) for all their applications. At paragraph 1.1 it is stated that the 'application site' consists of the four parcels of land. At paragraph 1.4 of that document it is stated that the four planning applications have been prepared to bring forward the development of the site as a whole and provide a comprehensive design solution and at paragraph 1.11 it is noted that the development is being delivered by way of 4 separate planning applications. Reference to comprehensive development is found on a number of occasions elsewhere in the PS. The PS does not to my mind suggest anything other than one development broken up only because of the matter relating to the fee. This approach is continued in the appellant's appeal Statement of Case.
14. Although there are two separate accesses, the east field and west field developments would share infrastructure including a SUDs pond and LEAP. House types would be consistent throughout all four parcels of land and red lines overlap. Having consistently referred to a single, comprehensive development, it is not now suggested by the appellant that it is not in fact a comprehensive development that they propose. On the contrary, they highlight the virtues of that approach in the interests of proper planning. Each of the four sites adjoin one another and, had it not been for the matter of the planning fee, there would have been no logical reason not to submit a single application. This is substantiated by the fact that the appellant has chosen to present their overall proposal as a comprehensive development, notwithstanding that it has been submitted in four applications.
15. Appendix 3, paragraphs 19 and 49 of the POP refer to developments of over 100 dwellings in applying the relevant threshold, but paragraph 26 refers to applications. Looking at the document on a holistic basis, it would run contrary to its aims if a contribution could be avoided simply by splitting what could reasonably be considered to be a single development into smaller parts to sit under the specified threshold. I am satisfied that the use of the word 'developments' in paragraphs 19 and 49 of the POP opens up the possibility that the threshold can

be assessed on the basis of more than one planning application proposal if the circumstances support this. This means that the implications of developments being split into smaller applications is avoided. I acknowledge that the appellant has not purposely done this, but the outcome nonetheless is the same. The reference to 'developments' in the POP can, and should, encompass the scenario that is before me. For the reasons I have set out above I consider that what is proposed is one development, and therefore the 100 dwelling threshold is exceeded.

16. In conclusion, the contributions towards early years education, Primary SEND education and Secondary SEND education are required to ensure that the appeal proposals accord with Policy DM3 of the Site Allocations and Development Management Policies Development Plan Document 2016 (SADMP). I find that the contributions are compatible with regulation 122(2) of the CIL Regs as they are necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development. I therefore afford them full weight as a consideration in my determination of each of the four appeals that are before me.

Healthcare

17. In their appeal submissions and in particular in their Education and Healthcare Statement of Case, the appellant highlighted the recent construction of the Barwell Medical Centre (BMC) and the potential capacity that this facility has to take new patients that would result from the appeal proposals. Leicester, Leicestershire & Rutland Integrated Care Board (ICB) did not engage with, or even acknowledge, the existence of the new BMC until the day of the hearing, when reference was made to this facility in a written submission that was presented at the opening of the event. They did not attend the hearing and therefore it was not possible to test that evidence by questioning.
18. The appellant's evidence is that BMC has capacity for 11,000 patients. The ICB does not provide any substantiated rebuttal of this, referring instead only to the additional capacity that was provided at BMC having been absorbed already by patients new to the practice. There is no clarification of why the 11,000 figure is incorrect, what the actual capacity was at construction, what the existing floorspace of BMC is to allow cross referencing with the relevant space per patient standards, or what would be the additional floor space needed as a result of the appeal proposals. I agree with the appellant that this fails to provide a sufficient audit trail to confirm that this planning obligation is warranted.
19. I have further reservations as to the formula used by the ICB to establish the financial contribution that they consider would be required for each of the appeal schemes. The formula has an inherent weakness in that it is based on a total uplift in patients from a new development whereas some patients would be likely to already be registered with a GP and potentially even at BMC. This approach would almost certainly not result in a reasonably accurate figure of additional need being reached. This compounds the specific issues I have identified around the capacity of BMC.
20. As a whole, the evidence provided by the ICB falls considerably short of the threshold that is needed to demonstrate that the contributions they seek would be in compliance with the tests set out in regulation 122(2) of the CIL Regs. It follows

that it has not been shown that those contributions are required in order to secure accordance with Policy DM3 of the SADMP. In conclusion and for the avoidance of doubt, I find that the contributions sought towards healthcare provision are incompatible with regulation 122(2) of the CIL Regs as it has not been demonstrated that they are necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development. I therefore afford the obligations no weight as a consideration in my determination of any of the four appeals that are before me.

Other Matters

21. Concern has been raised by interested parties in a number of respects, including with regard to flooding, drainage, highway safety, traffic, parking, ecological impacts and the loss of trees and hedgerows. However, based upon the responses from the relevant consultees and upon the information available to me, there is no evidence that harm would arise with respect to these matters. Furthermore, I am satisfied that, where necessary, any additional measures required could be adequately secured by planning conditions.
22. With regard to the impact of the proposals on the character and appearance of the area, the setting of the rural village, separation between settlements and in terms of the loss of an area of green wedge, it is of relevance that there are extant permissions in place on both the east and west fields, of which I have been provided a copy of the site layout plans. I am satisfied that there would not be a materially different impact in any of these regards when compared to what has previously been permitted. I also do not consider that what is proposed would be an overdevelopment.
23. The impacts upon local infrastructure have been addressed following consultations with the relevant consultees and in my consideration of the main issue in these appeals. I do not consider that there would be any harm to the living conditions of the occupiers of existing adjacent and nearby dwellings as a result of the proposals. There is no substantive evidence to suggest that what is a residential development would result in an increase in crime, or to suggest that ground conditions mean that the development of the site would result in harm in any respect.
24. There remains a disagreement between the appellant and Highway Authority as to whether the roads proposed to serve the developments could be constructed to adoptable standards. The appellant considers that this is a matter that can be resolved outside of the planning system. Whatever is the case, the proposals and suggested conditions have made provisions that mean that the roads would be acceptable in planning terms in the event that they were not adoptable.

Planning Obligation

25. Aside from the matters relating to education and healthcare provision, the planning obligation contains further obligations which would come into effect if planning permission is granted. Although not in dispute, I have considered those obligations against the statutory tests contained in Regulation 122 of the CIL Regs. The obligations relate to the following matters:

26. Affordable housing: Policy 15 of the Core Strategy 2009 (CS) seeks a target affordable housing provision of 20%, with a tenure split of 75% social rented and 25% intermediate housing. The agreement ensures that the requirements of this policy would be met. This obligation therefore passes the statutory tests.
27. On-site equipped open space area and maintenance contribution, on site casual/informal play space provisions and maintenance contribution, off-site casual/informal play space contribution and maintenance contribution, off-site outdoor sports contribution and maintenance contribution, on-site natural green space maintenance contribution, off-site natural green space contribution and maintenance contribution: Policy 19 of the CS identifies the required standards for play and open space areas. This would be provided as a mix of on-site provision and off-site contributions, along with maintenance contributions where appropriate. Each meets with the statutory tests.
28. Bus passes contribution: A contribution of £36,685 would be made to promote transport to and from the development, in order to promote local and national planning objectives. I am satisfied that this contribution meets with the statutory tests.
29. County Council Waste Management contribution: A total contribution of £6,141.72 would be made. The POP sets out that this is required for developments of 10 or more dwellings. It is necessary to increase capacity needed as a result of the new dwellings at the nearest Household Waste Recycling Centre (HWRC) or any other HWRC directly impacted by the proposal. This contribution meets the statutory tests.
30. Library contribution: The sum of £3,593.53 would be secured towards providing improvements to Hinckley Library and its facilities to account for the additional usage. This requirement is set out in the POP. I am satisfied that this contribution meets with the statutory tests.
31. Travel pack contribution: The sum of £1,532.65 would be provided to promote sustainable transport in the area, in order to promote local and national planning objectives. This contribution meets with the statutory tests.
32. Monitoring contribution: The Planning Practice Guidance states that monitoring fees must be proportionate and reasonable and reflect the actual cost of monitoring. The sums to cover the monitoring of Hinckley and Bosworth Borough Council and LCC are proportionate and reasonable.

Conditions

33. Conditions setting out the time period to commence the development (1) and the approved plans (2) are required to provide certainty. Conditions requiring details of materials (3) and ground levels (4) are needed in the interests of visual amenity. The approval of a Landscape and Ecological Management Plan (5) is needed so that this work is carried out and thereafter maintained. An external lighting scheme (6) is needed to protect the appearance of the area and a condition requiring a Biodiversity Enhancement and Management Plan (7) is required to ensure that a biodiversity enhancement is provided in accordance with the requirements of the development plan. Details of hard and soft landscaping (8) are needed to deliver an acceptable visual appearance and to aid in delivering biodiversity gain

objectives. Details of tree protection (9) are required so that adequate protection is put in place.

34. A biodiversity specific Construction Environment Management Plan (10) and a Reasonable Avoidance Measures Method Statement (11) are needed to protect wildlife and biodiversity. Details of waste and recycling (12) should be submitted to ensure that appropriate provision is put in place and conditions relating to land contamination (13, 14 and 15) are needed to address any contamination issues. Construction Environmental Management Plans have been provided, and these adequately address all of the matters raised in the Council's suggested condition. A compliance condition (16) is therefore appropriate in that regard. Drainage conditions (17, 18 and 19) are needed to address matters relating to surface and foul water, but details have been provided of infiltration testing, and it is not necessary to require resubmission of this.
35. A construction traffic management plan (20) is needed in the interests of highway safety and conditions relating to the provision of accesses (21), crossings and footways (22), visibility splays (23 and 25), parking and turning facilities (24), private access drives (26) and the prevention of obstructions to accesses (27) are required for the same reason. Although the appellant highlighted at the hearing that cycle storage may be available within garages, it is not certain that these would be of sufficient size and that storage would be provided in every instance. It is therefore necessary and reasonable to impose a condition relating to cycle storage (28) to ensure that adequate provision is put in place to encourage sustainable modes of transport in accordance with Policy DM17 of the SADMP.
36. The appellant has suggested a rewording of the landscaping condition, to reflect the fact that landscaping details have been submitted. However, it would seem to me that those plans may be subject to some degree of amendment in order to correlate with the final proposals to deliver biodiversity net gain. The appellant's amended condition would also not address the matter of hard landscaping including boundary treatments. I have therefore used the Council's suggested wording for that condition, with some minor alterations in the interests of precision and to allow amendment of details that are shown on the approved landscaping plans if needed.
37. The proposed developments would not lead to significant biodiversity on-site net gain, with the intention to provide the gain via off-site credits. It would not therefore be proportionate to impose a condition requiring maintenance for a period of 30 years, and habitat management and monitoring could instead adequately be addressed via the Landscape and Ecological Management Plan condition.
38. The conditions imposed are the same for each appeal, with some minor variations including where they refer to plans and documents.

Conclusion

39. For the reasons given above, the appeals should be allowed.

Graham Wraight

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Simon Hawley – Planning Consultant, Harris Lamb Planning Consultancy
Lauren McCullagh – Planning Consultant, Harris Lamb Planning Consultancy
Ben Hunter – Educational Facilities Management Partnership Ltd
David Thornton-Baker – Appellant, Barwell Capitol Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Howard Leithead – Counsel, No 5 Barristers Chambers
Tim Hartley – Planning Consultant, Hinkley & Bosworth Borough Council
Peter Barron – Senior Planning Obligations Officer, Leicestershire County Council
Mark Johnson – Planning Obligations Team Manager, Leicestershire County Council

INTERESTED PARTIES:

Michelle Nash – Local resident

DOCUMENTS

Healthcare submission made by Leicestershire Integrated Care Board, provided in a form edited by Hinckley and Bosworth Borough Council

PHOTOGRAPHS

Photographs of flooding provided by Michelle Nash, circulated at the hearing

SCHEDULE OF CONDITIONS

APPEAL A : 6002755

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawings:
 - Site Location Plan – Phase A A951 14
 - Phase A – East Field Layout Pla A951 012 D
 - Internal Road Layout Plan DWG 01 D
 - Visibility Splays Plan DWG 05 D
 - Proposed Floor Plans and Elevations Type A 2243-TYPE A Rev A
 - Proposed Floor Plans and Elevations Type C 2243-TYPE C Rev A
 - Proposed Floor Plans and Elevations Type D 2243-TYPE D Rev A
 - Proposed Floor Plans and Elevations Type F 2243-TYPE F Rev B
 - Proposed Floor Plans and Elevations Type J 2243-TYPE J Rev C
 - Proposed Floor Plans and Elevations Type R-1275 2148-1275-01
 - Proposed Floor Plans and Elevations – Single Garage DRAWNBD
 - Landscaping Plan EML FE 1245 06 A
 - Planting Specification and Details EML FE 1245 07 A
 - Phase A Public Open Space Area Plan A951 028
 - Drainage Strategy 20185 020 B
- 3) No development above floor plate level shall commence until details of the materials to be used in all external elevations have been submitted to and approved in writing by the Local Planning Authority. This shall include samples of any bricks to be used. The development shall be implemented in accordance with the approved details.
- 4) No residential development shall commence until such time as the existing and proposed ground levels of the site and proposed finished floor levels have been submitted in writing to and agreed in writing by the local planning authority. The development shall then be implemented in accordance with the approved details.
- 5) A Landscape and Ecological Management Plan, including long term objectives, management responsibilities and maintenance schedules for all landscape areas, other than privately owned, domestic gardens, and that details habitat establishment and upkeep and that demonstrates how the habitat conditions that secure a biodiversity net gain both on and off-site will be achieved and maintained shall be submitted in writing to and approved in writing by the Local Planning Authority prior to the occupation of the development. The Plan shall be carried out in accordance with the approved details.

- 6) No dwelling hereby approved shall be occupied until an external lighting scheme for the site which shall include street lighting to any unadopted carriageways, has been submitted in writing 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) and demonstrate that the lighting will not cause harm to protected species or their habitats. The lighting shall thereafter be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation and shall be completed within three months of the completion of 90% of the dwellings hereby approved.
- 7) Prior to commencement of the development hereby approved a Biodiversity Enhancement and Management Plan that shall include details of the specification and installation of ecological enhancements as listed in the BWB Annex to the FPCR Ecological Position Statement dated November 2023, including bat and bird boxes, hedgehog highways, suitable refuge and hibernation site creation (log and brash piles) for amphibians and reptiles and dropped kerbs to benefit common amphibians, and a timetable for implementation, shall be submitted in writing to and agreed in writing by the Local Planning Authority. The enhancement scheme shall also provide details of on-site habitat enhancements and any off-site biodiversity credits required to provide a biodiversity net gain. The approved measures shall be installed in accordance with the approved details and timetable and shall remain in place for the lifetime of the development.
- 8) Notwithstanding the details shown on the approved plans, no dwelling hereby approved by this planning permission shall be occupied until a scheme of hard and soft landscaping works, including boundary treatments and an implementation and management scheme, for the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be in full accordance with the Landscape and Ecological Management Plan required by Condition 5 and any requirements for the provision of a Biodiversity Net Gain on the site. Thereafter the development shall be carried out in full accordance with the approved scheme and all hard and soft landscaping works shall be completed within 3 months of the completion of 90% of the dwellings. The soft landscaping shall be maintained for a minimum period of five years from the date of planting with the exception of any trees planted which shall be maintained for a minimum period of ten years from the date of planting. During these periods any trees or shrubs that die or that are damaged, removed or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted.
- 9) Prior to the commencement of development, including site works of any description, updated tree protection measures, based on the submitted BWB Arboricultural Method Statements and Tree Protection Plans which are dated April 2021, shall be submitted to and agreed in writing by the Local Planning Authority. Such tree protection measures that are approved shall be installed in accordance with the approved details and shall remain in place at all times during construction.

- 10) Prior to commencement of development hereby approved a biodiversity specific Construction Environmental Management Plan shall be submitted in writing to and agreed in writing by the Local Planning Authority. The plan shall include details on identification of potentially damaging construction activities, timing of works to avoid harm to breeding birds and bats, measures to reduce impacts on protected/priority species during construction and identification of biodiversity protection zones e.g. root protection areas for retained hedgerows and buffers around the existing pond. The plan shall detail how such controls will be monitored. The plan will provide a procedure for the investigation of complaints. The agreed details shall be implemented throughout the course of the development.
- 11) No commencement of development shall take place until a Reasonable Avoidance Measures Method Statement (RAMMS) to include protected and priority species raised as concerns within the submitted FPCR Ecological Position Statement dated November 2023 has been submitted to and agreed in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details.
- 12) No development above floor plate level shall take place until a scheme that makes adequate provision for waste and recycling storage of containers and collection across the site has been submitted in writing to and approved in writing by the Local Planning Authority. The details shall address accessibility to storage facilities and confirm adequate collection point space at the highway boundary for each dwelling. The approved scheme shall thereafter be implemented in accordance with the approved details.
- 13) 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.
- 14) 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 within the affected area.
- 15) Upon completion of any remediation works a Land Contamination Verification Report shall be submitted to the Local Planning Authority for approval in writing. The Verification Report shall be written by suitably qualified persons and shall include details of the remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show that the site has reached the required clean-up criteria shall be included in the Verification Report together with the necessary documentation detailing what waste materials have been removed from the site.

- 16) All construction activities in conjunction with the development hereby approved shall be carried out in accordance with the submitted EAST FIELD – Construction Environmental Management Plan.
- 17) No development approved by this planning permission shall take place until such time as a surface water drainage and foul sewage disposal scheme has been submitted in writing to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.
- 18) No development approved by this planning permission shall take place until such time as details in relation to the management of surface water during construction of the development has been submitted in writing to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.
- 19) 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 have been submitted in writing to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall thereafter be maintained in accordance with the approved details for the lifetime of the development.
- 20) No development shall commence 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 in writing 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.
- 21) No dwelling shall be occupied until such time as the access arrangements on to Hinckley Road shown on drawing number A951 012 D have been implemented in full.
- 22) No part of the residential development hereby approved shall be occupied until such time as details of:
 - a) an uncontrolled pedestrian crossing point over Hinckley Road; and
 - b) a 2 metre wide footway along the edge of Hinckley Road, between the main site access and tying in with the existing footway provision on the southern side of Hinckley Roadhave been submitted to and agreed in writing by the Local Planning Authority. The approved schemes shall be implemented in full prior to any dwelling with access off Hinckley Road being occupied.
- 23) No part of the residential development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 65 metres have been provided at the site access on Hinckley Road. 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.
- 24) The development hereby approved shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with

drawing number A591 012 D. Thereafter the on-site parking and turning provision shall be kept available for such uses in perpetuity.

- 25) Prior to the occupation of each dwelling pedestrian visibility splays of 1 metre by 1 metre shall be provided on the highway boundary on both sides of any access to that dwelling with nothing within those splays higher than 0.6 metres above the level of the adjacent footway / verge / highway, and, once provided, shall be so maintained for the lifetime of the development
- 26) Any dwellings that are served by private access drives (and any turning spaces) shall not be occupied until such time as dropped kerb accesses have been provided. The private access drives shall be surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained for the lifetime of the development.
- 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 to any vehicular access.
- 28) No development above floorplate level shall take place until a scheme for secure and under cover cycle parking has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the cycle parking shall be maintained and kept available for use.

APPEAL B: 6002756

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawings:
 - Site Location Plan – Phase B A951 15
 - Phase B – East Field Layout Plan A951 009 D
 - Internal Road Layout Plan DWG 01 D
 - Visibility Splays Plan DWG 05 D
 - Proposed Floor Plans and Elevations Type A 2243-TYPE A Rev A
 - Proposed Floor Plans and Elevations Type C 2243-TYPE C Rev A
 - Proposed Floor Plans and Elevations Type D 2243-TYPE D Rev A
 - Proposed Floor Plans and Elevations Type E 2243-TYPE E Rev A
 - Proposed Floor Plans and Elevations Type J 2243-TYPE J Rev C
 - Proposed Floor Plans and Elevations Type L 2243-TYPE L Rev A
 - Proposed Floor Plans and Elevations Type M 2243-TYPE M
 - Proposed Floor Plans and Elevations Type N 2243-TYPE N
 - Proposed Floor Plans and Elevations Type P 2243-TYPE P Rev A

- Proposed Floor Plans and Elevations Type R-1275 2148-1275-01
 - Proposed Floor Plans and Elevations – Single Garage DRAWNBD
 - House Type M Variations – Plots 115/116 A951 24
 - House Type M Variations – Plots 91/92 A951 23
 - House Type M Variations – Plots 89/90 A951 22
 - Landscape Plan EML FE 1245 01 A
 - Landscape Plan EML FE 1245 02 A
 - Planting Specification and Details EML FE 1245 07 A
 - Phase B Public Open Space Area Plan A951 029
 - Drainage Strategy 20185 020 B
- 3) No development above floor plate level shall commence until details of the materials to be used in all external elevations have been submitted to and approved in writing by the Local Planning Authority. This shall include samples of any bricks to be used. The development shall be implemented in accordance with the approved details.
 - 4) No residential development shall commence until such time as the existing and proposed ground levels of the site and proposed finished floor levels have been submitted in writing to and agreed in writing by the local planning authority. The development shall then be implemented in accordance with the approved details.
 - 5) A Landscape and Ecological Management Plan, including long term objectives, management responsibilities and maintenance schedules for all landscape areas, other than privately owned, domestic gardens, and that details habitat establishment and upkeep and that demonstrates how the habitat conditions that secure a biodiversity net gain both on and off-site will be achieved and maintained shall be submitted in writing to and approved in writing by the Local Planning Authority prior to the occupation of the development. The Plan shall be carried out in accordance with the approved details.
 - 6) No dwelling hereby approved shall be occupied until an external lighting scheme for the site which shall include street lighting to any unadopted carriageways, has been submitted in writing 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) and demonstrate that the lighting will not cause harm to protected species or their habitats. The lighting shall thereafter be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation and shall be completed within three months of the completion of 90% of the dwellings hereby approved.
 - 7) Prior to commencement of the development hereby approved a Biodiversity Enhancement and Management Plan that shall include details of the specification and installation of ecological enhancements as listed in the BWB Annex to the FPCR Ecological Position Statement dated November 2023, including bat and bird boxes, hedgehog highways, suitable refuge and

hibernation site creation (log and brash piles) for amphibians and reptiles and dropped kerbs to benefit common amphibians, and a timetable for implementation, shall be submitted in writing to and agreed in writing by the Local Planning Authority. The enhancement scheme shall also provide details of on-site habitat enhancements and any off-site biodiversity credits required to provide a biodiversity net gain. The approved measures shall be installed in accordance with the approved details and timetable and shall remain in place for the lifetime of the development.

- 8) Notwithstanding the details shown on the approved plans, no dwelling hereby approved by this planning permission shall be occupied until a scheme of hard and soft landscaping works, including boundary treatments and an implementation and management scheme, for the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be in full accordance with the Landscape and Ecological Management Plan required by Condition 5 and any requirements for the provision of a Biodiversity Net Gain on the site. Thereafter the development shall be carried out in full accordance with the approved scheme and all hard and soft landscaping works shall be completed within 3 months of the completion of 90% of the dwellings. The soft landscaping shall be maintained for a minimum period of five years from the date of planting with the exception of any trees planted which shall be maintained for a minimum period of ten years from the date of planting. During these periods any trees or shrubs that die or that are damaged, removed or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted.
- 9) Prior to the commencement of development, including site works of any description, updated tree protection measures, based on the submitted BWB Arboricultural Method Statements and Tree Protection Plans which are dated April 2021, shall be submitted to and agreed in writing by the Local Planning Authority. Such tree protection measures that are approved shall be installed in accordance with the approved details and shall remain in place at all times during construction.
- 10) Prior to commencement of development hereby approved a biodiversity specific Construction Environmental Management Plan shall be submitted in writing to and agreed in writing by the Local Planning Authority. The plan shall include details on identification of potentially damaging construction activities, timing of works to avoid harm to breeding birds and bats, measures to reduce impacts on protected/priority species during construction and identification of biodiversity protection zones e.g. root protection areas for retained hedgerows and buffers around the existing pond. The plan shall detail how such controls will be monitored. The plan will provide a procedure for the investigation of complaints. The agreed details shall be implemented throughout the course of the development.
- 11) No commencement of development shall take place until a Reasonable Avoidance Measures Method Statement (RAMMS) to include protected and priority species raised as concerns within the submitted FPCR Ecological Position Statement dated November 2023 has been submitted to and agreed in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details.

- 12) No development above floor plate level shall take place until a scheme that makes adequate provision for waste and recycling storage of containers and collection across the site has been submitted in writing to and approved in writing by the Local Planning Authority. The details shall address accessibility to storage facilities and confirm adequate collection point space at the highway boundary for each dwelling. The approved scheme shall thereafter be implemented in accordance with the approved details.
- 13) 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.
- 14) 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 within the affected area.
- 15) Upon completion of any remediation works a Land Contamination Verification Report shall be submitted to the Local Planning Authority for approval in writing. The Verification Report shall be written by suitably qualified persons and shall include details of the remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show that the site has reached the required clean-up criteria shall be included in the Verification Report together with the necessary documentation detailing what waste materials have been removed from the site.
- 16) All construction activities in conjunction with the development hereby approved shall be carried out in accordance with the submitted EAST FIELD – Construction Environmental Management Plan.
- 17) No development approved by this planning permission shall take place until such time as a surface water drainage and foul sewage disposal scheme has been submitted in writing to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.
- 18) No development approved by this planning permission shall take place until such time as details in relation to the management of surface water during construction of the development has been submitted in writing to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.
- 19) 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 have been submitted in

writing to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall thereafter be maintained in accordance with the approved details for the lifetime of the development.

- 20) No development shall commence 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 in writing 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.
- 21) The dwellings on Plots 117, 118 and 119 shall not be occupied until such time as the access arrangements on to Crabtree Road shown on drawing number A951 009 D have been implemented in full; and

The dwellings on Plots 89-95 shall not be occupied until such time as the access arrangements on to Powers Road shown on drawing number A951 009 D have been implemented in full; and

The dwellings on all remaining plots shall not be occupied until such time as the access arrangements on to Hinckley Road shown on drawing number A951 009 D have been implemented in full.
- 22) No part of the residential development hereby approved shall be occupied until such time as details of:
 - a) an uncontrolled pedestrian crossing point over Hinckley Road; and
 - b) a 2 metre wide footway along the edge of Hinckley Road, between the main site access and tying in with the existing footway provision on the southern side of Hinckley Roadhave been submitted to and agreed in writing by the Local Planning Authority. The approved schemes shall be implemented in full prior to any dwelling with access off Hinckley Road being occupied.
- 23) No part of the residential development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 65 metres have been provided at the site access on Hinckley Road. 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.
- 24) The development hereby approved shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with drawing number A591 009 D. Thereafter the on-site parking and turning provision shall be kept available for such uses in perpetuity.
- 25) Prior to the occupation of each dwelling pedestrian visibility splays of 1 metre by 1 metre shall be provided on the highway boundary on both sides of any access to that dwelling with nothing within those splays higher than 0.6 metres above the level of the adjacent footway / verge / highway, and, once provided, shall be so maintained for the lifetime of the development.
- 26) Any dwellings that are served by private access drives (and any turning spaces) shall not be occupied until such time as dropped kerb accesses have been provided. The private access drives shall be surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least

5 metres behind the highway boundary and, once provided, shall be so maintained for the lifetime of the development.

- 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 to any vehicular access.
- 28) No development above floorplate level shall take place until a scheme for secure and under cover cycle parking has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the cycle parking shall be maintained and kept available for use.

APPEAL C: 6002757

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawings:
 - Site Location Plan – Phase C A951 16
 - Phase C West Field Layout Plan A951 011 D
 - Internal Road Layout Plan DWG 01 D
 - Visibility Splays Plan DWG 05 D
 - Proposed Floor Plans and Elevations Type A 2243-TYPE A Rev A
 - Proposed Floor Plans and Elevations Type L 2243-TYPE L Rev A
 - Proposed Floor Plans and Elevations Type J 2243-TYPE J Rev C
 - Proposed Floor Plans and Elevations – Single Garage DRAWNBD
 - Landscaping Plan EML FE 1245 05 A
 - Planting Specification and Details EML FE 1245 07 A
 - Phase C Public Open Space Area Plan A951 030
 - Drainage Strategy 20185 020 B
- 3) No development above floor plate level shall commence until details of the materials to be used in all external elevations have been submitted to and approved in writing by the Local Planning Authority. This shall include samples of any bricks to be used. The development shall be implemented in accordance with the approved details.
- 4) No residential development shall commence until such time as the existing and proposed ground levels of the site and proposed finished floor levels have been submitted in writing to and agreed in writing by the local planning authority. The development shall then be implemented in accordance with the approved details.
- 5) A Landscape and Ecological Management Plan, including long term objectives, management responsibilities and maintenance schedules for all

landscape areas, other than privately owned, domestic gardens, and that details habitat establishment and upkeep and that demonstrates how the habitat conditions that secure a biodiversity net gain both on and off-site will be achieved and maintained shall be submitted in writing to and approved in writing by the Local Planning Authority prior to the occupation of the development. The Plan shall be carried out in accordance with the approved details.

- 6) No dwelling hereby approved shall be occupied until an external lighting scheme for the site which shall include street lighting to any unadopted carriageways, has been submitted in writing 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) and demonstrate that the lighting will not cause harm to protected species or their habitats. The lighting shall thereafter be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation and shall be completed within three months of the completion of 90% of the dwellings hereby approved.
- 7) Prior to commencement of the development hereby approved a Biodiversity Enhancement and Management Plan that shall include details of the specification and installation of ecological enhancements as listed in the BWB Annex to the FPCR Ecological Position Statement dated December 2023, including bat and bird boxes, hedgehog highways, suitable refuge and hibernation site creation (log and brash piles) for amphibians and reptiles and dropped kerbs to benefit common amphibians, and a timetable for implementation, shall be submitted in writing to and agreed in writing by the Local Planning Authority. The enhancement scheme shall also provide details of on-site habitat enhancements and any off-site biodiversity credits required to provide a biodiversity net gain. The approved measures shall be installed in accordance with the approved details and timetable and shall remain in place for the lifetime of the development.
- 8) Notwithstanding the details shown on the approved plans, no dwelling hereby approved by this planning permission shall be occupied until a scheme of hard and soft landscaping works, including boundary treatments and an implementation and management scheme, for the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be in full accordance with the Landscape and Ecological Management Plan required by Condition 5 and any requirements for the provision of a Biodiversity Net Gain on the site. Thereafter the development shall be carried out in full accordance with the approved scheme and all hard and soft landscaping works shall be completed within 3 months of the completion of 90% of the dwellings. The soft landscaping shall be maintained for a minimum period of five years from the date of planting with the exception of any trees planted which shall be maintained for a minimum period of ten years from the date of planting. During these periods any trees or shrubs that die or that are damaged, removed or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted.
- 9) Prior to the commencement of development, including site works of any description, updated tree protection measures, based on the submitted BWB

Arboricultural Method Statements and Tree Protection Plans which are dated August 2023, shall be submitted to and agreed in writing by the Local Planning Authority. Such tree protection measures that are approved shall be installed in accordance with the approved details and shall remain in place at all times during construction.

- 10) Prior to commencement of development hereby approved a biodiversity specific Construction Environmental Management Plan shall be submitted in writing to and agreed in writing by the Local Planning Authority. The plan shall include details on identification of potentially damaging construction activities, timing of works to avoid harm to breeding birds and bats, measures to reduce impacts on protected/priority species during construction and identification of biodiversity protection zones e.g. root protection areas for retained hedgerows and buffers around the existing pond. The plan shall detail how such controls will be monitored. The plan will provide a procedure for the investigation of complaints. The agreed details shall be implemented throughout the course of the development.
- 11) No commencement of development shall take place until a Reasonable Avoidance Measures Method Statement (RAMMS) to include protected and priority species raised as concerns within the submitted FPCR Ecological Position Statement dated December 2023 has been submitted to and agreed in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details.
- 12) No development above floor plate level shall take place until a scheme that makes adequate provision for waste and recycling storage of containers and collection across the site has been submitted in writing to and approved in writing by the Local Planning Authority. The details shall address accessibility to storage facilities and confirm adequate collection point space at the highway boundary for each dwelling. The approved scheme shall thereafter be implemented in accordance with the approved details.
- 13) 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.
- 14) 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 within the affected area.
- 15) Upon completion of any remediation works a Land Contamination Verification Report shall be submitted to the Local Planning Authority for approval in writing. The Verification Report shall be written by suitably qualified persons and shall include details of the remediation works and quality assurance certificates to show that the works have been carried out in full accordance

with the approved methodology. Details of any post-remedial sampling and analysis to show that the site has reached the required clean-up criteria shall be included in the Verification Report together with the necessary documentation detailing what waste materials have been removed from the site.

- 16) All construction activities in conjunction with the development hereby approved shall be carried out in accordance with the submitted WEST FIELD – Construction Environmental Management Plan.
- 17) No development approved by this planning permission shall take place until such time as a surface water drainage and foul sewage disposal scheme has been submitted in writing to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.
- 18) No development approved by this planning permission shall take place until such time as details in relation to the management of surface water during construction of the development has been submitted in writing to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.
- 19) 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 have been submitted in writing to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall thereafter be maintained in accordance with the approved details for the lifetime of the development.
- 20) No development shall commence 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 in writing 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.
- 21) No part of the development hereby permitted shall be occupied until such time as the access arrangements on to Hinckley Road shown on drawing number A951 011 D have been implemented in full.
- 22) No part of the residential development hereby approved shall be occupied until such time as details of:
 - a) an uncontrolled pedestrian crossing point over Hinckley Road; and
 - b) a 2 metre wide footway along the edge of Hinckley Road, between the main site access and tying in with the existing footway provision on the southern side of Hinckley Roadhave been submitted to and agreed in writing by the Local Planning Authority. The approved schemes shall be implemented in full prior to any dwelling with access off Hinckley Road being occupied.
- 23) No part of the residential development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 65 metres have been provided at the site access on Hinckley Road. 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.
- 24) The development hereby approved shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with drawing number A591 011 D. Thereafter the on-site parking and turning provision shall be kept available for such uses in perpetuity.
 - 25) Prior to the occupation of each dwelling pedestrian visibility splays of 1 metre by 1 metre shall be provided on the highway boundary on both sides of any access to that dwelling with nothing within those splays higher than 0.6 metres above the level of the adjacent footway / verge / highway, and, once provided, shall be so maintained for the lifetime of the development.
 - 26) Any dwellings that are served by private access drives (and any turning spaces) shall not be occupied until such time as dropped kerb accesses have been provided. The private access drives shall be surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained for the lifetime of the development.
 - 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 to any vehicular access.
 - 28) No development above floorplate level shall take place until a scheme for secure and under cover cycle parking has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the cycle parking shall be maintained and kept available for use.

APPEAL D: 6002758

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawings:
 - Site Location Plan – Phase D A951 17
 - Phase D West Field Layout Plan A951 010 D
 - Internal Road Layout Plan DWG 01 D
 - Visibility Splays Plan DWG 05 D
 - Proposed Floor Plans and Elevations Type A 2243-TYPE A Rev A
 - Proposed Floor Plans and Elevations Type C 2243-TYPE C Rev A
 - Proposed Floor Plans and Elevations Type D 2243-TYPE D Rev A
 - Proposed Floor Plans and Elevations Type D1 Plot A951 25
 - Proposed Floor Plans and Elevations Type F 2243-TYPE F Rev B
 - Proposed Floor Plans and Elevations Type J 2243-TYPE J Rev C

- Proposed Floor Plans and Elevations Type L 2243-TYPE L Rev A
 - Proposed Floor Plans and Elevations Type L1 2243-TYPE L1 Rev B
 - Proposed Floor Plans and Elevations Type M 2243-TYPE M
 - Proposed Floor Plans and Elevations Type M Variations A951 21 Plots 33-36
 - Proposed Floor Plans and Elevations Type N 2243-TYPE N
 - Proposed Floor Plans and Elevations Type R-1275 2148-1275-01
 - Proposed Floor Plans and Elevations Type 1924 2148-36-1924
 - Proposed Floor Plans and Elevations – Single Garage DRAWNBD
 - Proposed Floor Plans and Elevations – Double Garage DRAWNBD
 - Landscaping Plan EML FE 1245 03 A
 - Landscaping Plan EML FE 1245 04 A
 - Planting Specification and Details EML FE 1245 07 A
 - Phase D Public Open Space Area Plan A951 031
 - Phase D Public Open Space and Landscape Buffer Plan A951 032
 - Drainage Strategy 20185 020 B
- 3) No development above floor plate level shall commence until details of the materials to be used in all external elevations have been submitted to and approved in writing by the Local Planning Authority. This shall include samples of any bricks to be used. The development shall be implemented in accordance with the approved details.
 - 4) No residential development shall commence until such time as the existing and proposed ground levels of the site and proposed finished floor levels have been submitted in writing to and agreed in writing by the local planning authority. The development shall then be implemented in accordance with the approved details.
 - 5) A Landscape and Ecological Management Plan, including long term objectives, management responsibilities and maintenance schedules for all landscape areas, other than privately owned, domestic gardens, and that details habitat establishment and upkeep and that demonstrates how the habitat conditions that secure a biodiversity net gain both on and off-site will be achieved and maintained shall be submitted in writing to and approved in writing by the Local Planning Authority prior to the occupation of the development. The Plan shall be carried out in accordance with the approved details.
 - 6) No dwelling hereby approved shall be occupied until an external lighting scheme for the site which shall include street lighting to any unadopted carriageways, has been submitted in writing 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) and demonstrate that the lighting will not cause harm to protected species or their habitats. The lighting shall thereafter be installed, maintained and operated in

accordance with the approved details unless the Local Planning Authority gives its written consent to the variation and shall be completed within three months of the completion of 90% of the dwellings hereby approved.

- 7) Prior to commencement of the development hereby approved a Biodiversity Enhancement and Management Plan that shall include details of the specification and installation of ecological enhancements as listed in the BWB Annex to the FPCR Ecological Position Statement dated December 2023, including bat and bird boxes, hedgehog highways, suitable refuge and hibernation site creation (log and brash piles) for amphibians and reptiles and dropped kerbs to benefit common amphibians, and a timetable for implementation, shall be submitted in writing to and agreed in writing by the Local Planning Authority. The enhancement scheme shall also provide details of on-site habitat enhancements and any off-site biodiversity credits required to provide a biodiversity net gain. The approved measures shall be installed in accordance with the approved details and timetable and shall remain in place for the lifetime of the development.
- 8) Notwithstanding the details shown on the approved plans, no dwelling hereby approved by this planning permission shall be occupied until a scheme of hard and soft landscaping works, including boundary treatments and an implementation and management scheme, for the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be in full accordance with the Landscape and Ecological Management Plan required by Condition 5 and any requirements for the provision of a Biodiversity Net Gain on the site. Thereafter the development shall be carried out in full accordance with the approved scheme and all hard and soft landscaping works shall be completed within 3 months of the completion of 90% of the dwellings. The soft landscaping shall be maintained for a minimum period of five years from the date of planting with the exception of any trees planted which shall be maintained for a minimum period of ten years from the date of planting. During these periods any trees or shrubs that die or that are damaged, removed or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted.
- 9) Prior to the commencement of development, including site works of any description, updated tree protection measures, based on the submitted BWB Arboricultural Method Statements and Tree Protection Plans which are dated August 2023, shall be submitted to and agreed in writing by the Local Planning Authority. Such tree protection measures that are approved shall be installed in accordance with the approved details and shall remain in place at all times during construction.
- 10) Prior to commencement of development hereby approved a biodiversity specific Construction Environmental Management Plan shall be submitted in writing to and agreed in writing by the Local Planning Authority. The plan shall include details on identification of potentially damaging construction activities, timing of works to avoid harm to breeding birds and bats, measures to reduce impacts on protected/priority species during construction and identification of biodiversity protection zones e.g. root protection areas for retained hedgerows and buffers around the existing pond. The plan shall detail how such controls will be monitored. The plan will provide a procedure

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

- 11) No commencement of development shall take place until a Reasonable Avoidance Measures Method Statement (RAMMS) to include protected and priority species raised as concerns within the submitted FPCR Ecological Position Statement dated December 2023 has been submitted to and agreed in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details.
- 12) No development above floor plate level shall take place until a scheme that makes adequate provision for waste and recycling storage of containers and collection across the site has been submitted in writing to and approved in writing by the Local Planning Authority. The details shall address accessibility to storage facilities and confirm adequate collection point space at the highway boundary for each dwelling. The approved scheme shall thereafter be implemented in accordance with the approved details.
- 13) 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.
- 14) 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 within the affected area.
- 15) Upon completion of any remediation works a Land Contamination Verification Report shall be submitted to the Local Planning Authority for approval in writing. The Verification Report shall be written by suitably qualified persons and shall include details of the remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show that the site has reached the required clean-up criteria shall be included in the Verification Report together with the necessary documentation detailing what waste materials have been removed from the site.
- 16) All construction activities in conjunction with the development hereby approved shall be carried out in accordance with the submitted WEST FIELD – Construction Environmental Management Plan.
- 17) No development approved by this planning permission shall take place until such time as a surface water drainage and foul sewage disposal scheme has been submitted in writing to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

- 18) No development approved by this planning permission shall take place until such time as details in relation to the management of surface water during construction of the development has been submitted in writing to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.
- 19) 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 have been submitted in writing to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall thereafter be maintained in accordance with the approved details for the lifetime of the development.
- 20) No development shall commence 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 in writing 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.
- 21) No part of the development hereby permitted shall be occupied until such time as the access arrangements on to Hinckley Road shown on drawing number A951 010 D have been implemented in full.
- 22) No part of the residential development hereby approved shall be occupied until such time as details of:
 - a) an uncontrolled pedestrian crossing point over Hinckley Road; and
 - b) a 2 metre wide footway along the edge of Hinckley Road, between the main site access and tying in with the existing footway provision on the southern side of Hinckley Roadhave been submitted to and agreed in writing by the Local Planning Authority. The approved schemes shall be implemented in full prior to any dwelling with access off Hinckley Road being occupied.
- 23) No part of the residential development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 65 metres have been provided at the site access on Hinckley Road. 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.
- 24) The development hereby approved shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with drawing number A591 010 D. Thereafter the on-site parking and turning provision shall be kept available for such uses in perpetuity.
- 25) Prior to the occupation of each dwelling pedestrian visibility splays of 1 metre by 1 metre shall be provided on the highway boundary on both sides of any access to that dwelling with nothing within those splays higher than 0.6 metres above the level of the adjacent footway / verge / highway, and, once provided, shall be so maintained for the lifetime of the development.
- 26) Any dwellings that are served by private access drives (and any turning spaces) shall not be occupied until such time as dropped kerb accesses have

been provided. The private access drives shall be surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained for the lifetime of the development.

- 1) 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 to any vehicular access.
- 2) No development above floorplate level shall take place until a scheme for secure and under cover cycle parking has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the cycle parking shall be maintained and kept available for use.

-----End of Conditions-----

Richborough