

**Planning Committee 10 November 2020
Report of the Planning Manager**

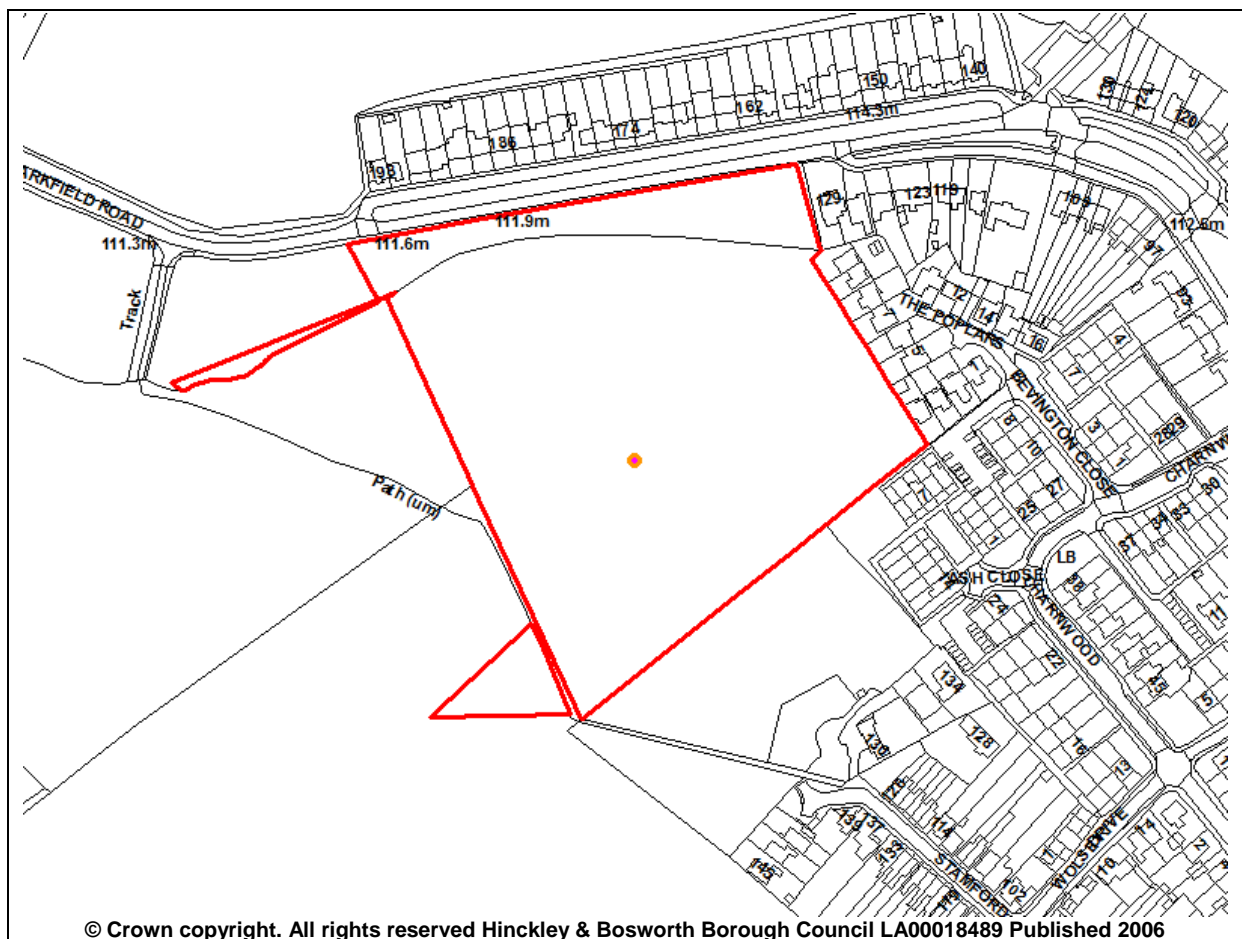
**Planning Ref: 20/00462/FUL
Applicant: Cawrey Homes
Ward: Ratby Bagworth And Thornton**



**Hinckley & Bosworth
Borough Council**

Site: Land South Of Markfield Road Ratby

Proposal: Proposed residential development for 90 dwelling units, new access off Markfield Road, locally equipped children's play area, cycleway and footpaths and SUDS measures



1. Recommendations

1.1. Grant planning permission subject to:

- The completion within 3 months of this resolution of a S106 agreement to secure the following obligations:
 - 40% Affordable Housing with a split of 50% affordable rented and 50% shared ownership
 - £2,660.00 for library facilities at Ratby Library
 - £311,629.60 towards secondary school education
 - £36,381.31 towards Health Care Provision (GP Practices)
 - On-site Open Space requirement of 400m² of equipped play area with equipment to a minimum value of £58,500; 2476.4m² of Casual/Informal

Play Space and 3600m² of natural green space along with maintenance costs.

- Off-site Open Space contribution for 3456m² of outdoor sports provision of £31,276.80 along with the maintenance cost of £14,860.80.
 - Off-site tree planting of 7,622.6m² in accordance with the Proposed Tree Planting Plan (land shown within the blue line ownership boundary) with the planting specifications and management plan to be agreed with the local planning authority.
 - Travel Packs – one per dwelling (can be supplied by LCC at £52.85 per pack)
 - 6 month bus passes – two per dwelling (2 application forms to be included in Travel Packs and funded by the developer) – can be supplied through LCC at £360.00 per pass.
 - Raised kerb provision at the nearest two bus stops (ID 2527) at a cost of £3,500.
 - STARS for (Sustainable Travel Accreditation and Recognition Scheme) monitoring fee of £6,000.
 - Improvements to the wider R50 footpath linking the application site with Stamford Street at a cost of £20,000.
- Planning conditions outlined at the end of this report
- 1.2. That the Planning Manager be given powers to determine the final detail of planning conditions.
- 1.3. That the Planning Manager be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.
- 2. Planning application description**
- 2.1. This application seeks full planning permission for the construction of 90 dwellings with associated public open space, landscaping and infrastructure. The site has an area of approximately 3.8 hectares. A detailed access plan has been submitted which shows a new road leading into the site from Markfield Road along with a right hand turning lane into this new road.
- 2.2. The housing mix proposed comprises 54 private market houses and 36 affordable houses with 18 of these houses being affordable rented units and 18 being shared ownership units. The properties proposed are a mix of 4 x one bed houses, 36 x 2 bed houses, 2 x 2 bed bungalows, 36 x 3 bed houses and 12 x 4 bed houses. The properties proposed are of traditional construction comprising predominantly facing bricks with roofing tiles. All of the properties would be built to a height of two-storeys with the exception of the 2 adaptable bungalows.
- 2.3. The site layout plan shows the development would be predominantly arranged into four perimeter blocks along with ribbon development backing onto the existing properties along The Poplars and Ash Close. All of the properties would either face onto roads or parking forecourts. Some of the properties would have small front gardens whereas others would have parking along the frontage. All of the properties would have rear gardens of at least 9 metres in length with the exception of the two bungalows where the length would be 4 metres.
- 2.4. Areas of open space are proposed across the site but predominantly along the northern boundary of the site where a large area of land would remain undeveloped. In this open space area would be a Locally Equipped Area for Play (LEAP). An attenuation pond is proposed in an area of open space to the south west of the site. This pond would adjoin the existing footpath R50. All the proposed development would be at least 3 metres away from the northern, southern and

western boundary edges of the site which would allow the retention of the existing field hedgerows.

- 2.5. The proposal includes the construction of a footpath link onto Markfield Road along with two footpath links onto the existing footpath R50. There would also be a footpath installed along the southern carriageway of Markfield Road to link to the existing footpath.
- 2.6. The application is supported by the following technical documents:-
 - Design and Access Statement
 - Existing Site Sections
 - Drainage Strategy and Calculations
 - Topographical Survey
 - Transport Assessment
 - Travel Plan
 - Highway Technical Note
 - Tree Survey
 - Planning Statement
 - Parking Provision
 - Landscape and Visual Appraisal
 - Illustrative Street Scenes
 - Archaeological Assessment, Geophysical Survey and Magnetic Susceptibility
 - Ecological Appraisal
 - Flood Risk Assessment

3. Description of the site and surrounding area

- 3.1. The application site is located to the south of Markfield Road, Ratby. The settlement boundary for Ratby forms the eastern boundary of the site. Markfield Road forms the northern boundary of the site and the settlement boundary for Ratby does include the existing properties along the northern carriageway. Open countryside forms the southern and western boundaries. The presence of this built development along with the adjoining open fields gives the area its semi-rural character.
- 3.2. The majority of the site lies within the National Forest. The site is located within Landscape Character Area A - Charnwood Fringe Settled Forest Hills Landscape Character Area (LCA – A) in the Landscape Character Assessment (2017). This is characterised by a gently undulating landform with small plateaus on higher ground and rising to the adjacent Charnwood Forest area to the east. The site also lies immediately adjacent to Urban Character Area 8 – Ratby.
- 3.3. The centre of Ratby is located some 550 metres from the site to the south east. In the village centre there are a wide range of local facilities including a primary school, doctor's surgery, community hall, sports centre, places of worship, public houses, shops, post office, library, recreation and other social facilities. The nearest bus stop is within walking distance of the site being located on Charnwood Drive.
- 3.4. The application site is currently in arable use bound by hedgerows on three sides. The site is mostly flat and level, however, the land does fall away gradually from north to south from 111m AOD along Markfield Road to a low point of 105m AOD where the attenuation basin is proposed.

4. Relevant planning history

14/00108/OUT

- The application site was part of a wider site for a residential scheme of up to 158 dwellings (outline - access only)
- Refused and Dismissed at Appeal
- 12.11.2014

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. 56 letters of objection have been received raising the following issues:

- 1) The Council has already approved a large housing scheme on Markfield Road involving 168 houses and another 400 houses are planned in Markfield
- 2) Ratby's housing numbers have nearly doubled since 1991 – 453 houses built between 1991-2013 and there are plenty of existing properties available for sale or rent
- 3) There are more suitable sites for housing in the Borough and the Council now has a 5 year housing land supply
- 4) The proposal would set a precedent for further housing around the site
- 5) The road network around the site cannot accommodate the additional traffic which this residential scheme would generate
- 6) The proposed vehicular access into the site would cause highway safety issues and a lot of cars along Markfield Road exceed the speed limit
- 7) There is a lot of on street parking in the area due to people visiting Martinshaw Woods
- 8) Ratby already has high levels of air and noise pollution from the motorway and this scheme will add to these levels
- 9) The new residents of the scheme would be exposed to high levels of air pollution from the M1
- 10) The proposal will have a detrimental impact on the remnants of a Roman encampment known as 'The Burroughs' which is underneath the site
- 11) The proposal would impact on the residential amenity of occupiers of adjoining properties through overlooking, loss of privacy, loss of a view, loss of sunlight and the overbearing impact of this housing scheme
- 12) The proposal would negatively impact the property prices in the area
- 13) Previous housing schemes built by the applicant in Ratby do not have any landscaping included in them
- 14) The properties along The Poplars are all bungalows occupied by residents above retirement age whose enjoyment of their properties and gardens would be impacted on by the construction of family housing to the rear of their gardens. This would have an impact on their health and well being
- 15) During the construction phase there would be noise and pollution
- 16) A residential scheme on the site would cause noise and pollution to Martinshaw Woods to the detriment of the wildlife using the woods
- 17) There have been a lot of traffic accidents along Markfield Road and this proposal would make the situation worse
- 18) The local services and facilities in Ratby cannot cope with these additional residents especially the doctor's surgery and local schools. The COVID pandemic is also creating additional pressure on these services
- 19) There are no local facilities for young people to use in Ratby

- 20) Planning permission has already been refused for a residential scheme (158 houses) which included this site and an appeal was dismissed (ref: 14/00108/OUT)
- 21) Proposal would cause harm to this countryside location and would be contrary to Development Plan policies and advice in the NPPF
- 22) Damage to wildlife using the site including badgers, foxes and buzzards and contrary to LCC's Environment Policy 2011
- 23) Loss of ridge and furrow on the site
- 24) There is no provision for the required 0.75 hectare of tree planting and the proposal would remove ancient hedgerows
- 25) The proposal would involve re-routing public footpath N63 at the top of Stamford Street and this is a well-used footpath (photographs provided of walkers using the footpath)
- 26) There is a need for more bridleways in the area
- 27) The proposal for tree planting along the new footpath/cycle path is unacceptable
- 28) The lower field is already subject to flooding as the land slopes sharply away from Markfield Road to the south. The proposed balancing pond would be inadequate

6. Consultation

6.1. LCC Ecology – holding objection due to lack of wildflower planting and proposed tree planting in close proximity to the footpath/cyclepath. Their revised comments on the amended plans submitted are awaited.

6.2. No objections have been received from:

- HBBC Affordable Housing
- HBBC Environmental Services (Pollution) – subject to pre-commencement conditions
- HBBC Waste Services – subject to a condition
- Leicestershire Police
- HBBC Planning Policy
- LCC as Lead Local Flood Authority – subject to pre-commencement conditions
- HBBC Drainage – subject to pre-commencement conditions
- LCC Archaeology – subject to pre-commencement conditions
- National Forest
- LCC as Highway Authority – subject to conditions

6.3. No comments have been received from:

- Severn Trent Water
- Woodland Trust
- Arboricultural Officer

6.4. LCC Developer Contributions request:

- £311,629.60 towards secondary school education in the area
- £2,660.00 towards library facilities at Ratby Library

University Hospitals of Leicester NHS Trust request:

- £24,174.00 towards additional health care services

George Eliot Hospital NHS Trust request:

- £36,226.00 towards additional health care services

NHS West Leicestershire CCG request:

- £36,381.31 towards the cost of providing additional accommodation for 218 patients in Ratby

HBBC Affordable Housing – requirement for 40% of the housing to be affordable. They confirm that the proposed split of social or affordable rented and properties for intermediate tenure is acceptable. The housing mix proposed is a suitable mix of dwelling types and tenures and the space standards are acceptable.

S106 Monitoring Officer – requirement for an equipped play area, casual/informal play space and natural green space on site.

6.5. Ratby Parish Council object to the proposal raising the following issues:

- 1) A planning appeal and Judicial Review were both dismissed for a housing scheme on this land
- 2) There has been a recent planning approval for 168 houses to be built on the same road in Ratby which will cause traffic congestion within the village
- 3) Unacceptable levels of traffic and vehicles would be generated from the proposal as Ratby Primary School cannot be extended and school children would travel by car
- 4) Markfield Road is an extremely busy, fast road and with another major development this will add to traffic congestion problems
- 5) The land in question is outside the settlement boundary where the countryside and settlement separation should be preserved and development should not have an adverse effect on the intrinsic value, beauty, character and landscape character of the countryside
- 6) The proposal would result in the loss of countryside

7. Policy

7.1. Core Strategy (2009)

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

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM25: Community Facilities

7.3. National Planning Policies and Guidance

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

7.4. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)
- HBBC Landscape Character Assessment (2017)
- HBBC Landscape Character Sensitivity Study (2017)
- Leicester and Leicestershire Housing and Economic Development Needs Assessment (HEDNA)
- Affordable Housing SPD (2011)
- Open Space and Recreation Study (2016)
- Leicestershire Highways Design Guide
- Agricultural Quality of Land Surrounding Settlements in the Hinckley and Bosworth District Report (2020)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Ecology
- Archaeology
- Flooding & Drainage
- Affordable Housing
- Infrastructure Contributions
- Other Matters

Assessment against strategic planning policies

- 8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) (2019) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.
- 8.3 Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the SADMP set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) and the Site Allocations and Development Management Policies DPD (2016).
- 8.4 The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough. Ratby is identified as a Key Rural Centre relating to Leicester. Policy 7 supports proposals within the settlement boundaries of Key Rural Centres that provide a mix of housing types and tenures as set out in Policies 15 and 16. Policy 8 of the Core Strategy provides the policy framework for each Key Rural Centre

relating to Leicester. The first of the criteria seeks the provision of a minimum of 75 new homes in Ratby. This housing provision was exceeded when the SADMP was adopted in 2016 with extant planning permissions for 107 dwellings.

- 8.5 Using the standard method as outlined by MHCLG, Hinckley and Bosworth Borough is able to demonstrate five years of deliverable housing at 1st April 2020. Due to the change in the housing figures required for the borough, the housing policies in the plan are out of date and as such paragraph 11(d) of the NPPF is triggered. Paragraph 11(d) states that 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. This is weighed in the balance of the merits of the application when considered with the policies in the Site Allocations and Development Policies DPD and the Core Strategy which are attributed significant weight as they are consistent with the Framework. Therefore, sustainable development should be approved unless other material considerations indicate otherwise.
- 8.6 This site lies outside of the settlement boundary of Ratby. The land is identified as countryside within the Borough Wide Policies Map and therefore Policy DM4 should be applied. Policy DM4 of the adopted SADMP seeks to protect the intrinsic value, beauty and open character and landscape character through safeguarding the countryside from unsustainable development.
- 8.7 Policy DM4 states that the countryside will first and foremost be safeguarded from unsustainable development. Development in the countryside will be considered sustainable where:
- It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
 - The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
 - It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
 - It relates to the provision of stand-alone renewable energy developments in line with policy DM2: Renewable Energy and Low Carbon Development; or
 - It relates to the provision of accommodation for a rural worker in line with Policy DM5: Enabling Rural Worker Accommodation.
- and:
- 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;
- 8.8 The site does not fall under any of the categories identified in Policy DM4 as sustainable development and so there is a clear conflict between the proposed development and the policy.
- 8.9 Therefore, this housing proposal outside of the settlement boundary of Ratby and within the countryside is contrary to Policies 7 and 8 of the Core Strategy and Policy DM4 of the SADMP. As such there is a conflict with the spatial policies of the development plan. However, paragraph 11(d) of the NPPF is engaged and therefore a 'tilted balance' assessment must be made where 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. This must take into account all material considerations and any harm which is identified. All material considerations must be assessed to allow this balance to be made.

Design and impact upon the character of the area

- 8.10 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.
- 8.11 Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.12 The Council's Good Design Guide SPD sets out the process to be followed to ensure good quality design for new residential development.
- 8.13 The application site lies within the Charnwood Fringe Settled Forest Hills Landscape Character Area (LCA – B). This is characterised by a gently undulating landform with small plateaus on higher ground and rising to the adjacent Charnwood Forest area to the east; of a large scale irregular field pattern of mainly arable and some pasture, with smaller fields around settlements with fields enclosed by hedgerows with scattered trees; and, a dispersed pattern of former mining villages following a linear pattern on ridgetops with a good public access and footpath network throughout, especially within the National Forest area. The site is not a 'valued landscape' for the purposes of Paragraph 170 of the NPPF, does not have any national or local designations and is not unique or remarkable for any landscape purposes.
- 8.14 The landscape strategies for this area are to ensure new development should complement the existing settlement pattern and be well integrated within the wooded landscape, to support the National Forest Strategy and to encourage, connect and enhance habitats such as hedgerows, tree planting, farm woodlands and lowland meadow.
- 8.15 The Hinckley and Bosworth Sensitivity Study 2017 was undertaken to provide an overview of comparative landscape sensitivity around key settlements to provide context for policies and proposals within the emerging Local Plan, in particular in relation to built development. Within this Study the application site is assessed as part of the land to the west of Ratby. This land is described as follows:

"Despite its intact rural character providing an attractive setting to the settlement, the assessment area is considered to have overall medium sensitivity to residential development due to the relationship it has with built development and the visual containment from existing woodland in the north."
- 8.16 The application site also lies immediately adjacent to the urban area of Ratby which is identified as Urban Character Area 8 (UCA-8) within the Landscape Character Assessment. The key characteristics of Ratby as relating to the application site are that it is a historic hilltop settlement with open countryside setting to the west and south, its compact streetscene of narrow lanes within the historic core which contrast sharply with the expansive design of later roads such as Markfield Road and the M1 as a strong urban influence.
- 8.17 The application proposal would replace arable land which is classified as subgrade 3b in the Agricultural Quality of Land Report where heavy slowly permeable soils are found which limit the use of the land to autumn-sown crops. The land is devoid of any structures with permanent residential built form which would cause harm to

the landscape setting of the site. There are a number of public rights of way within 500 metres of the site including public right of way R50 which lies adjacent to the site. The walkers along these footpaths would be slow moving receptors and are considered to be of high sensitivity. A number of properties also have direct views across the application site from The Poplars, Ash Close and Stamford Street where views from habitable rooms would be achieved and these residents are considered to be of high sensitivity. The views from properties along Markfield Road would mainly be from first floor windows due to the intervening vegetation which would conceal views from ground floor habitable rooms.

- 8.18 A Landscape and Visual Appraisal (LVA) has been submitted with the application. This LVA describes the proposed development layout as being landscape led in that it retains and enhances the existing field boundary hedgerows and replants the roadside hedgerow along Markfield Road. A soft landscaping scheme has been submitted with the proposal along with a proposal for off-site planting to form part of a Section 106 Agreement. The route of public footpath R50 is unaffected by the proposal and new links would be created from the site onto this footpath. A new linear public open space containing a new footpath/cycleway that links Markfield Road to the National Cycle Route 68 and public right of way R121 would be created along with a play area.
- 8.19 The LVA concludes that due to the elevated settlement edge of Ratby concurrent with the gently sloping topography, the application site is not prominent in the local landscape, nor does it affect the skyline. The landscape character is thus described as transitional and urban fringe and the site has an overall medium sensitivity to residential development. There is no reason to disagree with this overall judgement which is in accordance with the findings in HBBC's Landscape Sensitivity Study.
- 8.20 The application site is located immediately adjacent to the existing settlement edge on two sides where two storey dwellings are visible. The presence of the existing settlement edge and those properties adjoining the immediate northern and eastern edges of the Site are a prominent characteristic feature of the Site and its immediate setting. As such, the sensitivity of the receptor is deemed to be of low vulnerability as the change in the baseline view would be minor.
- 8.21 Mitigation measures have been incorporated into the proposal which include the retention and enhancement of all existing boundary vegetation, the replanting of the roadside hedgerow and large areas to the north which would remain undeveloped with a landscape buffer/advanced native planting along the northern, western and southern boundaries. Tree planting is also proposed within and adjoining the site. The landscape harm identified to the local landscape area is identified as moderate.
- 8.22 A width of at least 3.5 metres around the northern, southern and western boundaries of the site would remain free of development to allow the planting of new native mixed hedgerows in areas of the site without hedgerows along with species-rich grassland and tree planting to soften the boundaries of the site. The tree planting proposed along the north western boundary with Martinshaw Wood along with the setting back of the built development from the main road would also shield some views of the housing development from the surrounding land.
- 8.23 The LVA argues that the low density (being 31 dwellings per hectare) and gently sloping nature of the proposed development combined with the enhancement of robust mature boundary vegetation would result in the overall effect on the landscape character area being of minor significance. With regards to LCA B, as the magnitude of the impact of the proposed development would be negligible due to the gently sloping nature of the application site and its containment from the wider landscape to the north, along with the soft landscaping scheme and the low density of the development, with a medium sensitivity and a negligible magnitude of

impact, the overall effect on the character of the LCA would be of minor significance.

- 8.24 A number of the objections received refer to a residential scheme on the site already being dismissed at appeal as being harmful to the character and appearance of the open countryside. The application site was part of a wider site for a residential scheme of up to 158 dwellings submitted under application ref: 14/00108/OUT. The Planning Inspector in his appeal decision stated that whilst Markfield Road and part of the adjacent field did have a character influenced by nearby housing, the residential scheme would extend some way beyond this into the wider countryside and would cut across existing natural features and boundaries in a visually harmful manner. The Inspector further expressed concern that the appeal scheme would spill over the rim into a trough and up the opposite slope, extending beyond existing field boundaries towards a low ridge. The appeal scheme would also harm the experience of users of public footpath R50 and residents in Stamford Street.
- 8.25 As described above, the Inspector's main concern was the inclusion of the land to the north of Stamford Street which contains the public footpath. This current planning application site boundary is contained to the field adjacent to Markfield Road (with the exception of the attenuation basin) and so does not include any of the land to the north of Stamford Street. The development would be contained by a hedgerow marking the boundary with this land north of Stamford Street and the route of the public footpath would not be affected by the proposal although there may be temporary diversions in place during the construction of the attenuation pond.
- 8.26 The route of public footpath (R50) is unaffected and will remain in its current location as part of the development proposal. There may be temporary diversions in place during the construction of the attenuation pond and the surfacing of the footpath will be improved and maintained in this area.
- 8.27 As such, it is considered that this proposal would not diminish the benefit of the existing valued public right of way compared to the appeal scheme which was for a larger development proposal submitted under ref: 14/00108/OUT.
- 8.28 The application site does have a varied topography and the details of all finished floor levels should be submitted and agreed in writing by the Council as part of a pre-commencement condition. This should include cross sections including properties along Markfield Road and The Poplars to ensure that the proposal would not have an overbearing impact on the existing surrounding properties.
- 8.29 The existing residential dwellings surrounding the site comprise a mix of detached dwellings, semi-detached and terraced dwellings and semi-detached bungalows sited with predominantly small front gardens, many of which are used as parking areas. The proposal is to retain the vegetation around the majority of the site along with setting any development back from these boundaries. Additional planting and landscape buffers are also proposed and form part of the landscape plan submitted. These mitigation measures would maintain the site's existing mature and open character which contributes to the semi-rural character of the area.
- 8.30 The properties proposed are of a traditional design comprising predominantly facing brickwork with roofing tiles to reflect the design of the adjoining residential properties. Some of the plots would have rendering at first floor level on their front elevations.
- 8.31 Three illustrative street scenes have been submitted showing the plots along Markfield Road and the plots along the main internal road leading from Markfield Road. The plots along Markfield Road are proposed to be the focal buildings as

these plots would be visible through the gap created by the access road onto Markfield Road and from the public open space proposed to be created to the north. These plots would have bay windows, roof canopies above the front doors, brick window cills, smaller window panes and feature brickwork at first floor level.

- 8.32 The illustrative street scenes also show the variation in roof styles which would comprise of predominantly front facing pitched roofs with side facing pitched gable roofs at first floor level. The corner plots notably Plots 22, 47 and 50 along the main internal road have been designed so that windows and/or the front door is located on the side elevation to give these plots dual-frontages as required by the Council's Good Design Guide SPD to create variety and rhythm within the street scene. Where possible, parking areas are set between dwellings in order to reduce the visual impact of cars on the street scene. Landscaping is proposed along parts of the internal roads to soften the built development. Dwellings are orientated to maximise views over the landscaped buffer and the public open space to improve natural surveillance of these areas. Bungalows are to be provided in the south eastern corner of the site where the existing residential properties of Ash Close are located in close proximity to the application site.
- 8.33 The housing mix proposed comprises 54 private market houses and 36 affordable houses with 18 of these houses being affordable rented units and 18 being shared ownership units. The properties proposed are a mix of 4 x one bed houses, 36 x 2 bed houses, 2 x 2 bed bungalows, 36 x 3 bed houses and 12 x 4 bed houses. All of the properties would be built to a height of two-storeys with the exception of the 2 adaptable bungalows. The density of the development at 31 dwellings per hectare would be in accordance with the requirements of Policy DM16 of the Core Strategy which requires at least 30 dwellings per hectare within and adjoining Key Rural Centres such as Ratby.
- 8.34 Policy 15 of the Core Strategy states that to support the provision of mixed, sustainable communities a minimum of 2090 affordable homes will be provided in the borough from 2006 to 2026. Policy 15 seeks the provision of a minimum of 40% affordable housing on all sites in rural areas and this should be agreed in a Section 106 Agreement. Whilst the development would not provide a split of 75% affordable rented and 25% shared ownership, the mix and tenure with a split of 50/50 has been agreed with HBBC's Affordable Housing Officer. Therefore, it is considered that the mix of housing types and tenures would be in general compliance with the requirements of Policy 16 of the Core Strategy.
- 8.35 The proposal would extend built development beyond the settlement boundary of Ratby and it is considered that the proposal would result in a moderate degree of harm to the character and appearance of the area which would conflict with Policy DM4 of the SADMP. Mitigation measures have been incorporated into the proposed layout of the scheme to minimise this harm. The mitigation measures include the retention, enhancement and in some cases replacement of all of the existing boundary vegetation. New tree and hedgerow planting would be provided both within the site and outside of the application site boundary to provide high quality landscaping taking into account the key sensitivities of the LCA.
- 8.36 It is therefore considered that the design, layout, design and landscaping details as submitted along with the improvements to landscaping and ecological enhancements would result in the development not being unduly intrusive to the wider countryside. Whilst there would be some conflict with Policy DM4 of the SADMP (2016), the mitigation measures submitted with the scheme would ensure that the development complemented the character of the surrounding area as required by Policy DM10 of the SADMP (2016) and advice in the Council's Good Design Guide SPD.

Impact upon neighbouring residential amenity

- 8.37 Policy DM10 of the adopted SADMP seeks to ensure that development does not adversely affect the amenity of occupiers of neighbouring properties.
- 8.38 Whilst there are existing dwellings adjoining the site boundary and there is a variation in ground levels on parts of the site, the proposed layout ensures that the finished floor levels would either be similar to the properties along The Poplars or lower. A planning condition can be imposed to ensure that the finished floor levels are agreed in writing prior to the commencement of development.
- 8.39 The layout has been designed to ensure that the properties which back onto the bungalows along The Poplars are orientated so that they are at an angle to the existing properties. Whilst the distance between the proposed properties and the existing properties would be a minimum of 20 metres in places this is below the separation standards laid out in the Good Design Guide SPD (being 21 metres). However, the existing properties are single storey in height and as such, any overlooking into habitable rooms would be restricted by the height of these single storey properties along with the proposed 1.8m close panel fencing along this boundary. The rear gardens proposed for these plots would be a minimum of 12 metres in length. Therefore, whilst the measurements do not meet the standard as laid out in the Council's Good Design Guide SPD, in this instance, the mitigation measures mentioned above would result in the proposed layout not having an overbearing impact on the outlook or a loss of privacy between these properties.
- 8.40 The proposed two properties in the south eastern corner of the site would be within 19 metres of the row of housing on Ash Close which back onto a public footpath. These two properties are proposed to be single storey in height to ensure that any overlooking into habitable rooms is restricted. There would also be a landscaped buffer between these two boundaries. As such it is considered that the mitigation measures mentioned above would result in the proposed layout not having an overbearing impact on the outlook from these properties or a loss of privacy between these properties.
- 8.41 The majority of the internal layout of the proposal has been designed to comply with the minimum standards laid out in the Council's Good Design Guide SPD. This includes rear garden with a minimum depth of 10 metres which exceeds the guide's recommendation of 7 metres. The exception to this are the 2 bungalows proposed on Plots 35 and 36 which whilst having a wide garden, the length of this garden would not exceed 4 metres. As the bungalows are designed for people with restricted mobility and the gardens would back onto a landscaped buffer which faces south, it is not considered that the reduced amenity space would impact on the amenity values of the potential occupiers of these plots.
- 8.42 The use of perimeter blocks ensures that each plot has been designed to minimise the impact of overlooking whilst providing some surveillance over rear gardens, parking forecourts and areas of open space. Indeed, the layout proposed would assist in providing security and so designing out crime in these areas in accordance with the advice in the Good Design Guide SPD.
- 8.43 The construction of the development would be temporary and would not result in any long term impacts on amenity. However, by virtue of the scale of development, the proximity to existing residential properties and potential duration of the construction phase, as recommended by the Council's Environmental Health (Pollution) a condition can be included on any consent granted to secure the submission of a Construction Environmental Management Plan for approval by the local planning authority prior to any construction work taking place to protect the amenities of neighbouring properties and minimise any adverse impacts. A

condition can also be imposed requiring for the submission and approval of a construction traffic management plan to protect the amenity of neighbouring properties.

- 8.44 Based on the above, the proposal would not have a significant adverse impact on the residential amenity of either nearby residential properties or on the future occupiers of the site. The proposal would therefore be in accordance with Policies DM7 and DM10 of the adopted SADMP.

Impact upon highway safety

- 8.45 Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision to serve the development proposed. Policy 109 of the Framework states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe.
- 8.46 A Transport Assessment and Travel Plan have been submitted with the application. Both of these documents concluded that the proposal would not have adverse impact upon the safe operation of the local highway network. Following concerns raised by LCC as Highway Authority, additional information has been submitted to support the application. This includes a Technical Note, an amended Travel Plan, a revised access drawing and a revised internal layout drawing. A Stage 1 Road Safety Audit has also been submitted to support the revised access.
- 8.47 The detailed access plan shows a 5.5m carriageway extending into the site from Markfield Road with a 2m wide footway on both sides of the proposed access, which would extend into the site to allow for pedestrian access. A ghost right turn lane would be provided on Markfield Road into the site on the basis of the traffic which the development is predicted to generate between 07:00 and 19:00 hours, the level of traffic already using Markfield Road and the Design Manual for Roads and Bridges (DMRB) guidance.
- 8.48 Speed survey data has been obtained from LCC which indicate 85%ile speeds of 46.1mph westbound and 42.1 eastbound. Visibility splays of 2.4 x 160 metres to the east and 2.4 x 120 metres to the west of the access have therefore been provided which is in accordance with Part 3 of the Leicestershire Highway Design Guide (LHDG).
- 8.49 A two metre wide footway would be provided alongside the edge of Markfield Road, tying in to the existing footway provision leading into Ratby.
- 8.50 LCC as the Highway Authority has confirmed that the right turn lane is feasible. Whilst the turning length of 30m does not meet the required length as set out in table 5.22 of CD123 for the measured speeds, as the speed limit along this stretch of Markfield Road is 30mph and the addition of the right turn lane is likely to reduce the traffic speed slightly, they state that they would not seek to resist the proposal on this basis. The Highway Authority also considers that there may be scope to increase the turning length at the Detailed Design Stage.
- 8.51 The submitted Transport Assessment and Technical Note sets out the traffic counts which were undertaken along with a survey of queue lengths at identified junctions. These junctions are:

1. Site Access/Markfield Road ghost right turn lane
 2. Markfield Road/Whittington Drive priority junction
 3. Markfield Road/ Main Street/ Groby Road mini roundabout
 4. Groby Road/ Sacheverell Way/ Ratby Road ghost right turn lane
 5. Sacheverell Way/ Leicester Road roundabout
- 8.52 The application submission includes updated traffic count data from LCC for Junctions 3, 4 and 5. This data has been factored using TEMPRO growth factors to a base year of 2020 and future year of 2025 which has been accepted by the Highway Authority. The 2025 future year scenario includes the nearby committed development (19/00680/OUT).
- 8.53 Ratio to Flow to Capacity (RFC) is a term used in Transport Modelling to assess the operation of a junction. The result provides an indication of the likely junction performance, with a value of 1 implying that the demand flow is equal to the capacity. Typically a value of 0.85 is seen as the practical capacity, with results higher than this more likely to experience queuing or delay. The RFC of all junctions is not proposed to exceed 0.85 with the development in place in 2025. Therefore, the Highway Authority conclude that they are satisfied that these junction will operate within capacity.
- 8.54 Concerns have been raised by residents that junction 4 is operating without any spare capacity. The Highway Authority has confirmed that for application ref: 19/00680/OUT this junction with Ratby Road was modelled as a single lane approach. However, this junction does have a flare which enables more than one vehicle to wait at the give way line (i.e. one vehicle turning left and one vehicle turning right). As such the junction would operate within its capacity following the completion of this development.
- 8.55 With regards to the internal layout of the road network proposed and the parking plan, the Highway Authority has confirmed that the impacts of the development on highway safety would not be unacceptable and when considered cumulatively with other developments, the impacts on the road network would not be severe. However, the internal layout of the road network would not be suitable for adoption and as such would need to remain in private ownership. In particular, the road leading to the field gate access should include a turning head, the bin collection points should be relocated 2m behind the highway boundary, 25m visibility splays are required on all junctions throughout the development and speed controls on Roads 2 and 4 are required. The Highway Authority has recommended that conditions are imposed on any consent granted if the internal road network is to remain private.
- 8.56 The applicant has confirmed that their preference is for the internal highway network to be adopted. Amended plans have been submitted with the application. These plans show minor alterations to the road network to address the issues raised by the Highway Authority. The Highway Authority has been consulted on these amended plans and any further comments made by them will be reported to the planning committee as a late item.
- 8.57 The parking plan shows that the 8 x 1 bed houses would have one car parking space, the 2 and 3 bed properties would have at least 2 car parking spaces and the 4 bed properties would have at least 3 car parking spaces. The Highway Authority has confirmed that the parking layout is acceptable and that the proposed parking for corner properties do benefit from side access gates leading into the host property. The Highway Authority has suggested planning conditions to ensure that

the parking and turning areas proposed within the site are laid out and available for use prior to the occupation of each dwelling.

- 8.58 The Highway Authority has recommended that improvements are made to the nearest bus stop on Charnwood Road and that a contribution of £20,000 is sought to improve the footpath link between the site and Stamford Street by installing 215m of stone path along public footpath R50.
- 8.59 It is therefore considered that the proposal would have a negligible impact upon the capacity of the local highway network and that junctions within the vicinity of the site would not be severely affected by the additional development traffic in accordance with Policy DM17 of the SADMP (2016) and the National Planning Policy Framework (NPPF).

Ecology

- 8.60 Policy DM6 of the SADMP requires development proposals to demonstrate how they conserve and enhance features of nature conservation. If the harm cannot be prevented, adequately mitigated against or appropriate compensation measures provided, planning permission will be refused.
- 8.61 Paragraph 170 of the NPPF states that development should result in a net gain for biodiversity by including ecological enhancement measures within the proposal.
- 8.62 Policy 21 of the Core Strategy requires that to support the implementation of the National Forest, proposals that contribute to the delivery of the National Forest Strategy will be supported.
- 8.63 An Ecological Appraisal and Protected Species Survey (Curious Ecologists March 2020) has been submitted with the application and was found to be satisfactory by LCC (Ecology). The hedgerows are the most valuable feature of the site and most of these would be retained with acceptable buffer zones alongside. Whilst the roadside hedge would need to be removed, LCC Ecology has confirmed that this hedgerow does not meet Hedgerow Regulation Standards as an "important" hedge and it is not of local wildlife site standard. As such, they have no objections to its removal and an equivalent amount of hedgerow replanted on site with a species mix of Hazel, Hawthorn, Holly and Blackthorn along with oak tree standards to replace the trees lost in the roadside hedgerow.
- 8.64 Following concerns raised by LCC Ecology, the hedgerow along the southern boundary of the site has been excluded from the rear gardens and instead a buffer of at least 3.5 metres has been provided to protect the hedgerow from piecemeal loss and damage. LCC Ecology has advised a number of planning conditions should be imposed on any consent granted to ensure that the biodiversity value of the site is maintained and enhanced and to undertake further survey work on the site for badgers.
- 8.65 An amended soft landscaping scheme and tree planting scheme has been submitted following concerns raised by LCC Ecology about the proposed tree planting within close proximity to the proposed pedestrian/cycle path. The amended plans show a grass verge of at least 4 metres along the path to allow for outgrowth and for planting with wildflower seeds. LCC Ecology has been consulted on these amended plans and any further comments made by them will be reported to the planning committee as a late item.
- 8.66 The National Forest Company has confirmed that they are satisfied that the requirement of the National Forest Planting Guidelines has been fulfilled on the context of the proposed woodland planting and the green infrastructure provision within and adjoining the application site. They also consider that the provision of a dedicated footway/cycle way from the site to the National Forest Way to the west is

acceptable in terms of providing access for future residents to the woodlands in the locality. They recommend that conditions are imposed to ensure that the local equipped area of play includes the use of wooden play equipment and that the materials used on the housing such as the porches reflect National Forest Character. The imposition of such conditions would ensure that the proposal was in accordance with Policy 21 of the Core Strategy which seeks to contribute towards the delivery of the National Forest Strategy.

- 8.67 Based on the above, it is considered that the impact of the proposed development on protected species is in accordance with Policy DM6 of the SADMP DPD and the general principles of the NPPF.

Archaeology

- 8.68 Policy DM13 states that where a proposal has the potential to impact a site of archaeological interest, developers should set out in their application an appropriate desk-based assessment and, where applicable, the results of a field evaluation detailing the significance of any affected asset.
- 8.69 The land is under arable cultivation and is not 'ridge and furrow' as confirmed by the Archaeological Assessment submitted with the application. The two small paddocks at the end of Stamford Street lie outside of the application site and are unaffected by this proposal. The hedgerow between the application site and these two paddocks would be retained and protected with the exception of the opening of a new gateway for livestock and maintenance vehicles. The application site is located away from The Burroughs and would be well screened by an existing hedgerow and planting.
- 8.70 LCC (Archaeology) state that the Leicestershire and Rutland Historic Environment Record shows that the proposed developed site has good potential for the presence of prehistoric and Anglo-Saxon remains and is also crossed by the projected line of the Via Devana Roman road.
- 8.71 The application site has been surveyed for evidence of Archaeological features and some features of uncertain origin were identified in the north-western corner of the site. LCC Archaeology recommends that further archaeological evaluation of the site and any subsequent mitigation arising from this can be secured through a pre-commencement condition. The findings of these further studies would then inform an appropriate programme of archaeological mitigation including as necessary intrusive and non-intrusive investigation and recording. The pre-commencement condition is considered to meet the tests as laid out in the NPPF and should be applied as requested to ensure that the proposal complies with the requirements of Policy DM13 of the SADMP.

Flooding and Drainage

- 8.72 Policy DM7 of the SADMP seeks to ensure that development does not create or exacerbate flooding. A Flood Risk Assessment (FRA) has been submitted with the application in accordance with paragraph 163 of the NPPF.
- 8.73 The site is located within Flood Zone 1 being at low risk of fluvial flooding and therefore passes the Sequential Test and does not require the Exception Test to be undertaken. There are no recorded flooding incidents on the site. However, some of the objection letters have indicated that the fields to the south of the site have experienced flooding from water draining off the site. The FRA indicates that as the site is currently not positively drained, the source of this flooding is likely to be surface water or groundwater. The proposal is for surface water from the proposed development to be intercepted by a sustainable drainage scheme. Attenuation storage would be provided by an attenuation basin located in the south west corner

of the site. Runoff would be released from the site at greenfield runoff rates to an ordinary watercourse and the proposed outfall is shown to be within the ownership of the applicant. This slow release of water would ensure that flood risk downstream is not increased.

8.74 The Lead Local Flood Authority and HBBC Drainage raise no objections to the Surface Water Drainage Strategy proposal subject to conditions requiring the submission of a surface water drainage strategy which will require full construction details.

8.75 Therefore the proposed development is considered to accord with Policy DM7 of the SADMP and would not create or exacerbate flooding and the proposed development is located in a suitable location with regard to flood risk.

Affordable Housing

8.76 The proposal is for 36 affordable housing units to be provided on site with 18 of these houses being affordable rented units and 18 being shared ownership units. The affordable housing should be spread evenly throughout the site in small clusters as set out in Key Policy Principle AH 3: Design and Layout in the Affordable Housing Supplementary Planning Document.

8.77 The Affordable Housing Officer has provided information on the housing register as on 24 June 2020 stating that the following number of applicants were in need of affordable housing in Ratby:

- For 1 bedroomed properties 53 applicants
- For 2 bedroomed properties 42 applicants
- For 3 bedroomed properties 13 applicants
- For 4 or more bedroomed properties 6 applicants.

8.78 There are 26 applicants on the housing register who indicate they have a connection to the parish of Ratby. Of this number, 10 are waiting for 1 bed properties, 12 for 2 beds, 2 for 3 beds and 2 for a 4 bed.

8.79 The Affordable Housing Officer has agreed the mix proposed for the affordable rented units as: 4 x 1 bed units; 2 x 2 bed bungalows and 12 x 2 bed units. The agreed mix for the shared ownership units is: 10 x 2 bed units and 8 x 3 bed units.

8.80 There is a requirement for applicants in the first instance to have a local connection to Ratby, with a cascade in the second instance for a connection to the Borough of Hinckley and Bosworth. Overall it is considered that the proposal is compliant with the provisions of Policies 15 and 16 of the Core Strategy.

Infrastructure Contributions

8.81 Policy DM3 of the SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities.

8.82 The request for any planning obligations (infrastructure contributions) must be considered alongside the requirement contained within the Community Infrastructure Levy Regulations 2010 (As Amended) (CIL) and paragraph 56 of the Framework. The CIL Regulations and NPPF confirm that where developer contributions are requested they need to be necessary to make the development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the development proposed.

Affordable Housing

- 8.83 The developer will be obligated to provide 40% affordable housing, with a tenure split of 50% affordable rented and 50% intermediate (shared ownership). The agreed mix for the affordable rented units is as follows: 4 x 1 bed units; 2 x 2 bed bungalows and 12 x 2 bed units. The agreed mix for the shared ownership units is: 10 x 2 bed units and 8 x 3 bed units.
- 8.84 This obligation is considered necessary as the provision of affordable housing is required for compliance with Policy 15 of the Core Strategy. This policy is consistent with Section 5 of the NPPF which seeks to deliver a sufficient supply of homes, to meet the needs of different groups within the community including those requiring affordable housing. Policy 15 seeks to provide affordable housing as a percentage of dwellings provided on site, therefore the obligation directly relates to the proposed development. The level of affordable housing represents the policy compliant position. The required affordable housing mix is based on the housing waiting list for Ratby, and will be required to be delivered on a cascade approach with residents with a connection to Ratby. Therefore the obligation is directly related to the proposed development. The extent of the affordable housing obligation is directly related in scale and kind to the development as it represents a policy compliant position, expected by all development of this typology. No issues of viability have been raised with this scheme.

Play and Open Space

- 8.85 Policy 19 of the Core Strategy identifies standards for play and open space within the borough. Developments should accord with the policy and provide acceptable open space within the development, or if that is not possible contribute towards the provision and maintenance of open space off site. The Open Space and Recreation Study 2016, updates these standards and also identifies the costs for off-site and on-site contributions. In line with the up to date standards identified in the 2016 study the table below identified the requirements for open space. There would also be a requirement for the maintenance of on-site open space provision for a 20 year period and for the maintenance of off-site open space provision for a 10 year period.

1. Play and open space contributions

	Policy Requirement per dwelling based on 2.4 people per dwelling using CENSUS average	Requirement of open space for the proposed development of 90 dwellings (square metres)	Provided on site (square Meters)	Remaining requirement to be provided off site
Equipped Children's Play Space	3.6	324	400	None. Equipment to be provided on site to a minimum value of £58,500 (based on 324m ² required)

	Policy Requirement per dwelling based on 2.4 people per dwelling using CENSUS average	Requirement of open space for the proposed development of 90 dwellings (square metres)	Provided on site (square Meters)	Remaining requirement to be provided off site
Casual/Informal Play Spaces	16.8	1512	2476.4	None
Outdoor Sports Provision	38.4	3456	None	£31,276.80 contribution required towards off site outdoor sports provision and £14,860.80 required for its maintenance
Accessibility Natural Green Space	40	3600	3600 (balancing pond not included)	None

- 8.86 In accordance with the Open Space and Recreation Study (2016) the number of dwellings proposed requires a Locally Equipped Area for Play (LEAP) to be provided on site. The submitted Site Plan does include the provision of an equipped area for play to the north east of the site.
- 8.87 The developer would be obligated to provide and then transfer the on-site open space area to a management company, or request that either the Borough Council or the Parish Council maintain the land. If the land is to be transferred to an authority then the area of open space would include a maintenance contribution of £148,105.12.
- 8.88 The provision of Play and Open Space is required for compliance with Policies 8 and 19 of the Core Strategy and Policy DM3 of the adopted SADMP. These Policies are consistent with the NPPF in helping to achieve the social objective of sustainable development through promoting healthy and safe communities as addressed in section 8 of the NPPF. The provision of play and open space helps support communities health, social and cultural well-being and is therefore necessary. Core Strategy Policy 8 requires development in Ratby to address existing deficiencies in the quality, quantity and accessibility of green space and play provision. Policy 19 sets out the standards to ensure all residents within the borough, including those in new development have access to sufficient high quality accessible green spaces.
- 8.89 Using the adopted Open Space and Recreation Study (2016) the closest outdoor sports provision would be Ferndale Park. Therefore the obligations and contributions directly relate to the proposed development. The extent of the Open Space and Recreation contribution and provision is directly related in scale and kind to the development and its impacts upon surrounding publicly accessible open

spaces. The delivery of these obligations is policy compliant and has been applied fairly as with all development of this typology, the developer is not obligated to provide anything above policy compliant position and therefore the contribution relates in scale and kind.

NHS West Leicestershire CCG – Health Care

- 8.90 The West Leicestershire CCG has requested a contribution of £36,381.31 towards addressing the deficiencies in services at Ratby Surgery, which is the closest available GP practice to the development. An independent premises feasibility study has identified that this surgery is poorly laid out due to successive small extensions and so has no further room to expand. The recommendation on the final report was that the practice would need to relocate to new build premises to meet future demand. The practice partnership has invested in land within the village and is currently preparing their final business case and plans for a new surgery. An increase of 218 patients from the proposal would significantly impact on patient demand in the area.
- 8.91 The provision of a Health Care contribution is required for compliance with Policy DM3 of the adopted SADMP. The requirement of funding for Health Care Provision at identified local GP Surgeries, addresses the impacts of the development on existing and future need of this vital infrastructure provision, helping to meet the overarching social objectives contained within the NPPF in achieving sustainable development, thus making the obligation necessary. The identified increase in patients would have a direct impact on the local surgery at Ratby, as set out in the request, arising from the additional demand on services directly related to the population generated from the development. The extent of the Health Care contribution is directly related in scale and kind to the development, the obligation is calculated using population projections applied to all developments of this typology. The obligation sets out current capacity or otherwise of local services and how this proposal leads to direct impact, the developer is not obligated to provide contributions to address need in excess of that generated directly from the development, therefore the contribution fairly relates in scale and kinds to the development proposed.

Education

- 8.92 LCC Children and Family Services has requested a contribution towards secondary school education, based on a formula using the average cost per pupil place, against the anticipated likely generation of additional school places from the proposed development. Capacity at the nearest schools to the proposal for each sector of education (early years, primary, secondary and SEN) is then considered and it is determined whether the proposal would create demands upon these services. The total contribution is £311,629.60 to be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Brookvale Groby Learning Campus or any other school within the locality of the development.
- 8.93 The contribution towards addressing the impact of the development upon education is required for compliance with Policy DM3 of the adopted SADMP and would address the impacts of the development on essential infrastructure within the local area. This helps to meet the overarching social objectives within the NPPF helping to contribute to sustainable development, thus is necessary. The contribution is calculated by attributing a monetary value to the number of additional pupil places generated directly from the development and then requesting the money towards each sector of the education sector where there is an identified deficit of places, therefore the contribution directly relates to the proposal. The contribution is calculated using a methodology that is attributed to all developments

of this typology across the county and has only been requested where there is an identified deficit of places. Therefore the contribution relates fairly and reasonably in scale and kind.

Libraries

- 8.94 LCC Library services have requested a sum of £2,660.00 towards provision of additional resources at Ratby Library, which is the nearest library to the development. The development would be within 0.66km of Ratby Library. The contribution is calculated using a methodology that is attributed to all developments of this typology and has only been requested where there is a deficiency in stock level. Therefore the contribution relates fairly and reasonably in scale and kind.

University Hospital Leicester (UHL) and George Eliot Hospital (GEH) NHS Trusts

- 8.95 UHL and GEH have requested contributions to address NHS revenue shortfalls for acute and planned treatment. This is by way of a monetary contribution of £24,174.00 and £36,226.00 respectively towards the 12 month gap in the funding in respect of A & E and planned care at the Hospitals in Leicester and Nuneaton.
- 8.96 It is not considered that the payments to make up funding which is intended to be provided through national taxation can lawfully be made subject to a valid S106 obligation, and such payments must serve a planning purpose and have a substantial connection to the development and not be merely marginal or trivial. Notwithstanding the above, the legal requirements of reg. 122(2) of the CIL Regulations 2010 (as amended) are also not satisfied due to the quality of information submitted by UHL and GEH to date. The contribution is not necessary, when funding for this type of NHS care is intended to be provided through national taxation. UHL and GEH are unable to demonstrate that the burden on services arises directly from the development proposed, as opposed to a failure in the funding mechanisms for care and treatment. The requests made are to meet a funding gap over the forthcoming 12 month period and is requested on commencement of development, consideration should be given as to whether it is likely that this development is likely to be built out and occupied by residents from outside of the existing trust area within 12 months, and therefore be the source of burden on services as calculated. UHL and GEH have not demonstrated through evidence that the burden on services arises fairly from the assessment of genuine new residents likely to occupy the dwellings. Further to this there are issues with the data and methodology used by UHL and GEH for example the inflated population projections compared to those used by Leicestershire Authorities when calculating housing need, or the failure to address funding needs from housing projections set out in the Joint Strategic Needs Assessment and Joint Health Wellbeing Strategy referred to in their request. Therefore, it has not been demonstrated that these requests fairly and reasonable relate in scale and kind to the development proposed.
- 8.97 A similar request was considered by a Planning Inspector during the determination of appeal ref: APP/K2420/W/19/3235401, where it was found that there was insufficient evidence to support the contributions being sought. These requests are therefore not considered to meet the test of the CIL Regulations.

Other Matters

- 8.98 HBBC (Street Scene Services) has requested a condition to detail the waste collection and recycling strategy of the site, it is considered that this is an appropriate condition that meets the tests.
- 8.99 As a result of public consultation, objections have been received on the grounds of loss of property value; however, this is not a material planning consideration.

- 8.100 HBBC Environmental Services (Pollution) has requested that a condition is imposed to undertake a scheme of investigation into land contamination that may be present on the site due to the previous agricultural uses which have taken place. It is considered that this pre-commencement condition is reasonable and necessary considering the sensitive receptors who will be occupying the site in accordance with the requirements of Policy DM7 of the Core Strategy (2016).

9. Equality implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning 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 (including planning balance)

- 10.1. Whilst the Council can demonstrate a 5 year housing land supply, the housing policies in the adopted Core Strategy and the adopted SADMP are considered to be out of date as they focussed on delivery of a lower housing requirement than now required. Therefore, the 'tilted' balance in paragraph 11(d) of the NPPF applies where the permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 10.2. The proposal would be in conflict with Core Strategy Policies 7 and 8 and Policies DM4 of the SADMP. These policies are consistent with the Framework and are afforded significant weight. The proposal, whilst involving development on open land, has been found to have a moderate impact on the landscape character of the area and a moderate to minor impact on the wider landscape character. There are also some minor adverse visual impacts identified, so there is some conflict with Policy DM4 of the SADMP.
- 10.3. Weighed against this conflict with the Development Plan is the Government's commitment to significantly boosting the supply of housing through the Framework. The proposal would result in the delivery of 90 houses (including 36 affordable homes). These additional houses would have moderate weight in the planning

balance whilst the affordable housing would have significant weight in the planning balance.

- 10.4. Paragraph 11 of the NPPF states that any harm identified should be significant and demonstrably outweigh the benefits of the scheme. It is therefore important to identify any further benefits. Following the three strands of sustainability the benefits are broken down into economic, social and environmental.
- 10.5. The proposal would result in economic benefits through the construction of the scheme albeit for a temporary period. Additionally the residents of the proposed development would provide ongoing support to local services.
- 10.6. As discussed above, the proposal would deliver 90 dwellings, of which 40% would be affordable. This would result in a moderate social benefit to the area and also to the borough. The proposal would also involve the provision of areas of public open space (POS) and new tree planting within the National Forest. The POS would be connected to existing pedestrian footpaths and the National Forest network providing a benefit to the wider area.
- 10.7. Some environmental benefits would be provided such as additional planting through the landscaping to be provided in the open space along with off-site tree planting. Additionally there would be some benefit for biodiversity associated with the reinforcement and new planting of hedgerow and trees around the site and the provision of SUDS which can be designed to include benefits to biodiversity, secured via condition.
- 10.8. It has been concluded that there would be moderate harm to the character of the area caused by the landscape and the visual impact of built development in this location would harm the open character of this area. Whilst there is conflict with the strategic policies of the Development Plan only moderate localised landscape harm has been identified. It is considered on balance that this level of harm does not significantly and demonstrably outweigh the identified benefits of the scheme when assessed against the Framework as a whole. Therefore, the presumption in favour of sustainable development does apply in this case and material considerations outweigh the conflict with some elements of the development plan.
- 10.9. Subject to conditions the proposal would not have any significant adverse impacts on residential amenity, vehicular or pedestrian safety, Ecology, Archaeology, Drainage and Land Contamination. It is considered that the proposed development is in accordance with Policies DM6, DM7, DM10, DM11, DM13, DM17 and DM18 of the SADMP (2016) and is therefore recommended for approval subject to the conditions and planning obligations listed below.

11. Recommendation

11.1 Grant planning permission subject to:

- The completion within 3 months of this resolution a S106 agreement to secure the following obligations:
 - 40% Affordable Housing, 50% affordable rented and 50% shared ownership
 - £2,660.00 for library facilities at Ratby Library
 - £311,629.60 towards secondary school education
 - £36,381.31 Health Care Provision (GP Practices)
 - On-site Open Space requirement of 400m² of equipped play area with equipment to a minimum value of £58,500; 2476.4m² of Casual/Informal Play Space and 3600m² of natural green space along with maintenance costs.

- Off-site Open Space contribution for 3456m² of outdoor sports provision of £31,276.80 along with the maintenance cost of £14,860.80.
 - Off-site tree planting of 7,622.6m² in accordance with the Proposed Tree Planting Plan with the planting specifications and management plan to be agreed with the local planning authority.
 - Travel Packs – one per dwelling (can be supplied by LCC at £52.85 per pack)
 - 6 month bus passes – two per dwelling (2 application forms to be included in Travel Packs and funded by the developer) – can be supplied through LCC at £360.00 per pass.
 - Raised kerb provision at the nearest two bus stops (ID 2527) at a cost of £3,500.
 - STARSfor (Sustainable Travel Accreditation and Recognition Scheme) monitoring fee of £6,000.
 - Improvements to the wider R50 footpath linking the application site with Stamford Street at a cost of £20,000
 - Planning conditions outlined at the end of this report
- 11.2 That the Planning Manager be given powers to determine the final detail of planning conditions.
- 11.3 That the Planning Manager be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.
- 11.4 **Conditions and Reasons**
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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 otherwise than in complete accordance with the submitted application details, as follows:

Drgs No: C170 0198-P02 (Existing site plan) and House Types contained in the following Drgs No: C170 0200-P02; 0210-P02; 0220-P02; 0221-P02; 0222-P02; 0223-P02; 0230-P02; 0231-P02; 0232-P02; 0233-P02; 0234-P02; 0235-P02; 0236-P02; 0240-P02; 0241-P02; 0242-P02; 0250-P02; 0251-P02; 0252-P02; 0260-P02; 0261-P02; 0263-P02; 0280-P02; and 0281-P02 all received by the local planning authority on 15 May 2020.

House Types contained in the following Drgs No: C170-BRP-00-XX-DR-A-0262-P04; 0270-P04; 0271-P04 and 0282-P04 all received by the local planning authority on 4 June 2020.

Proposed Drainage Strategy Drg No: MRRD-BSP-ZZ-XX-DR-C-240 Rev P03 received on 3 August 2020.

Proposed Site Access Drg No: MRRL-D-0001-P05; Location Plan Drg No: C170-0199-P03; Proposed Site Plan Drg No: C170-0100-P13; Green Infrastructure Area Drg No: C170-01030P06; Proposed Tenure Mix Drg No: C170-0104-P05; Proposed Refuse Strategy Drg No: C170-0105-P03; Boundary Treatment Plan Drg No: C170-0106-P03; Proposed Tree Planting Drg No: C170-0107-P02; and House Types in Drg No: C170-0230-P03; 0232-P03 and 0236-P03 all received on 31 August 2020.

Soft Landscaping Plan Drg No: DNS 01.3C received on 8 September 2020.

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

3. Prior to the commencement of development a Construction Environmental Management Plan shall be submitted to and agreed in writing by the LPA. The plan shall detail how, during the site preparation and construction phase of the development, the impact on existing and proposed residential premises and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light and land contamination. The plan shall detail how such controls will be monitored. The plan will provide a procedure for the investigation of complaints. The agreed details shall be implemented throughout the course of the development.

Reason: To ensure that the proposed use does not become a course of annoyance to nearby residents in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016)

4. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities and a timetable for their provision, has been submitted to and approved in writing by the local planning authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area in accordance with Policies DM17 and DM18 of the SADMP (2016).

5. No development approved by this permission shall be commenced until 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.

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 Development Plan Document (2016)

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

7. No development shall take place until details of the pedestrian links to be provided from the application site to public footpath R50 to the west and to Markfield Road to the north have been submitted to and approved in writing by the local planning authority. The approved footpath links shall be implemented in full and made available for use in accordance with the approved details prior to the occupation of the 50th dwelling.

Reason: To improve connectivity of the site to the surrounding area in accordance with Policy DM1 of the SADMP (2016).

8. No development shall commence on site until drainage details for the disposal of surface water have been submitted in writing to and approved in writing by the Local Planning Authority. The submitted details shall include infiltration testing. The approved details shall be implemented in full before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016).

9. Prior to the commencement of development details in relation to the management of surface water on site during construction of the development shall be submitted to, and approved in writing by, the Local Planning Authority. Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.

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.

10. Prior to the commencement of development details in relation to the long term maintenance of the sustainable surface water drainage system on the development shall be submitted to and approved in writing by the Local Planning Authority. Details of the SuDS Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the system and should also include procedures that must be implemented in the event of pollution incidents within the development site.

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 Site Allocations and Development Management Policies DPD.

11. No demolition/development shall take place/commence until a staged programme of archaeological work, commencing with an initial phase of trial trenching has been undertaken. Each stage will be completed in accordance with a written scheme of investigation (WSI), which has been submitted to and approved in writing by the local planning authority. For land that is included within the WSI, no demolition/development shall take place other than in

accordance with the agreed WSI, which shall include the statement of significance and research objectives, and:

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.
- The programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

No development shall then take place other than in accordance with the approved Written Scheme of Investigation.

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).

12. No development shall commence on site until a Biodiversity Management Plan for the site which shall set out the site-wide strategy for protecting and enhancing biodiversity including the detailed design of proposed biodiversity enhancements and their subsequent management once the development is completed, has been submitted to the local planning authority for their approval in writing. The submitted plan shall include all retained and created habitats within the red and blue lines of the approved Site Location Plan including SUDs and all landscaping to informal play space and natural open space should be comprised of native species wildflower grassland. Development shall be implemented and thereafter maintained in accordance with the approved Management Plan.

Reason: To enhance the ecological value of the proposed development in accordance with Policy DM6 of the SADMP.

13. No works shall commence on site until full details of the finished floor levels for each of the approved dwellings along with cross sections including Markfield Road and The Poplars have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in full accordance with the approved details.

Reason: To ensure that the development has a satisfactory appearance in accordance with Policies DM4 and DM10 of the SADMP (2016).

14. Prior to the commencement of development on site a badger survey shall be submitted to the local planning authority for approval in writing. Should evidence of badgers be found on site then the survey shall include a mitigation plan.

Reason: In order to protect the protected wildlife species and their habitats that are known to exist on site to accord with in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document (2016).

15. Prior to the construction above foundation level of any of the dwellings hereby approved, a scheme for the delivery of full fibre broadband connections to serve each dwelling on the application site shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full.

Reason: To ensure the provision of a high quality and reliable communications infrastructure network to serve the development to accord with paragraph 112 of the NPPF (2019).

16. None of the dwellings hereby approved shall be occupied until such time as the access arrangements shown on approved Drg No: MRRL-DR-D-0001 Rev P05 along with any approved amendments to increase the turning length on Markfield Road as approved at the Detailed Design Stage have been implemented in full. For the avoidance of doubt this shall include the installation of the footpath along Markfield Road.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway and to ensure pedestrian safety in accordance with Policy DM17 of the SADMP (2016).

17. None of the dwellings hereby approved shall be occupied until such time as vehicular visibility splays of 2.4 metres by 160 metres to the east and 2.4 x 120 metres to the west of the access 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 accordance with Policy DM17 of the SADMP (2016).

18. No dwelling hereby permitted shall be occupied until such time as the parking and turning facilities for that dwelling have been implemented in accordance with Drg No: C170-DR-A-0100 Rev 13. 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 in the interests of highway safety and in accordance with Policy DM17 of the SADMP (2016).

19. Any dwellings that are served by private access drives including 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 Drg No: C170-DR-A-0100 Rev P13. The private access drives shall be surfaced with 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 ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally in the interests of highway safety and in accordance with Policy DM17 of the SADMP (2016).

17. None of the dwellings hereby approved shall be occupied until full details of the play equipment, street furniture and boundary treatment around and within the locally equipped play area has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full prior to the occupation of the 70th dwelling on the site.

Reason: To ensure that the development has a satisfactory level of equipment provided which respects the National Forest in accordance with Policies DM4 and DM10 of the SADMP (2016).

18. The approved hard and soft landscaping scheme on Drw Nos: DNS 01.3C and C170-0199-P03 shall be completed prior to the occupation of the plot to which it relates. The non-residential landscaping areas shall be completed upon occupation of the 70th dwelling. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

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

19. No development above foundation level shall commence on site until representative samples of the types and colours of materials to be used on the external elevations of the dwellings including the porches hereby permitted have been deposited with and approved in writing by the local planning authority. The scheme shall be implemented in accordance with those approved materials.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity in accordance with Policy DM10 of the SADMP (2016).

20. 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 Policy DM17 of the SADMP (2016).

21. Each dwelling with a private vehicular access hereby permitted shall not be occupied until such time as 1.0 metre by 1.0 metre pedestrian visibility splays has been provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway, and once provided, shall be so maintained in perpetuity.

Reason: In the interests of pedestrian safety and in accordance with Policy DM17 of the SADMP (2016).

22. The development shall be carried out in full accordance with the recommendations specified in the Ecological Appraisal and Protected Species Survey dated March 2020.

Reason: In order to protect the protected wildlife species and their habitats that are known to exist on site to accord with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document (2016).

23. The bin storage areas as approved on Drg No: C170-0105-P03 shall be completed prior to the occupation of the plot to which they relate and all residents shall be provided with a 'Waste Minimisation and Recycling Pack'. The details of this Pack shall be first agreed in writing by the Local Planning Authority (in consultation with Leicestershire County Council) and shall

provide information to residents about sustainable waste management behaviours. As a minimum, the Pack shall contain the following:

- Measures to prevent waste generation
- Information on local services in relation to the reuse of domestic items
- Information on home composting, incentivising the use of a compost bin and/or food waste digester
- Household Waste Recycling Centre location, opening hours and facilities available
- Collection days for recycling services
- Information on items that can be recycled

Reason: In accordance with the National Planning Policy for Waste (2014).

11.5 Notes to Applicant

1. In relation to condition 5 and 6; advice from Health and Environment Services can be viewed via the following web address: https://www.hinckley-bosworth.gov.uk/info/200075/pollution/177/contaminated_land site which includes the Borough Council's policy on the investigation of land contamination. Any scheme submitted shall be in accordance with this policy.
2. With reference to condition 8 the scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations. Full details for the drainage proposal should be supplied including, but not limited to; construction details, cross sections, long sections, headwall details, pervious paving details, pipe protection details (e.g. trash screens), and full modelled scenarios for the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change storm events.
3. With reference to condition 9 details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.
4. With reference to condition 10 details of the surface water Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the surface water drainage system that will not be adopted by a third party and will remain outside of individual householder ownership.
5. With reference to condition 11 the applicant must obtain a suitable written scheme of Investigation (WSI) for both phases of archaeological investigation from an organisation acceptable to the planning authority. The WSI must be submitted to the planning authority and HNET, as archaeological advisors to your authority, for approval before the start of development. They should comply with the above mentioned Brief, with this Department's "Guidelines and Procedures for Archaeological Work in Leicestershire and Rutland" and with relevant Institute for Archaeologists "Standards" and "Code of Practice". It should include a suitable indication of arrangements for the implementation of the archaeological work, and the proposed timetable for the development.

The Historic and Natural Environment Team, as advisors to the planning authority, will monitor the archaeological work, to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the planning authority.

6. It is necessary, when carrying out works to tree(s) to be aware of the Wildlife and Countryside Act, 1981, whereby it is an offence for any person who intentionally takes, damages or destroys the nest of any wild bird, while the nest is in use or being built, or takes or destroys any eggs of such wild bird. The times when birds are nesting is generally between the months of March to September inclusive.
7. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>.
8. If the roads within the proposed development are to be offered for adoption by the Local Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980. Detailed plans will need to be submitted and approved, the Agreement signed and all sureties and fees paid prior to the commencement of development. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg> If an Agreement is not in place when the development is commenced, the Local Highway Authority will serve Advanced Payment Codes in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please email road.adoptions@leics.gov.uk in the first instance.
9. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
10. All proposed off site highway works, and internal road layouts shall be designed in accordance with Leicestershire County Council's latest design guidance, as Local Highway Authority. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>.
11. Prior to construction, measures should be taken to ensure that users of the Public Right(s) of Way are not exposed to any elements of danger associated with the construction works.
12. Public Rights of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highway Act 1980.

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