
Appeal Decision

Inquiry Held on 25 - 28 January and 1 February 2022

Site visit made on 11 and 31 January 2022

by H Baugh-Jones BA(Hons) DipLA MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 12th May 2022

Appeal Ref: APP/K2420/W/21/3285060

Land of Beech Drive, Thornton

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Barwood Homes and JH Hallam and Son Ltd against the decision of Hinckley & Bosworth Borough Council.
 - The application Ref 20/00511/FUL, dated 22 May 2020, was refused by notice dated 22 July 2021.
 - The development proposed is residential development of 49 dwellings with associated infrastructure, access and areas of open space.
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Decision

1. The appeal is allowed and planning permission is granted for residential development of 49 dwellings with associated infrastructure, access and areas of open space at Land off Beech Drive, Thornton in accordance with the terms of the application, Ref 20/00511/FUL, dated 22 May 2020, subject to the conditions set out in the Schedule to this decision.

Preliminary Matters

2. During the course of the Inquiry, the appellant submitted a Unilateral Undertaking (UU) under s106 of the Town and Country Planning Act 1990. The UU makes provision for on-site affordable housing and open space; a financial contribution to open space off-site; travel packs; a bus pass financial contribution and other financial contributions related to education provision, civic amenity, libraries, healthcare and biodiversity. I return to this later on in my decision.

Main Issues

3. Having heard all of the evidence, the main issues are:
 - the effect of the proposal on the character and appearance of the area
 - its effect on highway safety

Reasons

Planning policy and background

4. Policy DM4 of the Site Allocations and Development Management Plan Policies DPD (2016) (the SADMP) seeks to safeguard the countryside and settlement separation. It sets out that development in the countryside will be considered

sustainable where it would meet criteria (a) to (e) and comply with the provisions (i) to (v) listed under criterion (e). A proposal for market and affordable housing within the open countryside does not fall within any of the criteria of policy DM4. Consequently, on a straightforward reading of the policy, the proposal would conflict with it.

5. The appellant has nonetheless argued that the Council has taken a flexible approach to its application of the policy to allow schemes on greenfield land in the context of the absence of a five-year housing land supply (5 year HLS). From the evidence before me, I am satisfied that this is the case and the Council agreed that housing has needed to be delivered outside settlement boundaries on greenfield land¹. That does not however, mean a development free-for-all and it remains necessary to determine each application and appeal on a case-by-case basis.
6. I acknowledge that development on sites outside settlement boundaries and thus, in the countryside would take place on sites that have come forward through the local plan process. I also note that Thornton is shown to be downgraded in the settlement hierarchy from a Key Rural Centre – its current category in the Core Strategy (2009) (the CS). However, the adoption of the emerging Local Plan (eLP) is some way off and there are unresolved objections to it. Consequently, the provisions of the eLP relevant to the appeal carry only limited weight. This includes the draft allocation nearby (As33). Moreover, the Council is proposing to provide 91 homes at Thornton so thereby envisages growth for the village.
7. Similarly, the Bagworth, Thornton and Stanton-under-Bardon Neighbourhood Plan (the NP) is at a very early stage and therefore carries no more than limited weight². There are also unresolved objections to it. In its current form, the NP does not propose any site allocations as that task is being left to the eLP. Consequently, the NP does not make decisions about the scale, location or phasing of housing development. Neither does it seek to apply a form of protection the appeal site through allocating it as local green space or anything of that nature. There are no provisions within the NP that clearly point towards a conflict between it and the appeal proposal.

Character and appearance

8. The appeal site comprises a roughly rectangular parcel of sloping land on the edge of the settlement. An area of developing woodland runs across the site, beyond which, the proposal would provide public open space. The remainder of the site would be built upon with development adjoining the settlement's boundaries save for the Public Right of Way (PRoW) which runs along the edge of the built-up area, contiguous with the north-easternmost edge of the appeal site and which would be retained along its existing route.
9. Thornton is one of three settlements that fall within the Charnwood Fringe Landscape Character Area (the LCA)³. One of its key characteristics is its broadly linear form arranged along a prominent ridgeline. This characteristic is particularly notable in the available views towards the village from the north-east but less so on its other side because of relatively recent developments

¹ Mr Carter in cross examination

² Accepted by Councillor George for the Parish Council in cross examination

³ As identified in the Council's Landscape Character Assessment (Core Document 8.4)

that have extended down the slope. The landscape strategy for Charnwood Fringe requires new development to complement the existing settlement pattern. However, the settlement pattern now includes the residential developments in St Peters Drive/Oakwood Close and Hawthorne Drive/Beech Drive that have very notably extended down from the top of the ridge. Whilst the settlement's ridgeline character has been diluted on its south-western side by these other developments, this is not to the extent that that character cannot still be appreciated as such.

10. Both the appellant and the Council have provided landscape visual evidence. However, in contrast to the appellant's evidence, the Council has not provided a clear methodology for its assessment and has utilised zoomed photographs as part of a visual assessment, which do not give a realistic picture of how the proposed development would be experienced. In terms of landscape effects, I have noted the presence of ridge and furrow around the settlement but did not see any clear indication of this feature on the appeal site itself. That is not to say it never existed there but rather if it did, it has been degraded to the point that it has all but disappeared. I therefore find the appellant's landscape and visual evidence more compelling in assessing the appeal scheme's impacts both in landscape and visual terms.
11. Bagworth Heath Woods, on the other side of the valley, is currently undergoing significant maintenance including felling in some areas. Nevertheless, there are still sufficiently broad tree belts to prevent any clear, prolonged views towards the settlement from locations within the woods. Moreover, whilst I acknowledge the high proportion of Ash within the tree belt on the appeal site which may be susceptible to Ash Dieback, with appropriate management, I am satisfied that the woodland would endure over the long term. It would eventually provide very effective screening of the development from most publicly accessible areas to the south-west.
12. The proposed development would be seen from public rights of way and other publicly accessible land to the south and west of Thornton. However, in a substantial number of the available views, it would be mostly screened by existing vegetation. The most significant views towards the site are from the PRow within it, the one that runs south-west from Merrylees Road and the one that joins that path from about halfway along the south-western settlement edge.
13. From the PRow within the site, there are open views across the site and the valley in which it sits to the wider landscape beyond. Clearly, it is beyond doubt that the experience of using this footpath would change as a result of the proposed development. From the other PRow's with more open views towards the site, the proposed development would result in a noticeable change. It would add a further breach of the ridgeline down the slope. Nevertheless, the extent of built form would be akin to that in the Hawthorne Drive/Beech Drive development and the belt of woodland across the site would provide a natural and robust edge. It would not extend all the way down the slope. Even in combination with the aforementioned other residential developments, the effect of the proposal would not be so profound as to unacceptably detract from the appreciation of Thornton as a ridgeline settlement.
14. Notwithstanding that, the likely focus of those using these recreational routes would be on the enjoyment of the countryside. That is not to say they wouldn't

notice the proposed development but in the context of other development extending down the valley side, it would not stand out as a dominant feature in the local landscape. It would have an unacceptably diminishing effect on the experience of those using the PRow network around Thornton. Furthermore, some of these paths form part of the Leicestershire Round which is a long-distance route of around 102 miles. The effects of the proposed development would have only a very minor effect on the overall experience of those using the Leicestershire Round for longer walks.

15. The proposal would still result in harm to the character and appearance of the area although the level of that harm would be moderate. Taking this together with the site's location outside the settlement boundary, the proposal conflicts with policy DM4.

Highway safety

16. The Council agrees that the appeal proposal is acceptable in highways terms. Moreover, the Local Highways Authority agrees. However, dispute remains between the Parish Council and the appellant. The views of the Parish Council reflect those of a number of local residents.
17. The main route into and out of Thornton (Main Street) is a predominantly residential street and this has led to a substantial amount of on-street parking. In turn, this acts to keep traffic speeds relatively low through the creation of 'chicanes'. I was able to observe traffic flows along Main Street including around its junction with Hawthorne Drive at various times throughout the day including the afternoon school pick-up. The school is near to this junction, and it was notable, albeit unsurprising, that traffic increased around this area and a little further along Main Street during this period. However, this is an existing situation, and my considerations are limited to whether the proposed development would make it worse and thus result in an unacceptable impact.
18. The appellant carried out a traffic survey which shows that there would be one additional vehicle resulting from the proposed development every 3.5 minutes during the busiest times. That specific evidence was not challenged. It was, however, argued that the traffic count was flawed because it was undertaken during the pandemic when traffic volumes were substantially lower. However, the evidence is clear that the traffic count was carried out prior to the pandemic lockdown and in any case is closely aligned with the Parish Council's own traffic counts. I am therefore satisfied the appellant's traffic count is robust and provides a clear picture of the situation in Thornton.
19. Although traffic volumes are notably greater at peak times, including school pick-ups, it dissipates relatively swiftly. I did not observe any drivers having difficulty negotiating Main Street during these busier times and neither did I on the occasions I drove through the settlement. Nevertheless, my attention has been drawn to an accident that occurred in Main Street in July 2020. Whilst there appears to be no formal record of it, I do not doubt that it took place. However, there is no clear evidence that it resulted from anything other than human error. In any case, there have been no other recorded accidents within 500 metres of the Main Street/Hawthorne Drive junction.
20. Visibility splays could be provided, which could be secured by condition. However, there would still be some deficiency in this regard and drivers emerging from Hawthorne Drive would need to edge out onto Main Street as

they would not be able to readily see approaching vehicles, particularly given the amount of on-street parking in Main Street. A traffic calming scheme has been suggested and agreed and which could also be secured by condition. I am satisfied that with this in place, it would satisfactorily mitigate the impacts of the proposed development.

21. Paragraph 111 of the National Planning Policy Framework (the Framework) is clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. That is not the case in this appeal and thereby, the proposal would accord with SADMP policy DM17, which seeks amongst other things to avoid significant adverse highway impacts. It would also accord with the Framework.

Planning Obligations

22. The UU provides for the provision of on-site affordable housing and open space; a financial contribution to open space off-site; travel packs; a bus pass financial contribution and other financial contributions related to education provision, civic amenity, libraries and healthcare. I have considered these in light of the Framework and Planning Practice Guidance (PPG). Having regard to the evidence before me, I am satisfied that these contributions are sufficiently justified, meet the relevant tests in national policy and accord with Regulation 122 of the Community Infrastructure Levy Regulations 2010.
23. The UU also provides for a biodiversity off-setting contribution. At the inquiry, there was some doubt cast by the Council as to whether it could be delivered on a site owned by another authority (in this case, Leicestershire County Council) in terms of the legal mechanism for ensuring the contribution was spent appropriately on the identified site. The UU sets out that the owner covenants to pay the contribution to the County Council before commencing any development. Moreover, it requires a commitment from the County Council to spend the funds on ecological improvements at Market Bosworth Country Park. Overall, I am satisfied that the money would be spent where it is anticipated to be and that there has been collaboration between the appellant and the County Council to give comfort that the biodiversity off-setting scheme will be delivered.
24. The planning obligations 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. Consequently, the UU meets the tests set out in paragraph 57 of the Framework. I have taken account of the planning obligations in reaching my decision.

Other Matters

25. The Parish Council argues that the proposed development would put undue pressure on existing services and facilities. However, I am satisfied that these matters are adequately addressed by planning obligations.
26. The matter of overlooking has been raised by an interested party. I acknowledge that there would be a number of dwellings within the proposed development backing onto existing ones in Main Street. This is likely to result in a degree of overlooking from first floor windows. However, this is an inevitable consequence of change and I have found there to be good reasons to

allow the appeal. In any case, the distance between the new and existing dwellings would maintain acceptable living conditions for existing and future occupiers.

27. The matter of vehicle movements associated with earthworks as part of the development has also been raised. In response, the appellant has produced an earthworks strategy which tells me that there would be 2,328 lorry movements to remove material. I have no reason to doubt it's accuracy. As the appellant would seek to minimise the amount of material that would need to be removed from the site, this figure represents a worst-case scenario. Notwithstanding this, I am satisfied that with the imposition of a suitably worded condition, there would be sufficient enforceable controls in place to prevent harmful effects arising on the local community.

Planning balance

28. It is agreed that the policies most important for determining the appeal are out-of-date. In such circumstances, paragraph 11d) of the Framework says that this means granting permission unless the application of policies in the Framework that protect assets of particular importance provides a clear reason for refusing the proposed development; or that 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. That does not mean those policies cannot be attributed weight and the weight that may be given depends on their consistency with national policy.
29. My attention has been drawn to a number of other appeal decisions within the borough where the reasons for refusal included reference to policy DM4. Although I am not bound by them, I have had regard to the conclusion of the Inspectors in those appeals. The emphasis of policy DM4 is to protect the countryside from unsustainable development. It therefore broadly chimes with the objectives of the Framework and can be given significant weight. Nevertheless, I have found only moderate harm to the character and appearance of the area and therefore apportion only moderate weight to the conflict with policy DM4.
30. The Council's HLS is agreed between the parties as 4.45 years although the appellant points to a further downturn in that position as a result of the Housing Delivery Test results. I note the proposed Sustainable Urban Extensions (SUEs) at Barwell and Earl Shilton, as set out in the eLP. These are projected to deliver 2500 and 1600 homes respectively. However, whilst some of these may come forward early on in the plan period, the Council acknowledges that they may not all do so before the end of that period in 2039.
31. The SUEs were originally set out in the CS trajectory albeit with different housing numbers for each compared to the eLP. A total of 4120 homes were outlined to be delivered on those two sites over the CS plan period with delivery to start in 2012. Some nine years later, none have been delivered. I note that the Council does not include the SUEs in its HLS calculations. These schemes are therefore very unlikely to make a material dent in the Council's housing shortfall in the short-term.
32. Even on the best-case scenario, it is clear that there is a pressing need for housing in the borough. The provision of 49 dwellings would make a very

significant and important contribution to this. Furthermore, the inclusion of 20 affordable homes within that number is also a benefit of similar importance, taking into account the number of households on the Council's housing register and that delivery of this type of housing has not kept up with need. These social benefits each attract very significant weight.

33. In economic terms, the proposal would provide job opportunities during its construction although these would be temporary. However, this in combination with the residual benefits to the local economy arising from an increase in Thornton's population, leads me to give significant weight to the proposal's overall economic benefits.
34. The proposal provides for additional planting and management of the woodland on the site. This would result in some biodiversity benefits although they must be set against the loss of an area of greenfield agricultural land and overall, there would be a biodiversity unit net loss. Given my findings in relation to the UU's provisions in this regard, I am satisfied that the loss could be off-set and indeed provide a net gain of around 10%. The area of open space would be modest in the context of the size of the settlement and would not be directly connected to the PRoW network. Thus, the open space would serve only the proposed development and those living nearby in Hawthorne Drive/Beech Drive. Taking all of this into account, I give limited weight to the proposal's environmental benefits.
35. In addition, I have found there to be a need for traffic calming. Whilst this is aimed at mitigating the effects of the proposed development it would also be of wider benefit within the village to which I give significant weight.
36. Whilst there would be harm to the area's character and appearance, it would not be serious harm. There would be no residual harm to highway safety and indeed it would be improved by new traffic calming measures. There is a need for housing and the proposal would support this and provide a number of benefits that are sufficient to overcome the identified adverse impacts when assessed against the Framework policies as a whole. Whilst I am mindful of my duties under s38(6) of the Town and Country Planning Act 1990, it is appropriate in this case, to take a decision other than in accordance with the development plan.

Conditions

37. I have specified the approved plans in the interests of certainty. Conditions relating to levels, landscaping and tree retention are necessary in order to ensure the satisfactory appearance of the development and protect existing landscape features. It is necessary to impose a condition relating to communications infrastructure in order to ensure that future occupiers are sufficiently served by it. Conditions related to drainage and the treatment of suspended solids are necessary to prevent flooding and pollution.
38. In the interests of residential amenity, I have imposed conditions relating to times when no works can take place and a Construction and Environmental management Plan and Method Statement. A condition is imposed in order to minimise waste and encourage recycling. A condition relating to archaeology is necessary in the interests of recording the historic environment. Conditions related to biodiversity are necessary in the interests of safeguarding and enhancing the ecological environment. I have imposed conditions related to

access, visibility and traffic calming in the interests of driver and pedestrian safety. A condition related to the Public Right of Way is necessary in order to ensure it continues to provide a suitable route.

Conclusion

39. For the above reasons, the appeal succeeds.

H Baugh-Jones

Inspector

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

In Ponter of Counsel

Kings Chambers. Instructed by
Hinckley and Bosworth Borough
Council

He called

Jeremy Trill BA(Hons) BTP Pg DipLA MA MRTPI

Charnwood Borough Council on
behalf of Hinckley and
Bosworth Borough Council

David Carter BSc MSc MRTPI

Tyler Parkes

David Roberts IEng FIHE FCIHT

SCP

Mr Roberts took part in the Highways round table session only

FOR THE APPELLANT:

Thea Osmund-Smith of Counsel

No.5 Chambers. Instructed by
Barwood Homes and JH Hallam
and Son Ltd

She called

Will Gardner BSc(Hons) MSc CMLI PIEMA

EDP

Andrew Gore BA(Hons) BSc MRTPI

Marrons Planning

David Cummins BEng(Hons) MSc CEng MCIHT
MCILT

ADC Infrastructure

Mr Cummins took part in the Highways round table session only

FOR BAGWORTH AND THORNTON PARISH COUNCIL:

Councillor Russell George

Chairman of Bagworth and
Thornton Parish Council

He called

Himself

INTERESTED PARTIES:

Councillor Furlong

Member of Hinckley and Bosworth Borough
Council

Barry White	Local resident
Councillor Boothby	Member of Hinckley and Bosworth Borough Council
Councillor Whittingham	Member of Bagworth and Thornton Parish Council
Mrs Fox	Local resident
Councillor Harris	Member of Bagworth and Thornton Parish Council
Maria Houghton	Local resident
Mrs Whittingham	Local resident

DOCUMENTS SUBMITTED AT THE INQUIRY

ID 01 Hinckley and Bosworth Draft (Regulation 19) Plan

ID 02 Bagworth, Thornton and Stanton-under-Bardon Neighbourhood Plan, Feb 2020

ID 03 Appellant's Opening Statement

ID 04 Local planning authority's Opening Statement

ID 05 Parish Council's Opening Statement

ID 06 Appellant's Earthworks Strategy in response to Mr Maycock's evidence

ID 07 Statement from Councillor Bedford

ID 08 Accident Statement from Mrs Whittingham

ID 09 Biodiversity Off-Setting Technical Note

ID 10 Suggested traffic calming conditions

ID 11 Biodiversity condition note

ID 12 Updated Accident Statement from Mrs Whittingham

ID 13 Housing Delivery Test Note

ID 14 Proposed site visit route

ID 15 Appellant's response to Mrs Whittingham's Accident Statement

ID 16 LPA closing statement

ID 17 R6 closing statement

ID 18 Appellant closing statement

DOCUMENTS SUBMITTED AFTER THE INQUIRY

IDa01 Signed Planning Obligation

CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Dwg No. 3520 - 01A - Site Location Plan
 - Dwg No. 3520 - 02D - Materials Plan
 - Dwg No. 3520 - 03D - Boundaries & Hard Landscaping Plan
 - Dwg No. 3520 - 04B - Parking Layout
 - Dwg No. 3520 - 05A - Soft Landscaping Plan
 - Dwg No. 3520 - 06AA Proposed Site Plan
 - Dwg No. 3520 - 10A - Tatton
 - Dwg No. 3520 - 11A - Lyme + (Render)
 - Dwg No. 3520 - 12A - Lyme +
 - Dwg No. 3520 - 14A - Sudeley V
 - Dwg No. 3520 - 15A - Sutton +
 - Dwg No. 3520 - 16 - M2
 - Dwg No. 3520 - 17A - HQI 3-1
 - Dwg No. 3520 - 18A - HQI 2-1
 - Dwg No. 3520 - 19 - HQI 2-1 (Render)
 - Dwg No. 3520 - 20 - HQI 2-1 and 2-1V
 - Dwg No. 3520 - 21 - HQI 2-1 and 2-1V (Render)
 - Dwg No. 3520 - 22A - HQI 3-2 and 2-1
 - Dwg No. 3520 - 23A - Wentworth
 - Dwg No. 3520 - 24A - Wentworth (Render)
 - Dwg No. 3520 - 25A - Holdenby detached
 - Dwg No. 3520 - 26A - Waddesdon (Half Render)
 - Dwg No. 3520 - 27A - Double Garage
 - Dwg No. 3520 - 28A - Single Garage
 - Dwg No. 3520 - 29 - Cropston
 - Dwg No. 3520 - 30D Site Sections
 - Dwg No. 3520 - 31 - Cropston (Half Render)
 - Dwg No. 3520 - 32 - Street Scenes
 - Dwg No. 3520 - 33 - HQI 3-1 detached
 - Dwg No. 3520 - 34 - Sutton
 - Dwg No. 3520 - 35 - Waddesdon Landscaping Plan Sheet 1 of 3;
Landscaping Plan Sheet 2 of 3; Landscaping Specification & Details Sheet 3 of 3
 - Dwg No. ACD1092-DR-005-P1 Internal Layout Design Layout
 - Dwg No. ACD1092-DR-005-P1 Proposed Speed Table Layout
 - Dwg No. ACD1092-DR-006-P1 Swept Path Assessment of Internal Layout
 - Dwg No. ADC1092-DR-100 P7 S38 Works General Arrangement
 - Dwg No. ADC1092-DR-110 P3 S38 Works Horizontal Annotation
 - Dwg No. ADC1092-DR-115 P3 S38 Works Vertical Annotation.
- 3) No development shall commence until existing and proposed ground levels and proposed finished floor levels have been submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) Prior to the commencement of development above slab floor level 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 shall be fully available prior to the occupation of each dwelling.
- 5) No part of the development hereby permitted shall be occupied until a surface water drainage scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include measures to ensure surface water shall not drain into the public highway. Development shall be carried out in accordance with the approved details.
 - 6) No development shall take place until such time as details for the management of surface water on site during construction of the development have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 7) No part of the development hereby permitted shall be occupied until details in relation to the long-term maintenance of the surface water drainage system within the development have been submitted to and approved in writing by the local planning authority. Maintenance shall thereafter be carried out as approved.
 - 8) No development shall take place until details of hard and soft landscaping works, including boundary treatments, for the site, including an implementation scheme, has been submitted in writing to and approved in writing by the local planning authority. The landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the local planning authority.
 - 9) Before the development is first occupied or brought into use a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved.
 - 10) No site clearance and/or construction works shall take place outside of the hours of 07:30 hrs and 18:00 hrs on weekdays and 08:00 hrs and 13:00 hrs on Saturdays or at any time on Sundays and Public and Bank Holidays.
 - 11) Upon occupation of each individual dwelling, residents shall be provided with a 'Waste Minimisation and Recycling Pack'. The details of this pack shall first have been submitted to and agreed in writing by the local planning authority and shall provide information to residents about sustainable waste management behaviours. As a minimum, the pack shall contain the following:
 - i) measures to prevent waste generation
 - ii) information on local services in relation to the reuse of domestic items
 - iii) information on home composting, incentivising the use of a compost bin and/or food waste digester

- iv) household Waste Recycling Centre location, opening hours and facilities available
 - v) collection days for recycling services
 - vi) information on items that can be recycled
- 12) No site clearance/development shall take place until a Written Scheme of Investigation shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions – and:
- i) the programme and methodology of site investigation and recording
 - ii) the programme for post investigation assessment
 - iii) the provision to be made for analysis of the site investigation and recording
 - iv) the provision to be made for publication and dissemination of the analysis and records of the site investigation
 - v) the provision to be made for archive deposition of the analysis and records of the site investigation
 - vi) the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

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

- 13) No part of the development hereby permitted shall be occupied until a Biodiversity & Woodland Management Plan, in line with the approved edp6140_r006b-Heads of Terms for Woodland Management Plan dated 22/06/2021, and a scheme for the protection of retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall be submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.

In this condition “retained tree” means an existing tree which is to be retained in accordance with the approved plans and particulars.

- 14) No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on ADC General Arrangement drawing number ADC1092-DR-100 revision P7 have been implemented in full.
- 15) No part of the development hereby permitted shall be occupied until such time as forward vehicular visibility splays of 25 metres have been provided at the speed control bends fronting plots 18 and 21. 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.
- 16) The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with ADC General Arrangement drawing number ADC1092-

DR-100 revision P7. Thereafter the onsite parking provision shall be so maintained in perpetuity.

- 17) No development shall commence on site (including any site clearance/preparation works), until a Construction Environmental Management Plan and Method Statement has been submitted to the local planning authority for approval in writing and has been so approved. Details shall provide the following:
- i) the parking of vehicles of site operatives and visitors
 - ii) loading/unloading and storage of plant, materials, oils, fuels, and chemicals
 - iii) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing
 - iv) wheel washing facilities and road cleaning arrangements
 - v) measures to control the emission of dust during construction
 - vi) a scheme for recycling/disposing of waste resulting from site preparation and construction works
 - vii) measures for the protection of the natural environment
 - viii) hours of construction work, including deliveries and removal of materials
 - ix) details of any piling technique to be employed, if relevant
 - x) location of temporary buildings and associated generators, compounds, structures and enclosures
 - xi) details of any floodlighting to be installed associated with the construction of the development
 - xii) 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
 - xiii) details of how such controls will be monitored
 - xiv) the procedure for the investigation of complaints
 - xv) routing of construction vehicles.
- 18) The development hereby permitted shall not be occupied until a scheme (including a timetable for its implementation and completion) for the treatment of the Public Right of Way within the site has been submitted to and approved in writing by the local planning authority. The scheme shall include provision for management during construction, fencing, surfacing, width, structures, signing and landscaping in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers. Thereafter the development shall be carried out in accordance with the agreed scheme and timetable. In designing the scheme, the developer should include the following elements:
- i) Where a Public right of way crosses a carriageway, drop kerbs shall be provided

- ii) No trees shall be planted within 1 metre of the edge of the Public Right of Way. Any trees or shrubs planted alongside a Public Right of way shall comprise non-invasive species.
 - iii) Any changes to the existing boundary treatments running along the Public Right of Way must be submitted to approved by the local planning authority in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers.
 - v) A comprehensive signing scheme in respect of the Public Right of Way installed prior to the completion of the development
- 19) An updated Badger Survey shall be submitted to and approved in writing by the Local Planning Authority within 3 months prior to the site clearance. The development shall be carried out in accordance with any mitigation measures outlined within the survey.
- 20) The development hereby permitted shall not be commenced until such time as a scheme to treat and remove suspended solids from surface water run-off during construction works has been submitted to and approved in writing by, the local planning authority. The approved scheme shall be adhered to throughout the construction period.
- 21) None of the dwellings hereby permitted shall be occupied until a scheme of traffic calming on Main Street has been implemented in accordance with details that shall have first been submitted to, consulted upon and approved by the local planning authority.