

Delegated Report

Planning Ref: 25/00266/CONDIT
Applicant: Gemma Davey- Midland Heart Ltd
Ward: Earl Shilton
Case Officer: Emma Baumber (Team Leader)



Hinckley & Bosworth
Borough Council

Site: Ashby House, Hill Top Farm, Hill Top, Earl Shilton

Proposal: Application to vary conditions 2 (Approved plans) and 19 (Hard and Soft Landscaping) of planning application 23/01201/CONDIT. Amendments to the highway/footpath width, retaining walls along site boundary and landscaping.

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

2.1. Section 73 of the Town and Country Planning Act 1990 allows applications to be made to vary or remove conditions associated with a planning permission. In this case permission was granted in 2022 (20/00916/FUL) for the "Demolition of farm buildings and Ashby House and development of 50 dwellings comprising 49 no. affordable houses and 1no. bungalow to replace Ashby House, with access road off Leicester Road, open space, landscaping, drainage basin, and foul pumping station". An application (reference 23/01201/CONDIT) seeking to vary condition 2 (approved plans) and condition 19 (landscaping) was subsequently approved in March 2024.

2.2. This application seeks further variations to condition 2 and 19 of the approved permission (23/01201/CONDIT). Condition 2 of the planning permission requires that the development be built in accordance with the approved plans that were submitted to the Local Planning Authority. Condition 19 required that the development be constructed in accordance with the approved hard and soft landscaping plans. The purpose of the application is to obtain approval to the variation of the proposed plans for the following amendments:

- The width of the adopted highway carriageway has been reduced from 5.5m to 4.8 m throughout and the footpath adjacent the pumping station and SUDS pond has been increased from 1.0 m to 2.0m, to comply with the detail requirements of Leicestershire County Council Transportation Department. The minor amendments to the road and pavement widths were requested by the County Council as part of the Section 38 plan approval stage.
- The line, extent and proposed construction of the retaining wall along the northern boundary of the site has been amended. The line of the retaining wall is now an irregular line along the boundary to create a less uniform appearance and it will be constructed using the Tobermore Secura Grand Retaining Wall System – Colour: Heather. Additional landscaping has also been included along this boundary in the space created by the irregular line of the retaining wall.
- Minor alterations to the line and proposed construction of the retaining wall along the southern boundary to the rear of plots 38-50 and minor amendment to the rear gardens of plot 38-40. The retaining wall along this boundary will again be constructed using the Tobermore Secura Grand

Retaining Wall System - Colour: Heather. Including the lower level walls and steps in the rear gardens of plots 38-40.

- Details of the retaining wall at the rear of plots 38-40 has been noted and will be constructed using a concrete block retaining wall system, with a facing of brickwork to match the houses.

2.3 The application has been submitted following previous discussions regarding the retaining structures on site and following the withdrawal of a non-material amendment application for the same works after the LPA advised the changes were not considered non-material.

3. Description of the site and surrounding area

3.1. The application site extends to approximately 1.6 hectares and lies to the northern edge of Earl Shilton, outside but adjacent to the settlement boundary. The eastern boundary of the site is Leicester Road and the western edge of the site follows a curving hedge line. The southern boundary is irregular and runs along part of an embankment and also an outbuilding retained with Hill Top House.

3.2 The site topography falls generally from north to south but some areas have been levelled for farm buildings most notably at the southern end of the site. Buildings to the southern part of the site were derelict and large areas are overgrown due to inactivity over the years. These have since been cleared following grant of planning permission and the site is now under construction.

3.3. The application site is a mixed greenfield and brownfield site and the site is within Flood Zone 1 (low risk of fluvial flooding) and therefore at low risk of surface water flooding.

3.4 The adjacent site to the north has planning permission for 140 dwellings. Whilst a planning application for 10 bungalows is under consideration on land to the west and has a committee resolution to grant permission subject to the completion of the legal agreement.

4. Relevant planning history

80/00784/4

- Removal of agricultural restriction on dwelling house
- Refused 22.07.1980

20/00916/FUL

- Demolition of farm buildings and Ashby House and development of 50 dwellings comprising 49 no. affordable houses and 1no. bungalow to replace Ashby House, with access road off Leicester Road, open space, landscaping, drainage basin, and foul pumping station.
- Permitted 10.11.2022

23/01201/CONDIT

- Variation of conditions 2 (Approved plans) and 19 (Hard and soft landscape) for planning permission 20/00916/FUL (Demolition of farm buildings and Ashby House and development of 50 dwellings comprising 49 no. affordable houses and 1no. bungalow to replace Ashby House, with access road off Leicester Road, open space, landscaping, drainage basin, and foul pumping station)
- Permitted 20.03.2024

25/00077/NMA

- Non material amendment to planning permission 23/01201/CONDIT. Amendments to highway and retaining boundary wall
- Withdrawn 17.03.2025

Various discharge of condition applications

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 displayed in the local press.
- 5.2. No comments have been received

6. Consultation

- 6.1. LCC Highways- No objection. The LHA can confirm the submitted drawing 'External Works', drawing number O1R accords with the agreed Section 38 drawing.

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 2006-26 (2014)

- 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)

7.5. Other relevant guidance

- National Design Guide (2019)
- Good Design guide (2020)

8. Appraisal

8.1. The principle of development has been established through the earlier grant of planning permission, no amendments are proposed to the number and/or tenure of housing. Furthermore the proposed amendments will not materially impact flooding/drainage, ecological and archaeological matters subject to the imposition of conditions previously proposed. The infrastructure contributions remain to be secured through the S106 agreement. As this application relates to an amended layout, landscaping and levels, the key issues in respect of this application are therefore:

- Design and impact upon the character of the area/landscape
- Heritage impacts
- Impact upon residential amenity
- Highway Impacts

Design and impact upon the character of the area

8.2 Policy DM4 of the adopted SADMP states that development in the countryside will be considered sustainable where it does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and it does not undermine the physical and perceived separation and open character between settlements; and it does not create or exacerbate ribbon development. The site is located within open countryside, outside of the settlement boundary and is therefore considered against this policy.

8.3 The characteristics and sensitivities outlined in the Councils Landscape Character (LCA) and Landscape Sensitivity Assessments (LSA) (2017) as set out in detail in the committee report for application 20/00916/FUL are still relevant and shall not be repeated for brevity.

8.4 Policy DM10 of the adopted 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 that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the local area generally. The Good Design Guide SPD provides guidance upon 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.

8.5 The amendment to the highway width will not have a material change to the character of the development. The amendment to the retaining wall along the southern boundary and to the rear gardens of plot 38-40 will not be readily visible from the public realm. Furthermore, the proposed materials for these retaining structures are acceptable and match those agreed on the wider site. The retaining walls in the southern part of the site remain lower than those approved on the original consent. These changes are therefore all acceptable and maintain the approved character of the development, in keeping with its context.

8.6 The amendments to the retaining wall along the northern boundary create a material change to the character of this area of the development. The sloping nature of the site makes it a challenging site to develop and retaining walls were approved as part of the original application through the approval of two section drawings. A further levels drawing was submitted but was not listed in the approved

plans drawing, retaining walls were shown across the site with heights as less than 0.5m, 0.5m-1m, 1m-2m, clearly the scheme was approved in the knowledge retaining walls would be required across the site.

- 8.7 Following, the site clearance it became apparent that the section drawings that were approved under Condition 2 of the granted planning permission could not realistically be built to. This was confirmed via a site visit with officers prior to the submission of the early S73 application. Without amending the scheme, the southern section of the site would require retaining walls in excess of 5m in places, which would result in both residential amenity impacts, poor visual design and a risk of undermining adjacent properties. The revised approved levels strategy included raising the levels on the southern portion of site, in turn reducing the amount of earth being transported from site, but as a consequence of this retaining structures would be required to be increased in height particularly in the northern areas of the site. Further amendments to the levels on site have now been proposed due to build out issues, the amendments to the levels on site and resultant retaining walls will be more discernible and the retaining walls will be visible elements in the scheme. Several discussions were held prior to the submission of the application to ensure the retaining walls were kept to a minimum in both length and height.
- 8.8 The height of the retaining wall along the northern boundary varies in height, ranging from 1m to 2.7m around the SUDS basin and pumping station. The highest retaining walls are far from ideal and would be visible from the open countryside to the north at present, and latterly from within the neighbouring housing development when it is completed. They will be viewed against the backdrop of the housing development and presence of other previously approved retaining structures but will appear somewhat incongruous in this setting. Mitigation has been sought and the applicants have created an irregular line to the retaining wall allowing further soft landscaping to be planted which over time will soften the appearance of the retaining structures. Furthermore good quality facing materials have been agreed which match those used on the wider development and the proposed development remains to be sited well below the buildings to the south and will not break the skyline when viewed from the north, which was and is still considered to be critical to minimising the scheme's landscape impact. However, a degree of harm will still exist as a result of the large retaining structures and the revised proposal will degrade the appearance of the approved development. This harm must be weighed against the benefits of the development.
- 8.9 Officers are content that opportunities to reduce the extent of the retaining walls have been explored by the applicant and the proposal presented is likely to be the best case scenario which would allow the development of affordable housing to be built out.
- 8.10 Despite the mitigation proposed there is some degree of conflict with policy with DM10 of the SADMP, policy DM4 and the Good Design Guide SPD which must be weighed in the planning balance.

Heritage Impact

- 8.11 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural and historic interest which it possesses.

- 8.12 Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraph 203 states that “the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”
- 8.13 Paragraph 206 of the NPPF states that local planning authorities should look for opportunities for new development within conservation areas, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
- 8.14 Policies DM11 and DM12 of the Site Allocations and Development Management Policies (SADMP) Development Plan Document seek to protect and enhance the historic environment and heritage assets. Policy DM11 states that the Borough Council will protect, conserve and enhance the historic environment throughout the borough. This will be done through the careful management of development that might adversely impact both designated and non-designated heritage assets.
- 8.15 The application site is located to the north of and within the setting of the grade II listed building Top House, with this being a former farmhouse that had a historic functional relationship with the application site which used be fields utilised as part of the wider farming operation.
- 8.16 Despite less than substantial harm being caused by the proposal for 50 dwellings to be constructed within its setting (reference 20/00916/FUL), as per the provisions of the National Planning Policy Framework (NPPF) and the Site Allocations and Development Management Policies (SADMP) DPD the public benefits arising from the proposal outweighed the harm caused to this designated heritage asset and consent was duly granted. This revised proposal would have no discernible visual impact or adverse effects upon the setting of the listed building Top House and as such its significance would be preserved. Consequently, the proposal would comply with Policies DM11 and DM12 of the SADMP, Section 16 of the NPPF and Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990

Impact upon residential amenity

- 8.17 Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy or amenity of nearby residents and occupiers of adjacent buildings and the amenity of occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site. The Good Design Guide also provides advice.
- 8.18 Despite the changes to the rear gardens/boundary walls to plots 38-50 the revised proposal retains adequate residential amenity for future occupiers. Otherwise the proposal would not materially alter the residential amenity impacts with all separation distances in accordance with the Good Design Guide. The proposal is therefore considered to be acceptable in terms of its impact on the amenities of neighbouring dwelling and complies with Policy DM10 of the SADMP and the Good Design Guide.

Highway Impacts

- 8.19 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 highways authority (currently this is the Leicestershire Highway Design Guide (LHDG)).

- 8.20 LCC highways have reviewed the amended highway layout and have confirmed they have no objections as the plans accord with the S38 approved technical details.
- 8.21 The development therefore remains to accord with Policy DM17 of the SADMP. No amendments to parking are proposed.

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 previous application contained the below planning balance:

“The Council cannot demonstrate a 5 year housing land supply (5YHLS) and the housing policies in the adopted Core Strategy and the housing policies of the adopted SADMP are considered to be out of date as they focused on delivery of a lower housing requirement than is now required. Therefore, the ‘tilted’ balance in paragraph 11(d) of the NPPF applies and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The provision of 49x affordable housing units is considered to be a significant benefit of the proposal and weighs heavily in favour of the scheme. The scheme does not fully comply with Policy DM4 of the SADMP but the impact on landscape and visual amenity has been assessed and is considered to be minor for this development and the provision of affordable housing is considered to outweigh the minor impact identified. The local highway authority have stated that this application is acceptable in highway safety terms and the access provision for this

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site is suitable. In all other regards the application is considered to be acceptable subject to suitably worded conditions.”

- 10.2 The proposed amendments are judged to introduce additional harm as the proposed retaining structures do not constitute high quality design. Some mitigation has been proposed which tempers the harm to a degree however this limited harm must be weighed in the planning balance. The Council still cannot demonstrate a 5YHLS and there is an ongoing need for affordable housing, the proposals contribution to the shortfall of both matters would each be attributed significant positive weight. The proposal will also lead to economic and social benefits through the creation of jobs and expenditure during construction and on completion of the development which is attributed moderate positive weight in the balance. The benefits of the development are considered to clearly and demonstrably outweigh the environmental harm of the revised development which is attributed limited negative weight in the planning balance.

11. Recommendation

11.1 Grant planning permission subject to:

- Planning conditions outlined at the end of this report

11.2 Conditions and Reasons

1. The development hereby permitted shall be begun before 10 November 2025.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out other than in accordance with the following plans:

Site Location Plan drawing number 40963 005

Oakley Architects External Works Plan drawing no. 202305/01R

Boundary Treatment drawing no. 202305/05

Birmingham 2B4P and Bromwich 2B4P drawing number 40963 010 Rev D

Birmingham 2B4P and Bromwich 2B4P drawing number 40963 011 Rev D

Birmingham 2B4P x3 drawing number 40963 014 Rev C

Birmingham 2B4P x2 drawing number 40963 016 Rev D

Birmingham 2B4P x2 Hipped drawing number 40963 017 Rev B

Birmingham 2B4P x2 Rendered drawing number 40963 018 Rev B

Cosford 3B5P x2 Hipped drawing number 40963 020 Rev D

Cosford 3B5P x2 drawing number 40963 022 Rev B

Cosford 3B5P x2 Rendered drawing number 40963 023 Rev B

Material Distribution Plan drawing number 40963 024 Rev G

Cosford 3B5P x2 Hipped and Rendered drawing number 40963 025 Rev C

Bungalow drawing number 40963 026 Rev C

Birmingham 2B4P and Bromwich 2B4P OP drawing number 40963 028 Rev C

Birmingham 2B4P+Bromwich 2B4P hipped drawing number 40963 030 Rev C

Birmingham 2B4P and Bromwich 2B4P x3 drawing number 40963 040

PDP Associates Detailed Landscape Proposals drawing no. c-2191-01 Rev C

Oakley Architects Site Sections drawing no. 202305 04A

Road adoption/Land use drawing number 40963 043 Rev D

Birmingham 2B4P and Bromwich 2B4P drawing number 40963 044

Birmingham 2B4P and Bromwich 2B4P drawing number 40963 045

Patrick Parsons S104 Approval Drainage Layout drawing no. HTF-PPC-00-XX-DR-C-0501-P12

Patrick Parsons External Levels Layout Sheet 1 of 3 HTF-PPC-00-XX-DR-C-0601 P10

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

3. The development approved by this permission shall be commenced in accordance with the land contamination investigation submitted and approved under application 23/00802/DISCON except where updated by application 25/00076/DISCON. Any remediation works so approved shall be carried out prior to the site first being occupied. Once the approved mitigation and remediation works have been installed details of this shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted in writing to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the first dwelling being occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. The development shall commence in accordance with the scheme for protecting the proposed dwellings from noise from Leicester Road and the adjacent industrial/commercial operations submitted to and approved by the Local Planning Authority under application 23/00956/DISCON. Once the acoustic fence is installed a further noise assessment shall be carried out and if found to be require a further scheme for protecting the proposed dwellings from noise from Leicester Road shall be submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed before any of the permitted dwellings are first occupied.

Reason: To ensure that the development is protected from nearby noise sources in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD (2016).

6. The development shall be carried out in accordance with the Construction Environmental Management Plan approved under application 23/00801/DISCON.

Reason: To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

7. Construction work of the development, hereby permitted, shall not take place other than between the hours of 07:30 hrs and 18:00 hrs on weekdays and 08:00 hrs and 13:00 hrs on Saturdays and at any time on Sundays and Bank Holidays unless other agreed in writing.

Reason: To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

8. The construction of the development shall be carried out in accordance with the details relating to the management of surface water on site during construction approved by the Local Planning Authority under application 23/00801/DISCON.

Reason: To prevent any increase in flood risk, maintain the existing surface water runoff quality and to prevent damage to the final water management systems through the entire development construction phase in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD (2016).

9. The development shall be carried out in accordance with the SuDS Maintenance Plan approved by the Local Planning Authority under application 23/00957/DISCON.

Reason: To establish a suitable maintenance regime that may be monitored over time; that will ensure the long term performance, both in terms of flood risk and water quality, of the sustainable drainage system within the proposed development in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies DPD.

10. The development shall be carried out in accordance with the sustainable surface water drainage system approved by the Local Planning Authority under application 23/00957/DISCON. The scheme shall be implemented in accordance with the approved details before the development is completed.

Reason: To prevent flooding and ensure satisfactory storage and disposal of surface water from the site to accord with Policy DM7 of the Site Allocations and Development Management DPP (2016).

11. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Arcadis drawing number 10015653-ARC-XX-XX-SK-C-0007 Rev P.02 have been implemented in full.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD (2016) and the National Planning Policy Framework (2024).

12. No part of the development hereby permitted shall be occupied until such time as vehicular and forward visibility splays shown on Arcadis drawing number 10015653-ARC-XX-XX-SK-C-0007 Rev P.02 have been provided at the site access. These 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 afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD (2016) and the National Planning Policy Framework (2024).

13. The widening of the pedestrian footway to a minimum of 2.0 metres between the site access and the junction of Leicester Road/ Hill Top/Church Street shall be implemented

in accordance with the details approved under application 25/00076/DISCON in full prior to the first occupation of any dwelling.

Reason: In the interests of general highway safety and in accordance with the National Planning Policy Framework (2024).

14. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Oakley Architects External Works Plan drawing no. 202305/01R. Thereafter the onsite parking provision shall be so maintained in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2024).

15. Prior to the occupation of the first dwelling on site a scheme that makes provision for waste and recycling storage and collection across the site shall be submitted to and approved in writing by the Local Planning Authority. The details should address accessibility to storage facilities and adequate collection point space at the adopted highway boundary. The approved scheme shall be implemented in accordance with the agreed details before the occupation of the first dwelling.

Reason: To ensure the bin storage on site is not detrimental to the street scene and overall design of the scheme in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

16. Any dwellings that are served by private access drives (and any turning spaces) shall not be occupied until such time as the private access drive that serves those dwellings has been provided in accordance with Figure DG20 of the Leicestershire Highways Design Guide. The private access drives should be surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with the National Planning Policy Framework (2024).

17. 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 vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 5 metres of the highway boundary.

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with the National Planning Policy Framework (2024).

18. 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 all private accesses 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 the National Planning Policy Framework (2024).

19. The approved hard and soft landscaping scheme shall be carried out in accordance with Oakley Architects External Works Plan drawing no. 202305/01R and PDP Associates Detailed Landscape Proposals drawing no. c-2191-01 Rev C in the first planting season following the first occupation of the dwelling to which it relates, except for the proposed hedgerow planting to the northern and eastern boundaries of the site and along the retaining wall to the south of the access road which shall be carried out in the first planting season following the first occupation of any dwelling on the site. 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 work is carried out within a reasonable period and thereafter maintained in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

20. During the construction period, none of the trees or hedges indicated to be retained shall be cut down, uprooted or destroyed, nor shall be topped or lopped other than in accordance with the approved plans, without the written approval of the Local Planning Authority. If any of the trees or hedges to be retained are removed, uprooted or destroyed or dies, a replacement shall be planted at the same place and that tree or hedge shall be of such size and species, and shall be planted at such time, as maybe specified in writing by the Local Planning Authority.

Reason: To ensure that the existing trees on the site are retained and protected in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 170 of the National Planning Policy Framework (2024).

21. External lighting of the site shall be installed in accordance with the details approved under application 25/00076/DISCON. The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: To protect the appearance of the area, the environment and local residents from nuisance from artificial light in accordance with Policies DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

22. The materials used on the external elevations of the dwellings hereby permitted shall be in accordance with the details approved under application 23/00847/DISCON.

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).

23. The electric vehicle charging points shall be installed in accordance with the details approved under application 25/00076/DISCON including the approved timetable for installation.

Reason: To ensure that the proposals meet the requirements of Policy DM10 (g) of the Site Allocations and Development Management Policies DPD (2016) and the National Planning Policy Framework (2024).

24. The development shall be carried out in accordance with the Written Scheme of Investigation approved by the local planning authority under application 24/00158/DISCON.

Reason: To allow proper investigation and recording of the site, which is potentially of archaeological and historic significance in accordance with Policies DM11, DM12 and DM13 of the adopted Site Allocations Development Management Policies Development Plan Document (2016).

25. Travel Packs which shall be in accordance with the details approved under application 25/00076/DISCON shall be supplied to purchases on the first occupation of each dwelling.

Reason: To reduce the need to travel by single occupancy vehicle and to promote the use of Sustainable modes of transport in accordance with the National Planning Policy Framework (2024).

26. The development shall be carried out in accordance with the badger mitigation strategy approved by the local planning authority under application 23/00810/DISCON. The development shall only be carried out in accordance with the agreed measures within the approved strategy and retained as such thereafter unless otherwise agreed through an updated badger mitigation strategy which has subsequently been submitted to and approved in writing by the local planning authority.

Reason: To ensure that badgers are protected in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD (2016) and Section 15 of the National Planning Policy Framework (2024).

27. The development shall be carried out in full accordance with the measures and recommendations for reptiles and bats as set out within The Protected Species Report by Arcadis dated August 2020.

Reason: In order to protect the protected wildlife species and their habitats that are known to exist on site and to accord with Policy DM6 of the Site Allocations and Development Management Policies DPD (2016) and Section 15 of the National Planning Policy Framework (2024).

28. The external finishes and appearance of the retaining walls shall be constructed in accordance with the submitted Retaining Walls Facing Materials Schedule and retained as such in perpetuity.

Reason: To ensure a satisfactory form of development in accordance with Policies DM4 and DM10 of the Site Allocations and Development Management Policies DPD (2016).