

Planning Committee 7 October 2025
Report of the Head of Planning

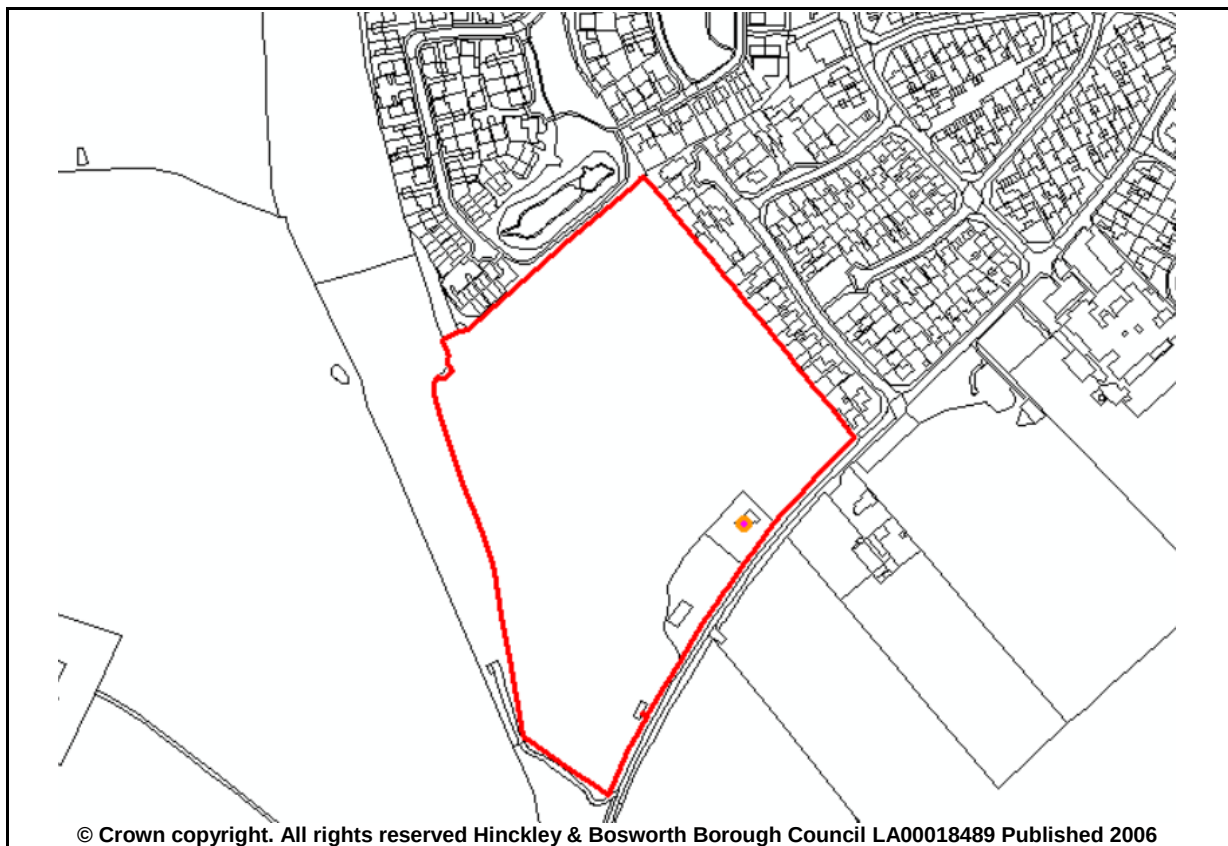
Planning Ref: 24/00709/REM
Applicant: DAVIDSONS DEVELOPMENT LTD
Ward: Newbold Verdon with Desford and Peckleton



Hinckley & Bosworth
Borough Council

Site: Ashfield Farm, Kirkby Road, Desford, Leicestershire

Proposal: Application for approval of Reserved Matters (relating to Appearance, Landscaping, Layout and Scale for the erection of 120 dwellings and associated works.) attached to planning permission 22/01227/OUT (APP/K2420/W/23/3320601) including discharge of conditions 5 (Ecological Constraints and Opportunities), 6 (Biodiversity details), 9 (Surface Water Scheme) and 11 (Site/Ground Investigation) of planning permission 22/01227/OUT.



1. Recommendations

- 1.1. Approve Reserved Matters details subject to:
- Planning conditions outlined at the end of this report
 - The Assistant Direct Planning and Regeneration being given powers to determine the final detail of planning conditions

Approve Conditions 5, 6, 9 and 11 of planning permission 22/01227/OUT.

2. Planning application description

- 2.1. The application seeks approval of Reserved Matters comprising appearance, landscaping, layout and scale further to outline permission ref 22/01227/OUT for

residential development of 120 dwellings alongside associated site infrastructure, open space.

2.2. The application was deferred at the August Planning Committee. Members requested further information on a potential Registered Provider for the development's affordable housing and whether the proposed dwellings could be moved further away from the existing properties on Cambridge Drive. A response to these queries/concerns is set out in 'Other Matters' at Paragraph 8.50. of the report.

2.3. The mix of accommodation on site will comprise the following:

- 1 Bed – 10% (12 Plots)
 - 2 Bed – 22% (27 Plots)
 - 3 Bed – 36% (43 Plots)
 - 4 & 5 Bed – 32% (38 Plots)
- Total = 120 Plots

*This accommodation also includes the provision of two 2 bed bungalows on site

2.4. Affordable housing provision on site has been agreed at the outline stage as part of the S106 legal agreement and comprises 12x First Homes, 27x Affordable Rent and 9x Shared Ownership units. 40% affordable housing is to be provided on site totalling 48 units.

2.5. Site access has already been approved as part of the outline permission 22/01227/OUT.

2.6. Details relating to Conditions 5, 6, 9 and 11 of outline planning permission 22/01227/OUT has also been submitted as they were details required as part of the reserved matters application.

2.7. As originally submitted, the application was considered to require some further information/clarification in relation to the following matters:

- Boundary treatment
- Road adoption/layout
- Affordable housing layout
- Parking provision
- Bin storage
- Materials
- Open Space
- Drainage
- Landscaping

2.8. Further information was subsequently submitted by the applicant and a re-consultation carried out including a site notice.

3. Description of the site and surrounding area

3.1. The application site measures 5.35ha approximately and is located to the western edge of Desford within open countryside. The site is relatively flat and bordered by Kirkby Road to the south, agricultural fields to the west and residential properties within the established neighbourhoods of Desford to the north and east.

- 3.2. An existing football playing field and a play area is located to the east of the proposed site.
- 3.3. The site is located in Flood Zone 1, the area with lowest probability of flooding.

4. Relevant planning history

- 4.1. 22/01227/OUT - Outline Planning Application for residential development of up to 120 dwellings alongside associated site infrastructure and open space (All matters reserved except for access) – **ALLOWED ON APPEAL**

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.
- 5.2. 20 public comments have been received, raising the following concerns/objections:
- Boundaries - many of my concerns would be resolved if building distances to Cambridge Drive properties were similar to the proposed building line between Ashfield build and the newly built properties on Bellway Estate. A less dense housing approach would also make the build area more attractive.
 - Residential Amenity - the separation distances and height of houses mean those living on Cambridge Drive will suffer loss of amenities as the proposed plan will adversely affect Daylight, Sunlight, Light to internal spaces and privacy.
 - Environment - destruction of hedges will affect the wildlife and visual appeal.
 - Loss of Privacy - the proximity of properties backing onto the rear of existing housing mean those residents are entitled to a greater degree of privacy than is offered. The current layout and types of houses will be overlooking bedrooms, work area, living rooms to existing properties
 - Occupants will be looking down into the living area of the proposed new build from less than the regulatory 35 metres.
 - Daylight and Sunlight - having occupied my property for over forty-five years this should give me certain rights over Daylight, Sunlight and Privacy plus quiet enjoyment. The loss of light may break the 25 degree rule frequently applied to existing properties. My property will be adversely affected by the loss of sunlight due to the height and position of building shown in currently proposed plans. (Has a report on the Site Layout Planning for Daylight and Sunlight been submitted for planning consultation).
 - Health & Safety - during development large vehicles will have great difficulty negotiating the narrow roads both entering Desford and approaching the site adding risk of injury and damage to property of Desford inhabitants. Post development the daily commute will give rise to around 600* vehicle journeys leaving or returning to the estate and the majority passing the junior school. This raises Health & Safety plus pollution concerns and requires to be managed, would it be possible to make the whole of Desford a 20mph limit? Those with respiratory problems are going to suffer medically while everyone will be affected by the dust and noise.

- Parking for those working on site may be problematic as the car park adjacent to the Junior School is usually used by the parents and this needs to be kept available. This may cause even more on street parking in the surrounding area, therefore temporary on-site parking is required.
- House Design - the types of houses proposed are out of keeping with the locale and combined with the high density are more suited to inner city development than the countryside. No Bungalows or accommodation suitable for the aged or infirm are included on the plot.
- I note from the layout plan that the houses at the back of numbers 1 and 2 Cambridge Drive have been replaced with bungalows, and that the houses at the back of numbers 5 onwards, which actually are bungalows are to have 4 bedroom detached houses directly behind them. I personally will have plot 16 gazing directly into my bedroom.
- Looking at the map there is a buffer zone of 1.9m before the new build back garden starts which will only be approximately 20m long. Therefore we in the bungalows along this hedge line will have large detached houses which will have our bedrooms and back rooms in a direct line of sight with the houses. Why are the bungalows not being built at the back of the existing line of bungalows? I think having these houses so close will impinge on our personal privacy, not to mention probably denying us a lot of light especially in the winter when the sun is low.
- I notice that to the northwest side of the plan is an attenuation pond. Why can this not be placed to rear of our properties so that if houses have to be built they are significantly further away from our properties? This would reduce our privacy worries.
- We will suffer years of noise and dust with what seems no consideration for existing home owners.
- The proposed development has a footpath leading into the existing Bellway Estate. As the residents pay privately for the maintenance of the green areas, this footpath will lead to a further toll on the paths, grassy areas and park. This will in turn increase the costs to the Bellway residents through no fault of their own. With costs increasing year on year, I am at a loss to understand why such a path is required and who has approved this? Should the Bellway residents not be consulted and provide final say?
- Objection to height of Plots 22-23 backing onto Cambridge Drive.
- 45 of the 48 units as part of the Affordable Housing compliment are clearly and markedly clustered and restricted to one end of the proposed site. There is no 'pepper-potting' and as such, there is a distinct lack of integration with the open market homes which will limit the ability to create a mixed, balanced and sustainable community. Furthermore, the 'Material and Boundary Layout' document highlights that without exception, the 48 affordable units all utilise the Ibstock - Hardwick Welbeck Red Mix facing bricks which would further the distinction between the affordable and market homes.

6. Consultation

6.1. No objection has been received from:

- Environment Agency
- LCC Archaeology
- LCC Minerals and Waste
- LCC Ecology
- Leicestershire Police
- HBBC Environmental Protection Team (subject to condition)

- HBBC Housing Officer
- HBBC Conservation Officer
- HBBC Drainage

6.2. Local Highway Authority – The acceptability of an adopted road layout is subject to a Section 38 agreement in accordance with the Highways Act (1980). For the site to be suitable for adoption, the internal layout must be designed fully in accordance with the LHDG. After reviewing Davidsons drawing number XXXX_100 Rev P03, the LHA advises that the internal access roads are currently still not suitable for adoption. The LHA advises that whilst the road layout is not considered unsafe and adoptability is not a material planning consideration, the following amendments to the layout are required at the application stage prior to determination as plot layouts could be affected.

- The links between Street 02 and Street 03 have been severed by the introduction of bollards on the private drives. The specification for these will need to be provided.
- Concern remains that the grassed area adjacent Shared Drive 08 could be used to bypass the bollards. Likewise Shared Drive 10/06.
- Refuse tracking shows the fire tender overhanging the balancing pond next to Shared Drive 03.
- Footway provision of 2m has now been shown, largely adjacent to the carriageway and are always present on both sides where properties are served. A minimum 1m hard surfaced service margin is no longer an option within the LHDG and this should be replaced with 2m minimum hard surface, or a 1m minimum width verge (min 10m2 overall verge size).
- Where footways are set back, a commuted sum will be charged for all additional footway, verge and carriageway areas not required for safe function of the highway.
- The roads proposed will need to have adequate speed control features so that they conform to LHDG standards. Junction table(s) should be designed in accordance with the guide and plateau length above the minimum required.
- No obstructions should be present in visibility splays both at the access and for internal junctions and bends. Visibility splays must be contained wholly within the highway envelope.
- Visibility on all bends has been added but no dimensions shown. The applicant should note that forward visibility for Residential Roads is 25m at all bends. Visibility at 90-degree bends is shown at 17m, rather than the required 25m.
- The applicant is required to clarify the usage proposed for the 4m wide track off Shared Drive 04.

6.3. S106 Monitoring and Open Space Officer – Reviewing the landscaping plans, I would like to see amenity grass along plots 111, 110 120 if we keep it wildflowering mix (EM2) it can look unmanaged as it is likely to be maintained less than amenity grass. I appreciate the "mown path" will be amenity grass around the pond which should continue between the swales and adjacent plots - again wouldn't want these areas to look unmanaged by being kept longer and not mowed as often (EM1) for one of the feature areas could also look really messy if left and as it's a key area in the middle of the site it should look well managed and maintained with appropriate amenity grass. As part of the open space scheme, I would like to see some benches, bins and a sign for the responsibility of the open space areas on the site with contact details should any issues need to be reported by residents.

*amended plans received with requested details above. At the time of writing the report no further response has been received from the S106 Monitoring and Open Space Officer.

- 6.4. Desford Parish Council - We request that the layout is reconfigured to site the blocks of flats so that they are not overlooking the gardens of residents on Cambridge Drive. We also request that the hedge is retained along the boundary with the gardens of Cambridge Drive.
- 6.5. LLFA – the 5.35 ha greenfield site is located within Flood Zone 1 being at low risk of fluvial flooding and a very low to low risk of surface water flooding. The proposals seek to discharge at 23.5 l/s via pervious paving and a dry detention basin to an existing Severn Trent Water (STW) surface water sewer to the north-east of the site with two options. The proposed site layout has altered slightly from the previous consultation, and from the layout that was approved in 22/01227/OUT. The latest changes show a reduction in the capacity of the attenuation basin from 1413m³ to 1355m³. This change is mostly due to a reduction in the freeboard of the pond from 595mm to 300mm, which is still compliant with freeboard requirements. The LLFA has also been consulted on the matters relating to Condition 9, which requires full drainage details to be submitted. The LLFA provided an initial response on 5th June 2025 requesting the submission of further information as summarised below:

- A catchment area plan to support a revised set of hydraulic calculations
- Flood flow routing plan
- Private drainage details
- Cross-sectional details of the proposed attenuation basin and flow control chamber (site specific details, as opposed to typical details)
- Runoff rate calculation / catchment area

The applicant has provided revised hydraulic model which now includes the areas of all impermeable surfaces. The approach undertaken is acceptable to the LLFA and is based on planning policy guidance at the time the original planning application was submitted. Some plot levels are lower than the modelled top water level of the downstream drainage network. This is likely to result in private plot drainage flooding prior to the main infrastructure drainage. It is not good practice to flood private plots by design. Following further discussion on this matter with the applicant, the LLFA is in agreement that further details relating to private / external levels can be provided at a later stage and will therefore need to be conditioned as part of any subsequent approval of Reserved Matters. Subject to imposing of a new condition on any subsequent approval of the Reserved Matters, the LLFA advises that the documents as submitted are sufficient for the LLFA to support the discharge of Condition 9 of 22/01227/OUT. Subject to a further condition recommended below, the LLFA also advises the LPA that the application documents as submitted are sufficient for the LLFA to support the approval of the Reserved Matters.

- 6.6. HBBC Waste Team – No comments received to date.

7. Policy

- 7.1. Core Strategy (2009)
- 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 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 DM9: Safeguarding Natural and Semi-Natural Open Spaces
 - 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. Desford Neighbourhood Plan
- Policy H3: Reserve Sites
 - Policy H4: Affordable Housing
 - Policy H5: Housing Mix
 - Policy H7: Housing Design
 - Policy ENV 3: Biodiversity General
 - Policy ENV 6: Safeguarding Important Views
 - Policy F2: New or Improved Community Facilities
 - Policy T1: Traffic Management
 - Policy T3: Electric Vehicles

- 7.4. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2024)
 - Planning Practice Guidance (PPG)
 - National Design Guide (2019)

- 7.5. Other relevant guidance
- Good Design Guide (2020)
 - National Design Guide (2019)
 - Leicestershire Highway Design Guide

8. Appraisal

- 8.1. This is a reserved matters application following approval of outline planning permission. Access was a detailed consideration at the outline stage and therefore the following matters represent the key issues:

- Principle of development
- Layout
- Appearance
- Landscaping
- Scale
- Other matters

Principle of development

- 8.2. The principle of development (including access) has already been established following the granting of outline planning permission through appeal, planning reference 22/01227/OUT. This report therefore specifically focuses on the matters

that remain outstanding for consideration – i.e. the Reserved Matters, these include the appearance, landscaping, layout and scale of the development proposal.

- 8.3. As previously stated, affordable housing numbers, mix and tenure was considered and agreed at the outline stage and is set out within the S106 legal agreement. Therefore, this is not a consideration at this reserved matters stage.
- 8.4. The access point into the site has also been established and agreed at the outline stage.

Layout

- 8.5. Policy DM10(c), (d) and (e) of the SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and the use and application of building materials respects the materials of existing, adjoining/neighbouring buildings and the area generally and incorporates a high standard of landscaping.
- 8.6. Policy DM4 of the SADMP requires that development in the countryside does not have an adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside, does not undermine the physical and perceived separation and open character between settlements and does not create or exacerbate ribbon development.
- 8.7. Policy H7 of the Desford Neighbourhood Plan (DNP) states that design should reflect the properties nearby and if adjacent to open countryside, seek to reduce the visual impact of the new development. All new development should satisfy the following 10 design principles:
- Enhance and reinforce the local distinctiveness and character of the area. Care should be taken to ensure that the development does not disrupt the visual amenities of the street scene and impact negatively on wider landscape views.
 - Adequate off road parking should be provided
 - All new housing should continue to reflect the character and historic context of existing developments within the Parish and incorporate a diversity of materials
 - Development should be enhanced by fostering biodiversity and landscaping with existing trees and hedges
 - Where possible, enclosure of plots should comprise native hedging, wooden fencing or brick/stone walls (which maintain connectivity of habitat for hedgehogs)
 - Development should incorporate sustainable design and construction techniques to meet standards for water and energy efficiency
 - Security lighting and light spillage must be considered
 - Development should incorporate sustainable drainage systems
 - Development should be of a density that respects the desirability of maintaining an area's prevailing character and setting
 - Properties should have built in facilities for wildlife, for example bee bricks and swift boxes
- 8.8. The Good Design Guide outlines that building plots should be a similar size to the wider context and the layout should not adversely impact upon the prevailing grain of development. Built development should also be of similar scale, mass and roof form to the wider context, allowing it to sit comfortably within the street scene.
- 8.9. The built development is to be set back from Kirkby Road and lies on the edge of the existing settlement of Desford. Large detached dwellings front the entrance to

the scheme. A swathe of open space on entrance to the site has been provided to help enhance and define the development and enrich and complement the visual aesthetics of the site on approach from Kirkby Road.

- 8.10. The development provides a central square feature where the front gardens of properties at this location are bounded by hedgerows. A linear landscaping feature is located in front of plots 84-87 which further enhances and provides a verdant feature to this part of the development site.
- 8.11. Back to back distances between properties have been checked and exceed 21 metres for two storey properties. This complies with the Good Design SPD to ensure appropriate privacy and minimise overlooking for future occupiers of the site. Garden sizes have been reviewed to ensure that dwellings have appropriate private amenity space relative to the size of the dwelling.
- 8.12. Two bungalows have been introduced along the line of proposed units backing onto Cambridge Drive as part of the revisions to the scheme in order to help further alleviate overlooking and privacy concerns raised by local residents.
- 8.13. The block of affordable units towards the rear of the site has been inset from the boundary – there is now 5.7 metres from the side elevation of this block to the edge of the application site.
- 8.14. Bin storage details for the two storey flatted development to the north of the site has been provided to show that bins for these units will be in a secure, enclosed building to help with both security and odour concerns.
- 8.15. All properties include on plot car parking provision except for a parking area for a small block of units located towards the rear of the site. However, these spaces are directly opposite or in close proximity to the respective unit they provide parking for.
- 8.16. Concerns have also been raised about the location/layout of affordable dwellings on site i.e. being too concentrated and located within one area of the development (to the north of the site). This matter was flagged with the applicant and revised details were provided to dilute the concentration of affordable dwellings in one location and disperse the affordable units more evenly across the site. It is considered that the revision is acceptable and whilst there is still a focus of affordable units towards the north of the site, this development is providing 40% affordable housing provision and so it is difficult to evenly distribute this number of dwellings. It is however noted that tenure mix has also been taken account of to ensure that first homes, affordable rent and shared ownership units are also evenly spread.
- 8.17. Amended plans have also been received in respect of the internal road layout and parking spaces to ensure routes and spaces are wide enough and accord with the requirements of the local highway authority. The LHA consider that the roads are not unsafe but not suitable for adoption as shown. They are satisfied with the parking provision on site. The applicant has stated that the updated internal road layout meets relevant design requirements for a private scheme. A Roads and Refuse Services document has been submitted which details the highways and refuse, construction and ongoing management implications of the applicant's decision to not seek public adoption of the roads. In short, the roads will be built to LCC's standards for private roads that are to be publicly accessible and will be inspected during their construction by the County Council. This will ensure refuse

vehicles will not damage the final road surface and the submitted drawings demonstrate that suitable turning space is available for refuse and fire tender vehicles. Therefore, refuse can be collected in the same way as if the roads were publicly adopted and bin collection points are provided for dwellings accessed from shared drives. Finally in this regard, LCC can require the applicant to submit a bond to ensure that the roads are completed to the stated standard.

- 8.18. Subject to conditions proposed by the local highway authority, the revised layout of the site is considered to be acceptable and in compliance with Policy DM10 of the SADMP, Policy H7 of the Desford Neighbourhood Plan, the Good Design Guide SPD and the requirements of the NPPF.

Appearance

- 8.19. House type designs as proposed are based on the arts and crafts movement with a focus on decorative details to the design of the dwellings. This helps to raise the overall standard of design across the development as a whole. Examples include quoin blocks details, large windows, oriel windows, chimneys, decorative lintels, brick archway features, door canopies and dwellings comprising asymmetrical designs.
- 8.20. Materials for the dwellings comprise predominantly red facing bricks and some of the properties will comprise a render mix too. A mix of materials are proposed across the site to ensure that from an appearance perspective the proposal is tenure blind.
- 8.21. Boundary treatment details have been provided as part of the application submission. Red brick walls, railings or hedges will form the boundary treatment for gardens of dwellings that are located side onto a highway or are prevalent from the public realm in order to help raise the quality of the development. Close boarded fences are limited to rear gardens that cannot be viewed from the public realm or as boundaries between rear gardens of neighbouring properties.
- 8.22. The applicant has confirmed that existing hedges will be retained along the site's boundary with properties along Cambridge Drive.
- 8.23. The proposed development is therefore considered to accord with the design and appearance requirements set out within the Good Design Guide SPD, Policy 21 of the Core Strategy and the design requirements as set out within the Desford Neighbourhood Plan.

Landscaping

- 8.24. Revised landscaping plans and an open space plan have been provided as part of the reserved matters submission.
- 8.25. The landscaping details set out the type and location of shrubs, trees and hedgerows to be provided across the development site. As stated previously, the existing hedgerow along the boundary with Cambridge Drive is to be retained and will act as a further buffer between the development and existing properties backing onto the site.
- 8.26. Trees are to be provided 'on plot' within the frontage of a number of dwellings across the site and also within parking court areas and across the open space areas of the development.

- 8.27. The open space plan shows the provision of various open space typologies including casual informal open space across various parts of the development site and a landscape buffer along the western edge of the development site which borders the open countryside. The landscape buffer area is for ecological provision in order to provide for 25% biodiversity net gain requirement (BNG) on site. This is to be appropriately fenced in order to allow the area to establish and prevent damage. This area is separated by the grass mown path area corridor.
- 8.28. Meadow Grassland of different varieties have been proposed alongside amenity grassland for grass mown path areas and margins.
- 8.29. The northern corner of the site will be mown and maintained in order to allow for casual informal play on site.
- 8.30. The swales and attenuation basin are not permanently wet water bodies that hold water but are designed to convey water when water events are live. The attenuation basin base will be designed to be wet. The grass mown path runs the length of the site and runs around the balancing areas and then provides a linkage to the north.
- 8.31. Bins and benches across the site are also proposed as part of the landscaping details and include information boards providing details about the responsibility of the open space areas on the site with contact details should any issues need to be reported by residents.
- 8.32. The applicant will be paying an 'off-site' contribution for the provision of Equipped Area of Play (play equipment) as part of the S106 requirements agreed at the outline stage and so there is no play equipment to be provided on site. The site lies in very close proximity to an existing play area/open space along Kirkby Road and this off site contribution will seek to benefit both new and existing residents. Desford Parish Council have been approached to enquire how/where this money will be spent within the locality when it is received.
- 8.33. Overall, the details as submitted are considered to be suitable with respect to landscaping considerations and comply with Policy DM10 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

Scale

- 8.34. The proposal comprises predominantly two storey dwellings with two plots comprising bungalows.
- 8.35. A number of objections have been received in respect of the location and proximity of two storey properties backing onto the boundary with existing dwellings along Cambridge Drive. Whilst the concerns raised are noted, the distance between the rear elevations of the proposed dwellings and existing dwellings exceed 21 metres and this is considered to be an acceptable relationship with respect to residential amenity and complies with the requirements set out within the Council's Design SPD.
- 8.36. Some concerns have also been raised by local residents about the number of larger homes on site when compared to smaller, starter homes. From the revised plans provided the housing schedule clearly shows that 68% of the properties

proposed for the site would be 1, 2 or 3 bed units = 82 units out of 120. 32% would be 4 or 5 bed units which equates to 38 units. This is considered to be an acceptable mix for a development of this size and illustrates that there are in fact less, larger homes than smaller ones.

- 8.37. The scale of the housing development proposed is considered to be in keeping with the surrounding local context and is therefore in compliance with Policy DM10 of the Site Allocations and Development Management Policies DPD 2016.

Other matters

- 8.38. Policy DM6 of the SADMP states that development proposals must demonstrate how they conserve and enhance features of nature conservation and geological value including long term future management. Paragraph 180 of the NPPF states that planning decisions should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity.
- 8.39. LCC Ecology were consulted on the application. They have reviewed the application details. They consider that the documents are acceptable as 25% BNG is provided on site in accordance with the outline permission requirements and is shown on the open space/landscaping plans.
- 8.40. Therefore, this application is considered to be acceptable with respect to ecological matters in compliance with Policy DM6 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.
- 8.41. Policy DM7 of the SADMP states that seeks to prevent development from resulting in adverse impacts on flooding by ensuring that development does not create or exacerbate flooding.
- 8.42. The LLFA have responded to the application and stated that subject to imposing a new condition on any subsequent approval of the Reserved Matters, the application documents as submitted are sufficient for the LLFA to support the discharge of Condition 9 of 22/01227/OUT and sufficient for the LLFA to support the approval of the Reserved Matters.
- 8.43. The Conservation Officer was also consulted on this application. Due to a combination of the topography and presence of intervening built form and vegetation there is no inter-visibility between the application site and any designated heritage assets, nor is there any known key historic, functional or other relevant relationships between the application site and these heritage assets. The application site is therefore not considered to fall within their setting and none of these heritage assets would be sensitive to or affected by an appropriate form of development within the application site. Therefore in my opinion the impact of the proposal upon designated heritage assets is not a material consideration for this reserved matters application.
- 8.44. The Minerals and Waste Team have no comments to make on this application.
- 8.45. Details in respect of Conditions 5, 6, 9 and 11 of outline permission 22/01227/OUT have also been submitted as part of this application as these conditions were worded to require these specific details as part of the Reserved Matters application.
- 8.46. Condition 5 states that:

'With or before the submission of Reserved Matters an Ecological Constraints and Opportunities Plan (ECOP) shall be submitted to and approved in writing by the local planning authority. The ECOP should identify the following, in accordance with BS 42020:2013 Clause 5.4:

- Areas and features including appropriate buffer areas that, by virtue of their importance, should be retained and avoided by both construction activities and the overall footprint of the development.
 - Areas and features where opportunities exist to undertake necessary mitigation and compensation.
 - Areas and features with potential for biodiversity enhancement, in line with the submitted Defra metric.
 - Areas where ongoing ecological management is required to prevent deterioration in condition during construction/implementation.
 - Areas needing protection on site and/or in adjacent areas (e.g. from physical damage on site or pollution downstream) during the construction process.
- Appeal Decision APP/K2420/W/23/3320601
<https://www.gov.uk/planning-inspectorate> 12
- Areas where biosecurity measures are necessary to manage the risk of spreading pathogens or non-native invasive species.

The development hereby permitted shall be carried out in accordance with the approved details and in accordance with any approved timeframes.'

The Ecology Team are satisfied that the updated Ecological Constraints and Opportunities Plan (Brindle & Green, June 2025) meets the requirements of Condition 5 and recommend discharge of this ecological condition.

8.47. Condition 6 states that:

'With or before the submission of Reserved Matters a scheme that demonstrates a Biodiversity Metric 3.1 calculation achieving a minimum 25% net gain in area habitat value shall be submitted to and agreed in writing by the local planning authority. The approved scheme shall be implemented in accordance with the agreed details.'

The Ecology team are satisfied that the submitted Biodiversity Metric 3.1 meets the requirements of Condition 6 and recommend discharge of this ecological condition.

8.48. Condition 9 states that:

'With or before the submission of Reserved Matters a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include evidence to confirm or otherwise, the suitability of the site for the use of infiltration as a drainage element. The development must be carried out in accordance with these approved details and completed prior to first occupation.'

The LLFA are content to discharge this condition and require a further condition as part of the Reserved Matters approval. HBBC Drainage are also content for this condition to be discharged.

8.49. Condition 11 states that:

'With or before the submission of Reserved Matters a scheme for the investigation of any potential land contamination on the site has been submitted in writing to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be

implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.'

The Environmental Health Team are satisfied with the information provided but advised that Condition 11 can only be partially discharged. The further information requested in this regard will be submitted as part of a new reserved matters condition (number 10) and so condition 11 of the outline permission will be fully discharged.

Deferral Matters

- 8.50. Members asked at the August Planning Committee whether details of the Registered Provider for this site could be provided at the Reserved Matters Stage. The identification and involvement of a Registered Provider is set out within the signed Section 106 Planning Agreement for this development which sets out the necessary requirements and timescales for providing relevant details in respect of Affordable Housing. Specifically it states that:

'Prior to the commencement of development, the developer must submit an Affordable Housing Scheme to the Council and obtain its written approval. This Scheme should include details regarding the location of the affordable units, their type, size, tenure, and details of the Affordable Housing Provider if known.'

- 8.51. In addition to this requirement, the legal agreement also restricts the occupation of more than 75% of the market dwellings until the affordable units have been fully constructed, are ready for occupation, and the freehold interest in those units has been transferred to the designated Affordable Housing Provider. This ensures that the delivery of the affordable housing is secured at the appropriate stage of the development process. As such, the identification of a registered provider is not a prerequisite for determining the Reserved Matters application but is clearly a requirement within the S106 legal agreement.
- 8.52. The other reason for deferral related to the layout of the scheme and the proximity of proposed dwellings to existing properties along Cambridge Drive. Section 4.4 of the Good Design Guide sets out the Council's requirements for back-to-back and back-to-side distances. The guidance states that principal windows to habitable rooms of neighbouring properties should not be less than 21m apart, unless they are across a road. The application layout as proposed meets these guidelines in all but one location where the development proposes a bungalow to mitigate a minor shortfall in this separation distance. Moreover, the existing hedgerow which currently borders the site and Cambridge Drive is to be retained as part of the development and managed as part of the on-site BNG for at least 30 years. This will further aid privacy and help to protect privacy between dwellings. As a result, the development's layout is acceptable in this regard.

Planning Balance

- 8.53. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.54. Subject to the imposition of conditions, as set out below, this reserved matters application is considered to be acceptable in planning terms and recommended to Members for approval.

- 8.55. Conditions 5, 6 and 9 are fully discharged/agreed as part of this planning decision.
- 8.56. Condition 11 can be partially discharged and a further condition is suggested to be imposed should the Reserved Matters be approved.

9. Equality implications

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

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 Officer have taken this into account and given due regard to this statutory duty in the consideration of this application.
- 9.3 There are no known equality implications arising directly from this development.
- 9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Recommendation

- 10.1 **Approve Reserved Matters consent subject to:**
- Planning conditions outlined at the end of this report
 - The Head of Planning being given powers to determine the final detail of planning conditions
- 10.2 Approve Conditions 5, 6, 9 and 11 of outline permission 22/01227/OUT.

Conditions and Reasons

1. The development hereby permitted shall not be carried out otherwise than in accordance with the submitted revised application details as follows:
 - Site Location Plan P01 1089 xxxx 400 received 2 August 2024
 - Planning Layout P05 1089 100 received 15 July 2025
 - Highways Layout P03 xxxx 101 received 10 June 2025
 - Swept Path Analysis Refuse Vehicle 1089 ENG 1251B received 15 July 2025
 - Materials and Boundary Treatment Layout P04 xxxx 200 received 15 July 2025
 - Open Space Plan P04 xxxx 170 received 20 June 2024

- Soft landscaping proposals GL2335 LP 01 Rev D received 15 July 2025
- Soft landscaping proposals GL2335 LP 02 Rev D received 15 July 2025
- Soft landscaping proposals GL2335 LP 03 Rev D received 15 July 2025
- SW Drainage Scheme 1089-ENG-0005 received 12 May 2025
- SW Calculations 1089-CALC-0005 received 12 May 2025
- Housetype – floorplans and elevations Rev C01 Dwg no. DB210G-5 AS and OP
- Housetype – floorplans and elevations Rev C02 -Dwg no. DH301GE-5 AS and OP
- Housetype – floorplans and elevations Rev C01 Dwg no. DH313B-5 AS and OP
- Housetype – floorplans and elevations Rev P00 Dwg no. DH314V-5 OP
- Housetype – floorplans and elevations Rev C01 Dwg no. DH318B-5 AS and OP
- Housetype – floorplans and elevations Dwg no DH360 BE-5 AS and OP
- Housetype – floorplans and elevations Dwg no DH360 BI-5 AS and OP
- Housetype – floorplans and elevations Rev P00 Dwg no. DH390R-5 AS and OP
- Housetype – floorplans and elevations Rev C01 Dwg no. DH402R-5 AS
- Housetype – floorplans and elevations Rev P00 -Dwg no. DH409GH-5 AS and OP
- Housetype – floorplans and elevations Rev P00 -Dwg no. DH409GH-5 Plot 118 AS
- Housetype – floorplans and elevations Dwg no – DH422GR-5 OP
- Housetype – floorplans and elevations Rev C05 Dwg no. DH422G-5 AS
- Housetype – floorplans and elevations Rev C05 Dwg no. DH422GR-5 OP
- Housetype – floorplans and elevations Rev C01 Dwg no. DH425GG-5 AS and OP
- Housetype – floorplans and elevations Rev C01 Dwg no. DH425GH-5 AS and OP
- Housetype – floorplans and elevations Rev C01 Dwg no. DH425GH-5 Plot 114 AS
- Housetype – floorplans and elevations Rev P00 Dwg no. DH427B-5 AS and OP
- Housetype – floorplans and elevations Rev C03 Dwg no. DH430B-5 AS and OP
- Housetype – floorplans and elevations Rev C01 Dwg no. DH430BR-5 AS
- Housetype – floorplans and elevations Rev C04 Dwg no. DH501G-5 AS and OP
- Housetype – floorplans and elevations Rev C01 Dwg no. DH509V-5 AS and OP
- Housetype – floorplans and elevations Rev C01 Dwg no. DH532BR-5 AS and OP
- Affordable housetype floorplans and elevations, Rev C00 Dwg no. AH10G-5 M4(2) & HQI AS
- Affordable housetype floorplans and elevations, Rev C04 Dwg no. AH16GEA-5 M4(2) & HQI AS
- Affordable housetype floorplans and elevations, Rev P00 Dwg no. AH21GE-5 M4(2) & HQI AS and OP
- Affordable housetype floorplans and elevations Rev P00 Dwg no. AH21GG-5 M4(2) & HQI AS
- Affordable housetype floorplans and elevations Rev P00 Dwg no. AH21GI-5 M4(2) & HQI AS and OP

- Affordable housetype floorplans and elevations Rev P00 Dwg no. AH31GE-5 AS and OP
- Affordable housetype floorplans and elevations Rev P00 Dwg no. AH31GG-5 OP
- Affordable housetype floorplans and elevations Rev P00 Dwg no. AH31GI-5 AS and OP
- Affordable housetype and floorplans and elevations Rev C00 AH35GE-5 AS and OP
- Affordable housetype floorplans and elevations Rev C00 Dwg no. DH16GEA-5 AS
- Affordable housetype floorplans and elevations Rev C00 Dwg no. DH260BE-5 AS and OP
- Affordable housetype floorplans and elevations Rev C00 Dwg no. DH260BI-5 AS
- Affordable housetype floorplans and elevations Dwg no DH313B-5 AS
- Affordable housetype floorplans and elevations Rev C00 Dwg no. AH35G-5 AS and OP
- Affordable housetype floorplans and elevations Rev C01 Dwg no. DH201BR-5 AS
- Affordable housetype floorplans and elevations Rev C01 Dwg no. DH201BRS-5 AS
- Affordable housetype floorplans and elevations Rev C01 Dwg no. DH202BR-5 AS
- Garages - Elevations and floorplan - Rev C01 Dwg no. LG1-4 Single Garage AS
- Garages - Elevations and floorplan - Rev C01 Dwg no. LG3-4 Single Garage AS
- Garages - Elevations and floorplan - Rev C00 Dwg no. MG1-4 Single Garage AS
- Garages - Elevations and floorplan - Rev C01 Dwg no. SG1-4 Single Garage AS
- Garages - Elevations and floorplan - Rev C03 Dwg no. SG3-4 Single Garage AS
- Garages - Elevations and floorplan - Rev C01 Dwg no. SG10-4 Double Garage AS
- Garages – Elevations and floorplan - Dwg no SG23-4 Single & Double Garage AS
- Garage – Elevations and floorplans – Dwg No LG10-4 Double Garage (AS)
- Desford Bin Store – Elevations and floorplans - Rev P01

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

2. The development hereby approved shall be implemented in strict accordance with the Constraints and Opportunities Plan (Brindle & Green, Rev 4) unless otherwise agreed in writing by the LPA. Photographs of the faunal enhancement measures including the integrated bird and bat boxes, hedgehog highways and hibernacula within the new development shall be provided prior to occupation of the development.

Reason: To enhance the ecological value of the development hereby approved in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD (2016) and the requirements of the NPPF.

3. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with drawing number Planning Layout P05 1089_ 100 received 15 July 2025. Thereafter the on-site parking provision shall be so maintained in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally and to enable vehicles to enter and leave the site in a forward direction in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

4. The development hereby permitted shall not be occupied until such time as 1 metre by 1 metre pedestrian visibility splays have been provided on both sides of the private driveways or shared private drive serving each plot. Nothing within these splays shall be higher than 0.6 metres above the level of the back of the footway/verge/highway and, once provided, these splays shall be so maintained in perpetuity.

Reason: In the interests of pedestrian safety in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

5. 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 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 Site Allocations and Development Management Policies DPD (2016) and the NPPF.

6. No part of the development hereby permitted shall be occupied until such time as site drainage details have been provided to and approved in writing 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 Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

7. 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 in accordance with in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

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 dwellings hereby permitted 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.

9. The Landscaping Scheme hereby approved shall be fully implemented in accordance with revised drawings GL2335 LP 01D, 02D and 03D and in accordance with a programme to be submitted and approved in writing by the Local Planning Authority prior to commencement of development with details to include phasing and timescales for delivery of the hard and soft landscaping on site. The soft landscaping provision 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 landscaping work is carried out within a reasonable period and thereafter maintained in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

10. Notwithstanding the Phase II Investigation report and Gas Addendum Letter submitted no development approved by this permission shall be commenced in the farm yard area (house, former yard and buildings) until a scheme for the investigation of any potential land contamination in the farm yard area has been submitted to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first 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 Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

11. With the exception of the attenuation basin and swales, no piped drainage infrastructure shall be constructed until such time as revised hydraulic calculations and private plot external levels have been submitted to, and approved in writing by the Local Planning Authority. The development must then be carried out in accordance with these approved details and completed prior to first occupation.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site in accordance with Policy DM7 of the Site Allocations and Development Management DPD 2016 and the requirements of the NPPF.

12. The development hereby permitted shall not be occupied until such time as the refuse vehicle and fire tender turning facilities have been implemented in accordance with drawing numbers 1089-ENG 1250 A and 1089-ENG 1251B. Thereafter the on-site turning provision shall be so maintained in perpetuity.

Reason: To ensure that adequate on street turning provision is made to ensure refuse vehicles and fire tender vehicles can serve the site in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

INFORMATIVES:

- 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.
- Badgers and their setts are protected by law. A badger sett is defined by law as 'any structure or place which displays signs indicating current use by a badger'. Under the Protection of Badgers Act 1992 it is an offence to: Take, injure, or kill a badger (or attempt to do so); Cruelly ill-treat a badger; Intentionally or recklessly damage, destroy or obstruct access to a badger sett; and Intentionally or recklessly disturb a badger when it is occupying a badger sett. Therefore no works should occur near to a badger sett unless carefully checked beforehand by a suitably qualified person.
- Slow-worm, common lizard, adder and grass snake are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). This legislation makes it an offence to deliberately kill, injure or take slow-worm, common lizard, adder or grass snake. As such, care should be taken to avoid impacting reptiles during the development.
- 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.
- To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).