Planning Committee 30 March 2021 Report of the Planning Manager

Planning Ref: 20/01283/FUL

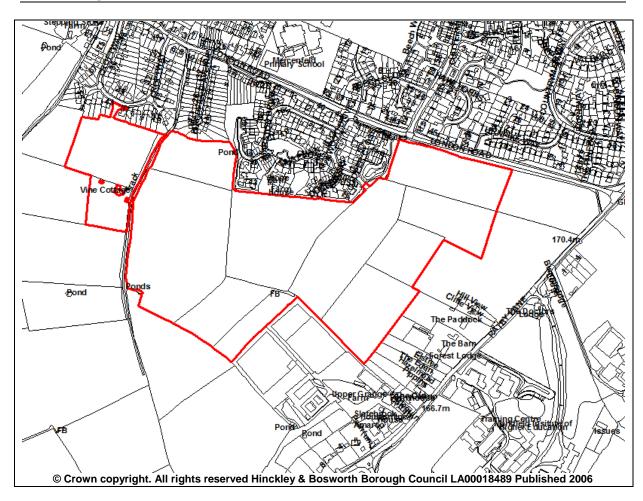
Applicant: Jelsons

Ward: Markfield Stanton & Fieldhead

Site: Land Off London Road Markfield



Proposal: Residential development of 282 dwellings (Class C3) including provision of public open space, associated infrastructure and engineering works and demolition of Vine Cottage



1. Recommendations

1.1. **Grant planning permission** subject to:

- The completion within three months of this resolution a S106 agreement to secure the following obligations:
 - 40% Affordable Housing
 - West Leicestershire CCG £156,312.45
 - Civic Amenities £18,503.00
 - Libraries £8,360.00
 - Education £1,560,261.38
 - Play and Open Space £1,225,497.12
 - Coalville Transportation Strategy £1,377,288

- Provision of bus stop improvements
- contribution of £6,000 for the monitoring of a Full Travel Plan
- Travel Packs
- 6 month bus passes, (two application forms per dwelling to be included in Travel Packs and funded by the developer)
- 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 seek full planning permission for the erection of 282 dwelling with associated access, landscaping and infrastructure.
- 2.2. The proposed housing mix comprises a range of property sizes, types and tenures ranging from 1-4 bedrooms and includes, flats, terraced housing, semi-detached and detached housing. This also includes a mix of market dwellings and affordable dwellings. The affordable housing provision is 40% the site therefore proposes 113 affordable dwellings.
- 2.3. Access to the site is proposed from London Road, with a secondary access from Doctor Wright Close. In addition to the vehicular accesses the proposal also includes a number of pedestrian accesses proposed through Croftway, Hopwood Drive and off London Road. The internal road scheme includes a network of secondary carriageways, shared surfaces and private driveways. The internal road network has been designed to adoptable standard.
- 2.4. The application site includes the incorporation of swales through the site, and infiltration basins to the south.
- 2.5. The following documents were submitted in support of this application; Proposed Elevations; street scenes; Highways plans showing on and off site works; Landscaping Plan; Boundary treatment plan; materials schedule; Design and Access Statement; Statement of Community Involvement; Transport Assessment; Travel Plan; Tree Survey; Ecological Appraisal; Flood Risk Assessment and Drainage Strategy; Landscape and Visual Impact Assessment; Housing mix report; Minerals Assessment; Economic Benefits Statement; Historic Environment Desk Based Assessment.

3. Description of the site and surrounding area

- 3.1. The application site is situated to the south of London Road, Markfield, outside the defined settlement boundary of Markfield. The application site comprises of approximately 18.3 hectares of a number of irregular fields defined by boundary hedgerows and field trees, divided by a watercourse. The land which comprises of farmland gently slopes to the south west. The wider landscape rises towards the northwest, north of the A50 though which the M1 crosses.
- 3.2. Public Right of Way R4 runs through the application site, from London Road and meets Thornton Road to the south east. Public footpath R29 runs through the middle of the application site along a mature tree lined track from London Road to the north to Thornton Lane to the south. The Leicestershire Round recreation route footpath R2 is located along the boundary of the site to the west.
- 3.3. The application site is situated within the National and Charnwood Forest, and is bound to the north by residential dwellings, including the 'farmlands' development.

The neighbourhood centre of Markfield is situated approximately 600 metres north, which provides a medical centre, a post office, Co-op, library and hairdressers. Mercenfield Primary school is also located approximately 800 metres north of the application site.

4. Relevant planning history

20/00309/EAS

 EIA Screening Opinion for 450 dwellings Opinion issued – Not EIA development 08.04.2020

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. 42 letters of objection from 38 addresses have been received from third parties raising the following concerns:
 - 1) Lack of local infrastructure
 - 2) Loss of countryside
 - 3) More land in Hinckley for houses
 - 4) Development not in accordance with relevant polices
 - 5) Out of settlement
 - 6) Loss of quality agricultural land
 - 7) Disregards the neighbourhood development plan and local need
 - 8) Unsuitable density
 - 9) Unsuitable location
 - 10) Harm to traffic levels that are already high
 - 11) Existing doctor's surgery insufficient
 - 12) Access off Doctor Wright Close would be too narrow and is already congested
 - 13) Local schools will not cope with the increased demand
 - 14) Other development needed rather than more housing
 - 15) More dwellings are not needed or wanted by local residents
 - 16) Limited local services
 - 17) Insufficient off-street parking provision#
 - 18) Insufficient and unsafe surrounding footpath network
 - 19) Loss of hedgerows and harm to habitats and biodiversity
 - 20) Loss of public footpaths
 - 21) Existing site regularly becomes water logged and could become contaminated if not drained properly
 - 22) Poor access for emergency vehicles and waste collection lorries
 - 23) Poor road surfacing along Doctor Wright Close
 - 24) Existing public transport stops are too remote from the site
 - 25) Adverse overlooking upon existing dwellings
 - 26) Construction works will disturb existing residents and impact the enjoyment of their private residential amenity
 - 27) The proposed access along London Road will make this existing road even more dangerous for highway user
 - 28) A lack of traffic calming measures along London Road
 - 29) Proposed children's play space too close to dog training facility resulting in children entering the training fields via the public footpath
 - 30) Contamination to water courses
 - 31) Approving the development will set a precedent for more houses
 - 32) Harm to amenity of countryside

- 33) There are other more suitable sites for housing development
- 34) Financial contributions are required to compensate for the strain on existing services
- 35) The Hopwood Drive estate has still not been adopted by LCC or Severn Trent. Will this also be the case for the proposed development?
- 36) Loss of green space would have a negative impact upon mental and physical wellbeing of residents
- 37) The Hopwood drive estate is still yet to have road signs and marking added. Will this delay also be the case for the proposed development?
- 38) Footpath between Ratby Lane and Chitterman Way should be increased and street lights added
- 39) No crossing point on the London Road Ratby Lane junction. The footpath should be extended in this direction
- 40) Properties should not be built over sewage easements
- 41) The development would disturb animals at the boarding kennels and cattery adjacent to the application site
- 42) Contributions to improved public rights of way are required
- 43) The development will contribute to increased air pollution
- 44) Future development in Markfield in addition to the proposed will overwhelm local community facilities
- 5.3. One letter of support has been received subject to improvements to public rights of way.
- 5.4. Four letters of representation from 4 separate addresses has been received raising the following points:
 - 1) The proposed site is a preferred option within the draft Markfield development plan
 - 2) Section 106 obligations should be required
 - 3) London Road speed limit should be reduced to 30mph
 - 4) Noise mitigation measured should be included in the scheme
 - 5) Improvements to public rights of way required

6. Consultation

6.1. No objection, some subject to conditions and/or obligations have been received from:

HBBC Drainage

HBBC Environmental Health

HBBC Street Scene Services

HBBC Affordable Housing

HBBC Compliance and Monitoring

HBBC Planning Policy

LCC Ecology

LCC Highways

Lead Local Flood Authority

LCC Minerals Planning

LLC Archaeology

NHS West Leicestershire CCG

LCC Developer contributions

6.2. Councillor Lay as Ward Councillor, has commented on the application and requested it is considered by Planning Committee, and provides the following comments:-

- 1) While I cannot support the application as I am opposed to the scale of development in the open countryside, I am not seeking to oppose it
- 2) The Borough council finds itself under pressure to allocate land for housing on a scale that has not been witnessed before
- 3) As a result I have worked hard with and supported the Markfield neighbourhood planning group and am pleased that the Markfield plan is at an advanced stage. It has given a clear direction for where development should take place to accommodate the housing number requirements for Markfield and this application sits in that envelope. I fully support the work of the neighbourhood planning group and so accept that the location for this proposed development 20/01283/FUL is the preferred option site and that other sites should be rejected
- 4) The application site is the most favourable on policy grounds for housing in the Markfield location, and has undergone extensive public consultation
- 5) Please to see that access will not be permitted via Croftway but by a new service road from London Road
- 6) All existing hedgerows and mature trees are retained in the detailed design work accepting that a portion of the hedge to allow access will be removed.
- 7) Should permission be granted, the development would have pressure upon local services and infrastructure and therefore the following mitigations are delivered via S.106
 - A site for a suitable new Cemetery if required as the existing one is running out of space
 - A sizeable contribution is required for both South Charnwood High School and Mercenfield Primary School
 - A sizeable contribution is also required for the GP surgery
 - A new sports (football) pitch is required for the community as the Parish is short on this provision (Borough Councils own evidence)
 - Increase capacity at the Community Centre car park to accommodate more volume (the car park also helps serve the school and GP surgery) and an improved access into the cap park is also required
 - The development of an improved cross country access to South Charnwood High School using the existing rights of way is needed to ensure a safe walking/cycling route to the High School and better linking it to the community
 - A 30mph speed limit on the length of London Rd is required
 - The opening up the London Rd access to Mercenfield Primary School will support parents walking their children to school. A drop off/pick up lay-by would also work at this new entrance
 - An improved and safer pedestrian crossing on London Rd will be required
 - All social housing units secured via S106 should be conditioned legally that they are offered to local people on the waiting list first
 - Contributions should be made to support the existing open spaces in Markfield both formal and informal recreation such as the community park in the centre of the village and Hill Hole nature reserve and allotments
 - Contributions should be made to the upkeep of existing facilities such as the community Centre, Jubilee playing field pavilion
 - The open spaces in the proposed development should be of high quality as should the children's play equipment. The roads and sewers must be built to an adoptable standard and every effort made to ensure they are adopted

- The land on the corner of London Rd and Ratby Lane should be gifted to the Parish Council to protect the integrity of what will be a new settlement boundary
- Noise control measures should be put in place to manage the highway noise from the M1. The proposed development comes closer to the M1 and the decibel noise is concerning
- EV charging points should be a feature of the new housing design on the estate

6.3. Markfield Parish Council have provided the following comments:

- Markfield Parish Council cannot support the application as it is within the countryside
- 2) However the Parish recognises the requirement that has been placed on all communities for the allocation of land for housing
- 3) The land that forms part of this application has been put forward as part of the draft Neighbourhood Plan as a site for housing allocation
- 4) In recognising the pressures that the housing would bring the Parish requests the following mitigation to be secured
 - Land to be allocated for a new cemetery
 - Contributions towards local schools
 - Contribution towards GP Surgery
 - New sport pitches to help the shortfall
 - Extension to the community centre car park
 - Cross country access to the high school using rights of way.
 - 30mph limit and enhanced pedestrian crossing on London Road.
 - Social housing
 - On site open space
 - Adoptable sewers
 - Gifting of land adjacent to Ratby Lane to the Parish.
 - Noise mitigation
 - Electric charging points
 - Allotment provision
 - Retention of hedges

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 19: Green Space and Play Provision
- Policy 20: Green Infrastructure

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets

- Policy DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance

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

7.4. Other relevant guidance

- Markfield Neighbourhood Plan (Consultation version)
- Good Design Guide (2020)
- National Design Guide (2019)
- HBBC Landscape Character Assessment (2017)
- HBBC Landscape Character Sensitivity Study (2017)
- Housing Needs Assessment (2019)
- 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
- Loss of agricultural land
- Safeguarding minerals
- Design and impact upon the character of the area
- Siting, Design and Layout
- Historic Environment
- Archaeology
- Impact upon neighbouring residential amenity
- Pollution
- Impact upon highway safety
- National Forest
- Drainage
- Impact upon trees
- Impact upon Public Rights of Way
- Ecology
- Obligations
- 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 NPPF and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (2016) (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). SADMP.

- 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. Markfield is identified as a Key Rural Centre relating to Leicester within Policy 8 of the Core Strategy. To support its role as a Key Rural Centre relating to Leicester, Policy 8 allocated a minimum of 80 new homes in Markfield. Focus is given to development in these areas that provides housing development that delivers a mix of housing types and tenures as detailed in Policy 15 and Policy 16 as well as supporting development that meets Local Needs as set out in Policy 17.
- 8.5 However, the housing policies in the development plan are considered to be out-of-date as they focus on delivery of a lower housing requirement (450dpa) than required by the up-to-date figure using the standard methodology of 452 dwellings per annum. Notwithstanding the very limited change in housing requirements per year, the application should be determined against Paragraph 11(d) of the Framework whereby 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.
- Using the standard method as outlined by MHCLG, Hinckley and Bosworth Borough is unable to demonstrate five years of deliverable housing on 1st March 2021. Due to the change in the housing figures required for the borough, the housing policies in the plan are out of date. As such paragraph 11(d) of the NPPF is triggered. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (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. 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.
- 8.7 This site lies outside of the settlement boundary of Markfield and is identified as countryside on 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.
- 8.8 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;
- 8.9 The site does not fall under any of the categories identified in DM4 as sustainable development and so there is a clear conflict between the proposed development and the policy. This proposal will need to be carefully weighed in the planning balance along with the detailed assessment of the other relevant planning considerations in this case.
- 8.10 The Borough Council is actively promoting the preparation of Neighbourhood Development Plans and is keen to see communities strongly involved in the planning and future growth of villages.
- 8.11 The planning application site aligns with the residential allocation within the emerging Markfield Neighbourhood Development Plan (MNP). The emerging neighbourhood plan is at Regulation 16 stage and currently out for consultation, and therefore, as this plan has not yet been submitted for Examination the document can only be afforded limited weight in determining this application.
- 8.12 Therefore, although the application site is identified as a housing allocation site in the emerging MNP, the weight to be given to the MNP at the present time is limited. This application is for the development of housing outside the settlement of Markfield within the countryside it is contrary to Policies 7 and 8 of the Core Strategy and Policy DM4 of the SADMP. Therefore 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. 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.

Loss of Agricultural Land

- 8.13 Paragraph 170 states that planning policies and decisions should contribute to and enhance the local environment by recognising the intrinsic character and beauty of the countryside and wider benefits from natural capital and ecosystem services including the economic and other benefits of the best and most versatile agricultural land. Grades 1, 2 and subgrade 3a are considered within the 'best and most versatile' land as identified by the NPPF.
- 8.14 The application site has been subject to an agricultural land classification survey, which identifies that of the 18.3 hectares of land, 1.7 hectares which equates to approximately (9%) of the site can be classified as Grade 3a 'good quality' which would fall within the definition of 'Best and Most Versatile' agricultural land. The remainder of the site comprises of 3b 'moderate quality' land which does not constitute 'Best and Most Versatile'.
- 8.15 The Borough Council have also carried out its own 'Agricultural Land Study' (2020) which classifies the majority of the application site as subgrade '3b' with a small portion of '3a' Best and Most Versatile, positioned to the east of the application site.

8.16 The site is grade 3 agricultural land the loss of this should be weighed in the balance of the merits of the scheme.

Safeguarding Minerals

- 8.17 Policy DM6 of the SADMP seeks that development proposals demonstrate how they conserve and enhance features of nature and geological value, with the primary objective to conserve and enhance biodiversity or geology interests.
- 8.18 The application site falls within the Mineral Consultation Area (MCA) for igneous rock. The MCA safeguarding Map (Dated 2015) identifies that a portion of the application site is within a safeguarding zone. This area is extensive and covers an area from Bardon Hill in the w and to Anstey from the east, with only a narrow area wrapping around the south edge of Markfield. However the application site, is adjacent to existing residential dwelling, in close proximity to the defined settlement boundary of Markfield. When considering the proximity of the application site with the close relationship with the residential uses it would be considered unlikely to be desirable nor practical for mineral extraction of Igneous rock to take place in close vicinity to residential uses, who would be adversely affected by quarrying activities.
- 8.19 In addition to this application provides a review of British Geological Surveys Map of Britain which confirms that only a small proportion of the application site is underlain by Igneous Rock. This survey identifies that the deposit is likely to be contained to the north east corner of the application site, with the majority of the site not being underlain with Igneous rock. Leicestershire County Council (Minerals) has had regard to this information and raise no objection to the proposed development.
- 8.20 Accordingly the proposed development is not considered to have a detrimental impact upon the geological interests of the neighbouring quarry, and is therefore in accordance with Policy 6 of the SADMP.

Affordable Housing, Housing Mix and Density

- 8.21 Policy 15 of the Core Strategy requires residential development in rural areas to provide 40% Affordable Housing with a tenure split of 75% social rented and 25% intermediate housing. The details submitted with this application detail that this proposal provides 113 dwellings for affordable housing 85 dwellings are proposed for rent and 28 dwellings for intermediate tenure, this is consistent with policy.
- 8.22 The application includes a range of dwelling types from 1-4 bedroomed dwellings. Policy 16 of the Core Strategy requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings using the most up to date housing market assessment or local evidence. The most up to date housing market assessment is the Housing Needs Study (2019). This identifies the suggested housing mix below.

Number of bedrooms	HEDNA suggested housing mix	Proposed mix for this application
1	5%	4%
2	30%	35%
3	45%	50%
4 +	20%	11%

- 8.23 The proposed mix across the site would be in general accordance with the identified mix, using the HEDNA.
- 8.24 The housing mix for affordable dwellings and the tenure split across these properties has been confirmed to be acceptable by the Council's Housing Enabling Affordable Housing officer. The split would be broken down into the 12 one bedroomed properties, 59 two bedroomed properties, 40 three bedroomed properties and 2 four bedroomed properties provided on site.
- 8.25 The Affordable Housing SPD requires that the affordable units should be visually indistinguishable from the equivalent market housing on the site and distributed in small clusters, evenly across the site. The Council's Housing Enabling Officer has not objected to the proposed scheme and is satisfied that the proposed layout is acceptable in this regard. In addition to this, the design of the affordable units is acceptable, with the use of the same pallet of materials and overall design approach. Therefore it is considered that the proposal is in accordance with the guidance set out in the SPD.
- 8.26 Policy 16 of the Core Strategy states that proposals for new residential development will be required to meet a minimum net density of a least 30 dwellings per hectare within key rural centres relating to Leicester. The density of the proposed development is approximately 30 dph which is considered in this location to be achieving efficient use of land and is consistent with the density of development in the adjacent residential area.
- 8.27 Overall it is considered that the proposal is compliant with the provisions of Policies 15 and 16 of the Core Strategy.
 - Design and impact upon the character of the area
- 8.28 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.
- 8.29 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. It should be noted that as the development is not considered to be sustainable development in the countryside in accordance with the first part of Policy DM4, any harm to the intrinsic value, beauty, open character and landscape character of the countryside would therefore be unjustified.
- 8.30 Policy 21 of the Core Strategy supports development in the National Forest providing that the siting and scale of the proposed development is appropriately related to its setting within the forest, and respects the character and appearance of the wider countryside. Policy 22 of the Core Strategy supports proposals that maintain the traditional working landscape of the forest, provide new recreation facilities, provide access to and from the rural areas, retain the local character, enhance open spaces, enhance woodland and habitat provision and connectivity.
 - Landscape and Visual Impact
- 8.31 The application site is situated within Character Area A 'Charnwood Forest Settled Forest Hills' as identified within the Landscape Character Assessment (2017). Key characteristics are prominent elevated landforms, diverse land uses which relate to the varied geology, small to medium scale field patterns interspersed with large areas of woodland cover, proximity to Leicester City and major transport

infrastructure. The Assessment identifies and provides a general overview of key sensitives for that Character Area and sets out a strategy for each area, which for Character Area A, is as follows:

- Conserve and enhance the historic core of village settlements and ensure extensions are well integrated within this wooded landscape. Promote characteristic building forms.
- 2) Support the vision of the National Forest Strategy by planting native and mixed species woodland, linking areas beyond the National Forest boundary.
- 3) Conserve the distinct and separate identity of Groby and Ratby, including the rural gap that separate the villages.
- 4) Locate solar farms and wind turbines in the least sensitive areas.
- 5) Conserve rocky outcrops and semi-natural vegetation in disused quarries. Promote amenity and biodiversity through quarry restoration schemes.
- 6) Conserve and enhance the well wooded character of the landscape. Promote woodland management such as coppicing and ground flora diversification, as well as hedgerow tree planting.
- 7) Promote a positive landscape strategy, including woodland planting, around Stanton under- Bardon to help integrate the industrial units, quarries and development pressures associated with the M1 (junction 22).
- 8.32 The Hinckley and Bosworth Borough Landscape Character Assessment also includes urban and town character assessment for principle settlements within the borough including Markfield. This identifies Key Urban characteristics of Markfield described as the following:-
 - 1) A large, clustered settlement with a distinctive linear historic core containing a rich mix of well related architectural themes.
 - 2) The historic core nestled around the base of rising land in the north west of the village, with modern development spreading over flatter land to the east
 - 3) Varied architectural styles and a broad age range and complex mix of housing, even within the older central core.
 - 4) Retail facilities concentrated along Main Street and Chitterman Way, with employment located towards the north-western edge of the village.
 - 5) Materials dominated by either red brick or granite or a mix of both. Some rendered or painted properties provide variation.
 - 6) Outcrops of rock together with granite cottages and boundary walls are the key component of the village streetscape.
 - 7) Small frontages often bounded by stone walls within the historic core.
 - 8) Views to the rolling and wooded landscape to the north from higher points in the village.
 - 9) Hill Hole Quarry, a key feature to the west of the settlement.
- 8.33 The topography of the sites context comprises of gentle sloping farmland to the south of the application site along the Markfields settlement edge, as it descends towards the M1 corridor. To the north west the application site rises towards the A50. The site is situated to the south of the village but is situated adjacent to the settlements edge. The site itself comprises of a number of irregular parcels of farmland and grassland which are divided by watercourse, hedgerows and trees. Field trees define the north east boundary along London Road. Within the site, there are a number of Public Rights of Way (PROW), R29 crosses through the application site and follows a line of tree lined track, before it crosses through the centre of the site as it extends south west. A further PROW R4 forks from R29 and travels south connecting London Road with to the north of Thornton Lane. PROW R2 also runs through the west of the application site.

- 8.34 The proposed development would change the use and character of the application site to residential; however the application site would be situated adjacent to the existing settlement boundary of Makfield and would be reflective of this immediate context. The proposed development would be accompanied by a comprehensive landscape strategy, which would provide areas of woodland, and trim trails through and around the application site and areas of Play and Open Space.
- 8.35 The submitted LVIA considers the effects of the development on the landscape, in the context of the national, regional and county scale landscape character areas, it is considered that the proposed development once operational due to the transient nature of construction would have some disruption to the landscape character and its immediate surroundings during construction however the LVIA considers it would be localised and limited, and therefore considered to be moderate adverse to negligible for wider landscape areas and minor adverse for local areas.
- 8.36 The LVIA identifies that at the point on completion of the proposed development, given the incorporation of green infrastructure softening the development edge, at year 15 its impact upon the National Character with the site being located within the Charnwood forest would be limited in terms of landscape effect as being negligible. Regionally the application site is situated within the Forested Ancient Hills Landscape Character, this is characterised by a high proportion of woodland cover and mixed land use of woodlands, pastol farmland, heathland and parkland. Field enclosures are identified as exhibiting a strongly rectilinear pattern of parliamentary enclosures an roads bound by dry stone walls and hedges. The East Midlands Region Landscape Character Assessment (EMRLCA) recommends to promote positive change in response modern development detracting from the overall landscape character, it identifies that "the aim should be to protect the character of the landscape and limit the visual impact of any new development by locating it on previously developed land or close to existing settlement." The scheme is subject to a comprehensive landscape proposal, which seeks to soften the development edge with new tree planting and habitation creation proposed, having regard to proposed measures and its edge of settlement position the LVIA asses that on a regional level at year 1 the site would have a minor adverse/negligible impact reducing to negligible at year 15.
- 8.37 At a local level the proposed development would have a direct effect upon Landscape Character Area A, Charnwood Forest Settled Forest Hills. The LVIA identifies that the site occupies a relatively enclosed location, which is enclosed from views from the majority of the surrounding infrastructure due to the intervening landform, vegetation and built environment which can be observed. Although harm has been identified at this level it would be considered to be localised and its impact has been identified as Minor adverse at the construction level. At year 15 when taking into account the proposed landscaping around the perimeter and within the site, as well proposed areas of POS, the LVIA considers that this will aid its assimilation into the surrounding landscape, and improve landscape linkages and habitat connectivity, and therefore reducing its impact within the Charnwood Forest to minor beneficial once landscaping has matured, given the woodland planting proposed.
- 8.38 It is important to note that the application site is situated within the Landscape Sensitivity Area 14. The sensitivity assessment is considered and comments, that despite its rural and intact character providing an attractive setting to Markfield, the assessment area contained within the sensitivity study is considered to have an overall medium sensitivity to residential development. This is due to the relatively strong relationship it has with built development in the east, and the opportunities to provide landscape enhancements such as woodland planting which is characteristic

in the area. The proposals location on the edge of the settlement, affords the development to be able to integrate into the existing settlement, as well as providing comprehensive landscaping scheme through the inclusion of woodland planting, and upgrades to the footpath links to the wider footpath network. The LVIA when having regard to the proposed green infrastructure the development is considered to be no more than minor adverse at year 15 once matured upon the sensitivity area.

- 8.39 Views of the application site are largely restricted to the PROWs (R29, R4 and R2) which run through the application site and within close proximity to the application site. It is acknowledged within the LVIA that the proposed development would have an impact upon these receptors, and upon completion it is recognised that this would be major/moderate adverse effect reducing to moderate/minor adverse at year 15. Views of the proposal from the wider PROW network to the east, south and west of the application are largely prevented due to landform and vegetation within the landscape, and therefore the impact upon the wider network upon completion would be no more than negligible at year 15 following completion.
- 8.40 The majority of the views of the application site are from existing residents, those being along Croftway, Birchfield Avenue and Doctor Wright Close, which are all located off London Road. The views from these properties are mostly from upper floor and some ground floor windows of dwellings. The views from these properties will from this development should permission be granted ultimately change, given this the LVIA identifies that this effect at the outset would be considered as Major/Moderate adverse.
- 8.41 Having regard to the submitted LVIA, and the proposed development, is considered that there will be some adverse landscape and visual effects; however these are localised and limited in their immediate context and limited receptors. It is acknowledged that upon completion the harm would be at its worst, however following the maturing of the landscaping planted and other mitigation measures in place it is considered that the overall harm to the landscape character of the local area having regard to the LVIA is considered to be minor to moderate. This is due to the proposed mitigation, which includes the conservation of the existing tree planting and hedgerows, as well as additional landscaping and permeability through the site and a comprehensive long term management of landscaping.

Siting, Design and Layout

- 8.42 The proposed development is made up of 17 house types ranging from 1 4 bedrooms of two and two and half storeys in height. The proposed dwellings would have a mix of roof styles, incorporating a mix of hip and gable roof styles, and a mix of materials, which are reflective of the existing neighbouring properties. The house types include both brick and render, and are reflective of the earlier phase of development of London Road, providing a consistent and strong identifiable character.
- 8.43 The proposed development has been designed with a landscape led approach, which is based around the existing watercourses, hedgerows, a veteran tree on the site and provides substantial green corridors, woodland planting and rights of ways. The proposal would be designed with a primary route through the application site, which would be afforded a more formal character with a higher density proposed along main routes. Along these routes internally, would be a number of key focal areas, including feature squares and landscaped 'greens' as well as the incorporation of two and half storey dwellings. The density lessens off the primary routes, with plot sizes increasing, and dwellings fronting out over landscaping and play and open space.

- 8.44 The proposed properties are of a traditional design, comprising predominantly of facing brick work and tiles, with some properties being finished with off white render. A number of dwellings would be provided with open porches, and includes brick detailing within elevations, and bay windows, providing interest within street scenes and elevations. The corner plots 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. Landscaping through the development plays an important role and has been retained where possible and provided within and throughout the development, to soften the built development. The layout of the dwellings, are in strong block formations, which ensures that a natural surveillance within the development is maximised.
- 8.45 Across the site, the majority if the plots have in curtilage parking provided in close proximity to the front door, and some plots benefit from detached single storey garages, which have a roof design to reflect the main dwelling. The proposed parking layout ensures that the development would not become dominated by on street parking, as set out in the Good Design Guide (2019). The proposed layout and design, also takes into consideration the existing routes and landscaping features within the site, and provides for opportunities for the existing PROW to be upgraded and new connections provided within the application site. This allows for the incorporation into the design and layout of the scheme to provide dedicated pedestrian and cycle links through the site and into existing connections.
- 8.46 It is therefore considered that the design, layout, design and landscaping details as submitted along with the improvements to landscaping 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.

Historic environment

- 8.47 Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraphs 193-196 of the NPPF require great weight to be given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have clear and convincing justification, and for that harm to be weighed against the public benefits of a proposal. Paragraph 197 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 8.48 Local planning authorities should look for opportunities for new development within Conservation Areas, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably (paragraph 200).
- 8.49 Policies DM11 and DM12 of the Site Allocations and Development Management Polices DPD seek to protect and enhance the historic environment and heritage assets. Policy DM11 states that the Borough Council will protect, conserve and enhance the historic environment throughout the borough. This will be done through

the careful management of development that might adversely impact both designated and non-designated heritage assets. All development proposals which have the potential to affect a heritage asset or its setting will be required to demonstrate:

- An understanding of the significance of the heritage asset and its setting, and
- The impact of the proposal on the significance of the asset and its setting, including measures to minimise or avoid these impacts;
- and
- How the benefits of the proposal will outweigh any harm caused
- Any impact on archaeology in line with Policy DM13
- 8.50 Policy DM12 requires all development proposals to accord with Policy DM10: Development and Design. Policy DM12 states that all proposals for development affecting the setting of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting. Policy DM12 also requires that Locally Important Heritage Assets be retained and enhanced wherever possible.
- 8.51 The Borough Council's Good Design Guide SPD (2019) also identifies design objectives for the settlement of Markfield to retain its key characteristics.
 - Affected heritage assets
- 8.52 In determining applications, paragraph 189 of the National Planning Policy Framework (NPPF) requires an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The submitted Archaeological Desk-Based Assessment in my opinion provides a reasonable and proportionate assessment of the impact on the proposal upon affected heritage assets and their settings. Paragraph 190 of the NPPF also requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal, including by development affecting the setting of a heritage asset.
- 8.53 There are no designated or non-designated heritage assets within the application site. The historic settlement of Markfield, which is situated generally to the north east, is partially linear in shape and runs predominantly north to south. It is designated as a conservation area. The southern boundary of the Markfield Conservation Area is approximately 130 metres from application site at its closest point, this being the southern section of the conservation area being marked by the siting of Stepping Stone Farmhouse which is a grade II listed building. The core of the historic settlement is further to the north, and is marked by the position of the Church of St Michael, which is a grade II* listed building c.450m from the application site. The gates to the churchyard and the Old Rectory at The Nook are also both grade II listed buildings. Outside of the conservation area boundary and settlement core is Little Markfield Farm and its associated buildings, this is a grade II listed building and positioned approximately 300m north-west of the application site.
- 8.54 To the north of the site lies Lower Grange Farm. It is contained on the Leicestershire & Rutland Historic Environment Record (MLE8384) and identified as a mid-late C19 farmhouse and collection of barns. The farmhouse and a sections of two of the barns were sensitively converted as part of the recent development for housing upon the land surrounding all but south of the site, as such their historic and architectural interest and integrity was retained and they warrant identification as a local heritage asset (a non-designated heritage asset). Lower Grange Farm is identified as a feature of local heritage interest within the submission version of the Markfield Neighbourhood Development Plan.

- 8.55 Vine Cottage is sited within the north-western portion of the application site. It is identified on early maps of Markfield; the earliest being the 1884 Ordnance Survey map, but it appears to have been considerably altered and modernised during the 20th century. It is not considered to be of local interest and as such does not warrant identification as a non-designated heritage asset.
- Given that there are designated heritage assets located within a proportionate 8.56 search area around the application site, it must be assessed if the site falls within the setting of these assets. The NPPF (Annex 2) defines the setting of a heritage asset as "the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset. may affect the ability to appreciate that significance or may be neutral." Historic England provide advice on the setting of heritage assets in their Good Practice in Planning Note 3 (2015), this identifies that the surroundings in which an asset is experienced may be more extensive than its curtilage. The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way which we experience an asset in its setting is also influenced by other factors such as noise, dust and vibrations from other land uses in the vicinity, and by our understanding of the historic relationship between places. The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting as this will vary over time and according to circumstance.
- 8.57 Historic England recommends undertaking a five step approach to assessing change in the setting of heritage assets. The first step is to identify which heritage assets and their settings are affected by the proposal. Due to either the topography, distance and presence of intervening built form and vegetation there is no intervisibility between the application site and any of the grade II listed buildings identified above, nor is there any known key historic, functional or other relevant relationships between the application site and these heritage assets. The application site is therefore not considered to fall within their setting and due to the form of the proposal it is considered this position would not be altered following the development.
- 8.58 From within the application site there are clear views of the Lower Grange Farm including from the public footpath R4 looking northwards. The application site cannot be seen from the Church of St Michael, however the tower and spire of the Church of St Michael is a visible presence in the landscape surrounding Markfield, and although visibility from the public footpaths within the site is limited due to the topography and presence of intervening built form, the church spire can be seen from within the fields comprising the eastern section of the site, and from a wider setting including looking north-west from Ratby Lane over the site and looking north over the site from public footpath R29 in the vicinity of the M1 motorway. The application site is therefore considered to fall within the setting of these two heritage assets.

Significance of affected heritage assets

- 8.59 Step 2 is to assess the degree to which these settings make a contribution to the significance of the heritage asset or allow significance to be appreciated.
- 8.60 The grade II* listed Church of St Michael is a 12th century parish church in random granite with slate roof. It has 13th, 14th, 16th, early 19th alterations and a mid-19th century extension and restoration. It has a south-west tower with short spire dating from the 14th century. The building principally derives its significance from the

historic and architectural interest of its built form as a parish church although the church also embodies communal value as a place of worship and as the social and physical focal point of both the past and present community of Markfield.

- 8.61 The church is located within a reasonably sized church yard which provides some separation from surrounding built form. This immediate and contained setting contributes positively to the church's significance, reinforcing its historic. architectural and communal values. By virtue of the height of the church tower and spire and varied topography of the surrounding landscape, which includes the church being sited on rising ground, the church can also be seen within a much wider setting. Whilst this does reflect the status and role of the church, the visibility of the church is sometimes incidental and obscured by intervening built form and vegetation. Looking west from within the eastern portion of the application site there are views where varying extents of the church tower and spire can be seen, such views are beyond the intervening vegetation and built form. Such views do demonstrate the importance of the church within the wider landscape and the application site does form part of its wider setting, although only a very minor appreciation of its significance is obtained from the views due to their limited extent and the intervening distance.
- 8.62 Lower Grange Farmhouse has a rectangular plan form with a hipped slated roof. Its original brick finish has been rendered over as part of recently permitted alterations. A collection of barns enclosed a courtyard to the farm complex, with sections of a northern range attached to the farmhouse and the stone built barn along the western boundary retained as part of the recent development. Generally, the historic and architectural integrity of the farmhouse and courtyard have been retained and currently the southern aspect to the farmhouse remains open allowing for an appreciation of the functional connection the farm complex once had to its associated land. The undeveloped nature of the application site does allow for a moderate visual appreciation of the significance of the former farm complex, and the historic relationship between the use of the land and the former farm remains discernible to a limited degree from its wider setting.

The proposal

- 8.63 The application, which is in full and therefore provides for a detailed layout and appearance forms part of the application for consideration. The development core of the proposal is centred on the fields to the immediate south of Lower Grange Farm and the fields within the western portion of the site. Flanking the stream that runs through the site is a wide green corridor with a further amount of development within the eastern portion of the site, where a new vehicular access is proposed from London Road
 - Impact of the proposal upon the significance of affected heritage assets
- 8.64 Step 3 of the Historic England Good Practice in Planning Note 3 is to assess the effects of the proposal, whether beneficial or harmful, on the significance of affected heritage assets or on the ability to appreciate that significance.
- 8.65 It is likely that some current views and glimpses of the tower and spire of the grade II* listed Church of St Michael would be restricted or fully lost by the proposed development, particularly within the eastern portion of the site. The listed building is of high interest but the application site only allows for a very minor appreciation its significance, so it is considered that the effect of reducing views from within the site as a result of the proposed development would be negligible, given that the instances of such views are limited to certain sections of the site only and a much greater appreciation of the significance of the church can be obtained from the wider landscape. This wider landscape does include views from Ratby Lane and

footpath R29, where the proposed development would likely be visible in the near to middle ground in any views of the church spire from these points. However in such views the proposed development would likely be read as a minimal extension of the expanse of built form that now surrounds the church. As a result the impact of the proposal upon the significance of the church is considered to be neutral and not adverse.

- 8.66 The site layout plan indicates that the majority of the field directly to the south of Lower Grange Farm will be developed, although the orientation of the road layout will allow for a direct view north towards the farmhouse from the primary estate road. There is no direct impact upon the significance of the farm complex as its physical integrity is unaffected by the proposal. The development will introduce built form within its wider setting, which will reduce the degree to which the associated former functional use between the farm complex and its land can be appreciated. but this must be considered in the context that Lower Grange Farm is currently surrounding on all but its southern side by residential development. The introduction of built form within the wider setting of this local heritage asset is considered to have a minor negative impact upon its significance, but when balanced against the level of public benefits arising from the proposal, including the provision of a considerable amount of housing, the level of harm to the local heritage asset through an indirect impact due to development within its setting would be outweighed.
- 8.67 Step 4 in the Historic England assessment approach is to explore ways to maximise enhancement and avoid or minimise harm. It is considered that there is no particular means to achieve an enhancement to the setting of the church via this proposal. Consideration could be given to altering the site layout to provide a greater separation between the proposed development and the southern boundary of Lower Grange Farm to respect the open setting of the building to the south; such an amendment would minimise the level of harm to this local heritage asset.
- 8.68 Step 5 relates to making and documenting the decision and monitoring outcomes. Such recommended good practice has been achieved by setting out the assessment stage of the decision-making process in an accessible way in the body of this report.

Summary

This proposal affects the significance of the grade II* listed building the Church of St Michael and the significance of the local heritage asset Lower Grange Farm by virtue of its location within their wider setting. Overall the proposal is considered to have a neutral impact upon the Church of St Michael causing no harm to its significance and the minor negative impact upon the significance of Lower Grange Farm will be outweighed by the considerable level of public benefits arising from the proposal. The proposal is therefore compatible with the significance of the listed building and on balance the public benefits of the proposal clearly outweigh the harm to a local heritage asset. Consequently the proposal accords with Policies DM11 and DM12 of the SADMP, section 16 of the NPPF and the statutory duty of Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.

Archaeology

8.70 Policies DM11 and DM12 of the SADMP seek to ensure that development affecting the borough's historic environment and heritage assets secure their continued protection and conservation. Developments must demonstrate an understanding of significance, impact and measures to mitigate such impacts, including those upon archaeological remains.

- 8.71 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.
- 8.72 The applicant has submitted the following supporting documents:
 - Geophysical Survey Report (March 2020)
 - Archaeological Desk-based Assessment (November 2020)
 - Written Scheme of Investigation for Archaeological Excavation (December 2020)
 - Archaeological Evaluation (February 2021)
- 8.73 Trial trenching carried out by the applicant revealed evidence for archaeological activity dating to the Roman period, in the form of a single pit in the north-western corner of the site, within the garden of Vine Cottage. Although no other archaeological deposits were found within this nor adjacent trenches, it is unlikely to be an isolated feature and there may be similar deposits present in the vicinity. The reports submitted by the applicant suggest that further fieldwork could identify additional, associated remains and therefore additional heritage assets with an archaeological interest. The proposed residential development includes works likely to impact upon these remains.
- 8.74 Paragraph 199 of the NPPF states that LPAs should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance.
- 8.75 To ensure that that any archaeological remains present are dealt with appropriately, it is necessary for the applicant produce to a programme of archaeological work prior to commencement of the development should planning permission be granted. This programme will be required to include an archaeological soil strip of the development area (targeted specifically on Trench 52 of the Archaeological Evaluation submitted where archaeological remains were found). Any exposed archaeological remains should then be planned and appropriately investigated and recorded. In addition, all services and other ground works likely to impact upon archaeological remains should be appropriately investigated and recorded. Provision must be made within the development timetable for archaeologists to be present during these works, to enable the required level of archaeological supervision. A contingency provision for emergency recording and detailed excavation would also need to be made.
- 8.76 Subject to these requirements being secured by condition, the proposed development would satisfy DM11, DM12 and DM13 of the SADMP.
 - Impact upon neighbouring residential amenity
- 8.77 Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy or amenity of nearby residents and occupiers of adjacent buildings and the amenity of the occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.
- 8.78 Objections have been received from local residents with regard to residential amenity by way of additional noise, air pollution and overlooking. Concerns in relation to privacy and amenity of both existing and future residents are dealt with below. A concern for loss of outlook is not a material planning consideration.
- 8.79 According to the Council's Good Design Guide SPD (2020), "delivering well designed internal and external amenity space is critical to quality of life of residents,

as it provides the setting for day to day home life." The document sets out the following general guideline for garden sizes:

- A minimum garden length of 7m
- 80sqm: three bedroom house
- 60sqm: two bedroom house
- 8.80 The proposed layout generally adheres to these standards and where it falls short this is not by a significant amount. The Good Design Guide sets out that garden proportions are dependent upon design and therefore it is considered that the size of private outdoor amenity space for dwellings across the site is relative to the context of the site and the relationship between properties. The proposed layout would therefore still provide satisfactory amenity in this regard.
- 8.81 The Good Design Guide sets out that ensuring adequate space between and around buildings is recognised as a core component of residential amenity. For example habitable rooms within rear elevations of neighbouring properties should not be less than 21 metres apart. A habitable room within a rear elevation should ideally not be less than 8 metres from the blank side of a single storey neighbouring property, rising to 12 metres for a two storey property, and 15 metres for a three storey property. Side to side distances should be a minimum of 2 metres (1 metre to boundary on each side).
- 8.82 Across the development, the standards for back to back distances is met. In the few instances where this is not, dwellings back on to one another at oblique angles and therefore the reduced separation distance is considered to be proportionate to this. Side to side separation distances between properties are in accordance with the Good Design Guide standards. There are very few house types characterised by blank side elevations absent of glazed openings. However in the few instances where distances between the habitable rear and blank side elevations are short, this is never by a significant degree. In line with the guidance this can be acceptable where the site context allows for it.
- 8.83 The proposed layout provides adequate levels of amenity and privacy for future occupiers.
- 8.84 The northern boundary of the application site runs adjacent to existing development. Plots 262-264 and 278-282 comprise dwellings fronting London Road. These dwellings are set back from the highway by a band of soft landscaping. There would be a separation distance between these plots and the existing dwellings fronting London Road along its north side of around 36 metres. It is therefore not considered that the proposed layout as shown would result in any overbearing or overlooking impacts upon properties north of London Road when bearing this distance in mind.
- 8.85 The front elevations of dwellings on plots 276 and 277 face in the direction of existing dwellings in Cooper Close. The two properties would be set back from this cluster of existing dwellings by a thick band of landscaping and public footpath into the site off London Road and therefore would not result in any overbearing impacts upon properties arranged in this existing close.
- 8.86 The north (side) elevations of plots 206 and 216 run adjacent to the boundary of the site shared with Doctor Wright Close. Doctor Wright Close forms part of the Hopwood Drive estate, a previously approved housing development off London Road, permitted under 09/01009/OUT. Doctor Wright Close provides a secondary vehicular entrance into the development. Nos. 1, 2 and 16 Doctor Wright are sited at the bottom of the close, is closest proximity to the development. The north elevation plot 216 runs parallel to the northern boundary of the development,

approximately 1 metre away. As a dwelling with a dual frontage at the entrance of the secondary vehicular access into the site, windows along the north elevation of plot 216 serve a lounge, kitchen/diner and two bedrooms. There are no windows along the south elevation of no.1 Doctor Wright Close, and therefore albeit a 3.1 metres (approx.) separation distance between the two dwellings. Plot 216 would not have any overlooking impacts upon this existing neighbouring property. Plot 216 and no.1 Doctor Wright Close are both two storey properties running parallel to one another. The rear of No.1 Doctor Wright Close would project beyond the rear elevation of Plot 216. A narrow strip of existing landscaping along the southern boundary of no.1 Doctor Wright Close and planted hedgerow would separate the two dwellings. A condition ensuring suitable boundary treatments to rear private gardens within the development would help reinforce screening and privacy. It is not considered that when bearing in mind the separation distance, scale and parallel relationship between Plot 216 and no.1 Doctor Wright Close that the proposed development would result in any adverse amenity impacts upon this existing property.

- 8.87 Boundary treatments between no.2 Doctor Wright Close and Plot 206 are the same as those described above. The north elevation of Plot 206 and the south elevation of no.2 Doctor Wright Close are approximately 9.3 metres from one another. Rather than having a parallel relationship, both dwellings are positioned at an oblique angle to the site boundary. Windows along the north elevation of Plot 2016 serve a lounge, kitchen/diner and two bedrooms. There are no windows on the south elevation of no.2 Doctor Wright Close. Plot 206 would therefore not overlook any habitable windows at this existing property. Plot 206 would not project beyond the rear elevation of no.2 Doctor Wright Close. It is not considered that when bearing in mind the two storey scale of both dwellings, the separation distance, boundary treatments, fenestration details and siting of both dwellings, that Plot 206 would have any adverse amenity impacts upon this existing property.
- 8.88 It is considered that for all other plots on the proposed layout plan that would be adjacent to the boundary shared with dwellings at the bottom of the previously approved Hopwood Drive estate, separation distances would be sufficient to avoid any adverse neighbouring residential amenity impacts. There are instances where this set back would include a thick band of soft landscaping and wide private drive (Plots 166-177).
- The northern boundary of the site extends along the bottom of Birchfield Avenue. 8.89 Birchfield Avenue comprises a residential cul-de-sac with a single vehicular entrance/exit off London Road. Dwellings along Birchfield Avenue line either side of the highway, characterised by long gardens. Dwellings arranged around the dead end would largely be positioned at oblique angles to plots 47 and 53-60. These plots would not directly overlook into habitable rear elevations of properties at the bottom of Birchfield Avenue. The closest physical relationship between properties would be between the north elevation of Plot 48 and the rear elevation of no.18 Birchfield Avenue. The north elevation of Plot 48 would directly face the rear of this property, with separation distance of approximately 17 metres. Plot 48 would be a two storey semi-detached property with a single non-habitable first floor window on its north elevation. Both dwellings are two storey and therefore this back to side distance would exceed that recommended by the Good Design Guide. It is not considered that the privacy and amenity of dwellings at the bottom of Birchfield Avenue would be adversely impacted in terms of overbearing, overlooking and overshadowing.
- 8.90 Plots 57-60, comprising four maisonettes, would be offset from the site boundary adjacent to no.46 Marston Drive by virtue of a band of soft landscaping. There

would be a separation distance of approximately 37 metres between habitable elevations. It is considered that this distance would mitigate any adverse impacts upon privacy and amenity for this adjacent existing property running parallel to Plots 57-60.

- 8.91 No.37 Marston Drive is a semi-detached property with a principal elevation that would face the rear elevations of Plots 61 and 62. There would be a 22 metres separation distance between habitable elevations which is considered to be sufficient to avoid any adverse direct overlooking impacts. As explained previously, loss of outlook is not a material planning consideration. It is considered that Plots 61 and 62 would not have any adverse overbearing impact upon the amenity of no.37 Marston Drive. By virtue of the west facing orientation of all three properties and the two storey scales of both, it is not consider that any overshadowing impacts would ensue. The same conclusions is also reached for the limited impact that Plot 63 would have upon the amenity and privacy of no.41 Marston Drive. The side elevations of both dwellings would be set parallel to one another, separated by 21 metres. The habitable rear elevation of no.39 Marston Drive would look out onto the rear private gardens of plots 63-70. There would therefore not be any direct overlooking impacts upon this existing property and a minimum separation distance of 13 metres (approx.) would ensure that this dwelling would not significantly comprise the outdoor privacy enjoyed by future occupants of Plots 63-70. Nos. 37, 39 and 41 Marston Drive are all separated from the site by a private drive and landscaping along the eastern boundary of the existing Hopwood Drive estate. Subject to landscaping on the site of the proposed development, its consider that this level of screening would be an acceptable measure help establish a feeling of separation for existing dwellings.
- 8.92 The northern boundary of the site also extends along the bottom of Croftway. Croftway comprises a single looped road, with two vehicular openings off London Road. Dwellings line the loop on both sides. Rear gardens serving dwellings at the bottom of Croftway back on to the application site. Dwellings along Croftway are set on a higher land level than the application site. Plots 1, 5, 6, 7-10 and 33 closest to this section of the application site's northern boundary would therefore be viewed from the rear of properties along Croftway as set down and visually subordinate within what would be an extended residential landscape. With the exception of Plot 33, all other plots would be positioned at an oblique angle to dwellings at the bottom on Croftway and therefore there would be no direct overlooking upon habitable rear elevations. The closet elevations of Plots 5,6, 7-10 and 33 would all be sited in excess of the standard 21 metres form habitable rear elevations along Croftway as set out in the Good Design Guide. This distance is therefore considered sufficient to avoid any adverse overlooking or overbearing impacts from back to back or back to side relationships created between elevations.
- 8.93 Plot 1 would be sited at a 45 degree (approx.) angle to the rear elevations of nos.35 and 37 Croftway. These dwellings are characterised by shorter gardens that other properties along the bottom of Croftway. A detached double garage serving Plot 1 would set this two storey property off this northern part of the application site boundary. Therefore, at its closest point, Plot 1, a two storey detached dwelling, would be approximately 18.5 metres away from the rear elevations of these existing properties. The detached double garage serving Plot 1 would be single storey and sited a minimum of 8.2 metres (approx.) from the habitable rear elevations of nos. 35 and 37 Croftway. This garage would also be positioned at a 45 degree angle to the rear elevation of these properties. It is considered that when bearing the separation distances, scales and oblique relationship between the rear elevations of no.35 and 37 Croft way and built form on Plot 1, that the separation distances

- identified would be sufficient in ensuring no adverse overlooking, overbearing or overshadowing impacts upon these existing neighbouring properties.
- 8.94 Concerns have been raised by existing residents in relation to the additional air pollution that the development would result in. Concern has also been raised for noise pollution/disturbance caused during construction periods. The HBBC Environmental Health Officer (EHO) is a statutory consultee for planning applications of this type. No concerns were raised by the Council's EHO in relation to these matters. It is considered that a condition requiring a Construction Environmental Management Plan to be submitted by the developer and approved in writing by the LPA prior to commencement would be sufficient to ensure to the control, mitigation and/or prevention of land contamination, dust, odour, noise, smoke, and light pollution during the site preparation and construction phases. A condition restricting construction days/hours would also be imposed. However, noise impacts upon future occupiers for the duration of the development was raised as a concern by the EHO. The mitigation of this is assessed in a later section.
- 8.95 Subject to conditions, the proposed development would not have any significant adverse impact upon the privacy and amenity of nearby residents along Marston Drive, Cooper Close, Chapman Close, Doctor Wright Close, Croftway or Birchfield Avenue. It would neither have any adverse impacts upon the amenity of privacy of future occupants in accordance with Policy DM10 of the SADMP.

Pollution

- 8.96 Policy DM7 of the SADMP seeks to ensure that adverse impacts from pollution are prevented, this include impacts from noise, land contamination and light.
- 8.97 The following supporting documentation has been submitted by the applicant:
 - Acoustics Noise Assessment (November 2020)
 - Phase 1 Environmental Report (November 2020)
 - Hoare Lea Acoustics Report/Response to EHO Comments 16/12/20 (January 2021)
- 8.98 The application site is a high noise environment owing to the M1 motorway. Subject to mitigation measures that would reduce noise to an acceptable standard throughout the development, HBBC Environmental Health Pollution raise no objections to the proposal.
- 8.99 All plots would be fitted with double glazed windows with a minimum manufacturer's rating of Rw 33dB to all habitable rooms. It has been requested by the LPA's EHO that a scheme for this be secured by condition. According to the noise assessment submitted, means of background ventilation for all habitable rooms overlooking the M1 motorway and London Road would have a minimum acoustic rating (Dnew) which is at least 5dB higher than the room window rating when open.
- 8.100 Plot 278 would have a view of London Road to the north. A solid boundary treatment 1.8 metres in height is therefore proposed around the perimeter of the private garden within this plot. This arrangement is accepted by HBBC Environmental Health Pollution. Those plots with a view of the M1 to the south and south west (plots 29, 35 to 39, 128, 133, and 137 to 141) will be enclosed by a 2.4 metre solid boundary treatment. This arrangement is accepted by HBBC Environmental Health Pollution. In the interests of residential amenity these details will be secured by way of condition should planning permission be granted.
- 8.101 Upper Grange Farm/Tomlinsons Boarding Kennels operate a dog training facility on the fields adjacent to the southern boundary of the application site. Agility classes may involve multiple dogs and therefore their barking and the shouting from owners

needs to be considered. Albeit a noise assessment being carried out upon the kennels, the applicant has not taken into account the potential or noise impact from associated outdoor activity upon the proposed development. A condition relating to a noise attenuation scheme has therefore been recommended by HBBC Environmental Health (Pollution) in the interests residential amenity should planning permission be granted.

- 8.102 Subject to the imposition of relevant conditions, the proposed development would be in general accordance with Policy DM7 of the SADMP.
 - Impact upon highway safety
- 8.103 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.
- 8.104 A Transport Assessment and Travel Plan have been submitted with the application. Both of these documents conclude that the proposal would not have adverse impact upon the safe operation of the local highway network. Highways England have confirmed that they have no objection to the proposed development.
- 8.105 The proposed development would be provided with a new access from London Road, with a new priority T junction with a ghost island right turn lane. The second point of access would be provided through an extension of Doctor Wright Close.
- 8.106 During the course of the application a revised access was received, which was subject to a Stage 1 Road Safety Audit. The audit process considered the following works:
 - A new priority T-junction with ghost island right turn lane on London Road to provide primary vehicular access to the proposed development in drawing number 0004 Rev A.
 - Provision of uncontrolled crossings (dropped kerbs and tactile paving) at the junction of London Road/Croftway/Main Street to the west of the development site in drawing number DR-O-0001.
- 8.107 When having regard to the proposals and regard to the RSA findings, the Highways Authority raises no objection to the details proposed. It is noted a reduction in speed limit to 30mph was considered during the course of the application along London Road. However, it important to also understand and consider on the basis recorded 85%ile speeds are slightly over 40mph (40.4mph) a reduction to 30mph as presented was not supported by the Local Constabulary. The LHA adds that there would need to be a significant amount of additional highway measures to bring speeds down to 30mph which could not be reasonably obligated on the basis that the proposed visibility splay requirements for the recorded speeds can be acceptably achieved as demonstrated Furthermore it is acknowledged that the change in nature of London Road would happen from this development would be whereby the nature of London Road would be less rural in nature and driver perception and behaviour adapted with the introduction of housing and built form adjacent.
- 8.108 A secondary point of vehicular access is proposed from Dr Wright Close, the design of which was considered under the layout proposals and found to be designed acceptably.

Off site highway impact

8.109 As part of the application, the applicant has undertaken capacity assessments at junctions within the agreed study area in the base year. The junction performance is identified in Table 1 below. The applicant has identified that there are no existing issues with operational capacity on the highway network within Markfield. However, the A50 Field Head roundabout junction does experience peak period congestion and M1 Junction 22 is approaching capacity during the weekday morning peak hour:

Table 1 - Baseline Junction Capacity Assessment Results

	AM Peak		PM Peak	
Junction	Maximum RFC/RC	Maximum Queue	Maximum RFC/RC	Maximum Queue
London Road/Hopwood Drive T-junction	0.152	1	0.048	1
London Road/Croftway priority T-junction	0.015	1	0.012	1
Forest Road/Croftway/Church Drive priority junction	0.023	1	0.019	1
Forest Road/Hill Lane priority T-junction	0.140	1	0.153	1
Whitwick Road/Ashby Road/Hill Lane priority junction	0.138	1	0.124	1
Ratby Lane/London Road priority T-junction	0.506	1	0.303	1
A50/Markfield Lane 'Field Head' roundabout	1.049	70	1.100	109
A50/A46 Leicester Western Bypass roundabout	4.5% RC		17.5% RC	
M1 Junction 22	-0.1% RC		9.6% RC	

- 8.110 The impact of the proposed development during the course of the application has been assessed through the use of the Leicester and Leicestershire Integrated Transport Model (LLITM). This presented the following findings:-
 - There is minor impact on the non-development trips in terms of displacement and delay;
 - The routeing of development trips shows a majority travelling East-to-West/ West-to-East via the A50 and A511 corridors;
 - For trip movements there is some use of rural roads to Loughborough; and,
 - The A511 is subject to several junction delays which is sensitive to variation in traffic demand.
- 8.111 Overall, the traffic associated with the development site leads to minor changes across the network with forecast congestion issues on the A50 and the A46. Similarly the A511 where it is shown that there are number of junctions which are approaching/ or at capacity. The LHA considers this further evidences the importance of achieving the delivery of the Coalville Transport Strategy, without which growth in the area is forecast to have severe residual cumulative highway impacts. Given this a holistic approach continues to be relevant where developments demonstrate to have a material impact and transport mitigation is necessary. As such given this is it necessary in order to mitigate this impact of a contribution of £4,884 per dwelling be secured towards improvements on the A511/A50 corridor as part of the extended Coalville Transport Strategy in mitigating an otherwise severe off site impact of this development.

Internal layout

8.112 During the course of the application ad number of revisions have been made to the internal highway layout of the development, which has resulted in the loss of one unit. However following amendments the proposed layout would be suitable for

adoption, and the LHA have no objection to the proposed internal layout of the development.

Public transport

- 8.113 The application considers the existing public transport services available, which includes the Arriva 29/29A services and Roberts 125 service. The Arriva 29/29A service currently provides a frequent (broadly 20-minute) weekday service between Leicester and Coalville, with services continuing to Ashby de la Zouch and Burton upon Trent at a 60-minute frequency. The Roberts 125 bus operates between Leicester and Coalville and operates a limited frequency service. The walking distances from the proposed development to bus stops to access these services are within the LHDG requirements.
- 8.114 Improvements to the four bus stops for the 29/29A service (east of Hopwood Drive, east of Croftway and east of Main Street) are proposed, in the form of provision of real-time information displays and raised bus-boarder kerbs. There is also the potential for a shelter at the stop to the north of London Road, east of Hopwood Drive. In addition, the applicant has proposed the provision of bus packs and passes to be provided to each dwelling. The proposed improvements to the bus stops are considered reasonable in the interest of sustainability and providing attractive public transport choices, away from the reliance of the private car.
- 8.115 Overall the impacts on the road network would not be severe and the 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). The parking provision proposed would be in accordance with Policy DM18 of the SADMP.

National Forest

- 8.116 Policy 21 of the Core Strategy in order to supports the implementation of the National Forest to the north east of the Borough, requires that proposals contribute to the delivery of the National Forest Strategy.
- 8.117 The National Forest Strategy requires the development to provide woodland planting in accordance with their Guide for Developers and Planners. The guide expects a development of this scale to incorporate 30% of the site area as woodland planting, which would equate to 5.49 hectares.
- 8.118 Overall the proposed development would provide 7.2 hectares of Green Infrastructure, of which in excess of 5.49 hectares would be provided as dedicated woodland planting and green infrastructure, as well as the retention of existing trees and hedgerows where possible. The NFC considered that the proposed mix of species for the native woodland and individual trees planting would be appropriate, but native tree planting should be 14-16cm rather than the proposed 12-14cm standard sizes. The density of the proposed woodland also requires consideration and should be considered, and would be therefore necessary to condition secure an appropriate density, method and management of the proposed plantation.
- 8.119 The proposal also through design and its layout proposes a number of corridors which would be beneficial in terms of habitat connectivity. However the NFC identifies that panting of the woodland within the site is more sporadic. It however noted by NFC that the proposal provides for a good level of public access to the proposed open spaces areas and integration with the existing network of public footpaths (R4 and R29) leading south from the application site, with the NFC welcoming the provision of the path network and trim trails.

8.120 In terms of landscaping within the developable and built part of the application site, the NFC are satisfied with the proposed level of tree planting within the proposed gardens, with ornamental mix proposed rather than native, having regard to size of the gardens and compatibility. It is welcomed that there is a provision of planting at the London Road entrance, however the main avenue from London Road and other side streets do not benefit from avenue style planning, with the reliance contained to garden areas in providing a greener approach. The NFC comment and would prefer to additional planting within street scene, through verge planting. However due to the layout, and the adoptability of internal road networks impedes this design. Therefore the proposed development is considered to adequately mitigate the impact upon the National Forest subject to the imposition of conditions to secure final on site planting and management.

Drainage

- 8.121 Policy DM7 of the SADMP seeks to ensure that development does not create or exacerbate flooding.
- 8.122 A Flood Risk Assessment has been submitted with the application in accordance with paragraph 163 of the NPPF. The application site is not drained by a positive drainage system, with the exception of Vine Cottage which has since been demolished and was connected by public foul water sewer. The application site is situated within Flood Zone 1 being at low risk of fluvial flooding. There is an unnamed ordinary watercourse which runs through the application site which generally runs from London Road towards the M1 corridor, and would remain unchanged, and when modelled the results show that the 100 year and 1,000 year flood remains confined to the vicinity of the watercourse.
- 8.123 There is an ordinary watercourse which runs through the site, which has, as part of the submitted FRA been modelling, and the identifies that the 100 year and 1,000 year flood outlines remain confined to the vicinity of the watercourse, with all the proposed development including the proposed SUDs ponds being positioned out of the 1 in 1,000 year flood outline.
- 8.124 A blockage risk analysis has also been carried out as part of the FRA on four of the culverts in the vicinity of the site for the 100 year plus 30% climate change event, with the purpose in identifying the likely effect if during a blockage scenario the flood extent increased toward the proposed development. The results indicate that a blockage at the upstream culvert had little impact on flooding on site.
- 8.125 The proposal would provide surface water system which would comprise of a traditional pipe network as well as SUDs features to ensure surface water run off from the impermeable areas of the development is appropriately managed. The surface water drainage strategy proposes a separate water drainage system that would discharge to the unnamed ordinary water course, with peak flow limited to greenfield flow rates by attenuating surface water run off within the SUDs attenuation ponds.
- 8.126 The foul water drainage strategy proposes a separate foul water drainage network that would discharge into the existing public foul water sewer which is situated within the site, subject to formal agreement with Severn Trent, who have confirmed there is capacity.
- 8.127 The Lead Local Flood Authority (LLFA) initially requested further information regarding the scale of the proposed SUDs in ensuring that they are sufficient. Following the submission of this additional information the LLFA responded with no objection subject to conditions. The proposed conditions are considered to be necessary and reasonable. Environmental Health (Drainage) and Environment

Agency have also considered the application, and offer no objection to the proposed development, subject to the imposition of conditions in accordance with the LLFA response.

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

Impact upon Trees

- 8.129 The application has been accompanied by an Arboricultural report considering the impact that the development proposal may have upon the surrounding trees and providing any mitigating measures. A total of 156 individual trees, 50 groups of trees and 28 hedgerows were surveyed as part of the assessment.
- 8.130 The proposed development, to facilitate the internal road network would result in the loss of trees, particularly within the central portion of the application site. The Arboricultural report identifies that these trees which would be lost are identified as moderate and low quality trees. Within the application site, there are 9 trees which have been recorded as Category A trees (High quality) of which 1 (T5) is identified as being of Veteran status, which is a veteran Willow, which occupies a position within the south of the application site. Paragraph 175 of the NPPF, states that when determining application development on land resulting in the loss of deterioration of irreplaceable habitats, such as ancient woodland and ancient or veteran trees. T5 is to be retained, and is situated within the proposed retained open space, and would not be flanked by development.
- 8.131 To provide access from London Road into the application site it would be necessary to remove the existing roadside tree cover and hedgerow, which comprises of approximately 54m of hedgerow and tree group G23, both of which are moderate in quality. However the proposed development through the design of the entrance point would provide and create a formal entrance with new tree planting, to mitigate this immediate loss. The biggest impact in terms of the loss of trees would be from the proposed road network. However this loss is confined to moderate and low quality tree cover. It should be noted, that the majority of trees within the site are to be retained and enhanced where necessary.
- 8.132 In light of the proposed retained trees it is necessary to consider any conflicts with root protection areas. In instances where there are roof protection area with infrastructure such as private driveways and footpaths, in such cases it would be necessary to secure a condition for a no dig approach where necessary in these instances, as well as a condition to ensure that tree protection as per the details contained within the Arboricultural report is erected and thereafter maintained during the construction of the development.
- 8.133 The development provides for the inclusion of a well-designed landscaping scheme on site, therefore more than compensating for the loss. The proposed landscaping mitigation measures also provide woodland planting in accordance the National Forest Guide which would have greater longevity within the landscape. The landscaping scheme would also provide opportunities species diversity for the site. It is therefore considered that the loss of trees would not provide a reason not to support the proposal given the on site mitigation that is to be provided and the significant social benefits of this development. It is therefore considered that the loss of trees would not provide a reason not to support the proposal given the on site mitigation that could be provided and the social benefits of this development.
- 8.134 Therefore it is considered that subject to the submission adequate mitigation for the loss of the trees and management of the existing tree stock, it is considered that the application would accord with Policy DM6 of the SADMP.

Impact upon Public Rights of Way

8.135 Two existing rights of ways pass through the application (R29 and R4). PROW R29 passes through the site in a north-south and R4 east to west direction. There is a further PROW R2 located to the west of the site boundary. The proposal would provide new connections through the site from these PROWs, and the applicant willing to seek to upgrade surfacing of these PROWs within the sites parameters to improve permeability and usage. However at the time of writing this report formal comments from Leicester Highways Authority have not been received, and therefore this will be reported by way of a late item prior to committee.

Ecology

- 8.136 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.
- 8.137 Paragraph 170 of the NPPF states that development should result in a net gain for biodiversity by including ecological enhancement measures within the proposal.
- 8.138 The presence of protected species is a material consideration in any planning decision, it is essential that the presence or otherwise of protected species, and the extent to which they are affected by proposals is established prior to planning permission being granted. Furthermore, where protected species are present and proposals may result in harm to the species or its habitat, steps should be taken to ensure the long-term protection of the species, such as through attaching appropriate planning conditions. The following ecology surveys have been submitted by the applicant:
 - Wintering Bird Report (November 2020)
 - Water Vole and Otter Survey Report (November 2020)
 - Ecological Appraisal (November 2020)
 - Great Crested Newt Survey Report (November 2020)
 - Breeding Bird Survey Report (November 2020)
 - Bat Survey Report (November 2020)
- 8.139 According to the submitted surveys, no bats have been recorded in Vine Cottage, or in the trees identified with bat roost potential. No Great Crested Newts are present on site or in nearby ponds. The known colony to the east of the site across Ratby Lane would be not be affected. No significant bird populations or badger setts have been recorded. Birds present on site would likely be displaced to surrounding countryside in the short term, and in the longer term habitat creation on site would provide an alternative habitat. Most of the site comprises arable land or improved grassland of low ecological value. Where there are areas of species rich grass land, its loss is acceptable subject to adequate compensatory species-rich grassland introduced elsewhere on site. Several hedges on site have high value however these would be retained as greenways within the proposed site layout with buffer zones of natural or green space alongside. The retained hedgerow would not be used as private garden boundaries. Additional planting would compensate for any breaks in hedges introduced to make way for access.
- 8.140 According to the proposed overall site layout and green infrastructure plan provided, would include acceptable amounts of grassland, woodland and wetland habitat creation along the brook corridor. Although a biodiversity net-gain assessment has not been provided, the proposed layout demonstrates sufficient habitat creation which would adequately compensate for the loss of lower quality habitats present within the existing site. Notwithstanding, it is not possible to be sure that the

development is in net-gain. As such, LCC Ecology have recommended that should the proposed development be permitted, conditions are imposed which require the development to be carried out in in strict accordance with the proposed overall site layout plan, green infrastructure plan and the recommendations in the protected species and ecology surveys that have been submitted by the applicant.

8.141 Overall, the impact of the proposed development, subject to conditions, upon protected species is accordance with Policy DM6 of the SADMP and the general principles of the NPPF.

Obligations

- 8.142 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.
- 8.143 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.

Play and Open Space

8.144 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, which is provided on site and what would be the requirements off site.

	Policy Requirement per dwelling based on 2.4 people per dwelling using CENSUS average	Requirement of open space for the proposed development of 283 dwellings (square metres)	Provided on site (square Meters)	Remaining requirement to be provided off site
Equipped Children's Play Space	3.6	1018.8	1,200	0
Casual/Inform al Play Spaces	16.8	4754.4	11,500	0
Outdoor Sports Provision	38.4	10867.2	0	10867.2
Accessibility Natural Green Space	40	11,320	52,500	0

- 8.145 In accordance with the Open Space and Recreation Study (2016) the number of dwellings proposed requires both LAP and LEAP to be provided on site. The submitted scheme includes a green infrastructure plan, which includes trim trails, areas of equipped play space, and casual play spaces. The scheme would provide 1,200sqm of equipped Children's Play Space, 11,500sqm of casual/informal play space and 52,500sqm of accessible natural green space, 0.44hectares have been deducted for attenuation ponds which are not considered useable space.
- 8.146 The application site would provide a range of typographies in excess of the minimum requirement to serve the development. This is with an exception to Outdoor Sports provision, which would be required to be provided off site. To ensure that the development is in full accordance with Policy 19 of the Core Strategy contributions towards the off site provision and maintenance of open space would be requested through a Section 106. The village of Markfield is identified as having two outdoor sport facilities, in addition to Mercenfield Primary School playing fields. The Open Space and Recreation Study, identifies that when applying quantity standards there is an identified deficit in Markfield of formal parks, which typically are outdoor spaces which provide for outdoor sport provision. The proposed development given its sale and quantum of development, would have a direct impact upon the existing sport facilities and provisions for young people.
- 8.147 To ensure that the development is in accordance with Policy 19 of the Core Strategy if the full on-site green space and play provision is not provided contributions towards the off-site provision and maintenance of open space will be requested through a Section 106 legal agreement. Although the proposed development would provide equipped children's play, causal play spaces and natural green space in excess of the minimum requirements as provided in the Open Space and Recreation Study, given the quantum of development and the identified deficit of the formal play provision it is considered reasonable to secure contributions towards this provision. The contributions sought will therefore be based upon the table below:

	On site maintenance (20 years)	Off site provision	Off site maintenance (10 years)	Total
Equipped Children's Play Space	£210,720	1	/	£210,720
Casual/Inform al Play Spaces	£124,200	/	/	£124,200
Outdoor Sports Provision	/	£98,348.16	£46,728.96	£145,077.12
Accessibility Natural Green Space	£745,500	/	/	£745,500
			Overall Total	£1,225,497.12

- 8.148 As the application is submitted in outline format the formula in The Open Space and Recreation Study (2016) can be used to calculate the contribution required as a percentage for each unit provided.
- 8.149 The developer will also be obligated to provide and then transfer the on-site open space area to a management company or, in the alternative, requesting that either the Borough Council or the Parish Council maintain it. In the latter eventuality, the

open space area would be transferred to the relevant authority together with a maintenance contribution.

- 8.150 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 of 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 Markfield 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.
- 8.151 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 of 8 of the NPPF. The provision of play and open space helps support communities health, social and cultural well-being and is therefore necessary. 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. Using the adopted Open Space and Recreation Study (2016) the closest public open spaces to the proposed site fall below the quality scores set by the Open Space and Recreation Study and 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.

Education

8.152 LCC Children and Family Services have requested a contribution towards 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 taking in to account any other committed s.106 contributions from other 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.

Primary School

8.153 The application site falls within the catchment area of Mercenfield Primary School, which has a net capacity of 324 and 365 pupils are projected on the roll should permission be granted for this development. A deficit of 41 pupils places, after taking into account the 82 pupils generated by this development. Accordingly the 82 places generated by this development can be in part accommodated at the nearest primary school, however an education contribution of 41 pupil places in the primary school is justified, in order to provide the additional primary school places generated through this development. This contribution is based on the number of deficit places created by this development, multiplied by the DFE cost multiplier, which equates to a contribution of £598,272.00. The contribution would be provided to accommodate the capacity issues created by this development by improving, remodelling or

enhancing existing facilities at Mercenfield Primary School, or any other school within the locality of the development.

Secondary schools

- 8.154 The site falls within the catchment area of Charnwood High School, this school has a net capacity of 714 pupils, and is calculated that this development would result in 911 pupils projected, creating a deficit of 197 pupil places. There is 1 pupil place which is included in this forecast for this school from S.106 agreements from other developments which are deducted. This reduces the total deficit for this school to 196 (of which 150 is existing and 46 are created by this development). There are no other 11-16 schools within a three mile walking distance of the site.
- 8.155 In order to provide the additional 11-16 school places created by this development, a contribution of £809,014.13 is requested, which has been calculated and rounded to 2 decimal places (45.26) multiplied by the DFE cost multiplier in the table above (£17,876) which equals £809,014.13. The contribution would be used to accommodate the additional pupils created by this development, by improving, remodelling or enhancing existing facilities at South Charnwood High School.

Special Schools

- 8.156 The number of pupils on roll in Leicestershire Special schools has risen from 482 in 2002 to 1019 in 2015. The special school population will continue to grow as a result of the increasing birth rate and the growth in new housing. Currently 1.21% of the primary age population and 2% of the secondary age population are educated in Special Schools.
- 8.157 All Special Schools in Leicestershire are full, and have a deficit of available spaces, and are forecast to remain so. In some instances the special schools are having to use their own teaching staff to teach pupils in available space in mainstream schools. Pupils are therefore missing out on the facilities, equipment and environment a Special School establishment is able to provide.
- 8.158 This development of 271 houses with two or more bedrooms generates 0.98 primary and 1.08 secondary (rounded to 2 decimal places) SEN pupils. There are five Area Special Schools in Leicestershire, the closest one to this development is the Forest Way School in Coalville. The school currently has capacity for 250 pupils and 265 pupils are projected on roll should this development proceed, a deficit of 15 pupil places. There is no other Special School in the locality of the development. Therefore based on the DFE cost multiplier a contribution of £152,975.25 is requested to provide additional capacity at the school.
- 8.159 The total contribution requested from this development is £1,560,261.38 towards addressing the impact of the development upon education is required for compliance with Policy DM3 of the adopted SADMP and addressed 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.

West Leicestershire CCG

- 8.160 West Leicestershire CCG state that the development is likely to generate an increase in population of 685 patients and have calculated the additional demands this is likely to place on local GP practices, the identified practices are Markfield Medical Centre, which is in the closest proximity and therefore likely to feel to the most significant impact. The Markfield Medical Centre has confirmed that their premises are approaching full capacity and utilisation of the premises, and therefore would not be able to accommodate an increase in the list size without extending in order to provide one additional GP consulting room and one multi-function clinic/treatment room. The S.106 contributions area therefore sought for an extension of the existing surgery to meet the needs of the population increase. The size of the premises requirements have been calculated based on current typical sizes of new surgery projects which factor in a range of list sizes which recognise economies of scale in larger practices, and the cost of providing additional accommodation for 685 patients totals £156,312.45.
- 8.161 This request is considered to be CIL compliant and is necessary to make the development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the development proposed.
 - LCC Developer Contributions
- 8.162 Two contributions are requested towards Civic Amenity (£18,503.00) and Library Services (£8,360) at Markfield Library. In this instance it is considered that these requests are CIL compliant, the library is within Markfield in close proximity to the site and it is reasonable to expect additional demand on its services, moreover, the contribution towards Coalville tip are considered to reasonably relate in scale and kind to the proposed development.
- 8.163 A request towards Early years provision has also been requested by Leicestershire County Council, however further information has been requested in respect of this obligation and will be updated by way of a late item
- 8.164 The Applicant has confirmed that the development can viably support the above listed S106 contributions along with the provision of 40% affordable housing on site.

Other matters

- 8.165 According to the proposed overall site layout plan, the scheme is characterised by private driveways. HBBC Waste has advised that bin collection is required from the adopted highway boundary and therefore has recommended that a scheme that makes provision for waste and recycling storage and collection across the site is submitted via condition by the applicant should planning permission be granted.
- 8.166 Cadent have identified operational gas apparatus within the application site boundary. Notes to applicant have therefore been provided in relation to diversions and legal restrictions upon the land. Advised in the first instance should be sought from Cadent before commencing work.

9. Planning Balance

- 9.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 9.2 The housing policies in the adopted Core Strategy and the adopted SADMP are now considered to be out of date as they focussed on delivery of a lower housing requirement than required by the up-to-date figure. The Council also cannot

demonstrate a 5 year housing land supply. Therefore, the 'tilted' balance in paragraph 11(d) of the Framework 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.

- 9.3 The proposal would be in conflict with Core Strategy Policies 7 and 8 and Policies DM4 of the SADMP, due it's outside of settlement boundary positioning. 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 localised visual impacts identified, so there is conflict with Policy DM4 of the SADMP.
- 9.4 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 up to 282 houses (including up to 113 affordable homes). These additional houses and affordable houses have significant weight in the planning balance as they would assist in addressing the current shortfall of housing and affordable housing in the area.
- 9.5 The proposal is in conflict with Core Strategy Policy 8 and Policies DM4 and DM10 of the SADMP (2016). These policies are however consistent with the Framework and are afforded significant weight.
- 9.6 Paragraph 11 of the NPPF states that any harm identified should significantly and demonstrably outweigh the benefits of the scheme. It is therefore important to identify any further benefits. Using the three strands of sustainability as defined in the NPPF, the benefits are broken down into economic, social and environmental. There are a number of financial contributions associated with the s.106, these exist to mitigate impact the proposed development would have and therefore cannot be considered as benefits.
- 9.7 The proposal would result in economic benefits through the construction of the scheme through creation of jobs and constructions spend, albeit for a temporary period. Additionally the residents of the proposed development would provide ongoing support to local services.
- 9.8 As discussed above, the proposal would deliver 282 dwellings, of which 113 would be affordable. This would result in a very significant social benefit to the area and also to the borough. The proposal would also involve the provision of areas of public open space (POS). The POS would be connected to existing public rights of way and the wider network providing a benefit to the wider area. The areas of public open space provided would exceed the area required under the Development Plan. This would result in a significant social benefit to the area and also to the borough.
- 9.9 Some environmental benefits would be provided such as additional planting through landscaping in the provision of open space, woodland planting towards the National Forest. 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.
- 9.10 The development would result in the loss of land used for agriculture, however, this is not best and most versatile. Therefore, its loss does not weight significantly against the proposal.
- 9.11 Whilst there is conflict with the strategic policies of the Development Plan only moderate localised landscape harm and limited adverse impact on the wider landscape character has been identified, it is considered on balance that the harm

identified to the character and appearance of the countryside from new residential development would not significantly and demonstrably outweigh the identified benefits of the scheme. Therefore, the presumption in favour of sustainable development does apply in this case and material considerations do justify making a decision other than in accordance with the development plan.

10. Equality implications

- 10.1 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.
- 10.2 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.
- 10.3 There are no known equality implications arising directly from this development.
- 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).

11. Conclusion

- 11.1 The proposal, subject to conditions, is in accordance with Core Strategy Policies 15, 16 and 19 and Policies, DM1, DM3, DM6, DM7, DM13, DM17 and DM18 of the SADMP.
- 11.2 The proposal would have a neutral impact upon the Church of St Michael causing no harm to its significance and the minor negative impact upon the significance of Lower Grange Farm would be outweighed by the considerable level of public benefits arising from the proposal which clearly outweigh the harm to a local heritage asset. Consequently the proposal accords with Policies DM11 and DM12 of the SADMP, section 16 of the NPPF and the statutory duty of Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 11.3 The housing policies in the adopted Core Strategy and the adopted SADMP are considered to be out of date. Therefore, the 'tilted' balance in paragraph 11(d) of the Framework 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, and the council is unable to demonstrate a 5 year housing land supply.
- 11.4 The proposal, whilst involving development on open land, has been found to have moderate localised harm and limited impact on the character of the wider area, so there is some identified conflict with Policy DM4 and DM10 of the SADMP. Weighed

against the 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 up to 282 houses (including up to 113 affordable homes). These additional houses and affordable housing have very significant weight in the planning balance as they would assist in boosting the supply of housing with the borough.

- 11.5 The proposal would result in economic benefits through the construction of the scheme through creation of jobs and constructions spend, albeit for a temporary period. Additionally the residents of the proposed development would provide ongoing support to local services.
- 11.6 The provision of 113 affordable dwellings would result in a very significant social benefit to the area and also to the borough. The proposal would also involve the provision of areas of public open space (POS). The POS would be connected to existing public rights of way and the wider network providing a benefit to the wider area. The areas of public open space provided would exceed the area required under the Development Plan. This would result in a significant social benefit to the area and also to the borough.
- 11.7 Some environmental benefits would be provided such as additional planting through landscaping in the provision of open space and woodland planting towards the National Forest. 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.
- 11.8 On balance it is considered that the harm identified to the character and appearance of the countryside from new residential development would 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 do justify making a decision other than in accordance with the development plan.
- Therefore 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 Core Policies 7, 11 and 19 of the Core Strategy and 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.

12. Recommendation

12.1. **Grant planning permission** subject to:

- The completion within three months of this resolution a S106 agreement to secure the following obligations:
- 40% Affordable Housing
- West Leicestershire CCG £156,312.45
- Civic Amenities £18,503.00
- Libraries £8,360.00
- Education £1,560,261.38
- Play and Open Space £1,225,497.12
- Coalville Transportation Strategy £1,377,288
- Provision of bus stop improvements
- contribution of £6,000 for the monitoring of a Full Travel Plan
- Travel Packs

- 6 month bus passes, (two application forms per dwelling to be included in Travel Packs and funded by the developer)
- Planning conditions outlined at the end of this report
- 12.2. That the Planning Manager be given powers to determine the final detail of planning conditions.
- 12.3. That the Planning Manager be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

12.4. Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of two 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:
 - Site Location Plan ref. 6675-L-10 Rev.D Received 3 December 2020
 - Detailed Layout (Overall) 6675-A-05 Rev.Q Received 12 March 2021
 - Detailed Layout (1 of 4) 6675-A-01 Rev.H
 - Detailed Layout (2 of 4) 6675-A-02 Rev.H
 - Detailed Layout (3 of 4) 6675-A-03 Rev.H
 - Detailed Layout (4 of 4) 6675-A-04 Rev.H
 - London Road Revised Access Design ref. PRJ01-TTE-00-ZZ-DR-0-000 rev.A
 - House Types: Received 3 December 2020
 - JH 1A 01
 - JH 2S 03X
 - JS397
 - JS394 and JS397
 - JD422
 - JH 2S 03Y
 - JH_3D_04
 - JH 3S 02X
 - JH 3S 02Y
 - JH_3D_10
 - JH 3D 07
 - JH 3D 11
 - JH_4D_06Y
 - JH_4D_05
 - JH 4D 01
 - JH 4D 06X

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. No development shall take place until a phasing plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved phasing plan, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure development is carried out in a consistent and comprehensive manner to ensure a high quality scheme is developed in accordance with Policies DM1, DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. 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 hereby permitted have been deposited with and approved in writing by the local planning authority, and 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 adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by the Local Planning Authority. The approved scheme shall be completed in accordance with the details and operations prior to first occupation of the development hereby approved.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site, 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).

6. No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been 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. Once approved the construction of the development shall then be undertaken in accordance with these details

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.

7. No occupation of the development approved by this planning permission shall take place until such time as details in relation to the long-term maintenance of the surface water drainage system within the development have been submitted to and approved in writing by the Local Planning Authority. Details of the 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. The maintenance of the surface water drainage system shall then be undertaken in accordance with these details.

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.

8. Prior to commencement, infiltration testing shall be carried out to demonstrate the suitability of the site for the use of infiltration as a drainage element, the flood risk assessment (FRA) shall be updated accordingly to reflect the drainage strategy. The updated FRA and drainage strategy shall be submitted to and agreed by the Local Planning Authority. The approved details shall be implemented and completed prior to first occupation of the development.

Reason: To demonstrate that the site is suitable for the use of infiltration techniques as part of the drainage strategy to accord with Policy DM7 of the Site Allocations and Development Management Policies DPD.

9. No development shall commence until a landscape and biodiversity management plan has been submitted to and approved in writing. The approved plan shall be carried out in accordance with the approved details.

Reason: To ensure the development contributes to the enhancement and management of biodiversity of the area to accord with Policy DM6 of the Site Allocations and Development Management Policies DPD.

10. No development shall commence, until full details of the SuDs have been submitted to and approved in writing to demonstrate how they have been designed to support wildlife habitat. The SuDs shall be completed in accordance with the agreed details by the occupation of the final dwelling.

Reason: To ensure the development contributes to the enhancement and management of biodiversity of the area to accord with Policy DM6 of the Site Allocations and Development Management Policies DPD.

11. Before any development commences on the site, including site works of any description, a Tree Protection Plan prepared by a suitably qualified arboriculturist shall be submitted to and approved in writing by the local planning authority. The plan shall include protective barriers to form a secure construction exclusion zone and root protection area in accordance with British Standard 5837:2012 Trees in relation to design, any trenches for services are required within the fenced-off areas, they shall be excavated and back-filled by hand and any tree roots or clumps of roots encountered with a diameter of 25cm or more shall be left un-severed. The development shall be implemented in accordance with the approved Tree Protection Plan.

Reason: To ensure that the trees on site are to be retained and adequately protected during and after construction in the interests of the visual amenities of the area and biodiversity in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 170 of the National Planning Policy Framework (2018).

12. During the construction period, none of the trees or hedges identified to be retained as per Tree retention drawings ref:-

6675-T -09A 6675-T-10A

6675-T-11A

6675-T-12A

6675-T-13A 6675-T-14A

Shall be cut down, uprooted or destroyed, nor shall be topped or lopped other than in accordance with the approved plans, without the written approval of the Local Planning Authority. If any of the trees or hedges to be retained are removed, uprooted or destroyed or dies, a replacement shall be planted at the same place and that tree or hedge shall be of such size and species, and shall be planted at such time, as maybe specified in writing by the Local Planning Authority.

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

13. The installation of bat boxes shall be carried out in accordance with the recommendations contained within 4.59 of the submitted Ecological Appraisal (November 2020). The boxes shall be provided prior to first occupation of the site hereby approved.

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).

14. No works to any trees identified within the Bat Report as being moderate to high bat roost potential shall take place until an inspection by a suitably qualified ecologist has taken place.

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. Within 3 month of any ground clearance of any phase of development hereby approved, an updated Badger Survey for the relevant phase shall have been carried out on site and have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved survey and in accordance with any mitigation measures identified

Reason: To ensure the impact upon protected species on site are identified and mitigated accordingly in accordance with DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document and Paragraph 109 of the NPPF.

16. No development shall commence on site until a scheme that makes provision for waste and recycling storage and collection across the site has been submitted in writing to and approved in writing by the Local Planning Authority. The details should address accessibility to storage facilities and adequate collection point space at the adopted highway boundary. The approved scheme shall be implemented in accordance with the agreed detail prior to the occupation of the dwelling to which it relates.

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

17. No development shall proceed beyond damp proof course until a scheme for the ventilation to serve all habitable rooms which overlook the M1 corridor shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to first occupation of any dwelling overlooking the M1 corridor.

Reason: In the interests of the amenity of the future occupiers of the dwellings and to ensure that acceptable living and sleeping/resting conditions within the houses are provided in accordance with Policy DM7 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

18. Notwithstanding the approved plans, no development shall proceed beyond damp proof course until details of all rear boundary treatments for each dwelling across the development has been submitted to and approved in writing. The approved boundary treatment shall in completed for each plot prior to its occupation.

Reason: In the interests of the amenity of the future occupiers of the dwellings to ensure acceptable amenity standards are provided having regard to the proximity to the M1 corridor, in accordance with Policy DM7 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

19. Development shall not begin until a scheme for protecting the proposed dwellings from noise from activities at Upper Grange Farm/Tomlinson Boarding Kennels has been submitted to and approved in writing by the Local Planning Authority; and all works which form part of the scheme shall be completed before any of the permitted dwellings are first occupied.

Reason: To ensure that the neighbouring use does not become a source of annoyance to future residents in accordance with Policies DM7 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

20. All windows to habitable rooms for the plots identified on Drawing No. 6675-A-05 N 'Hoare Lea Mark up' shall be fitted with glazing prior to the occupation of the dwelling to achieve the sound reductions specified. Standard double glazing to achieve a sound reduction of a minimum of 31dB shall be fitted to habitable rooms on all other plots

Reason: In the interests of the amenity of the future occupiers of the dwellings and to ensure that acceptable living and sleeping/resting conditions within the houses are provided in accordance with Policy DM7 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

21. 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).

22. 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).

23. Upon completion of the remediation works a verification report shall be submitted to and approved by the Local Planning Authority. The verification report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the verification report together with the necessary documentation detailing what waste materials have been removed from the site.

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).

24. Prior to commencement of development a Construction Environmental Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. 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 shall also include including as a minimum details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities and a timetable for their provision.

The plan shall provide a procedure for the investigation of complaints. The agreed details shall be implemented throughout the course of the development.

No vehicular access shall be allowed during the construction phase of the development via the access track Footpath R29 (Captain's Lane).

The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

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

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

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

26. Prior to the commencement of development full details for the provision of electronic communications infrastructure to serve the development, including full fibre broadband connections, shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and the infrastructure fully available prior to the occupation of each dwelling/unit on the site.

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 National Planning Policy Framework (2019).

- 27. No development shall take place/commence until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no 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 & 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

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).

28. No development shall commence until a scheme for the treatment of the public rights of ways have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include provision of their management during construction, surfacing, width, structures, signing, landscaping and their implementation in accordance with the principles set out in the Leicestershire County Councils Guidance Notes for Development. The approved scheme shall be adhered to and implemented in strict accordance with the scheme.

Reason: To protect and enhance the Public Rights of Way and access in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD (2016) and Paragraph 98 of the National Planning Policy Framework (2019).

29. Notwithstanding the approved plans, development shall not take place until a scheme of hard and soft landscaping works, including boundary treatments, for the site, including an implementation scheme has been submitted in writing to and approved in writing by the local planning authority. The scheme shall be carried out in full accordance with the approved landscaping scheme. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or

shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory external appearance, provides ecology and biodiversity enhancements, and woodland planting in accordance with Policies DM4, DM6 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016) and Policy 21 of the Core Strategy.

30. A landscape management plan, including long term objectives, management responsibilities and maintenance schedules for all landscape areas, other than small privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as per the approved details.

Reason: To ensure that the work is carried out within a reasonable period and thereafter maintained in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

31. No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the local planning authority. The development shall then be implemented in accordance with the approved details.

Reason: To ensure that the development has a satisfactory appearance and in the interests of visual amenity in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

32. Prior to first occupation of the development hereby approved, full details of the equipment to be provided within the designated equipped play spaces as indicated on:-

Detailed Planning Layout (1 of 4) - Drg No. 6675-A-01H Detailed Planning Layout (2 of 4) - Drg No. 6675-A-02G Detailed Planning Layout (3 of 4) - Drg No. 6675-A-03H Detailed Planning Layout (4 of 4) - Drg No. 6675-A-04H

Shall be first submitted to and agreed in writing by the Local Planning Authority. The agreed play equipment shall be provided in full within one month of the final dwelling being occupied.

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 Development Plan Document (2016) and Policy 19 of the Core Strategy.

33. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on drawing numbers DR-O-0001 and 0004 Rev A have been implemented in full.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety in accordance with Policy DM17 of the SADMP (2016).

34. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with drawing number Detailed Layout (Overall) – 6675-A-05Q. Thereafter the onsite parking provision shall be so maintained in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety in accordance with Policy DM17 of the SADMP (2016).

35. Prior to first occupation of the development hereby approved, a signing scheme in respect of the Public Rights of Way, should be submitted to and approved in writing by the Local Planning Authority. The agreed signing scheme shall be completed prior to first occupation of the development.

Reason: to ensure the path is easy to follow through the development in the interests of protecting and enhancing Public Rights of Way and access in accordance with Paragraph 98 of the National Planning Policy Framework 2019.

36. No part of the development hereby permitted shall be first occupied until a framework Travel Plan which sets out actions and measures with quantifiable outputs and outcome targets has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed Travel Plan shall be implemented in accordance with the approved details.

Reason: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with Policy DM17 of the SADMP (2016).

Notes to Applicant

- In relation to condition 22 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.
- With reference to condition 5 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 6 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 7 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 27 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.
- If the roads within the proposed development are to be offered for adoption by 8. 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. A minimum of 6 months' notice will be required to make or amend a Traffic Regulation Order of which the applicant will bear all associated costs. Please email road.adoptions@leics.gov.uk to progress an application.
- 11. 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.
- 12. 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.
- 13. 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.
- 14. 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.
- 15. If there are any Public Rights of Way which the applicant considers impracticable to retain on their existing lines, a separate application for diversion is required. It should be submitted under the Town and Country Planning Act 1990 to the Ipa. The applicant is not entitled to carry out any works directly affecting the legal line of a Public Right of Way until a Diversion Order has been confirmed and become operative.
- 16. Public Rights of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.
- 17. Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.
- 18. No new gates, stiles, fences or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Highway Authority. Unless a structure is authorised it constitutes an unlawful obstruction of a Public Right of Way and the County Council may be obliged to require its immediate removal.