

Delegated Report

Planning Ref: 24/00496/REM
Applicant: Vistry South East Midlands
Ward: Earl Shilton



Hinckley & Bosworth
Borough Council

Site: Land North of Hill Top Farm, Hill Top, Earl Shilton,
Leicestershire

Proposal: Approval of reserved matters (appearance, landscaping, layout, scale) for 140 dwellings and associated infrastructure pursuant to 21/00135/OUT (Residential development for up to 140 dwellings, with public open space, landscaping and sustainable drainage system (SuDS) (Outline- access only)

Case Officer: Emma Baumber

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

2. Planning Application Description

- 2.1. This is a reserved matters application for the development of 140 dwellings, with associated infrastructure. Layout, scale, appearance and landscaping of the development are to be considered with details of access approved under the outline approval (21/00135/OUT).
- 2.2. The development consists of 57 open market residential properties and 83 affordable housing units. Of the 83 affordable units, 28 units are to be 'S106 units' in accordance with the outline approval, the 55 additional affordable units have been secured with a Registered Provider (RP).
- 2.3. All of the dwellings are two-storey with proposed materials including brick and render to elevations and grey roof tiles. There are also several feature properties in key locations across the development, these are differentiated through the use of chimneys and/or render.
- 2.4. Vehicular access is from the approved access point on Leicester Road. A main 'spine road' then runs east-west before turning to south in the eastern part of the site, several secondary roads lie to the north and south of the spine road. There are several existing Public Rights of Way (PROW) on the site which are retained in their original locations which provide additional pedestrian routes through the site. Other pedestrian routes are included within the open space and around the edges of the site to create circular walking routes.
- 2.5. The development includes a large area of public open space to the north of the site in accordance with the outline permission and parameter plan.

3. Description of the Site and Surrounding Area

- 3.1. The site is located to the north of Earl Shilton, outside the settlement boundary on land north of Hill Top Farm and to the west of Leicester Road. The site comprises agricultural fields and is approximately 9.45 hectares in size.

- 3.2 The site access is situated approximately 1km from the centre of Earl Shilton.
- 3.3 The settlement of Earl Shilton can be clearly viewed on a ridge top, development along Keats Lane being the most elevated point as the land slopes down to the north away from the settlement.
- 3.4 The southern boundary of the application site adjoins a combination of the existing settlement of Earl Shilton, the approved development of 50 dwellings at Ashby House (originally approved under application 20/00916/FUL) and the potential future development of 10 bungalows at Keats Lane which has a resolution for approval subject to the agreement of the S106. The south western boundary is enclosed by allotments, allocated as such within the Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016), although still within the countryside. The eastern edge of the site is bound by Leicester Road, which adjoins Shilton Road to the north. Beyond Leicester Road lies a potential development site for up to 33 dwellings, however, this application is yet to be determined. The north and north east boundary of the site adjoins open countryside.
- 3.5 The site is crossed by three public rights of way, which connect the site to the settlement of Earl Shilton and out to the wider countryside. Public Footpath U28 follows a north westerly alignment from Keats Lane intersecting the middle section of the site and adjoining public footpath T94 at the western boundary of the site. Footpath T94 runs south to north along the western side of the application site, dividing the western field of the application site from the remainder of the site. Public footpath T93 traverses the site in a north easterly direction adjoining public footpath T94 and U28 at a junction of the footpath network in the west.
- 3.7 The application site boundaries are a varied mix of mature hedgerow vegetation and trees, there is little tree coverage within the application site, other than at the boundaries.
- 3.8 The site has no statutory landscape designations, it contains no protected trees and there are no designated or non-designated heritage assets within the site.

4. Relevant Planning History

21/00135/OUT

Residential development for up to 140 dwellings, with public open space, landscaping and sustainable drainage system (SuDS) (Outline- access only)

Approved

05.07.2022

20/00239/OUT

Residential development for up to 190 dwellings, with public open space, landscaping and sustainable drainage system (SuDS) (Outline- with access)

Refused

04.11.2020

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. Objection comments have been received from three separate addresses, these are summarised below:

- **Countryside/Design Impacts**
 - The countryside should not be developed
 - Development should be on brownfield sites
- **Highways/Footpath Impacts**
 - Concerns over the erosion of the footpath/hill from Green Lane into the open countryside
 - Concerns over additional traffic and turning on Leicester Road
 - Concerns regarding construction traffic
- **Infrastructure**
 - Lack of infrastructure to account for development already approved in Earl Shilton
- **Flooding/Drainage**
 - The fields flood and there are concerns about the field being a soakaway
- **Other matters**
 - Concerns about the ground conditions and potential for remediation and piling. Which could make the development un-viable.

6. Consultation

6.1. No objections (some subject to conditions on this and/or the outline consent) have been received from:

- HBBC- Affordable Housing Officer
- HBBC- Drainage
- HBBC- Environmental Services
- HBBC- S106 and Monitoring Officer
- HBBC- Waste Services
- Leicestershire County Council- Archaeology
- Leicestershire County Council- Developer contributions
- Leicestershire County Council- Ecology
- Leicestershire County Council- Highways
- Leicestershire County Council- LLFA
- Leicestershire County Council- Minerals and Waste Planning Team
- Leicestershire Police
- NHS England
- Environment Agency

Where substantive comments have been received they are summarised below:

LCC Ecology

“Thank you for reconsulting with me following my comments made in June and July 2024 regarding the absence of previously requested supporting ecological documentation. I have reviewed the latest documents on the Hinkley & Bosworth Borough Council’s online planning portal and can see that the most recently requested Landscape & Ecological Management Plan (LEMP) has been submitted for review and is considered acceptable.

With regards to previous LCC ecology comments (03.03.2021) & condition 19 the following document is still outstanding in relation to 21/00135/OUT; - A sensitive lighting scheme allowing no more than 1 lux of light spill onto bat foraging corridors”.

Officer Note- The condition remains as part of the outline consent and the applicant is required to discharge this prior to development. The applicant is aware of this.

LCC Highways

“The Local Highway Authority advice is that, in its view, 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 115 of the National Planning Policy Framework (December 2023), subject to the conditions”.

Officer Note- The full comments are inserted into the highway section of the report

LCC LLFA

“This application seeks approval of reserved matters for a greenfield totalling 9.45 ha in size with the developable area being circa 3.5ha. It is estimated from the outline application that circa 1.6 ha of the developable area will be impermeable. The site is within Flood Zone 1 (low risk of fluvial flooding) and at a generally very low risk of surface water flooding, although there is a moderate to high risk of surface water flooding in the central and southern parts of the site. The surface water proposals seek to discharge to two onsite attenuation basins before being discharged at a QBar discharge rate of 19.9l/s to an existing ditch on-site.

Our previous comments stated:

Please note that any works on or around the watercourse will require Ordinary Watercourse Consent from the LLFA. The LLFA has an anti-culverting policy and will only accept culverts where absolutely required and must be as short as is possible. Without significant mitigating factors, it is unlikely that these proposals would receive ordinary watercourse consent in its current form. Further information is required in relation to the ordinary watercourse corridor before a substantive response can be given.

The LLFA has received revised designs and updated details pertaining to the ordinary watercourse that crosses the site. The design has been altered to maintain the watercourse in its open form throughout the site, aside from the section under the proposed highway. The LLFA has also received evidence and assurances that the culverted section under the highway is sufficiently sized and is achievable with the proposed levels”.

Leicestershire Police

No permeability issues were identified. Recommendations were made regarding CCTV coverage which are addressed in the ‘Notes to Applicant’ section.

An expression of interest regarding S106 contributions was made, however, this has already been agreed as part of the outline application, such expressions should have been made as part of the outline consent for the LPA to consider.

7. Policy

7.1. Core Strategy (2009)

- Policy 2: Development in Earl Shilton
- Policy 5: Transport Infrastructure in the sub regional centre
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 19: Green Space and Play Provision
- Policy 20: Green Infrastructure
- Policy 24: Sustainable Design and Technology

- 7.2. Site Allocations and Development Management Policies DPD (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 DM11 (Protecting and Enhancing the Historic Environment)
 - Policy DM12 (Heritage Assets)
 - Policy DM13: Preserving the Borough's Archaeology
 - Policy DM17 (Highways and Transportation)
 - Policy DM18 (Vehicle Parking Standards)
- 7.3. Earl Shilton and Barwell AAP (2006-20026)
- Policy 21: Infrastructure and Delivery
 - Policy 22: Development and Design
- 7.4. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2024)
 - Planning Practice Guidance (PPG)
 - National Design Guide (2019)
- 7.5. Other relevant guidance
- Good Design Guide (2020)
 - Leicestershire Highway Design Guide (LHDG)
 - National Design Guide (2019)
 - Landscape Character Assessment (2017)
 - Landscape Sensitivity Assessment (2017)

8. **Appraisal**

- 8.1. The principle of development of the site for 140 dwellings has been established through the outline consent, alongside the main access arrangements. The outline consent requires that the development is carried out in accordance with a Development Framework plan alongside the access strategy. As such the key issues are:
- Housing mix and affordable housing
 - Design and impact upon the character of the area
 - Heritage Impacts
 - Archaeology
 - Impact on residential amenity
 - Impact upon Parking Provision and Highway Safety
 - Ecology
 - Flooding/Drainage
 - Other Matters
 - Conclusion/Planning balance

Housing Mix and affordable housing

- 8.2 Section 5 of the NPPF requires planning policies and decisions to deliver a sufficient supply of homes to support the Government's objective of significantly

boosting the supply of homes. The overall aim is to meet an area's identified housing need, including with an appropriate mix of housing types for the local community.

- 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 140 residential dwellings adjacent to the settlement boundary of Earl Shilton. Whilst the red line area comprises 9.45 hectares, the outline consent established that the westernmost field would not be developed and that the northern parcel of the development would be retained as open space. Taking account of the approved developable area the proposal achieves a net density of 33 dwellings per hectare which is less than the density required within Policy 16 of the adopted Core Strategy. However, the developable area and maximum quantum of development was established at outline stage. Furthermore the density of development is in keeping with the surrounding area and is appropriate for this edge of settlement location. Considering the site specific circumstances the overall density is therefore acceptable.
- 8.5 Policy 15 of the adopted Core Strategy states that developments in urban areas that provide 15 dwellings or more should allocate 20% of its units towards affordable housing. For all sites, Policy 15 of the adopted Core Strategy requires a tenure split of 75% social rented units and 25% intermediate housing units.
- 8.7 Paragraph 66 of the NPPF states that where major development involving the provision of housing is proposed, planning policies and decisions should expect that the mix of affordable housing required meets identified local needs, across Social Rent, other affordable housing for rent and affordable home ownership tenures.
- 8.8 The Council's Affordable Housing and Enabling Officer has confirmed that the housing register for Earl Shilton at 7.6.24 for social and affordable rented dwellings is as follows:
- 1 bed properties 341
 - 2 bed properties 164
 - 3 bed properties 64
 - 4 or more bed properties 32
 - Total 601
- 8.9 In order to be policy/S106 compliant the development would need to provide 28 affordable units, 21 for social or affordable rent and 7 for shared ownership. The application has been amended, the result is a policy compliant provision of 28 affordable units with an additional 55 affordable units also being provided. This has been negotiated with People for Places as a RP. The affordability of affordable housing deliverability has been discussed with the Council's Affordable Housing and Enabling Officer who has confirmed that they have experience of additional affordable units on planning gain sites and has received legal advice in the past. "The basis upon which we have proceeded in the past is that if provision of affordable housing above the policy position on a site has no adverse effects on the level of other contributions required to deliver the site, we will accept them as

additionally of delivery and the RP is able to draw down Affordable Homes Grant on that basis. We have not required any amendments to the section 106 agreement.”

- 8.10 The Schedule of Accommodation is shown below alongside the suggested mix from the Council’s latest Housing Needs Study.

	Market Dwellings		Affordable Home Ownership		Affordable Housing (rented)	
	Proposed Development (%)	Housing Needs Survey (%)	Proposed Development(%)	Housing Needs Survey (%)	Proposed Development(%)	Housing Needs Survey (%)
1- bedroom	0	5	0.0	20	33	25
2- bedrooms	18	35	47	50	22	35
3- bedrooms	65	40	35	25	50	30
4+ bedrooms	18	20	18	5	0	10

- 8.11 The affordable home ownership mix is broadly in accordance with the suggested mix albeit no 1-bed properties are offered with a slightly higher than suggested number of 3-bed and 4-bed properties. The affordable rental mix is generally in accordance with the suggested mix, however, no 4+ bedrooms are proposed and there is a slightly higher offer of 1-bed and 3-bed properties. Ultimately the Affordable Housing Officer has stated that given the mix and layout has been negotiated with the partner RP and taking into account the over provision of affordable housing on site, they would be happy to support the mix and type of affordable units set out on the site plan and layout. The proposal is in general accordance with the suggested mix outlined in the 2024 Housing Needs Survey and the over provision of affordable housing of 83 units is attributed significant positive weight.
- 8.12 With regards to the market mix there is more variation in the housing mix with no 1-bed properties proposed. There is a marginal shortfall of 4-bed properties, given the minor degree of shortfall this is judged to be acceptable. There is a shortfall of 2-bed properties and over provision of 3-bed properties. Whilst this is regrettable, the scheme is driven by the provision of affordable units and the provision of a higher degree of 3-bed market units is therefore judged to be acceptable in this specific case.
- 8.13 Overall, a mix of housing and tenures is proposed. There is some variation with regards to the housing mix in comparison to the Housing Needs Survey, however, this is tempered by the significant over provision of affordable housing in this case. The development is therefore considered to comply with policies 15 and 16 of the Core Strategy.

Design, Layout and Impact on the Character of the Area

- 8.14 Section 12 of the NPPF confirms that good design is a key aspect of sustainable development, and the creation of high quality, beautiful, and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 135 of the NPPF details the six national policy requirements of development to ensure the creation of well-designed places.
- 8.15 Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and

government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

- 8.16 Section 15 of the NPPF requires planning policies and decisions to conserve and enhance the natural and local environment.
- 8.17 Paragraph 187(b) specifically highlights that this should be achieved by, "Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services..."
- 8.18 This is supported by Policy DM4 of the SADMP, which states that development in the countryside will be considered sustainable where:
- i.) It does not have a significant adverse effect on the intrinsic value, beauty, open character, and landscape character of the countryside; and
 - ii.) It does not undermine the physical and perceived separation and open character between settlements; and
 - iii.) It does not create or exacerbate ribbon development.
 - iv.) If within a Green Wedge, it protects its role and function in line with Core Strategy Policies 6 and 9; and
 - v.) If within the National Forest, it contributes to the delivery of the National Forest Strategy in line with Core Strategy Policy 21.
- 8.19 Policy DM10(c), (d) and (e) of the SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and the use and application of building materials respects the materials of existing, adjoining/neighbouring buildings and the area generally and incorporates a high standard of landscaping.
- 8.20 Policy 22 of the Earl Shilton and Barwell AAP outlines a list of requirements a development must meet in order to be permitted and states that development which does not meet this criteria and would result in poor design which fails to improve design standards in the locality will be refused. With regards to design matters these requirements include:
- There is no detriment to the character or appearance of the host building or the surrounding area
 - The siting and density respects the character and layout of the area
 - It respects the local distinctiveness of existing buildings and landscape settings
 - The design respects the scale, proportions and height of the existing building, neighbouring structures and overall street scene
 - Fenestrations are well proportioned, well balanced within the elevations and sympathetic to adjoining/neighbouring buildings
 - The use and application of building materials respects the materials of existing, adjoining/neighbouring buildings and the local area generally
 - It incorporates a high standard of landscaping where this would add to the quality of the design and siting
- 8.21 The Council's Good Design Guide provides guidance on how to design an appropriate new residential development. This includes appraising the context, creating appropriate urban structures through blocks, streets, enclosure, open space and landscaping, parking, amenity space and design detailing.
- 8.22 Condition 3 of the outline consent requires compliance with the Development Framework Plan submitted with the original application. It is considered that the development accords with the principles of the Development Framework Plan. The

location of the spine road, developable area, focal space, SUDs features, open space and retained vegetation accords with the approved plan. Amendments have been made to the location and orientation of the secondary routes, particularly in the southern part of the site. This was discussed as part of pre-application discussions and is in response to the land levels on the site. The proposed layout enables for retaining features and land levels changes to be handled more sensitively and avoids the need for retaining structures along roadways. This amendment is therefore acceptable.

- 8.23 The following key landscape and visual principles were highlighted within the outline application through the Landscape Visual Impact Assessment (LVIA) and Design and Access Statement and each has been followed through within this Reserved Matters submission:
- The Site's westernmost field to be retained in agricultural use;
 - Retention of the existing public footpaths which cross the site on their current alignments, and incorporating these route into areas of open space;
 - Restricting the extent of built form to south of public footpath T93, in order to retain long distance views from this footpath route looking north;
 - Provision of generous areas of public open space across the site, including a new area of parkland in the north of the Site, with new recreational routes including a trim trail, native planting, SUDs features and a children's play area; and
 - Retention of the Site's existing boundary vegetation where possible augmenting this with new structural native tree and hedgerow planting
- 8.24 In terms of character areas, given the size of the development they are not as distinct as would be expected for larger developments. There is some distinguishable differences between the slightly looser and less dense pattern of development to the north and east of the site and the denser development to the southern parcel. This is judged to be appropriate given the landscape sensitivities to the north. The presence of a linear and uniform row of semi-detached housing to the western edge of the countryside was discussed at pre-application stage and additional tree planting has been including in response to soften this edge of the development.
- 8.25 There are areas of private drives, however, all are well linked through a network of pedestrian linkages enabling surveillance and legibility in these areas. The application has been amended to enhance the pedestrian links including providing a circular walk around the site. In turn routes are linked to the open space to the north of the site and provide direct access to/from surrounding PROW which again in turn lead to the open space and/or countryside to the north.
- 8.26 Surrounding housing character is varied, with a mix of semi-detached, terraced and detached dwellings, this is also true of the approved developments to be constructed adjacent to the site. Materials are predominantly brick with some render present, roof tiles are generally slate or grey concrete roof tiles with some red clay tiles interspersed. Eight house types are proposed across the site, all are two storey dwellings and most are semi-detached. Limiting the housing to two storeys was a recommendation of the original LVIA and ensures that the development respects both the existing settlement form to the south and the countryside to the north. House types are predominantly semi-detached with detached and terraced properties interspersed. The house types are tenure blind with each house type including porches, a combination of window arch/cill detailing and details such as stretcher courses which will achieves an acceptable standard of design. Where plots turn the corner, windows are proposed on each elevation and in most cases

these properties are semi-detached dwellings with front elevations on each side. Additional windows are provided on specific plots to provide both architectural interest and surveillance of pedestrian links this includes Plots 59, 83 and 93.

- 8.27 Full material details have not been provided and as such will need to be approved by condition to ensure a high quality finish to the development. The submission does however detail a mix of red and red-multi brick, being the predominant facing material. White render would be interspersed and located on feature properties to provide focal points at road junctions and the site entrance. Chimneys are also located on a number of properties which was encouraged at pre-application stage to break up the roofline of the development and create a traditional appearance, in keeping with the existing built form at this edge of village location. Roof materials would be a grey synthetic slate throughout, this uniform approach is judged to be most appropriate given the prevalence of slate/grey roof tiles in the surrounding area.
- 8.28 Garden boundaries are 1.8m high close boarded timber fences in most areas, however, brick walls are proposed along garden boundaries which are highly publicly visible. 1.2m high black metal estate railings are proposed along the edge of the shared highway space and the public open space which is appropriate for the 'country park' open space. 0.6m high black metal hoop top railings are proposed around some of the SUDs areas. Overall, the boundary treatments are acceptable.
- 8.29 High level landscaping details have been reviewed and amended during the course of the application. The landscaping plan is acceptable in most areas. Existing field boundaries are to be retained in accordance with the outline consent which allowed for some limited breaks for vehicular and pedestrian routes. Hedgerows and shrub planting is proposed to soften long areas of brick walls and around the frontage of corner turning plots. Tree planting is proposed along the main vehicular access and within the open space to the north. The hedgerow along Leicester Road is to be retained and supplemented in accordance with condition 5 of the outline consent.
- 8.30 Notwithstanding this, further detail is required including details on planting mix across the site. Furthermore, the applicant has agreed to additional soft planting between long areas of parking such as that for plots 73-77 and plots 43-46. Whilst this would preferably have been submitted and approved as part of this application, owing to time constraints it has been agreed this can be conditioned in this specific circumstance.
- 8.31 The Good Design Guide encourages the provision of parking in a range of ways to suit the context, character and density of a site. Parking is generally on plot in front or to the side of houses in driveways. A limited number of plots also have garages. There is a higher than preferred level of frontage parking which creates long runs of parking in some areas of the development. As above, additional landscaping has been agreed both during the course of pre-application and application discussions and via condition. This is judged to be acceptable on balance having explored layout options. Some plots experience a degree of remote parking, particularly the corner plots. However, this is limited and pathways and rear access points have been included to create a direct walkway in most cases. It is considered that an acceptable compromise has been made in these cases between parking and active plot frontages.
- 8.32 Policy 22 of the Earl Shilton and Barwell AAP also requires an applicant to demonstrate consideration to community safety through designing out crime. Leicestershire Police have been consulted and have raised no objections to the

proposal. They commented that they do not foresee any permeability issues and emergency service access is appropriate. Recommendations are made with regards to CCTV, lighting and bin storage. The first matter is recommended as a note to applicant with the latter two matters already covered by condition on the outline consent.

- 8.33 The outline consent includes a number of conditions relating to design matters which require discharge this includes requirements to submit and receive approval for a lighting strategy, waste and recycling storage and levels details. These still require discharging. With regards to the levels the layout responds to the levels changes on site and allows for retaining features to be in less prominent locations. With regards to waste and recycling storage several discussions and amendments have been made to try to reduce the length of private drives to enabling shorter bin drag distances to collection points which are close to the public highway. Whilst further details will need to be provided in order to discharge the conditions the details submitted to date are considered to be the best scenario achievable for the layout of the development.
- 8.34 In addition to the conditions on the outline consent, further details/conditions are required regarding:
- Plans/details of the pumping station
 - Plans/details of the substation which should be brick built given its location to the site entrance
 - Materials (as above)
 - Landscaping and landscape management (as above) – this should include additional planting to the parking areas as outlined above
- 8.35 In conclusion, it is considered that subject to conditions, the proposal responds to and respects the character of the area, including its edge of countryside setting. The proposal accords with the parameters of the outline consent. The development therefore accords with policies DM4 and DM10 of the SADMP, Policy DM22 of the Earl Shilton and Barwell AAP and the relevant provisions of the Good Design Guide and NPPF.

Heritage Impacts

- 8.36 Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraphs 212-215 of the NPPF require great weight to be given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have clear and convincing justification, and for that harm to be weighed against the public benefits of a proposal.
- 8.37 Policies DM11 and DM12 of the SADMP (2016) seek to protect and enhance the historic environment and heritage assets. All development proposals affecting the significance of heritage assets and their setting will be assessed in accordance with Policy DM11 and will require justification as set out in this policy. Policy DM12 requires all development proposals to accord with Policy DM10.
- 8.38 There are no designated or non-designated heritage assets within the site itself. The closest designated heritage assets are:
- Top House, Hill Top - a grade II listed building sited approximately 100m south of the eastern section of the application site

- Hill Top House, 7 High Street – a grade II listed building sited approximately 220m south of the eastern section of the application site
- Church of St Simon and St Jude, Church Street – a grade II* listed building sited approximately 300m south-east of the eastern section of the application site
- Earl Shilton Motte and Bailey Castle – a scheduled monument sited approximately 250m south-east of the eastern section of the application site.

8.39 As well as the site being adjacent to the historic settlement core (Historic Environment Record (HER) ref: MLE9535) a number of local heritage assets (non-designated heritage assets in terms of the NPPF) are also located within the vicinity of the application site:

- Dog and Gun, 72 Keats Lane - a mid-C20 public house immediately adjacent to the southern section of the application site (HER ref: MLE22102)
- Shoe factory, 2 Keats Lane – a late-C19 former boot and shoe factory sited approximately 130m south of the eastern section of the site (HER ref: MLE17888)
- Shoe factory, 12 Keats Lane – a late-C19 former boot and shoe factory sited approximately 100m south of the eastern and southern sections of the site (HER ref: MLE17889)

8.40 During the outline application it was judged that the proposal affects the significance of two designated heritage assets (the grade II* listed building the Church of St Simon and St Jude and the grade II listed building Top House) and one non-designated heritage asset (the Dog and Gun, Keats Lane) by being located within their setting. It was considered that the proposal will have a neutral impact causing no harm and is therefore compatible with the significance of the listed buildings and will retain the significance of a local heritage asset. Consequently the proposal at outline stage was judged to accord with Policies DM11 and DM12 of the SADMP, section 16 of the NPPF and the statutory duty of Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.

8.41 Although the proposal was not considered to have an adverse impact on the significance of the affected heritage assets and the conservation officer raised no objections, the outline permission included a condition to provide planting at the back of the visibility splays to the new access from Leicester Road to re-establish a key landscape feature typical of the setting of the grade II listed Top House (Condition 5). As outlined earlier in the report this has been included in the landscaping plan with further details of mix to be secured by condition. As the application accords with the parameters of the outline permission and is judged to be of an acceptable design it is considered to be acceptable in heritage terms and complies with Policies DM11 and DM12 of the SADMP, Section 16 of the NPPF and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Archaeology

8.42 Policy DM13 of the SADMP states that where a proposal has the potential to impact a site of archaeological interest developers should provide an appropriate desk based assessment and where applicable a field evaluation. Paragraph 194 of the NPPF also reiterates this advice.

8.43 This was assessed at outline stage, relevant conditions on the outline consent remain to be discharged prior to commencement. The proposal is acceptable subject to these pre-existing conditions.

Impact on residential amenity

- 8.44 Paragraph 135(f) of the NPPF requires planning policies and decisions to ensure that developments create places that are safe, inclusive, and accessible, which promote health and well-being, and a high standard of amenity for existing and future users.
- 8.45 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.
- 8.46 Policy DM22 of the Earl Shilton and Barwell AAP requires development to not adversely affect the privacy and amenity of nearby residents and occupants including matters of lighting, air quality, noise, vibration and visual intrusion.
- 8.47 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.
- 8.48 There are a limited number of existing residential properties which adjoin the site, these are limited to the south west of the site and include properties which back on to the site on Keats Lane and 'Woodvale' on Green Lane. The development will permanently alter the outlook of these properties who currently have unrestricted views of open countryside to the north. Loss of or change to a view is not however a material planning consideration. Separation distances between neighbouring dwellings and the proposed units exceed the separation distance of 21m outlined within the Good Design Guide. The distance is judged to mitigate adverse amenity impacts such as loss of light, overdominance and loss of privacy sufficiently. Furthermore, there are additional mitigation factors such as vegetation along the rear/side boundaries of neighbouring properties which would be retained and the fact the site is on lower ground levels.
- 8.49 Separation distances exceed 21m to the planned development at land to the rear of Keats Lane and the approved development at Ashby House.
- 8.50 Separation distances are met between the proposed units on the development and the layout is judged to create adequate amenity relationships in that regard.
- 8.51 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. It is considered that the dwellings comply with the internal floor space standards of required by the THS.
- 8.52 The Good Design Guide also outlines general guidelines for garden sizes including a minimum garden length of 7m and garden areas of 80sqm for a three bed house and 60sqm for a two bed house. A garden space plan has been submitted following concerns about substandard garden sizes on the development, some have been adapted during the course of the application and the colour coding on the plan is not an accurate reflection of all of the shortfalls. The majority of plots do comply with the GDG with regards to garden sizes and the 1 bed properties are each afforded garden space which is positive. However, 15 plots do fail to comply with the GDG guidance in terms of garden area, the applicant has been unwilling to increase these further siting issues with amending plot sizes due to levels and layout constraints. In the cases where there is a shortfall in garden area, each plot does exceed the 7m

minimum depth. In some cases the shortfall in garden size is minor i.e. 73.4sqm as opposed to 80sqm the shortfall here is unlikely to cause significant amenity issues. However, in other cases the shortfall is significant e.g. 55.4sqm as opposed to 80sqm. Such cases do not provide a high standard of amenity for future occupants of the dwellings and is contrary to the guidance contained within the Good Design Guide.

- 8.53 As a shortfall has been identified for some plots an assessment must be made as to whether this shortfall would cause significant harm to the amenity of future occupants. In this case, the development is afforded a generous area of open space which is easily accessible for future occupants. Furthermore, there are site specific constraints such as the levels which do restrict the layout of the development. Considering this, on balance, the lack of compliance with the GDG general guideline for a limited number of garden sizes is not judged to warrant refusal of the development. However, considering the shortfall to some garden sizes and the layout of built form, it is judged to be necessary to remove permitted development rights for extensions and outbuildings for certain plots where un-controlled additional development could lead to an unacceptable amenity impact for future occupants through the loss of further outdoor amenity space. These plots are listed in the recommended condition at the end of this report.
- 8.54 Conditions on the outline require the submission and approval of a scheme protecting dwellings from noise on Leicester Road, a lighting strategy and a Construction Environmental Management Plan.
- 8.55 By virtue of these factors, the proposal is not considered to result in any significant adverse impacts to the residential amenity of the future occupants of the scheme or neighbouring residents. Therefore, the proposal is considered to be in accordance with Policy DM10 of the SADMP, Policy 22 of the Earl Shilton and Barwell AAP and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.56 Section 9 of the NPPF promotes sustainable transport. Paragraph 115 of the NPPF states that in assessing specific applications for development it should be ensured that sustainable transport modes are prioritised, safe and suitable access to the site can be achieved for all users, the design of streets, parking areas and other transport elements reflect national guidance. Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 8.57 Ultimately, 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, following mitigation, would be severe, taking into account all reasonable future scenarios in accordance with Paragraph 116 of the NPPF.
- 8.58 Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. 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)).

- 8.59 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.60 Policy 22 of the Earl Shilton and Barwell AAP requires that where parking is to be provided a minimum of one EV charging point is included per development scheme.
- 8.61 Paragraph 3.151 (Quantum) of Part 3 of the LHDG requires three off-street vehicle parking spaces for four-bedroom dwellings. Paragraph 3.165 (Dimensions) of Part 3 of the LHDG requires minimum parking sizes to be 2.4m x 5.5m, and an additional 0.5m in width is required the parking space is bounded by a wall, fence, hedge, line of trees or other similar obstructions on one side. This width increases to 1m if the parking space is bounded on both sides.
- 8.62 Access was a matter for consideration at outline stage and the proposed access arrangements, subject to conditions and off-site works were judged to be sufficient to serve the development. Conditions on the outline require compliance with approved details, the submission of a plan detailing EV charging points (pre-commencement) and the submission of a scheme for the treatment of the PROW on site. A Travel Plan was submitted and approved under the outline consent.
- 8.63 The development is designed such that there is a main spine road from the access point which runs through the centre of the south before turning north to west. There are a number of secondary roads to the north and south of the spine road.

Internal Layout

- 8.64 Following several amendments to the scheme, the Local Highway Authority (LHA) has advised that the layout is designed to an adoptable standard and any further necessary amendments to the road layout can be agreed at the Section 38 stage. It should be noted however, that the adoptable turning heads exceed the size considered necessary for adoption, as set out in the LHDG. The Applicant has advised that they would be willing to provide a commuted sum for these adoptable turning heads which is acceptable to the LHA.

Parking Provision

- 8.65 The LHA consider the level of car parking provision provided for each plot to be in accordance with the LHDG. Garage dimensions have been provided and these are in accordance with Part 3, Paragraph 3.200 of the LHDG and can therefore count towards parking provision. The LHA have stated they have welcomed the provision of electric car charging points for all plots and that provision for cycle parking would be made for each plot. The LHA consider the design of the shared private drives to be acceptable.
- 8.66 Conditions are recommended including compliance with the submitted plans, the provision and retention of parking, the provision and retention of visibility splays and the removal of permitted developments to ensure no obstructions to vehicular access points. Subject to both the conditions on the outline consent and those included within the list of conditions, the proposal complies with policies DM17 and DM18 of the SADMP, Policy 22 of the AAP, and the relevant provisions of the NPPF and LHDG.

Ecology

- 8.67 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.

- 8.68 Ecological requirements were agreed at outline stage with conditions requiring the submission of a badger mitigation plan, landscape and ecology management plan and reptile mitigation strategy.
- 8.69 Updated ecological appraisals have been submitted with this application, LCC ecology have been consulted and originally raised concerns that the information referenced in paragraph 8.68 had not been submitted. The conditions require submission of this information prior to the commencement of development rather than as part of the reserved matters application. However, additional information has been supplied and LCC ecology have raised no objections with the development subject to the submission of a sensitive lighting scheme as is required by condition 19 of the outline consent.
- 8.70 Considering the pre-existing conditions, the development is acceptable in ecological terms and complies with policy DM6. The scheme is not subject to mandatory BNG as the outline consent pre-dates this requirement.

Flooding/Drainage

- 8.71 Policy DM7 of the SADMP outlines that adverse impacts from flooding will be prevented. Developments should not create or exacerbate flooding by being located away from area of flood risk unless adequately mitigated in line with National Policy. Policy DM10 outlines the requirement for an appropriate Sustainable Drainage Scheme.
- 8.72 Paragraph 181 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 182 states applications which could affect drainage on or around the site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, and which are proportionate to the nature and scale of the proposal. These should provide multifunctional benefits wherever possible, through facilitating improvements in water quality and biodiversity, as well as benefits for amenity. Sustainable drainage systems provided as part of proposals for major development should: a) take account of advice from the Lead Local Flood Authority; b) have appropriate proposed minimum operational standards; and c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development.
- 8.73 The site is a greenfield totalling 9.45 ha in size with the developable area being circa 3.5ha. It was estimated within the outline application that circa 1.6 ha of the developable area will be impermeable. The site is within Flood Zone 1 (low risk of fluvial flooding) and at a generally very low risk of surface water flooding, although there is a moderate to high risk of surface water flooding in the central and southern parts of the site. The surface water proposals seek to discharge to two onsite attenuation basins before being discharged at a QBar discharge rate of 19.9l/s to an existing ditch on-site.
- 8.74 Conditions on the outline approval ensure that no development can commence until a surface water drainage scheme and details of maintenance have been submitted and approved by the LPA.
- 8.75 HBBC's drainage officer has raised no objection owing to the above conditions.

- 8.76 The LLFA issued a holding response citing that the LLFA has an anti-culverting policy and will only accept culverts where absolutely required, they must be as short as possible. Despite the presence of the above conditions the LLFA required further detail specifically with regards to the culvert. This information has been submitted and the LLFA have removed their holding objection stating that they have reviewed the revised designs and details pertaining to the ordinary watercourse that crosses the site. The design has been altered to maintain the watercourse in its open form throughout the site, aside from the section under the proposed highway. The LLFA has also received evidence and assurances that the culverted section under the highway is sufficiently sized and is achievable with the proposed ground levels.
- 8.77 No additional conditions are proposed by the LLFA who have confirmed that their requirements are already suitably conditioned under the conditions 9 and 10 of the outline application. To meet these conditions the amendments made to the layout and drainage design proposed under this Reserved Matters application would need to be honoured and detailed at the discharge of conditions phase.
- 8.78 Therefore, owing to the amendments/additional information received and subject to the aforementioned conditions, the development is considered to comply with Policy DM7 of the SADMP.

Other matters

- 8.79 Concerns have been raised with regards to ground conditions and potential for remediation and piling. Conditions on the outline consent require the submission of contamination assessments. With regards to structural issues, the development will require building regulations approval. Condition 17 requires details of existing and proposed ground levels to be submitted which will offer some detail and retaining walls would be to a structural engineer's specification.
- 8.80 It has been agreed between the case officer, the S106 and Monitoring Officer and applicant that full details of the open space and play equipment can be conditioned, owing to issues with getting plans updated in the tight timescales in reaching a decision on this application. Nonetheless an indicative list of play equipment has been provided as part of this application which is broadly acceptable.
- 8.81 The outline planning permission includes various conditions which will remain relevant and will be considered separately.

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 in the consideration 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 and planning balance

- 10.1. The principle of development has been established through the granting of the outline planning permission.
- 10.2. Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission to be granted, subject to the imposition of appropriate conditions within this application and the conditions imposed within the allowed outline planning application, 21/01131/OUT

11. Recommendation

- 11.1. **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report.

11.2. Conditions and Reasons / Reasons

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

C253 0200-P01 Location Plan
C253 0201-P09 Proposed Site - Development Only
C253 0202-P09 Proposed Site Plan - Full Site
C253 0203-P08 Proposed Site - Bin and Cycle Store Locations
C253 0204-P08 Proposed Site - Parking Bay Types
C253 0205-P08 Proposed Site - Boundary Treatments
C253 0206-P08 Proposed Site - Landscaping Plan
C253 0207-P07 Proposed Site - Facing Materials
C253 0209-P07 Proposed Site - Highways Plan
C253 0500-P05 Proposed Site - Garden Sizes
C253 0220-P05 B1 - Plans and Elevations
C253 0221-P05 B1 OP - Plans and Elevations
C253 0222-P04 B1 Semi A- Plans and Elevations
C253 0223-P04 B3 Semi - Plans and Elevations
C253 0224-P03 B3 Semi A - Plans and Elevations
C253 0225-P04 B3 Semi B - Plans and Elevations
C253 0226-P04 B3 Terrace - Plans and Elevations
C253 0227-P04 B5 Semi - Plans and Elevations
C253 0228-P03 B5 Semi A - Plans and Elevations
C253 0229-P03 B5 Semi B - Plans and Elevations
C253 0230-P05 B5 Semi C - Plans and Elevations
C253 0233-P04 Curlew Semi - Plans and Elevations
C253 0234-P06 Jackdaw Semi - Plans and Elevations
C253 0235-P05 Jackdaw Kingfisher Semi - Plans and Elevations

C253 0236-P05 Jackdaw Kingfisher A Semi - Render - Plans and Elevations
 C253 0237-P04 Jackdaw Kingfisher Semi Op Semi - Plans and Elevations
 C253 0238-P04 Jackdaw Kingfisher A Op Semi - Render - Plans and Elevations
 C253 0240-P04 Plover - Plans and Elevations
 C253 0241-P04 Plover A - Plans and Elevations
 C253 0242-P04 Plover OP - Plans and Elevations
 C253 0243-P04 Plover A OP - Plans and Elevations
 C253 0244-P02 Dahlia Semi - Plans and Elevations
 C253 0245-P02 Dahlia Semi A Plans and Elevations
 C253 0246-P03 Jackdaw Semi B - Plans and Elevations
 C253 0247-P02 B3 Semi C - Plans and Elevations
 C253 0248-P02 B5 Semi D - Plans and Elevations
 C253 0250-P02 Single Garage - Plans and Elevations
 C253 0251-P01 Kingfisher A - Plans and Elevations
 C253 0252-P02 Jackdaw 3 Terrace - Plans and Elevations
 C253 0254-P01 Kingfisher A OP - Plans and Elevations
 C253 0255-P02 B3 Semi D - Plans and Elevations
 C253 0256-P02 Jackdaw Semi C - Plans and Elevations
 24000-102C Drainage Strategy-1 of 2
 24000-103B Drainage Strategy-2 of 2
 24000-190 S184 Detail Plan
 24000-200C Refuse Tracking (1 of 2)
 24000-201C Refuse Tracking (2 of 2)
 24000-202A Visibility Splays (1 of 2)
 24000-203A Visibility Splays (2 of 2)
 4519_14A LEMP
 4519_12 Update eco assessment
 4519_13_Reptile Mitigation Strategy
 4519_15_Badger Mitigation Strategy
 Existing Ditch Drainage Note - Leicester Rd Earl Shilton V2

Reason: To ensure a satisfactory form of development and satisfactory external appearance in accordance with Policies DM1, DM6, DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

2. No development shall commence until a scheme of soft landscaping works, for the site, including an implementation scheme, has been submitted to and approved in writing by the local planning authority. The soft landscaping scheme shall be in general accordance with the approved C253 0206-P08 Proposed Site- Landscaping Plan' and shall include additional soft landscaping in the parking areas for plots 43-46 and 73-77 and screening landscaping for the pumping station.

Thereafter the development shall be carried out in full accordance with the approved landscaping scheme. 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.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM4, DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Policy 22 of the Earl Shilton and Barwell Area Action Plan (2014).

3. No development shall commence until full details of the equipment (including seating and bins), boundary treatments and hard surfacing in the public open space has been submitted to and approved in writing by the local planning authority. Thereafter the development shall be implemented and maintained in accordance with the approved details.

Reason: To ensure that the development has a satisfactory external appearance and provides satisfactory green space and play provision in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Policy 19 of the Core Strategy (2009) and Policy 22 of the Earl Shilton and Barwell Area Action Plan (2014).

4. No development shall commence above Damp Proof Course level, until full details of the pumping station has been submitted in writing to and approved in writing by the local planning authority. Thereafter the development shall be implemented and maintained in accordance with the approved details.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Policy 22 of the Earl Shilton and Barwell Area Action Plan (2014).

5. No development shall commence above Damp Proof Course level, until full details of the substation, including brick and roof tile materials to match the proposed dwellings, have been submitted to and approved in writing by the local planning authority. Thereafter the development shall be implemented and maintained in accordance with the approved details.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Policy 22 of the Earl Shilton and Barwell Area Action Plan (2014).

6. No development above foundation level shall commence on site until full details (including representative brick, render and roof tile samples) of the types and colours of materials to be used on the external elevations of the dwellings hereby permitted have been submitted to and approved in writing by the local planning authority. The submitted details shall accord with the materials set out in C253 0207-P07 Proposed Site - Facing Materials. The scheme shall be implemented in accordance with those approved materials.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Policy 22 of the Earl Shilton and Barwell Area Action Plan (2014).

7. Prior to first occupation of the development hereby permitted, a landscape management plan, including long term objectives, management responsibilities and maintenance schedules for all landscape areas, other than small privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter landscape management shall be carried out in accordance with the approved details.

Reason: To ensure that the work is carried out within a reasonable period and thereafter maintained in a suitable manner, in accordance with Policy DM10 of the

adopted Site Allocations and Development Management Policies Development Plan Document (2016).

8. Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Classes A and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwellings or the provision of buildings etc incidental to the enjoyment of the dwellinghouses shall be carried out to/on Plots 11, 12, 13, 42, 43, 44, 45, 46, 48, 49, 50, 51, 59, 60, 78, 80, 81, 82, 100, 101, 102, 103, 104, 105, 106, 107, 134, 135, 136, 137, 138 unless planning permission for such development has been granted by the Local Planning Authority.

Reason: To protect the character of the surrounding area and to safeguard the privacy and amenity of neighbouring dwellings from potential overlooking in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

9. Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Classes F of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no additional hard surfacing shall be carried out between the highway (including private driveways) and front elevations of Plots 16, 17, 18, 19, 41, 42, 43, 44, 45, 46, 49, 50, 51, 59, 60, 65, 66, 67, 68, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 92, 93, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 122, 123, 124, 125, 128, 129, 130, 133, 134, 135, 136, 137, 138, 139, 140 unless planning permission for such development has been granted by the Local Planning Authority.

Reason: To protect the character of the surrounding area in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

10. The dwellings hereby permitted shall not be occupied until such time as their respective parking and turning facilities have been implemented in accordance with BRP drawing numbers C253-BRP00-00-DR-A-0204 Rev P08 and C253-BRP-00-00-DR-A-0201 Rev P09. The parking and turning areas as well as 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. 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 Policy DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (December 2024).

11. No dwelling hereby permitted shall be occupied until such time as the associated highway arrangements and internal layout shown on Mucklow & Harris drawing numbers 24000202 Rev A and 24000-203 Rev A have been implemented in full. Visibility splays shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To ensure that vehicles on site may pass each other in a slow and controlled manner, to afford adequate visibility to cater for the expected volume of traffic and in the interests of general highway safety in accordance with Policy DM17

and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (December 2024).

12. No dwelling hereby permitted shall 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 the associated 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 Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (December 2024).

13. 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 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 Development Plan Document (2016) and the National Planning Policy Framework (December 2024).

Notes to applicant

1. Leicestershire Police recommend CCTV is installed at the key vehicle entry point. Number plate recognition capability is recommended, and appropriate data compliance signage would be required.
2. Leicestershire Police recommend a section 38 agreement to allow an electrical spur at the nearest lamppost to the entry point. This could support the position of CCTV coverage as well as benefitting from appropriate illumination. Consideration of CCTV coverage of this key position should be made at an early stage of this proposed development due to its size and scale.