

**Planning Committee 18 February 2025**  
**Report of the Head of Planning**

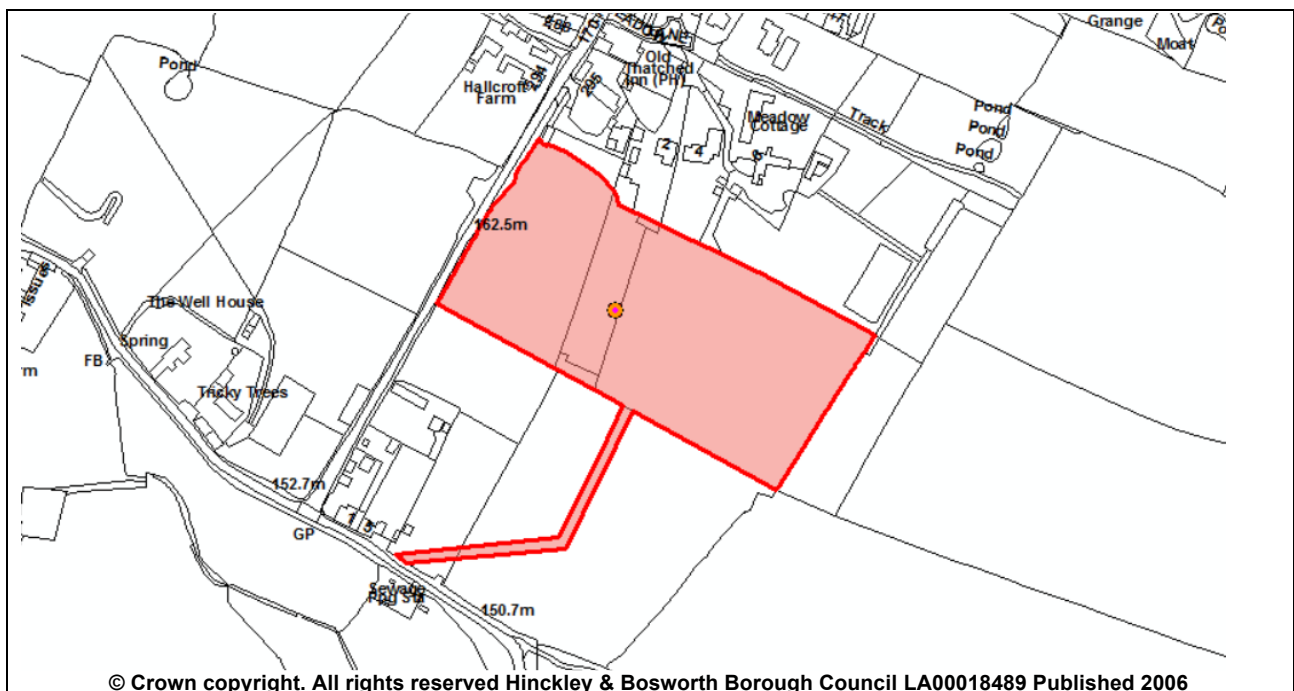
**Planning Ref: 24/00828/REM**  
**Applicant: Allison Homes**  
**Ward: Markfield Stanton and Fieldhead**



Hinckley & Bosworth  
Borough Council

**Site: Land South of Main Street, Stanton Under Bardon**

**Proposal: Approval of reserved matters (layout, scale, appearance, landscaping and access other than vehicular access) of outline permission (ref: 22/00527/OUT) for residential development of up to 50 dwellings**



**1. Recommendations**

**1.1. Grant permission subject to:**

- Planning conditions outlined at the end of this report
- Power to determine the final details of the conditions to be delegated to the Head of Planning

**2. Planning Application Description**

- 2.1. This is a reserved matters application for the residential development of 50 dwellings. The application is for the consideration of the layout, scale, appearance, landscaping and access of the proposal other than the vehicular access into the site that was approved at outline stage following the approval of outline permission 22/00527/OUT for the erection of up to 50 dwellings at Committee in June 2023.
- 2.2. The housing mix proposed comprises 42 market dwellings and 8 affordable homes. This differs from the approved number of affordable homes secured in the S106 Agreement that accompanied the outline planning permission. The explanation for this change is set out at paragraph 6.10. The mix of housing sizes is as follows:
- 10 x 2 bed houses
  - 29 x 3 bed houses
  - 11 x 4 bed houses
- 2.3. The development is entirely two storey and semi-detached in nature and

includes a mix of detached, semi-detached and terraced homes. Twelve different house types are proposed. Two red bricks are used as the main facing material with a different red brick and a blue brick used on feature brick detailing. A limited use of render on front facades is proposed. All buildings are roofed in the same grey tile. The homes are not provided with solar panels to the roof. The range of materials and range of house types seeks to bring the necessary level of quality to the detailed design.

- 2.4. Vehicular access was approved under the outline permission and is from Main Street. The main access is designed to adoptable standards and the application has been revised to meet the Local Highway Authority requirements for adoption. Fifteen of the fifty dwellings are accessed from smaller private drives. A condition is attached to secure street lighting to these drives. The existing Public Right of Way that runs through the site is retained and incorporated into the design of the development and would be overlooked by dwellings. It is bordered for its entire length by either private driveway serving multiple dwellings or by adopted highway. As indicated at outline application stage an attenuation pond is provided in the south-east corner of the site and the public open space which includes a play area and is in part planted as woodland as the site lies within the National Forest is proposed close to the southern boundary of the site where it is overlooked by proposed dwellings.
- 2.5. Each of the dwellings has two parking spaces and each of the four-bed properties has two parking spaces and a garage. Each home is equipped with an electric vehicle charging point. All dwellings will have Air Source Heat Pumps rather than any being provided with solar panels as this can provide a better efficiency rating in terms of the Building Regulations.
- 2.6. Existing hedges and trees on the western, eastern and northern boundaries are retained and enhanced with additional planting. A hoggin footpath is provided through the public open space along the western, eastern and southern boundaries and the landscaping and planting has been improved through the processing of the application to meet the requirements of the National Forest Company. A small area of open space is provided at the heart of the site. Given the location within the National Forest extensive tree planting is proposed and the landscape proposals show a total of 42 extra heavy standard trees and 42 standard sized trees are proposed within the site where currently there are none.
- 2.7. Boundary treatments comprise 1.8m high close boarded fencing to rear gardens and 1.8m high brick garden boundaries are provided to prominent plots where the gardens border main vehicular or pedestrian routes through the site. A new native species hedgerow is proposed to the southern boundary. There is timber knee rail fencing to the attenuation area.
- 2.8. Revised plans have been submitted that improve the scheme with regard to garden sizes and interface distances. Although these have improved significantly a number of dwellings remain with garden sizes that fall below the sizes of 60 square metres for two bed properties and 80 square metres for dwellings that have three or more bedrooms. The Good Design Guide states that these sizes are general guidelines and a significant amount of open space is provided on the site. There remain a few instances where the minimum interface distances fall below the 21 metre back to back and 14 metre window to two storey gable distances set out in the Good Design Guide.
- 2.9. Care has been taken to provide corner turning units for properties that sit on corner plots or that face two public routes.
- 2.10. The application is accompanied by a Planning, Design and Access Statement which incorporates a Building for Healthy Life Assessment.

### **3. Description of the Site and Surrounding Area**

- 3.1. The 2.2 hectare application site is located adjacent to, but outside of, the southern settlement boundary of Stanton under Bardon. Stanton under Bardon is classified as a rural village within the adopted Core Strategy and is designated as lying within Charnwood Forest and the National Forest.
- 3.2. The rural village is largely characterised as a linear settlement, with a number of cul-de-sacs extending from the core vehicular route through the village, Main Street. There is notably more development towards the south of Stanton under Bardon than the north of the village. As a result of the linear structure of the village, development within Stanton under Bardon only extends approximately 200m to 220m from Main Street to the east, and 130m to the west. Main Street is an adopted, but unclassified, road that is subject to a 30mph at the proposed point of access into the application site.
- 3.3. The site currently consists of agricultural land that is bounded by mature hedgerow to its northern and western boundaries. A Public Right of Way (PRoW), Footpath R19, runs north-to-south through the centre of the site and passes along a private drive to link to Meadow Lane and on to Main Street further north.
- 3.4. Main Street flanks the western boundary of the application site beyond the mature hedgerow, and beyond Main Street is open agricultural fields. There are further open agricultural fields to the east and south of the site. However, there is also a collection of dwellings at the junction of Thornton Lane and Main Street to the southwest of the site, but beyond this development is further open agricultural fields. Immediately to the north of the site are a number of residential dwellings along Main Street and Meadow Lane whose gardens flank the entire northern boundary of the site. Beyond these residential dwellings lies the built-up area of Stanton under Bardon.
- 3.5. The application site is located within Flood Zone 1, and the western side of the site is identified as a potential Local Wildlife Site due to its potential species-richness.
- 3.6. The application site is identified as a reserve site to meet the housing requirements of the village within the 2020 draft Bagworth, Thornton and Stanton under Bardon Neighbourhood Plan (BTSNP). The BTSNP stated that the site had a capacity for around 50 dwellings. However, in the latest draft of the BTSNP (2021), the document was amended to remove all housing allocations from the plan.
- 3.7. The application site is located within Flood Zone 1, and the western side of the site is identified as a potential Local Wildlife Site due to its potential species richness. There are no trees within the site other than those on the existing western, eastern and northern boundaries.

#### **4. Relevant Planning History**

22/00527/OUT – Residential development of up to 50 dwellings (Outline – access only). Approved at Committee June 2023. Decision issued following the signing of the S106 Agreement June 2024

#### **5. Publicity**

- 5.1. The application has been publicised by sending out letters to 24 neighbouring properties. A site notice has also been posted within the vicinity of the site and a notice has been published in the local press.
- 5.2. Seven objections from six neighbouring properties have been received. The following concerns have been raised:
  - Fully support new homes in the local area but must object when no consideration is given to local infrastructure and amenities. The development would result in far too much traffic on a main street that is already congested at peak times
  - Access is inadequate

- Sewerage and waste water facilities are already oversubscribed and already cause problems
- Telephone and broadband services area oversubscribed. BT Openreach are constantly repairing the inadequate infrastructure
- The electricity supply is already a problem as the village is at the end of a supply. There are already numerous power cuts and drops in power. More houses will just compound the problem
- This will be devastating to local wildlife
- The local school is already full and does not have the capacity to build additional classrooms for all year groups. This will just put more cars on the road getting children to schools in neighbouring villages
- The nearest doctors in Markfield are already struggling to cope with the amount of new patients - the village does not have the facilities to support a development of this size
- Roads are already dangerous due to traffic congestion and parking issues
- Loss of privacy
- Loss of views
- Loss of value
- The increase in use of the Public Right of Way (PRoW) by future occupiers who will use it as a shortcut into the village will have a detrimental effect on the existing properties that the footpath passes – these residents should be compensated or the footpath moved to go through the estate to the main road
- Detrimental effect on the rural character of the village
- Care should be taken to protect the roots of trees on or near the boundaries of the site
- More users of the PRoW north of the site could lead to loss of safety for pedestrians as the route is along a private drive that is used by vehicles including equestrian deliveries and farm machinery when field work is required
- A landscaped buffer should be provided to the northern boundary with existing neighbours rather than to the south where there is just open farmland
- Additional houses will affect the water table and will increase flooding

## 6. Consultation

- 6.1. **Stanton Under Bardon Parish Council** – Strongly objects to the application. The development remains contrary to key planning policies and raises significant unresolved concerns about infrastructure, environmental impact, and public safety. The Parish Council urges the rejection of the application until these issues are fully addressed.

The objection based on the fact that the site is outside of the settlement boundary is outside of the settlement boundary. This is contrary to Policy DM4 and policy DM9 which seeks to protect natural and semi-natural open spaces. Development will cause significant harm to the intrinsic value, beauty and landscape character of the countryside as well as exacerbating ribbon development. The proximity of the site to the settlement boundary does not justify breaching established planning policy.

The applicant has failed to address the implications of Public Right of Way R19, which crosses the site. This important route must remain accessible and undisturbed.

The additional traffic generated by 50 houses will worsen existing congestion, particularly along Main Street, where parked cars already create dangerous pinch points across the village.

The application highlights proximity to bus stops but this is of no use if there is no service. The bus service through Stanton under Bardon is extremely limited and timings make it unsuitable for workers commuting to Leicester or Coalville. A development of this scale needs a reliable and sustainable transport plan and this has not been provided.

Stanton under Bardon Primary School is already at full capacity and relies on hiring the Village Hall for additional space in the winter.

Insufficient detail is provided on how flood-prone areas will be managed or how drainage and sewerage issues will be addressed. Severn Trent already has to empty the sewage facility on Thornton Lane regularly and it overflows frequently. The existing infrastructure is under severe pressure and is not capable of supporting additional development without further significant upgrades.

The proposed plans include reducing the width of key pedestrian routes from 2m to 1.5m in width, which raises serious safety concerns. The footpath is vital for pedestrian access and a narrower path would compromise safety. The site's access points are poorly located on a blind bend and large vehicles will require the full road width to turn into or out of the site which creates additional hazards.

*Officer comment: Planning permission for the construction of up to 50 dwellings on the site has already been established via application 22/00527/OUT.*

- 6.2. **Leicestershire County Local Highway Authority (LHA)** – The LHA advice is that the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 116 of the NPPF.

The LHA previously advised that the internal road layout was not suitable for adoption. The applicant has made several amendments, and the LHA now advises that the proposed highway layout is largely in accordance with the Leicestershire Highways Design guide and therefore would be suitable for adoption subject to changes required by a full technical audit.

Stiles on the site should be replaced by metal kissing gates with new yellow-topped way marker posts in accordance with the enhancement duty at paragraph 105 of the NPPF.

Conditions are required regarding parking and turning facilities, access drives, visibility splays, highway drainage, removal of permitted development rights to construct gates and protection of the PRow.

- 6.3. **Coal Authority** – No comments.

- 6.4. **Environment Agency** – No comments.

- 6.5. **National Forest Company** – Initially had concerns regarding the proposals. Following revisions made to address these concerns the Company is pleased that positive changes have been made. The application is now accompanied by two detailed landscaping plans (previously a Landscape masterplan was submitted). The area of National Forest planting on the detailed landscaping plan (0.448ha) is considered appropriate. However, in terms of the details, we recommend the following:

- The woodland species mix shown on the previous Landscaping Masterplan is considered more appropriate, and we would ask that the current landscaping plan is amended accordingly.
- The woodland mix includes standard trees; we typically advise that the woodland is planted as whips at 2m centres to assist with establishment and management.
- We would recommend a shrub mix in front of plots 32-37 to provide more separation and soften the view between the dwellings on these plots and the proposed woodland.

- The standard trees in public areas/spaces should be increased to 14-16cm to make them more resilient (8-10cm is too small and at this size are likely to be damaged easily).
- Directly to the north of the proposed play space is a triangular area which would benefit from one or two additional standard trees.
- We note an increase in the use of prunus spinosa in the shrub mix (from 15% on the Masterplan to 20% on the detailed plan). We discourage the use of prunus spinosa as it is invasive and will take over and dominate the mix. It is also thorny so not suited close to path networks. The applicant may want to consider an alternative species.

Subject to the landscaping details being changed as detailed above, the protection and management measures will need to be agreed, along with replacement planting details in the event of failures.

- 6.6. **LCC Archaeology** – Further information is required, and this will be dealt with via the archaeology condition that is attached to the outline planning permission.
- 6.7. **LCC Lead Local Flood Authority** – The submitted details are sufficient for the LLFA to support the approval of reserved matters.
- 6.8. **LCC Ecology** – No concerns.
- 6.9. **HBBC Drainage** – No objections.
- 6.10. **HBBC Affordable Housing** – There is currently a lack of capacity in the Registered Provider sector which is not an issue specific to Hinckley and Bosworth but is felt in varying degrees across the country, but which means that it is hard, in certain circumstances to find a Registered Provider willing or able to take on a site. In this instance the applicant has evidence that they have approached an acceptable number of Registered providers, all of whom historically have been the main purchasers of affordable housing in the borough but have had no success in attracting bids.

This leaves the option of considering alternative solutions to the applicant fulfilling their affordable housing obligations. These options are:

- Convert the affordable dwellings so that they are all First Homes for affordable home ownership. The First Homes scheme is delivered by the developer and therefore no Registered Provider involvement is required.
- Payment of a commuted sum in lieu of any on-site provision of affordable housing. This solution can normally be spent anywhere in the borough for delivery or regeneration of affordable housing. However, a commuted sum does not deliver equivalent numbers of affordable homes.
- Gifted dwellings to the Council in lieu of some or all of the on-site provision. This is the preferred alternative from the Affordable Housing Officer's point of view as it would deliver on site affordable housing for rent, albeit at a reduced number of dwellings.

The applicant is agreeable to gifting dwellings on the basis that the numbers would leave the developer neither better or worse off than if the affordable housing had been sold to a Registered Provider. The indicative figure given in this application suggests that six dwellings could be available to gift to the Council. The applicant should provide an assessment of the values that have led to the number of units being offered, which will be externally validated and agreed by the local authority. If the offer of gifted dwellings is acceptable and agreed then the number, type and location of the gifted units as proposed is considered acceptable. In addition, two properties will be delivered as First Homes to provide some affordable home ownership properties on the site, and this will form part of the overall affordable housing delivery.

- 6.11. **HBBC Waste** – No additional comments. All bin collection points meet the Council's

Policy.

6.12. **HBBC Environmental Services** – No objections.

## **7. Policy**

7.1. Core Strategy (2009)

- Policy 12: Rural Villages
- Policy 14: Rural Areas Transport
- Policy 16: Housing Density, Mix and Design
- Policy 19: Green Space and Play Provision
- Policy 20: Green Infrastructure
- Policy 21: National Forest
- Policy 22: Charnwood Forest

7.2. Site Allocations and Development Management Policies DPD (SADMP) (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2024)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

7.4. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)
- The Green Infrastructure Strategy
- Leicestershire Highways Design Guide (LHDG) (2024)
- Technical Housing Standards – Nationally Described Space Standards (2015)

7.5. The Bagworth, Thornton and Stanton Under Bardon Neighbourhood Plan has not moved beyond the Regulation 14 pre-submission consultation stage. Therefore, the draft Plan carries very limited weight in the decision-making process.

## **8. Appraisal**

8.1. In this instance the principle of development of the site for up to 50 dwellings has already been established by planning permission 22/00527/OUT. The proposal is acceptable in principle subject to all other planning matters being satisfactorily addressed. The key issues therefore in the determination of this application are considered to be:

- Design and Impact upon the Character of the Area
- Housing Mix
- Impact upon Residential Amenity
- Impact upon Highway Safety
- Ecology and Biodiversity

Design and Impact Upon the Character of the Area

- 8.2. DM10 of the SADMP requires development to enhance the character of the surrounding area, appropriate use of building materials, high standards of landscaping, conservation of energy, and that natural surveillance, fire safety measures and the principles of secured by design is maximised. This is also supported through the Borough Council's adopted Good Design Guide 2020. The site is a greenfield site, which is relatively open. The outline application identified that the development of the site would have an impact upon the immediate area, however the wider impact would be limited, subject to appropriate landscaping and design.
- 8.3. Paragraph 131 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 8.4. Paragraph 135 of the NPPF states that decisions should ensure that development; will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate landscaping, are sympathetic to local character, establish/maintain a strong sense of place and optimise the potential of the site.
- 8.5. The layout sets development back from the mature hedgerow planting on Main Street to the west of the site and provides a logical and satisfactory layout where the PRoW is maintained and overlooked by new development, where substantial open space is provided, where an equipped area of play is provided and overlooked by neighbouring properties, where the requirements of the National Forest Company for significant tree planting and other detailed landscape matters are met and where open space and a perimeter footpath route are provided. The site layout and detailed design have been informed by a Building for a Healthy Life assessment which indicates that overall, the development is well designed.
- 8.6. The site lies on a slope and so the natural topography of the site produces a variety in roof heights across the site. The twelve different house types are considered to provide a good level of variety and interest to the street scenes within the site and the development defines key plots with corner turning buildings. There is a significant amount of tree planting proposed which will assist in softening the impact of the dwellings on the character of the site and surrounding area.
- 8.7. It is considered that the proposed development is designed to a sufficiently high standard that accords with the requirements of both policies DM10 of the SADMP as well as meeting the standards that are set out in the Good Design Guide while taking account of the more recent advice that is set out in the NPPF.

#### Housing Mix

- 8.8. 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 30 dwellings per hectare within Key Rural Centres. The policy goes on to state that in exceptional circumstances, where individual site circumstances dictate and are justified.
- 8.9. The site delivers 50 dwellings in accordance with the outline permission but delivers fewer affordable homes than required by the S106 Agreement. Eight rather than twenty affordable homes are now proposed. The explanation for this change is set out above at paragraph 6.10 and members of the Committee are familiar with the difficulties of developers being able to secure interest from Registered Providers on smaller sites in some more rural parts of the borough. The signed S106 Agreement does though include a cascade mechanism that allows a proportion of the proposed affordable homes to be gifted to the Council in the circumstances set out above in paragraph 6.10 where no Registered Provider expresses an interest in taking a site on, as is the case here.



- 8.11. As set out at paragraph 6.10, the alternative solution that is now proposed, which is to gift six dwellings to the Council and provide two dwellings for purchase at a discounted price, is the preferred solution of the Council's Affordable Housing Officer. The solution also compares well with other sites where the same problems have occurred.
- 8.12. Officers consider that in these site specific circumstances the proposed housing mix is acceptable for the site and will provide a sufficiently broad range of house types and tenures that will make a much needed contribution to the need for affordable homes within the local community and within the Borough.

#### Impact upon Residential Amenity

- 8.13. Policy DM10 of the SADMP seeks to ensure that development would not have significant adverse effect upon the privacy or amenity of nearby residents and occupiers of adjacent buildings, and the amenity of the occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.
- 8.14. The Good Design Guide provides detailed advice to developers on standards that will be expected when delivering new development. These include a general guideline for garden sizes is:
- A minimum garden length of 7m
  - 80sq.m for a three-bed house
  - 60sq.m for a two-bed house
- 8.15. The Good Design Guide sets out that principal windows to habitable rooms of neighbouring properties should be not less than 21 metres apart, unless they are across a road. It also sets out that the distance from a habitable room window to a two storey side gable should be at least 14 metres.
- 8.16. The site layout demonstrates that at least 20.1 metres is provided between all proposed habitable room windows and that a minimum of 10.6m is provided from a habitable room window to a two storey gable. This 10.6m distance falls considerably below the minimum standard distance of 14 metres that would normally be required and in this worst circumstance the gable opposite is only partially directly opposite the relevant ground floor window. Given the overall site layout and the considerable amount of open space that is being provided on the site these distances are, on balance, considered acceptable.
- 8.17. With regard to garden sizes while these have been improved during the course of the processing of the application a sizeable proportion remain that do not meet the guidelines set out in the Council's Good Design Guide. The 7 metre garden length is expressed as a minimum standard and it is confirmed that all gardens meet and exceed this requirement. The Applicant has also pointed to the considerable amount of on-site open space that is provided. Taking all matters into account it is considered, on balance, that the garden sizes are, on balance acceptable, although officers continue to work with the applicant to secure further improvements.
- 8.18. Residential dwellings border the site on just a single boundary to the north of the site. All these properties have either long rear gardens or have their side gable facing the site. All interface distances between rear elevations are considerably in excess of the standard 21 metres. Where proposed dwellings are sited closer to this northern boundary but with their gable to the boundary the dwellings are adjacent to either a paddock or to an area of extended garden that does not currently form part of the main curtilage of the adjacent dwellings. In all cases the existing mature hedgerows on the northern boundary are retained. In these circumstances it is not considered that the privacy of general amenity of existing residents would be significantly detrimentally affected.
- 8.19. It is not considered that the development, once completed, would have a significant detrimental impact upon any of any existing neighbouring dwellings in terms of any overbearing impact or overlooking. Conditions are included within

the outline permission for a construction environmental management plan and limited construction hours which seek to protect existing and proposed residential amenity during the course of the development.

- 8.20. Therefore, when having regard to layout, scale and appearance of the proposed development, it is not considered that the proposal would have an adverse impact upon residential amenity of either existing residents and a sufficient level of amenity is, on balance, provided for future occupiers of the development and it is considered that the scheme would, on balance, sufficiently accord with the requirements of Policy DM10 of the SADMP and the requirements of the NPPF.

#### Impact Upon Highway Safety

- 8.21. Policy DM17 of the SADMP requires that applications meet a number of criteria, the most relevant for this application is c) demonstrate that there is not a significant adverse impact upon highway safety. This policy also requires proposals to reflect the highway design standards that are set out in the most up to date guidance, this is the Leicestershire Highways Design Guide.
- 8.22. The point of access into and out of the site was approved at outline stage. The Local Highway Authority has, following the receipt of amended plans, no objections to the detailed internal road layout and sufficient parking is provided in accordance with standard requirements. The detailed changes to the highway layout have been made so that the main internal roads within the site can be adopted.
- 8.23. Objections to the application have been received on highway grounds but these relate to matters already approved by the outline permission. During the application, amended plans have been received following comments from the Local Highways Authority. The revised plans have been submitted to ensure roads are designed to meet adoptable standards and can be adopted by the LHA. The layout of the spine road has been designed to incorporate speed control measures and adequate forward visibility.
- 8.24. Subject to conditions, the proposals would not have significant impact on highway safety and in accordance with Policy SG15 of the SGNP, Policy DM17 of the SADMP and the NPPF.

#### Ecology and Biodiversity

- 8.25. Policy DM6 of the SADMP states that major development must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services. On site features should be retained, buffered and managed favourably to maintain their ecological value, connectivity and functionality in the long term.
- 8.26. The application has been subject to consultation with the Leicestershire County Council Ecology Team who have confirmed there is no objection to the proposed development. The information submitted at outline stage demonstrated that an increase in biodiversity would be provided. Condition 13 of the outline permission relates to the requirement for a landscape and Ecological Management Plan with is to be based on the Biodiversity Net Gain information submitted at outline stage.
- 8.27. The proposed scheme includes substantial new tree and hedgerow planting, and officers are satisfied that as a result a biodiversity net gain would be achieved on the site. The development therefore accords with Policy DM6 of the SADMP.

#### Other Matters

- 8.50. Should the reserved matters be approved, the development would be subject to the requirements of the S106 Agreement that relates to the outline permission 22/00527/OUT. This includes that no development shall commence until the Borough Council has approved an Affordable Housing Scheme for the site.
- 8.51. Any reserved matters approval would also be subject to all relevant conditions

attached at outline stage which includes conditions relating to construction hours, a Construction Environmental Management Plan, contamination, surface water drainage, levels, an Ecological Management Plan, native species planting, waste and recycling, and external lighting. Electric vehicle charging points are now a requirement under the Building Regulations.

## **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. The principle of development has been established through the outline planning permission 22/00527/OUT. The appearance, landscaping, scale and layout of the proposed development is considered acceptable in accordance with the national and local planning policy as set out in the National Planning Policy Framework (2024) and the Site Allocations and Development Management Policies Development Plan Document (2016).

10.2. The proposed development provides much needed market and affordable homes in circumstances where recent experience is that registered affordable home providers can be reluctant to operate. The proposed development would not have any significant adverse impact upon the character of the site or surrounding area, highway safety, residential amenity, biodiversity or ecology. The proposal is well designed and provides a good mix of homes. It would retain and improve hedgerows and trees bordering the site and is considered to meet the relevant requirements of the Site Allocations and Development Management Policies Development Plan Document as well as the Good Design Guide and the aims, objectives and requirements of the National Planning Policy Framework.

## **11. Recommendation**

11.1. **Reserved Matters be approved** subject to:

- Planning conditions outlined at the end of this report
- Power to determine the final details of the conditions to be delegated to the Head of Planning

## 11.2. Conditions and Reasons

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application drawings as follows:
  - Site Location Plan SUB/LP/001 (02.09.24)
  - Planning Layout SUB/PL/001 Rev C (21.01.24)
  - External Levels 24018-RLL-24-XX-DR-C-2000 Rev P01 (02.09.24)
  - Detailed landscape proposals (west) P24-1430 EN 0002 S1 Rev A (10.01.24)
  - Detailed Landscape proposals (east) P24-1430 EN 0002 S2 Rev A (10.01.24)
  - House Type planning Pack Stanton Under Bardon August 2024 (02.09.24)

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

2. No dwelling shall be occupied until such time as their respective parking and turning facilities have been implemented in accordance with the Allison Homes Planning Layout SUB/PL001 Rev C. Thereafter the on-site 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 accordance with Policy DM17 and DM18 of the adopted Site Allocations and Development Management Policies Plan.

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 the requirements of 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 policy DM17 of the adopted Site Allocations and Development Management Policies DPD and the NPPF.

4. No part of the development hereby permitted shall be occupied until such time as 1.0 metre by 1.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of each private drive/ shared private drive 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 in perpetuity.

**Reason:** In the interests of pedestrian safety, and in accordance with policy DM17 of the adopted Site Allocations and Development Management Policies DPD and the NPPF.

5. 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 gates, barriers, bollards, chains or other such obstructions shall be erected to the private 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 and in

accordance with policy DM17 of the adopted Site Allocations and Development Management Policies DPD and the NPPF.

6. No part of the development hereby permitted shall be occupied until such time as site drainage details have been submitted to and approved 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 policy DM17 of the adopted Site Allocations and Development Management Policies DPD and the NPPF.

7. The reserved matters hereby approved shall be implemented in accordance with the detailed landscape proposals detailed on drawings P24-1430 EN 0002 S1 Rev A and P24-1430 EN 0002 S2 Rev A. Tree planting within the area identified on these two plans as lying within the National Forest compliant landscape areas shall be planted prior to first occupation of any dwelling. All other landscaping shall be carried out in the first planting season following the first occupation of any dwelling. 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.

**Reason:** In the interests of the amenity of future residents and the character and appearance of the site and surrounding area in accordance with Policy DM10 of the Site Allocations and Development management Policies Development Plan Document (2016).

8. No development shall take place until a scheme for the treatment of the Public Right of Way has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include management during construction, including proposed temporary routes; ensuring plans reflect the correct legally recorded PRow alignment; details of metal kissing gates to replace existing any existing stiles; and any new construction works. Physical construction should address width, surfacing, drainage, structures, signposting, and impacts of any landscaping and boundary treatments in accordance with the principles set out in the Leicestershire County Council's adopted Guidance Notes for Developers. Thereafter the development shall be implemented in accordance with the approved scheme and timetable.

**Reason:** To protect and enhance the Public Right of Way and access in accordance with Paragraph 105 of the National Planning Policy Framework (2024).

9. No dwelling on any unadopted private drive shall be occupied until street lighting has been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

**Reason:** In the interests of the safety and amenity of future occupiers of the development in accordance with Policy DM10 of the Site Allocations and Development management policies Development Plan Document (2016).