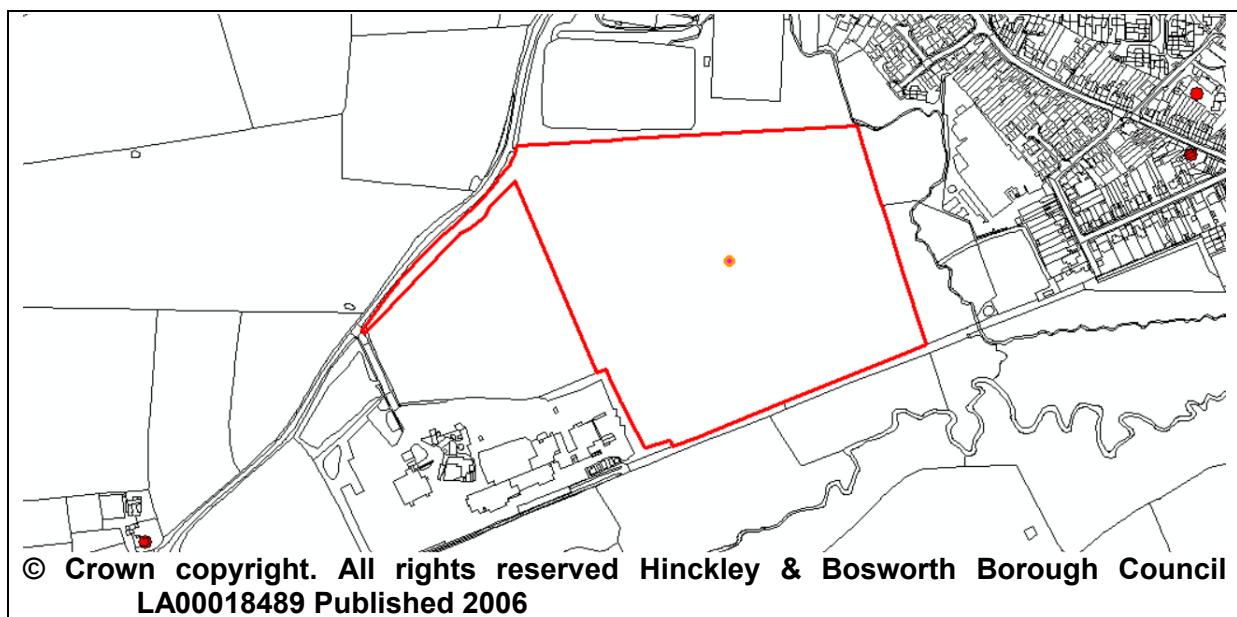




Planning Ref: 24/01090/REM  
Applicant: Bellway Homes  
Ward: Ratby, Bagworth and Thornton

Site: Land off Desford Lane, Ratby, Leicestershire

**Proposal: Approval of reserved matters (access, appearance, landscaping, layout and scale) of outline planning permission 21/01295/OUT for 225 dwellings (including 40% affordable housing) with public open space, landscaping and sustainable drainage systems (SuDS) and a vehicular access point**



## 1. Recommendations

### 1.1. Grant permission subject to:

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

## 2. Planning Application Description

2.1. This is a reserved matters application for the residential development of 225 dwellings. The application is for the consideration of the layout, scale, appearance, landscaping and access of the proposal other than the vehicular access into the site that was approved at outline stage following the refusal by Committee of application 21/01295/OUT and the decision of the Inspector to allow the subsequent appeal APP/K2420/W/23/3330774 in February 2024.

2.2. The housing mix proposed comprises 135 market dwellings and 90 affordable homes, a total of 225 new dwellings. The mix of dwellings is as follows:

- 6 x 1 bed flats
- 8 x 2 bed bungalows
- 42 x 2 bed houses
- 84 x 3 bed houses
- 61 x 4 bed houses
- 24 x 5 bed houses

2.3. The mix of affordable homes is as follows:

- 6 x 1 bed flats
- 4 x 2 bed bungalows
- 42 x 2 bed houses
- 34 x 3 bed houses
- 4 x 4 bed houses

2.4. The applicant has confirmed that Futures Housing is signed up to take on all 90 affordable homes.

2.5. The development is predominantly two storeys in height but also provides eight bungalows, the majority of which are located on the northern boundary of the site which is also the highest part of the site. In addition, there are six pairs of three-storey properties that have the upper floor within the roof space. These are interspersed around the site to vary heights across the site but are located away from the highest parts of the site in the north-west corner. A broad mix of detached, semi-detached and terraced properties are provided. The terraces are small with a maximum of just four dwellings. Twenty different house types are proposed. Red brick is used as the main facing material with a grey tile and a limited use of two different coloured renders, cream and blue. The dwellings are designed in a modern architectural style with deep large windows, simple flat roofed porches and dormers, modern front doors with full length glazing panels and dark grey windows, fascias and guttering. The range of materials and range of house types seeks to bring the necessary level of quality and interest to the detailed design.

2.6. Vehicular access was approved under the outline permission and is from Desford Lane. The main access is designed to adoptable standards and the application has been revised to meet the Local Highway Authority requirements for adoption. The majority of the dwellings are accessed from the main adopted loop and the adopted sections of cul-de-sacs adjacent to the main loop road. A small number of dwellings are accessed from short sections of unadopted shared access drives. A condition is attached to secure street lighting to these drives and a note to applicant is attached regarding construction being to adopted specifications. The existing Public Right of Way that runs adjacent to the western boundary of the site is retained and slightly realigned to take it through a wider landscaped setting and away from the closest shared drives while at the same time being overlooked by dwellings.

2.7. As indicated at outline application stage attenuation ponds are provided in the south-west and south-east corners of the site.

2.8. A key feature of the proposed scheme is that a wide swathe of public open space is provided through the centre of the site so that users of the Public Right of Way, and those users of this proposed open space are afforded views of the Grade II\* listed church. This central area of public open space features hard surfaced pathways and four small, equipped play areas. In addition to this there is public open space to the entire perimeter of the site

with mown grass routes allowing full access to the perimeter of the site. A larger area of equipped children's play is located to the south-west of the site adjacent to the existing Public Right of Way. The total amount of open space exceeds that required.

2.9. Each of the one-bed dwellings has a single parking space and each of the two and three-bed dwellings have two parking spaces. All four and five-bed properties have at least two parking spaces and a garage or three parking spaces with some of the five-bed properties having more spaces as well as double garages. In addition, 29 visitor spaces are provided across the site. Each home is equipped with an electric vehicle charging point.

2.10. Existing hedges and trees on all four boundaries are retained as there are no gardens that back on to any existing boundary. New native hedge planting is proposed for the existing hedge adjacent to Desford Lane that is lost as a result of the realignment of the road. Extensive tree planting is proposed, and the landscape proposals show a total of 278 new trees being planted with the site with all but six being heavy standard in size and more than half (152) being extra heavy standard. As required by condition 11 of the Inspectors decision letter a biodiversity net gain of at least 10% is required on the site as a result of the development.

2.11. Boundary treatments comprise 1.8m high close boarded fencing to rear gardens and 1.8m high decorative fencing is proposed to garden boundaries on prominent plots where the gardens border main vehicular or pedestrian routes through the site. Normally a brick boundary would be provided in these circumstances, and a condition is attached requiring details of the decorative fencing to be submitted so that boundary treatment of sufficiently high quality is provided. There is 0.45 metre timber knee rail fencing provided in appropriate locations.

2.12. Revised plans have been submitted that improve the scheme with regard to garden sizes and interface distances so that just 20 (8.8%) of the gardens proposed fall below the sizes set out in the Council's Good Design Guide. The Good Design Guide states that these sizes are general guidelines.

2.13. Corner turning elevations are provided for properties that sit on corner plots or that face two public routes.

2.14. The application is accompanied by a Planning Statement, a Design and Access Statement which incorporates a Building for Healthy Life Assessment, an Acoustics Assessment and a Biodiversity Net Gain Assessment.

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

3.1. The 12.2 hectare application site is located approximately 750 metres from the centre of Ratby via Desford Lane. The site slopes from north-west to south-east with the highest part of the site being at the access point on Desford Lane. Ratby is classified as a key rural centre relating to Leicester in the adopted Core Strategy. The site lies outside of but adjacent to the boundary of the National Forest and the Charnwood Forest which lie to the north and northwest of Desford Lane.

3.2. The Ratby Conservation Area is approximately 250 metres northeast of the site boundary. The Conservation Area contains a small number of listed buildings, most notably the Grade II\* Church of St Philip and St James, which is the most visually prominent.

- 3.3. The site is bordered by Desford Lane to the west, Ratby sports club and pitches to the north and the Stonecroft premises to the south. Agricultural land lies to the east, south and west beyond Desford Lane.
- 3.4. The S106 legal agreement signed under application 21/01925/OUT secured the provision of 40% affordable housing with agreed tenures, travel packs including bus passes, and financial contributions towards a traffic regulation order, education, health care, a civic amenity site, the library, improvement of a highway junction as part of the Coalville Transport Strategy, maintenance of on-site and off-site open space and monitoring. The Inspector also attached 26 conditions to the outline permission that deal with matters including off-site highway improvements that include a pedestrian crossing in the vicinity of the new health centre, a shared use footway and cycleway on Desford Lane, bus laybys and a pedestrian refuge
- 3.5. A Public Right of Way (PRoW), Footpath R41, runs through the centre of the existing agricultural field and along the western boundary of the site.
- 3.6. The application site is located predominantly within Flood Zone 1 on the Environment Agency Flood Maps for Planning with small areas to the south and east which are also the locations for attenuation basins and for public open space. There are no dwellings proposed with Flood Zones 2 or 3.

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

21/01295/OUT – Residential development of up to 225 dwellings (Outline – access only). Refused at Committee August 2023 for the following four reasons:

- Countryside and DM4
- Effect on the character of the area
- Harm to the Ratby Conservation Area and the setting of the Grade II\* Church of St Philip and St James
- Lack of a S106 legal agreement

The subsequent appeal was allowed in February 2024

#### **5. Publicity**

- 5.1. The application has been publicised by sending out letters to 301 neighbouring properties. A site notice has also been posted within the vicinity of the site and a notice has been published in the local press.
- 5.2. Objections have been received from four properties in Ratby. The following concerns have been raised:
  - Flooding is getting increasingly worse, and this will exacerbate the situation significantly
  - Ratby's infrastructure can't cope with more dwellings
  - Roads are already gridlocked
  - Desford lane is dangerous and building more housing will make it even riskier
  - The outlook from the village would be spoiled and access to open green space will be made more difficult which is contrary to mental wellbeing

#### **6. Consultation**

- 6.1. **Ratby Parish Council** – Object to the application on the grounds that excessive

rainfall and the change of climate results in flooding, severe enough to completely cut off Ratby.

- 6.2. **Blaby District Council** – No comments
- 6.3. **National Forest Company** – Although the entirety of the site is outside of the National Forest the red line boundary, which includes Desford Lane, does abut the National Forest boundary. At outline stage tree planting was indicated along Desford Lane from the site access to the neighbouring Stonecraft Paving Centre. Disappointingly this is now not shown on the submitted landscaping scheme. Additionally, planting was also indicated to the north of the road (albeit outside of the red line). The applicant is asked to reconsider the approach to landscaping in these areas.
- 6.4. **Natural England** – No comments
- 6.5. **Leicestershire County Local Highway Authority (LHA)** – The LHA advice is that the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 116 of the NPPF subject to conditions and/or planning obligations.

The acceptability of a detailed adopted road layout will subject to a Section 38 agreement in accordance with the Highways Act (1980).  
Conditions are required regarding parking and turning facilities, access drives, visibility splays, highway drainage, removal of permitted development rights to construct gates and protection of the PRoW.
- 6.6. **LCC Archaeology** – No objections subject to a condition regarding the submission of an initial Written Scheme of Investigation.
- 6.7. **LCC Lead Local Flood Authority** – no response to date to the revised information submitted to address initial concerns.
- 6.8. **LCC Ecology** – No objection subject to a condition regarding wildlife features being integrated into the dwellings and fencing.
- 6.9. **HBBC Drainage** – No objections.
- 6.10. **HBBC Affordable Housing** – For 225 dwellings, 90 should be affordable with 68 for social or affordable rent and 22 for shared ownership. A good mix of property types is proposed and the distribution across the site is acceptable.
- 6.11. **HBBC Waste** – no response received to date.
- 6.12. **HBBC Environmental Services** – The noise mitigation measures are satisfactory – no further comments
- 6.13. **HBBC Conservation Officer** – The proposal would be compatible with the significance of the Grade II\* listed building the Church of St Philip and St James and would preserve the significance of the Ratby Conservation Area, thereby complying with Policies DM11 and DM12 of the Site Allocations and Development

Management Policies Development Plan Document, Section 16 of the National Planning Policy Framework and the statutory duty of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## 7. Policy

### 7.1. Core Strategy (2009)

- Policy 7: Key Rural Centres
- Policy 8: Key Rural Centres Relating to Leicester
- Policy 14: Rural Areas Transport
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 17: Rural Needs
- Policy 19: Green Space and Play Provision
- Policy 20: Green Infrastructure
- Policy 21: National Forest
- Policy 22: Charnwood Forest

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy 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. National Planning Policies and Guidance

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

### 7.4. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)
- The Green Infrastructure Strategy (2020)
- Leicestershire Highways Design Guide (LHDG) (2024)
- Technical Housing Standards – Nationally Described Space Standards (2015)
- Ratby Village Design Statement Supplementary Planning Document (2011)

## 8. Appraisal

### 8.1. In this instance the principle of development of the site for up to 225 dwellings has already been established by the Inspector's decision to allow the appeal against the refusal of planning application 21/01295/OUT. The proposal is acceptable in principle subject to all other planning matters being satisfactorily addressed. The key issues therefore in the determination of this application are considered to be:

- Design and Impact upon the Character of the Area and Heritage Assets
- Housing Mix

- Impact upon Residential Amenity
- Impact upon Highway Safety
- Flooding and Drainage
- Ecology and Biodiversity

Design and Impact Upon the Character of the Area and Heritage Assets

8.2. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special regard to the desirability of preserving the setting of a listed building must be paid by any local planning authority in considering whether to grant planning permission for a development.

8.3. Section 72 of the Act states that special attention must be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

8.4. These requirements are supported by both the NPPF and policies DM11 and DM12 of the SADMP which seek to protect and enhance the historic environment and heritage assets.

8.5. Policy DM10 of the SADMP requires development to enhance the character of the surrounding area, appropriate use of building materials, high standards of landscaping, conservation of energy, and that natural surveillance, fire safety measures and the principles of secured by design is maximised. This is also supported through the Borough Council's adopted Good Design Guide 2020. The site is a greenfield site, which is relatively open. The outline application identified that the development of the site would have an impact upon the immediate area, however the wider impact would be limited, subject to appropriate landscaping and design.

8.6. Paragraph 131 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

8.7. Paragraph 135 of the NPPF states that decisions should ensure that development; will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate landscaping, are sympathetic to local character, establish/maintain a strong sense of place and optimise the potential of the site.

8.8. The layout sets development back from the mature hedgerow and tree planting on all four boundaries of the site including the northern boundary beyond which views of Ratby, its Conservation Area and the Grade II\* Listed church are seen. The Inspector in allowing the appeal on the site concluded that the less than substantial harm caused by the limited impact upon the wider setting of the church and conservation area would be outweighed by the public benefits of the proposal. The quantum of development proposed through the reserved matters application has not altered and the layout of the development predominantly reflects that illustrated in the development framework plan considered at the appeal.

8.9. As set out above in the description of the proposal, a wide corridor of public open space is provided through the centre of the site allowing users of the PRoW, on entering the site from the south, as well as users of the corridor itself, long distance views towards the church tower. In addition, the tallest dwellings are located away from the highest ground and the majority of the

proposed bungalows are located on the northern boundary of the development.

8.10. Public routes within the site are overlooked by new development and substantial open space is provided, with equipped areas of play also and overlooked by neighbouring properties. Significant new tree planting is proposed, and the site is required to provide a 10% increase in biodiversity. 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.

8.11. The site lies on a slope and so the natural topography of the site produces a variety in roof heights across the site. The twenty different house types are considered to provide a good level of variety and interest to the street scenes within the site and the development defines key plots with corner turning buildings.

8.12. It is considered that the proposal would be compatible with the significance of the Grade II\* Listed Church of St Philip and St James and would preserve the significance of the Ratby Conservation Area. The proposal therefore complies with Policies DM11 and DM12 of the SADMP, Section 16 of the NPPF and the duties of sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8.13. It is also considered that the proposed development is designed to a sufficiently high standard that accords with the requirements of both policies DM10 of the SADMP as well as meeting the standards that are set out in the Good Design Guide while taking account of the more recent advice that is set out in the NPPF.

Housing Mix

8.14. Policy 16 of the adopted Core Strategy requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings and a minimum net density of 30 dwellings per hectare within Key Rural Centres. The policy goes on to state that in exceptional circumstances, where individual site circumstances dictate and are justified.

8.15. The site delivers 225 dwellings in accordance with the outline permission and delivers 90 affordable homes as required by the S106 Agreement that already have a named registered affordable homes provider, Futures Housing.

8.16. A broad mix of housing sizes is provided ranging from one to five bedrooms and this includes a number of bungalows.

8.17. Officers consider the proposed housing mix is acceptable for the site and will provide a sufficiently broad range of house types and tenures that will make a much needed contribution to the need for affordable homes within the local community and within the Borough.

Impact upon Residential Amenity

8.18. Policy DM10 of the SADMP seeks to ensure that development would not have significant adverse effect upon the privacy or amenity of nearby residents and occupiers of adjacent buildings, and the amenity of the occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.

8.19. Paragraph 135f) of the NPPF states that planning decisions should ensure that

developments create places with a high standard of amenity for both existing and future users.

8.20. The Good Design Guide provides detailed advice to developers on standards that will be expected when delivering new development. These include a general guideline for garden sizes is:

- A minimum garden length of 7m
- 80sq.m for a three-bed house
- 60sq.m for a two-bed house

8.21. The Good Design Guide sets out that principal windows to habitable rooms of neighbouring properties should be not less than 21 metres apart, unless they are across a road. It also sets out that the distance from a habitable room window to a two storey side gable should be at least 14 metres.

8.22. In this instance there are no existing neighbouring properties that border the site and so there are no issues with regard to the impact of the proposals on the amenity of existing residents.

8.23. As set out above the proposed layout has been improved on two occasions in order that a greater proportion of the proposed dwellings complied with the Council's guidelines on garden sizes. As set out above there are just 20 properties that have gardens that fall below the recommended sizes set out in the Council's Good Design. At just 8.8% of the total number of dwellings officers consider this level of provision to be acceptable.

8.24. The site layout demonstrates that in all but a very few instances the dwellings have interface distances that meet the requirements of the Council's Good Design Guide.

8.25. It is therefore considered that the proposed development provides adequate levels of amenity in accordance with Policy DM10 of the SADMP, paragraph 135f) of the NPPF and the requirements of the Council's good design Guide.

#### Other Matters

8.26. Should the reserved matters be approved, the development would be subject to the requirements of the S106 Agreement that relates to the outline permission 21/01295/OUT. This includes that no development shall commence until the Borough Council has approved an Affordable Housing Scheme for the site.

8.27. Any reserved matters approval would also be subject to all relevant conditions attached at outline stage which includes conditions relating to construction hours, a Construction Environmental Management Plan, contamination, surface water drainage, levels, an Ecological Management Plan, native species planting, waste and recycling, and external lighting. Electric vehicle changing points are now a requirement under the Building Regulations.

## **9. Equality implications**

9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
  - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2. Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

9.3. There are no known equality implications arising directly from this development.

9.4. The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

## **10. Conclusion**

10.1. The principle of development has been established through the outline planning permission 21/01295/OUT. The appearance, landscaping, scale and layout of the proposed development is considered acceptable in accordance with the national and local planning policy as set out in the National Planning Policy Framework (2024) and the Site Allocations and Development Management Policies Development Plan Document (2016).

10.2. The proposed development provides a significant amount of much needed market and affordable homes in circumstances where a named provider of the affordable homes has already been secured. The proposed development would not have any significant adverse impact upon the character of the site or surrounding area, upon heritage assets, highway safety, residential amenity, biodiversity or ecology. The proposal is well designed and provides a good mix of homes. It would retain hedgerows and trees bordering the site 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.

## **11. Recommendation**

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

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

### **11.2. Conditions and Reasons**

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application drawings as follows:
  - Site Location Plan 082404-BEL-EM-06 (submitted 29.11.24)
  - Supporting Planning Layout 082404-BEL-EM-02 Rev B (02.04.24)

- Detailed POS Planting Plan – General Arrangement 12963-FPCR-XX-XX-DR-L-0005 Rev P02 Sheet 1 of 4 (submitted 19.02.24)
- Detailed POS Planting Plan 12963-FPCR-XX-XX-DR-L-0006 Rev P02 Sheet 2 of 4 (submitted 19.02.24)
- Detailed POS Planting Plan 12963-FPCR-XX-XX-DR-L-0007 Rev P01 Sheet 3 of 4 (submitted 19.02.24)
- Detailed POS Planting Plan – General Arrangement 12963-FPCR-XX-XX-DR-L-0008 Rev P01 Sheet 4 of 4 (submitted 19.02.24)
- Detailed On Plot Landscape Plan 12963-FPCR-XX-XX-DR-L-0009 Rev P01 (submitted 19.02.24)
- Detailed On Plot Landscape Plan 12963-FPCR-XX-XX-DR-L-0010 Rev P01 Sheet 1 of 7 (submitted 19.02.24)
- Detailed On Plot Landscape Plan 12963-FPCR-XX-XX-DR-L-0011 Rev P01 Sheet 2 of 7 (submitted 19.02.24)
- Detailed On Plot Landscape Plan 12963-FPCR-XX-XX-DR-L-0012 Rev P01 Sheet 3 of 7 (submitted 19.02.24)
- Detailed On Plot Landscape Plan 12963-FPCR-XX-XX-DR-L-0013 Rev P01 Sheet 4 of 7 (submitted 19.02.24)
- Detailed On Plot Landscape Plan 12963-FPCR-XX-XX-DR-L-0014 Rev P01 Sheet 5 of 7 (submitted 19.02.24)
- Detailed On Plot Landscape Plan 12963-FPCR-XX-XX-DR-L-0015 Rev P01 Sheet 6 of 7 (submitted 19.02.24)
- Detailed On Plot Landscape Plan 12963-FPCR-XX-XX-DR-L-0016 Rev P01 Sheet 7 of 7 (submitted 19.02.24)
- Detailed LEAP Plan 12963-FPCR-XX-XX-DR-L-0003 Rev P02 (submitted 13.02.24)
- Detailed Play Trail Plan 12963-FPCR-XX-XX-DR-L-0004 Rev P02 (submitted 13.02.24)
- Landscape Typologies Plan 12963-FPCR-XX-XX-DR-L-0002 Rev P01 (submitted 13.02.24)
- Tenure Layout 082404-BEL-EM-04 Rev B (submitted 02.04.24)
- Supporting Planning Layout 082404-BEL-EM-02 Rev B (02.04.24)
- Boundary Treatment Layout 082404-BEL-EM-04 Rev B (submitted 02.04.24)
- All House Types submitted 29.11.24 and 07.02.25

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

2. Each dwelling hereby permitted shall not be occupied until such time as the parking and turning facilities for the respective dwelling has been implemented in accordance with the Supporting Planning Layout 082404-BEL-EM-02 Rev B (02.04.24). Thereafter the onsite parking (and turning) provision shall be kept available for such use(s) in perpetuity.

**Reason:** To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in accordance with Policy DM17 and DM18 of the adopted Site Allocations and Development Management Policies Plan.

3. Any dwellings that are served by private access drives (and any turning

spaces) shall not be occupied until such time as the private access drive that serves those dwellings has been provided in accordance with the requirements of Leicestershire Highway Design Guide. The private access drives should be surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

**Reason:** To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with policy DM17 of the adopted Site Allocations and Development Management Policies DPD and the NPPF.

4. No part of the development hereby permitted shall be occupied until such time as 1.0 metre by 1.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of each private drive/ shared private drive with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway and, once provided, shall be so maintained in perpetuity.

**Reason:** In the interests of pedestrian safety, and in accordance with policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document and the National Planning Policy Framework (2024).

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

**Reason:** To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway and in accordance with policy DM17 of the adopted Site Allocations and Development Management Policies DPD and the NPPF.

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

**Reason:** To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with policy DM17 of the adopted Site Allocations and Development Management Policies DPD and the NPPF.

7. The reserved matters hereby approved shall be implemented in accordance with the detailed landscape proposals set out in Condition 1. All relevant on plot landscaping shall be carried out prior to the occupation of the relevant dwelling. All public open space landscaping shall be completed with six months of the occupation of the first dwelling. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted.

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

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

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

9. Further to Condition 13 on the appeal decision on application 21/01295/OUT, no dwelling on any unadopted private drive shall be occupied until street lighting has been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

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

10. No new trees or shrubs should be planted within 1 metre of the edge of the Public Right of Way. Any trees or shrubs planted alongside a Public Right of Way should be non-invasive in accordance with Paragraph 105 of the national Planning Policy Framework (2024).

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

11. Notwithstanding the details shown on the approved Boundary Treatment Layout 082404-BEL-EM-04 Rev B (submitted 02.04.24) no fencing shall be erected on any plot featuring decorative fencing until a sample of the proposed decorative fencing has been submitted to or made available for viewing and approved in writing by the Local Planning Authority. Should the decorative fencing not be approved on any plot it shall be replaced with a brick wall of the same brick used in the construction of the relevant house.

**Reason:** In the interests of the character and appearance of the site in accordance with Policy DM10 of the Site Allocations and Development management policies Development Plan Document (2016).

12. Prior to development above floorplate level, full details of a scheme for the location of bat roosting and bird nesting features to be integrated into buildings and suitable hedgehog gaps in boundary features shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the

occupation of any dwelling hereby permitted the features shall be installed on the site in accordance with the approved details. Photographs of the integrated bird and bat boxes and hedgehog gaps within the new dwellings should be provided in order to discharge the condition.

**Reason:** In the interests of wildlife and ecology in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document (2016) and the requirements of the National Planning Policy Statement (2024).