

Delegated Report

Planning Ref: 24/00179/REM

Applicant: Wayne Worsdale

Ward: Burbage Sketchley & Stretton



**Hinckley & Bosworth
Borough Council**

Site: Land Opposite Spring Acre Lychgate Lane

Proposal: Application for approval of Reserved Matters (relating to Layout, Scale, Appearance, and Landscaping) of appeal decision APP/K2420/W/23/3321670 (outline planning application 22/00192/OUT) for the provision of 79 dwellings, car parking, open space, children's play area, and associated infrastructure.

1. Recommendations

1.1. Approval of Reserved Matters subject to:

- Planning conditions outlined at the end of this report.

2. Planning Application Description

2.1. This planning application seeks approval of the Reserved Matters (Layout, Scale, Appearance, and Landscaping) of outline planning application 22/00192/OUT, which was approved via appeal decision APP/K2420/W/23/3321670, at the Land opposite Spring Acre, Lychgate Lane, Burbage.

2.2. The development proposal is for the provision of 79 dwellings, a pumping station, a surface water attenuation pond, public open space (POS) including an equipped children's play area, and associated works.

2.3. The development consists of 79 residential properties, which includes:

- 29 x one-bedroom properties.
- 25 x two-bedroom properties.
- 25 x three-bedroom properties.

2.4. Within this provision, the development features 16 affordable housing units that comprise of:

- 04 x one-bedroom First Homes properties.
- 04 x one-bedroom Shared Ownership properties.
- 08 x two-bedroom Affordable Rent properties.

2.5. The design of these properties includes 11 distinct house types designs, which are constructed with Dark Grey Calderdale Edge Roof Tiles and a two separate brick types (Tobermore Kingston Warm Red and Tobermore Kingston Cottage Red).

2.6. The application is supported by the following documents:

- Affordable Housing Plan
- Covering Letter
- Cycle Shed Details
- Design and Access Statement
- Detailed Soft Landscape Proposals
- House Type Pack (including Proposed Elevations and Floor Plans)
- Implementation Guidelines
- Longitudinal Road and Sewer Sections
- Materials Plan
- National Described Space Standards House Types Compliance Plans
- Play Space Designs
- Public Open Space Typology Plan
- Proposed Materials Plan
- Proposed Play Area Design
- Proposed Street Scenes
- Proposed Planning Layout
- Pump Station Layout
- Refuse Plan
- RoSPA LEAP Safety Report
- Site Location Plan
- Tanker and Fire Engine Vehicle Tracking

2.7. Following concerns raised by the Case Officer regarding harm to the residential amenity of future occupants, the capacity of the development was reduced from 82 to 79 dwellings, the attenuation basin was removed and replaced with alternative sustainable forms of surface water drainage, and the layout of the scheme was amended to address the potential harm to the residential amenity of the future occupants of the scheme.

2.8. Through collaboration with the Local Planning Authority, the Applicant also provided two additional pedestrian links on to Lychgate Lane, a further pedestrian link to the southwest of the site, improved internal house type designs, cycle storage, improved boundary treatment, and increased public open space provision.

3. Description of the Site and the Surrounding Area

3.1. The 2.8ha application site is located to the east of, but outside of the settlement boundary of, Burbage in the designated open countryside. However, the application site is identified within the boundaries of the Burbage Neighbourhood Plan (BNP) (2021) and is located within an Impact Risk Zone for a Site of Special Scientific Interest (SSSI). The Burbage Neighbourhood Plan identifies the application site within an area of landscape sensitivity.

- 3.2. The site is roughly triangle in shape and currently consists of an undeveloped field. The environs of the application site can be broadly described as including gently rolling countryside and pastureland. The boundaries of the appeal site are a combination of hedges, trees, and fences.
- 3.3. The application is accessed by, and located to the south of Lychgate Lane, which is an adopted, but unclassified, road that is subject to a 40mph speed limit.
- 3.4. Beyond the residential of properties within Burbage to the west, Lychgate Lane is verdant and rural in character with mature vegetation bordering the northern boundary of the road. The northern boundary of the site, along Lychgate Lane, is identified as a Green Corridor within the Burbage Neighbourhood Plan. To the north of Lychgate Lane is an established Gypsy and Traveller Site and agricultural land on either side of this site and beyond. Beyond the application site to the east is several equestrian uses and isolated residential properties and Burbage Cemetery that are surrounded by open countryside. The M69 is approximately 450m east of the application site.
- 3.5. To the southwest of the application site is the land north of Deepdale Farm, which has planning permission for 135 dwellings via application 22/00636/REM, and a further 23 residential properties are currently being sought for planning permission within this site via 24/00139/FUL
- 3.6. The current application site benefits from outline planning permission following an allowed appeal, APP/K2420/W/23/3321670, against the refusal of planning application 22/00192/OUT for the provision of up to 85 dwellings with vehicular access from Lychgate Lane. This planning permission was subject to 27 planning conditions.
- 3.7. Condition 25 of this planning permission has been partially discharged via application 23/01217/DISCON. The Applicant needs to apply for the condition to be fully discharged once all archaeological investigations and mitigation works are completed.

4. Relevant Planning History

4.1 24/00228/DISCON

- Application to discharge condition 6 (Noise) on Appeal Decision APP/K2420/W/23/3321670 relating to planning application 22/00192/OUT.
- Awaiting decision
- Not yet determined

4.2 23/01217/DISCON

- Application to discharge condition 25 (Archaeology) on Appeal Decision APP/K2420/W/23/3321670 relating to application 22/00182/OUT.
- Partial Discharge of Conditions
- 17.01.2024

4.3 23/00021/PP

- Proposed residential development of up to 85 dwellings alongside associated site infrastructure and open space (Outline Application – all matters reserved except for the means of access).
- Appeal Allowed
- 30.10.2023

4.4 22/00192/OUT

- Proposed residential development of up to 85 dwellings alongside associated site infrastructure and open space (Outline Application – all matters reserved except for the means of access)
- Refused
- 24.01.2023

5. Publicity

5.1 The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.

5.2 One member of the public has made comments neither objecting to, nor supporting the application. Whilst they are broadly supportive of the development, they have stated that the proposed provision of public open space is not sufficient for the size of the development. In addition, this member of the public has expressed concerns regarding the provision of gas connections rather than ground or air source heating solutions.

5.3 No further responses have been received.

6. Consultation

6.1 Burbage Parish Council objected to the application for the following reasons:

- Insufficient off-street vehicle parking.
- Insufficient soft landscaping.
- Overdevelopment of the site.
- Safety risks regarding the proximity of the children's play area and the attenuation pond.
- Too many stretches of unadoptable access drives.
- Unacceptable parking layouts.

Burbage Parish Council have specifically highlighted the vehicular parking spaces for Plots 40, 47, 71, and 72 as being inappropriate.

6.2 Notwithstanding the Parish Council's strong objections to the development, the Parish Council have requested that they are engaged in discussion at the earliest opportunity should the Applicant seek to transfer any section of open space or formal play area to the Parish.

The Applicant confirmed on 22 March 2024 that they were seeking to appoint a management company for the management of the development's open space areas, rather than transferring any of the open space to Burbage Parish Council.

- 6.3 There have been no objections from the following consultants:
- Hinckley & Bosworth Borough Council (HBBC)'s Drainage Officer
 - HBBC's Waste Management Officer (subject to conditions)
 - Leicestershire County Council (LCC)'s Archaeology Department
 - LCC Ecology
 - Leicestershire Police
 - Local Highway Authority (LHA) (subject to conditions)

Statutory Consultees with No Comments:

- 6.4 Natural England and NHS England made no comment on the planning application.
- 6.5 The County Council's Archaeology Department have no comments in relation to this application as archaeological matters are secured Conditions 25 and 26 within the outline planning application 22/00192/OUT.
- 6.6 The Council's Arboricultural Officer, Green Spaces Officer, and Sports and Development Officer, as well as the County Council's Developer Contributions Department, Hinckley Area Committee, and Severn Trent Water did not respond to the planning application.

Affordable Housing:

- 6.7 The Council's Affordable Housing Officer confirmed that the proposed mix of affordable housing provision and its spacing across the site is acceptable.
- 6.8 The Affordable Housing Officer has also noted that, as per the Section 106 agreement, as the site is in an urban area, the rented affordable housing properties are required to be let to households with a connection to the Borough as set out in the Council's Housing Allocations Policy.

The Planning Officer notes that the local connection criteria for affordable housing provision within the site is secured via the Section 106 Agreement within the allowed appeal of the outline planning permission 22/00192/OUT.

Drainage:

- 6.9 The County Council as the Lead Local Flood Authority (LLFA) stated that the further consultation is required as there is no evidence demonstrating that pervious paving, as agreed within the outline planning application 22/00192/OUT, has been implemented.

The Planning Officer notes that, whilst these details have not been provided, the drainage planning conditions attached to the allowed outline planning application are secured prior to the commencement of the development and are not required to accompany the submission of the first Reserved Matters application.

- 6.10 The Council's Drainage Officer had no objections to the development because a scheme of suitable SuDS is secured by specific conditions within the allowed outline planning application 22/00192/OUT.

Ecology:

- 6.11 On 22 March 2024, the County Council's Ecology Department confirmed that the native species list in the soft landscaping plan was acceptable. Whilst no updated ecology information was provided in this application, the site is largely agricultural, and a likely absence of protected species was identified within the Preliminary Ecological Appraisal that was submitted as part of the outline planning application.
- 6.12 Following concerns raised by the County Council, the Applicant submitted Revision D of their Proposed Site Layout that detailed some 5m buffers on hedgerows. Although there are some changes that the Ecology Department would like to see, they are satisfied that these issues can be appropriately addressed within the discharge of Conditions 13 (Landscape and Environmental Management Plan), 15 (External Lighting), and 23 (Biodiversity Gain Plan), that are attached to the allowed outline planning application 22/00192/OUT.

Highways:

- 6.13 Leicestershire County Council, as the Local Highway Authority (LHA), advised that the submitted internal layout was not considered suitable for adoption by the County Council. Whilst the LHA did not consider the layout to be unsafe, the LHA have highlighted that the Applicant would need to make several amendments to the proposed road layout the scheme to be considered for adoption.
- 6.14 Therefore, the LHA considered that the impacts of the development on highway safety are not unacceptable, and, when considered cumulatively with other developments, its impact on the road network is not severe, subject to five planning conditions.
- 6.15 On 11 June 2024, the Applicant agreed to the LHA's proposed planning conditions and confirmed that they would seek to ensure that the development was adoptable by Leicestershire County Council at the detailed design stage of the scheme.

Leicestershire Police:

- 6.16 Leicestershire Police confirmed that they have no formal objections in principle to the application and offered general guidance relating to street lighting, appropriate fencing, the use of CCTV, amongst others.

Pollution:

- 6.17 The Council's Pollution Officer has referred to Condition 06 of the allowed outline planning application 22/00192/OUT, which required a noise mitigation scheme to be carried out at this stage of the development. Subsequently, the Applicant has submitted a Discharge of Condition Application, 24/00228/DISCON, which is awaiting determination.

Public Open Space (POS):

- 6.18 The Council's S106 Compliance and Monitoring Officer ('S106 Officer') expressed concerns that the proposed plan does not provide sufficient public open space. Therefore, the Council's S106 Officer requested a revised plan that demonstrates the location, the size, the typology, and the costings of the public open space within the site to ensure that it meets the requirements identified within the S106 Agreement.
- 6.19 The Council's S106 Officer has confirmed that the Scheme should provide the following on-site Public Open Space provision, in accordance with the Section 106 Agreement of the allowed appeal of outline planning application 22/00192/OUT:

On-Site Public Open Space Provision				
	Provision per Dwelling (2.4 People per Dwelling)	Sqm Provision.	Provision Contribution Cost	Maintenance Contribution
Equipped Children's Play Space	3.6	295.2	£53,705.74	£51,837.12
Casual/ Informal Space	16.8	1,377.6	N/A	£14,878.08
Accessible Natural Green Space	40	3,280	N/A	£46,576.00

- 6.20 The Applicant provided a revised Public Open Space Typologies Plan on 19 July that demonstrated that the proposal provided the legally agreed quantity of Public Open Space.
- 6.21 The S106 Officer also raised concerns regarding the surfacing of the equipped children's play area and the health and safety issues regarding the timber stepping logs, the natural boulders, and the boundary treatment for the balancing pond.

- 6.22 On 07 June 2024, the Applicant submitted a RoSPA Safety Report to demonstrate that proximity of the attenuation basin to the equipped children's play area was acceptable, which was approved by the S106 Officer. Nevertheless, it is noted that the attenuation basin has subsequently been removed from the development proposal and replaced with alternative sustainable drainage systems.

Waste:

- 6.23 The Council's Waste Management Officer requested a scheme that makes adequate provision for the storage and collection of waste and recycling containers across the site. The details should address accessibility to storage facilities and confirm adequate space is provided at the adopted highway boundary to store and service wheeled containers. On 29 May 2024, the Council's Waste Management Officer reaffirmed that bin collection points will need to be included in the boundary of the highway.
- 6.24 No further responses have been received.

7. Policy

7.1 Core Strategy (2009):

- Policy 4: Development in Burbage
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design

7.2 Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016):

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3 Burbage Neighbourhood Plan 2015 – 2026 (BNP) (2021):

- Policy 1: Settlement Boundary
- Policy 2: Design and Layout
- Policy 4: Parking
- Policy 9: Wildlife and Green Corridors
- Policy 11: Area of Landscape Sensitivity
- Policy 12: Important Trees

7.4 National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (December 2023)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

7.5 Other Relevant Guidance:

- Affordable Housing Supplement Planning Document (SPD) (2011)
- Good Design Guide (2020)
- Leicestershire Highway Design Guide (LHDG) (2022)
- Technical Housing Standards – Nationally Described Space Standards (2015)

8. Appraisal

8.1. The principle of the development of up to 85 dwellings has been established via the appeal decision of outline planning permission 22/00192/OUT (appeal reference: APP/K2420/W/23/3321670).

8.2. Therefore, the key issues in respect of this application are therefore:

- Housing land supply
- Design and impact upon the character of the area
- Impact upon residential amenity
- Impact upon parking provision and highway safety

Housing Land Supply

8.3 Policy 16 of the adopted Core Strategy requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings and a minimum net density of 40 dwellings per hectare for developments within, or adjoining, Hinckley, Burbage, Barwell, and Earl Shilton. However, in exceptional circumstances where individual site characteristics dictate, a lower density may be acceptable.

8.4 The development is for 79 residential properties adjacent to the defined settlement boundary of Burbage. In its current layout, this equates to 44 dwellings per hectare, which exceeds the density required within Policy 16 of the adopted Core Strategy.

8.5 Policy 15 of the adopted Core Strategy states that developments in urban areas, including Burbage) that provide 15 dwellings or more should allocate 20% of its units towards affordable housing.

8.6 Accordingly, the Section 106 Agreement for the allowed appeal of outline planning permission 22/00192/OUT confirms that 20% of the total number of dwellings within the site should comprise affordable housing provision with a tenure mix of nine affordable rented dwellings (10%), four shared ownership units (5%), and four First Home properties (5%).

8.7 The development has provided 16 affordable housing units, representing 20% of the dwellings proposed, with the following tenure:

- 04 x one-bedroom First Homes properties.
- 04 x one-bedroom Shared Ownership properties.
- 08 x two-bedroom Affordable Rent properties.

- 8.8 The Council's Affordable Housing Officer confirmed that this provision meets the required provision of affordable housing in accordance with the Council's Development Plan.
- 8.9 In light of the above, the proposed housing mix is acceptable in these site-specific circumstances and is likely to provide a broad range of house types that make a significant contribution to the need of the community.

Design and Impact upon the Character of the Area

- 8.10 Policy DM4(i) of the SADMP states that development in the countryside will be considered sustainable where it does not have a significant adverse effect on the intrinsic value, beauty, open character, and landscape character of the countryside.
- 8.11 Policy DM10(c) of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.12 Policy 2 of the BNP requires any residential development within the Parish of Burbage to respect its surroundings and, where appropriate, follow the existing pattern of development and retain existing important natural features on the site, such as trees, hedgerows, and streams.
- 8.13 Whilst the outline planning appeal decision confirmed that the development would have an adverse effect upon the character and appearance of the surrounding area, the Inspector stated that this harm did not significantly and demonstrably outweigh the benefits of the development and that sufficient mitigation could be achieved through legal agreement and planning conditions.
- 8.14 The allowed outline planning application was therefore approved subject to pre-commencement planning conditions C13 (Landscape and Ecology Management Plan) and C14 (Existing and Proposed Ground Levels).
- 8.15 In accordance with Condition 17 of this allowed outline planning application, a 'Building for a Healthy Life' Assessment (BfHLA) has been submitted as part of this Reserved Matters application that states that the development is classified as 'green' for all 12 assessment indicators.
- 8.16 The principle of the transport sustainability of the site has already been approved by the allowed outline planning application. Areas of Public Open Space are also evident in three different prominent areas of the site. Therefore, the development is considered to positively apply the guidance within Criteria 3 (Facilities and Services) of the BfHLA.
- 8.17 The main location of the Public Open Space is provided along the eastern boundary of the site, which supports the gradual transition between the built form of the development and Burbage into the countryside. This is considered to reduce the visual impact of the development.

- 8.18 As previously confirmed, the proposed housing mix is acceptable in these site-specific circumstances and is likely to provide a broad range of house types that make a significant contribution to the need of the community. Therefore, the development is considered to accord with the guidance within Criteria 4 (Homes for Everyone) of the BfHLA.

Layout and Connectivity:

- 8.19 The design of the proposed layout is based on simple and relaxed street patterns, which is supported by the BfHLA. The design of the roads is also different between the primary and secondary streets for example in their widths, which supports the legibility of the scheme.
- 8.20 Although the scheme utilises private drives and cul-de-sac-based street patterns, the development features link footways through and around the site, which supports short and direct walking and cycling routes. The proposal also features two new pedestrian and cycle links to the north of the site on to Lychgate Lane and an additional pedestrian and cycle link to the development to the southwest of the site and its associated Public Open Space. This is considered to represent good design and promotes pedestrian and cycling connectivity.
- 8.21 By virtue of these details, the development is considered to positively apply the guidance within Criteria 1 (Natural Connections), 2 (Walking, Cycling, and Public Transport), and 8 (Easy to Find Your Way Around), 9 (Healthy Streets) and 11 (Green and Blue Infrastructure) of the BfHLA.

Design:

- 8.22 The scheme provides a variety of house types, including dual-aspect designs that are considered to add interest to the area and prevent any dead elevations fronting the public highway. The layout protects and enhances existing habitats within the site, which is secured via the ecological planning conditions in 22/00192/OUT.
- 8.23 Therefore, the development is considered to positively apply the guidance within Criteria 5 (Making the Most of What's There) and 7 (Well-Defined Streets and Spaces) of the BfHLA.
- 8.24 Furthermore, the 11 different house designs feature a variety of architectural detailing, which is considered to improve the design of the development. Whilst only two types of red brick are utilised within this scheme, this is likely to create cohesion within the development and create a sense of place that has taken influence from the materials utilised locally in Burbage.
- 8.25 Importantly, Burbage contains dwellings of a variety of styles, designs, and sizes, and therefore it is considered that the proposed house types fit into, and preserve, the character of the area in accordance with Criteria 6 (A Memorable Character) of the BfHLA.

- 8.26 The development primarily utilises 1.8m high timber close-boarded fencing for private boundary treatment, which is typical of a residential scheme. However, the proposal predominantly utilises brick walls as boundary treatment for residential properties where their boundaries are shared with the highway. This is considered to be an appropriate boundary treatment that enhances the character of the public realm, in accordance with Criteria 12 (Back of Pavement, Front of Home) of the BfHLA.
- 8.27 Off-street parking is generally provided to the front and side of properties within this scheme, which does not overly rely on garages or tandem parking arrangements. Every property features an electric vehicle charging point and it is clear within the Proposed Composite Soft Landscaping Plan that the entire site softens the views of off-street parking provision with green spaces and soft landscaping. Cycle storage sheds have also been provided to the rear of each property to promote active travel. Therefore, the development is considered to positively incorporate the guidance of Criteria 10 (Cycle and Car Parking) into the design of the scheme.
- 8.28 By virtue of these factors, the development is considered to complement the character of the existing dwellings within Burbage and promote good design through its incorporation of the guidance within the Building for a Healthy Life Assessment. Therefore, the scheme is considered to be in accordance with Policy 2 of the BNP, Policies DM4 and DM10 of the SADMP, and the Good Design Guide.

Impact upon Residential Amenity

- 8.29 Policy DM10(a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.
- 8.30 The Good Design Guide requires the way buildings to relate to each other, and their orientation and separation distances, to provide and protect acceptable levels of amenity. Importantly, every application will be assessed against the Good Design Guide's minimum separation distances on its own merits depending on the individual characteristics of the site such as orientation, ground levels, window positions, garden size, and shape.
- 8.31 To protect the residential amenity of the future occupiers of the scheme and neighbouring properties, the Inspector attached pre-commencement planning conditions for the provision of a noise attenuation scheme (Condition 06) and a Construction Environment Plan (Condition 12) to the allowed outline planning application.

- 8.32 Within the original submission, the Local Planning Authority identified 10 instances of plot-to-plot distances being less than the minimum overlooking separation distances, and 18 examples of plots not complying with the plot-to-blank-side-elevation separation distances.
- 8.33 Through negotiations between the Local Planning Authority and the Applicant, the proposal has been revised to reduce the number of plots that weren't compliant the separation distances within the Good Design Guide. Although it is noted that not all plots within the development comply with the minimum separation distance requirements identified within the Good Design Guide, these are considered to be minor deviations within 1m, with the exception of two instances.
- 8.34 It is noted that the separation distances between Plots 11 and 19, and Plots 72 and 79 do not comply with the requirements of the Good Design Guide. However, based on the orientation, window positions, and the shapes and sizes of the gardens of the development, these distances are not considered to result in any significant harm to the future occupiers of the scheme in these site-specific circumstances.
- 8.35 To support the residential amenity of future occupiers of the scheme, one of the aims of Section 4 (New Residential Development) within The Good Design Guide is to ensure that new residential development exceeds the internal space standards set by the Technical Housing Standards (THS) (2015) wherever possible. Compliance with the THS is also legally agreed with the Section 106 Agreement for the allowed appeal of outline planning permission 22/00192/OUT.
- 8.36 Following discussion and collaboration between the Local Planning Authority and the Applicant, it is considered that all house types comply with the space standard requirements of the THS. However, the live/ work rooms within the proposed house types do not comply with THS. Therefore, a planning condition can be utilised to ensure that these rooms are not utilised as bedrooms in the interests of protecting the residential amenity of the future occupiers of the scheme.
- 8.37 To comply with the Good Design Guide, two-bedroom houses must also provide a minimum of 60sqm of private outdoor amenity space with a minimum length of 7m. This requirement increases to 80sqm for the provision of three-bedroom properties or larger.
- 8.38 Following negotiations between the Local Planning Authority and the Applicant, the development has been revised to reduce the number of plots with non-compliant private outdoor amenity space from 70 to 4. This is supported by the submitted Plot Compliance Spreadsheet (submitted: 14.06.2024).
- 8.39 Whilst this is still likely to result in harm to the residential amenity of the future occupiers of these four plots, the overall scheme provides 1,228.9sqm of additional Public Open Space above the legally agreed amount. The development also creates a link to the additional Public Open Space associated with the development to the southwest of the site.

- 8.40 In light of these considerations, the private outdoor amenity space provisions for each dwelling within the development is acceptable in these site-specific circumstances.
- 8.41 By virtue of these factors, it is considered that the development protects the residential amenity of neighbouring properties and the future occupants of the scheme. Therefore, the proposal is considered to be in accordance with Policy DM10 of the SADMP and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.42 Policy DM17 of the SADMP states that development proposals need to demonstrate that there is not a significant adverse impact upon highway safety, and that the residual cumulative impacts of development on the transport network are not severe. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 8.43 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision. This is supported by Policy 4 of the BNP, which requires the provision of at least two off-street vehicle parking spaces within the curtilage of each new residential property that has a capacity of two-bedrooms or larger unless the site-specific circumstances make this requirement unachievable.
- 8.44 Access was a matter for consideration at the outline stage of the planning process, and the Inspector considered that the proposed access arrangements were sufficient to serve the development, subject to planning conditions 18 (Construction Traffic Management Plan), 19 (Access Arrangements), 20 (Highway Improvements), 21 (Residential Travel Plan Measures and Incentives) and 22 (Closure of Existing Vehicular Access).
- 8.45 The Applicant provided a revised scheme that addressed the LHA's concerns with the substandard dimensions of 29 off-street parking spaces. The scheme provides a minimum of two off-street parking spaces for each dwelling, which accords with the requirements of Policy 5 of the BNP and Paragraph 3.151 of Part 3 of the LHDG. The LHA's latest response raised no further concerns with the proposal's off-street parking provision and therefore it is considered that the development provides an acceptable level of off-street vehicle parking.
- 8.46 However, the proposed road layout is not currently considered to be suitable for adoption by the County Council. Nevertheless, the LHA has confirmed that the impacts of the development on highway safety are not unacceptable, and, when considered cumulatively with other developments, its impact on the road network is not severe, subject to five planning conditions.

- 8.47 The Applicant agreed to these planning conditions and advised that, whilst they are not required to, they are intending to make the development suitable for adoption by the County Council through the discharge of these five planning conditions.
- 8.48 By virtue of the pre-commencement highways planning conditions attached to the allowed outline planning application, the proposed planning conditions advised by the Local Highway Authority for this proposal, the design of the scheme's road layout, the development is not considered to create an unacceptable impact on highway safety or the road network. Therefore, the scheme is regarded as in accordance with Policy 4 of the BNP, Policies DM17 and DM18 of the SADMP, and the LHDG.

Other Matters

- 8.49 Should the reserved matters be approved, the development shall still be subject to all 27 planning conditions that were attached to the allowed appeal decision of outline planning application 21/01131/OUT.

9 Equality Implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states: -
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.
- 9.3 There are no known equality implications arising directly from this development.
- 9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10 Conclusion

- 10.1 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that the reserved matters be approved, subject to the imposition of appropriate conditions.

11 Recommendation

11.1 **Approve Reserved Matters** subject to:

- Planning conditions outlined at the end of this report.

11.2 **Conditions and Reasons**

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details received by the Local Planning Authority as follows:
 - Cycle Shed Details (submitted: 08.05.2024)
 - Nationally Described Standards House Type Compliance Plans (submitted: 08.05.2024)
 - Play Space Design 06 (Rev C) (submitted: 19.07.2024)
 - Proposed Baildon House Type Second Floor Plan (Rev A) (submitted: 17.05.2024)
 - Proposed Baildon House Type Section (Rev A) (submitted: 17.05.2024)
 - Proposed Composite Soft Landscaping Plan 05 (Rev E) (submitted: 19.07.2024)
 - Proposed Eastbeck House Type Second Floor Plan (Rev A) (submitted: 17.05.2024)
 - Proposed Eastbeck House Type Section (Rev A) (submitted: 17.05.2024)
 - Proposed E2.1 House Type Second Floor Plan (Rev A) (submitted: 17.05.2024)
 - Proposed E2.1 House Type Section (Rev A) (submitted: 17.05.2024)
 - Proposed House Types (Second Issue) (submitted: 08.05.2024)
 - Proposed Public Open Space (POS) Typologies Plan 01 (Rev E) (submitted: 19.07.2024)
 - Proposed Saltbury House Type Section (Rev A) (submitted: 17.05.2024)
 - Proposed Saltbury House Type Second Floor Plan (Rev A) (submitted: 17.05.2024)
 - Proposed Site Layout EM-LLB-200 (Rev F) (submitted: 19.07.2024)
 - Proposed Soft Landscaping 01 (Rev E) (submitted: 19.07.2024)
 - Proposed Soft Landscaping 02 (Rev E) (submitted: 19.07.2024)
 - Proposed Soft Landscaping 03 (Rev E) (submitted: 19.07.2024)
 - Proposed Soft Landscaping 04 (Rev E) (submitted: 19.07.2024)
 - Pumping Station Layout (submitted: 08.05.2024)

- Rising Main Sewer Longitudinal Section (E323-20-04) (Rev A) (submitted: 08.05.2024)
- Roads 1 & 1T Longitudinal Sections (E323-20-01) (Rev A) (submitted: 08.05.2024)
- Roads 2 & 2T and Roads 3 & 3T Longitudinal Sections (E323-20-02) (Rev A) (submitted: 08.05.2024)
- Sewers Longitudinal Sections (E323-20-03) (Rev A) (submitted: 08.05.2024)

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

2. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Avant Homes drawing number EM-LLB-200 (Rev F). Thereafter the onsite parking provision shall be so maintained in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally and to enable vehicles to enter and leave the site in a forward direction in the interests of highway safety and in accordance with the National Planning Policy Framework (December 2023).

3. Any dwellings that are served by private access drives (and any turning spaces) shall not be occupied until such time as the private access drive that serves those dwellings has been provided in accordance with Figure DG20 of the Leicestershire Highway Design Guide. The private access drives should 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 in perpetuity.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with the National Planning Policy Framework (December 2023).

4. The development hereby permitted shall not be occupied until such time as 1 metre by 1 metre pedestrian visibility splays have been provided on both sides of the private driveways or shared private drive serving each plot. Nothing within these splays shall be higher than 0.6 metres above the level of the back of the footway/verge/highway and, once provided, these splays shall be so maintained in perpetuity.

Reason: In the interests of pedestrian safety and in accordance with the National Planning Policy Framework (December 2023).

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

Reason: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with the National Planning Policy Framework (December 2023).

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

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with the National Planning Policy Framework (December 2023).

7. The approved hard and soft landscaping scheme shall be carried out in accordance with the Landscape Proposals included within Proposed Soft Landscaping 01, 02, 03, 04 (Rev E) (inclusive) and the Proposed Composite Soft Landscaping Plan 05 (Rev (E) (submitted: 19.07.2024) in the first planting season following the first occupation of the site. The soft landscaping shall be maintained for a period of five years from the date of planting. During this period, any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reason: To ensure that work is carried out within a reasonable period and thereafter maintained in accordance with Policies DM6 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

8. Notwithstanding the internal design of the proposed residential dwellings within the development hereby permitted, the Live/ Work Rooms within the properties should not be utilised as a bedroom.

Reason: To protect the residential amenity of the future occupants of the development by providing them with appropriately sized accommodation in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

a. **Notes to Applicant:**

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. Please refer to the Local Highway Authority's response to the application from 07 June 2024 for details of the amendments that are required for the scheme's road network to be considered for adoption by Leicestershire County Council.
3. The proposed road layout does not conform to an acceptable standard for adoption and therefore it will not be considered for adoption and future maintenance by the Local Highway Authority. The Local Highway Authority will, however, serve Advance Payment Codes in respect of all plots served by (all) the private road(s) within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the Advanced Payment Code may be exempted, and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details please email road.adoptions@leics.gov.uk. Signs should be erected within the site at the access advising people that the road is a private road with no highway rights over it.
4. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
5. To erect temporary directional signage, you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).