

Delegated Report

Planning Ref: 25/00537/REM

Applicant: Countryside Properties Ltd trading as Vistry South East

Ward: Hinckley DeMontfort



Hinckley & Bosworth
Borough Council

Site: Land North of the A47 Normandy Way and East of Stoke Road

Proposal: Approval of Reserved Matters (appearance, landscaping, layout and scale) of outline planning application 22/00318/OUT for the construction of 475 dwellings and associated infrastructure and landscaping works.

1. Recommendations

1.1. Grant 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 residential development of 475 dwellings with associated internal road layout, car parking, drainage, and landscaping. The application follows the approval of outline permission 22/00318/OUT for the erection of up to 475 dwellings via appeal decision.

2.2. The housing mix proposed comprises 380 market dwellings and 95 affordable homes, a total of 475 new dwellings.

The mix of market dwellings is as follows:

- 2 x 1 bed maisonettes
- 9 x 2 bed flats
- 91 x 2 bed houses
- 156 x 3 bed houses
- 114 x 4 bed houses
- 8 x 5 bed houses

The mix of affordable homes is as follows:

- 14 x 1 bed maisonettes
- 6 x 2 bed bungalows
- 17 x 2 bed houses
- 56 x 3 bed houses
- 2 x 4 bed houses

2.3. The development is predominantly two storeys in height but also provides six bungalows and eight 2.5 storey dwellings. A broad mix of detached and semi-detached properties are provided, with proposed materials including seven different red brick variations, three types of render and a combination of grey and brown roof tiles. Nineteen different house types are proposed, with two architectural styles split across the site, with a "Traditional" house type in the northern section, and "Rural" in the southern section. The dwellings are designed with large windows, simple pitched roofed porches and dormers, traditional front doors with 11 different colours, and white uPVC windows on traditional house types, and grey on rural house types. The range of materials and range of house types seeks to bring the necessary level of quality and interest to the detailed design.

2.4. Vehicular access was approved under the outline permission and is from a new roundabout on Stoke Road via Normandy Way. A main 'spine road' then runs west to east with several secondary roads running north and south, and smaller private driveways beyond this. The proposal includes several areas of public open space integrating play space, as well as a central green corridor featuring a trim trail through

the centre of the site. Attenuation ponds are proposed in the eastern and western extents of the site.

- 2.5. New native hedge planting is proposed through the central green corridor, along with extensive tree and wildflower planting across the site, illustrated on the landscape masterplan. As required by condition 25 of the Inspectors' decision letter a biodiversity net gain of at least 25% is required on the site as a result of the development.

3. Description of the Site and Surrounding Area

- 3.1. The site is located to the North of Normandy Way (the A47) on the corner of Stoke Road, on the edge of the Growth Town of Hinckley in Leicestershire. The site constitutes five interconnecting fields managed for livestock pasture east of Stoke Road, and a further field west of Stoke Road, measuring a total of 25.39ha. There are a number of hedgerows and small groups of trees within it. Topographically speaking, the site slopes up to the east from Stoke Road.
- 3.2. The surrounding area is characterised by its edge of settlement location. Across the A47 is relatively densely built form with both commercial and residential uses on show. To the north is open countryside, as well as across Stoke Road to the west. A Public Right of Way lies to the south western-western edge between the A47 Normandy Way and Stoke Road. This route passes through the site from the A47 and links with the wider open countryside beyond the site.
- 3.3. Middlefield Farm and Stoke Fields Farm lie to the north of the application site, and footpath T60 and Middlefield Lane dissect the site vertically on the western side and centrally through the site respectively.
- 3.4. The A47 is partly a ring road – though there have been historic and more modern extensions of development beyond it – most notably the Bloor Homes site (Hollycroft Grange) to the southwest. As such it is increasingly becoming more of an arterial route.

4. Relevant Planning History

- **22/00318/OUT** – Outline application for the erection of up to 475 dwellings, including public open space, land reserved for a primary school, together with future expansion land (Use Class F1(a)), drainage, landscaping and associated infrastructure.
- Refused 02.05.2023
- Allowed at Appeal May 2024 (Ref. APP/K2420/W/23/3323113).

5. Publicity

- 5.1. The application has been publicised by sending out letters to 39 neighbouring properties. A site notice was also posted within the vicinity of the site, and a notice was displayed in the local press.

- 5.2. Two objections have been received. The following concerns were raised:

- Too much domestic and industrial development occurring around Hinckley, with infrastructure struggling to cope.
- Highway concerns, traffic on Normandy Way and Ashby Road in a poor state of repair
- No details of the primary school provided

Officer comment: The land reserved for a new primary school is not part of this reserved matters proposal, and will be dealt with via a separate application.

6. Consultation

- 6.1. Leicestershire County Local Highway Authority (LHA) – 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 NPPF, subject to conditions and/or planning obligations.

The LHA provides advice on measures needed to enable adoption of the internal road network and these amendments have been undertaken by the applicant. The LHA are satisfied that an appropriate level of car parking has been provided and the provision of an electric car charging point for each plot is also welcomed. Standard highway conditions are proposed.

- 6.2. LCC Drainage – further information requested regarding connection of swales to the onsite network, and permeable paving.

Officer comment: Conditions 19, 20, and 22 cover the surface water drainage scheme, management of surface water, and infiltration testing prior to the commencement of development and will be agreed in due course by the LPA and LLFA.

- 6.3. LCC Minerals – No objection

- 6.4. Natural England – No comment.

- 6.5. Warwickshire County Council – No comment.

- 6.6. Leicestershire Police – No objections but provide advice.

- 6.7. LCC Archaeology – No objection – Condition 32 of the Outline requests a WSI prior to commencement of development.

- 6.8. LCC Ecology – Holding objection pending further information re. Ecological Mitigation and BNG.

Officer comment: Conditions 24 and 25 of the Outline permission ensure that no development will commence until an ecological mitigation, compensation and enhancement strategy and BNG scheme have been submitted to and approved by the LPA.

- 6.9. HBBC Drainage – No objection - suitable SuDS scheme covered by condition on outline application 22/00318/OUT.

- 6.10. HBBC Affordable Housing – No objection.

- 6.11. HBBC Environmental Services – No comment.

- 6.12. HBBC Waste – No comments received.

7. Policy

- 7.1. Core Strategy (2009)

- Policy 1: Development in Hinckley
- 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 (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)
- Housing Needs Study (2024)
- Affordable Housing SPD (2011)
- Leicestershire Highways Design Guide (LHDG) (2024)

8. Appraisal

8.1. In this instance the principle of development of the site has already been established by planning permission 22/00318/OUT. Therefore, 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:

- Housing mix and affordable housing
- Design and Impact upon the Character of the Area
- Impact upon residential amenity
- Impact upon Parking Provision Highway Safety
- Ecology and Biodiversity
- Flooding/Drainage
- Other matters
- Conclusion

Housing Mix and affordable housing

8.2. 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 within Hinckley.

8.3. 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.

8.4. 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.

8.5. The site delivers 475 dwellings in accordance with the outline permission and delivers 20% affordable homes as required by the S106 Agreement

- 8.6. The Council's Affordable Housing Officer has pointed out that across the Borough there are, as of 18th June 2025, 834 Applicants in need of affordable homes in Hinckley.
- 8.29. 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- bed	1	5	8	20	21	25
2- bed	26	35	13	50	36	35
3- bed	41	40	79	25	38	30
4+ bed	32	20	0	5	4	10

- 8.7. The affordable home ownership mix is heavily weighted towards 3-bedroom which does not strictly correspond with the HNS or the number of Applicants on the register. The affordable rental mix is generally in accordance with the suggested mix. The Affordable Housing Officer has stated that they are happy to support the mix and type of affordable units set out on the site plan and layout. The proposed mix of affordable housing is not in general accordance with the suggested mix outlined in the 2024 Housing Needs Survey or the Housing Register for Hinckley. Whilst this is regrettable, it is not significant enough to result in the refusal of the proposal. Officers note that this type of affordable ownership mix will not be supported on other schemes within the Borough.
- 8.8. With regards to the market mix, there is an under provision of 2-bed dwellings provided and an over provision of 4+-bedroom dwellings. Whilst this represents an inconsistency from the proposed HNS mix, the LPA have offered a degree of flexibility in this case and considered that the final position of the Applicant did not warrant a reason for refusal subject to all other material considerations being addressed. Therefore, on balance, it is considered that the market housing mix is acceptable in this case.
- 8.9. The proposed layout successfully demonstrates tenure blindness, with an appropriate dispersal of the affordable dwellings throughout the site
- 8.10. Overall, a mix of housing and tenures is proposed. There is some variation with regard to the affordable ownership mix and market housing mix in comparison to the Housing Needs Survey, however, this is considered acceptable on balance in this particular case. The development is therefore considered to comply with policies 15 and 16 of the Core Strategy.

Design and Impact upon the Character of the Area

- 8.11. 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.
- 8.12. 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.
- 8.13. Section 15 of the NPPF requires planning policies and decisions to conserve and

enhance the natural and local environment.

- 8.14. 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..."
- 8.15. 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
- 8.16. 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.
- 8.17. The site is situated on the urban edge of Hinckley, to the north of the site, there is open countryside. The landform and landscape fabric is similar to that of the site with rectangular fields enclosed by mature native hedgerows with scattered broadleaf trees. The brook which encloses the site runs on a north to south trajectory with an extensive tree line of native broadleaf trees and native scrub vegetation. Landform rises to the east of the site.
- 8.18. The site occupies an urban edge location situated off Normandy Way on the northern edge of Hinckley. Consequently, the site is overlooked by and enclosed along its south eastern and southern periphery by existing residential development, as well as commercial/employment on Normandy Way. The site is therefore part of the transition from the urban edge to the wider open countryside rather than an isolated rural site.
- 8.19. The proposed layout is based around a principal spine road which creates a continuous tree lined frontage with a string building line with active frontages. The blocks of residential development are enclosed by secondary and tertiary streets. The layout is split into "northern" and "southern" parcels in terms of density and house types, with traditional house types in the northern parcel, and rural in the southern section. As outlined in the appeal decision and design statement, the northern section features a slightly lower density, particularly on the northern boundary with the open countryside.
- 8.20. The play and open space is well dispersed throughout the site, with the LEAPs and NEAPs situated in central accessible parts of the site, with very good levels of surveillance from surrounding dwellings. The site also features a central linear parkway which will integrate a trim trail, and two community orchards are proposed along the northern and eastern boundaries. The layout ensures that pedestrians and cyclists can navigate the site easily, with a suitable circulatory route and only limited cul-de-sacs and private drives.
- 8.21. Significant new tree planting is proposed, and the site is required to provide a 25% increase in biodiversity which is secured by a condition in the outline planning permission. The site layout and detailed design have been informed by a Building for a Healthy Life assessment which indicates that the development is well designed.
- 8.22. Boundary treatments comprise 1m estate railing along the main spine road, 1.8m

high close boarded fencing to rear gardens and 1.8m brick walls (to match the adjacent dwelling) where property boundaries meet communal spaces. There is 0.45 metre timber knee rail fencing provided in appropriate locations.

- 8.23. The proposed materials include seven different red brick variations, three types of render and a combination of grey and brown roof tiles. Nineteen different house types are proposed, with two architectural styles split across the site, with a "Traditional" house type in the northern section, and "Rural" in the southern section. The dwellings are designed with large windows, simple pitched roofed porches and dormers, traditional front doors with 11 different colours, and white uPVC windows on traditional house types, and grey on rural house types. Overall, the combination of materials, architectural detailing and overall dwelling design is considered acceptable and appropriate for the site.
- 8.24. 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, with some plots also including detached or integrated garages. The level of frontage parking creates some expansive runs of parking in areas of the development; however this is mostly alleviated by soft landscaping breaks. This is judged to be acceptable on balance having explored layout options. It is considered that the proposed parking arrangement is also acceptable on balance.
- 8.25. 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 and waste and recycling storage. These require separate discharge of conditions applications.
- 8.26. In conclusion, it is considered that subject to conditions, the proposal responds to and respects the character of the area, including its countryside setting. The proposal accords with the parameters of the outline consent. The development therefore accords with policies DM4 and DM10 of the SADMP, and the relevant provisions of the Good Design Guide and NPPF.

Impact on residential amenity

- 8.27. 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.
- 8.28. 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.
- 8.29. 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.
- 8.30. The site is separated from the existing settlement boundary of Hinckley by Normandy Way, therefore no existing properties would be impacted by issues such as loss of privacy, overbearing or loss of light impacts.
- 8.31. Furthermore, separation distances are met between the proposed units within the development, and the layout is judged to create adequate amenity relationships in this regard. In order to safeguard the amenities of dwellings post completion of the development, a condition has been included to remove permitted development rights to all dwellings.

- 8.32. 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.
- 8.33. 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. Most plots comply with the GDG with regards to garden sizes, although several have contrived/diagonal boundaries and fall short of the minimum guidance standards (Plots 234-237). Whilst this does not represent good design and amenity standards, officers agree that this only impacts a small number of dwellings relative to the overall scheme, and prospective occupiers will be in a “buyer beware” scenario in any case.
- 8.34. By virtue of these factors, the proposal is not considered to have 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.

Impact upon Parking Provision and Highway Safety

- 8.35. 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.
- 8.36. 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.
- 8.37. Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, and 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 adopted by the relevant highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 8.38. Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.39. 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.
- 8.40. Access was a matter for consideration at outline stage and the proposed access arrangements were judged to be sufficient to serve the development. An amended Travel Plan is required to be submitted prior to first occupation by condition 31 of the outline permission.
- 8.41. Parking provision is generally in accordance with the LHDG. The LHA note no visitor parking has been provided within the site. Whilst this is a requirement of the new LHDG

which was published in December 2024, it would be unreasonable for the LHA to seek to resist the proposals on this basis.

- 8.42. The LHA consider that the internal layout does not fully accord with the LHDG and the site is therefore not suitable for submission of a S38 application post granting of planning consent as currently presented. Whilst it is not a requirement for these matters to be addressed during the planning application stage, the Applicant may wish to consider addressing the following points in order to demonstrate a layout more likely to be suitable for an application for adoption under S38.
- 8.43. Conditions are recommended including compliance with the submitted plans, private access drives, the provision and retention of visibility splays, provision of site drainage details 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, and the relevant provisions of the NPPF and LHDG.

Ecology and Biodiversity

- 8.44. 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.
- 8.45. The application has been subject to consultation with the Leicestershire County Council Ecology Team who have requested further information to ensure that the requirement of 25% Biodiversity Net Gain and wider ecological enhancements can be achieved within the parameters of the layout as proposed.
- 8.46. The outline planning permission includes pre-commencement conditions relating to ecological mitigation, compensation and enhancement (condition 24) as well as a specific condition to ensure that the scheme demonstrates a 25% net gain in area habitat (condition 25). Officers are therefore satisfied that the required level of biodiversity net gain will be achieved on the site, along with the required levels of ecological mitigation, compensation and enhancement. If this is not achievable as part of the layout as submitted, amendments to the scheme will be required by a further revised application. The development therefore accords with Policy DM6 of the SADMP in this regard.

Flooding/Drainage

- 8.47. 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.
- 8.48. 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.

- 8.49. The site is a greenfield totalling 25.4ha in size. The site is within Flood Zone 1 (low risk of fluvial flooding) and at a low to high risk of surface water flooding.
- 8.50. The proposals seek to discharge at 4.4 l/s/ha via multiple detention basins to the on-site watercourse. The site is split into two sub-catchments labelled West and East discharging with a limited rate of 32.8 l/s and 34.8 l/s respectively.
- 8.51. The drainage strategy proposed at outline used swales in a green corridor as part of the drainage on site. These swales appear to be shown on the plans however they are not shown to be connected to the onsite drainage network. The LLFA have requested that the connectivity of these swales needs to be clarified.
- 8.52. Furthermore, The National Standards for SuDS (NSS) requires the retention of the first 5mm of rainfall on-site. Therefore, features such as permeable paving, etc. must be provided on site. As this reserved matters application looks to fix the layout and landscaping of the site, the LLFA have requested this information to be substantiated. Whilst Officers have requested this information from the Applicant, pre-commencement conditions on the outline approval ensure that no development can commence until a surface water drainage and management scheme and details of maintenance have been submitted and approved by the LPA, along with hydraulic modelling and infiltration testing.
- 8.53. The LPA have advised the Applicant that if the layout does not enable the suitable connection between the onsite drainage network and swales, and wider matters relating to surface water permeability, a new permission will be required and forthcoming discharge of conditions application will be refused.
- 8.54. HBBC's drainage officer has raised no objection subject to conditions.
- 8.55. No additional conditions are proposed by the LLFA. Therefore, to the aforementioned conditions, the development is considered to comply with Policy DM7 of the SADMP.

Other matters

- 8.56. 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. This was assessed at outline stage, with a pre-commencement condition included for the submission and approval of a Written Scheme of Investigation prior to the commencement of development.
- 8.57. The development is subject to the requirements of the S106 Agreement that relates to the outline permission 22/00318/OUT.
- 8.58. The reserved matters approval would also be subject to all relevant conditions attached at outline stage (22/00318/OUT), which includes conditions relating to levels, phasing, materials, contamination, Construction Environmental and Traffic Management Plans, external lighting, drainage, ecology, footway between the access and Hinckley Road, bus stop infrastructure, junction/footpath improvements, and an archaeological investigation.

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 22/00318/OUT. The proposed development provides a significant amount of much-needed market and affordable homes. The proposed development would not have any significant adverse impact upon the character of the site or surrounding area, highway safety, residential amenity, drainage, or ecology. The proposal is reasonably well designed, the proposed mix of dwellings does not accord with the latest HNS and this is regrettable but in this specific circumstance is judged to be acceptable. The development would introduce hedgerows and provide significant new tree planting and public open space within 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
- 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.

11. Recommendation

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

- Planning conditions outlined at the end of this report

11.2. Conditions and Reasons

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans as follows:

P24-1360_DE_001-04	Rev		Site Location Plan
P24-1360_DE_005-01	Rev	K	Planning Layout 1 of 3
P24-1360_DE_005-02	Rev	K	Planning Layout 2 of 3
P24-1360_DE_005-03	Rev	K	Planning Layout 3 of 3
P24-1360_DE_005-04	Rev	E	Presentation Layout
P24-1360_DE_005-06	Rev	C	Materials Plan
P24-1360_DE_005-07	Rev	C	Boundary Treatments Plan
P24-1360_DE_005-08	Rev	B	Housetype Style Key Plan
P24-1360_DE_028-01	Rev	-	Concept Masterplan_R
P24-1360_DE_G201	Rev	-	House Type Pack - Traditional
P24-1360_DE_G000	Rev	-	House Type Pack - Rural

P24-1360_DE_031_A			Affordable Allocation
MZ567_02_040_01	Rev	A	Engineering Layout - Full Site
MZ567_02_040_02	Rev	A	Engineering Layout - Sheet 1
MZ567_02_040_03	Rev	A	Engineering Layout - Sheet 2
MZ567_02_040_04	Rev	A	Engineering Layout - Sheet 3
MZ567_02_040_05	Rev	A	Engineering Layout - Sheet 4
MZ567_02_040_06	Rev	A	Engineering Layout - Sheet 5
MZ567_03_020_01	Rev	A	Vehicle Tracking Plan Full Site
MZ567_03_240_01	Rev	D	Highway Dimensions & Visibility Splays Plan
MZ567_03_240_02	Rev	A	Extent of Adoption Plan
MZ567_HAP_01	Rev	-	Highways Amendments Plan

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

- No development shall commence above ground level 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 Landscape Masterplan Drg No. P24-1360_EN_0001_S1 Rev C.

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 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

- No development shall commence above ground level 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) and Policy 19 of the Core Strategy (2009).

- 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).

- No residential unit shall be occupied until such time as off-street car parking provision with turning facilities has been provided for that unit, in accordance with the Extent of Adoption

Plan, drawing no. MZ567_03_240_02 Rev A. Thereafter the onsite parking and turning provision shall be kept available for such uses 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 DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

6. No residential unit shall be occupied until such time as the access drive (and any turning space) has been 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 Development Plan Document (2016) and the National Planning Policy Framework (2024).

7. 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 Table 13 of the Leicestershire Highway Design Guide. The private access drives should be surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least five metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, and 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 Development Plan Document (2016) and the National Planning Policy Framework (2024).

8. Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Classes A-E of the Town and Country Planning (General Permitted Development Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the plot numbers 6-10, 20, 25-36, 38-48, 56, 58, 63-70, 73-74, 82, 85-87, 92-95, 100-103, 106-107, 117, 146, 149, 155-163, 166, 168, 171-173, 176-187, 190-204, 205, 207-208, 210, 213, 215, 218-224, 227, 323, 240, 245-246, 254, 255, 256-257, 261, 269-270, 277-279, 280, 284-286, 288, 293-299, 303-304, 309-311, 314-316, 324-353, 366, 369, 385, 388-393, 395-396, 400-409, 414-415, 419-420, 426, 429, 432, 435-448, 452-453, 456-459, 460-465 shall be carried out unless planning permission for such development has been granted by the local planning authority.

Reason: To safeguard the amenities of neighbouring properties in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

Informatives

1. The conditions imposed on outline planning permission ref: 22/00318/OUT shall also be complied with.
2. This decision is also conditional upon the terms of the planning agreement which has been entered into by the developer and the Council under Section 106 of the Town and Country Planning Act 1990 (as amended). The Agreement runs with the land and not to any particular person having an interest therein.
3. In the event that the land reserved for a primary school comes forward for additional housing, any forthcoming application will ensure that the market and affordable housing

mix and open space provision will account for the shortfalls and lack of compliance with the most up to date Housing Needs Assessment and Open Space Requirements as part of this application.

4. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at building.control@blaby.gov.uk or call 0116 272 7533.
5. Nesting birds are protected under the Wildlife & Countryside Act 1981 (as amended); therefore, all removal of trees/shrubs/hedges should take place outside the breeding season (March to August inclusive) unless carefully checked beforehand by a suitably qualified person.
6. Any highway that is not to be adopted by the Local Highway Authority should, as a minimum, be constructed to adoptable standards.
7. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
8. To erect temporary directional signage, you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
9. Prior to construction, measures should be taken to ensure that users of the Public Right of Way are not exposed to any elements of danger associated with construction works.

Public Rights of Way must not be re-routed, encroached upon, or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.

If there are any Public Rights of Way which the applicant considers impracticable to retain on their existing lines, a separate application for diversion is required. It should be submitted under the Town and Country Planning Act 1990 to the Local Planning Authority. The applicant is not entitled to carry out any works directly affecting the legal line of a Public Right of Way until a Diversion Order has been confirmed and become operative.

If the developer requires a Right of Way to be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to networkmanagement@leics.gov.uk at least 12 weeks before the temporary diversion is required.

Public Rights of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.

Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.

No new gates, stiles, fences, or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way, and the County Council may be obliged to require its immediate removal.